



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2008-228(b)-ECG

NOTICE DATE:
July 6, 2012

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  August 5, 2012

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:

Mr. Russell E. Bloodworth
Shilling Farms, LLC
5900 Poplar Avenue
Memphis, Tennessee 38119
(901) 766-4204

AGENT:

Mr. Michael D. Rogers
Fisher & Arnold, Inc.
9180 Crestwyn Hills Drive
Memphis, Tennessee 38125
(901) 748-1811

PURPOSE: The applicant proposes to stabilize a stream channel in an effort to arrest further erosion of the stream banks. The proposed improvements are consistent with the proposed improvements for the relocation and stabilization of this same channel immediately downstream, as covered under the Corps Section 404 Permit MVM-2008-228. This permitted action has not yet been constructed to date.

LOCATION: The project is located on the south side of Shilling Boulevard West approximately 485' west of Shilling Boulevard in Collierville, Shelby County, Tennessee, as shown on the attached site location map and the Collierville, Tennessee, 7.5-minute USGS topographic quadrangle (Attachments 1 and 2, respectively). Approximate center coordinates for the site are N35.0417° / W-89.7056°.

DESCRIPTION OF WORK: The applicant proposes to improve 400 linear feet of an unnamed tributary of Nonconnah Creek as a vegetated, trapezoidal channel with a two-foot flat bottom and 2:1 side slopes. The entire section of the stream will be stabilized with permanent turf reinforcement (either VMax 350 by North American Green or Pyramat by Propex). Additionally, the channel will be hydroseeded with Hydra CX2 Slope Matrix by North American Green or the equivalent. The mixture of grasses shall be Kentucky 31 Fescue, Rough Stalk Bluegrass, Bahiagrass, and Crabgrass. The objective of the proposed work is to develop a stream that is ecologically superior to the existing stream conditions through the environmentally sensitive design and the proposed mitigation measures described below.

The existing stream drains from north to south and varies in top bank width between 52' to 62'. The depth from top of bank to channel ranges between nine to eleven feet with a channel bottom width between three to seven feet. The average slope of the stream is 0.60%. The channel banks are actively eroding with vertical banks along a majority of the stream length. Vegetation along the shear banks is minimal and significant sloughing exists along the western bank (Attachment 3). However, the base of the channel appears to be stable with wetland vegetation established along the bottom terrace (Attachment 4). An aerial photograph of the stream channel is provided in Attachment 5. Construction drawings are provided in Attachment 6. A set of full sized plans are available upon request.

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 this aquatic feature is considered jurisdictional.

AVOIDANCE/MINIMIZATION: According to the applicant, the chosen alternative is consistent with the permitted improvements and relocation of the downstream portion of the channel. No other alternatives have been presented at this time.

MITIGATION: The applicant proposes to mitigate unavoidable stream impacts by planting the banks with native tree seedlings consisting of primarily later successional species in two rows on 10' centers. No single species will consist of more than 25% of the total planted. Planting will occur during the first planting season after the completion of the channel improvements. The perimeter will be clearly marked with mitigation boundary signs, and the site will be protected and maintained as a mitigation site in perpetuity as well as monitored for a minimum of five years.

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 Ms. Emily Greer using the information below:

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

e-mail: emily.c.greer@usace.army.mil
phone: (901) 544-0733
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.

