



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

**ISSUE DATE:** 15 January 2020  
**EXPIRATION DATE:** 15 February 2020

**PUBLIC NOTICE**  
**U.S. ARMY CORPS OF ENGINEERS**

**Availability of Draft Environmental Assessment, 404(b)(1) evaluation  
and Draft Finding of No Significant Impact**

**REPLY TO:**

ATTN: Andrea Carpenter, Environmental Compliance Branch  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Tele: (901) 544-0817  
Fax: (901) 544-3955  
E-mail: [Andrea.L.Carpenter@usace.army.mil](mailto:Andrea.L.Carpenter@usace.army.mil)

**TITLE: Mississippi River Mainline Levee, Phillipy Seepage Remediation, Lake County, Tennessee**

**AUTHORITY:** The proposed seepage remediation of the Hickman, Kentucky, to Obion River Levee System (Phillippy Levee) is authorized and would be funded as part of the Mississippi River Levees (MRL) portion of the Mississippi River and Tributaries (MR&T) Project. The MR&T Project is authorized by the Flood Control Act of 15 May 1928, as amended.

**LOCATION:** The proposed project involves implementing seepage control measures and minor maintenance of the levee slope along the MRL in Lake County, Tennessee. The northern limit of the project begins at approximately 36.49556111, -89.40300278 or Baseline Station 16/52+36, and extends south 0.7 of a mile to 36.48577222, -89.40599444 or Baseline Station 17/36+32. The seepage berm extends from the northern limit of the project to approximately 36.49097778, -89.40464722 or Baseline Station 17/13+79. The remainder of the work requires small vegetation removal and minor slope flattening to improve stability and allow for regular maintenance work.

**TO WHOM IT MAY CONCERN:** Pursuant to the National Environmental Policy Act of 1969 as amended, the U.S. Army Corps of Engineers, Memphis District, is issuing this notice with the intention of constructing a seepage berm and rehabilitating approximately 0.7-mile of the Phillipy Levee.

**Phillippy Seepage Remediation  
Lake County, Tennessee**

**U.S. Army Corps of Engineers  
Regional Planning and Environment Division South**

**PURPOSE:** The Phillipy Berm Project was designed due to seepage issues, and was addressed in the final SEIS. During the floods of 2011 and 2015, seepage issues were again observed by Corps personnel. The purpose of the proposed action is to control seepage under the MRL during flood events on the Mississippi River to prevent levee damage or failure. While berm construction in this area was covered under the SEIS, it has been determined that additional right of way is required and potential environmental impacts have been identified. The minor vegetation removal and slope flattening outside of the berm construction area are an addition to the original plans, and are intended to improve the ability of the local sponsor to complete regular maintenance. Failure due to uncontrolled seepage and piping (sands and silts being carried under the levee during flood conditions) would result in property damage and could cause human injuries and/or loss of life.

**PROPOSED ACTION:** The proposed project involves implementing seepage control measures identified in the SEIS along the MRL in Lake County, Tennessee. Project features for the proposed seepage remediation action include construction of one berm totaling approximately 7.2 acres; slope flattening beginning at the southerly end of the berm and extending for approximately 2,000 feet along the existing slope, and an approximately 4.75-acre borrow pit to provide the required earthen material.

The seepage berm would permanently impact approximately 1 acre of agricultural land exhibiting some wetland characteristics and approximately 3.15 acres located within a Natural Resources Conservation Service (NRCS) Wetland Reserve Program (WRP) easement consisting of young (~10 year old) forested wetland. The remainder of the area is already maintained by mowing, and no additional impacts have been identified for the berm. No environmental impacts were identified with the slope flattening, which would total approximately 1.5 acres. The borrow pit would impact approximately 0.85 acres of agricultural land exhibiting some wetland characteristics, which rests at a lower elevation than the surrounding field. Compensatory mitigation would occur prior to or concurrently with construction, and is described below.

In addition to the items described above, additional items include placing filter fabric and road gravel within the established roadway, establishing turf in disturbed areas, providing traffic control, and establishing appropriate erosion controls and utilizing best management practices.

#### **ALTERNATIVES: ALTERNATIVES TO THE PROPOSED ACTION**

Three alternatives were considered for the proposed action. These alternatives were: 1) no-action; 2) installation of relief wells and associated drainage work; and 3) construct a landside berm.

#### **Alternative 1 – Future without Project Condition (No-Action)**

In the future without project condition (no-action), the proposed action would not be constructed. The no-action alternative would result in continued seepage and piping during flood conditions. Sands and silts would be carried under the levee, which could lead to a levee breach.

## **Alternative 2 – Install Relief Wells with Associated Drainage Work**

Relief wells and associated drainage ditches were considered to control seepage along the MRL in this area. However, relief wells would not prevent piping if backwater has entered the landside levee area; therefore, this alternative is not acceptable for this area due to the regular occurrence of backwater flooding.

## **Alternative 3 – Construct a Landside Berm**

This project feature was considered in the 1998 SEIS, and involves constructing a seepage berm along the landside toe of the MRL to control seepage and piping under the levee. Approximately 50,000 cubic yards of material would be required for construction of the seepage berm. This material would be excavated from the borrow pit on the riverside of the levee. The borrow pit has been designed to avoid environmental impacts to the existing forested area. In addition to the seepage berm, slope flattening beginning at the southerly end of the berm and extending for approximately 2,000 feet along the existing slope, would occur to provide for regular maintenance. Temporary impacts to local roadways and the public use of those roads would result, as haul trucks would be needed to transport the material to the project site; however, a traffic plan is being developed with the Tennessee Department of Transportation.

