

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2015-140 (RC)

NOTICE DATE:
May 7, 2015

Attn: Postmaster,
Please Post Until



EXPIRATION DATE:
June 5, 2015

Public Notice U.S. Army Corps of Engineers

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.

APPLICANT:

Mr. Larry Klein
Cairo Public Works
1100 Commerce Avenue 62914
(618) 734-3200

AGENT:

Ms. Carianne Rochford
Environmental Management, Inc.
1154 N. Bradfordton Road
Springfield, Illinois 62711
(217)726-9468

PURPOSE: The project purpose is to boost the economic and population of Cairo, Illinois by developing a new river port to rebuild the tax base, promote Southern Illinois coal and to create jobs. The new port has the potential to increase Southern Illinois coal production for shipment to China or other areas of the world.

LOCATION: The project is located in Alexander County, Illinois. The approximate 142-acre subject area is located west of the City of Cairo at approximate coordinates Latitude 36.002986° / Longitude -89.187922,° as shown on the Cairo and Wyatt 7.5 minute USGS quadrangle map (Attachment 1).

DESCRIPTION OF WORK: The project will involve the development of a new river port. The 142 acre tract has approximately 32 acres of forested wetlands present, which will be cleared and filled/leveled during the development of the industrial park. The area will be utilized for coal, grain and aggregate storage for shipment down the Mississippi River. Dredged material of unknown quantities, at this time, will be discharged into the wetlands to bring the site up to grade.

AVOIDANCE/MINIMIZATION: The original site encompassed approximately 225 acres and was reduced to the current area of 142 acres in order to avoid higher quality wetlands to the north. The applicant investigated additional properties north of Cairo on the Ohio River side, but the present property owner had no interest in selling or leasing the property. The City of Cairo owns the proposed subject property and the applicant minimized impacts by reducing the subject property to approximately 142 acres.

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification or waiver thereof from the Illinois Environmental Protection Agency (IEPA) for the proposed activity in accordance with Section 401 of the Clean Water Act 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 accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an anti-degradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the anti-degradation assessment for this proposed project may be found on the IEPA's website, at www.epa.state.il.us/public-notices/. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Public Notice, a separate public notice and "Fact Sheet" will be

published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below. This certification or evidence of this water quality certification or waiver of the rights to certify must be submitted prior to the issuance of a Corps of Engineers permit. A determination concerning deposition of material will not be made, nor will deposition commence, until water quality certification or waiver of the right to certify is obtained. 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.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Watershed Management Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of all written comments should also be provided to the Corps of Engineers. If you have any questions please contact the IEPA at (217) 782-3362.

The Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR) is a participant in the application process and requires that IDNR/OWR permits be obtained for construction within floodways; construction and other activities within public bodies of water; and construction, operation and maintenance of dams pursuant to the State of Illinois Rivers, Lakes, and Streams Act (615 ILCS 5). Inquiries concerning IDNR/OWR jurisdiction and/or review of the activity should be directed to the Office of Water Resources at dnr.dwrn@illinois.gov or 217/782-3863. Information on the IDNR/OWR regulatory and other programs can be found at <http://dnr.state.il.us/owr>.

ENDANGERED SPECIES: The proposed project is within the range of the Federal endangered Indiana bat (*Myotis sodalist*), Gray bat (*Myotis grisescens*), Least Tern (*Sterna antillarum*), sheepsnose mussel (*Plethobasus cyphus*), and Pallid sturgeon (*Scaphirhynchus albus*), and the threatened Northern long-eared Bat (*Myotis septentrionalis*), and rabbitsfoot mussel (*Quadrula cyndrica cylindrica*). This application is being coordinated with the U.S. Fish and Wildlife Service. We are unaware if any of these species are known to exist in the project area. Any comments they may have regarding endangered or threatened wildlife, plants, or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: 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 apprise 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 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: To request additional information or provide comments on this notice, please contact Mr. Randy Clark using the information below:

U.S. Army Engineer District - Memphis
Regulatory Division
ATTN: Randy Clark
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894

E-mail: james.r.clark@usace.army.mil
Phone: (901) 544-0735
Fax: (901) 544-0211

Comments may be sent via mail or E-mail. 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 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

