

Appendix A – Public Notices

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Nashville District

Public Notice

Public Notice No. 12-05

Date: April 9, 2012

Application No. 2007-00709

Expires: May 9, 2012

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

JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS STATE OF ALABAMA

SUBJECT: Proposed Municipal Water Line Crossing the Tennessee River Mile 304.6, Wheeler Lake, Morgan and Limestone Counties, Alabama

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 and Section 404 of the Clean Water Act (CWA). Before a permit can be issued, certification must be provided by the Alabama Department of Environmental Management (ADEM) 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.

The proposed action would be located on Tennessee Valley Authority (TVA) property. TVA will be issuing a separate public notice limited to the land action. TVA has lead federal agency role status for the coordination and conduct of environmental reviews for this proposal under the National Environmental Policy Act (NEPA).

APPLICANT: Limestone County Water & Sewer Authority (LCWSA)
PO Box 110
Athens, AL 35612

LOCATION: Tennessee River Mile 304.6 and North Bank Wetlands, Morgan and Limestone Counties, AL. USGS Quadrangles: Tanner and Decatur, AL. Lat: 34-37-00, Lon: 87-59-00. HUC Code: 6030002. TVA Tract #XTWR-115W; RLR 222586

DESCRIPTION: The proposed action consists of the installation of a 30-inch diameter municipal water transmission main across the river and 1.09 acres of wetlands on TVA property at the subject location. The pipeline would be installed by a combination of directional drill and trenching. The proposed action would permit LCWSA to purchase approximately 10 MGD of potable water from Decatur Utilities, located in Morgan County. The Alabama State Lands Division has already issued a Submerged Pipeline Right-of-Way contract with LCWSA for this project.

To construct the project, two methods of pipeline installation would be required, horizontal directional drilling (HDD) and traditional trenching and backfill. HDD would allow installation while minimizing impacts to navigation, however, the total width of the river (approximately 7,500') exceeds the capacity of HDD to install the pipeline in one piece, so trenching would also be required.

As shown on Exhibit B, the pipeline would be installed by HDD roughly 30' under the maintained commercial channel bottom, from Sta. 0+00 to 35+00. Upon day lighting on the north bank, the waterline would follow existing CSX railroad right-of-way as close as possible. From Sta. 35+00 to 82+00, marine trenching operations would use a shallow draft barge to trench, assemble, and lay the pipe. The pipeline would be installed over a bed of crushed stone, then backfilled to a minimum 3-foot cover with original stockpiled soils to preconstruction grade. Floating turbidity barriers would be utilized to minimize siltation caused by the construction activities. Hardwood wetland trees would be cleared from the 1.09 acres of north bank wetlands, to establish a required 20' wide construction zone corridor for the pipeline, approximately 3,000 linear feet in length. The applicant would maintain the cleared corridor as a wetland after construction. Appropriate storage and disposal sites for excess soil from construction activities are currently being researched. Plans of the proposed work are attached.

ALTERNATIVES ANALYSIS: This project is not water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives, which do not require placing fill into waters of the U.S., are not available. No permit will be issued unless the alternatives analysis clearly demonstrates that practicable upland alternatives are not available to achieve this overall project purpose.

AVOIDANCE AND MINIMIZATION OF IMPACTS TO WATERS OF THE U.S.:

According to the applicant, available routes to convey water from Morgan County to Limestone County are limited due to the width of the Tennessee River that separates the two counties, the various commercial and private land owners (including Wheeler Wildlife Refuge on the north side of the river), and the potential for adverse archaeological and endangered species impacts at other potential crossing locations.

The proposed alignment would utilize HDD to the extent practicable, and follow a previously impacted area adjacent to the CSX railroad bridge crossing the Tennessee River. Attaching the pipeline to the railroad bridge was pursued; however CSX would not allow attachment to the bridge. Attaching the pipeline to the nearby US-31 Bridge was also pursued, but the bridge currently supports a waterline and a wastewater force main and the Alabama Department of Transportation would not allow additional attachments to the existing bridge.

