



**US Army Corps
of Engineers®**

Public Notice

Public Notice No. 03-93

Date: December 4, 2003

Nashville District

Application No. 4110900

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214
Attn: Lisa Morris, telephone 615/369-7504 Fax 615/369-7501

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

SUBJECT: Proposed Hydraulic Dredging of Private Marina and In-lake Disposal of Dredged Material into GeoTextile Tubing for Ecosystem Creation

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899** and **Section 404 of the Clean Water Act (CWA)**. Approval from the Tennessee Valley Authority (TVA) is also required pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the state of Tennessee, Department of Environment and Conservation, (TDEC), Division of Water Pollution Control, 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: Ponderosa Property Owners Association
PO Box 38
Sugar Tree, TN 38380

LOCATION: Hog Creek Embayment of the Tennessee River Mile 121.9, left bank, Kentucky Lake, Decatur County, TN. USGS Quad- Daniels Landing, TN; lat: 35-47-00; lon 87-59-00. TVA RLR No. 113442. See attached location map, Exhibit A.

BACKGROUND: Records on file indicate that numerous DA and TVA permits have been issued to Ponderosa Marina since 1968. The first DA permit describes the initial marina structures and a dredging activity that allowed for pumping the spoil material into the main river channel. Every couple of years since then as the marina expanded, various commercial dock additions and reconfigurations, individual docks, boat launching ramps, and other structures have

File No. 4110900
Public Notice 03-93

been permitted and constructed, all within established harbor limits. In 2000, the applicants requested to dredge the marina again. Typical spoil site solutions would have been constructing an on-site upland containment area or transporting the dredged material over a long distance for disposal. However, due to the large amounts of spoil involved and the high bluffs that surround the marina, a cost effective spoil site could not be found. And due to established mussel beds now existing and protected by the state in the main river channel at the proposed location, requests to pump spoil material into the river, as permitted in 1968, was not feasible. Since that time, the applicant has researched the use of geotextile tubing as a cost-effective spoil containment solution to dispose of the dredged material on-site. The applicant found that retaining the fine-grained solids within the tubing generally produced cleaner run-off and possibly creation of wetland habitats onsite. The following is the applicant's proposal:

DESCRIPTION OF PROPOSED WORK: The applicant proposes to remove silt material from an area underneath and around the existing community docks by hydraulic dredge as well as from a 300' x 50' area in the mouth of Hog Creek. Normal summer pool of Kentucky Lake is Elevation 359. Normal winter pool is Elevation 354.0.

In dredging the marina, approximately 31,000 cubic yards of spoil material would be removed from an area measuring about 800' x 375' to obtain a bottom elevation of 350 for safe navigation into and around the community docks. The current lake bottom at this location is Elevation 355. The terrain surrounding the marina is very steep with not many practicable alternatives available to deposit dredged spoil. As such, the applicant proposes to dispose the spoil into and inside a configuration of geotextile tubing located in the lake. The materials would be hydraulically pumped a distance of 300 yards north of the marina. The applicant has been working within Encore Dredging and TVA biologists to design the plan, placement, and other factors. The applicant's engineers worked from recently obtained existing river bottom elevations of the area.

The geotubes, cut in 100' and 200' lengths, would be placed in a zigzag fashion as shown in the plan then filled by suction pipe with the dredged materials. The tubes are usually about 5 feet high when filled. After the tubes were filled to approximate Elevation 357.0, the applicant proposes to dredge the mouth of the creek. Removing the silt from the 300' x 50' area at the mouth of the creek would give bottom Elevation 345.6 and generate about 2,300 cubic yards of silt. The silt would be pumped behind the filled geotubes to carefully create varied ecosystem areas both shallow and deep, not to exceed Elevation 354.0. Native wetland plant species would then be planted after a sufficient drainage and drying period has occurred (1 year). Four 36" diameter culverts would be placed in between a few of the sections as shown in the plan, with a bottom at Elevation 354.0, to allow for ingress and egress of small fish. Encore dredging states that the total area displaced by the finished geotube project is 3.44-acres. The work would take about two months to complete and occur during winter pool elevations of 2004.

Plans of the proposed work are attached.

