

US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM 2021-312 (RDM)**

**NOTICE DATE:**  
**January 26, 2022**

Attn: Postmaster,  
Please Post Until



**EXPIRATION DATE:**  
**February 24, 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.

Additionally, the authority to grant permission for temporary or permanent alterations of any U.S. Army Corps of Engineers federally authorized civil works project is contained in Section 14 of the Rivers and harbors Act of 1899 and codified in 33 USC 408.

### **APPLICANT:**

Tennessee Department of Transportation  
Attn: Khalid Ahmed  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243  
(615) 253-0021

**PURPOSE:** According to the applicant, the purpose of the proposed project is to increase the capacity of existing State Route 1/Summer Avenue, reduce congestion for current and future regional travelers, and address deficiencies in the existing bridges over the Wolf River and Fletcher Creek.

**LOCATION:** The project site is located along Summer Avenue from near White Station Road to 0.1 mile north of Sycamore View Road in Memphis, Shelby County, Tennessee, 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 the widening of a portion of SR-1/Summer Avenue and relocation of existing telephone, water, and gas lines. Drawings depicting the applicants proposed plans are shown on Attachments 3-5.

Current construction plans would include the permanent filling of wetlands and impacts to streams as described in the following table. Additionally, the applicant has requested authorization of temporary stream crossings and haul roads; these features would be removed and returned to pre-disturbance contours following construction. (Please note that certain impacts may meet the requirements of one or more of the Corps of Engineers Nationwide Permits.)

Site	Impacts to Wetlands (Acres)	Existing Stream Length (feet)	Proposed Stream Length (feet)
1	N/A	Stream 1 (Wolf River): 136 feet, including 70 lf of open channel and 66 ft of existing bridge; included in this reach is approximately 100 linear feet of rip-rap under the existing bridge (to remain in place)	Stream 1: 136 feet, including a 110-foot wide, 7-span concrete deck bridge and 26 feet of riprap at storm water outfalls

2	N/A	Stream 2: 1,231 linear feet, including 665 linear feet of rip-rap and 120 feet of existing road crossings	Stream 2: 1,287 linear feet of open channel including 202 linear feet of rip-rap, 20 linear feet of concrete, and 1,065 linear feet of relocated channel using natural channel design
3	0.32 acre of permanent fill (WTL-1) 0.92 acre of permanent fill (WTL-2)	Stream 3 (Fletcher Creek): 144 feet, including 78 feet of open channel and 66 feet of existing bridge. Approximately 120 lf of rip-rap is present on the left bank and 110 lf of rip-rap is present on the right bank; this material will remain in place.	Stream 3: 144 feet, including 110 feet of 4-span concrete deck bridge and 34 feet of rip-rap at 3 outfalls

**AVOIDANCE/MINIMIZATION:** According to information submitted with the application, the applicant considered shifting the alignment and construction of retaining walls to minimize impacts to waters but determined that these were not feasible. Additionally, the applicant proposes to use span bridges at Streams 1 and 3, work in the dry, and implement Erosion Prevention and Sediment Control Best Management Practices to minimize impacts.

**MITIGATION:** The applicant has proposed wetland mitigation through the purchase of available credits at the Mt. Tena Creek Wetland Mitigation Bank. The applicant has proposed to mitigate impacts to Stream 2 on site by relocating the channel using natural channel design principles (Attachment 6).

**WATER QUALITY CERTIFICATION:** The applicant has requested 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.

**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 applicant, acting on behalf of the Federal Highways Administration (FHWA), prepared an Environmental Assessment (EA) pursuant to the National Environmental Policy Act and for which the U.S. Army Corps of Engineers is a cooperating agency. The USFWS concurred with the FHWA's determination that the project may affect but is not likely to adversely affect the Indiana bat and Northern Long-Eared Bat. Additional information that is received within the applicable comment period will be considered prior to making a final decision.

