



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2016-163 (JME)

NOTICE DATE:
June 24, 2016

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
July 24, 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. Robert Knecht
City of Memphis
125 North Main Street, Room 608
Memphis, Tennessee 38103
(901) 683-6837

AGENT:

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

PURPOSE: The applicant proposes to restore a 42-inch gravity sewer pipe (Loosahatchie Interceptor Sewer) which was recently damaged by erosion along the left bank of the Loosahatchie River.

LOCATION: The project site is located north of Sunnybrook Drive and adjacent to the Loosahatchie River near Frayser in Memphis, Shelby County, Tennessee, with approximate center coordinates of N35.2533° / W-89.9705° as shown on Attachment 1.

DESCRIPTION OF WORK: The applicant's repair work includes the establishment of a temporary bypass pumping system, the construction of new sewer pipe, and the construction of a permanent access road. The bypass system allows sewage to be pumped by mechanical means to continue sewage delivery to the treatment plant while construction of the new section of gravity fed sewer line is being performed. The construction of 1,168 linear feet of new 42-inch sewer line immediately east of the existing sewer line (to be abandoned) has been determined by the applicant to be necessary to permanently repair the leak. The new sewer line would be installed using open-cut trenching techniques. Site plans depicting the applicant's proposed repair work are shown on Attachment 2.

Portions of the repair work have been completed by the applicant due to the urgent need to provide immediate cessation of the waste water leak. Work already performed includes the construction of a 20-foot wide access road to transport large equipment to the location of the sewer line failure and the construction of the temporary bypass pumping system. A total of 8.37 acres of forested wetland was disturbed to accomplish these measures. To facilitate future maintenance of the sewer line, the applicant is proposing to leave the access road in place while reducing the road's current width from 20 feet to 12 feet. The applicant determined the road would need to be a minimum of 12 feet in width to allow for future maintenance needs while minimizing wetland disturbance. The access road would be comprised of gravel and crushed stone. Permanent impacts to wetlands with the 12-foot wide permanent access road would be 0.98 acres. The remaining 7.39 acres of wetland previously disturbed will be restored to pre-construction contours, stabilized with vegetative cover, and replanted with appropriate bottomland hardwood trees. The location of the access road along with the new section of sewer line, as described above, is shown on Attachment 3.

Additionally, the applicant is proposing to permanently stabilize 270 linear feet of the left bank of the Loosahatchie River with the use of rock riprap, as shown on Attachment 3. Our office has reviewed this aspect of the project and determined the proposed bank stabilization would be authorized under Nationwide Permit 13 (Bank Stabilization), pursuant to the Federal Register Volume 77, Number 34, dated February 21, 2012, upon issuance of Section 401 Water Quality Certification from the State of Tennessee.

The deposition of fill material into waters of the U.S., including streams and wetlands, requires authorization from the Corps of Engineers. At this time, it is our preliminary jurisdictional determination that the portion of work already complete as well as the portion of the work being proposed is within jurisdictional wetlands and streams (Loosahatchie River).

AVOIDANCE/MINIMIZATION: According to the applicant, disturbance to wetlands could not be avoided in order to access the location of the sewer leak and install the temporary bypass pumping system. Providing immediate cessation of the leak was of utmost importance considering the potential hazard to public health, wildlife, and the overall environment. The applicant is proposing to minimize wetland impacts with the return of pre-construction contours and planting trees within previously disturbed wetland areas.

MITIGATION: The applicant has not provided a detailed compensatory wetland mitigation plan at this time but has stated the intention to provide appropriate wetland mitigation for permanent 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 Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and least tern (*Sterna antillarum*) 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 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 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 Mr. James M. Elcan using the information below:

