



US Army Corps
of Engineers®

Nashville District

Public Notice

Public Notice No. 11-12

Date: March 15, 2011

Application No. 2011-00100

All comments should be received no later than 30 days from the date of this notice. Please address all comments to:

Nashville District Corps of Engineers, Western Regulatory Field Office

2042 Beltline Road SW, Building C, Suite 415, Decatur, AL 35601

Attn: Gary L. Davis

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

SUBJECT: Proposed Aerial Sanitary Sewer Line Crossing at Limestone Creek Mile 16.9, a Tributary to Tennessee River Mile 310.7, Right Bank, Limestone County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States, and a Tennessee Valley Authority (TVA) pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the State of Alabama, Department of Environmental Management (ADEM), pursuant to **Section 401 (a)(1)** of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: City of Huntsville
Mr. Shane Davis, City Engineer
320 Fountain Circle
Huntsville, Alabama 35801

LOCATION: Approximately 40' south of Alabama State Highway 72, Limestone Creek Mile 16.9, Limestone County, Alabama (USGS CAPSHAW, ALA. Quadrangle Map; Latitude: 34.751829, Longitude: -86.823209)

DESCRIPTION: The proposed work consists of the construction of an aerial sanitary sewer line across Limestone Creek, by the City of Huntsville to extend sanitary sewer service to recently annexed property. The pipe would be a 12" ductile iron pipe. The pipe would span the creek, approximately 86 linear feet, supported by two concrete piers within the stream, spaced 46 feet on center. The bottom elevation of the proposed sewer line pipe would be 630.80. According to

USGS stream gage data, the ordinary high water mark of Limestone Creek at this location is 628.77. Sheet piling would be used to construct a cofferdam during pier construction to provide a dry work area. In order to protect the piers and creek banks, approximately 15 cubic yards of Class 2 size riprap would be placed around the two piers and would extend to the top of bank on each side of the creek.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, 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.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the following federally protected species may occur in the area of impact: Three federally endangered snail species (Anthony's riversnail, Slender campeloma snail and Armored snail). At this time, insufficient information exists to make an effect determination on any of the species. However, we are initiating informal consultation with the U. S. Fish and Wildlife Service (USFWS) necessary to fulfill our obligations under Section 7(c) of the Endangered Species Act of 1972 (as amended).

Other federal, state, and/or local approvals may be required for the proposed work.

Tennessee Valley Authority (TVA) approval is required under Section 26a of the *TVA Act* for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Water Quality Certification from the state of Alabama is required for the proposed work in accordance with Section 401(a)(1) of the *Clean Water Act*.

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.

Written statements received in this office within 30 days from the date of this notice will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Western Regulatory Field Office, Attention: Gary L. Davis at the above address, and/or email at gary.davis@usace.army.mil, or by telephone (256) 350-5620.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Davis at the above address or phone number.

