



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2014-219 (JKB)

NOTICE DATE:
July 10, 2014

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  **August 8, 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:

Rick Ellis
Mid-River Terminal, LLC
P.O. Box 626
Osceola, Arkansas 72370
Office Phone: (870)780-7802

Agent:

Andrew Rike
Harbor
8114 Cantrell Road, Suite 350
Little Rock, Arkansas 72227
Office Phone: (501) 663-8800

PURPOSE: The purpose of this project is to construct a dock terminal facility for the loading and unloading of commodities. As part of the proposed dock terminal facility, a haul road, office and shop structures, scales, fleet and dock mooring points, floating docks, and access drives from the haul road to the floating docks would be constructed.

LOCATION: The project site is located south of the City of Osceola, Arkansas. Construction would occur on the east side of the mainline levee of the Mississippi River at latitude 35.64914° N and longitude -89.91954° W. Additionally, structures and barge fleetings would be located in the Mississippi River on the right descending bank between River Miles 782.9 and 781.6 in Mississippi County, Arkansas (Attachment 1: Topographic Map Project Location, Attachment 2: Aerial Photograph).

DESCRIPTION OF WORK: The applicant proposes to construct a dock terminal facility that will allow for the loading and unloading of commodities including but not limited to aggregates, bulk fertilizer products, grains and feeds, scrap metal, finished steel, coal, coke, ores and metal alloys, inorganic salts, acids, lime, pig iron, and other products. As part of the proposed dock terminal facility, a haul road with a 60-foot driving surface would be constructed from the intersection of the old County Road 812 and the west property boundary of the St. Francis Levee District to the Mississippi River near River Mile 782.5. The haul road would incorporate and extend an existing spur levee. The haul road would impact 0.42 acres of forested wetlands. Fill material for the haul road would come from on site agricultural fields or an abandoned levee. Permanent impacts will be mitigated on site (Attachment 3: Aerial Photograph Mitigation Location).

There would be four (4) floating docks installed with each dock installation to be approximately 50 feet wide by 300 feet long. Each dock is to be accessed from the bank by a steel ramp approximately 24 feet wide by 50 feet long. Barges would be moored only one barge wide while at any dock. Access drives would connect the haul road to each of the four (4) floating docks. There would be three (3) barge fleets with each fleet being four (4) barges wide and four (4) barges long (Attachment 2: Aerial Photograph). Both the barge fleets and docks would be held in place by mooring lines. The applicant also proposes to construct an office, shop, and parking area

around the office and shop. Scales will be installed east of the office. No wetlands will be impacted by the construction of these features.

AVOIDANCE/MINIMIZATION: According to the applicant, avoidance of impacts has been accomplished by the design of the proposed project. The haul road has been designed to maximize the avoidance of wetland areas through utilization of the existing spur levee and nonwetland areas along the path towards the river. The proposed wetland impact area is to be crossed at the narrowest point. Consideration was given not to build a new haul road. However, the existing roads were not considered structurally sufficient or wide enough to provide for the proper operation of the facility. Modifications to the existing roads would result in greater impacts to wetlands than the proposed haul road.

MITIGATION: The applicant proposes to mitigate wetland impacts with the restoration of 1.5 acres of bottomland hardwoods with an associated 0.5 acre buffer. The mitigation site is located southeast of the proposed impact site. (Attachment 3: Aerial Photograph Mitigation Location).

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 information from a cultural resources evaluation of the project area. Archeological sites were identified within the proposed project area. The Memphis District will evaluate information provided by the State Historic Preservation Officer, Federally recognized Tribes, and the public in response to this public notice.

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: Josh Bright
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: joshua.k.bright@usace.army.mil
phone: (901) 544-0926
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.

