



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 04-71

Date: October 6, 2004

Application No. 200400730

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214
Attn. Floyd M. Carnes

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF TENNESSEE

SUBJECT: Proposed Wetland Fill Associated with Interstate 24 Bridge Replacements over Patton Creek Mile 0.06 and Elk River Mile 192.6, Grundy County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the state of Tennessee, Division of Water Pollution Control pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Tennessee Department of Transportation
James K. Polk Building, Suite 900
505 Deaderick Street
Nashville, Tennessee 37243

LOCATION: Patton Creek Mile 0.06 (a tributary to the Elk River at Mile 192.2R) and Elk River Mile 192.6, Grundy County, Tennessee.
(USGS ALTO, TENN. Quadrangle; Longitude: 85-53-40.6; Latitude: 35-17-29.2)

DESCRIPTION: The proposed work consists of the replacement of the east and west-bound bridges of Interstate 24 over Patton Creek and Elk River and enhancement of the approaches. The work would require the permanent fill of approximately 0.990 acre of wetland, and temporary fill of 0.54 acre of wetland for construction. The applicant proposes to mitigate for the permanent wetland impacts at a 2:1 ratio by obtaining available wetland credits at the Coffee County Mitigation Bank. The applicant proposes to mitigate the temporary wetland impacts by

returning the areas to their original elevations and seeding with annual grass and planting trees. The new bridges would be constructed on the same footprint as the existing bridges. The associated activities would involve the discharge of fill material associated with the replacement of the existing bridge piers. New piers would be constructed during low flow conditions. This would be accomplished by the use of flumes, lined diversion channel or cofferdams.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts 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 benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian 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.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

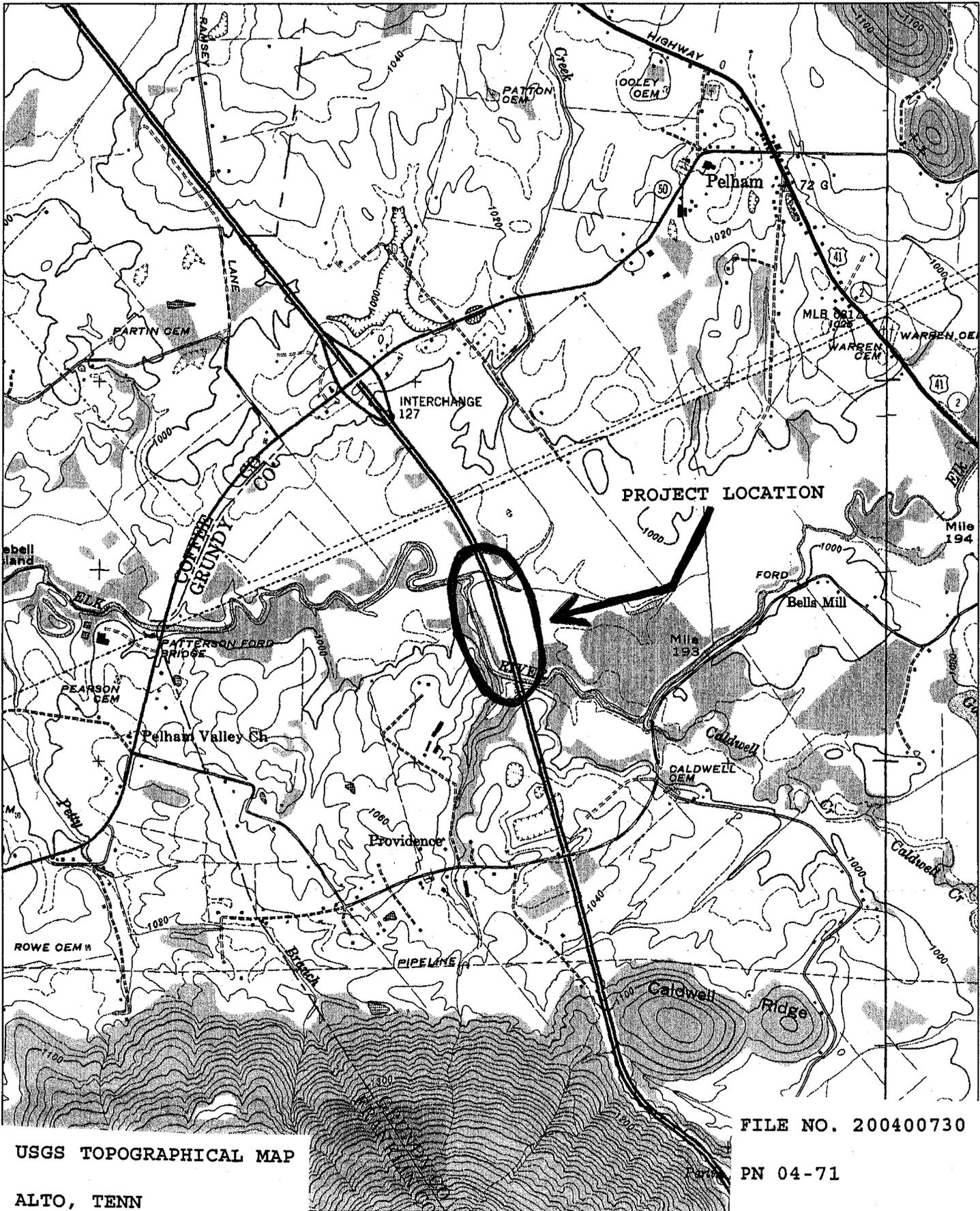
The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

