US Army Corps of Engineers ®
Memphis District

ISSUE DATE: **March 26 2013**

EXPIRATION DATE: **April 25, 2013**

PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

Availability of Draft Environmental Assessment,
Draft Finding of No Significant Impact, and 404(b)(1) Evaluation

REPLY TO:
ATTN: Alan Bennett, Environmental Compliance Branch
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
Tele: (901) 544-4313
Fax: (901) 544-3955
E-mail: alan.w.bennett@usace.army.mil

TITLE: Ensley Levee Seepage Berm Repair, Shelby County, Tennessee

AUTHORITY: The proposed action is authorized under Public Law (PL) 84-99.

LOCATION: The proposed Ensley Levee seepage berm repair project is located in the southern extent of the Frank C. Pidgeon Industrial Area in southwestern Shelby County, Tennessee (Attachment, Figures 1 and 2).

TO WHOM IT MAY CONCERN: Pursuant to the National Environmental Policy Act of 1969 as amended, the U.S. Army Corps of Engineers, Memphis District (CEMVM), is issuing this notice with the intention of repairing those portions of the Ensley Levee seepage berm that were damaged during the record level flooding of the Mississippi River in May 2011.

PURPOSE: As result of the high water levels in the Mississippi River during the May 2011 flood event, numerous sand boils formed near the toe of the Ensley Levee seepage berm. Continued seepage could eventually lead to a levee failure, which would result in property damage within the Frank C. Pidgeon Industrial Park and potential human injuries and/or loss of life. It is necessary to repair the seepage berm to bring the levee and berm up to its full flood control/protection capability, thus maximizing protection to the resources located behind it.

PROPOSED ACTION. The proposed project action consists of installing approximately 95 relief wells along the toe of the Ensley Levee seepage berm and repairing those portions of seepage berm that were damaged during the record level flooding of the Mississippi River in May 2011. No ditch work would occur and seepage waters from the relief wells would flow along the natural topography of

the land. The limit of work for the proposed project is within a 4-mile section of the seepage berm located at the southern extent of the industrial area (Attachment, Figure 2). Approximately 6,300 cubic yards of earthen material would be needed to repair the damaged sections of the berm. The earthen material would be obtained from a stockpiled source located north of the Nucor Steel Plant (Attachment, Figure 2). Equipment such as a backhoe would load the material into haul trucks, which would then transport the material to the repair sites along the seepage berm. Access to the stockpile site would be coordinated with and approved by the Memphis and Shelby County Port Commission. Access to the berm repair sites would be via the existing dirt/gravel road on the crown of the Ensley Levee and existing ramps leading off the levee onto the seepage berm.

A silt fence or approved equivalent would be installed along the northern boundary of the area to be cleared to contain sediments within the proposed project area. Bulldozers may be used to remove the vegetation from the top of the berm toe for a maximum width of 50 feet, which extends approximately 20 feet into existing wetlands. Vegetation removed may be hauled off or would be pushed away from the toe of the berm and stockpiled on site or burned. Approximately 23 acres would be impacted by the proposed project, including 13.3 acres of non-wet pastureland within the berm and berm toe, and 9.7 acres of wetland habitat consisting of 8 acres of forested wetlands and 1.7 acres of scrub/shrub habitat within the 20-foot wide section to be cleared. Excavation equipment such as backhoes would excavate the soil to a depth of approximately 3 feet to expose the voids created by seepage under the levee. Once a void has been located, it would be repaired with the excavated material plus any additional material required from the stockpile site. After completion of the berm repairs, the silt fence would be removed and the areas disturbed by the proposed project action would be reseeded with grass. The 50-foot wide cleared area would be maintained (mowed) to prevent the re-establishment of trees.

ALTERNATIVES TO THE PROPOSED ACTION: Two alternatives were considered for the proposed action: 1) no-action; 2) install relief wells and repair the existing Ensley Levee seepage berm.

Alternative 1 – Future without Project Condition. In the future without project condition (no-action alternative), the proposed project would not be constructed. The no-action alternative would result in continued seepage during flood conditions. Sands and silts would be carried under the levee from seepage resulting in sand boils. This could lead to a levee failure during a major flood event, resulting in property damage and potential human injuries and/or loss of life. The CEMVM has determined that this alternative is unacceptable because of the risks to the adjacent industrial park and the human environment.

