

## **APPENDIX B**

### **Nationwide Permit for Directional Drill**

**Robinson, Amy M LRN**

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**From:** Nina Williams, P.E. [nina\_williams@KrebsAE.com]  
**Sent:** Monday, January 05, 2009 9:16 AM  
**To:** Robinson, Amy M LRN  
**Cc:** Betty Kiep  
**Subject:** Re: City of Athens

Amy,

The 12-inch water line along Highway 72 at French Mill and Piney Creek were installed using horizontal directional drill methods.

Thanks,  
Nina

Betty,  
Please print this for John.  
Thanks,

Nina

Nina D. Williams, P.E.  
Project Manager  
Krebs Architecture & Engineering, Inc.  
(205) 987-7411

Robinson, Amy M LRN wrote:

>  
> Hi Nina...  
>  
> I have received the final copy of the BO from the USFWS for the city  
> of Athens pipeline project. I will be working up the final  
> Environmental Assessment and the DA permit for the project soon.  
>  
> I had received a call that the pipeline may have been installed at  
> least one of the locations, I was wondering if the pipeline had been  
> directional bored at the French Mill or Piney Creek location???  
>  
> Thanks,  
>  
> Amy Robinson  
> Regulatory Branch  
>

RGS: 1/6/09



**DEPARTMENT OF THE ARMY**  
**NASHVILLE DISTRICT, CORPS OF ENGINEERS**  
3701 Bell Road  
NASHVILLE, TENNESSEE 37214

REPLY TO  
ATTENTION OF:

August 22, 2008

Regulatory Branch

SUBJECT: File No. 20070-01488; Proposed Waterline Crossings of Piney Creek and French Mill Creek by Directional Drill Method, in Athens, Limestone County, Alabama

City of Athens Utilities  
1806 Wilkinson Street  
Athens, Alabama 35611

Gentlemen:

This is in regard to your recent application, submitted on your behalf by Krebs Engineering, Inc., for a Department of the Army (DA) permit for the proposed waterline project. Your project has been assigned File No. 2007-01488.

Based upon the information submitted to this office, we have determined that the work has been previously permitted under authority of DA Nationwide Permit (NWP) #12, which became effective March 19, 2007. The proposed work must be constructed in accordance with the enclosed plans and Conditions. Please note that preconstruction contours must be maintained throughout the stream and/or wetland crossings. Please be advised this NWP is only for the two directional drill stream crossings of Piney Creek and French Mill Creek. The remaining waterline crossings, by open cut trench method, are still being reviewed by the US Fish and Wildlife Service and this office.

It should be noted that if you fail to comply with any of the conditions, this authorization may be modified, suspended, or revoked and an individual permit may be required pursuant to 33 CFR 330.5(d).

The notification that the work is approved under the Nationwide Permit mentioned above is valid until two years from date of letter unless the NWP is modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to obtain verification that the permit is still valid.

The State of Alabama Department of Environmental Management (ADEM) issued a conditional 401 water quality certification for the NWP. Consequently, the proposed work must also be constructed in accordance with the enclosed 401 certification.

dated May 30, 2007.

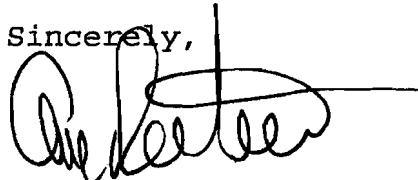
Before you begin construction, you may also need to obtain approval from the Tennessee Valley Authority.

You are also responsible for obtaining any other federal, state, and/or local permits, approvals, or authorizations.

If changes in the location or plans of the work are necessary, revised plans should be submitted promptly to this office. No deviation should be made in the approved plans without first obtaining approval from this office.

If you have any questions, please contact me at the above address or telephone 615-369-7509.

Sincerely,



Amy M. Robinson  
Project Manager  
Operations Division

Enclosures

Copy Furnished:

Ms. Samantha Strickland  
Tennessee Valley Authority  
P.O. Box 1010  
Muscle Shoals, AL 35662-1010