**CULTURAL RESOURCES:** In compliance with Section 106 of the National Historic Preservation Act of 1966, FHWA acting as the lead federal agency prepared an EA for which the Corps of Engineers served as cooperating agency. The Tennessee State Historic Preservation Office has concurred with FHWA's determination that no historic properties would be affected by the proposed action. Additional information that is received within the applicable comment period from federal, state, and local agencies, federally-recognized Tribes, the public, and other interested parties will be considered prior to making a final decision.

**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](mailto:robert.d.mcdermott@usace.army.mil)  
Phone: (901) 544-0732  
Fax: (901) 544-0211

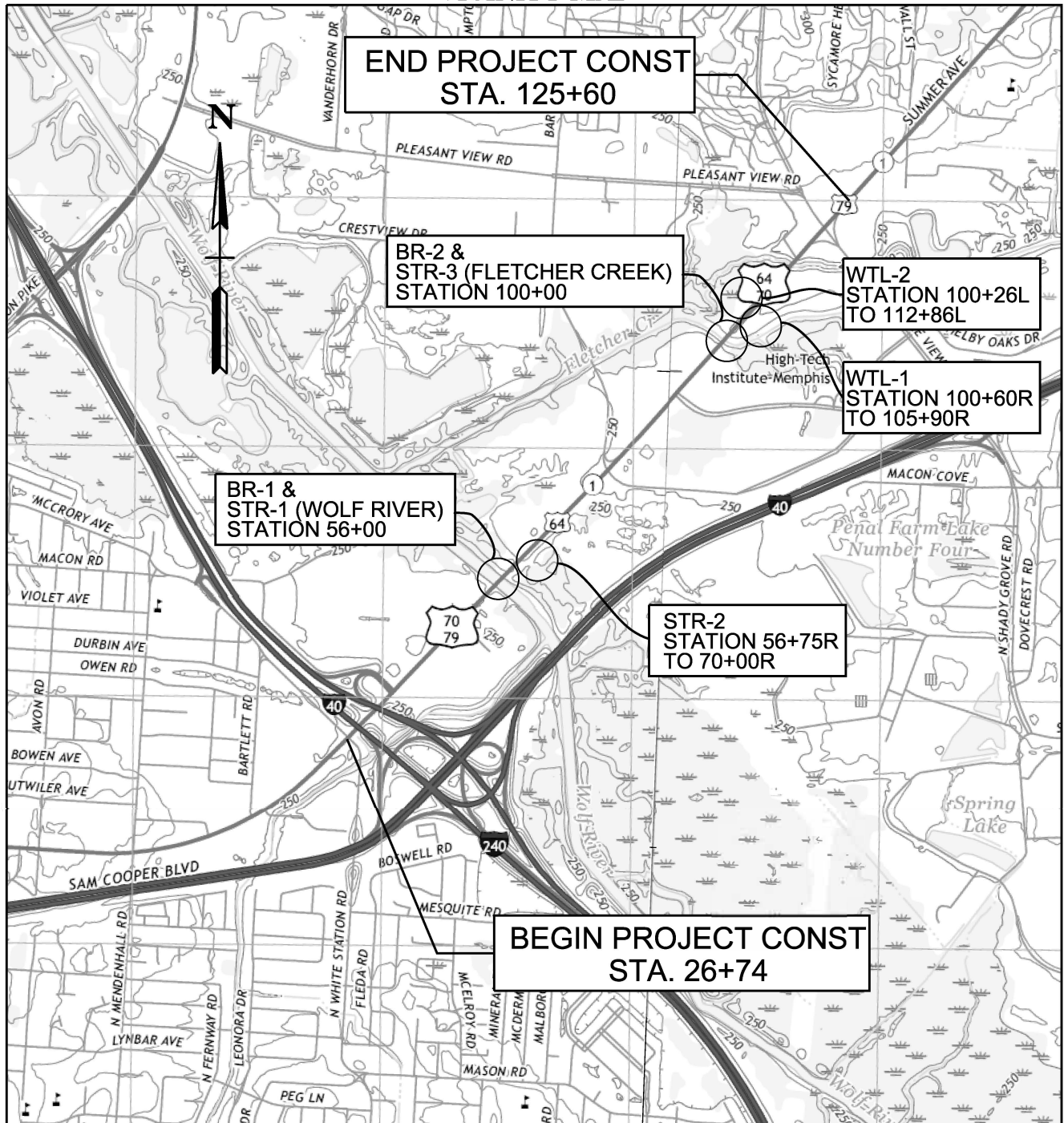
Comments may be sent via mail or email. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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

