



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2015-470 (JME)

NOTICE DATE:
December 17, 2015

Attn: Postmaster,
Please Post Until  **EXPIRATION DATE:**
January 15, 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 application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT:

Mr. Michael W. Carson
Copart of Tennessee, Inc.
14185 Dallas Parkway, Suite 300
Dallas, Texas 75254
(281) 705-5634

AGENT:

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

PURPOSE: The applicant proposes to construct additional parking space for vehicles by expanding the existing Copart Salvage Auto Auctions site.

LOCATION: The project site is located west of Swinnea Road and south of Holmes Road in Memphis, Shelby County, Tennessee, at coordinates N35.006229° / W-89.972477°, as shown on Attachment 1.

DESCRIPTION OF WORK: The project would consist of constructing roadways and a gravel pavement yard to transport and store vehicles on the project site. A new storm water detention basin and a 60-foot wide channel would be constructed for storm water management of the expansion area. An old pond which has converted into 4.5 acres of wetland consisting primarily of early successional plant species (e.g. black willow (*Salix nigra*) is present within the area proposed for the storm water management features. The applicant proposes to fill the 4.5-acre wetland area to complete the proposed expansion. A site plan depicting the proposed project layout is provided as Attachment 2.

A Section 404 permit [File No. Nonconnah Creek 96-065 (TF)] was previously issued to fill 5.5 acres of open waters/wetlands on the project site in 1997. The pond and associated wetlands were drained but not filled as permitted. The applicant did establish the required compensatory mitigation consisting of 5.5 acres of forested wetland creation/restoration and the preservation of 16.5 acres of existing bottomland hardwoods north of Old Brownsville Road and south of the Loosahtachie River in Shelby County, Tennessee. This mitigation effort was successfully completed in 2002.

The deposition of fill material into waters of the U.S., including streams and wetlands, requires authorization from the U.S. Army Corps of Engineers. At this time, it is our preliminary jurisdictional determination that the subject wetlands are considered jurisdictional.

AVOIDANCE/MINIMIZATION: According to the applicant, it is not practicable to develop the site without impacting the existing wetlands which are present on the project site. The applicant submitted a detailed Practicable Alternatives Analysis and this information is being reviewed by our office for compliance with Section 404(b)(1) Guidelines.

MITIGATION: Compensatory wetland mitigation in the form of 5.5 acres of forested wetland creation and the preservation of 15.6 acres of bottomland hardwoods has been established for previously permitted wetland impacts on the property. A recent site inspection on October 9, 2015 of the 5.5 acres of wetland creation indicate the mitigation site has developed into bottomland hardwood forest as intended and remains in excellent condition. The applicant is not proposing additional compensatory mitigation for the proposed wetland impacts.

WATER QUALITY CERTIFICATION: The applicant should request 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. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: The least tern (*Sterna antillarum*), Indiana bat (*Myotis sodalis*), and Northern long-eared bat (*Myotis septentrionalis*) are listed endangered or threatened by U.S. Fish and Wildlife Service in Shelby County. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have 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 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. Flood plain 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 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 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 Mr. James M. Elcan using the information below:

U.S. Army Corps of Engineers District - Memphis
ATTN: James Elcan
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894