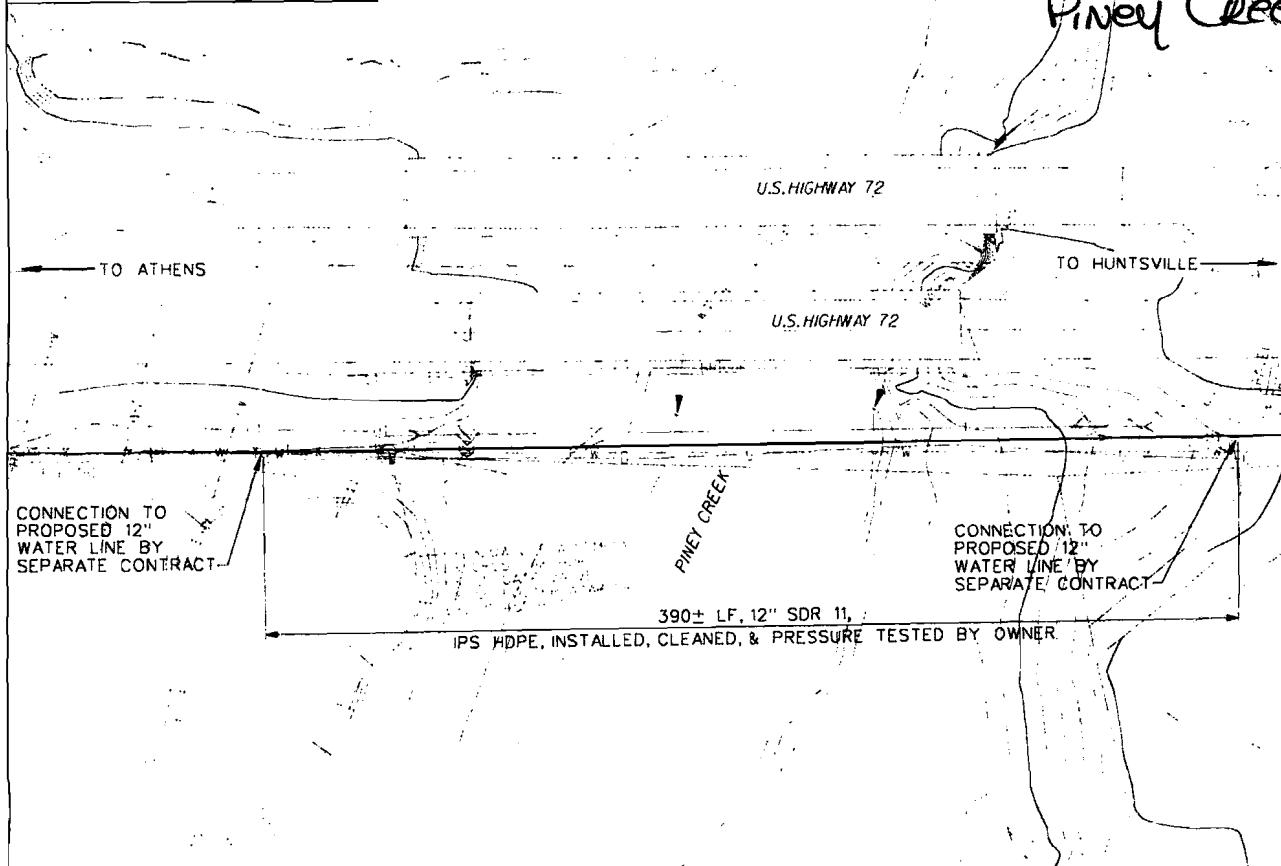
Ms. Nina Williams  
Krebs Engineering, Inc.  
2100 River Haven Drive, Suite 100  
Birmingham, AL 35244

CELRN-OP-F/W

PIPE DATA	CARRIER
COMMODITY OF CARRIER	WATER
ID 6 0 0 /DIAMETER	10 293"/12 750"
TYPE OF PIPE	HDPE
SPEC & GRADE	PE3408 IPS
WALL THICKNESS	1.159"
MAX WORKING PRESSURE	60 PSI
TYPE OF JOINT	FUSION
OD OF JOINT	12 750
METHOD OF INSTALLATION	HDD

