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# Memphis Metropolitan Stormwater Management Project: U.S. Army Corps of Engineers August 9th Public Notices Intent to Prepare a Draft Integrated Feasibility Report/Environmental Impact Statement

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The United States Army Corps of Engineers (Memphis District) (“Corps”) published an August 9th Federal Register Notice stating its intent to prepare a Draft Integrated Feasibility Report and Environmental Impact Statement (“DIFR-EIS”) for the Memphis Metropolitan Stormwater Management Project – North DeSoto County, Mississippi. See 84 Fed. Reg. 39264.

The DIFR-EIS is being prepared pursuant to the National Environmental Policy Act (“NEPA”).

NEPA requires federal agencies to include environmental values and issues in the decision-making processes. This federal mandate is accomplished by agency consideration of environmental impacts of proposed actions and reasonable alternatives to those actions. The statute requires federal agencies in certain instances to prepare a detailed Environmental Impact Statement (“EIS”). However, the requirement to produce this document is only triggered in the event of a major federal action that will significantly affect the environment.

NEPA differs from action forcing environmental statutory programs such as the Clean Air Act or Clean Water Act. It does not impose substantive mandates. Instead, it is limited to requiring federal agencies to meet procedural requirements such as preparation of an Environmental Assessment (“EA”) or EIS in certain defined instances. As a result, NEPA does not require an agency to pick a certain alternative or meet a particular standard.

The Corps states that the DIFR-EIS will:

- evaluate the effectiveness of existing Federal and non-Federal improvements;
- determine the need for additional improvements to reduce the risk of flooding from stormwater;
- restore environmental resources;
- improve the quality of water entering the Mississippi River and its tributaries; and
- determine if such improvements are technically feasible, environmentally acceptable, and economically justified.

The August 9th notice commences a formal public scoping comment period.

The proposal has sections addressing:

- Background (Addressing the issue of flooding within DeSoto County, Mississippi)
- Alternatives (Discussing the evaluation of a range of alternatives for the proposed action)
- Public Involvement (Involvement of the public in assessing the environmental consequences of the proposed action)
- Scoping (the NEPA process utilized for determining the range of alternatives and significant issues to be addressed in the Environmental Impact Statement)
- Coordination (noting the Corps will serve as the lead Federal agency but other federal and/or state agencies may participate as cooperating and/or commenting agencies)

A copy of the Federal Register Notice can be downloaded [here](#).