



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

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December 16, 2017

Via Electronic Mail to comments-southern-chokeee@fs.fed.us

Attn: JaSal Morris, Forest Supervisor
United States Department of Agriculture, Forest Service
Cherokee National Forest
2800 Ocoee Street North
Cleveland, TN 37312

Dear Mr. Morris:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the U.S. Forest Service (USFS) – Cherokee National Forest, *Vegetation Management in Open Areas* Draft Environmental Assessment (EA). USFS proposes to enhance wildlife habitat diversity through a variety of periodic or regularly scheduled activities including prescribed burning and mechanical and chemical vegetation control within existing open areas. The proposed project is planned for open areas throughout the Cherokee National Forest; including the Ocoee Ranger District in Polk and McMinn Counties, the Tellico Ranger District in Monroe County, the Unaka Ranger District in Cocke and Greene Counties, and the Watauga Ranger District in Carter, Johnson, Sullivan, Unicoi and Washington Counties, Tennessee.¹

Actions considered in detail within the Draft EA include:

- **Alternative 1 – No Action Alternative.** The No Action Alternative is defined as USFS continuing routine mechanical activities on wildlife openings and overlooks as well as activities authorized through other decisions. Herbicide would only be applied to previously authorized administrative sites, on non-native invasive species, on Fort Loudoun Electric Cooperative utilities in Monroe County and on a section of Tennessee Valley Authority line in Polk County.
- **Alternative 2 – Proposed Action.** Action Alternative 2 is the desired action, under which the USFS proposes to maintain grassy, herbaceous and shrubby openings using a combination of manual, cultural, and chemical control treatment methods across the Cherokee National Forest. In this proposal, openings would continue to be maintained by mechanical means. In addition, chemical methods would be used to establish desired vegetation. Openings would be treated with herbicide, using a backpack or portable low-pressure sprayer to promote native grasses and forbs during manipulation and establishment of grasses. Some areas may be planted using the no-till method or could remain unplanted. At that time, one of two seed mixtures could be used 1) a cool season mixture including annual rye grass and clover or 2) a native mixture including Indian grass, little bluestem, switchgrass, partridge pea, and big bluestem. Mixture

¹ Openings across the Cherokee National Forest cover approximately 3,064 acres of permanently maintained spot and linear openings, 14 developed scenic overlooks and 1,576 acres of electrical line easements.

selection would be based on site characteristics and species composition may vary. Plugs of native species that benefit pollinators may be planted as appropriate. Mechanical and chemical methods would also be used to maintain the preferred vegetation by selectively treating the woody sprouts that develop after planting. The treatments proposed for maintaining early successional habitat in openings are described on pages 19-20 of the Draft EA.² Openings maintained by the Forest would be treated as funding and logistical constraints allow. Most would be maintained by mechanical means each year, however, chemical treatments would occur on some areas. It is anticipated that chemical treatments might occur on 10-25% of the forest openings each year. Utilities would be required to submit annual operating plans with areas of maintenance identified. Buffers of untreated vegetation would remain near streams and other areas not appropriate for manipulation. Stream buffers would meet or exceed Revised Plan direction. Specific herbicides that could be used in the project areas can be found on pages 20-22 of the Draft EA.³

- **Alternative 3.** Under Alternative 3, the USFS proposes to continue appropriate vegetation control by established mechanical means. In addition, chemical methods could be used to establish the desired vegetation on openings managed by the USFS. Utility corridors would be treated mechanically only and no herbicide would be allowed with the exception of areas previously authorized.

TDEC has reviewed the Draft EA and provides the following comments.

Air Resources

The Draft EA identifies the use of prescribed fire as one of the proposed treatment options; TDEC recommends prescribed burning be conducted in a manner that encourages good smoke dispersion, done in accordance with USFS and state open burning regulatory requirements.⁴ Additionally, TDEC recommends that prescribed burning be coordinated with the state forestry office and county emergency services to insure proper response and adequate staff will be available in the event of an escaped wildfire in the Cherokee National Forest. TDEC encourages USFS to include discussion regarding these considerations in a revised Final EA.

Water Resources

TDEC issues sampling waivers to community water systems for synthetic organic contaminants (SOCs), which include certain herbicides and pesticides. These waivers are based on the amount of SOC used in that county, hydrologic unit code 8 watershed, or hydrologic unit code 11 watershed. Systems are required to monitor once in a three-year cycle after a one-inch rainfall event for the SOC not waived. The use of SOC in community water system source water areas means that waivers will have to be reviewed for systems that could potentially be impacted by use of herbicides mentioned in the Draft EA.⁵

² These methods include Manual cutting, Mowing, Non-native Invasive Species (non-natives) and Woody Encroachment Treatment, Prescribed Fire, Road Maintenance, Root Raking, Planting, and Strip Disking.

³ Proposed chemicals include Aminopyralid, 2,4-D, Clopyralid, Dicamba, Fluzifop-P-butyl, Fluroxypyr, Glyphosate, Imazapic, Imazapyr, Metsulfuron methyl, Picloram and Triclopyr.

⁴ TDEC Air Pollution Control Rule 1200-3-4-.01 et seq., <http://sos.tn.gov/effective-rules>. Additional information on open burning in Tennessee is available at <https://tn.gov/environment/article/apc-open-burning> and <http://www.burnsafetn.org/>.

⁵ For surface water systems and ground water under the direct influence of surface water, there are no waivers given for 2,4 D and systems have been required to monitor for Picloram in the last monitoring cycle. Glyphosate is not as much of a concern, as community systems are required to chlorinate which would break down the glyphosate in the treatment process. For more information on SOC regulated under the EPA's Chemical Contaminant Rules, please visit <https://www.epa.gov/dwreginfo/chemical-contaminant-rules>.

The water systems with the greatest potential for impacts would be:

- Bluff City's Underwood Spring located within Cherokee National Forest in Sullivan County
- Peter's Hollow in Carter County
- Johnson City's Unicoi Springs in Unicoi County
- Watauga River Regional Water Authority – Wilbur Lake intake and the Little Pond Mountain well in the Fish Springs Community

TDEC recommends that these systems be made aware of the planned use of herbicides in their water source vicinity. TDEC has the authority to require water systems to sample for the additional herbicides that are not currently regulated SOCs, but this will be at an additional cost to each system and potentially at a frequency of more than once during the growing season after a rainfall event every three years.⁶ TDEC encourages the USFS to include discussion regarding these concerns and plans for notifying potentially impacted water systems in the Final EA.

TDEC appreciates the opportunity to comment on this Draft EA. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



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cc: Lacey Hardin, TDEC, APC
Tom Moss, TDEC, DWR

⁶ TDEC is aware of an additional non-compliant community water system that could be impacted by this proposal, and encourages the USFS to contact TDEC staff regarding this issue. There may be other permitted withdrawals that would qualify as community water systems that TDEC is not aware of. The USFS has not responded to TDEC's request for information. It is our understanding that there are a number of USFS permits for individuals utilizing springs. While not regulated as public water systems, any herbicide application within the source water areas for these springs that could contaminate the spring water source would be a public health concern as well.