

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. NWK-2015-00992
Issue Date: November 4, 2015
Expiration Date: November 25, 2015**

21-Day Notice

This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

APPLICANT: Central Missouri AGRI Service, LLC
PO Box 549
Marshall, Missouri 65340

PROJECT LOCATION (As shown on the attached drawings): On a tract of approximately 140 acres, located in unnamed ephemeral and intermittent tributaries to North Fork Creek, and in adjacent wetlands, Sections 5, 9, 10, & 16, Township 50 north, Range 21 west, Saline County, City of Marshall, Missouri. USGS Quads: Marshall North and Marshall South.

(Latitude: 39.126261 --- Longitude: -93.212324)

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings): This is a public notice for a project proposed to be permitted After-The-Fact (ATF). Some unauthorized project impacts have been completed and proposed impacts may be authorized by this Department of the Army (DA) permit application.

Completed Work: The applicant is building a railroad loop track, complete with stream crossings and all attendant features, to provide transportation access to a large wholesale grain elevator operation. Completed work includes the placement of approximately 2,226 cubic yards of soil in two forested wetlands and two palustrine emergent wetlands. The total area of wetlands impacted by the unauthorized activity has been approximately 0.46 acres.

In addition to the wetland impacts, approximately 409 cubic yards of soil was placed in the bed of 920 linear feet of ephemeral stream, and approximately 301 cubic yards of soil was placed in approximately 232 linear feet of an intermittent stream. A section of stream, along with an ephemeral portion upstream, has been relocated from the original location to a new location. Construction of the railroad embankment and grain elevators has been initiated in upland areas.

Proposed: The applicant proposes to complete the construction of the railroad loop track. One additional palustrine emergent wetland is proposed to have 1,695 cubic yards of soil placed in 0.34 acres of wetland area. Temporary impacts to 0.35 acres of palustrine emergent wetland is proposed by placing earth fill which will then be removed after construction. The area having temporary soil fill placement is proposed to be restored after construction.

Three ephemeral streams are proposed to have 547 cubic yards of soil placed in 472 linear feet of the stream channel. A fourth ephemeral stream is proposed to have 30 cubic yards of angular rock placed in 68 linear feet of stream channel, and an additional 29 cubic yards of soil and pipe placed as fill, as a result of the installation of 66 linear feet of a 36-inch corrugated metal pipe (CMP). One intermittent stream will have 76 linear feet of 48-inch CMP and 212 linear feet of 72-inch CMP placed in the stream channel resulting in a total of approximately 450 cubic yards of soil and pipe fill placed in 318 linear feet of channel. A total of 163 cubic yards of angular rock will be placed in the stream bed for a total of 77 feet at the inlet and outlet of each corrugated metal pipe for stabilization and erosion control.

WETLANDS/AQUATIC HABITAT: A Preliminary Jurisdictional Determination (PJD) was completed for the proposed project site (see the map attachments). Seven ephemeral streams and three intermittent streams totaling 6,431 linear feet were identified. Thirteen wetlands totaling 2.85 acres are located in the proposed project area. There are nine emergent wetlands, three forested wetlands, and one scrub-shrub wetland. See tables below, and attached maps, for details and locations of jurisdictional waters.

Table 1: Streams located within the project area.

Streams	Map Identifier	Cowardin Class	Linear Feet
Ephemeral #1	E-1	Riverine	95
Ephemeral #2	E-2	Riverine	120
Ephemeral #3	E-3	Riverine	116
Ephemeral #4	E-4	Riverine	435
Ephemeral #5	E-5	Riverine	300
Ephemeral #6	E-6	Riverine	81
Ephemeral #7	E-7	Riverine	79
Intermittent 1, part 1	Int 1-1	Riverine	580
Intermittent 1, part 2	Int 1-2	Riverine	1,375
Intermittent 1, part 3	Int 1-3	Riverine	360
Intermittent 2	Int 2	Riverine	2,140
Intermittent 3	Int 3	Riverine	750

Table 2: Wetlands located within the project area.

