



**US Army Corps
of Engineers** ®
Memphis District

ISSUE DATE: January 31, 2024

EXPIRATION DATE: February 15,

PUBLIC NOTICE

**U.S. Army Corps of Engineers
Memphis District**

U.S.C. Chapter 33, Section 408 Permission Evaluation

TITLE: Section 408 Permission Evaluation for Fletcher Creek Bridge Replacement, Shelby County, Tennessee.

INTRODUCTION: The authority to grant permission for temporary or permanent alterations of any U.S. Army Corps of Engineers (USACE) federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408. The City of Memphis has requested a Section 408 Permission Evaluation to replace a bridge over Fletcher Creek by adding approximately 40 feet of control structure to the bridge, repair the existing structure as required, and to widen the bridge from 32 to 68 feet in order to accommodate future anticipated widening of the existing roadway. The existing grade control structure would be extended under the new bridge width (Figure 1).

PROJECT DESCRIPTION Section 408 authorizes USACE to grant permission for the alteration or occupation or use of the project if USACE determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Mississippi River and Tributaries system, the federally authorized civil works project proposed for alteration, provides for managing flood risks to lands outside of the levees from floodwaters of the Mississippi River. The purpose of this project is to replace a bridge built in 1960 which has been subjected to excessive scour from an existing grade control structure built in the 1970s/1980s. This bridge has been rated “POOR” by the Tennessee Department of Transportation with the bridge deck being in poor condition. Additionally, the bridge sustained fire damage on June 13, 2023, from unauthorized homeless shelters. The proposed bridge would be extended from 218 to 400 feet with the removal of piers from the channel (Figure 2). The removal of the piers, which may have caused scouring issues within the creek, as well as some embankment removal should decrease the flow velocities within Fletcher Creek at this location leading to a more stable stream bed. The repair to the existing control structure should also aid in preventing head cutting of Fletcher Creek above this location (Figure 3).

ENVIRONMENTAL COMPLIANCE: A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review should be limited to the area of alteration and those adjacent areas that are directly or indirectly affected by the alteration. The proposed project meets criteria set forth in Nationwide Permit 14, Linear Transportation Projects and Nationwide Permit 13, Bank Stabilization. Additionally, as the proposed Section 408 alteration is within the USACE project footprint, no known historic properties would be affected. Furthermore, the proposed Section 408 alteration was determined to have no effect on threatened or endangered species or their critical habitat pursuant to the Endangered Species Act. The decision on this Section 408 request is being analyzed in accordance with NEPA and is limited to the Section 408 boundaries described herein.

PUBLIC INTEREST REVIEW: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties. Comments received within 15 days of this publication will be used in the evaluation of potential impacts of the proposed action on important resources. All comments will be considered in preparing environmental documentation pursuant to NEPA. USACE has jurisdiction under 33 USC 408 only over the specific activities that have the potential to alter existing USACE projects.

Please limit comments to the area of the alteration and those adjacent areas that are directly or indirectly affected by the alteration to the federally authorized civil works project described herein. **Comments may be submitted to kevin.r.pigott@usace.army.mil and should be received by February 15, 2024.**

Sincerely,



Mark R. Smith
Chief, Environmental Compliance Branch,
Regional Planning and Environmental Division South



Figure 1. Proposed Section 408 project location for proposed bridge replacement and repairs, Shelby County, Tennessee.

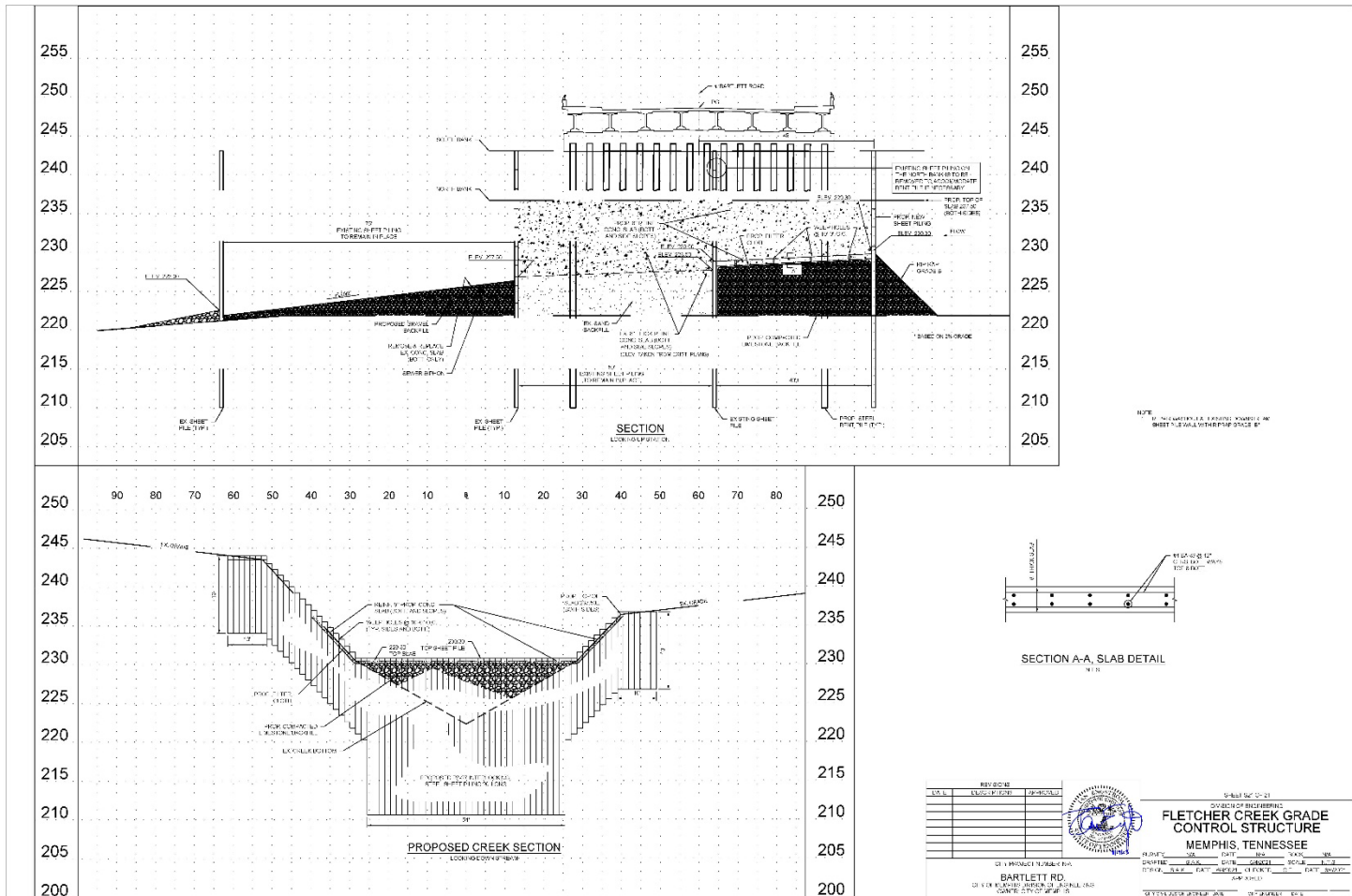


Figure 3. Figure 2. Proposed Section Fletcher Creek bridge replacement grade control structure, Shelby County, Tennessee.