



US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM 2016-056 (CDK)**

**NOTICE DATE:**  
**March 31, 2015**

Attn: Postmaster,  
Please Post Until

**EXPIRATION DATE:**  
**May 02, 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. Tim Gwaltney  
City of Germantown, Tennessee  
1920 South Germantown Road  
Germantown, Tennessee 38138  
(901) 757-7281

**AGENT:**

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

**PURPOSE:** The purpose of the project is to protect 27 residential homes from flooding.

**LOCATION:** The project site is located along Wolf River Boulevard at coordinates 35.095147° N and -89.738686° W, which is approximately one-half mile west of Houston Levee Road in Germantown, Shelby County, Tennessee, as shown in Attachment 1.

**DESCRIPTION OF WORK:** The applicant proposes to alter the current 100 year FEMA floodplain along Lateral G of the Wolf River in a manner that will exclude 27 residential homes that lie within the current 100 year floodplain boundaries. To accomplish this the applicant proposes to increase the flow capacity of Lateral G through approximately 1,000 linear feet of stream channel widening and stream encapsulation. Roughly 880 linear feet of Lateral G will be widened for increased capacity during high water events. The remaining 120 feet of Lateral G will be encapsulated by two box-style culverts as widening this portion of the channel is not possible. Construction of a 3,000-foot earthen berm adjacent to the residential area west of Lateral G will provide additional protection from flooding as will the diversion of storm water drainage from 59 adjacent acres. The filling of 0.09 acres of wetlands will be required in order to facilitate the construction of the proposed berm.

Additionally, construction of a new outfall structure into Lateral G just north of Wolf River Boulevard will be required, which will include reshaping and stabilization of approximately 80 feet of the western stream bank, as well as rebuilding of the inlet structure at the existing Wolf River Boulevard road crossing. A choke point that hinders flow rates along Lateral G will be relieved by relocating 60 feet of channel and reshaping the adjacent western stream bank. A detailed schematic of the overall project can be reviewed in Attachment 2.

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 would be impracticable to attain the project goals 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:** Proposed mitigation for impacts includes the creation of channel benches (floodplain shelf), the establishment of 0.168 acre of emergent wetland habitat on the proposed channel benches, and the enhancement of the riparian corridor via the planting of 103 trees along the reshaped channel banks.

**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. Floodplain 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. Charles D. Keating using the information below:

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

E-mail: [charles.d.keating@usace.army.mil](mailto:charles.d.keating@usace.army.mil)  
Phone: (901) 544-0733  
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.



