



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2020-286 (BSP)

NOTICE DATE:
October 26, 2020

Attn: Postmaster,
Please Post Until \Rightarrow EXPIRATION DATE:
November 25, 2020

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:

Whitfield Hamilton
Memphis Oaks Land Holdings, LLC
35 Music Square East, Suite 301
Nashville, Tennessee 37203
Ph: (615) 513-0544

Agent:

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

PURPOSE: The purpose of the project is to construct a distribution facility which includes a warehouse building, associated parking lots and access drives on a 47-acre parcel of property to meet the growing demand for warehouses in the Memphis, Tennessee area.

LOCATION: The project site is located north of Holmes Road and east of Getwell Road in Memphis, Shelby County, Tennessee, approximate Latitude 35.01249° and Longitude -89.93331° on the Southeast Memphis, Tennessee 1:24,000 U.S.G.S. topographic quadrangle (See Location Map).

DESCRIPTION OF WORK: The applicant requests permit authorization to construct a 912,000 square foot warehouse building, as well as associated access drives and parking lots. As proposed this construction will include the filling of 3.94 acres of wetlands. No stream impacts associated with this project as proposed.

AVOIDANCE/MINIMIZATION: According to the applicant, they have investigated other alternatives. However, based on cost, logistics, and/or environmental concerns, there are no feasible off-site or on-site alternatives that would avoid or further minimize impacts to wetlands and allow the applicant's project purpose to be met. The applicant has submitted an alternatives analysis and the Memphis District will evaluate it under the 404(b) (1) Guidelines.

MITIGATION: To mitigate for the wetland impacts created by this project, the applicant proposes to purchase 7.88 credits from the Tennessee Wildlife Federation's Ensley Bottoms in-lieu wetland bank. The Memphis District will evaluate the plans against the project impacts prior to making a formal decision on mitigation.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the

certifying agency. In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps of Engineers will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification.

ENDANGERED SPECIES: The least tern (*Sterna antillarum*), Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) are listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS) in Shelby County. Based on best available information, our office has determined there is no potentially suitable habitat for the least tern that would be affected by the project; therefore, the project will have 'no effect' on the least tern. This application is being coordinated with USFWS. Any comments they have regarding endangered or threatened wildlife or plants or their critical habitat in response to this public notice will be considered in our evaluation of the described work.

CULTURAL RESOURCES: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District is soliciting comments from federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties in order to identify and evaluate potential impacts of the proposed action on historic properties.

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 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 OR REQUEST FOR ADDITIONAL INFORMATION: Send comments to the Corps of Engineers, Memphis District. Comments may be sent via mail or email to the following:

U.S. Army Corps of Engineers – Memphis District
ATTN: Ben Pitcock
167 North 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

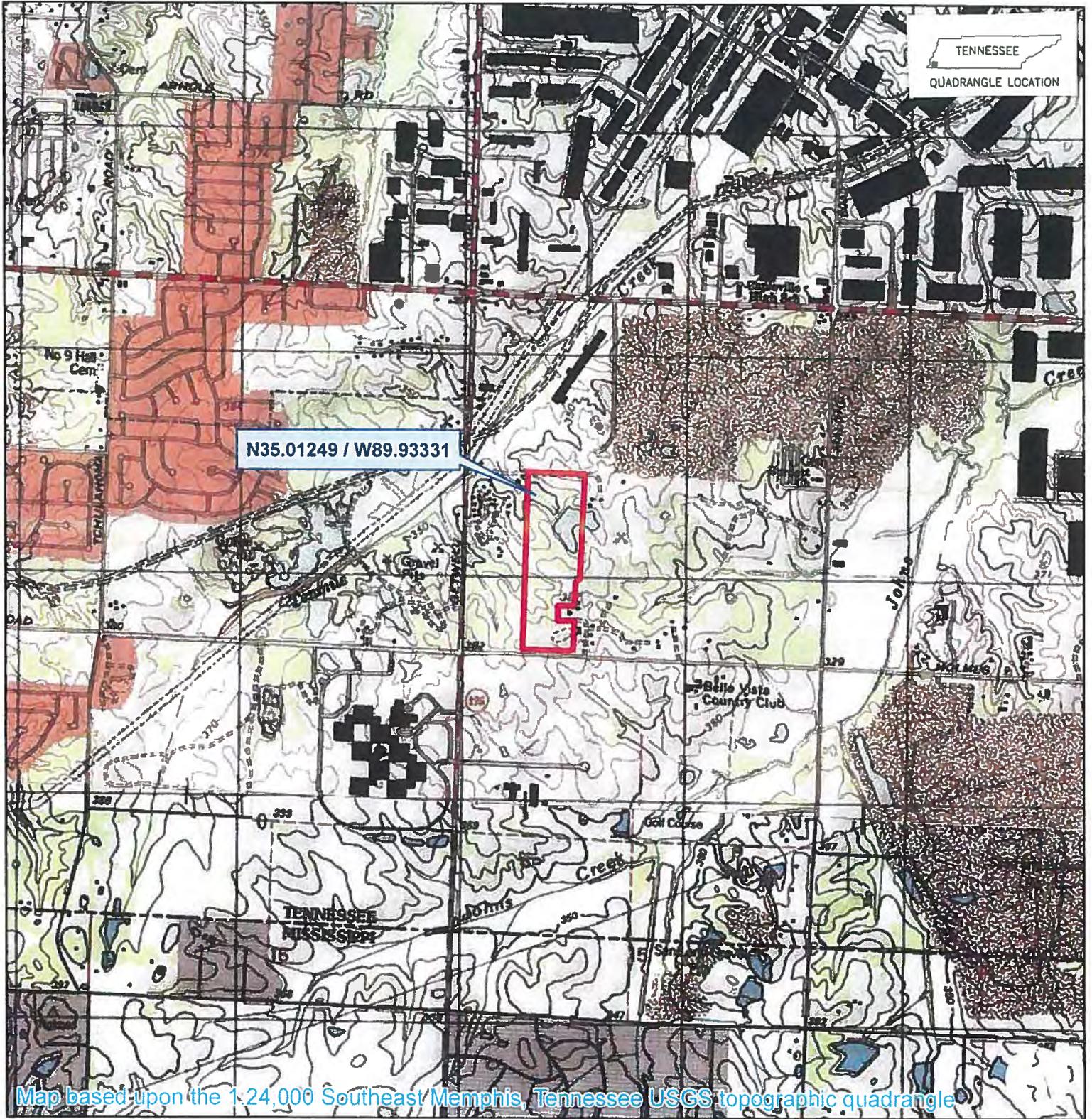
The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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 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 Division office for examination.

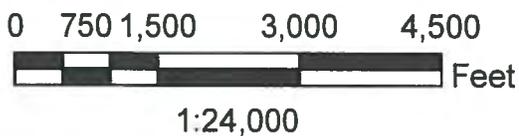
Gregg W. Williams
Chief
Regulatory Division

Attachments

Memphis Oaks Distribution Center Topographic Site Location Map



Map based upon the 1:24,000 Southeast Memphis, Tennessee USGS topographic quadrangle



Legend

 Property Boundary