



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2006-326 (JME)

NOTICE DATE:
June 5, 2019

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  **June 20, 2019**

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 and Section 10 of the Rivers and Harbors Act of 1899.

APPLICANT:

Randy Richardson
Memphis & Shelby County Port Commission
1115 Riverside Boulevard
Memphis, Tennessee 38106-2504
(901) 948-4422

PURPOSE: The purpose of the project is to conduct maintenance dredging within the Pidgeon Industrial Harbor.

LOCATION: The project site is located along the left-descending bank at approximate Mississippi River Mile 724.5, within the Pidgeon Industrial Harbor in Memphis, Shelby County, Tennessee, at approximate Latitude 35.0586° and Longitude -90.1716° as shown on the Fletcher Lake, Tennessee 7.5-minute USGS topographic quadrangle (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to continue maintenance dredging activities, as needed, within the Pidgeon Industrial Harbor. The applicant anticipates initial dredging would remove approximately 250,000 cubic yards of material with subsequent dredging amounts to remove approximately 50,000 cubic yards of material (sand and other sediment). Dredging amounts could exceed 250,000 cubic yards if a flood deposited large amounts of bedload material into the Harbor. Methods employed to remove material could be a combination of hydraulic dredging, clamshell dredging, or dragline removal with placement of the material in an approved upland dredged material disposal area as shown on Attachment 1. Dredging of smaller amounts of material is also proposed with collection conducted by track hoe or other mechanical scoop. These materials would be placed in a yet to be built dredge disposal area north of the mouth of the Harbor above 210' elevation or behind the levee as shown on Attachment 2. If authorized, maintenance dredging activities could occur, as needed, within a ten-year time frame.

The return water from upland disposal sites has been administratively defined as a discharge of dredged material. The Section 404 component of this project is being evaluated under the terms and conditions of Nationwide Permit 16 (*Return Water from Upland Contained Disposal Areas*).

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.

AVOIDANCE/MINIMIZATION: Dredged materials will be transported to an approved upland dredged disposal area or 210 feet above sea level in elevation within the disposal area north of the Harbor mouth.

WATER QUALITY CERTIFICATION: The Tennessee Department of Environment and Conservation, Division of Water Pollution Control (TDEC) issued Water Quality Certification (WQC) for this project on April 23, 2016 with an expiration date of April 22, 2021.

ENDANGERED SPECIES: The interior least tern (*Sterna antillarum athalassos*), pallid sturgeon (*Scaphirhynchus albus*), Indiana bat (*Myotis sodalis*), and Northern long-eared bat (*Myotis septentrionalis*) are listed as endangered or proposed endangered by U.S. Fish and Wildlife (USFWS) in Shelby County, Tennessee. This application is being

coordinated with USFWS. 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. It is our preliminary determination that there will be no endangered species or critical habitat affected by this proposal.

CULTURAL RESOURCES: The Memphis District has not completed our analysis of the proposed undertaking and, therefore, has not reached a final project determination. We will use information provided by the State Historic Preservation Officer and the public in response to this public notice to make our final determination. As of the time of publication of this notice, we are unaware of any cultural resources within our permit 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 floodplain 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. Mitch Elcan using the information below:

U.S. Army Engineer District - Memphis
ATTN: Mitch Elcan
167 N. 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

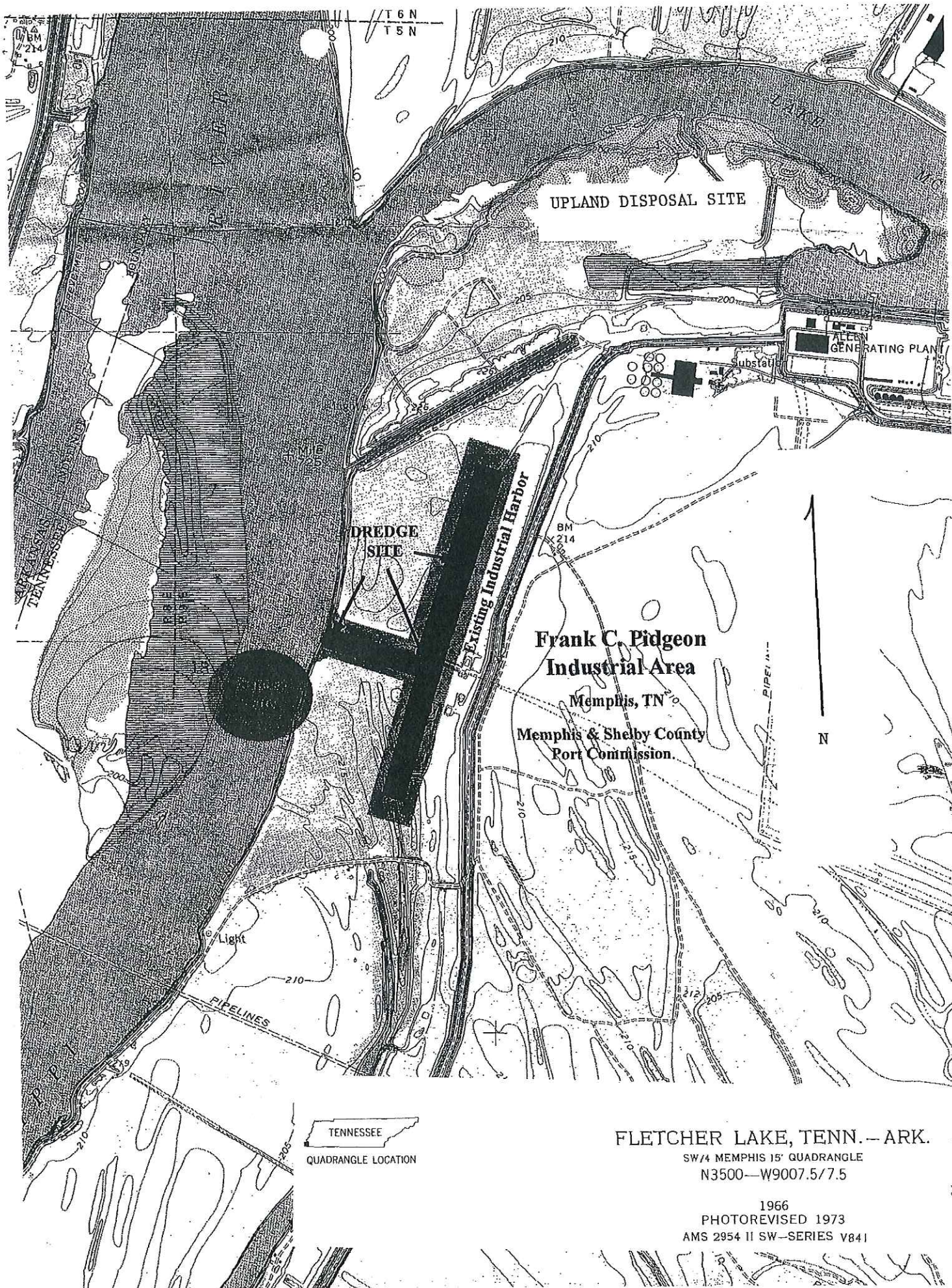
Comments may be sent via mail or e-mail. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this 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 Williams
Chief
Regulatory Branch

Attachments



FLETCHER LAKE, TENN.—ARK.

SW/4 MEMPHIS 15' QUADRANGLE
N3500—W9007.5/7.5

1966
PHOTOREVISED 1973
AMS 2954 II SW—SERIES V841

