



**US Army Corps  
of Engineers**

Nashville District

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# Public Notice

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Public Notice No. 08-53

Date: October 10, 2008

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Application No. 2008-01241

Expires: November 10, 2008

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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 Deposit of Fill Material Associated with Road Construction into Wetlands Adjacent to Lillard Branch, Pell Branch and an Unnamed Tributary of Raht Chapel Branch and the Replacement of Three Box Culverts with Bridge Structures at Lillard Branch, Pell Branch and Horton Branch, Polk County, Tennessee (PIN 101574.00/ Project No. 70003-1228-04)

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army Permit (DA) pursuant to **Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States, 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 state of Tennessee, pursuant to **Section 401 (a) (1) of the CWA.**, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification by a separate application. The Tennessee Department of Environment and Conservation (TDEC) have determined that three streams identified on this project which are: Horton Branch (STR-1), Lillard Branch (STR-2), and Pell Branch (STR-3) are considered Exceptional Tennessee Waters (ETW). This was based on the fact that they are tributaries to the Hiwassee River, which is classified as an ETW, and that they originate in the Cherokee National Forest.

**APPLICANT:** Tennessee Department of Transportation (TDOT)  
Environment Division  
Suite 900, James K. Polk Building  
Nashville, Tennessee 37243

**PURPOSE:** The purpose of this proposed project is to improve and widen a section of State Route 33 from the north city limits of Benton to State Route 30 east in Polk County. The existing facility is deficient in both vertical and horizontal alignment, and has substandard roadway and shoulder width. The facility carries high traffic volumes with a high percentage of truck traffic. The accident rate as recorded by TDOT is higher than the state average. The proposed project will relieve congestion and hazardous conditions from increasing traffic volumes by adding lanes to increase capacity, widening shoulders, and improving sight distance.

**LOCATION and DESCRIPTION:** Wetlands Adjacent to Lillard Branch, Pell Branch and Tributary of Raht Chapel Branch and Bridge Structures at Lillard Branch, Pell Branch and Horton Branch, along existing State Route 33 (US-411) in Polk County, Tennessee (USGS Benton and Oswald Quadrangles)

**SITE 1, Raht Chapel Branch Wetlands (WTL-1), Sta. 43-060**

(Longitude 84.6333 °, Latitude 35.1898°); Proposed wetland impacts adjacent to unnamed tributary of Raht Chapel Branch. The requested DA permit approval would authorize permanent wetland impacts of 0.43 acres.

**SITE 2, Horton Branch (STR-1), Sta. 45-430 (Longitude 84.6144 °, Latitude 35.2038°)**; Proposed replacement of a 37' x 29' concrete box bridge with two, 145' x 43' one span concrete girder bridges and associated class "B" riprap.

**SITE 3a, Lillard Branch (STR-2), Sta. 46-803 (Longitude 84.6020 °, Latitude 35.2111° )**; Proposed replacement of a 27' x 32' concrete box bridge with two, 143' x 43' one span concrete girder bridges and associated class "B" riprap.

**SITE 3b, Lillard Branch Wetlands (WTL-2), Sta. 46-822 (Longitude 84.6020 °, Latitude 35.2111°)** ; Proposed wetland impacts adjacent to Lillard Branch. The requested DA permit approval would authorize permanent wetland impacts of 0.14 acres.

**SITE 4a, Pell Branch (STR-3), Sta. 48-300 (Longitude 84.5883 °, Latitude 35.2202° )**; Proposed replacement of a 38' x 30' concrete box bridge with two, 145' x 43' one span concrete girder bridges and associated class "B" riprap.

**SITE 4b, Pell Branch Wetlands and Spring/Stream Channel (WTL-2, SPR-1/STR-4), Sta. 46-822 (Longitude 84.5883 °, Latitude 35.2202°)**; Proposed wetland impacts adjacent to Pell Branch. The requested DA permit approval would authorize permanent wetland impacts of 0.55 acres and the temporary wetland impacts of 0.062 acres. This approval would also authorize the filling of a

springhead and 151' of stream channel with rock to allow spring flow to continue to adjacent wetlands.

**WETLAND MITIGATION:** TDOT proposes to mitigate the permanent wetland impacts (1.12 acres total) by debiting, at a 4:1 ratio, (4.48 acres total) from available wetland credits at the Shady Valley Wetland Mitigation Bank. For the .062 acres of temporary wetland impact, TDOT proposes topsoil is to be removed from all areas of temporary wetland impacts and stockpiled prior to construction. Upon completion of construction activities, all temporary wetland impact areas are to be restored to preconstruction contours and the stockpiled wetland soil spread, to restore these areas to preconstruction elevation. The area of temporary impacts will then be planted with the appropriate tree species.