U.S. Army Engineer District - Memphis
ATTN: James Elcan
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: james.m.elcan@usace.army.mil
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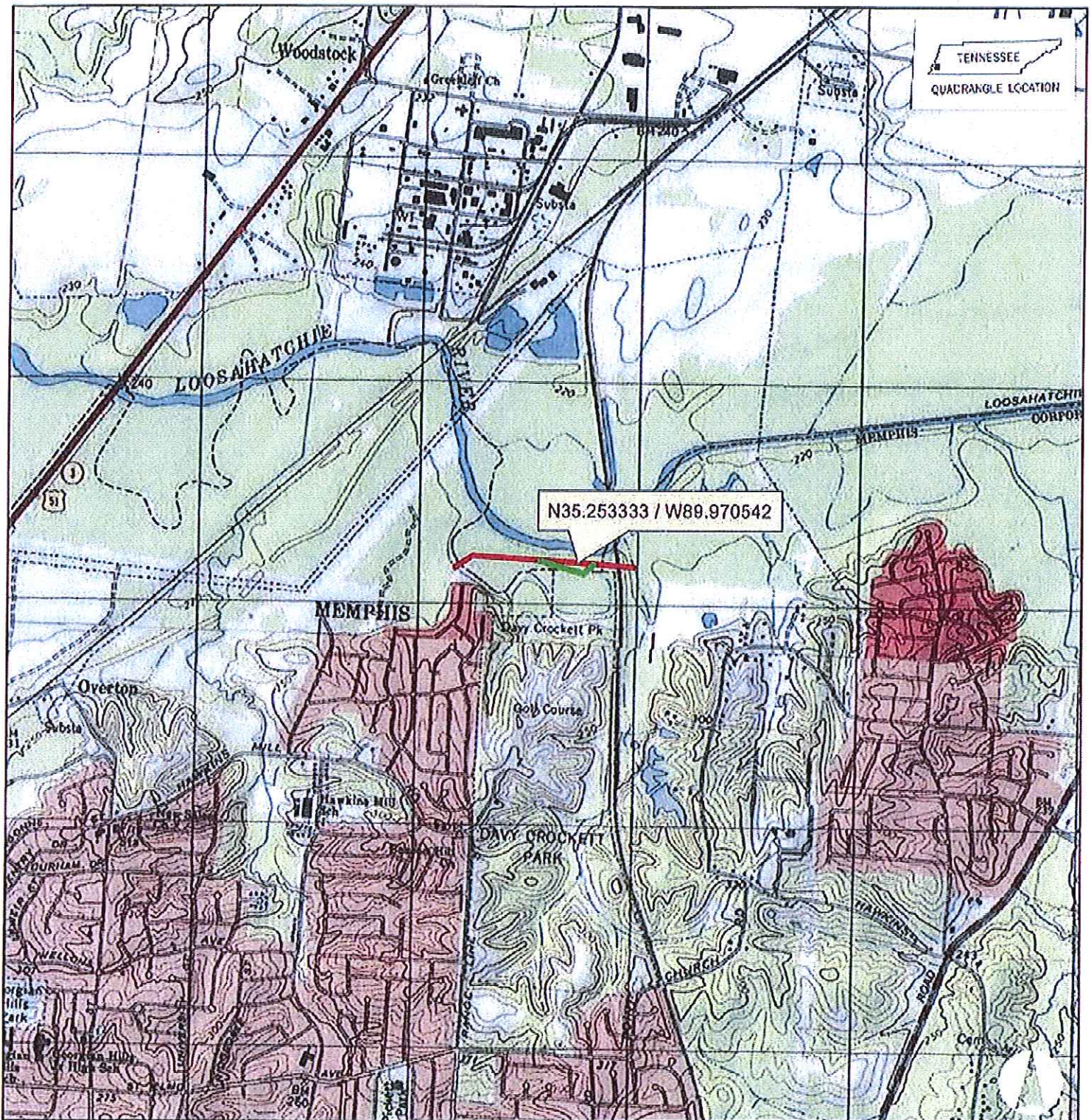
Comments may be sent via mail or E-mail. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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

Loosahatchie Interceptor Stabilization Project Location Map



Map based upon the Millington and Northeast Memphis, Tennessee USGS topographic quadrangle

0 750 1,500 3,000 4,500
Feet

1:24,000

Legend

- Alignment
- Reroute Alignment

