



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2015-423 (JME)

NOTICE DATE:
November 19, 2015

Attn: Postmaster,
Please Post Until **EXPIRATION DATE:**
⇒ **December 18, 2015**

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 10 of the Rivers and Harbors Act of 1899.

APPLICANT:

CHS INC
Attn: Mr. Charles Henderson
P.O. Box 13246
2256 Wharf Street
Memphis, Tennessee 38113
(901) 774-8790

PURPOSE: The purpose of the project is to perform maintenance dredging to allow continued operations and access to CHS INC's existing floating deck barge.

LOCATION: The project site is located at the CHS INC facility at approximate River Mile 4.8 in McKellar Lake, Memphis, Shelby County, Tennessee, as shown on the Southwest Memphis, Tennessee, 7.5-minute USGS topographic quadrangle (Attachment 1). The approximate latitude and longitude for the project is 35.0844° and -90.1110°.

DESCRIPTION OF WORK: The proposed project includes maintenance dredging at CHS INC Memphis CN Terminal's floating work-barge (see Attachments 2 and 3). Approximately 4,000 cubic yards of silt and accumulated sediment will be removed by dredge from an area 100 feet x 300 feet to maintain a water depth of 10 feet at river stage +2.0 on the Memphis gage. Dredge materials will be placed in approved upland disposal areas, as shown on Attachment 1. The applicant is requesting renewal of a previously authorized permit (MVM-2005-748) to conduct routine maintenance dredging, as described above. If authorized, maintenance dredging activities could occur, as needed, within a ten-year time frame.

The discharge of return water into McKellar Lake (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 16 (Return Water From Upland Contained Disposal Areas), pursuant to the Federal Register Volume 77, Number 34, dated February 21, 2012, upon issuance of Section 401 Water Quality Certification from the State of Tennessee.

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.

WATER QUALITY CERTIFICATION: The applicant should request water quality certification from the Tennessee Department of Environment and Conservation, Division of Water Pollution Control that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: The interior least tern (*Sterna antillarum athalassos*), pallid sturgeon (*Scaphirhynchus albus*), Indiana bat (*Myotis sodalis*), and Northern long-eared bat (*Myotis septentrionalis*) are listed as endangered or proposed endangered by U.S. Fish and Wildlife (USFWS) in Shelby County, Tennessee. This application is being coordinated with USFWS. 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: The Memphis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a survey of the project 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 project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 10 permits required by our office.


COMMENTS: To request additional information or provide comments on this notice, please contact Mr. Mitch Elcan using the information below:

DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT CORPS OF ENGINEERS
REGULATORY BRANCH
ATTN: MITCH ELCAN
167 N. MAIN STREET, B-202
MEMPHIS, TENNESSEE 38103-1894

