

INTAKE STRUCTURE and WATER SUPPLY PIPELINE

Applicant: City of Corinth

Action ID: SAM-2004-03147- TMZ; Tennessee-Tombigbee Waterway

ENVIRONMENTAL ASSESSMENT, 404(B)(1) ANALYSIS, STATEMENT OF FINDINGS, AND DECISION DOCUMENT

This document constitutes my Environmental Assessment, Finding of No Significant Impact, Statement of Findings, and review and compliance determination according to the 404(b)(1) guidelines for the proposed work.

This permit action is being taken under authority delegated to the Mobile District Engineer by the Secretary of the Army and the Chief of Engineers by Title 33, Code of Federal Regulations, Part 325.8, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

1. Applicant: City of Corinth (City)
Corinth Gas and Water Department
305 West Waldron Street
Post Office Box 1870
Corinth, Mississippi, 38835-1870

2. Application Number: SAM-2004-03147-TMZ (MS04-03147-S)

3. Location and Environmental Setting Without the Project:

a. Location: Pumping Plant Site: SR 365 along the Tennessee-Tombigbee Waterway (Tenn-Tom), at Doskie, Tishomingo County, 5.5 miles north of Burnsville, Treatment Plant Site: U.S. 72, 2 miles east of Glen, Alcorn County Pipeline: The beginning of the pipeline will be at Doskie, Tishomingo County and will end at the City, Alcorn County. The 19.3-mile pipeline will cross 24 unnamed ephemeral and intermittent streams in addition to Welch Branch, Mayo Branch, Johnson Branch, Caney Creek, Hines Branch, Coke Creek, Bucks Branch, Clear Creek, Bridge Creek and Elam Creek.

b. Environmental Setting Without the Project: The water intake structure will be located along the unvegetated, riprapped bank of the Tenn-Tom. The pumping plant will be situated in forested wetlands (bottomland hardwoods) adjacent to the waterway. The proposed 19.3-mile-long pipeline will cross 34 named and unnamed ephemeral, intermittent and perennial streams along existing county, State and Federal highway rights-of-way between the water intake structure and the City.

4. Project Description, Changes to Project:

a. Project Description: A water intake structure will be constructed by creating a riprapped notch in the west bank of the Tenn-Tom, followed by the installation of water intake tubes. Approximately 1.72 acres of jurisdictional forested wetlands will be

permanently impacted as part of construction of the pumping plant, which will consist of: 1) installing inlet tubes from the waterway to the pumping plant and maintaining a permanently cleared easement above the subsurface inlet tubes; 2) constructing a building to house the raw water pumps.

Installation of the 19.3-mile-long pipeline will entail crossing 34 named and unnamed streams along the length of the preferred alignment. The work will occur exclusively within existing cleared highways rights-of-way and impacts will be limited to temporary disturbances involving trenching and backfilling. All stream channel banks and bottoms will be restored to pre-project conditions at each crossing location immediately following pipeline emplacement.

A water treatment plant to be constructed as part of this project near Glen, will not result in any impacts to wetlands or other waters of the United States.

b. Changes to Project: No material changes to the project were submitted by the applicant following receipt of the complete application 21 December 2005.

5. Environmental Impact of the Proposed Action: Direct impacts to the Tenn-Tom will consist of removing 9,900 cubic yards of earthen material from the west bank of the Tenn-Tom to create the 200-foot-wide by 145-foot-long inlet tube notch. Some of this excavated material may be used to reform the Tenn-Tom levee, while all or the remainder of the material may be moved offsite and deposited in uplands. The sides of the excavated area (notch) will be covered with riprap.

Approximately 1,550 cubic yards of clean fill material and 678 cubic yards of concrete will be discharged into a 0.74 acre forested wetland area as part of pumping plant construction; an additional 0.98 acre forested wetland area will be cleared and maintained as an easement over the buried inlet tubes. Total permanent wetland impacts are therefore 1.72 acres.

Construction of the 19.3-mile-long pipeline will entail crossing 34 named and unnamed streams along the length of the preferred alignment. Stream top widths vary from 1 foot to 75 feet and bottom widths vary from 2 feet to 34 feet; channel depths vary from 2 feet to 12 feet. The work will occur exclusively within existing cleared highways rights-of-way and impacts will be limited to temporary disturbances involving trenching and backfilling. Stream crossings will consist of buried, restrained joint, mechanical and non-mechanical pipe crossings. All stream channel banks and bottoms will be restored to pre-project conditions at each crossing location immediately following pipeline emplacement.

6. Project Purpose and Need:

a. Basic Project Purpose: The proposed water intake structure, pumping facility, and surface water supply pipeline are for the purpose of providing a public water supply. The Section 10 component of this project, namely the water intake structure, is considered by the U.S. Army Corps of Engineers (Corps) to be water-dependent. The Section 404 components of the project, i.e., filling activities for the purpose of constructing the pumping facility and temporary impacts associated with overland pipeline construction, are considered to be non-water dependent.

b. Overall Project Purpose: The overall purpose of this project is to construct a water supply system that will satisfy the demand for potable drinking water by the citizens of Corinth and surrounding Alcorn County.

7. Scope of Analysis: With regard to the water intake structure in a navigable waterway, the Corps is evaluating the proposal pursuant to its regulatory authority under Section 10 of the Rivers and Harbors Act. The fill discharges and other impacts to waters of the United States

associated with this project are being reviewed by Corps under its authority pursuant to Section 404 of the Clean Water Act, in conjunction with the State of Mississippi regarding Section 401 Water Quality certification. The water intake structure component of the project is crucial to the project overall. However, the water treatment plant is far upland from the intake structure and the Federally regulated activities (intake structure, minor filling for a portion of pumping station and pipeline crossings) comprise only a very small portion of the entire project, therefore, the permit area for this action is considered to be the area in the immediate vicinity of the water intake structure, pumping station, and pipeline crossings. The evaluation of direct impacts and public interest review will be limited to the permit area and the cumulative and secondary impacts of the overall project will be considered only as they may affect navigation and waters of the United States.

Except as they relate to impacts to navigation and waters of the United States, the withdrawal and allocation of water are beyond the regulatory purview of the Corps per 33 CFR Part 320.4 (m) of the 13 November 1986 Federal Register which states, "Actions affecting water quantities are subject to Congressional policy as stated in section 101(g) of the Clean Water Act which provides the authority of states to allocate water quantities shall not be superseded, abrogated, or otherwise impaired."

8. Federal, State and Other Authorizations Obtained, Required or Pending:

a. State 401 Water Quality Certification (WQC): WQC was obtained 9 March 2006.

b. Coastal Zone Management (CZM) Consistency Determination: N/A

c. Other authorizations: The applicant has received Water Withdrawal Permit MS-SW-02950 from the State of Mississippi, Department of Environmental Quality, dated 13 September 2004. The applicant is concurrently requesting permit authorization from the Tennessee Valley Authority (TVA) under Section 26a of the TVA Act regarding construction of the water intake structure on one of its regulated waterways (Note: Because the inlet tubes are located within the Tennessee River Basin well north of the divide between the Tombigbee River Basin and the Tennessee River Basin, water removed by the inlet tubes is a component of the Pickwick Lake/Tennessee River complex).

9. Application and Public Notice History: A pre-application meeting was held 10 February 2005. A complete application was received 21 December 2005 the jurisdictional determination and wetland delineation verification was previously processed 28 October 2004 under file number MSJ04-02664-S. The file was formally assigned to Mr. Tad M. Zebryk as Project Manager 24 December 2005 after Division reorganization. A joint public notice with the TVA as a participating agency was issued 6 January 2006 the comment period ended 7 February 2006.

10. Alternatives [33 CFR 320.4(b), 40 CFR 230.10]:

a. Avoidance (No action alternative, uplands, and availability of other sites; the discussion below is based on information provided by the applicant in environmental reports prepared by their consultant, Richard Herring Environmental, LLC and which are part of the permit file).

Current and projected population growth and water consumption needs of residential, commercial and industrial consumers in Corinth and the rest of Alcorn County dictate a larger capacity water supply be made available for these end users. The no-action alternative is therefore not a viable option. Investigations of other water sources such as local groundwater aquifers indicate the water output potential of these artesian systems is inadequate to meet the projected water needs of the area. Alternative surface water sources such as the Tuscumbia and Hatchie Rivers are subject to fluctuating seasonal flow rates and are not reliable sources of water without impoundment; construction of the required 430-acre impoundment has been determined not to be cost-effective by the applicant. A water intake structure situated on the Tenn-Tom will

therefore provide the only practicable, reliable and cost-effective means of supplying the projected high-volume water demands of the City and the rest of Alcorn County.

The intake structure will be sited within a notched portion of bank so it will not pose a hazard or obstacle to navigation on the Tenn-Tom. After construction, the structure will be separated from the centerline of the navigation channel by 200 feet. The portion of bank chosen for the location of the intake structure has already been impacted by the construction of the Tenn-Tom and is currently armored by riprap.

Regarding the location of the pumping plant, the applicant considered three alternative sites. The selected site must meet the following feasibility criteria as determined by the applicant: 1) access to the Tenn-Tom; 2) access to a public road; 3) availability (the land must be owned by a willing seller); 4) size (the tract must be appropriately sized to accommodate the necessary construction); 5) affordability (the property must be priced within the constraints of the funding available to the Corinth Gas and Water Department); 6) no significant environmental feature may be present on the tract that would preclude the construction of the facility. Upon completing a detailed study of the three sites, it was determined by the applicant only the Doskie site met all the criteria. The Corps has reviewed the applicant's study and concurs the proposed location of the pumping station is the least environmentally damaging alternative.

b. Minimization (modified project designs, etc.): Rather than construct an overland pipeline through undeveloped areas with significant potential permanent impacts to wetlands and other waters of the United States, the applicant has chosen to follow existing cleared right-of-ways along local, county, State and Federal highways where all impacts associated with stream crossings will be of a temporary nature.

Wetland impacts associated with pumping plant construction at the Doskie site was determined to be the least compared with the other two sites considered. This was accomplished by locating as much of the facility as possible in the available upland portion of the tract. Furthermore, the permanent wetland easement area above the subsurface inlet tubes will not be filled, but rather allowed to revegetate with herbaceous wetland plant species after construction. Although there will be no permanent wetland loss associated with work occurring in the 0.98-acre easement area, the applicant will mitigate for the alteration (removal) and conversion of mature bottomland hardwood forest to a herbaceous community.

No riparian wetlands will be impacted during excavation of the notch into the west bank of the Tenn-Tom (the bank is presently riprapped with limestone blocks in this area). The site for the water treatment plant in Glen, has been specifically selected so as to avoid wetland impacts of any kind.

c. Project as Proposed: Adverse impacts to waters of the United States associated with this project principally involve the permanent placement of fill at the pumping facility site. Wetland functions and values associated with 1.72 acres of mature bottomland hardwood forest will be lost as a result of the project as proposed. Impacts associated with the construction of the water intake structure on the Tenn-Tom are very minor in nature, as are the temporary impacts associated with trench-and-backfill activities in waters of the United States along the proposed pipeline alignment.

d. Conclusions of Alternatives Analysis: The preferred alternatives for each project component have been determined to be least-damaging practicable means of achieving the overall project purpose.

11. General Policies for Evaluating Permit Applications (33 CFR 320.4 (a-r):

a. Public Interest Review: There will be little or no impact on conservation, economics, aesthetics, general environmental concerns, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and

in general the needs and welfare of the people; therefore, these factors have little effect on the decision.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Overall, the project has been determined to be beneficial to the interests of the public and the minor nature of the associated impacts weigh heavily in favor of permit issuance.

b. Effect on wetlands: The proposed project will result in the direct loss of 1.72 acres of medium-quality mature bottomland hardwood forest as a result of filling activities associated with the construction of the pumping plant and maintenance of the inlet tube easement area. Functions such as wildlife habitat and flood storage will be lost. The applicant will compensate for the loss of these wetlands by purchasing 5.16 mitigation credits (based on a 3:1 mitigation ratio for the loss of medium-quality wetlands) from the Corps-approved Pearl River Mitigation Bank. Impacts to other waters of the United States associated with pipeline construction are temporary in nature, obviating the need for compensatory mitigation.

c. Fish and wildlife concerns: The 1.72 acres of forested wetlands impacted by pumping plant construction will be lost as wildlife habitat. However, there is ample similar habitat in the near vicinity and it is anticipated all mobile wildlife species will vacate the project area and relocate nearby. Similarly, fish species occupying the near shore area in the vicinity of the proposed water intake structure will swim away during construction and later occupy comparable habitat nearby. Of course, there will be some destruction of relatively immobile benthic organisms and there will be a temporary increase in the water column turbidity as a result of excavation. The increase in turbidity will have short-term, minor impacts on the water column and nektonic and planktonic organisms. This impact will be temporary and will subside upon completion of excavation.

By letter dated 30 January 2006 the U.S. Fish & Wildlife Service (FWS) determined no Federal listed species will be affected by the proposed project. Furthermore, they have found the project will have no significant adverse effects on aquatic and terrestrial resources.

d. Water quality: During construction, water quality may be adversely affected by proposed activities involving excavation and backfilling. These impacts may be significantly reduced by the applicant's adherence to the best management practices (BMP) incorporated into the special conditions of the WQC issued by the State of Mississippi.

e. Historic, cultural, scenic and recreational values: The applicant has retained an archaeological consultant who performed a reconnaissance cultural resources survey of the permit area, including the 19.3-mile long pipeline corridor. The results of the study indicate there are no standing structures to be affected and there is no evidence of prehistoric settlement in the area. The cultural resources study has been forwarded to the Mississippi Department of Archives and History (MDAH) and it is anticipated they will concur no cultural resources of significance will be impacted by the proposed project. Scenic and recreational values are unlikely to be significantly adversely affected by the project, other than the loss of a negligible stretch of shoreline that might otherwise be used by fishermen.

f. Effects of limits of the territorial sea: N/A

g. Consideration of property ownership/Shoreline erosion and accretion: The proposed site for the water intake structure and pumping plant is situated in mitigation land owned by the Corps, Mobile District. The applicant is currently in the process of purchasing outright the required real estate from the District's Real Estate Division.

h. Activities affecting coastal zones: N/A

i. Activities in marine sanctuaries: N/A

j. Other Federal, State or local requirements: Issuance of a Department of the Army permit does not obviate the permittee from obtaining other necessary Federal, State or local permits. WQC was issued by the State of Mississippi 9 March 2006 the State also issued a Water Withdrawal Permit 13 September 2004. Permit authorization from the TVA is pending.

k. Safety of impoundment structures: N/A

l. Floodplain management: The project will not significantly impact the floodplain existing in the project area.

m. Water supply and conservation: The overall project purpose is to provide a potable water supply for consumers in Corinth and the rest of Alcorn County.

n. Energy conservation and development: N/A

o. Navigation: The water intake structure will be located within a notched area of bank and thus will not present a hazard to navigation of boat and barge traffic on the Tenn-Tom; the structure itself will be protected by a substantial barrier comprised of 18-inch diameter piles supporting sheet pilings. In correspondence dated 4 May 2006 Mr. Duane Poiroux, Chief, Navigation Section, Operations Division, made the determination the subject project will have no impact on (the District's) navigation operation due to insignificant effects on river levels in downstream areas.

p. Environmental benefits: There are no particular environmental benefits associated with this project.

q. Economics: By providing a reliable source of potable water for the City and the rest of Alcorn County, the region can maintain continued residential, commercial and industrial growth, thus expanding the tax base.

r. Mitigation: The proposed project will result in the direct loss of 1.72 acres of mature bottomland hardwood forest as a result of filling activities associated with the construction of the pumping plant and maintenance of the inlet tube easement area. Functions such as wildlife habitat and flood storage will be lost. The applicant will compensate for the loss of these wetlands by purchasing 5.16 mitigation credits from the Corps-approved Pearl River Mitigation Bank (based on a 3:1 mitigation ratio for the loss of medium-quality wetlands). Impacts to other waters of the United States associated with pipeline construction are temporary in nature, obviating the need for compensatory mitigation.

12. Cumulative and Secondary Impacts: Only minor cumulative or secondary impacts to waters of the United States are anticipated in the permit area, which has been previously defined as the immediate vicinity of the water intake structure and the associated overland supply pipeline. In terms of water use in the Tenn-Tom river system, the projected 15 million gallon per day consumption rate constitutes less than 1/20th of 1% of the average daily

flow rate leaving Pickwick Lake, i.e., 34 billion gallons. (According to the applicant, little or none of this water will be returned to the Tenn-Tom as waste water from Corinth and other locations in Alcorn County will be discharged into the Hatchie River watershed.). In correspondence dated 4 May 2006 Mr. Poiroux, a the determination the subject project will have no impact on (the District's) navigation operation due to insignificant effects on river levels in downstream areas.

The project is expected to have a beneficial secondary impact for the City and the rest of Alcorn County by providing a reliable source of drinking water to expanding communities.