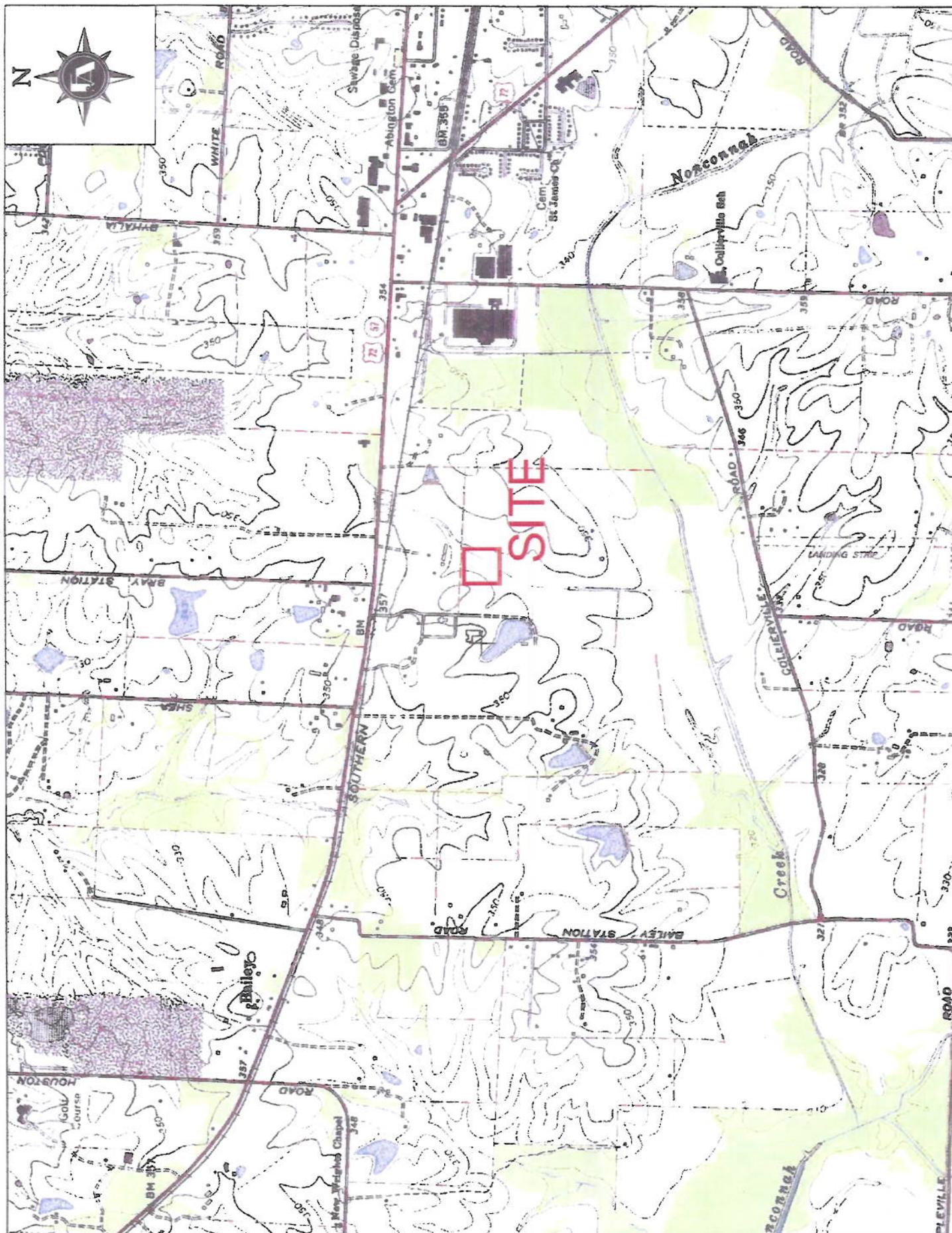


Gregg Williams
Acting Chief
Regulatory Branch

Attachments



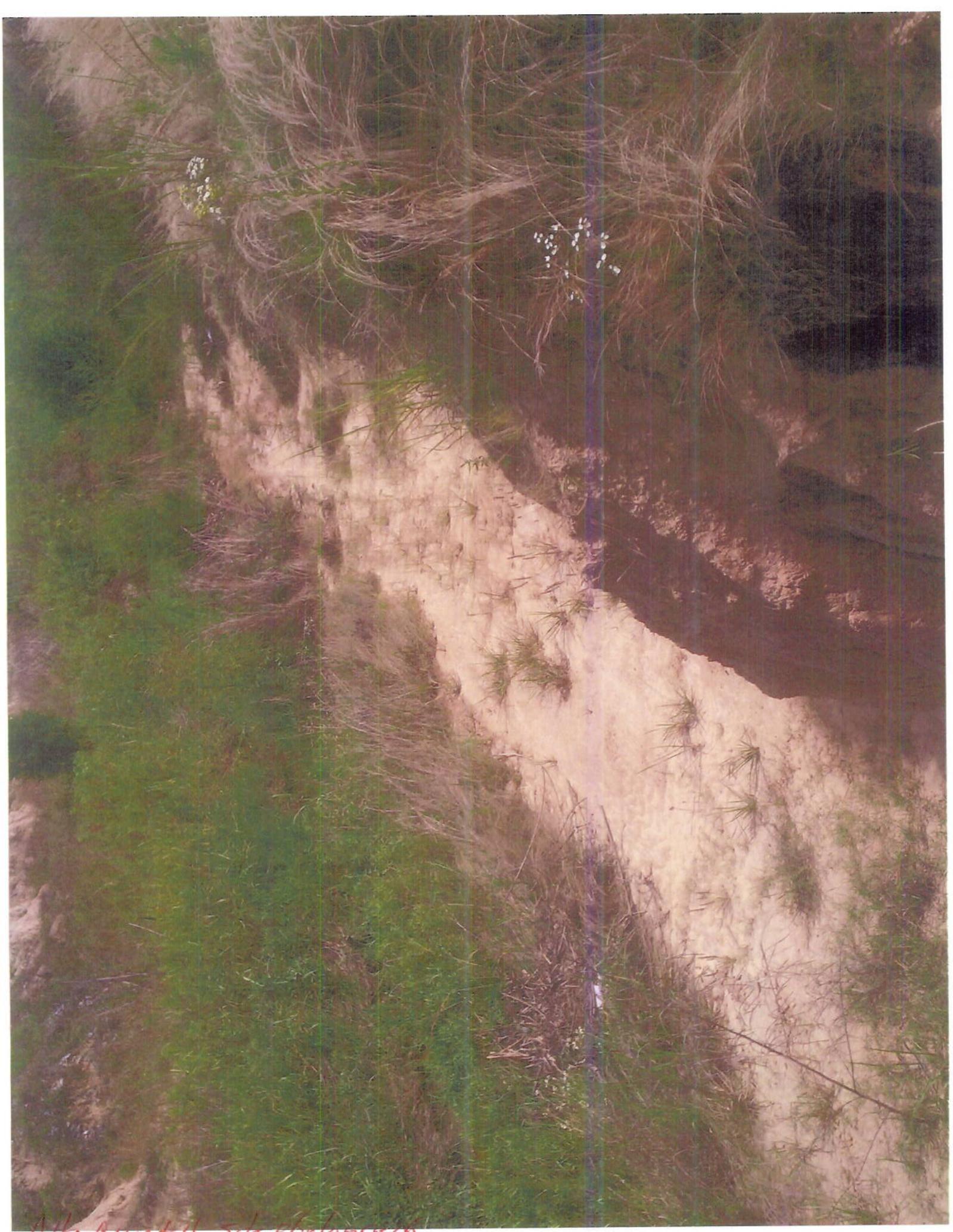
Attachment 1: Site Location Map



Attachment 2: Site Topographic Map



Alt. - 4.1 m / 3.5 ft. Alt. 1.4 m



Attachment 4. Site photograph



Attachment 5: Site Aerial Photograph