**SPRING and STREAM CHANNEL MITIGATION:** TDOT proposes to mitigate the permanent loss of 151 ft. (151 ft. x 1.0) of stream length with the payment of \$30,200 to the In-Lieu Fee Stream Mitigation Program. TDOT proposes to fill the spring and its surroundings with a rock pad to allow flow to continue to the remaining part of the wetland area.

Plans of the proposed work and maps showing the location of the wetlands and stream channels are included with 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.

The Regulatory Branch Archeologist conducted a file search at the Tennessee Division of Archaeology (TN DOA). Based on the file search conducted at the TN DOA the Corps has determined that the project as proposed has no potential to affect historic properties eligible for listing in the National Register of Historic Places. 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.

The applicant has previously coordinated the proposed project with the U.S. Fish and Wildlife Service (USFWS). USFWS responded by letter dated September 20, 2005, that according to their records, the federally threatened snail darter (*Percina tanasi*) may occur in the project impact area and requested a Biological Assessment (BA) to investigate potential impact and determine if the proposed project may affect this species. A Biological Assessment (BA) was conducted and resulted in finding that the project is "not likely to adversely affect" this species if the protective measures recommended in the Biological Assessment are followed. The recommended Special Notes were added in the plans to ensure protection of the snail darter and its habitat. A February 15, 2006, concurrence letter from the USFWS supports the Biological Assessment conclusion of "not likely to adversely affect" this species. A search of the TDEC, Division of Natural Areas database conducted on November 8, 2005, indicated that there is one state protected species: *Cryptobranchus alleganiensis* (Hellbender) within a one mile radius and two other

state protected species: *Percina aurantianca* (Tangerine Darter) and *Carpoides velifer* (Highfin Carpsucker) within a one to four mile downstream and one mile upstream of the project area including *Cryptobranchus alleganiensis* (Hellbender) and snail darter (*Percina tanasi*). A TDOT email was sent to TWRA on November 29, 2007, requesting their comments regarding these species. In a response dated May 30, 2008, TWRA stated that BMPs would be sufficient to minimize impacts to rare species for this project.

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

TVA approval is required under Section 26a of the TVA act for the proposed work. 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.

Water Quality Certification from the state of Tennessee, Department of Environment and Conservation, is required for the proposed work in accordance with Section 401 (a)(1) of the CWA.

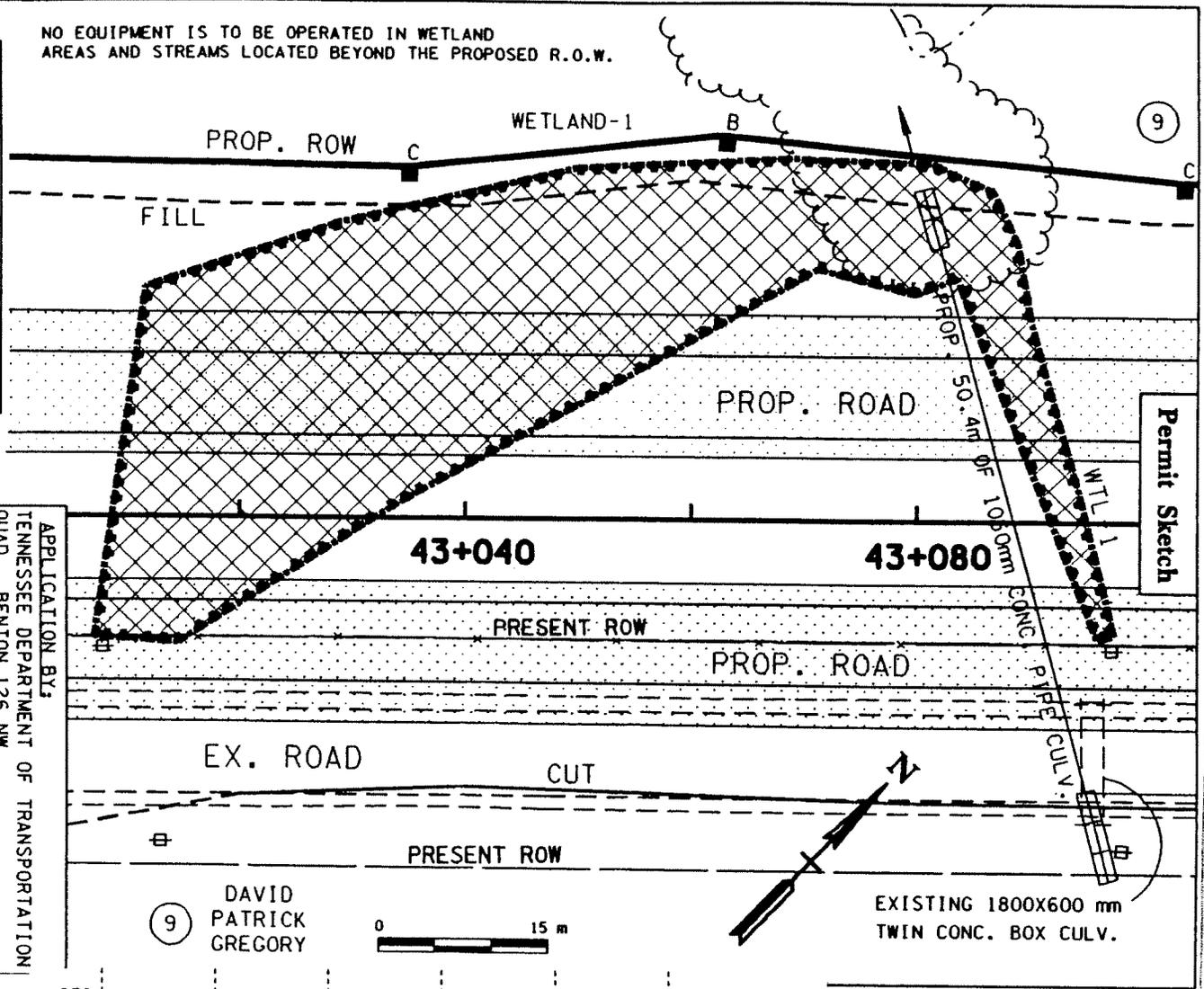
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before November 10, 2008 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: Forrest E. McDaniel, at the above address, telephone (615) 369-7511. 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.