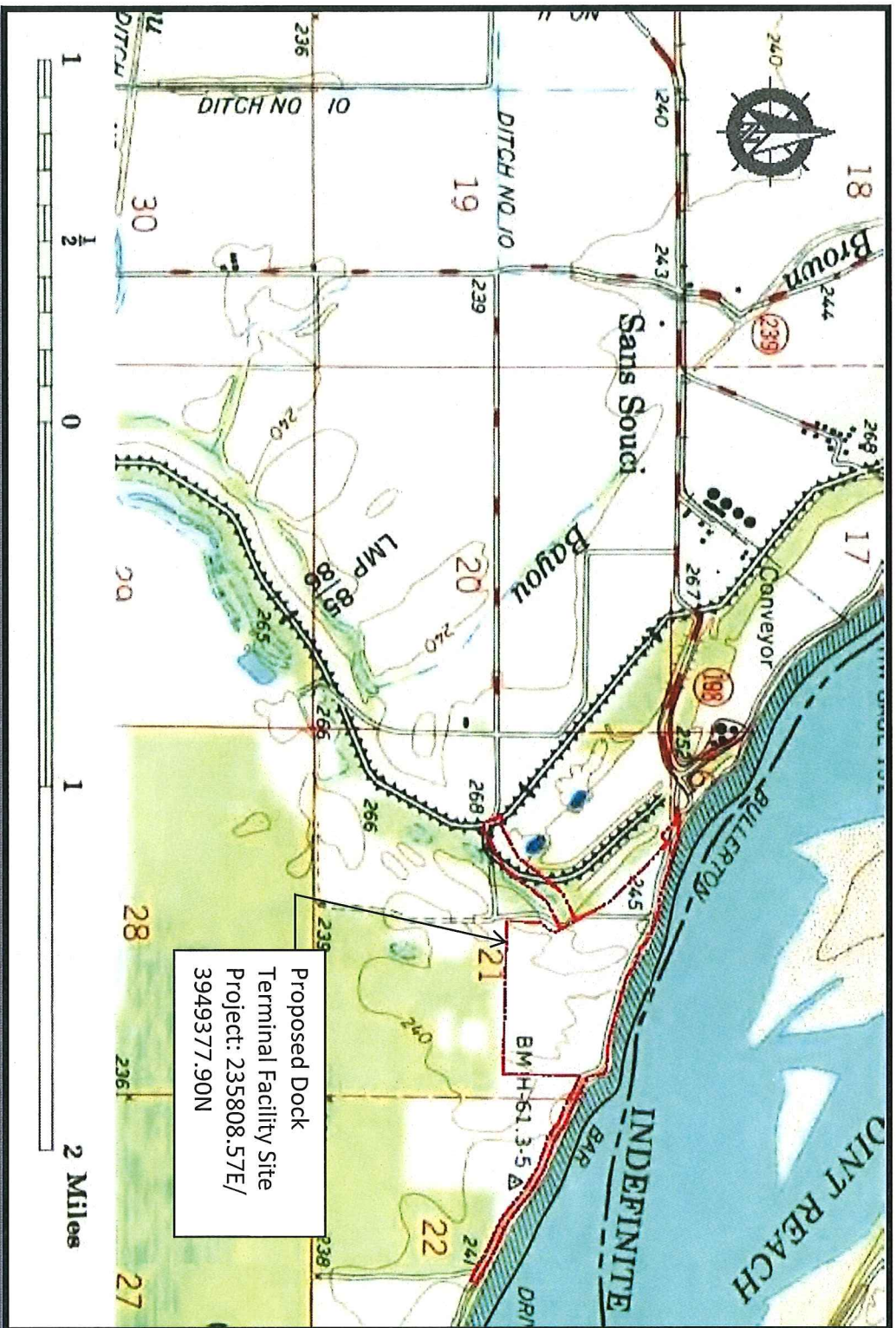
For Final Individual Permits actions in the Memphis District, go to the following link:

<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.



Tim H. Flinn, P.E.
Acting Chief
Regulatory Branch

Figure 1 – Topographic Map



Scale: As Shown
Source: U.S.G.S. Quadrangle Map, Osceola, Ark. – Tenn., Edition of 1977



ATTACHMENT 1



<div>1111 Grand Rd. Ste. 200 Little Rock, AR 72207 Phone: (501) 586-0123 www.harborinc.com</div> <div></div>			<div>MID-RIVER TERMINAL, LLC</div> <div>Osceola Dock Terminal Facility</div> <div>Wetland Mitigation Plan</div> <div>Mississippi County, Arkansas</div>			<table><thead><tr><th>NO.</th><th>DATE</th><th>REVISION 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