



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 08-54 Date: August 26, 2008

Application No. 200601779 Expires: September 25, 2008

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
AND
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Dredging for Boat Access at Tennessee River
Mile 380.5, Right Bank, Guntersville Lake, Jackson County,
Alabama

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 a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. The deposit of fill material associated with return water from the contained disposal area described in this application is subject to Section 404 of the Clean Water Act and meets the criteria for authorization under Nationwide Permit (NWP) #16. The Alabama Department of Environment and Conservation issued a categorical water quality certification for NWP #16 activities, on May 30, 2007.

APPLICANT: The Promenade and The Oaks Homeowners Association
664 Scranton Road
Brunswick, Georgia 31520

LOCATION: Tennessee River Mile 380.5, Right Bank, Guntersville Lake, Jackson County, Alabama. USGS LANGSTON, ALA Quadrangle
Longitude: 86-2-28.9; Latitude: 34-35-11.8

BACKGROUND: The applicant has been previously authorized to construct a floating community dock and dredge in the footprint of the floating community dock. The applicant is proposing additional dredging upstream of the floating dock.

DESCRIPTION: The proposed work consists of the dredging approximately 2119 cubic yards of material from Guntersville Lake

for boat access. The length of the channel would be approximately 473' long and approximately 80' wide. The lakeward extension of the channel would be 130' from the existing shoreline. A 50' buffer would be maintained between the channel and shoreline. The toe of the dredging would be at Elevation 591.4. Elevation 595.4 is the normal summer pool elevation for Gunterville Lake. The material would be removed by suction dredge and pumped to an upland containment area above Elevation 620.0 on the applicant's property. Some water from the dredging would be allowed to return the Gunterville Lake. After the material has dried, the material would be used on the applicant's property and properly stabilized.

The dredging would allow adequate water depth to access additional facilities at the lakefront development.

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.

TVA's archeologist has cleared this action for impacts to archaeological resources. Based on the findings, the TVA and Corps has determined that the project, as proposed, has no potential to affect historic properties eligible for listing in the National Register of Historic Places. 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.

