



# Public Notice

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US Army Corps  
of Engineers  
Memphis District

REPLY TO ATTN: Tom Skelton  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-3468  
Fax (901) 544-3266  
EMail: James.T.Skelton@usace.army.mil  
POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:  
MVM-2004-593(TS)  
PUBLIC NOTICE DATE:  
August 25, 2004  
EXPIRATION DATE:  
September 27, 2004

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Joint Public Notice  
Corps of Engineers  
and  
State of Tennessee

**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:** Ben Clark  
Duntreath Partners  
6745 Lenox Center Court, Suite 100  
Memphis, Tennessee 38115  
(901) 761-3030

**AGENT:** Timothy E. Brophy  
Heineke & Associates, Inc.  
3014 Sycamore View Road  
Bartlett, Tennessee 38134-5962  
(901) 373-3289

**LOCATION:** The project is located south of the Wolf River west of Houston Levee Road and north of Wolf River Boulevard in Germantown, Shelby County, Tennessee at approximate latitude 35.1037 and longitude 89.7562 on the Germantown 7.5 minute quadrangle map.

**PURPOSE:** The purpose of the project is to develop a residential subdivision.

**DESCRIPTION OF WORK:** The applicant proposes to develop the Enclave Planned Development, a 95.34-acre residential subdivision. The development will require the filling of 9.34 acres of wetlands of which 1.74 acres are mitigation for Wolf River-98-076 issued September 15, 1998. Portions of the fill area are with the floodplain. The 7.6 acres of wetlands are dominated by sweetgum, willow oak, black willow, river birch and silver maple. The 1.74-acre mitigation site, planted in 1999, is dominated by willow oak, overcup oak, Nuttall oak and bald cypress. The fill material will be obtained on site. The applicant proposes to mitigate for wetland losses by restoration of 31.5 acres (22.8 acres for the existing wetlands and 8.7 acres for the mitigation wetlands) of bottomland hardwoods off site. The mitigation site is located south of the Loosahatchie River, near the northwest corner of Brunswick Road and Old Brownsville Road as indicated on the attached map.

**WATER QUALITY CERTIFICATION:** By copy of this public notice, the applicant is requesting 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. Commentors are requested to also furnish a copy of their comments to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control (TDEC), at (615) 532-0713 or in writing at TDEC 7th Floor L. & C. Annex Building, 401 Church Street, Nashville, Tennessee 37243-1534. The Department will consider all relative comments in the decision to grant or deny water quality certification for the proposed activity. The applicant is also encouraged to contact the offices of TDEC at the above telephone number or address for information on permit processing fees and TDEC's potential need for additional information not found in this notice. 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 reconnaissance 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 apprise 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; Indian 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.

