



**US Army Corps  
of Engineers®**

Nashville District

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# Public Notice

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Public Notice No. 03-97

Date: December 9, 2003

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Application No. 2003-00660

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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  
TENNESSEE VALLEY AUTHORITY  
AND  
STATE OF TENNESSEE

**SUBJECT:** Proposed Channel Relocation and Culvert at Unnamed Tributaries to Flint Creek, Opposite Tennessee River Mile 647.8R, Knox 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 (33 U.S.C. 1344)**. Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, 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:** Midpark Development Inc.,  
Mr. Walter Wise  
1709 Midpark Drive  
Knoxville, Tennessee 37921

**LOCATION:** Unnamed Tributary to Flint Creek, Opposite Tennessee River Mile 647.8R, Knox County, Tennessee. Latitude: 36° 1' 21.7" Longitude: 83° 55' 40.3" USGS Topographic Map Fountain City, TN

**DESCRIPTION:** The proposed work consists of the culverting of 330 linear feet and fill of approximately 542 linear feet of perennial streams, (labeled Stream A, B, and C on attachment) in conjunction with the construction of three retail facilities, associated parking lots, driveways and detention pond on the subject property. The streams would be impacted for the placement of a building pad and parking lot. Additionally, approximately 0.01 acres of wetland adjacent to the headwaters of Stream B (see attachment) would be filled as well. Stream A, Stream B, and Stream C would be drained from their respective headwaters under the proposed parking area to the flood plain using a constructed gravel/geofabric French drain system. The flow from these streams would be routed into the new channel. This new channel would consist of 337 linear feet of an existing, old streambed and the construction of 537 linear feet of new stream channel.

The banks of the old channel are currently vegetated and stabilized with trees, which would provide the relocated stream with suitable canopy. Debris and logjams would be removed from this channel. The constructed channel would have a riffle/pool system similar in substrate to the existing streams, and the stream would meander to provide bends and straight sections for a natural appearance. Two rows of tree seedlings would be planted on each side of the constructed stream banks using a spacing of 30-feet on-center for a total of 68 trees per 500 feet of stream length. Shrub seedlings would be interspersed at the same planting density. Wetlands would be created within the meanders by extending the bankfull benches. All work would be performed in the dry season and the banks would be stabilized with a 2H:1V ratio slope. Banks would be seeded or sodded promptly for additional stabilization. Erosion control measures would be used throughout the project.

A monitoring program for the proposed stream and wetland mitigation areas would be established and implemented for a period of five years. A qualified environmental professional would provide oversight for the mitigation activities and would monitor the mitigation areas. A 75 percent survival rate on the planted trees and shrubs would be used as one of the indicator criteria for success. The monitoring data would be used to prepare annual reports and would include photographic documentation.

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:

a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

b. Water quality certification from the State of Tennessee, 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 January 8, 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: Maryellen Farmer, at the above address, telephone (615) 736-5181. 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. Jack Miller, Little Tennessee Watershed Team, 804 Highway 321, North; Lenoir City, Tennessee 37771-6440.



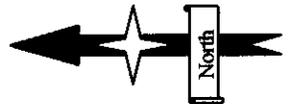
USGS 7.5 Minute Series Topographic Map – Fountain City, Tennessee Quadrangle

Scale: 1" = 1000'  
 Checked By: EMS  
 Drawn By: MKP  
 Date: 4-17-03



SITE VICINITY MAP  
 Wise Tract/Old Broadway Development  
 Knoxville, TN  
 Project No: 1434-03-041

