

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2023-207 (BLH)

**NOTICE DATE:
July 19, 2023**

EXPIRATION
DATE: **August 19, 2023**
Attn: Postmaster,
Please Post Until →

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
505 Deadrick Street
Nashville, TN 37243
(615) 253-0021

PURPOSE: According to the applicant, the primary purpose of the project is to improve the structural integrity of the SR-100 bridge over South Fork Forked Deer River by replacing the bridge to meet current Tennessee Department of Transportation (TDOT) design standards. The need is to address insufficient structural elements due to the deterioration of the bridge substructure and superstructure as indicated by the National Bridge Inventory (NBI) condition ratings and overall sufficiency rating.

LOCATION: The project site is located at 35.449730°N, -88.601654°W in Chester County, Tennessee, as shown on the attached map (Attachment 1).

DESCRIPTION OF WORK: The proposed project will replace the State Route 100 bridge over South Fork Forked Deer River at log mile 14.16 in Chester County. The proposed structure will have a curb width of 44 feet, with concrete parapets for a total out-to-out width of approximately 47 feet. The proposed roadway typical section will consist of a 24-foot-wide travel way with 10-foot graded shoulders. The alignment for the proposed structure will be shifted to the north for passed construction of the structure. Also included in the project scope is the crossing/impact of three streams and one wetland. Additionally, Erosion Prevention and Sediment Control (EPSC) best management practice (BMP) measures will be installed and maintained during roadway construction, thus reducing the likelihood of sediment and debris deposition from the project site into adjacent environmental features during construction activities.

	Coordinates	Temporary Wetland Impacts (Acres)	Permanent Wetland Impacts (Acres)
Wetland 1	35.4483, -88.6051	0.170	3.111
Total		0.170	3.111

	Coordinates	Brief Description	Stream Impacts (Acres)
Stream 1	35.4497, -88.6017	Bridge Replacement	None
Stream 2	35.4492, -88.6042	Bridge Replacement	None
Stream 3	35.4486, -88.6051	Culvert Removal and New Encapsulation	None
Total			None

AVOIDANCE/MINIMIZATION: According to information submitted with the application, the proposed project's roadway alignment was selected in order to avoid existing environmental features to the greatest extent practicable. Where environmental features are unavoidable, the proposed project has been designed to ensure that impacts to these features have been minimized as much as possible. Proposed roadway embankment slope lines have been reduced where possible, thus minimizing impact to adjacent environmental features. Also, where practicable, span bridges/bottomless culverts have been proposed instead of box culverts; implementing these structure types minimizes the amount of stream channel impact and allows the existing natural channel to flow under the proposed roadway system. Additionally, EPSC and BMP measures will be installed and maintained during roadway construction, thus reducing the likelihood of sediment and debris deposition from the project site into adjacent environmental features during construction activities. In addition, Tennessee Department of Transportation will purchase mitigation credits from the Madison County Mitigation Bank to offset permanent wetland impacts associated with the project.

MITIGATION: The applicant is proposing to mitigate for the unavoidable loss of 3.111 acres of wetlands through the purchase of available credits from the Madison County Mitigation Bank. The Memphis District is evaluating the plans against the project impacts prior to making a formal decision on mitigation.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. In accordance with Certification Rule Part 121.6, once the applicant submits a certification request the Corps of Engineers will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification.

ENDANGERED SPECIES: This application has also been coordinated by the Federal Highways Administration (FHWA) with the U.S. Fish and Wildlife Service. The project area is within the consultation zone of the whorled sunflower according to the most recent Tennessee SLOPES agreement. Appendix A-whorled sunflower effects determination key was utilized and it was determined that the proposed project would result in a "Not likely to Adversely Affect" determination for this species and/or its designated critical habitat. Any comments that have been submitted as well as additional information received in response to this notice 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 the Federal Highway Association's (FHWA) 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 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 Indian 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 Brandi Harms using the information below:

U.S. Army Engineer District - Memphis
ATTN: Brandi Harms
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: brandi.l.harms@usace.army.mil
Phone: (901) 544-0735

