



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. PM-P 03-06

Date: October 10, 2003

Please address all comments to:
Nashville District Corps of Engineers, Planning Branch
P.O. Box 1070, Nashville, TN 37202-1070

JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS AND COMMONWEALTH OF KENTUCKY

SUBJECT: Proposed Discharge of Dredged and/or Fill Material in Association with Proposed Channel Improvements to Poor Fork of the Cumberland River RM 24.1 to 24.5 and Looney Creek RM 0.0 to 0.7

TO ALL CONCERNED: In compliance with Section 404 of the Clean Water Act (CWA) PL 92-500, notice is hereby given that the Nashville District Corps of Engineers proposes to discharge dredged and/or fill material in connection with channel modifications for Poor Fork and Looney Creek in Cumberland, Kentucky. Before the work can be performed, certification must be obtained from the Commonwealth of Kentucky, Division of Water pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the Corps of Engineers hereby applies for the required certification.

LOCATION: Mile 24.1 to 24.5, Poor Fork, and Mile 0.0 to 0.7, Looney Creek, for a total length of 1.1 miles of channel improvement, in Cumberland, Harlan County, Kentucky (USGS Benham, Kentucky-Virginia and Louellen, Kentucky 7.5 Minute Series Quadrangles).

BACKGROUND: The City of Cumberland Flood Control Project was authorized under Section 202 (Public Law 96-367) of the Energy and Water Development Appropriations Act of 1981, passed on October 1, 1980. The act authorized and directed the Secretary of the Army, acting through the Chief of Engineers to design and construct flood control measures, at, or in the vicinity, of Cumberland, Kentucky. Section 314 of Public Law 106-541 directs the Corps to implement flood protection measures as outlined as Option 4 in the detailed project report.

Cumberland, Kentucky is located in a flat floodplain of a narrow valley surrounded by mountains in the headwaters of the Upper Cumberland River Basin. Steep topography (slopes can exceed 50%) and major storms have resulted in severe and short-term (flash) flooding on several occasions.

The objective of the City of Cumberland Flood Damage Reduction Project is to provide protection against recurrence of the April 1977 flood event by providing protection from the 100-year frequency event. The proposed channel modifications alternative with non-structural measures attains this level of protection.

An Environmental Assessment (EA), unsigned Finding of No Significant Impact (FONSI), and 404(b)(1) Evaluation have been prepared and are being circulated to appropriate agencies, organizations, and the public for review and comment. Responses received from the comment period will be addressed and incorporated into the EA.

Copies of the EA may be obtained by writing to the address listed above. This notice also serves as Notice of Availability of the EA for review at the Mayor's Office, 402 West Main Street, Cumberland, KY and the Rebecca Caudill Public Library, 310 West Main Street, Cumberland, KY.

DESCRIPTION: The proposed discharge and/or fill material in connection with channel modification of Poor Fork would start about RM 24.1 (at the sewage treatment plant), and extend upstream to RM 24.5 (south of the Billips Avenue Bridge), a total length of 0.4 mile. Starting at the sewage treatment plant 1,700 feet of the left side of the streambank would be excavated to create a high-flow bench which varies within 1 to 3 feet above the water surface elevation. Remaining excavation would occur on the right bank to River Mile 24.5. The width of the cut would vary between 40 and 100 feet with bank slopes of approximately 1:2 (V:H). Final channel bottom widths would range from 100 to 180 feet. The natural channel would remain in place and would carry normal flows. The channel bottom elevation along the 2,350-foot long section proposed for modification falls approximately 7 feet, creating a slope of 0.3:100. Approximately 25,869 cubic yards (cy) of streambank material would be excavated. Of this amount, 10,096 cy would be excavated below ordinary high water (OHW). To stabilize the banks, approximately 3,429 tons (2286 cy) of riprap would be required below OHW. A toe trench would be dug to a depth of three feet or to rock foundation, whichever is less. In areas where plantings or other forms of bioengineering could be incorporated, these methods would be used in lieu of riprap.

Proposed discharge and/or fill material in connection with channel modifications to Looney Creek would begin at RM 0.0 (Kingdom Come Bridge) and extend upstream 0.7 mile. From the

Kingdom Come Bridge to the CSX Railroad Bridge both banks would be excavated, creating a 1-foot high shelf. The width of the cut would be 20 feet on the south bank, and vary from 70 feet initially on the north bank tapering to 10 feet near the CSX Railroad Bridge. The side slope of the new cuts on the north bank would be between 1:3 and 1:2 and between 1:2 and 3:1 (nearly vertical) on the south bank.