COMPENSATORY MITIGATION, PRELIMINARY MITIGATION PLAN: A wetland delineation, prepared by AST Environmental Group, was submitted with the permit application. The Corps of Engineers (Corps) previously verified the findings of the delineation by letter dated October 23, 2007. The inspection revealed a predominance of hydrophytic vegetation including *Ulmus rubra*, *Berchemia scandens*, *Fraxinus pennsylvanica*, *Acer rubrum*, *Smilax rotundifolia*, *Cephalanthus*, and *Saururus cernuus*. The applicant proposes to mitigate for the loss of 1.09 acres wetlands at a 2:1 ratio by purchasing 2.18 acres wetland credit from the Flint Creek Mitigation Bank, Morgan County, Alabama.

PUBLIC INTEREST REVIEW/CUMULATIVE EFFECTS: 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 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 it to be contrary to the public interest.

SOLICITATION OF COMMENTS: 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 proposed 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 general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to NEPA. Comments are also used to determine the need for a public hearing and determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

HISTORIC AND CULTURAL RESOURCES: Archaeological and burial sites have been recorded near the proposed pipeline corridor. In October 2007, due to the potential to disturb unrecorded cultural resources, the applicant contracted Panamerican Consultants, Inc. to provide archaeological monitoring during initial geotechnical coring operations. No archaeological sites, artifacts, or materials were encountered. An underwater and overland archaeological survey of the project corridor is planned to be conducted and results will be coordinated with the Alabama Historic Commission. Copies of this notice are being sent to the office of the SHPO.

ENDANGERED/THREATENED SPECIES REVIEW: A threatened and endangered species survey and biological assessment, prepared by AST Environmental Group, was submitted with the permit application. According to previous correspondence between the applicant and the US Fish and Wildlife Service, the Pink mucket pearly mussel and the Rough pigtoe mussel are likely to occur in the project vicinity. No protected species were found during the survey and it was concluded that the corridor for the proposed pipeline only had marginally satiable habitat in a few areas for the species. Based on this 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, and, therefore, initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

