



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2014-135 (CGS)

NOTICE DATE:
August 4, 2014

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until \Rightarrow September 3, 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:

Kurt Hasty
Consolidated Grain & Barge Company
20 Missouri Avenue
Mound City, Illinois 62963
Office Phone: (618)748-9272

Agent:

Jeff Bunch
Atwell, LLC
1145 N. Andover Road, Suite 107
Andover, Kansas 67002
Office Phone: (913) 957-1489

PURPOSE: According to the applicant, the purpose of this project is to construct a river barge facility for the loading and unloading of commodities. As part of the proposed facility, the installation of a dock and other in-river features within the Mississippi River are required. Additionally, as part of the project there will be the construction of an access road to the proposed facility.

LOCATION: The project site is located south of the City of Osceola, Mississippi County, Arkansas. The project area is located north of State Highway 198 just east of the mainline levee at latitude 35.6563° N and longitude - 89.9313° W. Additionally, structures and barge fleeting would be located in the Mississippi River on the right descending bank between River Miles (RM) 783 and RM 784 (Attachment 1: Vicinity Map, Monroe Township, Mississippi County, Arkansas).

DESCRIPTION OF WORK: The applicant proposes to construct a river barge facility that will provide alternative distribution to agricultural and other industries. The river barge facility will act as an agricultural distribution center and provide alternative access to a grain elevator. As part of the proposed river barge facility there would be impacts to approximately 0.05 acre of palustrine forested wetlands for the construction of an access road and discharges into the Mississippi River for the construction of the deck and other in-river features (Attachment 2: Master Site Plan and Attachment 3: River Structure Coordinates).

According to the applicant, discharges into the Mississippi River associated with the proposed project include placement of a sheet pile cell, barge access platform, two tripod dolphins, and three single-pile dolphins for the creation of the barge loading dock and associated barge spout tower that will support the barge spout, control room, barge winch system, and associated infrastructure. Discharges of limited materials into a wetland on the project site are necessary for creation of an access road to the proposed facility. Discharges of piles/dolphins into the Mississippi River are necessary for creation of the dock and associated facility.

AVOIDANCE/MINIMIZATION: According to the applicant, the project has been designed to avoid and minimize wetland impacts, as the project will result in impacts to only 0.05 acre of the 1.61 acres located in the original project area.

MITIGATION: No compensatory mitigation was proposed for permanent impacts to 0.05 acre of wetlands.

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: The interior least tern (*Sterna antillarum athalassos*) and pallid sturgeon (*Scaphirhynchus albus*) are known to utilize the Mississippi River. Our initial determination is that the proposed project is not likely to adversely affect these species. Additionally, based on initial discussions between the applicant and the USFWS, the applicant provided information that the project had a limited potential to impact the northern long-eared bat (*Myotis septentrionalis*). According to the applicant, limiting tree clearing to the period between 15 October and 15 April would alleviate concern for impacts to this species; our initial determination is that we concur with this assessment. This notice is being coordinated with the USFWS. 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 a Phase I Cultural Resources Survey report of the project area indicating that there were no archeological deposits or historic features identified. The Memphis District will coordinate the review of this survey with the State Historic Preservation Office (SHPO) and will evaluate information provided by the SHPO, 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: Carrie Schott
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: carrie.g.schott@usace.army.mil
phone: (901) 544-0733
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 Allan
Acting Chief
Regulatory Branch

Attachments