



**US Army Corps
of Engineers®**

Public Notice

Public Notice No. 04-53

Date: August 6, 2004

Nashville District

Application No. 2003-01701

Expiration Date: September 6, 2004

Please address comments to: Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214 (Attn: Lisa Morris)

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
STATE OF TENNESSEE

SUBJECT: Proposed Deposit of Fill Material for Channel Relocation, Culverts, and Utilities on Morris Creek, Adjacent Wetlands, and Unnamed Tributaries to Morris and Piney Fork Creeks, Stewart County, TN -State Route (SR) 76 TDOT Project No. 81004-1229-14

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. 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: Tennessee Department of Transportation
Suite 900, James K. Polk Building
Nashville, TN 37243

LOCATION: Morris Creek (intermittent stream) is a tributary to Dyers Creek Mile 7.5L, which is a tributary of the Cumberland River at Mile 88.7R, Lake Barkley, Stewart County, TN. Piney Fork Creek is a tributary of Little Fork Red River at Mile 11.0R. USGS Quads- Bumpus Mills, TN and Indian Mound, TN. Lat: 36-33-18; Long: 87-46-51. See location map, Exhibit A.

DESCRIPTION OF WORK: The applicant proposes to improve SR 76 (US 79), classified as a principal arterial, between Joiner Hollow Road and State Route 120. Fort Campbell Military Reservation is located on the north side of the project. The project would widen SR 76 from two lanes to four lanes with a 48' depressed median, 12' outside shoulders and 6' inside shoulders on existing and new alignment. The purpose of the work is to improve substandard passing and sight distance.

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The following is a description of the existing and proposed wetland and stream channel conditions. Plans of the wetland fill and longer channel relocations are attached. For detailed plans on the other aspects of the proposed work, as described below, please contact this office.

Wetland Impact - Deposit of fill material into 0.92-acre above headwaters wetland area.

The proposal would require the filling of a wooded wetland depression located alongside the existing right-of-way. A roadside ditch runs through the wetland connecting with Morris Creek (Sta. 275+18 to Sta. 279+65). **Mitigation at a 4:1 ratio (3.68-acres) would be debited from available credits at the Harpeth Mitigation bank.**

Channel Relocation #1 plus Culvert - Morris Creek (Sta. 368+50 to Sta. 378+50)

Existing is a 1,084-ft channel consisting of 88-ft culvert and 996-ft open channel. Proposed is a 1,084-ft channel consisting of 804-ft relocated open channel and 280-ft of 2 @ 14' x 5' culvert with 50' riprap at outlet and 150' riprap at inlet. Two springs at Sta. 374+00 would be directed into two-15' long pipes (18" dia.) and drain boxes.

Channel Relocation #2 plus Culvert - Morris Creek (Sta. 403+00 to Sta. 130+00)

Existing is a 2,824-ft channel consisting of 238-ft culvert and 2,586-ft open channel. Proposed is a 2,674-ft channel consisting of 2,036-ft relocated open channel and culverts as follows: (1) 280' of 2 @ 6' x 5' (Sta. 405+18); (2) 218' of 54" dia. pipe (Sta. 117+53); 48' of 24" pipe plus 26' endwalls (Sta. 126+56); and (3) 40' of 24" pipe plus 26' endwalls (Sta. 128+27) with 10-ft riprap at Sta. 404+30.

In-Lieu Fee Mitigation for the proposed channel relocations, encapsulations by culvert, and channel loss (to include all the actions described in this notice) would be by a payment of \$525,600 to the Tennessee Wildlife Resources Foundation for the In-Lieu Fee Stream Mitigation Program. According to the applicant, on-site mitigation and other mitigation options were considered, but due to limited space the in-lieu fee program was chosen.

The following culverts and utilities are proposed on Unnamed Tributaries to Morris Creek:

Sta. 286+35 - Spring Directed into Spring Drain Box and 120-ft of 18" pipe

Sta. 286+50 - 181-ft. of 6' x 6' culvert plus 49-ft. riprap at outlet and 15' at inlet

Sta. 286+51 - 8" waterline and concrete cap

Sta. 304+07 - 155-ft of 14' x 8' culvert plus 10' transition at outlet

Sta. 304+10 - 8" dia. waterline backfilled to preconstruction contours

Sta. 339+35 - 8" dia. waterline backfilled to preconstruction contours

Sta. 339+88 - Existing is a 293-ft channel consisting of 58-ft culvert and 235-ft open channel.

Proposed is a 254-ft channel consisting of 75-ft open channel and 179-ft 6' x 4' culvert.

Sta. 346+77 - 8" dia. waterline backfilled to preconstruction contours

Sta. 347+06 - 176-ft 8' x 4' culvert plus 12' transition at outlet

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The following culverts and utilities are proposed on Morris Creek:

Sta. 358+50 - Removal of existing 40-ft single span bridge on Big Rock Road

Proposed 75-ft of 2@ 12' x 10' culvert, 41-ft open channel work

Sta. 378+70 - 8" dia. waterline backfilled to preconstruction contours

Sta. 404+30 - 8" dia. waterline backfilled to preconstruction contours

The following culverts and utilities are proposed on Unnamed Tributaries to Piney Fork Creek:

Sta. 159+ 39 - 151-ft of 8' x 6' culvert plus 30' transition at inlet and 45' at outlet

Sta. 159+ 39 - 12" dia. water line backfilled to preconstruction contours

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 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 DA Permit.

