



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2014-218 (JME)

NOTICE DATE:
August 25, 2014

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until **September 24, 2014**

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 and Section 10 of The Rivers and Harbors Act.

APPLICANT:

Mr. Kurt Hasty
Consolidated Grain & Barge Company
201 Missouri Avenue
Mound City, Illinois 62963
(681) 748-9272

AGENT:

Mr. Jeffrey T. Bunch
Atwell, LLC
1145 N. Andover Road, Suite 107
Andover, Kansas 67002
(913) 957-1489

PURPOSE: The purpose of the project is to construct a river barge facility for the loading and unloading of commodities. The facility would include grain storage and river barge fleeting capacity.

LOCATION: The project site is located at Mhoon Landing along the left-descending bank of the Mississippi River at River Mile 699 in Tunica County, Mississippi. The project site is an approximate 278-acre parcel of property just north of the mainline levee area at latitude 34.74275°N and longitude -90.44026°W, as shown on the USGS Tunica, Mississippi, 7.5 minute quadrangle map (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to construct a river barge facility consisting of a river barge dock and associated infrastructure (e.g. sheet pile cell, barge access platform, and monopole and tripod dolphins), a grain elevator and associated infrastructure (e.g. access road, office, storage tanks, etc.) and dead men for barge fleeting. To support the barge fleeting area, 13 dead men would be installed at various points along the Mississippi River. Twelve of these dead men would result in permanent impacts to 12 sqft of wetlands. Temporary impacts to 3.4 acres of wetlands are proposed for construction access to the barge fleeting area.

Discharges into the Mississippi River associated with the proposed project include placement of a central sheet pile river cell, barge access platform, eight monopole dolphins and two tripod dolphins for the creation of a barge loading dock and associated barge spout tower that would support the barge spout, control room, barge winch system, and other associated infrastructure.

Site plans depicting the river barge facility are shown on Attachments 2 and 3. The location of the proposed barge fleeting areas is shown on Attachments 3 and 4.

It is our preliminary jurisdictional determination that wetlands present on the site are jurisdictional waters of the U.S. The applicant's proposed work will result in a discharge of fill material into waters of the U.S. requiring authorization from the U.S. Army Corps of Engineers.

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Mississippi Department of Environmental Quality, Office of Pollution Control, 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 this water quality certification or

waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. Commentors are requested to also furnish a copy of their comments to the Mississippi Department of Environmental Quality, Office of Pollution Control, P.O. Box 2261, Jackson, Mississippi, 39225. The Department will consider all relative comments in the decision to grant or deny water quality certification for the proposed activity. 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.

AVOIDANCE/MINIMIZATION: According to the applicant, the project has been designed to avoid and minimize wetland impacts, as permanent impacts to only 12 sqft of the 123.7 acres of wetland located on the project site are proposed. Much of the project site includes areas previously developed by casinos which have been closed and abandoned. The associated infrastructures (i.e. parking areas, boat slips) are proposed to be utilized where possible. Following the dead men installation, temporary impacts to 3.4 acres of wetlands will be minimized with the return of pre-existing contours, native seeding and allowing the disturbed areas to naturally revegetate.

MITIGATION: No compensatory mitigation was proposed for permanent impacts to 12 sqft of wetland.

ENDANGERED SPECIES: The interior least tern (*Sterna antillarum athalassos*) and pallid sturgeon (*Scaphirhynchus albus*) are known to utilize the Mississippi River. The applicant has coordinated this application with the U.S. Fish and Wildlife Service (USFWS). The applicant states that listed species and/or other species of concern including fat pocketbook (*Potamilus copax*) and pondberry (*Lindera melissifolia*) are not present within the project site. Any comments USFWS may have regarding 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 archaeological deposits or historic features identified. The Memphis District will coordinate the review of this survey with the State Historic Preservation Officer (SHPO) and will evaluate information provided by SHPO, Federally recognized tribes, and the public in response to the 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 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 OR REQUEST FOR ADDITIONAL INFORMATION: Send comments to the Corps of Engineers, Memphis District and Mississippi Department of Environmental Quality. Comments may be sent via mail or E-mail to the following:

U.S. Army Engineer District – Memphis
ATTN: Mitch Elcan
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: james.m.elcan@usace.army.mil
phone: (901) 544-0737
fax: (901) 544-0211

