

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2019-270

NOTICE DATE:
October 4, 2019

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  **November 4, 2019**

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 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:

Mr. Joe Brown
Watco Transloading, LLC
315 West 3rd Street
Pittsburg, Kansas 66762
(901) 229-0977

AGENT:

Mr. Andrew Rike
Harbor, Inc.
5800 Evergreen Drive
Little Rock, Arkansas 72205
(501) 663-8800

PURPOSE: The purpose of this project is to provide a new dock along the banks of McKellar Lake for loading and unloading shipped materials.

LOCATION: The project site is located on the northeastern portion of President's Island on the western bank of McKellar Lake at approximate Latitude 35.102205°N and Longitude -90.086944°W in Shelby County, Tennessee, as shown on the Southwest Memphis 7.5 minute USGS Quadrangle Map (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to install a floating dock that will move away from, and towards, the center of the lake as lake levels rise, and fall, respectively (Attachment 2). The proposed dock will be anchored in place by way of a bollard, constructed of concrete, steel pipes, and steel plates (Attachment 3).

The Corps of Engineers is also reviewing the project under Section 14 of the Rivers and Harbors Act to ensure that the activity would not be injurious to the public interest and would not impair the usefulness of the Memphis Harbor/McKellar Lake project, part of the Mississippi River and Tributaries system, a federally authorized civil works project the applicant is proposing to alter.

AVOIDANCE/MINIMIZATION: According to the applicant, no vegetation or trees will be cleared for the bollard installation. The dock will be moored close to the river bank to minimize impact to river navigation. Best management practices will be implemented to minimize the potential for adverse water quality and natural resources impacts.

MITIGATION: No mitigation has been proposed for this project.

ENDANGERED SPECIES: This notice is being coordinated with the U.S. Fish and Wildlife Service (USFWS). A review of the USFWS, Environmental Conservation Online System species by county report indicates that three (3) endangered species and one (1) threatened species may occur in the project area. These include the interior least tern (*Sterna antillarum athalassos*), pallid sturgeon (*Scaphirhynchus albus*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*). Any comments the 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. Our preliminary determination is that there would be no endangered species or critical habitat affected by this proposal.

CULTURAL RESOURCES: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District is soliciting comments from federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties in order to identify and evaluate potential impacts of the proposed action on historic properties.

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 and Section 10 permits required by our office.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Send comments to the U.S. Army, Corps of Engineers, Memphis District. Comments may be sent via mail or email to the following:

U.S. Army Corps of Engineers – Memphis District
ATTN: Charles Keating
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: charles.d.keating@usace.army.mil
phone: (901) 544-0733
fax: (901) 544-0211