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Consideration of federally-listed threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act. By letter to the applicant dated November 17, 1998, the US Fish and Wildlife Service (USFWS) concurred with an applicant prepared ecological study and stated that the project would not adversely affect the Price's potato-bean plant in the vicinity of the project. With regard to the Indiana Bat, also in the vicinity of the project, the USFWS stated that provided tree cuttings occur between September 15 and March 31, the project would not adversely affect the Indiana Bat. In addition to the pre-coordination, TDOT states that a recent review of TDEC's database indicates no new records of federally protected species within one-mile radius of the project area. Based upon this and other available information, we have reached a no adverse effect determination (conditional) and initiation of formal consultation procedures with the USFWS is not planned at this time.

Consideration of Cultural Resources. Vaughan Engineering, Inc., prepared an architectural and historical document for proposed project in 1995. By letter dated May 14, 1996, the Tennessee Historical Commission concurred with the study's findings and stated no effect. In addition, 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. A copy of this notice is being sent to the office of the state historic preservation officer.

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

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 September 6, 2004**, will become a part of the record and will be considered in the determination. Responses and comments 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 TDEC since copies of all comments will be sent to them and will become part of their records on the proposal. Questions regarding the water quality certification can be directed to the Tennessee Department of Environment and Conservation, Division of Water Pollution Control (Attn: Trent Thomas), 7th Floor, L&C Annex, 401 Church Street, Nashville, TN 37243-1534.

Bumpus-Mills, TN QUADRANGLE 28-SE
 Indian-Mound, TN QUADRANGLE 300-SW
 APPLICATION BY:
 TENNESSEE DEPARTMENT OF
 TRANSPORTATION
 Project # 81004-1229-14; PIN 101270.00
 FED # NH-76(29)
 State Route 76
 From: 0.36 miles east of Joiner Hollow Rd
 To: 0.41 miles east of S.R. 120
 Stewart County
 Near: Big Rock, Tennessee

EXHIBIT A
P/N 04-53 FILE NO. 2003-01701
LOCATION MAP



#2
MORRIS
 404 #3
 Sta. 403+00 to
 Sta. 130+00

#1
MORRIS
 404 #2
 Sta. 368+50(LT) to
 Sta. 378+40(RT)

WETLAND
0.92 Acres

GARAP #7
 Sta. 346+77± (Rt.)

GARAP #8
 Sta. 347+06.77

GARAP #1
 Sta. 339+88.79

GARAP #4
 Sta. 304+07.50

GARAP #5
 Sta. 304+10± (Rt.)

GARAP #2
 Sta. 358+50
 Sta. 12+04.19
 (Big Rock Rd)

GARAP #3
 Sta. 286+51 (Rt.)

GARAP #2
 Sta. 286+50.91

GARAP #1
 Sta. 286+35.38

Begin Project
 Sta. 277+25.00

GARAP #12
 Sta. 159+39± (Lt.)

GARAP #11
 Sta. 159+39

GARAP #10
 Sta. 404+30± (Rt.)

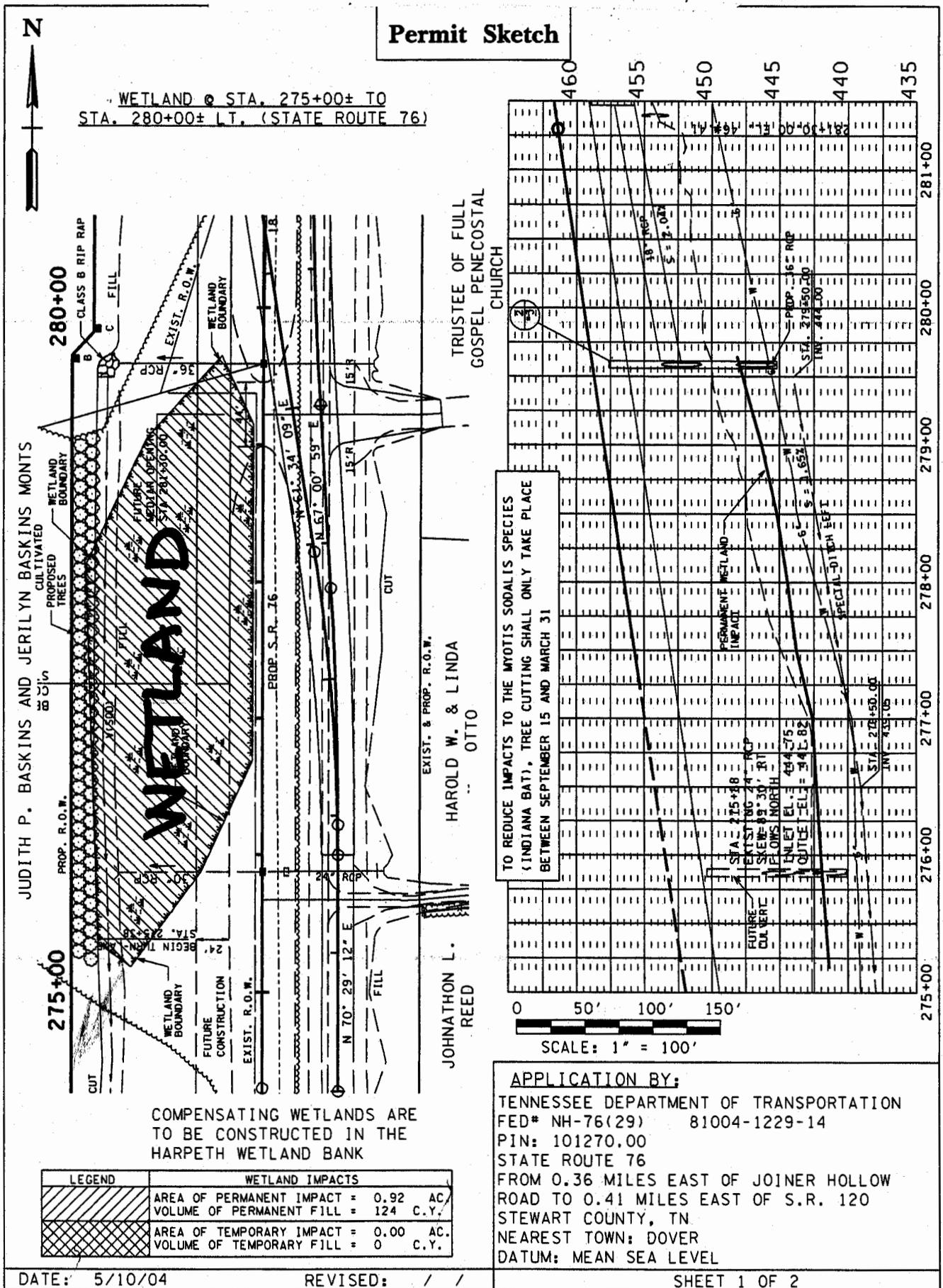
GARAP #9
 Sta. 378+70± (Rt.)