Florance Watson
Water Quality Certification Branch
Environmental Permits Division
Mississippi Department of Environmental Quality
Post Office Box 2261
Jackson, Mississippi 39225
E-mail: florance_watson@deq.state.ms.us

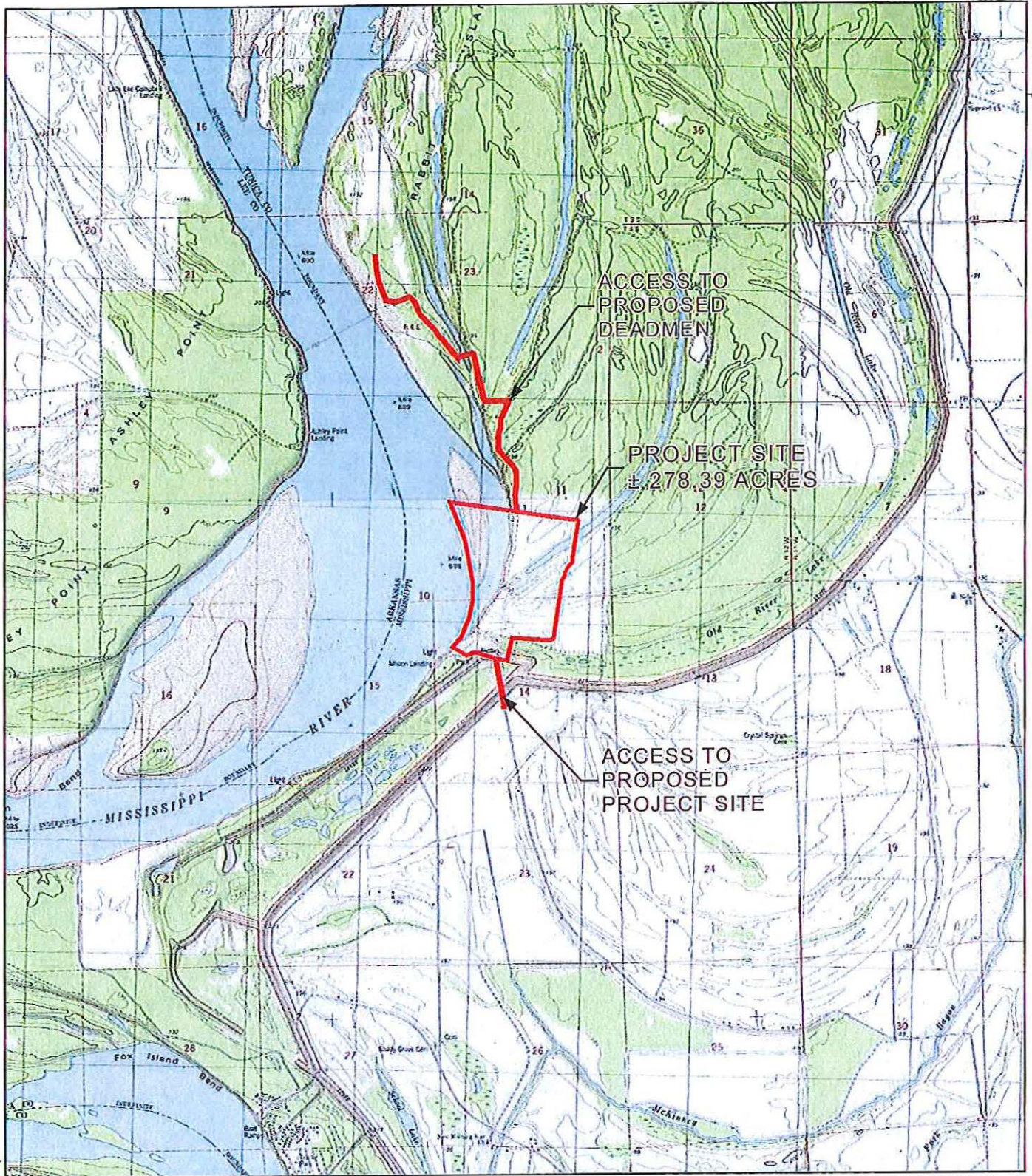
The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.

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.