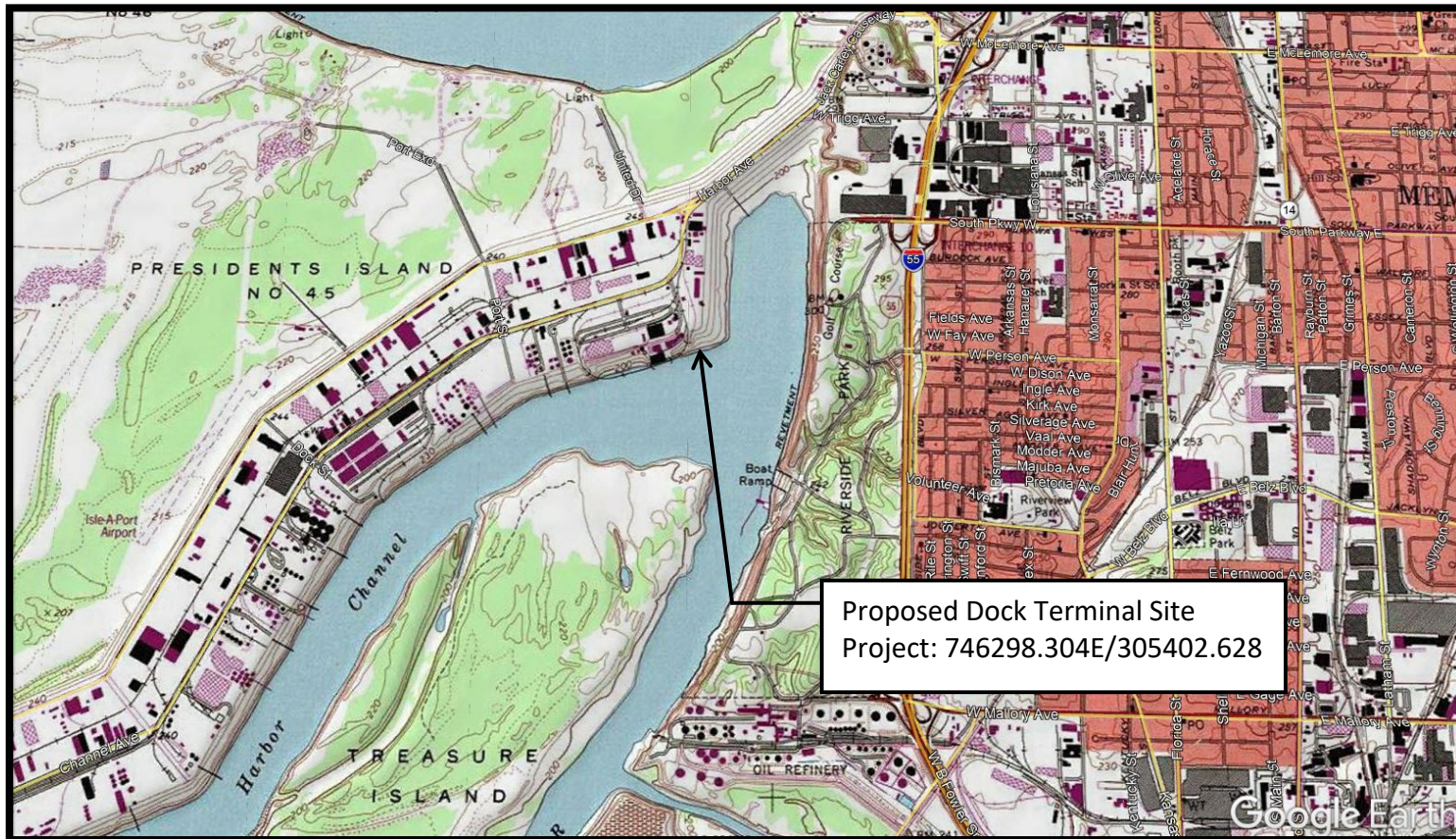
The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link:
http://corpsmapu.usace.army.mil/cm_apex/f?p=340:1:0::NO. 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