In addition to the DA permit, the TVA permit, and water quality certification, other federal, state, and/or local approvals may be required for the proposed work. In addition to other provisions of its approval, TVA requires the applicant will employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

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 public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **November 6, 2004**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Mr. Joel Williams, Project Leader, Guntersville Lake Reservation, 3696 Alabama Highway 69, Guntersville, Alabama 35976, telephone (256) 571-4294.



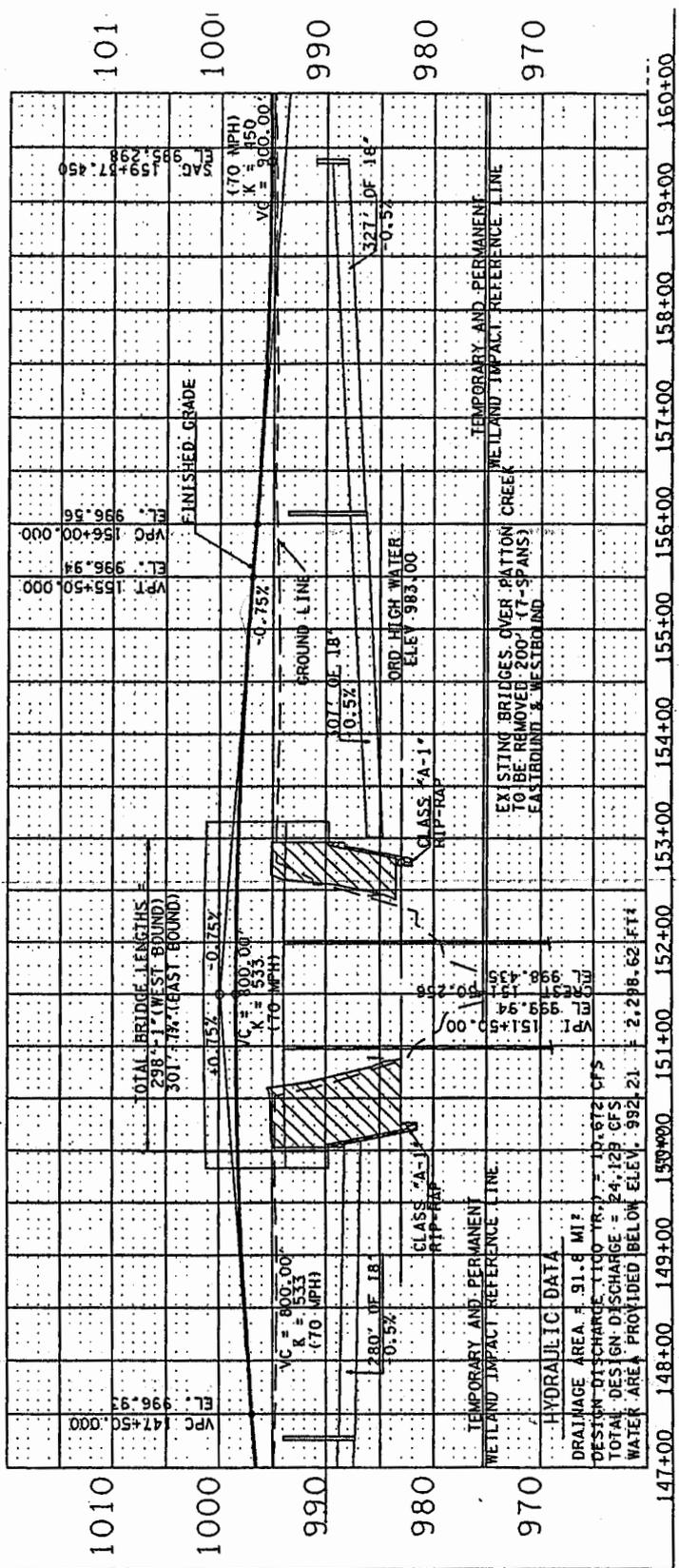
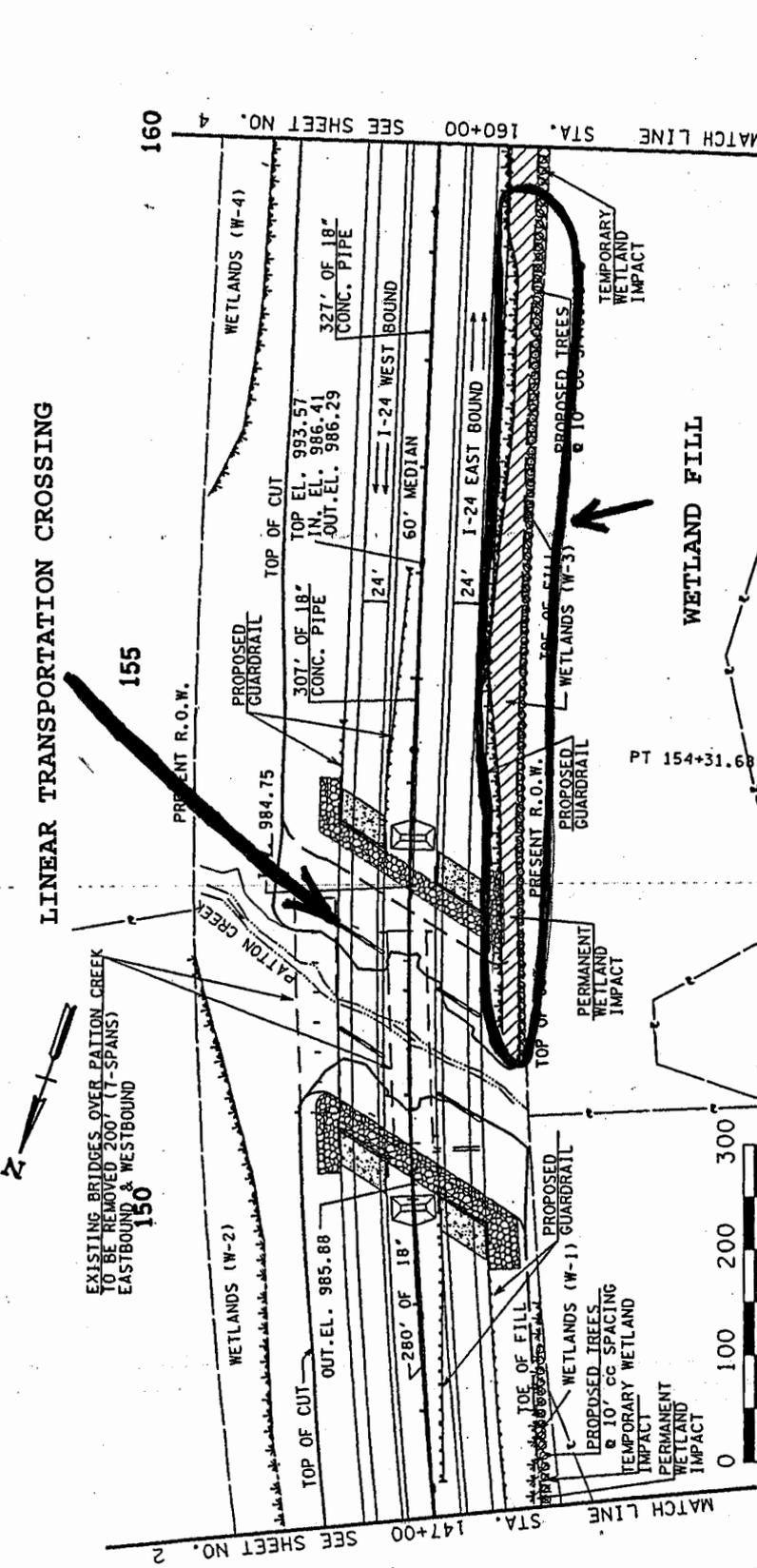
USGS TOPOGRAPHICAL MAP
ALTO, TENN