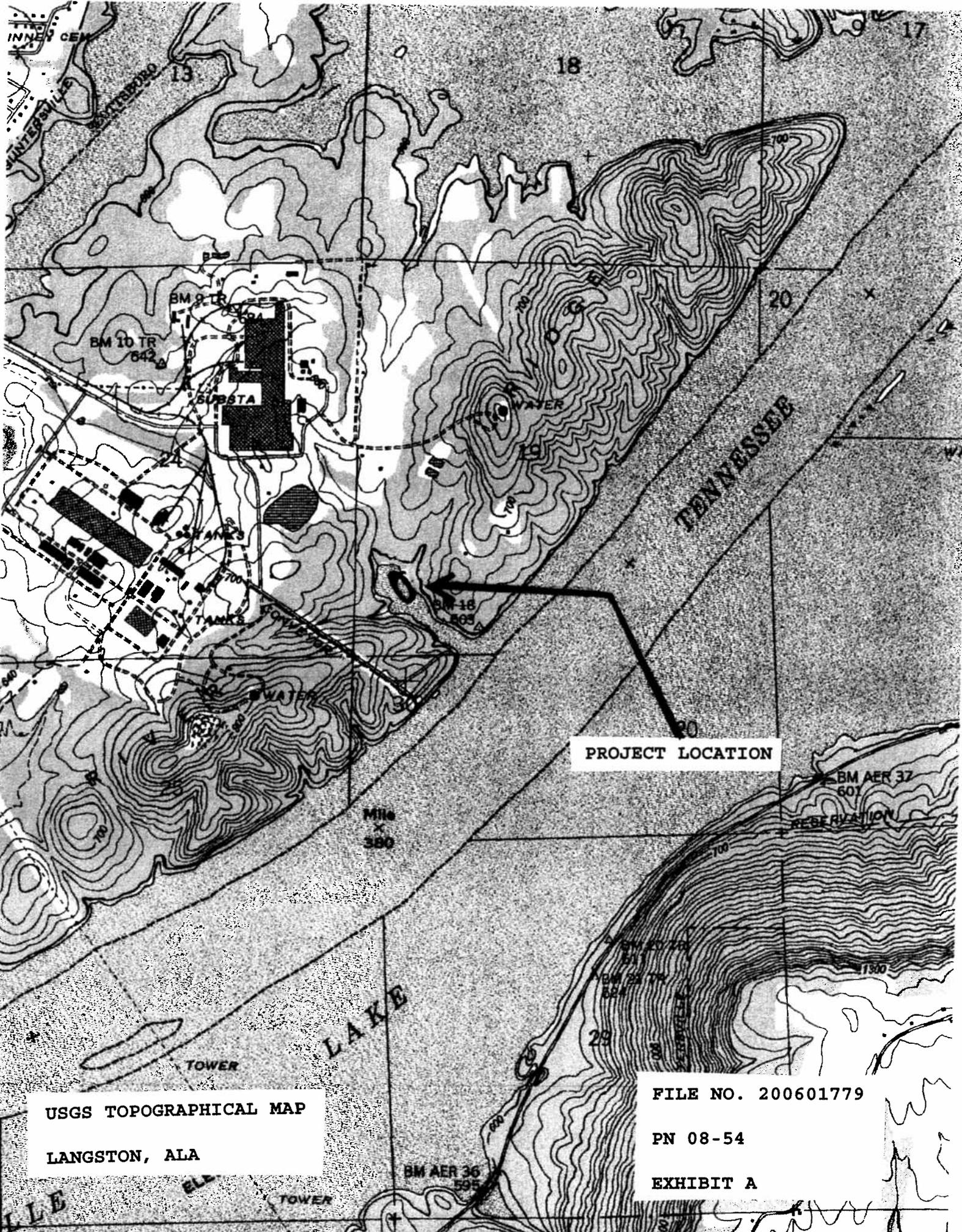
Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures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

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

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 25, 2008**, 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. Travis Perry, Gunterville Lake Reservation, 3696 Alabama 69, Gunterville, Alabama 35976

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Carnes at the above address or phone number.