## **Preferred Alternative for the Proposed Project**

After careful consideration of all alternatives, it was determined that alternative 1 (no-action) was unacceptable because of risks to human life and property. If a seepage problem is not addressed, levee failure resulting in catastrophic impacts could ultimately result. Due to ineffectiveness of relief wells in this case due to backwater flooding, Alternative 2 is not practicable or reasonable. Alternative 3 is the only effective method for controlling seepage and piping in the identified seepage locations. All factors considered, Alternative 3 is the most practical solution for seepage control and is the preferred alternative for the proposed project.

**MITIGATION:** The Clean Water Act, the Water Resources Development Act, Rule 33 CFR §332, the 2008 Compensatory Mitigation Rule, et al. require that compensatory mitigation is completed to offset unavoidable impacts incurred due to a water resources project. The appropriate application of compensatory mitigation is to formulate an alternative that first avoids, then minimizes, and lastly, compensates for unavoidable adverse impacts. The draft environmental assessment (EA) evaluates the potential impacts associated with the proposed construction of the seepage berms and associated borrow site.

After practicable avoidance and minimization measures were applied, a total of approximately 3.15 acres of forested wetlands and 1.85 acres of agricultural lands exhibiting wetland characteristics would be impacted by the proposed project. The USACE was able to move the borrow pit out of the forested area preventing approximately 5 acres of additional wetland impacts. Compensatory mitigation requirements entail restoration of 1.85 acres of forested bottomland hardwood (BLH) wetlands, as well as improvements to the WRP site based on

coordination with the NRCS. Options for mitigating the WRP impacts may include planting BLH species and restoring hydrology, if necessary, within tracts of cleared agricultural land and/or the WRP site. The site to mitigate the impact to the 1.85 acres of wet agricultural land is anticipated to be located in Dyer County, Tennessee, as the USACE has begun the acquisition of 4 tracts of land totaling approximately 70 acres to mitigate for the unavoidable impacts that would be incurred due to these and future MRL project actions. A detailed, site-specific mitigation plan has been drafted, and is included as Appendix B to the EA. Compensatory mitigation would occur concurrently with construction of the proposed project.

**CLEAN WATER ACT:** No significant impacts to water quality would occur as a result of the proposed project. A Section 404(b)(1) Evaluation was prepared for the proposed project action and is included as an appendix to the EA. A state water quality certification was requested from the State of Tennessee, Department of Environment and Conservation, on 17 December 2019. The NEPA process would not be considered complete and the FONSI would not be signed until the Alteration of Aquatic Resources Permit is received by the USACE.

**THREATENED AND ENDANGERED SPECIES:** Pursuant to Section 7 of the Endangered Species Act, it was determined that although the proposed project is within range of the Indiana and northern long-eared bats and interior least tern, there would be no effect to any federally listed threatened or endangered species. In the lower Mississippi River, interior least terns typically nest on large isolated sandbars from late May to August, depending on timing and duration of low river stages, and are not found within the proposed project area. No potentially suitable habitat for threatened or endangered bats was noted in the proposed project area. Therefore, USACE has determined that there would be no effect to the Indiana or northern long-eared bat, or interior least tern.

**CULTURAL RESOURCES:** A literature review supplemented by a cultural resources survey within the project's Area-of-Potential-Effect (APE) was completed by American Resources Group, Inc. in 1979, and no archeological sites were identified. Two standing structure complexes were identified, but were not eligible for the national register and are no longer standing. Therefore no historic properties would be affected by completion of the proposed action. Coordination with the federally recognized Native American Tribes within MVM, as well as with the Tennessee State Historic Preservation Office is being conducted with the circulation of this draft EA. No additional cultural resources investigations are recommended prior to the project's implementation.

**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 environmental agencies; Native American tribes; and public. The decision to proceed with the proposed modifications 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 of the activity must be balanced against its reasonably foreseeable detriments. Potential direct, indirect, and cumulative effects of the activity on the human environment will be considered.

Memphis District is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by Memphis District to determine whether to proceed with the proposed action. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments are used in preparation of the final environmental assessment and/or 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 and draft finding of no significant impact have been completed and will be circulated to agencies and any other party that responds to this notice requesting a copy. Copies have been placed on the District's website at:**

<http://www.mvm.usace.army.mil/About/Offices/Regulatory/PublicNotices.aspx>. The files are located towards the bottom of the screen in the table, Memphis District Civil Works Projects. Refer to the column for State: Tennessee, Project: Phillipy Seepage Remediation. Under the column for Document, click on environmental assessment to access the draft EA, and click on finding of no significant impact to access the draft FONSI.

**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 action. Requests for a public hearing should 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 Andrea Carpenter at the U.S. Army Corps of Engineers, Environmental Compliance Branch, 167 North Main Street RM B-202, Memphis, Tennessee 38103-1894, at 901-544-0817 or [Andrea.L.Carpenter@usace.army.mil](mailto:Andrea.L.Carpenter@usace.army.mil). **Comments should be forwarded to this office by 15 February 2020.**

Sincerely,



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