

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

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PUBLIC NOTICE

**U.S. Army Corps of Engineers
Memphis District**

U.S.C. Chapter 33, Section 408 Permission Evaluation

TITLE: Section 408 Permission Evaluation for the Tennessee Valley Authority, Allen Fossil Plant, East Allen Pond discharge pipe, Shelby County, Tennessee.

INTRODUCTION: The authority to grant permission for temporary or permanent alterations of any U.S. Army Corps of Engineers (USACE) federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408. The Tennessee Valley Authority has requested to route two pipes over and along the Mississippi River mainline levee (MRL) to dewater the East Ash Pond at the Allen Fossil Plant, Shelby County, Tennessee (Figure 1).

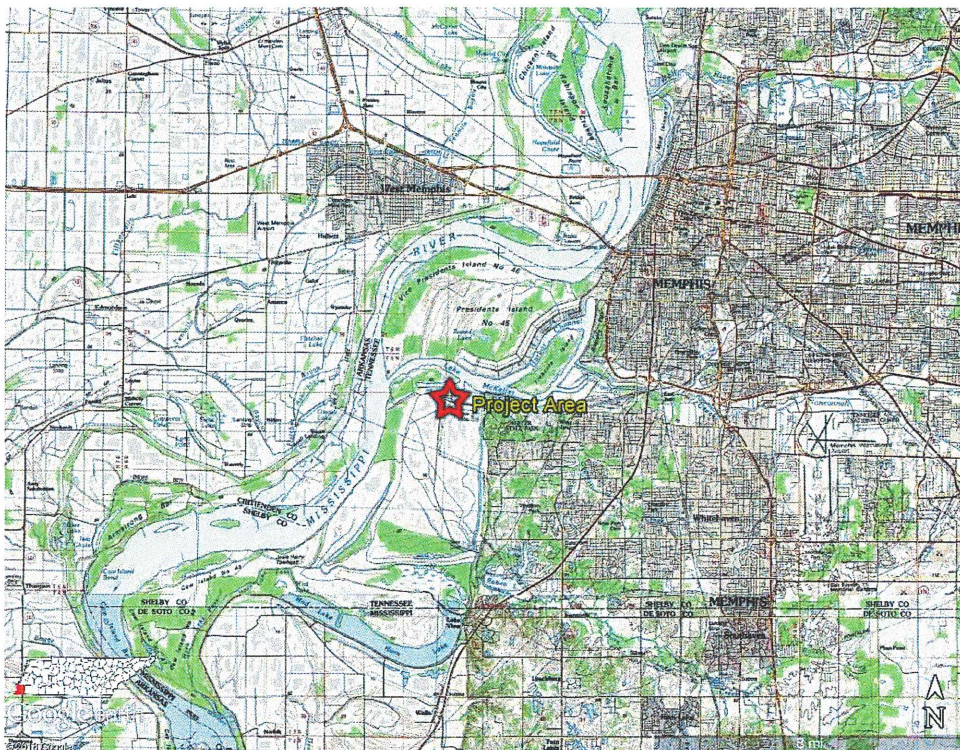


Figure 1. Location of proposed Tennessee Valley Authority, Allen Fossil Plant, discharge pipe installation, Shelby County, Tennessee.

PROJECT DESCRIPTION: Section 408 authorizes USACE to grant permission for the alteration or occupation or use of the project if USACE determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Mississippi River and Tributaries system, the federally authorized civil works project proposed for alteration, provides for managing flood risks to lands outside of the levees from floodwaters of the Mississippi River. Federal responsibility extends 15 feet from the landside berm and 40 feet from the riverside toe of the levee. The proposed request involves the routing of two pipes over and along the MRL to dewater the East Ash Pond at the Allen Fossil Plant. The pipes would be routed near the side of the levee crest to allow adequate space for vehicle access and maintenance purposes. No excavation is anticipated as the pipes would be supported above ground along the route. Additionally, as the pipes cross levee access roads, they would be routed through steel pipes and covered with gravel for crossing. The proposed routing is a temporary measure and is anticipated to be in place for approximately seven years and would then be removed.

ENVIRONMENTAL COMPLIANCE: A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review should be limited to the area of alteration and those adjacent areas that are directly or indirectly affected by the alteration. As the proposed project would not result in fill material being placed into any wetlands or waters of the U.S., a Section 404(b)(1) permit is not required from USACE Regulatory Branch. However, discharge associated with the project is addressed through a National Pollutant Discharge Elimination System permit (TN0005355) issued by the Tennessee Department of Environment and Conservation. Additionally, as the proposed Section 408 alteration is within the USACE project footprint, no known historic properties would be effected. Furthermore, the proposed Section 408 alteration was determined to have no effect on threatened or endangered species or their critical habitat pursuant to the Endangered Species Act. The decision on this Section 408 request is being analyzed in accordance with NEPA and is limited to the Section 408 boundaries described herein.

PUBLIC INTEREST REVIEW: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties. Comments received within 15 days of this publication will be used in the evaluation of potential impacts of the proposed action on important resources. All comments will be considered in preparing environmental documentation pursuant to NEPA. USACE has jurisdiction under 33 USC 408, only over the specific activities that have the potential to alter existing USACE projects. Please limit comments to the area of the alteration and those adjacent areas that are directly or indirectly affected by the alteration to the federally authorized civil works project described herein. **Comments may be submitted to joshua.m.koontz@usace.army.mil and should be received by January 3, 2019.**

Sincerely,



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