FILE NO. 200400730

PN 04-71

EXHIBIT A

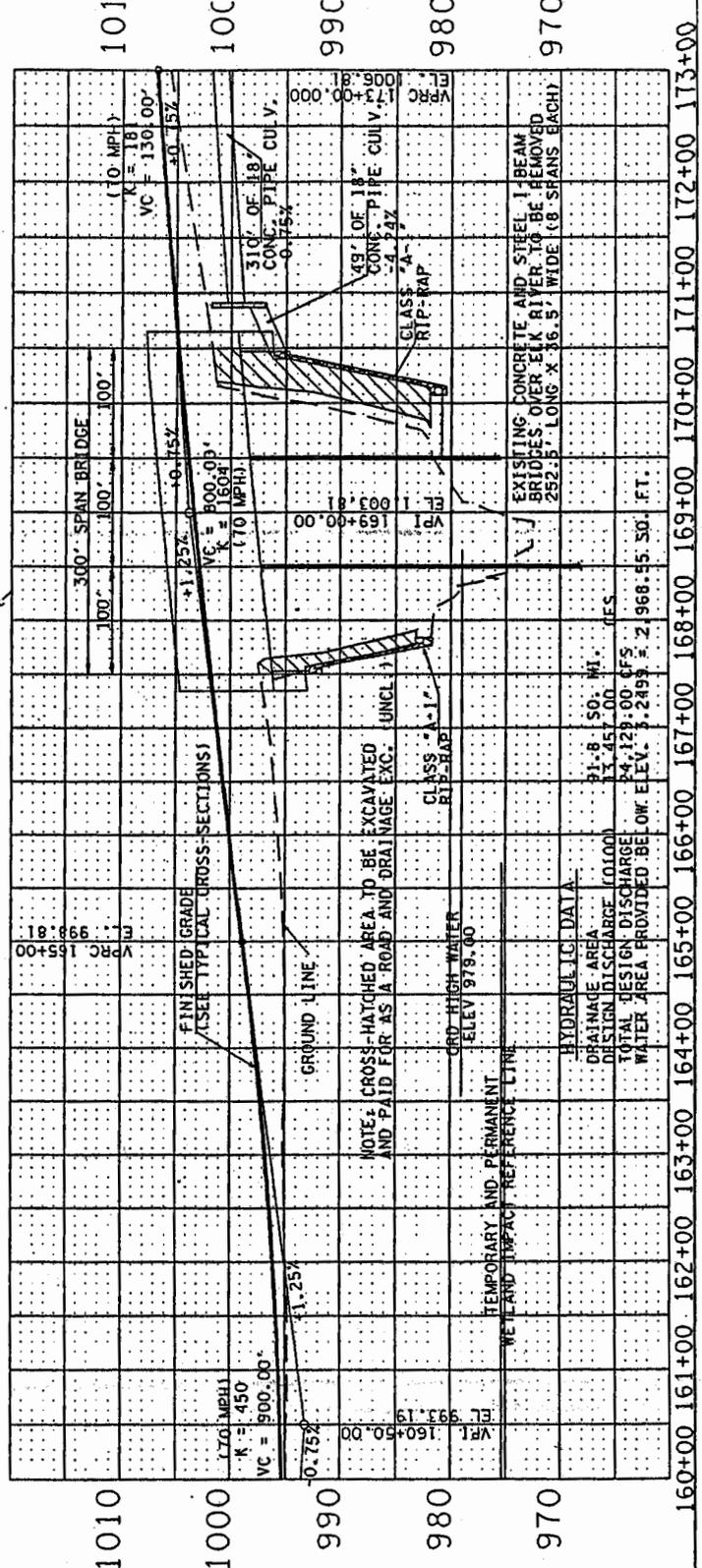
