

US Army Corps  
of Engineers  
Memphis District

# Public Notice

FILE NUMBER: MVM 2022-135

NOTICE DATE:  
October 5, 2022

Attn: Postmaster,  
Please Post Until

EXPIRATION DATE:  
November 4, 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:**

Tennessee Department of Transportation  
Attn: Robbie Stephens  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243  
(615) 253-7693

**PURPOSE:** According to the applicant, the primary purpose of the proposed project is to accommodate ongoing development in the region, improve traffic operational efficiency, and improve connections to the Memphis Regional Megasite and the surrounding area. The primary needs of the proposed project are to support the ongoing development in the region, improve existing operational deficiencies, and to sufficiently connect the Memphis Regional Megasite and surrounding area.

**LOCATION:** The project site is located beginning at Interstate 40 at approximate Mile Marker 38 (Sta. 677+48.26 SR-194) before traversing to the north, north-west and ending at Sta. 828+28.97 SR-194 and Sta. 1204+77.75 SR-468. The project would traverse through portions of Haywood, Tipton and Fayette Counties, Tennessee as shown on Sheets 1 and 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 construction of the new roadways connecting Interstate 40 to State Routes 1, 59, and 222 including utility relocations, erosion prevention and associated drainage improvements. The locations of each of the proposed stream and wetland impacts are shown on Sheets 1 and 2.

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/acreage)   |
|------|-----------------------------|---|---|
| 1    | N/A                         | EPH-13 (Impact 1): Existing open stream is 218.1 ft.  | EPH-13 (Impact 1): Stream proposed to be filled resulting in permanent loss of 218.1 ft.  |
| 5    | N/A                         | EPH-13 (Impact 2): Existing open stream is 373.54 ft. | EPH-13 (Impact 2): Encapsulation with 277.0 ft of 72" RCP and 35.3 ft of wingwalls and 31.62 ft of open stream. Total proposed length of is 343.92 ft. Total impact |

|    |     |   |   |
|----|-----|---|---|
|    |     |   | acreage to EPH-13 is 0.04-acre with 29.62 ft of stream length loss.   |
| 3  | N/A | STR-5: Existing total length is 410.4 ft, including 207.54 ft of open stream and 202.86 ft of existing culvert.                         | STR-5: Encapsulation by extending existing 42" RCP 121.97 ft, with 149.52 ft of existing 41" RCP to remain. Total proposed length of RCP is 431.43 ft. Total impact acreage to STR-5 is 0.04-acre.  |
| 4  | N/A | STR-4: Existing total length is 222.65 ft, including 54.38 ft of open stream and 168.27 ft of existing 2 @ 10' x 5' RCBC and wingwalls. | STR-4: Encapsulation by extending existing 10' x 5' RCBC 21.55 ft and 5.57 ft of wingwall at outlet with riprap, with 162.7 ft of existing RCBC to remain for a total structure length of 189.82 ft. Total impact acreage to STR-5 is 0.02-acre with 0.94 feet of stream length loss. |
| 7  | N/A | STR-31: Existing total length of open channel is 268 ft.  | STR-31: Total length of 179 ft including 158 ft of 2 @ 8' x 6' RCBC, 21 ft of wingwalls and 47 ft of open stream. Total proposed length is 226 feet. Total impact acreage to STR-5 is 0.02-acre with 42 feet of stream length loss.   |
| 9  | N/A | STR-13 (Impact 1): Existing total length of open channel is 189 ft.   | STR- 13 (R1): Total length of 175 ft including 159 ft of 10' x 5' RCBC, 16 ft of wingwalls and 14 ft of open stream. Total proposed length is 189 feet. Total impact acreage to STR-13 is 0.03-acre.  |
| 10 | N/A | STR-13 (Impact 2): Existing total length of open channel is 298 ft.   | STR- 13 (R2): Total length of 283 ft including 260 ft of 6' x 6' RCBC, 23 ft of wingwalls and 12 ft of open stream. Total proposed length is 295 feet. Total impact acreage to STR-13 is 0.03-acre with 3 ft of stream length loss.   |
| 11 | N/A | STR-13 (Impact 3): Existing total length of open channel is 51 ft.  | STR- 13 (R3): Total length of 42 ft including 31 ft of 72" RCP, 11 ft of wingwalls and 9 ft of open stream. Total proposed length is  |

