



US Army Corps  
of Engineers  
Memphis District

# Public Notice

FILE NUMBER: MVM 1991-432 (JME)

NOTICE DATE:  
August 8, 2017

Attn: Postmaster,  
Please Post Until

EXPIRATION DATE:  
⇒ August 22, 2017

## Public Notice 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.

**APPLICANT:**

Island Properties Associates  
65 Union Avenue, Suite 1200  
Memphis, Tennessee 38103

**AGENT:**

Mr. Antonio R. Bologna, FAIA  
785 Harbor Isle Circle West  
Memphis, Tennessee 38103-0826  
Phone: (901) 337-6000

**PURPOSE:** The project is a modification (5 year time-extension request) to a previously issued permit, Permit No. Wolf River Harbor 89A & 89B, File #199100432, to complete floating marina dock construction of the present Harbor Town Marina. To date, all work associated with this project including harbor dredging, wetland mitigation, riprap and bank stabilization under the previously issued permit has been satisfactorily completed.

**LOCATION:** The project site is located on the west bank of the Wolf River Harbor just north of the A.W. Willis Bridge in Memphis, Shelby County, Tennessee, as shown on the Northwest Memphis, Tennessee, 7.5-minute USGS topographic quadrangle (Attachment 1). The approximate latitude and longitude for the project are 35.1604° and -90.0519°.

**DESCRIPTION OF WORK:** The portion of the proposed project which has not been completed consists of the construction of seventy-nine (79) slips of the Harbor Town Marina as shown on Attachment 2. The initial phase of fifty (50) slips and twenty-seven (27) rowing shell racks are complete and occupied. The original eight (8) uncovered slips have been covered and two (2) of the slips have been floored to accommodate additional kayaks, canoes, and rowing shells. At this time, the applicant has stated there will be no removal of trees as part of construction.

The Section 10 permit authorizing the floating marina was issued on March 24, 1990 with the following special conditions: 1). The marina shall not extend more than 50 feet channelward of the west dredging line at any stage of the river; 2). No anchorage for the marina shall be allowed channelward of the dredging line of the Wolf River Harbor; 3). The marina that extends past the dredging line shall be removable and shall be promptly removed upon order of the District Engineer; and 4). Any damage sustained by dredging harbor limits or by moving the marina shall not be the responsibility of the U.S. Federal Government.

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.

**ENDANGERED SPECIES:** The interior least tern (*Sterna antillarum athalassos*), pallid sturgeon (*Scaphirhynchus albus*), Indiana bat (*Myotis sodalis*), and Northern long-eared bat (*Myotis septentrionalis*) are listed as threatened or endangered by U.S. Fish and Wildlife (USFWS) in Shelby County, Tennessee. USFWS' original letter regarding the project indicated that there are no federally listed or proposed endangered or threatened plant or animal species in the impact area of the project and requirements of Section 7(c) of the Endangered Species Act of 1973, as amended, are fulfilled. Based on best available information, the Corps of Engineers determination is that the project will have no adverse effect on federally listed rare, threatened, or endangered species. This application is being coordinated with USFWS. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** In response to the original application, the Tennessee Historical Commission provided their opinion that due to the location, scope and/or nature of the undertaking, and/or the size of the area of project impact, the proposed undertaking will have no effect on National Register of Historic Places listed or eligible properties either because none exist in the area of project impact or because the undertaking will not alter any characteristics of an identified eligible or

listed property which qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, their office had no objections to proceeding with the project. The current proposal has been recently reviewed by the Corps of Engineers Regulatory Branch Archaeologist and it was determined the project would have 'no potential to cause effects' to cultural resources. However, the Memphis District will evaluate information provided by the State Historic Preservation Officer, federally recognized tribes, and the public in response to this public notice and we may conduct, or require a survey of the project area.

**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 10 permits required by our office.

**COMMENTS:** To request additional information or provide comments on this notice, please contact Mr. Mitch Elcan using the information below:

DEPARTMENT OF THE ARMY  
MEMPHIS DISTRICT CORPS OF ENGINEERS  
REGULATORY BRANCH  
ATTN: MITCH ELCAN  
167 N. MAIN STREET, B-202  
MEMPHIS, TENNESSEE 38103-1894

e-mail: [james.m.elcan@usace.army.mil](mailto:james.m.elcan@usace.army.mil)  
phone: (901) 544-0737  
fax: (901) 544-0211

