

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2023-182

NOTICE DATE:
June 28, 2023

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:

July 28, 2023

Public Notice 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 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

APPLICANT:

Bruce Oakley, Inc (Oakley Missouri Inc)
Attn: Fred Alan Taylor
241 Meredith Blvd
Hayti, Missouri 63851
(918)-629-1429

PURPOSE: The purpose of the project is to conduct maintenance dredging that will allow Oakley's Missouri Inc to continue barge transfer operations and coincide with the Corps of Engineers maintenance dredging depth that is maintained in the harbor. Maintenance dredging could occur annually.

LOCATION: The proposed project is located within the Pemiscot County Port on the right descending bank of the Mississippi River at approximate River Mile 850. From I-55, exit on to M0-84 E and travel approximately 2.9 miles, then turn left on Hwy D/337 and travel .78 miles to entrance of the Pemiscot County Port Authority Industrial Park and turn right to entrance of Oakley's Missouri Inc. The approximate latitude and longitude of the project are N 36.228897°, W -89.698381° (Attachments 1-3)

DESCRIPTION OF WORK: The applicant's proposed project would entail maintenance dredging of 4,000 to 10,000 cubic yards of recently accumulated silt and sediment around the barge transfer equipment. The area to dredge is approximately 80' x 50' x 12' when the Mississippi River is at zero gauge on the Caruthersville, Missouri gauge. Material would be dredged using a hydraulic dredge, clamshell dredge, or drag bucket dredge. Dredged material will be discharged to an existing and approved upland disposal site approximately 1,800 ft South owned and maintained by the Pemiscot County Port Authority. Material would be transported to the disposal sites via a floating pipeline (if a hydraulic dredge is used) or via barges (if the clamshell or drag bucket is used).

The applicant has requested authorization to conduct maintenance dredging over a 10-year period. Maintenance dredging could be repeated, as necessary, throughout the authorization period.

The discharge of return water into Pemiscot Port or Mississippi River? (administratively defined as a discharge of dredged material by CFR 323.2(d) and, therefore, regulated under Section 404 of the Clean Water Act) meets the requirements of Nationwide Permit No. 16 (*Return Water From Upland Contained Disposal Areas*), pursuant to Federal Register, Volume 86, Number 245, dated December 27, 2021.

AVOIDANCE/MINIMIZATION: The applicant proposes to only dredge the minimum amount of material required to meet their stated project purpose.

MITIGATION: The applicant did not propose compensatory mitigation for the activity.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, 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 has submitted a request for Section 401 Water Quality Certification to the Tennessee Department of Environment and Conservation.

ENDANGERED SPECIES: There are four federally listed mammal species that are known to have ranges that include the project area. They are the federally endangered Indiana bat (*Myotis sodalis*), the federally endangered northern long-eared bat (*Myotis septentrionalis*), the federally endangered Gray Bat (*Myotis grisescens*), and the federally proposed endangered tricolored bat (*Perimyotis subflavus*). There is one fish species, the federally endangered Pallid Sturgeon (*Scaphirhynchus albus*); one insect candidate species, the Monarch Butterfly (*Danaus plexippus*); and one reptile proposed for listing, the Alligator Snapping Turtle (*Macrochelys temminckii*). This project is being coordinated with the United States Fish and Wildlife Service. Any comments they 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: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District is soliciting comments from federal, state, and local agencies, federally recognized Indian Tribes, the public, and other interested parties in order to identify and evaluate potential impacts of the proposed action on historic properties.

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 flood plain development permit is required. Floodplain administrators should review the proposed public notice and notify this office of any flood plain 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 Indian 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: To request additional information or provide comments on this notice, please contact Jonathan Wilson using the information below:

U.S. Army Engineer District - Memphis
ATTN: Jonathan Wilson
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: jonathan.w.wilson@usace.army.mil
Phone: (901) 544-0738

Comments may be sent via mail or email. 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: <https://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.