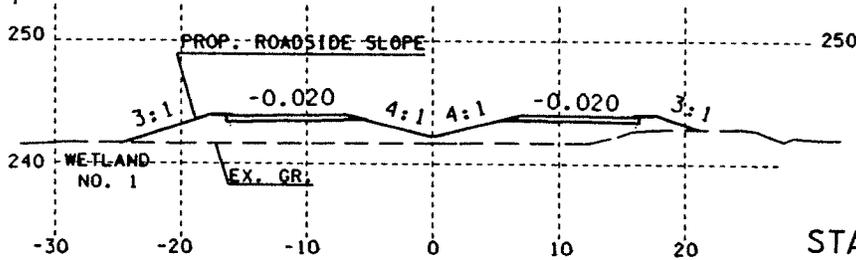
If you received this notice by mail and wish to view all of the diagrams, visit our web site at:  
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. McDaniel at the above address or phone number.

NO EQUIPMENT IS TO BE OPERATED IN WETLAND AREAS AND STREAMS LOCATED BEYOND THE PROPOSED R.O.W.

LEGEND	
	WETLAND IMPACTS
AREA OF PERMANENT IMPACT = 0.115 ha	AREA OF TEMPORARY IMPACT = 0 ha
VOLUME OF PERMANENT IMPACT = 1750 m <sup>3</sup>	VOLUME OF TEMPORARY IMPACT = 0 m <sup>3</sup>

