




US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2022-059

NOTICE DATE:
June 14, 2022

Attn: Postmaster,
Please Post Until 

EXPIRATION DATE:
July 13, 2022

Joint Public Notice

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

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. 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:

Dean Caldwell
Exploratory Ventures, LLC
2027 East State Highway 198
Osceola, Arkansas 72370
(870) 819-3031

AGENT:

Scott Walker
Geosyntec Consultants, Inc.
8217 Shoal Creek Blvd, Suite 200
Austin, Texas 78757
(512) 354-3286

PURPOSE: The purpose of the proposed project is to provide increased supplies of steel to the domestic and world markets.

LOCATION: The project site is located immediately south of the existing Big River Steel facility and approximately 5.5 miles south of Osceola, Mississippi County, Arkansas, centered at approximate Latitude 35.617634° and Longitude -89.964184° on the Osceola and Nodena, Arkansas, 7.5-minute quadrangle maps (Figure 1).

DESCRIPTION OF WORK: The applicant proposes to place fill material into a total of 11,398 linear feet of stream channels, a total of 3.02 acres of wetlands (2.16 acres emergent and 0.86 acre forested), and impact approximately 50 linear feet of the Mississippi River (Figures 2, 3, 3-A, 3-B, 3-C, 3-D, 3-E) associated with the construction of a new scrap to steel manufacturing facility on approximately 2,700 acres. The proposed project footprint will include the construction of the following: main plant north, main plant south, railroad spurs, batching plant, substation, scrap yard area, slag processing area, construction laydown yards, parking areas, storm water pond north, storm water pond south, storm water ditches, utility lines, heavy haul road, wastewater pipeline, and outfall structure (Mississippi River).

The Corps of Engineers is currently processing a request for an approved jurisdictional determination for potential aquatic resources within the proposed project footprint. In addition to the waters described above, there are approximately 50,214 linear feet of ephemeral agricultural ditches and 3.61 acres of wetlands within the project footprint that are being evaluated for geographic jurisdiction according to current Corps of Engineers regulations and guidance. The applicant has asserted that these features do not meet the definition of waters of the United States and are therefore not jurisdictional under Section 404 of the Clean Water Act. Impacts to any features that the Corps of Engineers determines are waters of the U.S. would increase the total impacts described above.

AVOIDANCE/MINIMIZATION: According to the applicant, the preferred action alternative has been designed to avoid jurisdictional wetlands and streams. The site layout was adjusted seven (7) times to limit impacts.

MITIGATION: The applicant proposes to mitigate impacts on-site and in-kind through the submittal of a permittee responsible mitigation plan. All mitigation will take place within the approximately 2,700-acre project area.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 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 is responsible for requesting certification and providing required information to the certifying agency (Arkansas Department of Environmental Quality). 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: Our preliminary determination is that the proposal would have no effect on the Eastern Black Rail (*Laterallus jamaicensis jamaicensis*), Pallid Sturgeon (*Scaphirhynchus albus*), Red Knot (*Calidris canutus rufa*), or Piping Plover (*Charadrius melodus*). Our preliminary determination is that the proposal may affect the Fat Pocketbook (*Potamilus capax*) and Pondberry (*Lindera melissifolia*). 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: 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: Josh Bright
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
e-mail: joshua.k.bright@usace.army.mil
phone: (901) 828-0359

Arkansas Department of Energy & Environment
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317
e-mail: instreamactivityinfo@adeq.state.ar.us
phone: (501) 682-0040