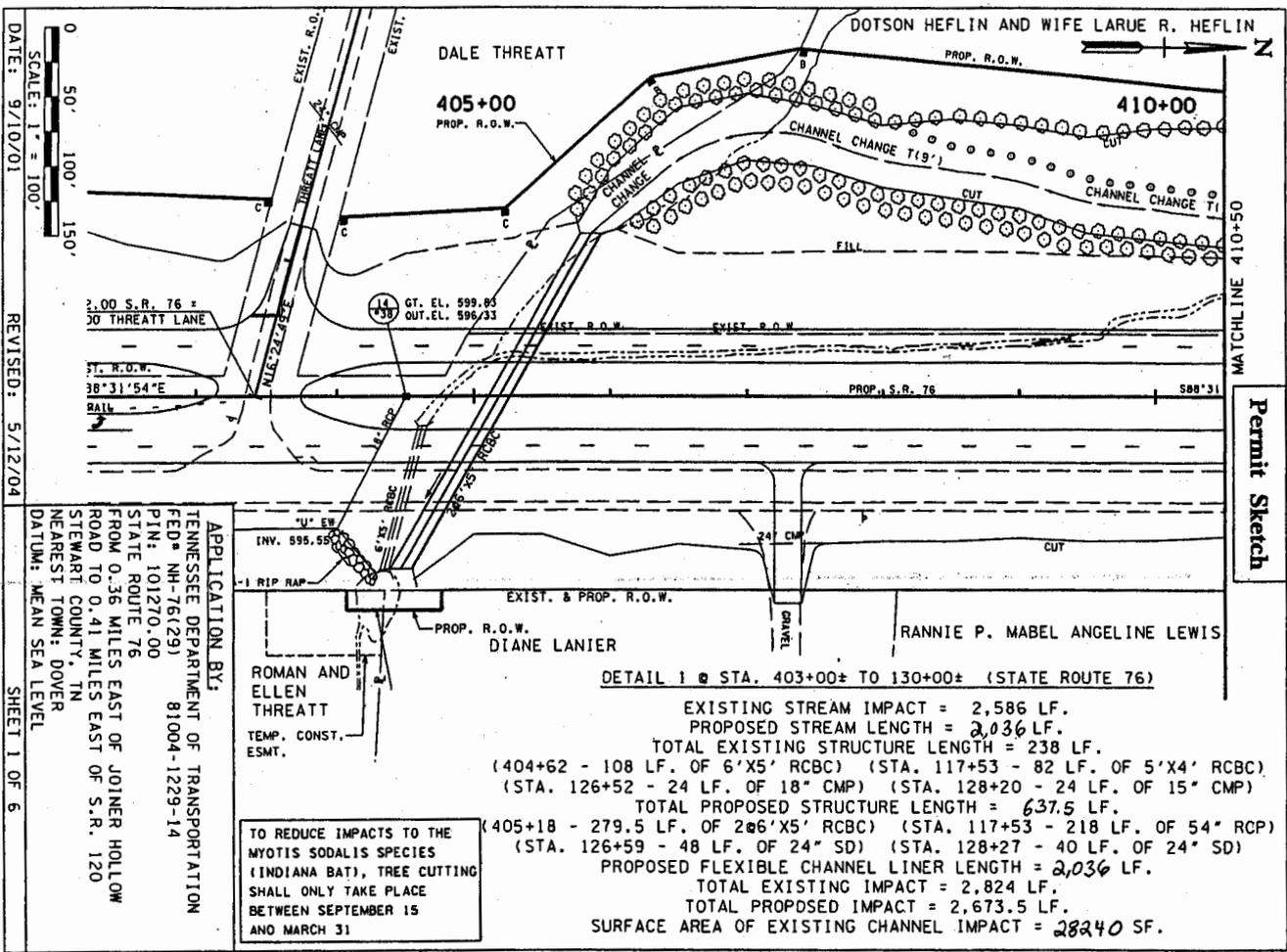
End Project
 Sta. 160+00.00



CONTOUR INTERVAL 10 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

EXHIBIT B
P/N 04-53 FILE NO. 2003-01701
Wetland Fill Plans





DATE: 9/10/01
 SCALE: 1" = 100'
 REVISED: 5/12/04
 SHEET 1 OF 6

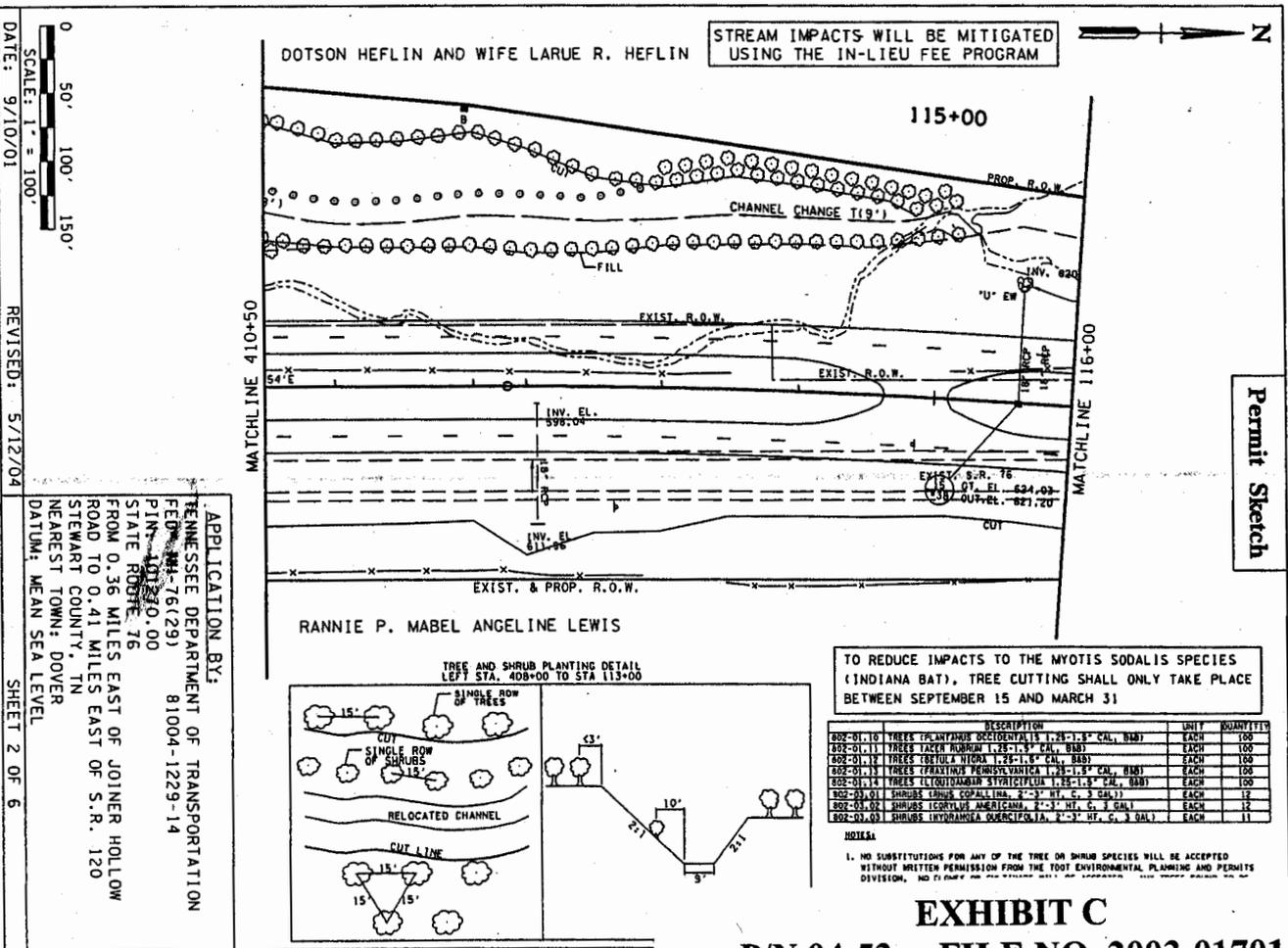
APPLICATION BY:
 TENNESSEE DEPARTMENT OF TRANSPORTATION
 FED# NH-76(29) 81004-1229-14
 PIN: 101270.00
 STATE ROUTE 76
 FROM 0.36 MILES EAST OF JOINER HOLLOW
 ROAD TO 0.41 MILES EAST OF S.R. 120
 STEWART COUNTY, TN
 NEAREST TOWN: DOVER
 DATUM: MEAN SEA LEVEL

TO REDUCE IMPACTS TO THE MYOTIS SODALIS SPECIES (INDIANA BAT), TREE CUTTING SHALL ONLY TAKE PLACE BETWEEN SEPTEMBER 15 AND MARCH 31

