



**US Army Corps
of Engineers** ®
Memphis District

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EXPIRATION DATE: 5 July 2021

NOTICE OF AVAILABILITY
U.S. ARMY CORPS OF ENGINEERS

Piney Creek, TN Ecosystem Restoration
Continuing Authorities Program Section 206 Feasibility Study
With Integrated Environmental Assessment

REPLY TO:

ATTN: Marsha Raus

Project Management Branch

U.S. ARMY CORPS OF ENGINEERS

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TITLE: Piney Creek, TN Ecosystem Restoration, Continuing Authorities Program Section 206 Feasibility Study, With Integrated Environmental Assessment

AUTHORITY: Section 206 of the Water Resources Development Act of 1996, as amended, “the Secretary may carry out an aquatic ecosystem restoration and protection project if the Secretary determines that the project— (1) will improve the quality of the environment and is in the public interest; and (2) is cost-effective.”

LOCATION: This study examines Piney Creek, a tributary of the Hatchie River. The Piney Creek watershed lies entirely in Hardeman County, Tennessee and covers more than 37,500 acres. The project area extends from Piney Creek’s confluence with the Hatchie River near Bolivar, TN upstream approximately 12 miles to above the town of Silerton (Figure 1.)

TO WHOM IT MAY CONCERN: Pursuant to the National Environmental Policy Act of 1969 as amended, and Section 206 of the Water Resources Development Act of 1996 the U.S. Army Corps of Engineers (USACE), Memphis District, is issuing this notice of availability to solicit public comments on the proposed project.

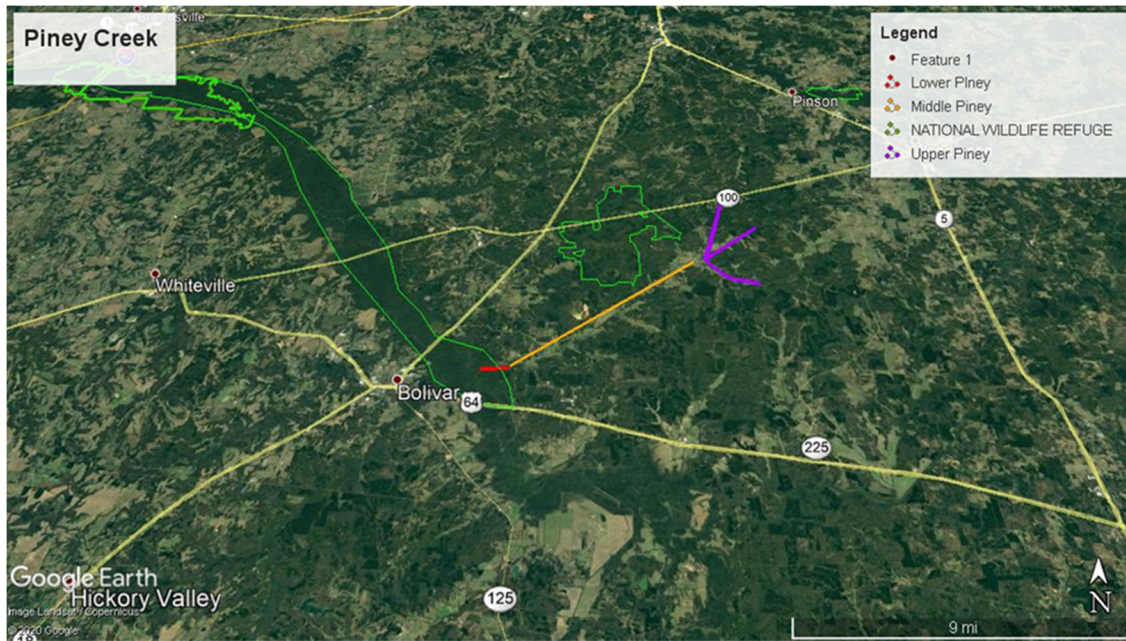


Figure 1. Study Area of the proposed Piney Creek, TN Ecosystem Restoration Project in Hardeman County

PURPOSE: The purpose of the project is to address degraded conditions in Piney Creek and restore the natural geomorphology and enhance fish and wildlife habitat.

DESCRIPTION OF WORK: The Tentatively Selected Plan (TSP) would excavate/reopen approximately 2.6-mile of the historic meandering channel to replace the 0.85-mile of canal. The plan includes a mix of different types of grade control structures for a total of fourteen. The plan includes tree planting to fill in gaps in the existing canopy and replace any trees that have to be removed for construction. The estimated cost of construction is \$14.5 million.

