



**US Army Corps  
of Engineers®**

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# Public Notice

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Public Notice No. 04-64

Date: September 17, 2004

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Nashville District

Application No. 200400464

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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 Wetland Fill and Stream Fill/Relocation of an Unnamed Tributary to Roaring Fork Creek, Greene 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:** Mountain Laurel Environmental Corporation  
P.O. Box 2133  
Greenville, Tennessee 37744-2133

**LOCATION:** Unnamed Tributary to Roaring Fork Creek  
Greene County, Tennessee  
lat: 36-14-45 lon: 82-48-32  
USGS – Greenville, Tennessee

**DESCRIPTION:** The proposed work consists of the placement of fill in a total of 0.03 acres of wetlands and fill placed in 778' of an unnamed tributary to Roaring Fork Creek. The unnamed tributary runs straight through the property (pasture/hay) suggesting that it was channelized in the past. The channelized stream to be filled is approximately 1-2' in width. The purpose of the project is for the expansion of an existing Class IV Solid Waste Disposal/Reclamation Facility to accommodate existing and projected needs. The applicant has stated that the proposed expansion cannot occur but for the proposed stream and wetland impacts.

The applicant proposes to construct a new channel approximately 150' in length by 2' in width as partial mitigation for the loss of the stream functions and values resulting in a net loss of 628' of streambed. The applicant proposes to mitigate for this loss by enhancing 1000' of stream onsite (see stream tabulation table C-O). Approximately 0.52

acres of wetlands would be created (0.03 acre impact) onsite in association with the enhancement of the 480' section of stream.

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 and the U.S. Department of the Interior, National Park Service - Atlanta.

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.

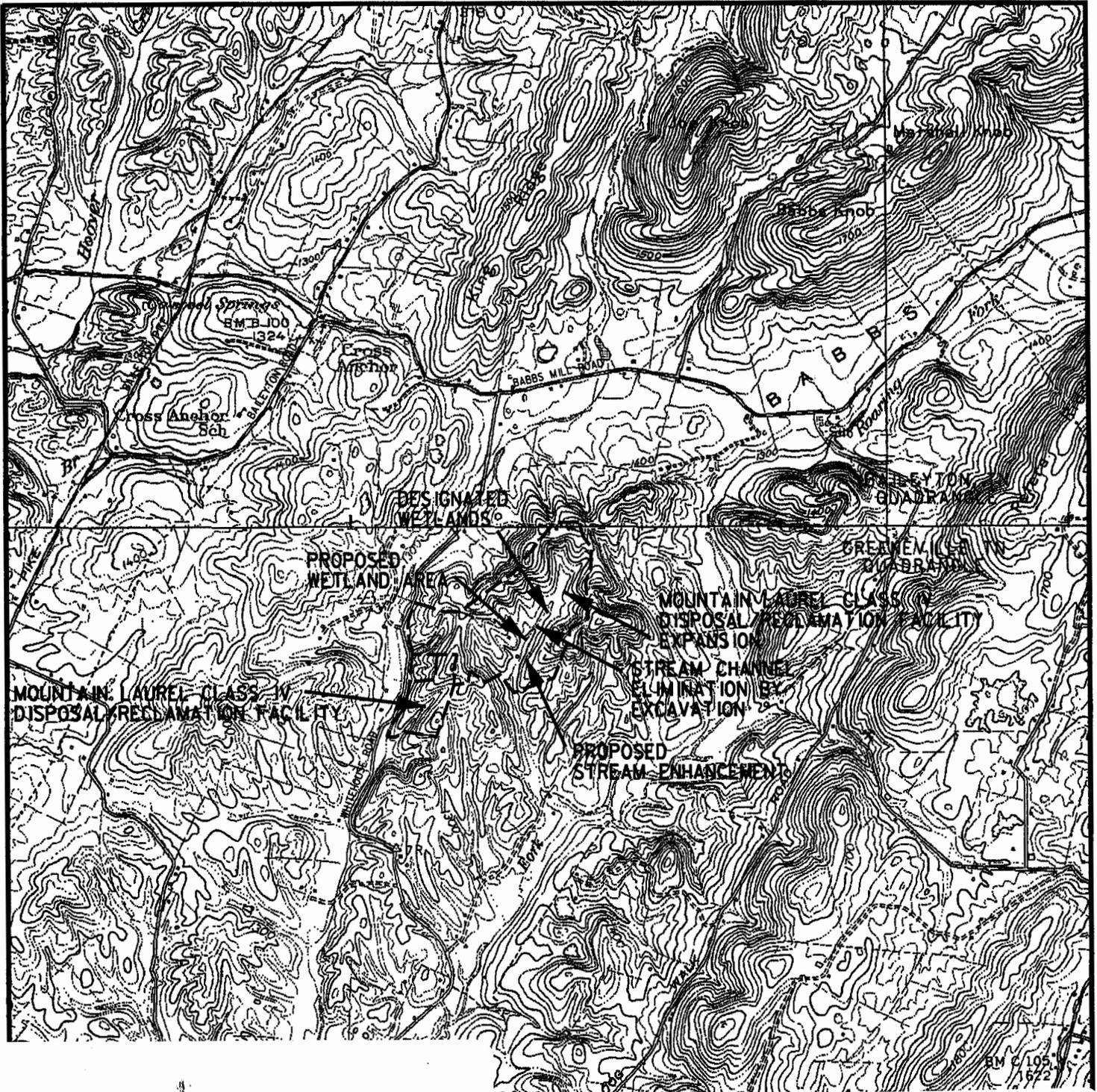
Other federal, state, and/or local approvals required for the proposed work are as follows:

- 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 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.

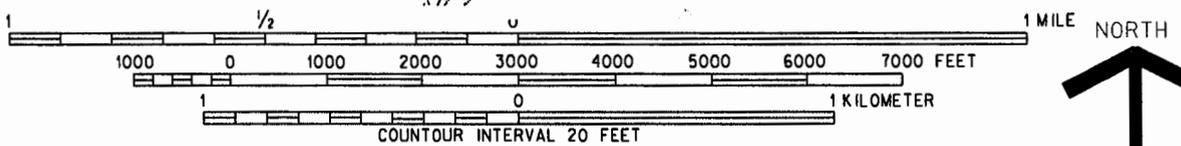
Written statements received in this office on or before October 17, 2004, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Carl Olsen, at the above address, telephone (615) 369-7513. It is 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. Freddie Bennett  
TVA  
Suite 218, 4105 Fort Henry Drive  
Kingsport, TN 37663



PN 04-64  
 FILE NO. 200400464

USGS  
 GREENVILLE, TENN.



U.S.G.S. QUAD MAP

APPLICANT: MTN. LAUREL ENV. CORP.  
 P.O. BOX 2133  
 GREENEVILLE, TN 37744-2133

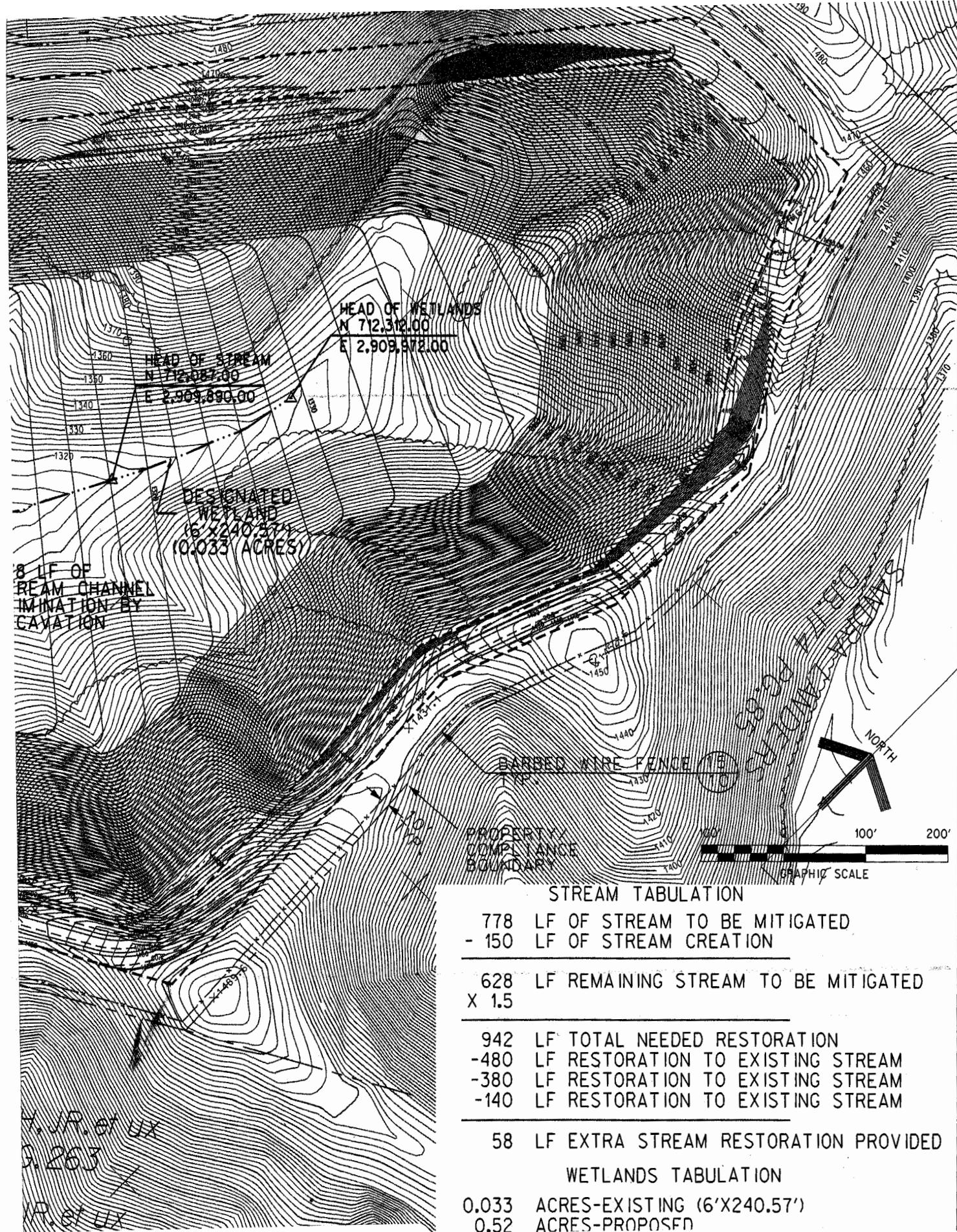
ENGINEER/AGENT:  GRESHAM  
 SMITH AND  
 PARTNERS  
 Nashville Tennessee

