

US Army Corps of Engineers Memphis District

PublicNotice

FILE NUMBER: MVM-2022-193

NOTICE DATE: August 3, 2022

Attn: Postmaster,] Please Post Until

EXPIRATION DATE:

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. The authority to grant permission for temporary or permanent alterations of any U.S. Army Corps of Engineers federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899 codified in 33 USC 408.

APPLICANT:

Shelby County Government Attn: Darren Sanders 6463 Haley Road Memphis, Tennessee 38134 Ph: (901) 222-7705

AGENT:

Tioga Environmental Consultants, Inc. Attn: Ben S. Day 357 N. Main Street Memphis, Tennessee 38103 Ph: (901) 791-2432

PURPOSE: The purpose of the project is to repair and stabilize excessive channel erosion that has created a large scour hole within Big Creek, south of Millington, Shelby County, Tennessee.

LOCATION: The project site is located south of Jack Huffman Blvd. and west of a railroad bridge within Big Creek south of Millington, Shelby County, Tennessee at Latitude 35.33274° and Longitude -89.90223° as shown on the Millington, Tennessee 1:24,000 USGS topographic quadrangle (Figure 1).

DESCRIPTION OF WORK: The applicant is requesting permit authorization to permanently fill approximately 1.29 acres of other waters of the United States to repair and stabilize the existing scour hole within Big Creek. The project reach totals approximately 830 l.f. in length. The scour hole is approximately 475 feet wide at top of bank and extends approximately 500 feet downstream with excessive bank erosion. The stream is heavily incised at the project location with silty clay banks having heights ranging from 30 to 45 feet above the water surface. Ongoing erosion of the banks has deposited a large volume of sediment into the stream as evidenced during site visits made by the applicant. Additionally, numerous trees have sloughed off the bank into the stream within the project reach. At the downstream end of the scour pool a large sand bar has formed on the left side of the stream, creating some additional sinuosity.

The applicant's proposal to repair and stabilize the scour hole is to install a new sheet pile grade control structure with grouted riprap being placed alongside the 50-foot-long scour hole immediately downstream of the railroad bridge. The banks will be re-established through selective grading and the placement of fill and stabilized with the placement of articulated concrete matting and grouted riprap armoring. Bank slopes will be constructed at 3:1 grade with benches every 10 vertical feet. Top of bank widths will be approximately 240 to 260 feet, narrowing at the downstream end to match existing stream conditions (width of approximately 160 feet) at Station 0+00. Details of the existing conditions are shown on Figure C3.01 (attached). Plan views and cross-sections of the applicant's repair design including erosion control measures to be taken are shown on Figures C3.01 - C3.10 (attached). A temporary construction access road will be developed on the north adjoining property and cross the

stream just below the rail line in order to provide equipment access to the left (south) bank (Figure C3.03, attached). Following construction, existing stream sinuosity would be reduced such that the final stream will be approximately 765 feet in length.

AVOIDANCE/MINIMIZATION: According to the applicant, due to the type of work proposed, avoidance of impacts to the stream is not feasible, but minimization efforts will be implemented to the extent possible. All work will be conducted "in-the-dry". Work in areas outside of the water will be conducted utilizing appropriate sediment and erosion controls, and any work required that would normally be within the water will utilize flow diversion techniques to maintain dry work conditions. A downstream turbidity curtain will be installed and remain in place during construction. Erosion control details demonstrating these techniques are attached as part of the project plans (Figure C3.04, attached). Mechanized equipment may be required to work in the channel and all possible efforts will be made to keep this equipment out of the water. Wherever possible, equipment will be transported along the outer edge of the channel, above the water level. Work will be completed in the dry, and equipment will be located within any containment / diversion structures to minimize potential exposure to any water in the channel. If equipment must be staged overnight in the channel, it will be similarly staged within a berm / containment structure, and equipment will be removed from the channel prior to any pending storm / high flow events. The applicant prepared an analysis of alternatives, and the Memphis District will review the applicant's alternatives evaluation for compliance with Section 404 (b)(1) Guidelines.

