

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2014-037 (RCW)

NOTICE DATE:
Feb 14, 2014

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  **March 17, 2014**

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.

APPLICANT:

Dean A. Berry
American Electric Power
1 Riverside Plaza
Columbus, Ohio 43215
Office Phone: (614)716-6830

Agent:

Danny L. Adams
Ensafe, Inc.
5724 Summer Trees Drive
Memphis, Tennessee 38117
Office Phone: (901) 372-2454

PURPOSE: The purpose of this project is to trans-load dry bulk products received by railroad and truck to river barges for shipment down river to deepwater ports.

LOCATION: The project site is located south of the City of West Memphis, Arkansas. Construction would occur on both sides of the Main Line Levee of the Mississippi River at latitude 35.099219° N and longitude -90.192528° W. Additionally, structures and barge fleeting would be placed in the Mississippi River on the right descending bank at approximate River Mile 727 in Crittenden County, Arkansas (Attachment 1: Topographic Map Project Location, Attachment 2: Aerial Photograph Wetland Delineation).

DESCRIPTION OF WORK: The applicant and landowner for this project is American Electric Power (AEP) while Louis Dreyfus Commodities LLC (LDC) would be the tenant and project operator. This project is proposed to coincide with an initiative to upgrade a railway for The City of West Memphis, Arkansas at their logistics park south of the City. The City of West Memphis proposes to construct new railroad through wooded wetlands impacting approximately 0.2 acres of wetlands and ending at Ditch 17 where the City proposes to construct a railway bridge over Ditch 17. The AEP project and the City of West Memphis project were submitted under separate permitting actions. The applicant's proposed project includes an expanded rail facility, roadway modifications, storm water facilities, trans-load facility construction, and wetland and riparian mitigation. Permanent impacts to jurisdictional wetlands would be 2.48 acres of scrub/shrub, 3.21 acres of farmed wetlands, and 0.79 acres of forested wetlands. Permanent impacts will be mitigated on site (Attachment 3: Aerial Photograph Mitigation Location). The proposed action alternative would include the following major elements:

1. There are above ground and below-grade components to this project. The above ground components include rail line construction, access roads associated with the rail line, access roads for the truck unloading facilities, grain storage elevators and elevated conveyor system to transport commodities to the trans-load facility, and an accompanying access road to provide worker access to the trans-load facility. These actions would result in some fill of existing wetlands. The fill will include: soil, soil stabilization materials, sub-ballast and ballast associated with railroad construction, and soil

stabilization materials and crushed stone for access road construction. Grain storage elevators and the elevated conveyor facility would be placed on appropriate foundations and pilings.

2. Below-grade facilities necessary for this project include drainage ditches/conveyances along the rail line and access roads, drainage features located in the grain unloading area, and appropriate foundations and piling required to support the elevators and elevated conveyor system.
3. Construction of new railroad tracks would begin on the south side of Ditch 17 (Ditch 17 is labeled as Ditch 20 on the topographic map) where a new bridge crossing would be constructed and maintained by the City of West Memphis, Arkansas. The LDC line would run south from the bridge at Ditch 17 to form the LDC rail loop at the LDC transload facility for inbound and outbound trains, plus 2,400 feet of “bad order” track, and 770 feet of track for turnouts, etc (Attachment 4: Rail Loop Site Plan). The tracks would have a capacity to accommodate two 110-car unit trains. The rail crossing over the Fletcher Lake outlet at Ditch 19 at the southern end of the LDC rail loop will be via multiple culverts. The rail would be constructed in a manner to limit impacts to wetlands and not obstruct water flow or animal passage through the wetlands. Culverts would be constructed to cross small ditches. The proposed rail alignment would require the construction of a storm water detention basin/pond at a location near the transload facility to avoid impacts on wetlands at Fletcher Lake. The detention basin/pond would be constructed in accordance with Arkansas Department of Environmental Quality (ADEQ) and local (West Memphis and/or Crittenden County) storm water management guidelines. The storm water detention basin/pond will not be located in jurisdictional wetlands.
4. Construction of a trans-load terminal connecting to the rail lead track at the St. Francis Levee would be in accordance with design plans approved by the St. Francis Levee Board and the Memphis District Corps of Engineers Levee Safety Program Manager in a cooperative agreement.
5. The Proposed Action Alternative would include the extension of Port Road to service the LDC trans-load facility. Minor changes may occur to the existing roadway alignment and cross sections to meet safety and design standards.
6. Eight 30-foot diameter steel sheet pile, stone filled cells would be constructed in the river to handle the dual lane barge loading operations. Also, a set of six 20 foot diameter steel sheet pile cells will be constructed parallel to the river bank to stage barges for the loading operations. A smaller fleeting area for barges will be constructed utilizing three spar barges anchored to deadmen in the river bottom by chains. These facilities will service up to 65 barges. Attachment 5 provides latitude and longitude coordinates to indicate structure locations in the river (Attachment 5: Barge Area and Dual Barge Loading Site Plan).
7. Temporary (construction) impacts are presented as either 25 or 50 feet on each side of the construction activities to provide access for equipment, supplies and personnel, and to provide safe work zones during construction. In order to minimize temporary impacts, engineering design and construction managers will attempt to limit this disturbance to 35 feet on each side of the construction zone or less. During construction, all activities within wetlands will be restricted to ingress/egress only, and no stockpiling of materials, fueling operations or other sources of potential impacts to surface waters will be allowed. Natural regeneration of native emergent hydric species will be encouraged following construction activities. In the case of areas of temporary impact to forested or scrub/shrub wetland ecosystems, these areas will be re-forested using a species mix of the native vegetation located on the adjacent wetland sites.

