

ENVIRONMENTAL ASSESSMENT
STATEMENT OF FINDINGS
AND
FINDINGS OF NO SIGNIFICANT IMPACT

(File No. 2002-02143)

CITY OF PARSONS

Request for a Municipal Water Intake and Distribution Line
Tennessee River Mile 136.0, Left Bank, Kentucky Lake
Decatur County, Tennessee

U.S. ARMY CORPS OF ENGINEERS
Nashville District, Regulatory Branch

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Date

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This document constitutes my Environmental Assessment (EA), Statement of Findings, and review and compliance determination according to the National Environmental Policy Act (NEPA) for the proposed action, as follows:

CHAPTER 1.0 PURPOSE AND NEED FOR ACTION.

1.1 Background. On November 21, 2003, on behalf of the City of Parsons, 66 West 22nd Street, Parsons, TN 38363, TLM Associates, Inc., 117 E. Lafayette Street, Jackson, TN 38301, submitted a joint application for a Department of the Army (DA) permit for a proposed action pursuant to Section 10 of the Rivers and Harbors Act of 1899 (RHA) and a Tennessee Valley Authority (TVA) land use permit, Tract XTGIR-152E, and approval pursuant to Section 26a of the TVA Act.

Proposed Action Requiring DA Permit: The applicant requires authorization to permanently install a municipal water intake at Tennessee River Mile (TRM) 136.0, Left Bank, Kentucky Lake, and associated distribution line, all located in Decatur County, TN. The distribution line would cross the mouth of the Beech River (TRM 135.7, left bank), six creeks, and 1.38-acres of hardwood wetlands adjacent to the Beech River. The proposed deposit of fill material into waters and wetlands of the United States (US) associated with back filling the distribution line has been previously authorized pursuant to the RHA and Section 404 of the Clean Water Act (CWA) under the DA Nationwide Permit program.

The Southwest Tennessee Development District (STDD) prepared an Environmental Report for use by the USDA Rural Utilities Service in support of an application to obtain funds for the proposed action. The report was submitted with the DA Applicant and is attached as Appendix D. As a result of STDD's pre-coordination with the US Fish and Wildlife Service and the Tennessee Historical Commission, detailed surveys were performed for the action to address federally protected species and historical/cultural resources. This environmental report contains information that will be recognized henceforth in this document as USDA-ER.

According to the applicant, the basic project purpose is to withdraw a cleaner more dependable supply of raw water for the city of Parsons, TN, and future anticipated growth in the area, which is a water dependent activity.

The scope of the analysis under NEPA is an approximate 30' wide corridor required for the intake and pipeline, that reaches 80' into the river from the shoreline, and 6.1-miles back to the city's existing water treatment plant. See Appendix A for plans of the proposed work, Public Notice 03-94.

1.2 Decision Required. Section 10 of the Rivers and Harbors Act of 1899 prohibits the alteration or obstruction of any navigable water of the US unless authorized by the Secretary of the Army acting through the Chief of Engineers. The Tennessee River at Mile 136.0 is a navigable water of the US as defined by 33 CFR Part 329.

A DA permit is required; therefore, a decision must be made on the following:

- issuance of a permit for the proposal.
- issuance of a permit with modifications or conditions.
- denial of the permit.

1.3 Other Approvals Required. Other federal, state, and/or local approvals may be required for the work, including the following:

- **Section 301 of the CWA** prohibits the discharge of fill material into a water of the US unless authorized by the DA pursuant to Section 404 of the same Act. The proposed location is a water of the US as defined by 33 CFR Part 328. The proposed deposit of fill material into waters and wetlands of the US associated with back filling the distribution line described in this notice meets the criteria for authorization by Nationwide Permit (NWP) #12, dated March 18, 2002.

- On March 15, 2002, the Tennessee Department of Environment and Conservation (TDEC) issued a **water quality certification** for activities meeting the criteria of NWP #12 (Section 401(a)(1) of the CWA) contingent upon the conditions of and utilization of their general permit for utility line activities. The proposed deposit of fill material associated with the proposed action meets the criteria of NWP #12 and we have determined that no further water quality determination is required for this action.

- **TVA** requires a land use permit the work located on TVA Tract XTGIR-152E (RLR No. 150706) and approval pursuant to Section 26a of the TVA Act (RLR 147091).