# VICINITY MAP



APPLICATION BY:  
 TENNESSEE DEPARTMENT OF TRANSPORTATION  
 PE # 79011-1245-04  
 PIN 101609.01  
 FED. CONST. PROJ. # NH-1(424)

QUAD: MEMPHIS & BARTLETT, TN

S.R. 1 (U.S. 70) SUMMER AVE.  
 FROM: NEAR I-40  
 TO: 0.1 MI NORTH OF SYCAMORE VIEW RD.

COUNTY: SHELBY  
 NEAR: MEMPHIS & BARTLETT, TN

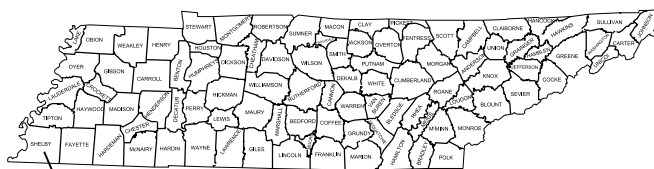
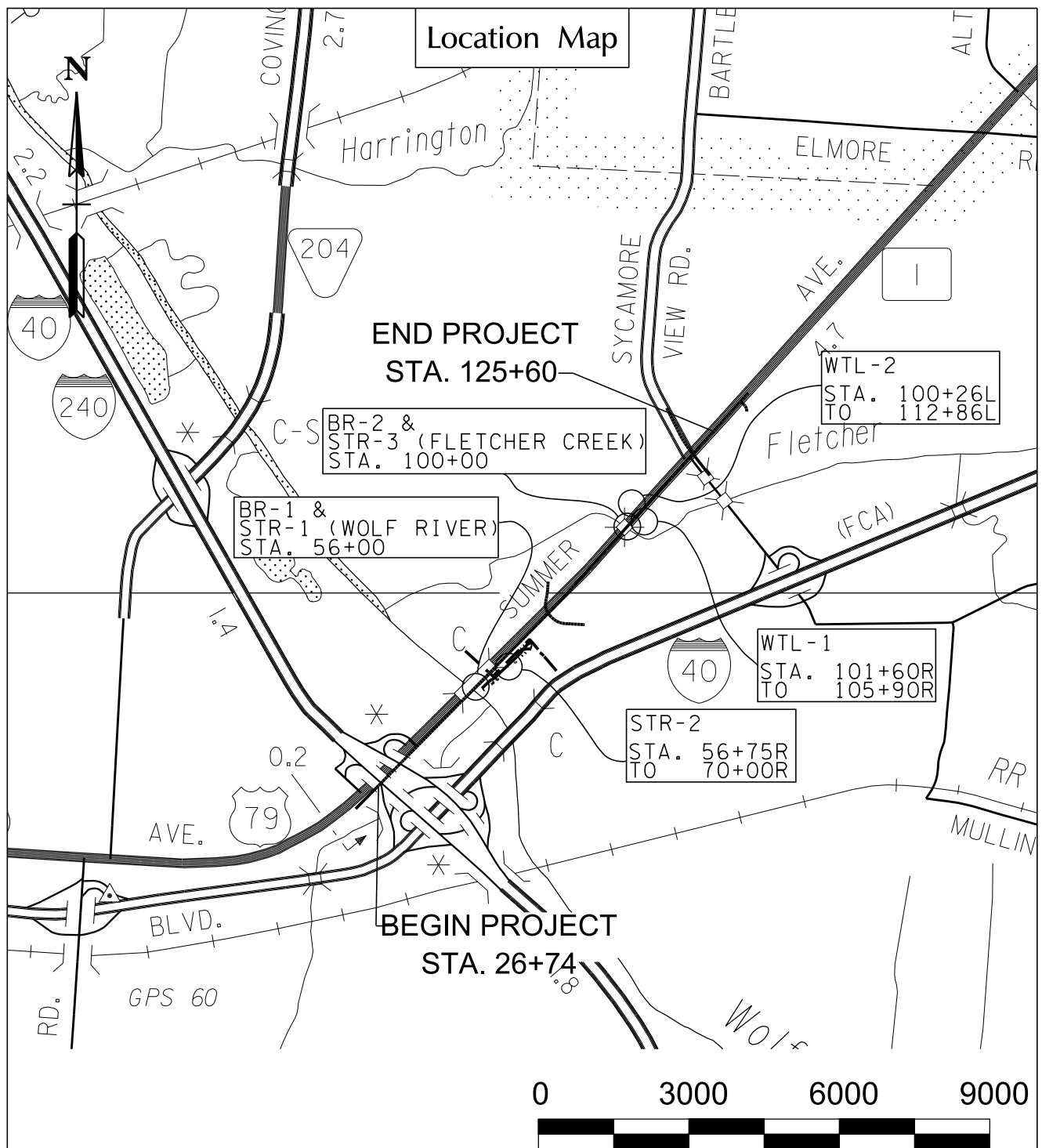
DATE: / /