The applicant’s proposed work would require a discharge of fill material into waters of the U.S. and work below the ordinary high water mark of navigable waters of the U.S. and requires authorization from the U.S. Army Corps of Engineers.

AVOIDANCE/MINIMIZATION: According to the applicant, the property ownership and required configuration limited the amount of avoidance. The rail would be constructed in a manner to limit impacts to wetlands and not obstruct water flow or animal passage through the wetlands. Culverts would be constructed to cross small drainage conveyances. The proposed rail alignment would require the construction of a detention basin/storm water pond at a location near the trans-load facility to avoid impacts to wetlands at Fletcher Lake. Permanent impacts to streams, wetlands and riparian zones which cannot be avoided would be mitigated.

MITIGATION: Proposed compensatory mitigation would be on-site mitigation near the southern boundary of the landowner's property (Attachment 3: Aerial Photograph Mitigation Location). Final calculations of impacts and resulting acres of compensatory mitigation that would be required and a detailed mitigation plan would be developed in conjunction with the Memphis District, USACE. To promote wetland hydrologic conditions, any existing former drainage channels will be filled. This will divert surface water, which will allow the mitigation parcel to retain storm water and re-establish wetland hydrology. Hydrologic monitoring devices (e.g., piezometers) will be installed to document hydrologic restoration and improvement on the mitigation 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: This notice is being coordinated with the USFWS. The interior least tern (*Sterna antillarum athalassos*) and pallid sturgeon (*Scaphirhynchus albus*) are known to utilize the Mississippi River. Any comments USFWS may have regarding these or other endangered or threatened wildlife or plants or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: The applicant provided the abstract for a cultural resources evaluation of the project area; this evaluation showed no resources present. The applicant also provided concurrence from the State Historic Preservation Officer. However, 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.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain 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 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 or 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 E-mail to the following:

U.S. Army Corps of Engineers Memphis District
ATTN: Reginald Wuornos
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: reginald.c.wuornos@usace.army.mil
phone: (901) 544-0731
fax: (901) 544-0211

