



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 04-68

Date: September 17, 2004

Application No. 2004-00567

Expiration: October 18, 2004

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
THE STATE OF TENNESSEE

SUBJECT: Proposed Stream Relocations and Wetland Fills Associated With a Proposed Retail Building Expansion

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)**. 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: Wal-Mart Stores East, L.P.
Attn: Mr. Gary Davis
2001 S.E. 10th Street
Bentonville, Arkansas 72716

LOCATION: Love Creek Mile 3.2 – 3.4, a Tributary to Holston River Mile 5.0, Right Bank, and an Unnamed Tributary to Love Creek Mile 3.3, Left Bank, Knox County, Tennessee; lat 36°1'53.72", lon 83°52' 1.06", John Sevier, Tennessee Quadrangle

DESCRIPTION: The applicant proposes to expand the existing Wal-Mart facility into a Wal-mart Supercenter. In order to accomplish this, the applicant proposes to relocate 1,096 linear feet (lf) of Love Creek and 264 lf of an unnamed tributary approximately 150 feet north. The applicant proposes to mitigate for the stream loss by creating 1,275 lf of Love Creek and 223 lf of the unnamed tributary. The proposal would also involve 0.37 acres of wetland fill at three locations along these streams. Approximately 1.11 acres of wetland would be created within the floodplain along the new stream channel yielding a 3:1 mitigation ratio. The channel relocation would require a lower elevation in some portions to increase the wetland area. Portions of the existing larger wetland (0.30 ac.) would also be lowered to facilitate this increase. In order to sustain wetland hydrology, bank cuts would be made strategically along the stream channel to allow overflow during high-flow periods, resulting in approximately six inches of water within

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the wetland areas. Mitigation would also include planting vegetative buffers consisting of native trees and shrubs with no more than 25% of any individual species. Along 750 feet of the stream on the western portion of the site, two rows of tree seedlings and two rows of shrubs would be planted on both sides of the relocated streams. Approximately 150 trees and 150 shrubs would be planted on 20-foot centers. 300 trees and 200 shrubs (bare-root, cuttings and container-grown 18"-24" in height) per acre would be planted within the wetland (during the dormant season November-March) and along the streams on 20-foot centers and in clusters throughout the mitigation area. Temporary soil stabilization would also consist of planting various native grasses.

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 may be used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments may also be 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. An archaeological survey was completed June 21, 2004, but the results are unknown at this time.

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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.