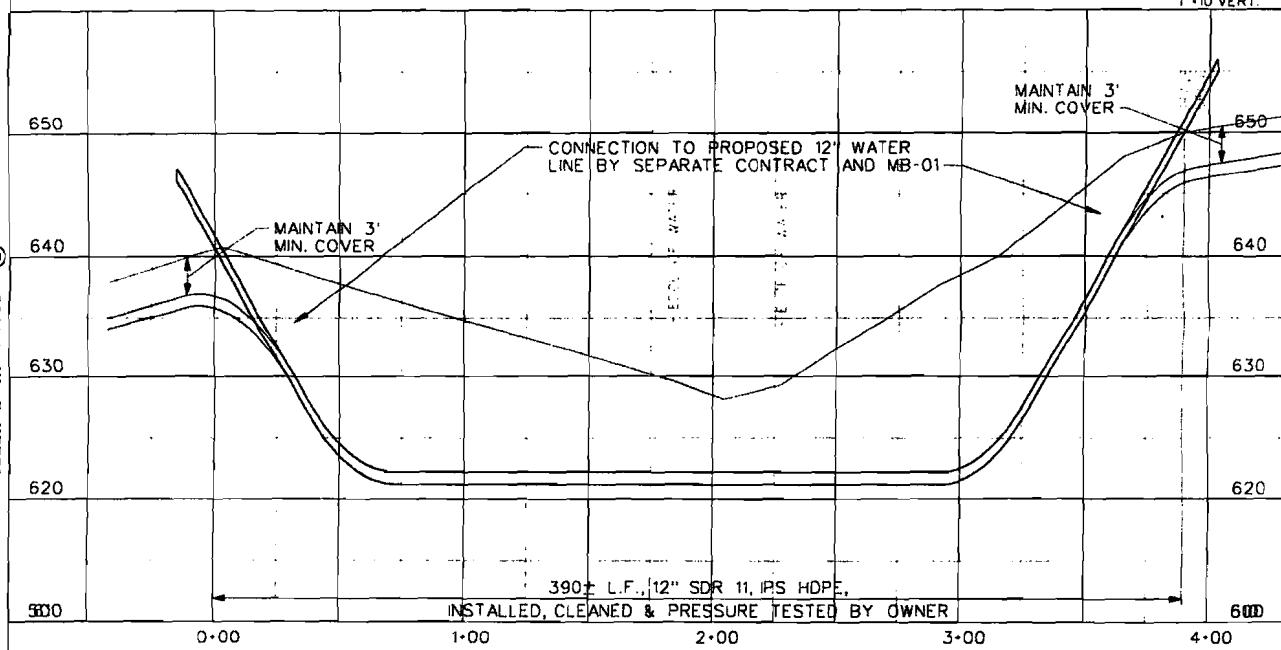


TIE NO. 2007-01498  
Directional Drawing  
Piney Creek



NOTE:  
ALL DISTURBED AREAS SHALL BE RESODDED  
OR SEEDED AS DIRECTED BY ALDOT  
DISTRICT MANAGER.

PLAN  
SCALE: 1"-50'  
PROFILE  
SCALE: 1"-50' HORIZ.  
1"-10' VERT.



SHEET TITLE		PINEY CREEK /HWY. 72 WATER LINE COE NATIONWIDE PERMIT	
SHEET NO		PROJECT NO 07033	
SCALE		1" = 50'-0"	
DATE		JULY 22, 2006	

FIGURE 1

CITY OF ATHENS UTILITIES  
WATER / WASTEWATER DEPARTMENT  
SE AREA WATER IMPROVEMENTS  
ATHENS, ALABAMA

PIPE DATA	CARRIER
COMMODITY OF CARRIER	WATER
ID & O.D./DIAMETER	10 293"/12.750"
TYPE OF PIPE	HDPE
SPEC & GRADE	PE3408 IPS
WALL THICKNESS	1.159"
MAX WORKING PRESSURE	160 PSI
TYPE OF JOINT	FUSION
O.D. OF JOINT	12.750
METHOD OF INSTALLATION	HCD