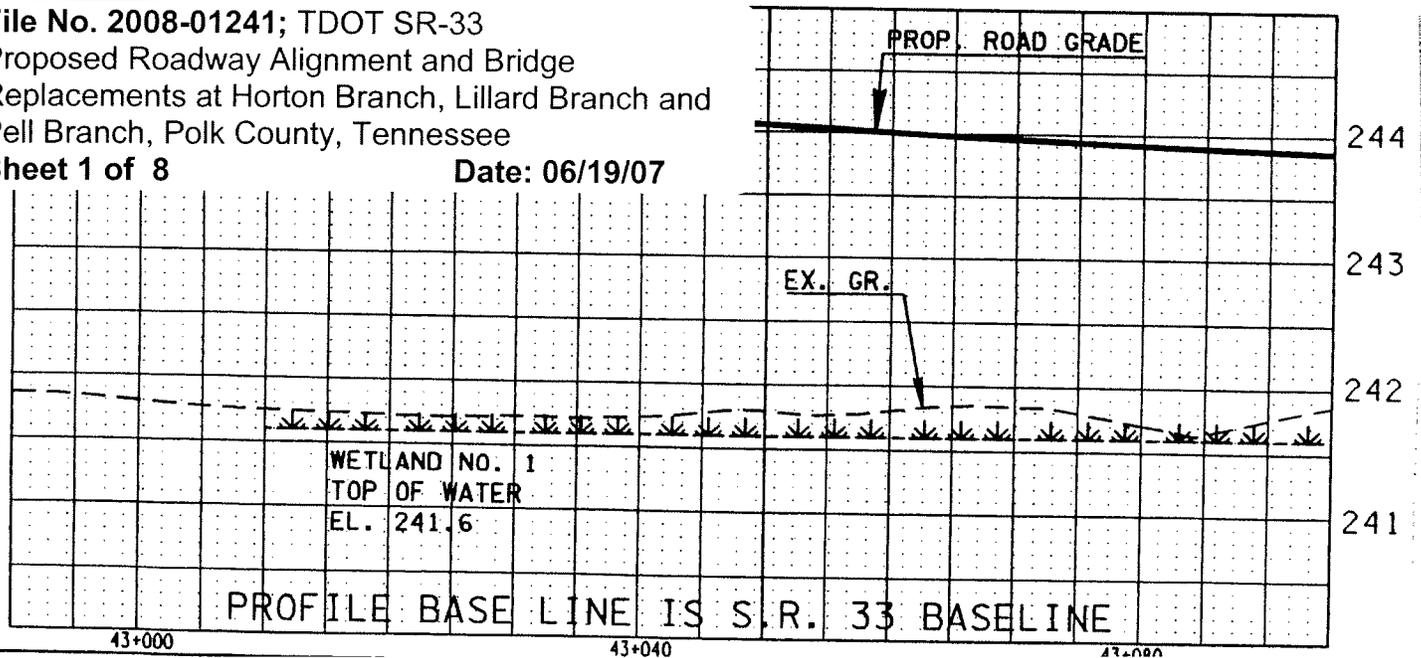


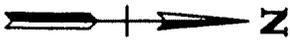
APPLICATION BY:  
 TENNESSEE DEPARTMENT OF TRANSPORTATION  
 QUAD BENTON 126 NW  
 PE # 70003-1228-04  
 PIN # 101574.00  
 S.R. 33 (U.S. 411), FROM BENTON NORTH  
 OF CITY LIMITS TO S.R. 30  
 POLK COUNTY



WETLAND 1  
 S.R. 33 (U.S. 411)  
 STA. 43+040 CROSS SECTION

File No. 2008-01241; TDOT SR-33  
 Proposed Roadway Alignment and Bridge  
 Replacements at Horton Branch, Lillard Branch and  
 Pell Branch, Polk County, Tennessee  
 Sheet 1 of 8 Date: 06/19/07