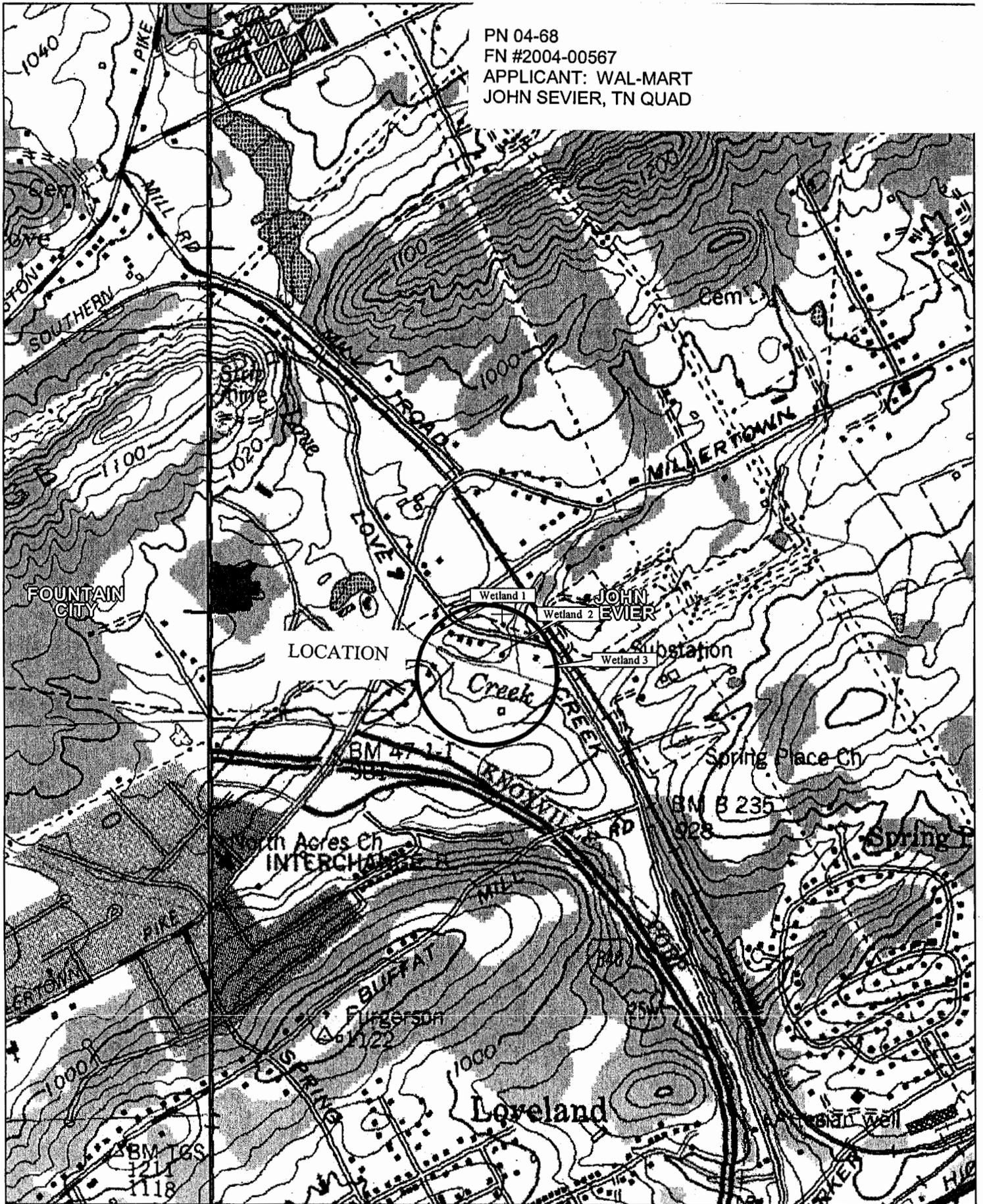
Other federal, state, and/or local approvals required for the proposed work are as follows:

