



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2019-089

NOTICE DATE:
April 24, 2023

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  **May 23, 2023**

Joint Public Notice

U.S. Army Corps of Engineers and State of Missouri

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 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Additionally, the authority to grant permission for temporary or permanent alterations of any U.S. Army of Corps of Engineers federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408.

APPLICANT:

New Madrid County Port Authority
Attn: Ms. Timmie Lynn Hunter
435 Main Street
New Madrid, MO 63869
(573) 748-2350

AGENT:

Christopher Lambert
Lambert Engineering & Surveying, LLC
125 North New Madrid Street
New Madrid, MO 63801
(573) 380-7645

PURPOSE: The applicant's stated purpose is to finalize construction of a new harbor in order to bring additional industry to the area.

LOCATION: The project site is on County Road 406 near Marston in New Madrid County, Missouri. It is located immediately north of the existing New Madrid County Harbor at approximate Mississippi River Mile 885.5, at coordinates Latitude 36.5378° and Longitude -89.5752°, and is shown on the New Madrid, Missouri, 7.5-minute quadrangle map (Figures 1 and 2). The proposed mitigation site is located at approximate coordinates Latitude 36.7673° and Longitude -90.0757° in Stoddard County, Missouri (Figures 4 and 5).

DESCRIPTION OF WORK: In 2020, the Corps of Engineers issued a permit to the New Madrid County Port Authority to place fill material into wetlands associated with an expansion of existing harbor facilities. As noted in the original application and public notice for this project, the applicant's goal was to use the subject property to establish a second harbor if funding became available. Sufficient funding has subsequently been secured and the applicant is proposing to complete the second harbor.

The applicant proposes to place fill material into approximately 4.73 acres of wetlands (mostly forested with some scrub-shrub components) that have developed within areas previously used for borrow on the river side of the Mississippi River levee. Additionally, the new harbor will be 600 feet wide, 1,800 feet long, and 40 feet deep (excavated to an approximate elevation of 267 ft). As shown on the attached drawing (Figure 3), the banks of the harbor would be lined with sheet piling. At its connection to the existing bank of the Mississippi River, the slopes would be shaped to 3:1 (H:V) and tied into the existing bank line. Approximately 900 cubic yards of riprap would be placed on the slopes where it ties into the existing bank and extend approximately 200 feet upstream and 200 feet downstream of the mouth of the harbor. The land surrounding the harbor will be filled to approximately three feet from the top of the adjacent levee.

Within the harbor, the applicant proposes to construct mooring dolphins, a conveyor system, and a concrete loading dock. The proposed project will also include the construction of a concrete road along the north side of the property

and a rail spur that connects to the existing railroad track west of the mainline levee. As described, the rail spur is proposed to be constructed after the initial harbor construction (in fiscal years 2027-2028). These features are shown on Figure 3.

AVOIDANCE/MINIMIZATION: According to the applicant, wetland impacts were minimized through designing the layout of the harbor only to the minimum size necessary. The wetland area continues to the north off the subject property and these areas would not be impacted.

MITIGATION: The applicant mitigated previous impacts at a permittee-responsible mitigation site in Stoddard County, Missouri. For the current proposal, the applicant proposes to restore an appropriate bottomland hardwood site near the previous mitigation site south of Dudley in Stoddard County, Missouri. Mitigation ratios and specific details are not yet finalized but the approximate location of the site is shown on Figures 4 and 5. The applicant may opt to purchase credits from a mitigation bank if suitable credits become available during the permit review process.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121) requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency (Missouri Department of Natural Resources). In accordance with Certification Rule Part 121.6, once the applicant submits a certification request the Corps of Engineers will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification.

ENDANGERED SPECIES: This notice is being coordinated with the U.S. Fish and Wildlife Service (USFWS). Any comments USFWS may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: During the previous permitting action, the Corps of Engineers determined that the expansion of the harbor would have no adverse effect to historic properties. This determination covered the majority of the property associated with this permit request. The only areas not already reviewed are along the northern portion of the subject property and the footprint of the railroad spur between the existing tracks and the mainline Mississippi River levee.

In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties.

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: Roger Allan
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
e-mail: roger.s.allan@usace.army.mil
phone: (901) 544-3682

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 must 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://permits.ops.usace.army.mil/orm-public>. 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 Division office for examination.

