



**US Army Corps  
of Engineers®**

Nashville District

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# Public Notice

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Public Notice No. 11-02

Date: January 10, 2011

Application No. 2009-00424

Expires: February 10, 2011

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Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch (Attn: Lisa Morris),  
3701 Bell Road, Nashville, TN 37214

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

**SUBJECT:** Proposed Municipal Water Intake and Use of Temporary Cofferdam during Construction at Elk River Mile 75.3, Right Bank, Lincoln County, TN

**TO ALL CONCERNED:** The project described below has been submitted for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA), and a Tennessee Valley Authority (TVA) permit pursuant to Section 26a of the TVA Act. Pursuant to Section 404, the discharge of fill material associated with the temporary use of coffer dams, necessary for dewatering the construction site described below, meets the criteria for authorization under Nationwide Permit (NWP) #33, provided certification is provided by the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards would not be violated by the use of the cofferdam. The applicant applied for the water quality certification by separate application.

**APPLICANT:** Lincoln County Board of Public Utilities  
2863 Huntsville Highway  
Fayetteville, TN 37334

**LOCATION:** Elk River Mile 75.3, Right Bank, Lincoln County, TN, USGS Quad Boonshill, TN; lat 35.132, lon -86.660.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to withdraw approximately four (4) million gallons of water per day (MGD) at the subject location to provide potable water to the community without needing to purchase it from surrounding utility companies. According to the application, this amount represents 5.6% of minimum flow at this location.

A previous application by Lincoln County for an intake at this location was withdrawn last year so that more information could be gathered. Since that time, a mussel survey, requested by US Fish and Wildlife Service (USFWS) and the Tennessee Wildlife Resources Agency (TWRA), was completed. Also, an archaeological survey, requested by the State Historic Preservation Officer (SHPO), was completed.

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Currently, the County has a cumulative average water consumption rate, including system losses, of 2.2 MGD, most of which is extracted from wells in the Flintville, Taft, and Elora areas, with a combined firm capacity of 1.7 MGD. With an intake on the Elk River, the County would be able to supplement or replace its unreliable groundwater supply, which is severely strained during the dry periods.

The proposed intake would consist of the placement of two parallel 16" diameter intake pipes in the river to transfer raw water to a pumping station structure on the river bank for delivery to the County treatment plant via a 20" diameter pipeline. At the point of withdrawal, the Elk River is approximately 110 feet wide. The pipelines would extend about 5' from the face of the pumping structure. To provide sufficient water depths, an area in front of the pumping structure would be excavated (35' x 30' at the face of the structure flaring to 150' in the river; or 390 cubic yards removed) that would create a pocket in the river with bottom Elevation 611, as shown on the plans. A temporary rock coffer dam would be utilized in the river during construction to provide a dewatered work area and to further protect aquatic species. The excavated material would be removed from the river and disposed upland. Following completion, the cofferdam would also be removed from the river and disposed upland.

The bank at the intake is primarily shall bluff bedrock with current water depths stepping down from 4' to 8' near the center of the river. The opposite bank is comprised of gravel and silt over clay. The riparian vegetation consists of oak, hickory, and occasional cedar stands. Upland vegetation would be removed as necessary to facilitate the construction of the intake structure. Plans of the proposed work are attached.

The decision whether to issue Corps and TVA permits 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. The Corps and TVA permits will be granted unless determined contrary to the public interest.