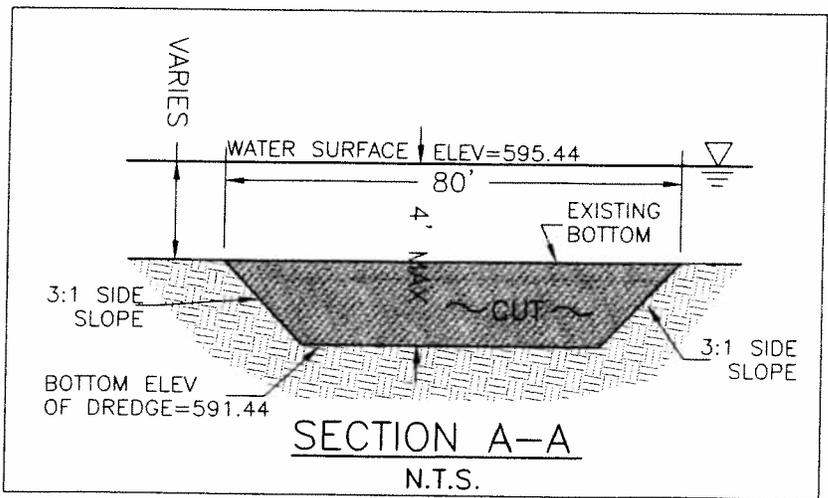
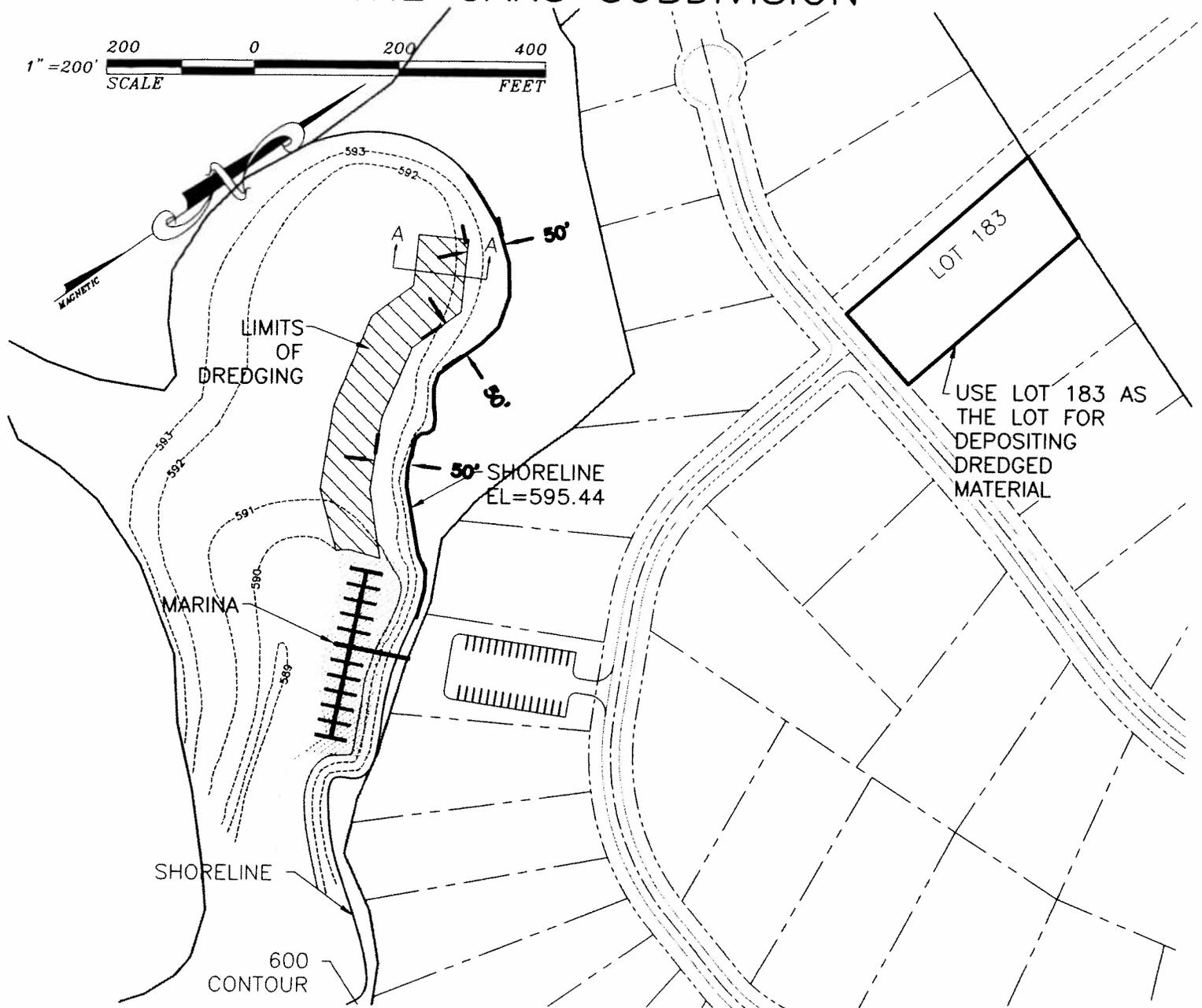


PROJECT LOCATION

USGS TOPOGRAPHICAL MAP
LANGSTON, ALA

FILE NO. 200601779
PN 08-54
EXHIBIT A

DREDGING PLAN PHASE II THE OAKS SUBDIVISION



FILE NO. 200601779

PN 08-54

EXHIBIT B