WAY 72

U.S. HIGHWAY 72

TO ATHENS

TO HUNTSVILLE

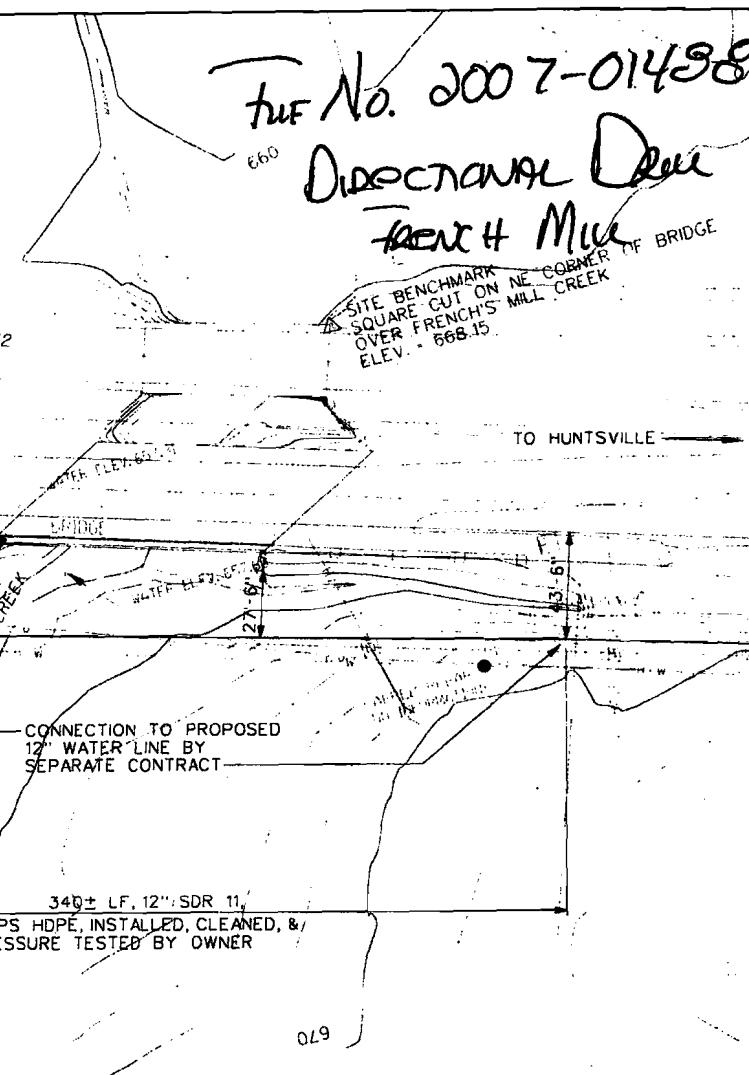
HWY 72

U.S. HIGHWAY 72

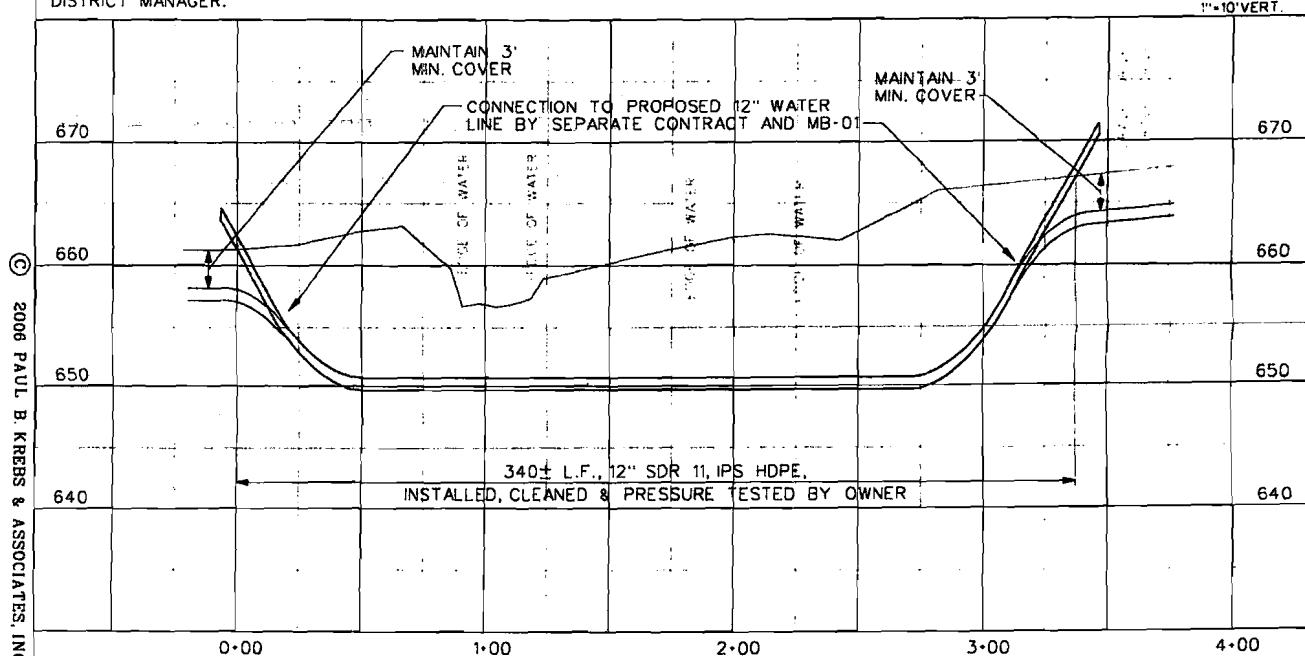
TUF No. 2007-01498

Directional Drill

French Mill

Site Benchmark  
SQUARE CUT ON NE CORNER OF BRIDGE  
OVER FRENCH'S MILL CREEK  
ELEV. - 668.15

NOTE:  
ALL DISTURBED AREAS SHALL BE RESODDED  
OR SEEDED AS DIRECTED BY ALDOT  
DISTRICT MANAGER.



SHEET TITLE		PINEY CREEK /HWY. 72 WATER LINE COE NATIONWIDE PERMIT
PROJECT NO.	07033	
SCALE	1" - 50'-0"	
DATE	JULY 22, 2006	

FIGURE 2

CITY OF ATHENS UTILITIES  
WATER / WASTEWATER DEPARTMENT  
SE AREA WATER IMPROVEMENTS  
ATHENS, ALABAMA

ARCHITECTURE  
**KREBS**  
ENGINEERING



US Army Corps  
of Engineers.

Nashville District

# Nationwide Permit

## No. 12, Utility Line Activities

Activities required for the construction, maintenance and repair of utility lines and associated facilities in waters of the US as follows:

(i) Utility lines: The construction, maintenance, or repair of utility lines, including outfall and intake structures and the associated excavation, backfill, or bedding for the utility lines, in all waters of the US, provided there is no change in preconstruction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquefied, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication (see Note 1, below). Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the US, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The District Engineer may extend the period of temporary side casting not to exceed a total of 180 days, where appropriate. In wetlands, the top 6" to 12" of the trench should normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the US (e.g., backfilling with extensive gravel layers, creating a french drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the US through which the utility line is installed. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

(ii) Utility line substations: The construction, maintenance, or expansion of a substation facility associated with a power line or utility line in non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters, provided the activity does not result in the loss of greater than 1/2-acre of non-tidal waters of the US.

(iii) Foundations for overhead utility line towers, poles, and anchors: The construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the US, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

(iv) Access roads: The construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters, provided the discharges do not cause the loss of greater than 1/2-acre of non-tidal waters of the US. Access roads shall be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes the adverse effects on waters of the US and as near as possible to preconstruction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the US must be properly bridged or culverted to maintain surface flows.

The term "utility line" does not include activities which drain a water of the US, such as drainage tile, or french drains; however, it does apply to pipes conveying drainage from another area. For the purposes of this NWP, the loss of waters of the US includes the filled area plus waters of the US that are adversely affected by flooding, excavation, or drainage as a result of the project. Activities authorized by paragraph (i) through (iv) may not exceed a total of 1/2-acre loss of waters of the US. Waters of the US temporarily affected by filling, flooding, excavation, or drainage, where the project area is restored to preconstruction contours and elevation, is not included in the calculation of permanent loss of waters of the US. This includes temporary construction mats (e.g., timber, steel, geotextile) used during construction and removed upon completion of the work. Where certain functions and values of waters of the US are permanently adversely affected, such as the conversion of a forested wetland to a herbaceous wetland in the permanently maintained utility line right-of-way, mitigation will be required to reduce the adverse effects of the project to the minimal level.