Wetlands	Map Identifier	Cowardin Class	Acres
Wetland #1	W-1	Palustrine, emergent	0.09
Wetland #2	W-2	Palustrine, emergent	0.10
Wetland #3	W-3	Palustrine, emergent	0.9
Wetland #4	W-4	Palustrine, emergent	0.31
Wetland #5	W-5	Palustrine, forested	0.12
Wetland #6	W-6	Palustrine, scrub-shrub	0.30
Wetland #7	W-7	Palustrine, emergent	0.10
Wetland #8	W-8	Palustrine, emergent	0.05
Wetland #9	W-9	Palustrine, emergent	0.07
Wetland #10	W-10	Palustrine, emergent	0.01
Wetland #11	W-11	Palustrine, emergent	0.006
Wetland #12	W-12	Palustrine, forested	0.29
Wetland #13	W-13	Palustrine, forested	0.50

APPLICANT’S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:

The project includes the avoidance of 1.77 acres of emergent, forested, and scrub-shrub wetlands, 754 linear feet of ephemeral stream, and 3,643 linear feet of intermittent stream within the project area. The applicant states that if mitigation is required for unavoidable impacts to jurisdictional features, the applicant proposes relocation and protection of 420 linear feet of on-site ephemeral tributary. The remaining impacts are proposed to be mitigated by purchasing wetland and stream credits from an approved mitigation bank.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Anthony Koch, U.S. Army Corps of Engineers, Missouri State Regulatory Office, 515 East High Street #102, Jefferson City, Missouri 65101, telephone: (816) 389-3828 or via email at Anthony.J.Koch@usace.army.mil. All comments to this public notice should be directed to the above address and be identified by Permit No. NWK 2015-00992.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the proposed described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts 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 reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, 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 and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is 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 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 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.

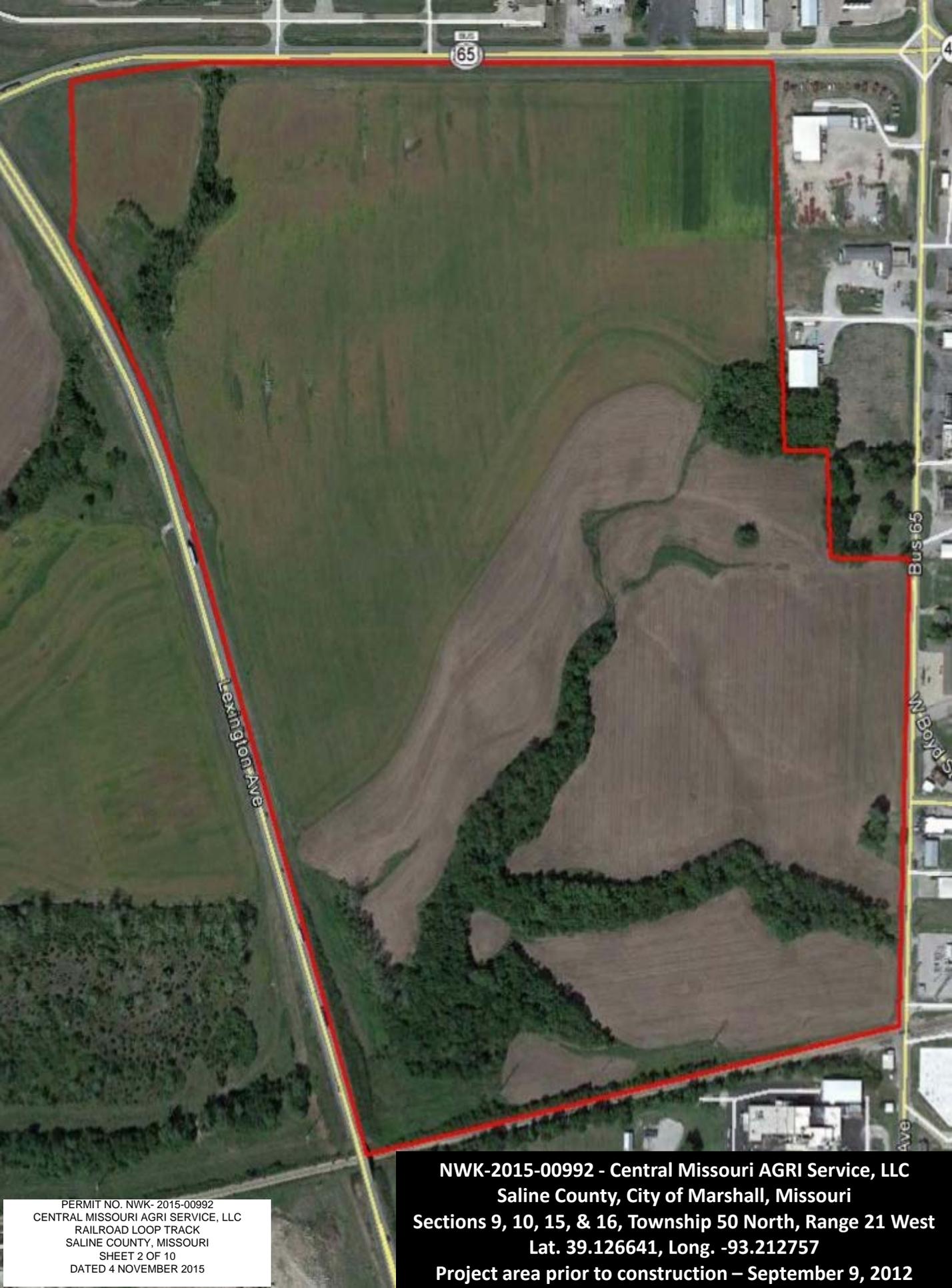
COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 2 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

