



US Army Corps  
of Engineers  
Memphis District

# Public Notice

FILE NUMBER: MVM 2016-264 (JME)

NOTICE DATE:  
August 16, 2016

Attn: Postmaster,  
Please Post Until

EXPIRATION DATE:  
⇒ September 15, 2016

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

#### **APPLICANT:**

Tennessee Valley Authority  
Attn: Mr. Michael S. Hatley  
2574 Plant Road  
Memphis, Tennessee 38109  
(901) 789-8465

**PURPOSE:** The purpose of the project is to perform maintenance dredging at an existing intake structure at the Allen Fossil Plant to provide proper facility operations.

**LOCATION:** The project site is located at the Allen Fossil Plant on the south bank of McKellar Lake in Memphis, Shelby County, Tennessee, as shown on the Fletcher Lake, Tennessee, 7.5-minute USGS topographic quadrangle (Attachment 1). The approximate latitude and longitude for the project is 35.0756° and -90.1482°.

**DESCRIPTION OF WORK:** The proposed project consists of maintenance dredging at the Allen Fossil Plant's (ALF) existing intake structure. Approximately 250 cubic yards of silt, sediment and other accumulated materials will be removed at a maximum distance of 100 linear feet from the plant intake to restore the lake contours to the original designed depth in front of the intake. A clamshell staged on a barge will be used for dredging activities. The dredge removal area is shown on Attachment 2. Dredge materials consisting of aquatic vegetation, woody debris, leaves, trash, etc. will be staged at the ALF intake for dewatering and disposed at an upland disposal facility (South Shelby Landfill). Dredged sediments will be disposed of at an upland disposal location at ALF as shown on Attachment 3. If authorized, maintenance dredging activities could occur, as needed, within a ten-year time frame.

The discharge of return water into McKellar Lake (administratively defined as a discharge of dredged material by CFR 323.2(d) and therefore regulated under Section 404 of the Clean Water Act) meets the requirements of Nationwide Permit 16 (Return Water From Upland Contained Disposal Areas), pursuant to the Federal Register Volume 77, Number 34, dated February 21, 2012, upon issuance of Section 401 Water Quality Certification from the State of Tennessee.

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.

**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:** The interior least tern (*Sterna antillarum athalassos*), Indiana bat (*Myotis sodalis*), and northern long-eared bat (*Myotis septentrionalis*) are listed as endangered or threatened by U.S. Fish and Wildlife (USFWS) in Shelby County, Tennessee. This application is being coordinated with USFWS. 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 applicant submitted a final Environmental Impact Statement (EIS), Final Ash Impoundment Closure Programmatic EIS Allen Fossil Plant, June 2016, as prepared for the project. The EIS indicates that no known archaeological sites or architectural properties listed or eligible for listing on the National Register of Historic Places have been identified within the footprint of the ash impoundment, future laydown areas or within the boundaries of ALF. The EIS and a review of in-house records indicate T.O. Fuller State Park and the Chucalissa Archaeological Site are located within 2 miles of ALF. The Memphis District will evaluate additional information provided by the applicant, the State Historic Preservation Officer and the public in response to this public notice.

**FLOODPLAIN:** In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed public notice and notify this office of any floodplain 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 of Engineers project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 10 permits required by our office.



**COMMENTS:** To request additional information or provide comments on this notice, please contact Mr. Mitch Elcan using the information below:

DEPARTMENT OF THE ARMY  
MEMPHIS DISTRICT CORPS OF ENGINEERS  
REGULATORY BRANCH  
ATTN: MITCH ELCAN  
167 N. MAIN STREET, B-202  
MEMPHIS, TENNESSEE 38103-1894

e-mail: [james.m.elcan@usace.army.mil](mailto:james.m.elcan@usace.army.mil)  
phone: (901) 544-0737  
fax: (901) 544-0211

Comments may be sent via mail or e-mail. The Corps of Engineers 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.

