

Public Notice

FILE NUMBER: MVM 2018-052 (BSP)

NOTICE DATE: February 8, 2018

Attn: Postmaster, Please Post Until

EXPIRATION DATE:

March 12, 2018

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:

Tennessee Department of Transportation Attn: Khalid Ahmed Suite 900, James K. Polk Building 505 Deaderick Street Nashville, Tennessee 37243 (615) 253-0021

PURPOSE: The applicant proposes to widen SR14 (Austin Peay Highway) from a two-lane to a four-lane highway to relieve traffic congestion, improve safety, and meet growing traffic needs in the area.

LOCATION: The project site is located from State Route 385 (Paul Barrett Parkway) in Shelby County, Tennessee, to State Route 59 in Tipton County, Tennessee as shown on Attachment 1.

DESCRIPTION OF WORK: The applicant's proposed project would entail the placement of fill material into wetlands and other waters of the United States in association with the widening of the roadway from an existing two lane highway to a highway with four 12-foot wide travel lanes, one 12-foot turn lane, and two 12-foot wide shoulders and includes replacing the existing bridges crossing both Big Creek and Crooked Creek. Impacts to waters are proposed of 7 locations within a construction corridor that measures 5.076 miles long. Drawings depicting the applicants proposed plans are included as an attachment and labeled permit sketches.

The overall project would include stream reroutes, installation/expansion of culverts, and bank stabilization in those areas where necessary. Current construction plans would include the permanent filling of wetlands and impacts to streams as described in the following table. (Please note that certain impacts may meet the requirements of one of the Nationwide Permits.)

Site	Impacts to Wetlands (Acres)	Existing Stream Length (feet)	Proposed Stream Length (feet)
		Stream $1 = 201$ feet	Stream $1 = 210$ feet
1	2.37	Stream $2 = 324$ feet	Stream $2 = 364$ feet
		Stream $3 = 230$ feet	Stream $3 = 230$ feet
2	2.69	No Resources Present	No Resources Present
3	0.16	Stream $4 = 200$ feet	Stream 4 = 200 feet
4	1.70	Stream 12 = No Impact	Stream 12 = No Impact
5	1.50	No Resources Present	No Resources Present
6	0.06	No Resources Present	No Resources Present
7	0.04	0.00	0.00

AVOIDANCE/MINIMIZATION: According to the applicant, because of the location and nature of the project, disturbance to wetlands could not be avoided during construction of the project.

MITIGATION: The applicant has proposed wetland mitigation in the Millington, Tennessee area. The applicant has also proposed on-site in-kind mitigation of impacted streams within the project alignment. The Memphis District is evaluating the plans against the project impacts prior to making a formal decision on mitigation.

WATER QUALITY CERTIFICATION: The applicant has requested 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*), Northern Long-Eared Bat (*Myotis septentrionalis*), and Least Tern (*Sterna antillarum*) are listed endangered or threatened by U.S. Fish and Wildlife Service in Shelby County. This application has been coordinated with the U.S. Fish and Wildlife Service. Any comments they have submitted 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 has received documentation within the submitted application reflecting the Tennessee State Historic Preservation Office's concurrence with FHWA's determination that no historic properties would be adversely affected by the proposed action. The Memphis District will evaluate this information as well as additional information received from Tribal entities and the public prior to making a formal determination.

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 Mr. Ben Pitcock using the information below:

U.S. Army Engineer District - Memphis

ATTN: Ben 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 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, the following go to 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.

