



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 08-86

Date: December 19, 2008

Application No. 2005-02465

Expires: January 19, 2009

Please address all comments to:
Nashville District Corps of Engineers,
Regulatory Branch, 3701 Bell Road, Nashville, TN 37214
Attn: Forrest E. McDaniel

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

AFTER-THE-FACT

SUBJECT: Existing Community Dock, Proposed Community Dock and Existing Concrete Boat Launching Ramp at Stone Bridge Subdivision on Douglas Lake, French Broad River Mile 51.2R, Douglas Lake, Jefferson County, Tennessee.

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to **Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act.** The existing and proposed work will also require approval from Tennessee Valley Authority (TVA) pursuant to **Section 26A of the TVA Act** and the Tennessee Department of Environment (TDEC). A permit for the described work will not be issued until a certification or waiver of certification, as required under **Section 401 of the Clean Water Act**, has been received from TDEC. The applicant will be responsible for applying for the State certification by separate application.

APPLICANT: Fred M. Leonard
Southeastern Development Group
9131 Cross Park, Suite 100
Knoxville, TN 37923

LOCATION: Project is located at Stone Bridge Subdivision at Moore Branch, French Broad River Mile 51.2R, Douglas Lake, Jefferson County, Tennessee (Latitude 36.0049° N., Longitude -83.3333° W.).

BACKGROUND INFORMATION: A representative of the Corps of Engineers conducted an on-site inspection of Stone Bridge Subdivision on September 9, 2008. The inspection revealed that a floating community dock structure and a concrete boat launching ramp had been constructed without DA approval. On September 24, 2008, a Cease and Desist Order was sent to Southeastern Development Group directing all work to stop below the ordinary high water elevation (994.0 contour) of Douglas Lake and within areas subject to Corps of Engineers (Corps) jurisdiction. In order to initiate the resolution of the violation, the Corps decided to accept an after-the-fact (ATF) applications for the existing work on November 13, 2008. An ATF DA application was received on November 28, 2008.

DESCRIPTION: The existing work includes retention of a 45' wide by 148' long floating community dock structure (24 boat slips) and the retention of a 12' wide by 125' long boat launching ramp constructed in Moore Branch, a cove area of Douglas Lake. The proposed work includes the construction of a 45' wide by 124' long floating community dock structure (20 boat slips) constructed on the main channel of the French Broad River.

Plans and a location map of the existing and proposed work are included with 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. 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 Regulatory Branch Archeologist conducted a file search at the Tennessee Division of Archaeology (TN DOA). In 2006 several archaeological sites were recorded in proximity to the project area by MACTEC Engineering and Consultants for the report *Phase I Archaeological Survey of the Bridge Development, Jefferson County, Tennessee*. Based on the file search conducted at the TN DOA and the limited potential for *in situ* cultural deposits within the water pool of Douglas Lake, the 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 existing and 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:

a. TVA approval is required under Section 26a of the TVA act for the proposed work. 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.

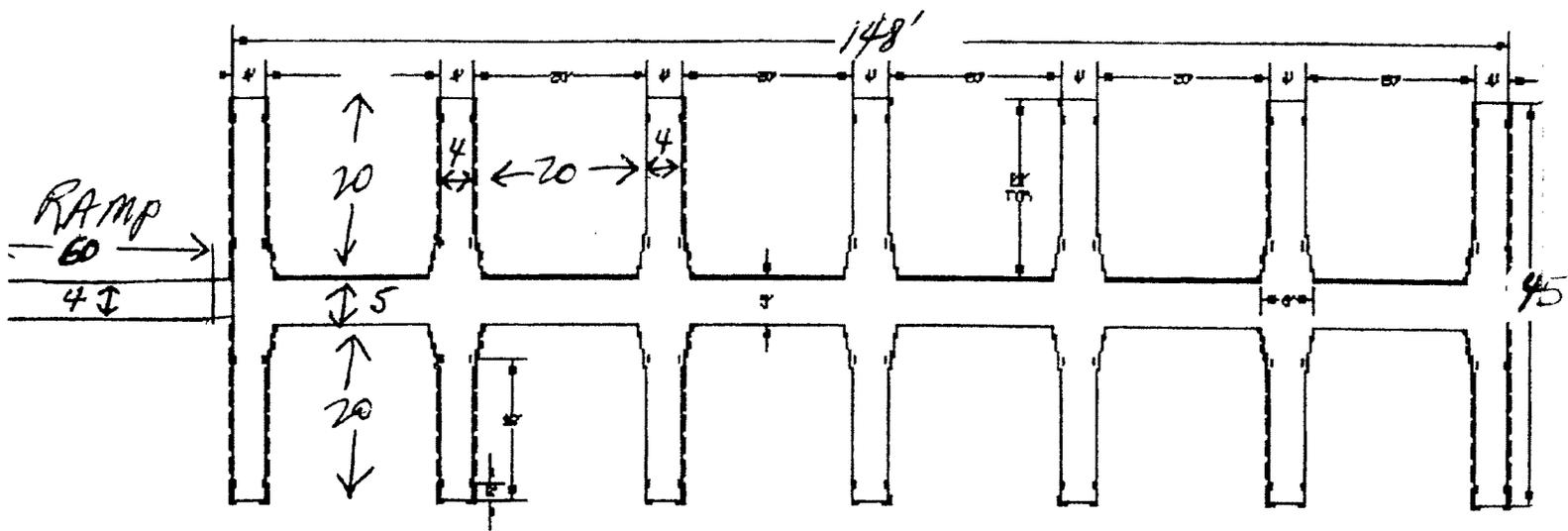
b. Water Quality Certification from the State of Tennessee, Department of Environment and Conservation, is required for the existing work in accordance with Section 401(a)(1) of the Clean Water Act.

