



US Army Corps
of Engineers.

Public Notice

Public Notice No. 08-67

Issue Date: October 20, 2008

Nashville District

Application No. 200801545

Expire Date: November 19, 2008

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
TENNESSEE VALLEY AUTHORITY
AND
STATE OF ALABAMA

SUBJECT: Proposed Discharge of Fill Material associated with Channel Relocation of an Unnamed Tributary to Huntsville Spring Branch Mile 11.8R, Madison County, Alabama

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) and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, a **Section 401 Water Quality Certification** must be provided by the state of Alabama, Department of Environmental Management, 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: City of Huntsville
320 Fountain Circle
Huntsville, Alabama 35801

LOCATION: Unnamed Tributary Mile 0.2, a tributary to Huntsville Spring Branch Mile 11.8R, a tributary to Tennessee River Mile 321.0R, in Huntsville, Madison County, Alabama (Huntsville Quad; lat 34-41-15, lon 86-35-30)

DESCRIPTION: The proposed work consists of the relocation of approximately 1,250' of an unnamed tributary. The tributary is a small stream approximately 3' to 6' wide during normal flowing conditions. The flow is classified as perennial with some upper sections that are intermittent. The existing channel has been previously channelized and cleared of most vegetation. A new, open channel, approximately 1,250' long, would be constructed. The new channel would consist of a 10' wide channel with a 5' low flow channel with 2:1 side slopes. The low flow channel would be constructed in a meandering pattern throughout the

length of the new channel. The new channel would be located along an existing tree line in order to provide immediate shading of the channel. The construction method would involve constructing a new channel while leaving a plug section between the existing and the new channel. The new channel would be stabilized prior to excavating the plug section and diverting the stream flow through the new channel. The work would be performed during the summer months or periods when the channel was dry.

The purpose of the proposed work is to allow for better utilization of the property for city functions. The property currently is utilized as an existing quarter midget track. The proposed work would allow adequate access and parking for RVs, motor homes, and vehicles that would be parking; in particular, the city of Huntsville is hosting the Quarter Midget National Convention in June 2009.

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, 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 required for the proposed work are as follows:

Water quality certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act.

TVA permit under 26a approval would be required for the proposed work.

A "No-Rise" Certification from the city of Huntsville ensuring that downstream flood levels would not be elevated from 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 public hearing.

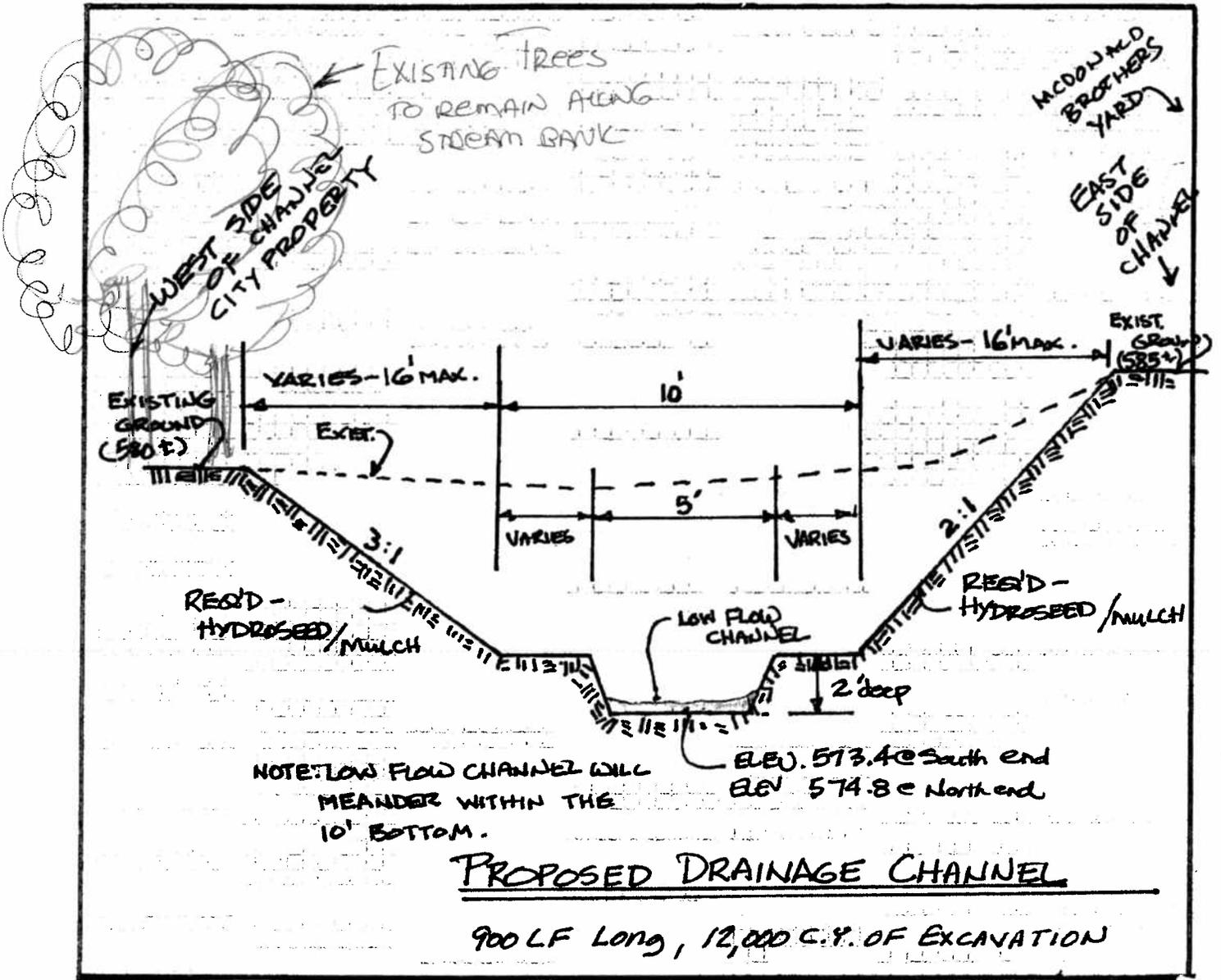
Written statements received in this office on or before November 19, 2008, will become a part of the record and will be considered in the determination.

Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509 or email - amy.m.robinson@usace.army.mil.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Amy Robinson at the above address or phone number.

CITY OF HUNTSVILLE
Urban Development Department
Engineering Division

PROJECT: EAST SPRINGHER LANE EXTENSION
INCLUDING RELOCATION OF EXIST. CHANNEL
WORK ORDER NO. _____ DATE: 7/16/08
ENGINEER: M. Calvert PAGE 2 OF 2



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