**VICINITY MAP**  
 MOUNTAIN LAUREL CLASS IV  
 DISPOSAL/RECLAMATION FACILITY  
 EXPANSION  
 GREENE COUNTY, TENNESSEE

**EXHIBIT**

**1**

FILE NO. 21672.00  
 DATE: AUGUST 2004



| STREAM TABULATION   |                                      |
|---------------------|--------------------------------------|
| 778                 | LF OF STREAM TO BE MITIGATED         |
| - 150               | LF OF STREAM CREATION                |
| <hr/>               |                                      |
| 628                 | LF REMAINING STREAM TO BE MITIGATED  |
| X 1.5               |                                      |
| <hr/>               |                                      |
| 942                 | LF TOTAL NEEDED RESTORATION          |
| -480                | LF RESTORATION TO EXISTING STREAM    |
| -380                | LF RESTORATION TO EXISTING STREAM    |
| -140                | LF RESTORATION TO EXISTING STREAM    |
| <hr/>               |                                      |
| 58                  | LF EXTRA STREAM RESTORATION PROVIDED |
| WETLANDS TABULATION |                                      |
| 0.033               | ACRES-EXISTING (6'X240.57')          |
| 0.52                | ACRES-PROPOSED                       |

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C-0



**PN 04-64**  
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|                     |                                      |
|---------------------|--------------------------------------|
| STREAM TABULATION   |                                      |
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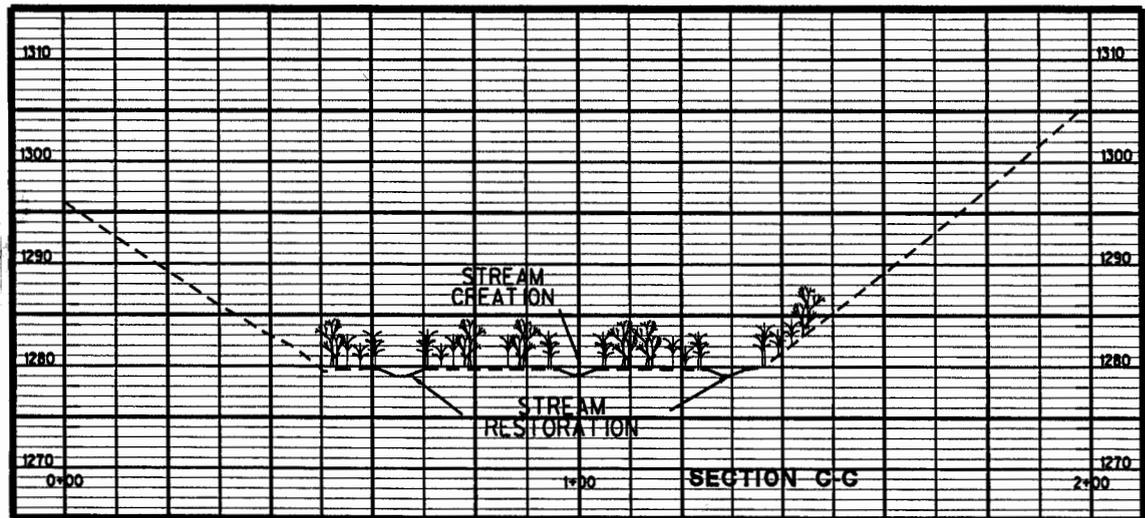
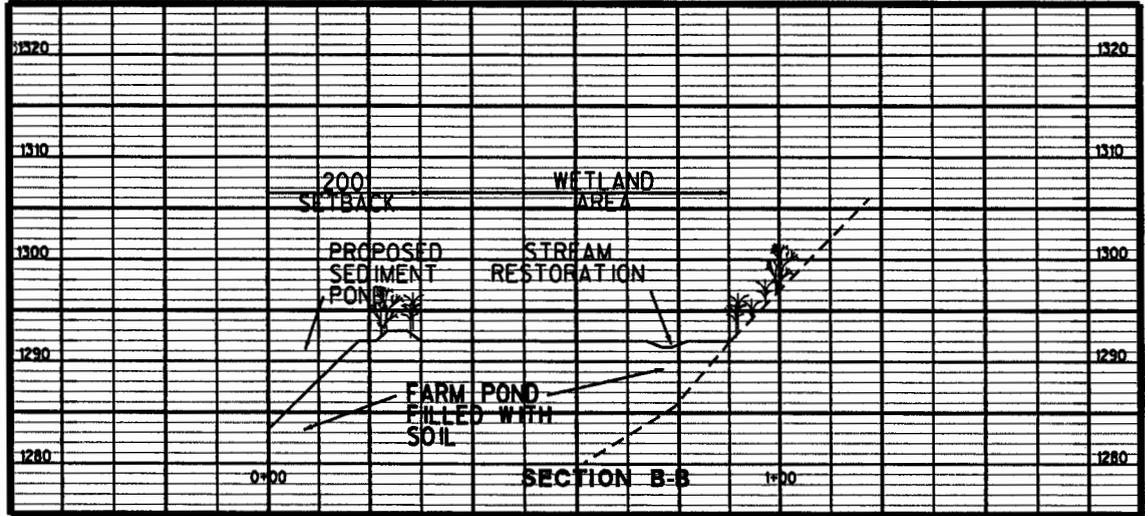
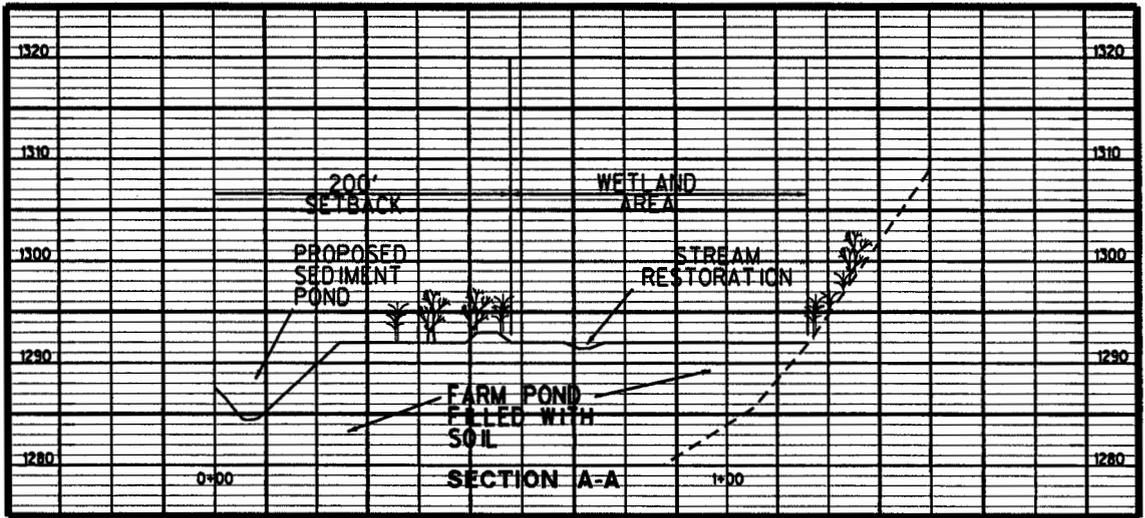


|                 |  |
|-----------------|--|
| APPLICANT:      | MTN. LAUREL ENV. CORP.<br>P.O. BOX 2133<br>GREENEVILLE, TN 37744-2133  |
| ENGINEER/AGENT: |  <b>GRESHAM<br/>SMITH AND<br/>PARTNERS</b><br>Nashville Tennessee |

**PLAN VIEW**  
**MOUNTAIN LAUREL CLASS IV**  
**DISPOSAL/RECLAMATION FACILITY**  
**EXPANSION**  
 GREENE COUNTY, TENNESSEE

**EXHIBIT**  
**2**

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SCALE:  
 HORIZ. 1"=40'  
 VERT. 1"=20'

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ENGINEER/AGENT:

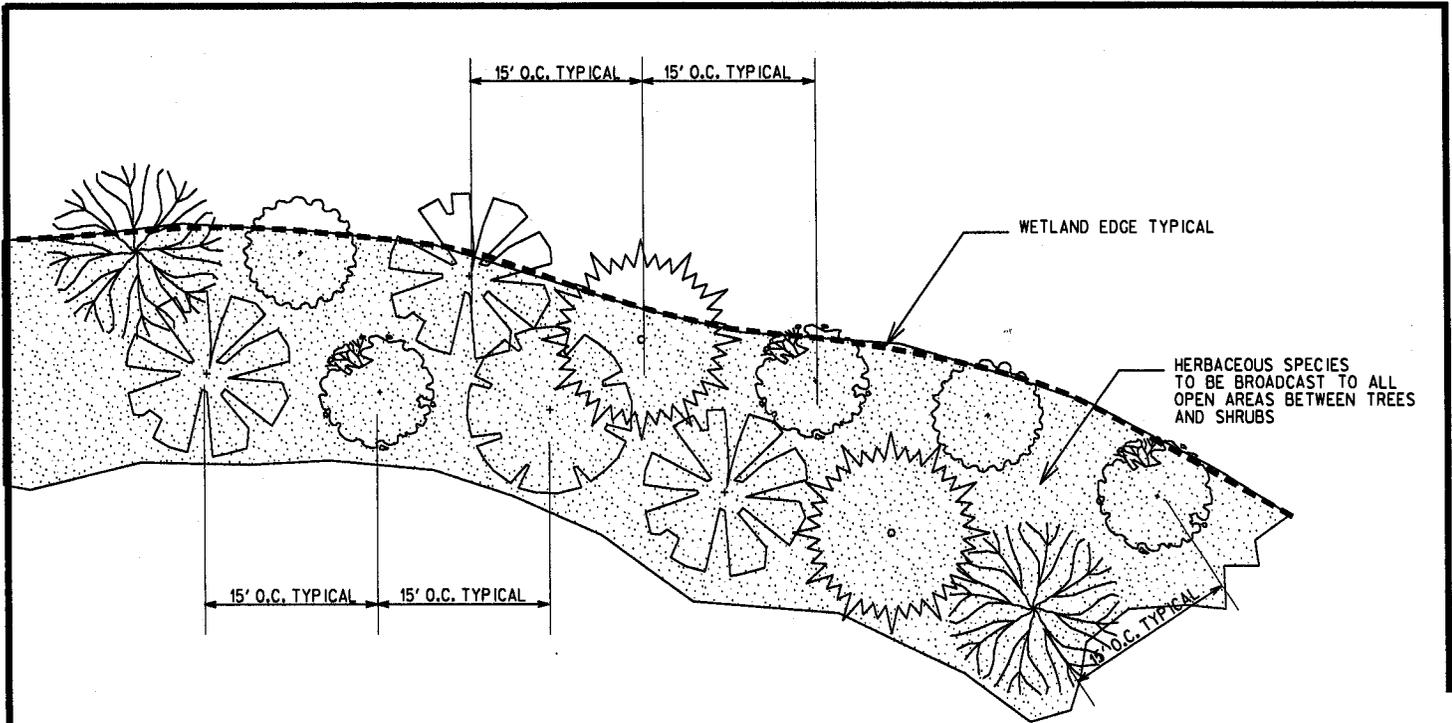


GRESHAM  
 SMITH AND  
 PARTNERS  
 Nashville Tennessee

**SECTIONS**  
 MOUNTAIN LAUREL CLASS IV  
 DISPOSAL/RECLAMATION FACILITY  
 EXPANSION  
 GREENE COUNTY, TENNESSEE

**EXHIBIT**  
**3**

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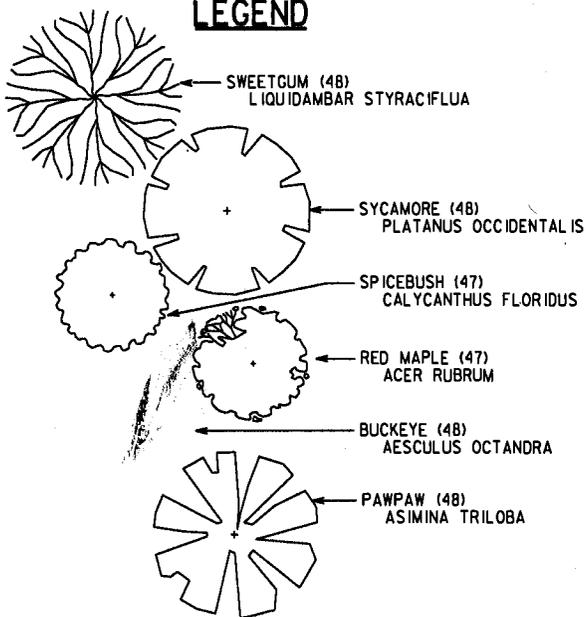


APPROXIMATELY 13 TREES PER 100 FEET (+3075 LINEAR FEET TOTAL)  
 WETLANDS EDGE PLANTING: 1075 LF - 140 TREES  
 STREAM ENHANCEMENT PLANTING: 1000 LF - 260 TREES  
 400 TOTAL TREES -  
 EQUAL QUANTITIES OF ALL SPECIES.

