



**US Army Corps
of Engineers**

Nashville District

Public Notice

Public Notice No. 08-71 Date: November 5, 2008

Application No. 2006-01215 Expires: December 5, 2008

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
AND
STATE OF TENNESSEE**

SUBJECT: Proposed Mechanized Land Clearing and Grading within Wetlands for the Installation of Utility Lines and Attendant Features necessary for the Development of Residential Lots at Wellesley Subdivision, Wolftever Creek Watershed, Tennessee River Mile 478.4 L, Hamilton County, Tennessee

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**. The proposed wetland fill will require approval from the Tennessee Department of Environment (TDEC). A permit for the described work will not be issued until a certification or waiver of certification, as required under **Section 401 of the Clean Water Act**, has been received from TDEC.

APPLICANT: Capstone Developers
Attn: James Goodwin
Post Office Box 21971
Chattanooga, Tennessee 37424

AGENT: Bill Phillips
Envision Ecology, LLC
4465 Keith Road
Ringgold, Georgia 30736

LOCATION: Wolftever Creek Watershed, Tennessee River Mile 478.4 L, Hamilton County, Tennessee (Latitude 35.05486° N., Longitude -85.08114° W.)

DESCRIPTION: The requested DA permit approval would authorize mechanized land clearing/grading of 0.929 acres of wetlands located within Wellesley Subdivision. Capstone Developers (Capstone) have completed their installation of the subdivision infrastructure (e.g., curbing/gutter, sanitary and storm sewer and roadway construction) within upland areas. Capstone now proposes the mechanized land clearing/grading of a 0.929 acres wetland system

for installation of additional utilities and attendant features for future lot development. Attendant features may include roads, yards, storm water management structures and other facilities. No additional fill material will be imported from off site for the requested work.

OFF-SITE MITIGATION: Mitigation for the grading of 0.929 acre of wetlands is proposed at a 3:1 ratio at the Woodland Park Baptist Church Wetland Mitigation site. The proposed mitigation site consists of a three acre parcel that is part of an 11-acre restoration project. The remainder of the restoration project will be used for additional DA permits requiring compensatory mitigation. This site abuts a high-quality, 20-acre wetland location on the northern side of the restoration parcel. The parcel is identified as the westernmost three acres of the Tax Parcel Map 138F-B-002.03. The entire parcel is located in the 100-year flood plain of Friar Branch and contains Newark Silt Loam and Tupelo soils (hydric soils). The mitigation plans call for minor excavation across most of the mitigation site with planting of trees on 15'-centers. Tree species would include willow oak, red maple, silver maple, swamp white oak, sycamore, and Osier dogwood. Monitoring is proposed for a 5-year period to ensure achievement of success criteria and provide any necessary adaptive management. Annual monitoring reports will be submitted to both the Corps of Engineers and Water Pollution Control.

Plans and a location map of the proposed work and mitigation site 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. 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. Based on the level disturbance from the development of the subdivision prior to the DA permit and in conjunction with the file search 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.

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.

AUTHORITY: This permit will be issued or denied under the following authorities:

() Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

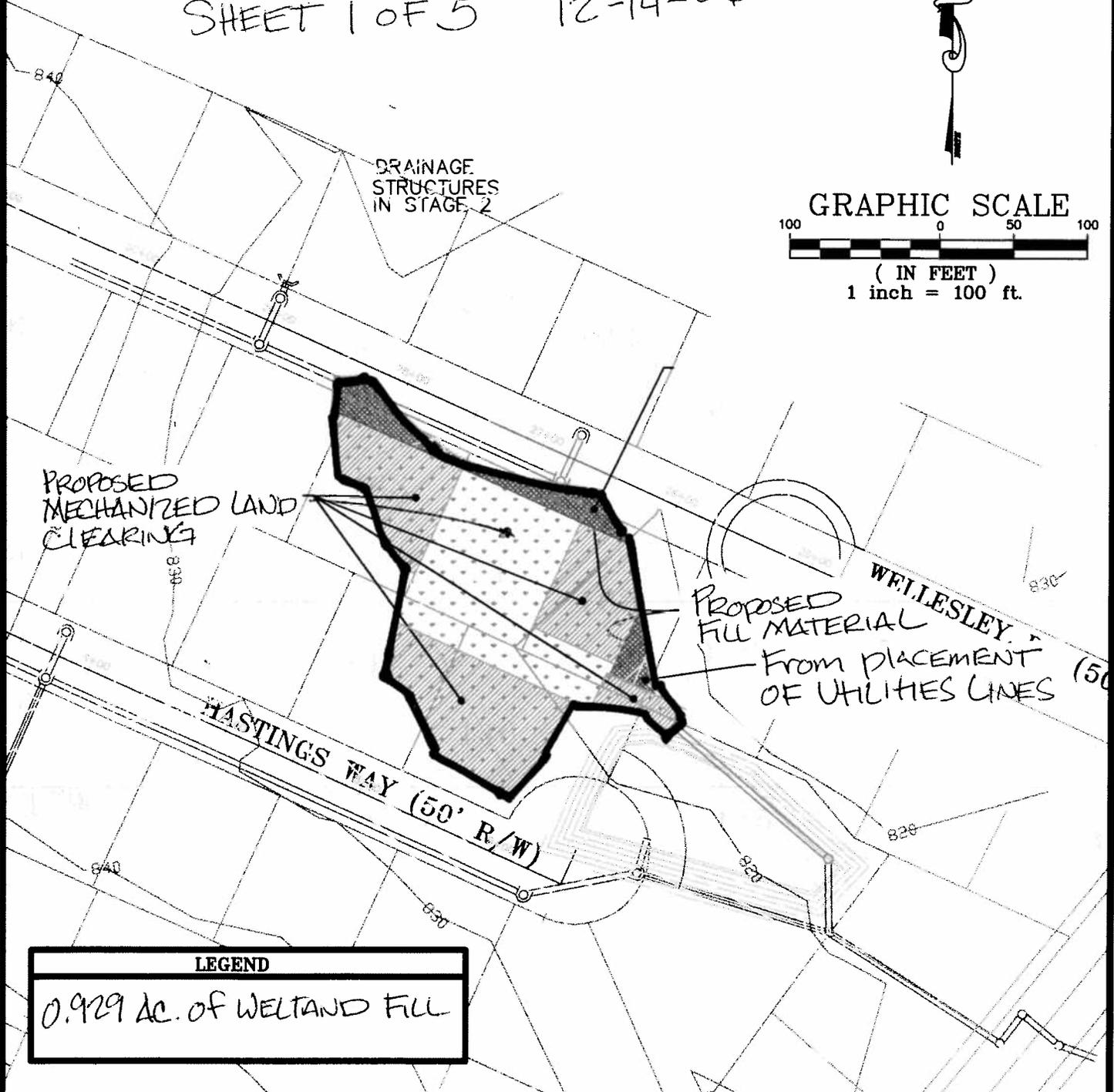
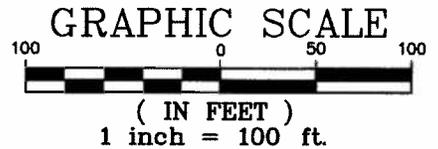
Other federal, state, and/or local approvals required for the proposed work are as follows:

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 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 **December 5, 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.