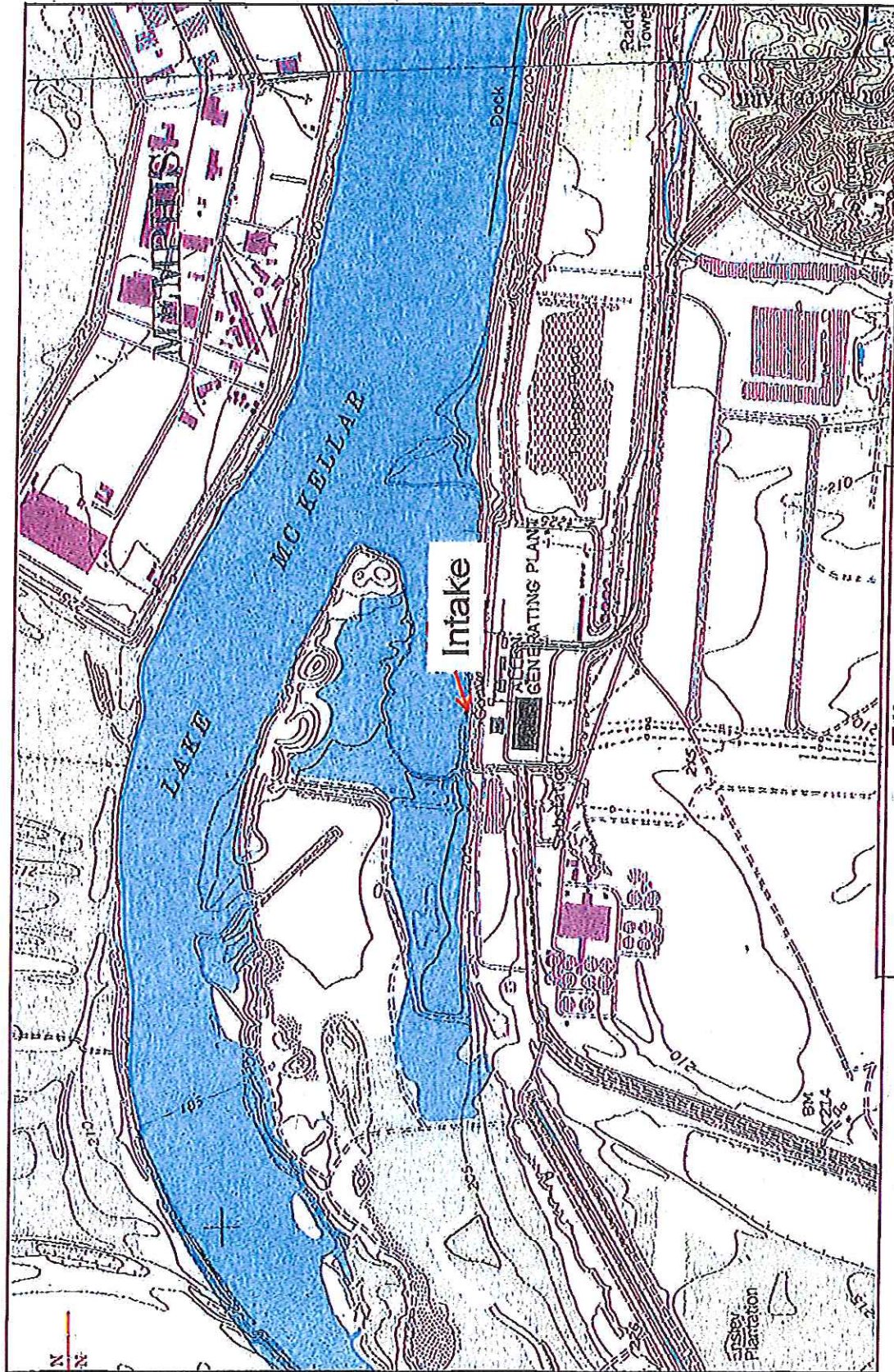
For Final Individual Permits actions in the Memphis District, go to the following link: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the "Pending IP" tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Branch office for examination.



Gregg Williams  
Chief  
Regulatory Branch

Attachments





TVA

Allen Fossil Plant

Intake Maintenance Dredge

July 2016

Fletcher Lake 7.5 Minute Quadrangle

0 mi. 0.5 mi.