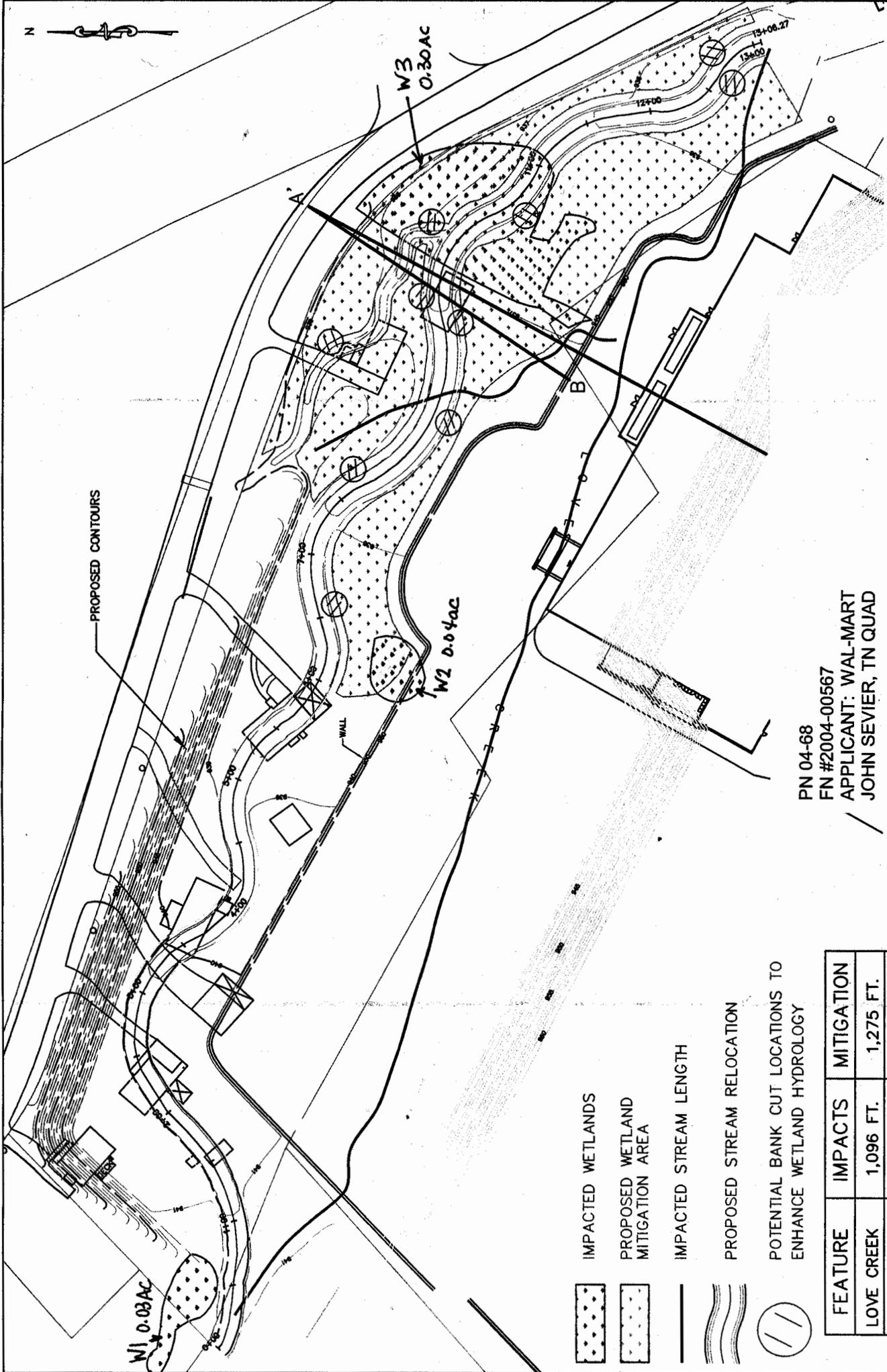
- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. Water quality certification from the State of Tennessee is required 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 **October 18, 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: Ms. Deborah T. Tuck, at the above address, telephone (615) 369-7518. 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 their records. However, the TVA point of contact is the Holston-Cherokee-Douglas Watershed Team, 2611 West Andrew Johnson Highway (WPB 1A-MOT), Morristown, Tennessee 37814-3295. Please direct any questions relative to the §401 Water Quality Certification to Mr. Dan Eagar, Tennessee Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street Nashville, Tennessee 37243-1534, telephone (615) 532-0625.

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JOHN SEVIER, TN QUAD





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SCALE:	1" = 100'
CHECKED BY:	WKB
DRAWN BY:	BCW
DATE:	09-01-04

- IMPACTED WETLANDS
- PROPOSED WETLAND MITIGATION AREA
- IMPACTED STREAM LENGTH
- PROPOSED STREAM RELOCATION
- POTENTIAL BANK CUT LOCATIONS TO ENHANCE WETLAND HYDROLOGY

FEATURE	IMPACTS	MITIGATION
LOVE CREEK	1,096 FT.	1,275 FT.
TRIBUTARY	264 FT.	223 FT.
TOTAL LENGTH	1,360 FT.	1,498 FT.
WETLAND AREA	0.37 ACRES	1.11 ACRES