|    |   |   |   |
|----|---|---|---|
|    |   |   | 51 feet. Total impact acreage to STR-13 is 0.01-acre.   |
| 12 | N/A   | STR-11: Existing total length of existing open channel is 105 ft.   | STR-11: 105 ft of single span concrete bridge structure. No stream length loss.   |
| 16 | N/A   | STR-19: Existing total length of existing open channel is 98 ft.    | STR-19: 98 ft of single span concrete bridge structure. No stream length loss   |
| 17 | N/A   | STR-20 (Impact 3): Existing total length of open channel is 183 ft. | STR- 20: Total length of 167 ft including 153 ft of 8' x' 5' RCBC, 14 ft of wingwalls and 14 ft of open stream. Total proposed length is 181 feet. Total impact acreage to STR-13 is 0.01-acre with 2 ft of stream length loss. |
| 2  | WTL-6: Permanent fill of 0.976 acres and 0.064 acres of temporary impacts.  | N/A   | N/A   |
| 6  | WTL-7: Permanent fill of 0.053 acres and 0.034 acres of temporary impacts.  | N/A   | N/A   |
| 8  | WTL-9: Permanent fill of 0.383 acres and 0.087 acres of temporary impacts.  | N/A   | N/A   |
| 13 | WTL-19: Permanent fill of 0.065 acres and 0.028 acres of temporary impacts. | N/A   | N/A   |
| 14 | WTL-20: Permanent fill of 0.022 acres and 0.005 acres of temporary impacts. | N/A   | N/A   |
| 15 | WTL-21: Permanent fill of 0.039 acres and 0.078 acres of temporary fill.    | N/A   | N/A   |
| 18 | WTL-29: Permanent fill of 0.003 acres and 0.027 acres of temporary impacts. | N/A   | N/A   |

**AVOIDANCE/MINIMIZATION:** According to information submitted with the application, the proposed project's roadway alignment has been selected to avoid existing environmental features to the greatest extent practicable. Where environmental features are unavoidable, the proposed project has been designed to ensure that impacts to these features have been minimized as much as possible. Proposed roadway embankment slope lines have been reduced where possible, thus minimizing impact to adjacent environmental features. Also, where practicable, span bridges / bottomless culverts have been proposed instead of box culverts; implementing these structure types minimizes the amount of stream channel impact and allows the existing natural channel to flow under the proposed roadway system. Additionally, Erosion Prevention and Sediment Control (EPSC) best management practice (BMP) measures will be

installed and maintained during roadway construction, thus reducing the likelihood of sediment and debris deposition from the project site into adjacent environmental features during construction activities.

**MITIGATION:** The applicant is proposing to mitigate permanent wetland impacts by debiting, at a two-times multiplier, 2.82 acres from available wetland credits at the Loosahatchie Wetland Mitigation Bank and 0.35 acres from available wetland credits at the Hatchie Wetland Mitigation Bank.

The applicant is proposing to mitigate unavoidable stream impacts through permittee-responsible mitigation (PRM). The applicant proposes to utilize 320.4 credits from the West Tennessee River Basin Authority's PRM Big Muddy Creek Tributary site. The Big Muddy Creek Tributary PRM site is located on the Memphis Regional Megasite property in Haywood County, Tennessee within the Lower Hatchie River 8-digit HUC (08010208). A copy of the proposed Big Creek Tributary PRM site proposal is attached.

**WATER QUALITY CERTIFICATION:** The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The applicant has submitted a request for Section 401 Water Quality Certification to the Tennessee Department of Environment and Conservation.