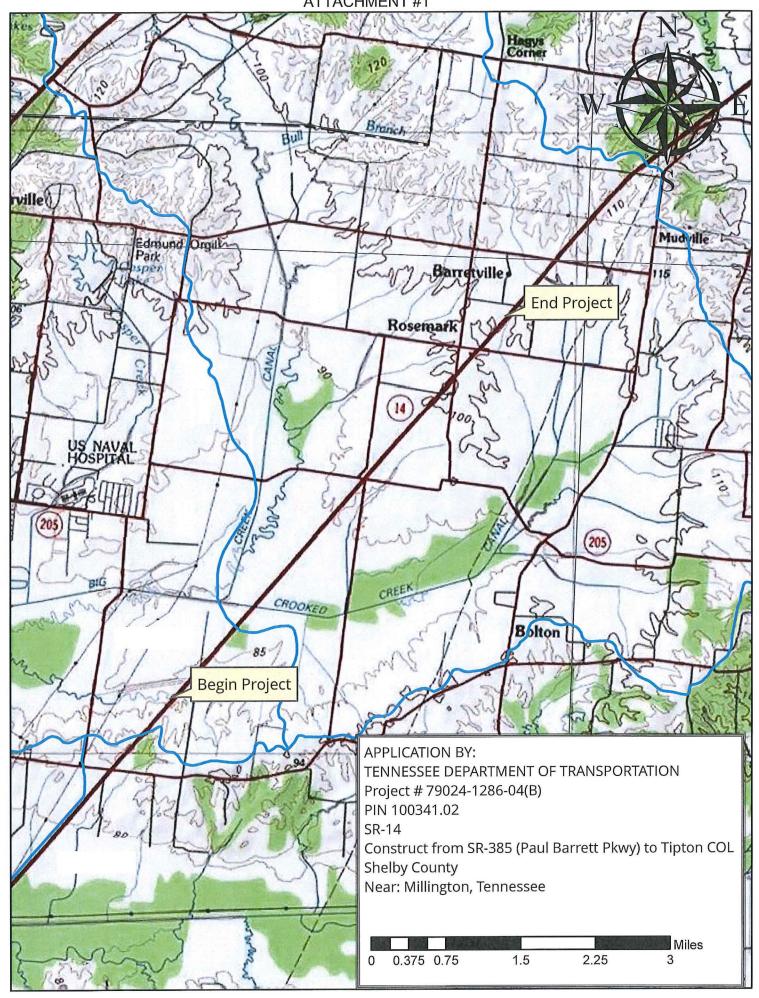
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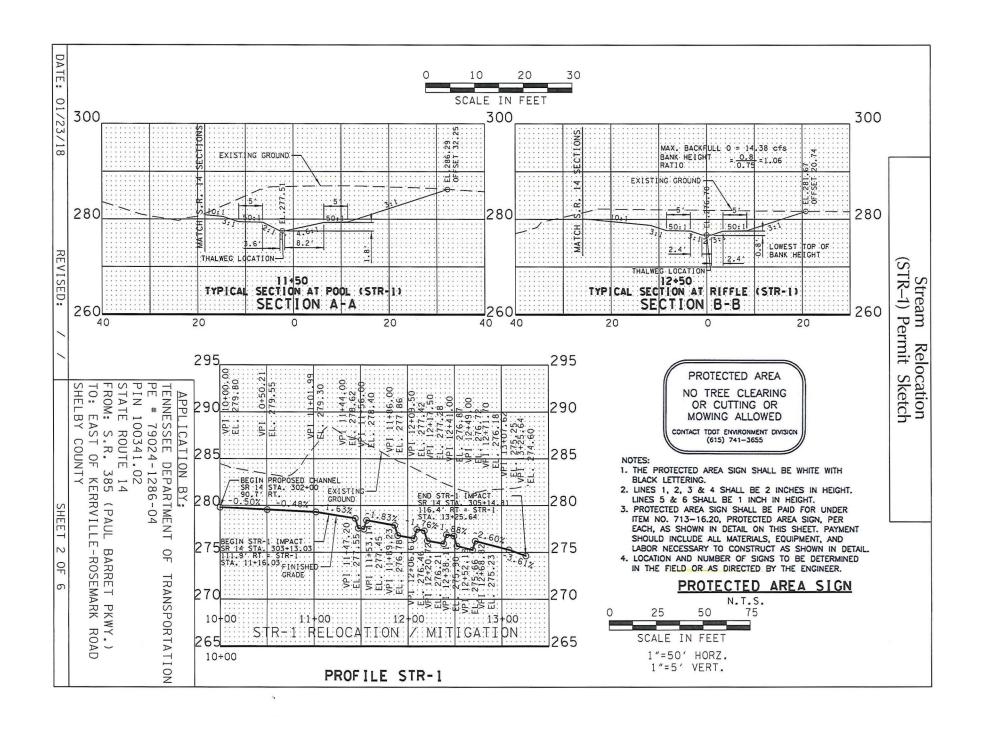
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