



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2020-217 (JME)

NOTICE DATE:
July 20, 2020

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
August 19, 2020

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. Steve Hess
Exel Inc. d/b/a DHL Supply Chain (USA)
360 Westar Boulevard
Westerville, Ohio 43082
Ph: (614) 865-8646

AGENT:

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

PURPOSE: The purpose of the project is to construct a distribution center which includes a warehouse building, associated parking lots and access drives on a 73-acre parcel of property to meet the growing demand for warehouses in the Memphis, Tennessee area.

LOCATION: The project site is located south of Holmes Road, west of Meltech Boulevard and east of Tchulahoma Road in Memphis, Shelby County, Tennessee, at coordinates of N35.00575° / W-89.95072°, as shown on the attached location map based on the USGS 7.5' Southeast Memphis Topographic Quadrangle.

DESCRIPTION OF WORK: The applicant's proposed project consists of developing a parcel of property into a distribution center consisting of a 971,880-square foot warehouse building and associated parking lots and driveways. The property contains one intermittent stream that is approximately 1,829 linear feet in length and is a headwater tributary to Tenmile Creek. The jurisdictional point of this stream begins at the "bright line point", as shown on the attached Features Map. Development of the site would consist of grading and filling activities to construct the proposed distribution facility. The discharge of fill material is being proposed within approximately 1,096 linear feet of the stream in order to relocate the stream into a new stream channel along the southern and eastern property boundaries. The new stream channel would be approximately 3,025 linear feet in length and would incorporate aquatic habitat features including riparian buffers, log riffles, constructed alluvial riffles, and root wads. The applicant is proposing two road crossings of the relocated channel for access to the site from Meltech Boulevard. Each road crossing would consist of twin 6'x10' box culverts. Both road crossings would total 263 linear feet in length. Detailed site plans specifying the location of the proposed warehouse and attendant features, existing and proposed relocated streams, the two road crossings, and a cross-section view of the relocated stream channel are shown on the attached Site Plan, Grading Plan and Typical Sections. Conceptual drawings of the proposed aquatic habitat features (log riffles, root wads, etc.) to be constructed are also attached.

The deposition of fill material into waters of the United States, including streams and wetlands, requires authorization from the Corps of Engineers. At this time, it is our preliminary jurisdictional determination (PJD) that the above-mentioned intermittent stream may be considered waters of the United States. There is one drainage feature, shown as "ephemeral stream" on the Features Map, that has been determined to be a (b)(3) exclusion by an approved jurisdictional determination according to the Navigable Waters Protection Rule.

WATER QUALITY CERTIFICATION: The applicant is required to 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.

AVOIDANCE/MINIMIZATION: The applicant is avoiding approximately 733 linear feet of the downstream portion of the intermittent stream. The applicant evaluated several on and off-site alternatives to the proposed fill of approximately 1,096 linear feet of stream on the project site. The applicant's analysis demonstrated that the proposed fill of approximately 1,096 linear feet of intermittent stream is unavoidable to complete construction of the proposed project. Our office will review this information to determine if the applicant's analysis is compliant with Section 404(b) (1) guidelines.

MITIGATION: The applicant provided a mitigation plan as compensation for the permanent loss of approximately 1,096 linear feet of stream channel. The applicant stated the goals of the mitigation plan are to establish appropriate channel geometry, in-stream aquatic habitat, and forested riparian corridor within approximately 2,752 linear feet of the relocated stream channel sufficient to satisfactorily mitigate permanent stream losses. Our office will review the applicant's proposed mitigation plan to determine if the plan meets requirements of the Compensatory Mitigation for Losses of Aquatic Resources, Final rule, 33 CFR Parts 325 and 332 / 40 CFR Part 230.

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, 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 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: 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 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 Branch office for examination.

Gregg W. Williams
Chief
Regulatory Division

Attachments