



**US Army Corps
of Engineers**

Nashville District

Public Notice

Public Notice No. ORNOR-F 86-23 Date: May 8, 1986

Application No.

In Reply Refer to:
ORNOR-F, PO Box 1070, Nashville, TN 37202-1070

PUBLIC NOTICE

TO WHOM IT MAY CONCERN:

The Corps of Engineers, under delegated authority from the Secretary of the Army, is responsible for the protection and preservation of all waters of the United States including navigable waters of the United States. The Corps of Engineers issues permits, for activities performed in these waters, when determined that it would not be contrary to the public interest, and conducts inspections to ensure compliance with applicable laws and regulations. The term "navigable waters of the United States" is defined as those waters which are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

The authorities for carrying out these responsibilities are Sections 9 through 20 of the Rivers and Harbors Act approved March 3, 1899, of which Section 10 specifically prohibits the unauthorized obstruction or alteration of any navigable water of the United States, and Section 404 of the Clean Water Act which regulates any discharge of dredged or fill material into all waters of the United States including contiguous and adjacent wetlands. Regulations establishing policies, practices and procedures for administering the Department of the Army Permit Program under the aforementioned Acts were published in the Federal Register July 22, 1982, and amended October 5, 1984.

Types of Work Requiring Permits

All work, other than bridges or causeways which must be approved by the United States Coast Guard, performed on, over, or under the navigable waters of the United States and all dredge and fill activities performed in any waters of the United States must be reviewed and authorized by the Secretary of the Army acting through the Chief of Engineers. Examples of work requiring a Department of the Army Permit include, but are not limited to:

- Mooring cells and cofferdams
- Pile clusters and dolphins
- Recreational boat docks, piers, and wharves (private and commercial, fixed or floating)
- Mooring buoys and aids to navigation
- Commercial loading and unloading barge docks
- Aerial power and cable crossings

- Submarine cable and pipeline crossings
- Channel excavations, modifications or diversions
- Dredging and disposal of dredge material
- Fills including but not limited to rock, stone, sand, gravel, dirt, clay, and concrete
- Dams, dikes, breakwaters, weirs, groins, levees and jetties
- Retaining walls and bulkheads
- Boat ramps and marine railways
- Riprap and other forms of bank protection
- Intakes
- Outfalls

Public Interest Review

All applications for permits are evaluated based on the probable impact of a proposed activity on the public interest. The benefits which reasonably may be expected to accrue from a proposal must be balanced against its reasonably foreseeable detriments. Applications for permits are coordinated with appropriate local, state, and Federal agencies and the general public. The primary method of advising all interested parties of a proposed activity for which a permit is sought and of soliciting comments and information necessary to evaluate the probable impact on the public interest is the issuance of a public notice. In addition, in certain controversial cases, public hearings may be held to further evaluate proposals and obtain necessary information on which to base final permit decisions. In those cases requiring the issuance of a public notice, normally 60 days are required to reach a final decision on the permit request. A considerably longer period of time would be required to process those cases involving public hearings. However, in those cases in which in the opinion of the District Engineer, the proposed work is minor, will not have significant impact on environmental values, and should encounter no opposition, the issuance of a public notice may be omitted and the work authorized by a letter of permission. This abbreviated procedure normally requires 15 days processing time.

In addition, a number of general permits (nationwide and regional permits) have been issued for a category or categories of activities that are substantially similar in nature and cause only minimal individual and cumulative impacts or avoid unnecessary duplication of the regulatory control exercised by another Federal, state, or local agency provided the environmental impacts are individually and cumulatively minimal.

Fees

If proposed work is determined not to be contrary to the public interest, fees are required prior to issuance of a Department of the Army Permit. Purpose of the fee is to cover administrative costs of processing permit applications. A fee of \$100.00 will be charged when the planned or ultimate purpose of the project is commercial or industrial in nature and is in support of operations that charge for the production, distribution, or sale of goods or services. A \$10.00

fee will be charged when the work is non-commercial in nature and provides personal benefits that have no connection with a commercial enterprise. Agencies or instrumentalities of Federal, state, or local governments will not be required to pay any fee in connection with applications for permits. No fees will be charged for general permits or letters of permission.