CHAPTER 2.0 Public Involvement Process. On December 17, 2003, a 30-day public notice #03-94 (Appendix A) was issued to advertise the proposed work and sent to all interested parties (see file for mailing list). The comment period ended on January 16, 2004. All responses received during the comment period are included in Appendix B and summarized as follows:

- In its January 5, 2004, letter, the **Tennessee Historical Commission (THC)** concluded that the proposed work would have **no effect** on National Register of Historic Places listed or eligible properties and had no objections to proceeding with the project activities. **Response:** Comment noted.

- In its January 9, 2004, letter, the **US Fish and Wildlife Service** (USFWS) states that based on their records and the best information available, it is their belief that there are **no federally-listed** or proposed endangered or threatened plant or animal species in the impact area, and requirements of Section 7(c) of the Endangered Species Act of 1973, as amended, are fulfilled. **Response:** Comment Noted.

CHAPTER 3.0 Environmental and Public Interest Factors Considered

3.1 Introduction. 33 CFR 320.4(a) states 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. Public Notice 03-94 listed factors that may be relevant to the proposal and must be considered. The following sections discuss those factors identified as relevant through the public interest review process and provide a concise description of the anticipated impacts. The relevant blocks are checked with a description of the impacts.

3.2 Physical/Chemical Characteristics and Anticipated Changes.

(x) substrate - During the proposed construction activities, there would be short-term adverse impacts to three substrate types; river, creek, and wetland.

Substrate at the intake site consists of a flat shoreline with a twenty-foot wide sandy beach. River substrate consists of sand, mucky silt, and gravel over a rock bottom. The pipeline would extend into the river for about 100' with about 65' of the line installed in a trench. The proposal involves backfilling and capping the trench with riprap to preconstruction contours. The pipeline would daylight from the trench and extends for 35' atop a concrete piling. Substrate would be shaded in this area.

A 6.1-mile long 24" diameter ductile iron pipeline on average 30' right-of-way (ROW) would cross six creeks. From west to east, the crossings are Adams Branch, Herron Creek, Mire Branch, Crowell Branch, and two unnamed branches in the eastern most portion of the ROW. The streams in this region have gravel bottoms with chert banks and tend to recover fairly rapidly. Creek crossings would be temporarily impacted during construction. However, once the waterline is buried, the creek banks and bottom would be returned to pre-construction conditions.

While the majority of the line would follow existing ROW, about 2,000' of wooded wetlands adjacent to Tinker Sand and Gravel Company's river terminal would be impacted. Once a minimized 20' ROW is cleared, substrate from the 0.92-acre area would be temporarily impacted. The city plans to backfill the trench with saved wetland soils to preconstruction contours.

Out of the wetland, the distribution line would cross the mouth of the Beech River for a distance of 260'. Our January 31, 2003, inspection of the river revealed the

substrate of the river to be mucky sands and gravel over a rock bottom. As shown on the plans, river bottom would be returned to pre-construction conditions.

Upon exit, the line would cross a smaller wooded wetland in 20' cleared ROW for a distance of about 1,000'. Substrate from the 0.46-acre area would be temporarily impacted until the trench is backfilled with saved soils to preconstruction contours. In summary, the proposed activity that affects the two rivers, six creeks, and two wetland areas would have a temporary affect on the substrates until equilibrium is achieved.

(x) currents, circulation or drainage patterns. During the creek construction activities, channel flow may need to be diverted around the excavation areas utilizing earthen berms and sandbags. However, most construction activities would take place during the dry season when there are minimal flows. Construction across the river would occur within the water column where drainage patterns would not be affected. Regarding circulation of flows, the intake would be located approximately 80' from the NSP shoreline in order to reach deep water and currents and not affect circulation of river flows in the shallower depth areas near the shoreline. The river provides high enough current in this reach to allow for good circulation of the water and keep water quality constant.

(x) storm, wave and erosion. To reduce the possibility of erosion, the applicant proposes to stabilize the excavated trenches with riprap and/or concrete caps. Implementation of standard best management practices during construction activities would reduce adverse impacts associated with erosion. The applicant proposes to fully seed the disturbed areas and cover with straw, and other as necessary for erosion prevention. Given the distance from the shoreline and its designed intake positioning upwards from the lake bottom, the intake itself should not cause erosion to the lake bottom. Excess materials from the trench excavation would be deposited at an upland site with proper soil erosion and sediment control measures utilized to minimize erosion and reentry of sediments into waters of the US.

