

US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM 2022-272 (JKN)**

**NOTICE DATE:**  
**October 26, 2022**

**EXPIRATION**  
**DATE:**  
Attn: Postmaster,  
Please Post Until **November 25, 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:**

Mathew L. Adkins  
CSX Transportation, Inc.  
1590 Marietta Blvd NW  
Atlanta, GA 30318  
(404) 350-5135

**AGENT:**

Cole Reagan  
WSP USA Environment & Infrastructure, Inc.  
216 Centerview Drive, Suite 300  
Brentwood, TN 37027  
615-545-6402

**PURPOSE:** The project purpose is to maintain safe operations of rail infrastructure and to continue accommodations of freight rail demand for interstate commerce.

**LOCATION:** The project site is located at 35.312131°N, -89.630102°W in Galloway, Fayette County, Tennessee, as shown on the attached map (Attachment 1).

**DESCRIPTION OF WORK:** The proposed project includes the construction of a gravel haul road, two temporary stream crossings, and staging areas in order to replace two existing timber bridges as shown on the attached Map (Attachment 2). The gravel haul road will be 20ft wide with two-72 inch diameter culverts used for the temporary streams crossings at Stream 2 and Stream 3. Temporary staging areas and crane pads will be constructed near each structure. The haul road between the two bridges will remain for future access, but the rest will be removed post construction. This project will result in 1.21 acres of permanent wetland fill, 0.58 acres of temporary wetland fill and 325 feet of temporary stream impacts.

	Permanent Stream Impacts (LF)	Temporary Stream Impacts (LF)	Permanent Wetland Impacts (Acres)	Temporary Wetland Impacts (Acres)
Stream 1	Existing Crossing	Existing Crossing	N/A	N/A
Stream 2	None	40	N/A	N/A
Stream 3	None	285	N/A	N/A
Loosahatchie	None	None	N/A	N/A
Wetland A	N/A	N/A	None	.08
Wetland B	N/A	N/A	None	.02
Wetland C	N/A	N/A	None	.14
Wetland D	N/A	N/A	1.21	.34
Total	None	325	1.21	.58

**AVOIDANCE/MINIMIZATION:** According to the applicant, because of the location and nature of the project, disturbance to wetlands could not be avoided during construction of the project. All efforts to minimize permanent impacts is planned where possible. Identified upland access or upland construction areas within the project boundaries will be utilized where possible. CSX Transportation, Inc (CSXT) plans to minimize the access road width and construction laydown areas to reduce the wetland impacts. Materials used in the construction of workspaces and laydown areas will be removed post construction to minimize impacts to the floodway. In addition, CSXT will purchase mitigation credits from the West Tennessee Wetland Mitigation Bank to offset permanent wetland impacts associated with the project.

**MITIGATION:** The applicant has proposed to mitigate for the unavoidable loss of 1.21 acres of wetlands through the purchase of available credits from the West Tennessee Wetland Mitigation Bank. The Memphis District is evaluating 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. The applicant has requested a pre-filing meeting Tennessee Department of Environment (certifying authority). The Corps of Engineers will complete evaluation of the certification as outlined in the Certification Rule.

**ENDANGERED SPECIES:** The Indiana bat (*Myotis sodalis*) and the Northern Long-eared bat (*Myotis septentrionalis*) are listed as potentially affected endangered or threatened species by U.S. Fish and Wildlife Service. This application will be coordinated with the U.S. Fish and Wildlife Service. Any comments they have submitted regarding endangered or threatened wildlife or plants or their critical habitat 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 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 Joanna Neu using the information below:

U.S. Army Engineer District - Memphis  
 ATTN: Joanna Neu  
 167 N. Main Street, Room B-202  
 Memphis, Tennessee 38103-1894  
 E-mail: [joanna.k.neu@usace.army.mil](mailto:joanna.k.neu@usace.army.mil)  
 Phone: (901) 544-0731

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://www.mvm.usace.army.mil/About/Offices/Regulatory/Public-Notices/>. 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

