



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2018-258

NOTICE DATE:
November 26, 2019

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
December 26, 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.

APPLICANT:

Mr. Norman B. Brown III
Blaylock & Brown Construction, Inc.
10636 Shelton Road
Collierville, Tennessee 38017

PURPOSE: The project purpose is to develop the property for a commercial enterprise.

LOCATION: The project site is located between Summer Avenue and Interstate 40 in Memphis, Shelby County, Tennessee, as shown on the attached map. The approximate latitude and longitude for the project are 35.1612° and -89.8781° (Attachments 1 and 2).

DESCRIPTION OF WORK: The project involves the clearing of the property to facilitate the construction of a commercial office complex which will include a parking areas, access roads and a detention basin. Development of the site necessitates filling 2.55 acres of wetlands with demolition debris and clean, earthen fill material. The filling of 1.2 acres of wetlands on the site was permitted in 2003, but the property was not developed. The delineation completed in 2019 found that 2.55 acres of wetlands are now present on the property (attachment 3).

The applicant states that the materials placed into the site will include wood, insulation, concrete, bricks, vegetation, cardboard, metal, sheetrock, carpet and dirt. The recycled material will be from a single source and the landfill will not be for public use. According to the applicant, there will be no tires, chemical solvents, cleaners, or household garbage used as fill. Following completion of fill activities, the site would be developed for commercial use.

AVOIDANCE/MINIMIZATION: According to the applicant, only the minimum wetlands necessary to meet the project purpose will be filled.

MITIGATION: During the original permit evaluation, 4.8 acres of offsite wetland mitigation were established within the Loosahatchie River watershed, near Gallaway, Tennessee. The bottomland hardwood mitigation site has met success criteria.

ENDANGERED SPECIES: The interior least tern (*Sterna antillarum athalassos*), Indiana bat (*Myotis sodalis*), and Northern long-eared bat (*Myotis septentrionalis*) are listed as threatened or endangered by U.S. Fish and Wildlife Service (USFWS) in Shelby County, Tennessee. Based on best available information, the Corps of Engineers determination is that the project will have no effect on federally listed rare, threatened, or endangered species. 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.

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.

WATER QUALITY CERTIFICATION: The applicant should 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.

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 permits required by our office.

COMMENTS: To request additional information or provide comments on this notice, please contact Mr. Randy Clark using the information below:

U.S. Army Corps of Engineers - Memphis District
ATTN: Randy Clark
167 N. Main Street, B-202
Memphis, Tennessee 38103-1894
e-mail: james.r.clark@usace.army.mil
phone: (901) 544-0735
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: <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 Branch office for examination.



Gregg Williams
Chief
Regulatory Branch

Attachments

Shelby Oaks Drive Site Location Map

TENNESSEE
QUADRANGLE LOCATION



0 750 1,500 3,000 4,500
Feet
1:24,000

Site Boundary

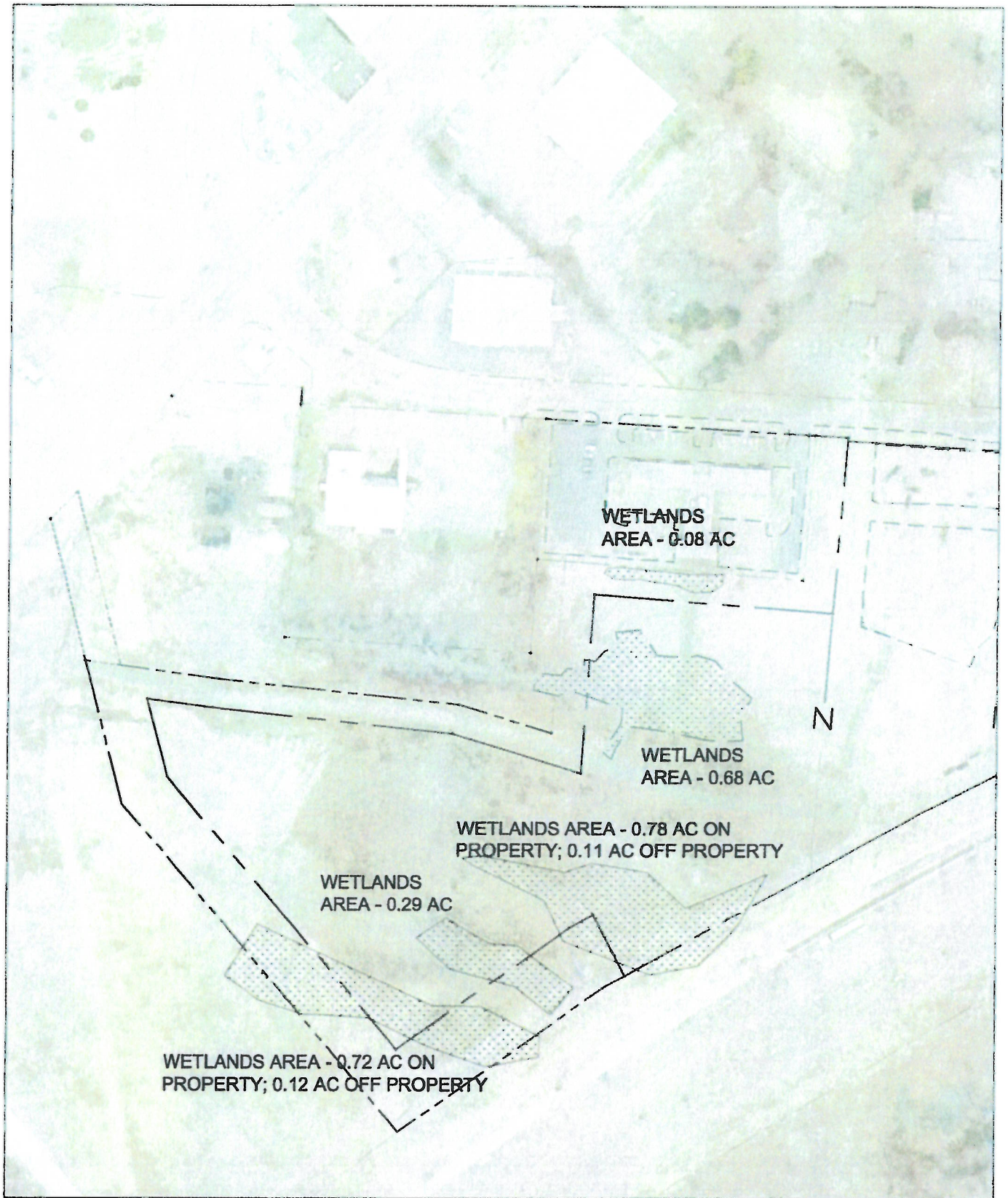
Shelby Oaks Drive Site Location Map



0 125 250 500 750
Feet
1:5,000

Legend

 Review Area



A2H ENGINEERS
ARCHITECTS
PLANNERS

A2H, INC.
3009 DAVIES PLANTATION ROAD
LAKELAND, TN 38002
P. 901.372.9404
WWW.A2H.COM

EXISTING SITE WETLANDS

**BLAYLOCK AND BROWN
SHELBY OAKS PLANNED DEVELOPMENT**

SCALE
1" = 200'

PROJECT NO.
16409.04

DATE
JANUARY 4, 2019

SHEET NAME

C1.0