



**US Army Corps  
of Engineers.**

Nashville District

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# Public Notice

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Public Notice No. 07-56A      Date: November 19, 2008

Application No. 2007-00977      Expires: December 19, 2008

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214, telephone 615/369-7504

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**REVISED JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**TENNESSEE VALLEY AUTHORITY**

**SUBJECT:** Reinstatement of Application for Proposed Deposit of Fill Material for Private Impoundment Structure on Gerry Branch Mile 1.0, Hickman County, TN

**TO ALL CONCERNED:** The application described below has been re-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, certification must be provided by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA that applicable water quality standards would not be violated.

**APPLICANT:** Mr. Lee Hunter  
1002 Hillcrest Avenue  
Columbia, TN 38401

**LOCATION:** Gerry Branch Mile 1.0, Hickman County, TN. Gerry Branch is a tributary of the Duck River at Mile 81.6, right bank, USGS Quad - Littlelot, TN, lat: 35-49-00; lon 87-20-00.

**NOTE:** In June 2007, Public Notice 07-56 was issued for the proposed construction of an earthen impoundment structure at the subject location to create an 8-acre lake on the applicant's 1,350 acre farm. In response to the notice, several comments were received. Since that time, the applicant has been gathering information to address issues raised during the public interest review period generally relating to the mitigation plan and water quality certification. Recently, the applicant submitted

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supplemental information and requested that the application be re-instated. At this time, we are notifying the public that the application has been reinstated, and a new comment period has commenced. All comments received during the original public comment period will be considered in the evaluation process.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to create an impoundment comprising 8-acres in the upper watershed of Gerry Branch. Gerry Branch is a spring fed, mixed intermittent and perennial, water of the US. The creek is 3-feet wide with average depth 3-inches and a flow rate of 80 cubic feet/minute. The purposes of the impoundment are to provide a fire suppression source in the event of wildlife and to enhance the property's aquatic recreational uses for swimming, canoeing, and fishing, as well as to benefit recreational uses such as wildlife viewing, camping, and hunting.

The proposed impoundment would occupy an area of approximately 8 acres within an approximate 415-acre watershed that exists almost exclusively (82%) within the applicant's ownership. The impoundment structure would be about 30 feet tall and cover approximately 800 linear feet of creek channel (0.06 acres of fill material placed within jurisdictional waters of the US). The scope of work is the impoundment structure and lake; plans are attached. Together, they would cover approximately 1,500 LF of creek channel.

**Proposed Mitigation:** In addition to the proposed impoundment, the applicant proposes to preserve a 338-acre permanent conservation easement to include about 1,350 linear feet (LF) of Panther Cave Branch and its watershed, about 2,985 LF of Mud Branch and its watershed, about 3,875 LF along Stairstep Hollow Creek, its watershed, and roughly 5,010 feet of Duck River frontage preservation.

The applicant also proposes to restore stream attributes along a reach of Gerry Branch which has been degraded by historic use of the Gerry Branch channel for vehicular access to the lower reaches of the watershed and numerous associated road crossings, and restore a major tributary to Gerry Branch which has been severely impacted by sedimentation resulting from logging practices which were conducted prior to the applicant's ownership of the property.

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In these proposed restoration reaches, the applicant will regrade unstable banks, remove accumulated sediment resulting from poor logging practices conducted prior to the applicant's ownership, and restore unstable hillside and roadway slopes that were left in poor condition by previous owners and which are actively contributing to excess sedimentation and bank instability in the Gerry Branch system. These restoration reaches are located downstream of the proposed impoundment and will benefit water quality in the downstream reaches of Gerry Branch as well as at its mouth. Additionally, the applicant proposes to abandon the historic road use alongside and through the Gerry Branch channel by permanently closing these roads.

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 to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps 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, environmental effects, and other

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public interest factors. Comments are used in the preparation of an Environmental Assessment (EA) 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 activity. An EA will be prepared prior to a final decision concerning issuance or denial of the requested 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.