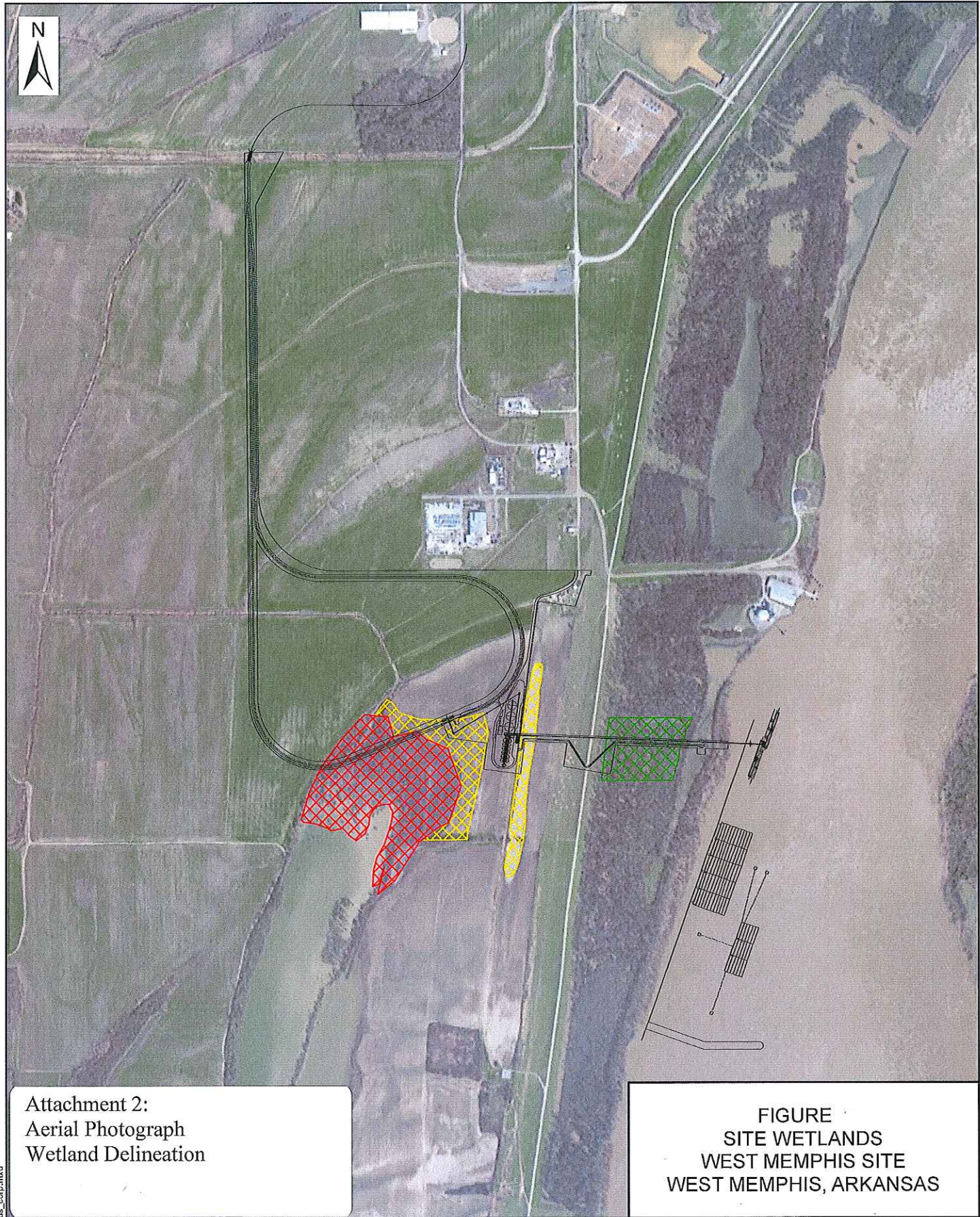
Mark Hathcote
State Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 North Shore Drive
Little Rock, Arkansas 72118-5317
E-mail: hathcote@adeq.state.ar.us

The Corps 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.