13. Public Notice Comments, Responses and Corps Analysis of Comments and Responses:

a. National Marine Fisheries Service (NMFS): In their 19 January 2006 response, NMFS stated they are neither opposed to, or in favor of, the proposed project.

b. FWS: By letter dated 30 January 2006, the FWS determined no Federal listed species will be affected by the proposed project. Furthermore, they found the project will have no significant adverse effects on aquatic and terrestrial resources.

c. The MDAH has required in correspondence dated 23 January 2006 the applicant perform a cultural resource survey of the project area. This study had already been performed by the applicant and a copy of the survey results were forwarded to that agency. Although no response from MDAH has been received yet, it is anticipated they will concur that no cultural resources of significance will be impacted by the proposed project.

d. Alabama Office of Water Resources, Alabama Department of Economic and Community Affairs: In correspondence dated 24 January and 13 February 2006 this agency questioned the basis for the statutory authority exercised by the Corps with regard to water withdrawals on the Tenn-Tom and other waterways. In answering correspondence dated 31 January and 1 March 2006 the Corps stated it has no statutory or regulatory authority over water withdrawals and its authority is limited to that pursuant to Section 10 of the Rivers and Harbors Act which pertains to work and structures in navigable waterways, i.e., in this case, a water intake structure. Aspects of the project pertaining to the withdrawal and allocation of water are beyond the regulatory purview of the Corps of Engineers per 33 CFR Part 320.4 (m) of the 13 November 1986 Federal Register which states, "Actions affecting water quantities are subject to Congressional policy as stated in section 101(g) of the Clean Water Act which provides the authority of states to allocate water quantities shall not be superseded, abrogated, or otherwise impaired."

e. Tennessee Department of Environment and Conservation, Division of Water Pollution Control: In response to the joint public notice, this state agency returned a comment letter dated 10 January 2006 to the TVA, which was subsequently forwarded to the Corps. The letter provided no specific recommendations or objections, but instead referred to an attached list of criteria that agency applies to permit evaluations and recommended its use. Some of the criteria replicates that found in the Corps' standard review process for Individual Permits, but most pertains to cumulative and secondary impacts of water withdrawals that occur outside of the permit area addressed by this current permit action, i.e., the area in the immediate vicinity of the water intake structure. Impact analysis beyond the permit area with regard to water withdrawals was deemed to be outside of the regulatory purview of the Corps under its Section 10 permitting authority.

14. Public Hearing Request: No requests were made for a public hearing by any respondent. It was determined the application information at hand was sufficient to make a final

permitting decision, and that no new significant information was likely to be obtained by holding a public hearing.

15. Consideration of Special Acts or Executive Orders (EO) Not Already Addressed:

a. Environment:

(1) Section 176(c) of the Clean Air Act General Conformity Rule Review: The project area is within a National Ambient Air Quality Standards attainment area and therefore does not require a conformity analysis pursuant to Section 176(c) of the Clean Air Act.

(2) EO 11900 - Protection of Wetlands (1977): The purpose of this EO is to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of the wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The evaluation of the proposed project, taking into account economic, environmental and other pertinent factors, indicate (1) there is no practicable alternative to the proposed project, and (2) the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

(3) EO 13158 - Marine Protected Areas (2000): The purpose of this EO is to help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas. An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and ecologically and economically sustainable use of the marine environment for future generations. (N/A)

b. Other: EO 13175 - Consultation and Coordination with the Tribal Indian Governments: The purpose of this Executive Order is to coordinate new construction with Indian Tribal Governments. In the event any items falling under Native American Graves and Repatriation Act (NAGPRA) are discovered during construction, the appropriate persons, including state and tribal NAGPRA representatives will be notified immediately for further consultation.

16. Evaluation of the 404(b)(1) Guidelines:

a. Factual Determination (40 CFR Section 230.11): A review of appropriate information indicates there is minimal potential for short or long-term environmental effects of the proposed discharge as related to:

(1) Physical substrate. There will be little or no permanent adverse effects on wetland substrates apart from the construction of the pumping plant and associated fill discharges. BMP will be employed during construction to avoid incidental fill discharges.

(2) Water circulation, fluctuation and salinity: There will be little or no permanent adverse effects to water circulation and fluctuation as a result of pumping plant construction. Minor temporary disturbances to streams will occur during the course of constructing pipeline crossings, but BMP will be employed to minimize any temporary impacts.

(3) Suspended particulate/turbidity: Minor temporary disturbances to streams will occur during the course of constructing pipeline crossings but BMP will be employed to minimize any temporary impacts related to suspended particulates/turbidity.

(4) Contaminant availability: No contaminants are expected to be encountered or introduced in waters of the United States either during construction or thereafter.

(5) Aquatic ecosystem effects: Any minor adverse effects to the aquatic ecosystem will be of a temporary nature and will stabilize back to original conditions following the completion of construction.

(6) Proposed disposal site: Only clean fill will be used during the course of constructing the pumping plant. No other fills will be discharged during the course of pipeline construction, other than temporary stockpiling of native soils which will be returned to trenched areas.

(7) Cumulative effects: Negligible cumulative effects are anticipated as a result of fill discharges associated with this project.

(8) Secondary effects: Little or no secondary effects are anticipated.

b. Restrictions on discharges:

(1) Alternatives (See Section 10 above):

(a) Portions of the project are located in a special aquatic site (wetlands, sanctuaries and refuges, mudflats, vegetated shallows, coral reefs, riffle and pool complexes, etc.).

(b) The activity is water-dependent and needs to be located in a water of the United States to fulfill its basic project purpose.

(c) All practicable alternatives have been reviewed in Section 10 above. It has been demonstrated the alternative with the fewest impacts on the aquatic ecosystem (least damaging alternative) has been identified.

(d) The least damaging alternative has no significant environmental effects.

(2) Other program requirements:

(a) The proposed activity does not violate applicable State water quality standards or Section 307 prohibitions or effluent standards.

(b) The proposed activity does not jeopardize the continued existence of Federally listed threatened or endangered species or affect(s) their critical habitat.

(c) The proposed activity does not violate the requirements of a Federally designated marine sanctuary.

(3) The activity will not cause or contribute to significant degradation of waters of the United States, including adverse effects on human health; life stages of aquatic organisms;

ecosystem diversity, productivity and stability and recreational, aesthetic and economic values.

(4). Minimization of adverse effects:

(a) Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem.

(b) Compensatory Mitigation (Wetland restoration, enhancement, creation, preservation, etc.): The unavoidable impacts have been adequately compensated through mitigation. (See Section 11(r) for the full discussion on mitigation).

17. Findings of 404(b)(1) Analysis: The proposed disposal site for discharge of dredged or fill materials complies with the Section 404(b)(1) guidelines with incorporation of the following conditions:

a. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil surfaces and fill material must be permanently stabilized at the earliest practicable opportunity. All temporary erosion control features shall remain in place until the permanent stabilization measures have been completed and have become fully effective.

b. Each of the special conditions stipulated in the WQC issued by the State of Mississippi, Department of Environmental Quality shall be strictly adhered to and implemented by the permittee.

c. The applicant will compensate for the permanent loss of 1.76 acres of wetlands by purchasing 5.16 mitigation credits from the Corps-approved Pearl River Mitigation Bank. Proof of credit purchase must be submitted to the Corps before the initiation of construction.

18. Public Interest Determination: The project is not contrary to the public interest; therefore, permit issuance is warranted with the above conditions.

19. CONCLUSION/FINDING OF NO SIGNIFICANT IMPACT (FONSI): Based on the above assessment, analysis and consideration of comments presented by other agencies and the public and after weighing all factors involved in the proposal, I have concluded this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

PETER F. TAYLOR, JR.
Colonel, Corps of Engineers
District Engineer

BY: T.M. Zebryk
Tad M. Zebryk
Project Manager
Regulatory Division

DATE: 7/6/06



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

REPLY TO
ATTENTION OF:

January 5, 2006

CESAM-RD-I
PUBLIC NOTICE NO. MS04-03147-S

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

Intake Structure and Water Supply Pipeline

for the City of Corinth, Mississippi

Tenn-Tom Waterway, Tishomingo and Alcorn Counties, Mississippi

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbor Act of 1899 (33 USC 403), and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Corinth Utilities Commission
Attn: Mr. Ron Lilly, Manager
305 West Waldron Street
Corinth, Mississippi 38835-1870

WATERWAY: Tenn-Tom Waterway, including numerous named and unnamed tributaries in the Tenn-Tom watershed located in Alcorn and Tishomingo Counties, Mississippi.

WORK: The applicant proposes to construct a water intake structure (pumping plant) on the Tenn-Tom Waterway to serve as a public water supply for the City of Corinth and Alcorn County. The pumping plant will be located just southeast of Doskie, Mississippi in Tishomingo County. A 19.3-mile pipeline will be constructed along existing state, county and federal highway rights-of-way between the pumping plant and the City of Corinth in Alcorn County.

Approximately 1.72 acres of jurisdictional forested wetlands will be permanently impacted as part of construction of the pumping plant, which will consist of: 1) creating a notch in the west bank of the Tenn-Tom; 2) installing inlet tubes from the waterway to the

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pumping plant and maintaining a permanently cleared easement above the subsurface inlet tubes; 3) constructing a building to house the raw water pumps.

Installation of the 19.3-mile pipeline will entail crossing 34 named and unnamed ephemeral, intermittent, and perennial streams along the length of the preferred alignment. The work will occur exclusively within existing cleared highway rights-of-way, and impacts will be limited to temporary disturbances involving trenching and backfilling. All stream channel banks and bottoms will be restored to pre-project conditions at each crossing location immediately following pipeline emplacement.

A water treatment plant to be constructed as part of this project near Glen, Mississippi, will not result in any impacts to wetlands or other waters of the U. S.

In order to compensate for the unavoidable loss of 1.72 acres of medium quality forested wetlands associated with construction of the pumping plant, the applicant has proposed to purchase 5.16 mitigation credits from the Pearl River Mitigation Bank. Temporary impacts to jurisdictional streams associated with pipeline construction will not require mitigation.

The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will

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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, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

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, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment 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.

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 public hearings shall state with particularity, the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. 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 State Historic Preservation Officer and the U.S.

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Department of the Interior, National Park Service, Division of Archeological Services.

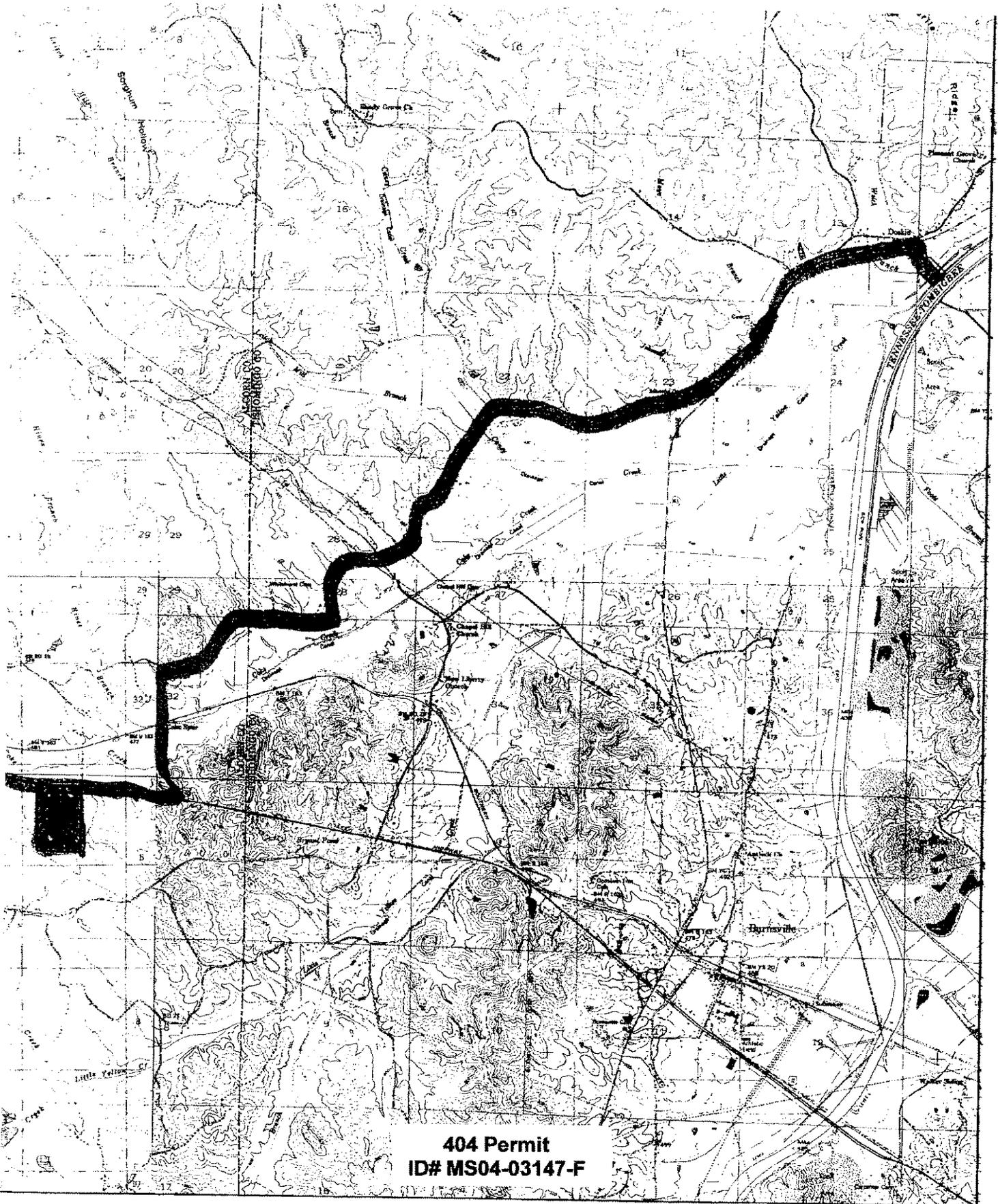
Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity will not affect listed endangered or threatened species, or their critical habitat.

Correspondence concerning this Public Notice should refer to Public Notice Number MS04-03147-S and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, Mississippi 39289, and the Tennessee Valley Authority, Attn: Mr. Sidney E. (Gene) Gibson, 400 West Summit Drive, Knoxville, Tennessee 37902, in time to be received not later than 7 February 2006.

If you have any questions concerning this publication, you may contact this office, Mr. Tad M. Zebryk, telephone number (251) 694-3779. Please refer to the above Public Notice number.

MOBILE DISTRICT
U.S. Army Corps of Engineers

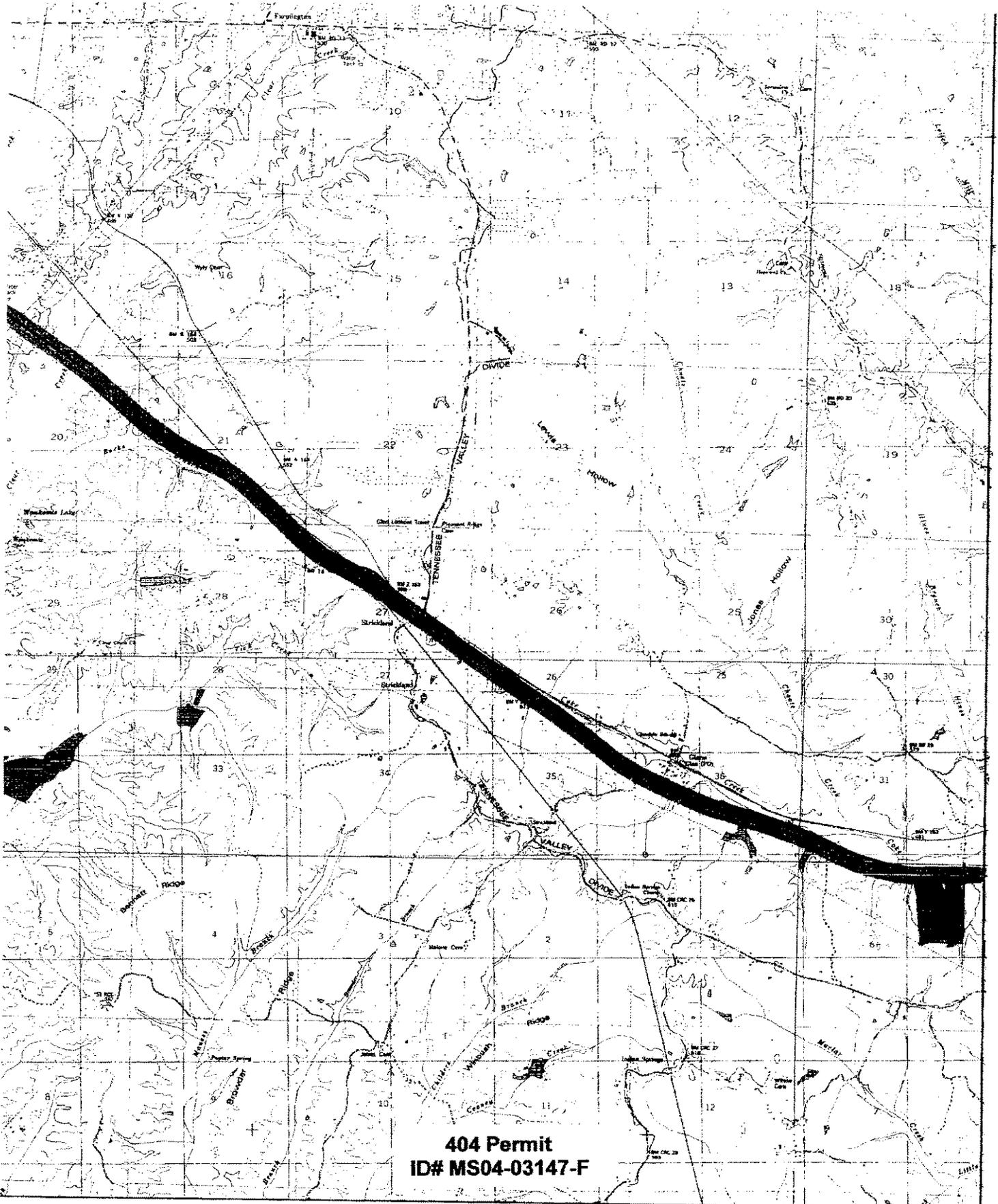
Enclosures



**404 Permit
ID# MS04-03147-F**

Name: DOSKIE
Date: 6/28/2005
Scale: 1 inch equals 4000 feet

Location: 034° 52' 22.8" N 088° 20' 24.9" W
Caption: City of Corinth Surface Water Pipeline
Herring E for Cook Coggin Eng.

