



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2017-076 (BSP)

NOTICE DATE:
March 20 2017

Attn: Postmaster,
Please Post Until  **EXPIRATION DATE:**
April 21, 2017

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 404 of the Clean Water Act.

APPLICANT:

Mr. Brown Gill
Storage Town of America, GP
8130 Macon Station, Suite 114
Memphis, Tennessee 38018
(901) 758-1100

AGENT:

Mr. Michael Rogers
Fisher Arnold
9180 Crestwyn Hill Drive
Memphis, Tennessee 38125
(901) 748-1811

PURPOSE: The applicant proposes to fill and relocate an existing stream as part of a plan to develop property located in Memphis, Tennessee.

LOCATION: The project site is located at the northwest corner of Players Club Parkway and Hacks Cross Road in Memphis, Shelby County, Tennessee, with approximate center coordinates of N35.06283° / W-89.79433° as shown on Exhibit A.

DESCRIPTION OF WORK: The proposed development will involve filling and realigning of an existing stream which serves as a tributary to Nonconnah Creek. A drawing attached as Exhibit B shows the layouts of both the proposed and existing streams. This project as proposed would fill 953 linear feet of existing stream and realign it to aid in the development of the property. The realigned stream length will total 920 linear feet.

This stream realignment project is proposed to occur on property located at the northwest corner of Players Club Parkway and Hacks Cross Road in Memphis, Shelby County, Tennessee. The deposition of fill material into waters of the U.S., including streams and wetlands, requires authorization from the U.S. Army Corps of Engineers. At this time, it is our preliminary jurisdictional determination that the subject stream is considered jurisdictional. No wetlands are to be impacted by the project.

AVOIDANCE/MINIMIZATION: According to the applicant, development options were analyzed using crossings to avoid and minimize the impacts to the existing stream. These avoidance options were unable to meet the City of Memphis's requirement that any open channel be able to convey the 50-year storm event within the channel.

MITIGATION: Mitigation will be required for this project as proposed. The applicant has planned to mitigate this project by planting a 100-foot buffer along the western top bank and a 25-foot buffer along the eastern top bank of the new stream alignment with native hardwood and evergreen trees. Approximately 3.5 acres of the property including the new stream alignment itself will be a proposed conservation area. This conservation area will also be planted in trees. The tree plantings will consist both of seedlings and trees with a caliper of 2.5 inches or around 6 feet tall. The applicant proposes to monitor these plantings for five successive years and is proposing to include

annual reporting to the appropriate agencies. Long term protection of these plantings consist of a proposal to submit a dedicated permanent conservation easement.

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 Indiana Bat (*Myotis Sodalis*), Least Tern (*Sterna Antillarum*), Bald Eagle (*Haliaeetus Leucocephalus*) and Northern Long Eared Bat (*Myotis Septentrionalis*) are listed endangered by U.S. Fish and Wildlife Service in Shelby County. 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 survey of the project area.

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 project. We are not a proponent nor 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 or provide comments on this notice, please contact Mr. Benjamin S. Pitcock using the information below:

U.S. Army Engineer District - Memphis
ATTN: Benjamin Pitcock
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894

E-mail: benjamin.s.pitcock@usace.army.mil
Phone: (901) 544-3468
Fax: (901) 544-0211

Comments may be sent via mail or E-mail. 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 must 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

