

APPENDIX G

404(b)(1) Analysis

**404 (B) (1) GUIDELINES COMPLIANCE EVALUATION
(40 CFR 230.10)**

Project Numbers 2007-01488 and 2007-02202
Discharge of Fill Material for Creek and Wetland,
Pipeline Crossings on Piney Creek, French Mill Creek, Various
Tributaries and Wetlands
to Tennessee River Mile 310.7L
Limestone County, Alabama

RESTRICTIONS ON DISCHARGE(*): A check in a block denoted by an asterisk indicates that the proposal does not comply with the guidelines.

I. Alternatives test.

- A. Are there available, practicable alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into "waters of the United States" or at other locations within these waters? [Yes(*) ___ No x]
- B. If the project is in a special aquatic site and is not water-dependent, has applicant clearly demonstrated that there are no practicable alternative sites available? [Yes x No(*) ___]

II. Special restrictions. Will the discharge:

- A. violate state water quality standards? [Yes(*) ___ No x]
- B. violate toxic effluent standards (under Section 307 of the Act)? [Yes(*) ___ No x]
- C. jeopardize endangered or threatened species or their critical habitat? [Yes(*) ___ No x]
- D. violate standards set by the Department of Commerce to protect marine sanctuaries? [Yes(*) ___ No x]
- E. Evaluation of the physical/chemical and biological characteristics and anticipated changes indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s).

[Yes x No ___]

- (x) based on available information, the material is not a carrier of contaminants
- () the levels of contaminants are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas
- () acceptable constraints are available and will be implemented to reduce contamination to acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site

III. **Other restrictions.** Will the discharge contribute to significant degradation of "waters of the U. S." through adverse impacts to:

- A. human health or welfare, through pollution of municipal water supplies, fish, shellfish, wildlife, and special aquatic sites? [Yes(*) ___ No x]
- B. life stages of aquatic life and wildlife? [Yes(*) ___ No x]
- C. diversity, productivity, and stability of the aquatic ecosystem, such as loss of fish or wildlife habitat, or loss of the capacity of wetland to assimilate nutrients, purify water, or reduce wave energy? [Yes(*) ___ No x]
- D. recreational, aesthetic and economic values? [Yes(*) ___ No x]

IV. **Actions to minimize potential adverse impacts (mitigation).** Will all appropriate and practicable steps (40 CFR 230.70-77) be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem? [Yes x No(*) ___]

The mitigation measures included in the proposed action together with the standard erosion and sedimentation controls included in the DA permit conditions would adequately minimize pollution or adverse effects to the affected ecosystem.