



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 04-46

Date: July 15, 2004

Application No. 200401204

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS AND STATE OF TENNESSEE

SUBJECT: Proposed Stream Relocation to Accommodate Site Preparation for the Development of a Commercial Retail Facility.

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to Section 404 of the Clean Water Act (CWA). Before a DA permit can be issued, the Tennessee Department of Environment and Conservation, Division of Water Pollution Control (TDEC), must certify, pursuant to Section 401(a)(1) of the CWA, that state water quality standards would not be violated. By copy of this notice, the applicant hereby applies for the required certification

APPLICANT: Jackie H. Hogin
1829 F, Highway 46 South
Dickson, Tennessee 37055

LOCATION: Gum Branch in Dickson, Dickson County, Tennessee, Approximately 0.7 Mile North of Interstate 40 Along the West Side of State Highway 46 (USGS Burns, TN Quadrangle Map, Lat: 36°-01'-38.8920"/Long; 87°-20'-40.5240"0. See location Map (Exhibit A).

DESCRIPTION: The proposed work involves the filling/elimination of 521 linear feet of Gum Branch. The eliminated stream reach would be replaced by the construction of 535 linear feet of stream in a westerly direction toward a nearby railroad track with the furthest distance being approximately 120 feet. The constructed channel would approximate the dimension, pattern, and profile of the existing stream and would include in-stream and riparian habitat mitigation features. Further mitigation would be provided by the elimination of two 48-inch diameter culverts totaling 60 linear feet located in the stream reach to be filled. The constructed stream would not have any culvert installations. See site plans (Exhibit B).

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 (40CFR 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.

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 proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required.

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 on or before August 21, 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, Attention: K. Wade Whittinghill, at the above address, or telephone (615) 369-7511. It is not necessary to comment separately to TDEC since copies of all comments will be sent to those agencies and will become part of their record on the proposal.