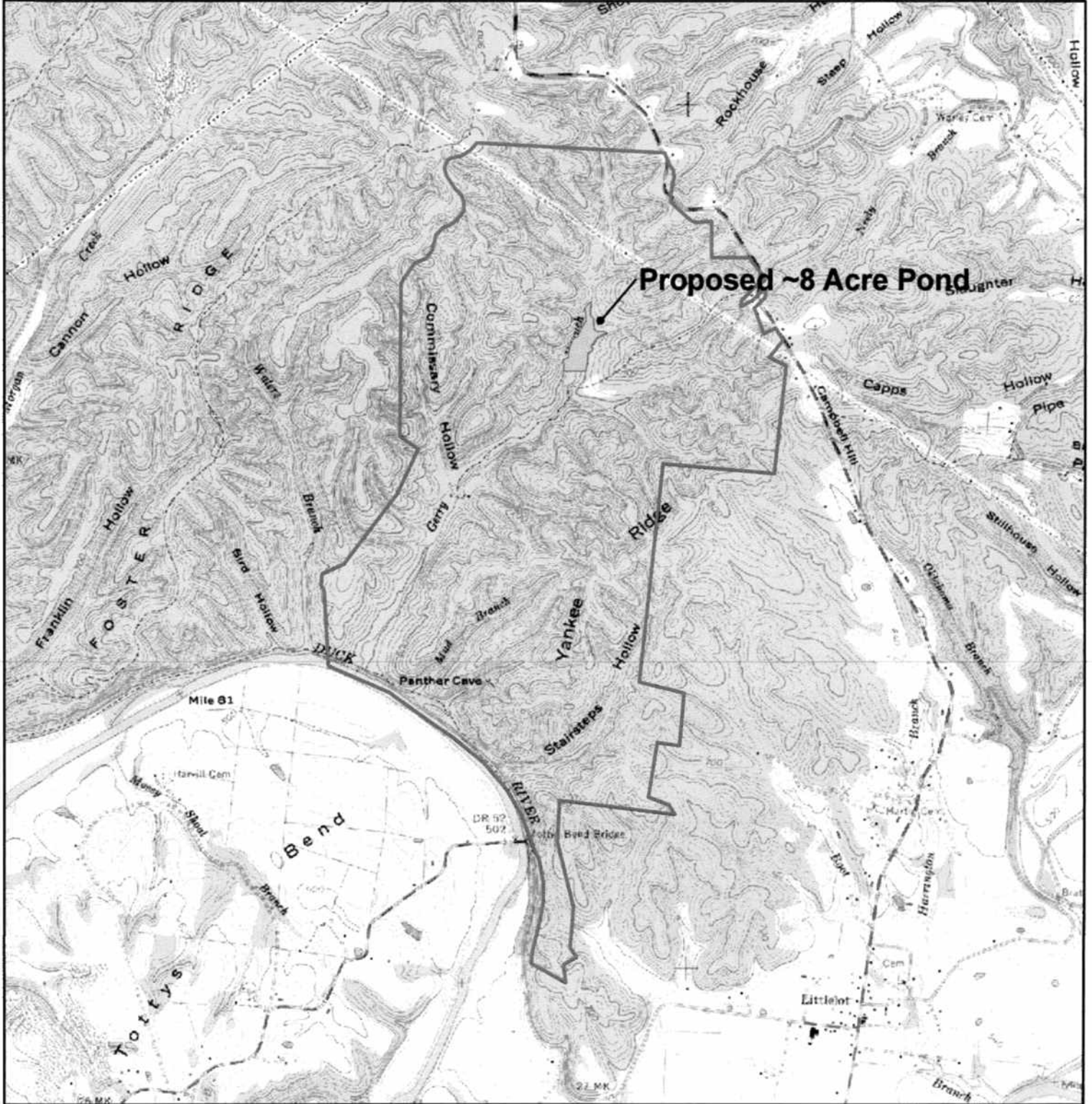
Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the proposed work, specifically; a water quality certification showing that applicable water quality standards would not be violated is required. In addition, TVA requires the employment of best management practices during construction to control erosion and sedimentation to prevent adverse aquatic impacts.

