

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2022-041 (RDM)

NOTICE DATE:
March 22, 2022

Attn: Postmaster,
Please Post Until



EXPIRATION DATE:
April 21, 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:

William Allen Weddington
3486 Hwy 70 East
Brownsville, Tennessee 38012

PURPOSE: According to the applicant, the purpose of the proposed project is to hold water for wintering waterfowl.

LOCATION: The project site is located adjacent to the South Fork Forked Deer River near Brownsville Tennessee in Haywood County at approximate coordinates of 35.73495°N, -89.25476°W as shown on Attachments 1 & 2.

DESCRIPTION OF WORK: The applicant's proposed project would entail the placement of fill material into wetlands and other waters of the United States in association with creating a waterfowl impoundment. The applicant proposes to use soil from an existing levee to create a berm to hold water throughout the winter for waterfowl. The berm will be approximately 3 feet tall, 6 feet wide at the base, and 1200 feet long. The berm will directly impact approximately 0.277 acres and hold water on approximately 30 acres of bottomland hardwood forest. The water level will be regulated by three 30 inch culverts with flash board riser pipes to an approximate depth of 2 feet.

AVOIDANCE/MINIMIZATION: According to information submitted with the application, the applicant proposes to use soil from an existing levee to build the new levee system in order to reduce soil disturbance.

MITIGATION: The applicant has proposed to mitigate the direct impacts to wetlands at a 4:1 ratio on site by restoring hydrology, by removing the existing levee, and planting bottomland hardwoods on a 2.5 acre row crop field adjacent to the impoundment as shown on the attached map.

WATER QUALITY CERTIFICATION: The applicant is required to request water quality certification from the Tennessee Department of Environment and Conservation, Division of Water Resources, 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 waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit.

OTHER APPROVALS: The Public Notice serves as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

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 Haywood County according to their IPaC website: <https://ecos.fws.gov/ipac/location/PLN4EOU24FHC7D63RIOXK3OQX4/resources> . Based on review of the

Tennessee Standard Local Operating Procedures for Endangered Species agreement with USFWS, the effect determination for both bat species is “may affect, not likely to adversely affect”. No further consultation with USFWS is 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 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 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 Damon McDermott using the information below:

U.S. Army Engineer District - Memphis
ATTN: Damon McDermott
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: robert.d.mcdermott@usace.army.mil
Phone: (901) 544-0732
Fax: (901) 544-0211

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: <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 Division office for examination.

Gregg W. Williams
Chief
Regulatory Division

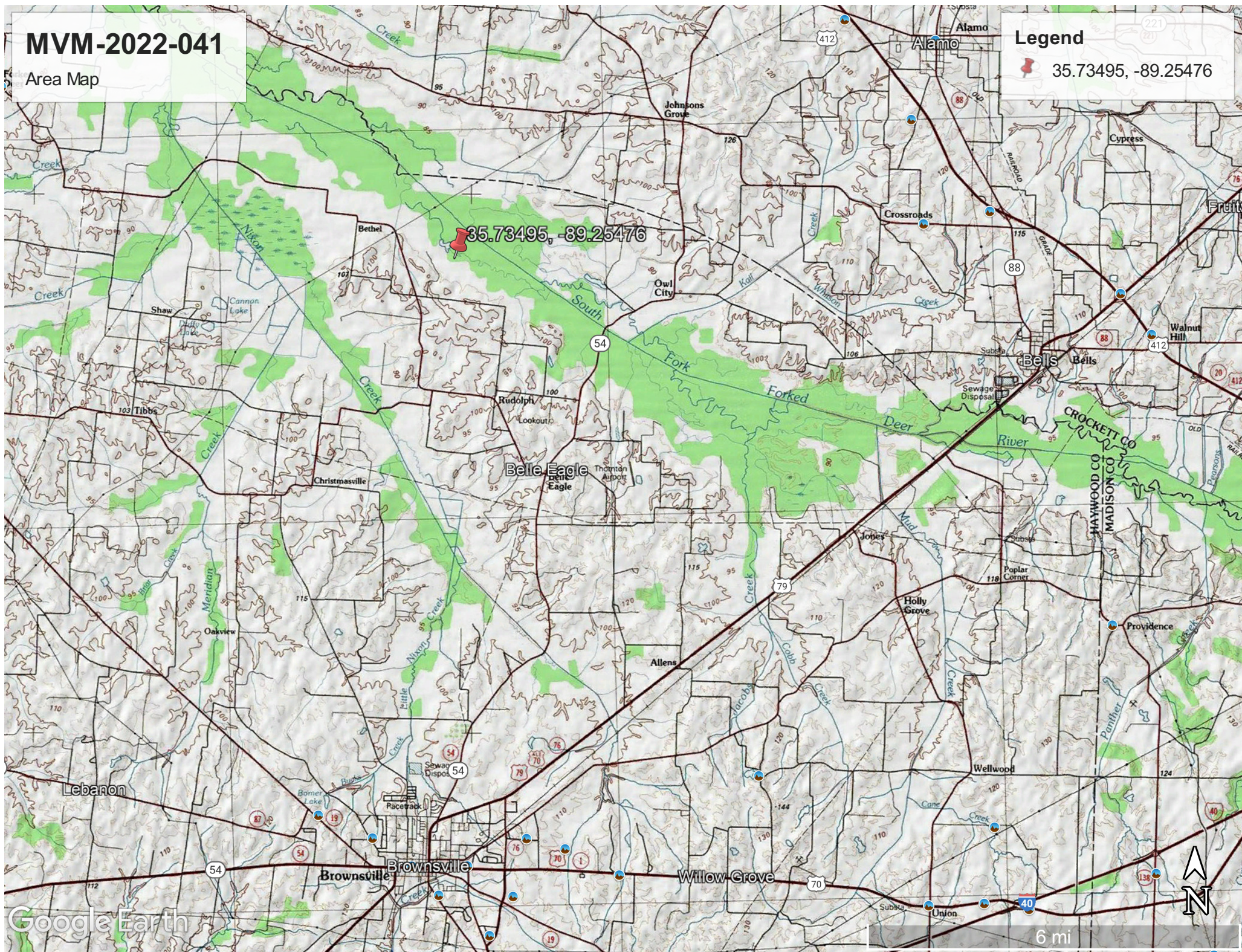
Attachments

MVM-2022-041

Area Map

Legend






35.73495, -89.25476



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Location Map

Legend

-  35.73495, -89.25476
-  Existing Levee
-  Proposed Levee/Berm
-  Proposed Wetland Mitigation
-  Water Control Structures