Unauthorized Work

All work involving the obstruction or alteration of navigable waters of the United States or the discharge of dredged or fill material into any waters without a required Department of the Army Permit will be immediately investigated and appropriate action taken, which may include the institution of a civil and/or criminal proceeding against the violator. In appropriate cases, the removal of structures and the restoration of the stream environment may be recommended.

The Nashville District Corps of Engineers exercises regulatory jurisdiction over the entire Cumberland River and portions of the Tennessee River watershed areas. A complete list of all streams subject to Corps regulatory authority is not available. However, listed below are all navigable waters of the United States over which the Nashville District currently exercises regulatory jurisdiction under authority of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Inquiries concerning Department of the Army Permit requirements on tributary streams not listed below should be submitted on a case-by-case basis to the Regulatory Branch at the address shown on the last page of this notice. Regulatory jurisdiction for the portions of the Tennessee River watershed in Virginia, North Carolina, and Georgia is administered by the Norfolk, Wilmington, and Savannah Corps Districts, respectively.

CUMBERLAND RIVER AND TRIBUTARIES

I. Cumberland River (CR) - Mouth to Mile 694.2 (Head of River, Confluence of Poor Fork and Clover Fork, at Harlan, Kentucky).

A. Little River (CRM 59.0) - Mouth to Mile 60.9 (Confluence of the North and South Forks).

B. Red River (CRM 125.3) - Mouth to Mile 76.5 (Prices Mill Dam).

1. West Fork Red River (Red River Mile 1.2) - Mouth to Mile 7.4 (Head of Slackwaters of Barkley Lake).

2. Sulphur Fork Red River (Red River Mile 25.5) - Mouth to Mile 26.6 (Road Bridge 1.5 Miles Northeast of Springfield, Tennessee).

3. Elk Fork Red River (Red River Mile 33.8) - Mouth to Mile 8.7 (Road Bridge Near Darnell, Kentucky).

4. Whippoorwill Creek (Red River Mile 54.9)- Mouth to Mile 11 (Head of Slackwaters of Lickskillet Mill Dam).

5. South Fork Red River (Red River Mile 56.9) - Mouth to Mile 7.9 (Tennessee-Kentucky State Line).

C. Harpeth River (CRM 152.9) - Mouth to Mile 114.5 (US Highway 41A Bridge).

1. Jones Creek (Harpeth River Mile 10.6) Mouth to Mile 14.4, (Tennessee Highway 47 Bridge).

2. Turnbull Creek (Harpeth River Mile 35.1) Mouth to Mile 13.1, (Tennessee Highway 96 Bridge).

3. South Harpeth River (Harpeth River Mile 43.4) Mouth to Mile 8.4, (Old Harding Pike Bridge).

4. West Harpeth River (Harpeth River Mile 78.7) Mouth to Mile 8.6 (Confluence with Leipers Fork).

D. Stones River (CRM 205.6) - Mouth to Mile 38.6 (Confluence of East and West Forks, Stones River).

1. East Fork, Stones River - Mouth to Mile 38.2 (Confluence of Carson Fork).

2. West Fork, Stones River - Mouth to Mile 21.8 (Confluence of Middle Fork Stones River).

E. Caney Fork River (CRM 309.2) - Mouth to Mile 134.2 (Cumberland County Highway Bridge).

1. Smith Fork Creek (Caney Fork Mile 15.9) Mouth to Mile 30.5 (DeKalb County Highway Bride near Cottage Home, Tennessee).

2. Falling Water River (Caney Fork Mile 53.4) Mouth to Mile 10.2 (Head of Slackwaters of Center Hill Lake).

3. Collins River (Caney Fork Mile 91.2) Mouth to Mile 55.2 (Confluence with Big Creek).

a. Barren Fork (Collins River Mile 21.5) Mouth to Mile 23.1 (Warren County Highway Bridge near Trousdale, Tennessee).

(1) Hickory Creek (Barren Fork Mile 10.5) Mouth to Mile 12.6, (Confluence with West Fork).