Figure  
**1**



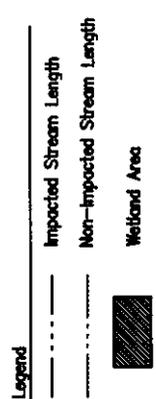
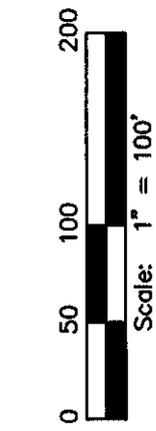
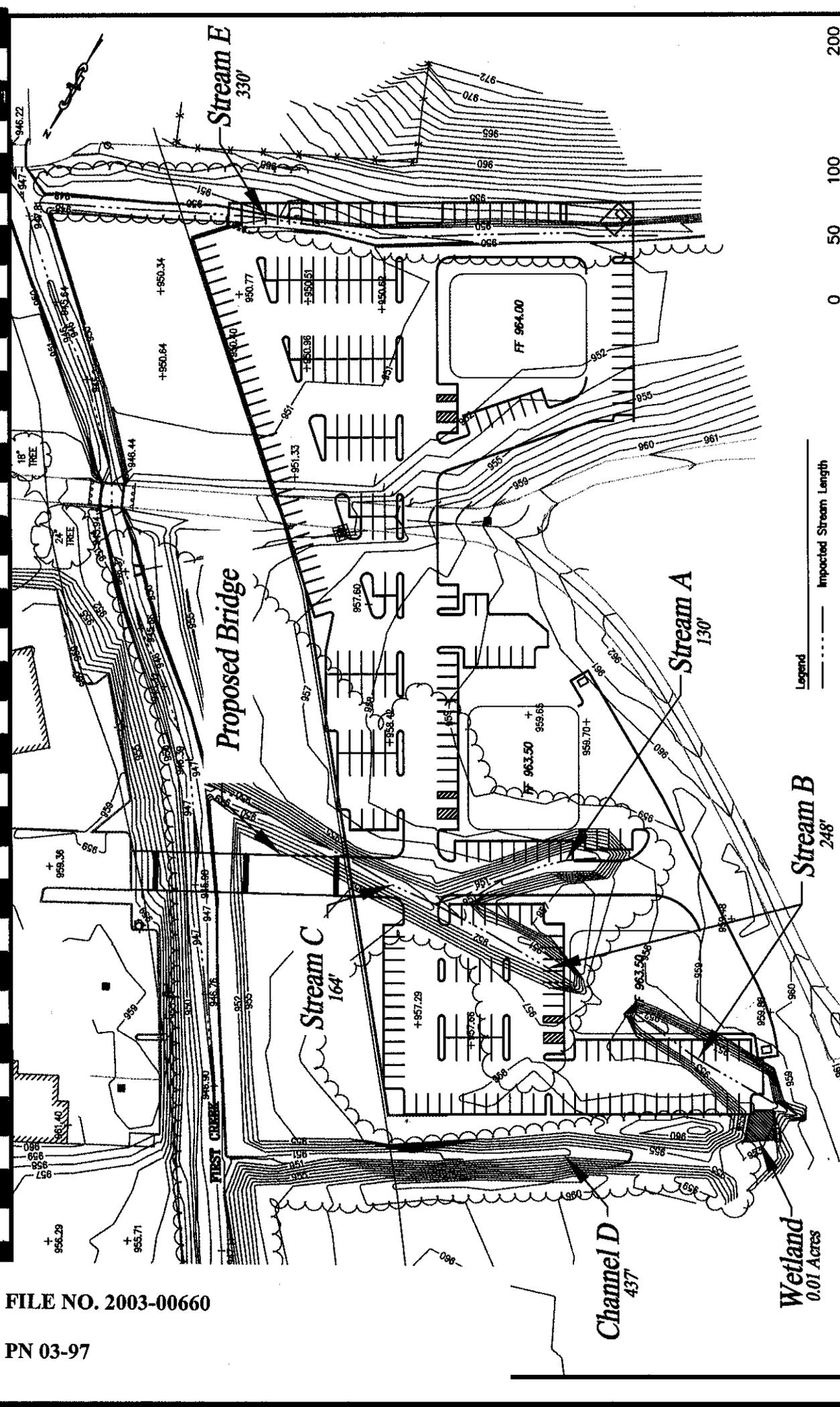


