



US Army Corps  
of Engineers  
Memphis District

# Public Notice

FILE NUMBER: MVM 2015-304 (JME)

NOTICE DATE:  
November 6, 2015

Attn: Postmaster,  
Please Post Until  EXPIRATION DATE:  
December 6, 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 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

**APPLICANT:**

Mr. Oliver Coleman  
Helm Fertilizer Terminal, Inc.  
1421 Channel  
Memphis, Tennessee 38113  
(901) 652-0663

**PURPOSE:** The applicant proposes to increase capacity to offload dry fertilizer during peak seasons at their existing facility by constructing a new dry fertilizer dock and associated conveyors.

**LOCATION:** The project is located on the north/right-descending bank of McKellar Lake at coordinates N35.0990° / W-90.0976° in Memphis, Shelby County, Tennessee, as shown on the USGS Southwest Memphis, Tennessee-Arkansas, 1:24,000 Topographic Quadrangle (Attachment 1).

**DESCRIPTION OF WORK:** The applicant proposes to construct an excavator barge consisting of a work barge on the north/right-descending bank of McKellar Lake. A fixed conveyor and catwalk will be attached to provide access and facilitate the transfer of dry fertilizer to warehouses. The excavator barge would consist of the installation of three dolphins, each being six feet in diameter and constructed of one-half inch thick steel. The new dolphins would be installed approximately 35 feet southward of the existing excavator barge dolphins. A site plan of the proposed work barge to include approximate coordinates of the barge's eastern corners are shown on Attachment 2.

The discharge of fill material (regulated by Section 404 of the Clean Water Act) such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as dolphins, meets the requirements of Nationwide Permit 25 (Structural Discharges), pursuant to the Federal Register Volume 77, Number 34, dated February 21, 2012, upon issuance of Section 401 Water Quality Certification from the State of Tennessee.

The deposition of fill material into waters of the U.S., including streams and wetlands, and work below the OHWM of navigable waters of the U.S., requires authorization from the U.S. Army Corps of Engineers. At this time, it is our jurisdictional determination that McKellar Lake is considered a jurisdictional water. However, no wetlands are present on the project site.

**AVOIDANCE/MINIMIZATION:** According to the applicant, work within waters of the U.S. will include driving three dolphins into the McKellar Lake bed. Every reasonable effort will be taken to avoid or minimize environmental impact during the project. No wetlands will be affected by the project.

**MITIGATION:** Mitigation is not being proposed by the applicant as no impacts to wetlands will occur with the project. Additionally, no loss of shoreline or open water is expected with the installation of the proposed work barge and associated catwalk and conveyors.

**WATER QUALITY CERTIFICATION:** The applicant should request water quality certification from the Tennessee Department of Environment and Conservation, Division of Water 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. 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*), pallid sturgeon (*Scaphirhynchus albus*), Indiana bat (*Myotis sodalis*), and Northern long-eared bat (*Myotis septentrionalis*) are listed as endangered or proposed endangered by U.S. Fish and Wildlife (USFWS) in Shelby County, Tennessee. This application is being coordinated with USFWS. Any comments they 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 Memphis District will evaluate information provided by the State Historic Preservation Officer, Federally recognized Tribes and the public in response to this public notice 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.

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. James M. Elcan using the information below:

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

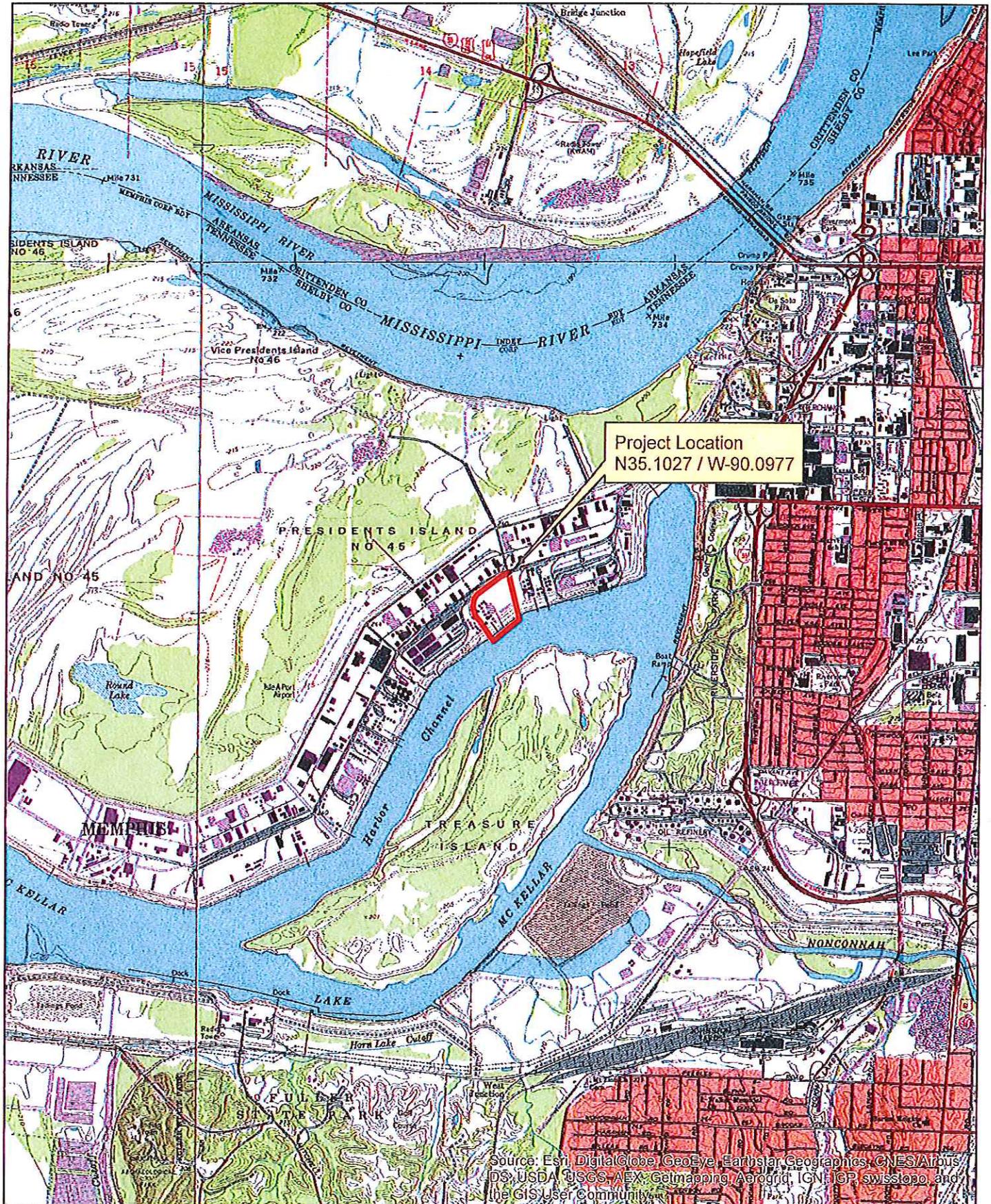
E-mail: [james.m.elcan@usace.army.mil](mailto:james.m.elcan@usace.army.mil)  
Phone: (901) 544-0737  
Fax: (901) 544-0211

Comments may be sent via mail or 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.

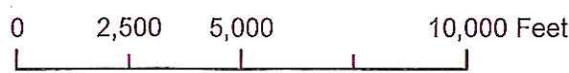
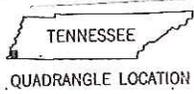
For Final Individual Permits actions in the Memphis District, go to the following link: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending 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.

