



US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM 2016-404 (JME)**

**NOTICE DATE:**  
**December 28, 2016**

Attn: Postmaster,  
Please Post Until

**EXPIRATION DATE:**  
**January 26, 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:**

Mr. Scott Abbott  
Panattoni Development Company  
35 Music Square East, Suite 301  
Nashville, Tennessee 37203  
(615) 513-0544

**AGENT:**

Mr. Timothy E. Brophy, President  
Brophy-Heineke & Associates, Inc.  
2978 Shelby Street  
Bartlett, Tennessee 38134  
(901) 373-3289

**PURPOSE:** The purpose of the project is to provide access to a distribution center complex with the extension of an existing roadway (Gateway Global Drive).

**LOCATION:** The project site is located within the area between the existing southern and northern termini of Gateway Global Drive just south of the Wingo Road and Gateway Global Drive intersection in Marshall County, Mississippi at coordinates of N34.97493° / W-89.6007°, as shown on Attachment 1.

**DESCRIPTION OF WORK:** The applicant's proposed work includes the construction of a segment of new roadway for a length of 1,620 linear feet within an 80-foot right-of-way. Permanent impacts to 1.19 acres of wetland and a minor crossing of an unnamed tributary to Nonconnah Creek 120 linear feet in length are proposed. The location of the proposed segment of road indicating the location the road crossing and proposed wetland impacts is shown on Attachment 2.

The deposition of fill material into waters of the U.S., including streams and wetlands, requires authorization from the U.S. Army Corps of Engineers. At this time, it is our preliminary jurisdictional determination that the portion of work being proposed is within jurisdictional wetlands and streams.

**WATER QUALITY CERTIFICATION:** By copy of this public notice, the applicant is requesting water quality certification from the Mississippi Department of Environmental Quality, Office of 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. Commentors are requested to also furnish a copy of their comments to the Mississippi Department of Environmental Quality, Office of Pollution Control, P.O. Box 2261, Jackson, Mississippi, 39225. The Department will consider all relative comments in the decision to grant or deny water quality certification for the proposed activity. 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.

**AVOIDANCE/MINIMIZATION:** According to the applicant, wetland avoidance is not feasible as the existing sections of Gateway Global Drive are already in place to the north and south of the proposed segment of new roadway. The applicant is proposing to minimize wetland impacts with the return of pre-construction contours and allowing the areas to naturally revegetate within the temporary work space area outside the limits of the permanent road right-of-way.

**MITIGATION:** The applicant is proposing to mitigate permanent wetland losses of 1.19 acres with the purchase of credits from the Delta Wetland Mitigation Bank in Tallahatchie County, Mississippi.

**ENDANGERED SPECIES:** The area proposed to be impacted with construction of the roadway has previously been investigated for federally threatened and endangered species during evaluation of a previous permit (MVM-2014-173). The two species of potential concern, Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*) were studied in accordance with U.S. Fish and Wildlife Service's (USFWS) 2015 *Range-wide Indiana Bat Summer Guidelines*. Neither species was captured on the proposed roadway site or on the adjacent acreage. USFWS concurred with these findings in June 2015. Therefore, it is expected that the proposed project will not have any adverse effect on federally listed rare, threatened, or endangered species. Any additional 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:** A cultural resource survey was conducted in August 2014 within the limits of this project during evaluation of a previous permit (MVM-2014-173). Based on the results of the cultural resource survey, the Memphis District Archaeologist reached a determination of no historical properties affected with no further Section 106 consultation required. The Memphis District will evaluate any additional information provided by the State Historic Preservation Officer and the public in response to this public notice.

**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 floodplain 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 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. James M. Elcan using the information below:

U.S. Army Engineer District - Memphis  
ATTN: James Elcan  
167 N. Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
E-mail: [james.m.elcan@usace.army.mil](mailto:james.m.elcan@usace.army.mil)  
Phone: (901) 544-0737  
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.