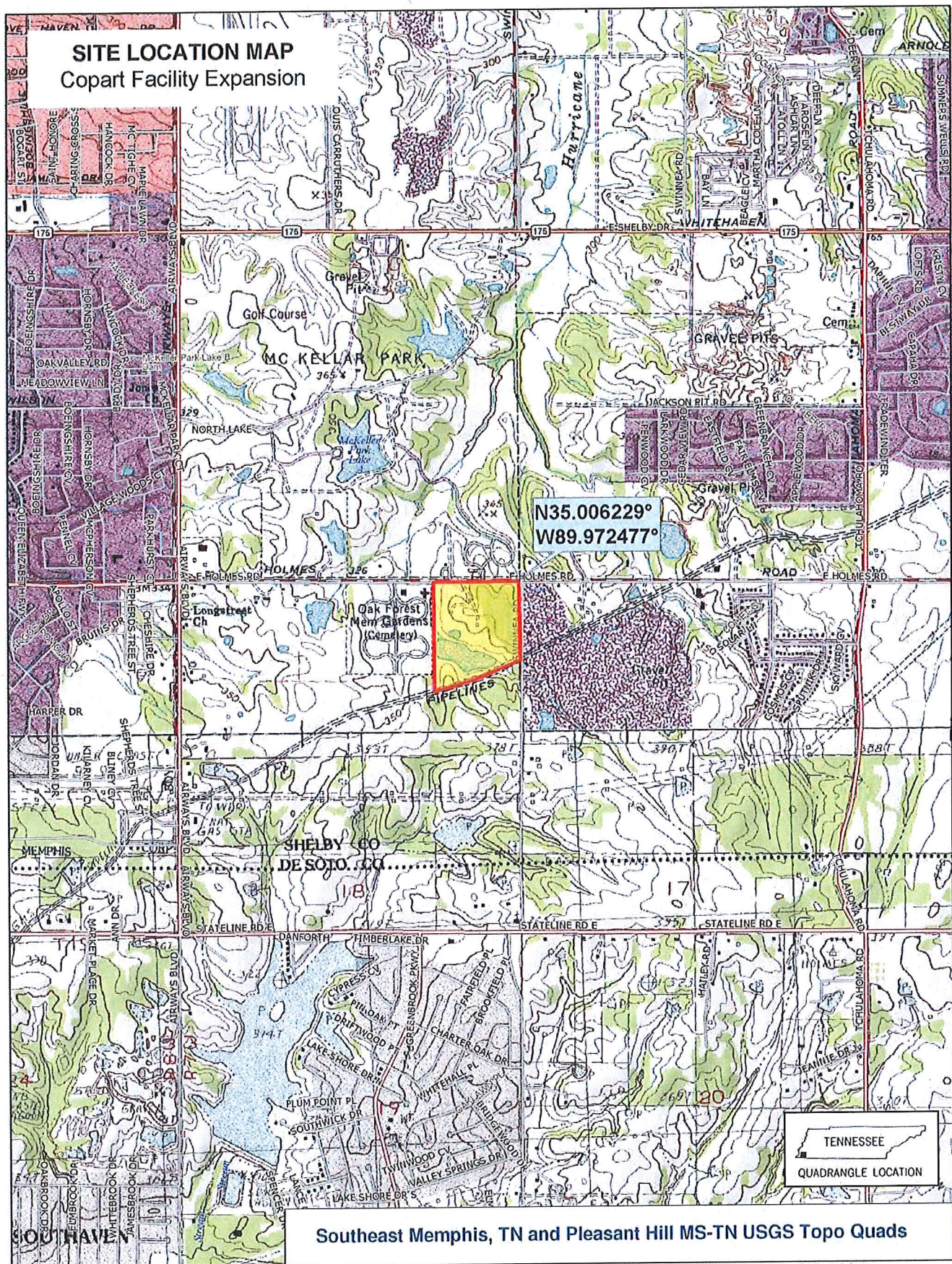
E-mail: james.m.elcan@usace.army.mil
Phone: (901) 544-0737
Fax: (901) 544-0211

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.


for
Gregg Williams
Chief, Regulatory Branch

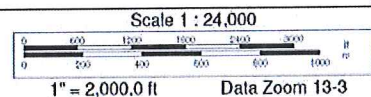
Attachments



Data use subject to license.