**ENDANGERED SPECIES:** The Indiana bat and northern long-eared bat are listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS) within the project area's portion of Haywood, Tipton, and Fayette Counties according to their IPaC website: <https://ecos.fws.gov/ecp/>. 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". Any 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 (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.

**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 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](mailto:james.m.elcan@usace.army.mil)  
Phone: (901) 544-0737

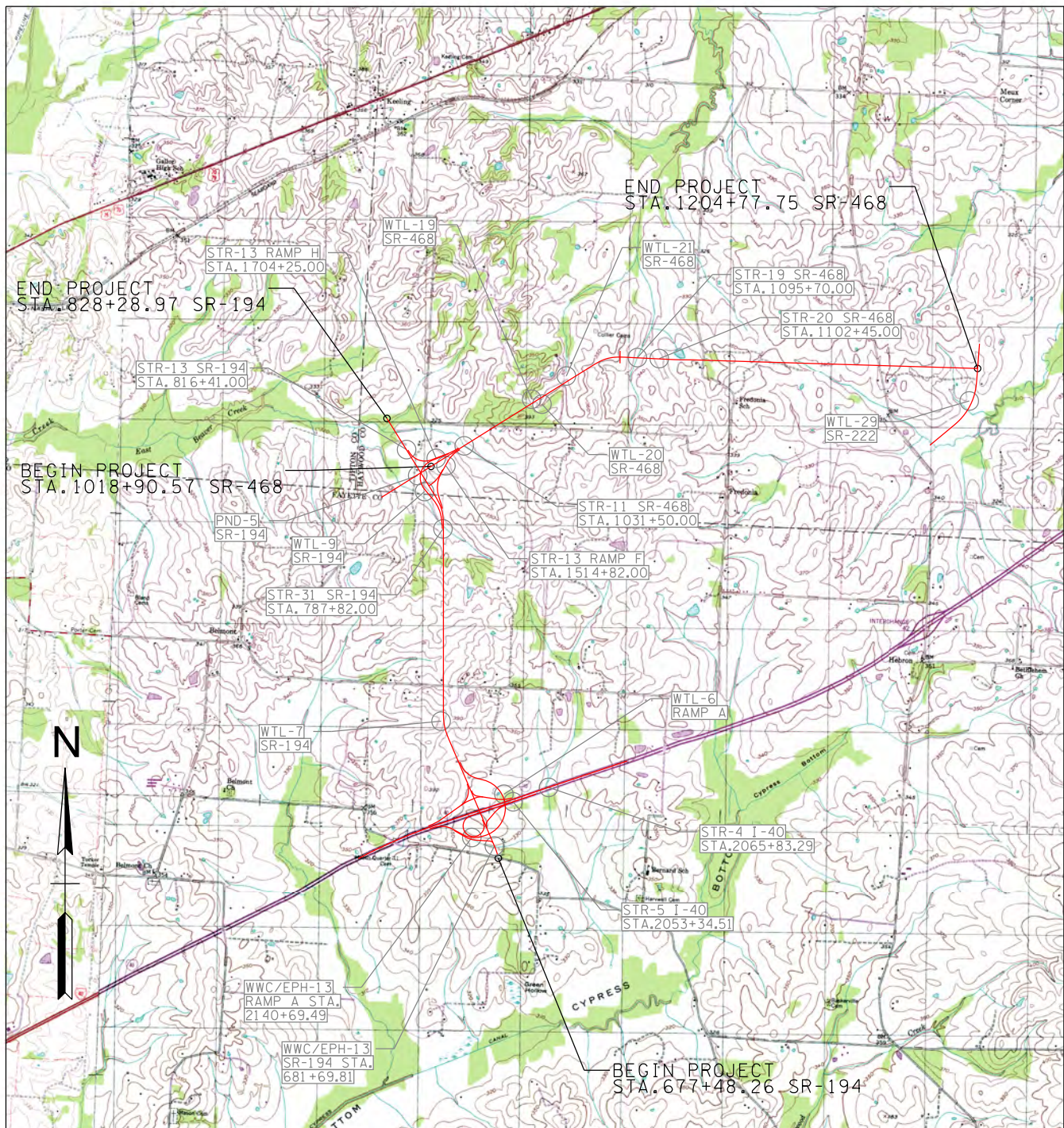
Comments may be sent via mail or email. The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link: <http://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 Division office for examination.