4. Rocky River (Caney Fork Mile 92.6) Mouth to Mile 9.6, (Head of Slackwaters of Great Falls Lake).

5. Calfkiller River (Caney Fork Mile 104.6) Mouth to Mile 23.3, (Confluence with Cherry Creek).

6. Cane Creek (Caney Fork Mile 108.8) Mouth to Mile 10.8, (Confluence with Indian Camp Branch).

F. Roaring River (CRM 357.8) Mouth to Mile 22.3 (Site of Johnson Falls).

1. Spring Creek (Roaring River Mile 12.0) Mouth to Mile 8.6, (Site of Waterloo Falls).

2. Blackburn Fork (Roaring River Mile 8.0) Mouth to Mile 14.3, (Site of Cummins Falls).

G. Obey River (CRM 380.9) - Mouth to Mile 58.2 (Confluence of East Fork and West Fork Obey River).

1. East Fork Obey River - Mouth to Mile 29.6 (Confluence with Hurricane Creek).

2. West Fork Obey River - Mouth to Mile 20.0 (Confluence with Dry Hollow Branch).

3. Wolf River (Obey River Mile 31.1) - Mouth to Mile 35.6 (Confluence with Rotten Fork).

H. Big South Fork Cumberland River (CRM 516.0) - Mouth to Mile 77.0 (Confluence of Clear Fork River and New River).

1. Little South Fork (BSF River Mile 26.1) - Mouth to Mile 31.5 (at Parmleysville, Kentucky).

2. Rock Creek (BSF River Mile 40.9) - Mouth to Mile 3.6 (at White Oak Junction, Kentucky).

3. North Whiteoak Creek (BSF River Mile 71.5) - Mouth to Mile 6.5 (at Zenith, Tennessee).

4. New River - Mouth to Mile 36.0 (Confluence with Smoky Creek).

5. Clear Fork River - Mouth to Mile 25.8 (at Gatewood's Bridge).

a. Whiteoak Creek (Clear Fork River Mile 9.4) - Mouth to Mile 5.6 (Tennessee Highway 52 Bridge).

- I. Buck Creek (CRM 533.8) - Mouth to Mile 45.0 (Kentucky Highway 70 Bridge).
- J. Rockcastle River (CRM 546.4) - Mouth to Mile 53.2 (Confluence of Middle and South Forks).
 - 1. South Fork Rockcastle River - Mouth to Mile 8.5, (Confluence with Pond Creek).
 - 2. Middle Fork Rockcastle River - Mouth to Mile 7.8, (Confluence of Indian Creek and Laurel Fork).
 - 3. Roundstone Creek (Rockcastle River Mile 43.1) - Mouth to Mile 13.4, (Confluence with Renfro Creek).
- K. Laurel River (CRM 552.1) - Mouth to Mile 30.5 (Head of Slackwaters of Dorethea Lake).
- L. Clear Fork of Cumberland River (CRM 592.3) - Mouth to Mile 33.0 (Confluence with Tackett Creek).
 - 1. Hickory Creek (Clear Fork of Cumberland River Mile 28.2) - Mouth to Mile 9.8 (Confluence with Stinking Creek).
- M. Poor Fork of Cumberland River (CRM 694.2) - Mouth to Mile 39.9 (Confluence with Franks Creek).
- N. Clover Fork of Cumberland River (CRM 694.2) - Mouth to Mile 11.0 (Mouth of Bailey Creek).
 - 1. Martins Fork of Cumberland River (Clover Fork of Cumberland River Mile 1.6) - Mouth to Mile 19.5. (Head of Slackwaters of Martins Fork Lake).

TENNESSEE RIVER AND TRIBUTARIES

- II. Tennessee River (TR) - Mouth to Mile 652.1 (Head, Confluence of French Broad and Holston Rivers).
 - A. Clarks River (TRM 4.3) - Mouth to Mile 20.2 (ELVA Bridge).
 - 1. West Fork Clarks River (Clarks River Mile 12.7) - Mouth to Mile 11.9 (Kahler Bridge).
 - B. Blood River (TRM 50.7) - Mouth to Mile 9.7 (Kentucky Highway 121 Bridge).

