



**US Army Corps  
of Engineers®**

Nashville District

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# Public Notice

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Public Notice No. 04-67

Date: September 17, 2004

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Application No. 200401720

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214  
Attn. Floyd M. Carnes

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

**SUBJECT:** Proposed Riprap Bank Stabilization at Various Locations on the Tennessee River between Miles 310.2 and Mile 317.1 and Limestone Creek from Mile 0.0 to Mile 0.7, Right Bank, Wheeler Lake, Limestone, Madison and Morgan Counties, Alabama.

**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)** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the Alabama Department of Environmental Management (ADEM) 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:** Wheeler National Wildlife Refuge  
2700 Refuge HQ Road  
Decatur, Alabama 35603

**LOCATION:** Various Locations on the Tennessee River between Miles 310.2 and Mile 317.1 and Limestone Creek from Mile 0.0 to Mile 0.7, Right Bank, Wheeler Lake, Limestone, Madison and Morgan Counties, Alabama. (USGS DECATUR and MASON RIDGE, ALA. Quadrangle; Longitude: 86-52-3.1; Latitude: 34-34-0.7)

**DESCRIPTION:** The proposed work consists of placing approximately 6,000 cubic yards of limestone riprap along 10,000 feet of shoreline to minimize and prevent further erosion along the banks. The bottom of the riprap would be at Elevation 354.0. Elevation 356.0 is the Normal Summer Pool (NSP) elevation for Wheeler Lake. The riprap would be placed along the

shoreline from the top of the bank by using a track hoe. The top of the riprap would be at Elevation 358.0 and be placed on a 2:1 slope.

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.

An archeological survey of the Wheeler National Wildlife Refuge has previously documented sites within the refuge. 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

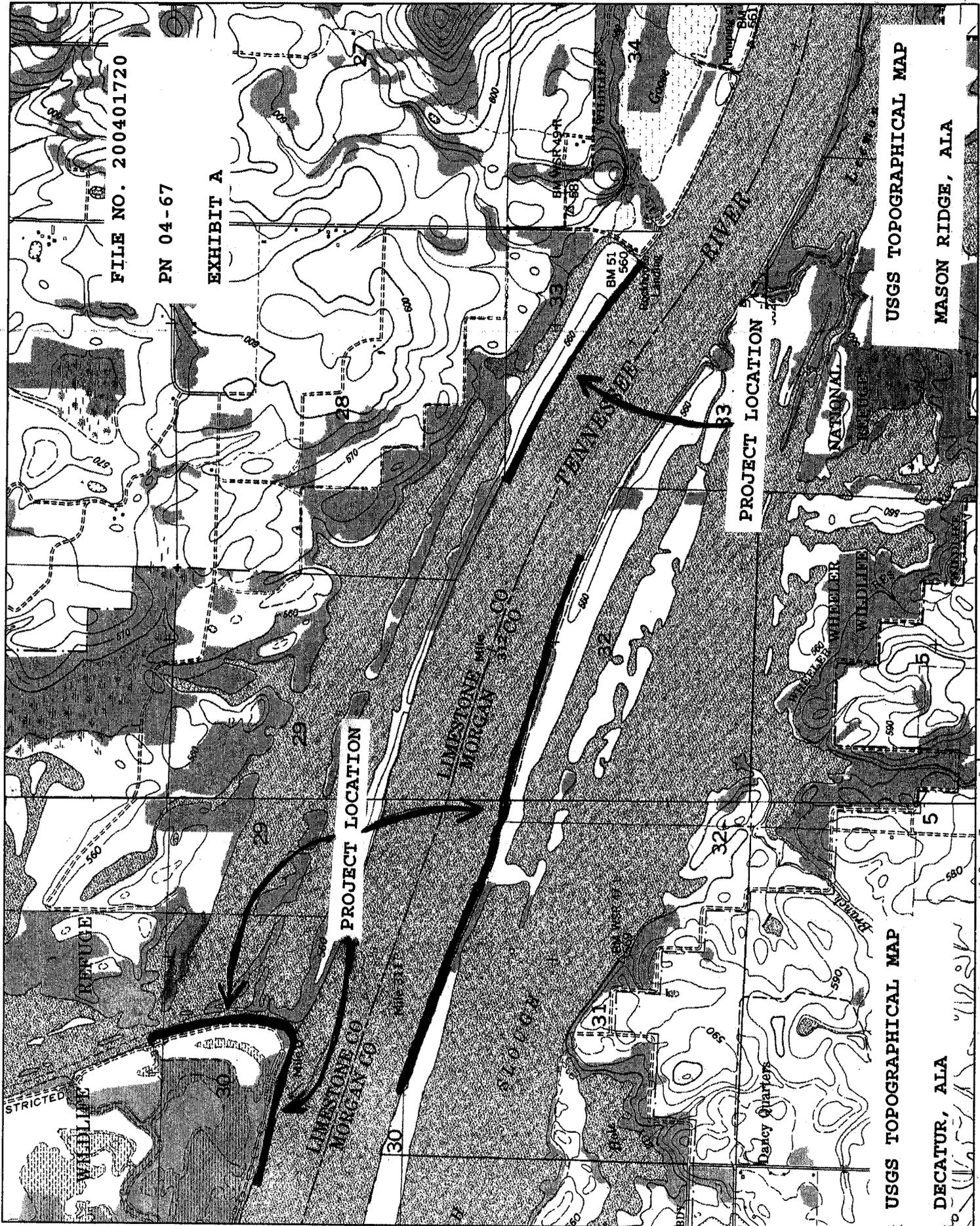
formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