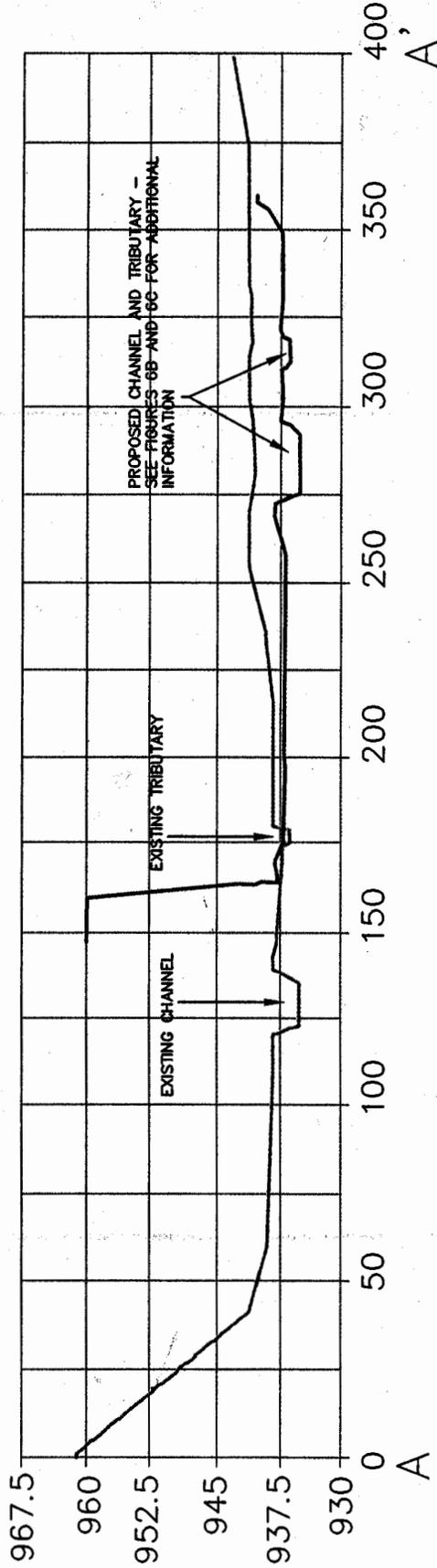


PROPOSED SITE PLAN (REVISED)
 LOVE CREEK RELOCATION
 KNOXVILLE, TENNESSEE

FIGURE NO:
3R

JOB NO: 1434-01-031W

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CROSS SECTION A-A'
CUT ACROSS SITE--EXISTING AND PROPOSED

— EXISTING GRADE
 - - - PROPOSED GRADE

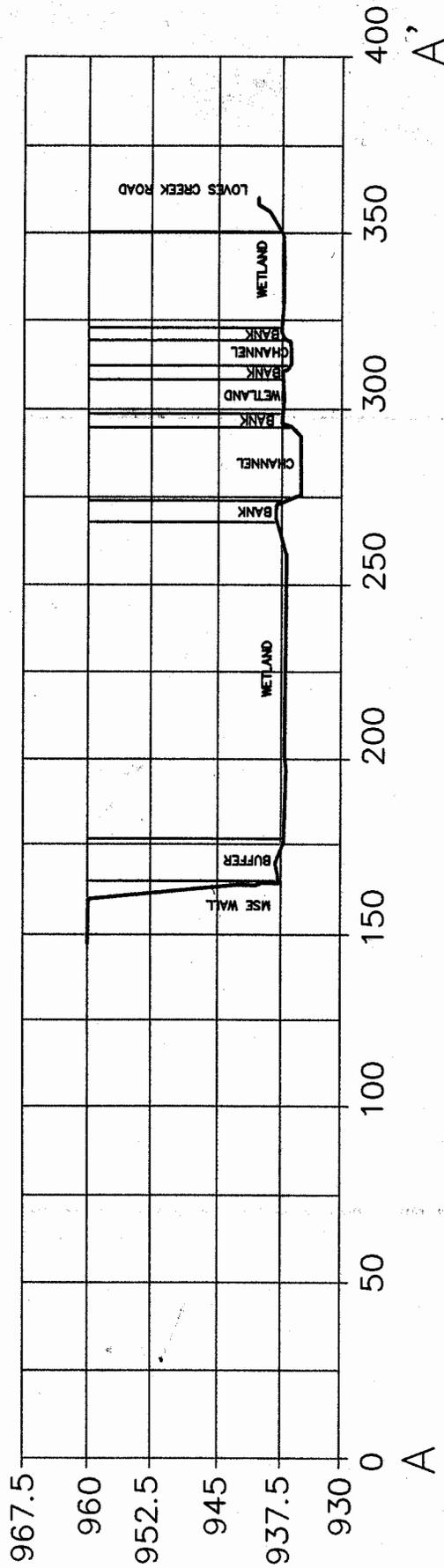
SCALE:	NTS
CHECKED BY:	EMP
DRAWN BY:	BD
DATE:	08-31-04



