



**US Army Corps  
of Engineers®**

Nashville District

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# Public Notice

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Public Notice No. 04-45

Date: August 13, 2004

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Application No. 990016070

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

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**JOINT PUBLIC NOTICE  
US ARMY CORPS OF ENGINEERS  
TENNESSE VALLEY AUTHORITY  
AND  
STATE OF ALABAMA**

**SUBJECT:** Proposed Placement of Fill Material in Wetlands for a Runway Safety Area at the North End of Runway No. 18 of the Madison County Executive Airport

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army (DA) permit pursuant to 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 DA permit can be issued, the Alabama Department of Environmental Management (ADEM) must certify, pursuant to Section 401(a)(1) of the CWA, that state water quality standards would not be violated. By copy of this notice, the applicant hereby applies for the required certification.

**APPLICANT:** Mr. Tom Sharp, Jr., Chairman  
Madison County Executive Airport Authority  
PO Box 110  
341 Bolling Road  
Meridianville, Alabama 35759

**LOCATION:** Wetlands adjacent to Brier Fork, a Tributary to the Flint River at River Mile 4.0, Approximately 0.8 Mile East of US Highway 231/431 (USGS Meridianville, AL Quadrangle Map, Lat: 34°-52'-15.1680"/Long; 86°-33'- 38.9160"). See location map (Exhibit A).

**BACKGROUND:** Unauthorized mechanized wetland clearing involving 10.7 acres was conducted in 1999 for the purpose of preparing a Runway Protection Area (RPA) at the north end of Runway No. 18 of the Madison County Executive Airport. See map (Exhibit B). Following a January, 2000 site inspection by representatives of this office, an enforcement action ensued, which was ultimately resolved by Consent Decree CV-03-2484-NE filed in November, 2003. The Consent Decree, filed with the U.S. District Court, N.D. of Alabama, required mitigation for the unauthorized wetland impact at a 5:1 ratio. The mitigation was accomplished

on November 17, 2003 by the applicant's purchase of 53.5 wetland mitigation credits from the Flint Creek Wetland Mitigation Bank (FCWMB) near Hartselle, Morgan County, Alabama.

**DESCRIPTION:** The proposed work involves the placement of fill material into 3.8 acres of wetlands to construct a Runway Safety Area (RSA), i.e. emergency landing area, within the RPA, as required by the Federal Aviation Administration. The RSA, which would be approximately 1,000 feet long and 500 feet wide, would be adjacent to north end of Runway No. 18 and the final elevation would be the same as the runway. The wetlands exist as a result of past gravel pit excavations started in the 1930's. As evidenced by US Department of Agriculture, Farm Service Agency aerial photographs, a commercial gravel mining operation was established during the 1950's with a channel excavated and a dam built on Brier Fork to divert its flow into the gravel pits. See Stream A (Exhibit C) and "Stream B" (Exhibit D). As evidenced by the observation of a "river scar" in the middle of Brier Fork's historical floodplain (See Stream C, Exhibit E), the stream appears to have been relocated from that location to what is now identified as Stream B. The wetlands are characterized by standing water within the pits during portions of the year and a dense stand of hydrophytic vegetation in adjacent areas with prominent species being sycamore, black willow, red maple, and river birch. The applicant proposes to purchase seven mitigation credits from the FCWMB to mitigate the proposed wetland loss.

To convey stream flow following the construction of the RSA (i.e. the elimination of the wetlands/gravel pits), the applicant proposes a "Priority One" restoration of Brier Fork at the location of the above-mentioned "river scar", an area which has undergone substantial sedimentation during its years of abandonment. The excavation of sediments involved with the proposed stream restoration would provide a portion of the approximate 35,000 cubic yards of fill material needed to construct the RSA. The additional material needed would be obtained off-site. Construction of the RSA would begin after the proposed stream restoration is completed and stream flow is diverted therein. The final design of the proposed stream restoration would be developed in accordance with Rosgen's fluvial geomorphology (natural stream design) techniques. The location of the stream restoration in the middle of Brier Fork's historic floodplain provides an opportunity for the stream's dimension, pattern, and profile to be consistent with the natural stream design techniques addressed above. Robinsong Ecological Resources, Inc., a consultant for the applicant, has developed a conceptual plan for the proposed stream restoration. A copy of the plan will be provided upon request.