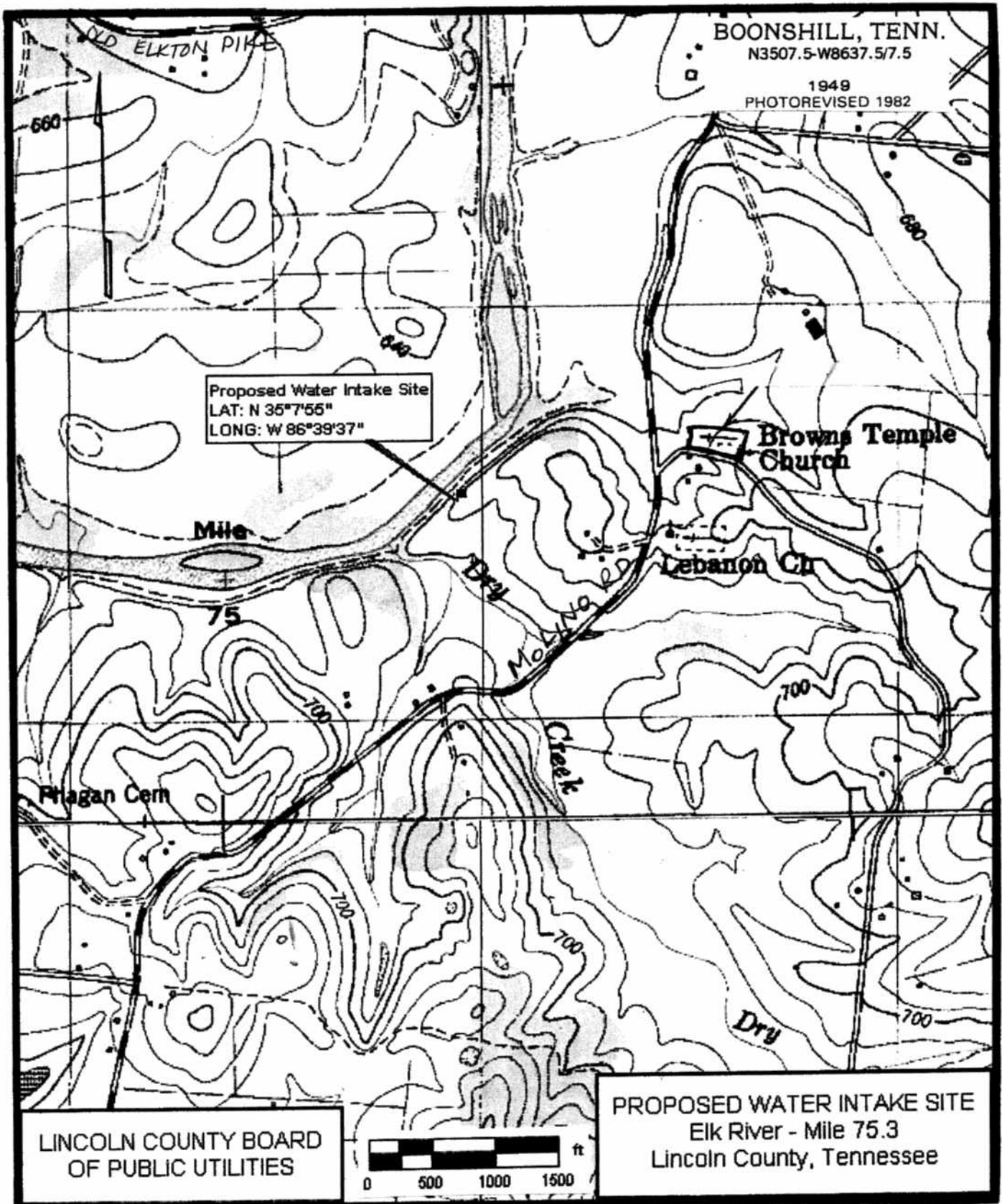
The Corps and TVA are soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps and TVA to determine 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, general environmental effects, and the other public interest factors listed above. Comments are used to determine the need for a public hearing and the overall public interest of the proposed activity. An Environmental Assessment would be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

Section 7 of the Endangered Species Act: In response to a previous request by USFWS and TWRA, Lewis Environmental Services were retained and mussel survey field analysis was conducted for the proposed project. The report states that the river bottom habitat found immediately adjacent to the project bank is primarily bedrock, which is not favorable for the establishment of mussel populations. No live federally listed species were encountered during the survey; however, a weathered dead shell of the federal candidate species and a live Tennessee Tier I species *Lexingtonia dolabelloides* were found in the river near the proposed project. Upstream of the proposed intake, the Tennessee listed species *Fusconaia subrotunda* (Tier 1) was found alive and four other Tennessee listed species (one of which is also a federal candidate species) were found as relic shells. The most significant mussel resource in the area would be found approximately one-half mile upstream of the proposed intake, and no significant mussels were detected downstream of the proposed intake. Based upon the results of the survey and the conditions of the substrate in area of potential affect, the Corps and TVA have determined that the proposed project would not likely adversely affect federally protected species. Copies of the survey are being forwarded to the USFWS and TWRA. The Corps and TVA are initiating informal consultation with the USFWS necessary to fulfill our obligations under Section 7 of the Endangered Species Act.

Section 106 of the Historic Preservation Act: In response to a previous request from the SHPO, the Corps received a Phase I archaeological survey of the entire project area from the permit applicant. No cultural resources or historical properties were recorded within the area of potential effect. After review of the report, it is the finding of the Corps and TVA that this project has no potential to effect historic properties listed in or 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 SHPO.

