



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. **14-06**

Date: **March 31, 2014**

Application No(s). **LRN-2012-00349**
LRN-2014-00120

Expires: **April 30, 2014**

Please address all comments to: Nashville District Corps of Engineers,
Regulatory Branch, 3701 Bell Road, Nashville, TN 37214 (Attn: Lisa R. Morris)

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
COMMONWEALTH OF KENTUCKY

SUBJECT: Proposed Construction of a (1) River Port to Handle Distribution of Multi-modal Containers, General Goods, and Bulk Commodities at Tennessee River Mile 11.0, Left Bank, and (2) Municipal Rail Spur to Access Terminal crossing Cypress Creek Mile 2.8, Marshall County, Kentucky (Port of Calvert City)

TO ALL CONCERNED: Two applications, as described below, have been submitted for Department of the Army Permit (DA) and Tennessee Valley Authority (TVA) permits. The U.S. Army Corps of Engineers (USACE) has lead federal agency role status for the coordination and conduct of environmental reviews for the proposals under National Environmental Policy Act.

Since the two applications are portions of a multi-phase single project, it has been determined to evaluate both applications together, giving deference to the responsibilities of the separate applicants. The application for reconstruction of an existing barge terminal (**LRN-2012-00349**) requires a DA permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA) and TVA approval pursuant to Section 26a of the TVA Act. The application for construction of a new rail spur (**LRN-2014-00120**) requires DA permit pursuant to Section 404 of the CWA and TVA approval pursuant to Section 26a of the TVA Act. In addition, before permits can be issued, certification must be provided by the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Division of Water, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANTS: First Marine Properties, LLC (**LRN-2012-00349, River Port**)
333 Broadway Street, Suite 924
Paducah, KY 42001

Marshall County-Calvert Riverport Authority (**LRN-2014-00120, Rail Spur**)
1101 Main Street
Benton, KY 42025

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LOCATION (LRN-2012-00349, River Port): Tennessee River Mile (TRM) 11.0, Left Bank, and adjacent Wetlands (W-1, *Lat: 37.038750, Lon: -88.441510* and W-2, *Lat: 37.038964, Lon: -88.439375*), Marshall County, Kentucky. USGS Quad: Little Cypress, KY-IL. Tennessee River HUC: 0604006. Navigation Chart No. 2.

LOCATION (LRN-2014-00120, Rail Spur): Linear Transportation Crossings of (1) Cypress Creek Mile 2.8 (W-7/S-1, perennial tributary of TRM 10.0L, *Lat: 37.029200, Lon: -88.415171*) (2) three unnamed tributaries (S-3/W-6 intermittent and two S-4/W-4 intermittent) and (3) two lateral wetland areas (W-2 *Lat: 37.039444, Lon: -88.428088* and W-4 *Lat: 37.025397, Lon: -88.433582*), in Marshall County, Kentucky. USGS Quad: Little Cypress, KY-IL. Tennessee River HUC: 0604006.

Note: Wetland and Stream designations are from USACE jurisdictional determinations, on file.

Project Purpose. The purpose of the project is to upgrade an existing terminal to serve as a regional hub for distribution of multi-modal containers, general goods, and bulk commodities across river, rail, and roadway, and specifically to handle the specially designed vessels. According to the applicant, recent renovations to the Panama Canal would enable larger ships to pass through the canal to sea ports within and along the Gulf of Mexico. Prior to moving the goods into the inland waterway system, the cargo is expected to be transferred into large specially designed vessels, 600' in length and about 100' wide with a 9 foot draft, that can carry more than 1,000 containers for transport into the U.S. The vessels would off-load cargo at the Port of Calvert City onto waiting barges, trains, and trucks about six times per month. According to the applicant, these facilities are crucial to the economy of the area through the jobs provided, the commerce conducted with local businesses, attracting new industry to the area, and the tax base generated. In addition to industry, the port lies within an area rich with bulk aggregates, agriculture products and minerals which are routinely exported out of the area to other areas within the US and beyond. A Master Plan Report for the Marshall County – Calvert City Riverport included recommendations for a multi-modal port facility to be located within the area along the Tennessee River.

Background. Three mooring cells currently exist at TRM 11.0L. Historically, the owner has loaded and unloaded general commodities from barges at the terminal utilizing a commodity loading belt mounted atop one mooring cell. Three wide by five barges long is authorized to fleet at the mooring cell configuration. Recent observed usage of the First Marine Properties river front property is barge fleeting (four fleets each 3 wide by 5 long) and barge repair activities on the upland property. Reported usage of the rail spur property is agricultural.

