



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 08-82

Date: December 19, 2008

Application No. 2008-00770

Expiration: January 18, 2009

Please address all comments to: Nashville District Corps of Engineers, Spring Cress Business Park, 501 Adesa Blvd., Suite 250, Lenoir City, TN 37771; (Attn: Joe McMahan)

SUBJECT: Proposed Wetland Fill and Road Crossings Associated with Commercial Development at Lost Branch, West Prong Little Pigeon River Mile 7.8 Left Bank, Sevier 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 (CWA) for the discharge of fill material into waters of the United States. Before a permit can be issued, certification must be provided by the state of Tennessee, pursuant to Section 401(1)(1) of the CWA, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification by separate application. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: New Paradigm Development Partners, LLC
Attn: Mr. Tom Mathias
5301 Virginia Way, Suite 155
Brentwood, TN 37027

LOCATION: Lost Branch, West Prong Little Pigeon River Mile 7.8 Left Bank, Sevier County, Tennessee, Lat N35.78144, Long W-83.60717, Pigeon Forge-TN, USGS Quad Map (Exhibit A).

DESCRIPTION: The proposed work consists of the placement of fill material into approximately 0.83 acres of herbaceous wetlands for the proposed construction of a residential resort development referred to as the MacAllen Ridge Subdivision. The fill within the wetlands would consist of clean fill material allowing the construction of residential buildings, restaurant, event center and associated parking areas.

The applicant has proposed mitigation for the wetland impacts by proposing to purchase 1.66 credits from a wetland mitigation bank. The applicant plans to utilize the Lick Creek Mitigation Bank No. 1, located in Greene County, Tennessee which is currently under review as an approved mitigation bank. If the

~~wetland mitigation bank has not been approved 30 days prior to~~
commencement of the proposed activity, the applicant would be required to provide an alternative mitigation plan, such as offsite wetland restoration and/or creation project. Any alternative mitigation plans would be coordinated with the interested resource agencies and/or interested public.

The proposed work would also involve construction of three road crossings with a combined total impact of approximately 120 linear feet to Lost Branch. The crossings would consist of arch bridges and associated retaining walls. The bridges/retaining walls would be constructed to allow for natural bottom siltation to continue and would minimize impacts to this stream.

Plans of the proposed work are attached.

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. A permit will be granted unless the District Engineer determines it to 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.

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~~To make this decision, comments are used to assess impacts on~~
endangered species, historical properties, water quality, general
environmental effects, and the other public interest factors
listed above. Comments are used in the preparation of an
Environmental Assessment (EA) and/or an Environmental Impact
Statement pursuant to the National Environmental Policy Act.
Comments are also used to determine the need for a hearing and
determine the overall public interest of the proposed activity.
An EA will be prepared by this office prior to a final decision
concerning issuance or denial of the requested permits.

The applicant provided previous coordination with the Tennessee
Historical Commission (THC). The Regulatory Branch Archeologist
is conducting a file search at the Tennessee Division of
Archaeology (TN DOA). Based on the file search conducted at the
TN DOA, the Corps will make a determination and forward the
findings to the THC. This review constitutes the full extent of
cultural resources investigations unless comment to this notice
is received documenting that significant sites or properties ex-
ist 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. A copy of this
notice is being sent to the office of the state historic
preservation officer.

In a letter to the applicant dated April 16, 2008, the Tennessee
Valley Authority (TVA) stated the proposed work would not affect
TVA land or land rights, nor would it be considered an
obstruction requiring TVA approval under Section 26a of the TVA
act.

Based on available information, the proposed work would 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 US 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:

- Water Quality Certification from the state of Tennessee is
required for the proposed work in accordance with Section
401(a)(1) of the Clean Water Act.

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~~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 18, 2009**, 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: Joe McMahan, at the above address, (865) 986-7296, Fax (865) 988-4148. The email address is Joseph.A.McMahan@usace.army.mil.

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. McMahan at the above address or phone number.