QUADRANGLE LOCATION

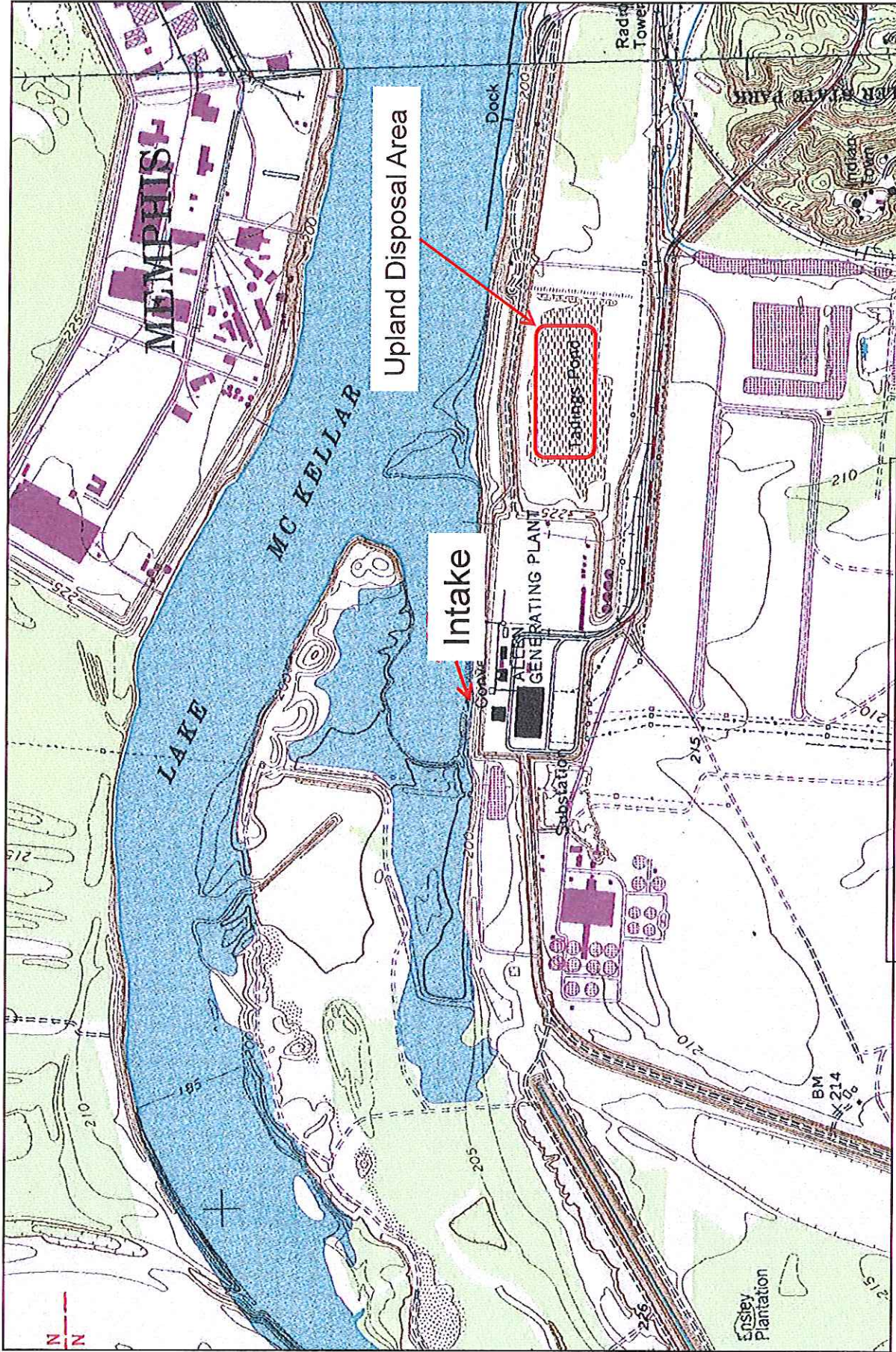


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Attachment 2





**TVA**  
**Allen Fossil Plant**  
**Intake Maintenance Dredge**  
 July 2016  
 Fletcher Lake 7.5 Minute Quadrangle