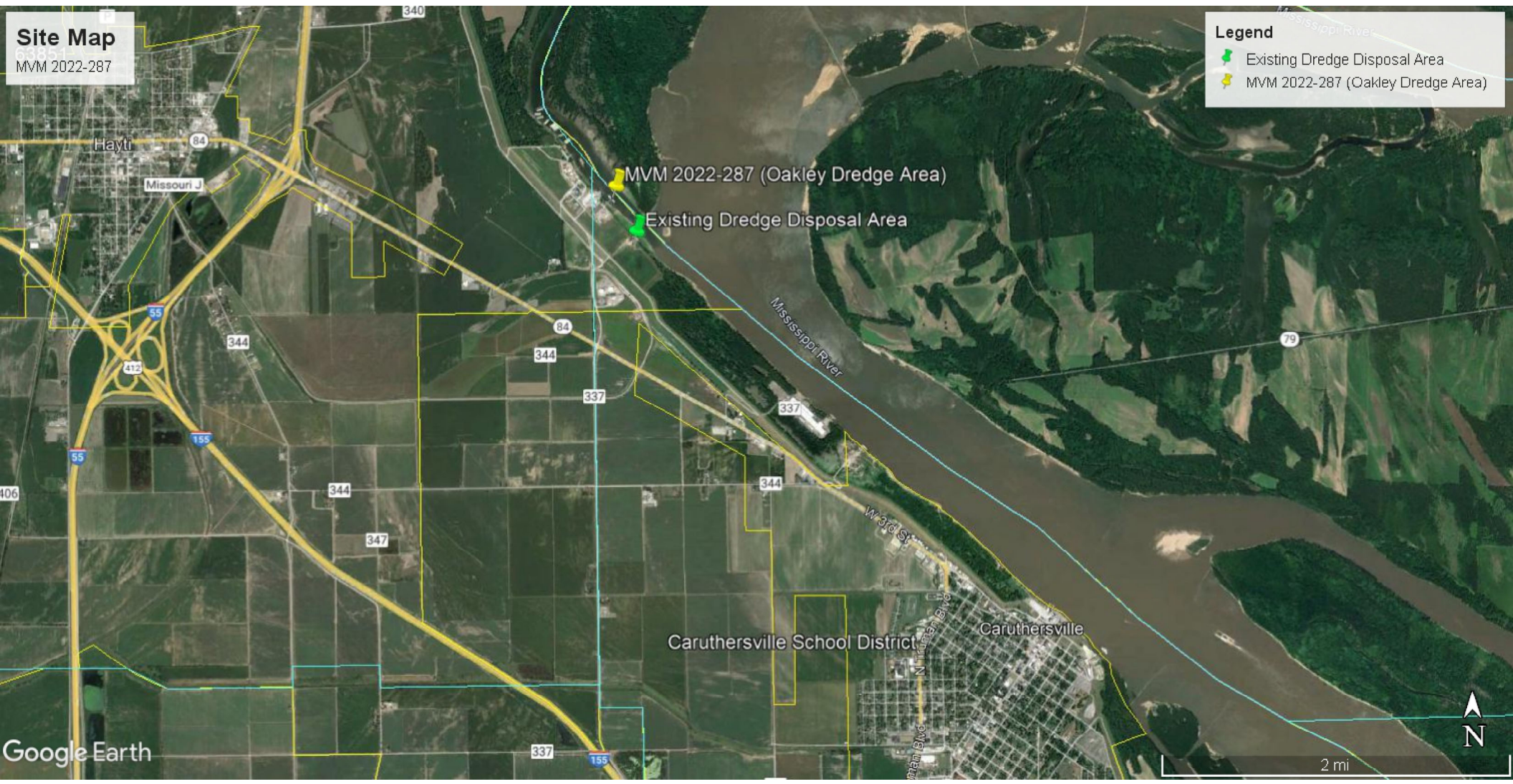
Gregg W. Williams
Chief
Regulatory Division