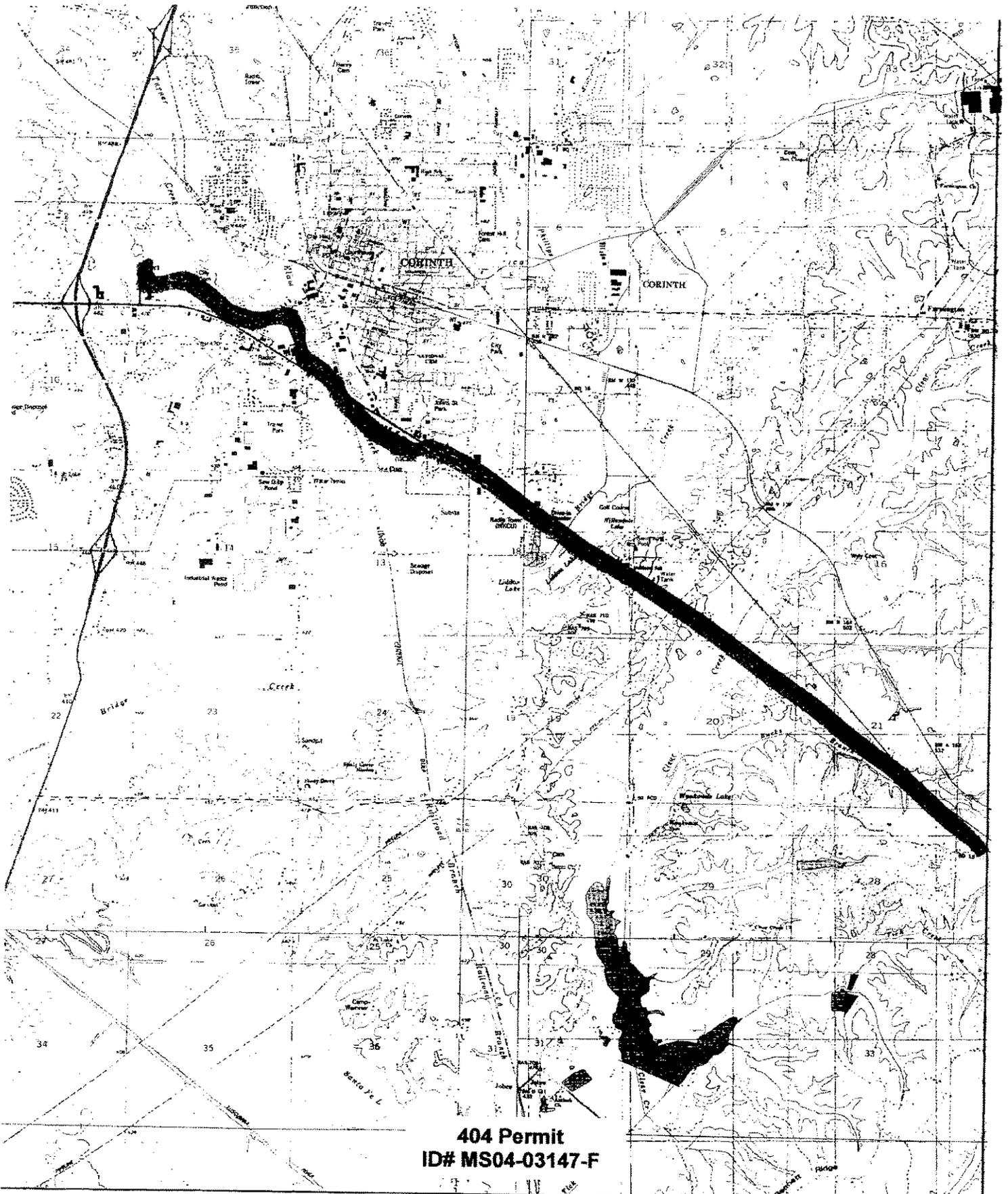


**404 Permit
ID# MS04-03147-F**

Name: KENDRICK
Date: 6/28/2005
Scale: 1 inch equals 4000 feet

Location: 034° 52' 47.5" N 088° 26' 02.2" W
Caption: City of Corinth Surface Water Pipeline
Herring E for Cook Coggin Eng

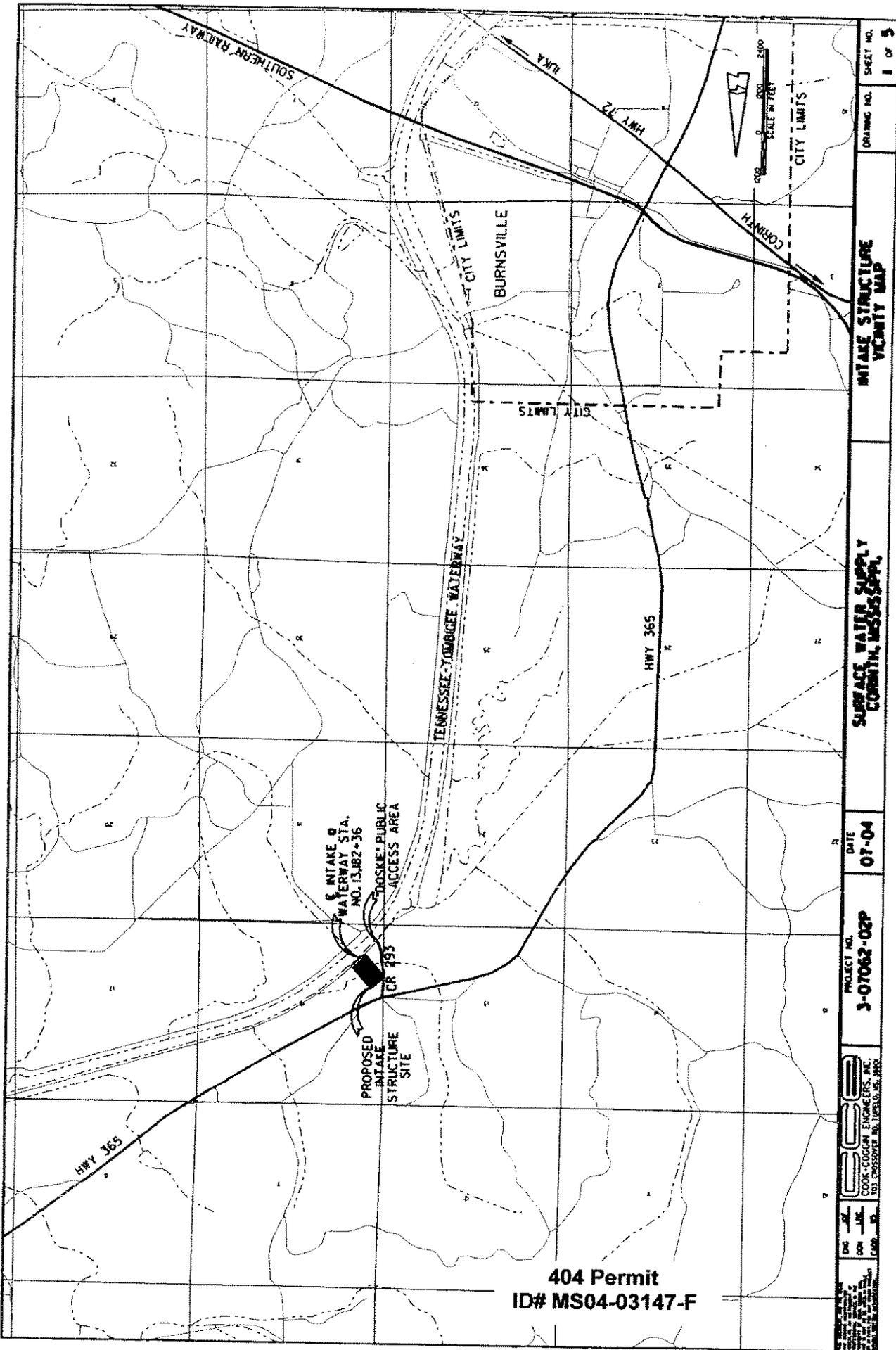
FIG. 2



**404 Permit
ID# MS04-03147-F**

Name: KENDRICK
Date: 6/28/2005
Scale: 1 inch equals 4000 feet

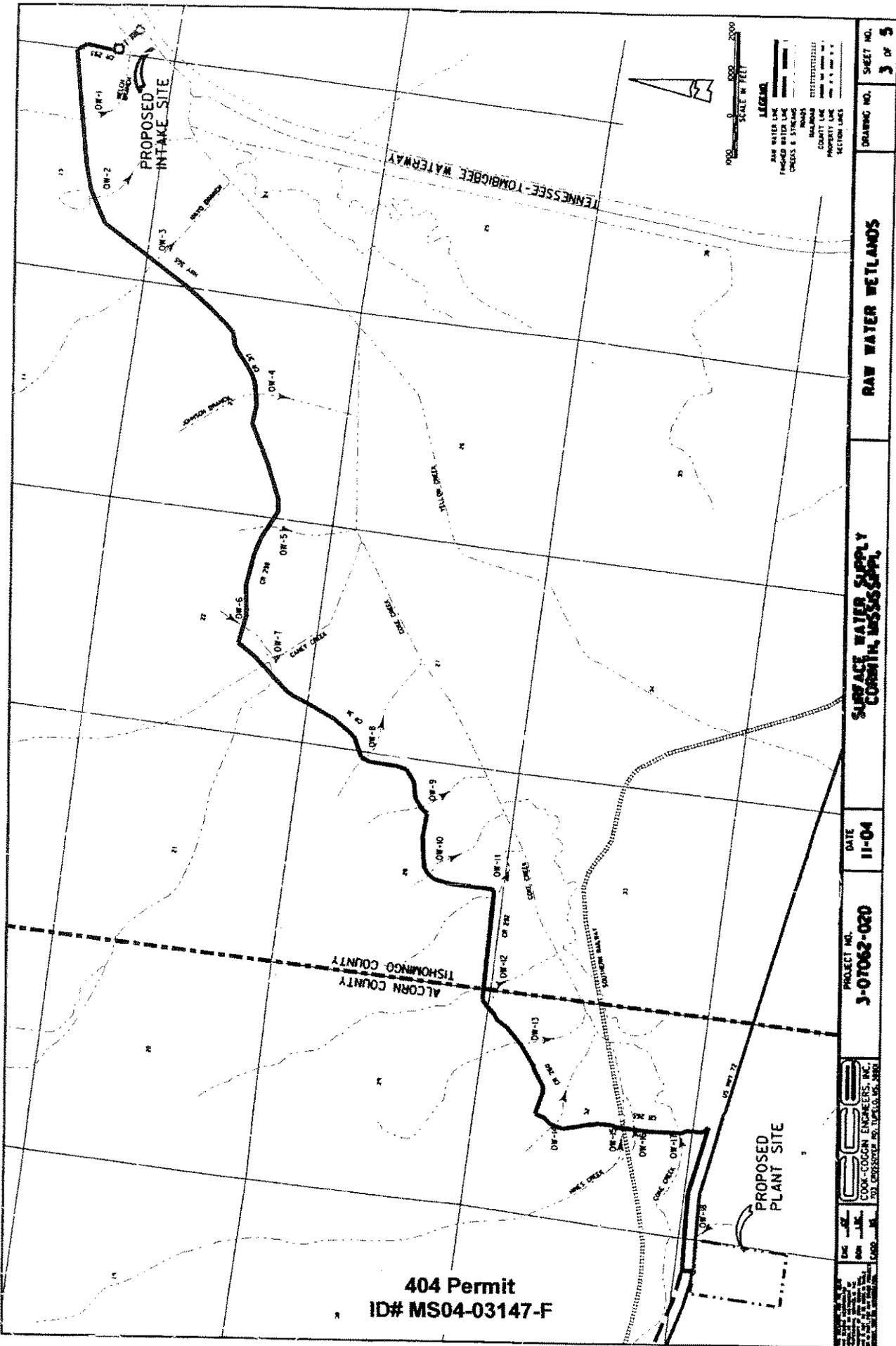
Location: 034° 54' 17.2" N 088° 30' 10.8" W
Caption: City of Corinth Surface Water Pipeline
Herring E for Cook Coggin Eng



404 Permit
ID# MS04-03147-F

	DATE 07-04	PROJECT NO. 3-07062-02P	SURFACE WATER SUPPLY COMM. IN MASS SUPPL.	DRAWING NO. 	SHEET NO. 1 OF 5
	INTAKE STRUCTURE VICINITY MAP				

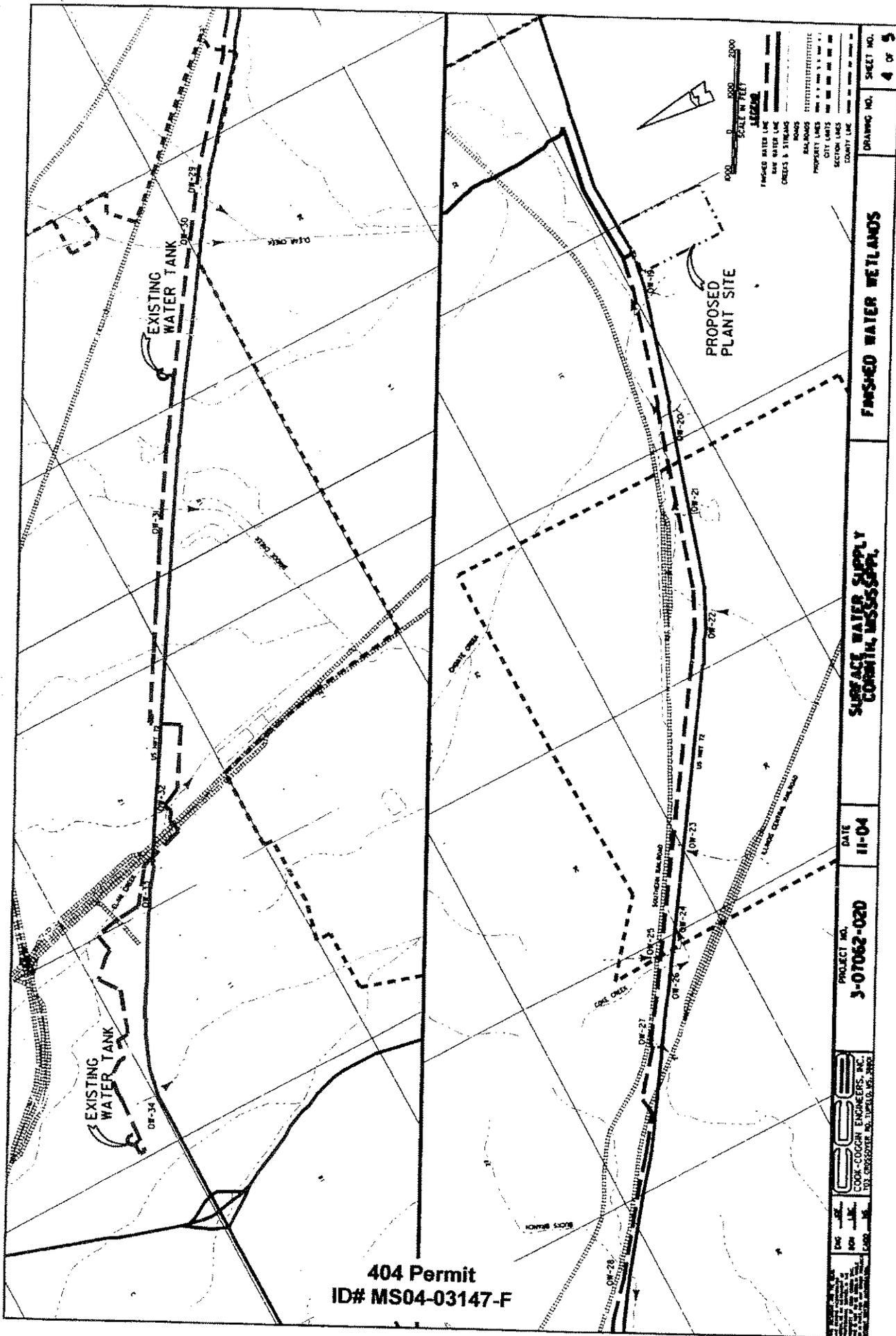
FIG. 4



404 Permit
ID# MS04-03147-F

 COOK-CODGAN ENGINEERS, INC. 301 CROSSCREEK RD., TUPLOO, MS, 38881	PROJECT NO. 3-07062-020	DATE 11-04	SURFACE WATER SUPPLY CORNISH, MISSISSIPPI	DRAWING NO. RAW WATER WETLANDS	SHEET NO. 3 OF 5
	LEGEND RAW WATER LINE FINISHED WATER LINE PROCESS & STORAGE ROADS BACKFLOW PREVENTER COUNTY LINE PROPERTY LINE SECTION LINES				