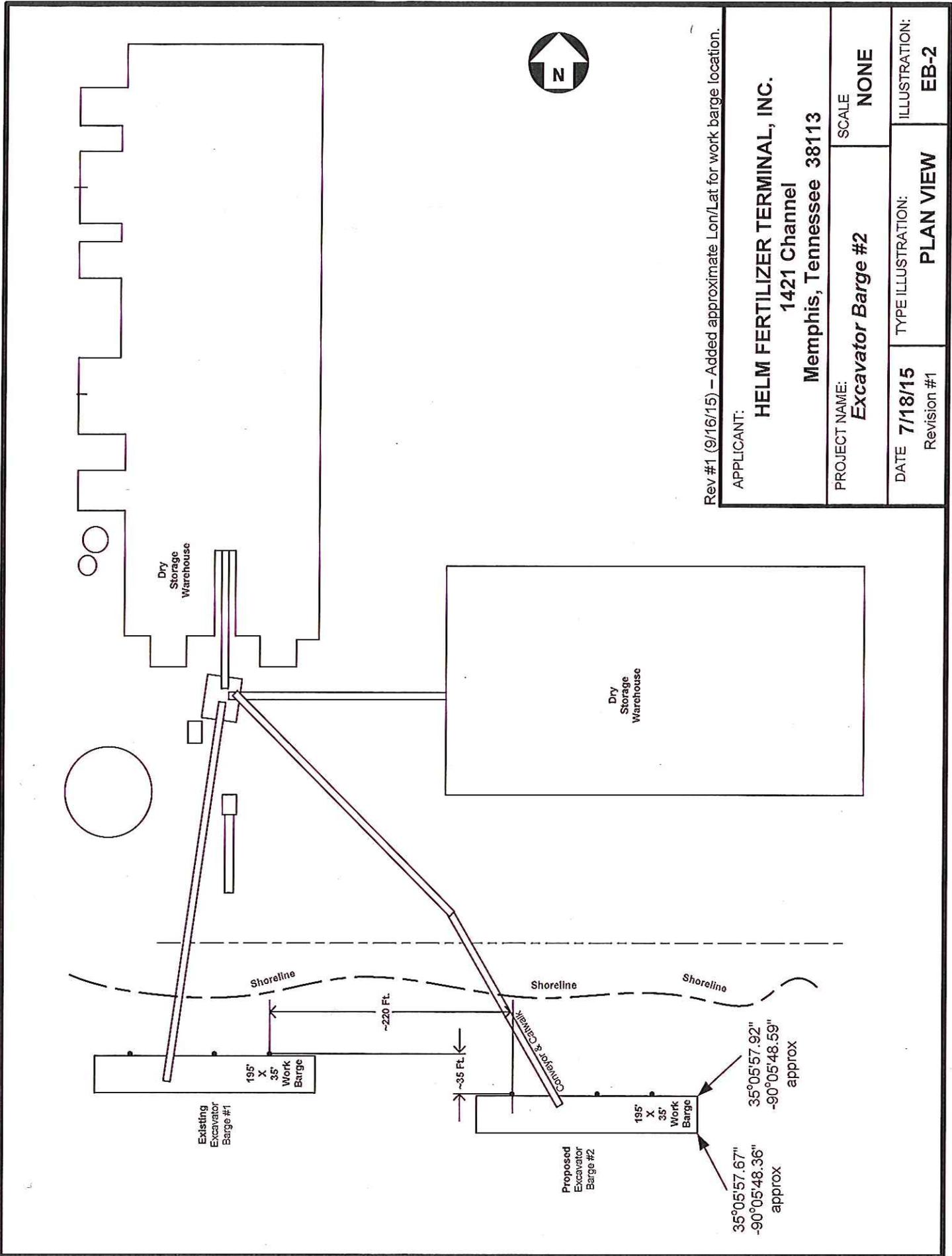
Gregg Williams  
Chief  
Regulatory Branch

Attachments



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community





Rev #1 (9/16/15) – Added approximate Lon/Lat for work barge location.

APPLICANT:

**HELM FERTILIZER TERMINAL, INC.**  
**1421 Channel**  
**Memphis, Tennessee 38113**

PROJECT NAME:

**Excavator Barge #2**

SCALE

**NONE**

DATE **7/18/15**

Revision #1

TYPE ILLUSTRATION:

**PLAN VIEW**

ILLUSTRATION:

**EB-2**