FIGURE NO: **2**

Site Plan  
 Wise Tract/Old Broadway  
 Development  
 Knoxville, Tennessee

JOB NO: 1434-03-041



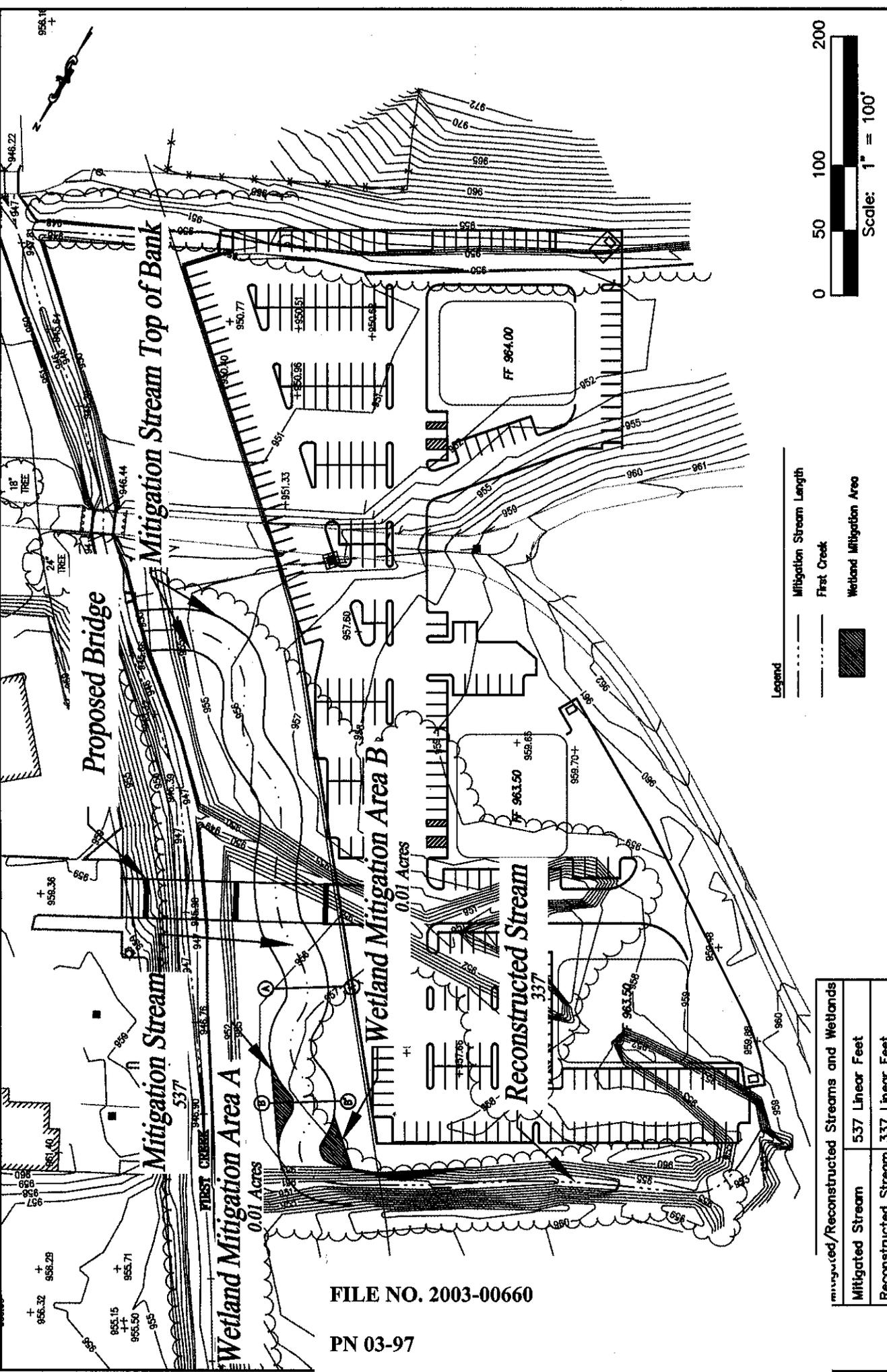
SCALE: 1" = 100'