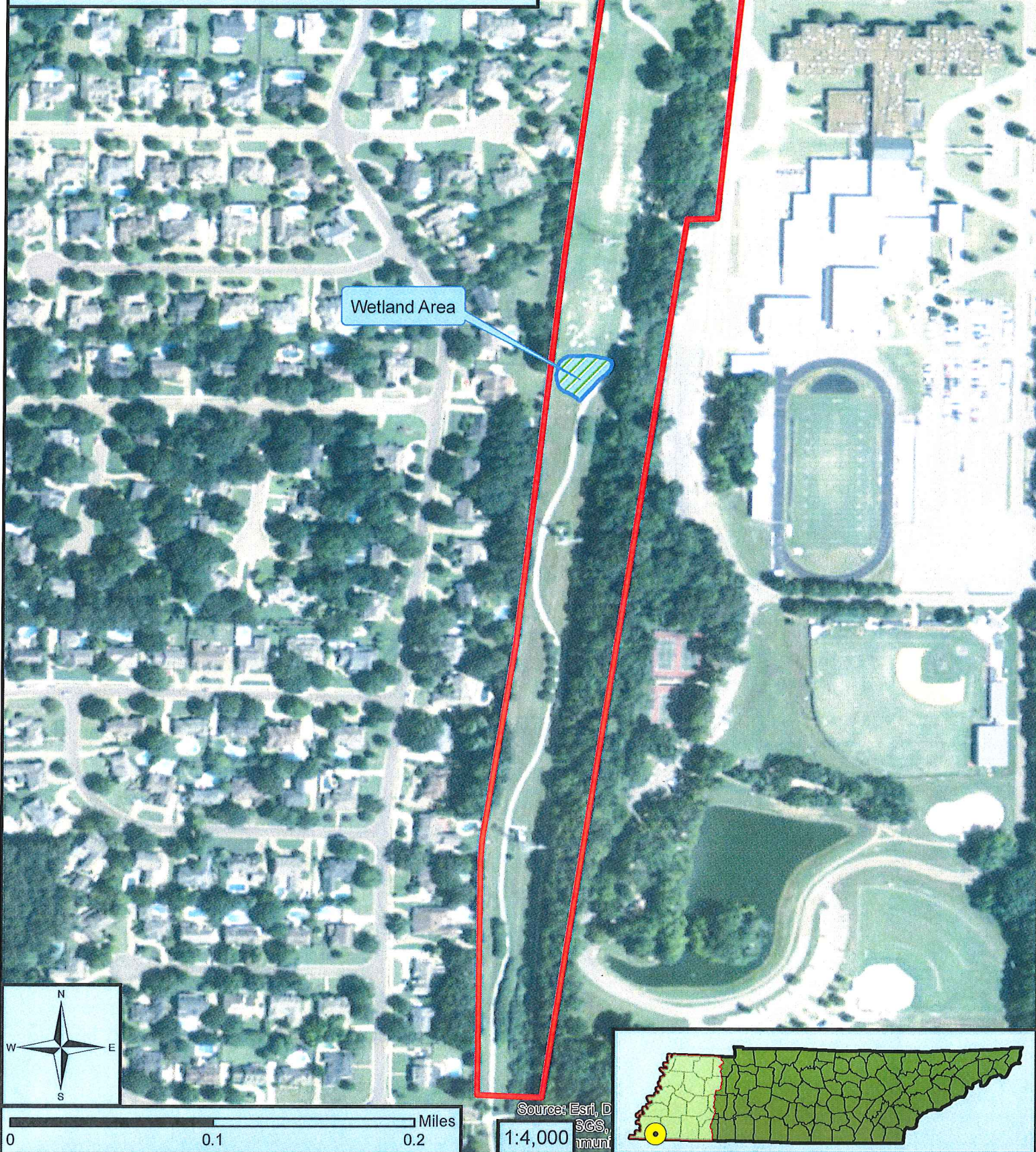
Gregg Williams  
Chief, Regulatory Branch