File No. 4110900

Public Notice 03-93

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. 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 (EA) 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 EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA 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 upon available information, the proposed work would not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

File No. 4110900
Public Notice 03-93

In addition to the DA permit, the TVA permit, and state water quality certification, other federal, state, and/or local approvals may be required 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.

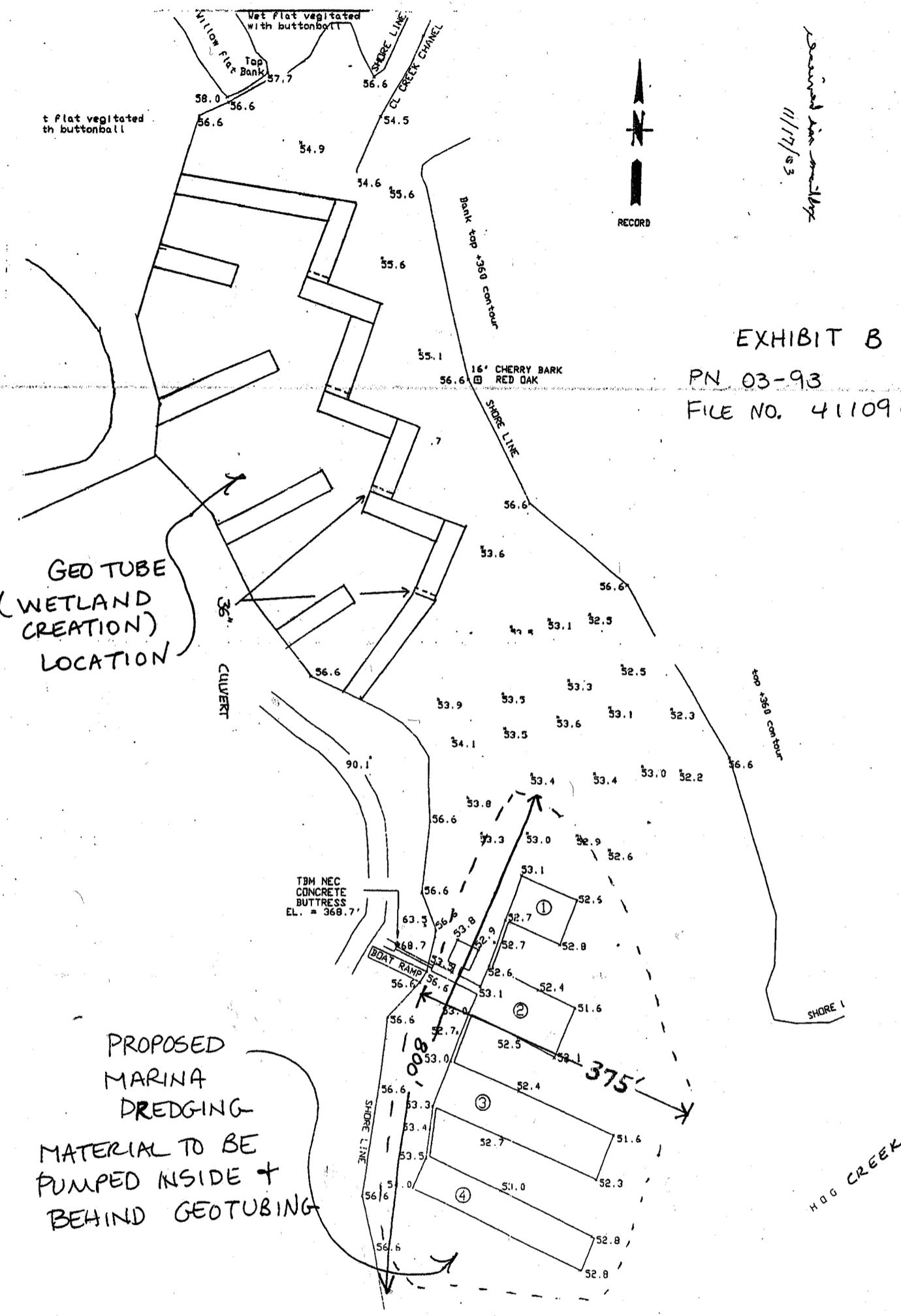
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in this office on or before **January 5, 2004**, will become a part of the record and will be considered in the determination.

Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address. It is not necessary to comment separately to TVA or TDEC since copies of all comments will be sent to those agencies and will become part of their records on the proposal. Point of contact with TVA is Randy Lowe, P.O. Box 280, Paris, TN 38242. Questions regarding the water quality certification can be directed to TDEC, 6th Floor L&C Annex, 401 Church Street, Nashville, TN 37243.

Revised from 11/17/83



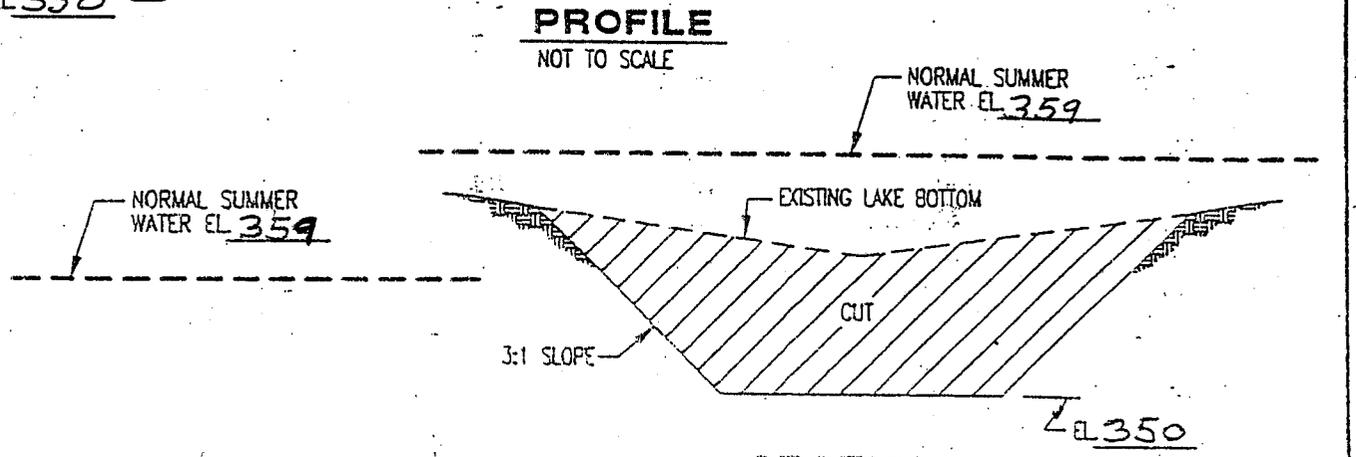
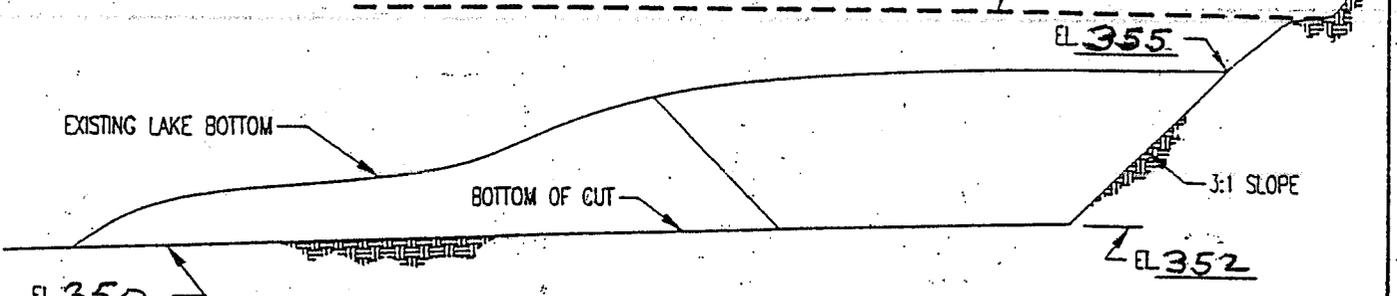
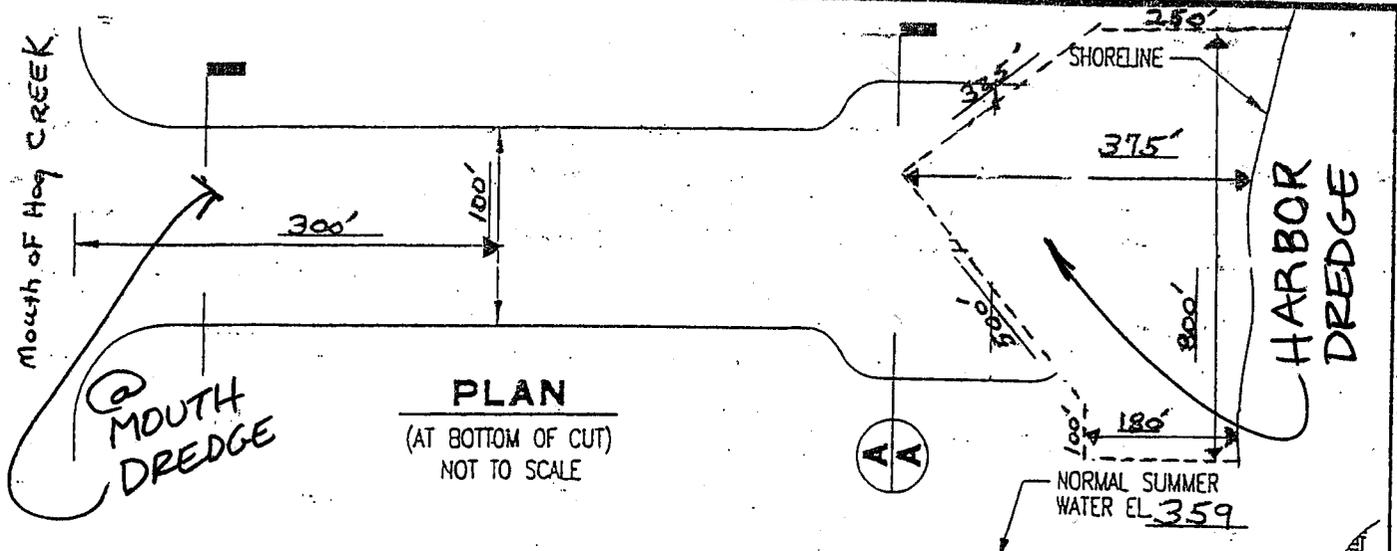
EXHIBIT B
PN 03-93
FILE NO. 4110900



