



**US Army Corps  
of Engineers®**

Nashville District

# Public Notice

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Public Notice No. **04-33**

Date: May 13, 2004

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Application No. **970014380**

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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 Existing Impoundment Structure Repair on Little Marrowbone Creek Mile 8.0, Davidson 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, 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:** Norman Piper  
3939 Glen Echo Lake Road  
Ashland City, Tennessee 37015

**LOCATION:** Little Marrowbone Creek Mile 8.0, a tributary to Cumberland River Mile 160.0R, Davidson County, Tennessee (Forest Grove Quad; lat 36-16-33.9600; lon 86-53-24.7200)

**DESCRIPTION:** The proposed work involves the relocation of approximately 300 linear feet of stream channel in preparation for removal of accumulated sediment from the existing dry lakebed. The project plans require that the stream channel be rerouted approximately 70 feet to the north of the existing stream bed to facilitate repairing the existing impoundment structure and removing the sediment accumulation. A new channel would be constructed 8' wide to carry the flow through a previously excavated area. The new channel would then enter a 14-inch culvert/lift gate flowing through the existing earthen portion of the impoundment to re-enter the existing creek stream below the impoundment. The previous landowner removed approximately 3000 cubic yards of material from an area approximately 250' by 60'. The applicant proposes to remove approximately 2,600 cubic yards of excavated material from an area 40' by 200'. All excavated material would be loaded and completely removed by truck from the property.

The existing rock portion of the impoundment structure would then be repaired to flood an area approximately 2 surface acres and serve as a spillway. An 8-inch standpipe would be constructed adjacent to the existing rock structure/spillway in the impounded lake to allow for discharge at the bottom of the impoundment structure to the existing stream.

The existing impoundment was not maintained over the years and therefore, the lake silted in and thus, is currently a dry lakebed. The applicant proposes to repair the rock portion of the impoundment structure and install a standpipe in order to recreate the lake for private use, fishing, and waterfowl attraction. The location of this work is approximately 1600' upstream from the Glen Echo Lake, which the applicant received approval on March 31, 1998 to repair this impoundment structure.

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.

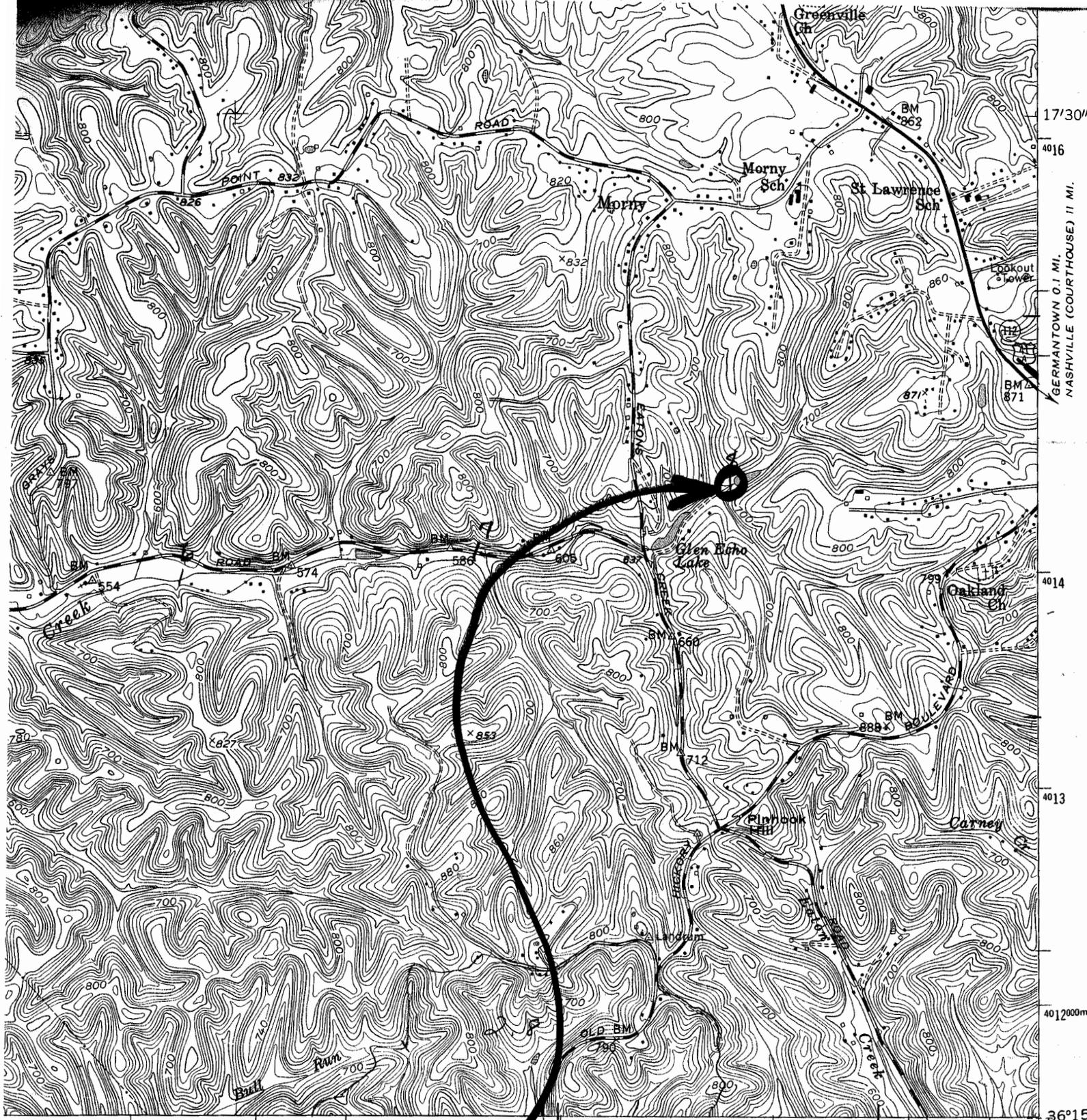
Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures 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:

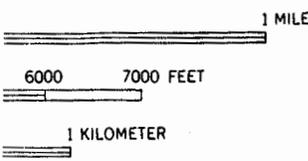
Water Quality Certification from the state of Tennessee is required for the proposed work in accordance with Section 401(a)(1) of the Clean Water Act.

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 June 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: Amy Robinson, at the above address, telephone (615) 369-7509.



SCOTTSBORO (JUNC. TENN. 12) 2.9 MI. CLEESSES FERRY 9.4 MI. INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1983 510 3 MI. TO TENN. 12 NASHVILLE (COURTHOUSE) 9.4 MI. ROAD CLASSIFICATION



**LOCATION**

File No. 970014380  
PN 04-33



- Primary highway, hard surface \_\_\_\_\_
- Secondary highway, hard surface \_\_\_\_\_
- Light-duty road, hard or improved surface \_\_\_\_\_
- Unimproved road \_\_\_\_\_
- Interstate Route
- ◻ U. S. Route
- State Route

**FOREST GROVE, TENN.**

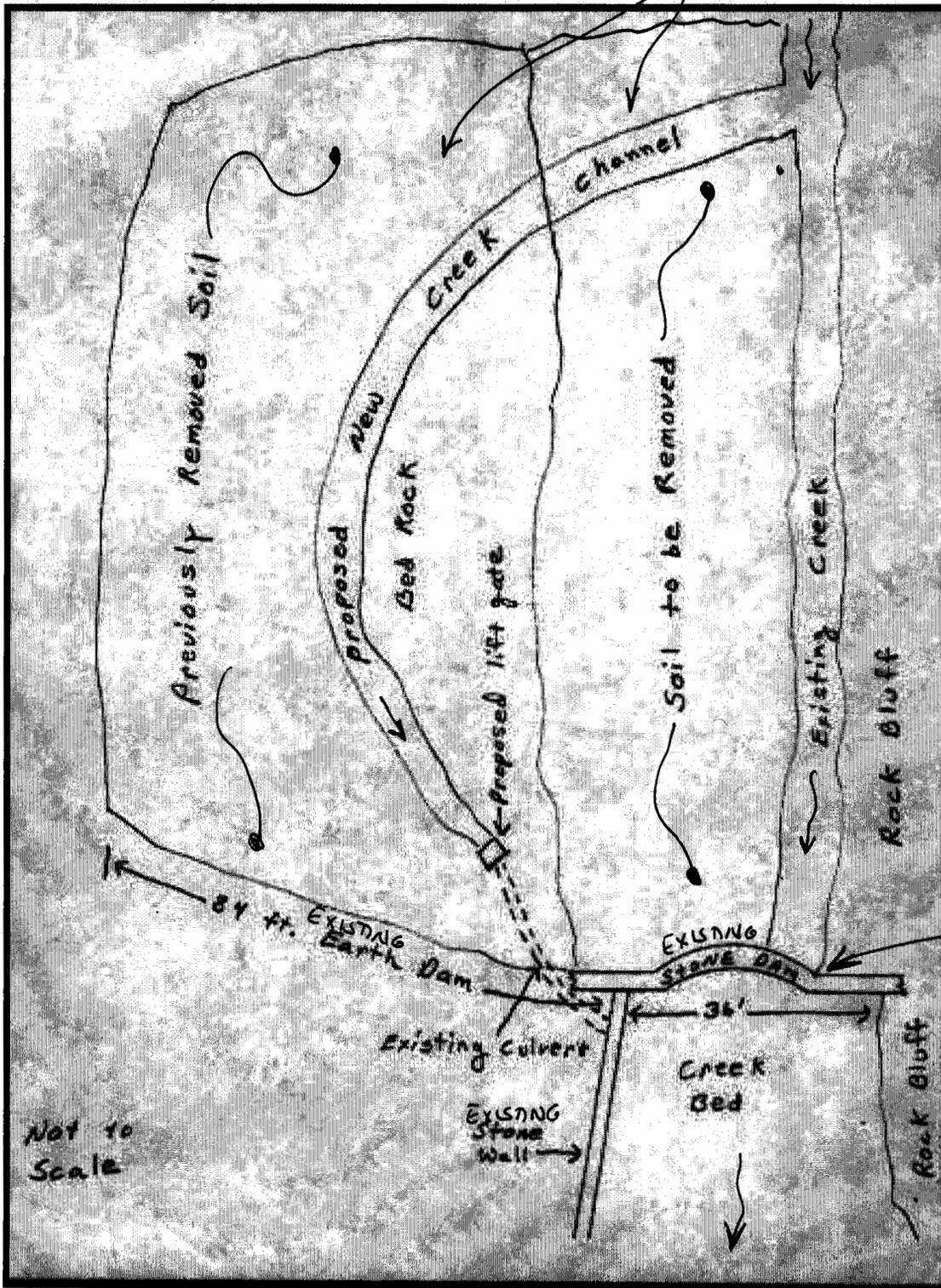