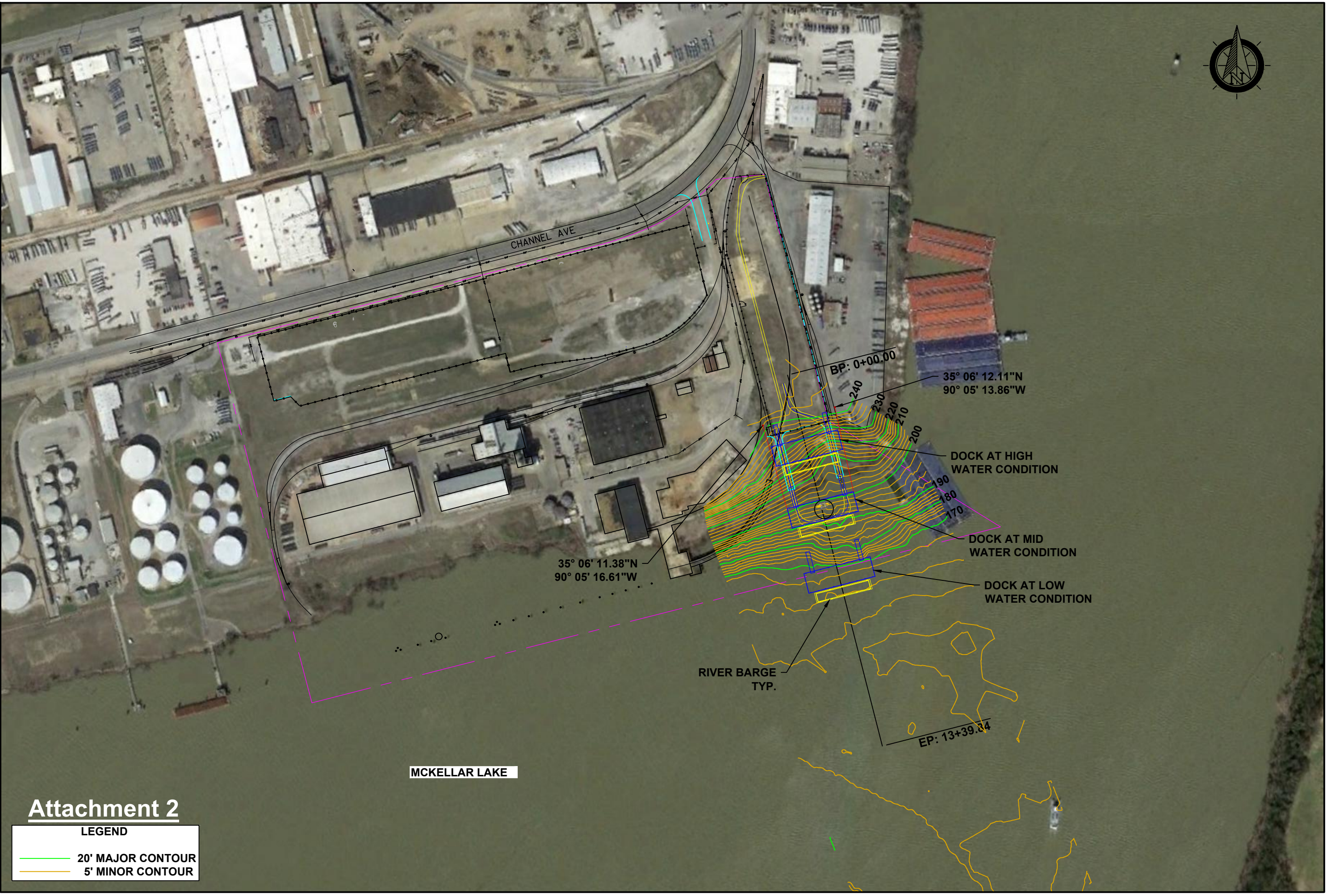
Figure 1 – Topographic Map



Scale: As Shown

Source: Earth Point Topo Map

Attachment 1



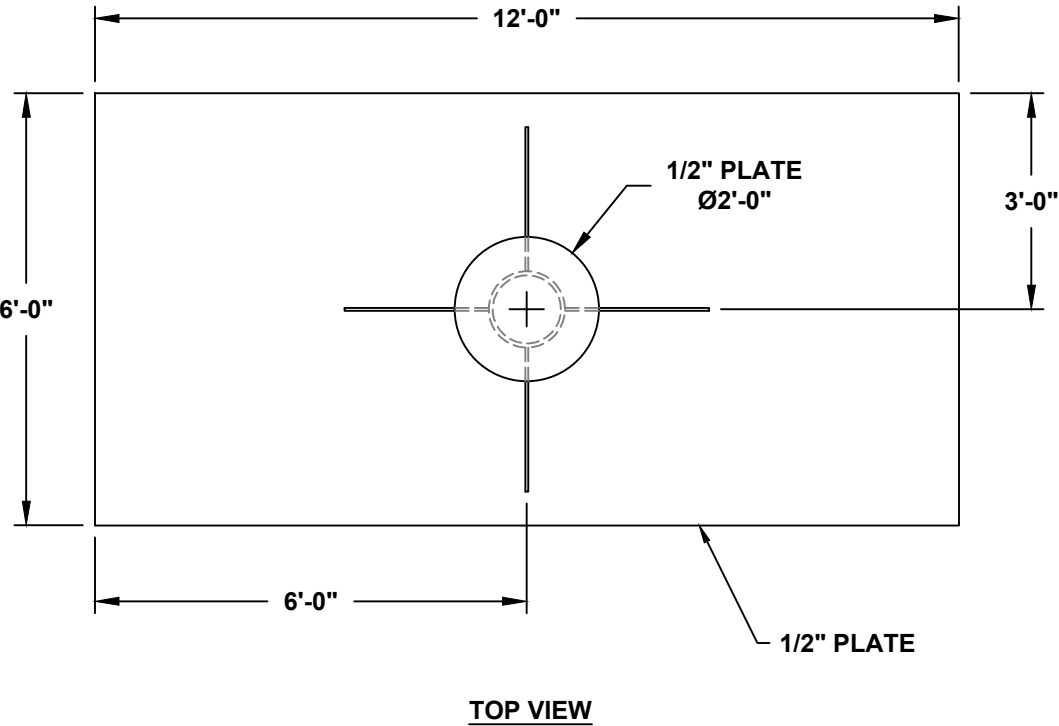
