Public Notice

US Army Corps of Engineers.

Nashville District

Public Notice No. **05-71** Date: **24 August 2005**

Application No. **2005-01287** Expires: **23 September 2005**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
(Attn: Kathleen J. Kuná)
3701 Bell Road, Nashville, TN 37214
kathleen.j.kuna@usace.army.mil

SUBJECT: Proposed Discharge of Fill Material into 0.85 acre of wetlands for the construction of the Ponder Place Apartment Complex, Davidson County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act** (CWA). Before a permit can be issued, certification must be provided by the Tennessee Department of Environment & Conservation, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: **First Cumberland Properties, Inc.**
5020 Harpeth Drive
Brentwood, TN 37027
Agent: Mr. James Armstrong, Armstrong Engineering
615-943-0773

LOCATION: 10th Avenue North and Ponder Place, Metro Center, Nashville, TN. The wetland is adjacent to an unnamed tributary to the Cumberland River at Mile 187.1 Left Bank. USGS Nashville West Quad Map; Latitude 36.19145 N, Longitude 86.80647 W.

DESCRIPTION: The 0.85-acres wetland is located within a 2.8 acre site which is currently a vacant lot. The proposed action is the discharge of approximately 1,300 cubic yards of clean fill material into the 0.85 acres of jurisdictional wetlands associated with the construction of the proposed Ponder Place Apartments. A wetland delineation, prepared by Civil & Environmental Consultants, Inc., Nashville, TN, was submitted with the permit application. The Corps of Engineers verified the findings of the delineation by letter dated June 3, 2005.

In addition to the wetlands, there are two unnamed ephemeral streams located on the site (see attached drawings). There would

be one 25 LF road crossing, which meets the criteria for authorization under Nationwide Permit (NWP) #14 Linear Transportation Crossings, dated March 18, 2002. The State of Tennessee issued a water quality certification for NWP #14 on July 1, 2005.

MITIGATION: The applicant proposes to mitigate for the loss of wetlands at a 2:1 ratio by purchasing purchase 1.7 acres of wetland credits from the Harpeth Wetland Bank for the 0.85 acre wetland loss.

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. 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 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.

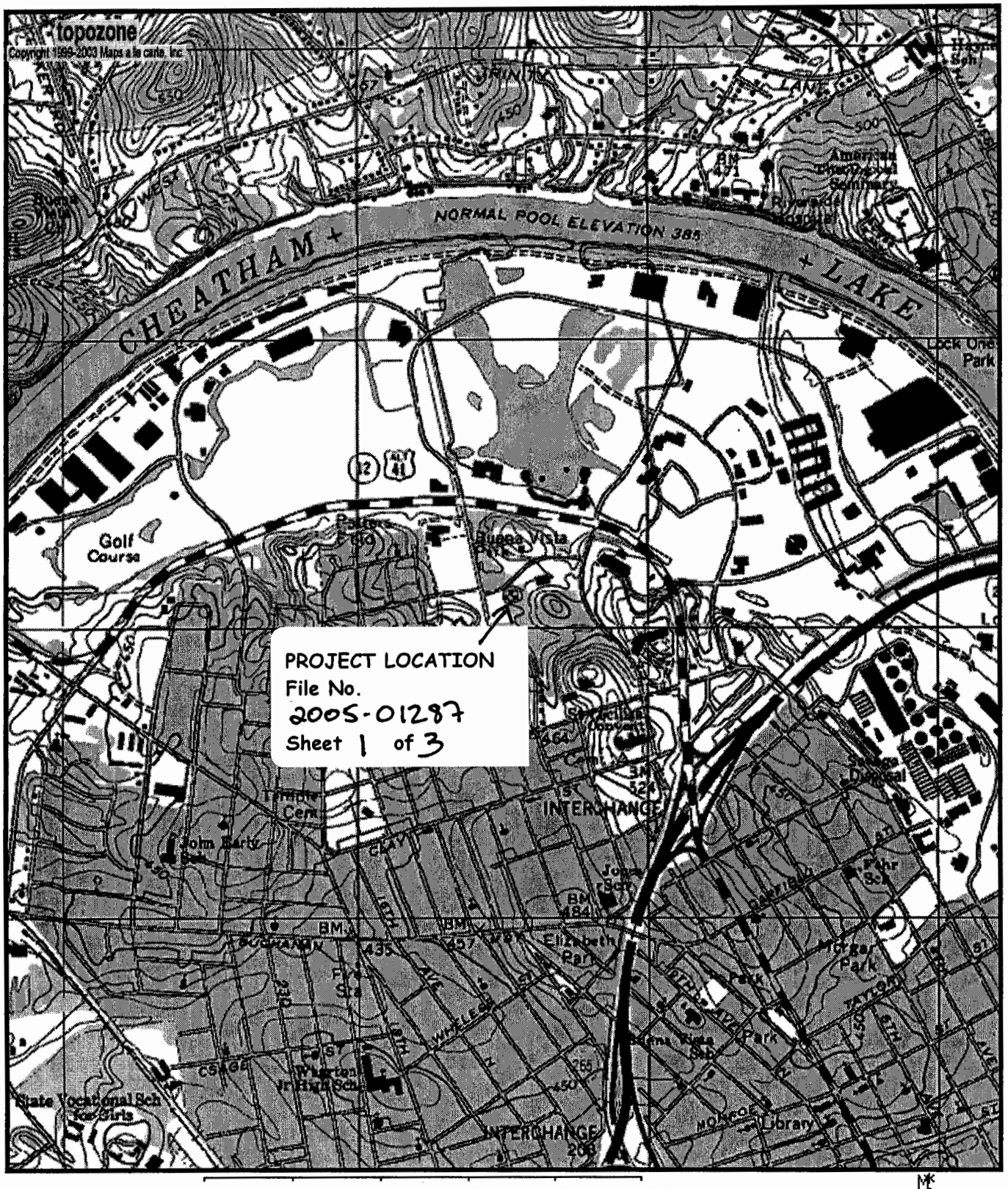
Based on available information, the proposed work will not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation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

Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the state of Tennessee Department of Environmental Conservation (TDEC) in accordance with Section 401(a)(1) of the CWA.

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 23, 2005 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: Kathleen Kuná, at the above address, telephone (615) 369-7506, or at kathleen.j.kuna@usace.army.mil



0 0.3 0.6 0.9 1.2 1.5 km

0 0.2 0.4 0.6 0.8 1 mi

M G

M=-2.686
G=0.115

Map center is 36° 11' 27"N, 86° 48' 19"W (WGS84/NAD83)
Nashville West quadrangle
Projection is UTM Zone 16 NAD83 Datum

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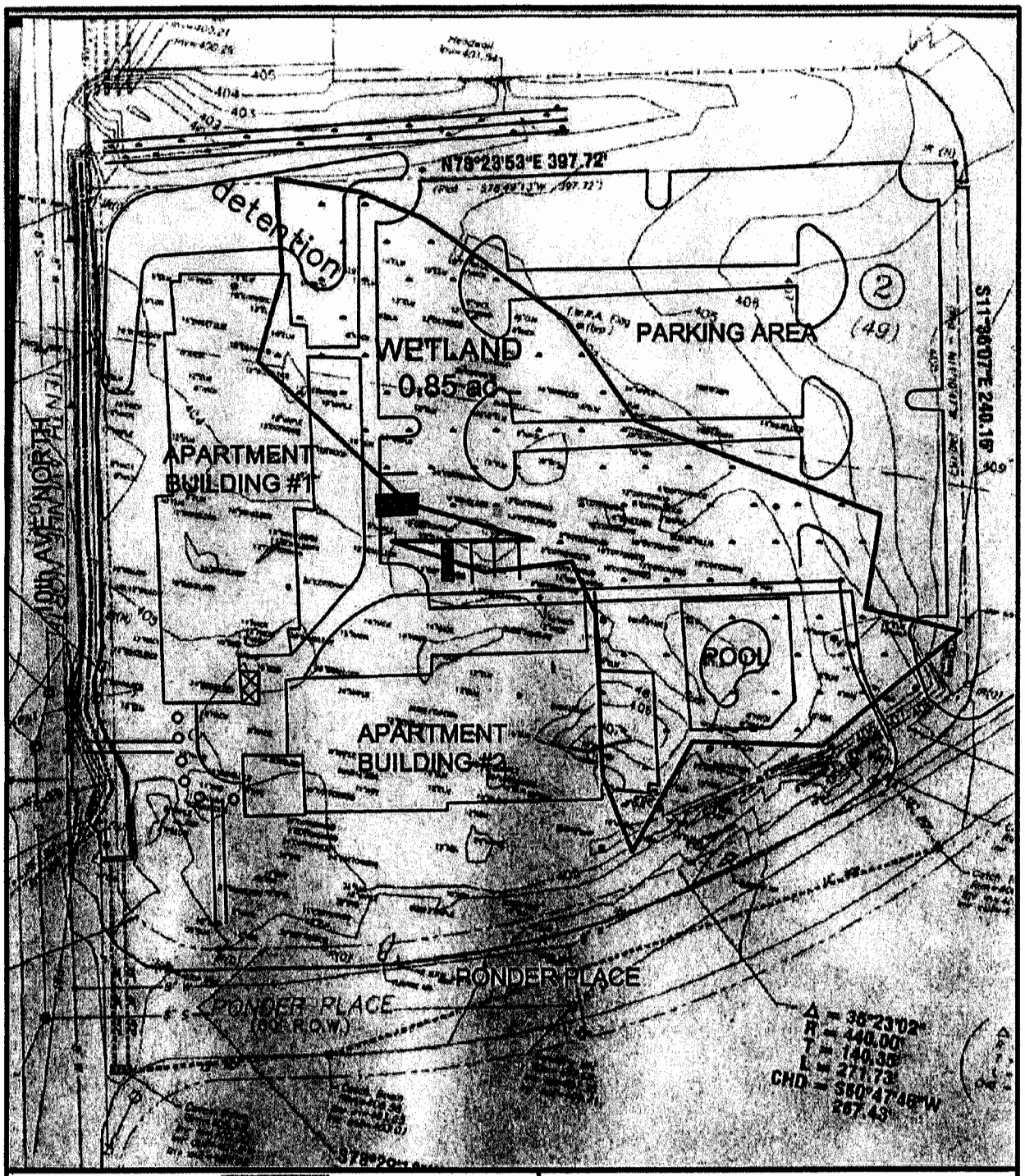

