

**Appendix A – Joint Public Notice 08-19**

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**US Army Corps  
of Engineers.**

Nashville District

# Public Notice

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Public Notice No. 08-19      Date: September 11, 2008

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Application No. 2007-02181      Expires: October 11, 2008

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214  
Attn: Richard D. Graham

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

**SUBJECT:** Proposed Dredging, Community Dock, Bank Stabilization, and Boat Ramp at Mile 7.3R, Elk River, Wheeler Lake, Limestone County, Alabama

**TO ALL CONCERNED:** The project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act (RHA) of 1899, Section 404 of the Clean Water Act (CWA)**, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act** (TVA RLR No. 180962). Before a permit can be issued, certification must be provided by the state of Alabama, Department of Environmental Management, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. The applicant will apply for the State certification by separate application.

**APPLICANT:** Billy Christopher  
River Front Development, LLC  
22095 Canebreak Lane  
Athens, Alabama 35611

**LOCATION:** Mile 7.3R, Elk River, Wheeler Lake, Limestone County, AL; USGS Quad: Cairo, AL; Latitude 34.832; Longitude -87.208; TVA Wheeler Lake Tract No. XWR-204.

**DESCRIPTION:** The applicant proposes to construct a community dock in conjunction with a proposed landbased residential development. Work would consist of dredging roughly 20,000 cubic yards of lake bottom at the subject location in order to construct the dock.

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The proposed dredging site measures 90'x500'x7' deep. No dredging would occur within 25 feet of the Normal Summer Pool (NSP) shoreline. NSP for Wheeler Lake is 556.0. The dredged material would be removed from the lake via backhoe and truck where possible, and a suction drill if needed. Dredged material would be transported to an upland, contained holding pond and placed on private land above the 560.0' contour. Return water would be filtered prior to its runoff from the pond. The dock would include one-10'x30' and 16-20'x30' covered, floating slips. The private slips would be for use by residential lot owners in the development. A 6'x910' boardwalk would be built from the docks leading to a private boat ramp. Docks and boardwalk would be secured with spudpoles. The 18'x80' ramp, with attached 8'x43' floating courtesy dock, would be built next to a dry storage boat launch. The launch would require 150 cubic yards of fill. Riprap stone would be placed along 600' of shoreline for bank stabilization. Upland facilities would include a 100'x200' parking lot, 200-slip dry storage building, 33 developed lots, and two access roads off of Richter Road. The public would be able to use the dry storage facility and ramp through individual rental agreements. Plans of the proposed work are attached.

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 it to 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;

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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, historical properties, water quality, 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 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 EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA 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. TVA and the Corps have requested a Phase I cultural resources survey to identify any historic properties that may be present within the area currently proposed for residential development (approximately 54 acres) along with the adjacent TVA land where water-use facilities will be located. When completed, a copy of this survey will be submitted to the Alabama SHPO and federally recognized Indian tribes with an interest in this 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 may be required for the proposed work. 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.