Mechanized land clearing necessary for the construction, maintenance, or repair of utility lines and the construction, maintenance and expansion of utility line substations, foundations for overhead utility lines, and access roads is authorized, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained as near as possible. The area of waters of the US that is filled, excavated, or flooded must be limited to the minimum necessary to construct the utility line, substations, foundations, and access roads. Excess material must be removed to upland areas immediately upon completion of construction. This NWP may authorize utility lines in or affecting navigable waters of the US even if there is no associated discharge of dredged or fill material (See 33 CFR part 322).

Note 1: Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit; except for pipes or pipelines used to transport gaseous, liquid, liquefied, or slurry substances over navigable waters of the US, which are considered to be bridges, not utility lines, and may require a permit from the USCG pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material associated with such pipelines will require a Corps permit under Section 404.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions. Temporary access roads for construction may be authorized by NWP 33.

# Nationwide Permit Conditions



US Army Corps  
of Engineers®  
Nashville District

The following General Conditions must be followed in order for any authorization by an NWP to be valid:

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.
2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. Water Quality. (a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)). (b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General

Condition 19 for vegetated buffer requirements for the NWPs). This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

11. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.  
(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "Incidental Take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Web pages at <http://www.fws.gov/endangered/endspp.html> and [http://www.nmfs.noaa.gov/prot\\_res/overview/es.html](http://www.nmfs.noaa.gov/prot_res/overview/es.html) respectively.
12. Historic Properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.
14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:
  - (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
  - (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
  - (c) The signature of the permittee certifying the completion of the work and mitigation.

- 15. Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g., if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1/3-acre).
- 16. Water Supply Intakes.** No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.
- 17. Shellfish Beds.** No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.
- 18. Suitable Material.** No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).
- 20. Spawning Areas, Activities, Including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable.** Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.
- 21. Management of Water Flows.** To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow. This condition is only applicable to projects that have the potential to affect water flows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.
- 22. Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the US, or discharges of dredged or fill material.
- 23. Waterfowl Breeding Areas.** Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
- 24. Removal of Temporary Fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.
- 25. Designated Critical Resource Waters.** Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.
- (a) Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.
- (b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.
- 26. Fills Within 100-Year Floodplains.** For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.
- (a) Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, 43, and 44.
- (b) Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, and 44.
- (c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.
- 27. Construction Period.** For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project). For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps. For projects that have been verified by the Corps, an extension of a Corps approved completion date maybe requested. This request must be submitted at least one month before the previously approved completion date.

- Further Information**
1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
  2. NWPs do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.
  3. NWPs do not grant any property rights or exclusive privileges.
  4. NWPs do not authorize any injury to the property or rights of others.
  5. NWPs do not authorize interference with any existing or proposed Federal project.
- \* Some NWP conditions that are not applicable for this verification were omitted from above list. If you are interested in a complete list, you should contact the Corps of Engineers office that handled your request.



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
1208-B Main Street  
Daphne, Alabama 36526

IN REPLY REFER TO:  
2008-TA-0694

AUG 19 2008

Amy Robinson  
U.S. Army Corps of Engineers  
Nashville District  
3701 Bell Road  
Nashville, TN 37214

Dear Ms. Robinson:

We are in receipt of the July 26, 2008, letter forwarded to our office on August 11, 2008, concerning the City of Athens Utilities proposal to install a 12-inch water line along the south right-of-way of Highway 72 in Athens, Limestone County, Alabama. The water line is proposed to cross under Piney Creek and French Mill Creek, known habitat for the armored snail (*Marstonia pachyta*). Our comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The City of Athens Utilities is proposing to install this line using horizontal directional drilling methods. This project, as described, would avoid impacts to listed species and have no significant impact on fish and wildlife resources. Therefore, we have no objections to the issuance of this permit.

Please keep us informed of your action regarding this matter and please forward this office a copy of any permit that you may issue for this project. For further discussion, please contact Mr. Josh Rowell of my staff at (251) 441-5836.

Sincerely,

William J. Pearson  
Field Supervisor  
Alabama Ecological Services Field Office

22 AUG 2008

[www.fws.gov](http://www.fws.gov)



PHONE: 251-441-5181

FAX: 251-441-6222

## **Robinson, Amy M LRN**

---

**From:** Josh\_Rowell@fws.gov  
**Sent:** Monday, August 04, 2008 2:00 PM  
**To:** Robinson, Amy M LRN  
**Subject:** Re: City of Athens

Amy:

Thanks for the info. I don't think we would have an issue should they choose to drill. However, I would recommend that if they go with the drilling to still submit plans to our office. We would just need some assurance that any indirect effects to the listed species will be avoided. This would take considerably less time to review and we could most likely issue the City some sort of clearance letter. Please keep me posted on this.

