

US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM 2017-221**

**NOTICE DATE:**  
**September 28, 2017**

Attn: Postmaster,  
Please Post Until

**EXPIRATION DATE:**  
**October 30, 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:**

Crews Development  
Attn: Kevin Vaughan  
3035 Centre Oak Way, Suite 101  
Germantown, TN 38138  
(901) 853-1507

**AGENT:**

Ensafe, Inc.  
Attn: David Hilgeman  
5724 Summer Trees Drive  
Memphis, TN 38134  
(901) 372-7962

**PURPOSE:** The applicant proposes to develop a new residential subdivision on the site on which 37 new residential homes will be built in order to meet the high level of demand for homes in the Collierville, Tennessee, area.

**LOCATION:** The proposed location for the new subdivision is on a wooded lot bordered by Shelton Road on the northern side, Harpers Ferry Road to the south, and Yorktown Road to the west in Collierville, Shelby County, Tennessee. The approximate center coordinates of the area are N35.071932°-W89.662304°, as shown on Attachments 1 & 2.

**DESCRIPTION OF WORK:** Construction of the proposed subdivision will require the applicant to build access roads to the property that will include stream crossings. Public utilities (water, sewer, electrical, etc.) will have to be routed throughout the subdivision and the land will require much in the way of excavation and grading prior to the construction of homes. To complete this work, the applicant requests authorization for the filling of 1.284 acres of wetlands, and for the relocation of 478 linear feet of jurisdictional streams to a currently non-jurisdictional drainage swale. Wetlands that will be impacted include Wetland 1 (0.003 acre), Wetland 4 (0.648 acres), and a portion of Wetland 5 (0.633 acre of the current 0.998 acres). The relocation of the on-site jurisdictional streams to the drainage swale will result in a net gain of 163 linear feet of stream channel length (See Attachments 3 & 4).

**AVOIDANCE/MINIMIZATION:** According to the applicant, they have investigated other alternatives which would require fewer impacts to wetlands. However, based on cost, logistics, and/or environmental concerns, there are no feasible off-site or on-site alternatives that would avoid or further minimize impacts to wetlands and allow the applicant's project purpose to be met. The applicant has submitted an alternatives analysis and the Memphis District will evaluate it under the 404(b) (1) Guidelines.

**MITIGATION:** To mitigate for the wetland impacts created by this project, the applicant proposes to purchase 2.6 credits from the Mount Tena Creek Mitigation bank near Moscow, Fayette County, Tennessee. The Memphis District will evaluate the plans against the project impacts prior to making a formal decision on mitigation.

**WATER QUALITY CERTIFICATION:** The applicant is required to 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*) and northern long-eared bat (*Myotis septentrionalis*) are listed as endangered or threatened 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. We are also soliciting input from federally recognized tribes who have stated an interest in the area in which the project is located.

**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 flood plain development permit is required. Floodplain administrators should review the proposed public notice and notify 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. 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 404 and Section 10 permits required by our office.

**COMMENTS:** To request additional information or provide comments on this notice, please contact Charles Keating using the information below:

U.S. Army Engineer District - Memphis  
ATTN: Charles D. Keating  
167 N. Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
E-mail: [charles.d.keating@usace.army.mil](mailto:charles.d.keating@usace.army.mil)  
Phone: (901) 544-0733  
Fax: (901) 544-0211

