



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2014-313 (JME)

NOTICE DATE:
August 18, 2014

Attn: Postmaster,
Please Post Until \Rightarrow EXPIRATION DATE:
September 16, 2014

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 404 of the Clean Water Act.

APPLICANT:

Crews Realty LLC
Attn: Mr. Jason Crews
3035 Centre Oak Way, Suite 101
Germantown, Tennessee 38187
(901) 202-6303

AGENT:

Mr. Timothy Brophy
Brophy-Heineke & Associates, Inc.
2978 Shelby Street
Bartlett, Tennessee 38134
(901) 373-3289

PURPOSE: The applicant proposes to expand an existing distribution center (MCR Safety Phase 2).

LOCATION: The project site is located south of U.S. Highway 72 and north of the Tennessee/Mississippi state line near Piperton, Fayette County, Tennessee, at approximate coordinates N34.998427° / W-89.627469° as shown on Attachment 1.

DESCRIPTION OF WORK: The applicant proposes to expand an existing distribution center within the developing U.S. Highway 72 corridor on a 99.75-acre parcel of property. A site plan depicting the proposed project layout is provided as Attachment 2.

Wetlands, totaling 2.46 acres, are located on the site, as shown on Attachment 2. Wetlands on the property are predominately herbaceous and comprised mostly of rushes (*Juncus* spp.), sedges (*Carex* spp.), floating seedbox (*Ludwigia peploides*), and camphorweed (*Pluchea camphorata*). The applicant proposes to permanently fill the 2.46 acres of wetlands on the property to allow for the proposed development. The deposition of fill material into waters of the U.S., including streams and wetlands, requires authorization from the U.S. Army Corps of Engineers. At this time, it is our preliminary jurisdictional determination that these wetlands are considered jurisdictional.

AVOIDANCE/MINIMIZATION: According to the applicant, it is not practicable to develop the site without filling the scattered herbaceous wetlands.

MITIGATION: The applicant proposes to mitigate unavoidable wetland impacts by the restoration of 10 acres of bottomland hardwoods off site. The mitigation site is located east of Highway 205 and south of the Wolf River in Shelby County at approximate coordinates N35.075449° / W-89.651443°, as shown on Attachment 3.

WATER QUALITY CERTIFICATION: The applicant should request water quality certification from the Tennessee Department of Environment and Conservation, Division of Water Pollution Control that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. 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: The Memphis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a survey of the project area.

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 public notice and notify this office of any flood plain 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 project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

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

U.S. Army Engineer District - Memphis
ATTN: James Elcan
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894

E-mail: james.m.elcan@usace.army.mil
Phone: (901) 544-0737
Fax: (901) 544-0211

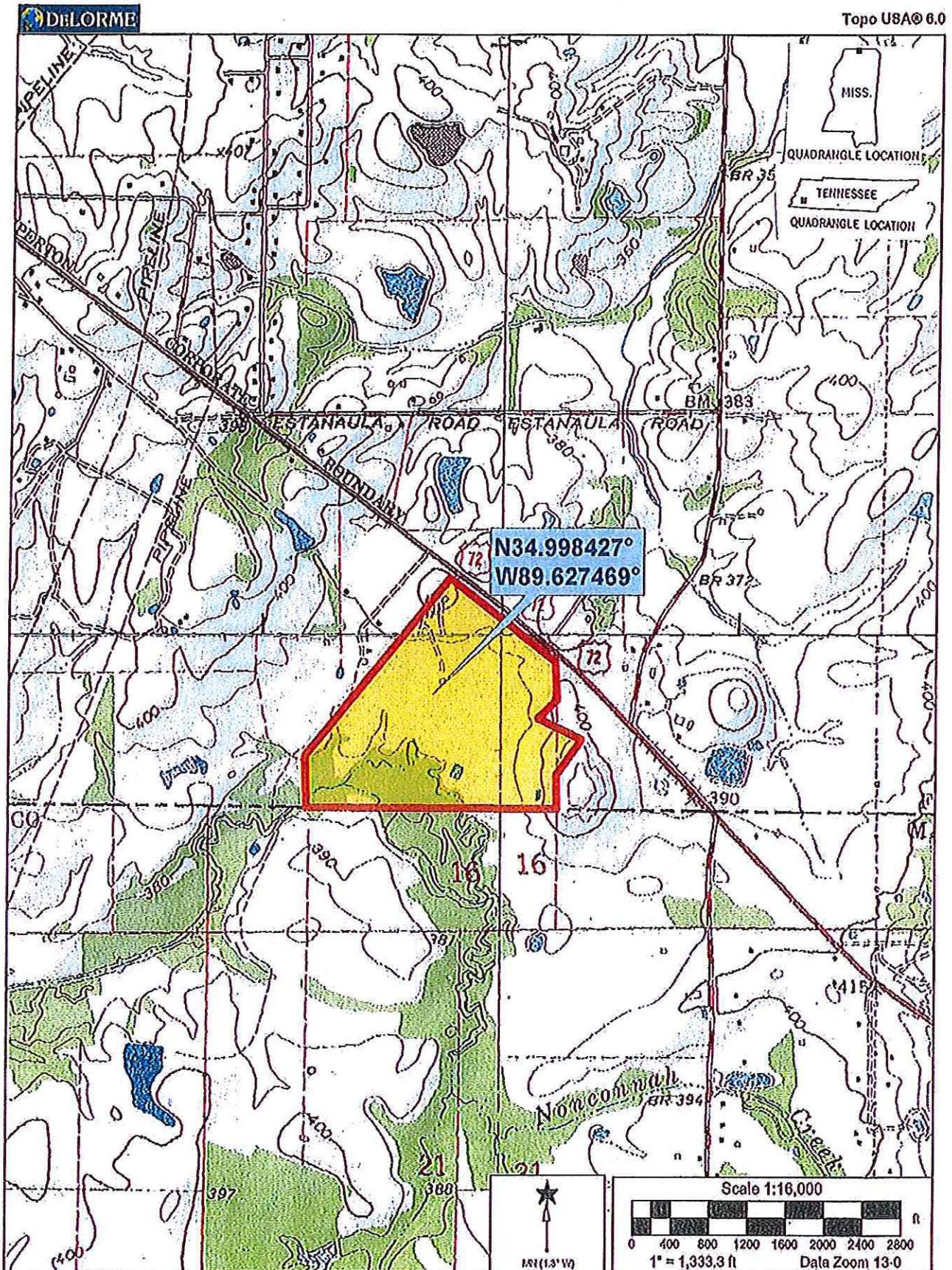
Comments may be sent via mail or E-mail. The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.

