

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2020-067

NOTICE DATE:
December 1, 2020

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
January 1, 2021

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:

City of Memphis
Attn: Robert Knecht
125 North Main Street, Room 608
Memphis, Tennessee 38103
Ph: (901) 638-7119

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 allow assessment and future maintenance of an existing sewer line by constructing a permanent access road along an existing sewer line. Information collected during assessment of the existing sewer line will determine if there are any defects in the pipe that need to be addressed and if there is any debris in the pipe that needs to be removed.

LOCATION: The project site is located south of Riverport Road and east of Plant Road in Memphis, Shelby County, Tennessee, at Latitude 35.06765° and Longitude -90.312135° on the Southwest Memphis, Tennessee 1:24,000 USGS topographic quadrangle (Attachment 1).

DESCRIPTION OF WORK: The portion of the project requiring the permit consists of the construction of a permanent, above-grade, access road that would result in permanent fill within 0.90-acre of wetland. The road would be 14 feet in width and would be constructed in three sections totaling 3,320 feet in length. A layer of non-woven geotextile fabric would be placed along the alignment of the access road with rock then placed on top of the geo-fabric. A typical section of the proposed access road is shown on Attachment 2. The applicant states that 950 cubic yards of rock would be needed within the wetland areas. A portion of the access road has already been constructed for a length of 630 linear feet beginning immediately east of Engineer Road. This section of road impacted approximately 0.2 acre of wetland and is shown, highlighted in blue, on Attachment 1. The location of the proposed access road and all wetland areas affected by construction are shown on Attachment 3.

AVOIDANCE/MINIMIZATION: According to the applicant, on-site alternatives to the proposed project are very limited due to the location of the existing sewer line and the presence of existing wetlands. The applicant states they have taken efforts to minimize adverse effects to wetlands by sizing the access road to the narrowest width that still allows for maintenance activities. The access road has also been limited to locations in which the road is only necessary for access to the existing sewer pipe. Additionally, the applicant is proposing to install drainage culverts in efforts to minimize adverse effects to existing wetland areas located to the north and south of the proposed access road. The applicant has submitted a practicable alternatives analysis and the Memphis District will evaluate this assessment to determine compliance with Section 404(b)(1) Guidelines.

MITIGATION: As compensatory mitigation for the proposed wetland impacts, the applicant is offering to purchase 1.8 credits (2:1 ratio) 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, in consultation with the Tennessee State Historic Preservation Office, the Memphis District has received information that no historic properties will be adversely affected by the proposed action. Additional information that is received within the comment period from federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties will be considered prior to making a final determination.

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: James M. Elcan
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: james.m.elcan@usace.army.mil
phone: (901) 544-0737
fax: (901) 544-0211

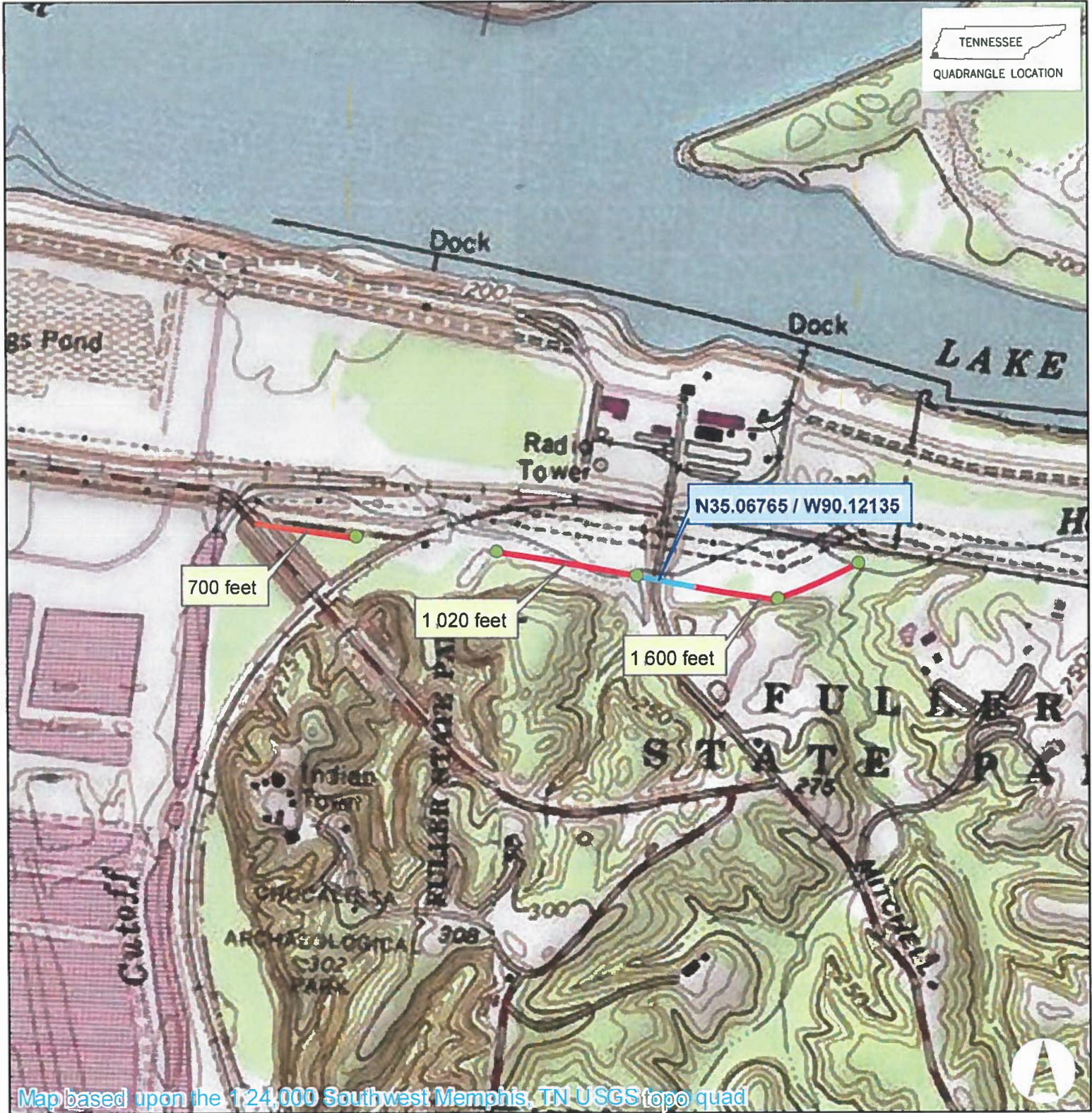
The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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