DETAIL 1 @ STA. 403+00± TO 130+00± (STATE ROUTE 76)

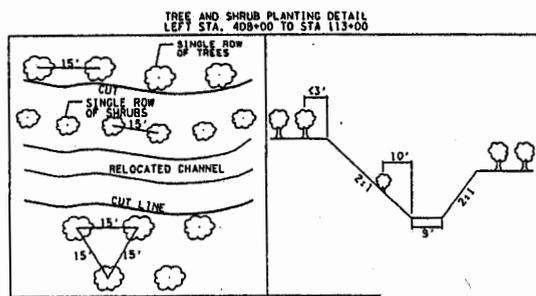
EXISTING STREAM IMPACT = 2,586 LF.
 PROPOSED STREAM LENGTH = 2,036 LF.
 TOTAL EXISTING STRUCTURE LENGTH = 238 LF.
 (404+62 - 108 LF. OF 6'X5' RCBC) (STA. 117+53 - 82 LF. OF 5'X4' RCBC)
 (STA. 126+52 - 24 LF. OF 18" CMP) (STA. 128+20 - 24 LF. OF 15" CMP)
 TOTAL PROPOSED STRUCTURE LENGTH = 637.5 LF.
 (405+18 - 279.5 LF. OF 206'X5' RCBC) (STA. 117+53 - 218 LF. OF 54" RCP)
 (STA. 126+59 - 48 LF. OF 24" SD) (STA. 128+27 - 40 LF. OF 24" SD)
 PROPOSED FLEXIBLE CHANNEL LINER LENGTH = 2,036 LF.
 TOTAL EXISTING IMPACT = 2,824 LF.
 TOTAL PROPOSED IMPACT = 2,673.5 LF.
 SURFACE AREA OF EXISTING CHANNEL IMPACT = 28240 SF.