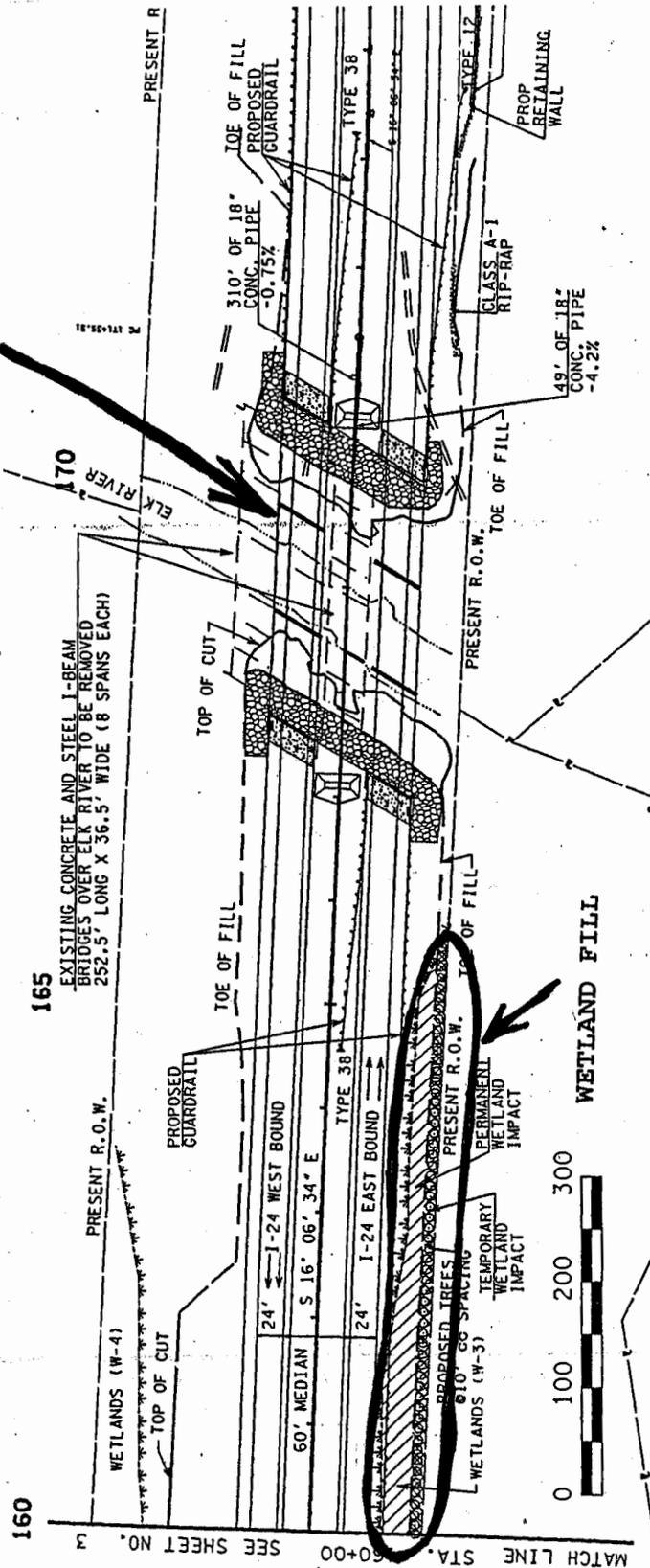
LINEAR TRANSPORTATION CROSSING