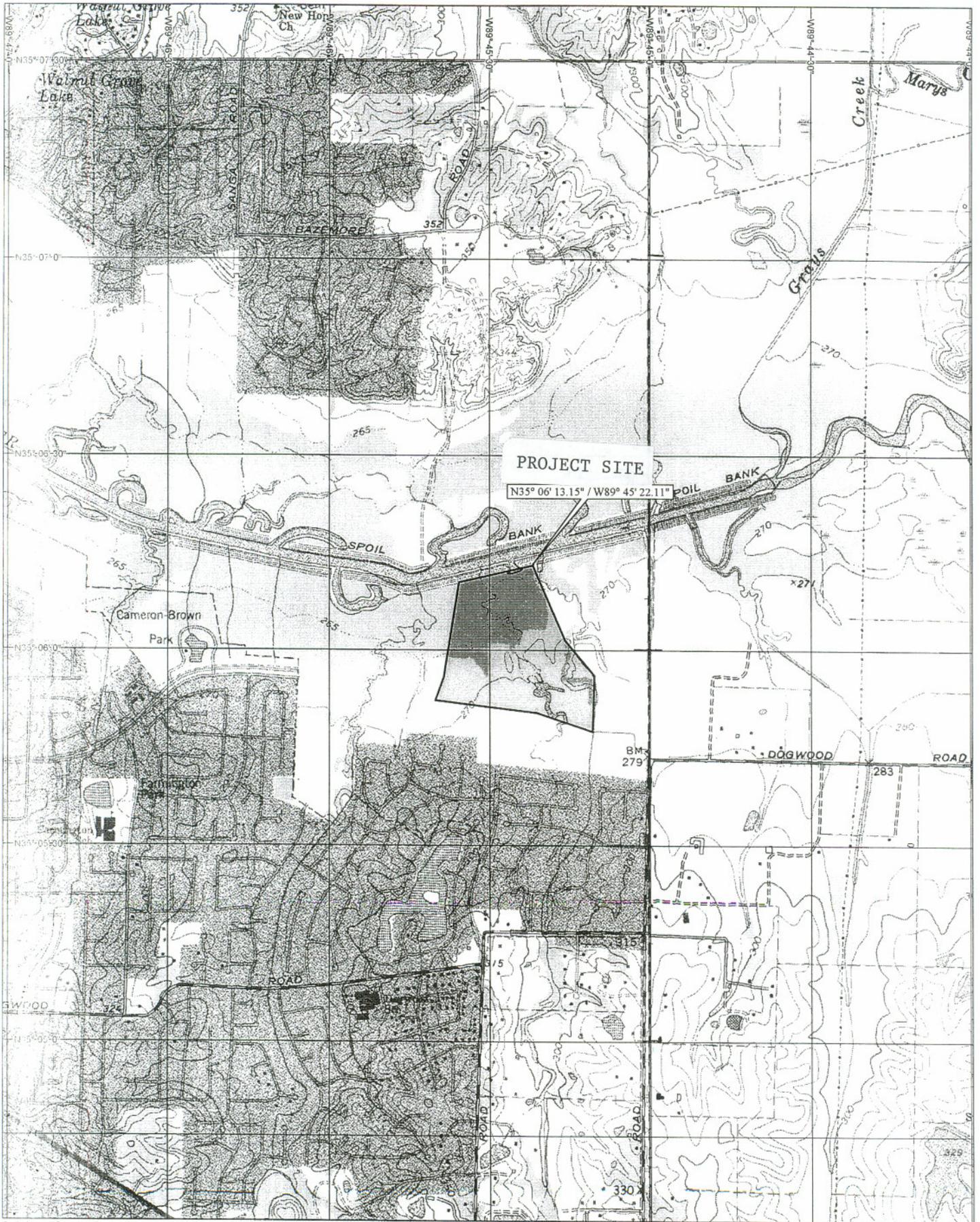
**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on the application, please contact Tom Skelton at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-3468. Copies of all comments, including the names and address of commenters, may be provided to the applicant for consideration and response prior to a decision by the Corps.

Comments should be received by September 27, 2004.



Larry D. Watson  
Chief  
Regulatory Branch

Attachments





SCALE: 1"=300'

DATE: 8-11-04

CHK BY:

APP BY:

ETI PROJECT NO.: N024-100

FILE NAME: N024100G51

PROJECT: ENCLAVE P.D.