REVISED: / /

SHEET 1 OF 1

SCALE = 1:24000  
 CONTOUR INTERVAL 20 FEET

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET



SHELBY COUNTY

APPLICATION BY:

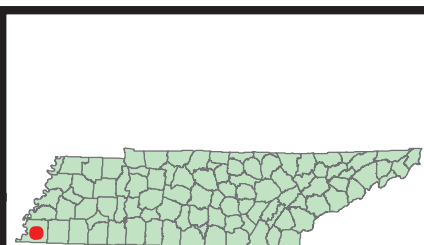
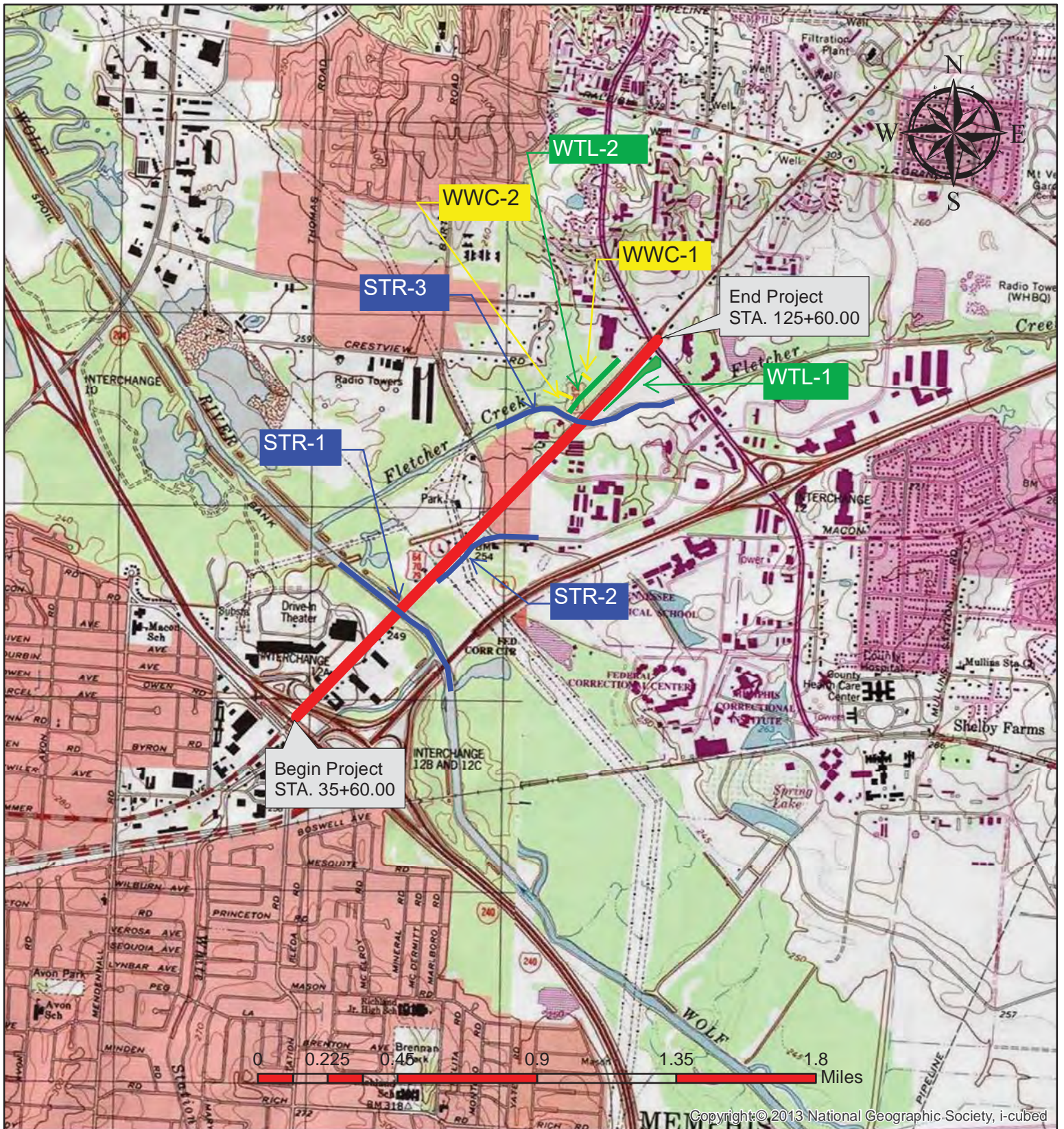
TENNESSEE DEPARTMENT OF TRANSPORTATION  
 PE # 79011-1245-04  
 PIN # 101609.01  
 FED. CONST. PROJ.# NH-1(424)  
 S.R. 1 (U.S. 70) SUMMER AVE.  
 FROM: NEAR I-40  
 TO: 0.1 MI NORTH OF SYCAMORE VIEW RD.