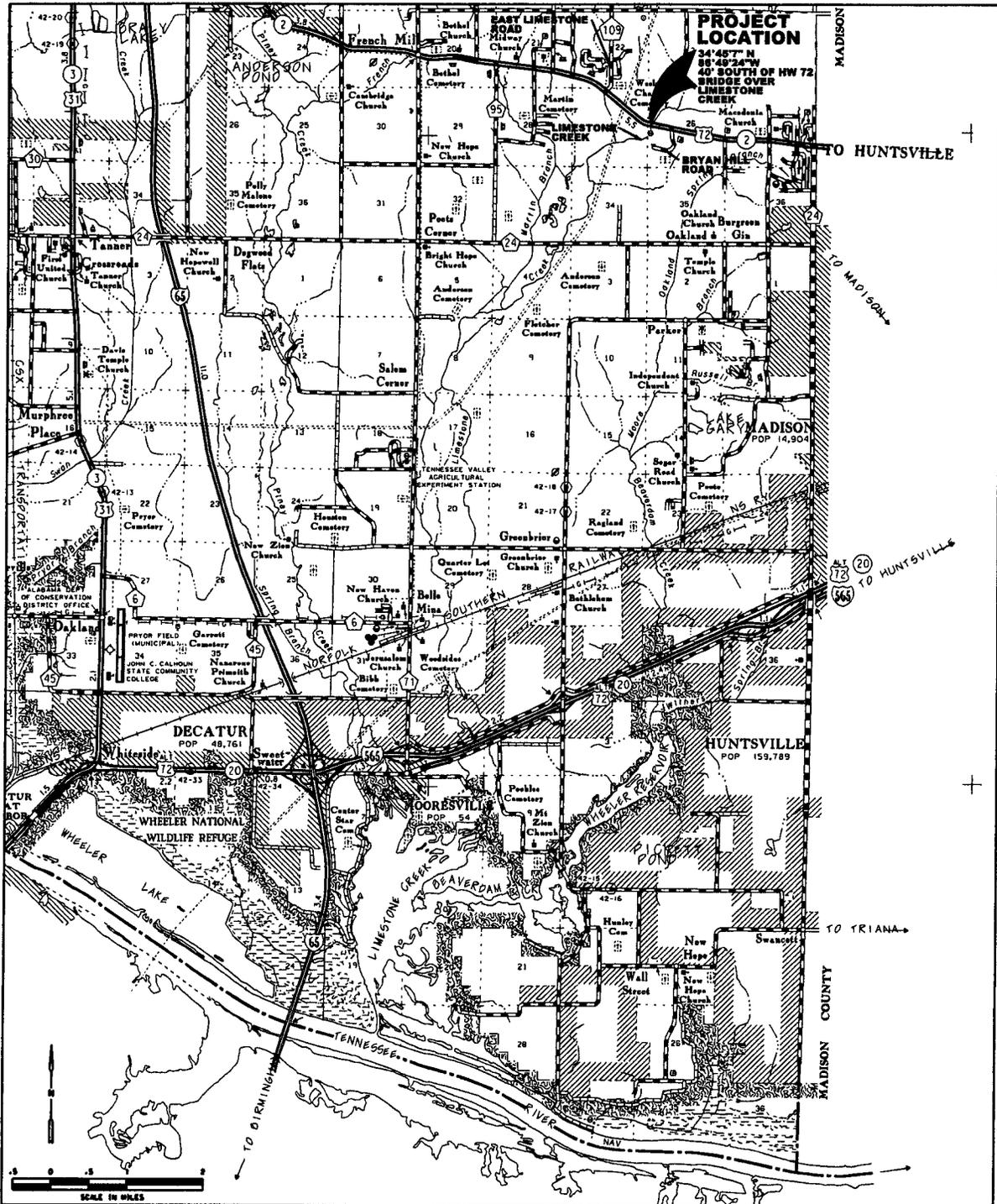


Exhibit 1
 Location Map
 File No. 2011-00100
 PN 11-12