SITE CROSS SECTION
 (PROPOSED AND EXISTING)
 EAST TOWN WAL-MART EXPANSION
 LOVES CREEK ROAD
 KNOXVILLE, TENNESSEE
 JOB NO: 1434-01-031W

FIGURE NO:

6A



CROSS SECTION A-A'
POST DEVELOPMENT TYPICAL CROSS SECTION

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— PROPOSED GRADE

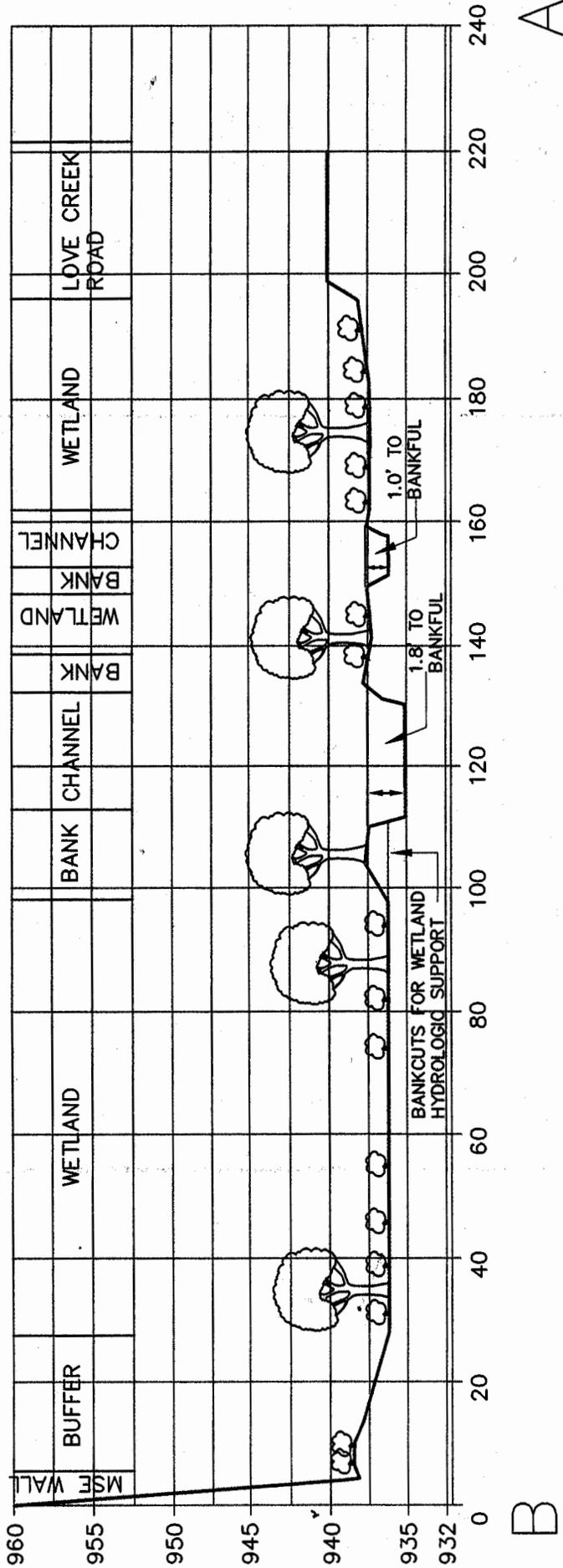
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DRAWN BY:	BD
DATE:	08-31-04



POST DEVELOPMENT CROSS SECTION
 EAST TOWN WAL-MART EXPANSION
 LOVES CREEK ROAD
 KNOXVILLE, TENNESSEE
 JOB NO: 1434-01-031W

FIGURE NO:

6B



SCHEMATIC CROSS SECTION OF PROPOSED WETLAND/STREAM
CONSTRUCTION (B-A')

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— PROPOSED GRADE

SCALE:	NTS
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DATE:	08-31-04



SCHEMATIC CROSS SECTION
 EAST TOWN WAL-MART EXPANSION
 LOVES CREEK ROAD
 KNOXVILLE, TENNESSEE
 JOB NO: 1434-01-031W

FIGURE NO:
6C