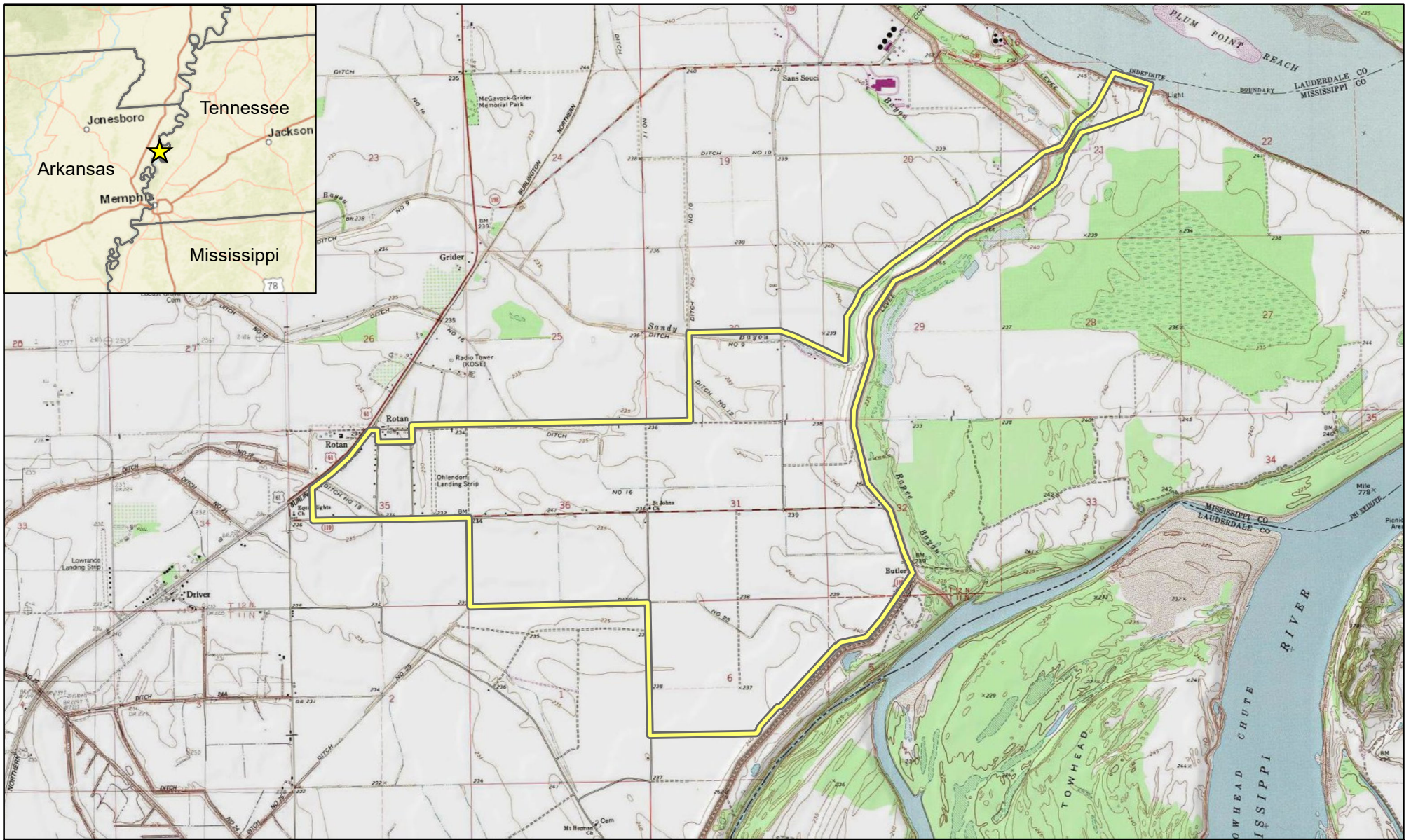
The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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



 Project Area Boundary



0 4,000 Feet

Site Location (USGS Topo)