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 (40CFR 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.

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.

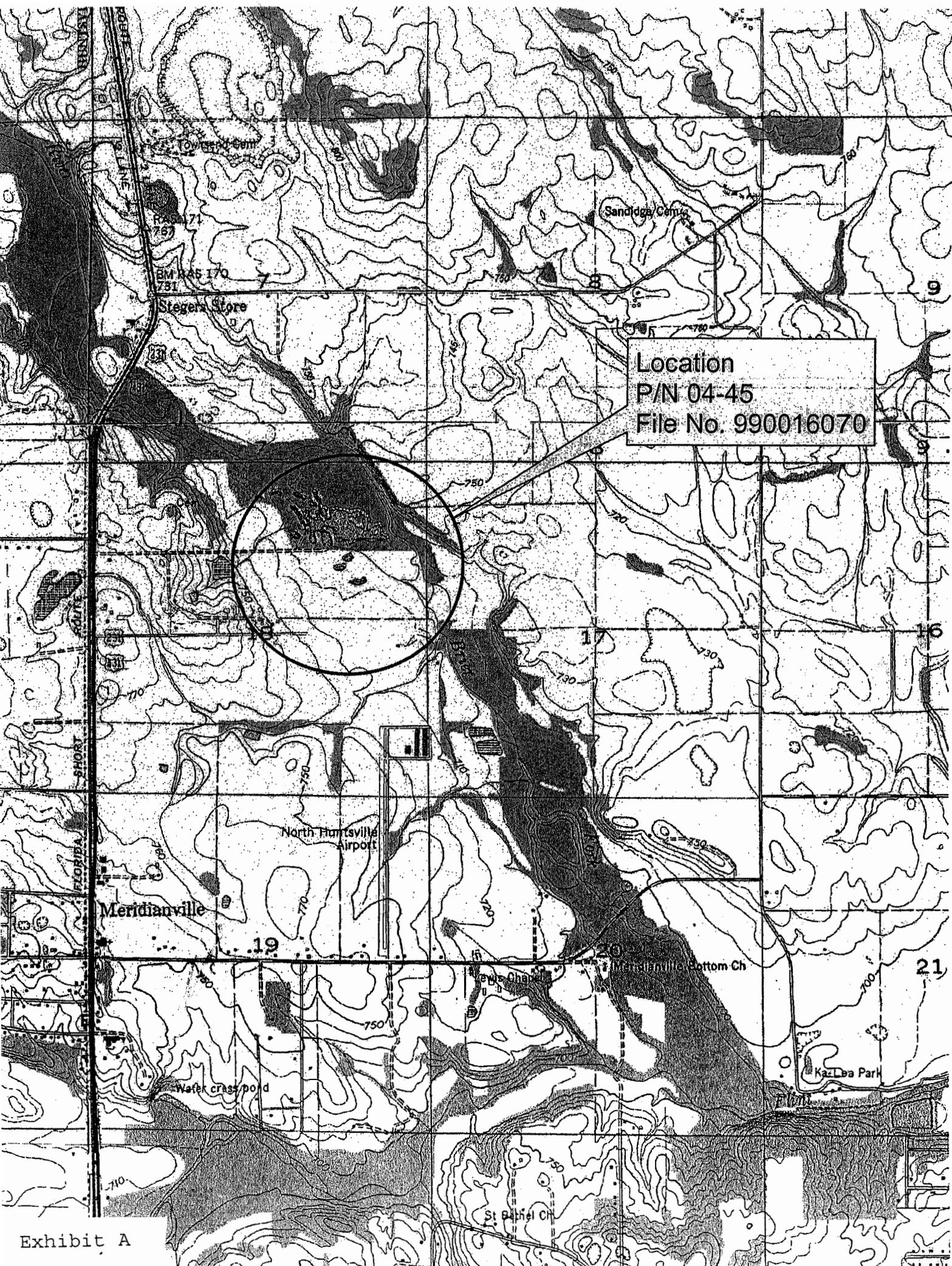
Related to the unauthorized work addressed above, a survey of Brier Fork was conducted in April, 2001 by Dr. Paul Yokely, Yokely Environmental Consulting, for the federally-endangered slackwater darter, *Etheostoma boshungi*. In June, 2002 the US Fish and Wildlife Service (USFWS) responded to the survey and accepted its findings of no slackwater darters observed, but did make a point that potential exists for the slackwater darter to use the stream reach surveyed. A copy of this notice is being provided to the USFWS for further consideration of potential impacts on federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act.

