



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2019-089 (RC)

NOTICE DATE:
August 14, 2019

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
September 13, 2019

JOINT PUBLIC NOTICE: This After-the-Fact (ATF) public notice is issued jointly with the Missouri Department of Natural Resources (MDNR). The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification.

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:

Timmie Lynn Hunter
New Madrid County Port Authority
435 Main Street
New Madrid, MO 63801

PURPOSE: According to the applicant, the project purpose is to continue improvements on the property to bring industry to the New Madrid County Port. In addition, the proposed project will ensure structural integrity of the levee toe by filling in the adjacent borrow pit area and removing any water against the levee toe. The ultimate goal is to build a slack water harbor for the New Madrid County Port. However, this site will be still be utilized by the existing New Madrid County Port in the absence of any future port construction.

LOCATION: The project site is located adjacent to the mainline Mississippi River Levee south of the City of New Madrid in New Madrid County, Missouri, as shown on the attached map (Attachment 1). The approximate latitude and longitude for the project are 36.5361°N and -89.5736°W.

DESCRIPTION OF WORK: The project will involve filling approximately 6.0 acres of forested and scrub-shrub wetlands that have been mechanically cleared and partially filled as part of the proposed grading and development of approximately 66 acres of property. The subject wetlands are located within areas previously used for borrow material; approximate locations of the wetlands are shown on Attachment 2. These partially impacted wetlands will be permanently filled as part of the proposed project. Approximately 100,000 yards of fill will be supplied from the onsite land grading to fill the wetlands and associated borrow areas. Upon completion of the project, the site will be land graded from the toe of the levee to the top bank of the Mississippi River.

AVOIDANCE, MINIMIZATION, & COMPENSATION: The applicant proposes to mitigate at a minimum of a 2:1 ratio to offset wetland impacts.

ENDANGERED SPECIES: This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they have submitted regarding endangered or threatened wildlife or plants or their critical habitat will be considered in our evaluation of the described work.

CULTURAL RESOURCES: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties.

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.

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 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 permits required by our office.

COMMENTS: Send comments to the Corps of Engineers, Memphis District and Missouri Department of Natural Resources. Comments may be sent via mail or email to the following:

U.S. Army Corps of Engineer-Memphis District
Regulatory Branch
ATTN: Randy Clark
167 N. Main Street, B-202
Memphis, Tennessee 38103-1894
e-mail: James.R.Clark@usace.army.mil
phone: (901) 544-0735
fax: (901) 544-0211

Missouri Department of Natural Resources
Water Protection Program
ATTN: Mike Irwin
P.O. Box 176
Jefferson City, MO 65102-0176
e-mail: Mike.Irwin@DNR.MO.GOV
phone: (573) 522-1131

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>. 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 W. Williams
Chief
Regulatory Branch

Attachments



32 NEW MADRID, MO.-KY.
SE/4 NEW MADRID 15' QUADRANGLE