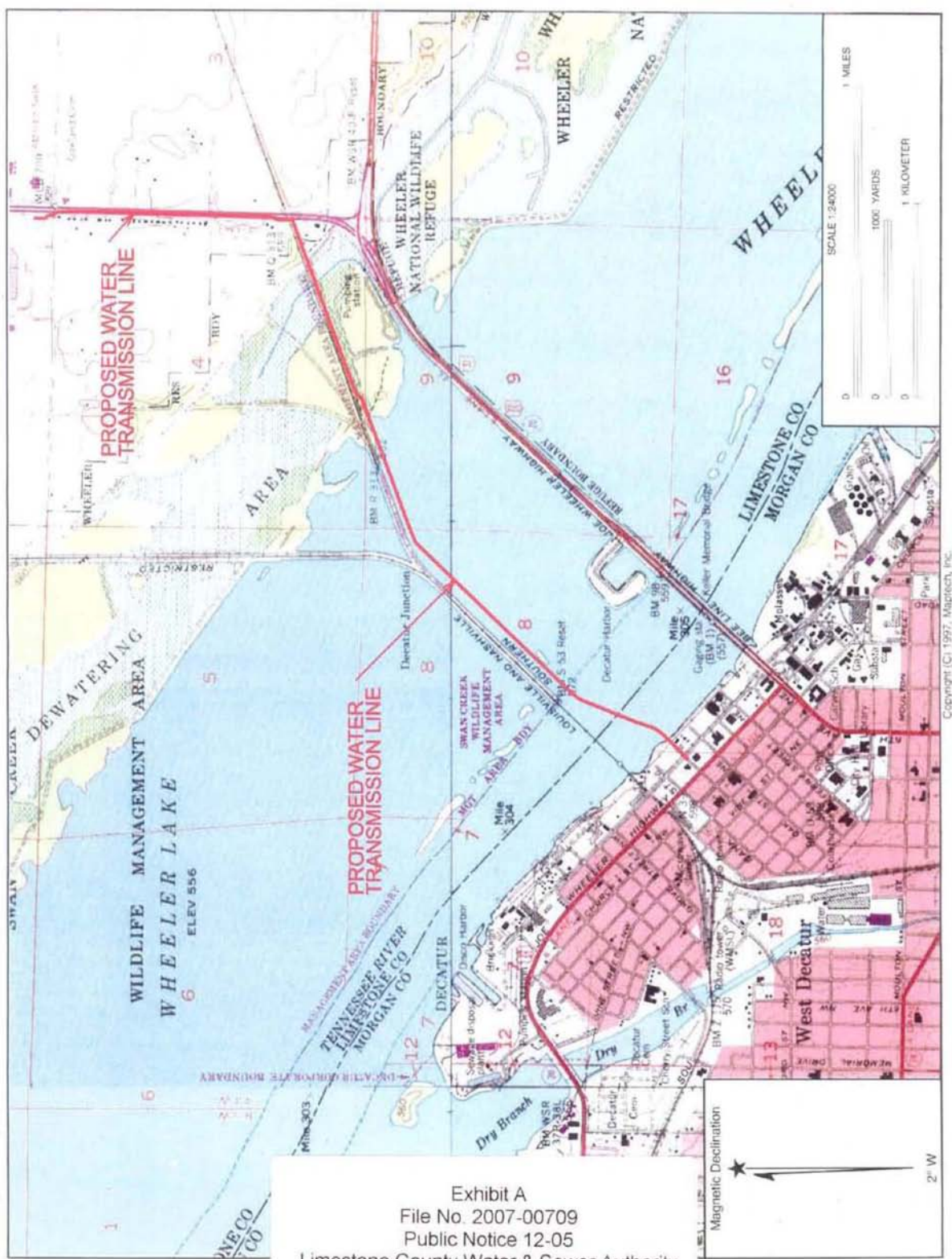
OTHER APPROVALS: Water Quality Certification must be provided by ADEM in accordance with Section 401(a)(1) of the CWA. In addition, ADEM may require a National Pollutant Discharge Elimination System permit and a stormwater pollution prevention plan is being developed by the applicant to address stormwater runoff during installation of the pipeline. Other federal, state, and/or local approvals may be required for the proposed work.

