

Appendix N

404(b)(1) Guidance Compliance Checklist

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404(B)(1) GUIDELINES COMPLIANCE EVALUATION (RESTRICTIONS ON DISCHARGE, 40 CFR 230.10): (A check in a block denoted by an asterisk indicates that the proposal does not comply with the guidelines.)

Alternatives Test

A. Are there available, practicable alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into "waters of the United States" or at other locations within these waters?

[Yes (*)___ No x]

B. If the project is in a special aquatic site and is not water dependent, has applicant clearly demonstrated that there are no practicable alternative sites available? *The applicant has demonstrated that no other sites are available that meet their criteria.*

[Yes x No (*)___]

Special Restrictions - Will the discharge:

A. violate state water quality standards? *The state of Tennessee issued §401 Water Quality Certification on 19 May 2009*

[Yes (*)___ No x]

B. violate toxic effluent standards (under Section 307 of the Act)?

[Yes (*)___ No x]

C. jeopardize endangered or threatened species or their critical habitat? *On 26 July 2010, the USFWS stated that the project will have no effect on threatened or endangered species by letter dated 17 April 2009.*

[Yes (*)___ No x]

D. violate standards set by the Department of Commerce to protect marine sanctuaries?

[Yes (*)___ No x]

E. Evaluation of the physical/chemical and biological characteristics and anticipated changes indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s):

[Yes x No ___]

(X) Based on available information, the material is not a carrier of contaminants.

() The levels of contaminants are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas.

() Acceptable constraints are available and will be implemented to reduce contamination to acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site.

Other Restrictions - Will the discharge contribute to significant degradation of "waters of the US" through adverse impacts to:

- A. human health or welfare, through pollution of municipal water supplies, fish, shellfish, wildlife, and special aquatic sites? [Yes (*)___ No x]
- B. life stages of aquatic life and other wildlife? [Yes (*)___ No x]
- C. diversity, productivity, and stability of the aquatic ecosystem, such as loss of fish or wildlife habitat, or loss of the capacity of wetland to assimilate nutrients, purify water, or reduce wave energy? [Yes (*)___ No x]
- D. recreational, aesthetic and economic values? [Yes (*)___ No x]

Actions to Minimize Potential Adverse Impacts (Mitigation)

Will all appropriate and practicable steps (40 CFR 230.70-77) be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem? [Yes x No (*)___]

No compensatory mitigation would be required for the placement of fill related to this action; the only fill proposed is associated with the construction of a public boat ramp in conjunction with the development of a commercial marina on Norris Lake. There will be Special Conditions designed to protect the aquatic environment and which would adequately minimize pollution or adverse effects to the affected ecosystem.