



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 04-36

Date: May 28, 2004

Application No. 200400780

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

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

SUBJECT: Proposed Channel Dredging Mile 472.5 L, Tennessee River (Chickamauga Lake), Hamilton County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344)**.

APPLICANT: Bal Harbor Inlet Owners
4947 Bal Harbor Drive
Chattanooga, TN 37416

LOCATION: Tennessee River Mile 472.5 L, Chickamauga Lake,
Hamilton County, Tennessee,
lat:35-5-51 lon:85-11-21
USGS – East Chattanooga, Tennessee

DESCRIPTION: The applicant proposes to excavate approximately 6,000 cubic yards of bottom material (to Elevation 671.5)(NSP 682.5, NWP 675.0) to provide safe navigational depths during summer and winter pool elevations for Bal Harbor residents. A dredged channel approximately 600' long x 100' wide x approximately 4' deep would be needed to provide navigational depths throughout the applicant's cove. All excavation would occur in the dry during the winter drawdown of Chickamauga Lake. The applicant proposes to construct a temporary earthen berm of clean fill material across the cove and perform the excavation work during the winter drawdown. The berm would be approximately 12' wide at the base of the structure and would be removed upon completion of the project. Excavated material would be placed upland and stabilized to prevent re-entry into the waterway. A minimum of a ten foot buffer zone will be left undisturbed between the 682.5 elevation and the top of the excavation cut.

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 and the U.S. Department of the Interior, National Park Service, Interagency Archaeological Services - Atlanta.

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.

Other Federal, State, and/or local approvals required for the proposed work are as follows:

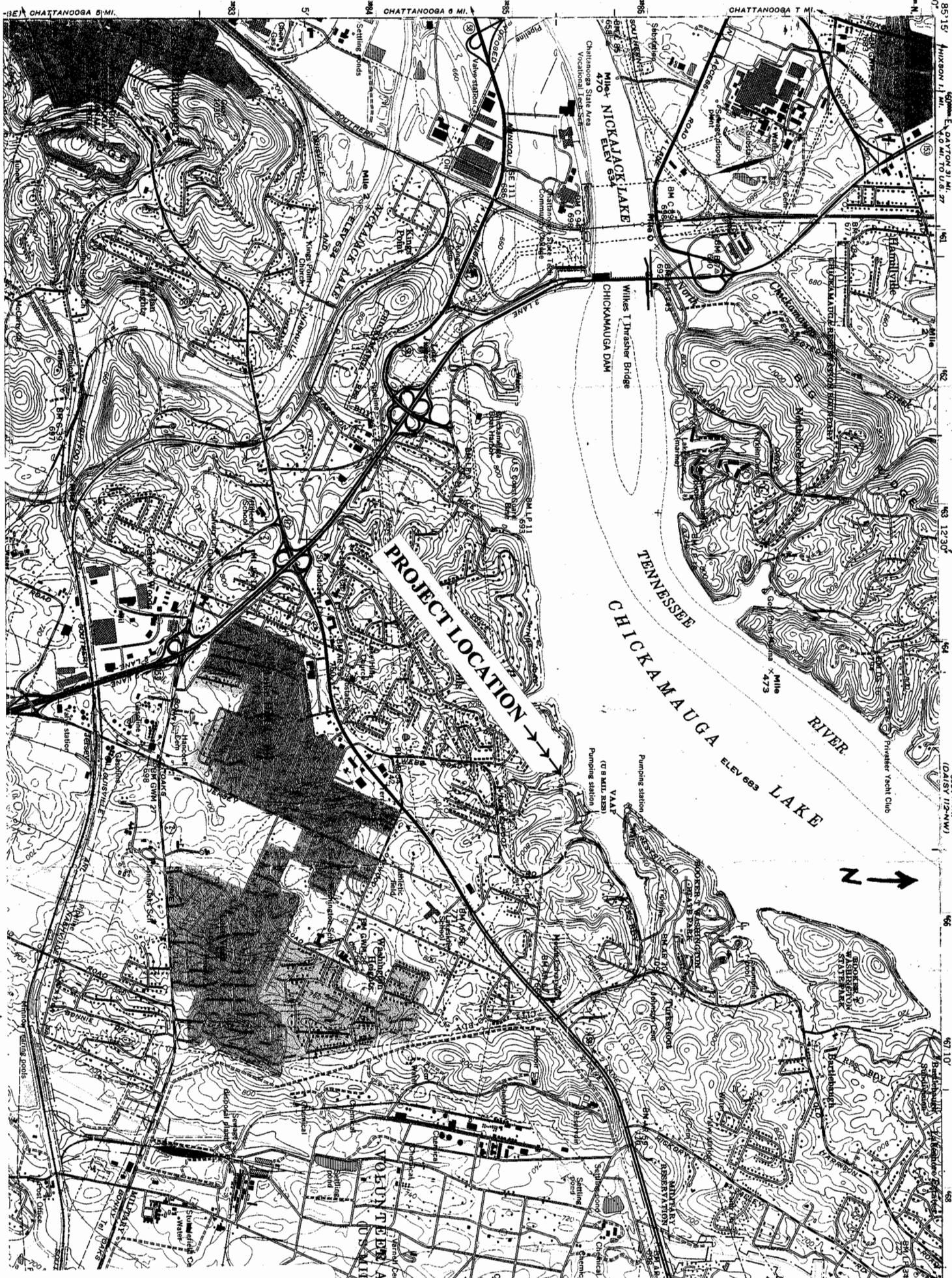
Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