FIG. 5



404 Permit
ID# MS04-03147-F

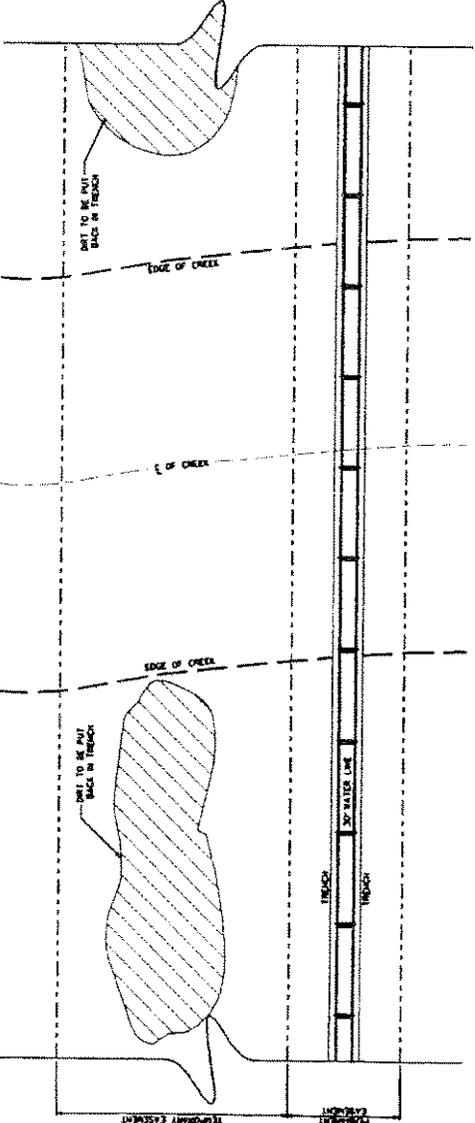
 COOK-COGGIN ENGINEERS, INC. 334 GERRARD ST. N. LITTLE ROCK, AR 72114	PROJECT NO. 3-07062-020	DATE 11-04	SUBJECT WATER SUPPLY CORNHILL, MISSISSIPPI	DRAWING NO. FINISHED WATER WETLANDS	SHEET NO. 4 of 5
	LEGEND IMPOSED WATER LINE NEW WATER LINE CREEKS & STREAMS ROADS PROPERTY LINES CITY LIMITS SECTION LINES COUNTY LINES				

FIG. 6

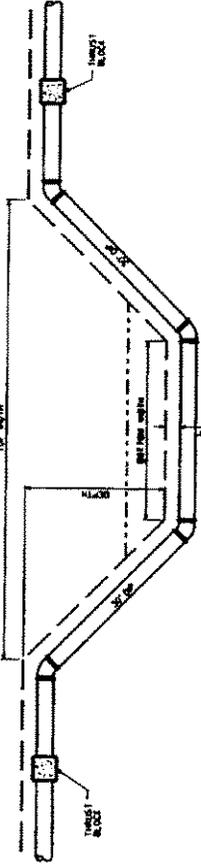
CREEK CROSSING TABLE

CROSSING NUMBER	CREEK NAME	APPROXIMATE DIMENSIONS			CROSSING TYPE	TEMPORARY AREA BOTH SIDES (ACRES)	TEMPORARY AREA BOTH SIDES (ACRES)
		TOP WIDTH	BOTTOM WIDTH	DEPTH			
DR-1	WELCH BRANCH	32	7	3	1	1	40
DR-2	NO NAME	14	2	1	1	1	40
DR-3	NO NAME	12	2	1	1	1	40
DR-4	NO NAME	12	2	1	1	1	40
DR-5	NO NAME	12	2	1	1	1	40
DR-6	NO NAME	12	2	1	1	1	40
DR-7	NO NAME	12	2	1	1	1	40
DR-8	NO NAME	12	2	1	1	1	40
DR-9	NO NAME	12	2	1	1	1	40
DR-10	NO NAME	12	2	1	1	1	40
DR-11	NO NAME	12	2	1	1	1	40
DR-12	NO NAME	12	2	1	1	1	40
DR-13	NO NAME	12	2	1	1	1	40
DR-14	NO NAME	12	2	1	1	1	40
DR-15	NO NAME	12	2	1	1	1	40
DR-16	NO NAME	12	2	1	1	1	40
DR-17	NO NAME	12	2	1	1	1	40
DR-18	NO NAME	12	2	1	1	1	40
DR-19	NO NAME	12	2	1	1	1	40
DR-20	NO NAME	12	2	1	1	1	40
DR-21	NO NAME	12	2	1	1	1	40
DR-22	NO NAME	12	2	1	1	1	40
DR-23	NO NAME	12	2	1	1	1	40
DR-24	NO NAME	12	2	1	1	1	40
DR-25	NO NAME	12	2	1	1	1	40
DR-26	NO NAME	12	2	1	1	1	40
DR-27	NO NAME	12	2	1	1	1	40
DR-28	NO NAME	12	2	1	1	1	40
DR-29	NO NAME	12	2	1	1	1	40
DR-30	NO NAME	12	2	1	1	1	40
DR-31	NO NAME	12	2	1	1	1	40
DR-32	NO NAME	12	2	1	1	1	40
DR-33	NO NAME	12	2	1	1	1	40
DR-34	NO NAME	12	2	1	1	1	40
DR-35	NO NAME	12	2	1	1	1	40
DR-36	NO NAME	12	2	1	1	1	40
DR-37	NO NAME	12	2	1	1	1	40
DR-38	NO NAME	12	2	1	1	1	40
DR-39	NO NAME	12	2	1	1	1	40
DR-40	NO NAME	12	2	1	1	1	40
DR-41	NO NAME	12	2	1	1	1	40
DR-42	NO NAME	12	2	1	1	1	40
DR-43	NO NAME	12	2	1	1	1	40
DR-44	NO NAME	12	2	1	1	1	40
DR-45	NO NAME	12	2	1	1	1	40
DR-46	NO NAME	12	2	1	1	1	40
DR-47	NO NAME	12	2	1	1	1	40
DR-48	NO NAME	12	2	1	1	1	40
DR-49	NO NAME	12	2	1	1	1	40
DR-50	NO NAME	12	2	1	1	1	40
DR-51	NO NAME	12	2	1	1	1	40
DR-52	NO NAME	12	2	1	1	1	40
DR-53	NO NAME	12	2	1	1	1	40
DR-54	NO NAME	12	2	1	1	1	40
DR-55	NO NAME	12	2	1	1	1	40
DR-56	NO NAME	12	2	1	1	1	40
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DR-71	NO NAME	12	2	1	1	1	40
DR-72	NO NAME	12	2	1	1	1	40
DR-73	NO NAME	12	2	1	1	1	40
DR-74	NO NAME	12	2	1	1	1	40
DR-75	NO NAME	12	2	1	1	1	40
DR-76	NO NAME	12	2	1	1	1	40
DR-77	NO NAME	12	2	1	1	1	40
DR-78	NO NAME	12	2	1	1	1	40
DR-79	NO NAME	12	2	1	1	1	40
DR-80	NO NAME	12	2	1	1	1	40
DR-81	NO NAME	12	2	1	1	1	40
DR-82	NO NAME	12	2	1	1	1	40
DR-83	NO NAME	12	2	1	1	1	40
DR-84	NO NAME	12	2	1	1	1	40
DR-85	NO NAME	12	2	1	1	1	40
DR-86	NO NAME	12	2	1	1	1	40
DR-87	NO NAME	12	2	1	1	1	40
DR-88	NO NAME	12	2	1	1	1	40
DR-89	NO NAME	12	2	1	1	1	40
DR-90	NO NAME	12	2	1	1	1	40
DR-91	NO NAME	12	2	1	1	1	40
DR-92	NO NAME	12	2	1	1	1	40
DR-93	NO NAME	12	2	1	1	1	40
DR-94	NO NAME	12	2	1	1	1	40
DR-95	NO NAME	12	2	1	1	1	40
DR-96	NO NAME	12	2	1	1	1	40
DR-97	NO NAME	12	2	1	1	1	40
DR-98	NO NAME	12	2	1	1	1	40
DR-99	NO NAME	12	2	1	1	1	40
DR-100	NO NAME	12	2	1	1	1	40

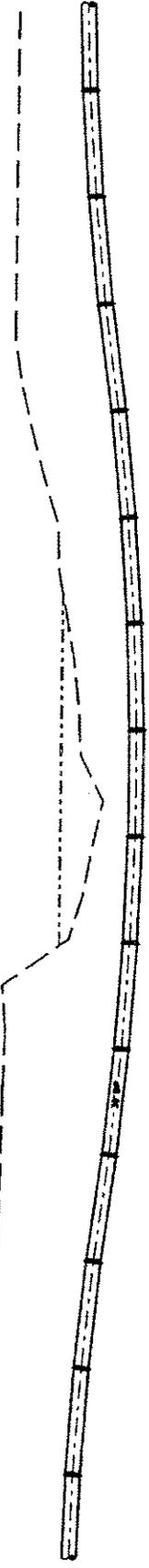
* WILL NOT CROSS THE CREEK



TYPICAL CREEK CROSSING



W/ RESTRAINED JOINT MECHANICAL JOINT FITTING
TYPE I CROSSING

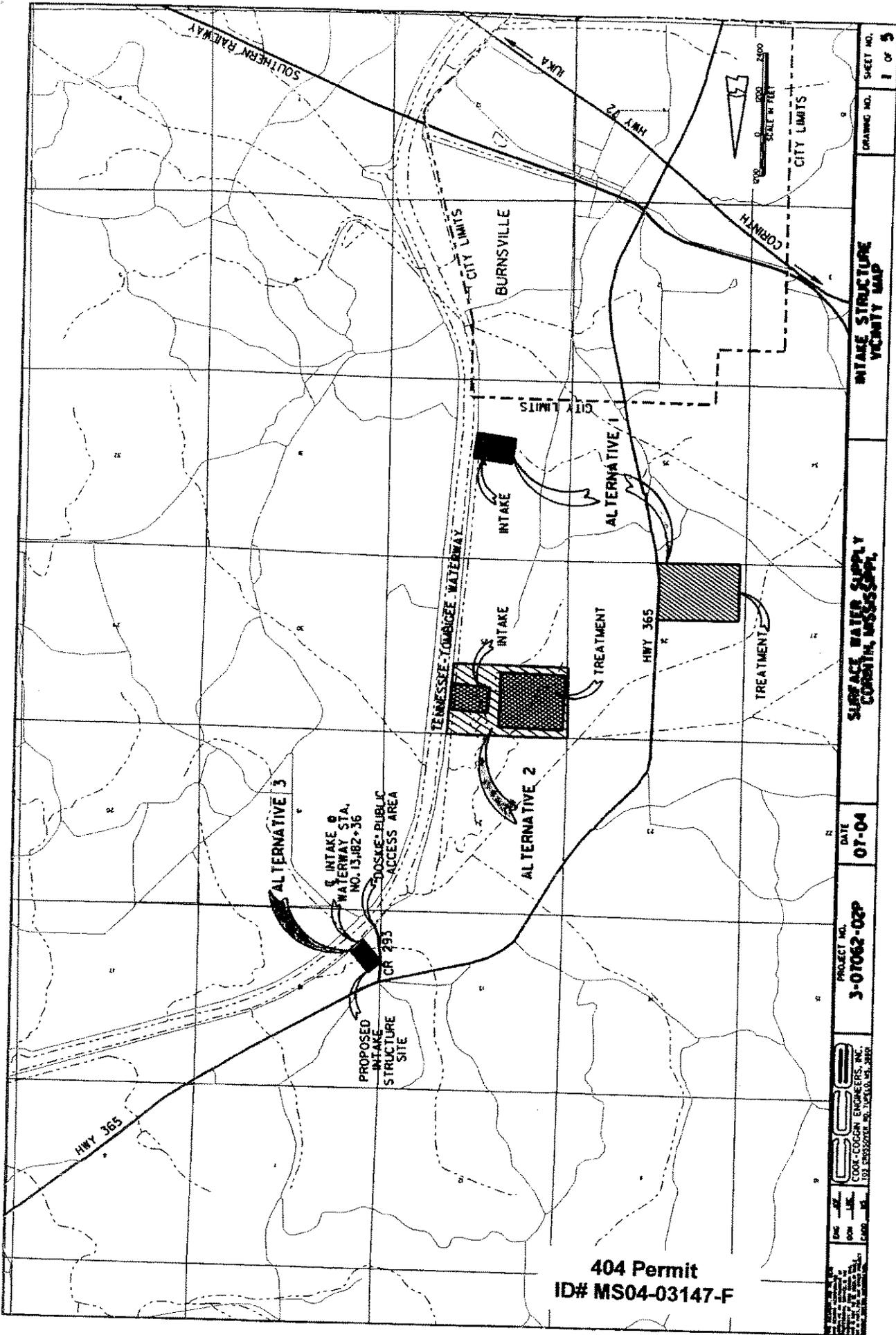


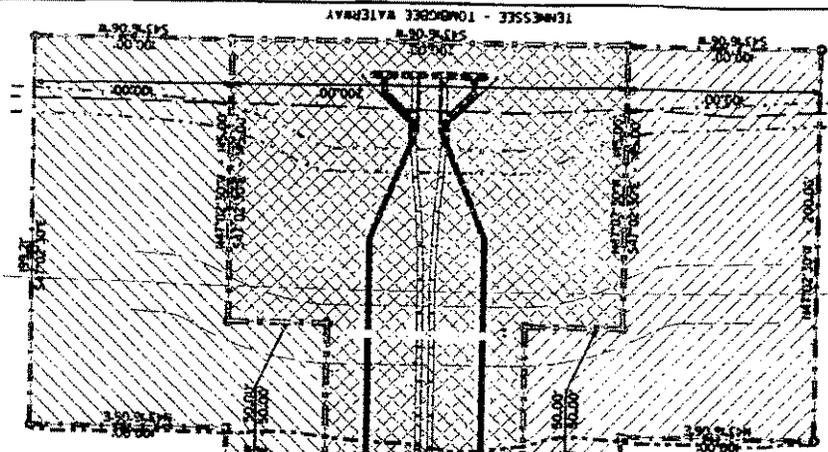
RESTRAINED JOINT PIPE UNDER JOINT
TYPE I CROSSING

404 Permit
ID# MS04-03147-F

 COOK-COCCOCHIN ENGINEERS, INC. 101 BERRYVILLE SQ. LITTLE ROCK, AR 72202	PROJECT NO. 3-07062-020	DATE 11-04	DRAWING NO. CREEK CROSSINGS	SHEET NO. 5 OF 5
	SURFACE WATER SUPPLY CORNELL, MISSISSIPPI			

F16.7





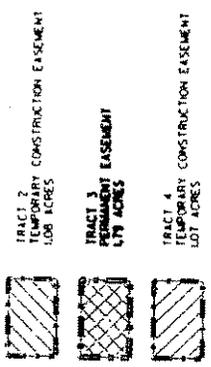
SURVEY - EASEMENTS
 COUNTY SURVEY WITH SURVEY
 RECORDS FROM THE
 RECORDS SECTION OF THE
 MISSISSIPPI DEPARTMENT OF REVENUE

SEE
 COOK-COOPER ENGINEERS, INC.
 1000 W. MAIN ST., SUITE 100
 MEMPHIS, TN 38103

- NOTES:**
1. THIS SURVEY CLASSIFIED AS A CLASS A SURVEY.
 2. SOURCE OF INFORMATION FROM DEEDS RECORDED AT
 Tennesse County, MS Chancery Clerk In
 Deed Book 418, Pages 175-178
 Deed Book 176, Pages 86-88
 Deed Book 29, Pages 327
 3. TITLE SEARCH NOT PERFORMED.
 4. PROPERTY BEARINGS TRUE NORTH BY G.P.S. OBSERVATION.

ARMY CORPS OF ENGINEERS MARKED
 100-4 STATE PLANE COORDINATES
 MISSISSIPPI EAST ZONE
 NORTHING=965624.29
 EASTING=146754.38

ARMY CORPS OF ENGINEERS MARKED
 100-4 STATE PLANE COORDINATES
 MISSISSIPPI EAST ZONE
 NORTHING=965624.29
 EASTING=146754.38



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 100-4 STATE PLANE COORDINATES
 MISSISSIPPI EAST ZONE
 NORTHING=965624.29
 EASTING=146754.38

404 Permit
ID# MS04-03147-F

Surveyed and Plotted Into The
 8th Day of June, 2004

Jack Daniel Farmer - R.L.S.