Other federal, state, and/or local approvals may be required.

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 September 15, 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: K. Wade Whittinghill, at the above address, or telephone (615) 369-7511. It is not necessary to comment separately to ADEM and TVA since copies of all comments will be sent to those agencies and will become part of their record on the proposal.





Location  
P/N 04-45  
File No. 990016070

Exhibit A

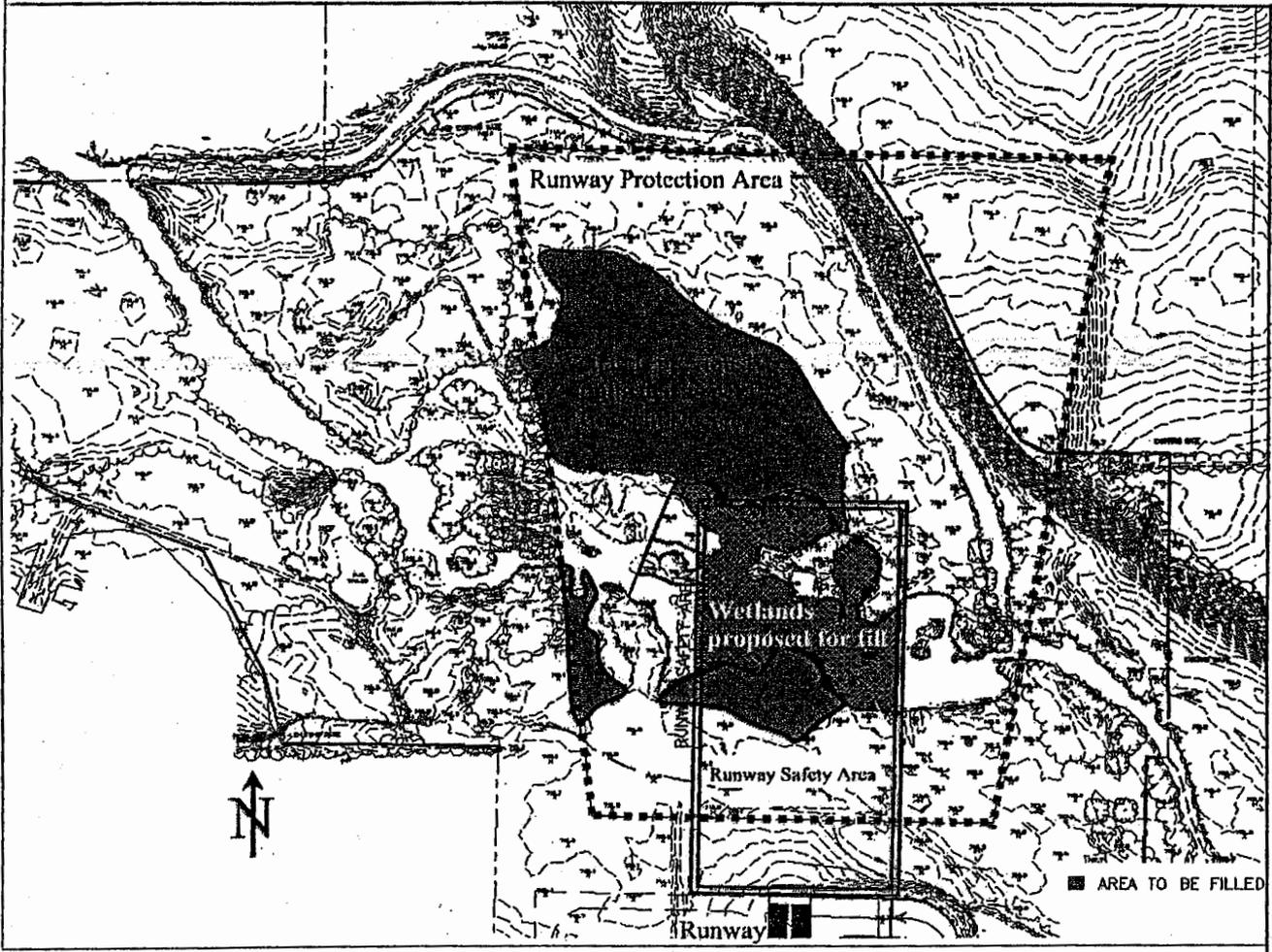


Exhibit B

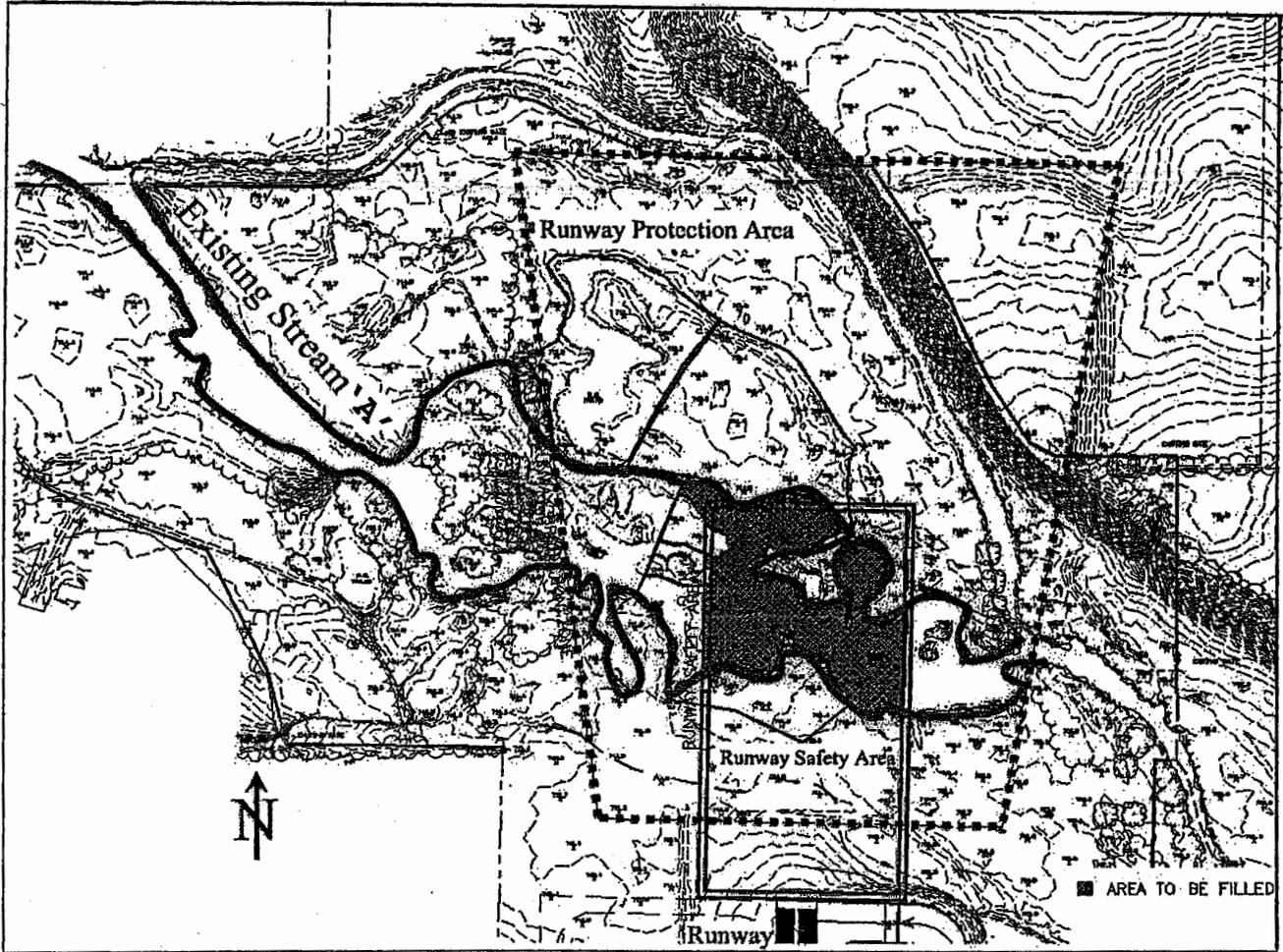


