



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2018-312

NOTICE DATE:
September 11, 2018

Attn: Postmaster,
Please Post Until  EXPIRATION DATE:
October 10, 2018

U.S. Army Corps of Engineers

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 10 of the Rivers and Harbors Act.

APPLICANT:

Rick Ellis
Ellis Processing & Material Handling, LLC
2603 Corporate Ave. E., Suite 150
Memphis, Tennessee 32132

AGENT:

Andrew Rike
Harbor
5800 Evergreen Drive
Little Rock, Arkansas 72205

PURPOSE: The purpose of this project is to install three (3) floating docks along the west bank of the Mississippi River.

LOCATION: The project site is located on the west (right descending) bank of the Mississippi River at River Mile 813.50 at approximate Latitude 35.906221°N and Longitude -89.707857°W in Mississippi County, Arkansas, on the Chic 7.5 minute USGS Quadrangle Map (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to install three (3) floating docks along the west bank of the Mississippi River (Attachment 2). Each dock will be 50 feet wide by 400 feet long. Each dock will be accessed from the bank by a steel ramp approximately 24 feet wide by 50 feet long. Two (2) floating docks will be used to unload rock and grain. One (1) dock will be used for a barge washing operation.

AVOIDANCE/MINIMIZATION: According to the applicant, minimal vegetation and trees will be cleared for the dock installations. The docks will be moored close to the river bank to eliminate impact to river navigation. Best management practices will be implemented to minimize the potential for adverse water quality and natural resources impacts.

MITIGATION: No mitigation has been proposed for this project.

ENDANGERED SPECIES: This notice is being coordinated with the U.S. Fish and Wildlife Service (USFWS). A review of the USFWS, ECOS species by county report indicates that two endangered species and one threatened species may occur in the project area. These include the interior least tern (*Sterna antillarum athalassos*), pallid sturgeon (*Scaphirhynchus albus*), and Piping Plover (*Charadrius melodus*). Any comments USFWS, or other interested parties, may have regarding these or other endangered or threatened species or their critical habitat, will be considered in our evaluation of the described work. Our preliminary determination is that there would be no endangered species or critical habitat affected by this proposal.

CULTURAL RESOURCES: The Memphis District has not completed our analysis of the proposed undertaking and therefore has not reached a final project determination. We will use information provided by interested parties, including the State Historic Preservation Officer, federally recognized Tribes, and the public to make our final determination. As of the time of publication of this notice, we are unaware of any cultural resources within our permit area.

FLOODPLAIN: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed public notice and notify this office of any floodplain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; federal, state and local agencies and officials; federally recognized Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is not a Corps of Engineers project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Send comments to the Corps of Engineers, Memphis District. Comments may be sent via mail or email to the following:

U.S. Army Corps of Engineers – Memphis District
ATTN: Josh Bright
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: joshua.k.bright@usace.army.mil
phone: (901) 544-0926
fax: (901) 544-0211

The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link:

<http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the “**Pending IP**” tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Branch office for examination.

Gregg W. Williams
Chief
Regulatory Branch

Attachments

NO	REVISION DESCRIPTION	DATE
1	Revised dock locations, added dikes	07-18-18
2		09-23-18

Drawn By: JLB
 Date: 6-14-2018