Exploratory Ventures, LLC
Osceola, Mississippi County, Arkansas

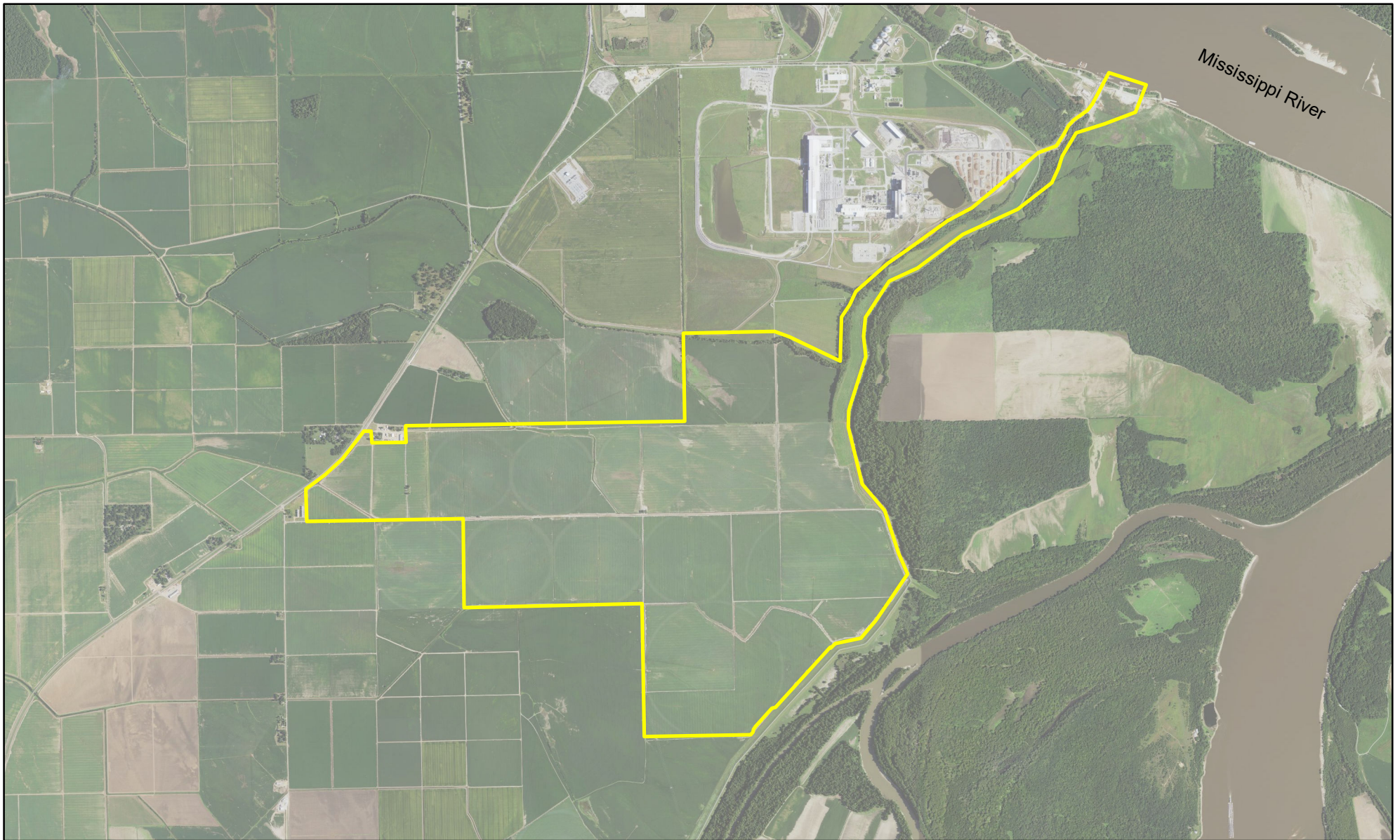
Geosyntec
consultants

Figure

1

Austin, TX

June 2022



 Project Area Boundary



0 4,000 Feet

Site Location (Aerial)

Exploratory Ventures, LLC
Osceola, Mississippi County, Arkansas

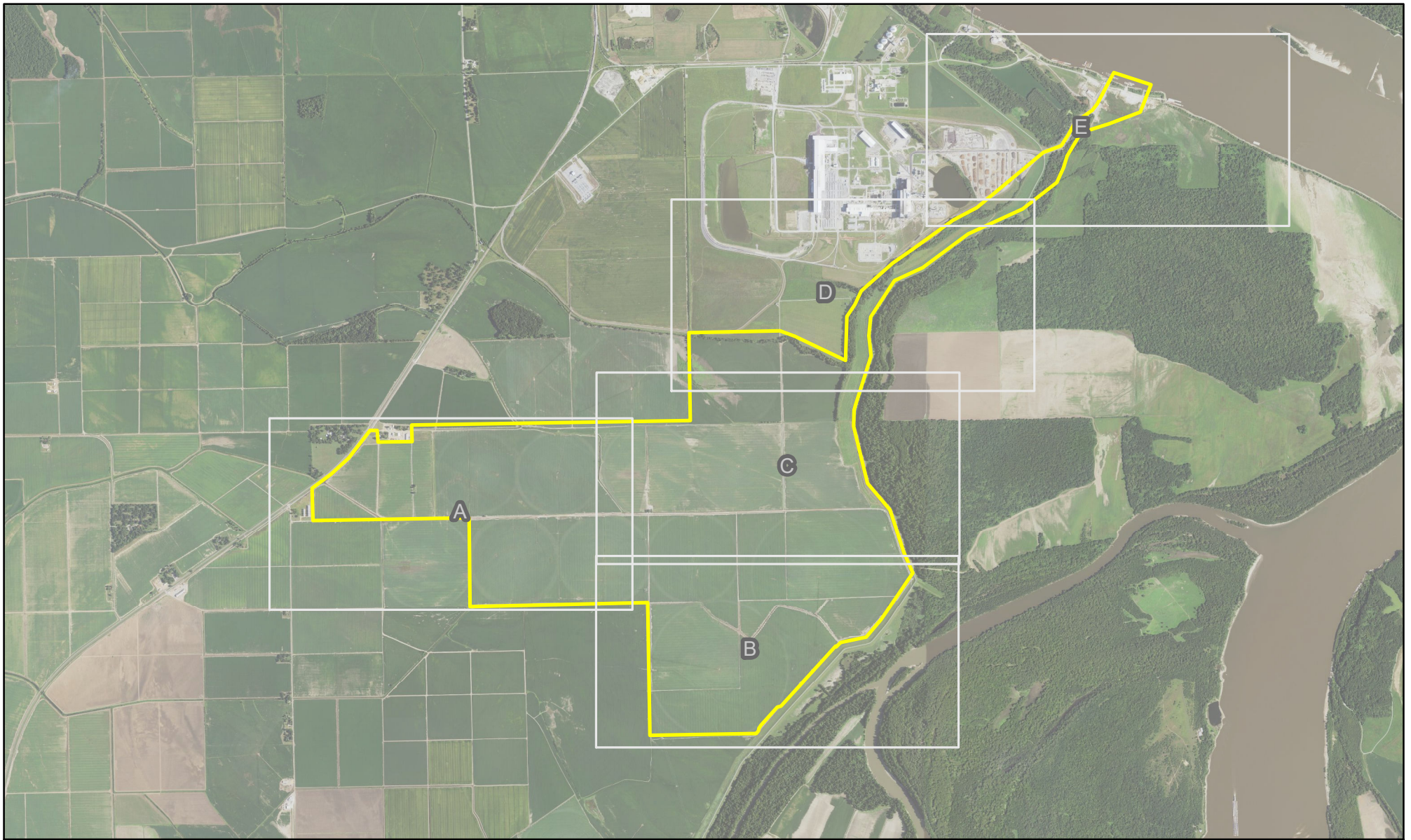
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Figure

