



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	SHC-MVK-2015-69
EVALUATOR:	Ms. Samantha Claypool
PHONE NO.:	(601) 631-5478
FAX NO.:	(601) 631-5459
E-MAIL:	Samantha.H.Claypool@usace.army.mil
DATE:	March 17, 2015
EXPIRATION DATE:	April 7, 2015

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Arkansas Department of Environmental Quality, are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the Arkansas Department of Environmental Quality, Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Mr. Jim Parrish
Martin Operating Partnership, LP
484 East 6th Street
Smackover, Arkansas 71762

Name of Agent:
Mr. Jason Hoffman
Hoffman Environmental, Incorporated
Post Office Box 452
Sulphur Springs, Texas 75483

Location of Work: Section 1, T16S-R16W, latitude 33.361759N, longitude -92.713514W, within the Lower Ouachita-Smackover drainage basin, in Union County, Arkansas.

Description of Work: (See enclosed map and drawings.)
The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit for the associated discharge of dredged and/or fill material into waters of the United States in Union County, Arkansas. The applicant's stated purpose is to relocate a section of the Union Pacific railroad track.

The proposed project would involve the relocation of a section of the Union Pacific railroad track to accommodate expansion within the Cross Oil Refinery. The railroad spur will be approximately 3,880 ft in length and will be constructed within a 100 ft permanent right-of-way. In order to construct a portion of the new railroad, approximately 761 ft of intermittent stream would be relocated.

An intermittent stream with emergent and forested wetland habitats would have to be permanently cleared and filled to construct the proposed railroad spur project. Additional emergent and forested wetland habitat would have to be cleared in order to relocate sections of the intermittent stream that would be impacted by the railroad project.

The vegetation at the project site consists of bahiagrass, shortleaf spikeseed, willow oak, water oak, sweet gum, black willow, Chinese tallowtree, loblolly pine, hazel alder, Chinese privet, red maple, sweetbay, Asiatic dayflower, false nettle, smartweed, lizard's tail, climbing hempvine, peppervine, cherrybark oak, bottomland post oak, possumhaw, slender woodoats, southern dewberry, common boneset, common greenbrier, poison ivy, summer grape, baldcypress, common buttonbush, elderberry, American elm, Virginia water horehound, and blue mistflower. Hydric soils in the project area consist of Bibb fine sandy loam. The placement of dredged and/or fill material in waters of the United States, including wetlands, requires a Department of the Army Permit.

The applicant proposes to mitigate for all jurisdictional impacts by purchasing credits from an approved mitigation bank.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment, and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: The Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, state lists of properties determined eligible, and other sources of information. The following is

current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties:

The permit area has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area. Copies of the public notice have been sent to Federally recognized Tribes and other interested parties for comment on potential effects to historic properties that could result from the proposed activity.

Endangered Species: Our initial finding is that the proposed work would not affect the following endangered species or their critical habitats: Red-cockaded woodpecker. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

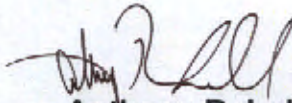
Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>, and click on ORM Permit Decisions under Program Links.



**Anthony R. Lobred
Acting Chief, Evaluation Section
Regulatory Branch**

33.361759
-92.713514



1:4,600

Legend

- Limits of Jurisdictional Determination (31.27 Acres)
- Railroad ROW (8.95 Acres)
- Proposed Stream Channel (1722.16 ft, 0.99 Acres)
- Proposed Drainage Ditch (w/in ROW)
- 10th Street
- Ephemeral Stream (257.01 ft, 0.03 Acres)
- Intermittent Stream (4,465.58 ft, 2.56 Acres)
- Pond (0.38 Acres)
- Emergent Wetland (0.36 Acres)
- Forested Wetland (18.68 Acres)
- Shrub/Scrub Wetland (2.74 Acres)

Waters of the United States Impacted

Total Wetlands Impacted: 3.41 Acres
 Total Other Waters Impacted: 0.453 Acres
 -Intermittent Stream: 785.61 ft, 0.45 Acres
 -Ephemeral Stream: 30 ft, 0.003 Acres



24 February 2015
MVK-2015-69
 Hoffman Environmental, Incorporated
 Martin Operating Partnership, LP
 Cross Oil Refinery Railroad Spur Project
 Union County, AR
Preliminary Jurisdictional Determination
 Aaron Posner



Regulatory Branch
 Enforcement Section

0 240 480
 Feet
Enclosure 1