Scope of Work. The two projects together encompass several properties, as shown on the attached plans. The proposed port and upland development area encompasses approximately 80 upland acres, while the proposed rail spur encompasses approximately 20 acres of a larger collective group of properties. Additionally, the scope of work for the port extends into the river where the proposed action would have direct fills and vessel movement over recently designated critical habitat for the Rabbitsfoot mussel.

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DESCRIPTION OF PROPOSED WORK: The proposed project consists of the upgrade of an existing barge terminal with upland development areas and rail connection to the existing Paducah & Louisville Railway mainline. Major elements of the proposed construction are described as follows. Plans of the proposed work are attached to this notice.

LRN-2012-00349, River Terminal: First Marine Properties, LLC proposes to construct a new inland sea-port terminal on the left descending bank of the Tennessee River at Mile 11.0. While most of the proposed activity would occur within a large agricultural field on low terraced topography, the proposed terminal and associated upland development would result in direct impacts to 3.9 acres of mixed palustrine hardwood/shrub wetlands. As shown on Exhibit B, 0.8 acres of a one-acre forested/shrub wetland (W-1) located in the southwest corner of the project area would be filled for the work area and 2.8 acres for the work area and 0.3 acres for the borrow area of a 29.9 acre forested/shrub wetland (W-2) that runs along the southeast boundary and next to Shar-Cal Road would be filled/excavated.

River Construction. Proposed reconstruction of the existing terminal would result in the deposit of fill on 0.40 acres of river bottom substrate (behind mooring cells). Utilizing the three existing mooring cells as support, the applicant proposes to enclose an area 250' long by 150' wide by attaching sheet-piling around two existing mooring cells to form a new docking platform (0.40 acres). The sheet pile breasting wall would encompass a land mass built approximately 75' extending out from the left descending bank of the river shoreline, measured at EL 302. The breasting wall would be backfilled with earth, then with quarry run stone. In addition, the applicant proposes to construct a series of two pipe dolphins located on 150' centers downstream of the sheet pile breasting wall and one pipe dolphin 150' upstream of the sheet pile wall to facilitate mooring of barges/ships along the sheet pile wall. According to the applicant, dredging would not be required to accommodate the 9-foot draft vessels, as the mooring cells currently handles barges with 9-foot drafts. A hydraulic study submitted with the application shows normal pool conditions at TRM 11.0 recorded as Elevation 310 (higher than historical Elevation 302). In addition, construction of the land-mass would require the removal of shoreline trees along 1,520 linear feet of river bank.

Development Area. An upland land-mass would be constructed to accommodate all land-based activities for the port, truck traffic for the loading and unloading of barges, temporary storage and manipulation of containers as well as the loading/unloading/ storage of grain and other bulk goods, as well as a 250-ton heavy-lift crane for loading/ unloading special cargo. Most of the undertaking would occur on property that is occasionally inundated during Tennessee River flooding events. The approximate 19-acre land mass would be connected to Shar-Cal road at the location of the existing entrance road to the barge maintenance facility (with final grade above the 500-year water surface elevation, at top Elevation 346). The fill material to create the land mass would be comprised of approximately 700,000 cubic yards of material obtained from within the limits of the project and within the limits of the 100-year floodplain for the Tennessee River. All fill slopes would be constructed at 3H:1V or flatter and suitably stabilized against erosion. Once constructed, the land mass would be covered with gravel for one to two years to allow for settlement, then paved with asphalt and/or concrete. Surface drainage from the site would be provided through shallow inlets and storm sewer piping along with rip-rap stabilized flumes that drain to the river. Except for tree removal at the breasting wall, the land mass would be constructed to maintain a 50-foot riparian buffer along the bank of the river.

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Note: Shar-Cal road is currently open and has access at the Cypress Creek Bridge except during high water events. Current planning for the operation would have operations concentrated on the north side of Shal-Car Road but there would be a crossing to transport items to rail. Due to the very low traffic count in this area, there are not expected to be any impacts to normal operations of Shal-Car Road.

Borrow Area. In order to construct the development area fill, it would be necessary to utilize a borrow site. The proposed borrow site for the project would consist of the open field area upstream of the harbor, approximately 17 acres in size. The overburden in this area would be excavated and placed in the fill area. The excavated area would be drained by way of an excavated entrance/exit channel that will be stabilized with rip rap and will connect the borrow area and the river. Once excavation is completed, the entire borrow area would be seeded and stabilized and will positively drain to the river.