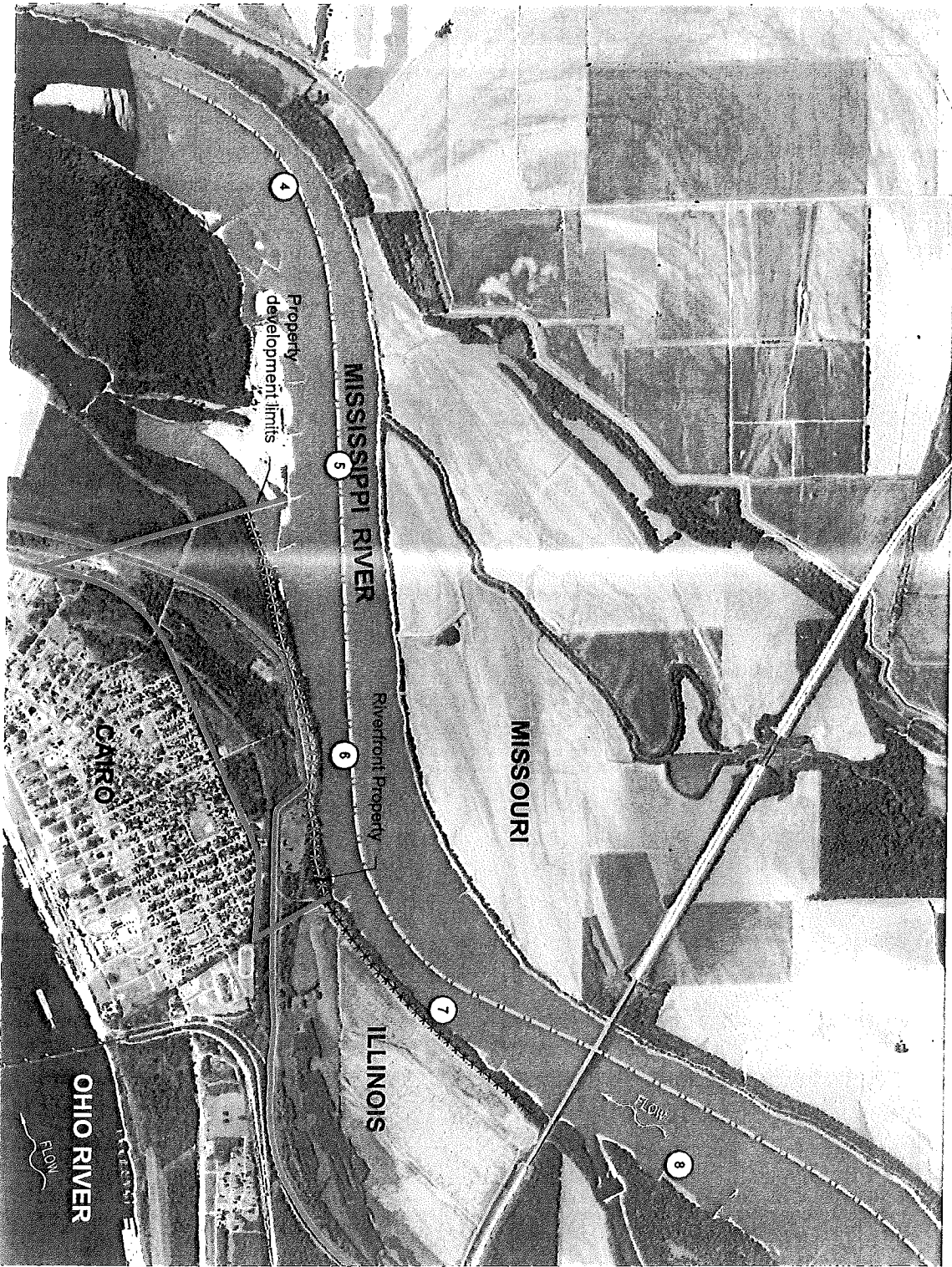
and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Branch office for examination.

A handwritten signature in black ink, appearing to read "Gregg Williams". The signature is fluid and cursive, with the first name "Gregg" written in a larger, more prominent script than the last name "Williams".