FIG. 9

060330381
060331337

OFFICE OF THE GOVERNOR

BOB RILEY
GOVERNOR



ALABAMA DEPARTMENT OF ECONOMIC
AND COMMUNITY AFFAIRS

Bill Johnson
DIRECTOR

STATE OF ALABAMA

January 24, 2006

*EA-Administrative Record
Agency Comment
Corinth Water Supply
2005-52*

Colonel Peter F. Taylor, Jr.
Commander
Department of the Army
Mobile District, Corps of Engineers
Attention: CESAM-DE
Post Office Box 2288
Mobile, Alabama 36628-0001

RE: Public Notice No. MS04-03147-Intake Structure and Water Supply Pipeline for the City of Corinth, MS

Dear Colonel Taylor:

We received the referenced public notice (Enclosure 1) concerning an application for a water supply intake in the Tenn-Tom Waterway and 19.3 mile water supply pipeline to the City of Corinth, Mississippi. The State of Alabama formally objects to the proposed issuance of this permit on multiple grounds. First, we see no evidence of any evaluation of the cumulative impacts of the withdrawal in question. In fact, the permit notice does not contain a description of the proposed average or peak withdrawals.

Second, as described in a letter concerning this withdrawal that we sent in December 2004 (Enclosure 2), we want to clearly understand how this and any other existing or future withdrawals are consistent with the authorization and purpose of this waterway. In that letter, we asked a series of questions that may have been more appropriately directed to the Corps of Engineers. We ask your response to the following:

1. What and where is the division of responsibility for permitting withdrawals between TVA and the Corps on the Waterway?
2. What authority exists for any water supply withdrawals from the Tennessee Tombigbee Waterway (or in the proposed area of the withdrawal)?
3. What other water supply withdrawals are occurring from the Tennessee - Tombigbee Waterway?

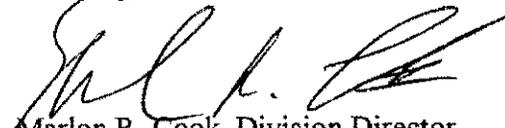
We ask that a full evaluation of the impacts of this proposed withdrawal on downstream flows, water quality and other in-stream and out of stream uses be conducted prior to any approval of this or any similar request. Whether that would involve an informal analysis, an Environmental Assessment (EA) or a more detailed Environmental Impact Study (EIS) would have to be

Marlon Cook to Col Pete Taylor
January 24, 2006
Page 2 of 2

determined. That evaluation should also include an assessment of any interbasin transfers associated with the withdrawal. We would like to evaluate the impact analysis before we will consider any request for concurrence with this or any future withdrawal.

Thank you in advance for your assistance with this issue. Please contact myself or Tom Littlepage at (334) 242-5499 if you have any questions concerning this request.

Sincerely,



Marlon R. Cook, Division Director
Alabama Office of Water Resources

Encl:

1. COE Public Notice No. MS04-03147
2. December 17, 2004 Letter from OWR to Mr. Gene Gipson

cc: Mr. Sam Mabry, Mississippi Dept. of Environmental Quality
Mr. Don Walden, Tennessee – Tombigbee Waterway Authority
✓Mr. Gene Gipson, Tennessee Valley Authority



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001



REPLY TO
ATTENTION OF:

CESAM-RD-I
PUBLIC NOTICE NO. MS04-03147-S

January 5, 2006

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS

TENNESSEE VALLEY AUTHORITY

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

Intake Structure and Water Supply Pipeline
for the City of Corinth, Mississippi

Tenn-Tom Waterway, Tishomingo and Alcorn Counties, Mississippi

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbor Act of 1899 (33 USC 403), and Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Corinth Utilities Commission
Attn: Mr. Ron Lilly, Manager
305 West Waldron Street
Corinth, Mississippi 38835-1870

WATERWAY: Tenn-Tom Waterway, including numerous named and unnamed tributaries in the Tenn-Tom watershed located in Alcorn and Tishomingo Counties, Mississippi.

WORK: The applicant proposes to construct a water intake structure (pumping plant) on the Tenn-Tom Waterway to serve as a public water supply for the City of Corinth and Alcorn County. The pumping plant will be located just southeast of Doskie, Mississippi in Tishomingo County. A 19.3-mile pipeline will be constructed along existing state, county and federal highway rights-of-way between the pumping plant and the City of Corinth in Alcorn County.

Approximately 1.72 acres of jurisdictional forested wetlands will be permanently impacted as part of construction of the pumping plant, which will consist of: 1) creating a notch in the west bank of the Tenn-Tom; 2) installing inlet tubes from the waterway to the

CESAM-RD-I
PUBLIC NOTICE MS05-03147-S

pumping plant and maintaining a permanently cleared easement above the subsurface inlet tubes; 3) constructing a building to house the raw water pumps.

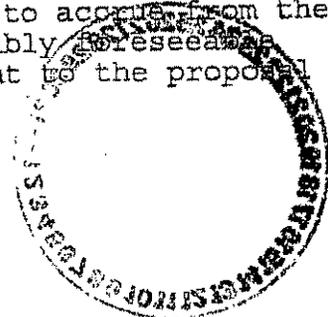
Installation of the 19.3-mile pipeline will entail crossing 34 named and unnamed ephemeral, intermittent, and perennial streams along the length of the preferred alignment. The work will occur exclusively within existing cleared highway rights-of-way, and impacts will be limited to temporary disturbances involving trenching and backfilling. All stream channel banks and bottoms will be restored to pre-project conditions at each crossing location immediately following pipeline emplacement.

A water treatment plant to be constructed as part of this project near Glen, Mississippi, will not result in any impacts to wetlands or other waters of the U. S.

In order to compensate for the unavoidable loss of 1.72 acres of medium quality forested wetlands associated with construction of the pumping plant, the applicant has proposed to purchase 5.16 mitigation credits from the Pearl River Mitigation Bank. Temporary impacts to jurisdictional streams associated with pipeline construction will not require mitigation.

The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will



CESAM-RD-I
PUBLIC NOTICE MS04-03147-S

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, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

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, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment 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.

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 public hearings shall state with particularity, the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. 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 State Historic Preservation Officer and the U.S.

CESAM-RD-I
PUBLIC NOTICE MS05-03147-S

Department of the Interior, National Park Service, Division of Archeological Services.

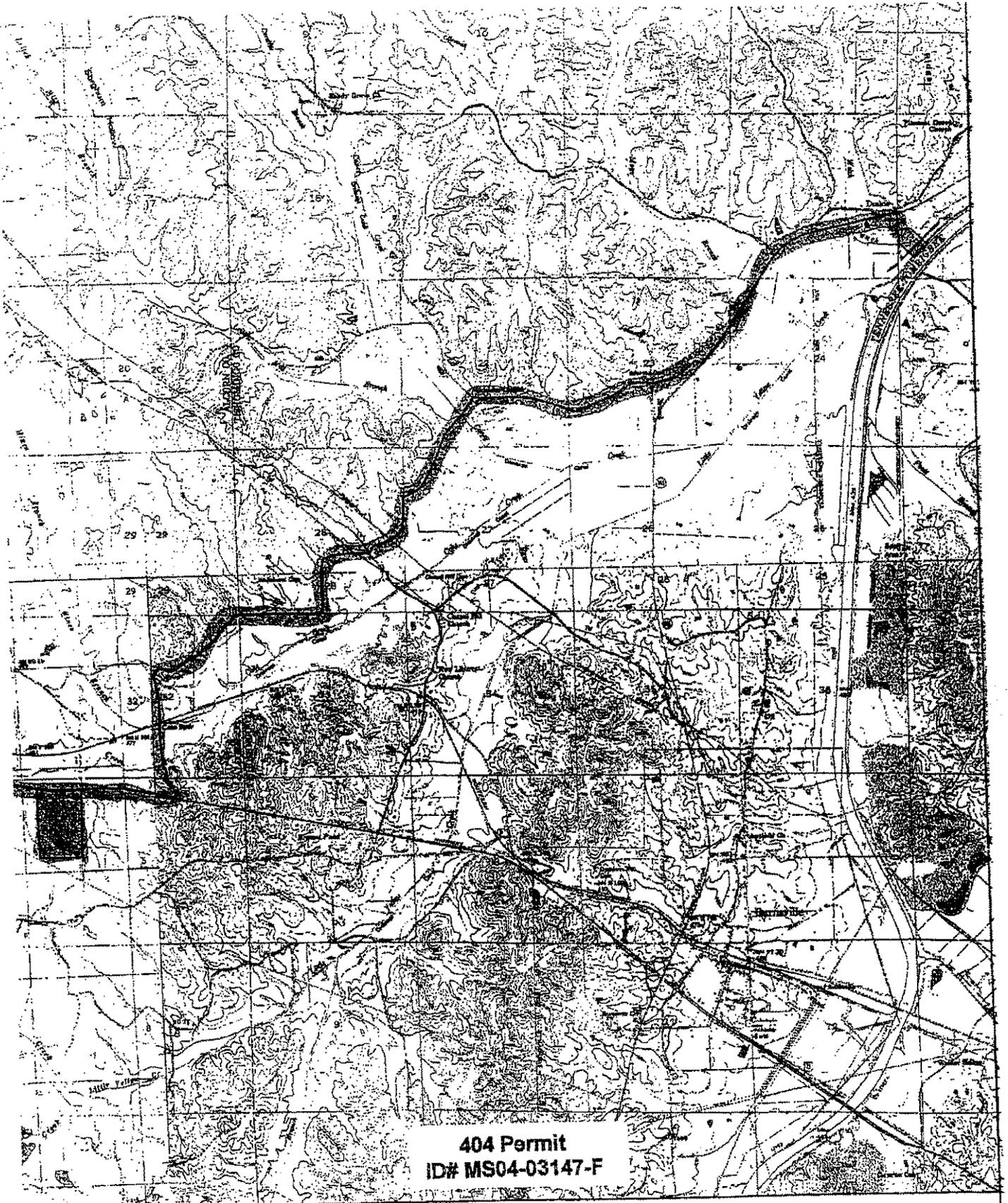
Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity will not affect listed endangered or threatened species, or their critical habitat.

Correspondence concerning this Public Notice should refer to Public Notice Number MS04-03147-S and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Branch, with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, Mississippi 39289, and the Tennessee Valley Authority, Attn: Mr. Sidney E. (Gene) Gibson, 400 West Summit Drive, Knoxville, Tennessee 37902, in time to be received not later than 7 February 2006.

If you have any questions concerning this publication, you may contact this office, Mr. Tad M. Zebryk, telephone number (251) 694-3779. Please refer to the above Public Notice number.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

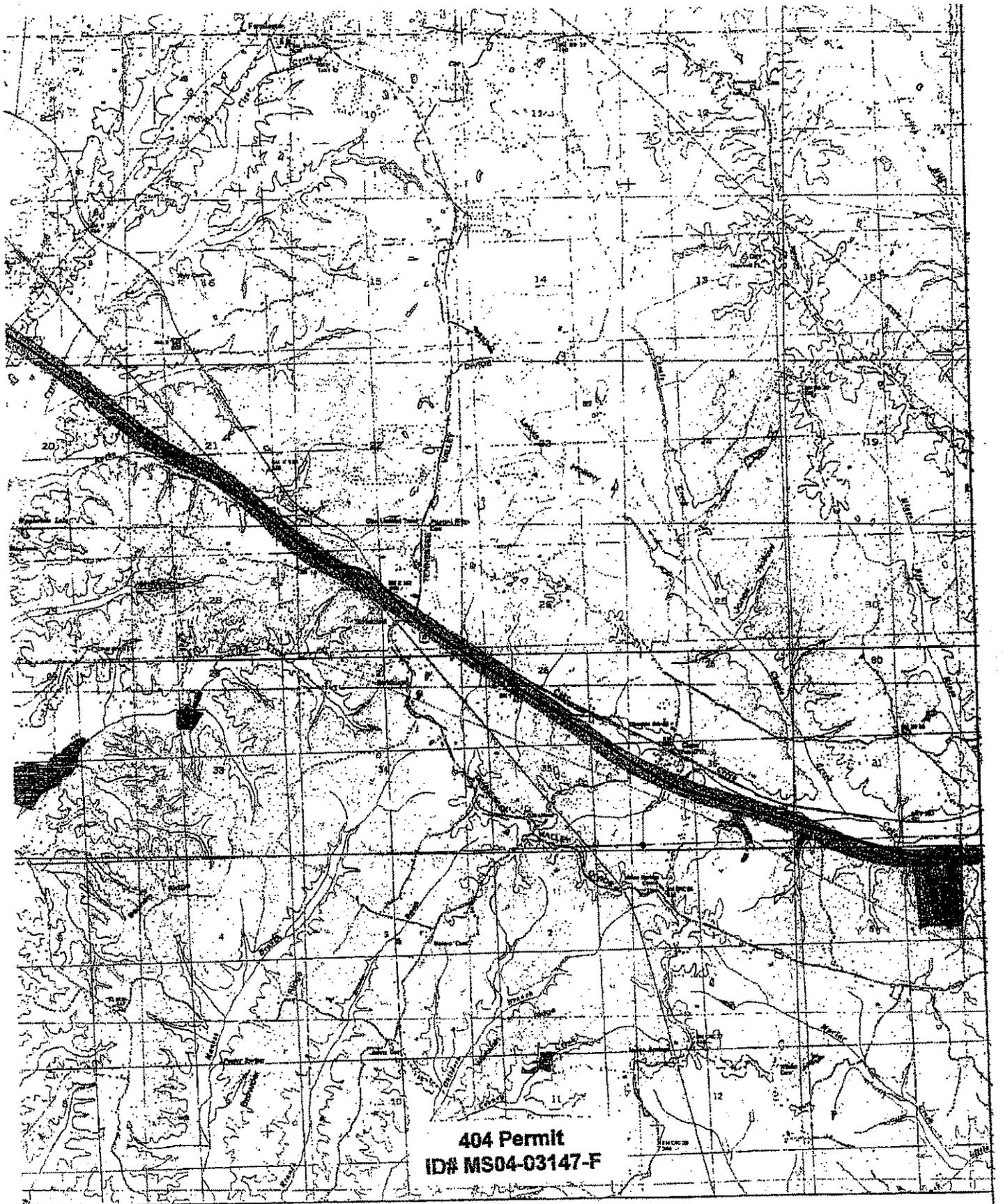


404 Permit
ID# MS04-03147-F

Name: DOSKIE
Date: 6/28/2005
Scale: 1 inch equals 4000 feet

Location: D34° 52' 22.8" N 088° 20' 24.9" W
Caption: City of Corinth Surface Water Pipeline
Herring E for Cook Coggin Eng.