SHEET TITLE: EXISTING CONDITION WETLAND AREAS

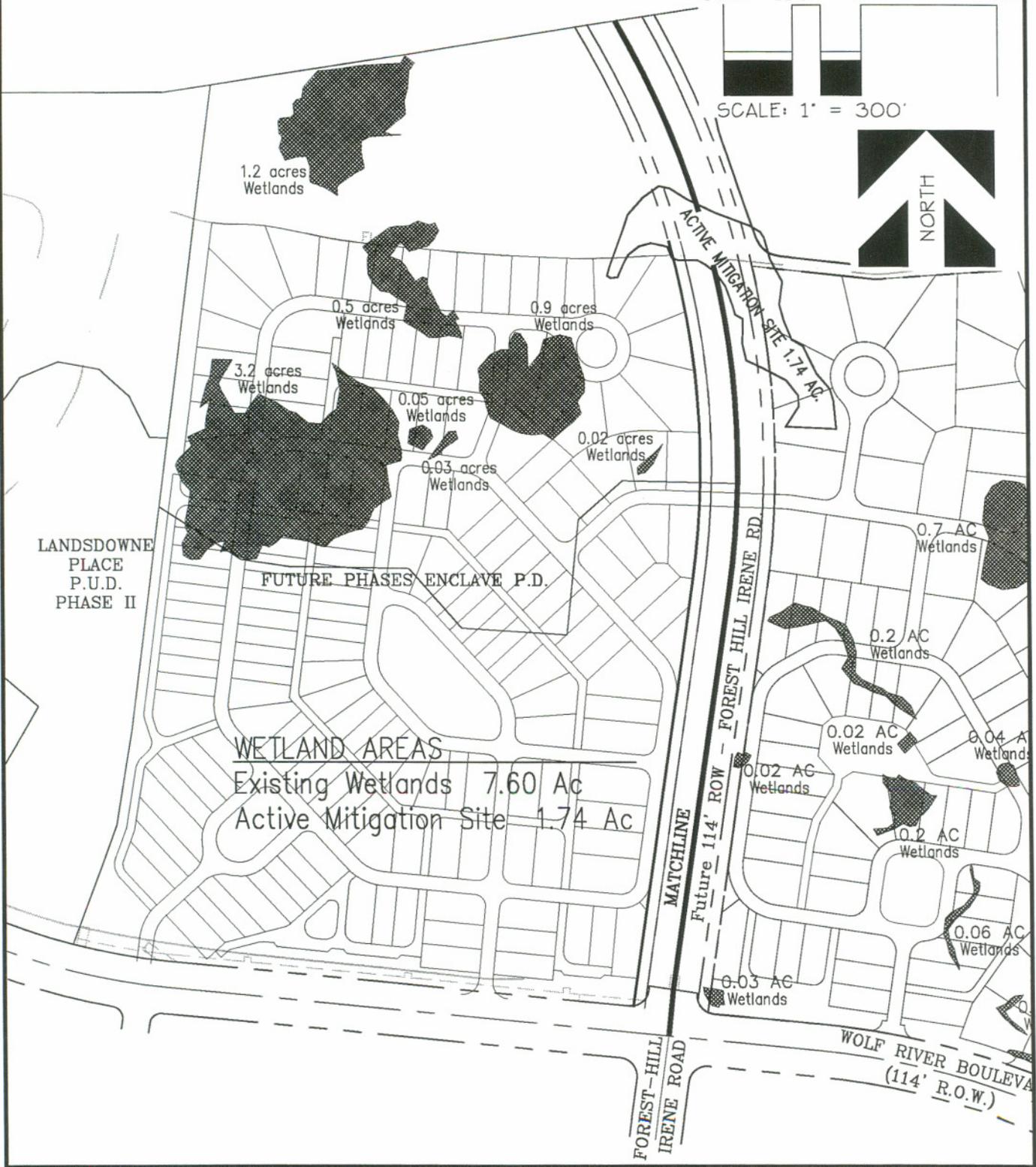
SHEET 1 OF 2

DRAWING NO. C3.52

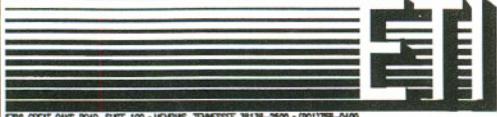
DUNTREATH PARTNERS

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SCALE: 1" = 300'



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 BMD\*11000001.DWG BMD\*11000001.SET



WOLF RIVER

SCALE: 1"=300'

DATE: 8-11-04

CHK BY:

APP BY:

ETI PROJECT NO.: N024-100

FILE NAME: N024100051

PROJECT:

ENCLAVE P.D.

SHEET TITLE:

EXISTING CONDITION  
WETLAND AREAS

SHEET 2 OF 2

DRAWING NO.