Exhibit C

DA Permit Application  
No. 990016070  
PN No. 04-45

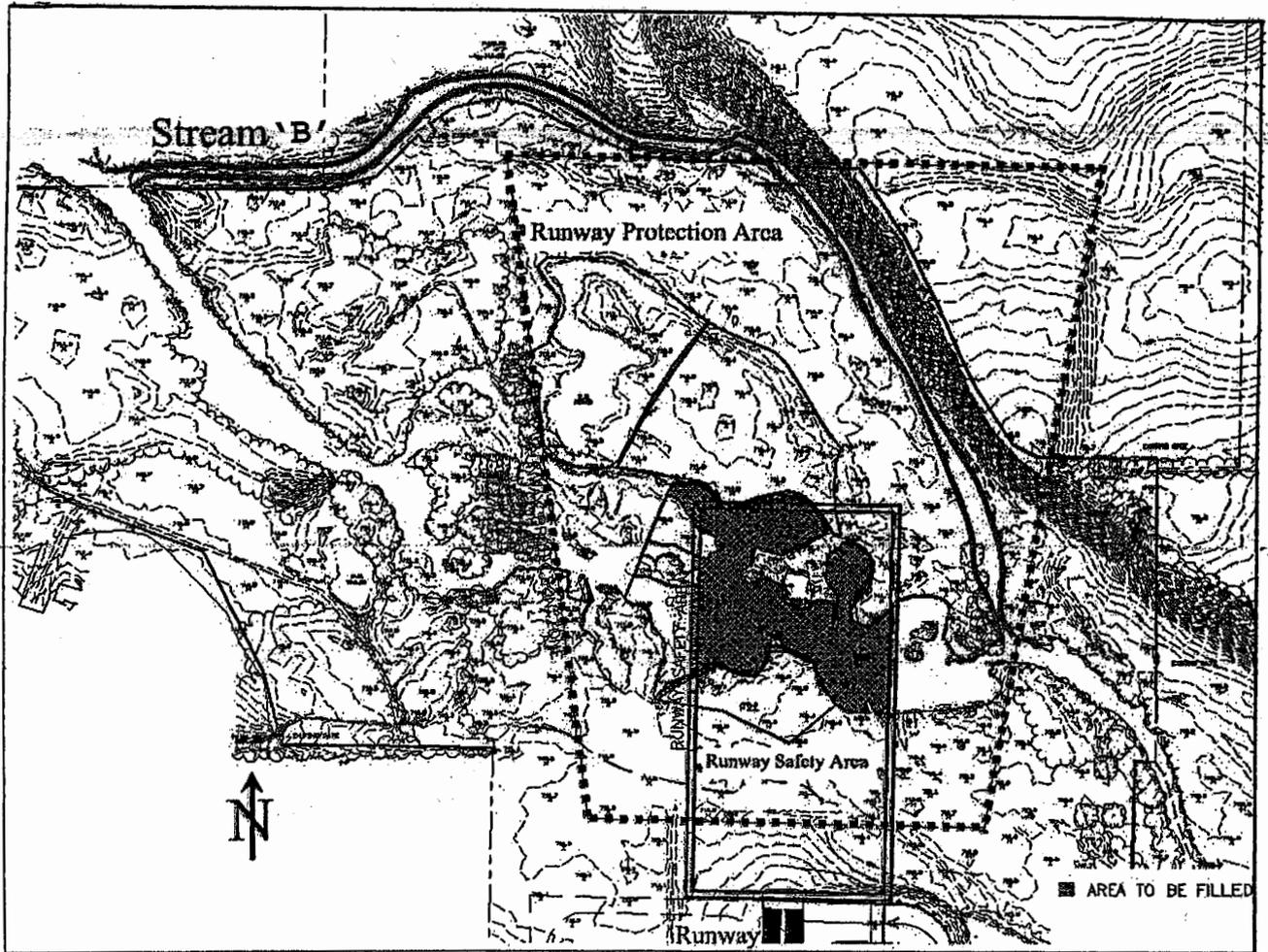


Exhibit D

DA Permit Application  
No. 990016070

General Location of Historical Stream Channel Identified  
Based on Site Observations of "Old River Scar"

