



US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM 2017-315 (JME)**

**NOTICE DATE:**  
**October 4, 2017**

Attn: Postmaster,  
Please Post Until **EXPIRATION DATE:**  
**November 3, 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. Stephen Hess  
DHL Supply Chain  
570 Polaris Parkway  
Westerville, Ohio 43082  
Ph: (614) 865-8646

**AGENT:**

Ms. Jennifer L. Morrison  
Brophy-Heineke & Associates, Inc.  
2978 Shelby Street  
Bartlett, Tennessee 38134  
Ph: (901) 373-3289

**PURPOSE:** The purpose of the project is to construct a distribution warehouse facility on a 55-acre parcel of property.

**LOCATION:** The project site is located east of Tchulahoma Road and west of Meltech Boulevard, just north of the Tennessee/Mississippi state line in Memphis, Shelby County, Tennessee, at coordinates of N34.99856° / W-89.95447°, as shown on Figure 1.

**DESCRIPTION OF WORK:** The applicant's proposed project consists of developing a 55-acre parcel of property into a distribution facility. The distribution facility would consist of a 580,000-square foot warehouse building and approximately 405,000 square feet of paved areas including parking lots and driveways, as shown on Figure 2. The property contains two wetlands totaling 1.74 acres, as shown on Figure 3. Development of the site would consist of grading and filling activities to construct the proposed distribution facility. The discharge of fill material is being proposed within 1.3 acres of the 1.74 acres of wetlands present on the property.

The deposition of fill material into waters of the United States, including streams and wetlands, requires authorization from the Corps of Engineers. At this time, it is our preliminary jurisdictional determination (PJD) that the above-mentioned wetlands may be considered other waters of the United States.

**WATER QUALITY CERTIFICATION:** The applicant is required to request 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.

**AVOIDANCE/MINIMIZATION:** As shown on attached site plan (Figure 2), the project would avoid 0.44-acre of the 1.70-acre wetland area near the property's south boundary. According to the applicant, based on cost, logistics, and/or environmental concerns, there are no other feasible off-site or on-site alternatives that would further avoid or minimize wetland impacts while allowing the applicant's project purpose to be met. The applicant submitted a detailed practicable alternatives analysis and our office will review this information to determine compliance with Section 404(b)(1) guidelines.



**MITIGATION:** The applicant is proposing to mitigate the loss of 1.3 acres of wetland through participation in the Tennessee Wildlife Federation Statewide In-Lieu Fee Program.

**ENDANGERED SPECIES:** The least tern (*Sterna antillarum*), Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) are listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS) in Shelby County. Based on best available information, our office has determined there is no potentially suitable habitat for the least tern that would be affected by the project; therefore, the project will have 'no effect' on the least tern. This application is being coordinated with USFWS. Any comments USFWS may have regarding endangered or threatened wildlife or plants or their critical habitat in response to this public notice will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** The Memphis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a survey of the project area. We are soliciting input from federally recognized Tribes who have stated an interest in the area in which the project is located.