FIN. 2006-01215
WELLESLEY SUBDIVISION
CAPSTONE DEVELOPERS
SHEET 1 OF 5 12-14-06

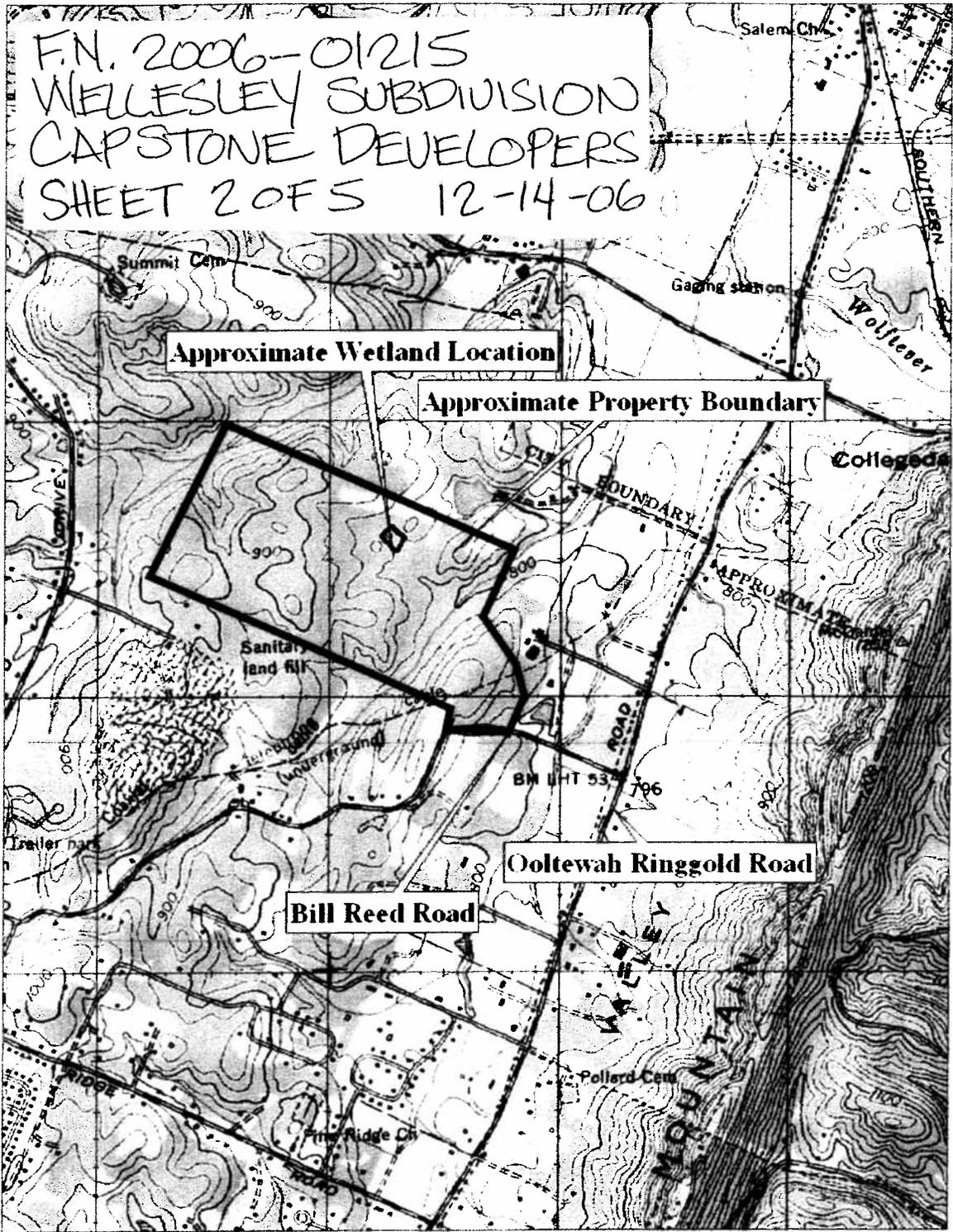


LEGEND
0.929 AC. OF WETLAND FILL

Base Map Source: Alvin R. Cook & Associates, LLC, Rosseville, Tennessee. Dated December 14, 2006.

Impacts Plan
Wellesley Subdivision
City of Collegedale
Hamilton County, Tennessee
Gaia Project No. 2007-31
Scale: 1" = 100'

Gaia Environmental Consulting
109 Birchwood Pass
Canton, Georgia 30114-7752
Business: 770.345.8430
Facsimile: 770.345-8449
Email: eric@gaia-env.com