Roger S. Allan
Acting Chief
Regulatory Branch

Attachments



Attachment 2:
Aerial Photograph
Wetland Delineation

FIGURE
SITE WETLANDS
WEST MEMPHIS SITE
WEST MEMPHIS, ARKANSAS

Legend



Agriculture Wetland



Scrub/Shrub Wetland



Forested Wetland

0 750 1,500 3,000
Feet

REQUESTED BY: D. ADAMS

DRAWN BY: B. LIPSCOMB

DATE: 2/10/2014

PROJECT NO: 0888813894

ENSAFE

1-800-588-7862
WWW.ENSAFE.COM

MVM-2014-037, AEP/Louis Dreyfuss Grain Elevator/Barge Loading Facility

World Imagery
Fletcher Lake, AR Quad
MitigationLocation

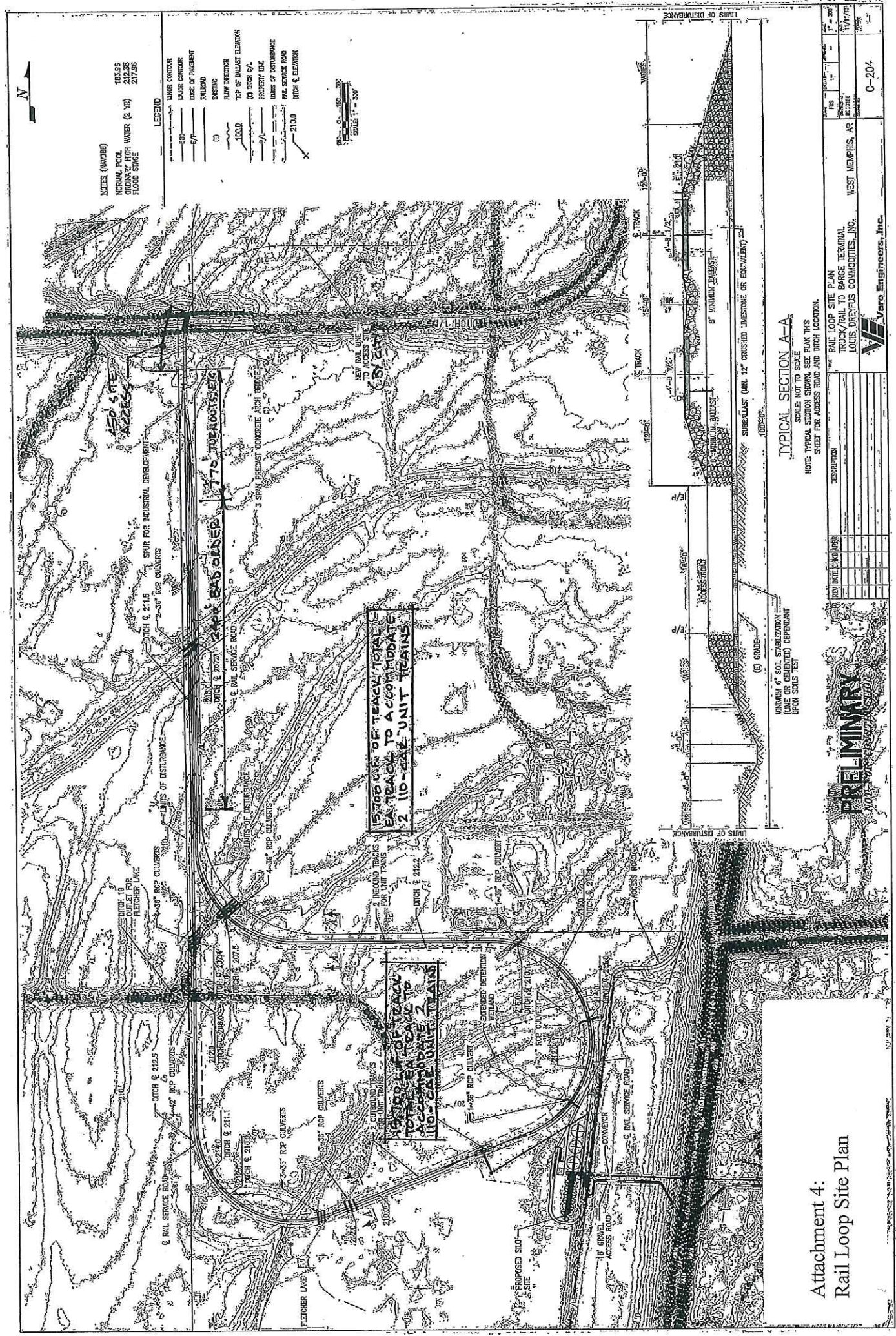


Legend

- Counties
- MS Rivermile_Tenths
- dist_river&creeks
- dist_secondroads



0 1,400 2,800 5,600 Feet



NOTES (MAD08)
 NORMAL POOL
 ORDINARY HIGH WATER (2 YR)
 FLOOD STAGE

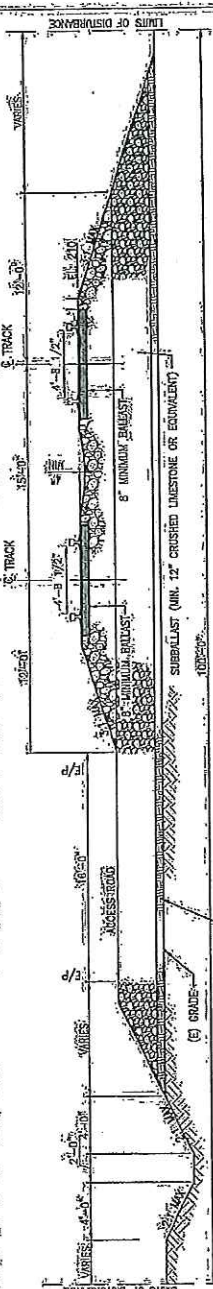
LEGEND

- MAJOR CONTOUR
- MAJOR CONTOUR
- EDGE OF PAVEMENT
- PAVEMENT
- EXISTING
- RAIL TRACK
- TOP OF DITCH
- PROPERTY LINE
- RAIL SERVICE ROAD
- RAIL ELEVATION

1" = 100'
 SCALE 1" = 200'

15700' OF TRACK TOTAL
 EX TRACK TO ACCOMMODATE
 2 110-CAE UNIT TRAINS

16100' OF TRACK
 TOTAL EX TRACK TO
 ACCOMMODATE 2
 110-CAE UNIT TRAINS



TYPICAL SECTION A-A

SCALE: NOT TO SCALE
 NOTE: TYPICAL SECTION SHOWN. SEE PLAN THIS SHEET FOR ACCESS ROAD AND DITCH LOCATION.

NO.	DATE	BY	CHKD.	DESCRIPTION
1	10/1/08
2
3
4
5
6
7
8
9
10

PRELIMINARY

Attachment 4:
 Rail Loop Site Plan