LRN-2014-00120, Municipal Rail Spur. Rail access to the new facility would require construction of a new wye connection and spur from the existing Paducah & Louisville Railway mainline. The 40-foot rail right-of-way would encompass approximately 20 acres of a larger collective group (approximately 880 acres) of properties. The acreage of disturbed wetlands and waters of the U.S. due to rail construction would be approximately 0.49 acres. Specifically, the proposed rail spur would cross Cypress Creek (W-7/S-1, a perennial tributary of TRM 10.0L) approximately 1000' southwest of McFarlin Road with a 240', 5-span bridge with battered piles and 2:1 abutment slopes. The rail spur would then cross an intermittent tributary of Cypress Creek (S-3/W-6) with a 140', 2-span bridge with battered piles. The proposed structures have been sized such that there would be no rise in the 100-year base flood elevations and to maintain one foot of freeboard, minimum, between the low chord and the 100-year regulatory water surface elevation. In addition, the railway would cross smaller tributaries and narrow wetlands on the property with open-bottomed culverts sized based upon the hydraulic modeling for the area to maintain normal downstream flows and minimize flooding to the maximum extent practicable. W-2 and W-4 are both narrow, wooded linear wetlands intermittently flooded. Impacted areas are shown on the attached plan sheet.

AVOIDANCE AND MINIMIZATION OF IMPACTS TO WATERS OF THE U.S.:

According to the applicant, impacts to streams and wetlands in the vicinity of the proposed action were kept to an absolute minimum, where possible. According to the applicant, available properties within the area to develop such a project are limited due to the fact that the port and any concomitant industrial development depend on waterborne activities, in other words, they need to be close to the river. According to the applicant, there are no other sites along the river in Western Kentucky with: 1) over a mile of deepwater channel on a major navigable waterway, 2) rail service nearby, 3) interstate access, and 4) reliable electrical service for major industrial development. In 2012, the applicant submitted an application to USACE and TVA for a port design at this location (without rail spur) that was subsequently withdrawn. The project design involved the excavation of a recessed harbor and impact to 29.9 acres of wetlands and waters of the U.S., including a plan for shoreline excavation. Based upon comments received from agency review of that project, the project was redesigned to significantly reduce impacts to waters of the U.S., as well as sensitive biological and cultural resources.

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COMPENSATORY MITIGATION, PRELIMINARY MITIGATION PLAN: A wetland and water delineation was submitted with the permit application. USACE verified the findings of the delineation, documentation on file, after several recent site investigations. The port proposal would result in direct impacts to 3.9 acres of mixed palustrine hardwood/shrub wetlands for the terminal. The proposed rail spur proposal would result in direct impacts to 0.49 acres mixed palustrine hardwood/shrub wetlands. Collectively, the applicants propose to mitigate for the total loss of 4.73 acres wetlands at a 2:1 ratio with a purchase of 9.46 credits from West Kentucky Wetwoods Mitigation Bank, Mayfield Kentucky.

PUBLIC INTEREST REVIEW/CUMULATIVE EFFECTS: The decision whether to issue a permit will be based on an evaluation of the probable impacts 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 benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by Administrator Environmental Protection Agency under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

SOLICITATION OF COMMENTS: USACE and TVA are soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by USACE and TVA 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, historical properties, water quality, and general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to NEPA. Comments are also used to determine the need for a public hearing and determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested permit.

HISTORIC AND CULTURAL RESOURCES: USACE will serve as the lead federal agency to fulfill USACE and TVA's collective responsibilities under Section 106 of the National Historic Preservation Act. An archaeological survey was conducted for the barge terminal portion of the proposed project. The survey results suggest there are no significant archaeological sites within the proposed barge terminal. Additional studies will include archaeological investigations of previously unsurveyed portions of the Area of Potential Effects and an architectural survey of the project area. The agencies will consult with the Kentucky State Historic Preservation Office (SHPO) and other consulting parties regarding the proposed project, archaeological investigations, and other historic property identification efforts. This Public Notice also serves to initiate public involvement requirements of Section 106 of the National Historic Preservation Act.