PROPOSED MARINA DREDGING MATERIAL TO BE PUMPED INSIDE + BEHIND GEOTUBING

HOG CREEK

Jm

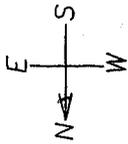


ESTIMATED CU. YDS. OF SPOIL TO BE REMOVED: 31,200

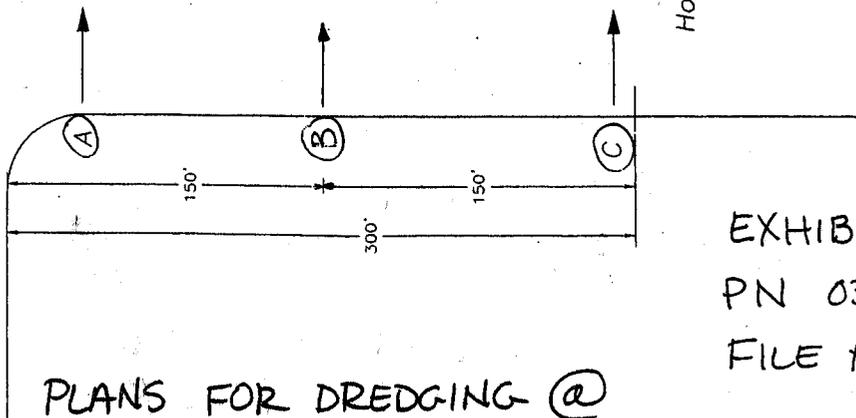
EXHIBIT C
 PN 03-93
 FILE NO. 4110900
 Jm