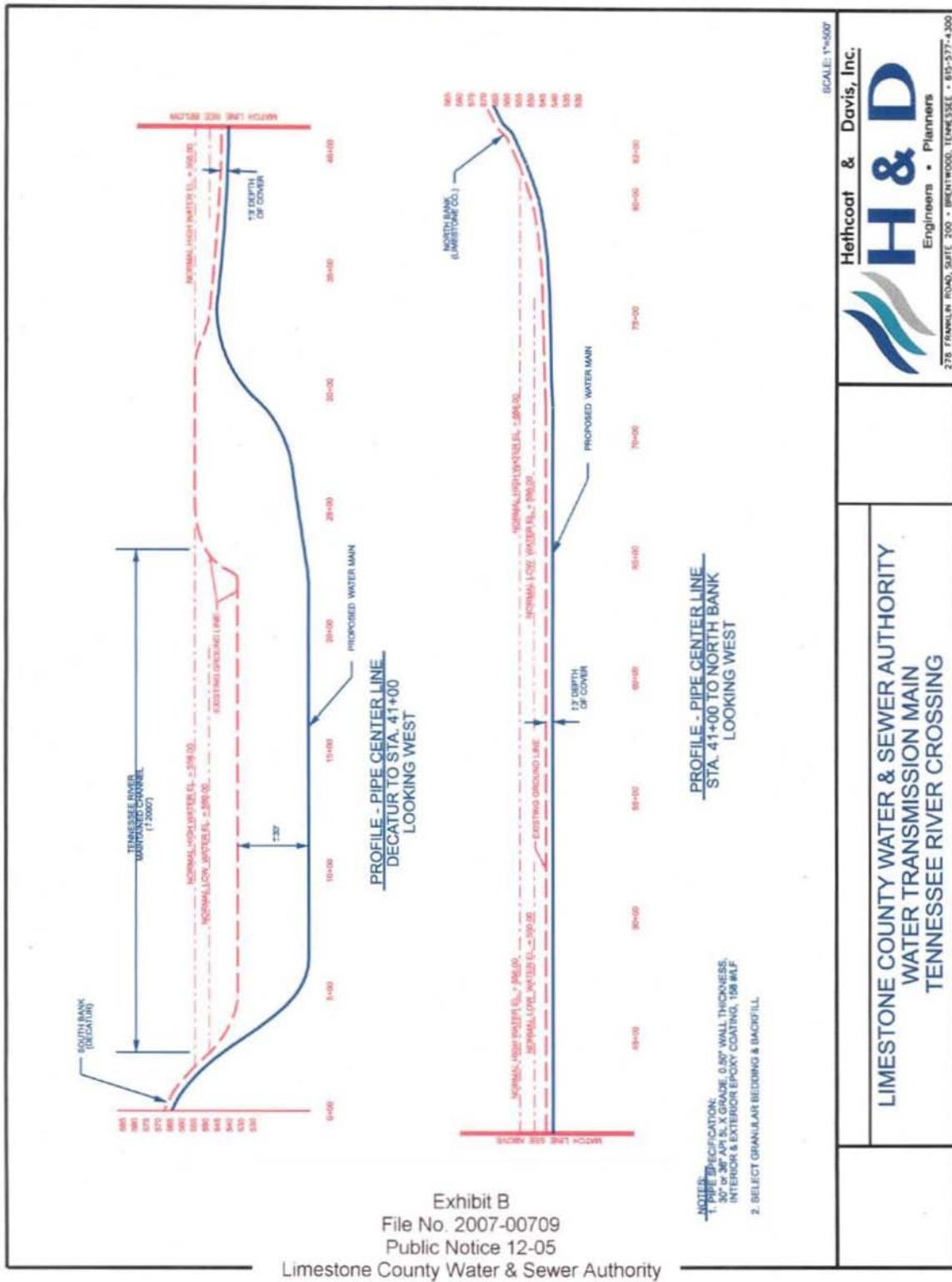
PUBLIC HEARING REQUESTS: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing.

COMMENT PERIOD: Written statements received in this office on or before **May 9, 2012**, 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: Lisa Morris, at the above address, telephone 615-369-7504.

/s/

Bradley N. Bishop
Chief, Western Regulatory Section
Operations Division







TENNESSEE VALLEY AUTHORITY

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Public Notice

April 23, 2012

Proposed Action

Permanent Easement

Location

Wheeler Reservoir at Tennessee River mile 304.6 (right bank), in Limestone County, Alabama

Description

TVA is considering a request to grant a permanent easement over approximately 4 acres of land on Wheeler Reservoir at Tennessee River mile 304.6 (right bank), in Limestone County, Alabama. TVA is seeking public comment as part of an environmental review prior to deciding on the easement.

The easement has been requested by the Limestone County Water and Sewer Authority for the purpose of installing a 30-inch water transmission line to connect to the City of Decatur's water system.

TVA is interested in receiving comments on the potential for the proposed action to affect the environment or historic properties, and to identify any other issues associated with this proposal. The comments will be considered in reaching a decision concerning the proposed action. TVA will confer with the Alabama Historical Commission and other agencies as needed.

Any comments received, including names and addresses, will become part of the administrative record and will be available for public inspection. All written comments on this proposed action must be received on or before May 25, 2012. Written comments may be mailed to the address below or e-mailed to sjstrickland@tva.gov. For additional information, please contact:

Samantha J. Strickland

Tennessee Valley Authority
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Muscle Shoals, AL 35622-2954
Phone: (256) 386-2643
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http://www.tva.com/river/landandshore/limestone_042312.html

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