**NWK-2015-00992 - Central Missouri AGRI Service, LLC
Saline County, City of Marshall, Missouri
Sections 9, 10, 15, & 16, Township 50 North, Range 21 West
Lat. 39.126641, Long. -93.212757
General Vicinity Map**



Project Area



65

Bus 65

W Boyd St

Ave

W Boyd St

PERMIT NO. NWK- 2015-00992
CENTRAL MISSOURI AGRI SERVICE, LLC
RAILROAD LOOP TRACK
SALINE COUNTY, MISSOURI
SHEET 2 OF 10
DATED 4 NOVEMBER 2015

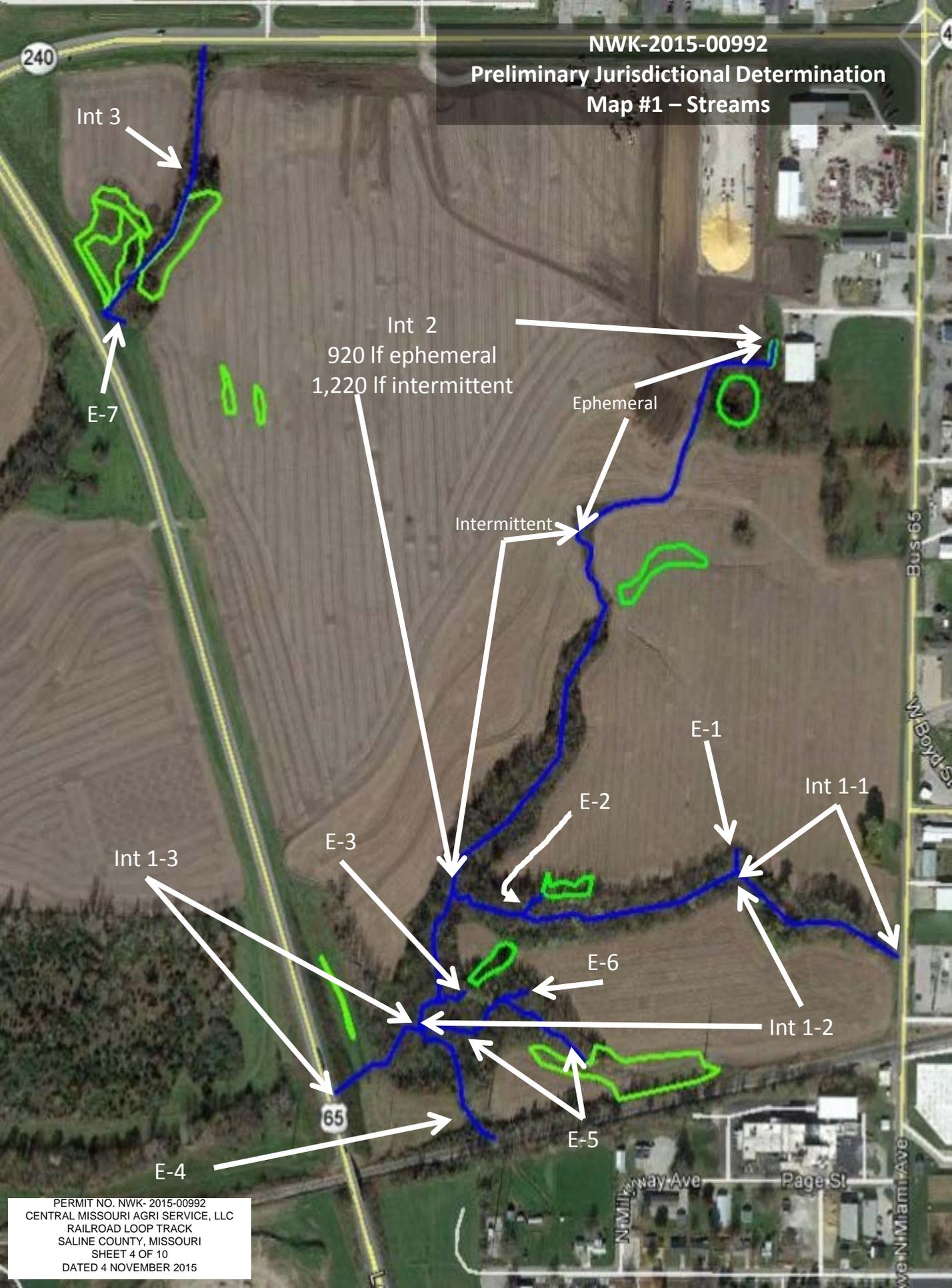
NWK-2015-00992 - Central Missouri AGRI Service, LLC
Saline County, City of Marshall, Missouri
Sections 9, 10, 15, & 16, Township 50 North, Range 21 West
Lat. 39.126641, Long. -93.212757
Project area prior to construction – September 9, 2012