Other federal, state, and/or local approvals may be required for the proposed work. Permits are required from the State of Tennessee, Department of Environment and Conservation. 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.

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. Written statements received in this office on or before February 10, 2011, will become a part of the record and will be considered in the determination. Responses should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address, telephone (615) 369-7504. 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. However, if comments are sent to TVA, they should be mailed to Samantha Strickland, P.O. Box 1010, Muscle Shoals, AL 35662, telephone (256) 386-2643.



**FIGURE 1: PROJECT LOCATION MAP**

Exhibit A

PN 11-02  
File No. 2009-00424  
Location Map

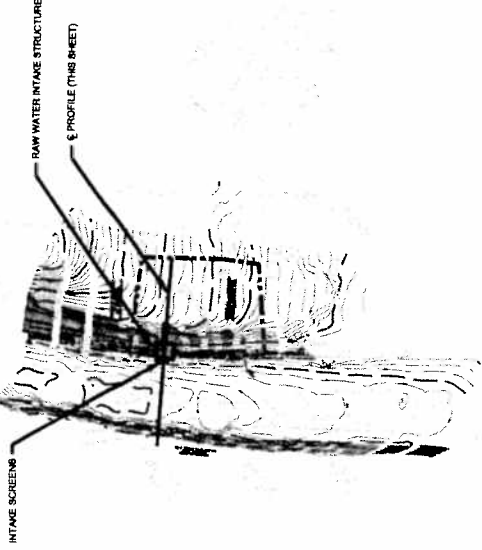
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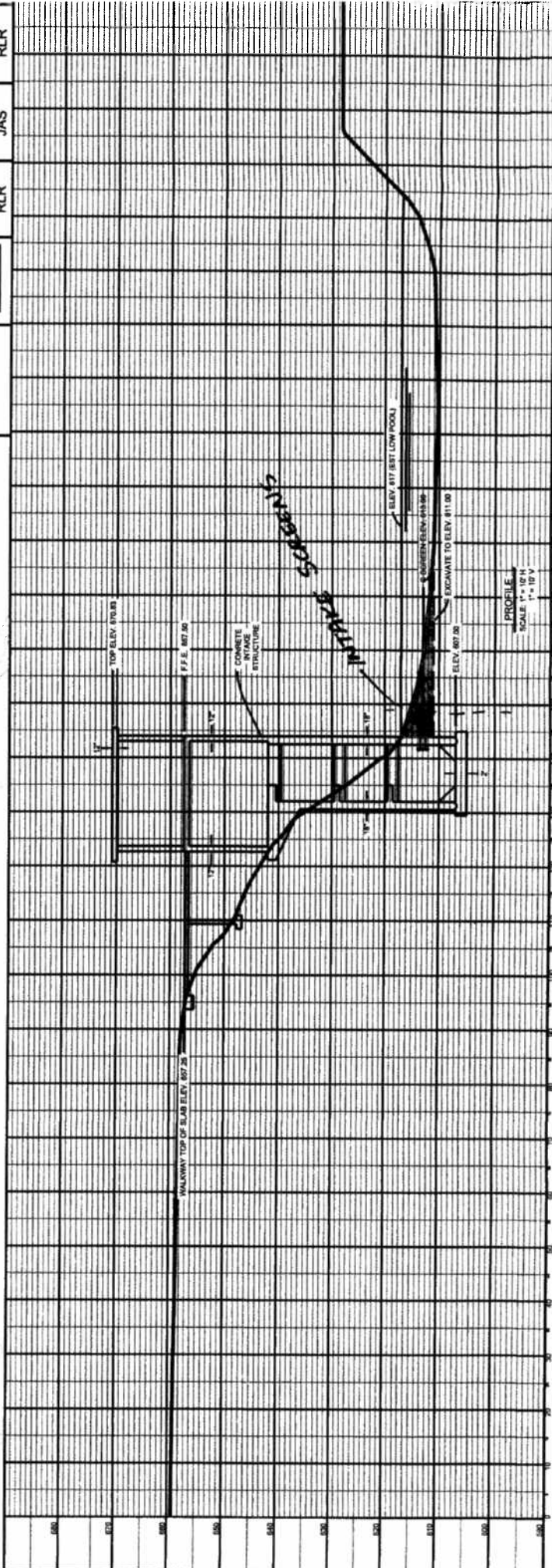
LINCOLN COUNTY BOARD  
 OF PUBLIC UTILITIES  
 Lincoln County, Tennessee