Exhibit A
File Number: 2008-00770
FN No. 08-82



NOT FOR CONSTRUCTION

Exhibit B
File Number: 2008-00770
PN No. 08-82

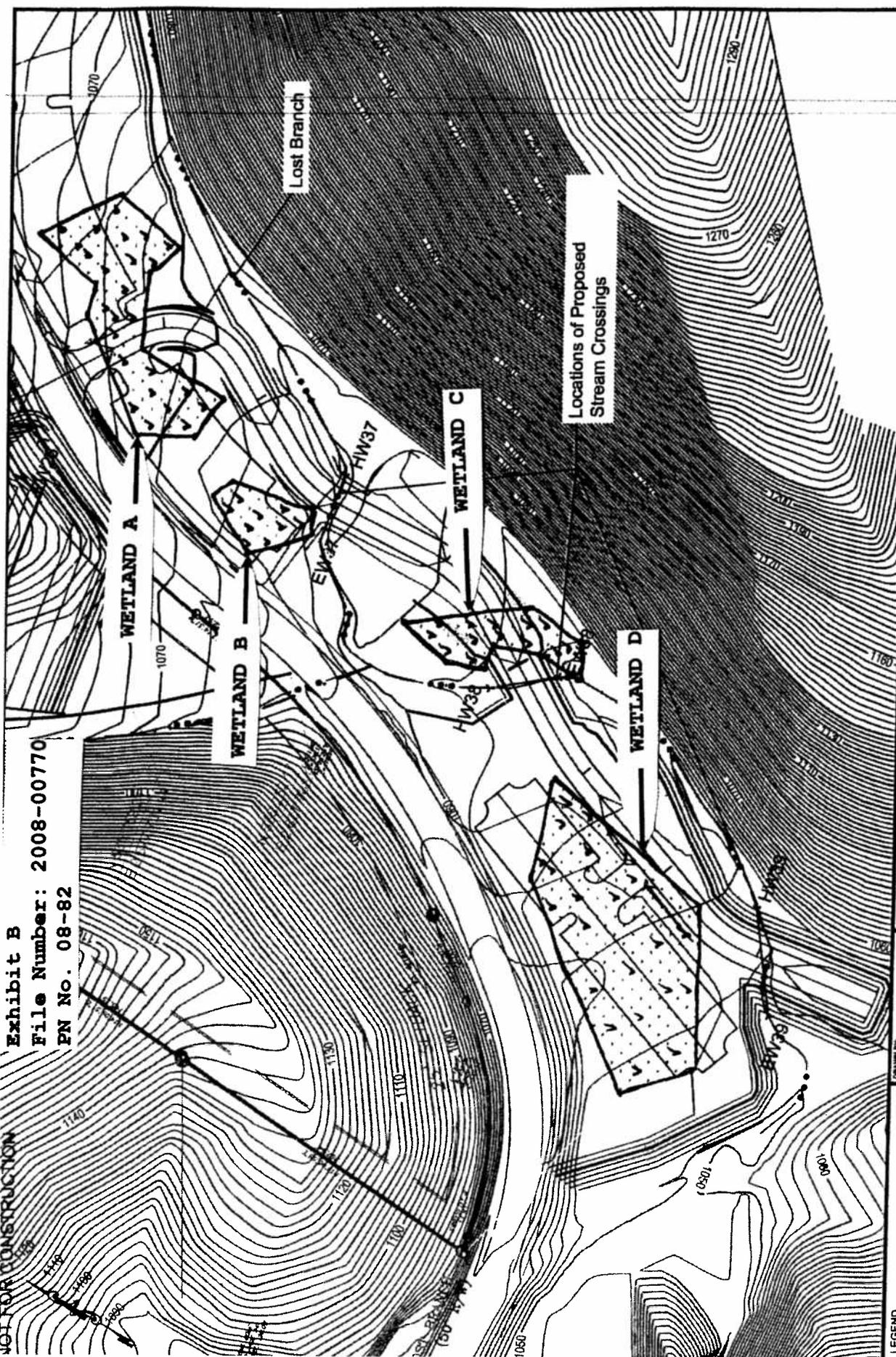


FIGURE NO.
12.1a

S&ME
ENGINEERING-TESTING
ENVIRONMENTAL SERVICES
WWW.SMEINC.COM
Phone: (865) 976-0033
Fax: (865) 976-2312
1413 Topside Road
Luttrell, Tennessee 37777