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ENDANGERED/THREATENED SPECIES REVIEW: In fall of 2012, the applicant conducted a mussel survey along their property between approximate Tennessee River Mile 11.1 to 12.0, left descending bank. Federally endangered and threatened mussel species *Plethobasus cyphus* (sheepnose mussel) and *Quadrula cylindrica* (rabbitsfoot mussel) were found within the areas surveyed. The applicant is currently expanding the survey to include evaluation between TRM 10.8L and 11.1L. The proposed project has potential to impact the listed mussel species and critical habitat for the *Quadrula cylindrica* (rabbitsfoot mussel). Other federally protected species potentially located within the project area include the Prices Potato Bean plant and the Indiana and Gray bats. Initial surveys indicate suitable habitat does not exist for the terrestrial species and potential adverse impact from project implementation (both port and rail construction) is low. A biological assessment of the project's potential impact on protected mussel species (*Plethobasus cyphus* (sheepnose mussel) and *Quadrula cylindrica* (rabbitsfoot mussel)), critical habitat, and protected terrestrial species is being prepared and will be provided, when available, to the US Fish and Wildlife Service (USFWS), Frankfort, KY, by separate correspondence. The agencies are initiating formal consultation with the USFWS necessary to fulfill our obligations under Section 7 of the Endangered Species Act.

OTHER APPROVALS: Other federal, state, and/or local approvals may be required for the proposed work, including:

a. Water quality certification from the Commonwealth of Kentucky in accordance with Section 401(a)(1) of the CWA will be required.

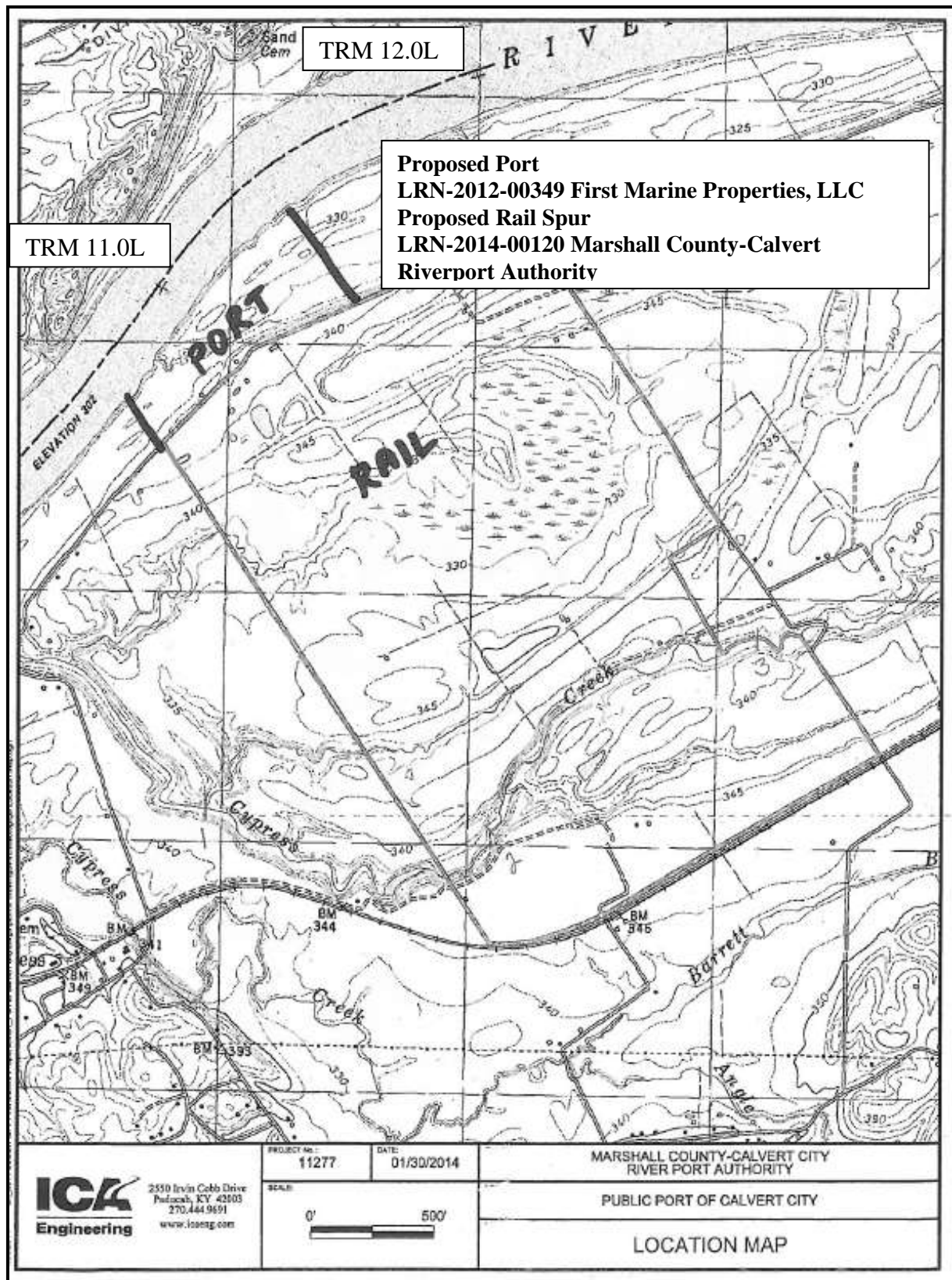
b. In addition, the applicant has provided a hydraulic analysis, dated January 22, 2014, indicating the construction associated with the project would result in no increase to the 100 year floodplain or the 100 year floodway water surface elevations. An engineering No-impact certification has been prepared and provided with the application. According to the applicant, a joint 401 Water Quality Certification/Floodplain Construction permit has been submitted to the Kentucky Division of Water and review is ongoing (Application No. AI 116131).