(x) suspended particulates, turbidity. During construction of the intake and excavation of the pipeline trenches, some localized turbidity may be generated. Lake bottom materials around the trench and during pipe during positioning would become unstable and particulates may be visible. This disturbance would be expected to settle and stop soon after the work is complete. Utilizing BMPs, upland excavation activities would be stabilized as soon as practicable to reduce erosion and turbidity into the lake.

(x) flood control functions. The pipeline would be buried in a trench and returned to preconstruction contours, so the flood control functions of the waters would not affected. With the exception of the six creek crossings, the Beech River crossing, and the intake structure location, the proposed action lies outside the 100-year floodplain.

(x) water quality. Proposed construction activities in the six creeks and two wetland areas would likely occur in the dry to reduce impacts to water quality. There could be short-term adverse impacts to water quality during the trenching activities occurring within the river water column. A water quality certification has been issued by TDEC for the proposed action meeting the criteria of NWP #12. The permit certifies that the construction of the proposed utility line, including intake, would not violate water quality standards. Implementation of best management practices and performing the work in accordance with TDEC's general permit conditions would reduce impacts to water quality during construction.

3.3 Biological Characteristics and Anticipated Changes.

(x) special aquatic sites (wetlands, sanctuaries and refuges). Our January 31, 2003, inspection of the site (photographs, Appendix C) revealed that two wetland areas would be affected. In response, TLM performed a wetland delineation of the affected corridor and submitted the findings with the application. According to TLM, about 0.92-acres of wooded wetlands adjacent to the north bank of the Beech River, would be impacted. This area is predominately a hackberry/ willow wetland with an average diameter of 10" to 14" trees, and part of a much larger acreage wetland area. Once a minimized 20' ROW is cleared, the trees would be lost. The city plans to backfill the pipeline/ trench with saved wetland soils to preconstruction contours. Out of the wetland, the distribution line would cross the mouth of the Beech River. Upon exit, the distribution line would cross on the southern side of the river through about 0.46-acres of a hackberry/willow/maple wooded wetland in 20' cleared ROW. Both of the cleared corridors would have hardwood wetlands left undisturbed on both sides. Once the pipeline project is complete, the city plans to allow the affected wetland areas to revegetate with the seeds from the adjacent hardwood trees.

(x) endangered or threatened species. Preliminary consultation by the applicant with the USFWS indicated potential impact on three federally listed endangered species (the Gray Bat and two mussel species, Orange foot pimpleback and Ring pink). Surveys conducted for the applicant by the Tennessee Wildlife Resources Agency (TWRA) indicated no affect to the Gray Bats. A river bottom mussel survey conducted by TWRA for the applicant found neither of the two mussel species in the impact area of the proposed intake. By letter dated August 8, 2003, (see Appendix D, USDA-ER), the USFWS stated that the proposed project is not likely to affect the gray bat, orange-foot pimpleback mussel, and ring pink mussel. By letter response to the public notice (Appendix B), the USFWS stated that no federally-listed or proposed endangered or threatened plant or animal species in the impact area, and requirements of Section 7(c) of the Endangered Species Act of 1973 are fulfilled.

(x) habitat for fish and other aquatic organisms. During the proposed construction activities, installation of the pipeline would have temporary minor adverse impact on aquatic organisms until the area achieves equilibrium. Substrate along the shoreline and in the embayment would be impacted; however, the aquatic organisms living there would be expected to recolonize on the voids of the riprap soon after completion. The riprap backfill material would provide attachment surfaces for algae and small aquatic organisms. Habitat for fish and other aquatic organisms would be affected during the trench dredging activities, but after a short time, return to status quo.