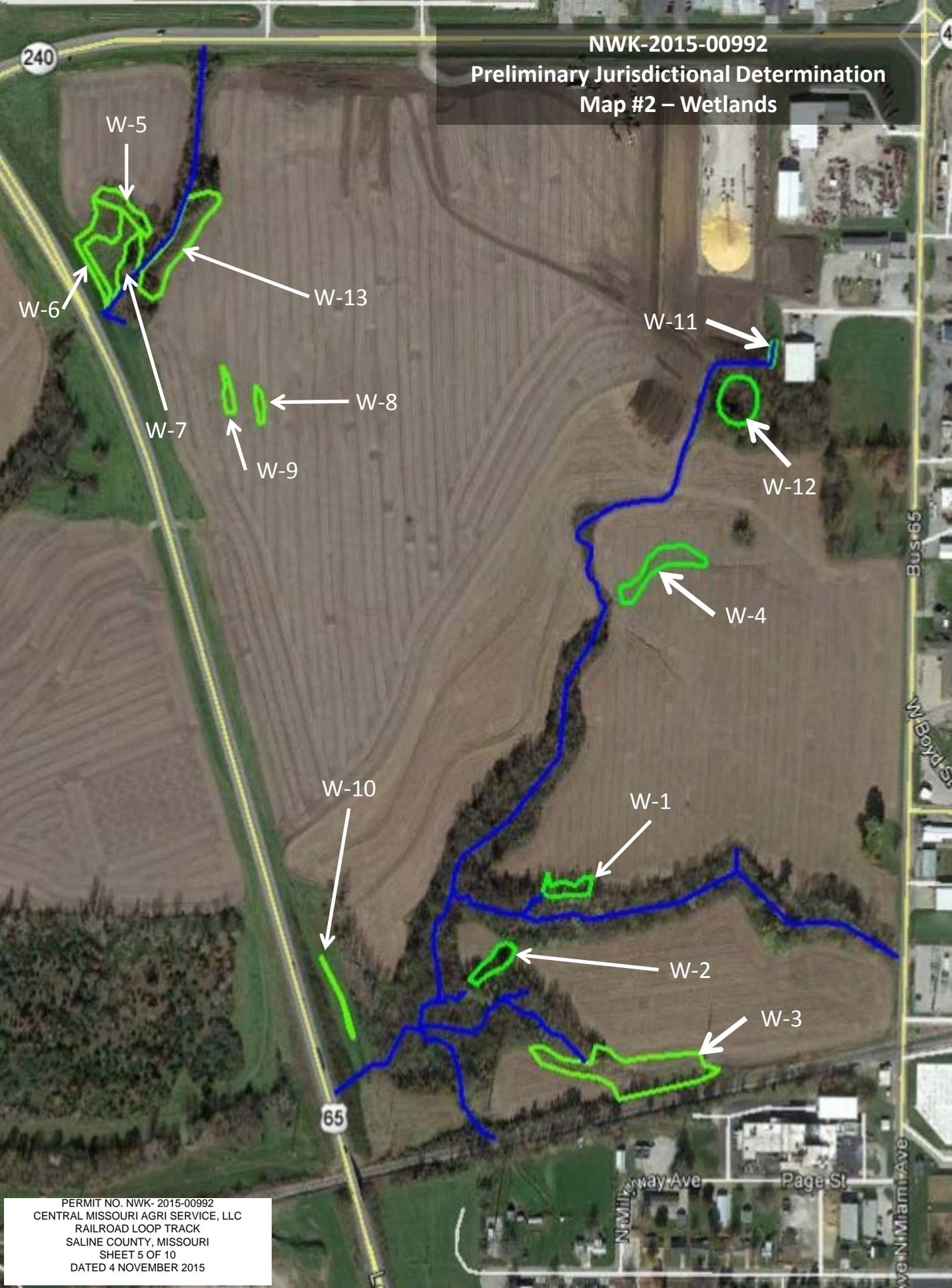
PERMIT NO. NWK- 2015-00992
CENTRAL MISSOURI AGRI SERVICE, LLC
RAILROAD LOOP TRACK
SALINE COUNTY, MISSOURI
SHEET 3 OF 10
DATED 4 NOVEMBER 2015