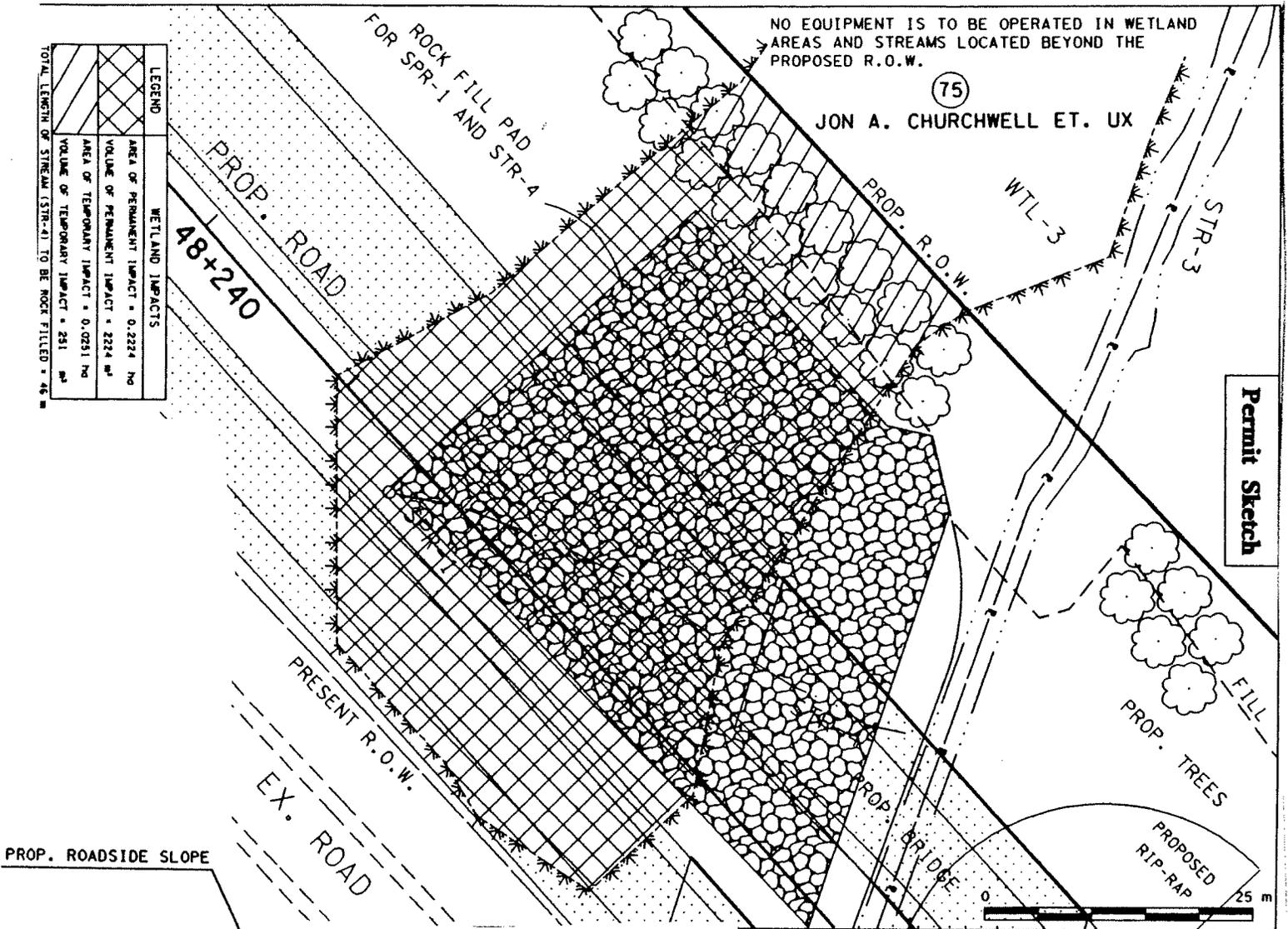


NO EQUIPMENT IS TO BE OPERATED IN WETLAND AREAS AND STREAMS LOCATED BEYOND THE PROPOSED R.O.W.

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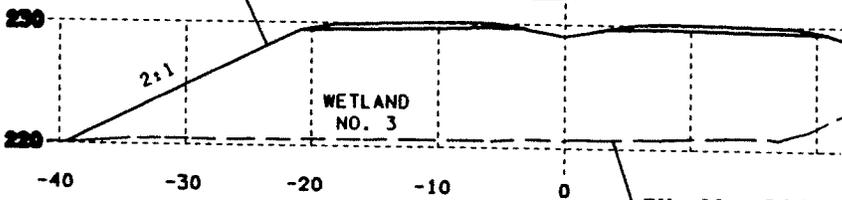
JON A. CHURCHWELL ET. UX

LEGEND	
	WETLAND IMPACTS
	AREA OF PERMANENT IMPACT = 0.2224 Ha
	VOLUME OF PERMANENT IMPACT = 2224 m <sup>3</sup>
	AREA OF TEMPORARY IMPACT = 0.0251 Ha
	VOLUME OF TEMPORARY IMPACT = 251 m <sup>3</sup>
TOTAL LENGTH OF STREAM (STR-3) TO BE ROCK FILLED = 46 m	