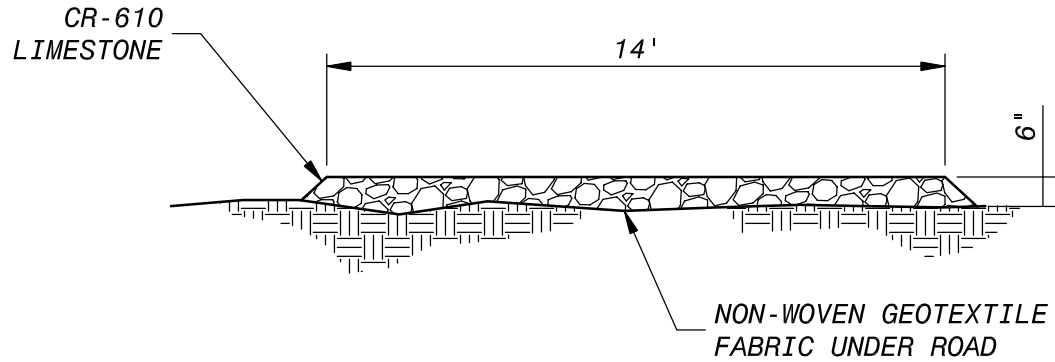
Attachments

Riverport Road Sewer Line Topographic Site Location Map



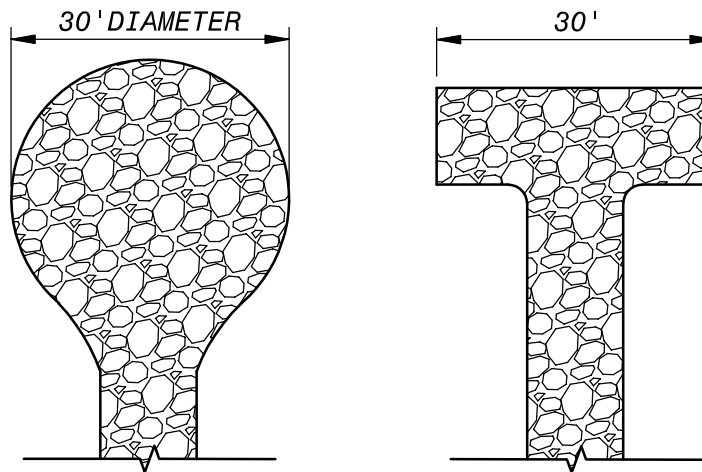
0 300 600 1,200 1,800
Feet
1:12,000

- Existing Manhole
- Existing Access Road
- Proposed Access Road



TYPICAL ACCESS ROAD DETAIL

SCALE: NTS



TYPICAL TURN AROUND DETAIL

SCALE: NTS

NOTES

1. INSTALL DRAINAGE CULVERTS UNDER ACCESS ROAD WHERE NECESSARY TO MAINTAIN PROPER DRAINAGE. CULVERT SIZES TO BE VERIFIED WITH SARP10 PRIOR TO INSTALLATION.
2. IN AREAS WITH SOFT SOIL, INSTALL A 12" LAYER OF RIPRAP (TDOT GRADE A-3) AS A BASE ON TOP OF NON-WOVEN GEOTEXTILE FABRIC, THEN PLACE CR-610 ON TOP OF RIPRAP BASE.



SARP10

**ACCESS ROAD
DETAIL**

REV 1

DATE: 09/30/2020