NWK-2015-00992 - Central Missouri AGRI Service, LLC
Saline County, City of Marshall, Missouri
Sections 9, 10, 15, & 16, Township 50 North, Range 21 West
Lat. 39.126641, Long. -93.212757
Construction in Progress – August 1, 2015

Preliminary Jurisdictional Determination
Map #1 – Streams



NWK-2015-00992
Preliminary Jurisdictional Determination
Map #2 – Wetlands



PERMIT NO. NWK- 2015-00992
CENTRAL MISSOURI AGRI SERVICE, LLC
RAILROAD LOOP TRACK
SALINE COUNTY, MISSOURI
SHEET 5 OF 10
DATED 4 NOVEMBER 2015

**NWK-2015-00992 - Central Missouri AGRI Service, LLC
Saline County, City of Marshall, Missouri
Sections 9, 10, 15, & 16, Township 50 North, Range 21 West
Lat. 39.126641, Long. -93.212757
Completed Work**

Approximately 166 cubic yards of soil fill temporarily placed in 0.05 acres of wetland #13

Approximately 409 cubic yards of soil fill temporarily placed in 920 linear feet of the ephemeral portion of Intermittent #2

Approximately 190 cubic yards of soil fill temporarily placed in 0.12 acres of wetlands # 8 & #9

Approximately 1,870 cubic yards of soil fill placed in 0.29 acres of forested wetland

Approximately 301 cubic yards of soil has been placed within 232 linear feet Intermittent #2. This section of stream, has been relocated (red line), resulting in impacts to approximately 548 linear feet of stream channel

Construction of low water crossing, approximately 15 cubic yards of soil fill and pipe temporarily placed in 15 linear feet of Intermittent #1

**NWK-2015-00992 - Central Missouri AGRI Service, LLC
Saline County, City of Marshall, Missouri
Sections 9, 10, 15, & 16, Township 50 North, Range 21 West
Lat. 39.126641, Long. -93.212757
Proposed Work**

Installation of 66 linear feet of 36-inch CMP and 68 linear feet of angular rock will result in impacts to approximately 34 feet of the ephemeral portion of Intermittent #2