Gregg W. Williams
Chief
Regulatory Division

Attachments

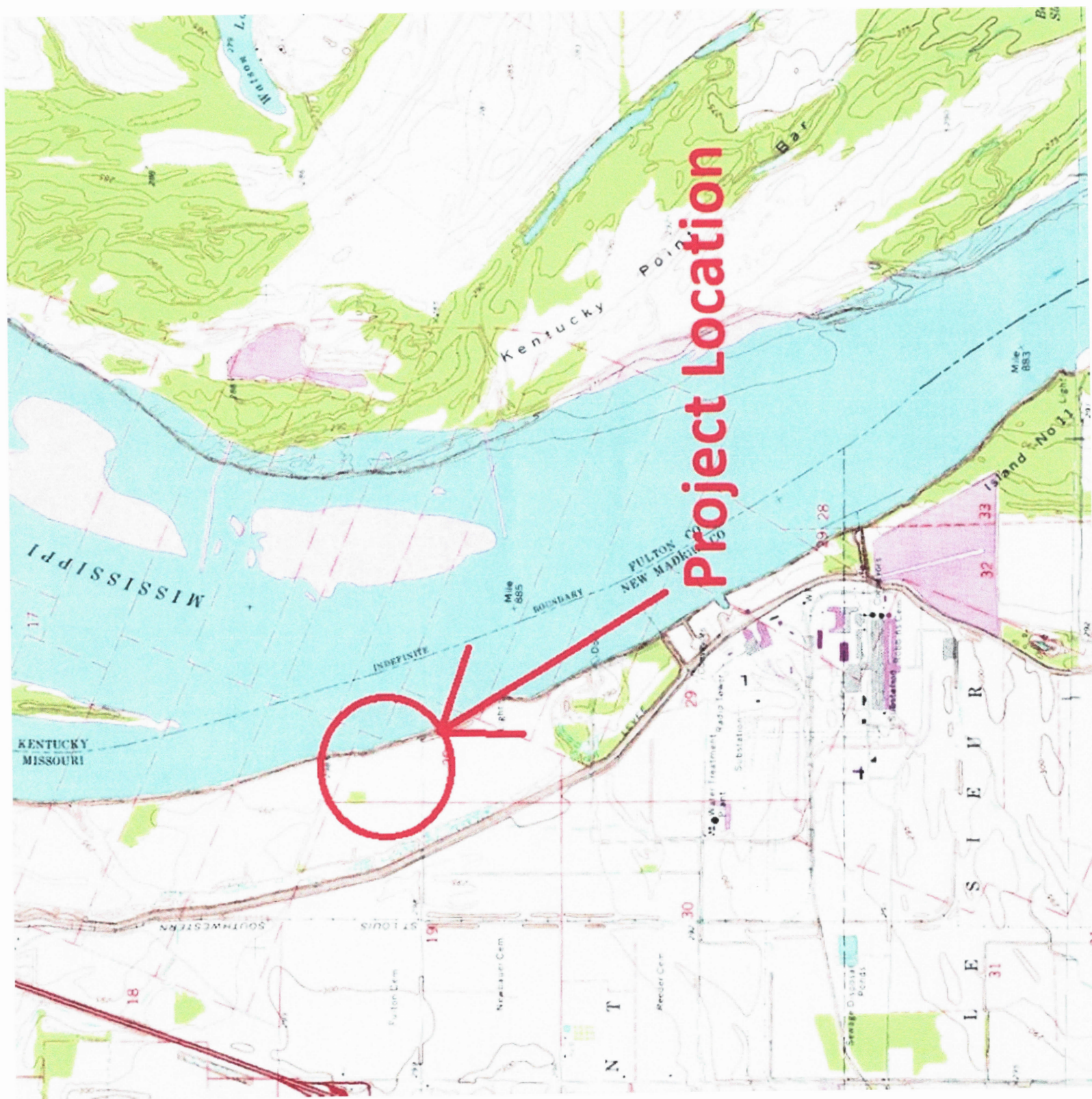
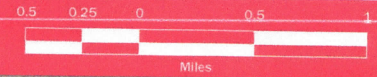


Figure 1

NEW MADRID (SC), LAFONT (NE)

T.22N. - R.14E.



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See NEW MADRID (C) Page 22



See LESIEUR (NE) Page 34

PEACH ORCHARD GIN CO. INC.

1522 STATE HIGHWAY EE
GIDEON, MO 63848

(573) 448-3888 ♦ (800) 392-9721

COTTON GIN

GRAIN ELEVATOR

Figure 2



Figure 3



Proposed Mitigation Area

 MMA

W. Wood Products

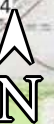
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345 28

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Figure 4


1 mi



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Proposed Mitigation Area

Legend

 Proposed Mitigation Area

 Proposed Mitigation Area

Google Earth

Figure 5

4000 ft