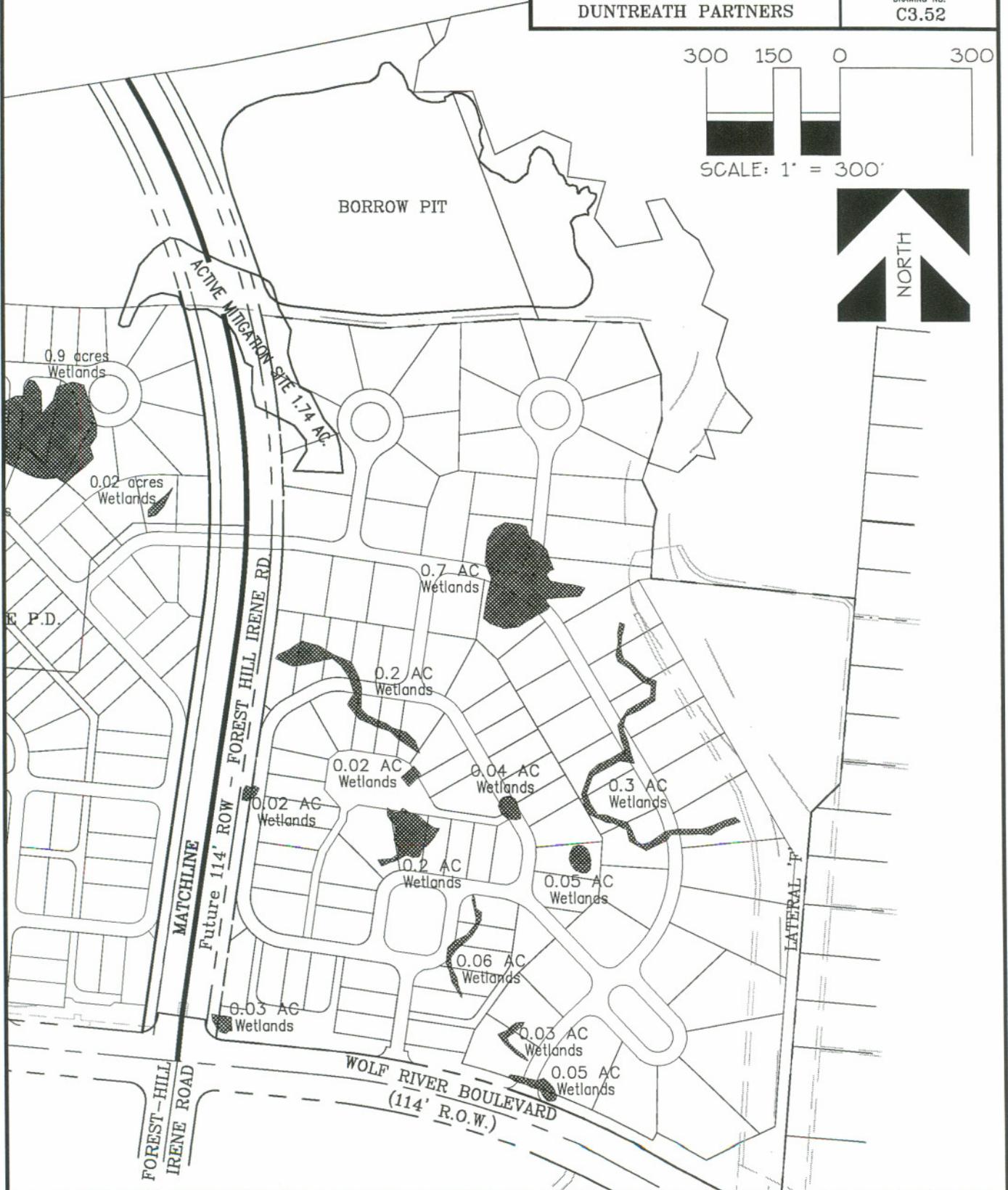
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DUNTREATH PARTNERS

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SCALE: 1" = 300'



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