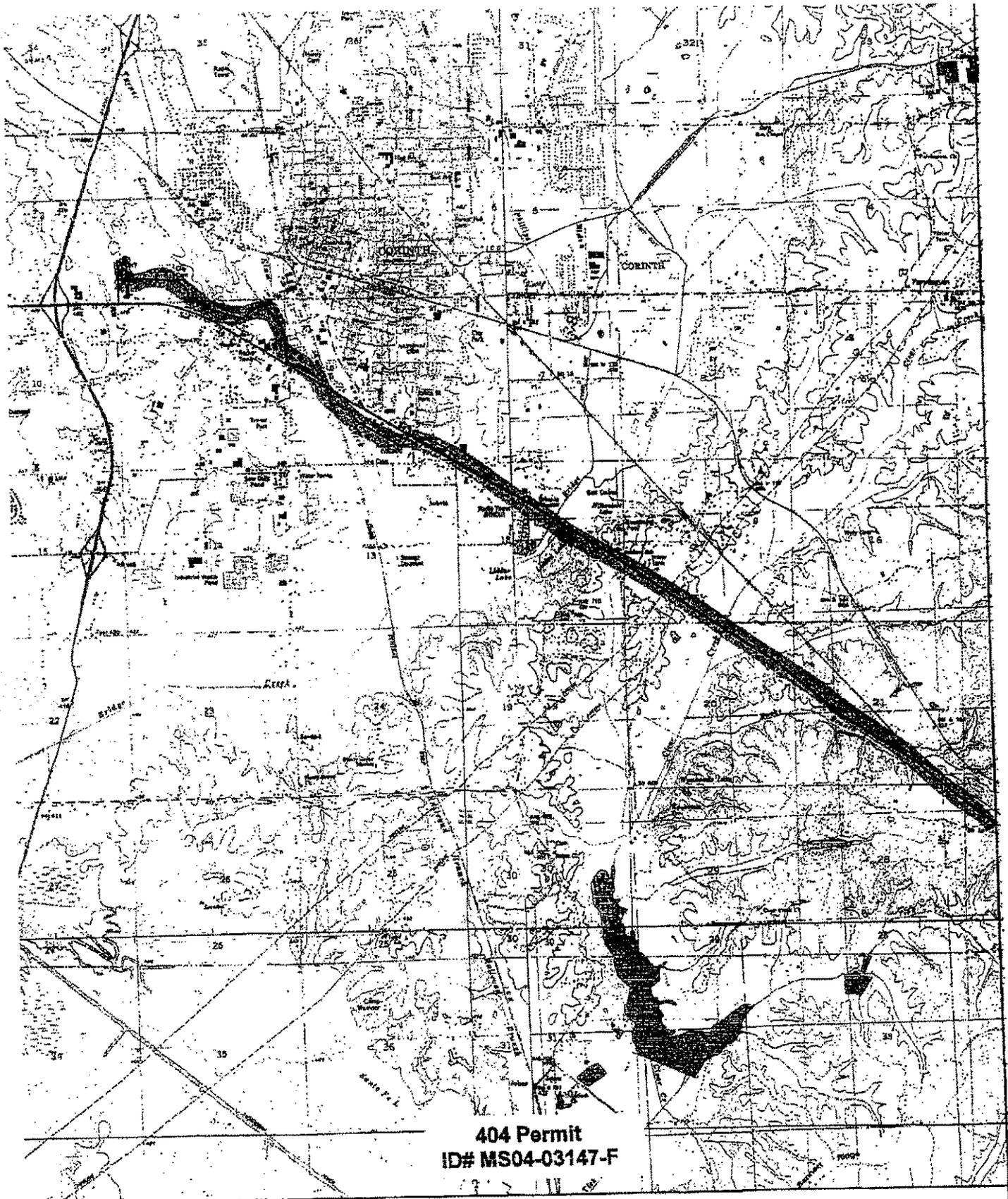
FIG. 1



404 Permit
ID# MS04-03147-F

Name: KENDRICK
Date: 6/28/2005
Scale: 1 inch equals 4000 feet

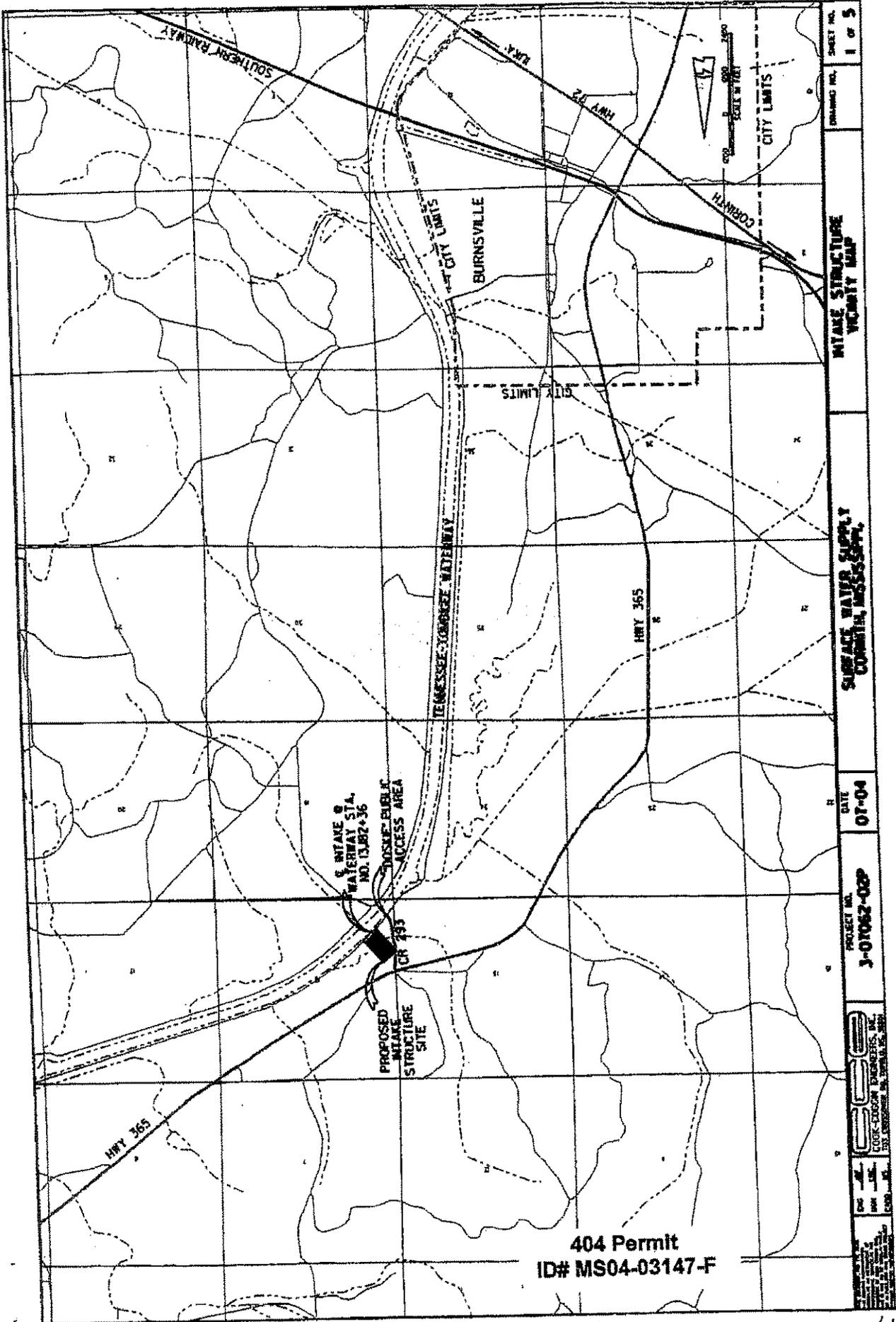
Location: 034° 52' 47.5" N 088° 28' 02.2" W
Caption: City of Corinth Surface Water Pipeline
Herring E for Cook Coggin Eng



**404 Permit
ID# MS04-03147-F**

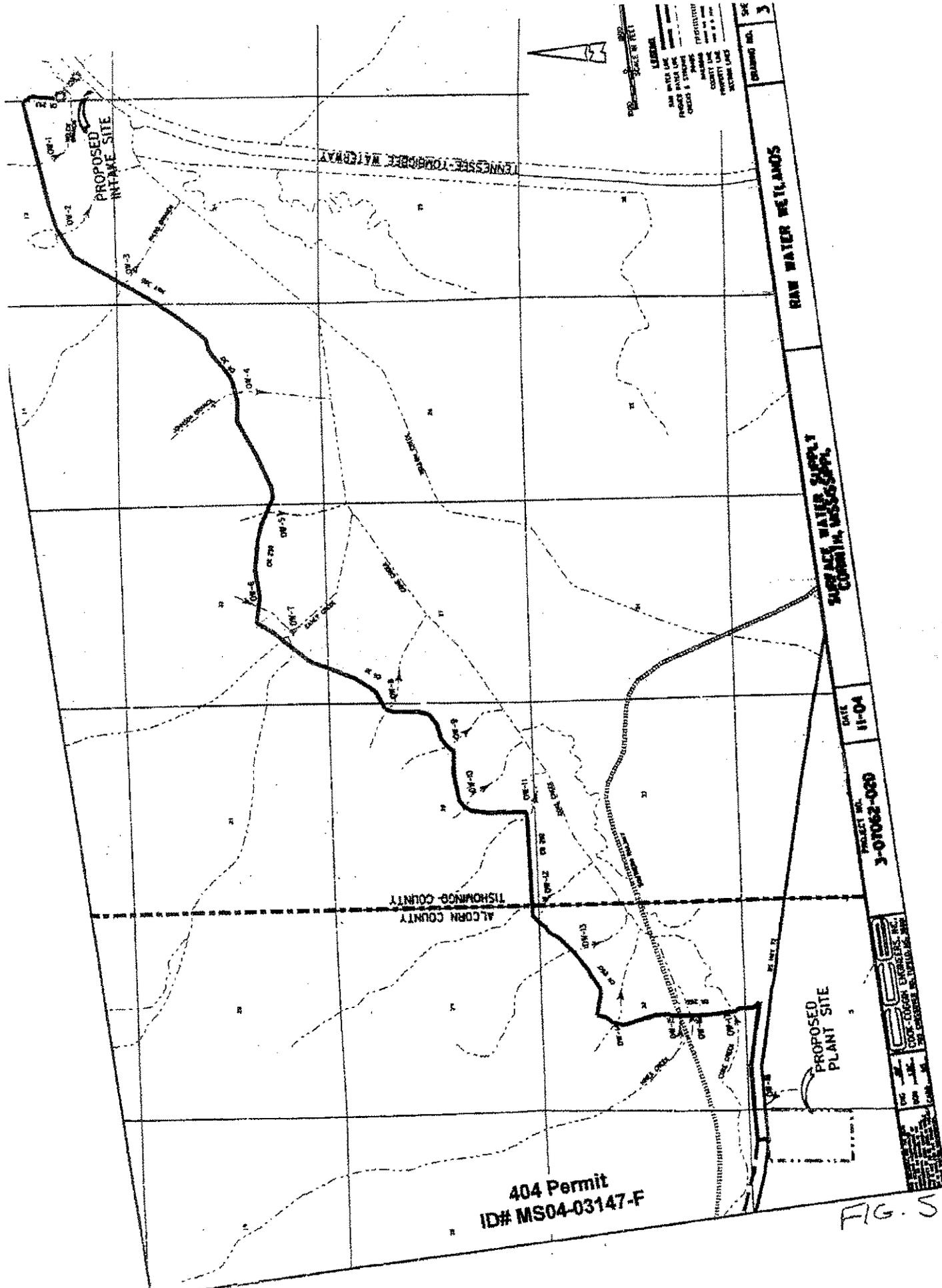
Name: KENDRICK
Date: 6/28/2005
Scale: 1 Inch equals 4000 feet

Location: 034° 54' 17.2" N 088° 30' 10.8" W
Caption: City of Corinth Surface Water Pipeline
Herring E for Cook Coggin Eng



404 Permit
ID# MS04-03147-F

FIG. 4



SCALE 1" = 100'

LEGEND

- SOLID LINE: PROPOSED INTAKE
- DASHED LINE: PROPOSED PLANT
- DOTTED LINE: PROPOSED CANALS
- LONG DASHED LINE: PROPOSED CURB
- SHORT DASHED LINE: PROPOSED CURB
- STIPPLED: PROPOSED WETLANDS
- WAVE LINE: PROPOSED WETLANDS
- CONTOUR: EXISTING ELEVATION

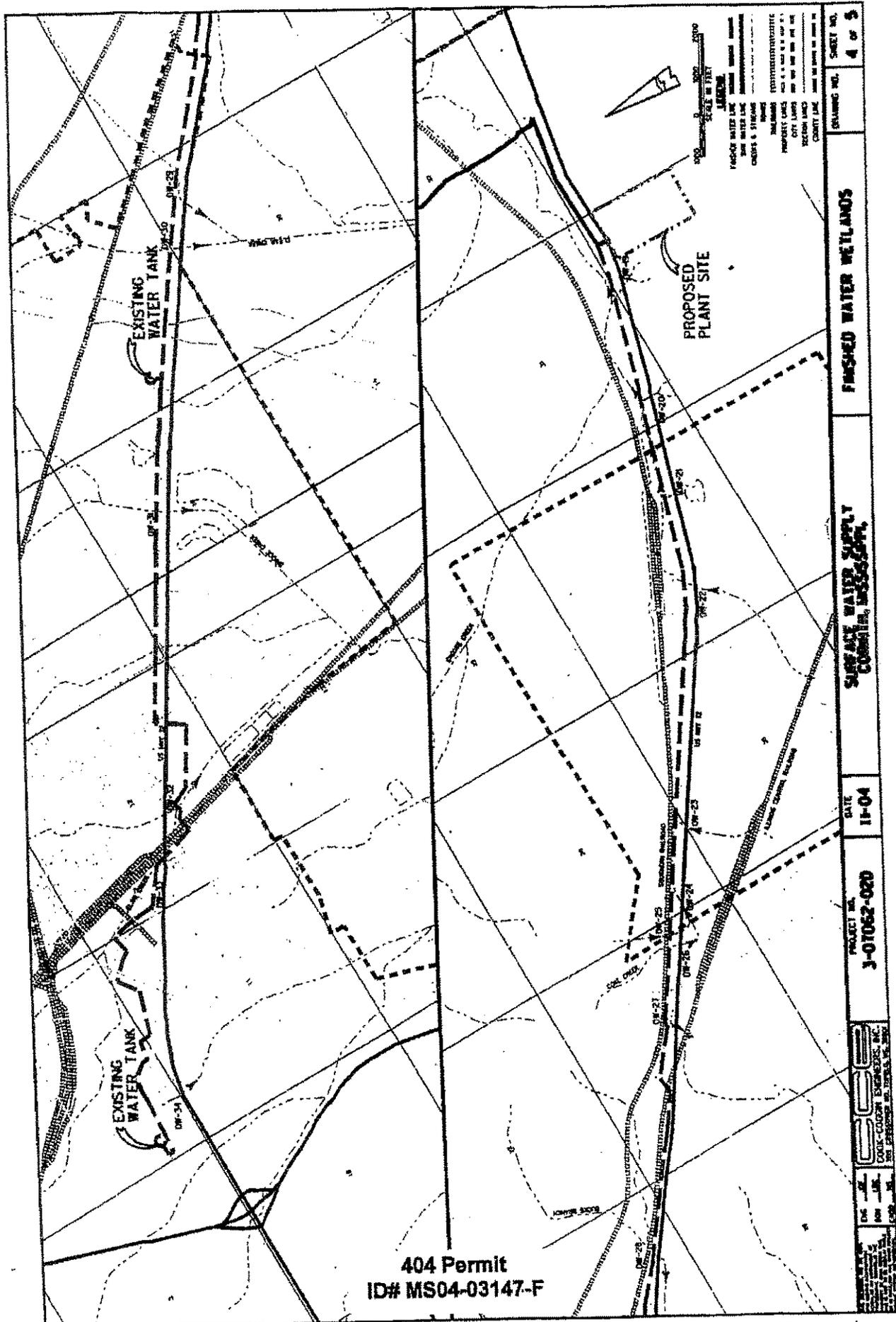
DATE: 11-04

PROJECT NO.: 3-07062-060

CLIENT: MISSISSIPPI POWER & LIGHT CO.

404 Permit
ID# MS04-03147-F

FIG. 5



404 Permit
ID# MS04-03147-F

SCALE: AS SHOWN

0 100 200 FEET

LEGEND

PROPOSED WATER LINE
 EXISTING WATER LINE
 EXISTING WATER TANK
 EXISTING PUMP STATION
 EXISTING VALVE
 EXISTING STRUCTURE
 EXISTING ROAD
 EXISTING RAILROAD
 EXISTING POWER LINE
 EXISTING TELEPHONE LINE
 EXISTING FENCE
 EXISTING DRAINAGE CANAL
 EXISTING DRAINAGE DITCH
 EXISTING DRAINAGE TRENCH
 EXISTING DRAINAGE SWALE
 EXISTING DRAINAGE GULLY
 EXISTING DRAINAGE CREEK
 EXISTING DRAINAGE RIVER
 EXISTING DRAINAGE LAKE
 EXISTING DRAINAGE WETLANDS
 EXISTING DRAINAGE SWAMP
 EXISTING DRAINAGE MARSH
 EXISTING DRAINAGE BAY
 EXISTING DRAINAGE ESTUARY
 EXISTING DRAINAGE COASTAL WETLANDS
 EXISTING DRAINAGE OCEAN

ISSUING NO. SHEET NO. 4 of 5

FINISHED WATER WETLANDS

SURFACE WATER SUPPLY
COMMITTEE, MISSISSIPPI

DATE 11-04

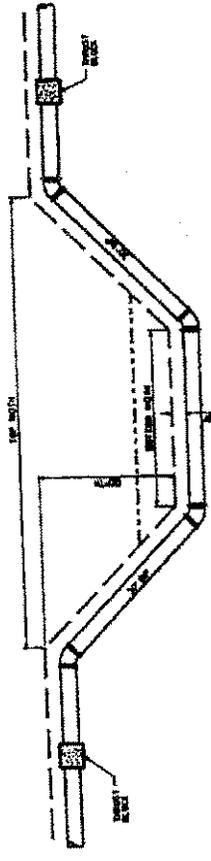
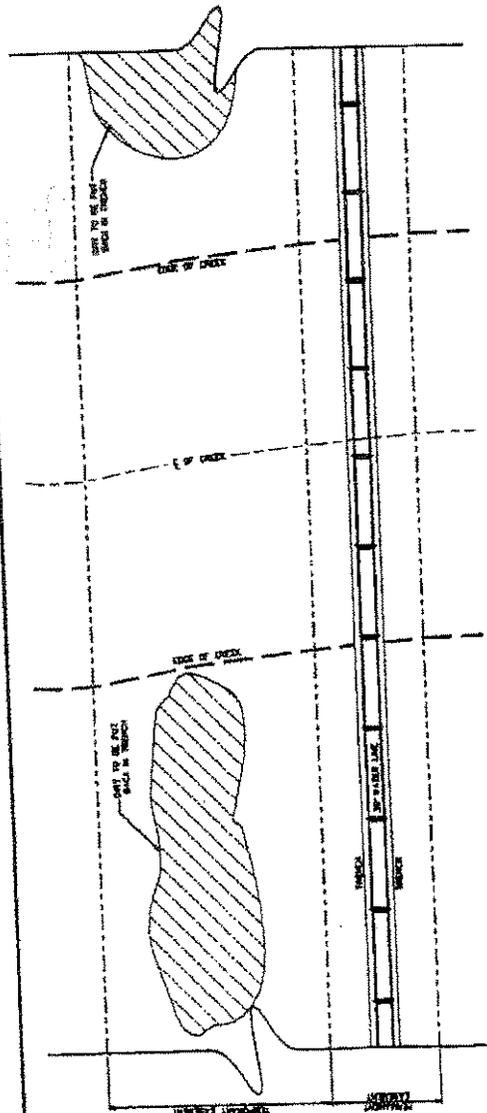
PROJECT NO. 3-07062-020