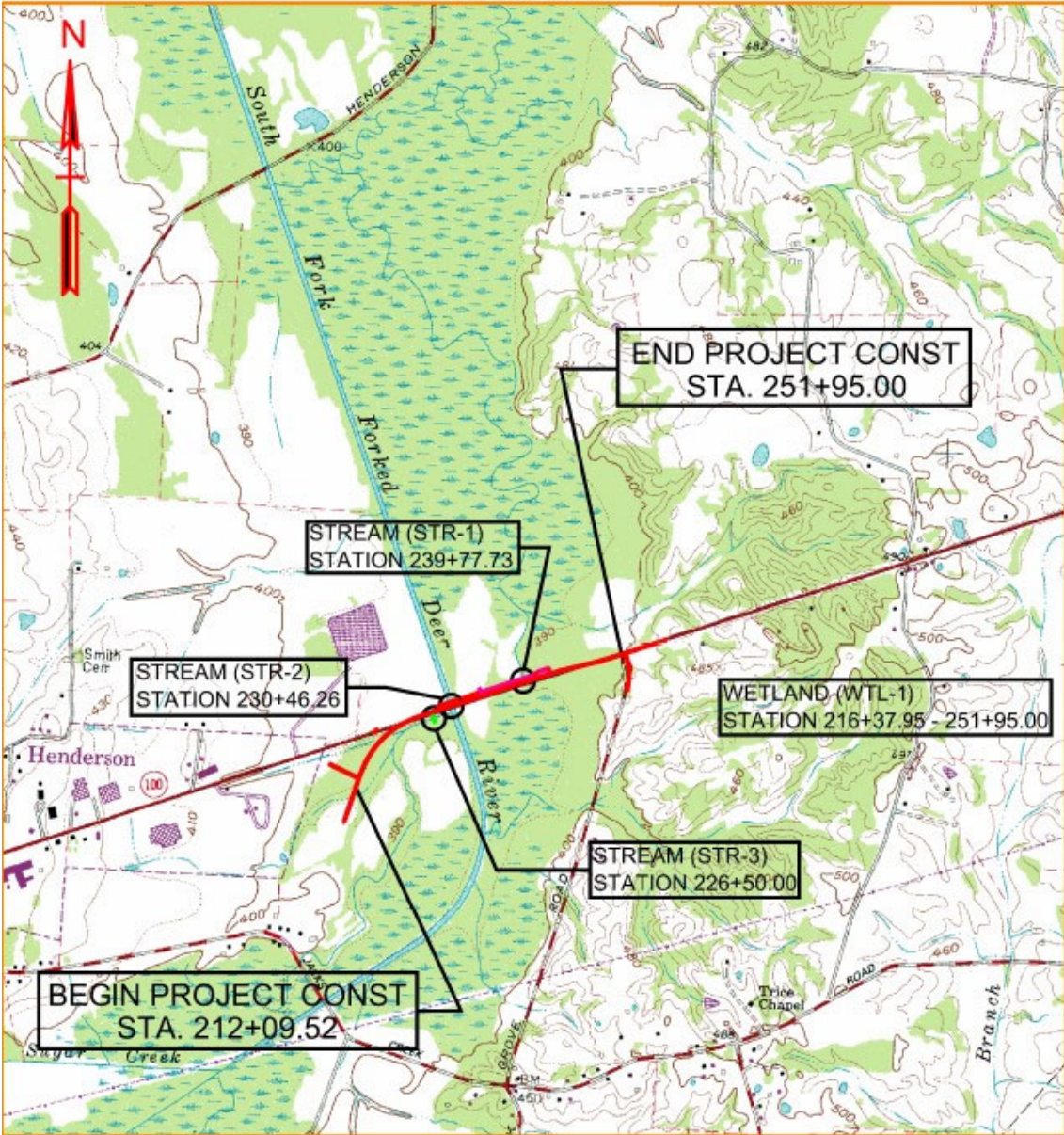
Comments may be sent via mail or email. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link: <https://www.mvm.usace.army.mil/About/Offices/Regulatory/Public-Notices/> . 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 Division office for examination.

Gregg W. Williams
Chief
Regulatory Division

Attachments

VICINITY MAP



<p>APPLICATION BY: TENNESSEE DEPARTMENT OF TRANSPORTATION PE # 12007-1220-94 PIN 124154.00 FED. CONST. PROJ. # BR-STP/HIP-100(81)</p> <p>QUAD: JACKS CREEK / O35088D5</p>	<p>S.R. 100</p> <p>BRIDGE OVER SOUTH FORK FORKED DEER RIVER, LM 14.16 (IA)</p> <p>COUNTY: CHESTER NEAR: HENDERSON</p>
<p>DATE: 12/15/2022</p>	<p>REVISD: 4/20/2023</p>

SHEET 1 OF 20