Alternative 2 – Install Relief Wells and Repair the Existing Ensley Levee Seepage Berm. This alternative would involve installing approximately 95 relief wells at an interval of approximately one every 200 feet along the toe of the Ensley Levee seepage berm and repairs to a 4-mile section of the seepage berm located at the southern extent of the Frank C. Pidgeon Industrial Area. No ditch work would occur and seepage waters from the relief wells would flow along the natural topography of the land to an existing ditch that carries drainage water to the Ensley pump station. Approximately 6,300 cubic yards of earthen material to be utilized for the proposed repair work would be obtained from a stockpiled site located just north of the Nucor Steel Plant. A silt fence or approved equivalent would first be installed along the northern boundary of the seepage berm to contain any potential runoff into adjacent wetlands.

As site preparation, the vegetation would be removed from the top of the berm toe out to a maximum distance of 50 feet, which extends approximately 20 feet into an area that has reverted to wetlands. Vegetation removed may be hauled off or pushed away from the toe of the berm and stockpiled on site. The cleared area would be excavated to a depth of approximately 3 feet to expose the voids created by seepage under the levee. Once a void has been located, it would be repaired utilizing the excavated material plus any additional material required from the stockpiled site to replace material lost during the May 2011 flood event. After completion of the seepage berm repairs, the silt fence would be removed and the areas reseeded with grass species either the same or similar to that found growing along the seepage berm. The 50-foot wide cleared area would be maintained (mowed) to prevent the re-establishment of trees from growing on and adjacent to the berm.

Approximately 23 acres would be impacted by the proposed project, including 9.7 acres of wetlands. As the acres of impact are within the project boundaries of the 1990 seepage berm construction, mitigation requirements for the seepage berm repairs have been fulfilled per the mitigation plan developed for the initial project construction; thus, no additional mitigation is required. No significant adverse environmental impacts are associated with Alternative 2. All factors considered, Alternative 2 is the most practical solution for seepage control and is the preferred alternative for the proposed project.

WATER QUALITY CERTIFICATION: An application for aquatic resources alteration permit for state water quality certification was submitted to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, on November 27, 2012. To comply with state requirements for the permits, a public notice sign briefly describing the proposed project action was posted on February 7, 2013, where it is visible and can be read from a public road near the proposed activity. A public notice was published in the Memphis Business Journal on February 8, 2013. The Division of Water Pollution Control issued Permit #NRS12.251 on March 18, 2013.

SECTION 404(b)(1) EVALUATION: A Section 404(b)(1) evaluation for the proposed project action was completed on March 26, 2013, in accordance with Environmental Protection Agency guidelines pursuant to Section 404 of the Clean Water Act, as amended.

THREATENED AND ENDANGERED SPECIES: On September 19, 2012, CEMVM biologists and a U.S. Fish and Wildlife Service (USFWS) biologist conducted a site assessment of the proposed project area. The site assessment included a survey for potential roosting habitat for the endangered Indiana bat (*Myotis sodalis*). No potential roost trees or snags having loose bark were found within the project area. Based upon the survey, the determination was made that the habitat within the proposed project area does not represent suitable habitat for the Indiana bat. No evidence of any threatened or endangered species or other federally protected species was found during the site assessment. Thus, the proposed project is not expected to adversely impact any threatened or endangered species or their critical habitat. The USFWS concurred with this determination by letter dated September 28, 2012.

CULTURAL RESOURCES: A cultural resources survey was conducted in 1994 of the Frank C. Pidgeon Industrial Park by private contractor Garrow and Associates, documented in their report, *A Cultural Resources Survey of the Frank C. Pidgeon Industrial Park, Shelby County, Tennessee.* Four previously recorded archeological sites and 19 additional sites were found during the 1994 survey. CEMVM archeologists reviewed the 1994 report and determined that no archeological sites were found within or adjacent to the proposed work area, thus the proposed project would have no effect on significant cultural resources. The Tennessee State Historic Preservation Officer concurred with this

determination by letter dated September 13, 2012 and has no objection to the proposed project. This draft environmental assessment will be distributed to culturally affiliated federally recognized tribes for comment.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the proposed activities and to solicit comments and information necessary to evaluate the probable impact on the public interest. This notice is being circulated to federal, state and local environmental agencies. The decision to proceed with the proposed modifications 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 potential benefits of the activity must be balanced against its reasonably foreseeable detriments. Potential direct, indirect, and cumulative effects of the activity on the human environment will be considered.