Gregg Williams
Chief
Regulatory Branch

Attachments

T:\working\13088 - Cairo Public Utility Port Location Study\Drawings\Exhibit B PROPERTY LIMITS.dwg
11/21/2013 4:21 PM



RIVER PLAN

SCALE: 1" = 2000'

1000' 500' 0' 1000' 2000' 3000'

SCALE IN FEET

LEGEND:

Navigation Sailing Line

3 River Mile

***** Cairo Riverfront Property

***** Private Property

Levee

Property Development Limits

Source of Photo: USDA-FSA Aerial
Photography Field Office
Date of Photo: July 27, 2012
Birds Point, Gauge 27.98

CDC PROJECT NO.	
DRAWING NO.	13088
DATE	11/27/2013
DESIGNED BY	ISRAEL WILSON
CHECKED BY	ISRAEL WILSON
APPROVED BY	

CAIRO PUBLIC UTILITY COMPANY
CAIRO PORT LOCATION STUDY
EXHIBIT B
PROPERTY LIMITS



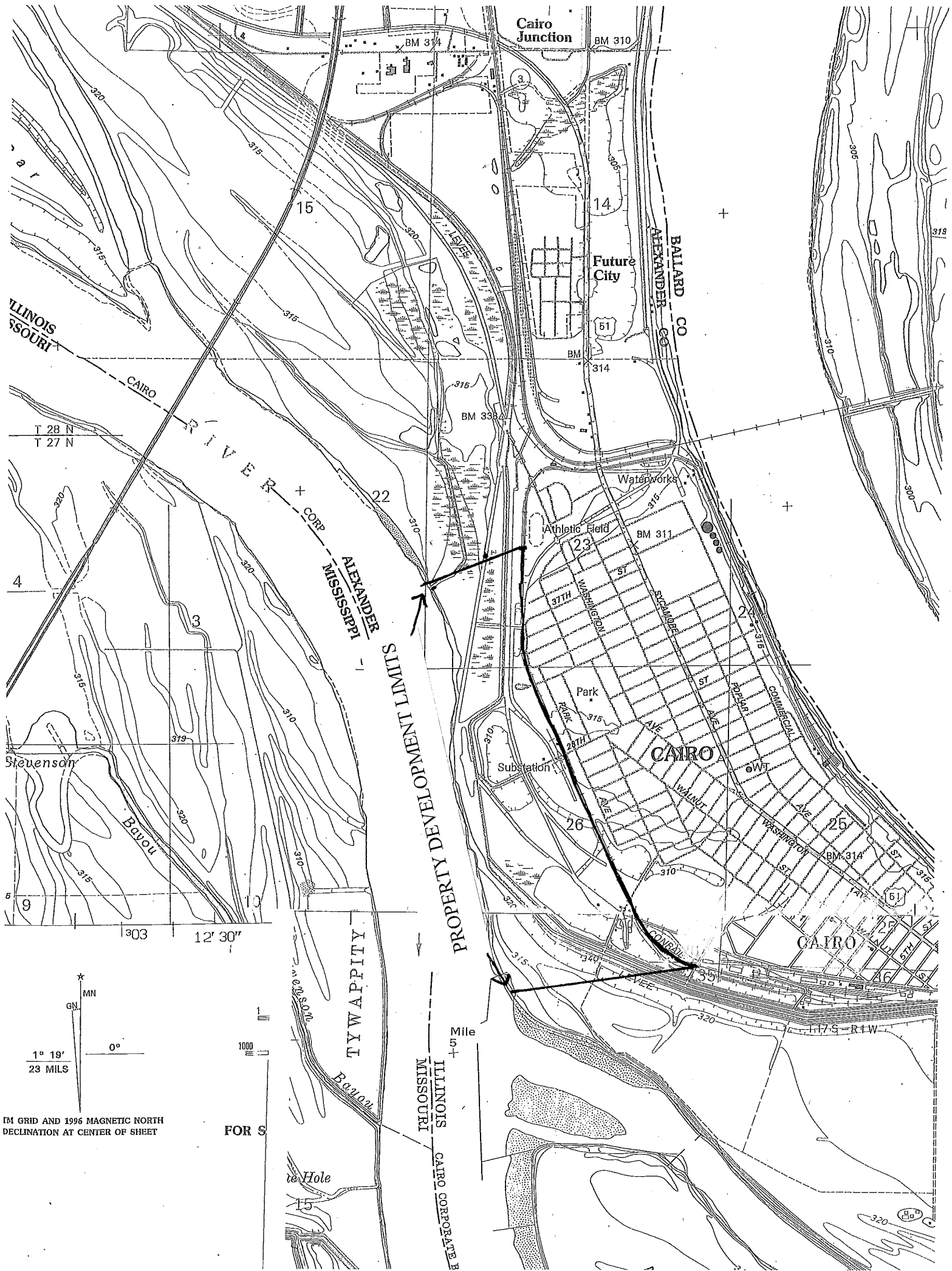
CAIRO PUBLIC UTILITY COMPANY



CDG
ENGINEERS

One Campbell Plaza
St. Louis, Missouri 63103

T. 314.782.7770
F. 314.782.0078



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