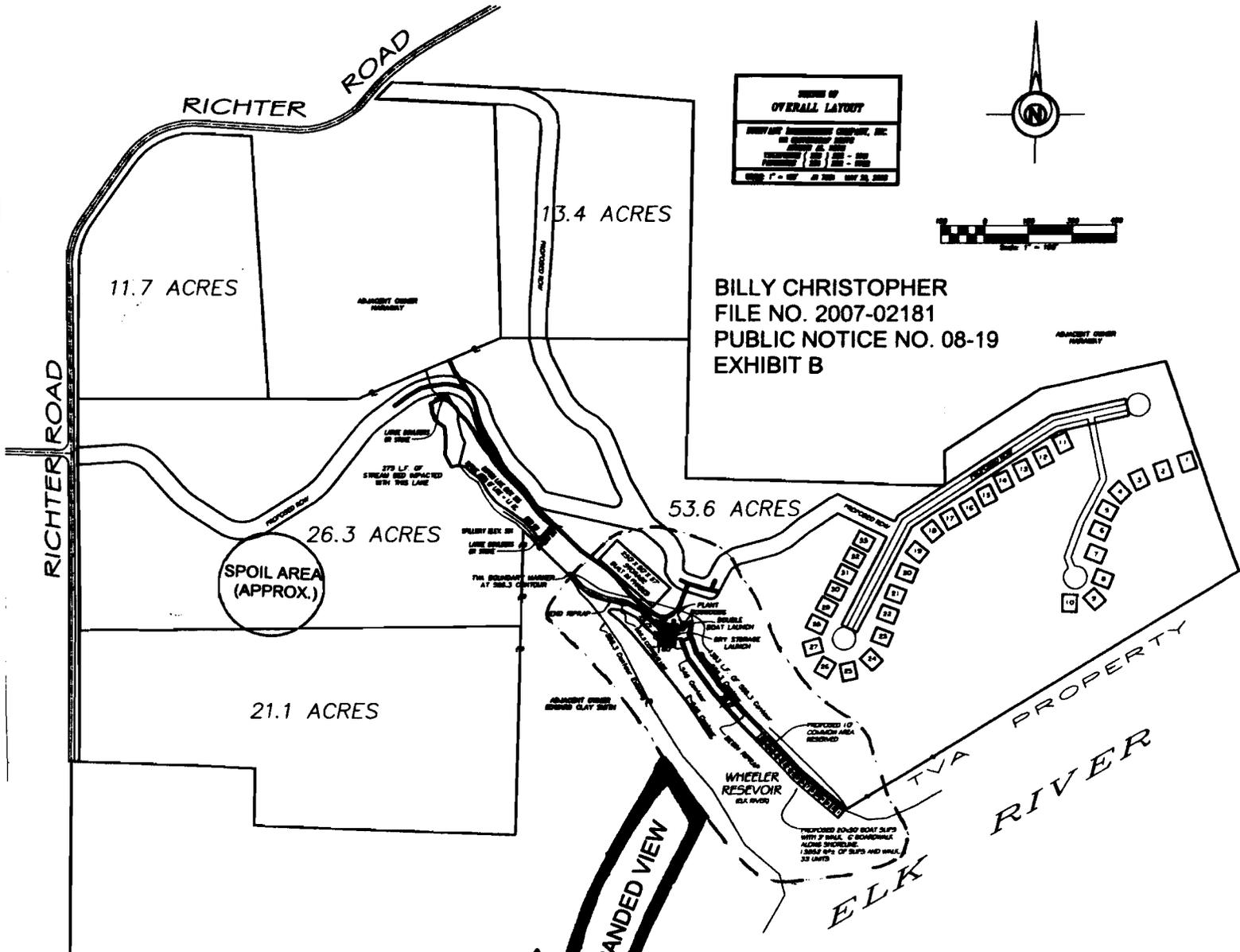
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state,

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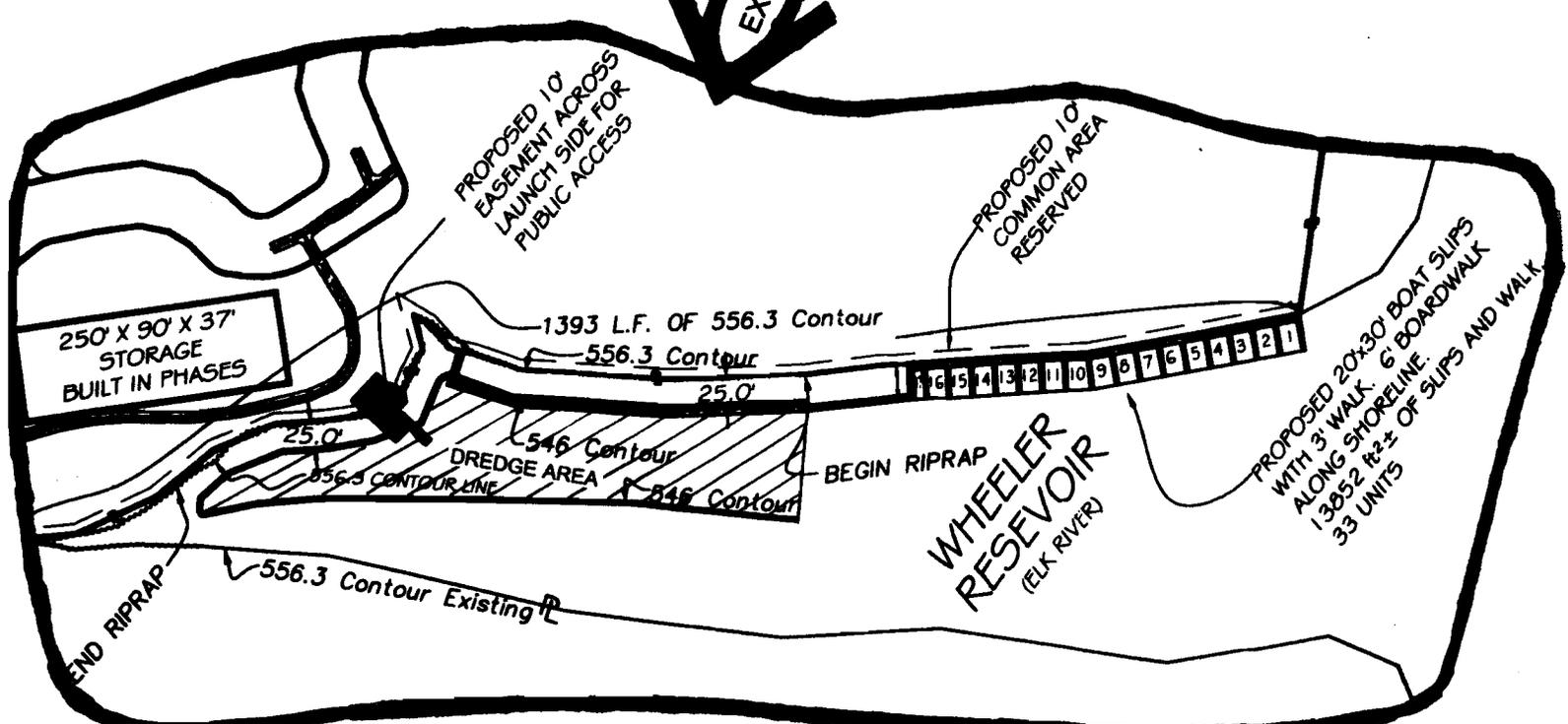
with particularity, the reasons for holding a hearing. Written statements received in this office on or before **October 11, 2008**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Richard Graham, address above, telephone (615) 369-7507, Fax (615) 369-7501. The e-mail address is richard.graham@lrn02.usace.army.mil. Point of contact at TVA is Samantha Strickland, (256) 386-2643.