FIG. 6

CREEK CROSSING TABLE

CROSSING NUMBER	CREEK NAME	TOP WIDTH	APPROXIMATE DIMENSIONS		CROSSING TYPE	TEMPERATURE	TERMINAL AREA
			DEPTH	VELOCITY			
00-1	WATER BRANCH	12	2	1	1	8	20
00-2	WATER BRANCH	12	2	1	1	8	20
00-3	WATER BRANCH	12	2	1	1	8	20
00-4	WATER BRANCH	12	2	1	1	8	20
00-5	WATER BRANCH	12	2	1	1	8	20
00-6	WATER BRANCH	12	2	1	1	8	20
00-7	WATER BRANCH	12	2	1	1	8	20
00-8	WATER BRANCH	12	2	1	1	8	20
00-9	WATER BRANCH	12	2	1	1	8	20
00-10	WATER BRANCH	12	2	1	1	8	20
00-11	WATER BRANCH	12	2	1	1	8	20
00-12	WATER BRANCH	12	2	1	1	8	20
00-13	WATER BRANCH	12	2	1	1	8	20
00-14	WATER BRANCH	12	2	1	1	8	20
00-15	WATER BRANCH	12	2	1	1	8	20
00-16	WATER BRANCH	12	2	1	1	8	20
00-17	WATER BRANCH	12	2	1	1	8	20
00-18	WATER BRANCH	12	2	1	1	8	20
00-19	WATER BRANCH	12	2	1	1	8	20
00-20	WATER BRANCH	12	2	1	1	8	20
00-21	WATER BRANCH	12	2	1	1	8	20
00-22	WATER BRANCH	12	2	1	1	8	20
00-23	WATER BRANCH	12	2	1	1	8	20
00-24	WATER BRANCH	12	2	1	1	8	20
00-25	WATER BRANCH	12	2	1	1	8	20
00-26	WATER BRANCH	12	2	1	1	8	20
00-27	WATER BRANCH	12	2	1	1	8	20
00-28	WATER BRANCH	12	2	1	1	8	20
00-29	WATER BRANCH	12	2	1	1	8	20
00-30	WATER BRANCH	12	2	1	1	8	20
00-31	WATER BRANCH	12	2	1	1	8	20
00-32	WATER BRANCH	12	2	1	1	8	20
00-33	WATER BRANCH	12	2	1	1	8	20
00-34	WATER BRANCH	12	2	1	1	8	20
00-35	WATER BRANCH	12	2	1	1	8	20
00-36	WATER BRANCH	12	2	1	1	8	20
00-37	WATER BRANCH	12	2	1	1	8	20
00-38	WATER BRANCH	12	2	1	1	8	20
00-39	WATER BRANCH	12	2	1	1	8	20
00-40	WATER BRANCH	12	2	1	1	8	20
00-41	WATER BRANCH	12	2	1	1	8	20
00-42	WATER BRANCH	12	2	1	1	8	20
00-43	WATER BRANCH	12	2	1	1	8	20
00-44	WATER BRANCH	12	2	1	1	8	20
00-45	WATER BRANCH	12	2	1	1	8	20
00-46	WATER BRANCH	12	2	1	1	8	20
00-47	WATER BRANCH	12	2	1	1	8	20
00-48	WATER BRANCH	12	2	1	1	8	20
00-49	WATER BRANCH	12	2	1	1	8	20
00-50	WATER BRANCH	12	2	1	1	8	20
00-51	WATER BRANCH	12	2	1	1	8	20
00-52	WATER BRANCH	12	2	1	1	8	20
00-53	WATER BRANCH	12	2	1	1	8	20
00-54	WATER BRANCH	12	2	1	1	8	20
00-55	WATER BRANCH	12	2	1	1	8	20
00-56	WATER BRANCH	12	2	1	1	8	20
00-57	WATER BRANCH	12	2	1	1	8	20
00-58	WATER BRANCH	12	2	1	1	8	20
00-59	WATER BRANCH	12	2	1	1	8	20
00-60	WATER BRANCH	12	2	1	1	8	20
00-61	WATER BRANCH	12	2	1	1	8	20
00-62	WATER BRANCH	12	2	1	1	8	20
00-63	WATER BRANCH	12	2	1	1	8	20
00-64	WATER BRANCH	12	2	1	1	8	20
00-65	WATER BRANCH	12	2	1	1	8	20
00-66	WATER BRANCH	12	2	1	1	8	20
00-67	WATER BRANCH	12	2	1	1	8	20
00-68	WATER BRANCH	12	2	1	1	8	20
00-69	WATER BRANCH	12	2	1	1	8	20
00-70	WATER BRANCH	12	2	1	1	8	20
00-71	WATER BRANCH	12	2	1	1	8	20
00-72	WATER BRANCH	12	2	1	1	8	20
00-73	WATER BRANCH	12	2	1	1	8	20
00-74	WATER BRANCH	12	2	1	1	8	20
00-75	WATER BRANCH	12	2	1	1	8	20
00-76	WATER BRANCH	12	2	1	1	8	20
00-77	WATER BRANCH	12	2	1	1	8	20
00-78	WATER BRANCH	12	2	1	1	8	20
00-79	WATER BRANCH	12	2	1	1	8	20
00-80	WATER BRANCH	12	2	1	1	8	20
00-81	WATER BRANCH	12	2	1	1	8	20
00-82	WATER BRANCH	12	2	1	1	8	20
00-83	WATER BRANCH	12	2	1	1	8	20
00-84	WATER BRANCH	12	2	1	1	8	20
00-85	WATER BRANCH	12	2	1	1	8	20
00-86	WATER BRANCH	12	2	1	1	8	20
00-87	WATER BRANCH	12	2	1	1	8	20
00-88	WATER BRANCH	12	2	1	1	8	20
00-89	WATER BRANCH	12	2	1	1	8	20
00-90	WATER BRANCH	12	2	1	1	8	20
00-91	WATER BRANCH	12	2	1	1	8	20
00-92	WATER BRANCH	12	2	1	1	8	20
00-93	WATER BRANCH	12	2	1	1	8	20
00-94	WATER BRANCH	12	2	1	1	8	20
00-95	WATER BRANCH	12	2	1	1	8	20
00-96	WATER BRANCH	12	2	1	1	8	20
00-97	WATER BRANCH	12	2	1	1	8	20
00-98	WATER BRANCH	12	2	1	1	8	20
00-99	WATER BRANCH	12	2	1	1	8	20
00-100	WATER BRANCH	12	2	1	1	8	20

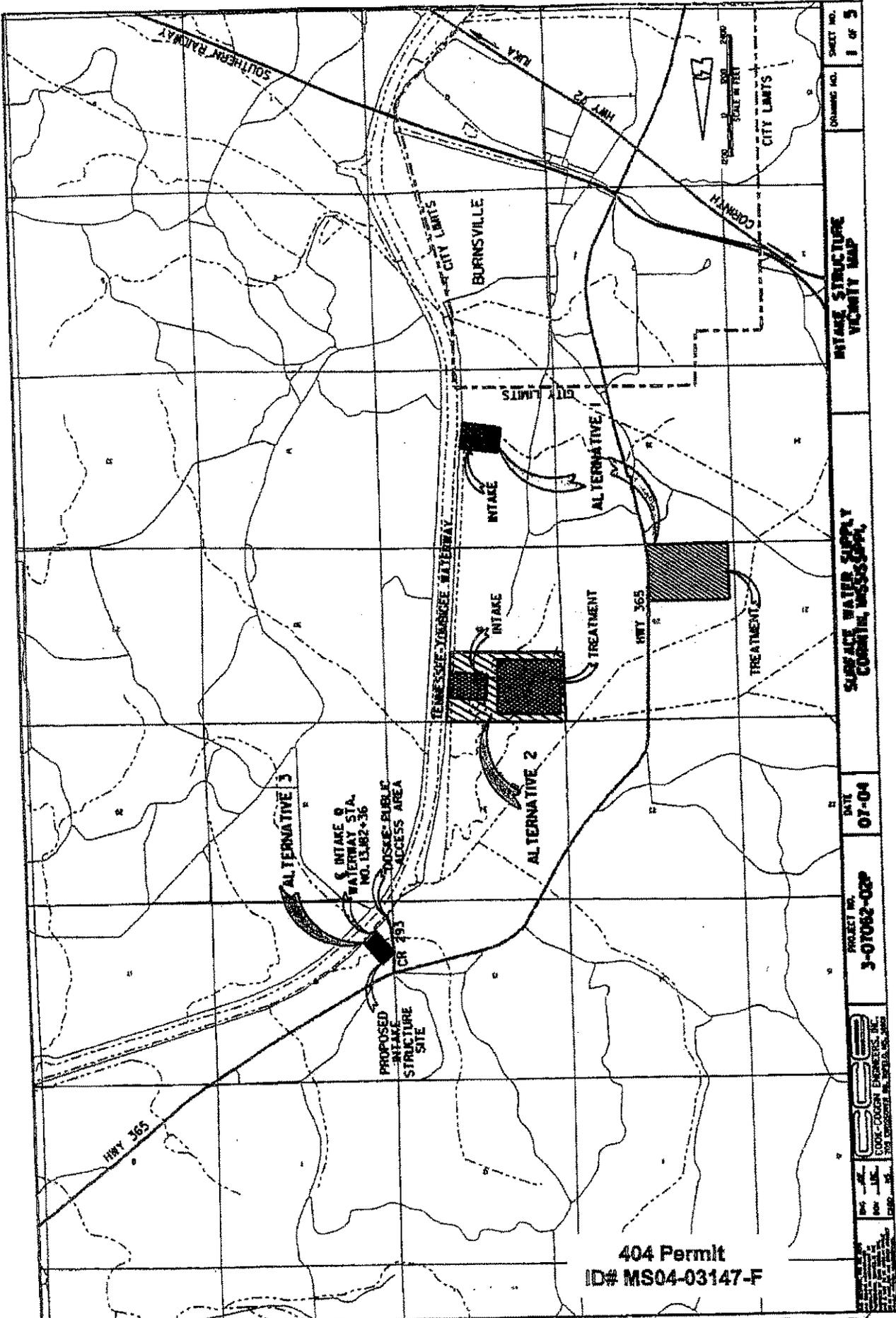


404 Permit
ID# MS04-03147-F



PROJECT NO. 3-07062-020
DATE 11-04
DRAWING NO. CREEK CROSSINGS
SHEET NO. 5 of 5
SUNFACE WATER SUPPLY
COUNTY, MISSISSIPPI
COOK-COOK ENGINEERS, INC.
1000 N. J. ST.
MEMPHIS, TENNESSEE 38103

F16.7



DRAWING NO. SHEET NO. 1 OF 5

INTAKE STRUCTURE VICINITY MAP

SUBJECT WATER SUPPLY COUNTY, MISSISSIPPI

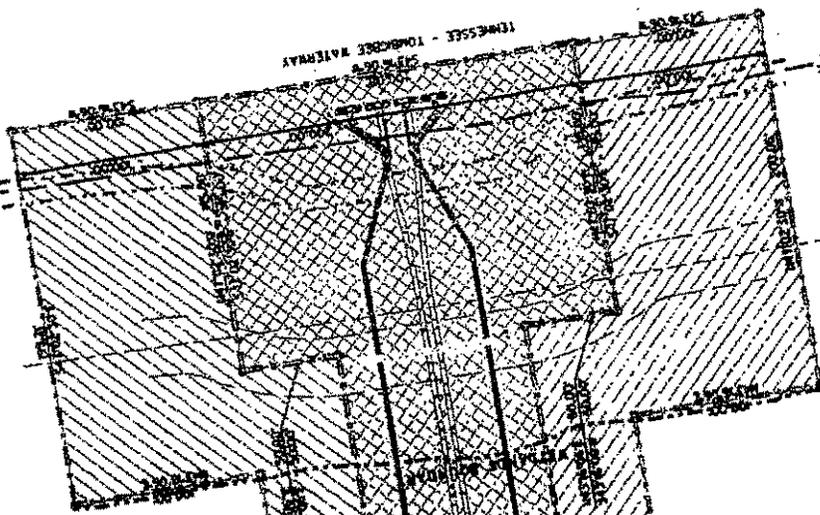
DATE 07-04

PROJECT NO. 3-07062-00P



404 Permit ID# MS04-03147-F

FIG. 8



SURVEY - EASEMENT
 JACK OAK FARMER, P.L.L.C.
 2015 JUNE 2004
 JACK OAK FARMER, P.L.L.C.
 2015 JUNE 2004

- NOTES**
1. This Survey conducted as a Class A Survey.
 2. Source of Information From Deeds Recorded at
 1. Township County, MS. Boundary Date: 18-11-18
 2. Book 85, Page 86-88
 3. Book 86, Page 371
 4. Book 88, Page 371
 5. Book 90, Page 371
 6. Book 92, Page 371
 7. This Survey Not performed
 8. This Survey Not performed
 3. Property Boundary True North By G.P.S. Observation
 4. [Illegible]

ALL CORNERS OF BOUNDARIES MARKED
 WITH STATE PLASTER CONCRETE
 MONUMENTS EXCEPT
 MONUMENTS MARKED IN
 THIS SURVEY

ALL CORNERS OF BOUNDARIES MARKED
 WITH STATE PLASTER CONCRETE
 MONUMENTS EXCEPT
 MONUMENTS MARKED IN
 THIS SURVEY

- TRACT 2 CONSTRUCTION EASEMENT
 TEMPORARY LOT ACRES
- TRACT 3 CONSTRUCTION EASEMENT
 TEMPORARY LOT ACRES
- TRACT 4 CONSTRUCTION EASEMENT
 TEMPORARY LOT ACRES



ALL CORNERS OF BOUNDARIES MARKED
 WITH STATE PLASTER CONCRETE
 MONUMENTS EXCEPT
 MONUMENTS MARKED IN
 THIS SURVEY

RAW WATER
 PUMPING STATION
 SITE

SECTION 8, TOWNSHIP 2 NORTH, RANGE 2 EAST
 SECTION 9, TOWNSHIP 2 NORTH, RANGE 2 EAST

404 Permit
ID# MS04-03147-F

Surveyed and Platted This 17th
 Day of June, 2004

JACK OAK FARMER, P.L.L.C.



FIG. 9

OFFICE OF THE GOVERNOR

BOB RILEY
GOVERNOR



ALABAMA DEPARTMENT OF ECONOMIC
AND COMMUNITY AFFAIRS

JOHN D. HARRISON
DIRECTOR

STATE OF ALABAMA

December 17, 2004

Mr. Gene Gibson
Manager, Water Supply and Special Projects
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1499

RE: Your letter, December 10, 2004

Dear Gene:

In the referenced letter, you asked for our comments on a proposed withdrawal above the Jamie Whitten Lock on the Tennessee - Tombigbee Waterway by the City of Corinth, Mississippi. Your letter states that the 26a permit request is for an average annual withdrawal of 8-10 mgd with a daily peak of 16.5 mgd. We cannot concur in this requested withdrawal to the extent that it involves or authorizes an interbasin transfer of water in violation of established principles of riparian law.

That issue notwithstanding, we are also unable to concur with the proposed request without some additional information. Please provide your response to the following questions:

1. What is the division of responsibility between TVA and the Corps in this area?
2. What authority exists for any water supply withdrawals from the Tennessee - Tombigbee Waterway (or in the proposed area of the withdrawal)?
3. What other water supply withdrawals are occurring from the Tennessee - Tombigbee Waterway?

Even if no interbasin transfer was involved, we would ask that a full evaluation of the impacts of the withdrawal on downstream flows and other instream and out of stream uses be conducted prior to soliciting the state's and the public's comments. We ask to see that analysis before we will consider any request for concurrence with this or any future withdrawal.

Thanks again for your continued support and feel free to contact me at (334) 242-5499 if you have any questions.

Respectfully Yours,

Onis "Trey" Glenn, III, Director
Alabama Office of Water Resources

cc: Colonel Peter F. Taylor, Jr.
Mobile District Engineer, COE
Mr. Don Walden, Executive Director
Tennessee - Tombigbee Waterway Development Authority
Mr. David Hardin
Mississippi Department of Environmental Quality



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Water Pollution Control

6th Fl. L & C Tower
401 Church Street
Nashville, Tennessee 37243-1534
PHONE: (615) 632-0632; FAX: (615) 632-0686

January 10, 2005

Mr. Sidney E. (Gene) Gibson, Manager
Water Supply and Special Projects WT-TND
400 West Summit Hill Drive
Knoxville, TN 37902-1499

Dear Mr. Gibson:

Your letter of December 10, 2004, invites comment from this department on a proposed interbasin transfer of water from the Tennessee River basin. As set out in your letter, TVA has under consideration a 26a permit application from the City of Corinth, Mississippi that would result in a water transfer originating from the cut between Pickwick Reservoir and the Jamie Whitten Lock on the Tennessee-Tombigbee Waterway. This would be used as a water supply for areas of northwest Mississippi with the return flows being outside of the Tennessee River basin.