Take care,

Josh Rowell  
U.S. Fish and Wildlife Service  
Alabama Field Office  
1208-B Main Street  
Daphne, AL 36526  
251-441-5836

"Robinson, Amy M LRN" <Amy.M.Robinson@usace.army.mil>

07/31/2008 02:54 PM To  
<Josh\_Rowell@fws.gov>  
cc  
Subject  
City of Athens

Josh ----

I have received a request from the city of Athens to also directional drill the Piney Creek and French Mill Creek waterline crossings. They indicated that they maybe able to directional drill the site. Originally, they didn't think they could due to cost and geotech issues. However, after further investigation, there is a chance they will be able to. As originally advised to them, if they directional drill the sites, then USFWS would not have a problem with the issuance of the work. However, they do not want to withdraw their request for the open cut trench method (which you are reviewing in the BA)---- just in case if the directional drill would not work. If not, then the last resort would be to open cut trench the two crossings.

So, I was wanting to advise you of the directional drill attempt and see if you have any comments regarding this???

Otherwise, I will provide them a "No permit Required" letter for the directional drill.

Thanks,

Amy Robinson

Corps of Engineers



July 26, 2008

Amy Robinson  
US Army Corps of Engineers  
3701 Bell Road  
Nashville, TN 37214-2660

Re: Athens SE Area Water Improvements  
Nation Wide Permit  
Contract No. 07033

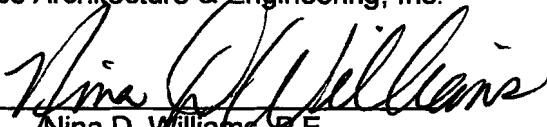
Dear Ms. Robinson:

The City of Athens Utilities is proposing to install a 12-inch water line along the south R.O.W of Highway 72 in Athens, Alabama. The water line will cross under Piney Creek and French Mill Creek. The City of Athens Utilities is proposing to install this line using horizontal directional drilling methods. Attached, please find two figures showing the location of each of these installations. It is our understanding this work falls under the Nation Wide Permit. We request a letter of concurrence from the Corps of Engineers that does fall under the Nation Wide Permit.

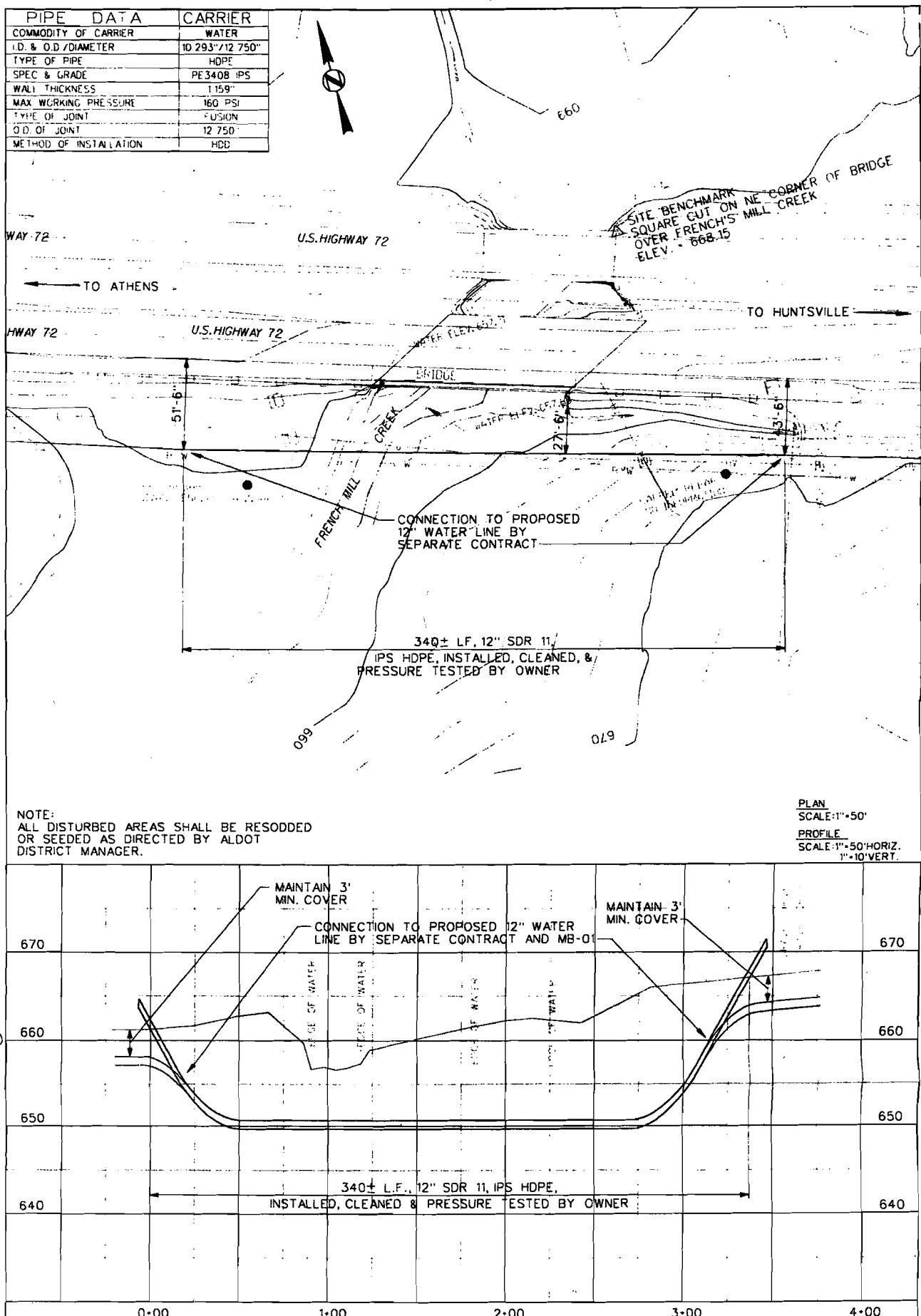
If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely yours,

