



**US Army Corps  
of Engineers®**

Nashville District

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# Public Notice

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Public Notice No. **04-47**

Date: July 15, 2004

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Application No. **200400479**

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

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**JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**and**  
**STATE OF TENNESSEE**

**SUBJECT:** Proposed Channel Relocation for Mixed-Use Development on Goose Creek Mile 0.0 to 0.5, a tributary to Harpeth River Mile 91.6L, in Williamson County, Tennessee

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States. Before a permit can be issued, certification must be provided by the state of Tennessee, Department of Environment and Conservation (TDEC), pursuant to **Section 401(1)(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:** Rural Plains Partnership/Boyle Investment Company  
5110 Maryland Way  
Brentwood, Tennessee 37027

**LOCATION:** Goose Creek Mile 0.0 to Mile 0.5, a tributary to Five-Mile Creek, a tributary to Harpeth River Mile 91.6L, along Goose Creek Bypass at the Berry Farm, in Williamson County, Tennessee (Bethesda Quad; lat 35-51-40.5360, lon 86-50-16.2240)

**DESCRIPTION:** The proposed work consists of the placement of fill material into approximately 2,500 linear feet of Goose Creek for channel relocation associated with a mixed-use development. Goose Creek is a perennial stream that averages approximately 20' in width at the ordinary high water mark along the reach proposed for relocation. Currently, the Berry Farm is utilized for cattle operation. A new, open channel would be constructed approximately 2,650 linear feet long and would be constructed generally to the same sinuosity and undisturbed cross-sectional geometry of the existing channel. The applicant indicated that the new channel would be designed to provide similar aquatic habitats, but would also have a higher degree of bank stabilization and a more extensive riparian zone dominated by native vegetation. The new relocated channel would be

constructed approximately 50 to 250 feet to the south of the current channel location. Stream hydrology and base flow would be maintained by directing the existing stream flow into the constructed channel. The new constructed channel banks would be appropriately stabilized to maintain the channel course during periods of high flow. Trees and shrubs indigenous to Tennessee would be planted along the riparian margins of the constructed channel. Plantings would extend to a minimum of 10 feet from the channel bank on both sides of the channel and would include a variety of 2-inch caliper trees, planted on approximately 20-foot centers, and a variety of native shrubs and grasses sufficient to create an effective riparian zone. The new channel would be constructed in the dry while leaving a berm between the work area and the stream flow. Upon stabilization of the new channel, the flow would be diverted into the new channel.

The purpose of the proposed work would be to accommodate the land-use design for the Berry Farm development that would provide for efficient development and use of the property. The mixed-use development would involve commercial, office, and residential.

Plans of the proposed work are attached to this notice.

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 (40 CFR 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.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army 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 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. Therefore, we have reached a no effect determination and 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 required for the proposed work are as follows:

Water Quality Certification from the state of Tennessee, TDEC, is required for the proposed work in accordance with Section 401(a)(1) of the Clean Water Act.

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 16, 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: Amy Robinson, at the above address, telephone (615) 369-7509. It is not necessary to comment separately to TDEC since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TDEC, they should be mailed to Mr. Dorsey Horne, TDEC, Division of Water Pollution Control, 7<sup>th</sup> Floor, L&C Annex, 401 Church Street, Nashville, Tennessee 37243-1534.