**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.

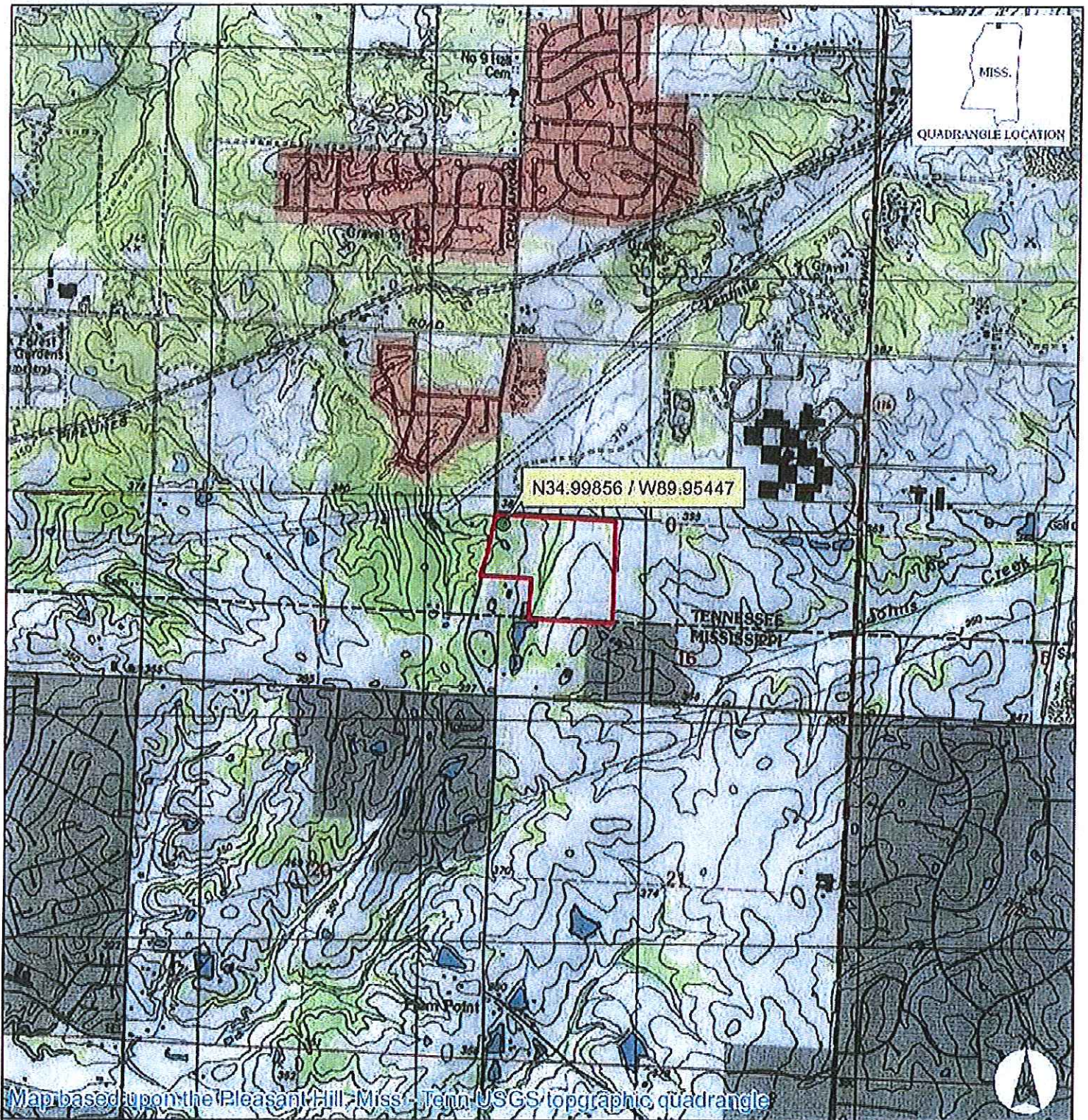


Gregg Williams  
Chief  
Regulatory Branch

Attachments



# Project Memphis Land Site Location Map



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

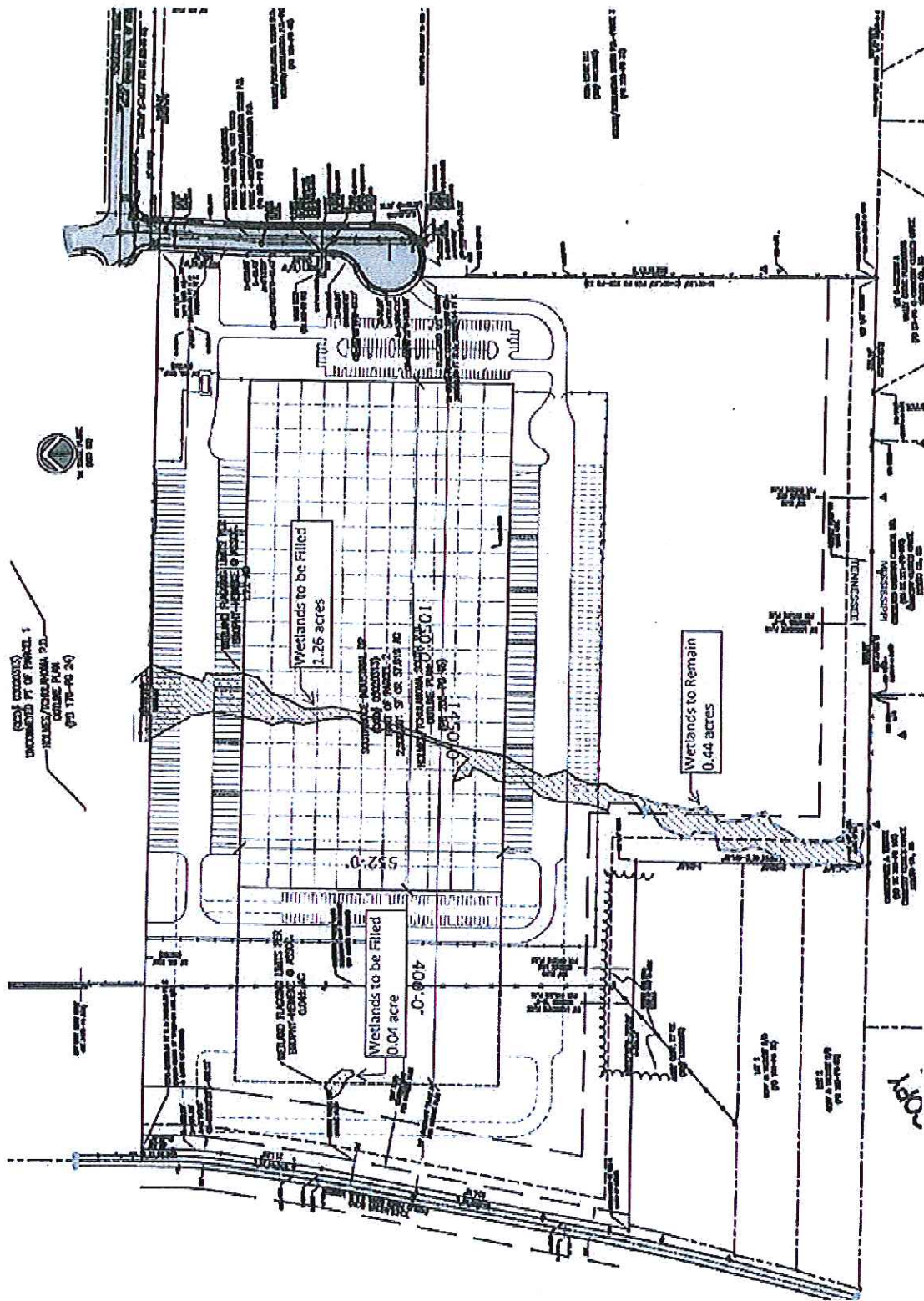