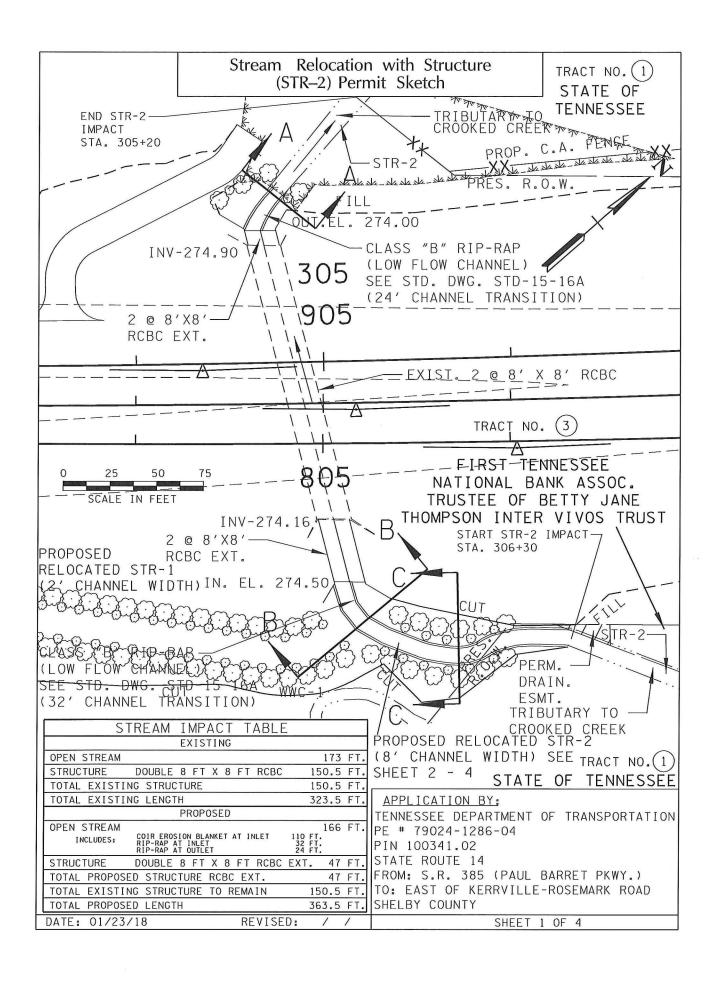
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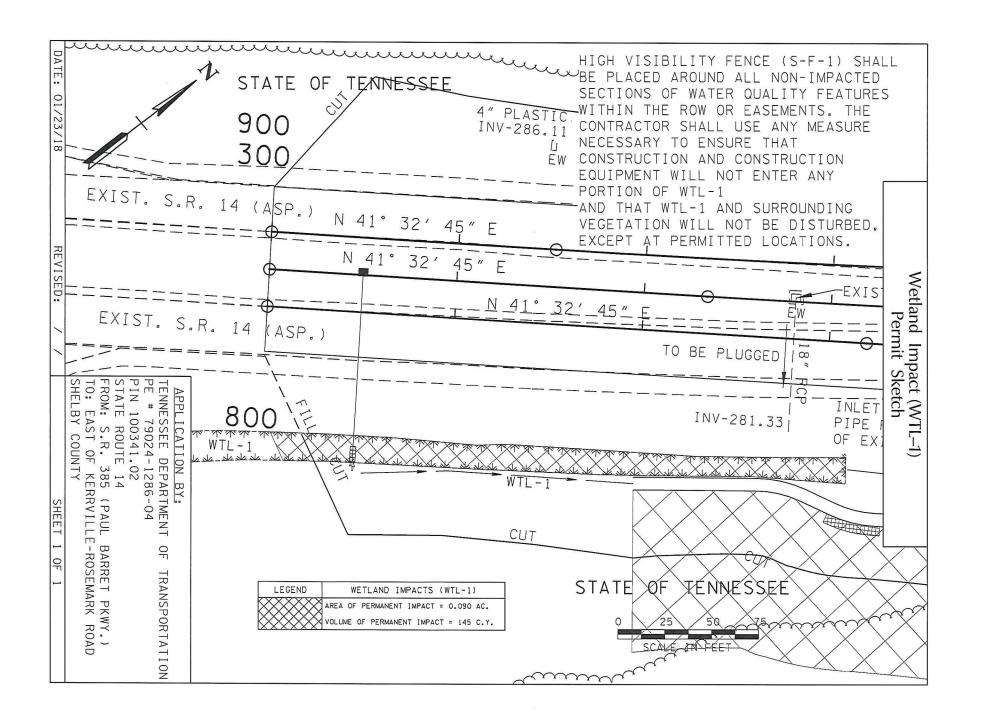
Attachments