CEMVM 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 the proposed activity. Any comments received will be considered by CEMVM to determine whether to proceed with the proposed action. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments are used in preparation of the final environmental assessment and/or draft environmental impact statement pursuant to the National Environmental Policy Act and are also used to determine the overall public interest of the proposed activity. **The Draft Environmental Assessment, Draft Finding of No Significant Impact, and Section 404(b)(1) Evaluation have been completed and will be circulated to agencies and any other party that responds to this notice requesting a copy. Copies have been placed on the District's website at: http://www.mvm.usace.army.mil/About/Offices/Regulatory/PublicNotices.aspx**

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 proposed project action. Requests for a public hearing should clearly state the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed in order to reach a decision on the project. 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.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on this proposal, please contact Mr. Alan Bennett at the U.S. Army Corps of Engineers, Environmental Compliance Branch, 167 North Main Street RM B-202, Memphis, Tennessee 38103-1894, or by telephone at 901-544-4313. **Comments should be forwarded to this office by April 25, 2013.**

Sincerely,

Edward P. Lambert

Edward P. Lambert
Chief, Environmental Compliance Branch
Regional Planning and Environmental Division, South

ATTACHMENTS – FIGURES 1 and 2

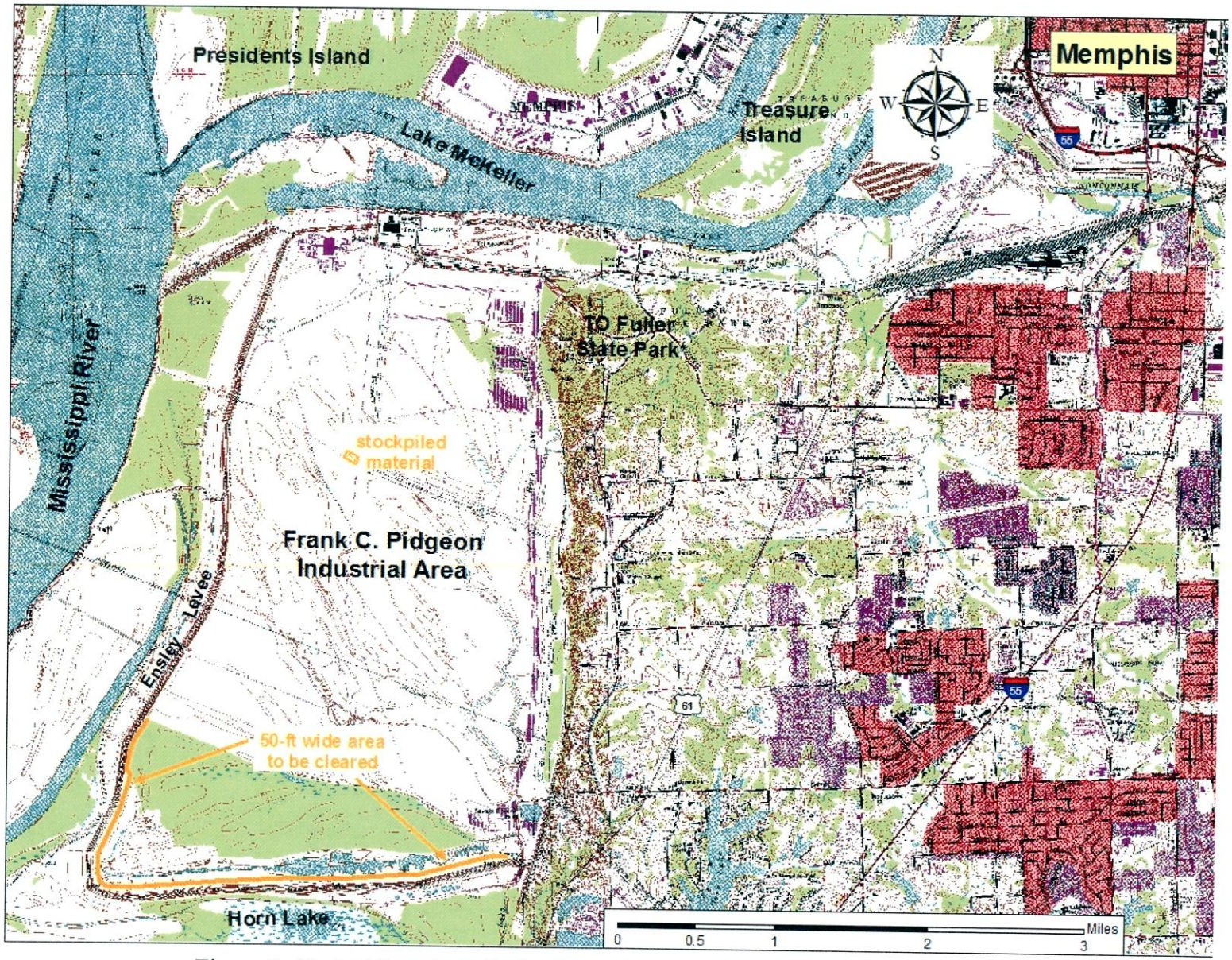

Figure 1. Project Location, Ensley Levee Seepage Berm Repair, Shelby County, Tennessee.