2

Austin, TX

June 2022



- Map Index
- Project Area Boundary



0 4,000 Feet

Overview

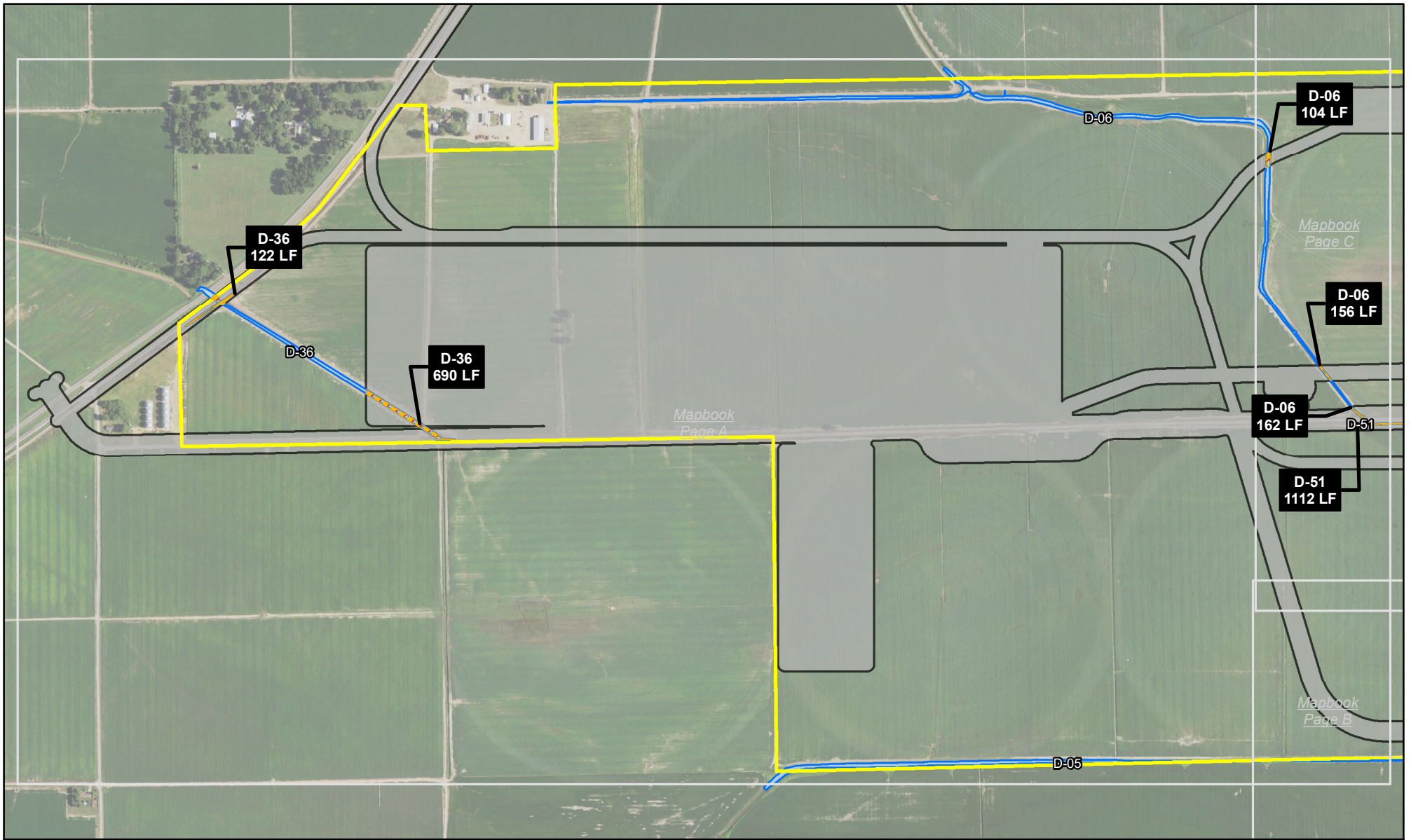
Exploratory Ventures, LLC
Osceola, Mississippi County, Arkansas