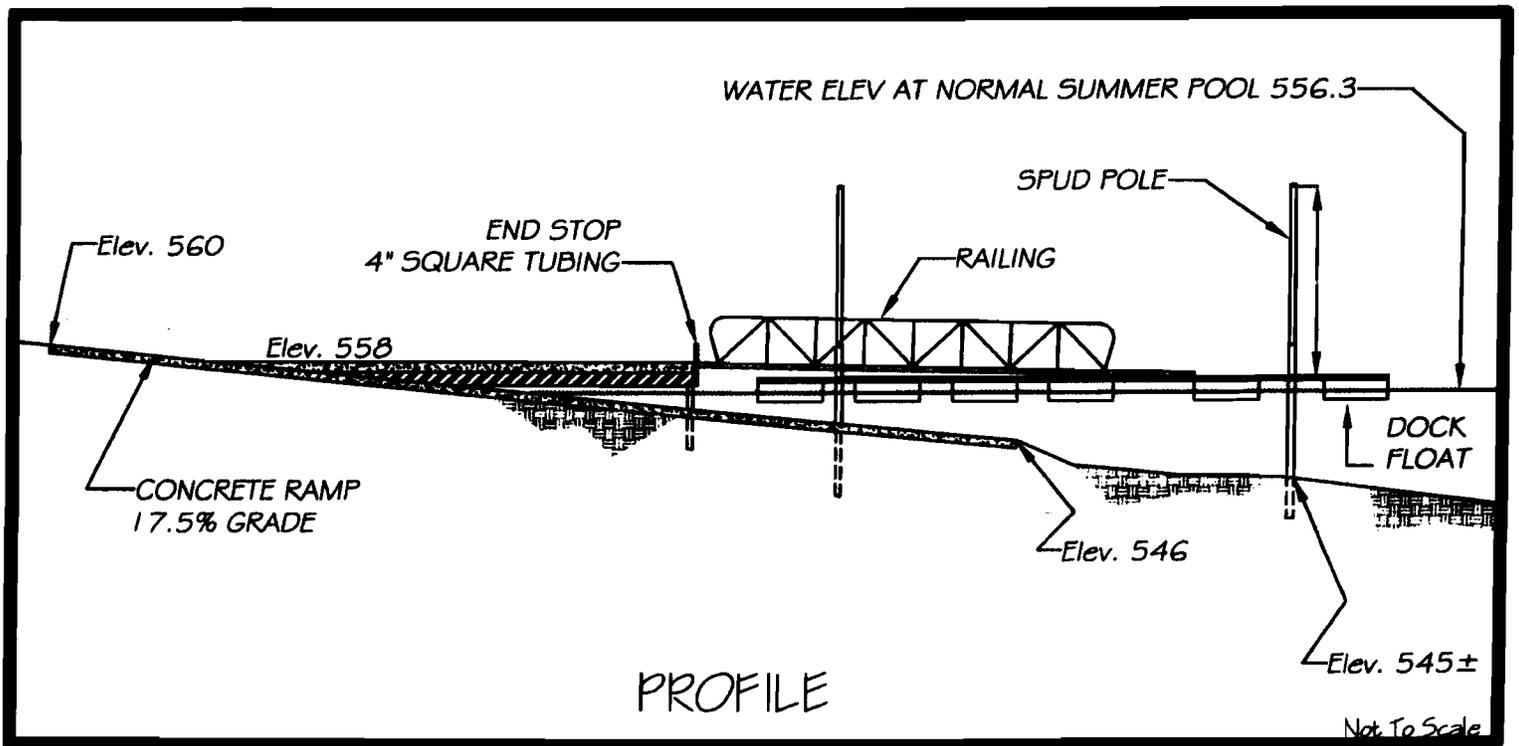
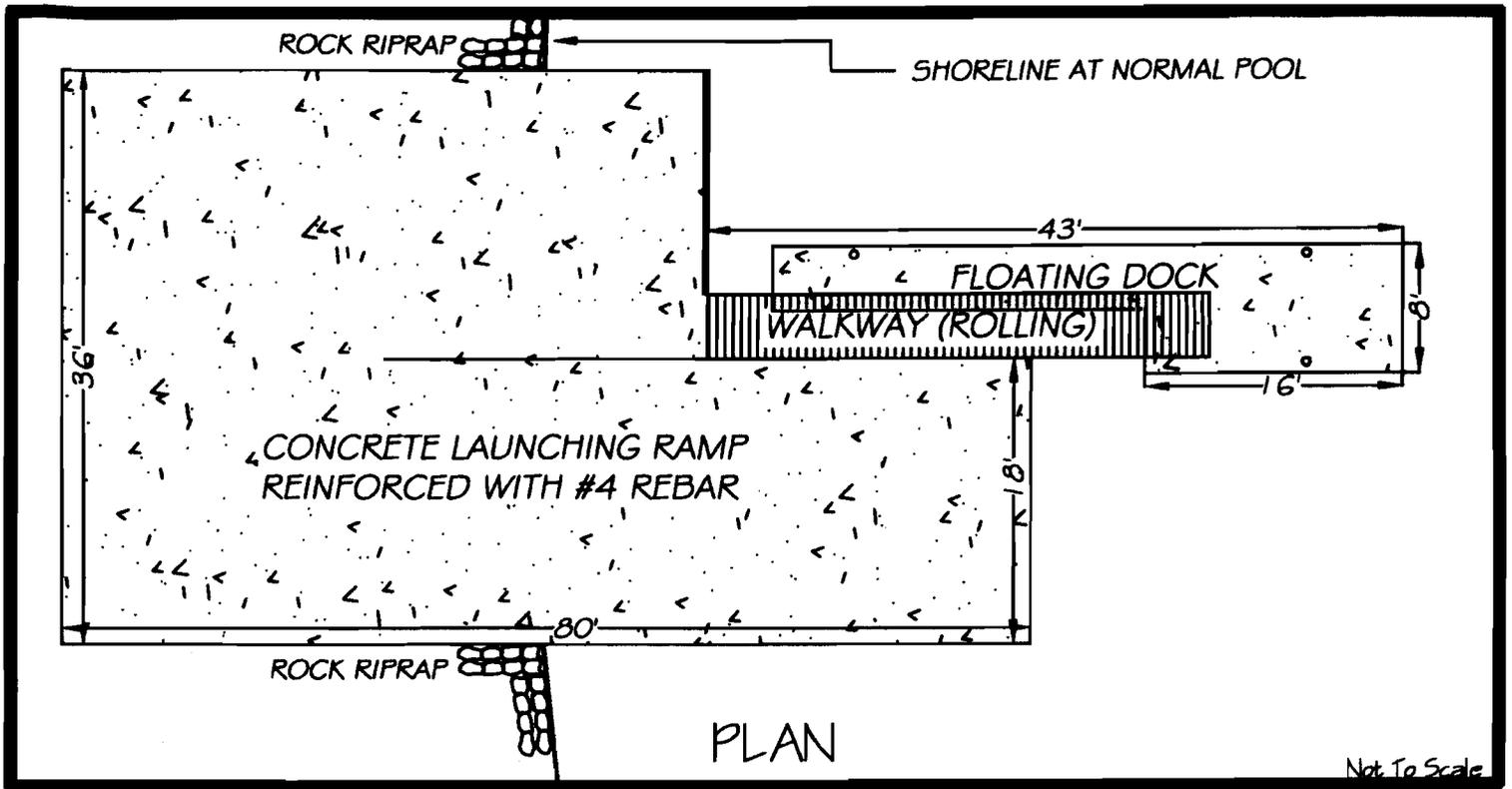
BILLY CHRISTOPHER  
FILE NO. 2007-02181  
PUBLIC NOTICE NO. 08-19  
USGS QUAD: CAIRO, AL  
EXHIBIT A