Gregg Williams
Chief, Regulatory Branch

Attachments



 PROJECT SITE (±278.39 ACRES)

**SITE LOCATION MAP
TUNICA SITE
TOWN OF TUNICA
TUNICA COUNTY, MISSISSIPPI**

USGS TOPOGRAPHIC QUAD
TUNICA, MS QUAD 1981
COUNCIL, MS QUAD 1981 REVISED 1991

0 2,000 4,000
Feet
1" = 4,000 FEET

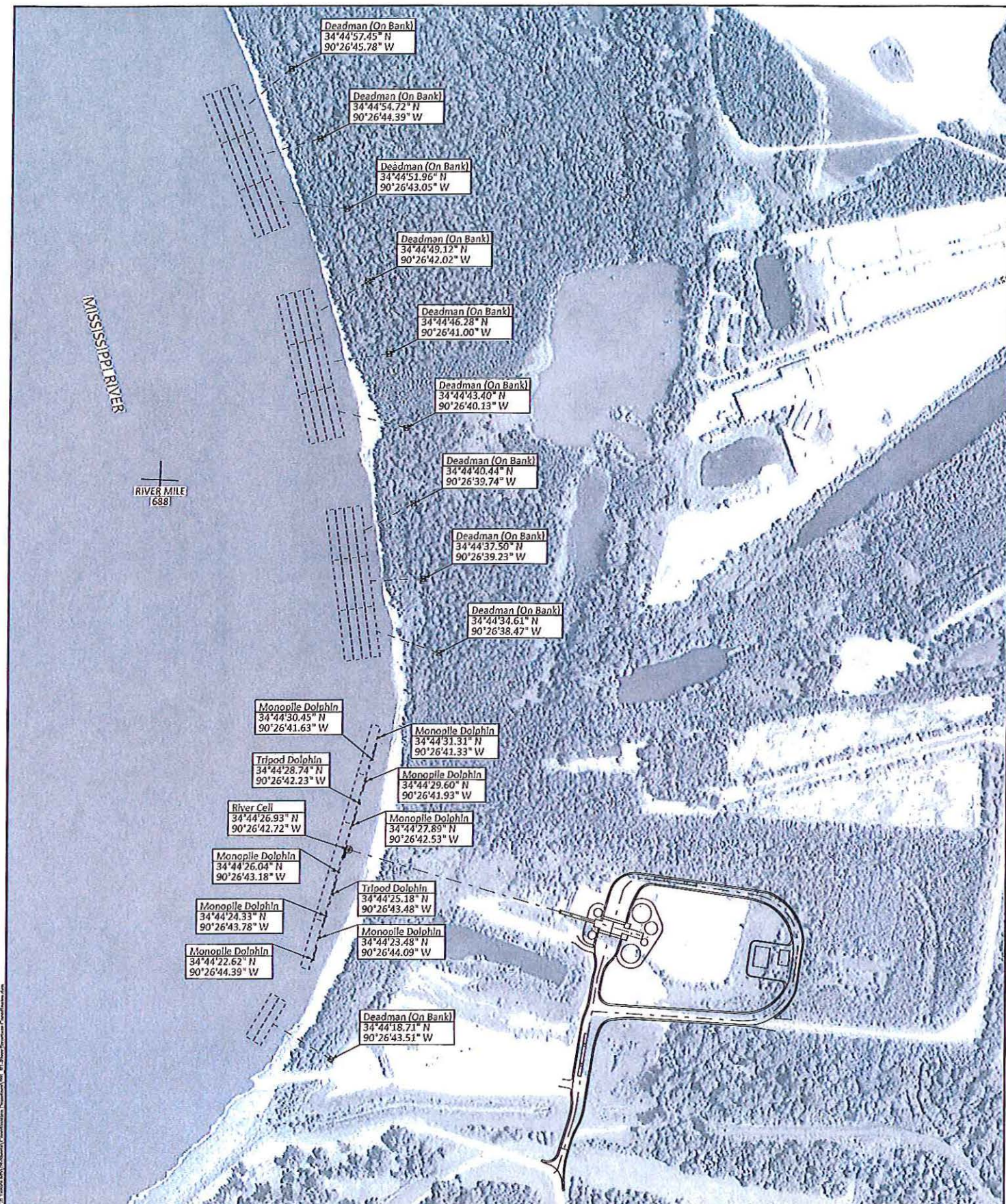


**BUSINESS
CONFIDENTIAL
NOT FOR
DISTRIBUTION**

PROJECT NO.: 14000383
DATE: 8/19/2014
DR: LWP