Attachments



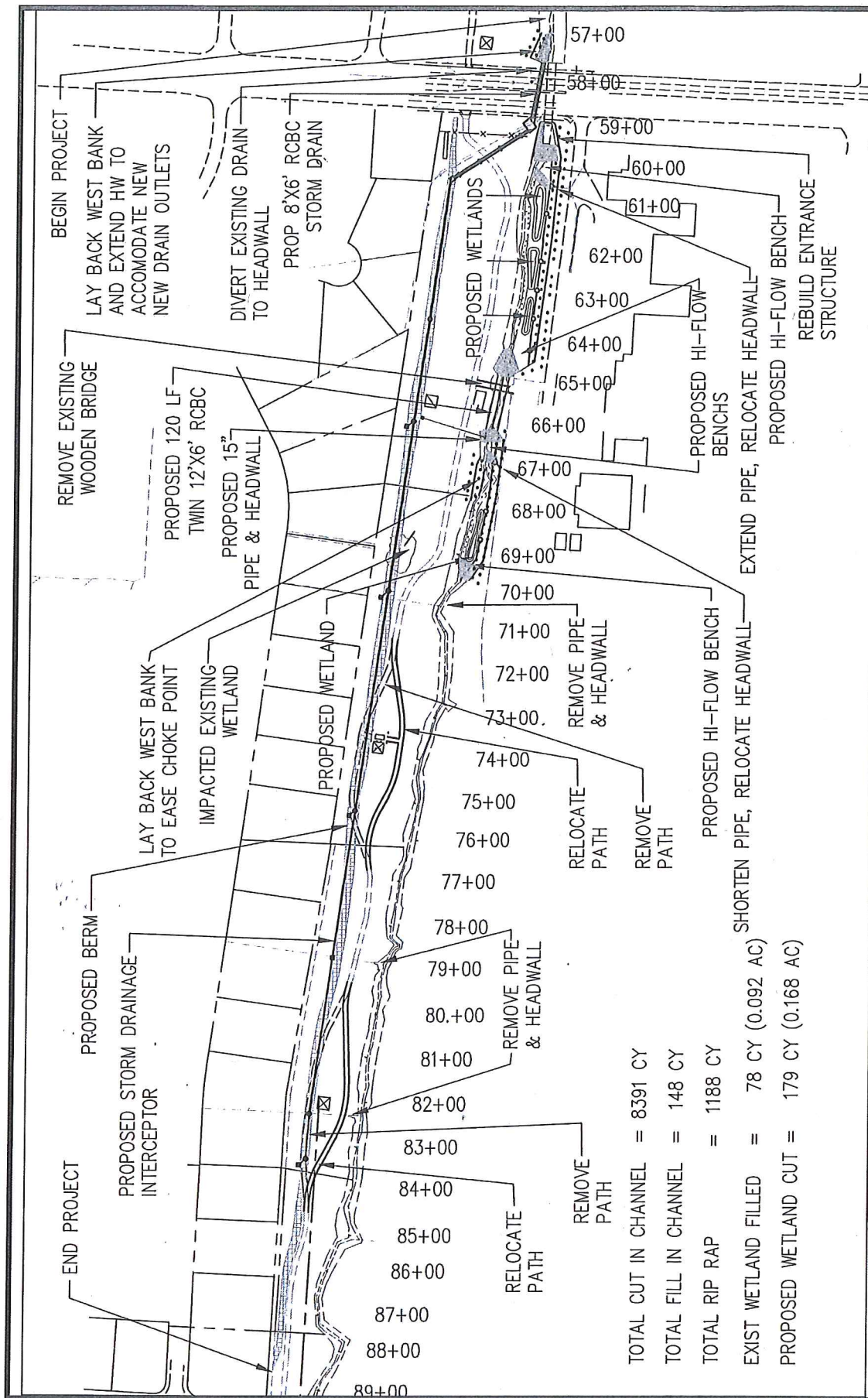
# Lateral G Drainage Improvement Project - Attachment 1

Latitude: 35.095147°N - Longitude: -89.738686°W  
Germantown, Shelby County, Tennessee  
MVM-2016-056-CDK - 31 March 2016  
POC: Tim Gwaltney, City of Germantown









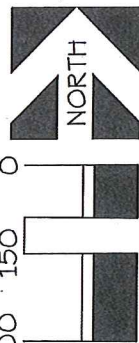


## Attachment 2



TOTAL CUT IN CHANNEL	=	8391 CY
TOTAL FILL IN CHANNEL	=	148 CY
TOTAL RIP RAP	=	1188 CY
EXIST WETLAND FILLED	=	78 CY
PROPOSED WETLAND CUT	=	179 CY

EXISTING TOP OF BANK =  PROPOSED TOP OF BANK =   
 EXISTING TOE OF BANK =  PROPOSED TOE OF BANK =   
 300 150 0  PROPOSED EDGE OF BENCH = 



SCALE: 1"=300'

DATE: DECEMBER 14, 2015	SCALE: 1"=300'		EIT PROJECT NO.: 13054-02 SWP     FILE NAME: 1305402089.DWG PROJECT: LATERAL G OF THE WOLF RIVER DRAINAGE IMPROVEMENTS SHEET TITLE:	
<b>NOTICE</b>  THIS DRAWING IS FOR ESTIMATING OR REVIEW ONLY UNLESS IT IS SPECIFICALLY STAMPED OR NOTED, AND DATED AS "RELEASED FOR CONSTRUCTION".	DIES BY		<b>OVERALL PLAN #1</b>	
	DR BY			
	CHK BY			
	APP BY			
ORIGINAL SHEET SIZE 8.5"x11" BAR IS ONE INCH ON ORIGINAL DRAWING	REF. SHT. NO:	N/A	SHEET 1 OF 19 ATTACHMENT NO:	
	DISTAL NO:	N/A		