DATE: //

REVISED: //

SHEET 1 OF 1





## Shelby County

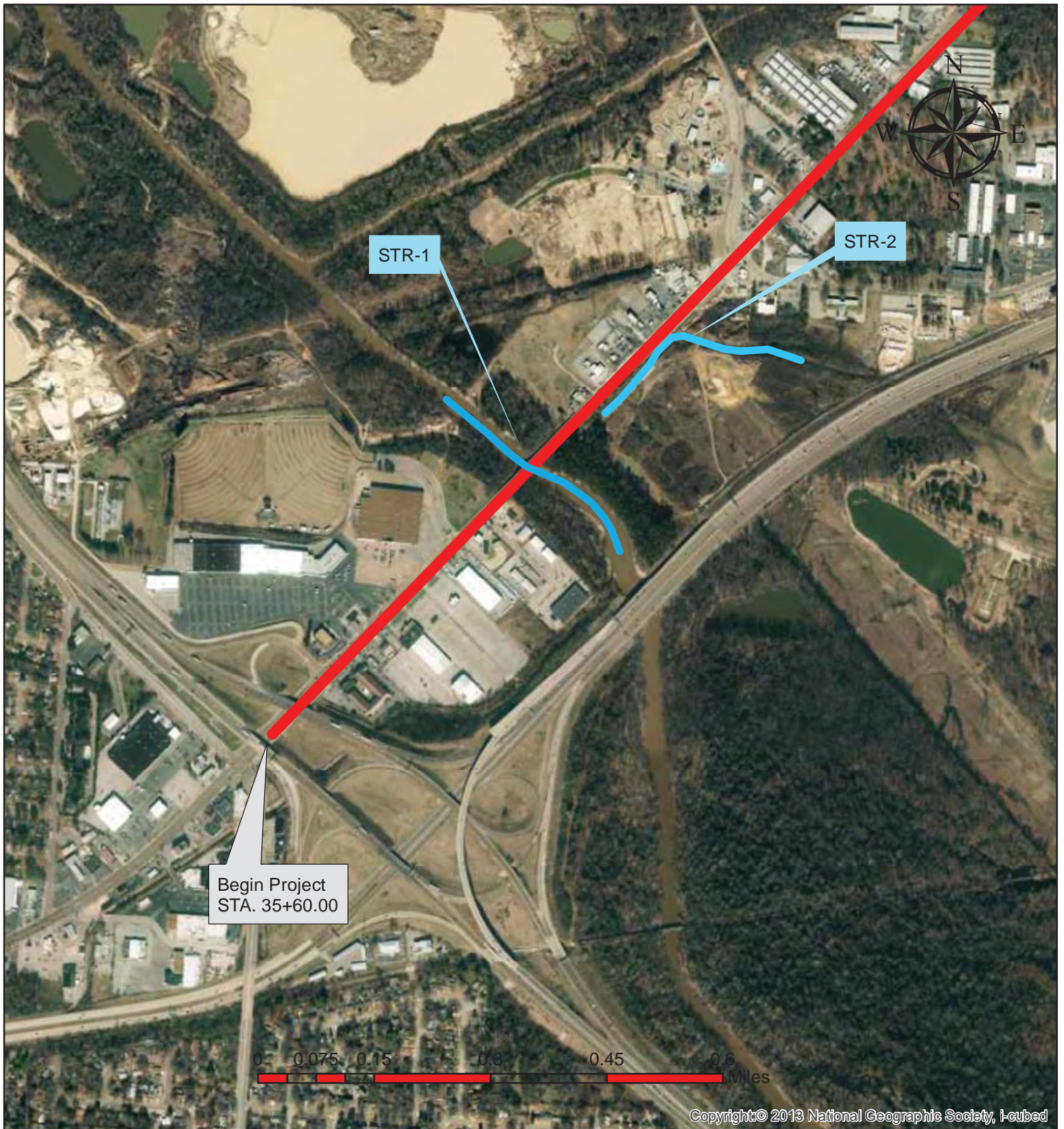
S.R. 1 (U.S. 70) Summer Ave. from 0.15 miles north of White Station Road to 0.12 miles north of Sycamore View Road  
June 26, 2015

