



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2023-273 (BLH)

NOTICE DATE:
September 27, 2023

EXPIRATION
DATE:
Attn: Postmaster,
Please Post Until  **October 27, 2023**

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:

CSX Transportation, Inc.
Attn: Matthew Adkins
1590 Marietta Blvd. NW
Atlanta, GA 30318
(404) 350-5135

PURPOSE: According to the applicant, the primary purpose of the project is to improve the structural integrity of a bridge by replacing the aging timber trestle structure at mile point (MP) 00F 267.7 and replacing two aging timber approach structures at the bridge located at MP 00F 267.8 along the existing CSX Transportation (CSXT) mainline near McKenzie, Tennessee. The bridge and timber approaches will be replaced to meet current (CSXT) design standards for the safe passage of trains.

LOCATION: The project sites are located at 36.076905°N, -88.56358°W (bridge 00F 267.7), and 36.075047°N, -88.565082°W (bridge 00F 267.8) in McKenzie, Carroll County, Tennessee, as shown on the attached map (Attachment 1).

DESCRIPTION OF WORK: The proposed project will replace the 00F 267.7 railroad bridge as well as replace the two aging timber approach structures at the bridge located at 00F 267.8. The existing timber bridge located at 00F 267.7 is approximately 132-feet in length and will be entirely replaced with new steel materials. There are no proposed permanent impacts to streams as a result of this project. The existing southern timber approach structure located at 00F 267.8 to be replaced is approximately 45-feet in length and the existing northern timber approach structure to be replaced is approximately 130-feet in length. Due to the remote location of the bridges and lack of existing access, CSXT proposes to construct a 20-foot-wide gravel haul road beginning from US-79/Hwy 76 east of the project, to gain access to the existing CSXT ROW. The project proposes to permanently impact 0.79 acres of wetland by leaving the haul road in place for future inspection and maintenance of the bridges. CSXT also proposes to construct temporary work pads on both sides of the bridge at MP 00F 267.7 as well as on the west side of the bridge located at MP 00F 267.8 consisting of corrugated metal pipes to allow for stream flow. These temporary wetland impacts are estimated at 0.54 acres. Additionally, Erosion Prevention and Sediment Control (EPSC) best management practice (BMP) measures will be installed and maintained during roadway construction, thus reducing the likelihood of sediment and debris deposition from the project site into adjacent environmental features during construction activities.

	Permanent Stream Impacts (Linear Feet – LF)	Temporary Stream Impacts (LF)	Total Wetland Impacts (Acres)	Permanent Wetland Impacts (Acres)	Temporary Wetland Impacts (Acres)
Stream - 1	None	70	N/A	N/A	N/A
Wetland A	N/A	N/A	1.29	0.79	0.50
Wetland B	N/A	N/A	0.04	0.00	0.04
Totals		70	1.33	0.79	0.54

AVOIDANCE/MINIMIZATION: According to information submitted with the application, all feasible efforts were taken to avoid or minimize the impacts to the Waters of the United States. Where environmental features are unavoidable, the proposed project has been designed to ensure that impacts to these features have been minimized as much as possible. Proposed roadway embankment slope lines have been reduced where possible, thus minimizing impact to adjacent environmental features. Once the new bridge and approaches are in place, temporary fill will be removed, and the site will be returned to its original contours. Additionally, EPSC and BMP measures will be installed and maintained during roadway construction, thus reducing the likelihood of sediment and debris deposition from the project site into adjacent environmental features during construction activities. In addition, CSX Transportation proposes to purchase mitigation credits from the Gilmers Creek Mitigation Bank to offset permanent wetland impacts associated with the project.

MITIGATION: The applicant is proposing to mitigate for the unavoidable loss of 0.79 acres of wetlands through the purchase of available credits from the Gilmers Creek Wetland Mitigation Bank. The Memphis District is evaluating the plans against the project impacts prior to making a formal decision on mitigation.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. In accordance with Certification Rule Part 121.6, once the applicant submits a certification request the Corps of Engineers will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification.

ENDANGERED SPECIES: The Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*) are listed as potentially affected endangered or threatened species by U.S. Fish and Wildlife Service (USFWS). This notice is being coordinated with the USFWS. The Memphis District will evaluate potential impacts to rare, threatened, or endangered species that could potentially be affected by the project with the use of the most recent TN SLOPES agreements with USFWS. Any comments USFWS 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: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District is soliciting comments from federal, state, and local agencies, federally recognized Indian Tribes, the public, and other interested parties in order to identify and evaluate potential impacts of the proposed action on historic properties.

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 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 Indian 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 Brandi Harms using the information below:

U.S. Army Engineer District - Memphis
ATTN: Brandi Harms
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: brandi.l.harms@usace.army.mil
Phone: (901) 544-0735

Comments may be sent via mail or email. 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: <https://www.mvm.usace.army.mil/About/Offices/Regulatory/Public-Notices/> . 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 Division office for examination.

Gregg W. Williams
Chief
Regulatory Division

Attachments