Attachments

Site Map
MVM 2022-287

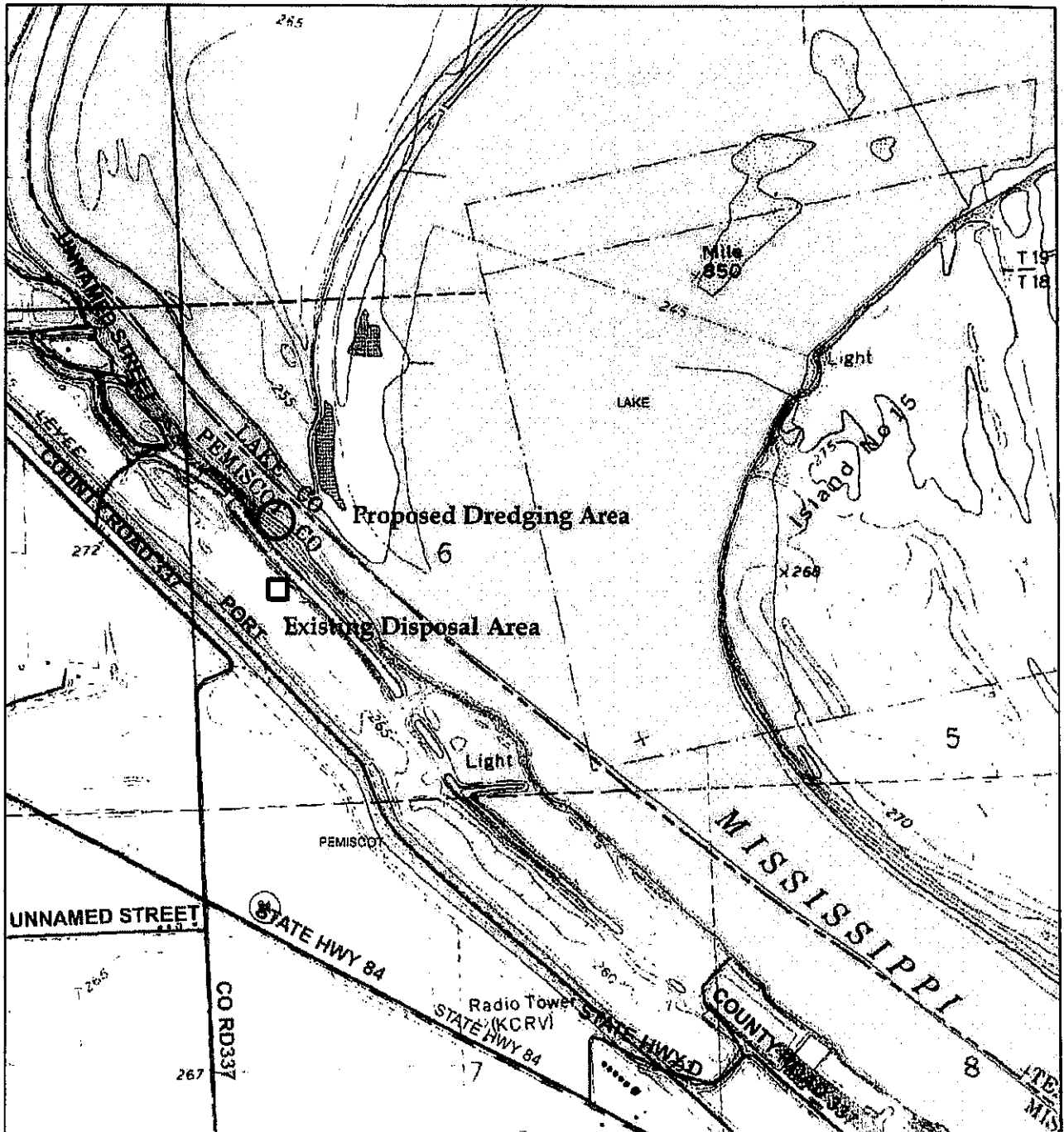
Legend

- Existing Dredge Disposal Area
- MVM 2022-287 (Oakley Dredge Area)



Attachment 1: Location Map
OAKLEY'S OF MISSOURI - BRUCE OAKLEY
Proposed Maintenance Dredging

Location: Section 6, T18N, R13E



0 950 1,900 3,800 Feet

MVM-2023-182-SP

36.228897, -89.698381
MVM