(x) wildlife habitat. During construction activities, there would be short-term adverse impacts to wildlife species in the project vicinity associated with increased noise and the presence of construction equipment. The strip of trees on the shoreline separates the river from adjacent farmland. A 2-1/2-story intake building would be constructed on the shoreline displacing about 50' of trees. The majority of the proposed distribution line would follow existing cleared road ROW, consisting of mowed lawns and rural roadsides, which are also maintained by mowing, and an old railroad bed for some distance. Trees that are used by wildlife would be removed through the 1.38-acre wooded wetland areas adjacent the river and along the shoreline at the intake site and clusters of young trees interspersed throughout ROW. These trees would not be replaced; however, the area would be expected to revegetate over time. In all, the proposed work would temporarily, though not adversely, impact wildlife habitat.

(x) biological availability of possible contaminants in dredged or fill material. There is not expected to be any contaminants in the material used for back filling the trench lines.

3.4 Human Use Characteristics and Anticipated Impacts.

(x) existing and potential water supplies; water conservation. The existing city intake located on Beech River has been determined deficient and would be abandoned when the new system is completed. Based upon a review of the CE permit database, no other municipal intake (or outfall) structures exist within a five-mile target zone. The city's water treatment plant (constructed 1953) has been recently upgraded to handle a capacity of 5 million gallons per day (MGD). The proposed work consists of the construction of a new water intake system for the city to withdraw 2 MGD of raw water from the river with ultimate withdrawal set at 20 MGD (for future plant upgrades). The Tennessee Department of Economic and Community Development and the USDA Rural Utility Service are providing funding for the work.

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(x) navigation. With construction in the river, there would be temporary impacts to navigation due to the presence of work barges used to install the pipeline. Commercial sand and gravel companies dredge in this section of the river; however their existing DA permits do not allow for dredging within 100' of the shoreline. The intake would not extend more than 80' from NSP and the work barges would not extend more than 100'. DA permit conditions regarding the floating plant (see Section 5.3) and submittal of a notice to navigation prior to commencing riverside activities should reduce those temporary impacts. A sign posted on the wet well would be required to warn of the under water intake. With the proper implementation of river safety rules of the road, navigation should not be adversely affected by the proposed action during construction. No part of the intake would intrude above the maintained channel bottom elevation of the river in the stretch. The top of the intake would be below EL 340, which is three feet lower than the maintained channel grade, EL 343, in this stretch of river. From NSP, a 24" diameter pipeline would extend into the river partially in a trench and partially on a concrete piling for stability. TLM engineers designed the project from actual elevations obtained from a 2003 river bottom sounding.

(x) water-related recreation and safety. As stated above, no parts of the intake or distribution would interfere with the navigational uses of the river. Further, a sign shall be posted on the intake structure to warn of the utility line obstruction. There would be safety factors attributed with the intake of water and force of pull, which would be the responsibility of the city to regulate.

(x) traffic/transportation patterns. During construction activities, there would be a short-term minor impact to traffic in the immediate area due to the delivery of equipment in the construction area.

(x) aesthetics. The proposed work would have a temporary adverse impact upon the aesthetics of the site caused by the presence of construction workers and small machinery on-site. The proposed work would have a slight adverse impact upon the aesthetics of the site caused by the addition of the wet well structure and warning sign. The distribution line, back filled to preconstruction contours, would return to a more natural state after a period of time.

(x) energy consumption or generation, food and fiber production, mineral needs. Commercial sand and gravel dredging activities that occurs upstream of Mile 136.0 and downstream of Mile 135.0 would not be affected by the presence of the proposed intake. Special conditions of existing dredging permits issued to the commercial dredgers does not allow for sand and gravel dredging within 100-feet of the shoreline. The intake line would not extend more than 80 feet from the NSP shoreline.

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(x) historic properties and cultural values. Preliminary consultation by the applicant with the THC indicated the need for a Phase I Archaeological Study. Weaver & Associates, LLC, Memphis, TN conducted a survey and the report was submitted to the agencies in June of 2003. Since that time, the city redesigned the project. By letter dated August 18, 2003, the THC stated that the project area, as redesigned, contains no archaeological resources eligible for listing in the National Register of Historic Places and has no objection to implementation of the project. By letter response to the public notice (Appendix B), THC concluded that the proposed work would have no effect on National Register of Historic Places listed or eligible properties.

(x) economics. The purpose of the project is to improve both the water supply and the quality of the water for the city of Parsons, Decatur County, and beyond. This would clearly result in a positive impact on the entire community. According to the applicant, the work would result is no relocation of homes, nor would the water rates increase drastically due to the project. Existing and future homes and businesses could use the increased water service for development. Individual property values may increase with the availability of city water. The local contractor performing the work may realize a profit.