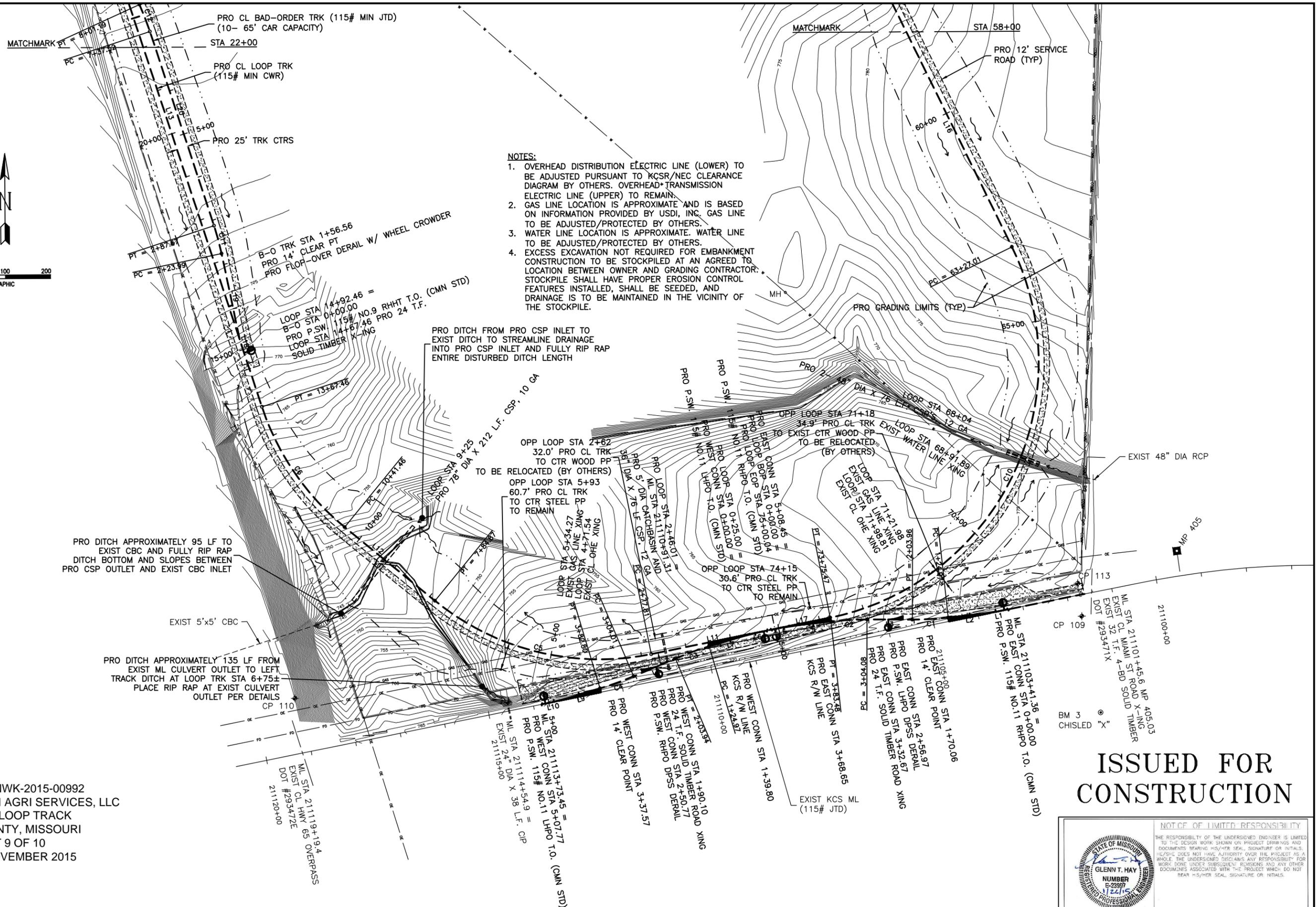
Installation of 76 linear feet of 48-inch CMP and 47 linear feet of angular rock will result in impacts to 111 linear feet of Intermittent #1

Installation of 212 linear feet of 72-inch CMP and 30 linear feet of angular rock will result in impacts to 272 linear feet of Intermittent #1

Approximately 142 linear feet of Ephemeral #5 will be relocated

Approximately 321 linear feet of Ephemeral #4 will be relocated

Approximately 1,695 cubic yards of soil fill will be placed in 0.34 acres of Wetland #3. There will be temporary impacts to an additional 0.35 acres for construction activities. No disturbance is proposed for the remaining 0.21 acres.