FILE NO. 200400730
 PN 04-71
 EXHIBIT C

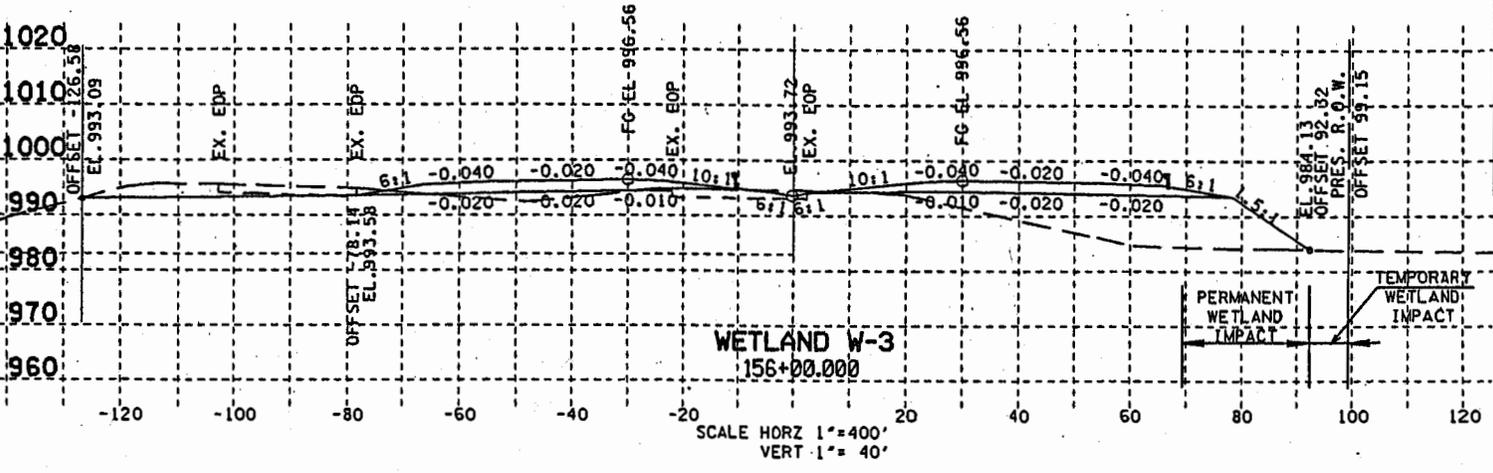
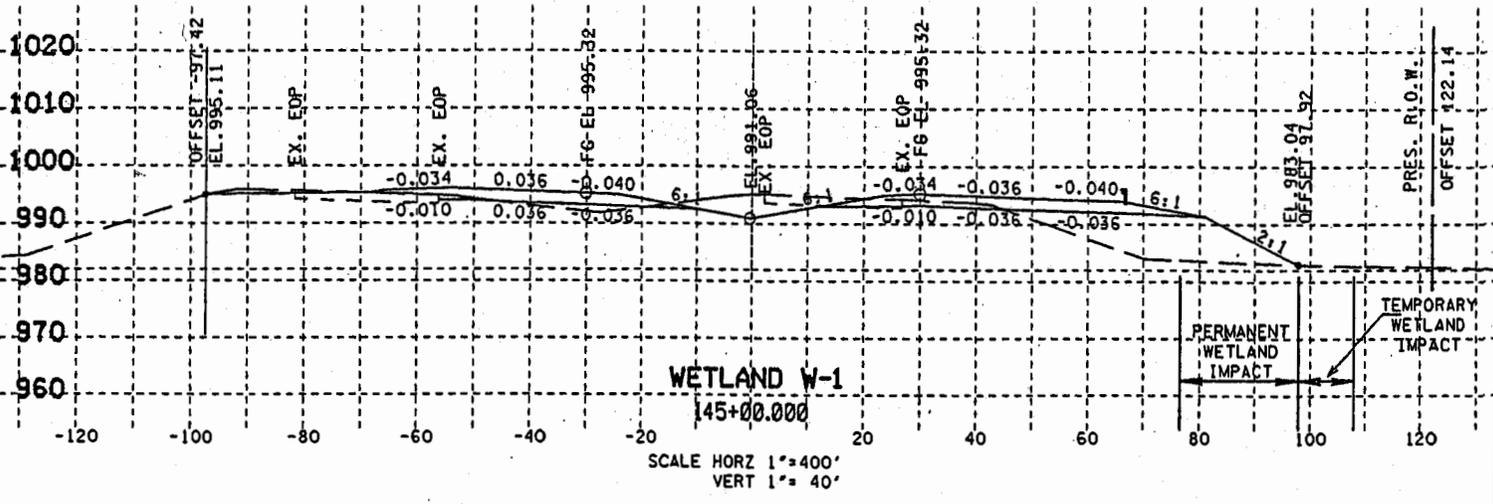
APPLICATION BY:
 TENNESSEE DEPARTMENT OF TRANSPORTATION
 PROJECT No. BR-I-24-2(120)126
 INTERSTATE 24
 BRIDGES OVER PATTON CREEK AT LM 1.25
 AND ELK RIVER AT LM 1.57
 MONTEAGLE, TN