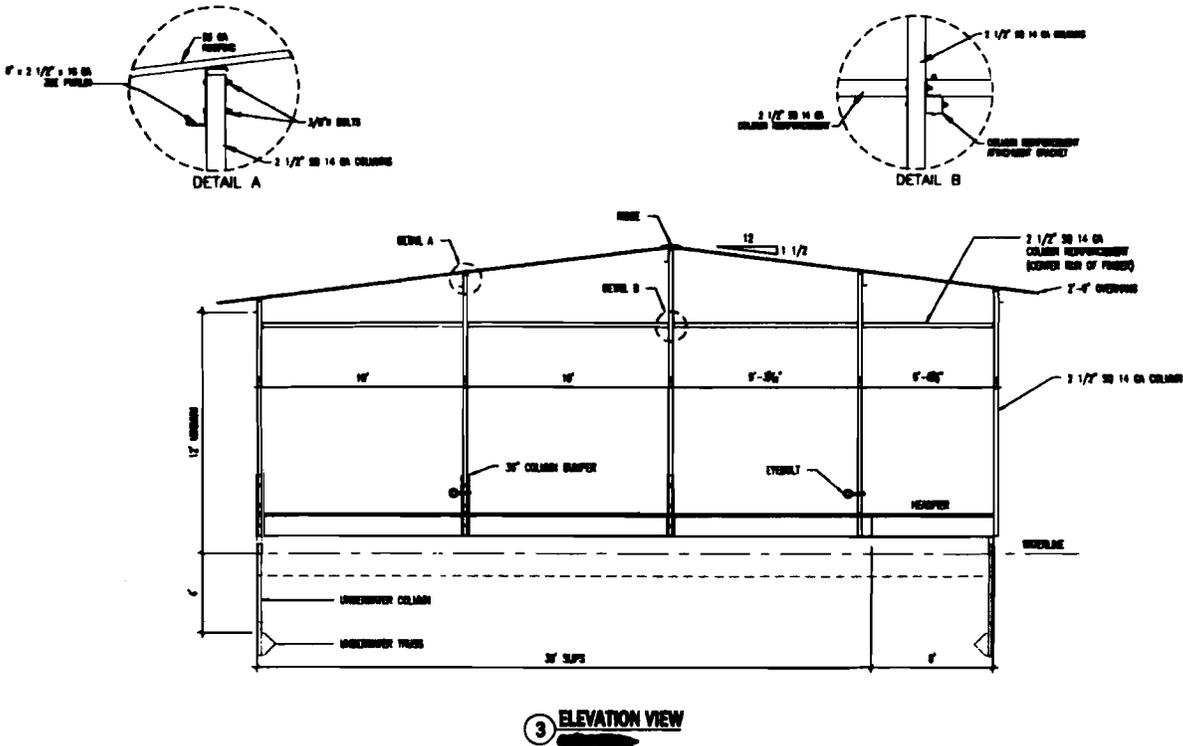
**EXPANDED VIEW**





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 EXHIBIT C

BILLY CHRISTOPHER  
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 EXHIBIT D



3 ELEVATION VIEW

NO.	REVISION DESCRIPTION	BY	DATE	Note: All structural steelwork shall be fabricated in accordance with the specifications of the American Institute of Steel Construction, Inc. All steelwork shall be fabricated in accordance with the specifications of the American Institute of Steel Construction, Inc. All steelwork shall be fabricated in accordance with the specifications of the American Institute of Steel Construction, Inc.	<b>ATLANTIC MEECO</b> THE MARINE COMPANY 1001 S. GUYTON AVE. MOBILE, ALABAMA 36688 Phone: 904-681-2200 Fax: 904-681-2115	OWNER: D.L.A.	PLANS: 7202-3	<b>ELEVATION VIEW</b> ELK CREEK MARINA ATHENS, AL	
						DRAWN BY: JMS	PLANS: 7202		
						SCALE: 1/4" = 1'-0"	DATE: 6/9/07		SHEET: 3