MITIGATION: The applicant is proposing to purchase stream credits from an approved mitigation bank. Based on the Tennessee Stream Quantification Debit Tool, functional loss for the action is -318.7 feet of stream. Once an agreement is finalized, evidence of the agreement for purchase will be supplied. The Memphis District will evaluate the proposed 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 Indiana bat and northern long-eared bat are listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS) in Shelby County. Based on review of the TN SLOPES agreement between USACE and USFWS, the effect determination for both bat species is "may affect, not likely to adversely affect". USACE will complete any further consultation with USFWS as required.

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: Mitch Elcan 167 North Main Street, Room B-202 Memphis, Tennessee 38103-1894 E-mail: james.m.elcan@usace.army.mil phone: (901) 544-0737

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







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NOTES: 1. LOCATION OF HAUL ROAD STRUCTURES TO VARY BA CONDITIONS.	S AND DEWATERING ASED ON ENCOUNTERED FIELD
EROSION CONTROL NOTES: 1. EROSION CONTROL DEVIC MAINTAINED IN ACCORDA SEDIMENT CONTROL HAN CONSTRUCTION ACTIVITY DEVICES SHOWN ON THE REQUIRED. THE CONTRAC	CES SHALL BE INSTALLED AND NCE WITH TDEC'S EROSION AND DBOOK AND TDEC'S PERMIT REQUIREMENTS. THE DRAWINGS ARE THE MINIMUM CTOR SHALL PROVIDE

2. EROSION AND SEDIMENT CONTROL MEASURES MUST BE INSTALLED PRIOR TO DISTURBANCE OF EXISTING GROUND COVER. THEY MUST REMAIN IN PLACE AND FUNCTIONAL THROUGHOUT THE CONSTRUCTION PERIOD.

ADDITIONAL EROSION CONTROL DEVICES AS NEEDED.

- 3. APPLY TEMPORARY SEEDING WHENEVER GRADING OPERATIONS ARE TEMPORARILY HALTED FOR OVER 7 DAYS AND FINAL GRADING OF EXPOSED SURFACES IS TO BE COMPLETED WITHIN ONE YEAR. APPLY TEMPORARY SEEDING TO STEEP SLOPES (GREATER THAN OR EQUAL TO 3:1) WHENEVER GRADING OPERATIONS ARE TEMPORARILY HALTED FOR OVER 7 DAYS. TEMPORARY SEEDING TO SOIL STOCKPILES.
- 4. IF THE ACTION OF VEHICLES TRAVELING OVER THE GRAVEL CONSTRUCTION EXIT IS NOT SUFFICIENT TO REMOVE THE MAJORITY OF DIRT OR MUD, THEN THE TIRES MUST BE WASHED BEFORE THE VEHICLES ENTER A PUBLIC ROAD. IF WASHING IS USED, PROVISIONS MUST BE MADE TO INTERCEPT THE WASH WATER AND TRAP THE SEDIMENT BEFORE IT IS CARRIED OFF THE SITE.
- 5. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY.
- 6. THE CONTRACTOR IS RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF SITE CONSTRUCTION POLLUTION PREVENTION CONTROLS THROUGHOUT THE LIFE OF THE PROJECT.
- 7. UPON STABILIZATION OF THE SITE, SILT FENCES AND OTHER TEMPORARY SILT BARRIERS SHALL BE REMOVED OR OTHERWISE PREVENTED FROM BECOMING A POLLUTANT SOURCE FOR STORMWATER DISCHARGES.
- 8. GENERAL CONTRACTOR SHALL DENOTE ON PLAN THE TEMPORARY PARKING AND STORAGE AREA, THE EQUIPMENT MAINTENANCE AND CLEANING AREA, EMPLOYEE PARKING AREA, AND AREA FOR LOCATING PORTABLE FACILITIES, CONCRETE TRUCK WASHOUT AREA, OFFICE TRAILERS, AND TOILET FACILITIES.
- 9. CURRENT VERSIONS OF THIS STORMWATER POLLUTION PREVENTION PLAN, THE NOTICE OF INTENT, AND THE NOTICE OF COVERAGE SHALL BE KEPT ON THE SITE FOR THE DURATION OF THE PROJECT.
- 10. ALL UNDISTURBED AREAS INCLUDING WETLAND AND STREAM BUFFERS, SHALL BE FIELD MARKED AND KEPT FREE OF CONSTRUCTION EQUIPMENT.