- NOTES:**
1. OVERHEAD DISTRIBUTION ELECTRIC LINE (LOWER) TO BE ADJUSTED PURSUANT TO KCSR/NEC CLEARANCE DIAGRAM BY OTHERS. OVERHEAD TRANSMISSION ELECTRIC LINE (UPPER) TO REMAIN.
 2. GAS LINE LOCATION IS APPROXIMATE AND IS BASED ON INFORMATION PROVIDED BY USDI, INC. GAS LINE TO BE ADJUSTED/PROTECTED BY OTHERS.
 3. WATER LINE LOCATION IS APPROXIMATE. WATER LINE TO BE ADJUSTED/PROTECTED BY OTHERS.
 4. EXCESS EXCAVATION NOT REQUIRED FOR EMBANKMENT CONSTRUCTION TO BE STOCKPILED AT AN AGREED TO LOCATION BETWEEN OWNER AND GRADING CONTRACTOR. STOCKPILE SHALL HAVE PROPER EROSION CONTROL FEATURES INSTALLED, SHALL BE SEEDDED, AND DRAINAGE IS TO BE MAINTAINED IN THE VICINITY OF THE STOCKPILE.

PERMIT NO. NWK-2015-00992
 CENTRAL MISSOURI AGRI SERVICES, LLC
 RAILROAD LOOP TRACK
 SALINE COUNTY, MISSOURI
 SHEET 9 OF 10
 DATED 4 NOVEMBER 2015

ISSUED FOR CONSTRUCTION

NOTICE OF LIMITED RESPONSIBILITY

THE RESPONSIBILITY OF THE UNDERSIGNED ENGINEER IS LIMITED TO THE DESIGN WORK SHOWN ON PROJECT DRAWINGS AND DOCUMENTS BEARING HIS/HER SEAL, SIGNATURE OR INITIALS. HE/SHE DOES NOT HAVE AUTHORITY OVER THE PROJECT AS A WHOLE. THE UNDERSIGNED DISCLAIMS ANY RESPONSIBILITY FOR WORK DONE UNDER SUBSEQUENT REVISIONS AND ANY OTHER DOCUMENTS ASSOCIATED WITH THE PROJECT WHICH DO NOT BEAR HIS/HER SEAL, SIGNATURE OR INITIALS.

