



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2012-190 (RC)

NOTICE DATE:
June 25, 2012

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
⇒ July 25, 2012

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. Drew Overbay
706 W. Main Street
Sevierville, Tennessee 37862
(865) 850-2412

DESCRIPTION OF WORK: The proposed project will consist of constructing a levee approximately 750-feet long, 10 feet wide, and approximately 3 feet high at the highest point to better control water levels (see figure 2, attached). A water control structure will be installed in the levee. Approximately 1,500 cubic yards of material will be excavated to construct the levee and will directly impact 0.17 acres of herbaceous wetlands.

PURPOSE: The purpose of the project is to reestablish an abandoned agricultural field and to provide moist soil management for waterfowl hunting.

LOCATION: The project is located approximately one mile west of Interstate 40 and Exit No. 52 (Ko Ko Road) within the floodplain of the Hatchie River Bottoms near Brownsville, Tennessee (see attached map, Figure 1), in Haywood County, Tennessee, at approximate latitude 35.48538° and longitude 089.28516° on the Dancyville 7.5 minute quadrangle map.

AVOIDANCE/MINIMIZATION: According to the applicant, the width of the proposed levee will be decreased from the original 18-foot width to a 10-foot width, thus reducing project impacts by 0.14 acres (see Figure 1, attached).

MITIGATION: The applicant proposes to mitigate on site at a 4:1 ratio (0.80) acres adjacent to another restoration area constructed by a previous landowner (see Figure 1, attached).

THREATENED AND ENDANGERED SPECIES: No federally 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 is complying with the National Historic Preservation Act of 1966 and implementing regulations found in 36 CFR Part 800. The Memphis District will evaluate information provided by the State Historic Preservation Office 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 or are we an opponent of the project. We are merely the permitting authority of Section 404 permits required by our office.

COMMENTS: To request additional information; contact Randy Clark at (901) 544-0735. 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 July 25, 2012. Comments may be sent via mail or e-mail to the following:

U.S. Army Corps of Engineers, Memphis District
ATTN: Randy Clark
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
Fax (901) 544-0211
e-mail: james.r.clark@mvm02.usace.army.mil



Gregg Williams
Acting Branch Chief
Regulatory Branch

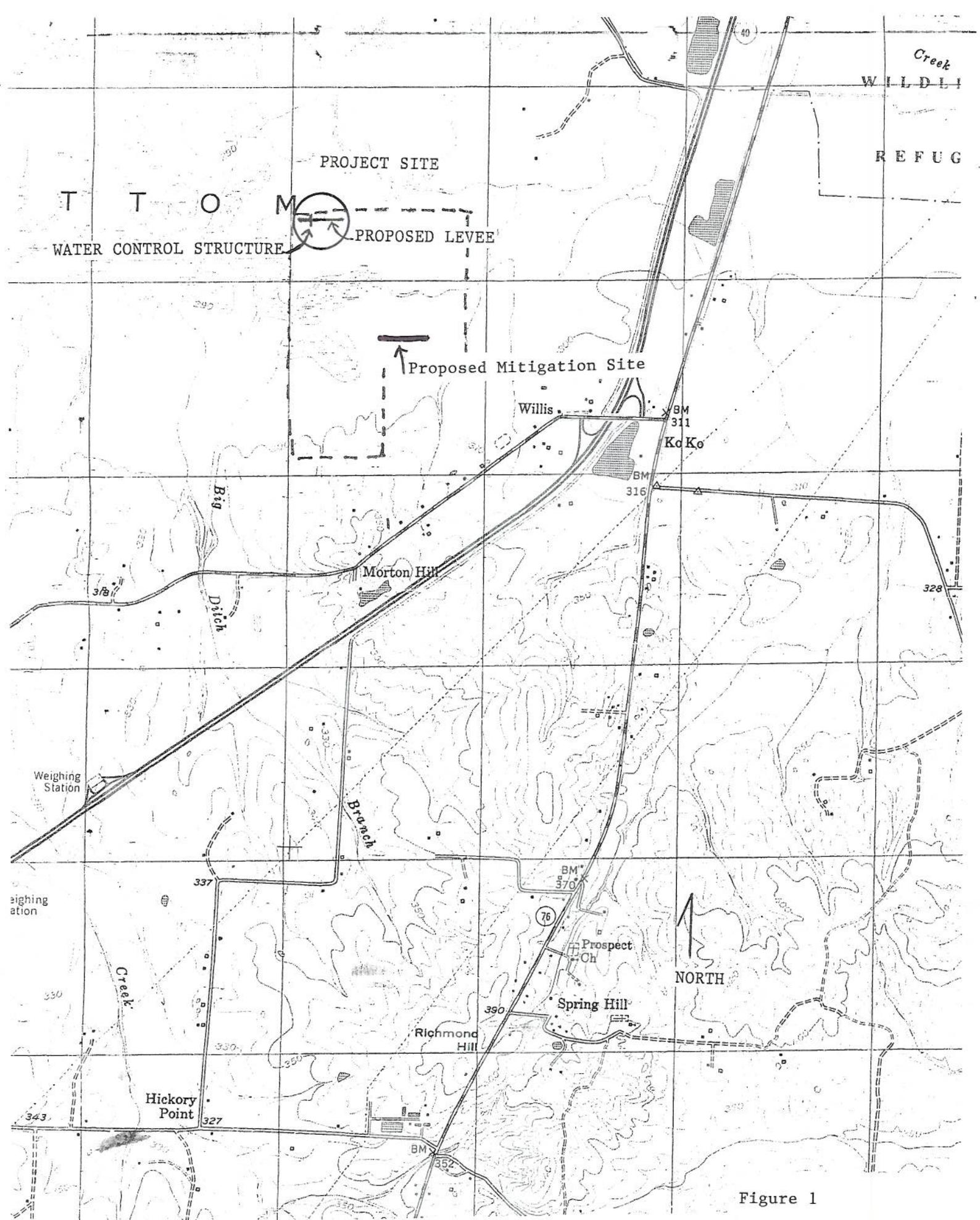


Figure 1
 Location Map and Proposed
 Mitigation Site

CROSS SECTION

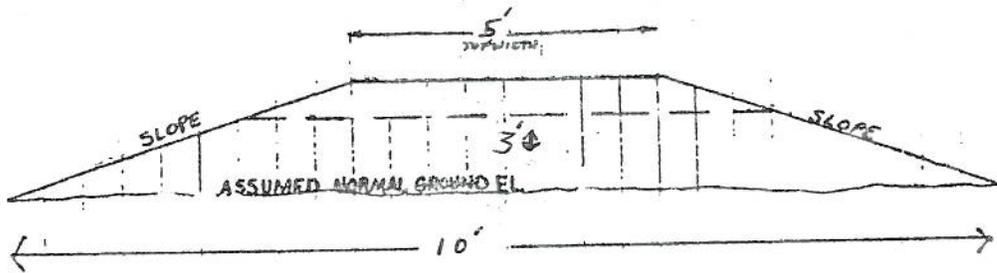


Figure 2
Proposed Levee Diagram