Permit Sketch



DATE: 9/10/01
 SCALE: 1" = 100'
 REVISED: 5/12/04
 SHEET 2 OF 6

APPLICATION BY:
 TENNESSEE DEPARTMENT OF TRANSPORTATION
 FED# NH-76(29) 81004-1229-14
 PIN: 101270.00
 STATE ROUTE 76
 FROM 0.36 MILES EAST OF JOINER HOLLOW
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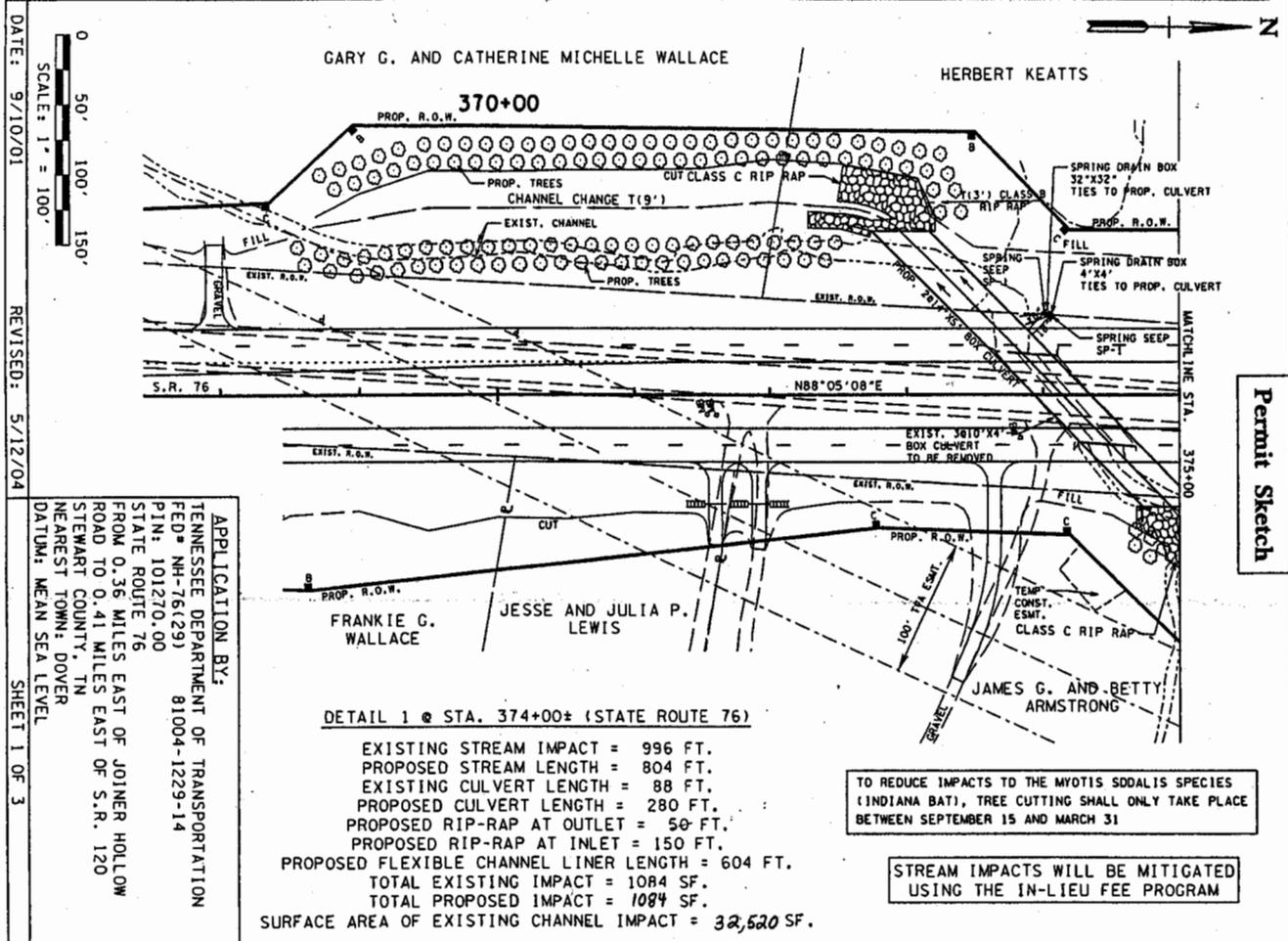
TO REDUCE IMPACTS TO THE MYOTIS SODALIS SPECIES (INDIANA BAT), TREE CUTTING SHALL ONLY TAKE PLACE BETWEEN SEPTEMBER 15 AND MARCH 31

DESCRIPTION	UNIT	QUANTITY
802-01.10 TREES (PLATANUS OCCIDENTALIS 1.25-1.5" CAL. B&B)	EACH	100
802-01.11 TREES (AQUILARIA NORTONII 1.25-1.5" CAL. B&B)	EACH	100
802-01.12 TREES (FRAXINUS VIRGINICA 1.25-1.5" CAL. B&B)	EACH	100
802-01.13 TREES (FRAXINUS PENNSYLVANICA 1.25-1.5" CAL. B&B)	EACH	100
802-01.14 TREES (LIRIODENDRON STRICATA 1.25-1.5" CAL. B&B)	EACH	100
802-03.01 SHRUBS (LONICERA COPALINA 2'-3" HT. C. 3 GAL.)	EACH	12
802-03.02 SHRUBS (CORNYLIA AMERICANA 2'-3" HT. C. 3 GAL.)	EACH	12
802-03.03 SHRUBS (HYDRANGEA QUERCIFOLIA 2'-3" HT. C. 3 GAL.)	EACH	11

NOTES:
 1. NO SUBSTITUTIONS FOR ANY OF THE TREE OR SHRUB SPECIES WILL BE ACCEPTED WITHOUT WRITTEN PERMISSION FROM THE TOOT ENVIRONMENTAL PLANNING AND PERMITS DIVISION. NO OTHER SPECIES WILL BE ACCEPTED.

