



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 04-42

Date: June 23, 2004

Application No. 2004-01191

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

SUBJECT: Proposed Gravel Removal, Harpeth River Mile 40.1, Left Bank, Cheatham 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**

APPLICANT: Kenneth A. Caruthers
903 General George Patton Road
Nashville, TN 37221

LOCATION: Harpeth River Mile 40.1, Left Bank, Cheatham County, Tennessee. (USGS KINGSTON SPRINGS, TENN. Quadrangle; Longitude: 87-4-44.8; Latitude: 36-6-48.7)

DESCRIPTION: The proposed work consists of removing gravel from a bar measuring approximately 700'x200', to a depth not to exceed four feet at the subject location. The gravel would be removed with a track hoe and backhoe in the dry and during low flow. A 10'-wide undisturbed berm would be left between the removal area and the flowing water. The bottom elevation of the removal area would not be lower than the river surface elevation. Access to the gravel bar would be via an existing access point, there would be no vegetation clearing or bank sloping required. The removed gravel would be used to improve the applicant's farm roads.

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. 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.

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Other federal, state, and/or local approvals may be required for the proposed work.

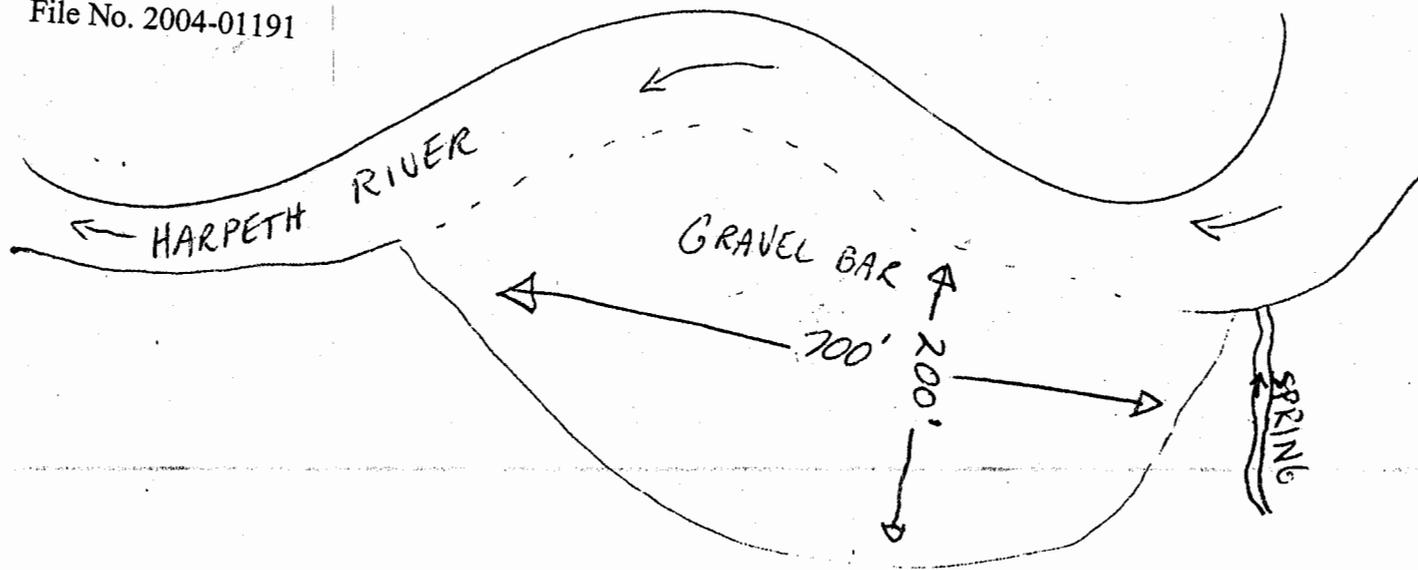
The State of Tennessee's "General Permit for Gravel Dredging" applies to the excavation of dry gravel bars from streams and rivers for the purpose of gravel or sand recovery. Applicants must provide notification to the Tennessee Division of Water Pollution Control, before starting construction.

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 **July 23, 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: David Baldrige, at the above address, telephone (615) 369-7521.

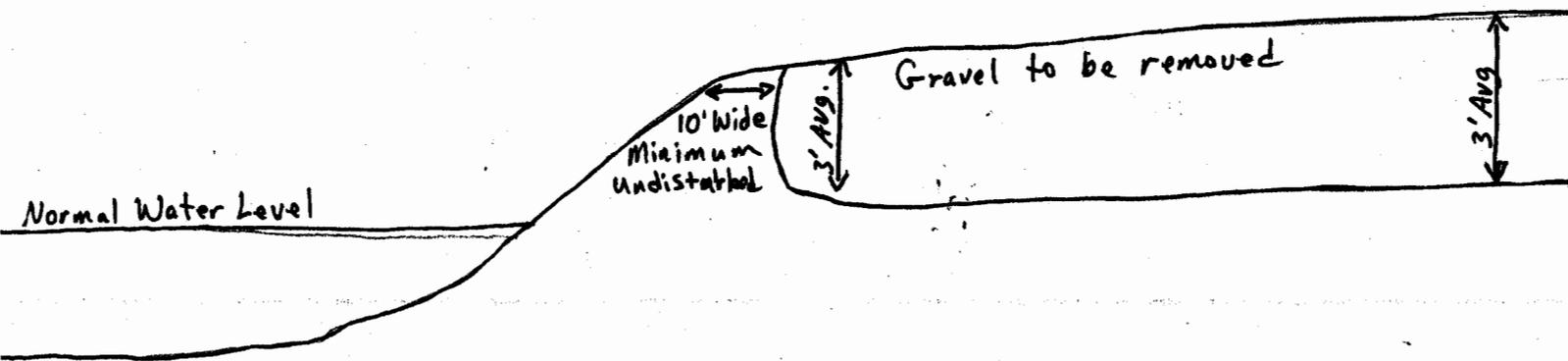
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APPROXIMATELY 16,000 cu. yd.
to be removed.