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Figure
3

Austin, TX

June 2022



Blueprint Project - Limits of Disturbance (LOD)

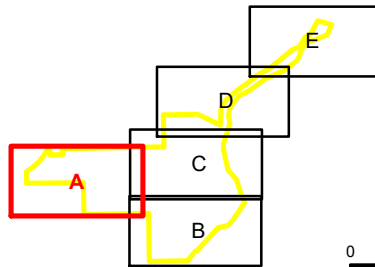
Mapbook

Study Area Boundary

Waters of the US

Waters of the US Impacts

D - Ditch
 W - Wetland
 LF - linear Feet
 ac. - acre



0 1,060 Feet

Impacts to Waters of the US

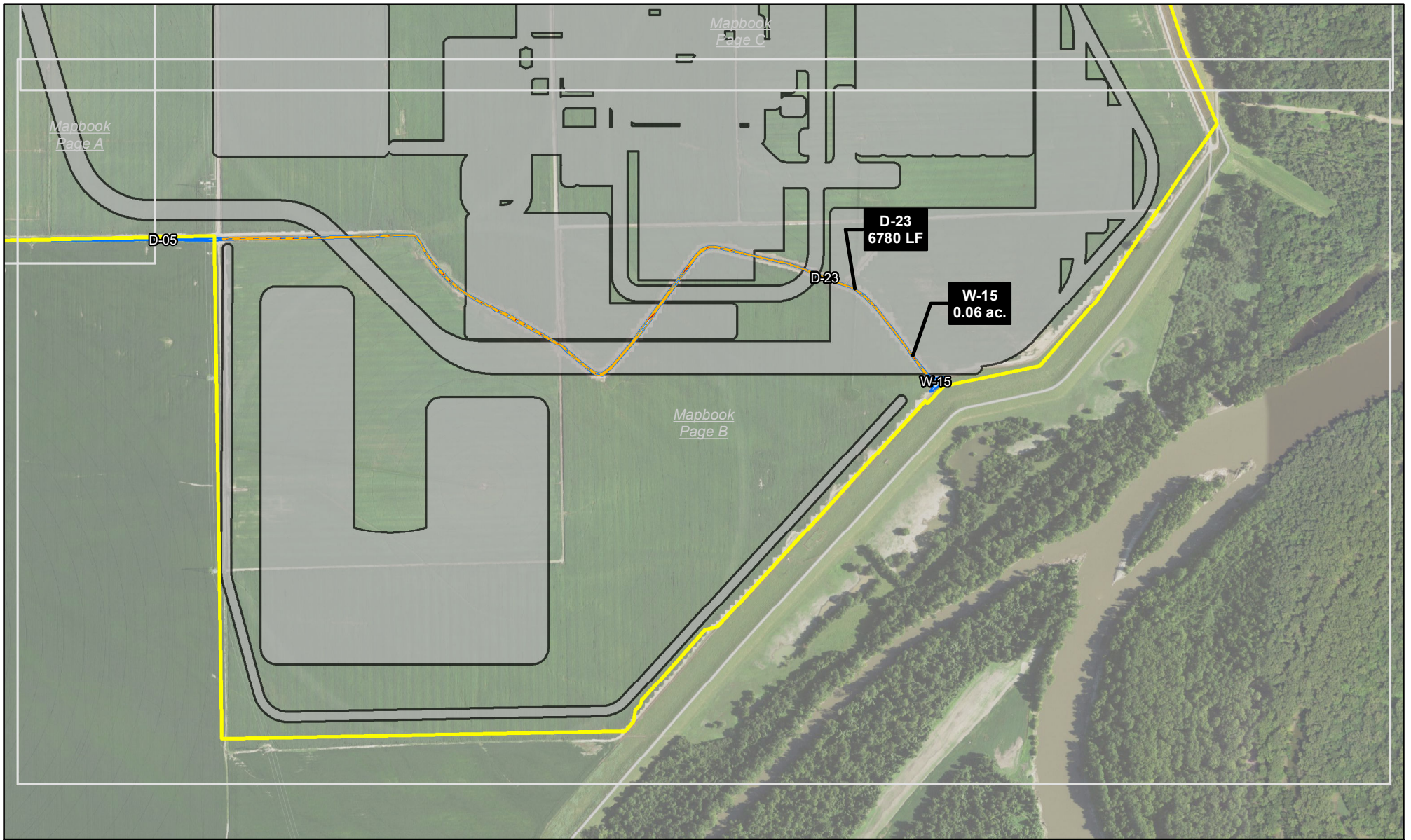
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 Osceola, Mississippi County, Arkansas