Permit Sketch

EXHIBIT C
P/N 04-53 FILE NO. 2003-01701
Morris Creek Channel Relocation #1 Plans



DATE: 9/10/01
 SCALE: 1" = 100'
 REVISED: 5/12/04
 SHEET 1 OF 3

APPLICATION BY:
 TENNESSEE DEPARTMENT OF TRANSPORTATION
 FED# NH-76(29) 81004-1229-14
 PIN: 101270.00
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 FROM 0.36 MILES EAST OF JOINER HOLLOW
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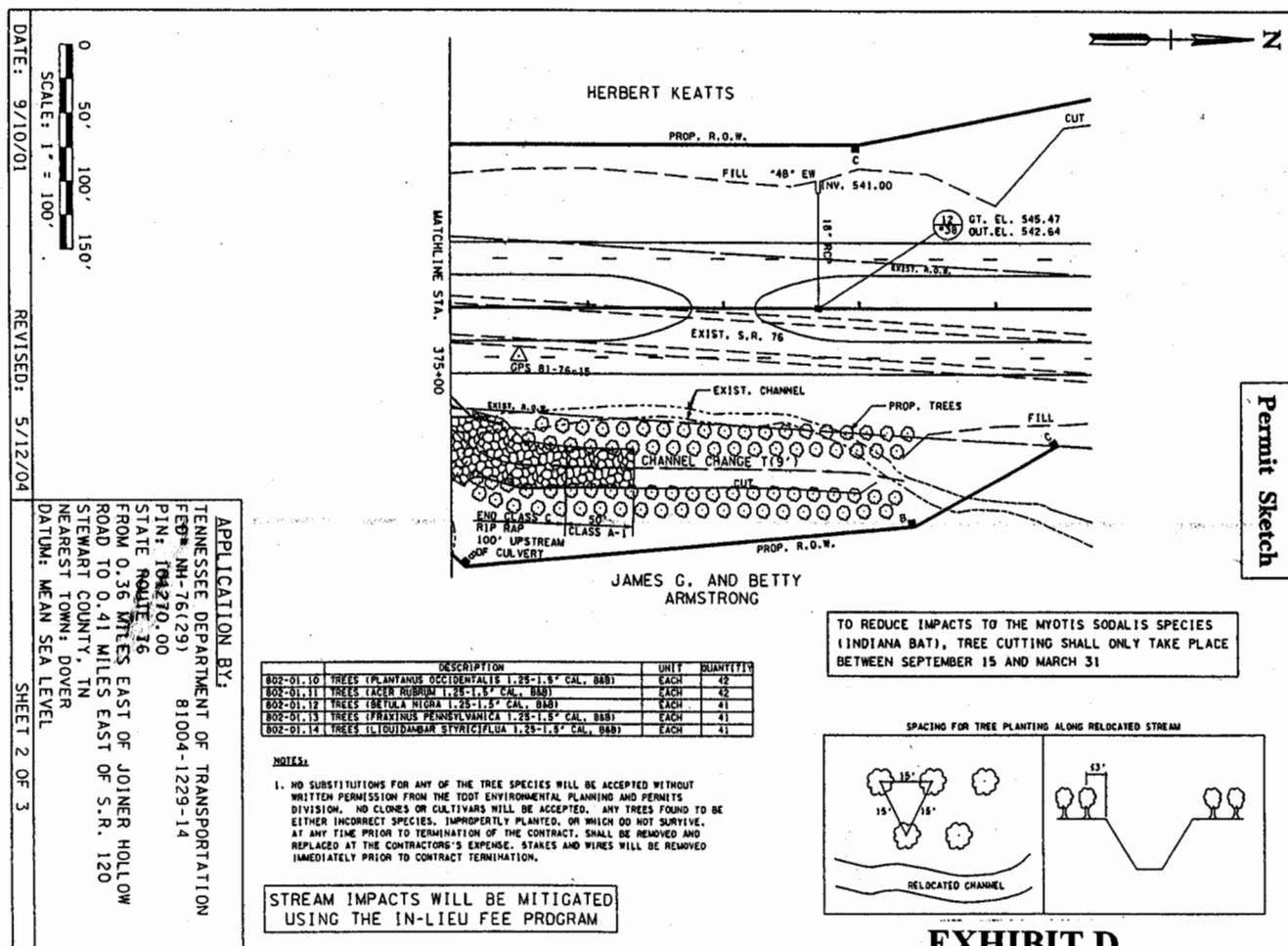
DETAIL 1 @ STA. 374+00± (STATE ROUTE 76)

EXISTING STREAM IMPACT = 996 FT.
 PROPOSED STREAM LENGTH = 804 FT.
 EXISTING CULVERT LENGTH = 88 FT.
 PROPOSED CULVERT LENGTH = 280 FT.
 PROPOSED RIP-RAP AT OUTLET = 50 FT.
 PROPOSED RIP-RAP AT INLET = 150 FT.
 PROPOSED FLEXIBLE CHANNEL LINER LENGTH = 604 FT.
 TOTAL EXISTING IMPACT = 1084 SF.
 TOTAL PROPOSED IMPACT = 1084 SF.
 SURFACE AREA OF EXISTING CHANNEL IMPACT = 32,520 SF.