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.

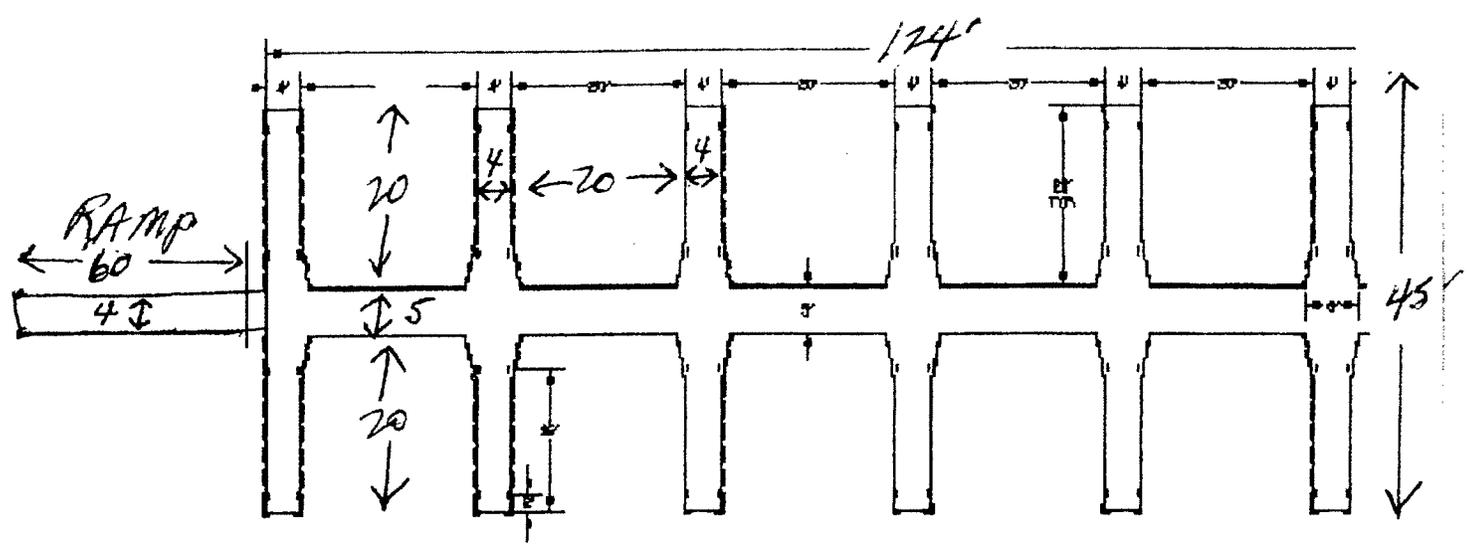
Written statements received in this office on or before January 19, 2009 will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Forrest E. McDaniel, at the above address, telephone (615) 369-7511. 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.

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. McDaniel at the above address or phone number.