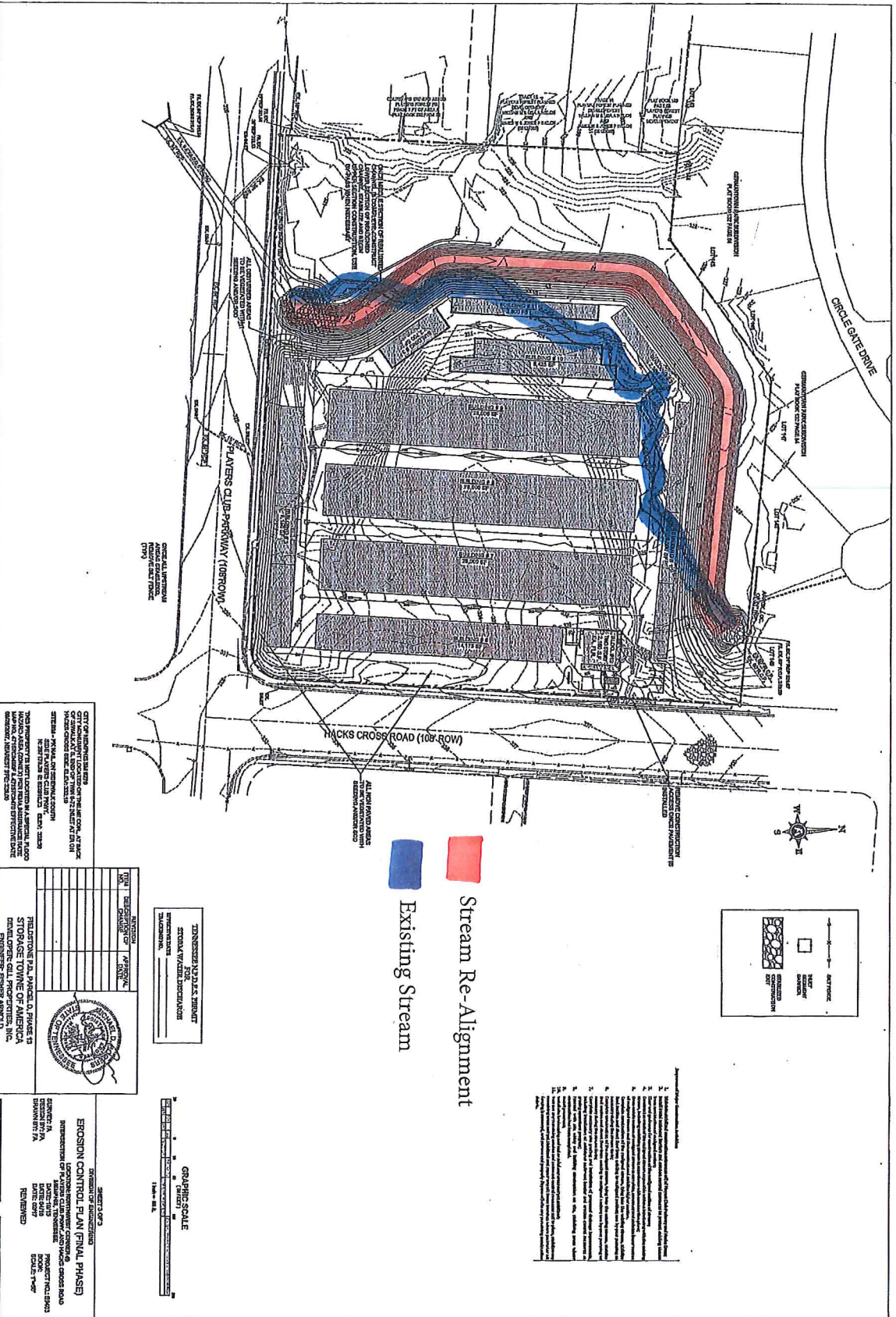
Attachments

Latitude:35.0628°N - Longitude:-89.7943°W

A detailed topographic map of the Germantown area in Memphis, Tennessee. The map features contour lines indicating elevation, with labels such as 290, 300, 310, 320, 330, 340, and 350. Major roads are shown, including Cotton Plant Road, Cross Road, and Winchester Road. A prominent feature is Nonconnoy Creek, which flows through the lower portion of the map. A specific location is highlighted with a blue box and labeled "SITE". Other landmarks include Franklin Park, Golf Course, Wind Cough, and various industrial or commercial areas like "CORP CORP" and "BDV BOX". A compass rose and a locator map of Tennessee are included at the bottom left.



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F&A 10/17/17



Red Line depicts proposed stream Re-Alignment
Blue Line depicts existing stream