VICINITY MAP		
LIMESTONE CREEK WEST SANITARY SEWER EXTENSION LIMESTONE COUNTY		
CITY OF HUNTSVILLE		
HUNTSVILLE, ALABAMA		

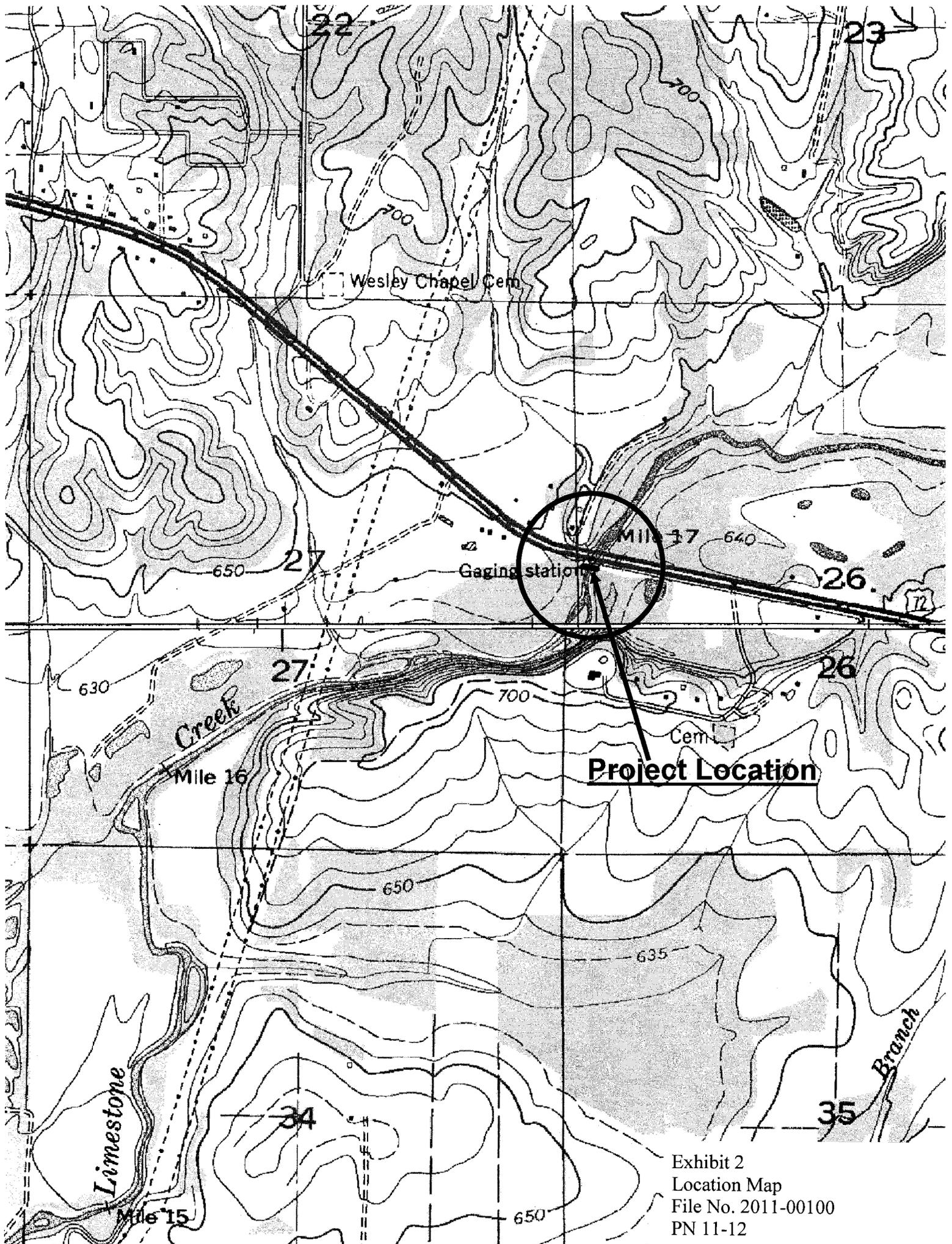
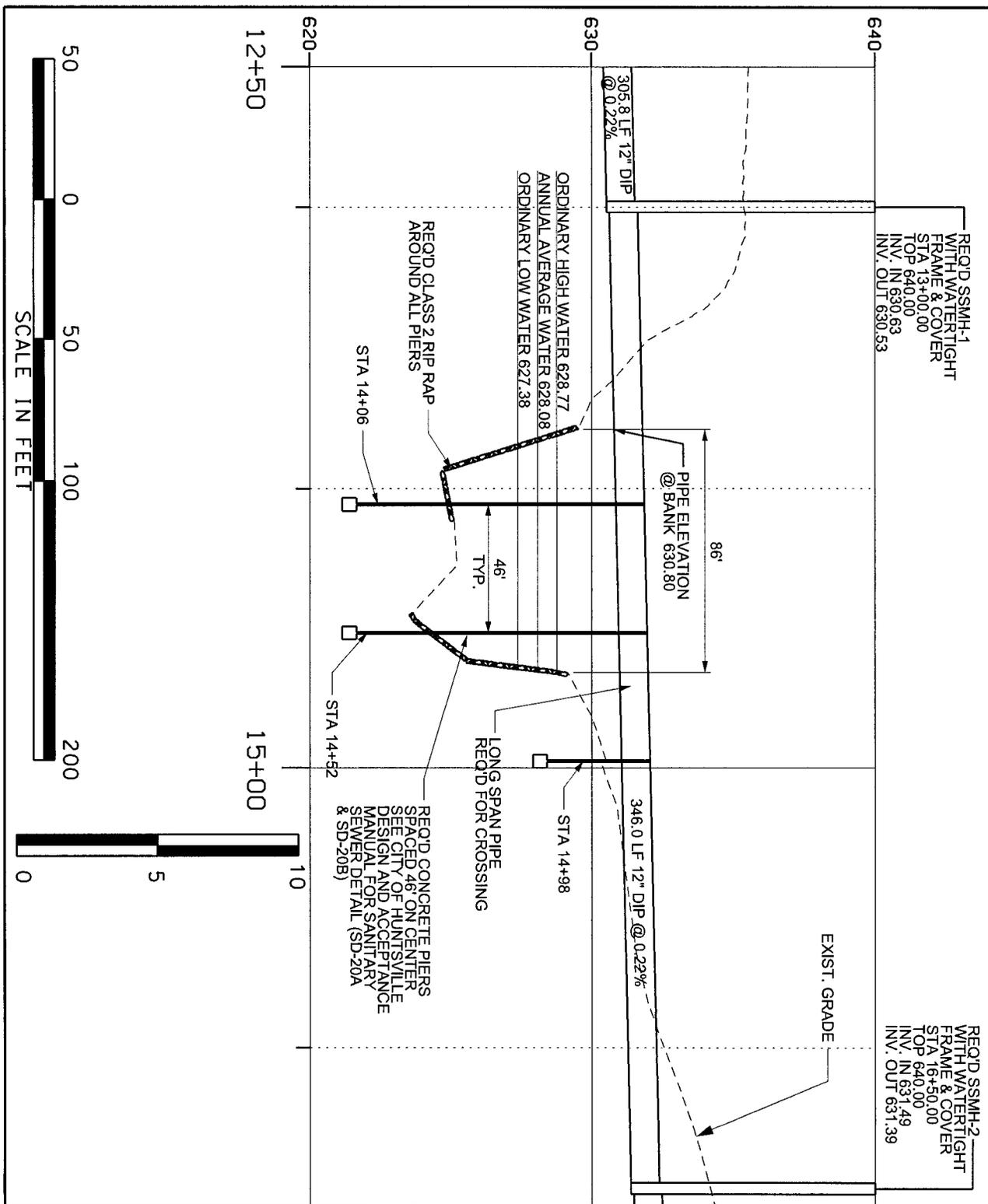