CHECKED BY: EMP

DRAWN BY: BCW

DATE: 10-01-03

Impacted Streams and Wetlands	
Stream A	130 Linear Feet
Stream B	248 Linear Feet
Stream C	164 Linear Feet
Stream E	330 Linear Feet
TOTAL STREAM LENGTH = 872 Linear Feet	
Wetland	0.01 Acres



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Mitigated/Reconstructed Streams and Wetlands	
Mitigated Stream	537 Linear Feet
Reconstructed Stream	337 Linear Feet
Total Stream Length	874 Linear Feet
Wetland A	0.01 Acres
Wetland B	0.01 Acres
Total Wetland Area	0.02 Acres

SCALE: 1" = 100'

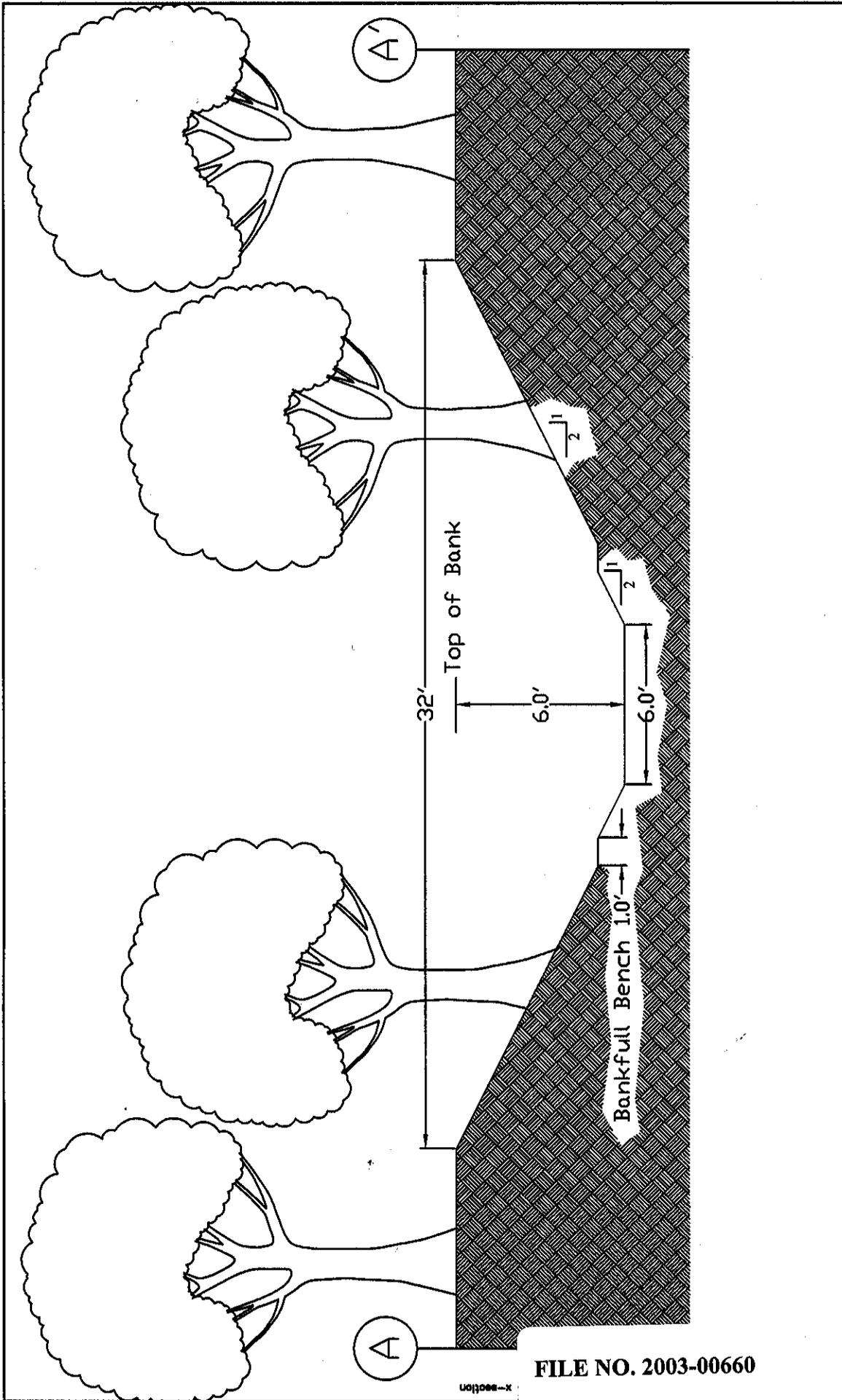
CHECKED BY: EMP  
 DRAWN BY: BCW  
 DATE: 10-01-03

