



**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 Proposed Wastewater Outfall, Wastewater Pipeline Outfall, Tipton 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 State of Tennessee Real Estate Asset Management has requested to construct a wastewater outfall through the eastern bank of the Mississippi River near river mile 769, Tipton County, Tennessee (Figure 1).



Figure 1. Location of proposed wastewater outfall, Tipton 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 Channel Improvement, the federally authorized civil works project proposed for alteration, provides for channel improvement to increase the flood carrying capacity and reduce flood heights, to stabilize alignment and prevent bank caving that would destroy the main line levees, and to provide an aligned navigation channel. The proposed request involves the installation of an outfall structure through the eastern bank of the Mississippi River, which at this location is protected by revetment (federal project). The outfall structure is a vital component of the wastewater treatment plant that will be constructed on the Memphis Regional Megaproject located in Tipton County, Tennessee. Wastewater will be treated on-site and the treated effluent will be carried through an 18-inch force main from the Megaproject to the Mississippi River. The proposed construction would install the outfall structure, armor the bank to a depth of -5 below the low water reference plane (190.20 ft. NAVD88), and ensure the integrity of the existing revetment is not compromised (Figure 2).



Figure 2. Proposed wastewater outfall project features, Tipton County, Tennessee.

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 occur within Waters of the U.S., a Section 404(b)(1) and Section 10 permit request is currently being processed by USACE, Memphis District (MVM), Regulatory Branch. Based on best available information, the USACE determination is that the project will have no adverse affect on federally listed rare, threatened, or endangered species. This application is being coordinated with the U.S. Fish and Wildlife Service through the MVM Regulatory Branch permit request. Additionally, a cultural resource survey was conducted which concluded that the

project, as proposed, would have no adverse effects on historic properties. The State Historic Preservation Office concurred with the determination on July 24, 2018. Furthermore, coordination with Native American tribes was initiated and resulted in no comments or concerns regarding the project. 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 during the environmental evaluation 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 Pamela.D.Lieb@usace.army.mil and should be received by October 6, 2018.**

Sincerely,



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