(x) consideration of private property/land use classification. The distribution line would generally follow existing road ROW and a small amount of privately owned rolling pasture farmland and open forested lands. The intake structure would be located on TVA fee lands at the left bank of the Tennessee River. A strip of trees separates the TVA lands from adjacent farmland. At the time of the application, the city was in the process of acquiring the necessary easements. Much of the city-owned roadside ROW for the pipeline is in the mowed front yards of individual homeowners, which may cause a temporary disruption during construction. After installation, the pipeline would be back filled to preconstruction contours, seeded, and strawed.

(x) noise. During the construction activity, there would be a generation of noise. However, it is expected that the activities would be performed during daylight hours, be temporary, and be within normal ranges for construction equipment.

(x) air quality – Air pollution and fugitive dust particles, as a result of the construction activities, would not exceed de minimus levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR part 93.153 (Section 5.2).

(x) environmental justice. According to the USDA-ER, the right to a safe, healthy, productive, and sustainable environment for all would certainly be improved through the implementation and completion of this project. The proposed work would provide a cleaner more dependable supply of raw water for the city of Parsons, TN, and future anticipated growth in the area. The project has been reviewed with respect to environmental justice and it has been determined that there is no disproportionate concentration of minority or low-income persons within the vicinity of the project site.

(x) cumulative and secondary impacts. The following is an assessment of how actions by others (including those actions completely unrelated to the action) have and will affect the same resources that the Parson's intake will affect. Cumulative environmental effects for the proposed facilities were assessed in accordance with guidance provided by the President's Council on Environmental Quality (USEPA, EPA 315-R-99-002, May 1999). For purposes of cumulative impact assessment, the spatial boundary has been broadened to consider effects of the new waterline and increased water supply and its affects to others. According to the applicant, the proposed action would not be constructed if not for the recent upgrades to the city's water treatment plant (constructed 1953) to handle a capacity of 5 MGD. The applicant has stated that no other locations are available or exist for the intake that meets their needs. The corridor for the distribution line was chosen solely to minimize impacts on existing structures and its placement in road rights-of-way. The intake location was chosen solely for its location at the river on an available, undeveloped parcel that had minimal impact to residential properties.

For purposes of cumulative impact assessment, the spatial boundaries encompass the intake and the distribution line. The temporal boundaries considered in this case is a subjective five-year focus period for reasonably foreseeable future actions includes:

- Future construction related to water line infrastructure spur offs that may involve the crossing of creeks and tributaries to gain access to individual homes
- Additions to the municipal intake structure that may be proposed in the future
- Growth in population and residential development
- Growth in commercial and industrial development
- Change of existing land use patterns in the area
- Increase in water usage needs and withdrawal amounts
- Increase in commercial or recreational usage of the area
- Increased traffic generated from increased development due to the action
- Maintenance and/or improvement to areas roads
- Implementation of various programs to deal with non-point sources of water pollution and to restore degraded environments, and
- Continued application of environmental requirements such as those under NPDES and/or NEPA

Construction of the proposed intake would be the first permanent infrastructure of this type on the shoreline in this stretch of the river. Based upon a review of the CE permit database, no other municipal structures exist within a five-mile target zone. The nearest commercial terminal would be the Tinker Sand and Gravel unloading terminal located about one mile downstream. No private docks exist on the main stem river in the immediate area.

Future associated work that may be proposed in the vicinity of the site can be identified as cumulative and/or secondary impacts; however, determining the magnitude and significance of cumulative effects; modifying to avoid, minimize or mitigate significant cumulative effects, and planning for monitoring and adaptive management would have to be addressed on a case-by-case basis. Overall, with the construction of the proposed project, there would be permanent impacts on the shoreline with the construction of the wet well and in the river with the intake; however, given the relatively small area of impact and the relatively low physical and biological functions present in the impact area, the proposal is not anticipated to have a substantial cumulative or secondary effect upon the existing environment and the sustainability of important resources would not be adversely affected.

CHAPTER 4.0 ALTERNATIVES

4.1 Introduction. This section discusses alternatives as required by 33 CFR 320.4(a)(2). The relevant environmental issues identified in Chapter 3.0 were used to formulate the alternatives. The alternatives that were given detailed consideration are listed below.