C. Big Sandy River (TRM 67.0) - Mouth to Mile 52.6 (Carroll County Highway Bridge near Wildersville, Tennessee).

1. West Fork Big Sandy River (Big Sandy River Mile 8.8) - Mouth to Mile 8.2 (Tennessee Highway 69 Bridge).

D. Duck River (TRM 110.8) - Mouth to Mile 262.8 (Head of Slackwaters of Normandy Lake).

1. Buffalo River (Duck River Mile 15.4) - Mouth to Mile 116.7 (Lawrence County Highway Bridge at Henryville, Tennessee).

E. Beech River (TRM 135.7) - Mouth to Mile 21.6 (Henderson County, Highway Bridge near Chesterfield, Tennessee).

F. Yellow Creek (TRM 215.1) - Mouth to Mile 32.1 (Head, Tennessee Valley Divide).

G. Bear Creek (TRM 224.7) - Mouth to Mile 130.0 (Head of Slackwaters of Upper Bear Creek Lake).

1. Cedar Creek (Bear Creek Mile 27.7) - Mouth to Mile 38.3 (Head of Slackwaters of Cedar Creek Lake).

a. Little Bear Creek (Cedar Creek Mile 14.9) - Mouth to Mile 23.1 (Head of Slackwaters of Little Bear Creek Lake).

H. Cypress Creek (TRM 255.0) - Mouth to Mile 17.6 (Lauderdale County Highway Bridge).

1. Little Cypress Creek (Cypress Creek Mile 10.2) - Mouth to Mile 8.0 (Head of Slackwaters of Sharps Mill Lake).

I. Shoal Creek (TRM 264.3) - Mouth to Mile 56.0 (Confluence with Little Shoal Creek).

1. Factory Creek (Shoal Creek Mile 28.6) - Mouth to Mile 9.7 (Wayne County Highway Bridge 0.1 Mile Upstream of Couch Branch).

J. Elk River (TRM 284.3) - Mouth to Mile 194.1 (US Highway 41 Bridge).

1. Richland Creek (Elk River Mile 42.6) - Mouth to Mile 48.6 (Confluence with Clear Creek).

K. Flint Creek (TRM 308.4) - Mouth to Mile 28.2 (Huckaba Bridge).

L. Limestone Creek (TRM 310.7) - Mouth to Mile 32.0 (Confluence with Little Limestone Creek).

M. Flint River (TRM 339.1) - Mouth to Mile 51.2 (Madison County Highway Bridge Due East of Fisk, Alabama).

N. Paint Rock River (TRM 343.2) - Mouth to Mile 60.0 (Confluence of Estill Fork and Hurricane Creek).

1. Estill Fork (Paint Rock River Mile 60.0) - Mouth to Mile 10.0 (Confluence of Keller and Dry Creeks).

2. Hurricane Creek (Paint Rock River Mile 60.0) - Mouth to Mile 7.4 (John Gifford Hollow).

O. Town Creek (TRM 360.8) - Mouth to Mile 14.0 (High Falls).

P. Short Creek (TRM 360.8) - Mouth to Mile 6.5 (Short Creek Falls).

Q. Crow Creek (TRM 401.1) - Mouth to Mile 33.7 (Confluence with Dry Creek).

R. Sequatchie River (TRM 422.7) - Mouth to Mile 86.3 (Site of Cooper Mill Dam).

1. Little Sequatchie River (Sequatchie River Mile 8.0) Mouth to Mile 8.0 (One Mile North of Coppinger Chapel).

S. South Chickamauga Creek (TRM 468.2) - Mouth to Mile 17.3 (Tennessee-Georgia State Line).

1. West Chickamauga Creek (South Chickamauga Creek Mile 13.2) Mouth to Mile 3.2 (Tennessee-Georgia State Line).

T. North Chickamauga Creek (TRM 470.9) - Mouth to Mile 17.4 (U.S. Highway 27 Bridge).

U. Hiwassee River (TRM 500.3) - Mouth to Mile 65.8 (Tennessee-North Carolina State Line).

1. Ocoee River (Hiwassee River Mile 34.4) - Mouth to Mile 38.8 (Tennessee-Georgia State Line).

V. Piney River (TRM 532.5) - Mouth to Mile 8.9 (Confluence with Soak Creek).

W. Clinch River (TRM 567.7) - Mouth to Mile 202.1 (Tennessee-Virginia State Line).

1. Emory River (Clinch River Mile 4.4) - Mouth to Mile 45.3 (Site of Macedonia Church).

a. Obed River (Emory River Mile 28.4) - Mouth to Mile 34.5 (U.S. Highway 127 Bridge).