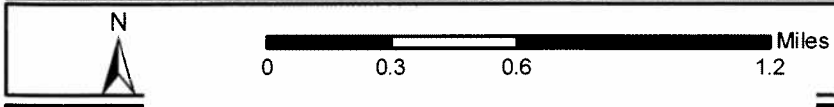
Any person may request in writing within the comment period specified in this notice that a hearing be held to consider this application. Requests shall state with particularity the reasons for holding a hearing. Written statements received in this office on or before December 22, 2008, will become a part of the record and considered in the determination. Responses to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the address above.

If you wish to view more detailed information regarding the supplemental information submitted, please contact Ms. Morris at telephone (615) 369-7504, or at the address above, or by email [lisa.r.morris@usace.army.mil](mailto:lisa.r.morris@usace.army.mil).

**Figure 1: Hunter Property Location, Hickman County, TN**



Source: Littlelot USGS 1:24,000 Orthoquad



Prepared by:

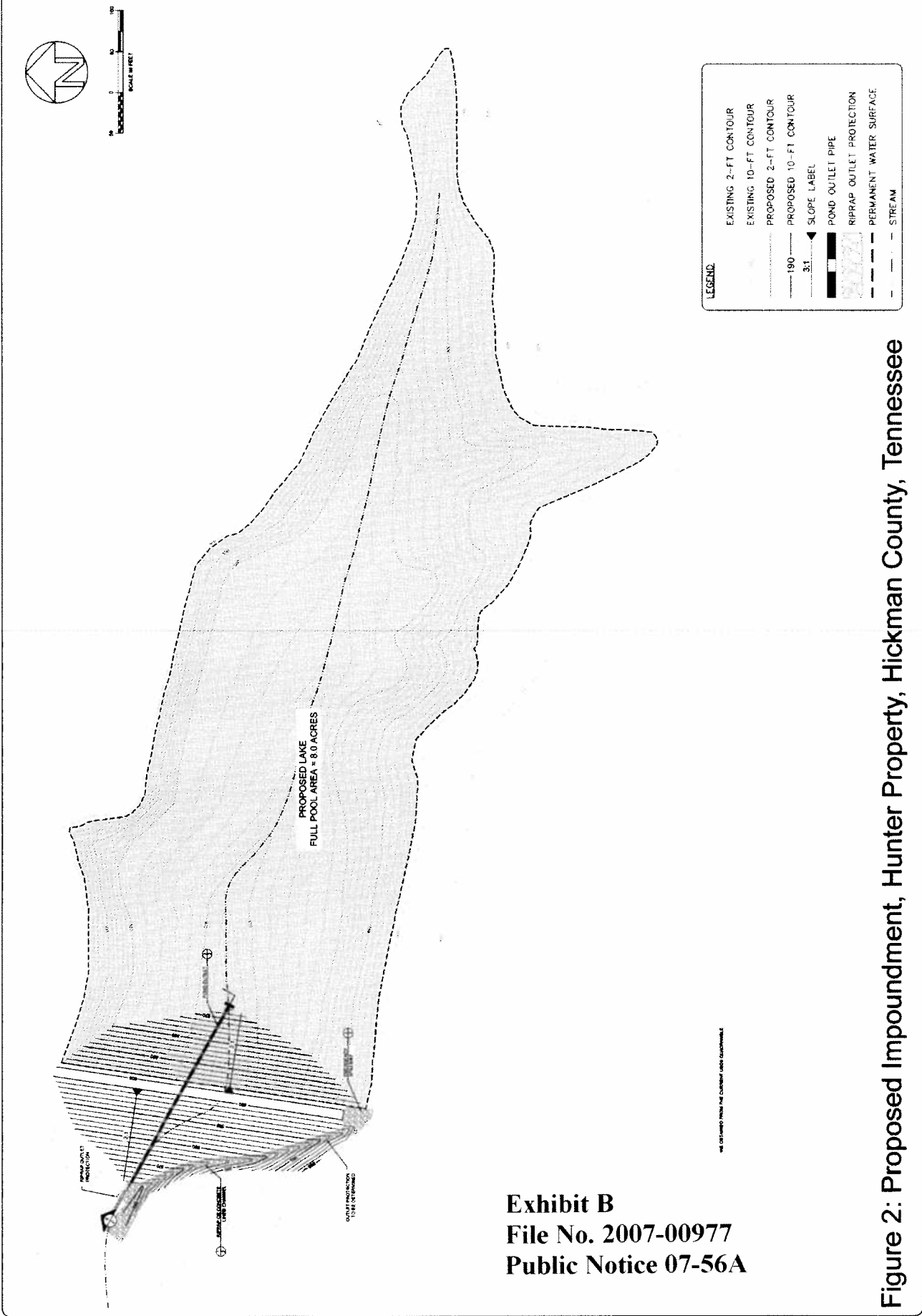
**BDY** NATURAL SCIENCES CONSULTANTS

2004 21st Avenue South, Nashville, Tennessee 37212 P: 615.460.9797 F: 615.460.9796

Prepared for:

Lee Hunter Property  
Highway 230  
Hickman County, Tennessee

**Exhibit A**  
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**Exhibit B**  
**File No. 2007-00977**  
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**Figure 2: Proposed Impoundment, Hunter Property, Hickman County, Tennessee**

1500' ← SS  
800' →

|     |           |                    |
|-----|-----------|--------------------|
| NO. | DATE      | DESCRIPTION        |
| 1   | 12/1/2008 | ISSUED FOR PERMITS |
| 2   | 1/15/2009 | ISSUED FOR PERMITS |
| 3   | 2/10/2009 | ISSUED FOR PERMITS |
| 4   | 3/10/2009 | ISSUED FOR PERMITS |
| 5   | 5/19/2008 | APPROVED BY: CWS   |

