



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2022-027(CDK)

**NOTICE DATE:
March 25, 2022**

Attn:
Postmaster,
Please Post 
Until

**EXPIRATION
DATE:
April 22, 2022**

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:

Memphis Stateline Holdings, LLC
Attention: Brad Kaaber
1776 Peachtree Street, Suite 100
Atlanta, Georgia 30309
(239) 247-3922

AGENT:

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

PURPOSE: According to the applicant, the purpose of the proposed project is to develop a distribution facility in order to meet the growing demand for warehouses in the Memphis, Tennessee area.

LOCATION: The project site is bordered to the east by Tchulahoma Road and to the south by the Tennessee-Mississippi state line. The site lies approximately 0.22 miles north of the intersection of State Line Road and Tchulahoma Road in Memphis, Shelby County, Tennessee, as shown on Attachments One and Two.

DESCRIPTION OF WORK: The applicant proposes to construct a 1,015,740 square foot warehouse building along with the required access drives and parking lots. Work will entail excavation and grading of the site to prepare for the construction of the facility. During the excavation of the site, 220 cubic yards of earthen fill will be used to fill 0.618 acres of wetlands. Once the excavation is complete the construction of the facility will commence.

AVOIDANCE/MINIMIZATION: The applicant considered several alternatives before proposing the project in this manner and submitted a practicable alternatives analysis. Our office will review this information to determine compliance with Section 404(b)(1) guidelines.

MITIGATION: Memphis Stateline Holdings, LLC proposes to mitigate for the wetland impacts by purchasing credits from the Rossville Farm Mitigation Bank or another approved bank.

WATER QUALITY CERTIFICATION: The applicant has requested 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.

OTHER APPROVALS: The Public Notice serves as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

ENDANGERED SPECIES: The Indiana bat and northern long-eared bat are listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS) in Shelby County, Tennessee according to their IPaC website: <https://ecos.fws.gov/ipac/location/PLN4EOU24FHC7D63RIOXK3OQX4/resources>. Based on review of the Tennessee Standard Local Operating Procedures for Endangered Species agreement with USFWS, the effect determination for both bat species is “may affect, not likely to adversely affect”. No further consultation with the USFWS is required.

CULTURAL RESOURCES: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties.

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 flood plain 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 Charles Keating using the information below:

U.S. Army Engineer District - Memphis
ATTN: Charles D. Keating, PWS
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: charles.d.keating@usace.army.mil
Phone: (901) 544-0733

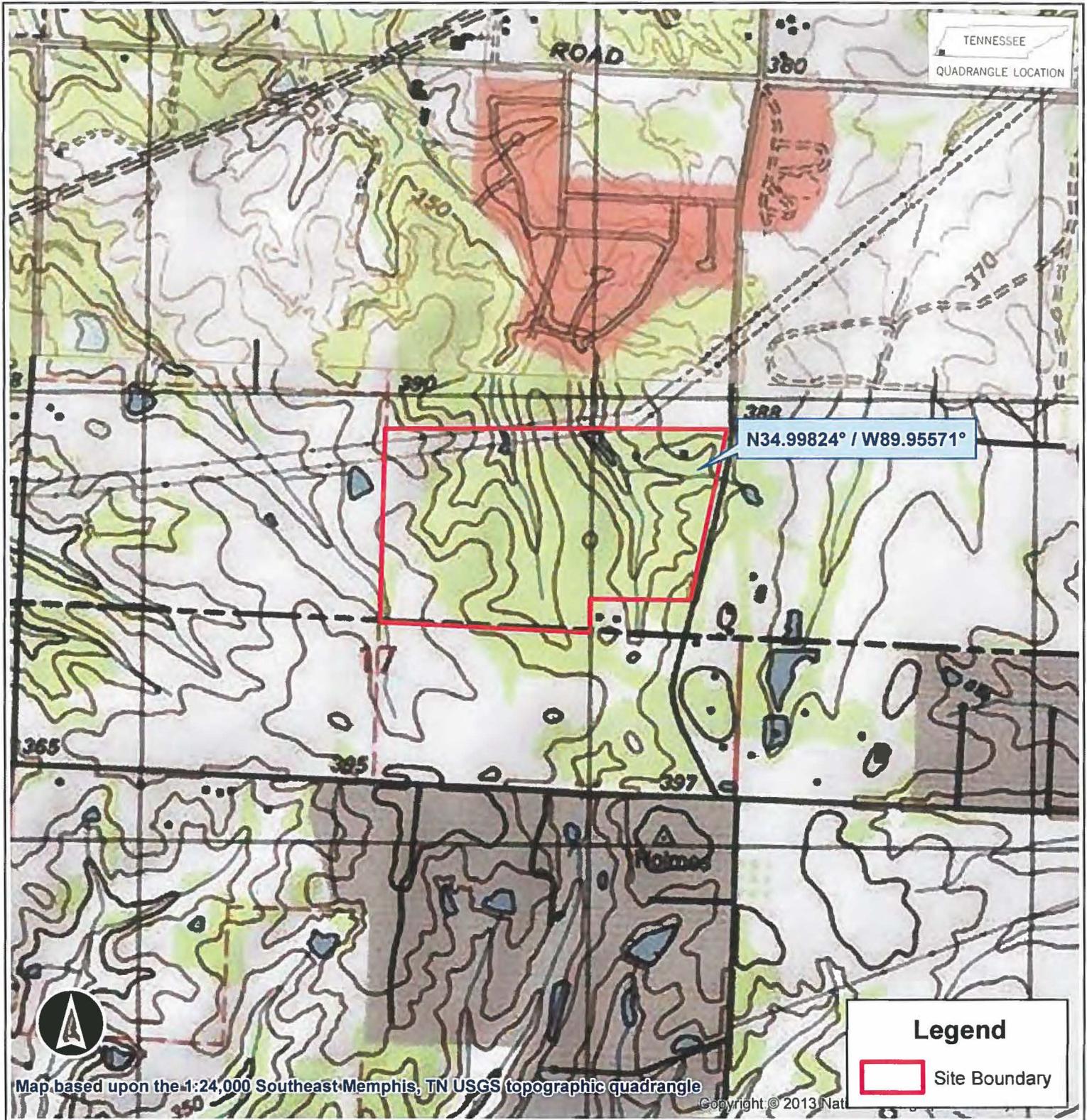
Comments may be sent via mail or email. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link: <https://permits.ops.usace.army.mil/orm-public>. 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 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.