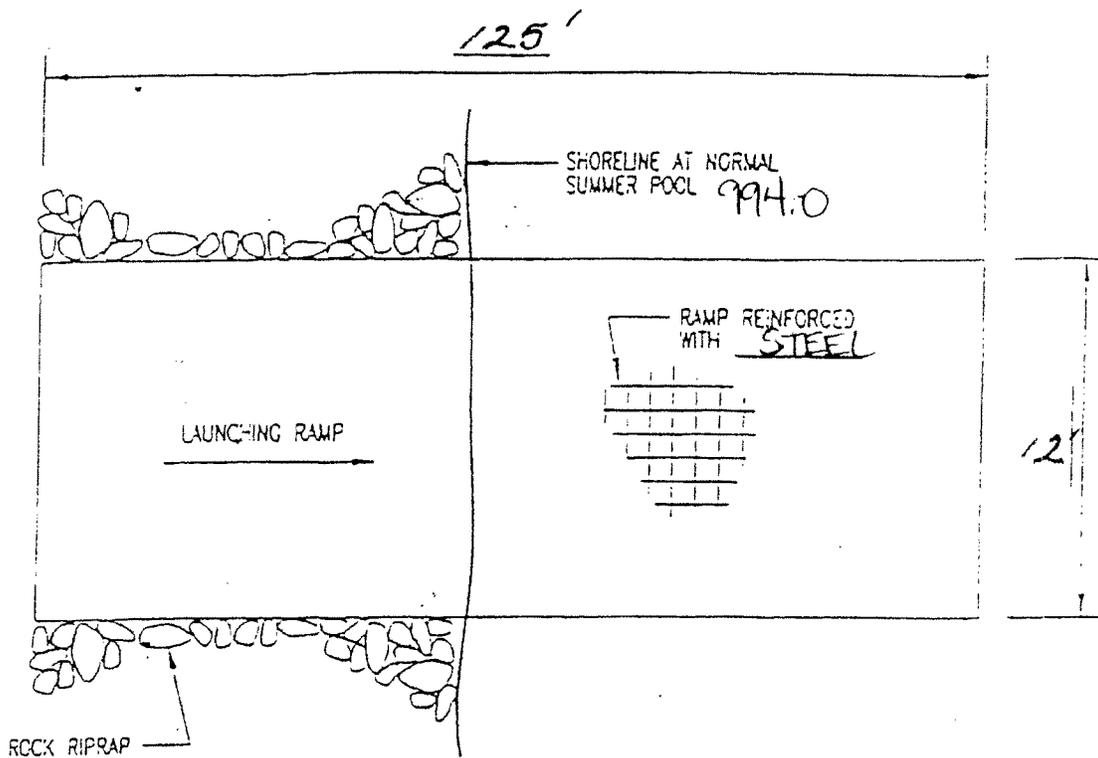
EXISTING COMMUNITY FLOATING DOCK
IN MOORE BRANCH



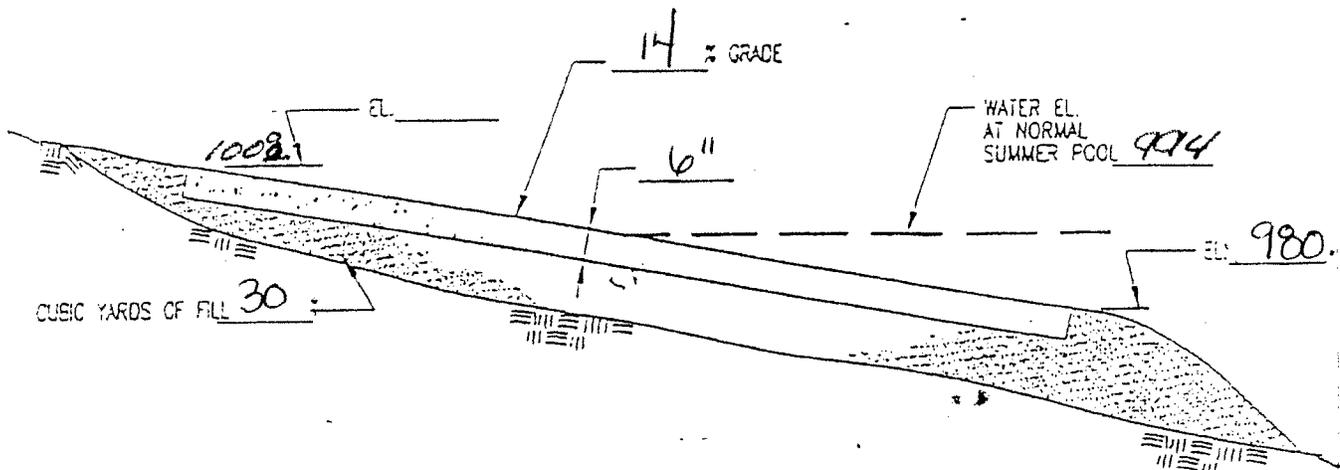
PROPOSED COMMUNITY FLOATING DOCK
ON MAIN CHANNEL