Krebs Architecture & Engineering, Inc.

By   
Nina D. Williams, P.E.  
Project Manager

cc: John Stockton, Athens Utilities  
Paul Roebuck, Krebs  
Krebs File No. 07033/B3



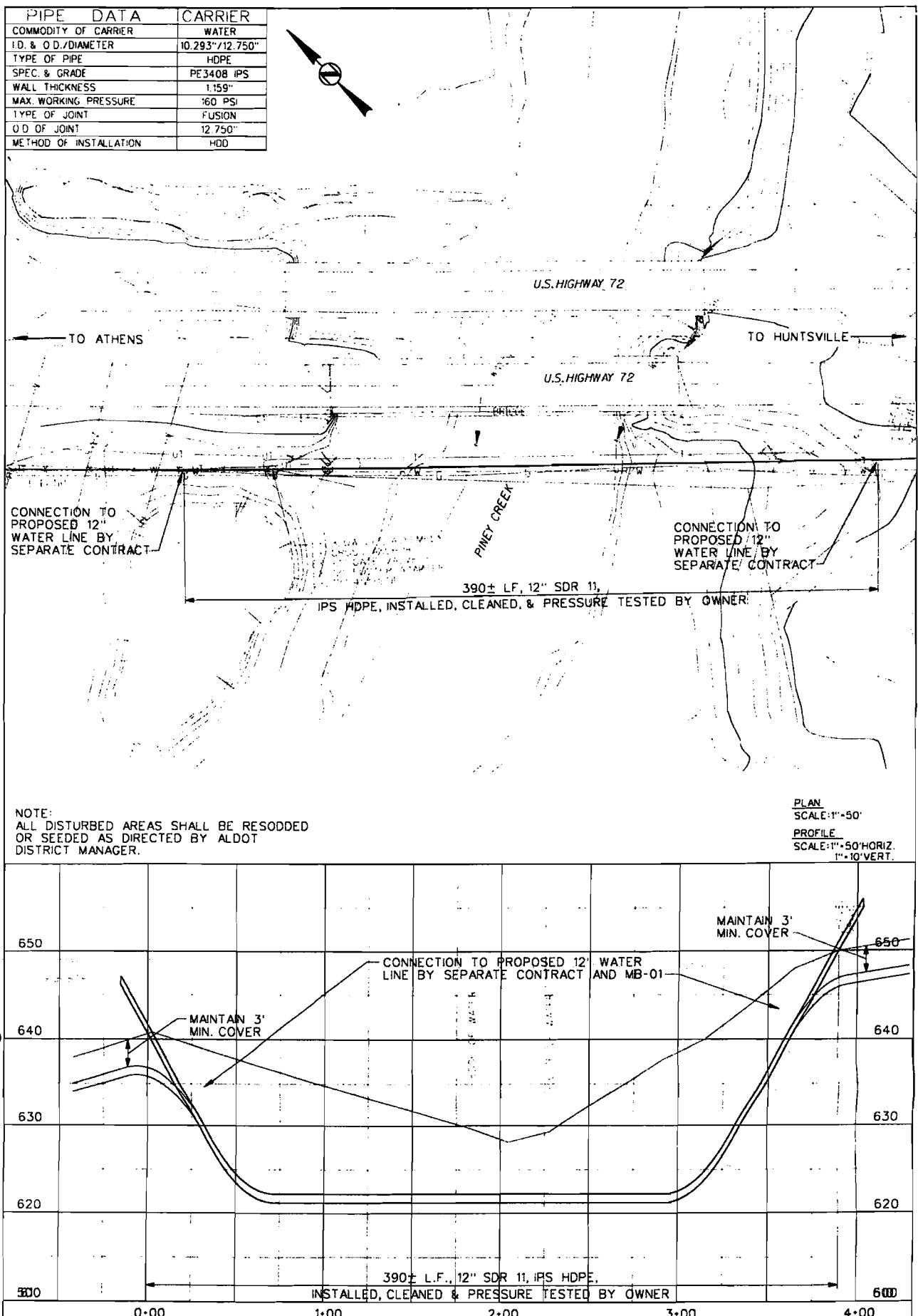
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**FIGURE 2**

SHEET TITLE	
PINEY CREEK /HWY. 72 WATER LINE	
COE NATIONWIDE PERMIT	
SHEET NO.	PROJECT NO. 07033
SCALE	1" = 50'-0"
DATE	JULY 22, 2006