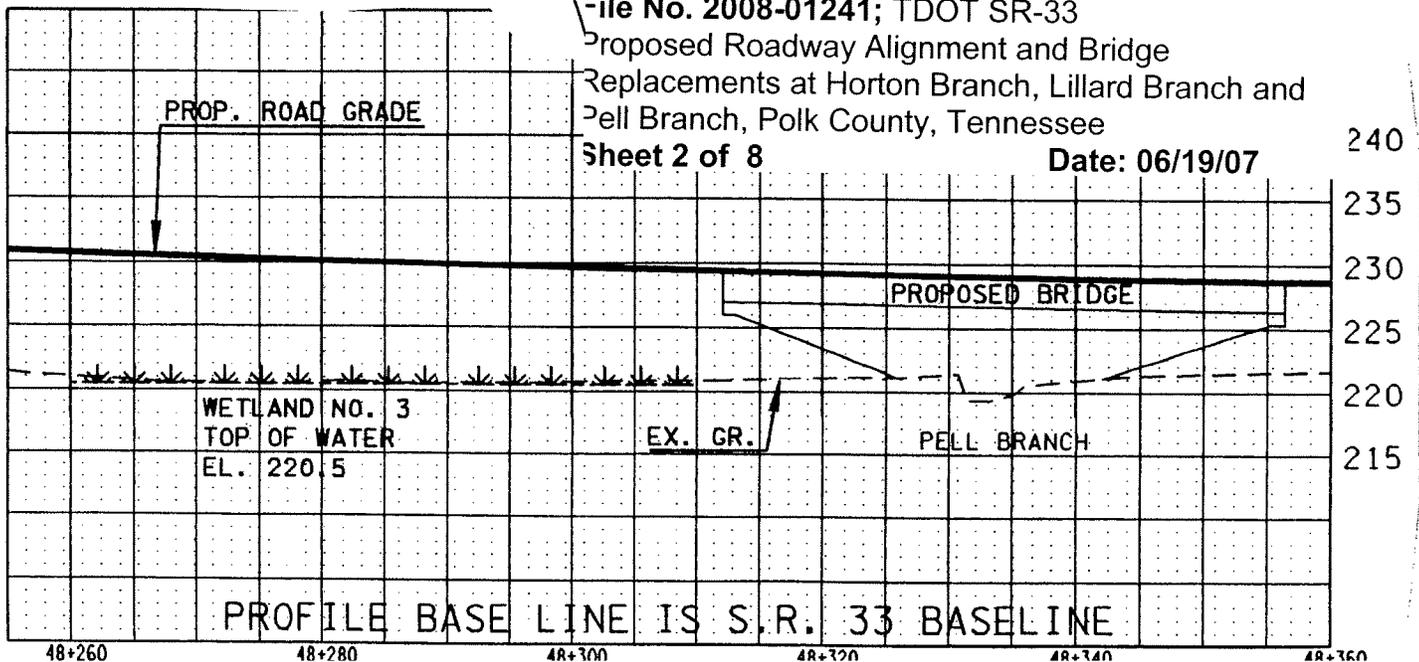
Permit Sketch

PROP. ROADSIDE SLOPE

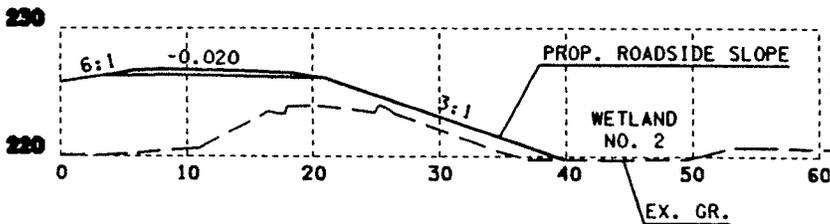
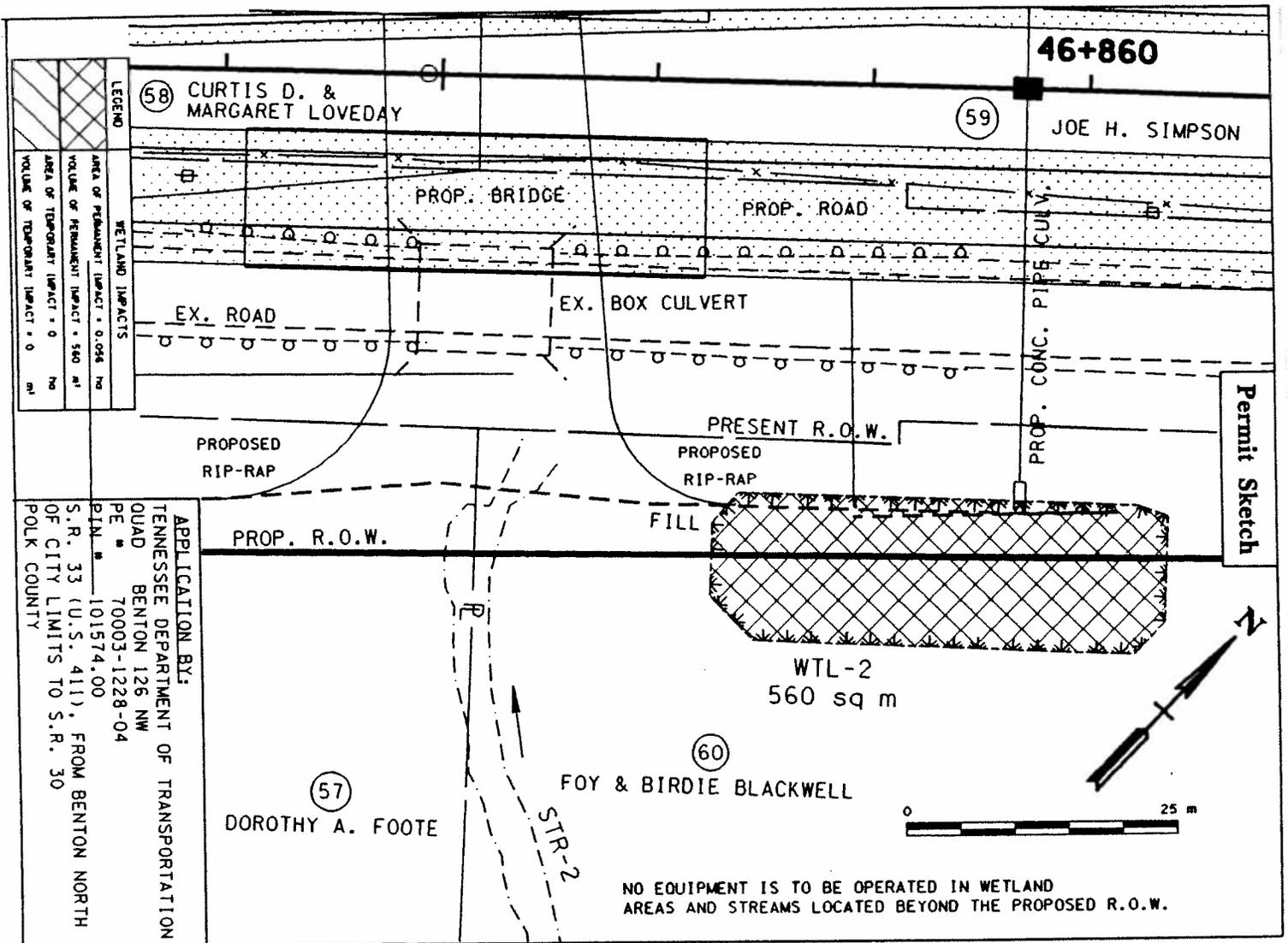