for: Gregg W. Williams  
Chief  
Regulatory Division

Attachments

# VICINITY MAP



APPLICATION BY:  
 TENNESSEE DEPARTMENT OF TRANSPORTATION  
 PE # R4BVAR-S1-018  
 PIN 132132.01  
 FED. CONST. PROJ. # N/A

FREE FLOW INTERSTATE ACCESS TO  
 PROPOSED SITE ON ROUTES CON-  
 NECTING I-40 TO S.R. 1, 59, AND 222  
 (PROJECT BLUE OVAL)  
 COUNTY: FAYETTE, TIPTON, HAYWOOD  
 NEAR: STANTON, TN

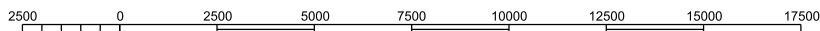
QUAD: STANTON, LAMBERT

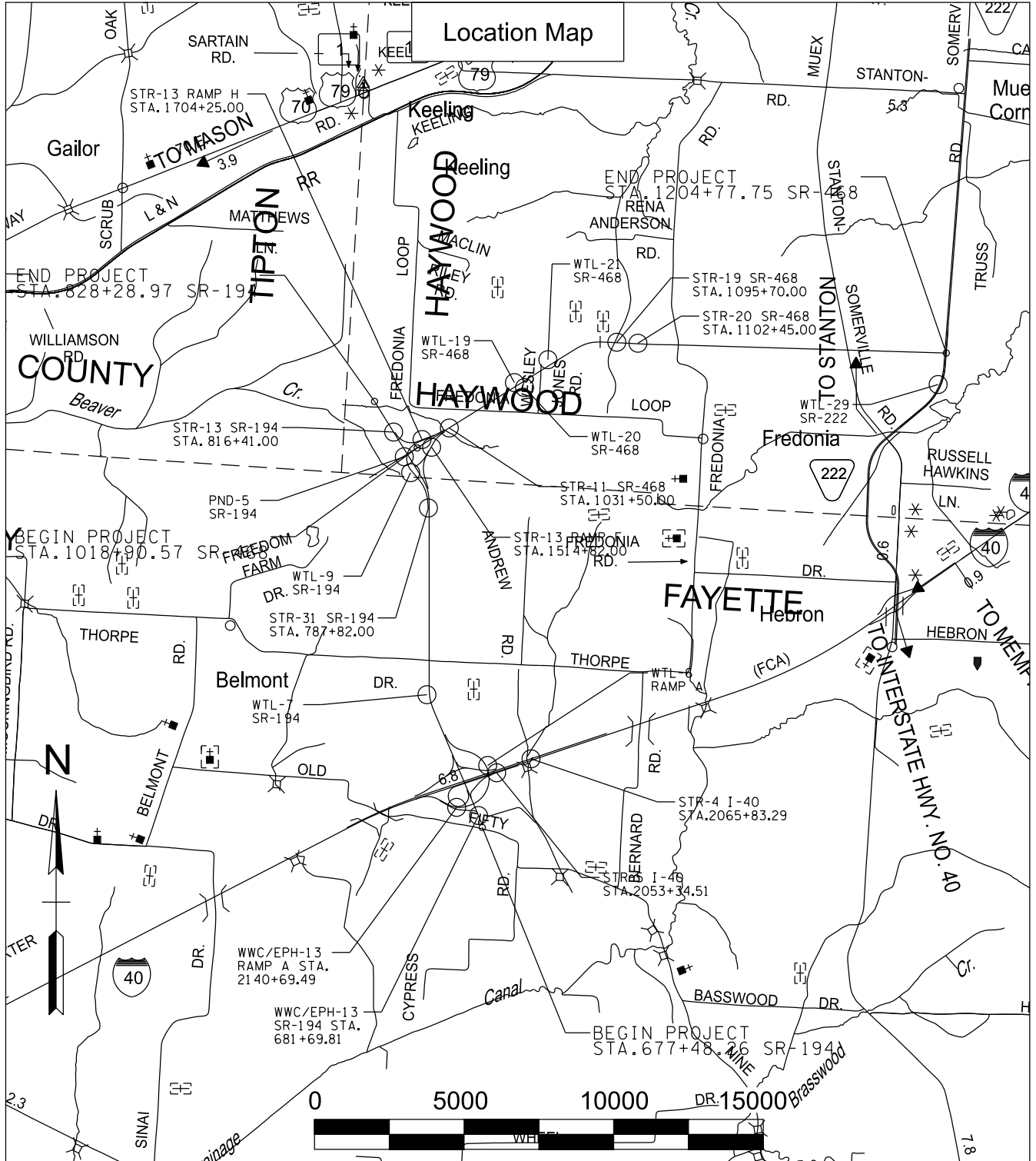
DATE: 09/14/22

REVISED: / /

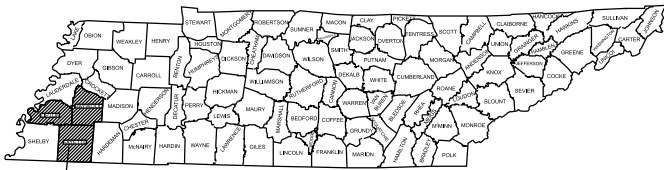
SHEET 1 OF 45

SCALE = 1:24000  
 CONTOUR INTERVAL 20 FEET





**Location Map**



**FAYETTE, TIPTON, HAYWOOD**

**APPLICATION BY:**

TENN. DEPARTMENT OF TRANS.  
 PE # R4BVAR-S1-018  
 PIN # 132132.01  
 FREE FLOW INTERSTATE ACCESS TO  
 PROPOSED SITE ON ROUTES CON-  
 NECTING I-40 TO S.R. 1, 59, AND 222  
 FAYETTE, TIPTON, HAYWOOD