TO REDUCE IMPACTS TO THE MYOTIS SODALIS SPECIES (INDIANA BAT), TREE CUTTING SHALL ONLY TAKE PLACE BETWEEN SEPTEMBER 15 AND MARCH 31

STREAM IMPACTS WILL BE MITIGATED USING THE IN-LIEU FEE PROGRAM

Permit Sketch



DATE: 9/10/01
 SCALE: 1" = 100'
 REVISED: 5/12/04
 SHEET 2 OF 3

APPLICATION BY:
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 FED# NH-76(29) 81004-1229-14
 PIN: 104270.00
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 FROM 0.36 MILES EAST OF JOINER HOLLOW
 ROAD TO 0.41 MILES EAST OF S.R. 120
 STEWART COUNTY, TN
 NEAREST TOWN: DOVER
 DATUM: MEAN SEA LEVEL

	DESCRIPTION	UNIT	QUANTITY
802-01.10	TREES (PLATANUS OCCIDENTALIS 1.25-1.5' CAL. BAB)	EACH	42
802-01.11	TREES (ACER RUBRUM 1.25-1.5' CAL. BAB)	EACH	42
802-01.12	TREES (BETULA NIGRA 1.25-1.5' CAL. BAB)	EACH	41
802-01.13	TREES (FRAXINUS PENNSYLVANICA 1.25-1.5' CAL. BAB)	EACH	41
802-01.14	TREES (LIGUSTRUM SYRITICIFLUA 1.25-1.5' CAL. BAB)	EACH	41

NOTES:
 1. NO SUBSTITUTIONS FOR ANY OF THE TREE SPECIES WILL BE ACCEPTED WITHOUT WRITTEN PERMISSION FROM THE TDDT ENVIRONMENTAL PLANNING AND PERMITS DIVISION. NO CLONES OR CULTIVARS WILL BE ACCEPTED. ANY TREES FOUND TO BE EITHER INCORRECT SPECIES, IMPROPERLY PLANTED, OR WHICH DO NOT SURVIVE, AT ANY TIME PRIOR TO TERMINATION OF THE CONTRACT, SHALL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE. STAKES AND WIRES WILL BE REMOVED IMMEDIATELY PRIOR TO CONTRACT TERMINATION.

STREAM IMPACTS WILL BE MITIGATED USING THE IN-LIEU FEE PROGRAM

TO REDUCE IMPACTS TO THE MYOTIS SODALIS SPECIES (INDIANA BAT), TREE CUTTING SHALL ONLY TAKE PLACE BETWEEN SEPTEMBER 15 AND MARCH 31