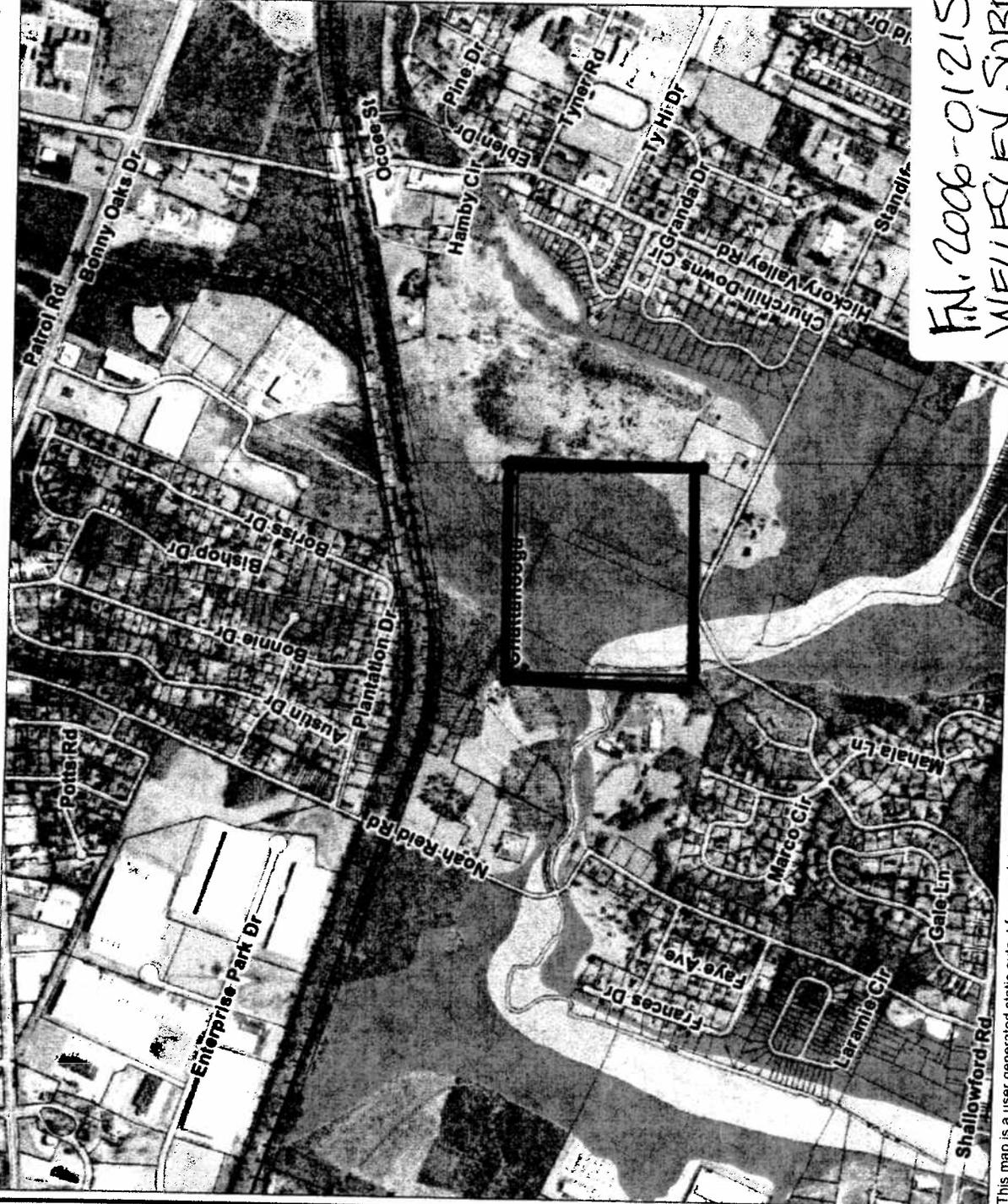


Base Map Source: USGS 7.5-Minute Series (Topographic) Quadrangle Map of Ooltewah, Tennessee.