Exhibit 2
Location Map
File No. 2011-00100
PN 11-12



PROFILE

LIMESTONE CREEK WEST SANITARY SEWER EXTENSION
 LIMESTONE COUNTY
 CITY OF HUNTSVILLE
 HUNTSVILLE, ALABAMA



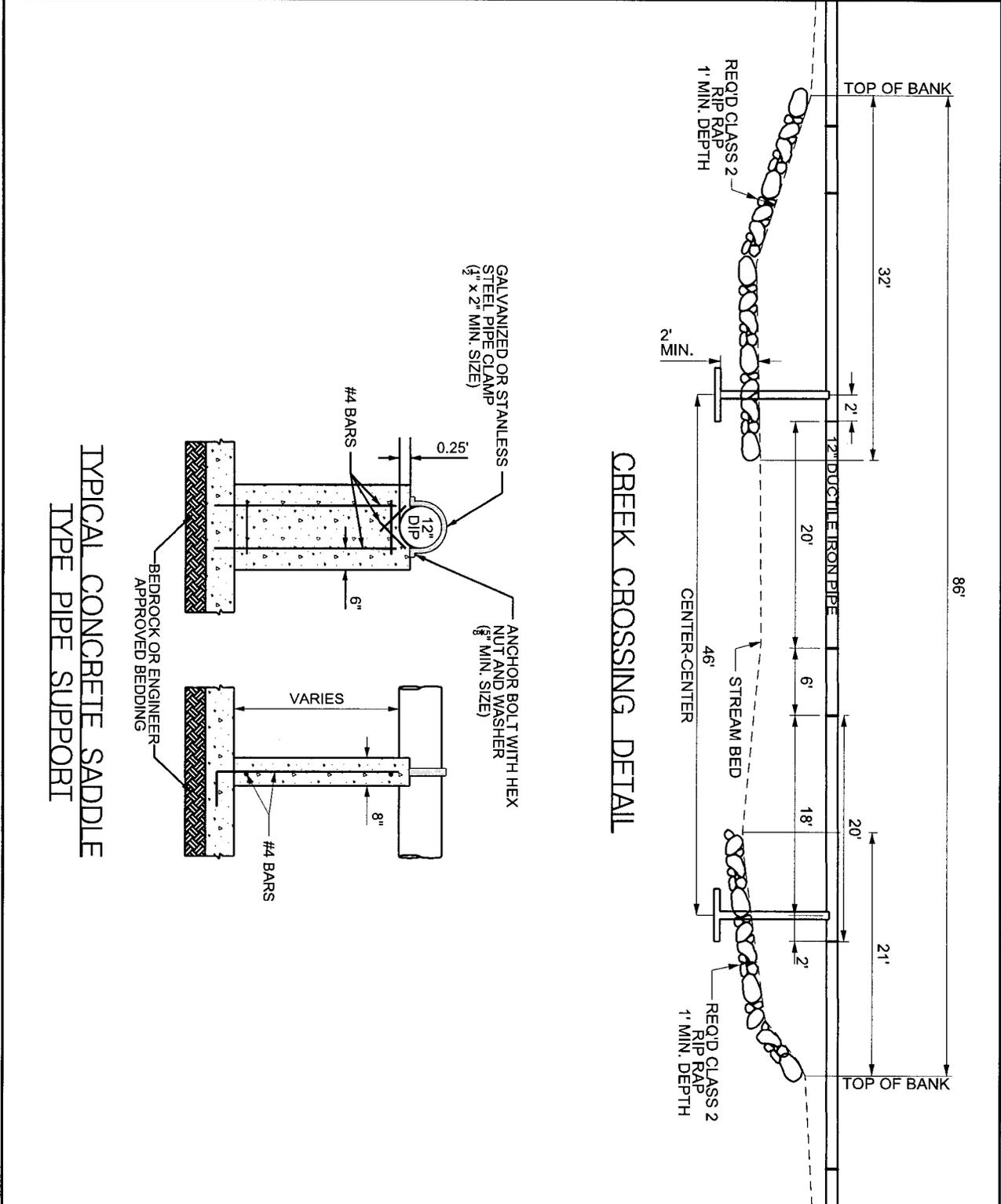


Exhibit 4
 Applicant Plans
 File No. 2011-00100
 PN 11-12

<h2 style="margin: 0;">CREEK CROSSING DETAILS</h2> <p style="margin: 0;">LIMESTONE CREEK WEST SANITARY SEWER EXTENSION LIMESTONE COUNTY CITY OF HUNTSVILLE HUNTSVILLE, ALABAMA</p>	
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