WETLAND 3  
S.R. 33 (U.S. 411)  
STA. 48+280 CROSS SECTION

File No. 2008-01241; TDOT SR-33  
Proposed Roadway Alignment and Bridge  
Replacements at Horton Branch, Lillard Branch and  
Pell Branch, Polk County, Tennessee  
Sheet 2 of 8  
Date: 06/19/07

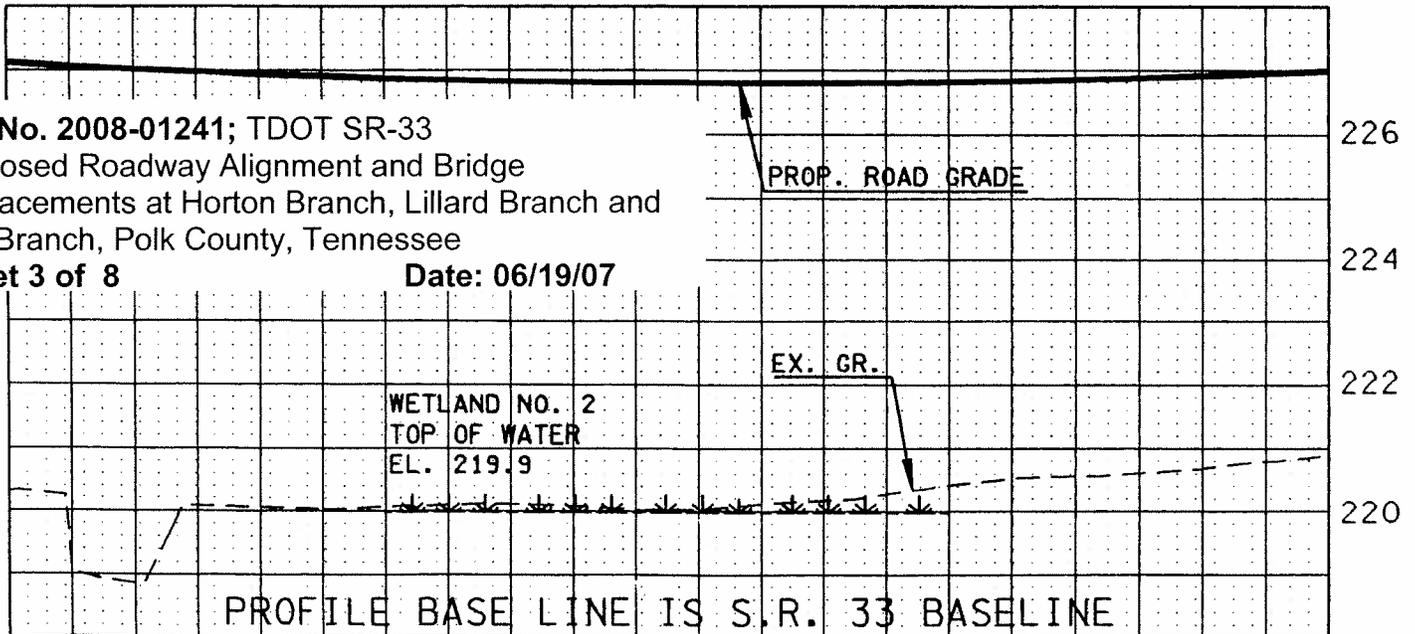


PROFILE BASE LINE IS S.R. 33 BASELINE



**WETLAND 2**  
 S.R. 33 (U.S. 411)  
 STA. 46+840 CROSS SECTION

File No. 2008-01241; TDOT SR-33  
 Proposed Roadway Alignment and Bridge  
 Replacements at Horton Branch, Lillard Branch and  
 Pell Branch, Polk County, Tennessee  
 Sheet 3 of 8 Date: 06/19/07