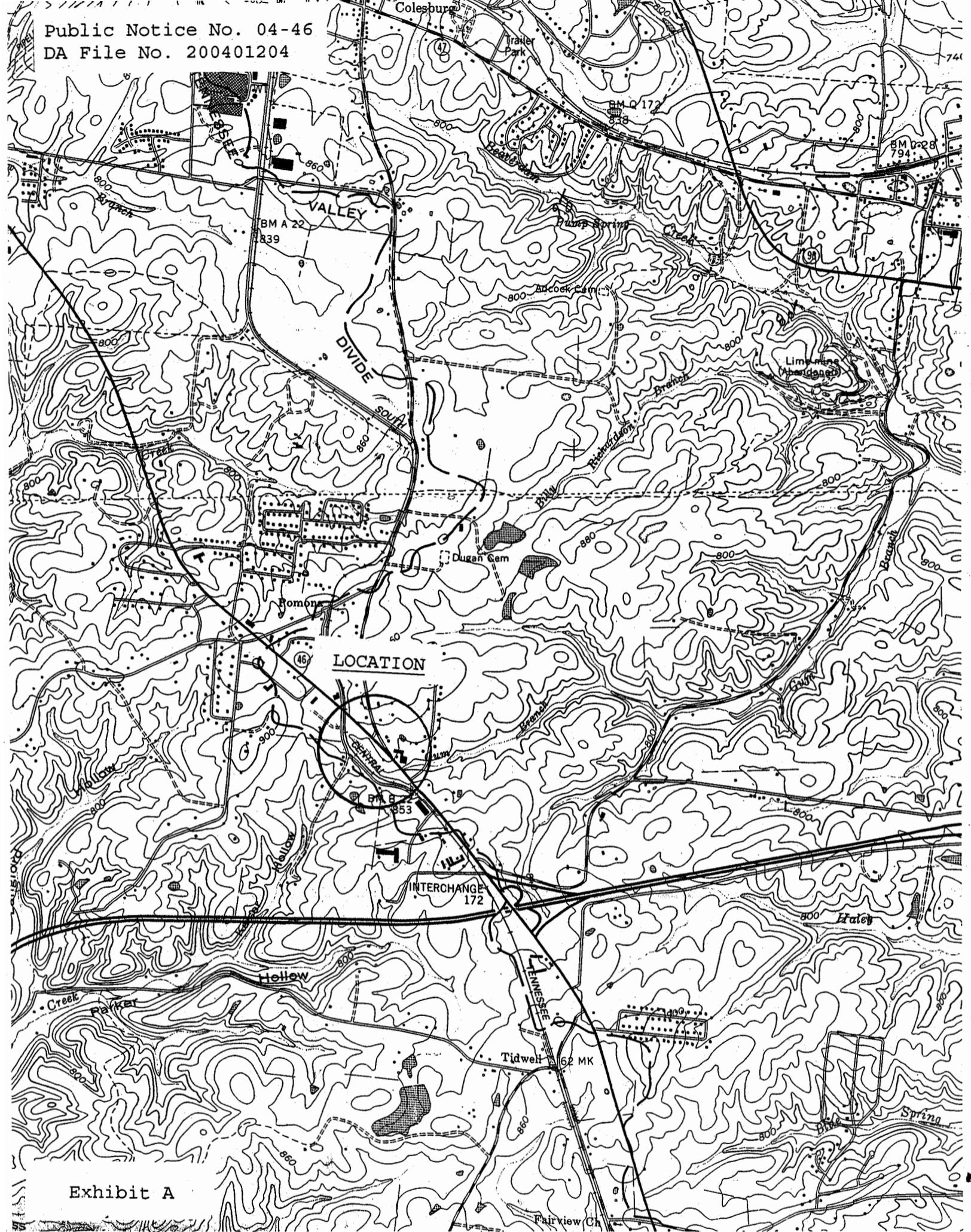


Exhibit A

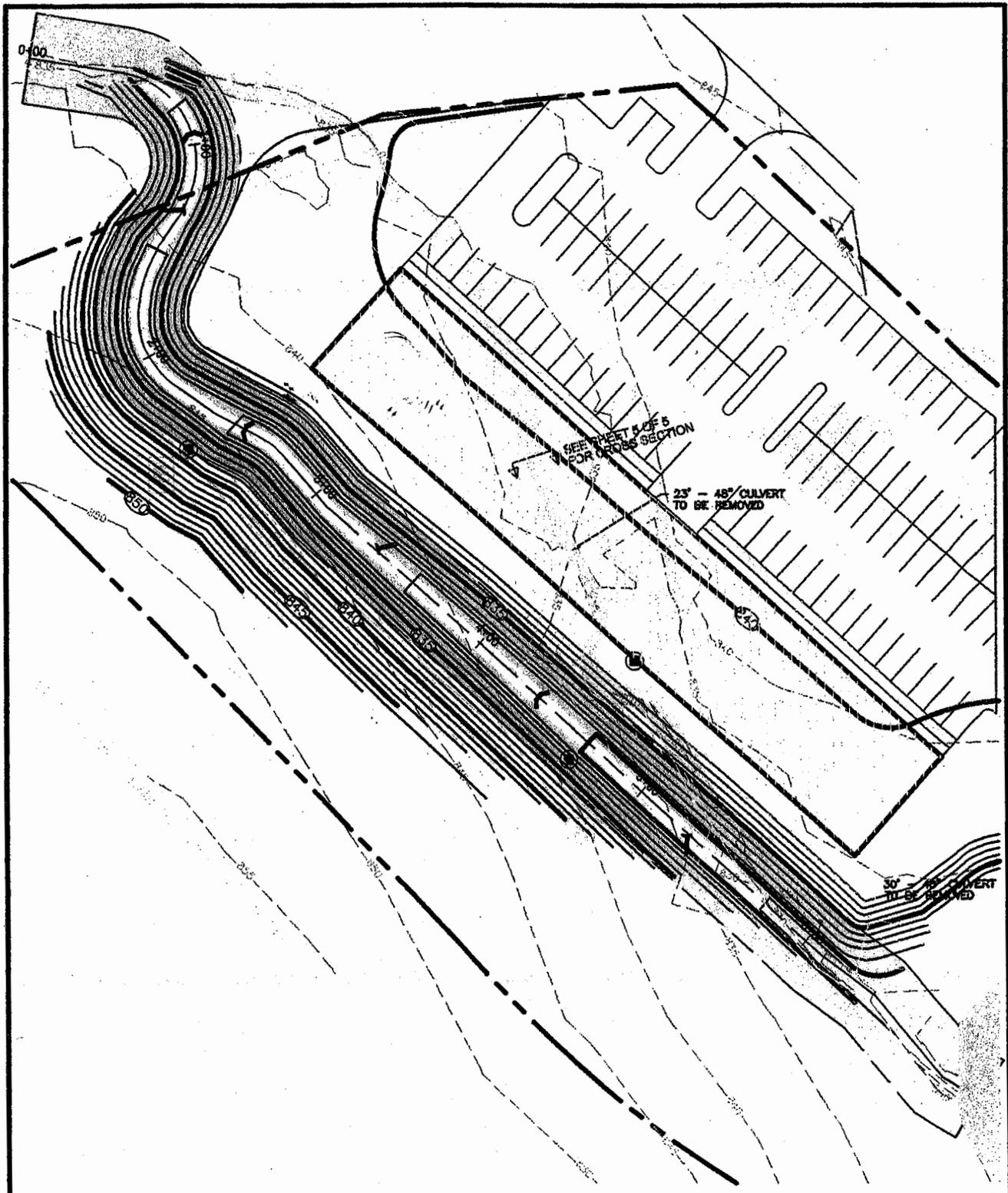


FIGURE 1: SITE PLAN



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SCALE: N.T.S.
DATE: 04/30/04