**WETLAND EDGE PLANTING PLAN**

1" = 10'-0"

**LEGEND**



PLANT A VARIETY OF BOTTOM LAND TREES AT 15' O.C. IN AND AT THE BOTTOM OF THE SLOPE AT THE WETLAND EDGE. ADDITIONAL INDIGENOUS BOTTOMLAND SPECIES MAY BE ADDED. SUPPLY TREES AS SEEDLINGS, WHIPS OR BRANCHED TRANSPLANTS A MINIMUM OF 3' TALL

**PROPOSED MITIGATION**

THE STREAM BANKS SHALL BE CONSTRUCTED TO CREATE A WELL VEGETATED STREAM SECTION. RIFFLES WILL BE CREATED TO FORM CHANNEL IRREGULARITIES SO THAT POOLING OF THE WATER AND RIPPLING WILL OCCUR. LARGE ROCK, WHERE AVAILABLE, MAY BE LEFT NEAR THE BANKS OF THE STREAM.

SLOPES AT 3:1 AND GREATER THAT REQUIRE VEGETATION SHALL RECEIVE AN EROSION CONTROL BLANKET.

60 % OF THE TREES SHALL BE PLANTED ON 15-FOOT CENTERS ON BOTH STREAM BANKS AT THE FLAT ZONE ABOVE THE LOW FLOW CHANNEL. PLANTING OF ADDITIONAL HARDWOOD TREES INDIGENOUS TO THE AREA SHALL OCCUR AT THE BASE OF AND INTO THE SIDE SLOPES. THESE TREES WILL BE, BUT ARE NOT LIMITED TO BUCKEYE, SWEETGUM, RED MAPLE, SYCAMORE, PAWPAW AND SPICEBUSH. TREES SHALL BE REPLANTED AS NECESSARY TO ACHIEVE A 75 PERCENT SURVIVAL RATE AT THE END OF FIVE YEARS. A GRASSED BUFFER STRIP A MINIMUM OF 10 FEET WIDE SHALL BE MAINTAINED ALONG THE TOP OF THE BANKS TO FILTER SURFACE WATER BEFORE IT ENTERS THE STREAM.

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ENGINEER/AGENT:  **GRESHAM SMITH AND PARTNERS**  
 Nashville Tennessee

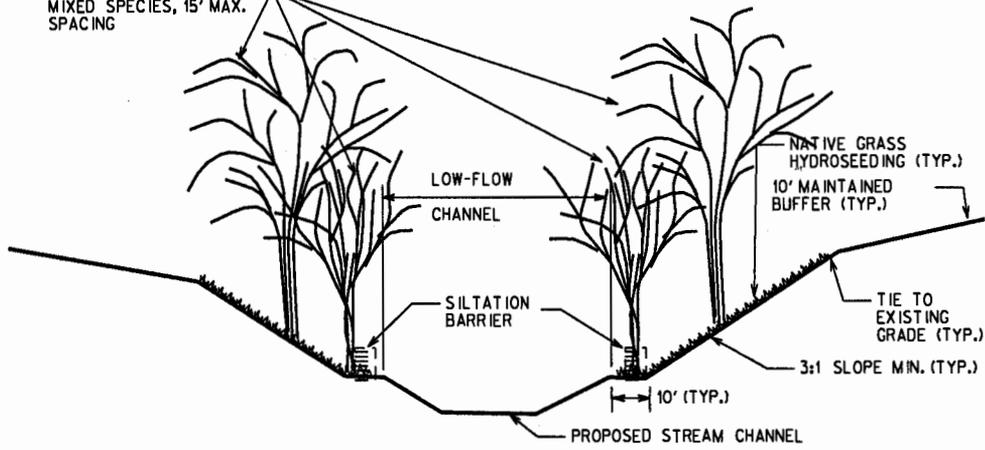
**WETLANDS EDGE PLANTING**  
**MOUNTAIN LAUREL CLASS IV**  
**DISPOSAL/RECLAMATION FACILITY**  
**EXPANSION**  
 GREENE COUNTY, TENNESSEE