Upstream from the CSX Railroad Bridge, a 1-foot high shelf would be created by excavating initially the south bank from 20 to 60 feet then both banks with the north bank cut approximately 20 feet and the south bank cut from 5 to 40 feet with side slopes from 1:2 to vertical. A manmade weir, which presently spans Looney Creek immediately above the CSX Railroad Bridge and creates a fish barrier, would be removed. The channel bottom slope over this section would be 0.83:100. As with the Poor Fork channel modifications, the existing natural channel would remain in place to carry normal flows.

Approximately 13,700 cubic yards of streambank material would be excavated; 3,300 cy below OHW. Riprap would be used to stabilize the banks: 10,246 tons (6830 cy) above OHW and 1,417 tons (945 cy) below OHW. A toe trench would be dug to a depth of three feet or to rock foundation, whichever is less. In areas where plantings or other forms of bioengineering could be incorporated, these methods would be used in lieu of riprap.

As part of the channel modifications, new gabion walls would be installed at the Main Street Bridge; approximately 220 feet downstream and 175 feet upstream of the east abutment would be installed to better align the flow with piers and abutments. The bridge piers at Kingdom Come Bridge and the CXS Railroad Bridge will be modified or replaced. Four other bridges (Billips Avenue, Bridge Street, Shepherd Street and Blair Street) would be replaced. In addition, utility line crossings would be removed, relocated or added and outfall structures/drains would be reconfigured to align with the new channel bank designs. One culverted road crossing would also be installed for a new road.

Disposal capacity for approximately 40,000 cubic yards would be required to accommodate the excavated materials. Two disposal areas have been evaluated and proposed for the excavated material placement.

Nonstructural measures (i.e. flood-proofing/evacuation) would also be applied in conjunction with the channel modifications outside the protected area for 109 structures.

The purpose of the channel modifications is to accommodate higher flows, thus reducing flood levels and resulting damages to structures in Cumberland, Kentucky. Channel modification, along with nonstructural measures, achieves the overall goal of flood

reduction and increased health and safety for residents and businesses in Cumberland.

The EA evaluates the existing environmental conditions and effects of proposed impacts to the Poor Fork and Looney Creek. Also, the EA incorporates environmental commitments and measures to minimize or reduce environmental impacts to riparian and aquatic habitat to the extent feasible including the use of best management practices (BMPs). Also, vegetation lost during construction would be replaced with native species beneficial to wildlife along the channel and disposal sites.

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 by us will be considered. Comments are used to assess impacts on endangered species, historic properties, water quality, water supply and conservation, economics, aesthetics, wetlands, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, general environmental effects, and in general, the needs and welfare of the people.

In addition to consideration of other factors of the public interest, the review process will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404 (b) (1) of the Clean Water Act (40 CFR Part 230). A copy of the District Engineer's preliminary 404(b)(1) evaluation is included with the EA and unsigned Finding of No Significant Impact; all are available for review at the location listed above. This notice serves as Notice of Availability of the EA.

Approximately sixteen (16) historic properties, properties identified as eligible for or listed on the National Register of Historic Places, may be adversely affected by implementation of the proposed project alternative, including properties that are contributing elements of the National Register listed Cumberland Central Business District and the potentially eligible Power Street Residential Historic District. The Corps proposes to address the adverse effects of flood protection in Cumberland in a Memorandum of Agreement (MOA), to be developed in consultation with the Kentucky State Historic Preservation Officer (SHPO). The MOA will stipulate requirements for avoidance and minimization of adverse effects, where practicable, and implementation of appropriate recordation and documentation requirements where adverse affects are unavoidable. Copies of this notice are being sent to the office of the SHPO and the U.S. Department of the Interior, National Park Service, Interagency Archaeological Services - Atlanta.

As identified under the Endangered Species Act, two species that are listed endangered or threatened or their habitat critical are referenced: Indiana bat (*Myotis sodalis*) and blackside dace (*Phoxinus cumberlandensis*). The US Fish and Wildlife Service (USFWS) has prepared a Draft Fish and Wildlife Coordination Act (FWCA) Report which is included as an appendix to the EA. As mentioned by the USFWS, with implementation of certain measures to protect the Indiana bat, impacts to fish and wildlife and their habitats would be negligible. Stream restoration measures could benefit the blackside dace. The Kentucky State Nature Preserves Commission also references the Upper Poor Fork as supporting populations of the Johnny darter (*Etheostoma nigrum susanae*). The measures outlined in the FWCA Report are incorporated in the EA.

Other federal, state and local approvals required for the proposed work includes the following:

Water quality certification from the Commonwealth of Kentucky is in accordance with Section 401(a)(1) of the Clean Water Act.

Floodplain Management approval from the Commonwealth of Kentucky.

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 November 10, 2003, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the U.S. Army Corps of Engineers, Project Planning Branch, Attention: Kim Franklin, PO Box 1070, Nashville, TN, 37202-1070, or by calling (615) 736-7954.