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File No. 2005-02465; Stone Bridge on
Douglas Lake, French Broad River Mile
51.2R, Jefferson County, Tennessee



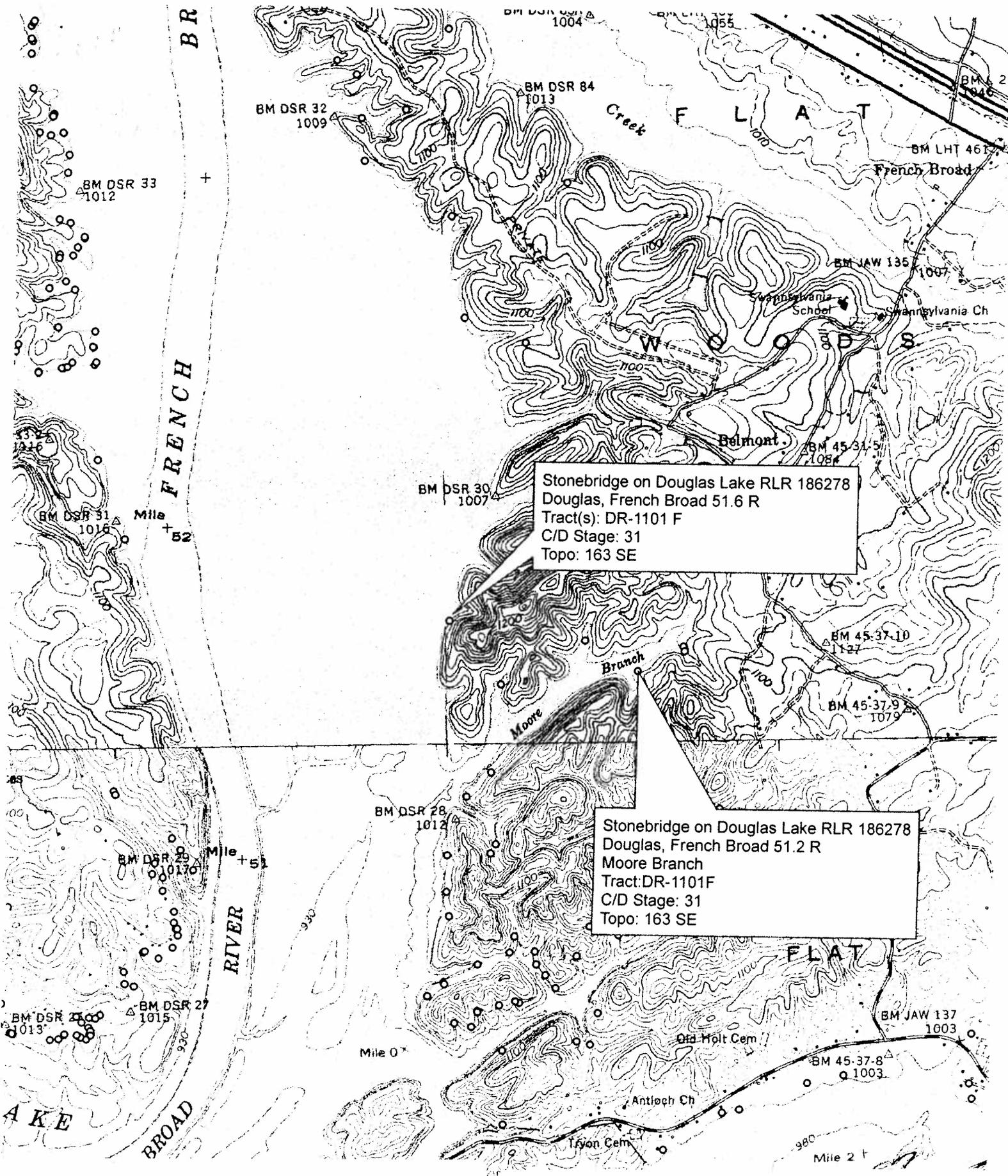
PLAN



EXISTING LAUNCHING RAMP
SECTION THRU CONCRETE RAMP

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Douglas Lake, French Broad River Mile
51.2R, Jefferson County, Tennessee



Stonebridge on Douglas Lake RLR 186278
 Douglas, French Broad 51.6 R
 Tract(s): DR-1101 F
 C/D Stage: 31
 Topo: 163 SE

Stonebridge on Douglas Lake RLR 186278
 Douglas, French Broad 51.2 R
 Moore Branch
 Tract: DR-1101F
 C/D Stage: 31
 Topo: 163 SE

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