**EXHIBIT**

**4**

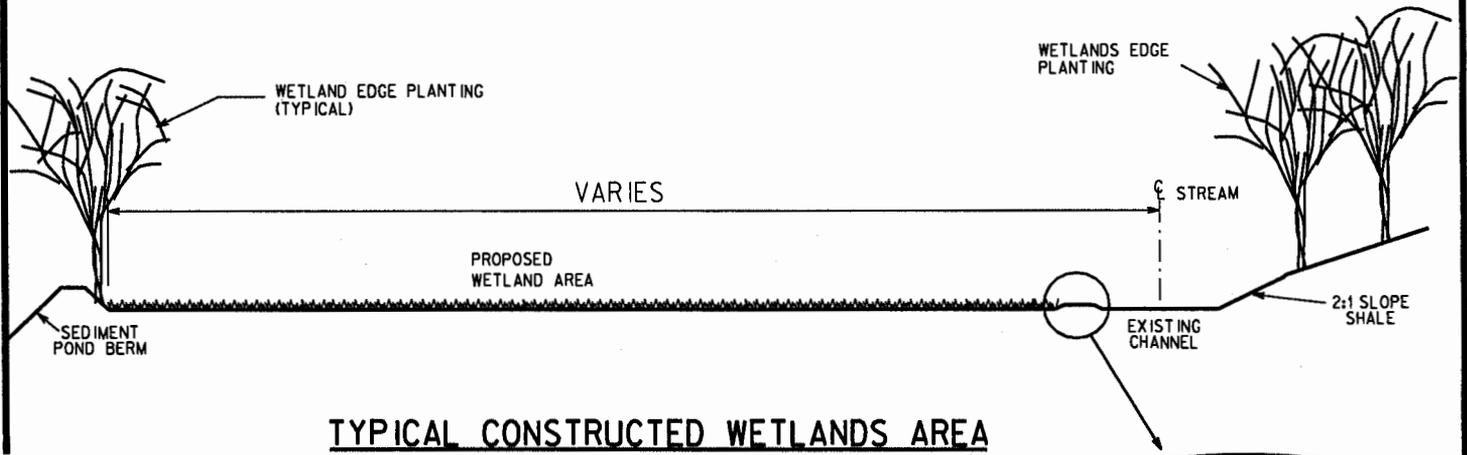
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NATIVE TREE PLANTING  
MIXED SPECIES, 15' MAX.  
SPACING



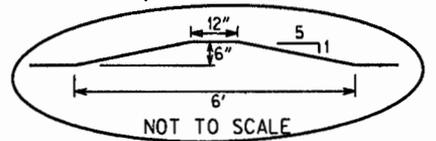
**TYPICAL STREAM RESTORATION**

NOT TO SCALE



**TYPICAL CONSTRUCTED WETLANDS AREA**

NOT TO SCALE



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**PLANT LIST:**

| KEY                       | BOTANICAL                 | COMMON NAME    | QUANTITY      | SIZE         | ROOT  |
|---------------------------|---------------------------|----------------|---------------|--------------|---|
| <b>TREES AND SHRUBS</b>   |                           |                |               |              |   |
|                           | Acer rubrum               | RED MAPLE      | 66            | 3' TALL MIN. | S, W, OR BR.TR.                                       |
|                           | Aesculus octandra         | BUCKEYE        | 67            | "            | "   |
|                           | Asimina triloba           | PAWPAW         | 67            | "            | "   |
|                           | Liquidambar styraciflua   | SWEETGUM       | 67            | "            | "   |
|                           | Caytonanthus floridus     | SPICEBUSH      | 66            | "            | "   |
|                           | Platanus occidentalis     | SYCAMORE       | 67            | "            | "   |
| <b>HERBACEOUS SPECIES</b> |                           |                |               |              |   |
|                           | Scirpus validus           | SOFT BULRUSH   | 2 PLS LBS/AC. | SEED         |   |
|                           | Carex spp.                | SEDGES         | "             | "            |   |
|                           | Polygonum spp.            | SMARTWEED      | "             | "            |   |
|                           | Eupatorium maculatum      | JOE PYE WEED   | "             | "            | S = SEEDLING  |
|                           | Eupatorium perfoliatum    | BONESET        | "             | "            | W = WHIPS   |
|                           | Allisma plantago-aquatica | SWAMP PLANTAIN | "             | "            | BR.TR. = BRANCHED TRANSPLANTS<br>PLS = PURE LIVE SEED |

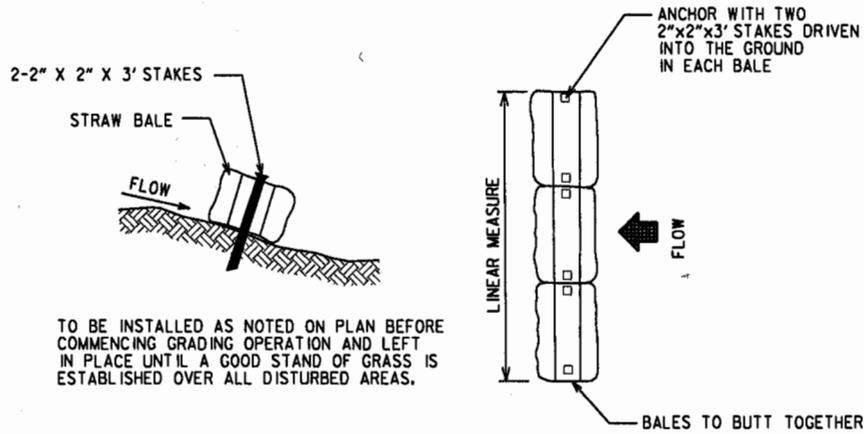
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ENGINEER/AGENT:  GRESHAM  
SMITH AND  
PARTNERS  
Nashville Tennessee