PHASE 1 SEQUENCING NOTES:

- INSTALL CONSTRUCTION EXIT AND HAUL ROAD AS SHOWN. THIS SHALL BE THE FIRST WORK PERFORMED ON SITE.
- 2. INSTALL ORANGE CONSTRUCTION FENCE AS SHOWN.
- 3. INSTALL TURBIDITY CURTAIN.
- 4. INSTALL DEWATERING STRUCTURE.
- 5. BUILD TEMPORARY CROSSINGS AND ROCK PADS.
- 6. ONCE THE ABOVE REFERENCED BMPS ARE INSTALLED, INSTALL DIVERSIONS BEFORE BEGINNING CONSTRUCTION.
- 7. ANY TRAPPED WATER WILL BE PUMPED THROUGH A DEWATERING STRUCTURE BEFORE LEAVING THE SITE.



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EROSION CONTROL NOTES:

- 1. APPLY PERMANENT SEEDING WHENEVER GRADING OPERATIONS ARE COMPLETED AND ALL CONSTRUCTION OPERATIONS WILL NOT IMPACT THE DISTURBED AREA. APPLY PERMANENT SEEDING TO ALL NON-CONSTRUCTION AREAS THAT SHOW SIGNS OF EXCESSIVE EROSION.
- 2. PERMANENT SEEDING SHALL BE PER DETAIL 3, C3.10. SEED AT A RATE OF 6-8 LBS./1000 S.F. USE A SLOW RELEASE STARTER FERTILIZER WITH 1 LBS./1000 S.F. NITROGEN. IF GRADING IS PERFORMED DURING THE WINTER MONTHS, SEED MIXTURE SHALL BE SUPPLEMENTED WITH A WINTER RYE OR OTHER APPROPRIATE MIXTURE TO ASSURE STABILIZATION DURING THE WINTER SEASON.
- 3. MULCH WITH STRAW AT A RATE OF 100 LBS/1000 S.F. OVER THE SEEDED AREAS.
- 4. UPON COMPLETE STABILIZATION OF THE SITE, SILT FENCES AND OTHER TEMPORARY SILT BARRIERS SHALL BE REMOVED OR OTHERWISE PREVENTED FROM BECOMING A POLLUTANT SOURCE FOR STORMWATER DISCHARGES.

PHASE II SEQUENCING NOTES:

- 1. CONTRACTOR TO MAINTAIN ALL BMPS INSTALLED ON PHASE 1.
- 2. INSTALL SILT FENCE WITH BACKING AS SHOWN.
- 3. INSTALL CHECK DAMS AS SHOWN.
- 4. ONCE SLOPES HAVE BEEN CONSTRUCTED, STABILIZE SLOPES USING DESIGNATED COVER SYSTEM. SEE SITE PLAN, SHEET 3.01.
- 5. SEED AND MULCH ALL OTHER DISTURBED AREAS.
- 6. ONCE THE SITE IS VEGETATED, THE BMPS CAN BE REMOVED.



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TEMPORARY STREAM CROSSING SELECTION							
PIPE DIAMETER (INCHES)	AVERAGE CHANNEL SLOPE						
	0.5%	1.0%	1.5%	2.0%	2.5%	3.0%	
18	8.5	9.1	9.8	10.4	11.0	11.3	
24	17.4	18.8	20.0	21.4	21.5	21.7	
30	30.1	32.3	33.9	34.1	33.5	33.0	
36	46.8	50.4	49.5	47.8	46.6	45.8	
42	67.7	69.0	65.5	62.8	61.0	59.6	
48	92.6	88.1	76.8	78.6	75.8	73.7	
54	127.2	107.0	91.9	94.9	91.1	88.1	
60	146.5	121.1	118.4	111.1	106.1	101.9	
72	194.9	142.2	153.6	141.3	133.3	127.9	
RIPRAP	В	В	В	В	B/C	B/C	

