



# Public Notice

**US Army Corps  
of Engineers**

**Memphis District**

**REFERENCE:**  
U.S. ARMY CORPS OF ENGINEERS  
**REPLY TO ATTN:** Josh Bright  
167 North Main Street, RM B202  
Memphis, TN 38103-1894  
Telephone: (901) 544-0926  
Email: Joshua.K.Bright@usace.army.mil  
**POSTMASTER PLEASE POST UNTIL:**

**PUBLIC NOTICE NO.**  
MVM-2008-52-JKB

**Public Notice Date**  
February 7, 2008

**Expiration Date**  
March 10, 2008

**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 10 of the Rivers and Harbors Act of 1899.

**APPLICANT:** David Cummings  
Cummings Barge  
P.O. Box 13252  
Memphis, Tennessee 38113  
(901) 596-8378

**LOCATION:** The project is located at approximate river mile 7.3 in McKellar Lake, Memphis, Shelby County, Tennessee, at approximate latitude 35.1066 and longitude -90.0853 on the Southwest Memphis 7.5-minute quadrangle map (Attachment 1).

**PURPOSE:** The project purpose is to allow short-term barge floating for cleaning or repair.

**DESCRIPTION OF WORK:** The proposed project entails barge floating along approximately 450 linear feet of McKellar Lake harbor. Barges will be moored with 7/8" wire rope attached to deadmen and trees on top bank (Attachment 2). The approximate location of the proposed floating area is shown on attachment 3.

**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, Federally-recognized Tribes, and the public in response to this public notice and we may conduct, or require a survey of the project area. A preliminary in-house records search indicated no sites have been recorded within the project area. However, the lack of recorded sites may be due to lack of cultural surveys around 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.

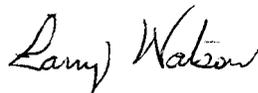
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably 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; 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.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on the application, please contact Josh Bright at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0926. The Corps may provide copies of all comments, including the names and address of commenters, to the applicant for consideration and response prior to a decision.

Comments should be received by March 10, 2008.



Larry D. Watson  
Chief  
Regulatory Branch

Attachments

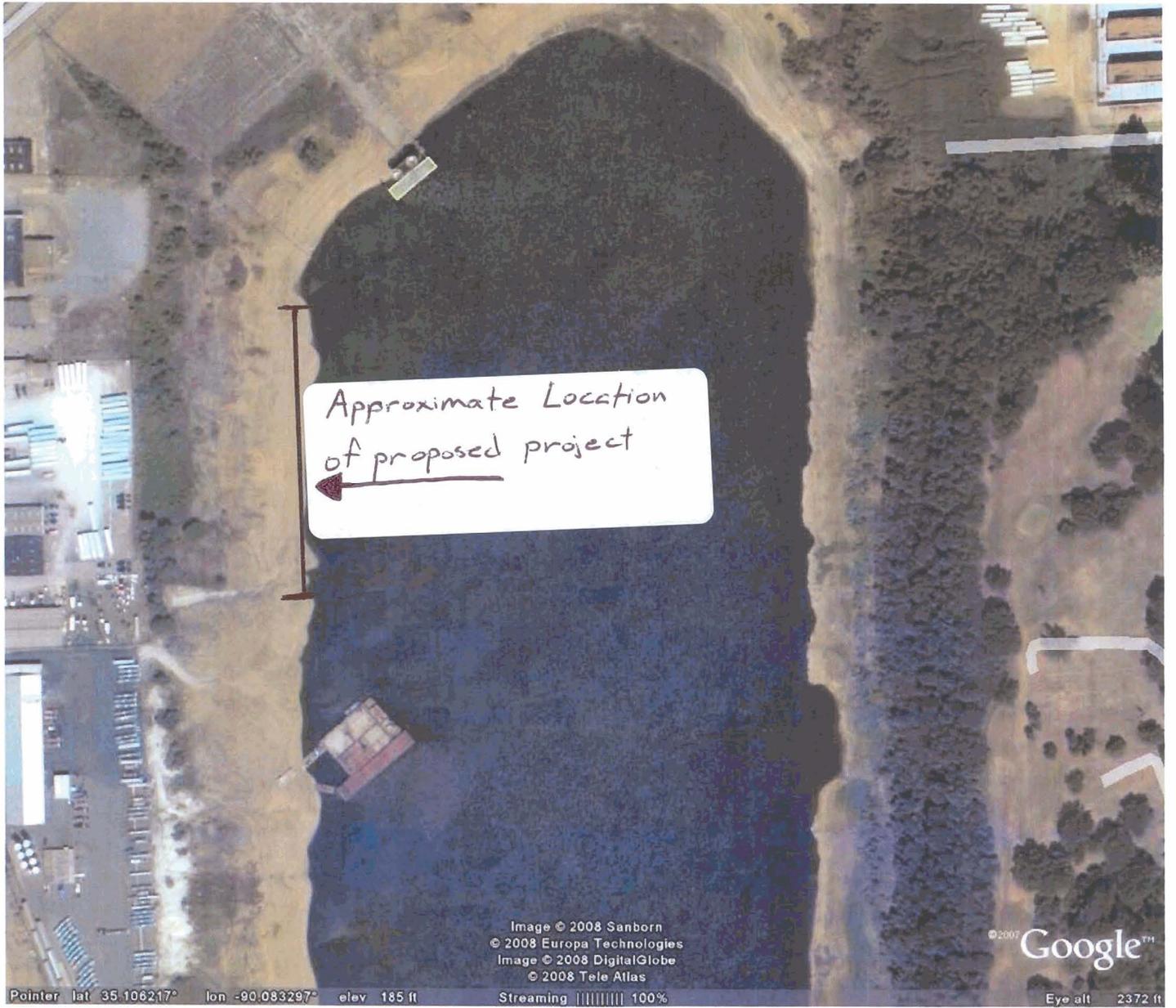


Buildings

Top of Bank

McKellar Lake  
Memphis TN mile 7.3





ATTACHMENT 3