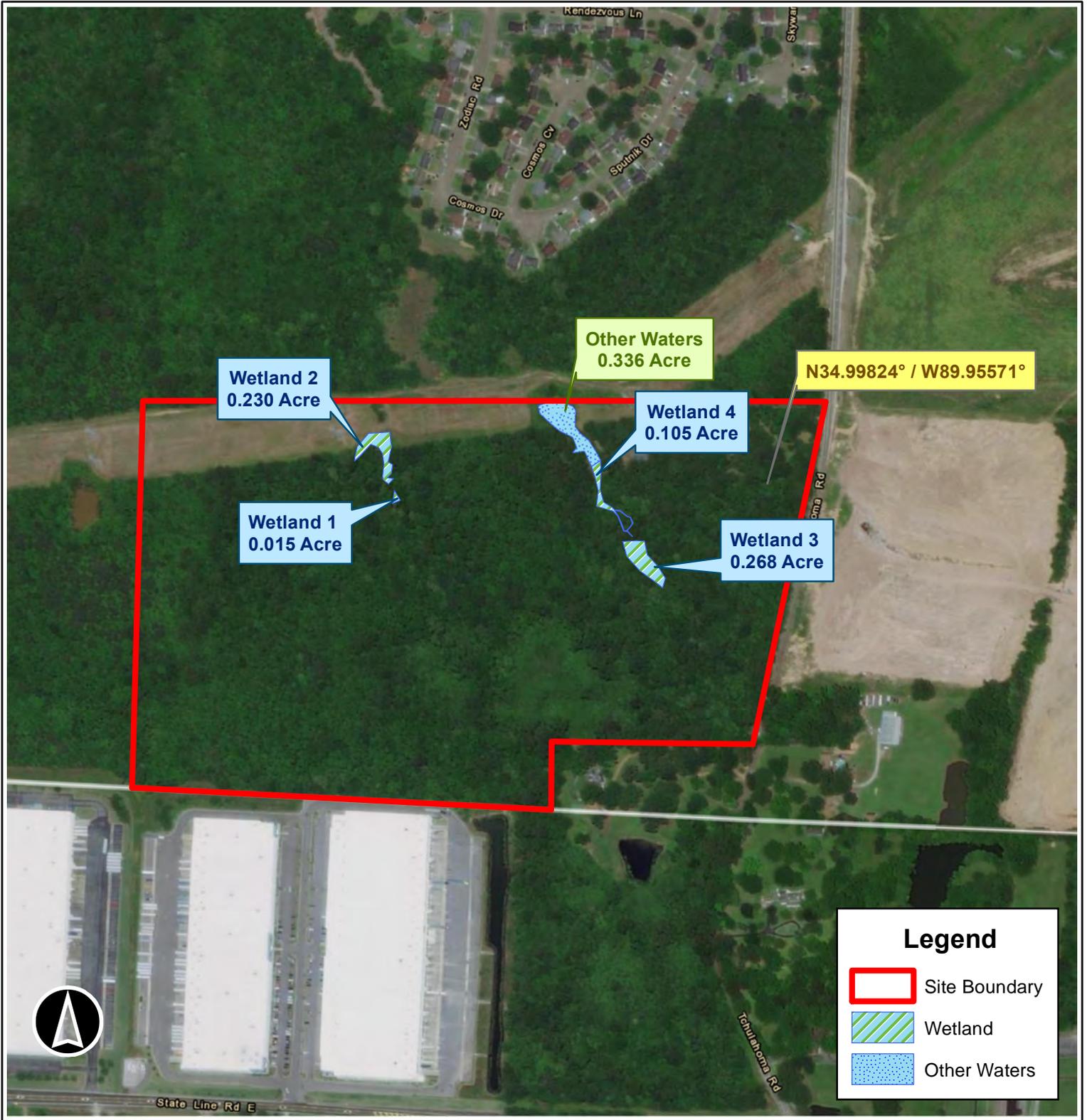
Gregg W. Williams
Chief
Regulatory Division

Attachments

Memphis Stateline Industrial Park Topographic Site Location Map Attachment One



Memphis Stateline Industrial Park Features Map Attachment Two



Attachment Three