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



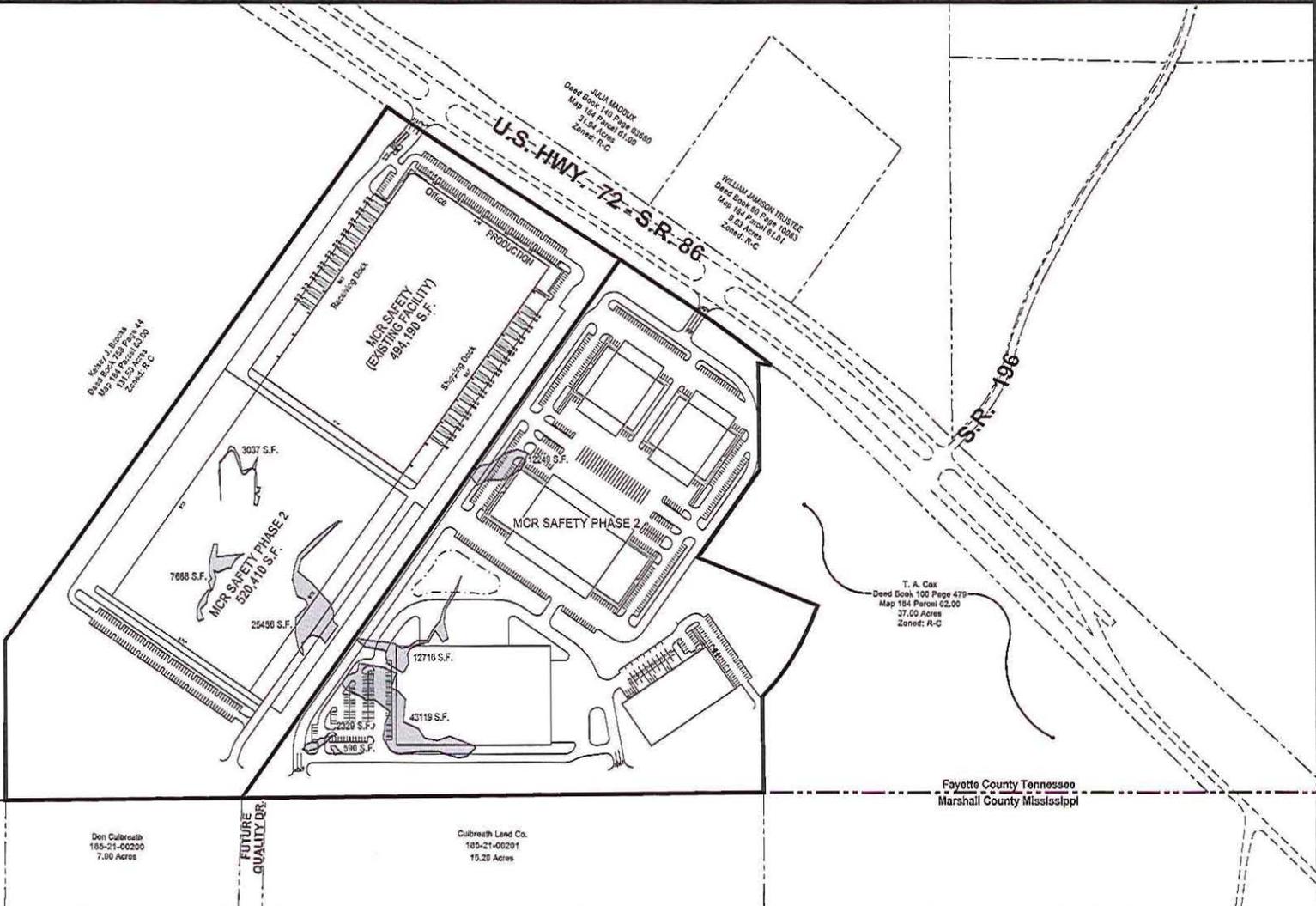
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931.417.8628 (C)91.371.1967 website@crewsrealty.com