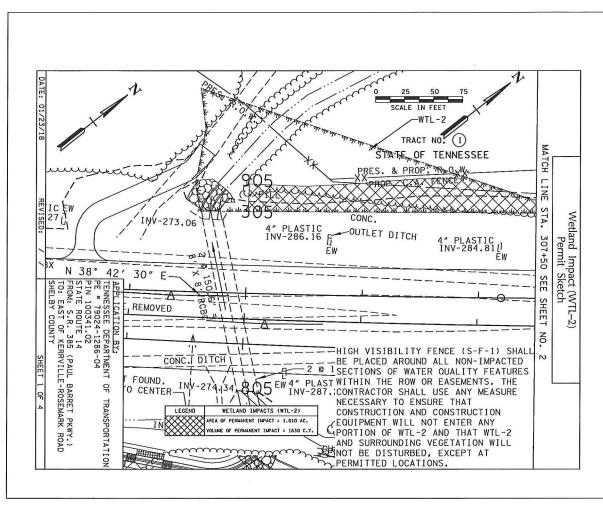


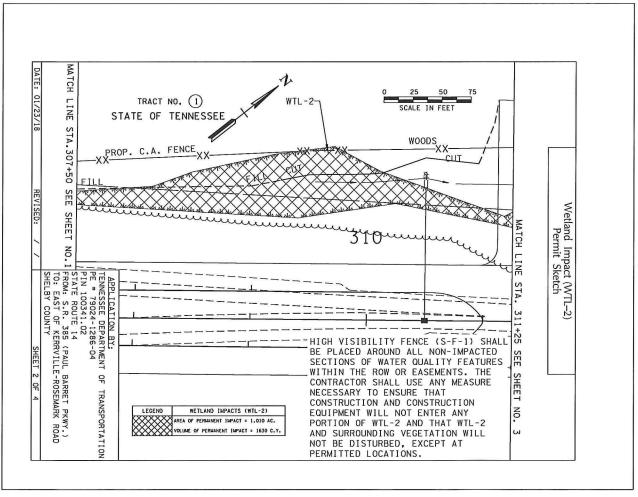


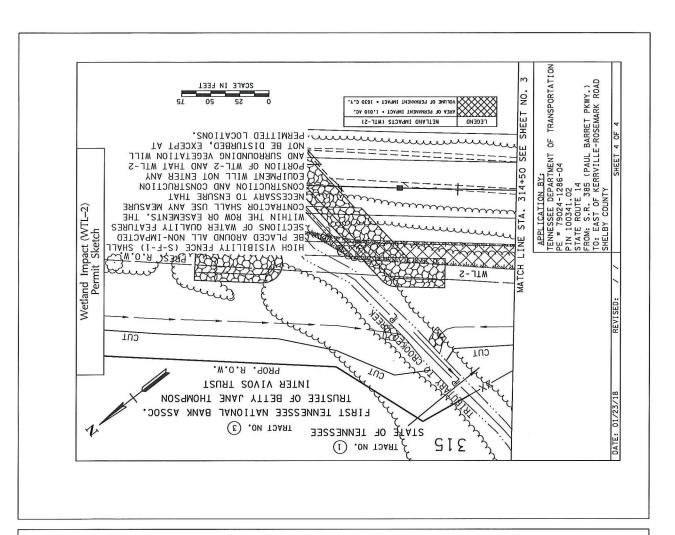


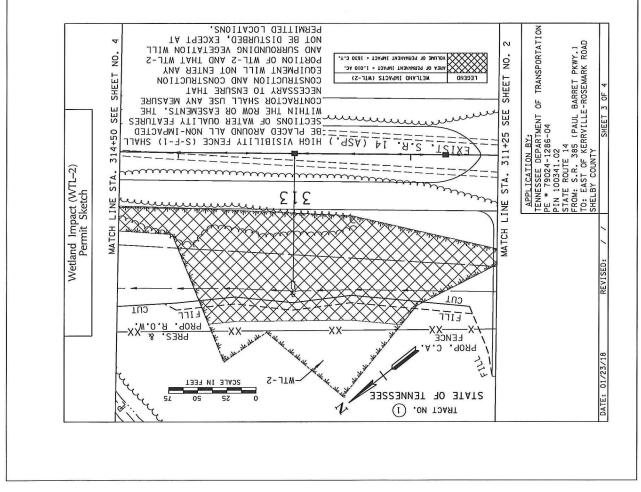


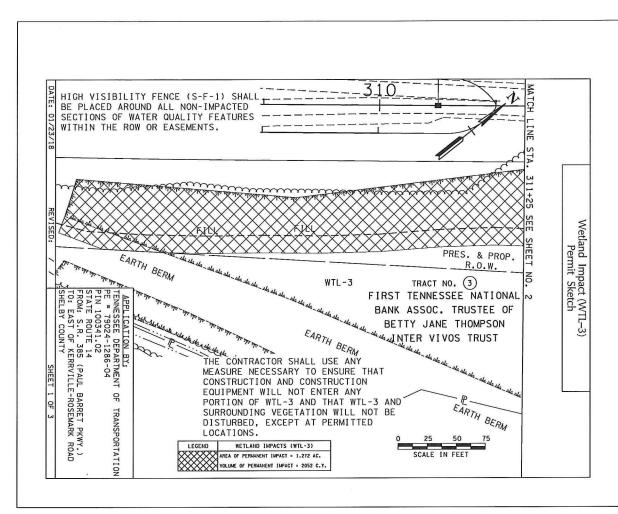


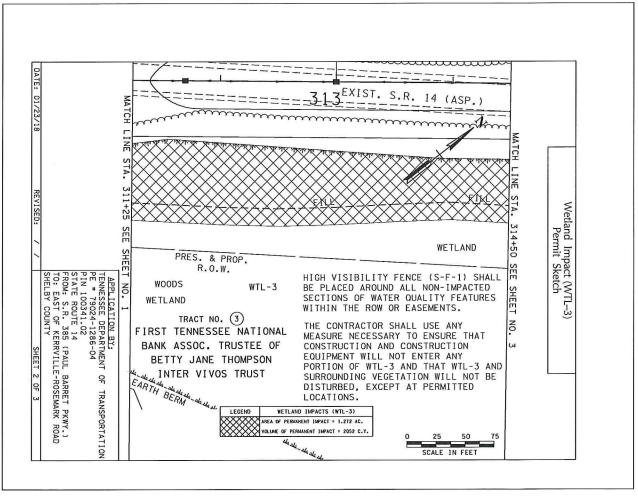


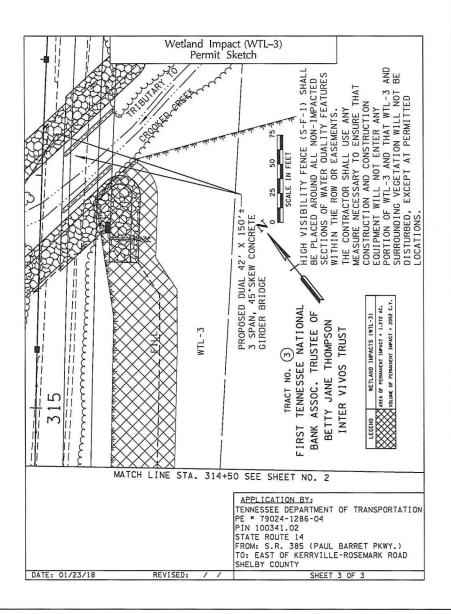












Wetland Impact (WTL-4) Permit Sketch

LEGEND	WETLAND IMPACTS (WTL-4)
	STA. 325+70 TO 326+70 RT.(WAA-1) AREA OF PERMANENT IMPACT = 0.036 AC. VOLUME OF PERMANENT IMPACT = 58 C.Y.
	STA. 327+10 TO 328+25 RT.(WAA-1) AREA OF PERMANENT IMPACT = 0.031 AC. VOLUME OF PERMANENT IMPACT = 50 C.Y.
	STA. 333+40 TO 338+15 RT.(WAA-2) AREA OF PERMANENT IMPACT = 0.170 AC. VOLUME OF PERMANENT IMPACT = 274 C.Y.
	STA. 333+40 TO 355+65 RT.(WAA-2) AREA OF PERMANENT IMPACT = 0.057 AC. VOLUME OF PERMANENT IMPACT = 92 C.Y.
