

APPENDIX J

Public Hearing Memorandum

File No. 53937-00  
Nucor Steel Decatur, LLC

DEC 01 2006

MEMORANDUM FOR RECORD

SUBJECT: File No. 5393700; PN 06-54; Public Hearing Request, Proposed Port Facility Expansion at Tennessee River Mile 297.5, Left Bank, Wheeler Lake, Morgan County, Alabama

1. On 18 May 2006, Nucor Steel Decatur, LLC, Decatur, Alabama, submitted an application 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). The application is for the expansion of an existing loading dock, construction of additional fleeting facilities, and dredging for the fleeting. The location of the proposed action is Nucor's existing terminal, along the backchannel of the Tennessee River Mile 297.5, Left Bank, Wheeler Reservoir, Morgan County, Alabama.

2. The U.S. Army Corps of Engineers (Corps), Tennessee Valley Authority, and the Alabama Department of Environmental Management (ADEM) issued Joint Public Notice 06-54 (Encl 1) soliciting public comments between 26 May 2006 and 26 June 2006. The notice was sent to numerous interested parties including federal, state, and local agencies, adjacent property owners, elected officials, and other groups and individuals.

3. In response to the notice, five comments were received; three from agencies and two from the public. The U.S. Fish and Wildlife Service stated that no adverse effects to fish and wildlife were expected to result from the proposed work. The Alabama Historical Commission stated that the proposed work would have no effect on National Register of Historic Places listed or eligible properties. The City of Decatur issued a no rise certification for the deposit of fill material proposed to be placed within the extended dock area and mooring cells.

4. The two letters from the public both requested that a public hearing be held (Encls 2 and 3). The first letter was from the law firm of Edwards, Mitchell & Reeves, representing adjacent property owner- Independence Tube Corporation (ITC), stating that some of the proposed facilities may encroach into the boundaries of ITC. In addition, the proposal may interfere with ITC navigation into and out of their existing barge terminal and may impair ITC's plans for future barge storage. The second letter came from three individuals (Tim Vanderploeg, Don Moore, Tim

CELRN-OP-F (1145b1)

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Swoope) stating concerns including increased barge traffic and possible impacts to fishing and recreation. The comments were forwarded to the applicant for resolution or rebuttal.

5. At this same time, Corps and TVA's Navigation representatives met with the applicant, field inspected the site, viewed the site from the river by boat, and determined that the proposal may impact navigation within the backchannel of the river. As a result, the Corps and TVA recommended that Nucor redesign their proposed fleeting areas to not extend upstream beyond Nucor's extended property line and maintain at least a 350 feet clearance between fleeting areas on the right and left sides of the back channel. In August 2006, the applicant agreed with the recommendation and submitted a new application showing a reduced the scope of work that would not to encroach onto ITC (Encl 4).

6. On August 18, 2006, the opposing parties were forwarded copies of the new application and asked to provide comments. No further comments were received. On 31 October 2006, ADEM issued Water Quality Certification (Encl 5). At this time, the Corps and TVA are currently preparing an Environmental Assessment for the reduced scope of work.

7. The public has been given ample opportunity to express their views and opinions regarding the proposed action through the Corps' Public interest review process. All issues and relevant factors that were brought forward during the comment period have been clearly identified and addressed. A public hearing is not likely to provide additional information that would assist me in reaching a final decision on the permit request, nor serve any valid interest. Therefore, I have decided not to hold a hearing. The requesting parties will be advised of this decision.

5 Encls

  
STEVEN J. ROEMHILDT, P.E.  
LTC, EN  
Commanding

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BISHOP/OP-F

GATLIN/OP-F

RIVERA/OP-S

ENSCH/OP

HILL/OC

PHILLIPS/DE-S

WARREN/XO

GUTH/DDE

LTC ROEMHILDT/DE

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