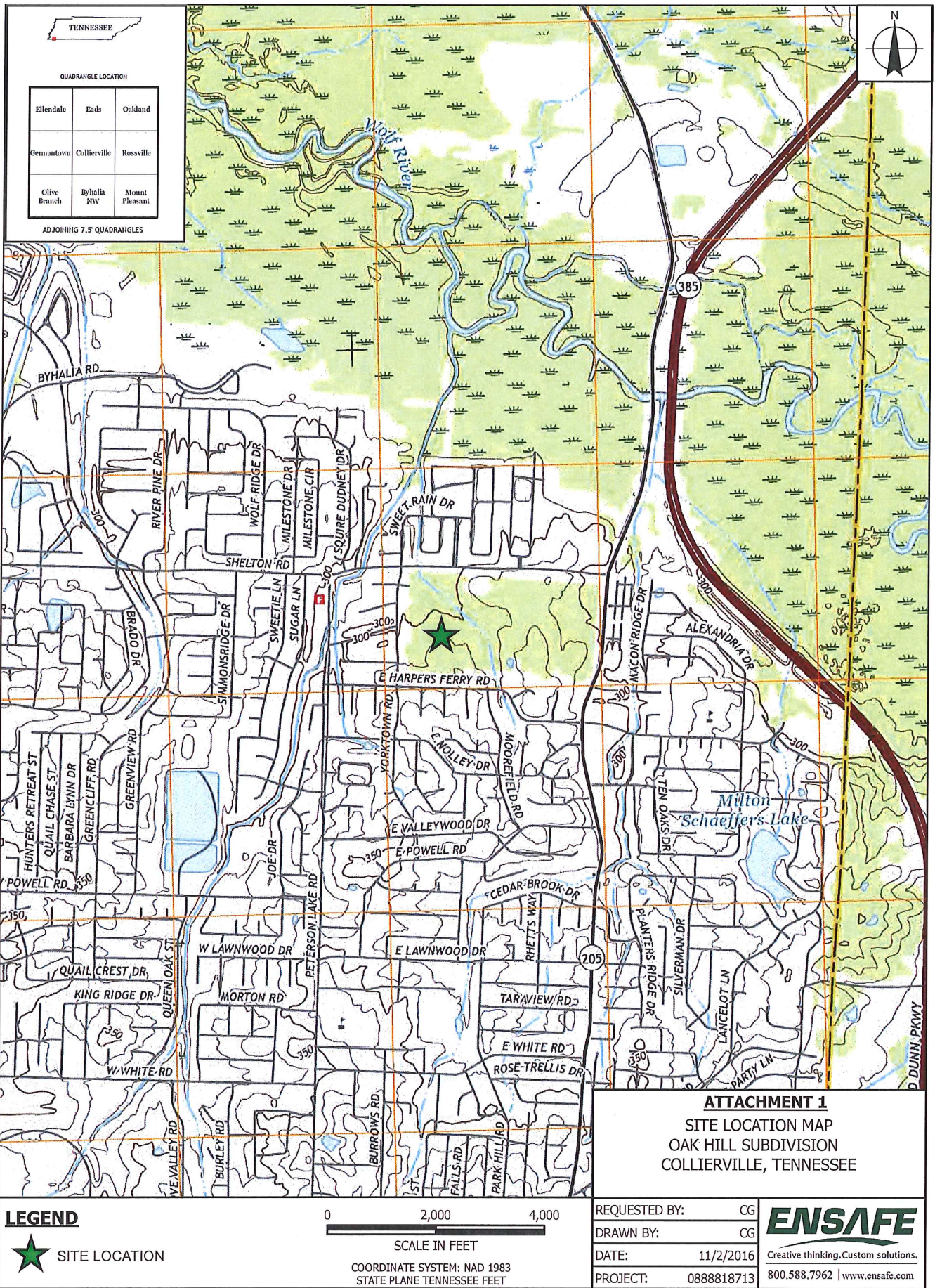
Comments may be sent via mail or E-mail. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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.