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Figure
3-A

Austin, TX

June 2022



Grey box: Blueprint Project - Limits of Disturbance (LOD)

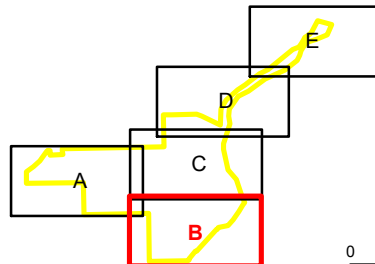
White box: Mapbook

Yellow box: Study Area Boundary

Blue line: Waters of the US

Hatched box: Waters of the US Impacts

D - Ditch
 W - Wetland
 LF - linear Feet
 ac. - acre



Impacts to Waters of the US

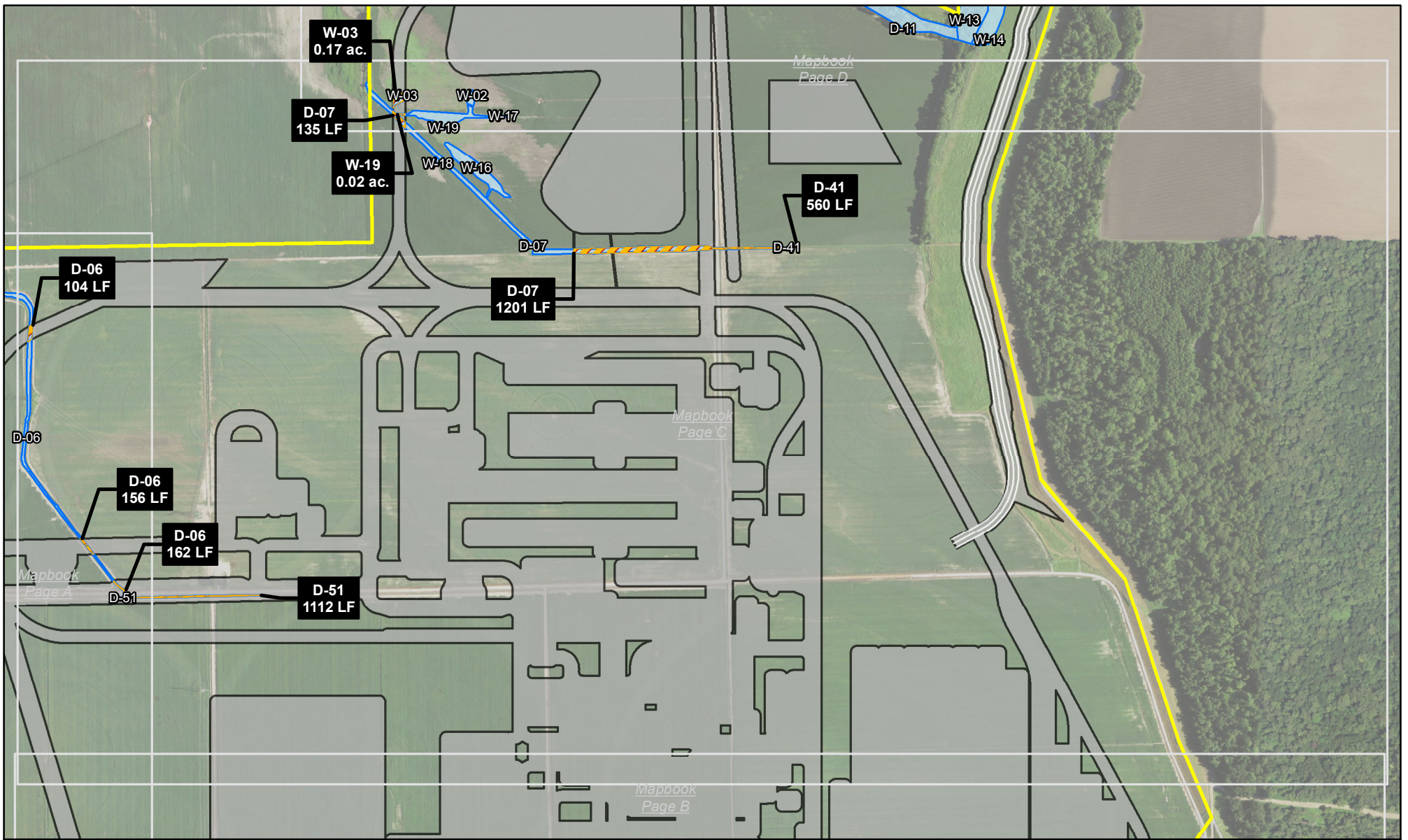
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June 2022

Figure
3-B



Blue Project - Limits of Disturbance (LOD)