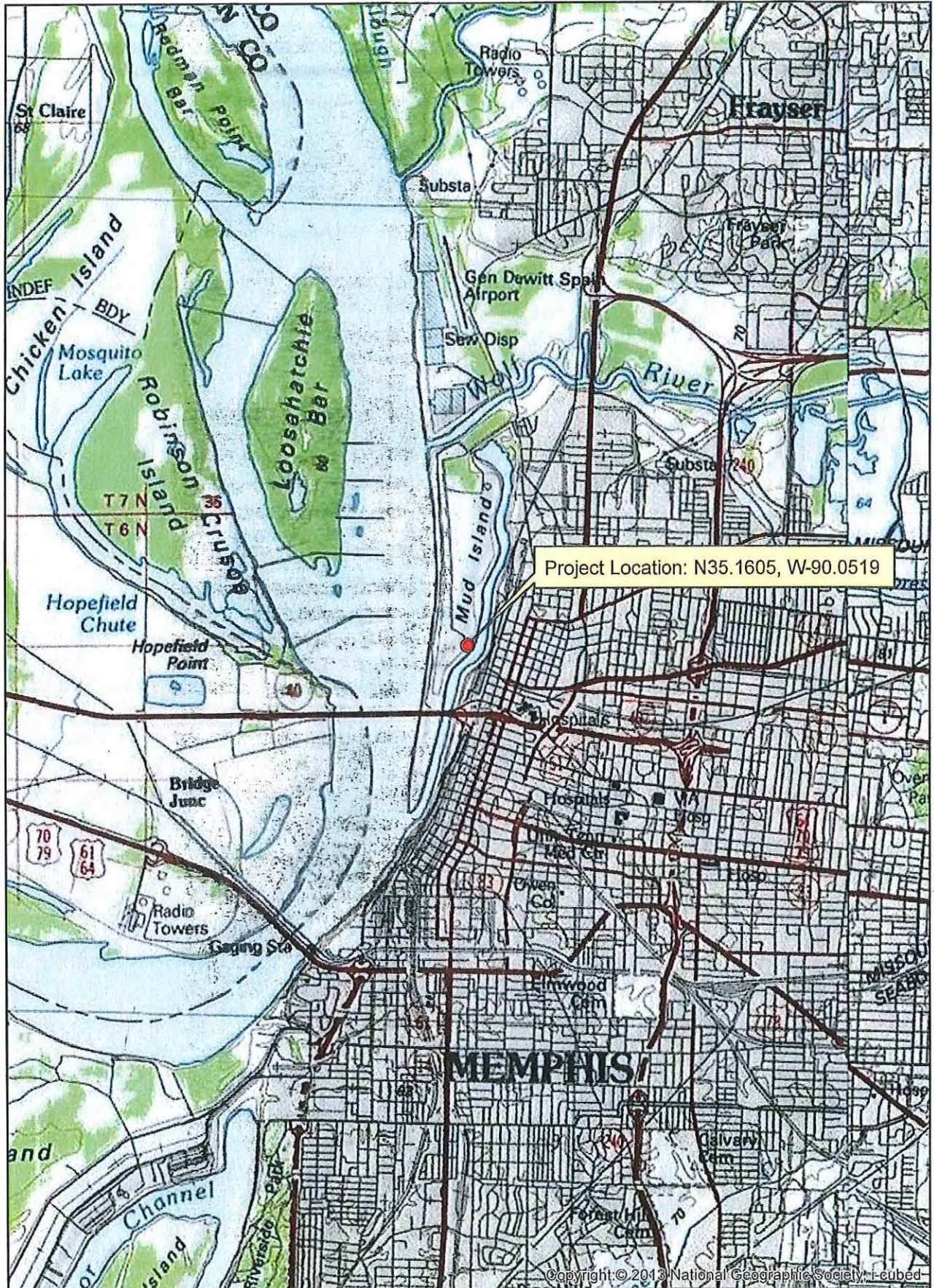
Comments may be sent via mail or e-mail. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this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

For Final Individual Permits actions in the Memphis District, go to the following link: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. 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.

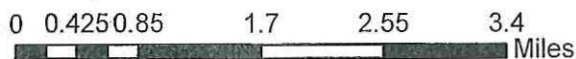
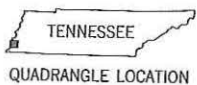


Gregg Williams  
Chief  
Regulatory Branch

Attachments



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Northwest Memphis, TN  
1:83,301, USGS Quad

dene 20-24 \\DENNA\AAA-Projects\2017\17-xxxx Harbor Town Marina\marina using rendermap07\_14\_04.DWG Aug 03, 2017 - 1:42pm

<p><b>PURPOSE:</b> HARBOR TOWN MARINA EXTENSION WOLF RIVER HARBOR-89A NOT TO SCALE</p>	<p><b>PLAN VIEW</b> ISLAND PROPERTIES ASSOCIATES 65 UNION AVENUE SUITE 1200 MEMPHIS, TENNESSEE 38103</p>	<p><b>HARBOR TOWN MARINA</b> ON: WOLF RIVER SIDE OF MUD ISLAND AT: NORTH SIDE OF AUCTION STREET BRIDGE MEMPHIS, SHELBY COUNTY, TENNESSEE</p>
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