The TSP would improve the hydrologic function and geomorphic character of Piney Creek and would likely contribute to preservation and restoration of biodiversity in the watershed. The plan has a net gain of 293 average annual habitat units.

CLEAN WATER ACT: Piney Creek is on the state 303(d) list for impaired waters. It is listed for habitat alteration and sedimentation. This project would restore habitat and reduce sedimentation. A 404(b)(1) evaluation is provided in Appendix A of the Report. An Aquatic Resources Alteration Permit from the Tennessee Department of Environment and Conservation (TDEC) will be required. USACE will obtain these permits during the development of plans and specifications. TDEC has approved similar projects on Barnes Fork Creek in Henry County and Stokes Creek in Dyer County.

ENDANGERED SPECIES: The U.S. Fish and Wildlife Service (USFWS) has stated the area lies within the potential range for Indiana (*Myotis sodalis*) and northern long-eared bats (*M. septentrionalis*). Bat surveys were suspended for Summer 2020 due to coronavirus concerns; surveys may be required prior to construction. USACE will continue to coordinate with USFWS to ensure the project does not impact listed bats. Long-term, the project will improve

sustainability of the bottomland hardwood habitat important for bats. The project assumes only minimal tree clearing and it would occur only from October 15-March 31 to avoid the possibility of direct take. Any maternity colonies or roost trees identified in subsequent surveys would be avoided. Prior to the suspension of surveys for Summer 2020, bat surveys were valid for 2 years; policy may change when surveying is reinstated. Coordination with USFWS will occur as part of the review of this report and will continue through construction as needed. No other species are known to have potential to occur in this area.

CULTURAL RESOURCES: Correspondence with the State Historic Preservation Officer (SHPO) indicates there are three sites and three surveys within a mile of the study area, but no known sites or surveys within the immediate study area. The non-federal sponsor has contracted an archaeological firm to complete a literature review and Phase I archaeological survey of the study area. If there are no significant cultural resources within the Piney Creek Ecosystem Restoration Study Area of Potential Effect, the proposed undertaking will not have an adverse impact on cultural resources and a no affect determination will be issued and USACE will seek concurrence with the TNSHPO and Tribal Historic Preservation Officers (THPO). Section 106 consultation should be concluded prior to the final report.

The Tentatively Selected Plan would be unlikely to have any impact on known cultural resources. The study area has not been previously studied although areas within one mile of the study area have been surveyed. Three known sites are within one mile of the project area so there is a moderate chance of archaeological resources being present. The non-federal sponsor has contracted an archaeological firm to conduct a literature review and Phase I archaeological survey of the study area. We do not anticipate finding any significant cultural resources and will seek a no effect determination in consultation with the TN SHPO and THPOs based on the final results of the survey. Section 106 concurrence should be concluded prior to the final report.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the proposed activities and to solicit comments and information necessary to evaluate the probable impact on the public interest. This notice is being circulated to federal, state and local agencies and to the public.

The decision to proceed with this project 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 potential benefits that reasonably may be expected to accrue from the activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered, including the cumulative effects thereof.

The Corps of Engineers is soliciting comments from the public; federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to modify or condition the project. 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 preparation of the final environmental assessment or a draft environmental impact

statement pursuant to the National Environmental Policy Act and are also used to determine the overall public interest of the proposed activity. The draft Environmental Assessment, draft Finding of No Significant Impact, and Section 404 (b)(1) evaluation will be circulated to agencies and any other parties that respond to this notice requesting copies. Copies of these documents have been placed on the Memphis District's website at:

The main report is available here:

<https://www.mvm.usace.army.mil/Portals/51/Piney%20Creek%20Main%20Report.pdf>

The Appendices are available here:

<https://www.mvm.usace.army.mil/Portals/51/Piney%20Creek%20Technical%20Appendices.pdf>

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 proposed project. Requests for a public hearing shall clearly state the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed in order to reach a decision on the project. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on this proposal, please contact Marsha Raus at the U.S. Army Corps of Engineers, Project Management Branch, 167 North Main Street RM B-202, Memphis, Tennessee 38103-1894, telephone 901-544-3455. **Comments should be received by this office by 5 July 2021.**

Sincerely,



Edward P. Lambert
Chief, Environmental Compliance Branch
Regional Planning and Environmental Division