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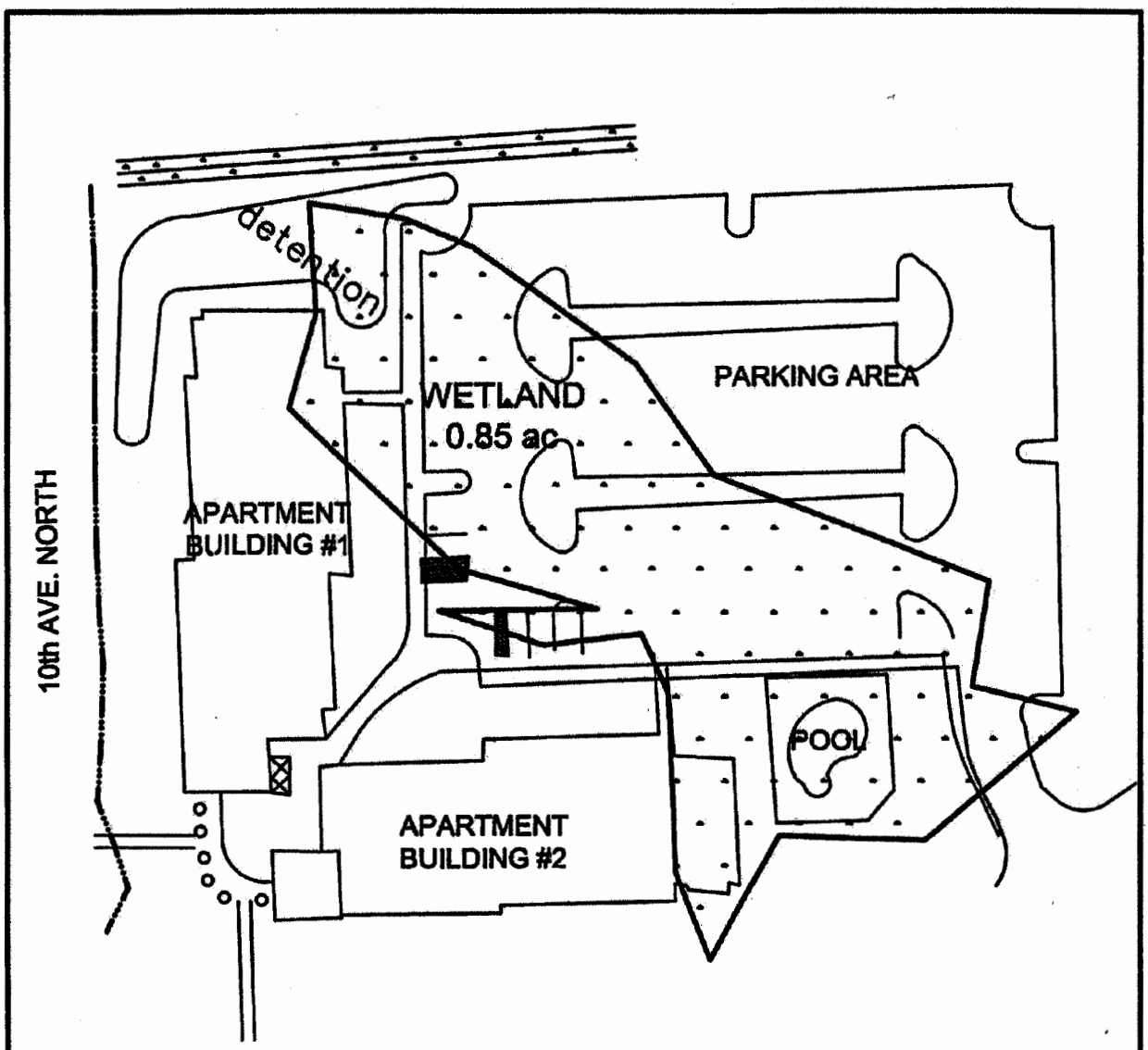
PONDER PLACE
SITE LAYOUT BY **ARMSTRONG ENGINEERING**

DWN. BY: JLW	SCALE:	DATE:	PROJECT NO:	FIGURE NO:
CHKD. BY: HJC	1"=60'	07/27/05	050-508	1



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