DATE: 09/14/22

REVISED: / /

SHEET 2 OF 45

# *BIG MUDDY CREEK TRIBUTARY SITE*

## STREAM MITIGATION HAYWOOD COUNTY, TENNESSEE CONSTRUCTION PLANS

**AGENCY:**

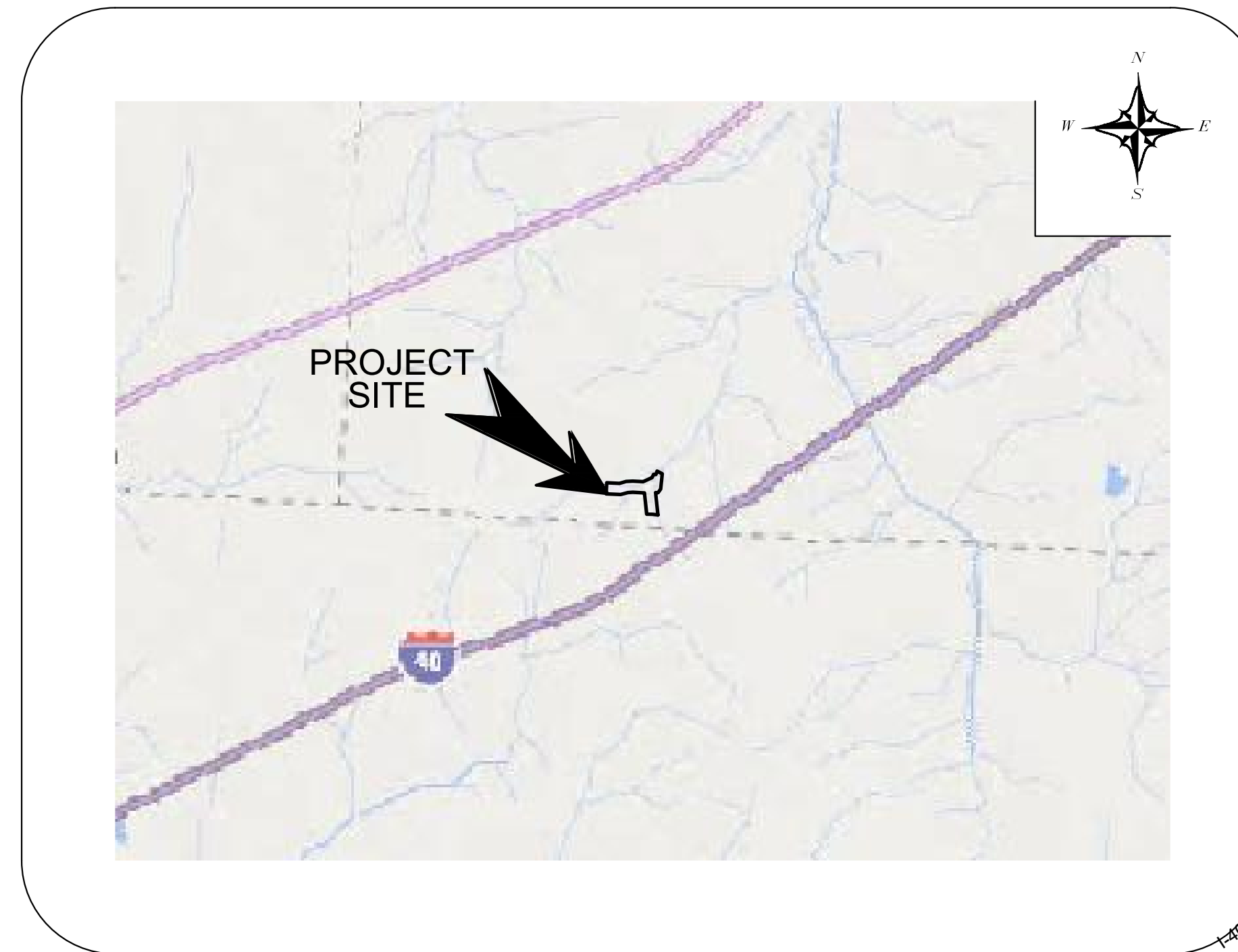
DAVID BLACKWOOD, PE  
EXECUTIVE DIRECTOR  
WEST TENNESSEE RIVER BASIN AUTHORITY  
3628 EAST END DRIVE  
HUMBOLT, TN 38343  
PHONE: 731-784-3606

**ENGINEER:**

DUSTY MAYS, PE  
KIMLEY-HORN AND ASSOCIATES, INC.  
115 N. LIBERTY STREET  
JACKSON, TN 38301  
PHONE: 731-225-3068

**SURVEYOR:**

R. BRUCE RICHARDSON, RLS  
SURVEYING SERVICES, INC.  
41 HERITAGE SQUARE  
JACKSON, TN 38305  
PHONE: 731-664-0807



VICINITY MAP  
NOT TO SCALE

*Sheet Index*

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| C1.2                | PROPOSED LAYOUT            |
| C1.3                | CONSERVATION EASEMENT PLAT |
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| C3.1                | TYPICAL SECTIONS           |
| C4.1 - C4.19        | PLAN AND PROFILE           |
| C5.0 - C5-07        | EROSION CONTROL            |
| C6-01 - C6-08       | DETAILS                    |