Fayette County Tennessee
Marshall County Mississippi

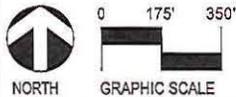
Fayette County Tennessee
Marshall County Mississippi

MCR SAFETY PHASE 2 WETLANDS

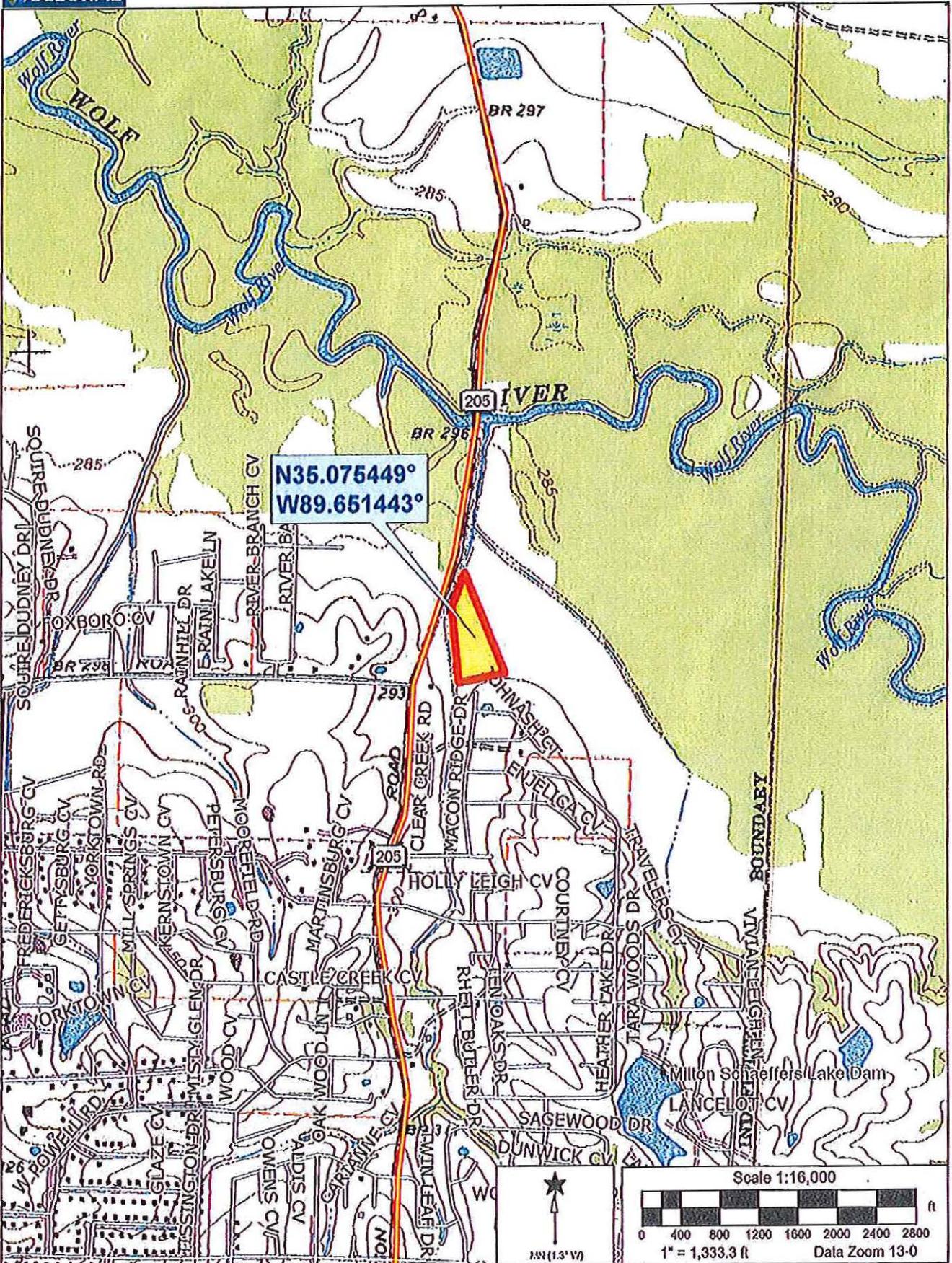
PIPERTON, TENNESSEE



www.crewsrealty.com • 901.202.6303



Attachment 2.



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Map based on the Colliville, TN 1:24,000 USGS Topo Quad