



**US Army Corps  
of Engineers**®  
Memphis District

**ISSUE DATE:** September 13, 2019

**EXPIRATION DATE:** September 28, 2019

**PUBLIC NOTICE**

**U.S. Army Corps of Engineers  
Memphis District**

**U.S.C. Chapter 33, Section 408 Permission Evaluation**

**TITLE:** Section 408 Permission Evaluation for the City of Memphis, Shelby County, Tennessee.

**INTRODUCTION:** The authority to grant permission for temporary or permanent alterations of any U.S. Army Corps of Engineers (USACE) federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408. The City of Memphis has requested to rehabilitate the electrical components of the Nonconnah Creek Pumping Station and vicinity (Figure 1).

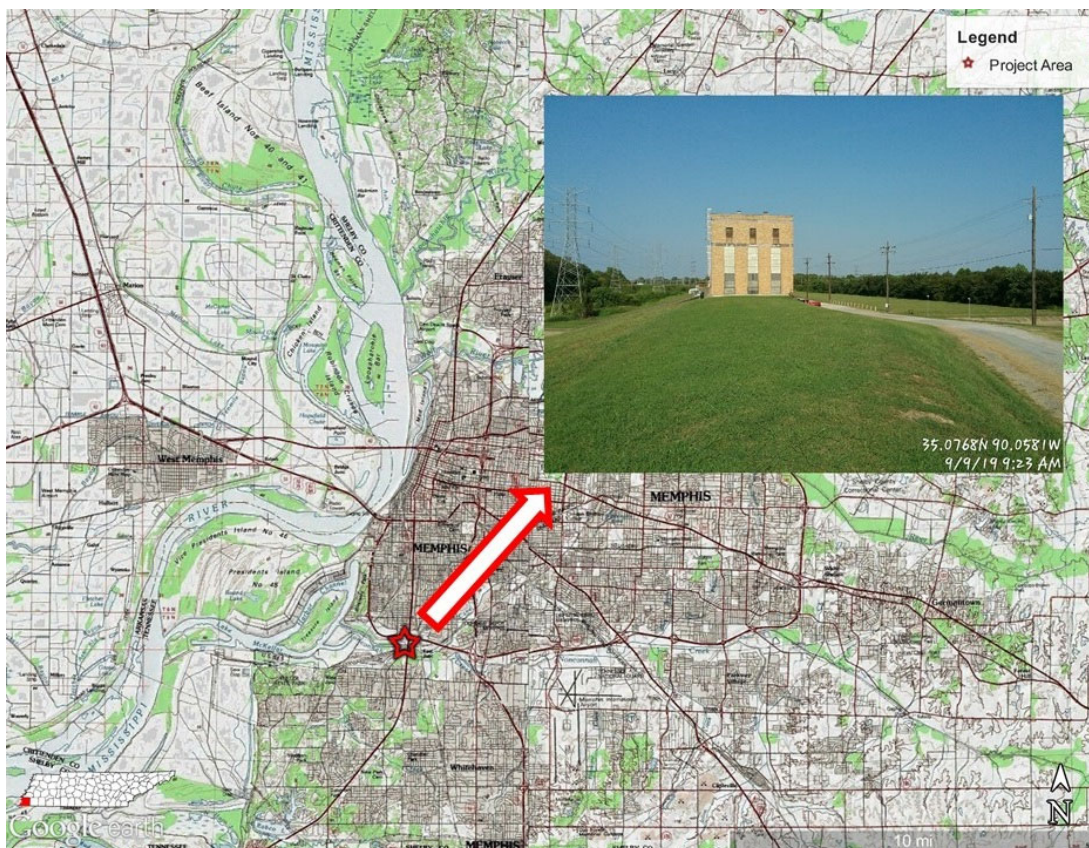


Figure 1. Location of proposed pump station electrical rehabilitation, Shelby County, Tennessee.

**PROJECT DESCRIPTION:** Section 408 authorizes USACE to grant permission for the alteration or occupation or use of the project if USACE determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Mississippi River and Tributaries system (MRT), the federally authorized civil works project proposed for alteration, provides for managing flood risks to lands outside of the levees from floodwaters of the Mississippi River. Federal responsibility extends 15 feet from the landside berm and 40 feet from the riverside toe of the levee. The proposed request for electrical rehabilitation is to replace aged/deteriorated components, update and/or incorporate safety features, and to provide the intended redundancy from the utility service. In doing so, the proposed rehabilitation would necessitate the installation of ground rods, grounding ring, and underground duct bank to run service from overhead poles to the service platform within the MRT.

**ENVIRONMENTAL COMPLIANCE:** A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review should be limited to the area of alteration and those adjacent areas that are directly or indirectly affected by the alteration. As the proposed project would not result in fill material being placed into any wetlands or waters of the U.S., a Section 404(b)(1) permit is not required from USACE Regulatory Branch. Similarly, an Alteration of Aquatic Resources Permit would not be required from the State of Tennessee. The proposed Section 408 alteration is within the USACE project footprint, and no known historic properties would be effected. Furthermore, the proposed Section 408 alteration was determined to have no effect on threatened or endangered species or their critical habitat pursuant to the Endangered Species Act. The decision on this Section 408 request is being analyzed in accordance with NEPA and is limited to the Section 408 boundaries described herein.

**PUBLIC INTEREST REVIEW:** The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties. Comments received within 15 days of this publication will be used in the evaluation of potential impacts of the proposed action on important resources. All comments will be considered in preparing environmental documentation pursuant to NEPA. USACE has jurisdiction under 33 USC 408, only over the specific activities that have the potential to alter existing USACE projects. Please limit comments to the area of the alteration and those adjacent areas that are directly or indirectly affected by the alteration to the federally authorized civil works project described herein. **Comments may be submitted to [joshua.m.koontz@usace.army.mil](mailto:joshua.m.koontz@usace.army.mil) and should be received by September 28, 2019.**

Sincerely,



Edward P. Lambert  
Chief, Environmental Compliance Branch,  
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