PLANS FOR DREDGING BELOW EXISTING COMMUNITY DOCKS

	K7 WATERSHED TEAM	
	PROJECT LOCATION INFORMATION:	
	STREAM NAME <u>HOG CREEK</u>	RESERVOIR NAME <u>KENTUCKY</u>
	MILE MARKER <u>TBM-121.94</u>	MAP NO. <u>192 D-STAGE</u>
(APPLICANT'S NAME)		
<u>PONDEROSA PROPERTY OWNERS ASSOCIATION</u>		



Tennessee River Channel

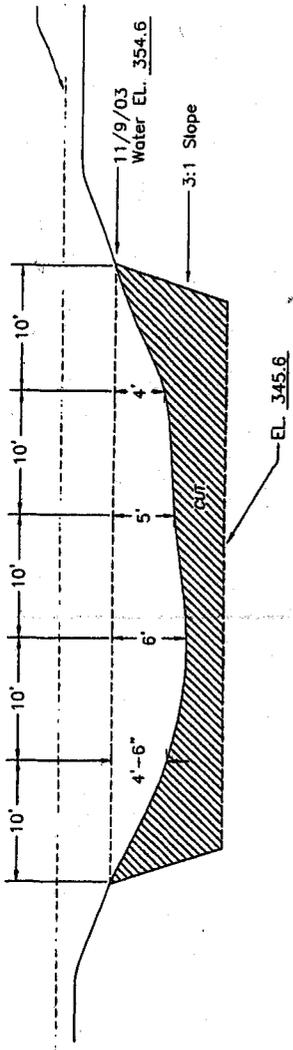


PLANS FOR DREDGING @ MOUTH OF HOG CREEK

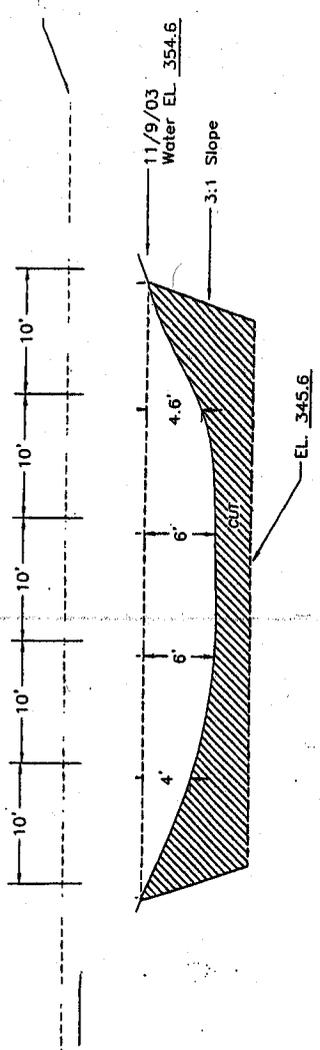
PROPOSED DREDGING @ MOUTH



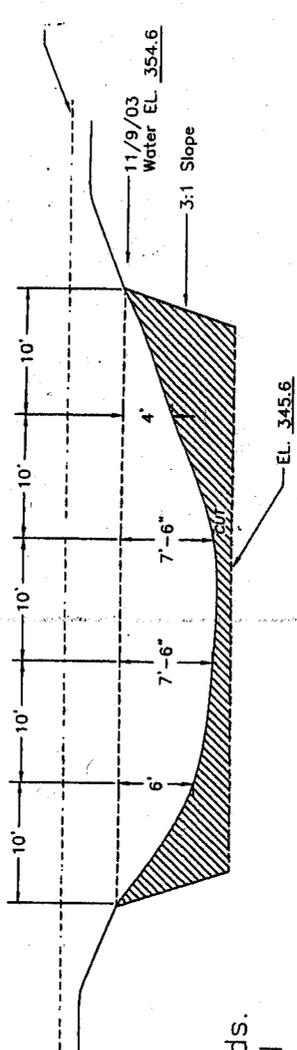
(A)



(B)



(C)



Approx. 2,300 cu.yds. of dredged material to be removed

MATERIAL TO BE PUMPED BEHIND GEOTUBING

EXHIBIT D
 PN 03-93
 FILE NO. 4110900
 Jm