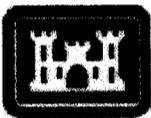
Kenneth Caruthers
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* 3 feet average depth of excavation

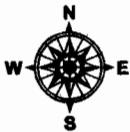
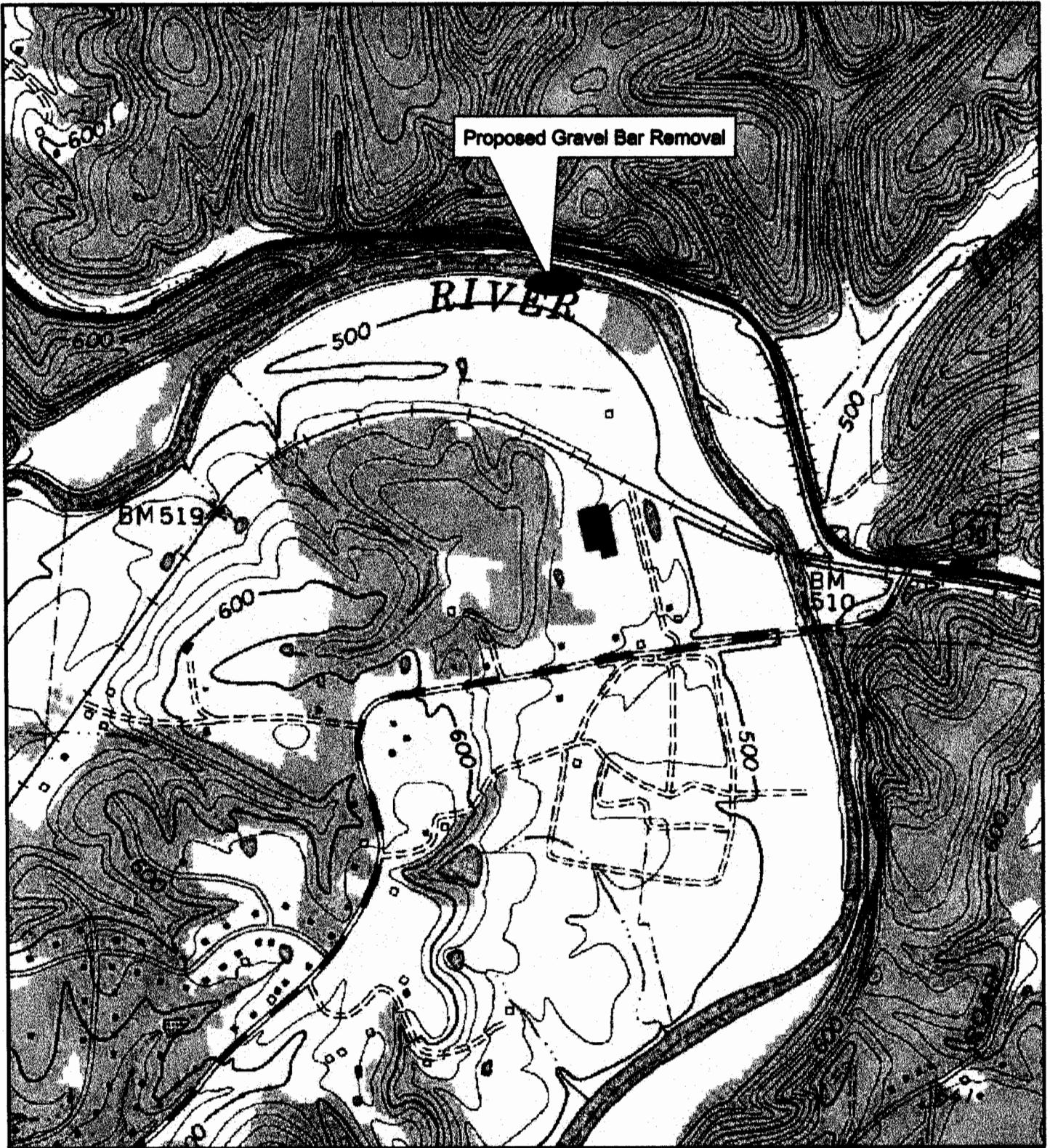
EXHIBIT A

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Nashville District

USGS TOPOGRAPHICAL MAP
KINGSTON SPRINGS, TN



87-4-44.8
38-6-48.7