	STA. 338+55 TO 352+00 RT.(WAA-2) AREA OF PERMANENT IMPACT = 1.183 AC. VOLUME OF PERMANENT IMPACT = 1909 C.Y.
	TOTAL AREA OF PERMANENT IMPACT = 1.477 AC. TOTAL VOLUME OF PERMANENT IMPACT = 2383 C.Y.

HIGH VISIBILITY FENCE (S-F-1) SHALL BE PLACED AROUND ALL NON-IMPACTED SECTIONS OF WATER QUALITY FEATURES WITHIN THE ROW OR EASEMENTS. THE CONTRACTOR SHALL USE ANY MEASURE NECESSARY TO ENSURE THAT CONSTRUCTION AND CONSTRUCTION EQUIPMENT WILL NOT ENTER ANY PORTION OF WTL-4 AND THAT WTL-4 SURROUNDING VEGETATION WILL NOT BE DISTURBED, EXCEPT AT PERMITTED LOCATIONS.

WETLAND AREA EXTENDS BEYOND PROJECT R.O.W.

APPLICATION BY:
TENNESSEE DEPARTMENT OF TRANSPORTATION
PE = 79024-1286-04
PIN 100341.02
STATE ROUTE 14
FROM: S.R. 385 (PAUL BARRET PKWY.)
TO: EAST OF KERRVILLE-ROSEMARK ROAD
SHELBY COUNTY

DATE: 01/23/18 REVISED: / / SHEET 1 OF 9

