



US Army Corps  
of Engineers  
Memphis District

# Public Notice

FILE NUMBER: MVM-2014-182

NOTICE DATE:  
**December 22, 2018**

Attn: Postmaster,  
Please Post Until  EXPIRATION DATE:  
**January 5, 2019**

## Public Notice U.S. Army Corps of Engineers

**AUTHORITY:** Pursuant to 33 CFR 325.7, as published in the Federal Register dated November 13, 1986, this notice announces a modification request to a previously authorized Department of the Army permit under 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 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:**

Billy Ussery  
Griffin River Terminal, Inc.  
1305 Highway 20  
Helena, Arkansas 72342  
Office Phone: (870) 338-0270

**PURPOSE:** The purpose of the requested modification is to bring the Griffin River Terminal facility back to operation following recent damage that occurred to the existing mooring piles.

**LOCATION:** The project site is located south of the City of Helena, Arkansas, on the right descending bank of the Mississippi River at river mile 660.2 and Lat/Lon, 34.474656° N/-90.593855° W, in Phillips County, Arkansas (Attachment 1).

**DESCRIPTION OF WORK:** The applicant proposes to temporarily install two 6-foot diameter steel mooring piles 70 feet west of the existing mooring line. Two barges, 35 feet in width and 195 feet in length, would then be affixed to re-establish the mooring line. It is anticipated that the pilings would be removed by a crane. Due to current water conditions, permanent repair of the existing mooring line is not feasible. The applicant anticipates permanently repairing the existing mooring line during low water conditions. The locations of the mooring piles are: Lat/Lon: 34.476382° N/-90.594590° W, north mooring pile, and 34.475982° N/-90.594475° W, south mooring pile, as shown on Attachment 2.

Corps of Engineers is reviewing the project subject to regulation under Section 404 of the Clean Water Act (placement of sand into the mooring piles) to determine whether this activity meets the terms and conditions of Nationwide Permit 25 (*Structural Discharges*) and under Section 14 of the Rivers and Harbors Act to determine that the activity would not be injurious to the public interest and would not impair the usefulness of the Mississippi River and Tributaries system, the federally authorized civil works project proposed for alteration.

**ENDANGERED SPECIES:** This notice is being coordinated with the United States Fish and Wildlife Service (USFWS). The interior least tern (*Sterna antillarum athalassos*), fat pocketbook mussel (*Potamilus capax*) and pallid sturgeon (*Scaphirhynchus albus*) are known to utilize the Mississippi River. The Corps of Engineers assessment as part of the previously authorized permit determined this area to be inconsistent with habitats used by the three federally listed species that could potentially inhabit this area. Any comments USFWS, or other interested parties, may have regarding these or other endangered or threatened species or their critical habitat, will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** The District Archaeologist has reached a preliminary determination of “no historic properties affected” for this project. However, the Memphis District will evaluate information provided by the State Historic Preservation Officer in response to this notification and we may conduct, or require a survey of the project area.

**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.

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 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, Section 10, and Section 14 permits required by our office.

**COMMENTS:** To request additional information or provide comments on this notice, please contact Mr. James M. Elcan using the information below:

U.S. Corps Army of Engineers – Memphis District  
ATTN: James Elcan  
167 N. Main Street, Room B-202  
Memphis, Tennessee 38103-1894



E-mail: [james.m.elcan@usace.army.mil](mailto:james.m.elcan@usace.army.mil)

Phone: (901) 544-0737

Fax: (901) 544-0211

Comments may be sent via mail or email. 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](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 Williams  
Chief  
Regulatory Branch