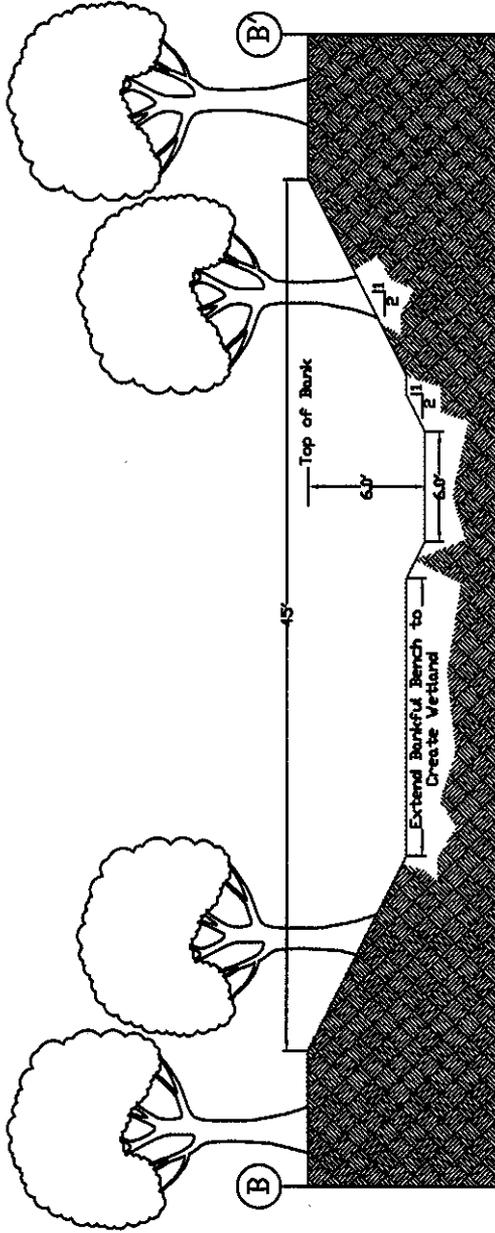
**S&ME**  
 ENGINEERING · TESTING  
 ENVIRONMENTAL SERVICES

Mitigation Plan  
 Wise Tract/Old Broadway  
 Development  
 Knoxville, Tennessee

JOB NO: 1434-03-041

FIGURE NO: 3





x-section

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FIGURE NO:

5

B-B' Stream Cross Section  
 WISE TRACT/ FIRST CREEK  
 Knoxville, Tennessee

JOB NO: 1434-03-041



SCALE:	1" = 10'
CHECKED BY:	EMP
DRAWN BY:	BCW
DATE:	09-27-03