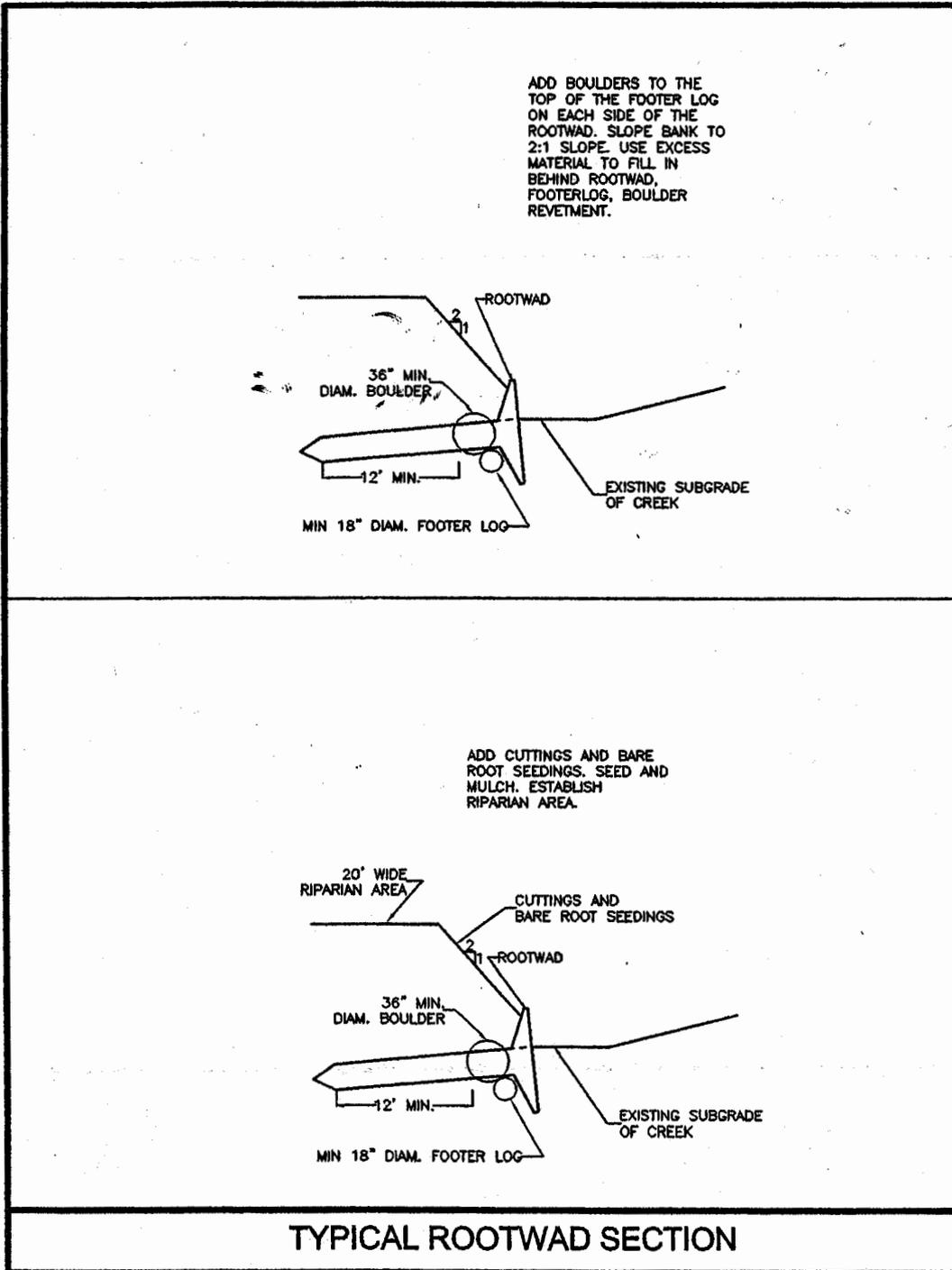


FIGURE 3: ROOTWAD SECTION

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