**CITY OF ATHENS UTILITIES**  
**WATER / WASTEWATER DEPARTMENT**  
**SE AREA WATER IMPROVEMENTS**  
**ATHENS, ALABAMA**

**ARCHITECTURE**  
**KREBS**  
**ENGINEERING**

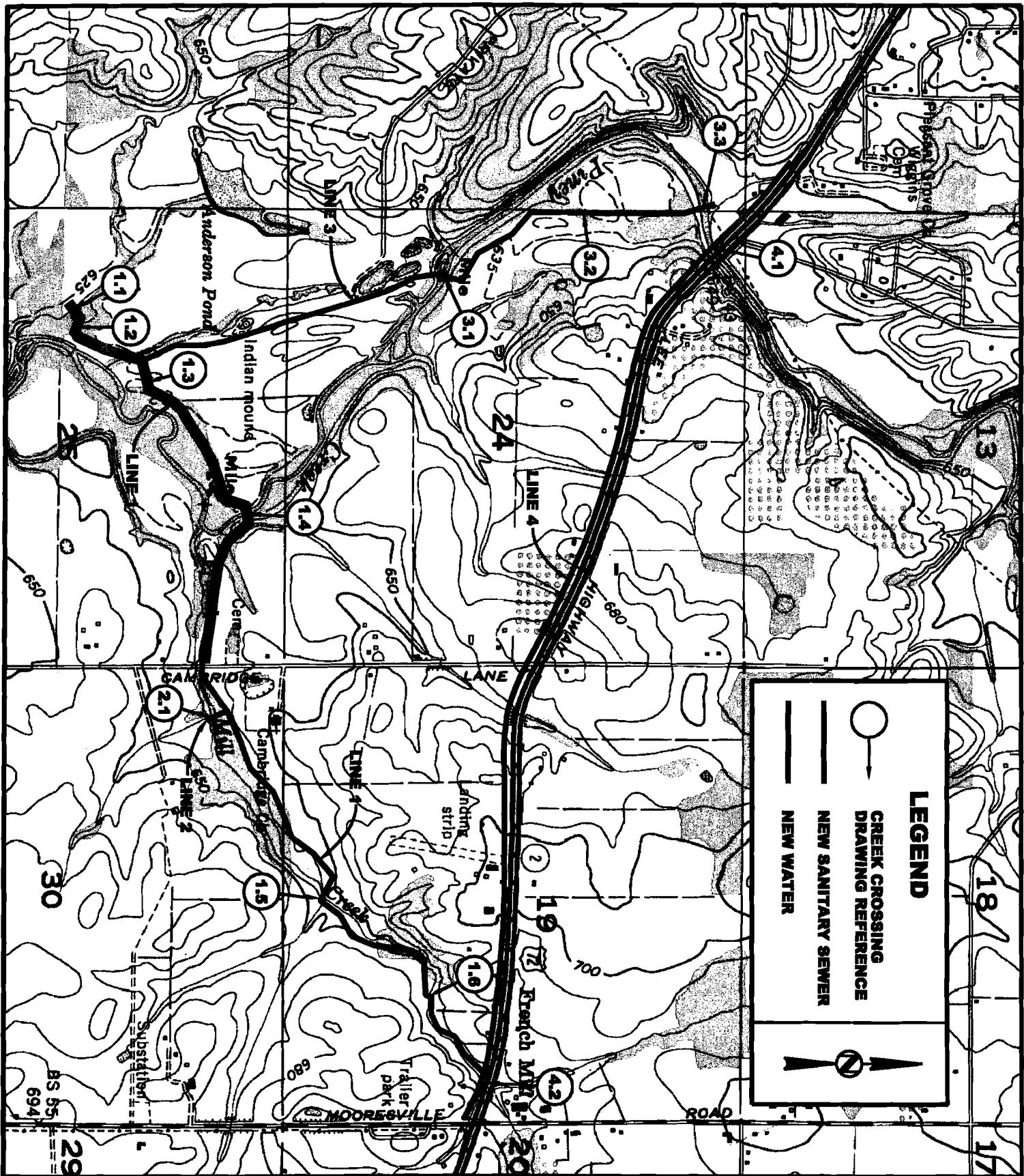


SHEET TITLE: PINEY CREEK /HWY. 72 WATER LINE COE NATIONWIDE PERMIT	
SHEET NO.	PROJECT NO. 07033
SCALE	1" - 50'-0"
DATE	JULY 22, 2006

**FIGURE 1**

CITY OF ATHENS UTILITIES  
WATER / WASTEWATER DEPARTMENT  
SE AREA WATER IMPROVEMENTS  
ATHENS, ALABAMA

ARCHITECTURE  
**KREBS**  
 ENGINEERING



SHEET TITLE	
CREEK CROSSING - OVERALL MAP	
SHEET NO.	PROJECT NO.
S1	07034
SCALE	NO SCALE
DATE	03-06-08

CITY OF ATHENS UTILITIES  
FRENCH MILL AND PINEY CREEK  
INTERCEPTOR  
ATHENS, AL

ARCHITECTURE  
**KREBS**  
ENGINEERING