LINEAR TRANSPORTATION CROSSING



APPLICATION BY:
 TENNESSEE DEPARTMENT OF TRANSPORTATION
 PROJECT No. BR-I-24-2(120)126
 INTERSTATE 24
 BRIDGES OVER PATTON CREEK AT LM 1.25
 AND ELK RIVER AT LM 1.57
 MONTEAGLE, TN

FILE NO. 200400730
 PN 04-71
 EXHIBIT D



NOTES

**PROPOSED TREE PLANTING SCHEME
FOR TEMPORARY WETLAND IMPACT AREAS.**

SEEDLING (SALIX NOGRA 18"-24" HT, BR)54 EACH
SEEDLING (LIQUIDAMBAR STYRICIFLUA 18"-24" HT, BR)54 EACH
SEEDLING (PLATANUS OCCIDENTALIS 18"-24" HT, BR)54 EACH
SEEDLING (FRAXINUS PENNSYLVANICA 18"-24" HT, BR)54 EACH
SEEDLING (ACER RUBRUM 18"-24" HT, BR)54 EACH

* BR=BARE ROOT

- ① NO SUBSTITUTIONS OF TREE OR TREE SEEDLING SPECIES OR SIZES SHALL BE ALLOWED WITHOUT WRITTEN APPROVAL OF THE TDOT ENVIRONMENTAL PLANNING OFFICE. TREES SHALL BE THE VARIETY NATIVE TO TENNESSEE, WELL-BRANCHED, BALL AND BURLAPPED, NO FIRST QUALITY. NO CLONES OR CULTIVARS WILL BE ACCEPTED. ANY FOUND TO BE INCORRECT SPECIES, OR IMPROPERLY PLANTED AT ANY TIME PRIOR TO TERMINATION OF THE CONTRACT SHALL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE. STAKES AND WIRES SHALL BE REMOVED IMMEDIATELY PRIOR TO CONTRACT TERMINATION UNLESS OTHERWISE REQUESTED BY THE ENVIRONMENTAL PLANNING OFFICE.
- ② THE AREA OF TEMPORARY WETLAND IMPACT SHALL BE RESTORED TO PRE-CONSTRUCTION ELEVATION, RESEEDED, AND/OR REPLANTED WITH VEGETATION AS SOON AS POSSIBLE FOLLOWING COMPLETION OF CONSTRUCTION ACTIVITIES.

FILE NO. 200400730

PN 04-71

EXHIBIT E

APPLICATION BY:
 TENNESSEE DEPARTMENT OF TRANSPORTATION
 PROJECT No. BR-I-24-2(120)126
 INTERSTATE 24
 BRIDGES OVER PATTON CREEK AT LM 1.25
 AND ELK RIVER AT LM 1.57
 MONTEAGLE, TN