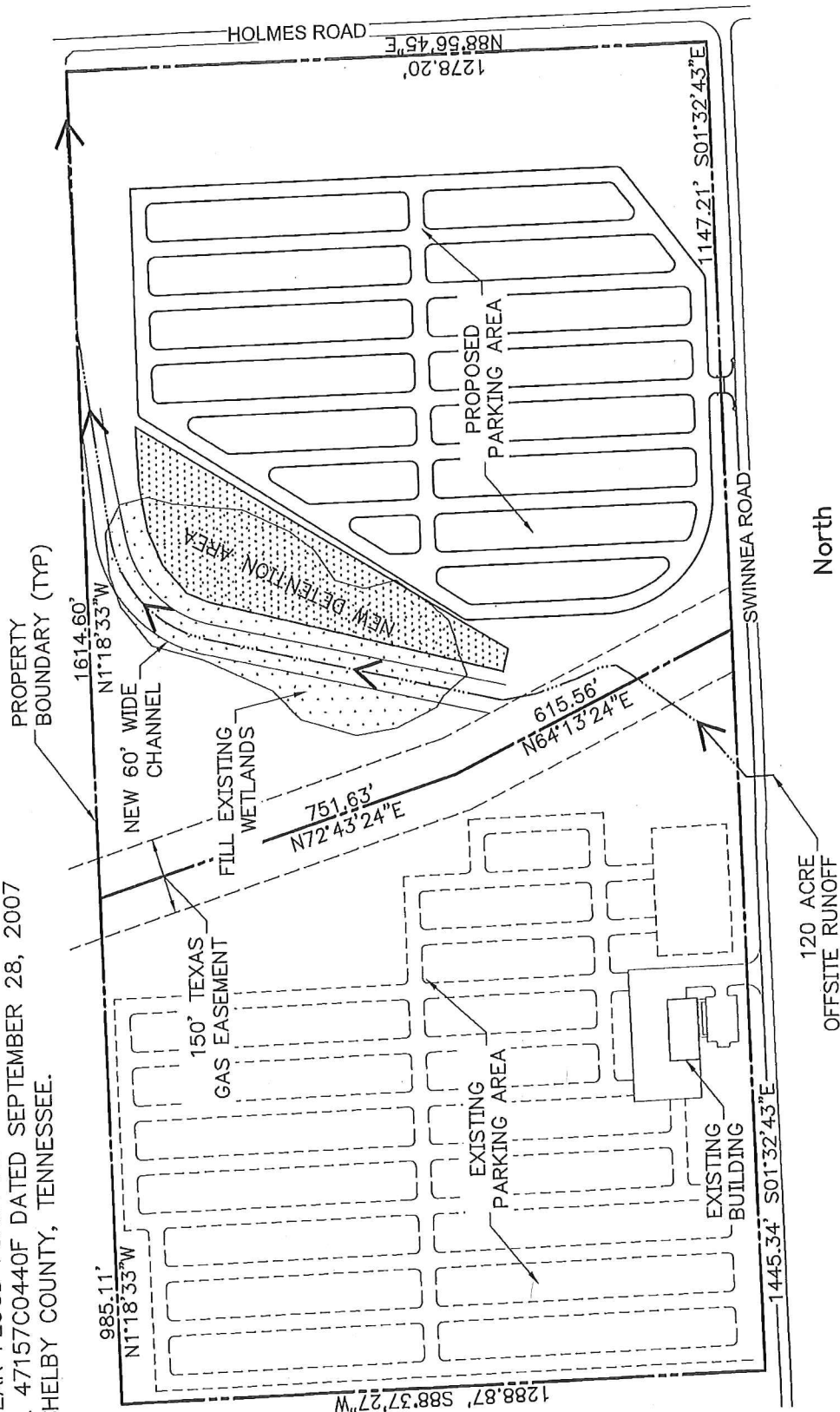
© 2006 DeLorme. Topo USA® 6.0.

www.delorme.com



THIS SITE LIES WITHIN THE
HURRICANE CREEK 10-G
DRAINAGE BASIN.

100-YEAR FLOODPLAIN INFORMATION:
NO PORTION OF THIS PROPERTY LIES WITHIN THE
100-YEAR FLOOD PLAIN AS SHOWN ON FEMA
PANEL 47157C0440F DATED SEPTEMBER 28, 2007
FOR SHELBY COUNTY, TENNESSEE.



North



GRAPHIC SCALE IN FEET
SCALE: 1"=300'

EXHIBIT A

COPART FACILITY EXPANSION
5545 SWINNEA ROAD
MEMPHIS, TENNESSEE 38118
JOB NUMBER: 15-0176
ENGINEER: THE REAVES FIRM, INC.

The Reaves Firm
INCORPORATED
Planning
Engineering
Landscape Architecture
Land Surveying

6800 Poplar Avenue, Suite 101
Memphis, TN 38138
www.ReavesFirm.com