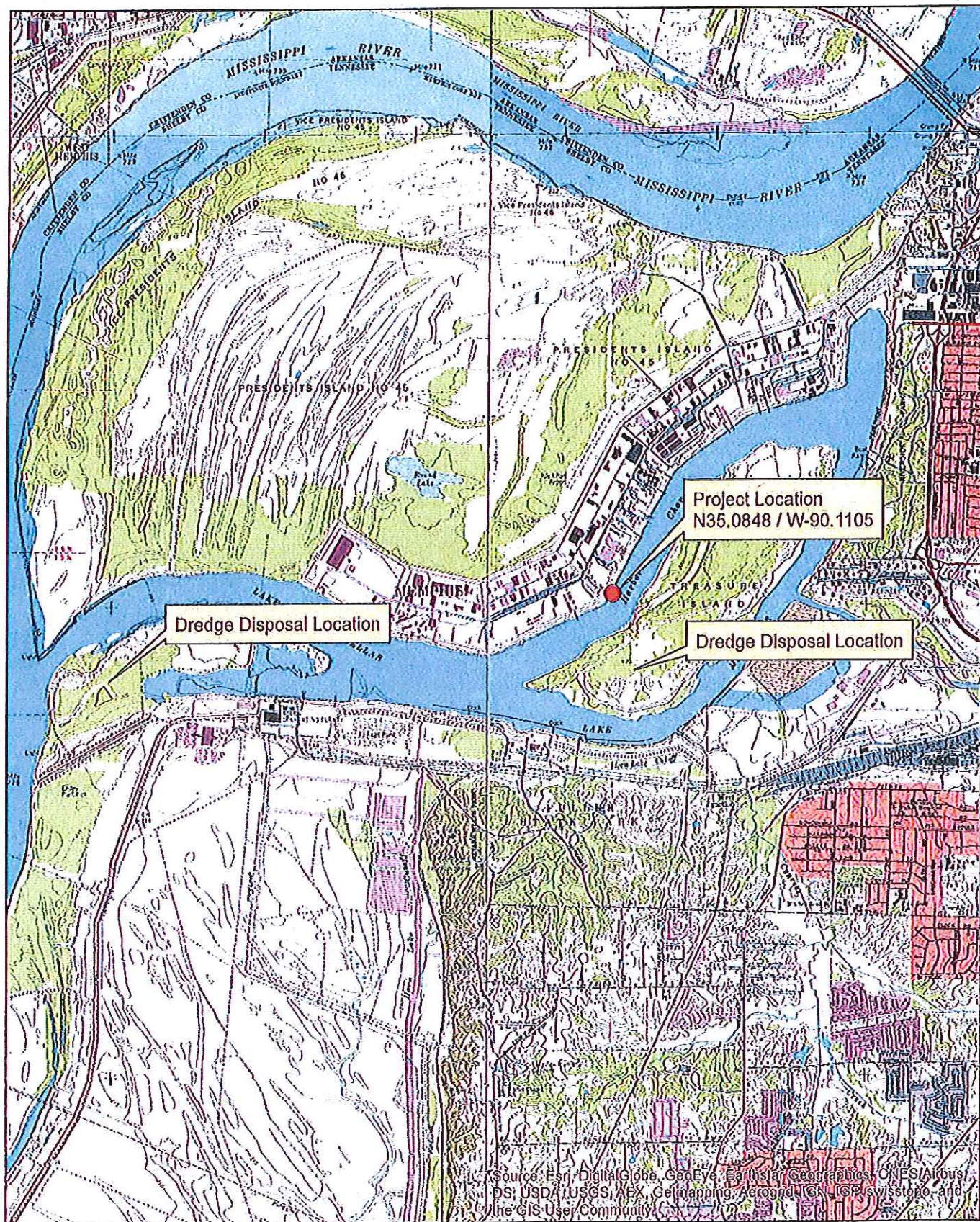
e-mail: james.m.elcan@usace.army.mil
phone: (901) 544-0737
fax: (901) 544-0211

Comments may be sent via mail or e-mail. 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.