PUBLIC HEARING REQUESTS: 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 hearings shall state, with particularity, the reasons for holding a hearing.

COMMENT PERIOD: Written statements received in this office on or before **April 30, 2014**, will become a part of the record and considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address, telephone 615-369-7504. It is not necessary to comment separately to TVA since copies of all comments will be sent to them and become part of their records on the proposal. Point of contact with TVA is Samantha Strickland, PO Box 1010, Muscle Shoals, AL 35662, telephone (256) 386-2643.

/s/

Forrest E. McDaniel
Acting Chief, Western Regulatory Section



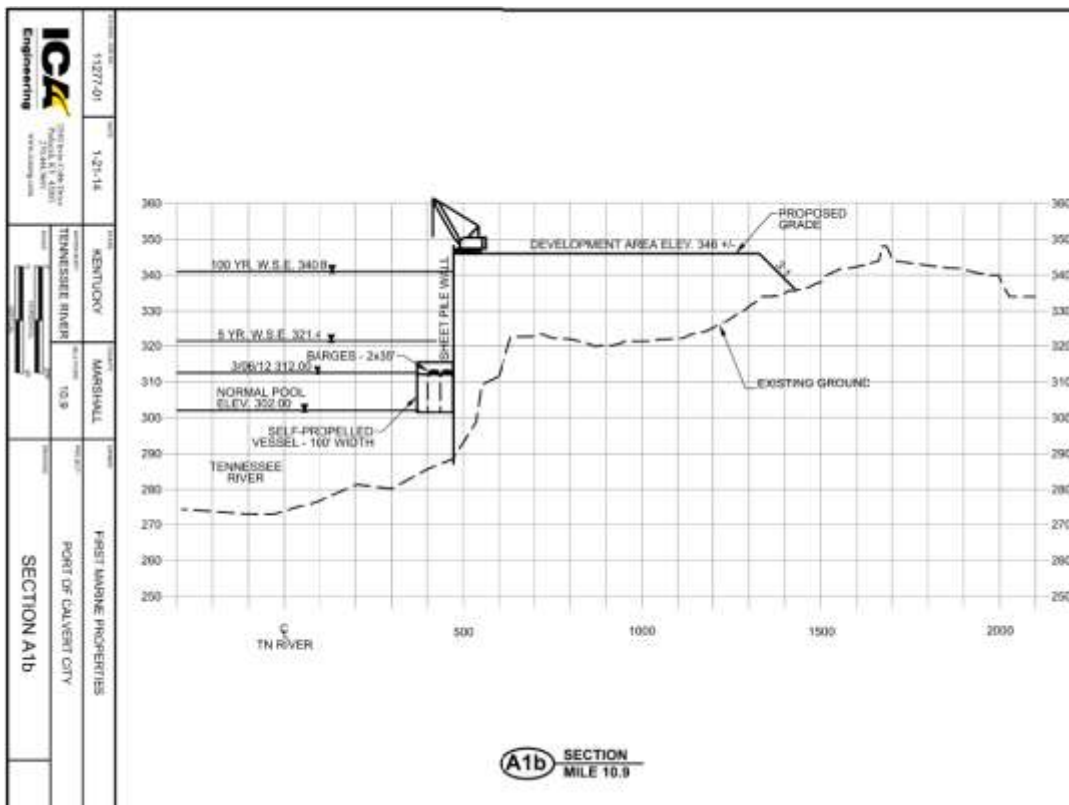
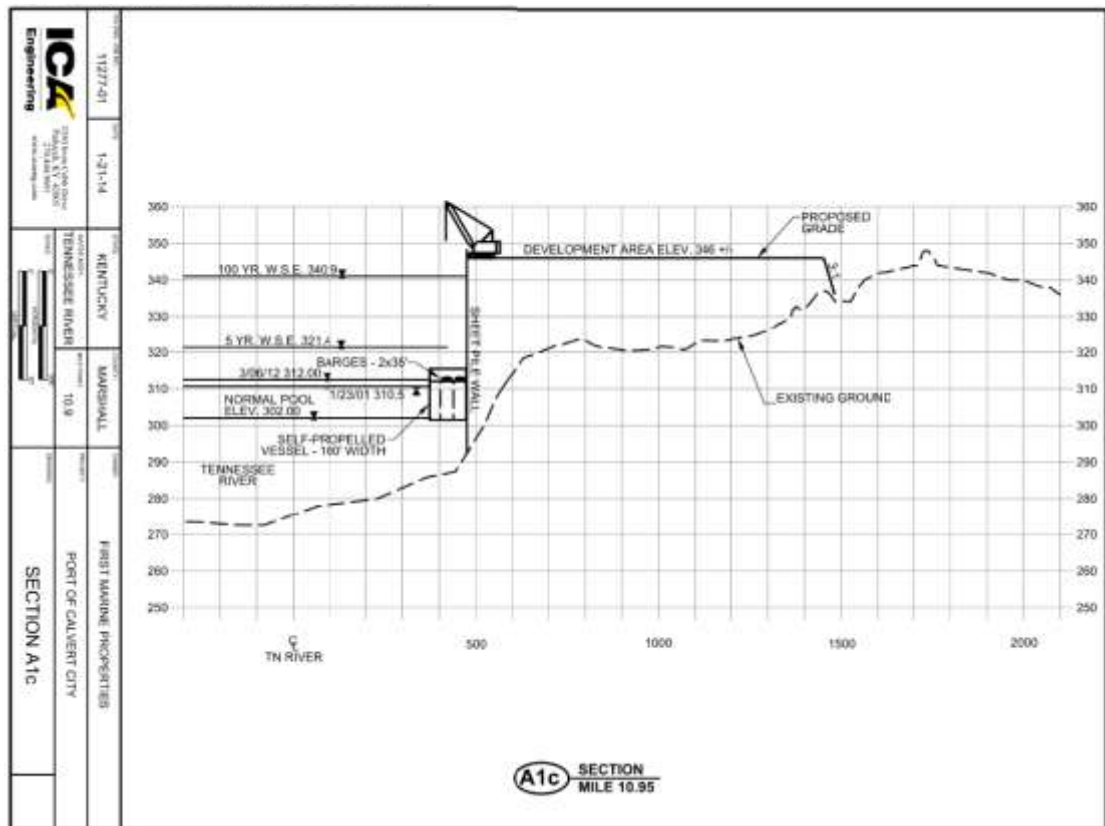
Public Notice 14-06 (Port of Calvert City), Marshall County, Kentucky
USGS Quad: Little Cypress, KY-IL. Tennessee River HUC: 0604006.
Navigation Chart No. 2.

Public Notice 14-06 (Port of Calvert City)
Proposed Port (LRN-2012-00349 First Marine Properties, LLC)