1:24,000

## Legend

 Site Boundary

Figure 1.





**DHL**

Project Memphis Land  
Memphis, Tennessee

Preliminary Site Plan  
SCALE: 1"=200'-0" (1:161,280)  
5/7/2017 08.10.2017

A.1

**ARCO**  
NATIONAL CONSTRUCTION

**GMA**

Figure 2.

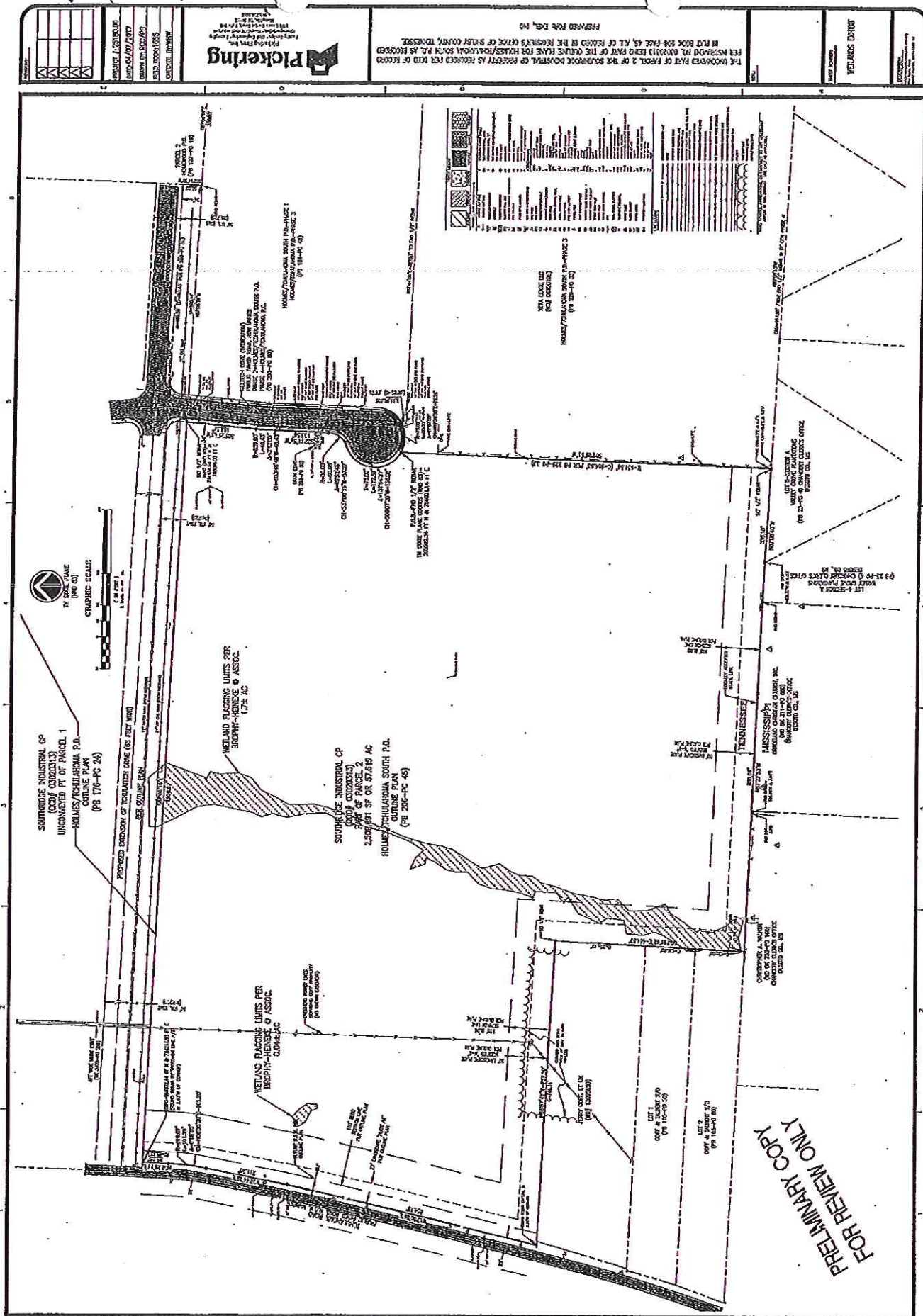


Figure 3.