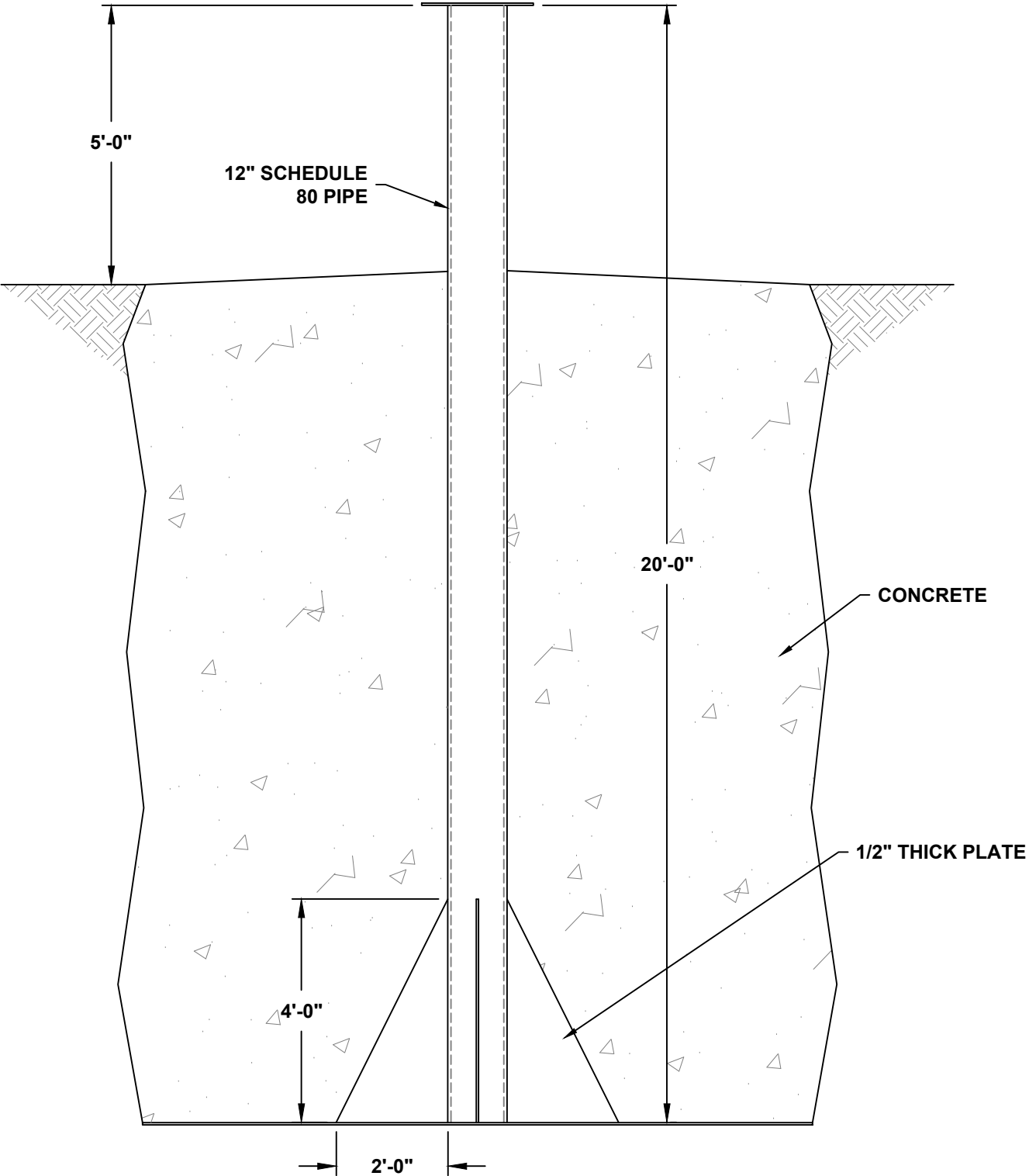
REVISION DESCRIPTION		DATE
NO	X	X
X		
X		
X		
Drawn By:		AES
Date:		8-28-19
Scale:		1"=300'
C1		