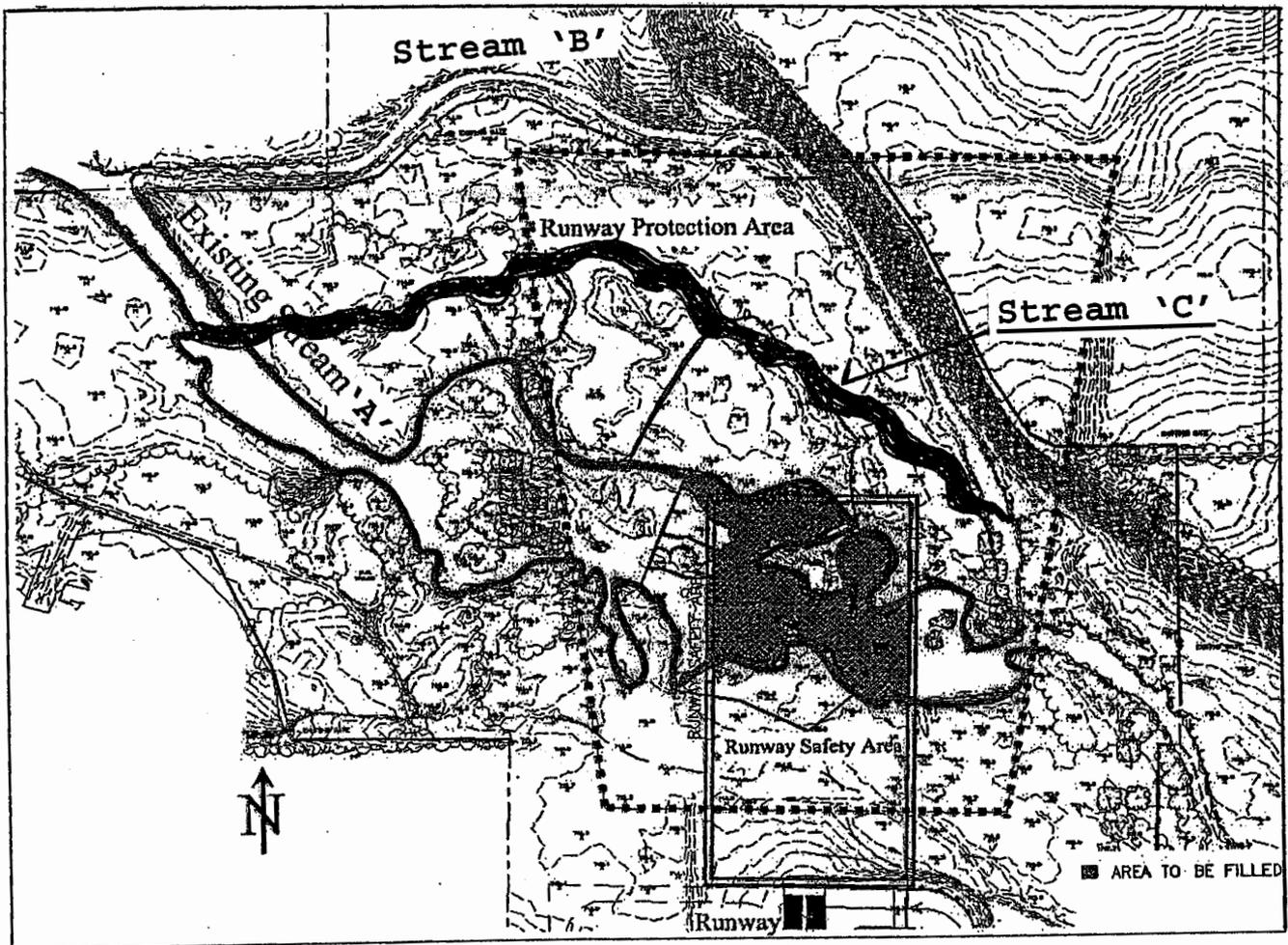


Exhibit E