4.2 Description of Alternatives. Only reasonable alternatives have been considered in detail, as specified in 40 CFR 1508.14(a).

a. No Action. No action may be brought about by the applicant electing to modify the proposal to eliminate work under the jurisdiction of the CE or denial of the permit.

b. The Proposed Action. The proposed action consists of the construction of a municipal water distribution line and intake located at Tennessee River Mile 136.0, left bank, as described in Appendix A, Public Notice 03-94.

c. Appropriate Mitigation To Proposed Action. In accordance with CFR 320.4(r), our review of the proposed action has revealed mitigation measures typical for activities of this nature, which would reduce environmental impacts of the proposed action, as recommended in Section 5.3.

4.3 Comparison of Alternatives.

a. No Action. With no federal action, the applicant would not construct a water intake at this location and would avoid all discharges of dredged or fill material associated with backfilling the trench line. However, as a result, the water needs of the county would not be met, an alternative intake location or method of water distribution would have to be established. The river/creek beds and wetlands would not be temporarily affected. About 1.38-acres of hardwood wetland trees would not be cut; the wetland soils would not be temporarily affected. Some of the impacts and benefits associated with the action would not occur. Alternative designs for water supply may be more costly.

b. The Proposed Action. With this alternative, the county would be able to meet their increasing demands for water and water quality. No properties listed in or eligible for the National Register of Historic Places would be affected. No federally-protected species would be adversely impacted. Approximately 1.38- acres of hardwood wetland trees would be cut to clear a ROW for the distribution line and conventional pipeline installation would commence. The proposal would bring about overall benefits to the area and meet the desired needs of the applicant. If appropriate mitigation measures are implemented, impacts to the environment could be minimized.

c. Applicant's Proposal with Special Conditions. The impact of this proposal would be similar to the description in b. above. Recommended special conditions, listed in Section 5.3, would minimize impacts to the environment. This alternative would have the least adverse impacts of the options under consideration.

5.0 Findings

5.1 Consideration of Comments. No unresolved issues have been brought to my attention during the public interest review. There were no requests for a public hearing received.

5.2 Status of Other Federal Authorizations and Legal Requirements.

Compliance with Section 106 of the National Historic Preservation Act: Based upon available information, there are no sites eligible for listing in the National Register, which would be affected by the proposed construction activities.

Compliance with the Endangered Species Act: Based upon available information, the proposed action would not directly or indirectly affect any federally listed threatened or endangered species and, as a result, the proposed project would be in full compliance with the Endangered Species Act.

Clean Air Act General Conformity Rule Review: The proposed project has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act, and it has been determined that the activities proposed under this permit will not exceed de minimus levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the CE continuing program responsibility, and cannot be practicably controlled by the CE, and, for these reasons, a conformity determination is not required for a permit.

5.3 Recommended Special Permit Conditions. The following recommended conditions are necessary to comply with federal law, while affording appropriate and practicable environmental protection.

1. The work must be in accordance with any plans submitted attached to the permit and the TDEC general conditions for utility activities. *Justification: Recommended at 33 CFR 325, Appendix A and to comply with the water quality certification.*

2. You must have a copy of this permit available on the site and ensure all contractors are aware of its conditions and abide by them. *Justification: Recommended at 33 CFR 325, Appendix A.*

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3. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the US. The top of the intake shall be below Elevation 340, which is three feet lower than the maintained channel grade, Elevation 343, in this stretch of river. *Justification: Recommended at 33 CFR 325, Appendix A.*

4. You must institute and maintain a strict erosion and sediment control program for the life of the project and all disturbed areas must be properly seeded, riprapped, or otherwise stabilized as soon as practicable to prevent erosion and sediments from entering the waterway. *Justification: To minimize impacts on water quality.*

5. All excess excavated fill material associated with the construction of the intake structure and distribution line must be removed from the waterway to upland areas above the 100-year flood contour immediately upon completion of construction and placed and stabilized. *Justification: To minimize losses of flood storage.*

6. Preconstruction contours of the waterway (rivers, creeks, wetlands) must be restored upon completion of the work. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody. *Justification: Required by NWP #12 conditions.*