**LITTLEJOHN  
ENGINEERING  
ASSOCIATES,  
INC.**

REGISTERED PROFESSIONAL ENGINEERS  
STATE OF NORTH CAROLINA  
NO. 10000  
BOYLE BERRY PROPERTY

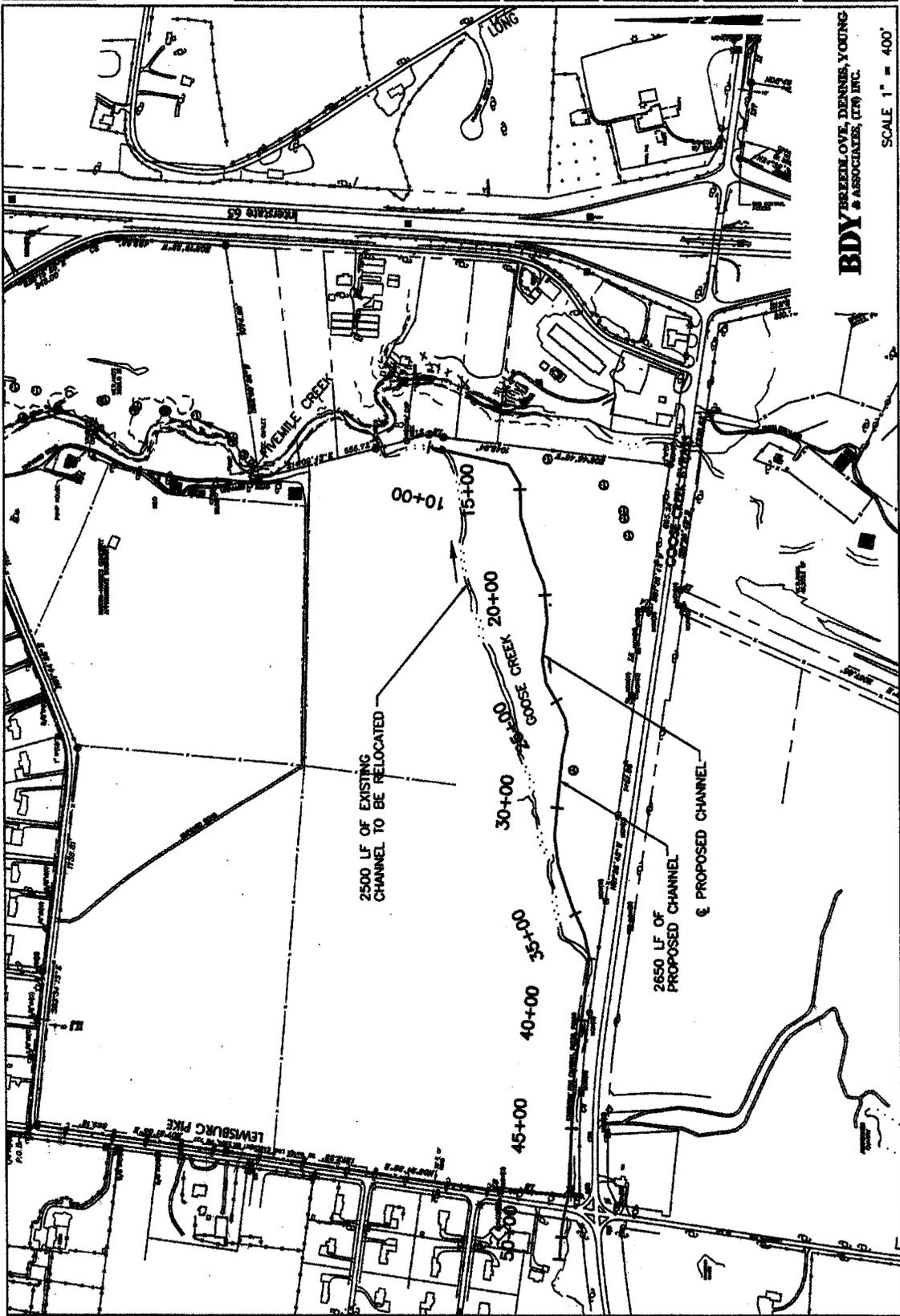
**BOYLE  
BERRY PROPERTY**

**BOYLE**

DATE: 08-15-05  
SCALE: 1" = 400'

NO.	DATE	BY	CHKD.

**C2.0**  
PROPOSED  
CHANNEL  
RELOCATION



File No. 200400479  
PN 04-47