STATE OF MISSOURI
 REGISTERED PROFESSIONAL ENGINEER
 GLENN T. HAY
 NUMBER E-23997
 1245

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	11166 TESSON FERRY ROAD SUITE 100 ST. LOUIS MO, 63123-6966 (314) 729-7600		Drawn By: SPH Checked By: GTH Drawing: 14050-1	Scale: GRAPHIC Sheet 3 of 65 Date: 01/16/15	CENTRAL MISSOURI AGRISERVICE, LLC	1 01/26/15 NO. DATE	ISSUED FOR CONSTRUCTION (THIS DRAWING IS INTENDED TO BE PLOTTED ON 11 x 17 INCH PAPER)	SPH BY	PROPOSED 110 CAR LOOP TRACK MARSHALL, SALINE COUNTY, MISSOURI	TRACK PLAN - SOUTH PORTION STA 0+00 TO STA 22+00 & STA 58+00 TO STA 75+00.04
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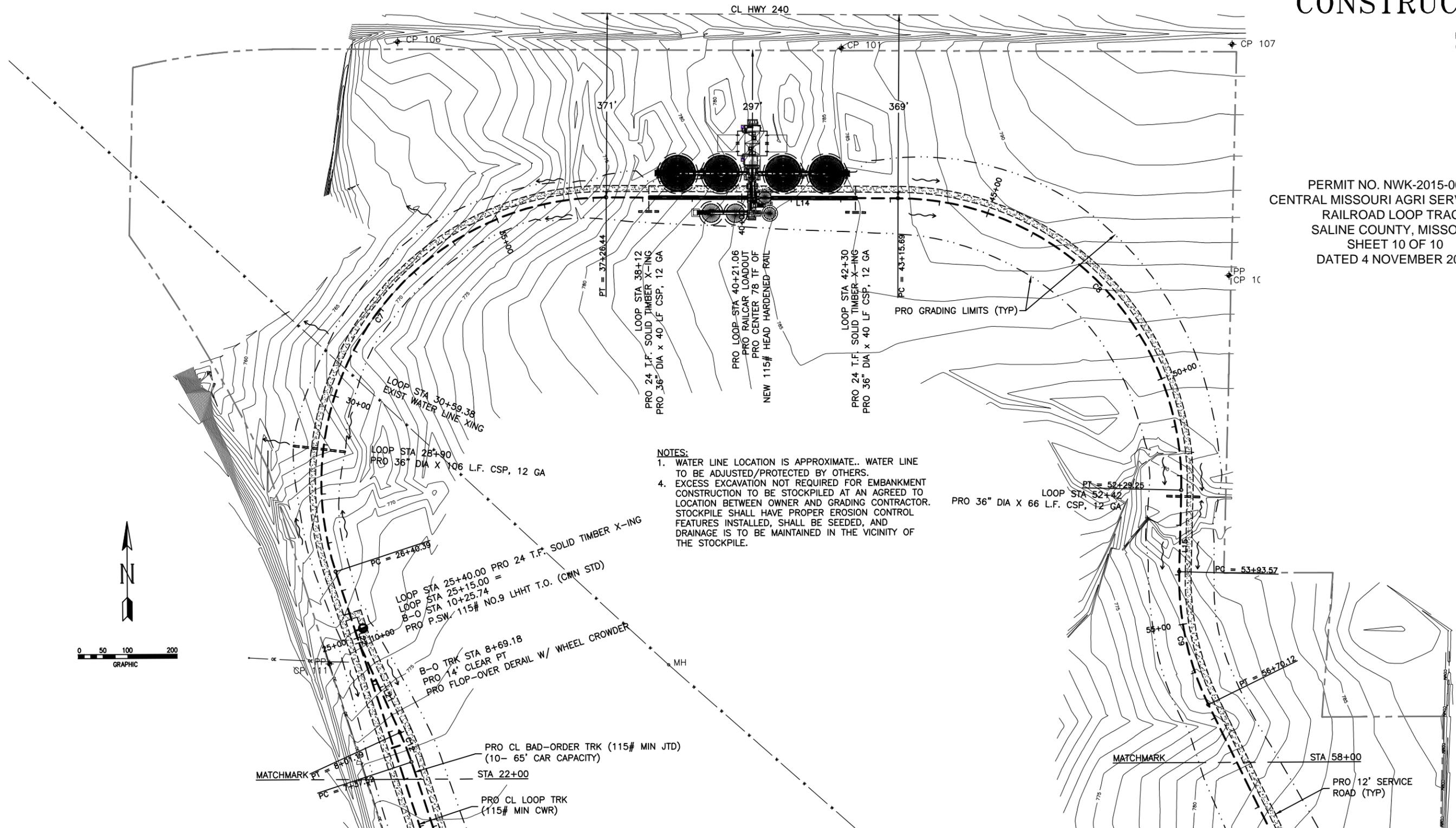


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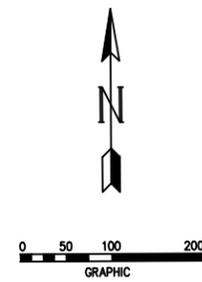
ISSUED FOR CONSTRUCTION

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PERMIT NO. NWK-2015-00992
 CENTRAL MISSOURI AGRI SERVICES, LLC
 RAILROAD LOOP TRACK
 SALINE COUNTY, MISSOURI
 SHEET 10 OF 10
 DATED 4 NOVEMBER 2015



- NOTES:**
1. WATER LINE LOCATION IS APPROXIMATE.. WATER LINE TO BE ADJUSTED/PROTECTED BY OTHERS.
 4. EXCESS EXCAVATION NOT REQUIRED FOR EMBANKMENT CONSTRUCTION TO BE STOCKPILED AT AN AGREED TO LOCATION BETWEEN OWNER AND GRADING CONTRACTOR. STOCKPILE SHALL HAVE PROPER EROSION CONTROL FEATURES INSTALLED, SHALL BE SEED, AND DRAINAGE IS TO BE MAINTAINED IN THE VICINITY OF THE STOCKPILE.



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	11166 TESSON FERRY ROAD SUITE 100 ST. LOUIS MO, 63123-6966 (314) 729-7600		Drawn By: SPH Checked By: GTH Drawing: 14050-1	Scale: GRAPHIC Sheet 4 of 65 Date: 01/16/15	CENTRAL MISSOURI AGRISERVICE, LLC	1 01/26/15 NO. DATE	ISSUED FOR CONSTRUCTION (THIS DRAWING IS INTENDED TO BE PLOTTED ON 11 x 17 INCH PAPER)	SPH BY	PROPOSED 110 CAR LOOP TRACK MARSHALL, SALINE COUNTY, MISSOURI	TRACK PLAN - NORTH PORTION STA 22+00 TO STA 58+00
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