7. In wetlands, the top 6" to 12" of the trench should normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the US (e.g., backfilling with extensive gravel layers, creating a french drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the US through which the utility line is installed. Mechanized land clearing in wetlands necessary for the construction of the authorized pipeline corridor and access roads is authorized, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained as near as possible. *Justification: To ensure only temporary disturbance to the wetland soils.*

8. The disturbance to riparian vegetation must be kept to a minimum during construction. *Justification: To minimize the amount of disturbance in the work area and surrounding areas.*

9. A preconstruction meeting with you, your contractors, and representatives from this office shall be held prior to any work in the waterway. The contractors shall present their method of operation for the work at this meeting. You should contact this office at least one week prior to construction to arrange the required construction meeting (contact Ms. Lisa Morris at 615-369-7504). *Justification: To minimize permit noncompliance.*

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10. A Navigation Data Sheet shall be completed by the permittee and submitted to this office at least ten days prior to commencement of construction. *Justification: So that we may advise the commercial towing industry utilizing this section of the river may be advised of the potential hazard during construction.*

11. A Water Supply Data Sheet shall be completed by the permittee and submitted to this office within 60 days of the date of this permit. *Justification: Requested by H&H branch for their database.*

12. A complete set of contract drawings and specifications as well as the contractor's construction sequence plan must be furnished to this office at the preconstruction meeting. *Justification: To ensure construction method is satisfactory with permit conditions.*

13. Submerged Pipeline Sign – Prior to project completion, you shall post and maintain a 4' by 8' sign on the bank above the outfall exit location that can be clearly seen from the waterway. The sign shall contain the words "Submerged Pipeline" with an emergency point of contact(s). *Justification: To warn of the underwater obstacle.*

14. The floating plant used to construct the intake and install the pipeline must display proper lights and signals as required by the current Inland Navigation Rules (INR). For INR information, please contact: Eighth Coast Guard District, Hale Boggs federal building, 501 Magazine Street, New Orleans, LA 70130-3396. Telephone (504) 589-6277 or (504) 589-6236. *Justification: To ensure the construction activities comply with the Coast Guard regulations.*

15. At least two weeks before your marine contractor demobilizes floating plant equipment from the site, an on-site final inspection must be scheduled with representatives of this office to determine if all work related to this DA permit has been successfully completed. *Justification: To allow scheduling of a river bottom sounding and ensure project completion is satisfactory and meets permit conditions.*

16. "As-built" drawings, certified by a professional engineer, shall be furnished to this office within 60 days of completion of construction showing the location and alignment of the pipe as well as all pertinent dimensions and elevations. *Justification: To provide a complete set of certified as-built plans for our file.*

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5.4 Findings of No Significant Impact (FONSI). Based on a full consideration of the information provided by the applicant, all interested parties, and our assessment of the environmental impacts contained in the EA, I find that issuance or denial of the requested permit would not constitute a major federal action that would significantly affect the quality of the human environment. This constitutes a FONSI; therefore, the preparation of an Environmental Impact Statement is not required. This FONSI was prepared in accordance with paragraph 7a of Appendix B, 33 CFR 325.

5.5 Public Interest Determination. I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application as well as the stated views of other interested agencies. In doing so, I have considered the possible consequences of this proposed work and find that the proposed action would not be contrary to the public's interest.

I have weighed the potential benefits that may be accrued as a result of the proposed action against its reasonably foreseeable detrimental effects and conclude that permit issuance would not be contrary to the public interest. The information gathered for this document indicates that the proposed action would provide a needed supply of water for the city of Parsons and surrounding areas. The project was redesigned to avoid archaeological resources. As a result of the applicant's efforts, the project would not affect any federally-protected species, nor properties eligible for or listed in the National Register of Historic Places.

While the proposed work would result in only minor impacts to the environment, several permit conditions have been recommended for the proposed work (majority relating to navigational safety and compliance) that are fully justified and reasonable. Upon finalization of this document, the USDA is ready to commit funding to the construction of the project. The general conditions contained within the DA permit together with incorporating the recommended special conditions adequately address the environmental concerns identified in this document.

FOR THE COMMANDER:

1/30/2004
Date


Bradley N. Bishop
Chief, Western Regulatory Section
Operations Division