In addition to the DA permit, the TVA permit, and 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 requires the applicant will 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 public hearing.

Written statements received in this office on or before **October 14, 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: Floyd M. Carnes, at the above address, telephone (615) 369-7503. It is not necessary to comment separately to TVA 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 TVA, they should be mailed to Mr. Tim Gilbert, Project Leader, Wheeler Lake Reservation, P.O. Box 1010, Muscle Shoals, Alabama 35662, telephone (256) 386-2228. Questions concerning water quality certification can be directed to Mr. Mitt Walker, ADEM, P.O. Box 301463, Montgomery, Alabama 36130, telephone (334) 394-4302





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EXHIBIT A

PROJECT LOCATION

PROJECT LOCATION

USGS TOPOGRAPHICAL MAP

DECATUR, ALA

USGS TOPOGRAPHICAL MAP

MASON RIDGE, ALA

STRICTLY  
WILDLIFE  
REFUGE

LIMESTONE CO  
MORGAN CO

LIMESTONE MFG  
MORGAN CO

Dancy Quarters

WHIPPLE  
WILDLIFE  
REFUGE

NATIONAL  
WILDLIFE  
REFUGE

TENNESSEE  
RIVER

34

BM 51  
560

33

32

31

30

29

28

27

5

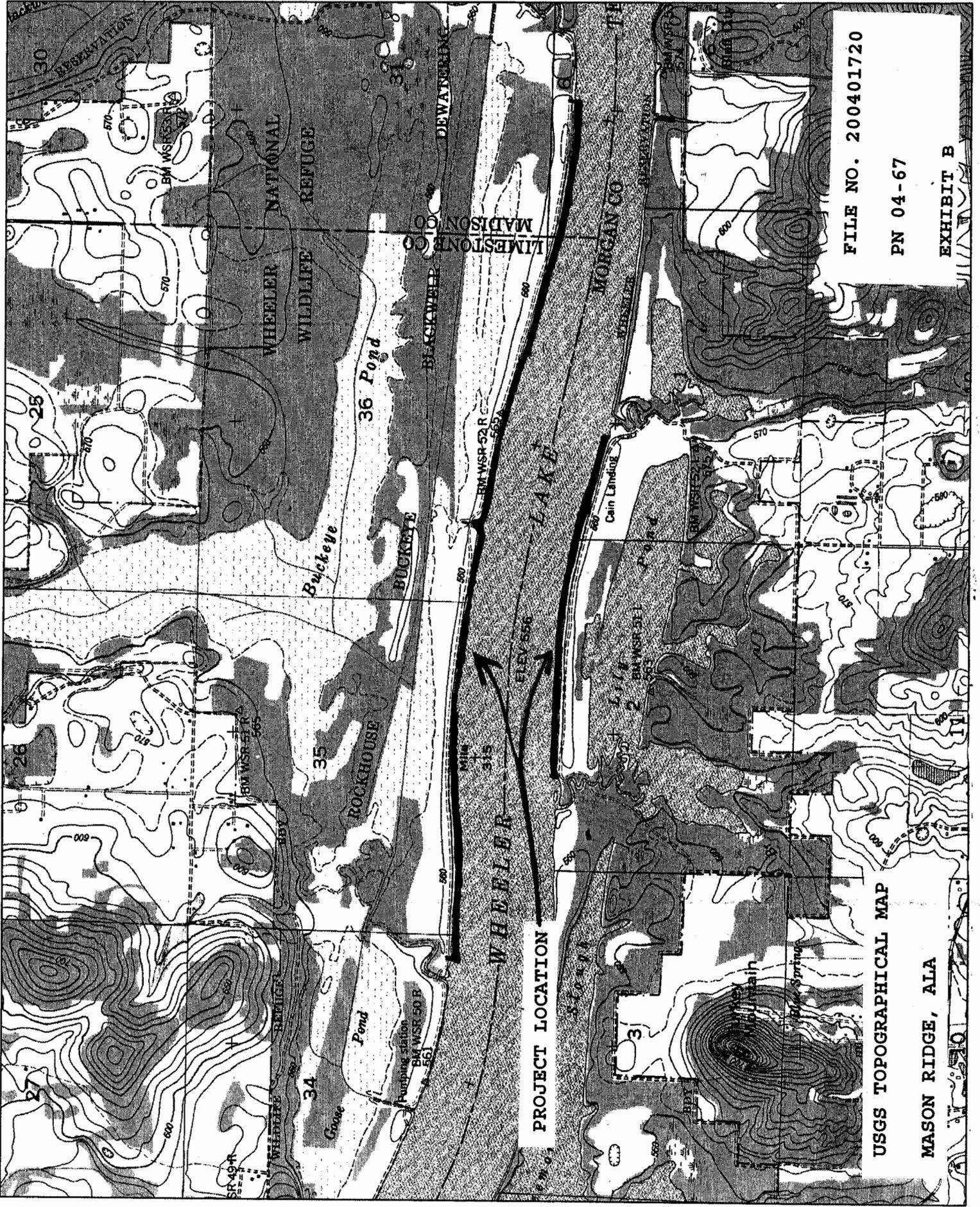
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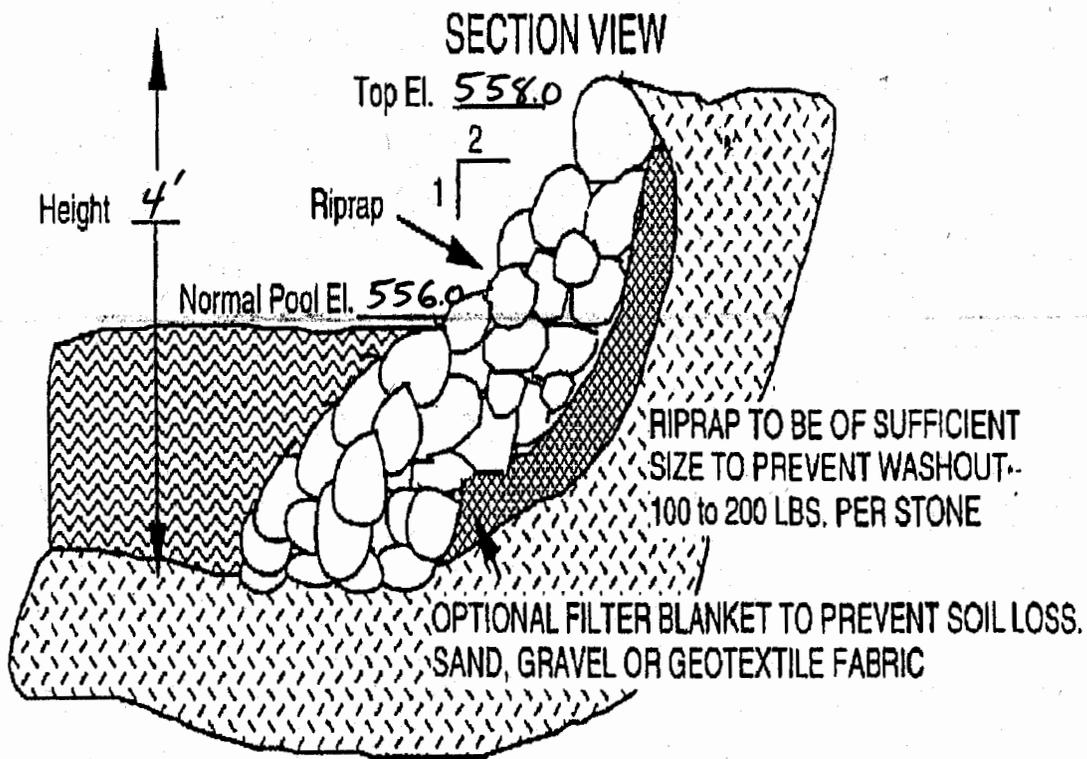
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 EXHIBIT B

USGS TOPOGRAPHICAL MAP  
 MASON RIDGE, ALA



SLOPE SHOULD BE A RATIO OF  
2' HORIZONTAL TO 1' VERTICAL

NOTE: The riprap is to be placed at or along the reservoir shoreline as it exists at the normal full pool elevation.

Height of riprap 4' AVG.  
 Length of riprap 10,000' ±  
 Cu. yds. of total fill 6,000

(Backfill shall be kept to a minimum)

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EXHIBIT C