36086-C8-TF-024

RESTON, VIRGINIA 22092  
NASHVILLE, TENN. 37243

Norman Piper

1955  
PHOTOREVISED 1983  
DMA 3858 IV SW—SERIES V841

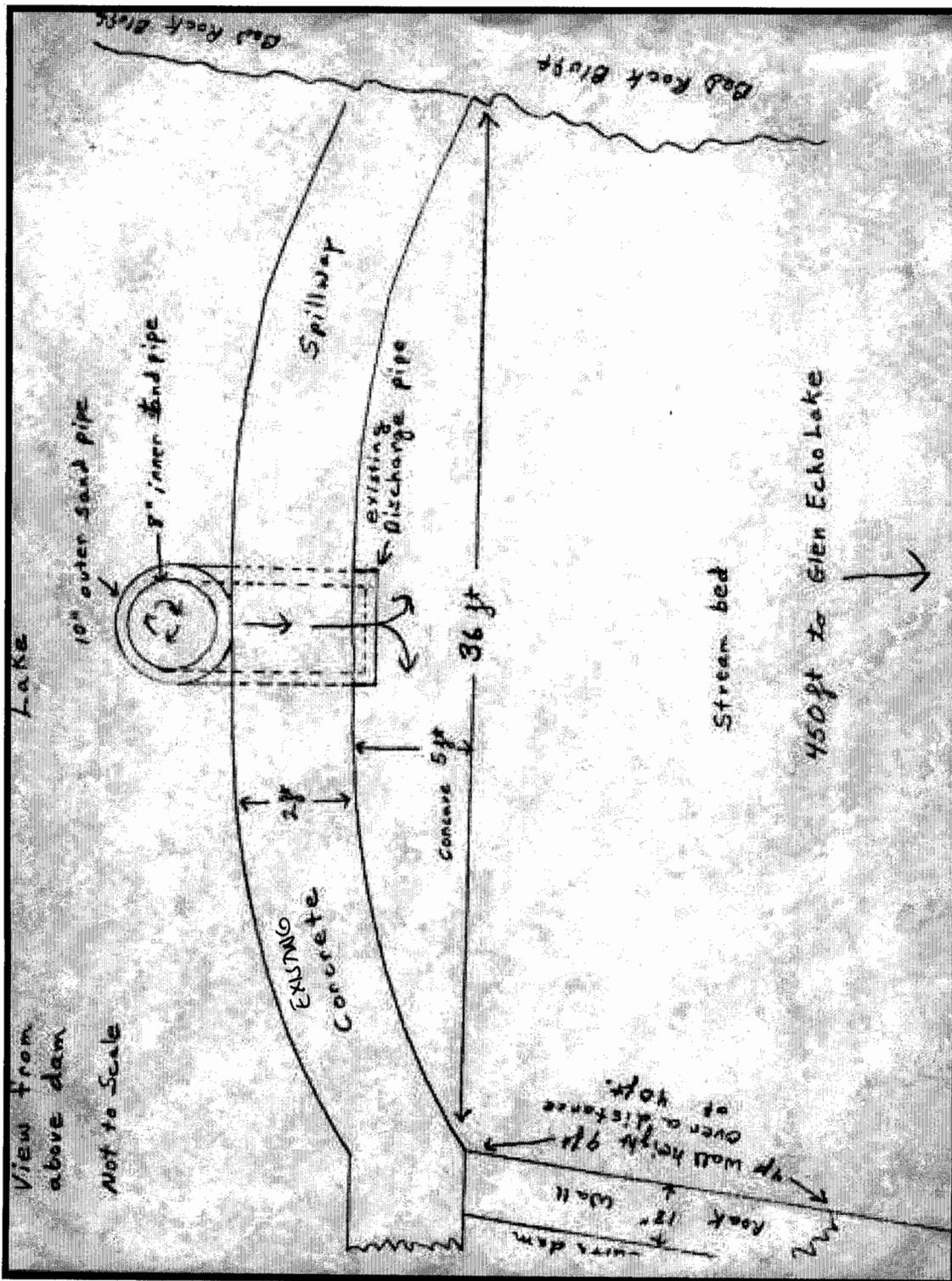
Prepared Impounded Area



EXISTING  
STONE  
STRUCTURE  
TO BE  
REPAIRED

Not to  
Scale

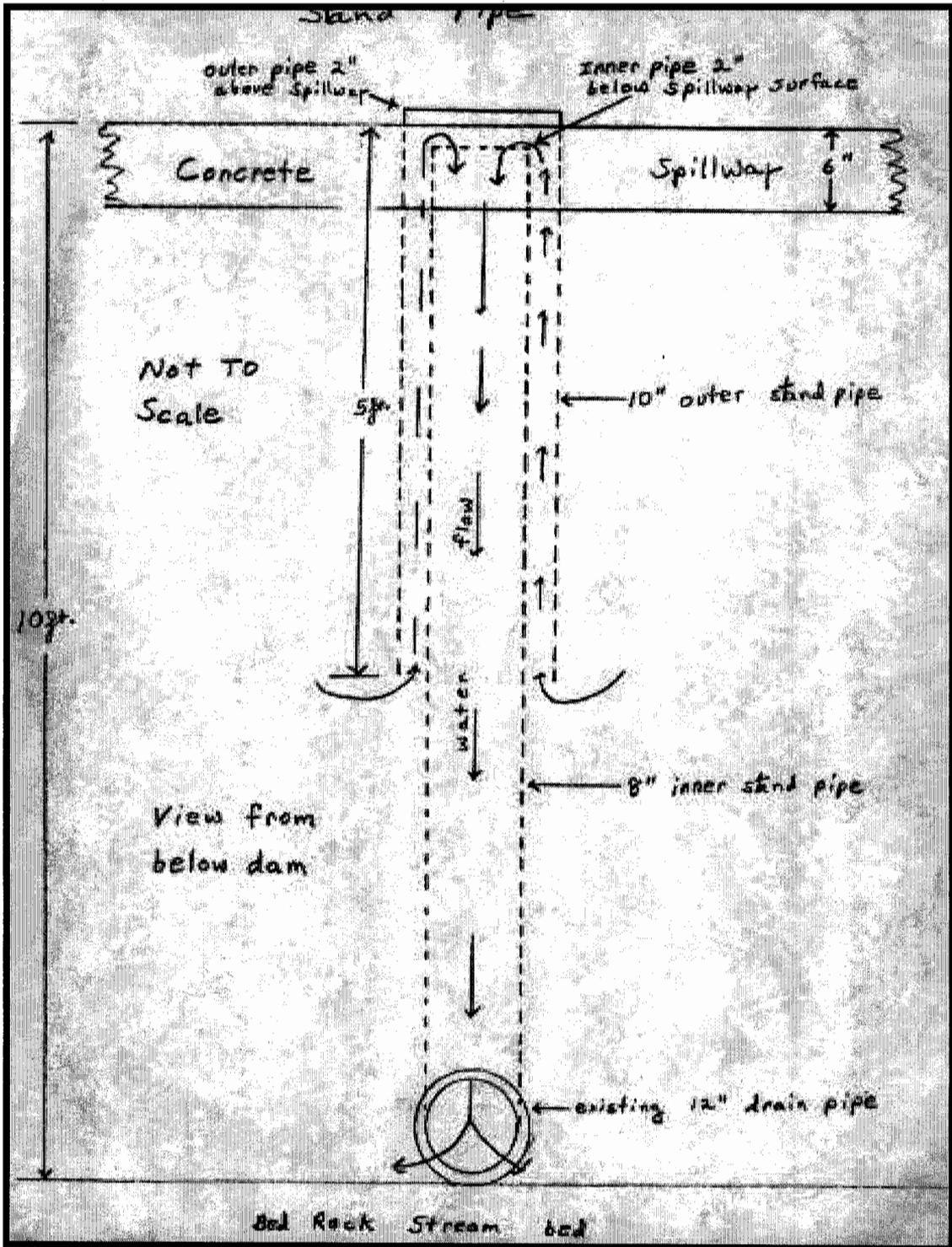
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# Stand Pipe



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