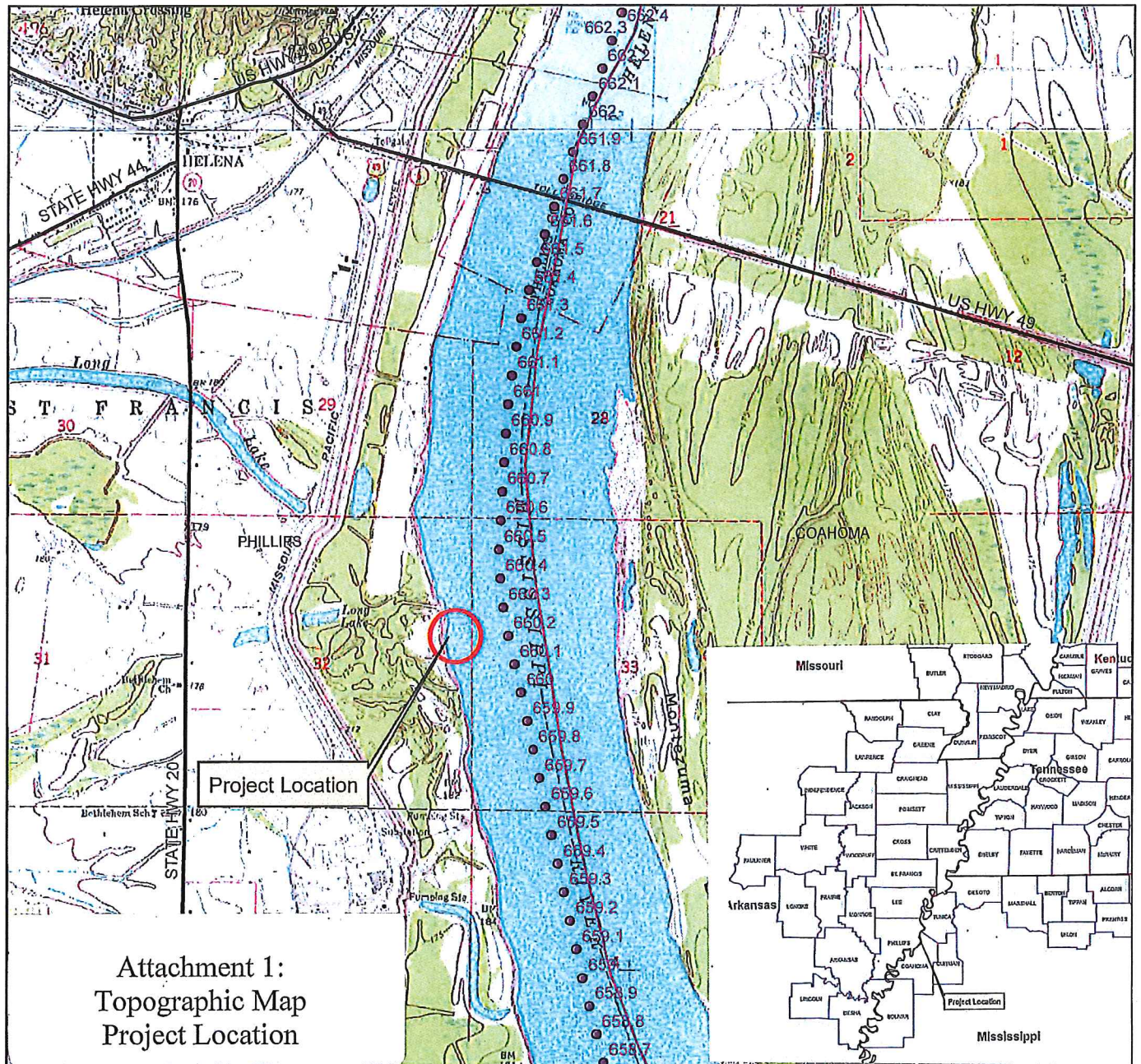
Attachments

# MVM-2014-182, Griffin River Terminal

Location Map  
Topo, Moon Lake, MS, AR Quad  
Zone 15  
S-32, T-2S, R-5E  
Lat/Lon:  
34.474656° N/-90.593855° W

## Legend

- Counties
- MS Rivermile\_Tenths
- dist\_major\_roads



Attachment 1:  
Topographic Map  
Project Location



**GRIFFIN RIVER TERMINAL  
PROPOSED EMERGENCY MOORING PILE LOCATION  
PHILLIPS COUNTY, ARKANSAS**