The State of Tennessee issued 401 Water Quality Certification (Tennessee Aquatic Resource Alteration Permit, # NRS 03-402) for the proposed work on April 5, 2004.

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 June 28, 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: Carl R. Olsen, at the above address, telephone (615) 369-7513. 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:

Tennessee Valley Authority
Mr. Rick Lance
CHICKAMAUGA/NICKAJACK WATERSHED TEAM
1101 Market Street (PSC 1E)
Chattanooga, Tennessee 37402-2801



USGS
EAST CHATTANOOGA, TENN.

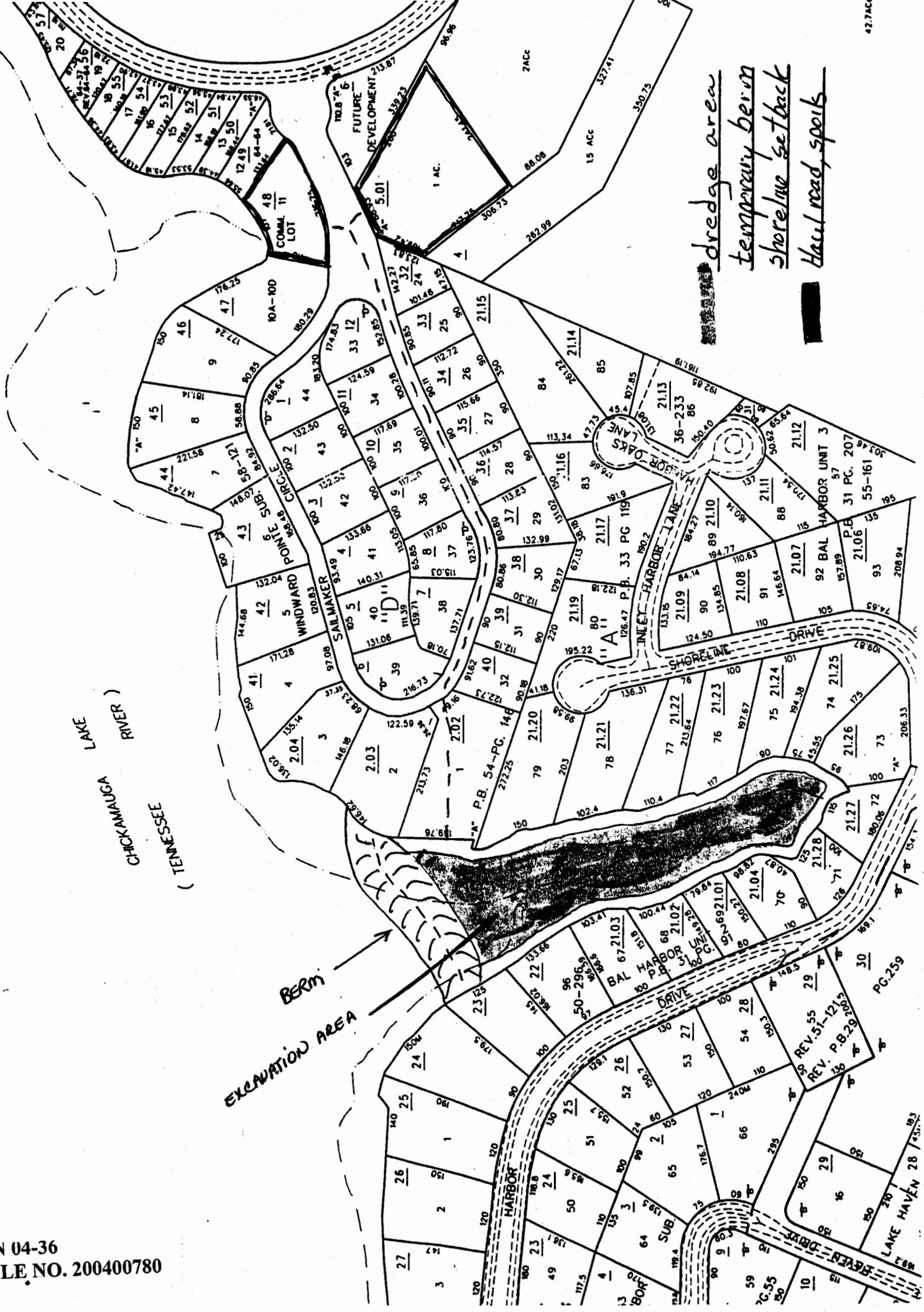
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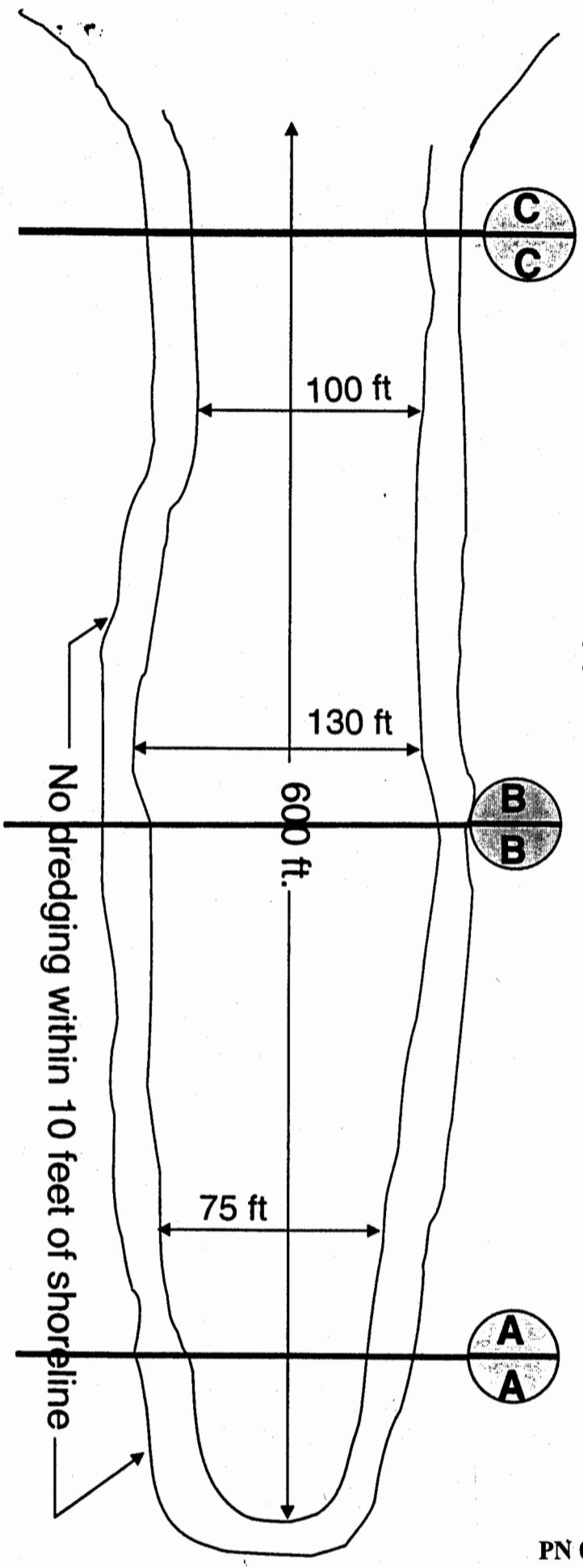
CHICKAMAUGA LAKE
RIVER ()
TENNESSEE