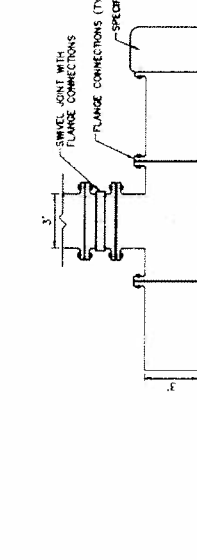
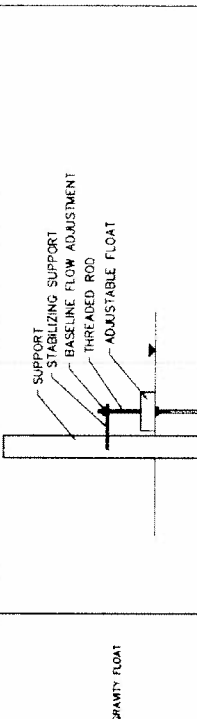
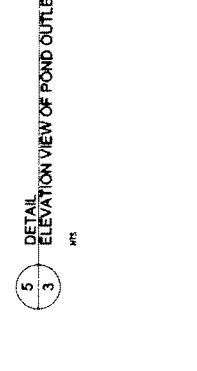
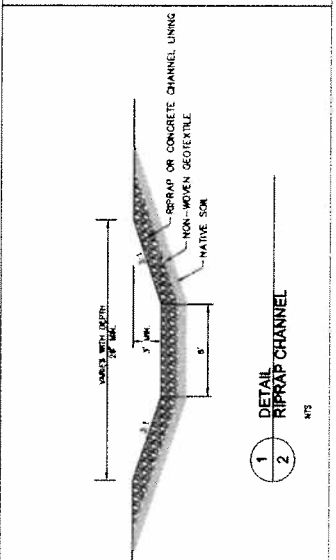
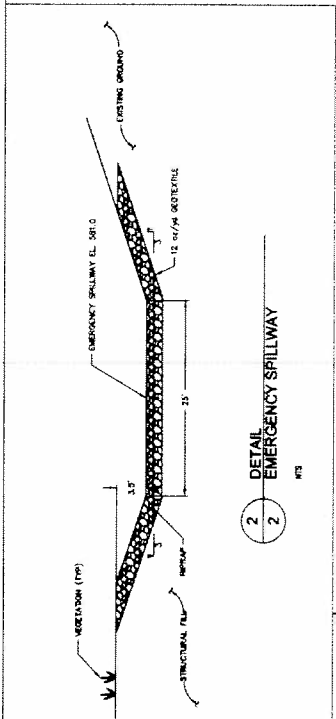
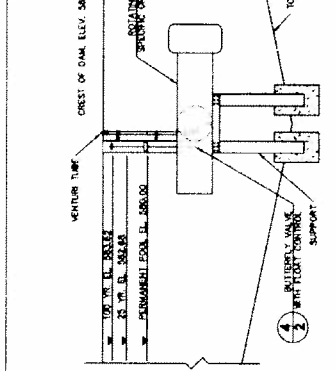
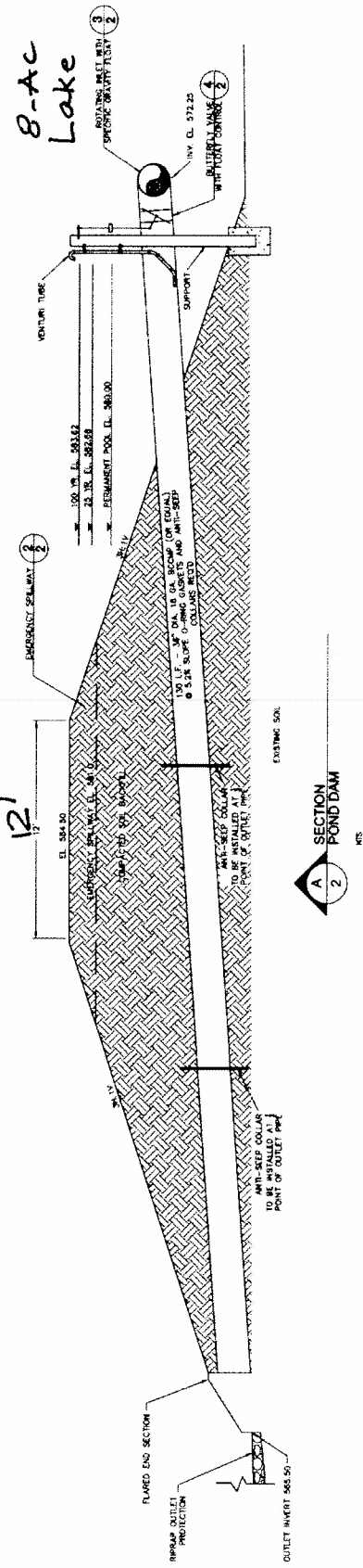
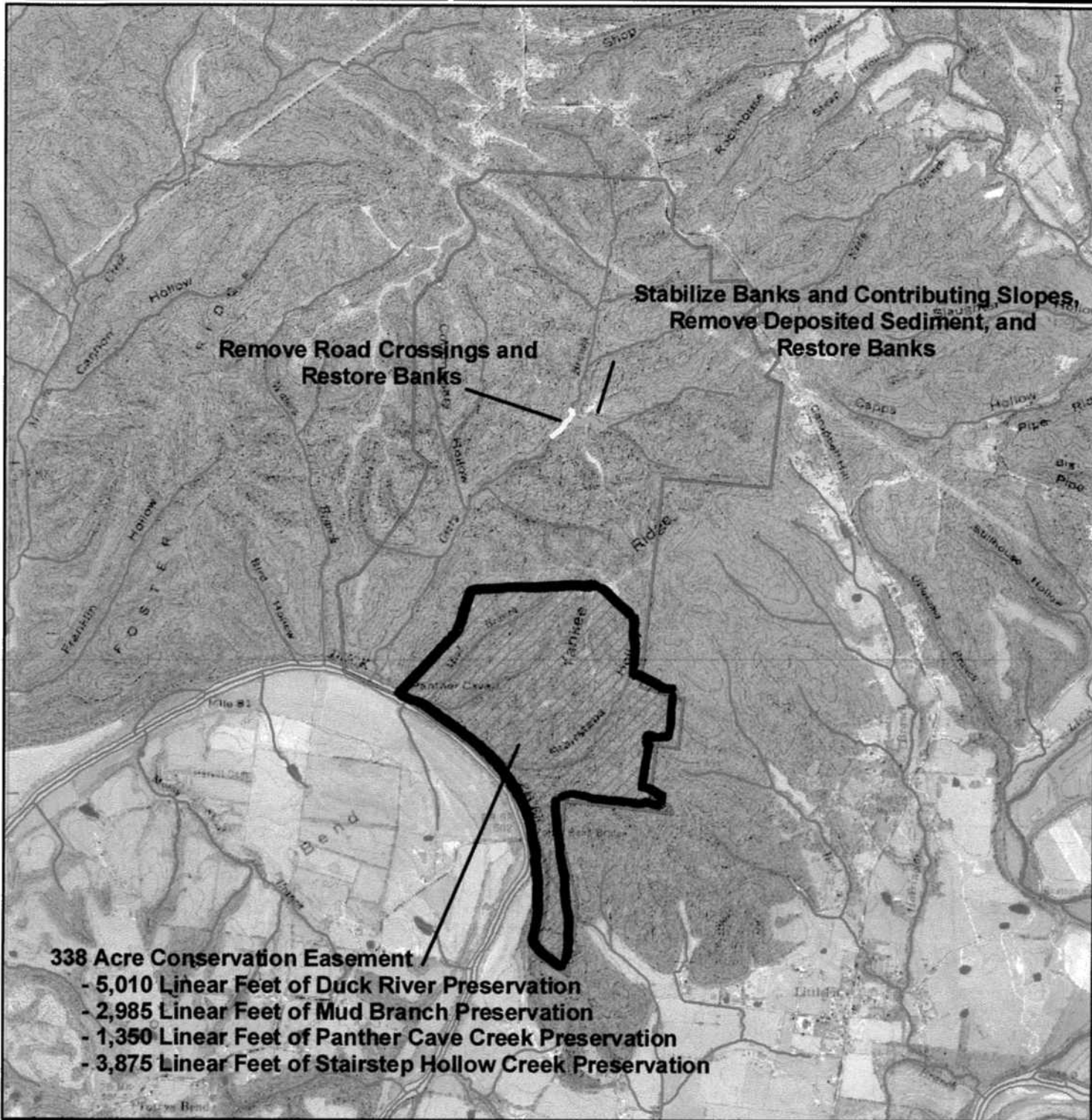


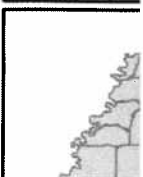
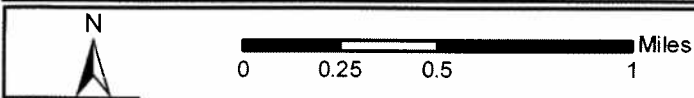
Exhibit C  
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Figure 3: Impoundment Details, Hunter Property, Hickman County, Tennessee

**Figure 4: Proposed Mitigation, Hunter Property, Hickman County, TN**



Source: 2006 DOQQ/ Littlelot USGS Orthoquad



**Exhibit D**  
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