(1) Clear Creek (Obed River Mile 4.4) - Mouth to Mile 29 (U.S. Highway 127 Bridge).

(a) White Creek (Clear Creek Mile 8.8) - Mouth to Mile 6.9 (Twin Bridges).

(2) Daddys Creek (Obed River Mile 9.1) - Mouth to Mile 33.9 (Tennessee Highway 28 Bridge).

2. Poplar Creek (Clinch River Mile 12.0) - Mouth to Mile 18.3 (Tennessee Highway 61 Bridge).

3. Powell River (Clinch River Mile 88.8) - Mouth to Mile 115.7 (Tennessee-Virginia State Line).

X. Little Tennessee River (TRM 601.3) - Mouth to Mile 49.4 (Tennessee-North Carolina State Line).

1. Tellico River (Little Tennessee River Mile 19.2) - Mouth to Mile 37.0 (One mile downstream of Bald River Falls).

Y. Little River (TRM 635.6) - Mouth to Mile 50.5 (At Elkmont, Tennessee).

Z. Holston River (TRM 652.1) - Mouth to Mile 142.2 (Head, Confluence of North and South Fork Holston River).

1. North Fork Holston River (Holston River Mile 142.2) - Mouth to Mile 5.0 (Tennessee-Virginia State Line).

2. South Fork Holston River (Holston River Mile 142.2) - Mouth to Mile 73.7 (Head of Slackwaters of South Holston Lake).

a. Watauga River (South Fork Holston River Mile 19.9) - Mouth to Mile 55.1 (Tennessee-North Carolina State Line).

(1) Doe River (Watauga River Mile 26.4) Mouth to Mile 22.7, (1.4 miles SSW of Roan Mountain).

(2) Elk River (Watauga River Mile 46.8) Mouth to Mile 14.5 (Tennessee-North Carolina State Line).

b. Middle Fork Holston River (South Fork Holston River Mile 72.3) - Mouth to Mile 1.3 (Head of Slackwaters of South Holston Lake).

AA. French Broad River (TRM 652.1) - Mouth to Mile 102.6 (Tennessee-North Carolina State Line).

1. Little Pigeon River (French Broad River Mile 27.4) - Mouth to Mile 25.5 (Highway 73 Bridge).

a. West Prong, Little Pigeon River (Little Pigeon River Mile 4.7) Mouth to Mile 12.3, (Champmans Highway Bridge).

b. East Fork Little Pigeon River (Little Pigeon River Mile 9.6) Mouth to Mile 11.0 (Confluence of Long Branch and Dunn Creek).

2. Nolichucky River (French Broad River Mile 69.1) - Mouth to Mile 100.8 (Tennessee-North Carolina State Line).

a. Lick Creek (Nolichucky River Mile 16.0) - Mouth to Mile 49.8 (Lick Creek Mill).

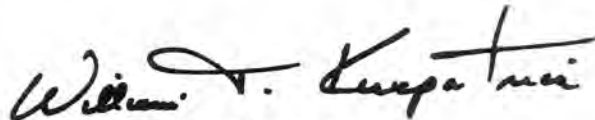
3. Pigeon River (French Broad River Mile 73.8) - Mouth to Mile 25.9 (Tennessee-North Carolina State Line).

In addition, embayments and tributary streams of all impounded reservoirs of navigable waters of the United States are also considered navigable waters of the United States to the extent of slackwaters, and jurisdiction will be exercised accordingly.

Other Federal and/or state approvals including approval by the Tennessee Valley Authority under Section 26(a) of the TVA Act of 1933, do not preclude the necessity for obtaining Department of the Army authorizations for work in the waters of the United States.

Questions pertaining to any of the above matters may be directed to the Nashville District Office, (615) 736-5181, or by writing:

U.S. Army Engineer District, Nashville
ATTN: ORNOR-F
P.O. Box 1070
Nashville, Tennessee 37202-1070



William T. Kirkpatrick
Colonel, Corps of Engineers
District Engineer

(This Public Notice supersedes Public Notice ORNOP-F 81-152, dated July 22, 1981)