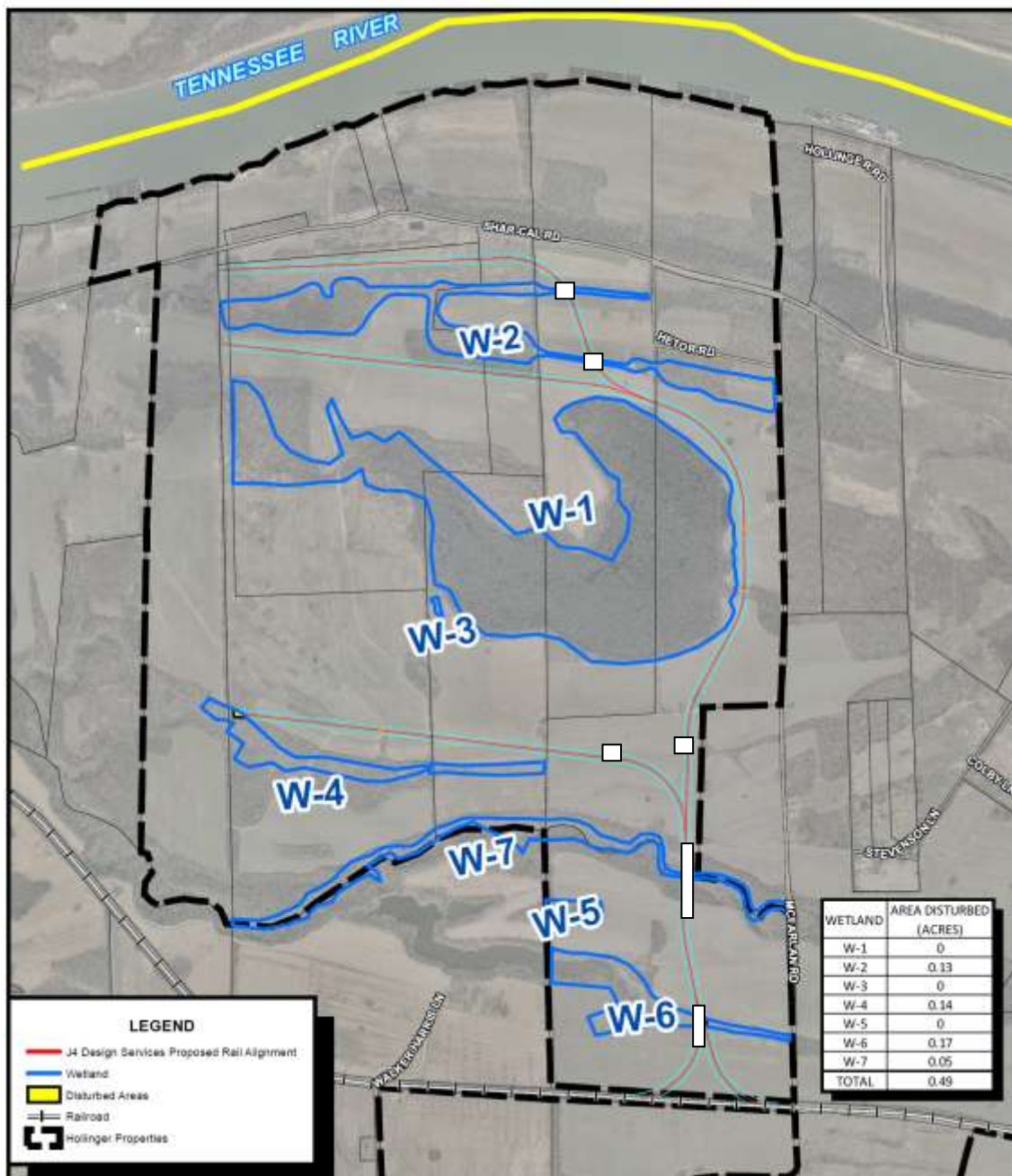
Proposed Impact Areas	Impact Area	Remarks
Wetland W-1	0.8 Acre	Fill for Work Area
Wetland W-2	2.8 Acre of 29.9 Total Acres	Fill for Work Area
Wetland W-2	0.3 Acre of 29.9 Total Acres	Excavation for Borrow Area
Tennessee River	0.4 Acre	Construction of Breasting Wall/Dock
Tennessee River	0.1 Acre	Three Dolphins
Tennessee River	1,520 Lin.Ft.	Riverbank Tree Clearing for Breasting Wall/Dock

Public Notice 14-06 (Port of Calvert City)
Proposed Port (LRN-2012-00349 First Marine Properties, LLC)



Public Notice 14-06 (Port of Calvert City)

**Public Notice 14-06 (LRN-2014-00120 Marshall County-Calvert Riverport Authority)
Proposed Rail Spur (40' R-O-W showing Bridge and Open-bottomed Culvert Crossings)**



**Public Notice 14-06 (LRN-2014-00120 Marshall County-Calvert Riverport)
Proposed Rail Spur Bridge Plans (Open-bottom Culvert Plans in File)**