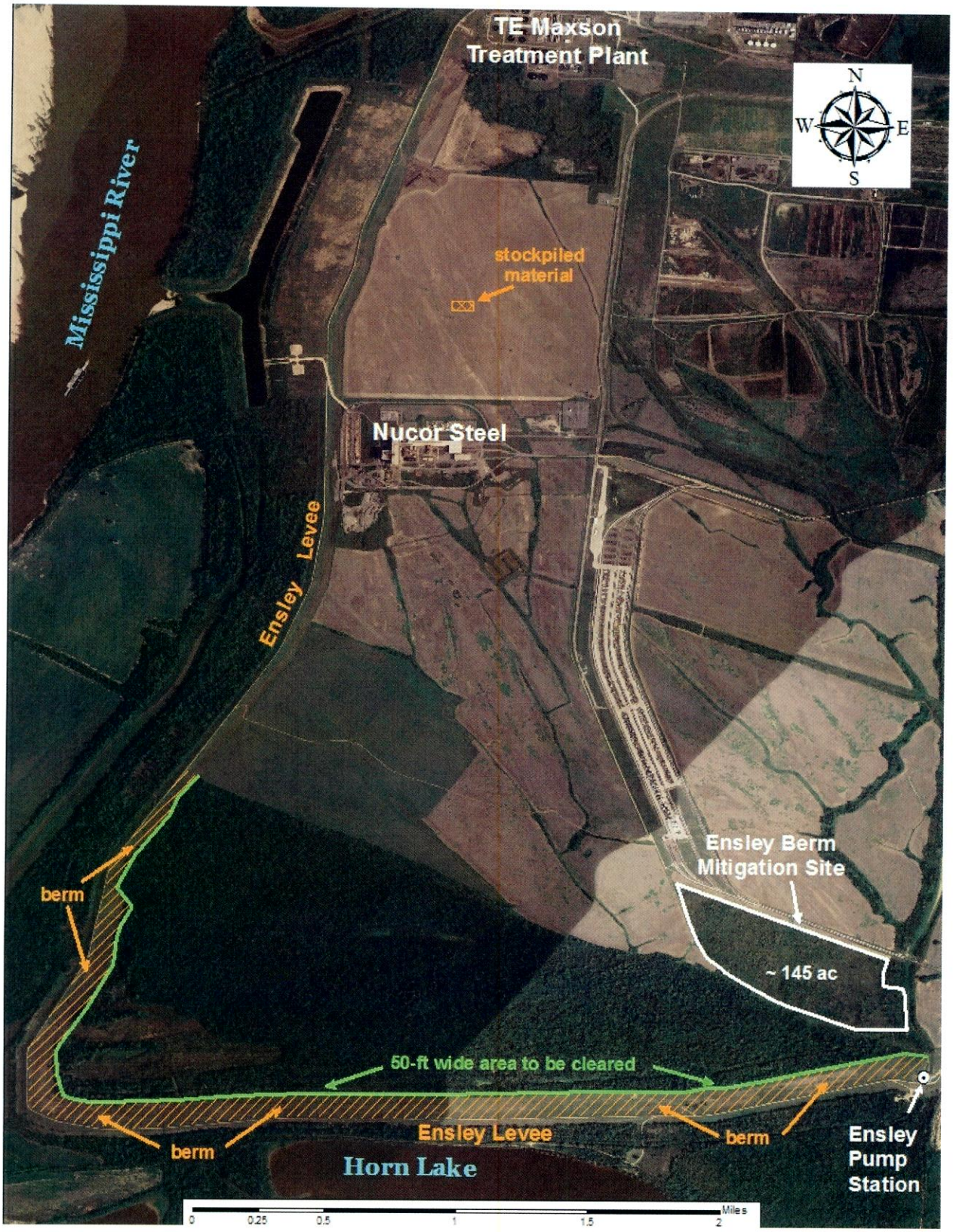

Figure 2. Project Details, Ensley Levee Seepage Berm Repair, Shelby County, Tennessee.