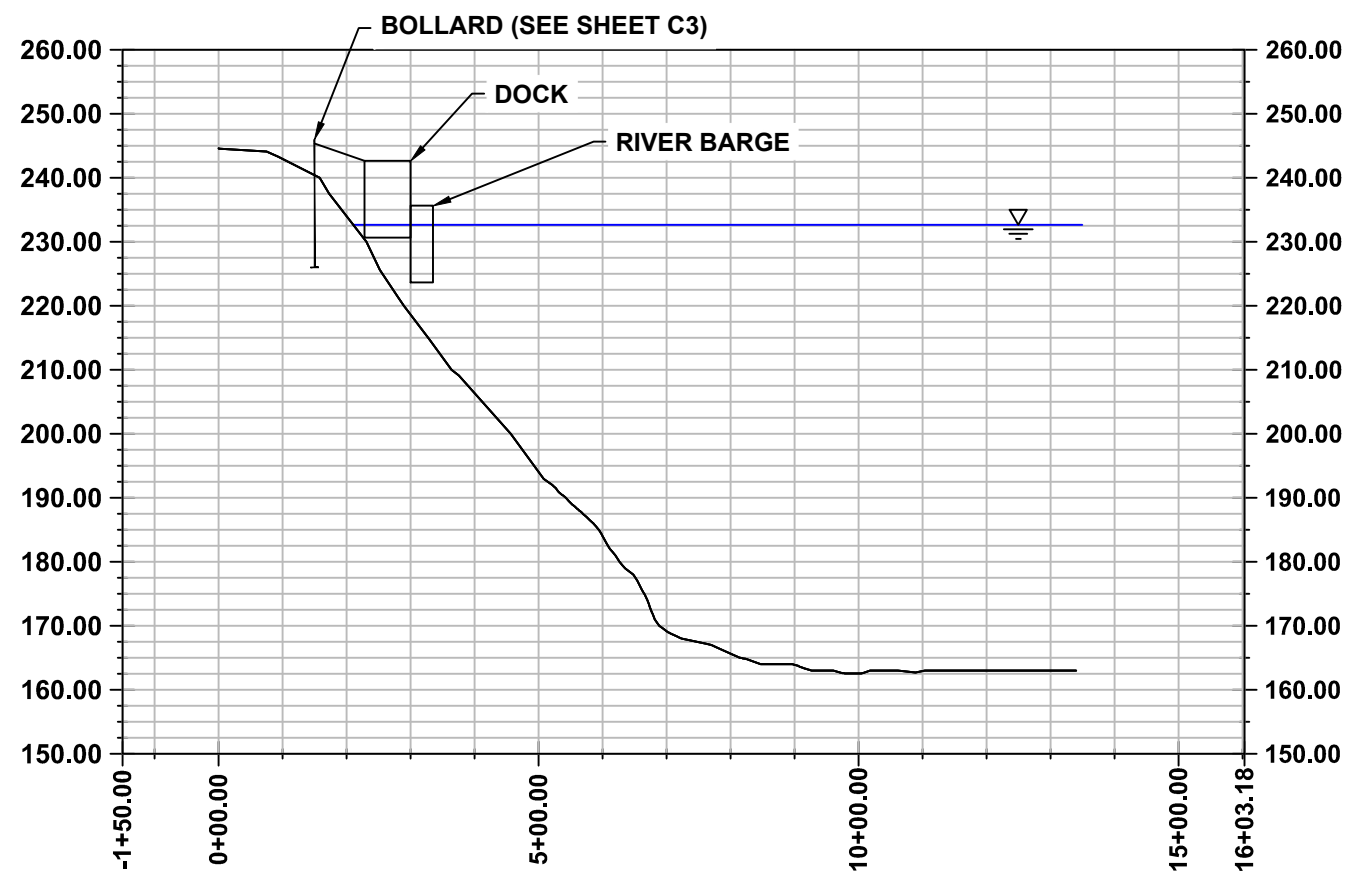
Attachment 2

LEGEND

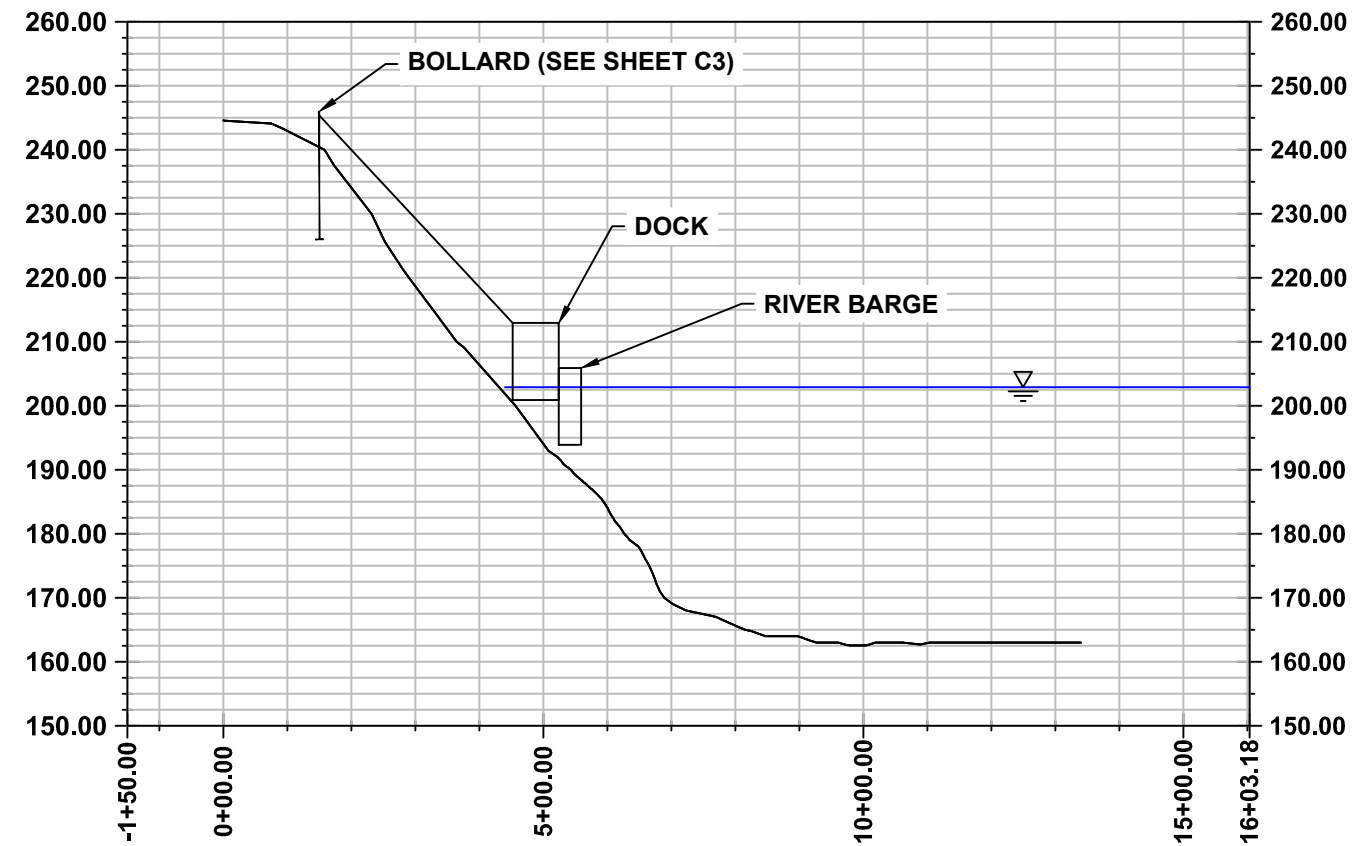
20' MAJOR CONTOUR

5' MINOR CONTOUR

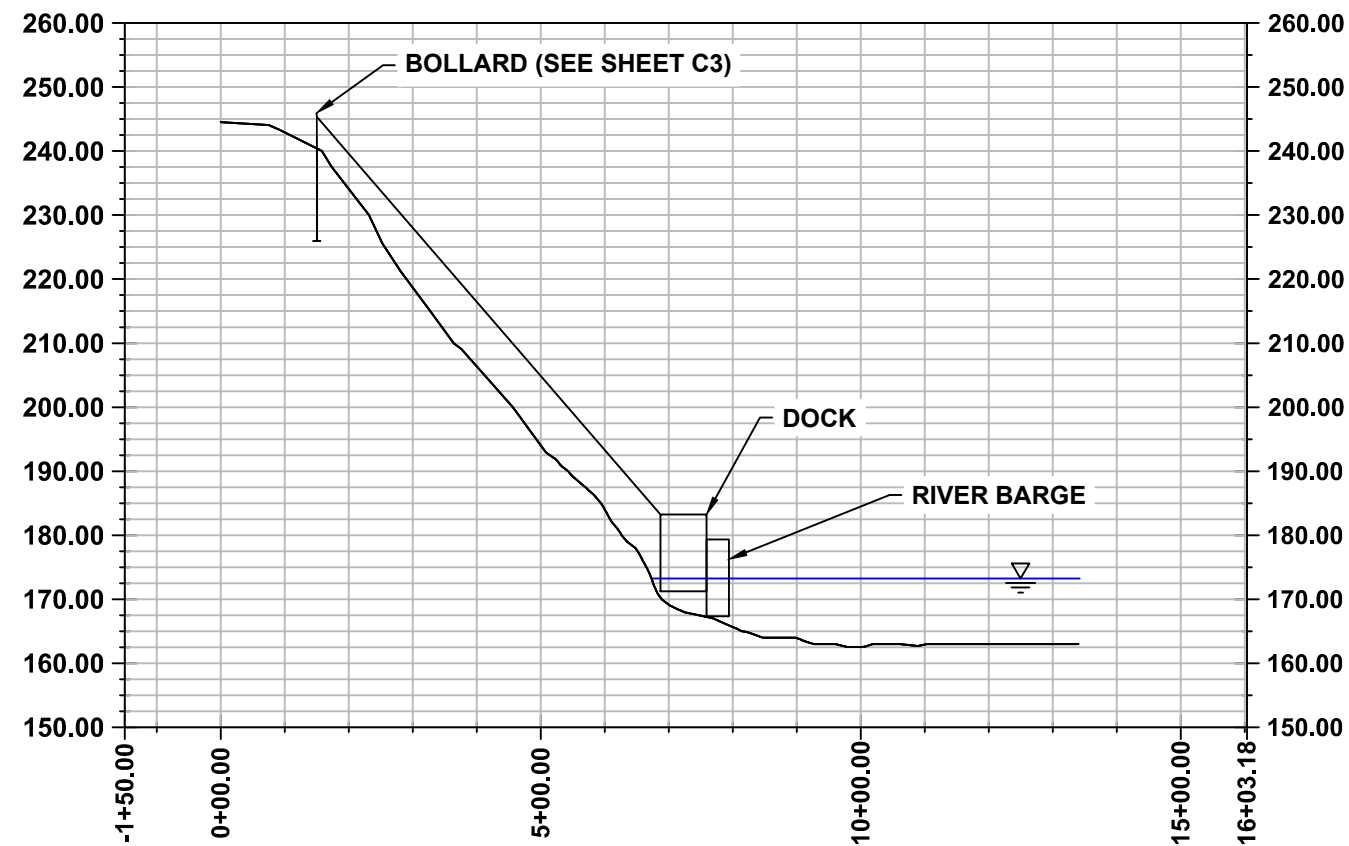




NOTE: WATER LEVEL SHOWN IS 232.61' WHICH IS 48.70' ON THE MEMPHIS GAGE, CORRESPONDING TO THE HIGH WATER RECORD OF FEBRUARY 10, 1937.



NOTE: WATER LEVEL SHOWN IS 202.91' WHICH IS 19.00' ON THE MEMPHIS GAGE.



PROFILE VIEW OF DOCK
SCALE HORIZ - 1"=300' VERT - 1"=30'

Attachment 3.1

NOTE: WATER LEVEL SHOWN IS 173.21' WHICH IS -10.70' ON THE MEMPHIS GAGE, CORRESPONDING TO THE LOW WATER RECORD OF JULY 10, 1988.

NO	DATE	REVISION DESCRIPTION
1	X-X-X	
2		
3		
4		
5		

Drawn By:
AES
Date:
8-28-19
Scale:
NOTED