DATE: 04/30/04

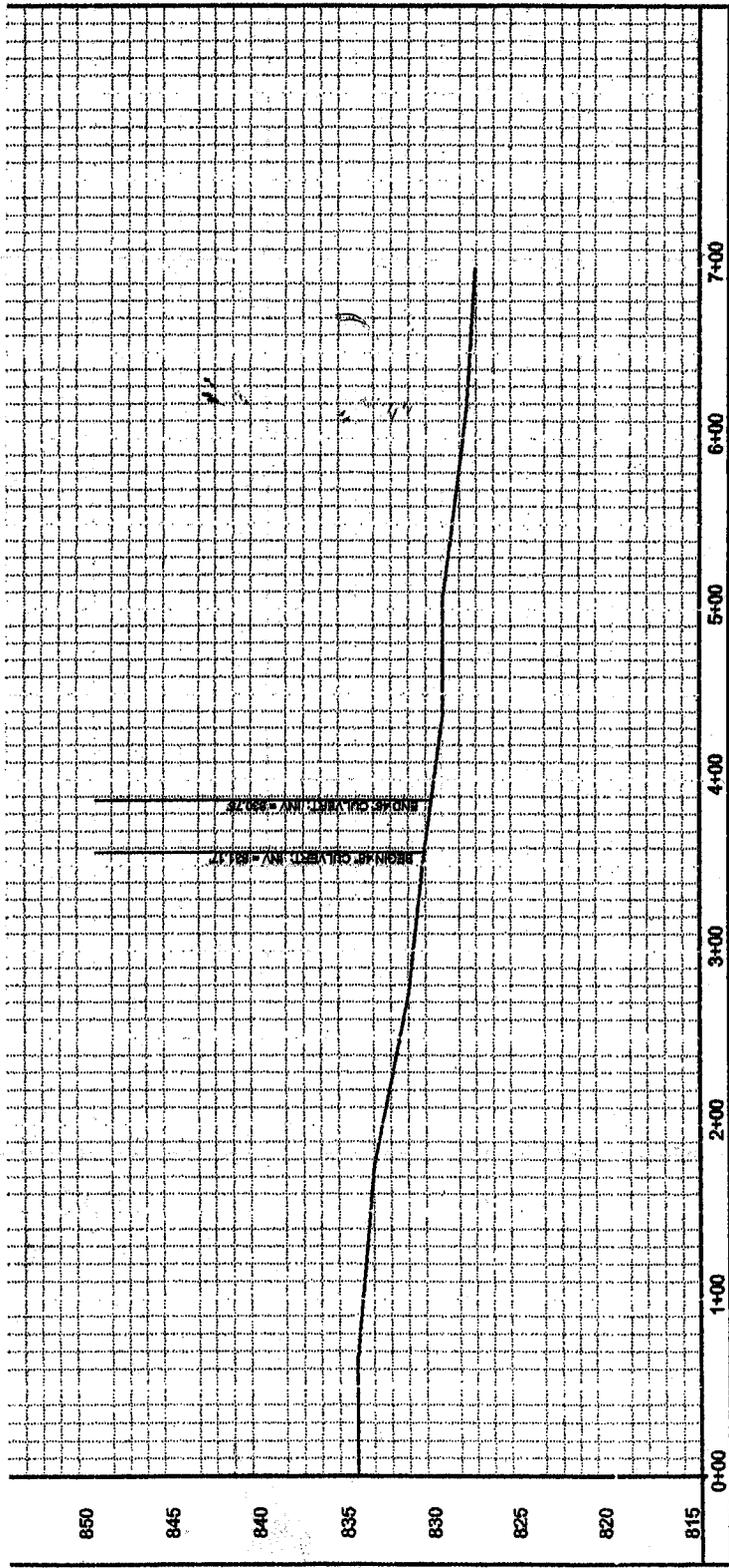
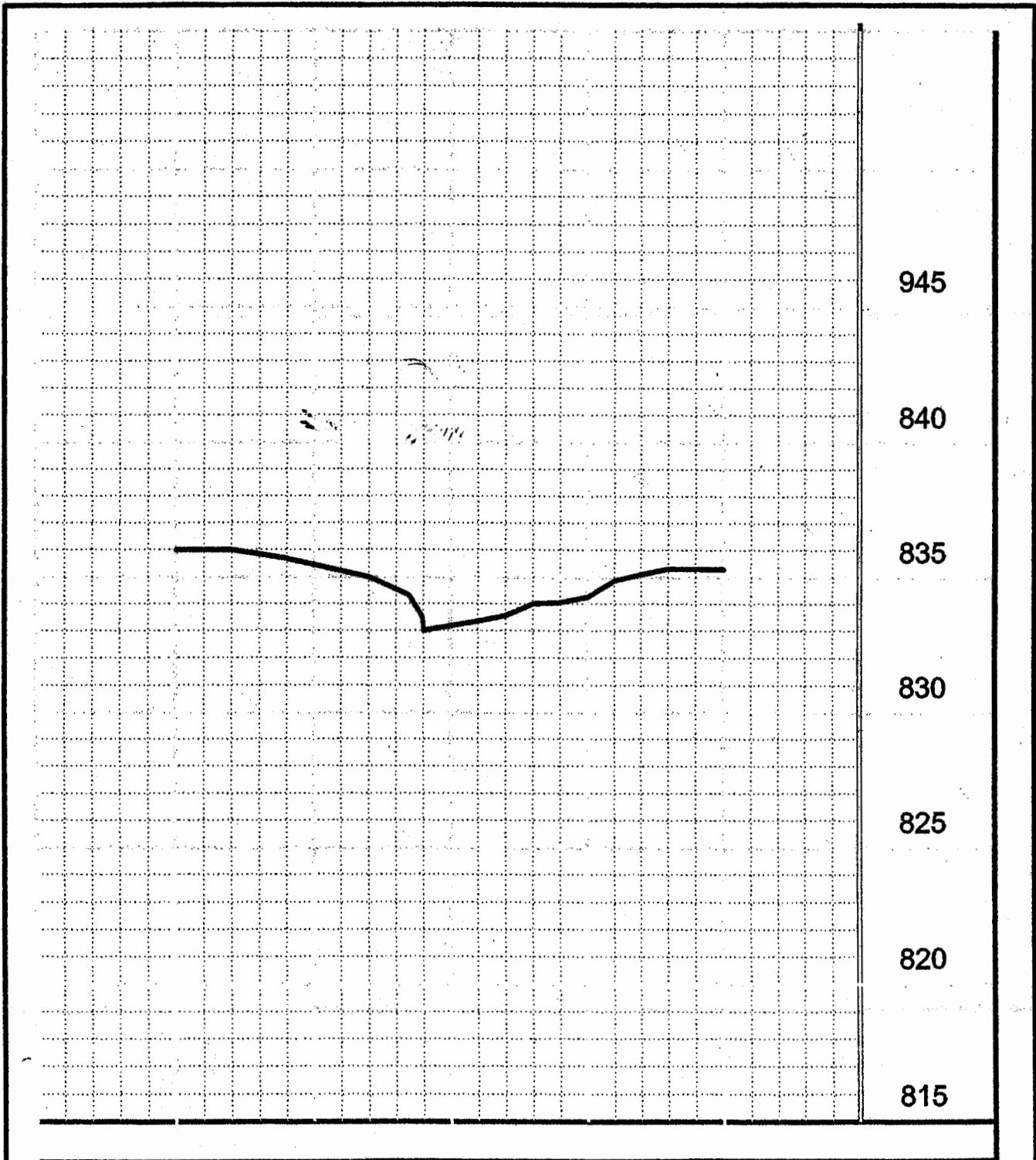