We applaud TVA's initiative in convening the Tennessee Valley Water Partnership to facilitate discussions of regional water resource issues. We believe that regional planning is indeed crucial to making sound management decisions on any of our major interstate waters, and certainly the Tennessee. While the quantity proposed here might not be great, we believe that any future assignment of waters outside the basin should be consistent with regional water resource planning. Specifically, we suggest that TVA work with the valley states to develop policy for water withdrawals from the upper Tombigbee project.

Further, we suggest that there be allowed a public review and comment period on this application and we ask that information be made available so that the public can form an opinion about the reasonableness of the proposal. Tennessee's rules call for this department to consider certain factors when we make a determination on a proposed interbasin transfer. While we recognize that this proposed transfer would not be subject to the permitting requirement under the Tennessee Inter-basin Transfer Act, we nevertheless believe that the considerations in our rules are valid grounds for review. We suggest that the applicant or, if more appropriate, TVA, develop a rationale to support the proposed withdrawal which, at minimum, is based on the factors set out in our Rule 1200-4-13-05, "Criteria for Issuance of Individual Permits", a copy of which is attached.

Thank you for soliciting our position on this application.

Sincerely,

A handwritten signature in cursive script that reads "Paul E. Davis".

Paul E. Davis, P. E.
Director
Division of Water Pollution Control

1200-4-13-.05 Criteria for Issuance of Individual Permits

(1) *In reviewing a permit application, the commissioner shall consider information developed through studies, analyses, or inquiries undertaken by the commissioner and information and comments submitted to the commissioner by the applicant, public agencies, affected persons, and the public.*

(2) *The following factors will be used by the commissioner in making a determination on a permit application:*

(a) *the quantity of the proposed withdrawal and the stream flow of the losing river(s), with special concern for low flow conditions;*

(b) *protection of the present uses, and consideration of projected stream uses of the losing river(s), including but not limited to, present agricultural, municipal, industrial and in-stream uses, and assimilative needs, with special concern for low flow conditions;*

(c) *protection of the water quality in the losing river(s) at low flow conditions;*

(d) *the reasonably foreseeable future water needs of the losing river basin;*

(e) *the reasonably foreseeable future water needs of the applicant for the water to be transferred, including methods of water use, conservation, and efficiency of use;*

(f) *the beneficial impact of any proposed transfer, and the capability of the applicant to implement effectively its responsibilities under the requested permit;*

(g) *the nature of the applicant's use of the water, to determine whether the use is reasonable and beneficial;*

(h) *whether the proposed project shall promote conservation of water;*

(i) *the feasibility, the costs, and the environmental impacts of alternative sources of supply;*

(j) *the requirements of other state or federal agencies with authority relating to water resources;*

(k) *the availability of water in the losing river basin to respond to emergencies, including drought;*

(l) *whether the project shall have any beneficial or detrimental impact on navigation, hydropower or other power generation, fish and wildlife habitat, aesthetics, or recreation;*

(m) *the quantity, location, and timing of water returned to the basin of origin or a downstream basin;*

(n) *climatic conditions;*

(o) *any offsetting increases in flow in the basin of origin that may be arranged through permit conditions;*

(p) *the number of downstream river miles from which water will be diverted as a result of the transfer; and*

(q) *such other factors as are reasonably necessary to carry out the purposes of the Act and this rule chapter.*

The foregoing list is to be used by the Commissioner as a basis both to deny permits and to impose conditions in permits that are issued. The Commissioner should use sound discretion in applying this list. It is not intended that the Commissioner must deny a permit if, in considering the list as a whole, it is the Commissioner's judgment that the permit should be issued. On the other hand, if one or two of the factors are of such overriding importance that it is the Commissioner's determination that they necessitate denial of a permit, that is an appropriate use of these factors.



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

January 4, 2005

Mr. Sidney Gibson
Manager, Water Supply and Special Projects
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, MS 37902-1499

RE: Corinth, Mississippi, request to withdraw water from the Tennessee-Tombigbee Waterway

Dear Mr. Gibson:

This is in response to your December 10, 2004, letter to David Hardin, regarding the request by the Corinth, Mississippi, Gas and Water Department to withdraw water from the Tennessee-Tombigbee Waterway.

On September 13, 2004, the Corinth Gas and Water Department received a 10-year permit from the Mississippi Environmental Quality permit Board to withdraw up to 11,500 acre-feet per year from the Tennessee-Tombigbee Waterway. However, this permit includes special permit conditions requiring the Corinth Gas and Water Department to obtain any approvals required by the Tennessee Valley Authority (TVA) and the Army Corps of Engineers before the Mississippi permit to withdraw water from the Tennessee-Tombigbee is valid and effective.

Your letter refers to the application from the Corinth Gas and Water Department for a TVA permit as a proposed "inter-basin transfer within the state of Mississippi." Mississippi law (Section 51-3-31 of the Mississippi Code of 1972, Ann.) requires that "any person desiring to use water for a beneficial purpose shall apply to the [Mississippi Environmental Quality Permit] board for a permit for such use..." By enacting this statutory procedure for water use and permitting, the Mississippi Legislature replaced the traditional common law theories (appropriation doctrine and riparian rights doctrine) as they applied to the use of waters in Mississippi with a requirement that all beneficial uses of water must be permitted by the state. Moreover, under Mississippi law and regulations, beneficial uses of surface waters are to be permitted so long as the permitted use would not cause the flow in the stream or the level in the lake from which the water is

withdrawn to fall below a minimum established by the Mississippi Commission on Environmental Quality. Under these laws and regulations, the location of the beneficial use and, therefore, the concept of "inter-basin transfer" have no relevance.

Please call me (601/961-5200) if you need clarification or additional information on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sam Mabry".

Sam Mabry
Director



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

December 10, 2004

Mr. Trey Glenn
Office of Water Resources
Alabama Department
of Economic Community Affairs
P.O. Box 5690
401 Adams Avenue
Montgomery, Alabama 36103

Dear Mr. Glenn:

As you are aware, we have met with water supply officials from all seven Tennessee Valley states and reviewed results of our Water Supply Inventory and Needs Analysis used as input to the Tennessee Valley Authority's (TVA) recently completed Reservoir Operations Study. During those meetings, we discussed inter-basin transfers and the potential impacts on the Tennessee River as a shared regional resource.

Since those meetings, TVA has received a 26a permit application from the city of Corinth's (Mississippi) Gas and Water Department requesting approval to withdraw 16.5 mgd peak (8-10 mgd annual average) to supply the needs of Corinth, Alcorn County, and other nearby Mississippi counties potentially in the future. The water would be withdrawn from the cut in Mississippi between Pickwick Reservoir and the Jamie Whitten Lock on the Tennessee-Tombigbee Waterway.

All of Corinth's Gas and Water Department customers live within TVA's power service area; however, most of these customers live outside the Tennessee River watershed, which would make this an inter-basin transfer within the state of Mississippi.

We would like to have your state's thoughts or comments on this proposed inter-basin transfer. Please coordinate your response with others as appropriate within your state. Your comments will be taken into account as we decide how to respond to this request.

Thanks for your assistance in this matter and we look forward to your reply no later than January 14, 2005. If you have questions or need more information, please telephone me at 865-632-6306.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gene'.

Sidney E. (Gene) Gibson
Manager, Water Supply and
Special Projects

Mr. Trey Glenn
Page 2
December 10, 2004

Identical letters have been sent to each of the following:

Mr. Jim Adams
Public Water Supply Section
North Carolina Department of
Environment and Natural Resources
852 Merrimon Avenue
Asheville, North Carolina 28804

Mr. Bill Caldwell
Water Quantity Management
Kentucky Department
for Environmental Protection
14 Rellly Road
Frankfort, Kentucky 40601

Mr. Paul Davis
Water Pollution Control
Tennessee Department of Environment
and Conservation
6th Floor, L&C Annex
401 Church Street
Nashville, Tennessee 37243

Mr. Kevin Farrell
Water Resources Branch
Georgia Environmental Protection Department
Suite 1058, East Tower
2 Martin Luther King, Jr., Drive, SE
Atlanta, Georgia 30334

Mr. David Hardin
Land and Water
Mississippi Department
of Environmental Quality
P.O. Box 10631
Jackson, Mississippi 39289

Mr. Terry Wagner
Division of Water Resources
Virginia Department of Environmental Quality
P.O. Box 1009
Richmond, Virginia 23240



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

March 9, 2006

Certified Mail No. 70041160000341736364
Mr. Ron Lilly, Manager
Corinth Utilities Commission
305 West Waldron Street
Corinth, MS 38835-1870

Dear Mr. Lilly:

Re: Corinth Utilities Commission,
Pumping Plant
Panola County
COE No. MS0403147S
WQC No. WQC2006009

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, Corinth Utilities Commission, an applicant for a Federal License or permit to conduct the following activity:

Corinth Utilities Commission, Pumping Plant Proposed fill of 1.72 acres of forested wetlands as part of construction of a water intake structure (pumping plant) on the Tenn-Tom Waterway to serve as a public water supply for the City of Corinth. Construction will include creating a notch in the west bank of the Tenn-Tom, installing inlet tubes from the waterway to the pumping plant, maintaining a permanently cleared easement above the subsurface inlet tubes, and constructing a building to house the raw water pumps. Additionally, 19.3 miles of distribution pipeline will be installed and will cross 34 named and unnamed ephemeral, intermittent, and perennial streams. All work will be performed within existing cleared highway rights-of-way, and impacts will be limited to temporary disturbances. All stream channel banks and bottoms will be restored to pre-project conditions following pipeline placement. Mitigation would include the purchase of credits from an approved mitigation bank. This project is located in Alcorn and Tishomingo counties [COE No. MS0403147S, WQC2006009].

APPROVED

MAR 20 2006

The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

1. The channel depth shall gradually increase toward open water and shall not exceed the controlling navigational depth. No "sumps" shall be created by proposed dredging.
2. Best management practices should be used at all times during construction to minimize turbidity at both the dredge and spoil disposal sites. The disposal sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. Best management practices should include, but not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding and mulching; staged construction; and the installation of turbidity screens around the immediate project site. Any effluent from the disposal area should be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent.
3. Excavated material shall be disposed in the contained upland disposal site and stabilized to prevent movement of sediment into adjacent drainage areas.
4. All timber pilings or bulkhead materials shall be steel, concrete, plastic, or timber treated with chromated copper arsenate (CCA).
5. Mitigation for the loss of 1.72 acres of wetlands shall be provided by the purchase of 5.16 mitigation credits from the Pearl River Mitigation Bank. A copy of the credit purchase agreement shall be forwarded to this office within 60 days of this certification.
6. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
7. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

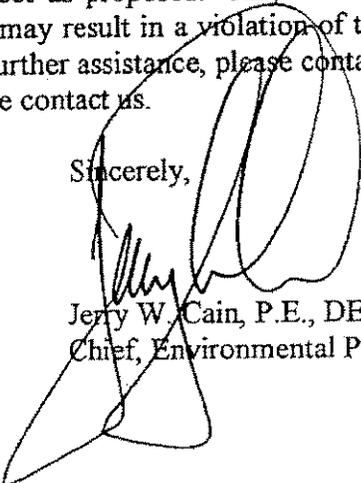
The Office of Pollution Control also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act which are applicable to the applicant's above-described activity.

This certification is valid for the project as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If we can be of further assistance, please contact us.

Mr. Ron Lilly
Page 3 of 3
March 9, 2006

This certification is valid for the project as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If we can be of further assistance, please contact us.
If we can be of further assistance, please contact us.

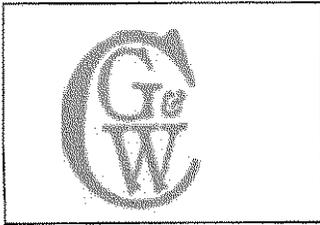
Sincerely,



Jerry W. Cain, P.E., DEE
Chief, Environmental Permits Division

JWC: CW

cc: Mr. Tad M. Zebryk , U.S. Army Corps of Engineers, COE-Mobile-N District ~~THIS COPY FOR~~
Mr. Daniel T. Gregg, U.S. Fish and Wildlife Service
Ms. Andrea Wade, Environmental Protection Agency
Ms. Janett Riddell, Office of Budget & Fund Management



CORINTH GAS & WATER DEPARTMENT

Memorandum

To: Stephen E. Williams,
Land Use Representative
Pickwick-Wheeler Watershed Team

From: Ron Lilly

Date: October 2, 2006

Re: Letters Requested

● **Comments:**

Enclosed please find letters 1, 2 and 3 requested via your email of August 7, 2006.

Thank you.

Ron

305 West Waldron St., Corinth, MS 38834
Phone 662-286-2263
Fax 662-286-1330

Pickwick-Wheeler Watershed Team	
ALA	JGP
JKA	RLP
WB	AMP
CLC	DJS
BGP	JDS
SAH	SJS
CJH	HLT
KRK	/ SEW
WRM	
RLM	
SDM	
RJM	Files
Received: <i>Dec 11/05/06</i>	

Zebryk, Tad M SAM

From: NMFS HCDPC [NMFS.HCDPC@noaa.gov]
Sent: Thursday, January 19, 2006 2:07 PM
To: Zebryk, Tad M SAM
Subject: MS04-03147-S Corinth Utilities Commission

NOAA's National Marine Fisheries Service, Habitat Conservation Division, has reviewed the Department of the Army permit application listed below. Due to our current staffing level, we are unable to adequately investigate this activity and, therefore, we can take no action on the permit application at this time. It should be noted that our position is neither supportive of, nor in opposition to, the subject activity.

Notice	Applicant
MS04-03147-S	Corinth Utilities Commission



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213
January 30, 2005

Colonel Anthony C. Vesay
District Engineer
U.S. Army Corps of Engineers
Post Office Box 2288
Mobile, Alabama 36628-0001

Dear Colonel Vesay:

The U.S. Fish and Wildlife Service (Service) has reviewed Public Notice No. MS05-03147-S dated January 5, 2005, and expiring February 7, 2005. The applicant, Corinth Utilities District, is applying for a Department of the Army (DOA) permit to place fill in wetlands as part of construction of a pumping plant on the Tenn-Tom Waterway near the Town of Doskie in Tishomingo and Alcorn Counties, Mississippi. The following comments are provided in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and the Endangered Species Act (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

The applicant proposes to construct a water intake structure on the Tenn-Tom Waterway as a public water supply for the City of Corinth and Alcorn County. A 19.3 mile pipeline would be constructed along existing state, county and federal highway rights-of-way between the pumping plant and the City of Corinth in Alcorn County. Installation of the pipeline would entail crossing 34 named and unnamed streams. All stream channel banks and bottoms would be restored to pre-project conditions at each crossing location immediately following pipeline emplacement. Approximately 1.72 acres of jurisdictional, forested wetlands would be permanently impacted as a result of the proposed work. The applicant proposes to compensate for unavoidable wetland impacts by purchasing 5.16 mitigation credits from the Pearl River Mitigation Bank.

Regarding the ESA, the Service has determined that no federal listed species would be affected from the proposed work. No further consultation under section 7 of the ESA will be necessary unless the size or scope of the project were to change.

Based on the information provided, the Service has determined that the proposed work would have no significant adverse effects on aquatic resources and terrestrial resources. Therefore, the Service has no objections to the issuance of a DOA permit for the proposed work provided that unavoidable wetland impacts are fully compensated. However, the Service recommends that Best Management Practices be used at all stream crossing in order to control erosion and

sedimentation into the streams. Additionally, we recommend that a copy of the purchase agreement for wetland credits be sent to this office for review.

If you have any questions, please contact this office at (601) 321-1136.

Sincerely

A handwritten signature in black ink, appearing to read "Daniel T. Gregg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel T. Gregg

Fish and Wildlife Biologist

cc: Mississippi Department of Environmental Quality, Jackson, MS
Attn: Robert Seyfarth
Mississippi Department of Wildlife, Fisheries and Parks, Jackson, MS
Attn: Tom Holman



HISTORIC PRESERVATION
PO Box 571, Jackson, MS 39205-0571
601-576-6940 • Fax 601-576-6955
mdah.state.ms.us

March 7, 2006

Mr. Richard Herring
Herring Environmental, LLC
144 Herring Hill Drive
Saltillo, Mississippi 38866

Dear Mr. Herring:

RE: Cultural Resources Survey of the Corinth surface water supply system,
Alcorn and Tishomingo Counties, report #06-065

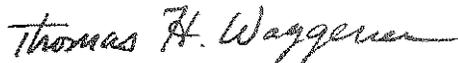
We have reviewed the April 2005, cultural resources survey report of Cultural Resource Services, Inc. for the above referenced undertaking. No sites or properties listed in or eligible for listing in the National Register of Historic Places will be affected. We, therefore, have no further reservations with this undertaking.

In addition, we are not aware of any potential of this undertaking to affect Indian cultural or religious sites. However, if you require confirmation of this, the tribal entities will have to be contacted directly.

There remains a very remote possibility that unrecorded cultural resources may be encountered during construction. If this occurs, we would appreciate your contacting this office immediately in order that we may offer appropriate comments under 36 CFR 800.13 within forty-eight hours. Your continued cooperation is appreciated.

Sincerely,

H. T. Holmes
State Historic Preservation Officer



By: Thomas H. Waggener
Review and Compliance Officer

cc: Clearinghouse for Federal Programs