for Gregg Williams
Chief
Regulatory Branch

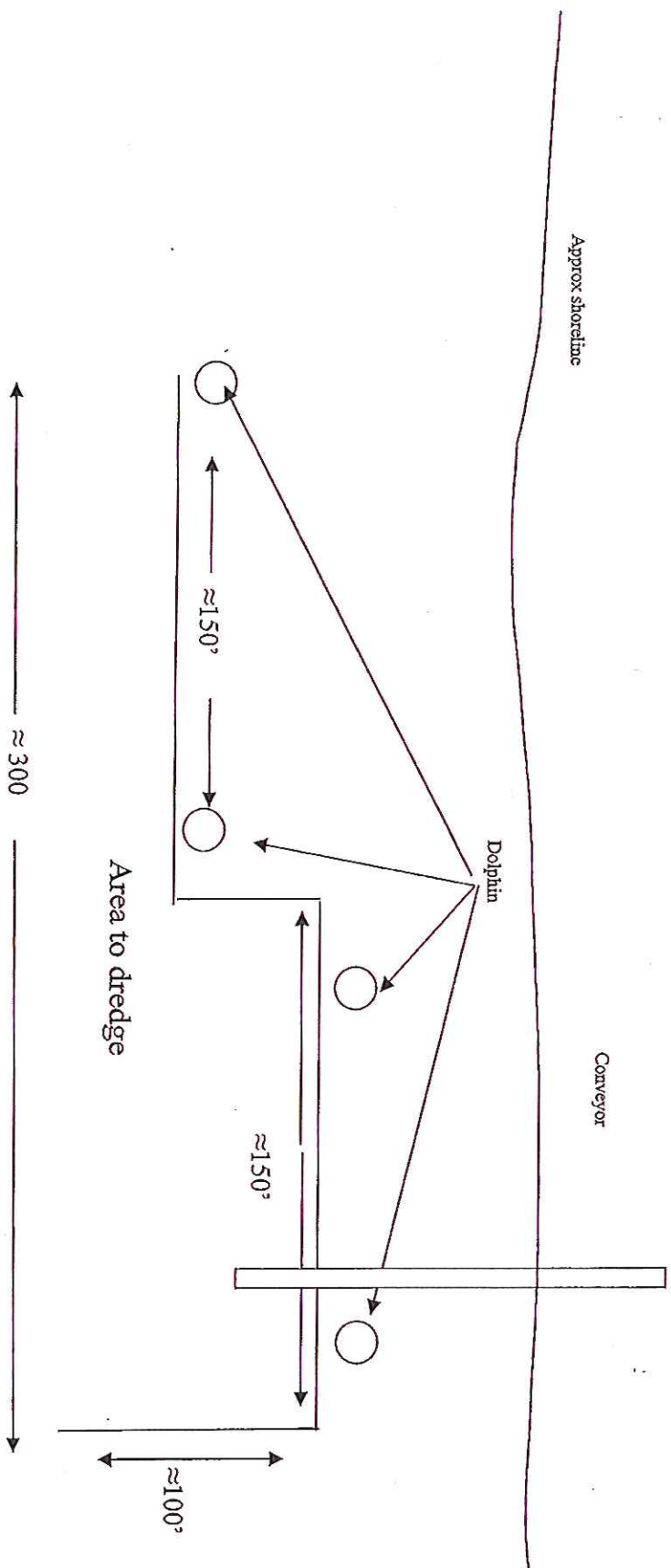
Attachments



0 3,100 6,200 12,400 Feet

CHS INC
2256 Wharf st
Memphis, TN 38113

Attachment 2.

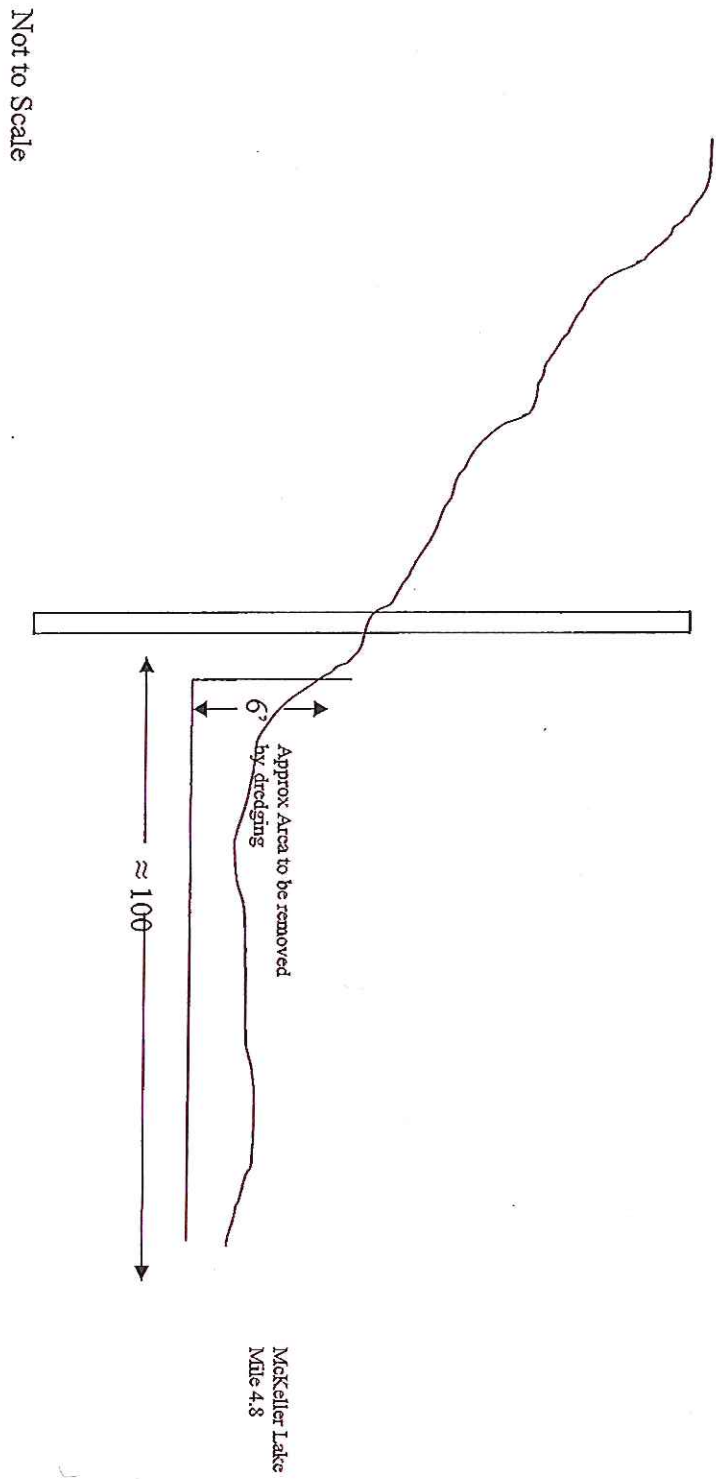


Mickellar Lake, Mile 4.8

Not to Scale

CHS INC
2256 Wharf St
Memphis, TN 38113

Attachment 3.



Not to Scale