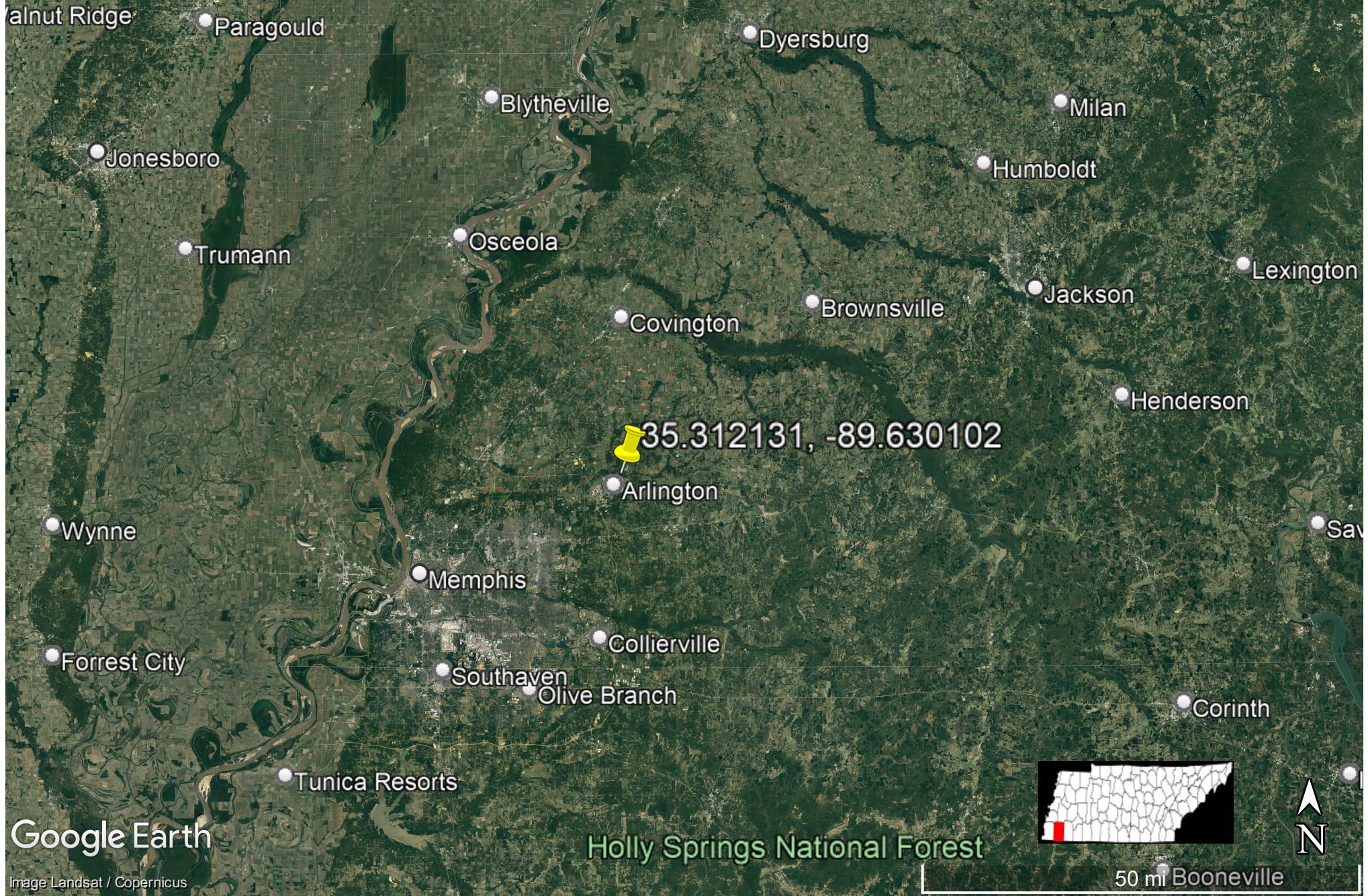


# CSXT Bridge Replacement MP OOF 349.3 & 349.6

Location Map

Legend

 35.312131, -89.630102







Legend		CLIENT:	Delineated Features Map		
	MP 00F 349.3 & 349.6		<b>Proposed Bridge Replacement</b> <b>MP 00F 349.3 &amp; 349.6</b> <b>Memphis (MP) Subdivision</b> <b>Gallaway, Fayette County, Tennessee</b>		
	CSXT Milepost	<b>CSX</b> CSX Transportation, Inc. 500 Water Street Jacksonville, FL 32202	SCALE: AS SHOWN    DATE: 5/25/2022    PROJECT NO: 546997071		
	CSXT Track		DRAWN BY: Maldonado    SOURCE: ESRI, CSXT		
	CSXT ROW (200-ft.)		CHECKED BY: Reagan		
	Proposed Haul Road		Figure No. <b>6</b>		
	Workpad				
	Streams				
	Wetlands				