FIGURE 4: EXISTING CHANNEL PROFILE

JN: 1141-08
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DATE: 04/30/04



3+80

**FIGURE 5: TYPICAL CROSS SECTION
EXISTING CHANNEL**

JN: 1141-08
SCALE: N.T.S.
DATE: 04/30/04

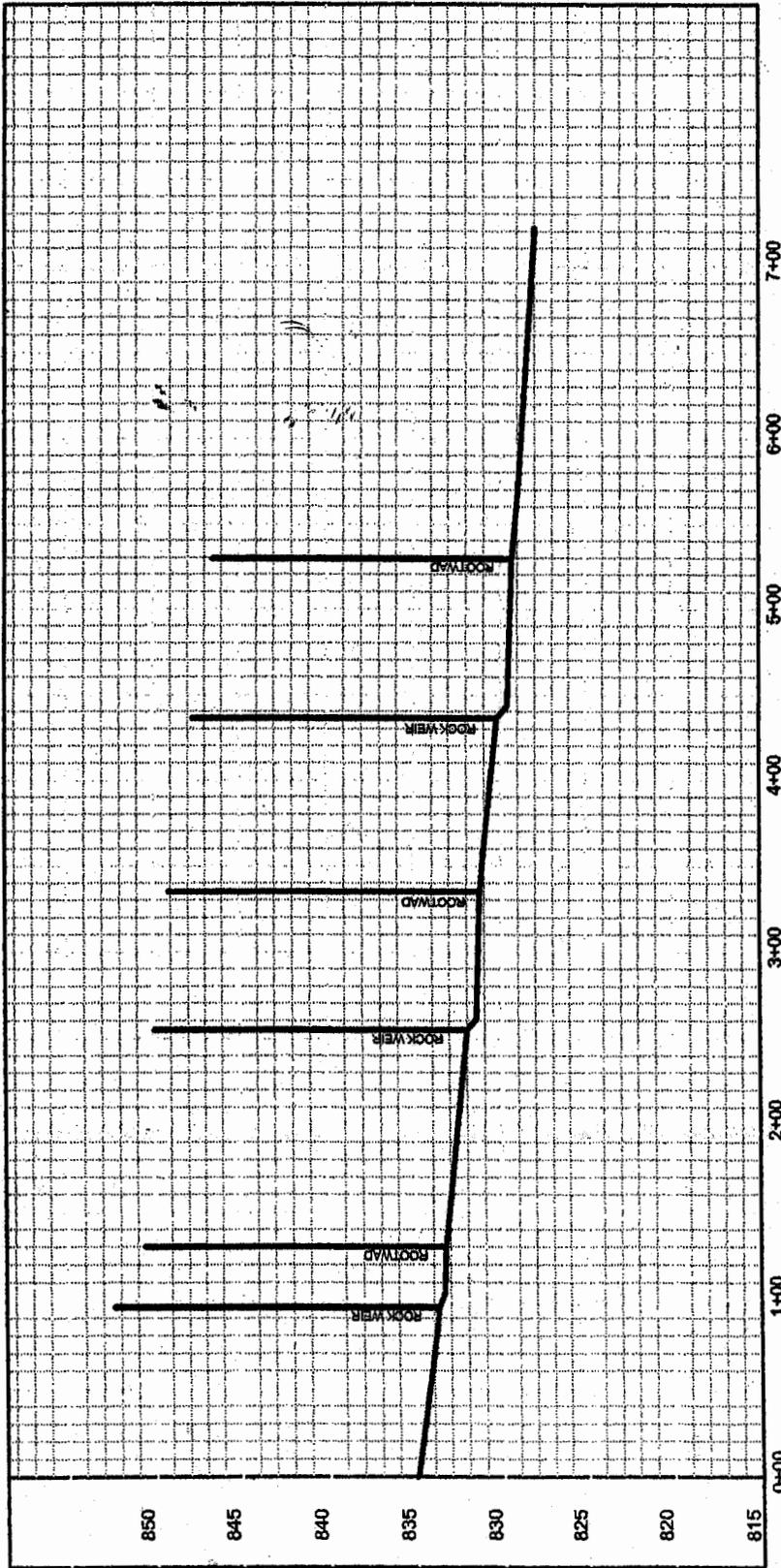


FIGURE 6: PROPOSED CHANNEL PROFILE

JN# 1141-08