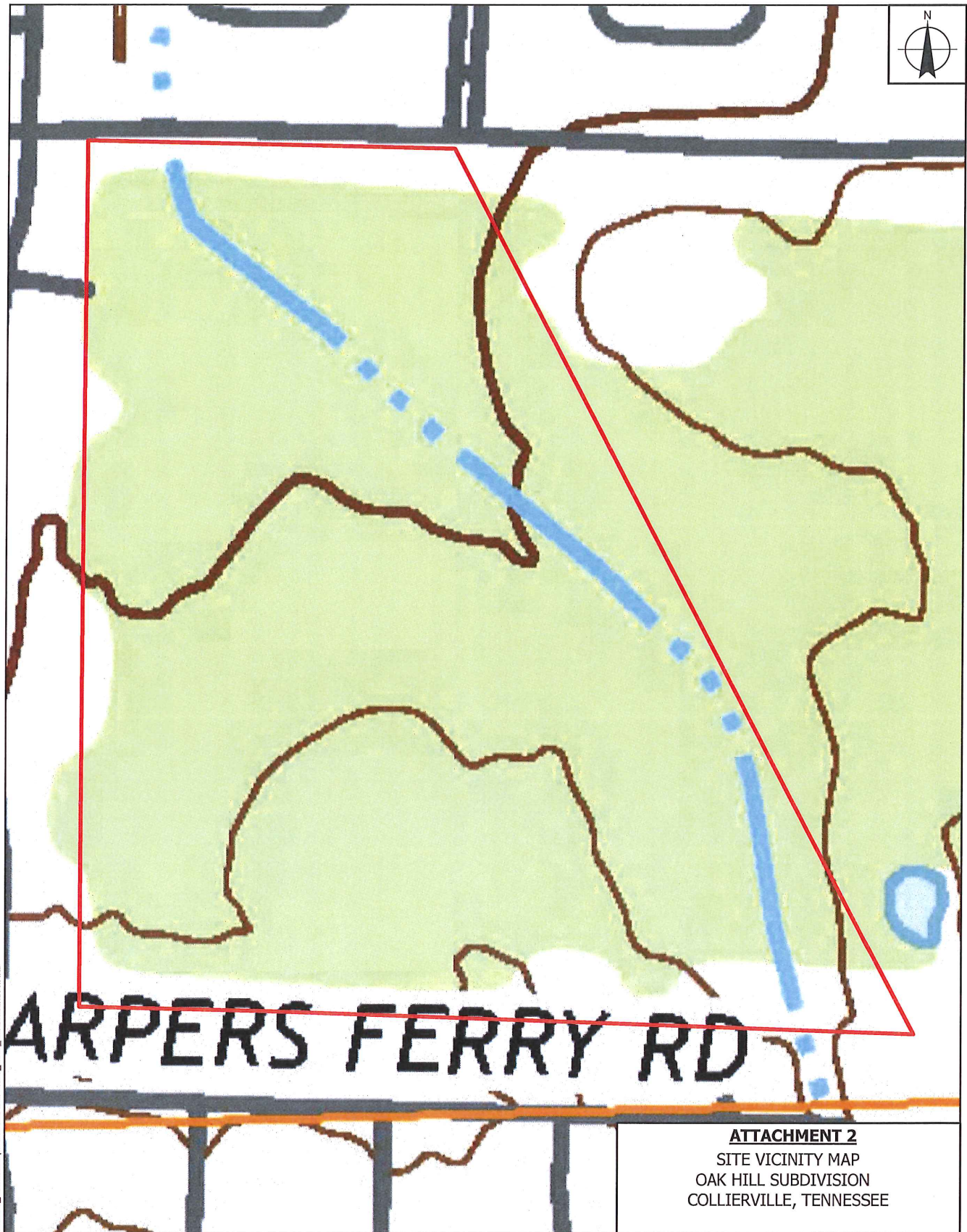
Gregg W. Williams  
Chief  
Regulatory Branch

Attachments



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DATA SOURCES: ESRI, HERE, DELORME, MAPMYINDIA, © OPENSTREETMAP CONTRIBUTORS, AND THE GIS USER COMMUNITY



**LEGEND**  
 SURVEY BOUNDARY

0 300 600  
SCALE IN FEET

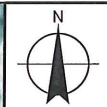
COORDINATE SYSTEM: NAD 1983  
STATE PLANE TENNESSEE FEET

**ATTACHMENT 2**  
SITE VICINITY MAP  
OAK HILL SUBDIVISION  
COLLIERVILLE, TENNESSEE

REQUESTED BY: CG  
DRAWN BY: CG  
DATE: 11/2/2016  
PROJECT: 0888818713

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### LEGEND

- UPLAND POINT
- WETLAND POINT
- STREAM
- WETLAND
- SURVEY BOUNDARY

0 300 600  
SCALE IN FEET

COORDINATE SYSTEM: NAD 1983  
STATE PLANE TENNESSEE FEET

### ATTACHMENT 3 AQUATIC RESOURCES OAK HILL SUBDIVISION COLLIERVILLE, TENNESSEE

REQUESTED BY: CG  
DRAWN BY: CG  
DATE: 11/2/2016  
PROJECT: 0888818713

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