

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2013-17 (BSP)

NOTICE DATE:
June 17, 2020

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
July 2, 2020

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

APPLICANT:

Dr. Jeremy S. Dickson, DBA
APAC Tennessee, Inc.
P. O. Box 13427
1210 Harbor Ave.
Memphis, Tennessee 38113
(901) 947-5600

PURPOSE: The purpose of the project is to expand the existing APAC and Consolidated Grain and Barge (CGB) industrial facilities.

LOCATION: The project site is located on the right descending bank of the Mississippi River at approximate River Mile 730 in Crittenden County, Arkansas, at approximate Latitude 35.136140° and Longitude -90.152040° on the West Memphis 7.5 minute quadrangle map (Attachment 1). This location is riverside of the Commerce St. Francis River Levee System which is a federally authorized civil works project.

DESCRIPTION OF WORK: The applicant received permit authorization in September 2013 to fill 19.3 acres of wetlands that developed in old borrow pits adjacent to the mainline Mississippi River levee. The applicant actively pursued the project as conditions allowed but work was periodically hampered by flooding of the site. Subsequently, the original permit expired in September 2016, before the applicant completed the authorized work. The applicant now requests reauthorization to complete the work. To date, approximately 4.9 acres of the wetlands have been filled, all of which are in the eastern end of the site (see Attachment 2)

AVOIDANCE/MINIMIZATION: The applicant proposes to expand existing facilities. Therefore, the site must be continuous with the existing site. The proposed site is located between the existing APAC and CBG facilities and the mainline levee of the Mississippi River. The site is already owned by APAC Tennessee, Inc. Due to the extensive wetlands in this area and the specifications required to build this industrial development, the applicant stated it is not possible to avoid the subject wetlands.

MITIGATION: Mitigation associated with the original permit has already been undertaken which consisted of enhancement of 39.23 acres and preservations of 53 acres of existing wetlands located along the Mississippi River approximately 1.5 miles southeast of the project site.

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality 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 the 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: Our preliminary determination is that there would be no endangered species or critical habitat affected by this proposal. In our 2013 review, the project was found to have no effect on threatened or endangered species. However, 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, in consultation with the Arkansas Historic Preservation Program, the Memphis District received information in 2013 and subsequently in 2018 that no historic properties will be adversely affected by the proposed action. Additional information that is received from federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties will be considered prior to making a final determination.

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 and Arkansas Department of Environmental Quality. Comments may be sent via mail or email to the following:

U.S. Army Corps of Engineers – Memphis District
ATTN: Ben Pitcock
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: benjamin.s.pitcock@usace.army.mil
phone: (901) 544-3468
fax: (901) 544-0211

State Permits Branch, Water Division
Arkansas Department of Environmental Quality
ATTN: Melanie Treat
5301 North Shore Drive
Little Rock, Arkansas 72118-5317
E-mail: treat@adeq.state.ar.us

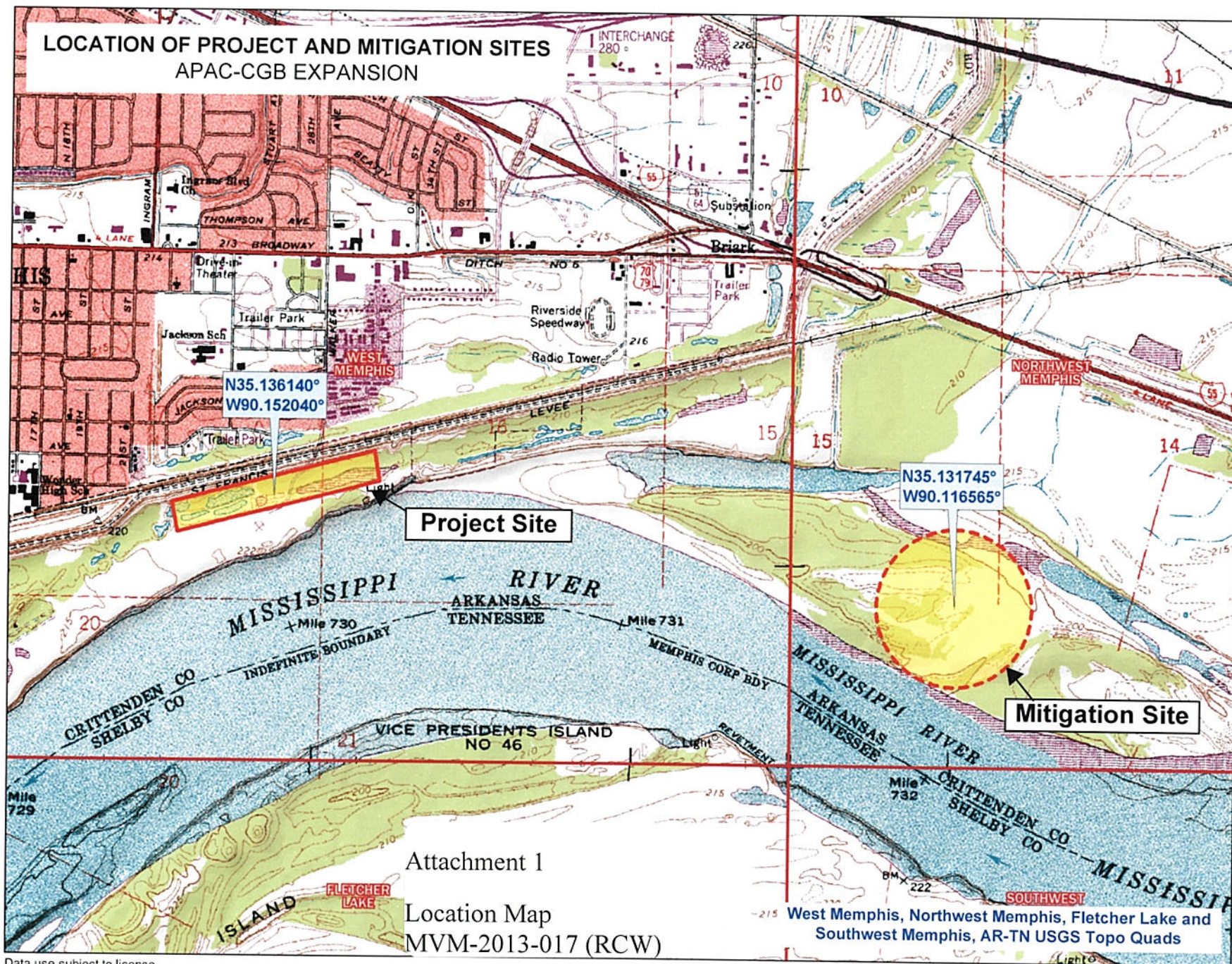
The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link: <http://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 Division

Attachments

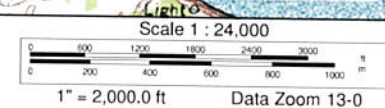
**LOCATION OF PROJECT AND MITIGATION SITES
APAC-CGB EXPANSION**



Attachment 1
Location Map
MVM-2013-017 (RCW)

West Memphis, Northwest Memphis, Fletcher Lake and Southwest Memphis, AR-TN USGS Topo Quads

Data use subject to license.
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2017 Site Aerial

MVM 2013-17
Attachment 2

Legend



area proposed for reauthorization

area where work has been completed

Google earth



1000 ft