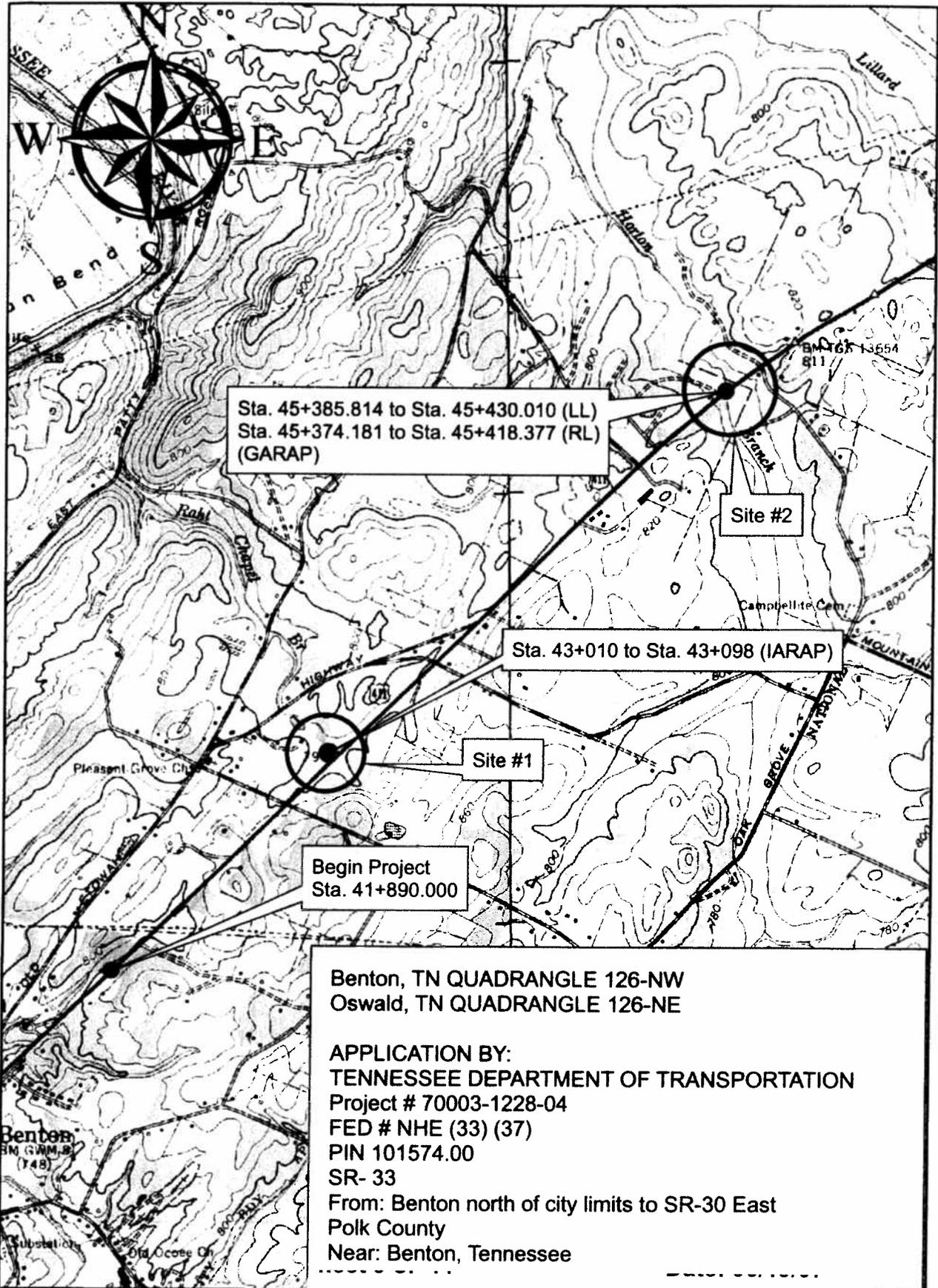








0 700 1,400 2,800 4,200 5,600  
Feet



File No. 2008-01241; TDOT SR-33  
Proposed Roadway Alignment and Bridge  
Replacements at Horton Branch, Lillard Branch and  
Bell Branch, Polk County, Tennessee