GIS FILE: TUNICA_SITE



ATWELL
866.850.4200 | www.atwell-group.com



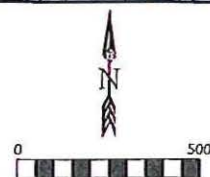
RIVER STRUCTURE COORDINATES

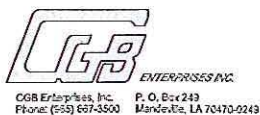
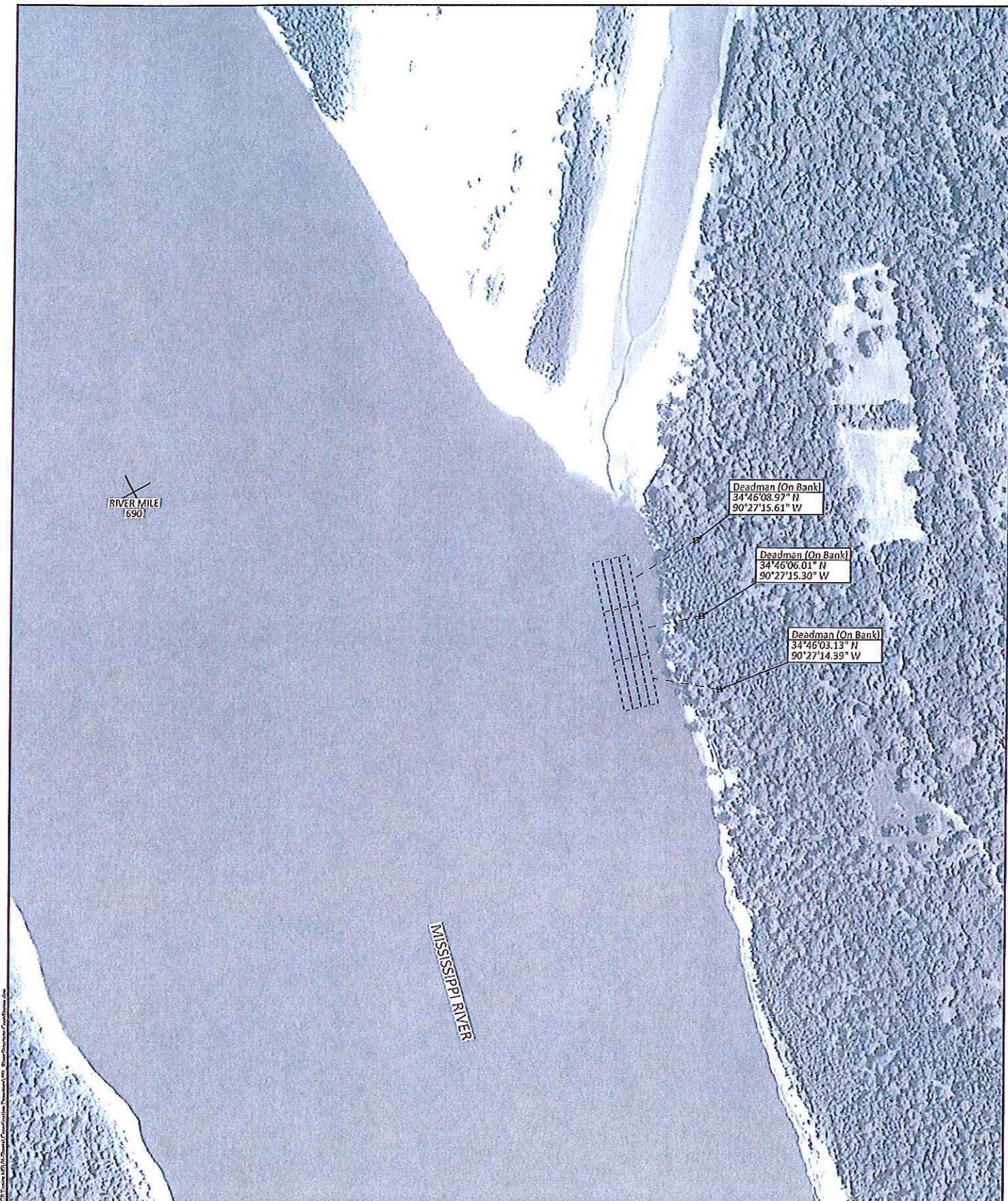
TUNICA, MISSISSIPPI

Project No.
991

Date
August 19, 2014

Sheet No.
1 of 2





BARGE LOADING FACILITY

RIVER STRUCTURE COORDINATES

TUNICA, MISSISSIPPI

Project No. 991

Date
August 19, 2014

Sheet No. 2 of 2