Site Location Map
 Wellesley Subdivision
 City of Collegedale
 Hamilton County, Tennessee
 Gaia Project No. 2007-31
 Scale: 1" = 1200'±

Gaia Environmental Consulting
 109 Birchwood Pass
 Canton, Georgia 30114-7752
 Business: 770.345.8430
 Facsimile: 770.345-8449
 Email: eric@gaia-env.com

Friar's Overview Figure 8 Aerial Photograph with Floodplain and Floodway



- Legend**
- Interstates
 - Railways
 - Roads
 - Parcels cover
 - Floodways
 - 100 Year Flood
 - Water Bodies
 - Cities
 - Chattanooga
 - Collegedale
 - East Ridge
 - Lakesite
 - Lookout Mountain
 - Red Bank
 - Ridgeside
 - Signal Mountain
 - Soddy Daisy
 - Walden
 - Aerial Photograph

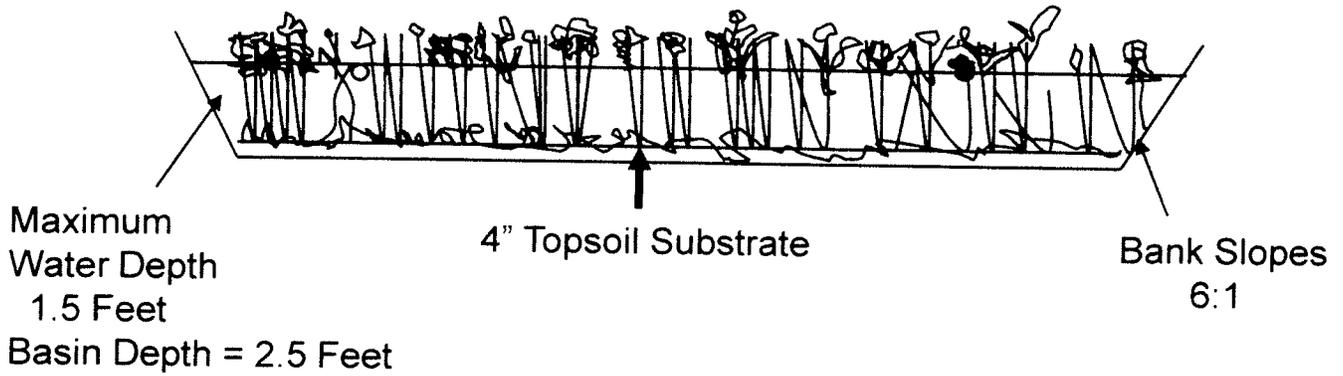
MITIGATION SITE

FN. 2006-01215
 WELLESLEY SUBDIVISION
 CAPSTONE DEVELOPERS

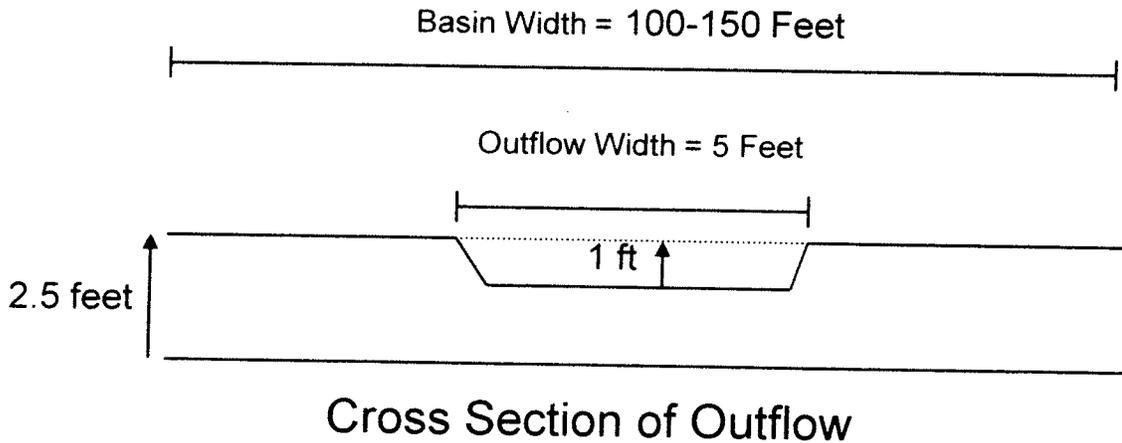
SHEET 4 OF 5 12-14-06

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED AS A LEGAL DOCUMENT.

Wetland Design



Cross Section of Mitigation Wetlands



F.N. 2006-01215
WELLESLEY SUBDIVISION
CAPSTONE DEVELOPERS
MITIGATION PLANS
SHEET 5 of 5 12-14-06