SCALE: N.T.S.
DATE: 04/30/04

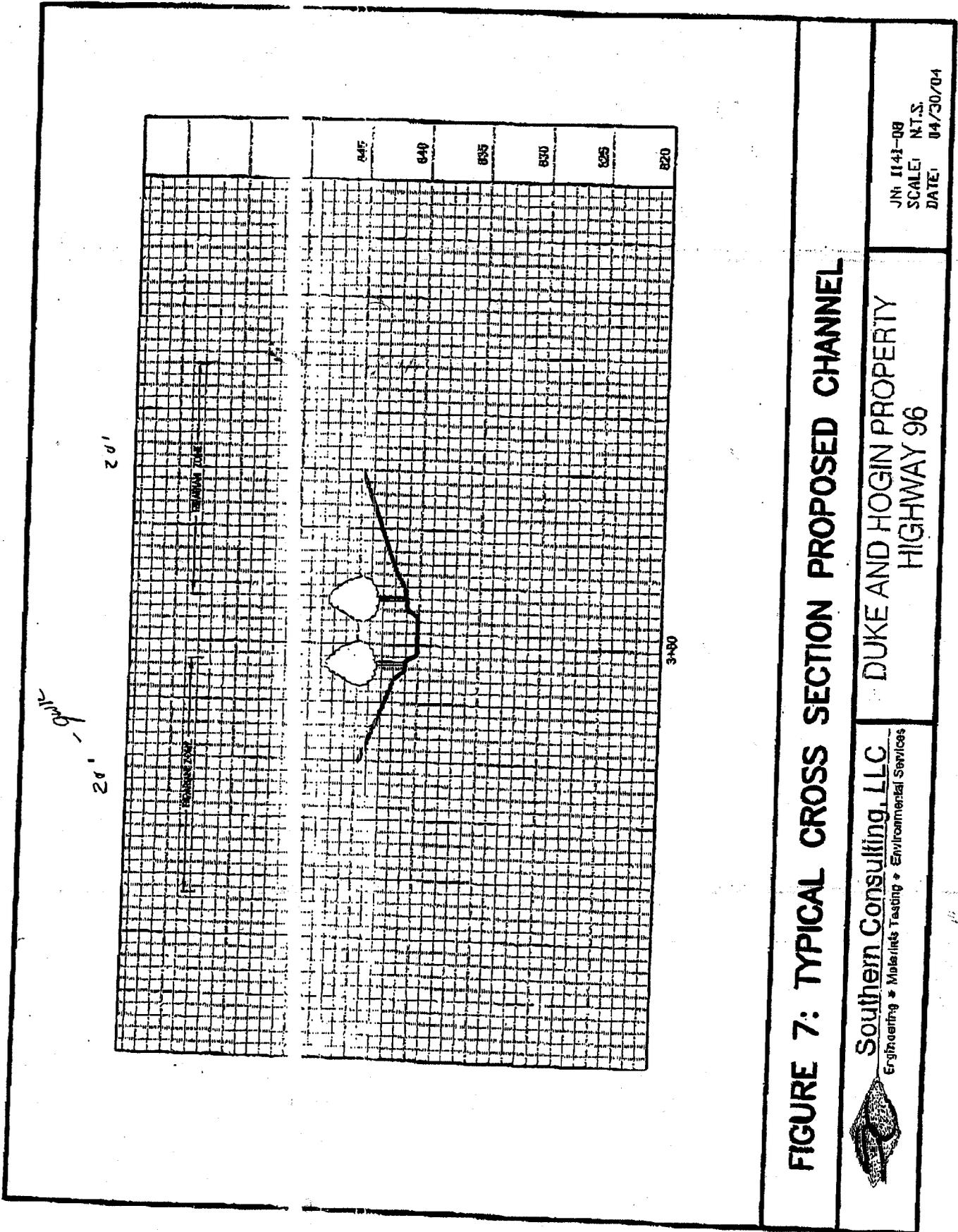


FIGURE 7: TYPICAL CROSS SECTION PROPOSED CHANNEL



Southern Consulting, LLC
 Engineering • Materials Testing • Environmental Services

**DUKE AND HOGIN PROPERTY
 HIGHWAY 96**

JN 0441-08
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