



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2015-460 (BP)

NOTICE DATE:
December 22, 2015

Attn: Postmaster,
Please Post Until **EXPIRATION DATE:**
⇒ **January 21, 2016**

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 after-the-fact application submitted for a Department of the Army permit under 10 of the Rivers and Harbors Act of 1899.

APPLICANT:

Ms. Debbie Singleton
City of Memphis
701 North Main
Memphis, Tennessee 38107
(901) 576-7304

Agent:

Mr. Alan Barner
O. T. Marshall Architects
5859 Ridge Bend Road
Memphis, Tennessee 38120
(901) 791-0115

PURPOSE: The applicant requests an after-the-fact permit to clear trees and under growth from a section of the east bank of the Wolf River Harbor to create a better sight lines from nearby amenities.

LOCATION: The project is located on the east bank of the Wolf River Harbor, in Shelby County, Tennessee, at approximate coordinates N35.1511° / W-90.0547,° as shown on the attached map. (Attachment 1).

DESCRIPTION OF WORK: The project includes the removal of all trees and undergrowth within the prescribed boundaries. Presently, approximately 3,658 feet of clearing is complete. Approximately 1,000 feet of clearing remains. All root wads have been/will be left in place upon completion. All disturbed areas will be hydro seeded once clearing is complete.

ENDANGERED SPECIES: This notice is being coordinated with the United States Fish and Wildlife Services (USFWS). The Memphis District has interior least tern, *Sterna antillarum* nesting sites inside its boundaries. The pallid sturgeon, *Scaphirhynchus albus*, is known to utilize the Mississippi River. We will consult with the USFWS. Any comments USFWS may have regarding other endangered or threatened wildlife such as the Indiana Bat *Myotis sodalis* and northern long-eared bat *Myotis septentrionalis* or plants or their critical habitat, 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, federally recognized tribes, and the public in response to this public notice and we may conduct, or require a survey of the project area.

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 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 Benjamin Pitcock using the information below:

U.S. Army Corp of Engineer District - Memphis
ATTN: Benjamin Pitcock
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894

E-mail: Benjamin.S.Pitcock@usace.army.mil
Phone: (901) 544-3468
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.



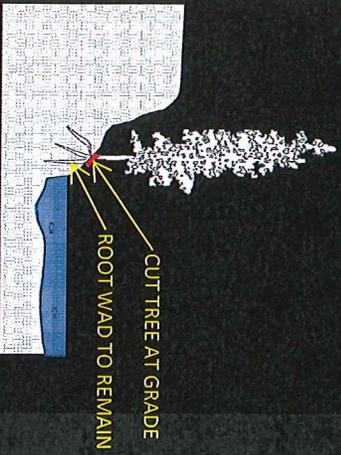
Gregg Williams
Chief
Regulatory Branch

Attachments

WOLF RIVER HARBOR GREENING PROJECT

GENERAL NOTES:

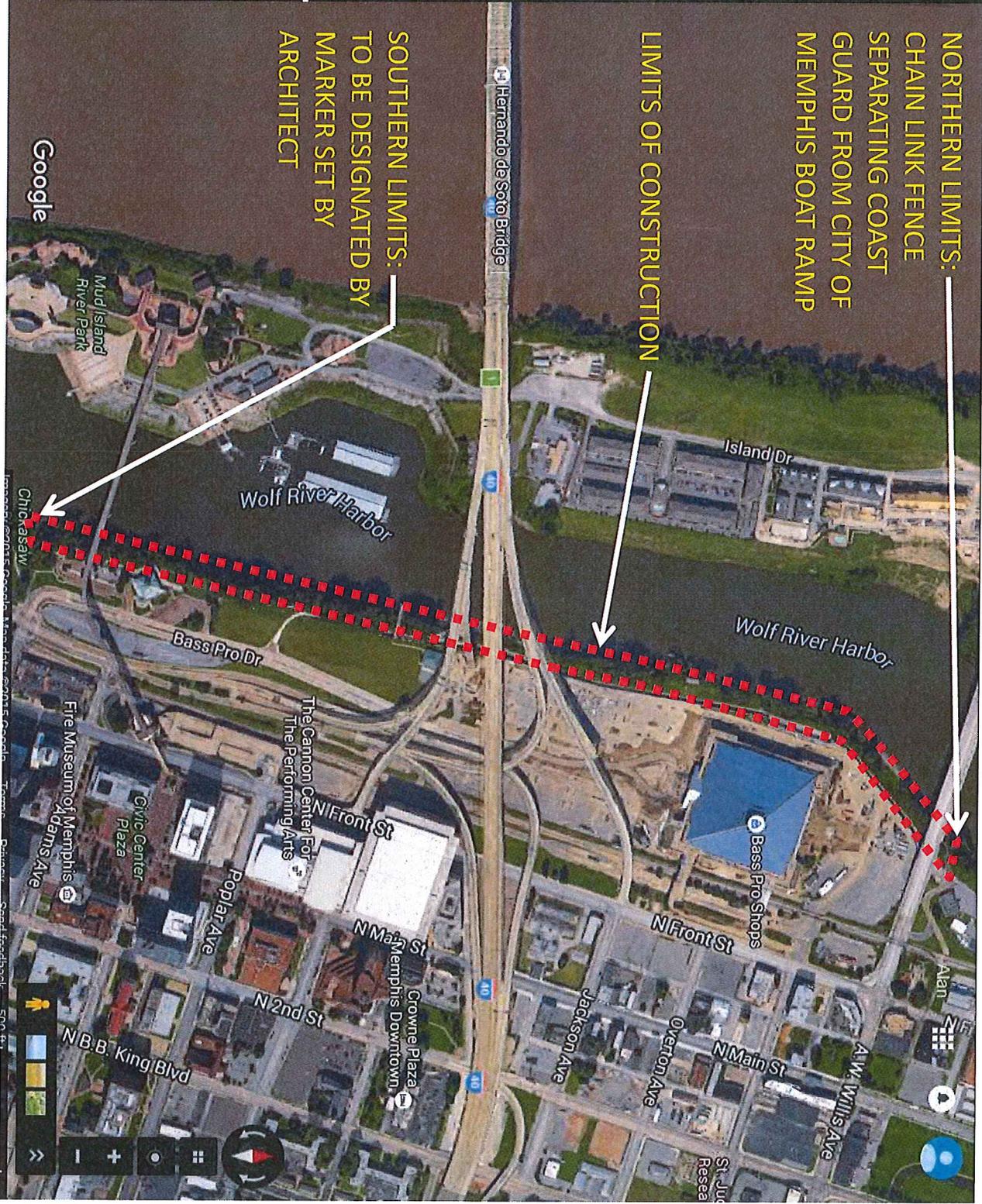
1. REMOVE ALL TREES AND UNDERGROWTH WITHIN THE AREA LABELED "LIMITS OF CONSTRUCTION" U.N.O. THIS SCOPE INCLUDES APPROXIMATELY 125 LARGE TREES AND HUNDREDS OF SMALLER TREES.
2. SELECT TREES HAVE BEEN MARKED WITH BLUE PAINT TO REMAIN UNTIL THE CITY OF MEMPHIS OR ITS DESIGNEE HAS THE OPPORTUNITY TO REVIEW/FURTHER. THE REMOVAL OF THESE TREES, IF SO DESIRED, SHALL BE INCLUDE IN THIS PROPOSAL.
3. CONTRACTOR SHALL PROVIDE SAFETY FENCING ALONG AREAS THAT ARE ACCESSIBLE BY THE GENERAL PUBLIC.
4. THE ACCESS ROAD BEHIND THE FLOOD WITHIN THE LIMITS OF CONSTRUCTION SHALL BE CLOSED WHILE TREES ARE FALLEN. THE CONTRACTOR MUST ALLOW ACCESS FOR ANY CITY OF MEMPHIS FLOOD CONTROL PERSONNEL DURING THIS TIME.
5. ALL TREES MUST BE CUT FLUSH WITH EXISTING GRADE PER THE DETAIL BELOW.
6. ALL ROOT WADS MUST REMAIN INTACT.
7. CONTRACTOR SHALL REPAIR ANY DAMAGED SOD WITHIN THE LIMITS OF CONSTRUCTION.
8. CONTRACTOR SHALL HYDRO SEED ALL DISTURBED AREAS WITH A WINTER SEED MIXTURE.



NORTHERN LIMITS:
CHAIN LINK FENCE SEPARATING COAST GUARD FROM CITY OF MEMPHIS BOAT RAMP

LIMITS OF CONSTRUCTION

SOUTHERN LIMITS:
TO BE DESIGNATED BY MARKER SET BY ARCHITECT



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