



**US Army Corps
of Engineers.**

Public Notice

Public Notice No. 08-60 Date: September 17, 2008

Nashville District

Application No. 2008-01482 Expires: October 17, 2008

Please address comments to: Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214 (Attn: Lisa Morris)

JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Removal of Gravel from Gravel Bar at Elk River Mile 41.6, Right Bank, Giles County, Tennessee

TO ALL CONCERNED: The project 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 approval from the Tennessee Valley Authority (TVA) pursuant to Section 26a of the TVA Act.

LOCATION: Elk River Mile 41.6, Right Bank, Giles County, TN. USGS Map: Elkton, TN (Lat: 35-02-00, Lon: -86-57-00).

APPLICANT: Mr. Jimmy Newby
18401 Alabama Highway 251
Athens, AL 35613

DESCRIPTION: The proposed work consists of removal of approximately 600 cubic yards of gravel per year from a gravel bar measuring approximately 250' long by 40' wide at the subject location. The gravel would be removed by track hoe or back hoe, placed in a truck, and used to maintain a road that is used by the utility department and Newby Farms to access their fields. The work would be conducted in accordance with the following conditions:

1. The work would be conducted totally in the dry during low flow periods. Heavy equipment would not operate within the river flow at any time.

2. The excavation equipment would enter and depart the gravel bar work area by an existing access road. The disturbance to riparian vegetation would be kept to a minimum during the excavation activity.

3. A minimum 15' buffer would be left undisturbed between the river flow and the excavation activity.

4. The bottom elevation of the excavated area would not be lower than one foot above the stream surface elevation.

5. After completion of each day's excavation, the work area would be smoothed and leveled.

6. No excavated material would be stockpiled on the gravel bar.

7. The permit would authorize a one-time 600 cubic yards removal from the bar per year for five years.

Plans of the 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, 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, property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines it is contrary to public interest.

The Corps 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 activity. Any comments received will be considered by the Corps 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, historical properties, water quality, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement pursuant to the National Environmental Policy Act and to determine the need for a public hearing and the overall public interest of the activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

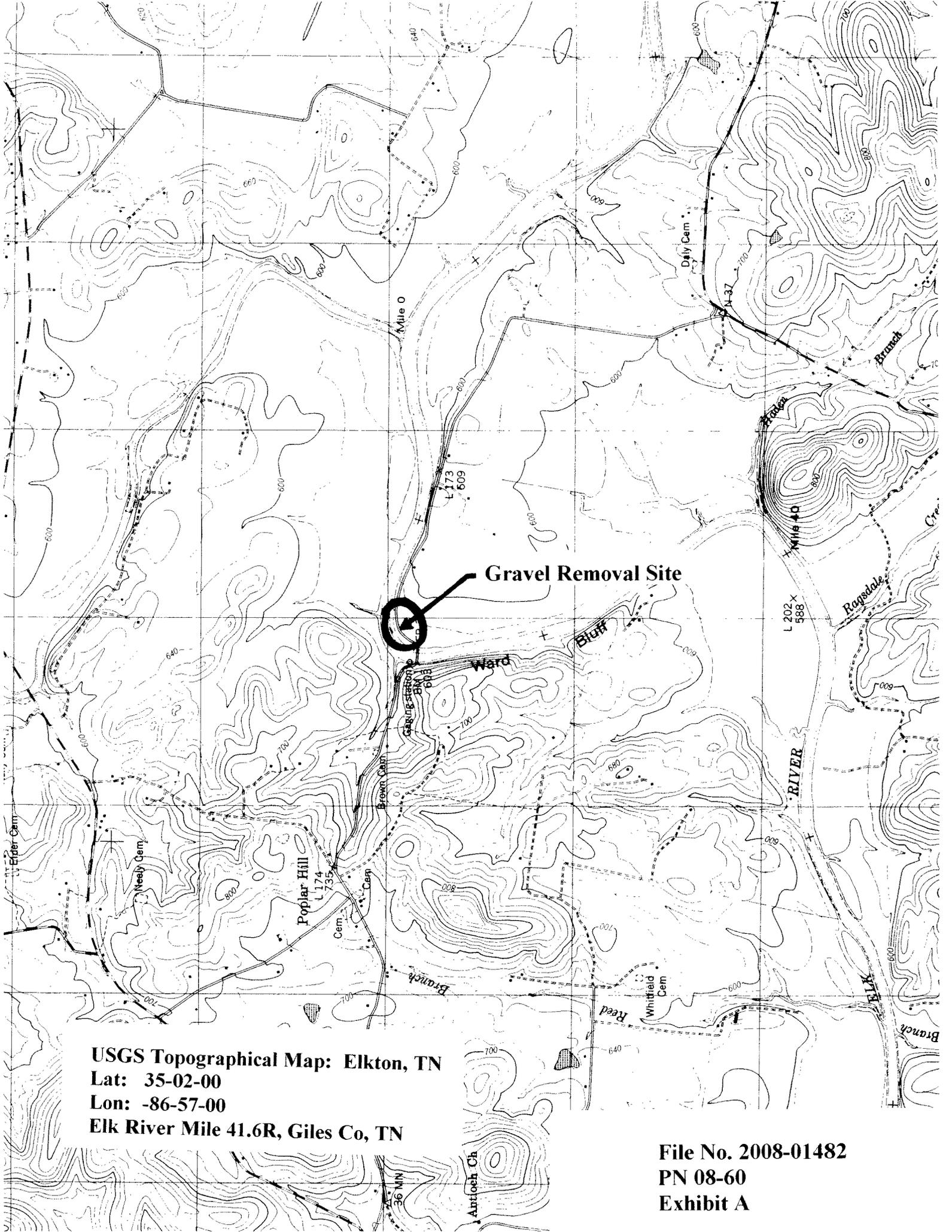
A file search conducted by the Regulatory Branch archaeologist at the Tennessee Division of Archaeology found that the proposed activity would have no effect on historic properties. Based upon this information, it is the finding of the Corps that this site has no potential for listing on the National 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.

Performing the activity in accordance with the noted conditions, it is the finding of the Corps that 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 US Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the work. The proposed activity would also require a gravel removal permit from the Tennessee Department of Environment and Conservation, telephone 615.532.0700. In addition to other provisions, TVA under the 26a program would require the applicant to 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 hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **October 17, 2008**, will become a part of the record and considered in the determination.

Any response to this notice should be directed to Lisa Morris, at the above address, telephone 615.369.7504. If you wish to send comments separately to TVA they should be directed to Tennessee Valley Authority, Pickwick-Wheeler Watershed Team, PO Box 1010, Muscle Shoals, AL 35662, telephone 256.386.2568.



Gravel Removal Site

USGS Topographical Map: Elkton, TN
Lat: 35-02-00
Lon: -86-57-00
Elk River Mile 41.6R, Giles Co, TN

File No. 2008-01482
PN 08-60
Exhibit A