P.E. 79011-1245-04  
PIN 101609.01



Attachment 3



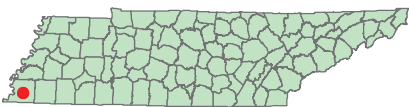


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## Shelby County

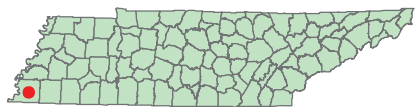
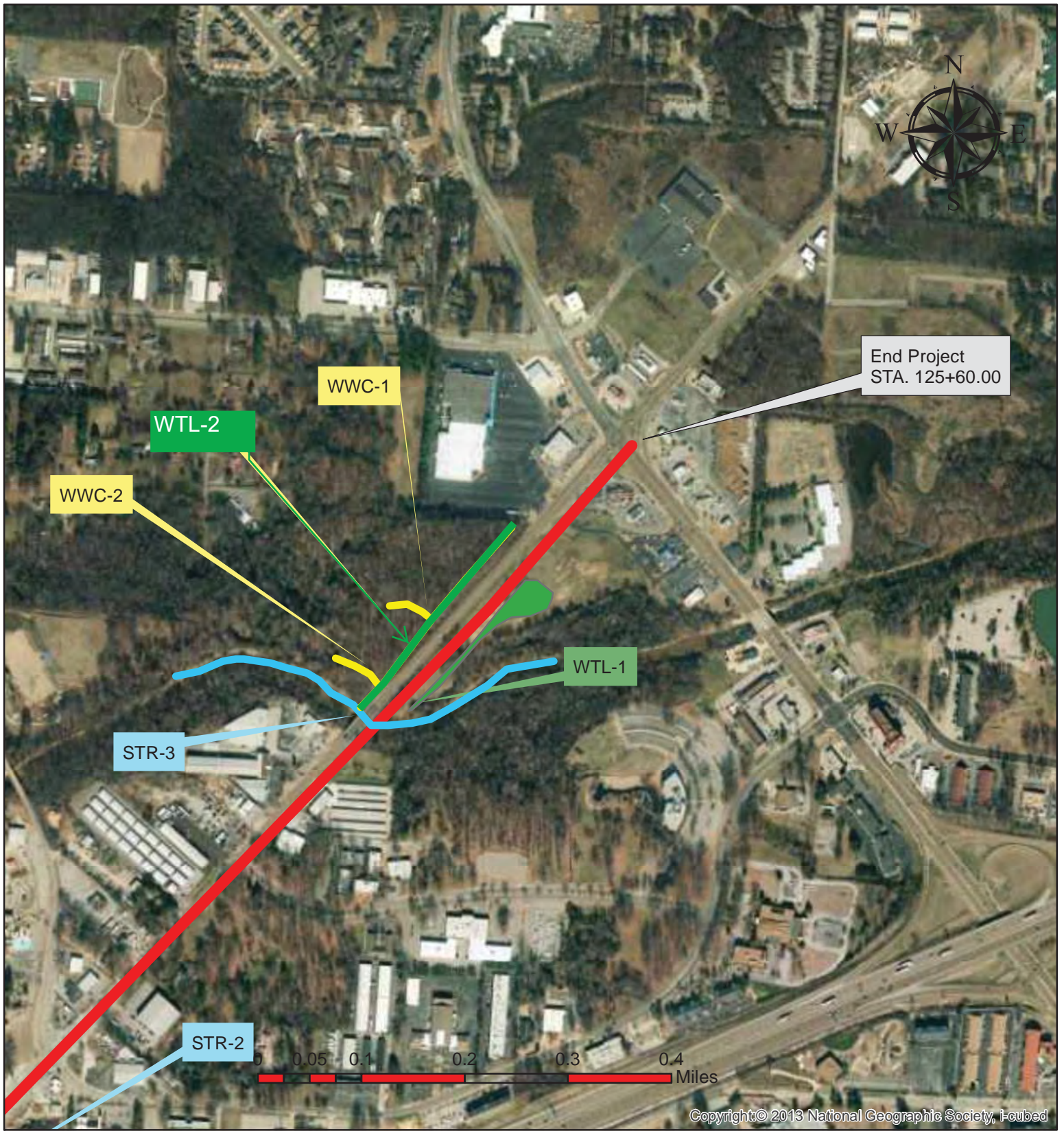
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Attachment 4





## Shelby County

S.R. 1 (U.S. 70) Summer Ave. from 0.15 miles north of White Station Road to 0.12 miles north of Sycamore View Road  
June 26, 2015

P.E. 79011-1245-04  
PIN 101609.01



Attachment 5





**1,230 FEET OF STREAM  
TO BE RELOCATED DUE  
TO ROAD WIDENING**

**1,234 FEET OF STREAM  
RELOCATED USING  
NATURAL CHANNEL DESIGN**

0 200 400  
Feet

REFERENCE: GIS BASE LAYERS WERE OBTAINED FROM USGS. THIS  
MAP IS FOR INFORMATIONAL PURPOSES ONLY. ALL FEATURE  
LOCATIONS DISPLAYED ARE APPROXIMATED. THEY ARE NOT BASED  
ON CIVIL SURVEY INFORMATION, UNLESS STATED OTHERWISE.

— EXISTING STREAM  
— PROPOSED CENTERLINE



## PROPOSED IMPACTS & MITIGATION

SUMMER AVENUE STREAM RESTORATION  
MEMPHIS, SHELBY COUNTY, TENNESSEE

SCALE:  
1" = 200 feet  
DATE:  
8-30-2021  
PROJECT NUMBER  
210259

FIGURE NO  
  
2