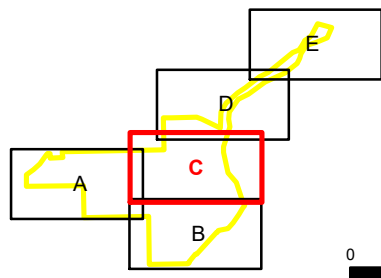
Mapbook

Study Area Boundary

Waters of the US

Waters of the US Impacts

D - Ditch
 W - Wetland
 LF - linear Feet
 ac. - acre



Impacts to Waters of the US

Exploratory Ventures, LLC
 Osceola, Mississippi County, Arkansas

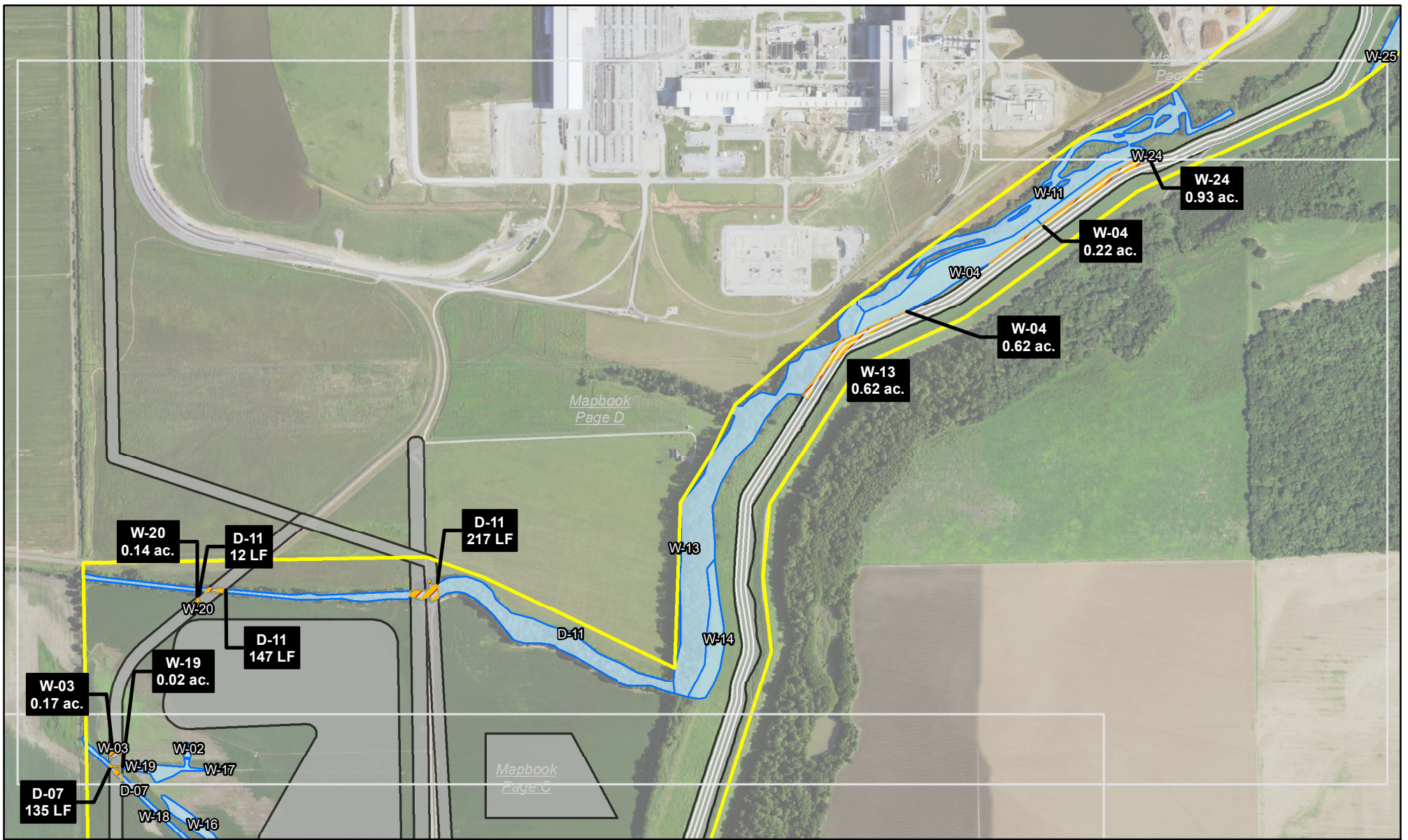
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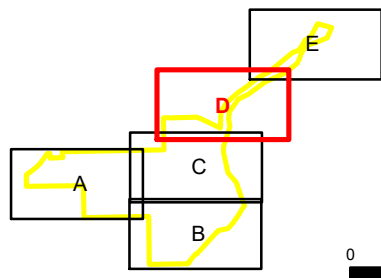
Figure

3-C



- Blueprint Project - Limits of Disturbance (LOD)
- Mapbook
- Study Area Boundary
- Waters of the US
- Waters of the US Impacts

