



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

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November 5, 2018

Via Electronic Mail to CorpsLRNPlanningPublicCom@usace.army.mil

Attn: Chip Hall, Regional Technical Specialist
Department of the Army
Nashville District, Corps of Engineers
110 9th Avenue South, Room A-405
Nashville, TN 372032

Dear Mr. Hall:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the U.S. Army Corps of Engineers (USACE) – Nashville District, Draft Detailed Project Report and Environmental Assessment (DPR/EA) and Unsigned Finding of No Significant Impact (FONSI) for the East Camp Creek Watershed Flood Risk Management Study. The purpose of the Draft DPR/EA report is to analyze potential solutions for flooding problems within the East Camp Creek Watershed in Sumner County, Tennessee, near the City of Gallatin. In determining a tentatively selected plan (TSP), USACE evaluated nineteen flood risk management (FRM) measures that would address one or more of the planning objectives, and then assessed these measures for efficiency and acceptability.¹ The Draft DPR/EA TSP recommends the following actions:

- **Tentatively Selected Plan (TSP)** – Entrance Detention is the plan that provides the greatest amount of net benefits. Entrance Detention maximizes net annual benefits and provides significant residual risk reduction while being cost effective. Entrance Detention includes an armored earthen detention structure that would store approximately 46 acre-feet of water near the entrance to Triple Creek Park. The City of Gallatin owns Triple Creek Park and both the structure and flowage easement needed would be contained within park property and several adjoining private property parcels. There are no known cultural, environmental or hazardous, toxic radioactive waste (HTRW) issues with the project site. The City of Gallatin supports the project.

TDEC has reviewed the Draft DPR/EA with Unsigned FONSI and provides the following comments.

¹ The planning objectives for the DPR/EA were; reduce flood damages to structures located along Town Creek in Gallatin, TN by the year 2025, once the project is fully constructed and operational; and reduce flood risk to critical infrastructure by the year 2025, once the project is fully constructed and operational.

Cultural Resources

If human remains are encountered or accidentally uncovered by earthmoving activities, all activity within the immediate area must cease. The county coroner or medical examiner, a local law enforcement agency, and the state archaeologist's office should be notified at once (Tennessee Code Annotated 11-6-107d). A court order from Chancery Court must be obtained prior to the removal of any human graves. TDEC recommends the Final DPR/EA include discussion relating to USACE protocols for encountering and addressing human remains.

Plant and Animal Resources

Based on the habitat within the project area and the type of project, TDEC does not anticipate any impacts to rare, threatened, or endangered plant species from this project, provided that best management practices to address erosion and sediment are implemented and maintained during construction activities. There are no known critical habitats, natural areas, or wildlife management areas near the project area. However, the state endangered Streamside Salamander (*Ambystoma barbouri*)² could occur in Town Creek and the two unnamed tributaries in the project area. Should suitable habitat exist on or immediately downstream of the site, TDEC asks that project plans provide for the protection of these species. TDEC encourages USACE to include information pertaining to the potential for Streamside Salamander habitat in the Final DPR/EA.³

Air Resources

TDEC recommends that should open burning be considered for disposal of wood wastes generated from the construction of the retention structure, alternatives to open burning including chipping, composting or grinding of wood waste should be evaluated first. If open burning is selected for wood waste disposal USACE should consider implementing a smoke management plan, not burning on air quality alert days, and coordinating burning with other agencies (local and State air pollution control agencies, forestry agencies and local fire departments). TDEC encourages the Final DPR/EA include discussion relating to the management of wood wastes generated by the TSP.

Water Resources

Based on review, the TSP will require a Construction Stormwater Permit (CGP) and an individual Aquatic Resource Alteration Permit (ARAP). TDEC encourages USACE to work closely with the Department as the project begins. Additionally, depending on the height of the berm for the retention structure and the acreage

² *Ambystoma barbouri* is a winter-breeding species generally active from mid-December to mid-March, after which time the adults leave their stream-breeding sites. Larvae may require another 6-10 weeks for transformation after they hatch, but tend to develop rapidly since many of their preferred breeding sites may dry completely in summer. As such, TDEC expects that aquatic larvae will transform and move underground by June 1 of a given year. TDEC tracks occurrences of rare species in partnership with other agencies, academicians, and non-governmental organizations. The Streamside Salamander remains a species of conservation concern due to historic and contemporary loss of breeding sites, and has been listed by the Tennessee Wildlife Resources Agency (TWRA) as a "Need of Management" species. Its status will change to State Endangered with completion of revisions to the Tennessee Threatened and Endangered Species List. TDEC manages a few known populations on state natural areas in Wilson and Rutherford counties. The vast majority of breeding sites, however, remain on private lands. Their presence in Sumner County was first documented only in February 2016 at what is now the Hidden Creek subdivision. Subsequent surveys have demonstrated a much broader distribution in the county, from streams abutting the Cumberland River to source waters near the toe of the Highland Rim escarpment.

³ Please contact Rob Todd, rob.todd@tn.gov, 615-781-6577 with TWRA to ensure that legal requirements for protection of state listed rare animals.

impounded, a Safe Dams Certificate may also be required. If the structures will impound over 15 acre feet or are 6 feet or more in height they will be classified as a dam.⁴

Solid Waste Management

TDEC recommends that any wastes associated with the construction, operation, maintenance, and repair of the TSP be managed in accordance with the Solid and Hazardous Waste Rules and Regulations of the State of Tennessee.⁵ TDEC recommends that the Final DR/EA reference that any wastes that are generated during the construction process or uncovered during site preparation are subject to the Solid and Hazardous Waste Rules and Regulations of the State of Tennessee.

TDEC appreciates the opportunity to comment on this Draft DPR/EA with Unsigned FONSI. 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,



Kendra Abkowitz, PhD
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Tennessee Department of Environment and Conservation

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cc: Lacey Hardin, TDEC, APC
Lisa Hughey, TDEC, SWM
Tom Moss, TDEC, DWR
Daniel Brock, TDEC, DOA
Stephanie Williams, TDEC, DNA

⁴ If you need further information regarding CGP, ARAP, or Safe Dams Certification, please contact Tom Moss, tom.moss@tn.gov, 615-532-0170.

⁵ Reference TDEC SWM Rule 0400 Chapter 11 for Solid Waste and Chapter 12 for Hazardous Waste <http://sos.tn.gov/effective-rules>.