DESIGNED	DATE
BY	
CHECKED	
BY	
APPROVED	
BY	

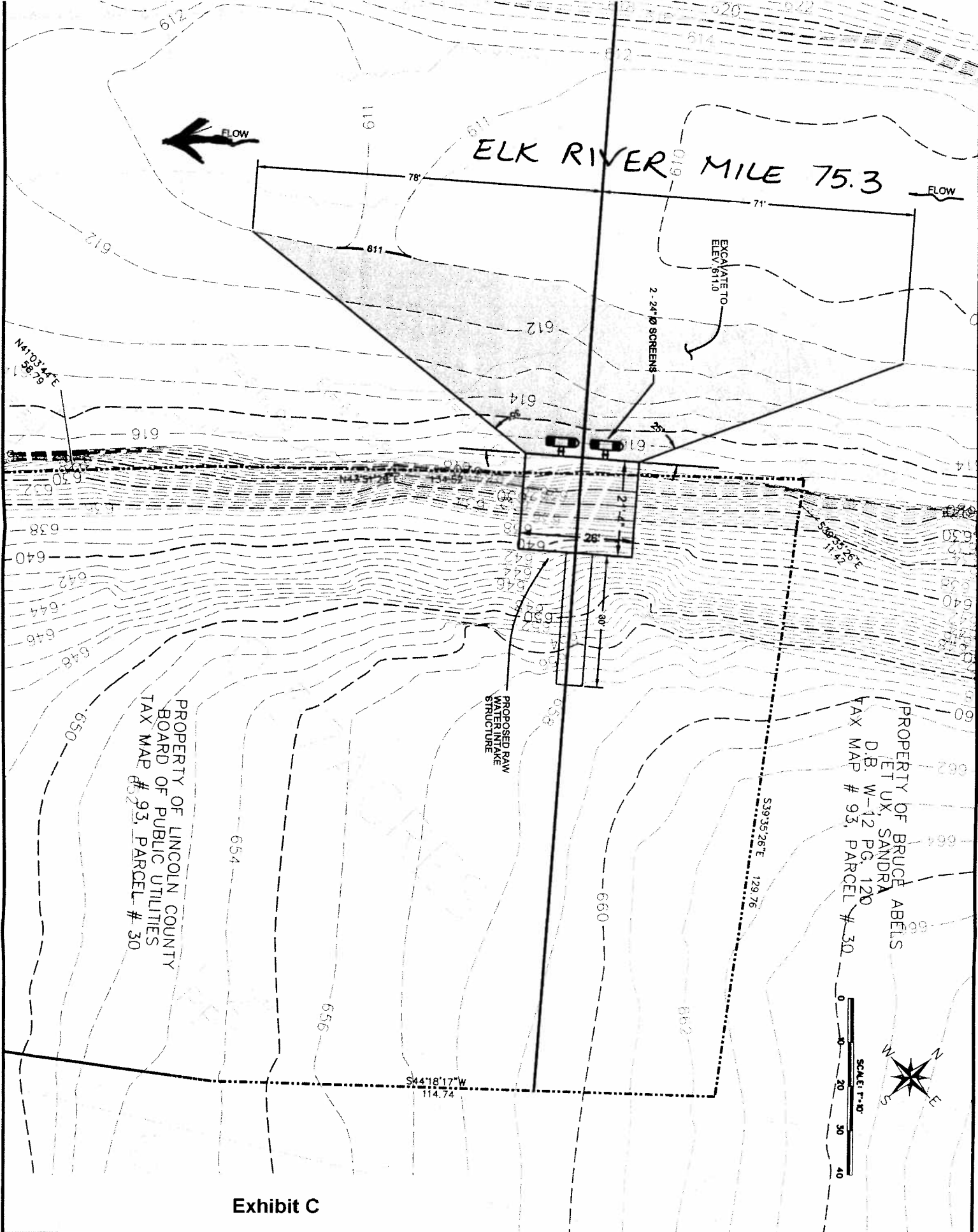
**Exhibit B**  
**PN 11-02**  
**File No. 2009-00424**  
**Side View Plans**



SITE PLAN  
 SCALE: 1" = 100'



PROFILE  
 SCALE: 1" = 10'



PROPERTY OF LINCOLN COUNTY  
 BOARD OF PUBLIC UTILITIES  
 TAX MAP # 93, PARCEL # 30

PROPERTY OF BRUCE ABELS  
 ET UX, SANDRA  
 D.B. W-12 PG. 120  
 TAX MAP # 93, PARCEL # 30

Exhibit C

PN 11-02  
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 Top View Plans

RAW WATER INTAKE  
 SITE PLAN

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