**TYPICAL SECTIONS & PLANT LIST**  
**MOUNTAIN LAUREL CLASS IV**  
**DISPOSAL/RECLAMATION FACILITY**  
**EXPANSION**  
GREENE COUNTY, TENNESSEE

**EXHIBIT**  
**5**

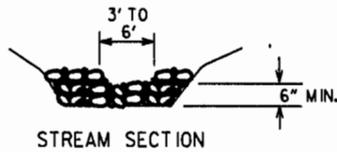
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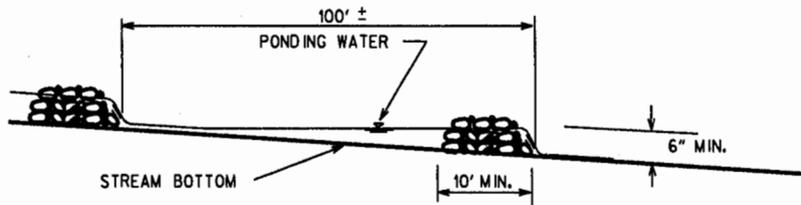
TO BE INSTALLED AS NOTED ON PLAN BEFORE COMMENCING GRADING OPERATION AND LEFT IN PLACE UNTIL A GOOD STAND OF GRASS IS ESTABLISHED OVER ALL DISTURBED AREAS.

### EROSION/SILTATION BARRIER

NOT TO SCALE



STREAM SECTION



STREAM PROFILE

### RIFFLE DETAIL

NOT TO SCALE

HAND PLACE 1' STONE TO FORM 3' - 6' WIDE OPENING FOR LOW FLOWS. STONE TO BE PLACED SUCH THAT FLOW IS RETAINED IN SHALLOW POOLS ABOVE RIFFLE.

#### GENERAL NOTES:

ALL WORK TO BE DONE IN ACCORDANCE WITH THE STREAM MITIGATION GUIDELINES FOR THE STATE OF TENNESSEE BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DIVISION OF WATER POLLUTION CONTROL, NATURAL RESOURCES SECTION.

STREAM BANKS MUST BE PLANTED WITH NATIVE VEGETATION THAT REPRESENTS BOTH WOODY (TREES AND SHRUBS) AND HERBACEOUS SPECIES.

TREES MUST BE PLANTED AT A RATE OF 400 STEMS PER ACRE BEGINNING AT BANK FULL ELEVATION WITHIN THE CHANNEL EXTENDING FOR 50 FEET ON EACH SIDE FROM TOP OF BANK OR FOR 3 TIMES THE WIDTH OF THE STREAM FROM TOP OF BANK.

NO SPECIES MAY COMPRISE MORE THAN 1/3 OF THE TOTAL PLANTED TREES.

SEEDLINGS/TREES MUST BE GUARANTEED AT A 75% SURVIVORSHIP FOR THE DURATION OF THE REQUIRED MONITORING PERIOD.

THE RIPARIAN ZONE MUST BE PROTECTED IN PERPETUITY UNDER A DEED RESTRICTION THAT PROHIBITS DISTURBANCE.

NO LIVESTOCK WILL BE ALLOWED AT RIPARIAN BUFFERS.

STREAM RESTORATION WILL INCLUDE REBUILDING THE APPROPRIATE CHANNEL PATTERN, PROFILE, DIMENSIONS, AND RIPARIAN ZONE TO THE EXTENT THAT WATERSHED CONDITIONS WILL ALLOW.

MONITORING IS REQUIRED FOR THIS PROJECT. THE OBJECTIVE OF MONITORING IS TO QUANTIFY THE SUCCESS OF THE MITIGATION. THE SUCCESS MUST BE GUARANTEED AND DOCUMENTED IN ANNUAL MONITORING REPORTS FOR A PERIOD OF 5 YEARS AFTER COMPLETION. SUCCESSFUL MITIGATION SHOULD RESULT IN STREAM SEGMENTS WITH STABLE BANKS, IN-STREAM HABITAT, AND/OR A HEALTHY RIPARIAN BUFFER.

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ENGINEER/AGENT:  GRESHAM  
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PARTNERS  
Nashville Tennessee

**GENERAL NOTES & DETAILS**  
**MOUNTAIN LAUREL CLASS IV**  
**DISPOSAL/RECLAMATION FACILITY**  
**EXPANSION**  
GREENE COUNTY, TENNESSEE

**EXHIBIT**  
**6**

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