**Proposed Stream and Wetland
Impacts Map**
MacAllen Ridge Subdivision
Pigeon Forge, Tennessee

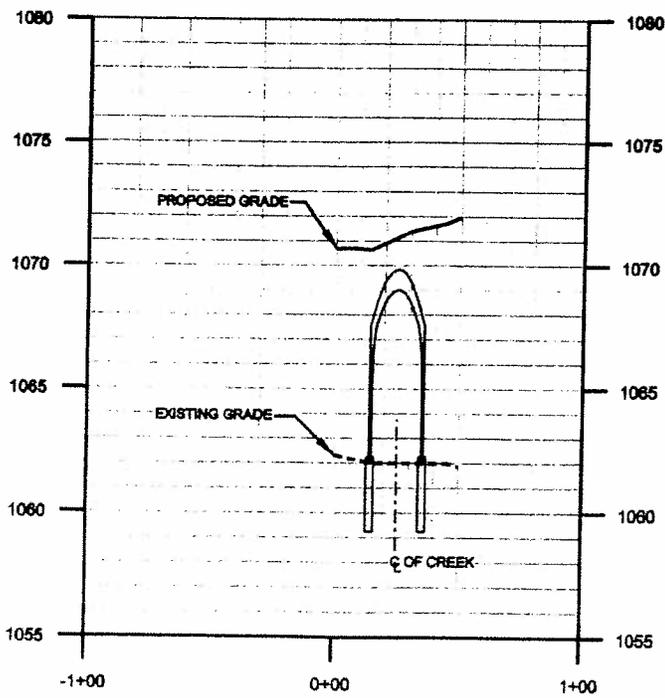
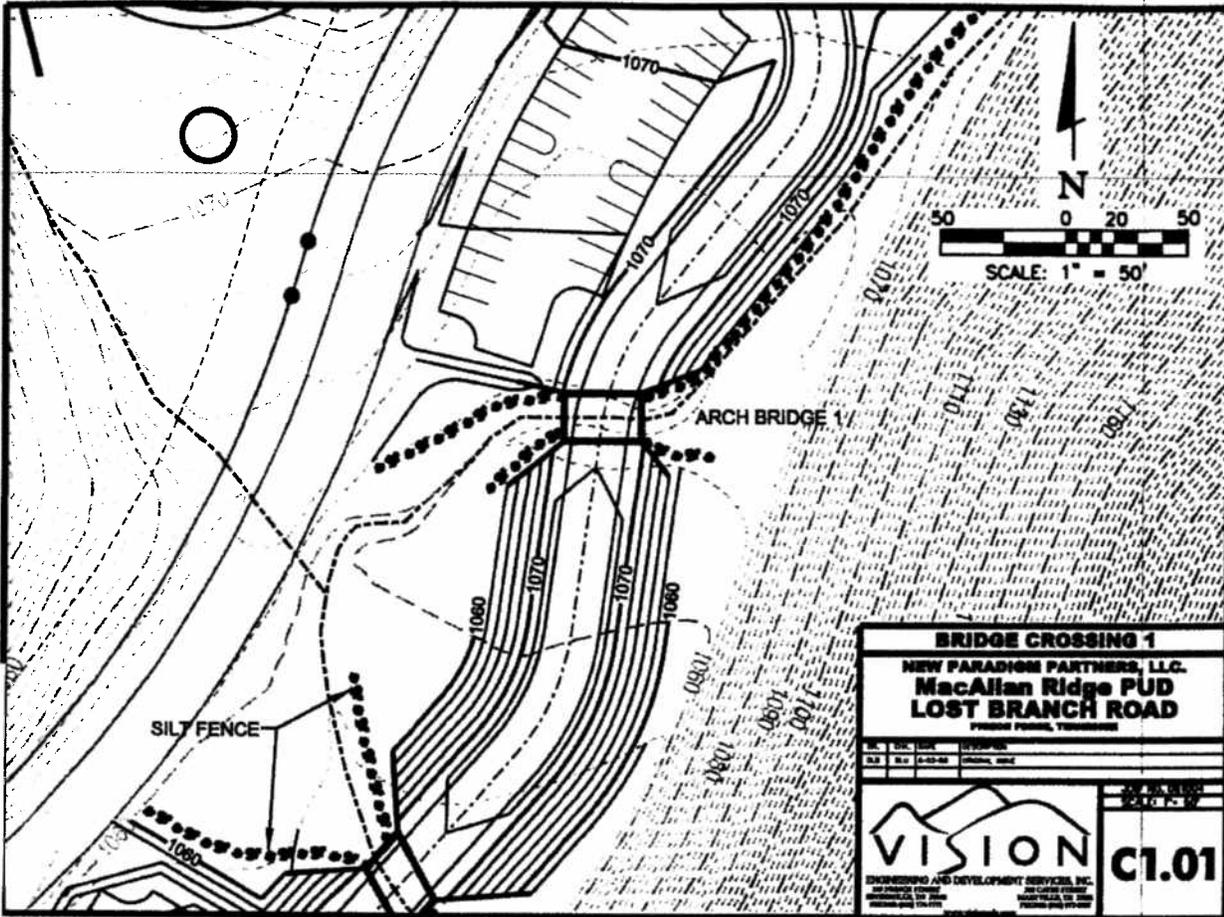
DRAWN BY:	CRH
APPROVED BY:	EMP
SCALE:	1"=100'
PROJECT NO.:	1434-07-549W
DATE:	04-02-08

LEGEND

- Intermittent or Perennial Stream
- ▨ Wetlands to be Impacted

Base map Provided by VISION Engineering and Development Services, Inc.

Exhibit D
 File Number: 2008-00770
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SCALE:
 1" = 50' HORIZONTAL
 1" = 5' VERTICAL