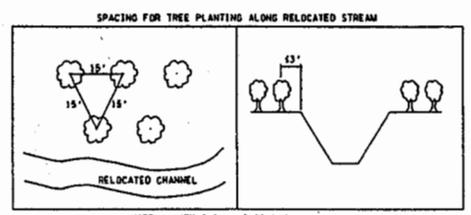


EXHIBIT D
P/N 04-53 FILE NO. 2003-01701
Morris Creek Channel Relocation #2 Plans

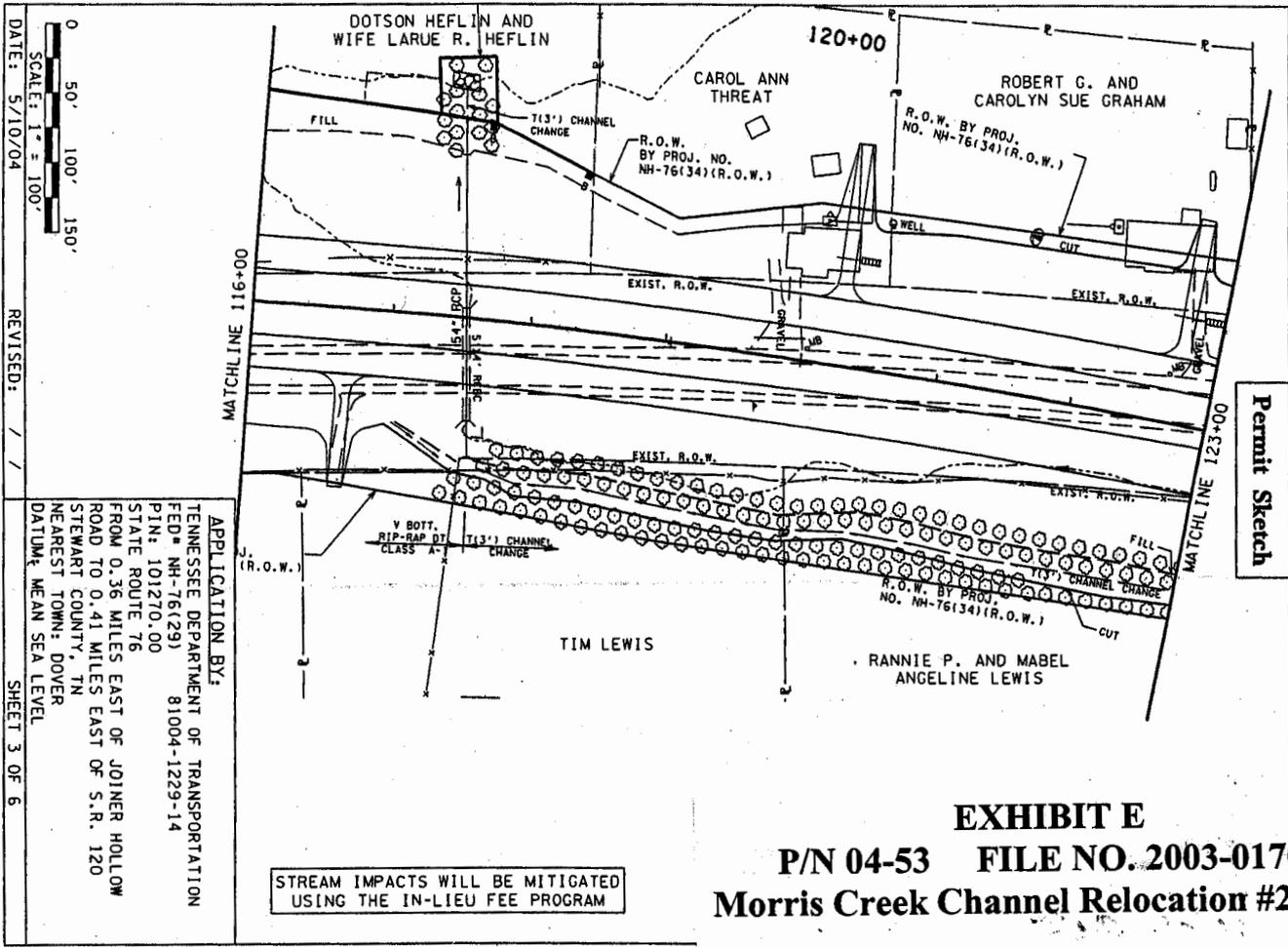
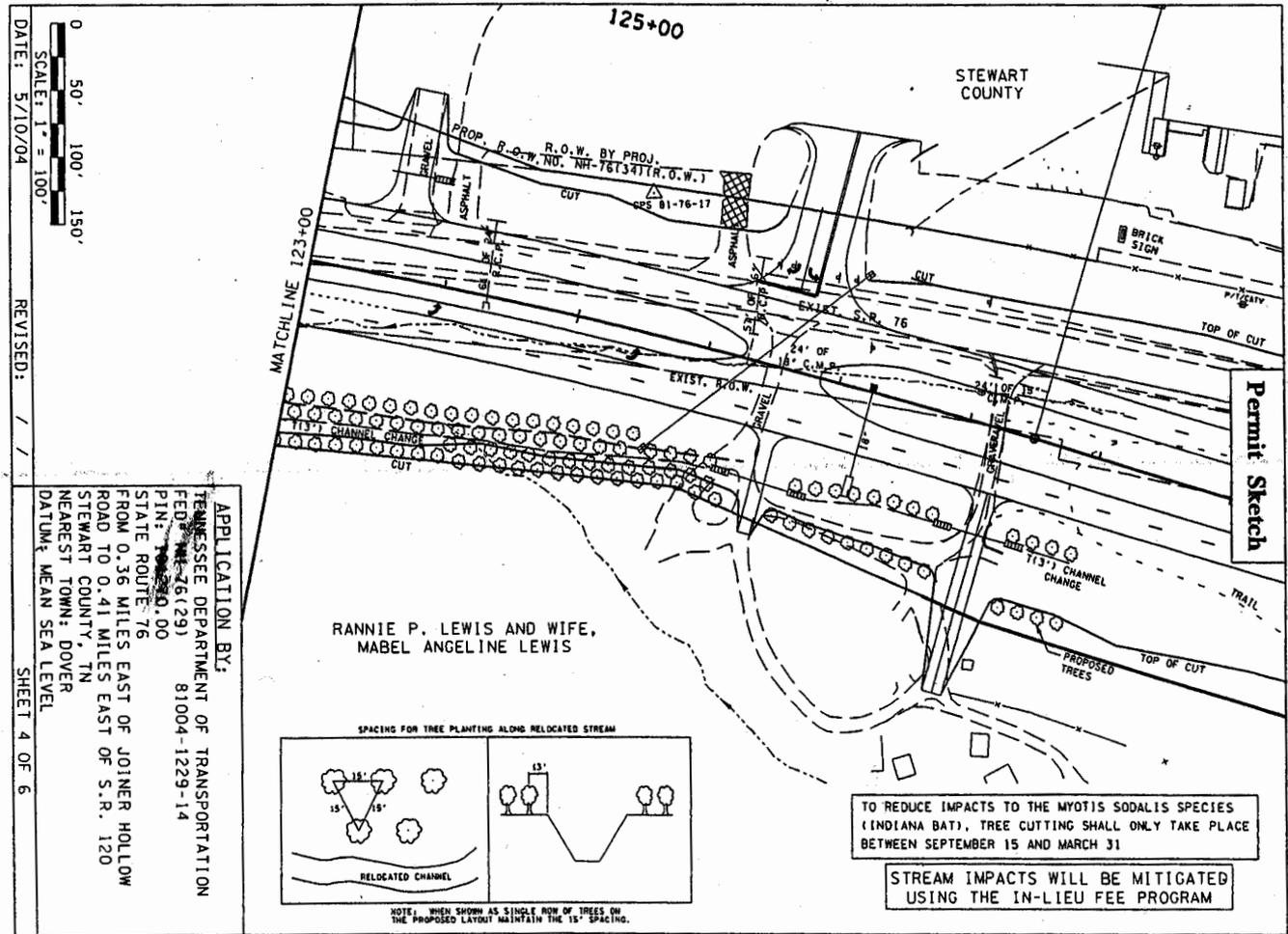


EXHIBIT E
P/N 04-53 FILE NO. 2003-01701
Morris Creek Channel Relocation #2 Plans



DATE: 5/10/04
 SCALE: 1" = 100'
 REVISED: / /
 SHEET 3 OF 6

APPLICATION BY:
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 REVISED: / /
 SHEET 4 OF 6

APPLICATION BY:
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