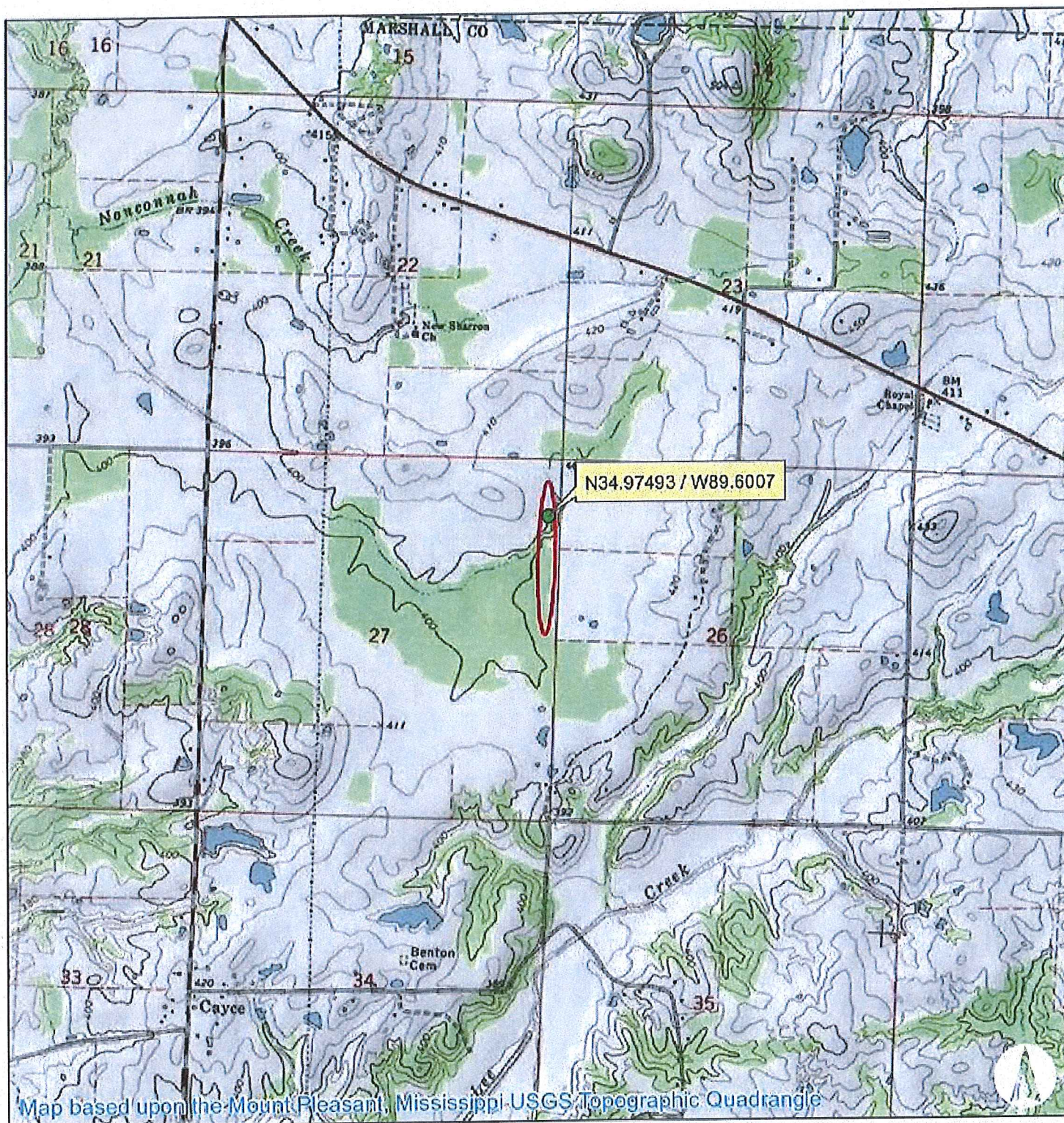


Gregg Williams  
Chief, Regulatory Branch

Attachments



# Gateway Global Drive Extension Location Map



0 750 1,500 3,000 4,500  
Feet

1:24,000

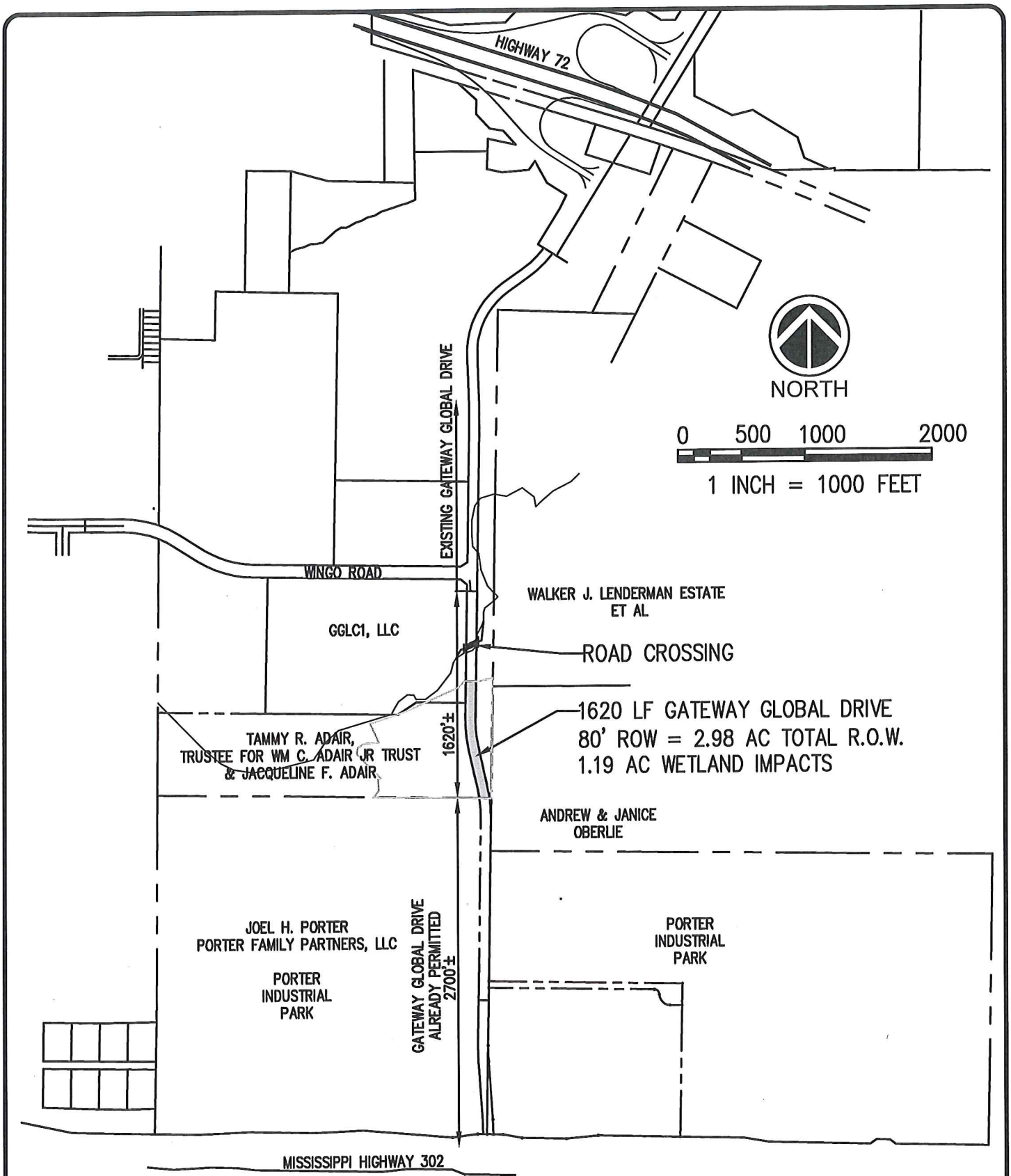


## Legend

Roadway Location

ATTACHMENT 1.





Pickering Firm, Inc.  
Engineering  
Planning • Surveying

6775 Lenox Center Court, Suite 300  
Memphis, TN 38115  
901.726.0910

## GATEWAY GLOBAL LOGISTICS CENTER FAYETTE COUNTY, TENNESSEE

DESCRIPTION GATEWAY GLOBAL DRIVE

SCALE 1" = 1,000'

PROJECT # 24291.09

DATE 12/16/2016

DOCUMENT #

SHEET #

C1