EXCAVATION AREA
BERM

dredge area
temporary berm
shoreline setback
Haul road, spoils



**Chickamauga Lake, Bal Harbor Inlet
Aquatic Resources Alteration Permit
Support Information**



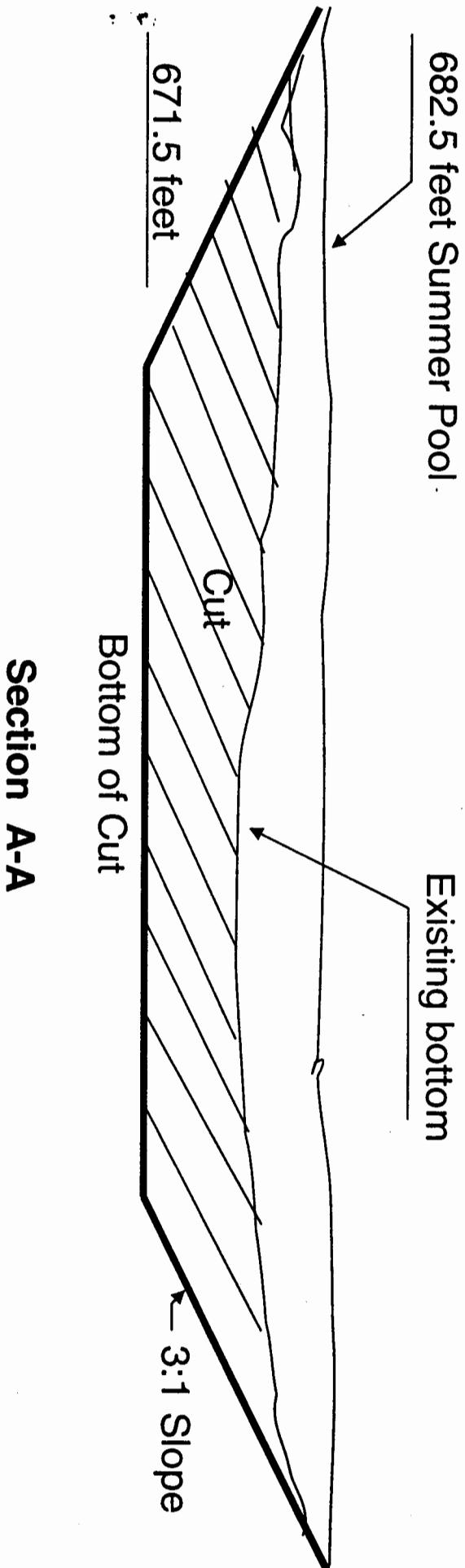
PLAN VIEW

(At bottom of cut. Not to Scale.)

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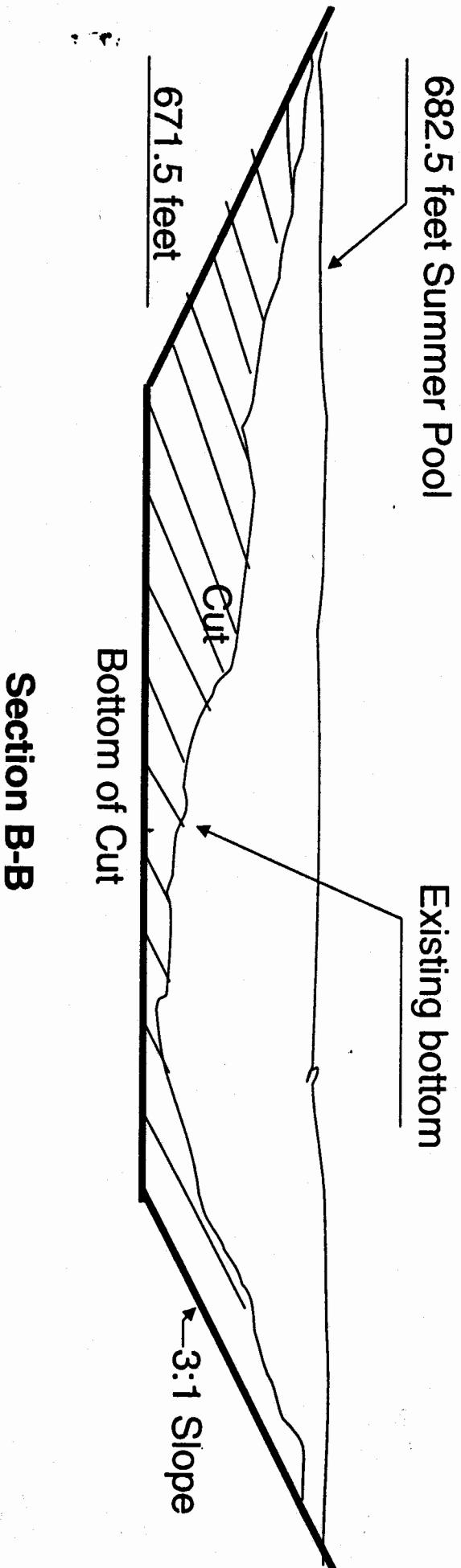
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