D - Ditch
 W - Wetland
 LF - linear Feet
 ac. - acre



Impacts to Waters of the US

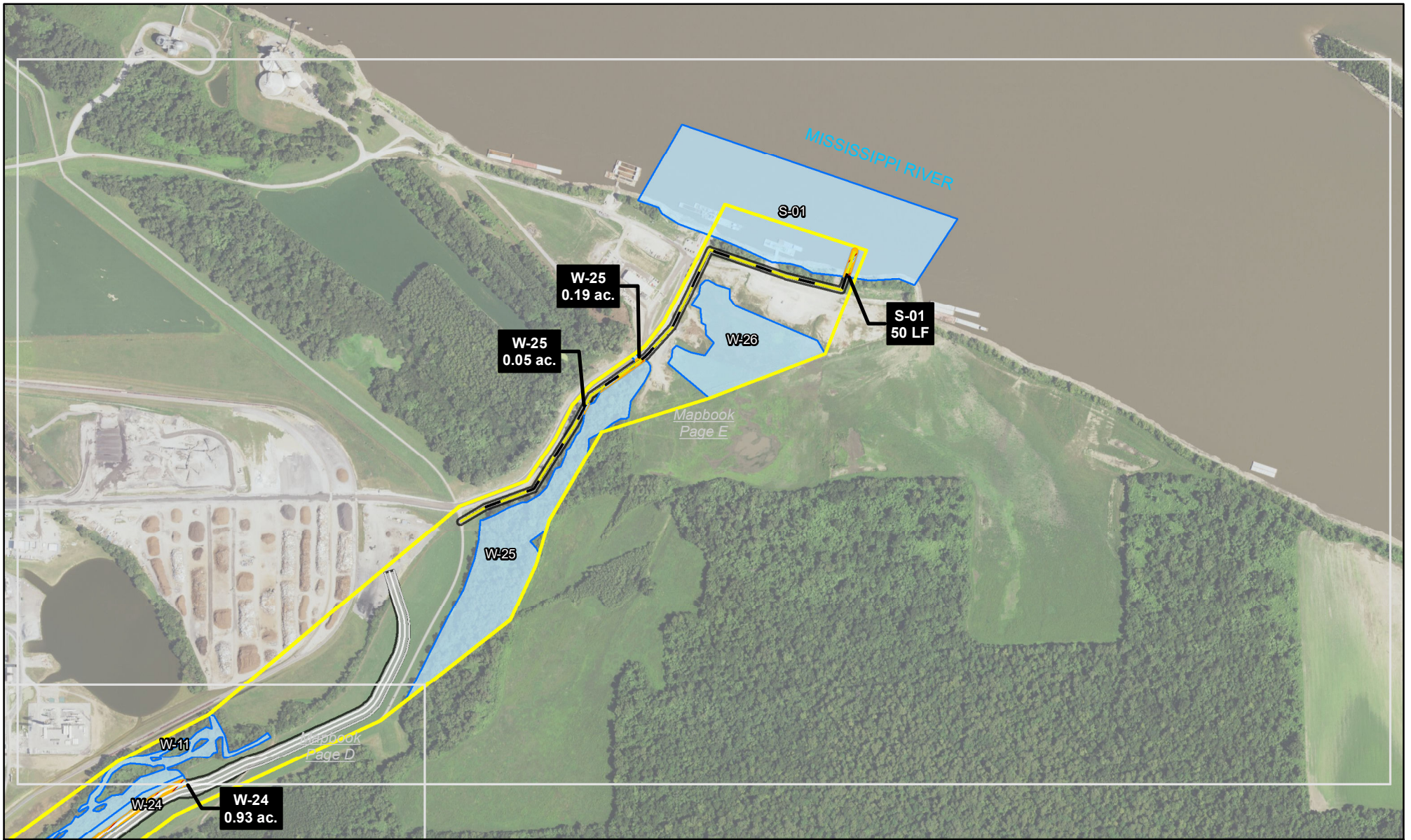
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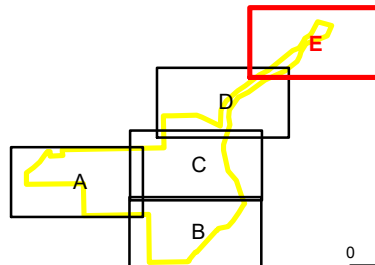
June 2022

Figure
3-D



- Blueprint Project - Limits of Disturbance (LOD)
- Mapbook
- Study Area Boundary
- Outfall Pipe
- Waters of the US
- Waters of the US Impacts

D - Ditch
 W - Wetland
 LF - linear Feet
 ac. - acre



Impacts to Waters of the US
 Exploratory Ventures, LLC
 Osceola, Mississippi County, Arkansas

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Figure
3-E