



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

SHARI MEGHREBLIAN, PhD
COMMISSIONER

BILL HASLAM
GOVERNOR

November 9, 2018

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

Attn: Leslie Morgan, Unaka District Ranger
United States Department of Agriculture, Forest Service
Cherokee National Forest, Unaka Ranger District
4900 Asheville Hwy.
Greeneville, TN 37743

Dear Ms. Morgan:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the U.S. Forest Service (USFS) – Cherokee National Forest, Unaka Ranger District, *Meadow Creek Project* Draft Environmental Assessment (EA). USFS proposes to utilize commercial harvest to create approximately 194 acres of early successional habitat for wildlife and to improve age class distribution and forest health in the project area. Additional treatments proposed include mechanical treatments to encourage oak and other mast-producing species, thinning stands to reduce competition, prescribed burning, providing nesting structures, creating water features, and other wildlife habitat improvements, maintaining roads, creating temporary roads, decommissioning roads, and authorizing roads. The Meadow Creek analysis area is located in southeastern Cocke and southwestern Greene counties, TN.¹

Actions considered in detail within the Draft EA include:

- **Alternative A – No Action Alternative.** Selection of this alternative would mean that no projects would be implemented in the project area at this time. Current uses of the area would continue until such uses were prohibited by changed environmental conditions. Selection of Alternative A does not preclude future analysis or implementation of on-going management proposals within the project area. This alternative provides a baseline used to compare the environmental effects of the action alternatives.
- **Alternative B – Proposed Action.** Action Alternative 2 is the desired action, under which the USFS proposes to:
 - provide approximately 194 acres (9 stands) of early successional forest (ESF) for wildlife habitat needs in the project area,
 - maintain and restore forest and wetland plant communities,
 - use mechanical treatment methods (e.g. chainsaw) on approximately 240 acres (13 stands; Table 4) to select and release approximately 100 future crop trees per acre (20' X20' spacing) by slashdown of all

¹ The area is roughly bound by the following: on the southern side from Huff Island to Upper Twin Bridges on the French Broad River, north east to Highway 107/70 intersection, then west following the northern base of Chuckey, Meadow Creek and Neddy Mountains.

stems competing with the upper ½ of selected crop tree crowns, extending 5 feet out from the edge of the crop tree,²

- improve species sustainability and promote stand vigor, i.e. forest health, within the project area to prevent loss of environmental assets due to insect and/or disease outbreaks,
 - provide wildlife habitat components (roost/nest boxes, waterholes, drumming logs, etc.) to sustain or promote viable populations of wildlife species within the project area, and increase wildlife viewing opportunities,
 - manage National Forest System (authorized) and non-system (unauthorized) roads identified as needed or not needed for safe and efficient travel, and/or for administration, utilization, and protection of National Forest System lands, and
 - actively work toward applying Firewise concepts to all Forest Service owned structures, facilities, and permitted use to serve as a model to publics and communities.
- **Alternative C – Modified Proposed Action.** Under Alternative 3, the USFS proposes to perform most of the activities outlined by Alternative B with the slight modifications that approximately 184 acres (10 stands) of early successional forest (ESF) would be created for wildlife habitat needs in the project area. Additionally, approximately 287 acres (16 stands) would be non-commercially thinned.

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

Cultural Resources

Based on review of the project and its proposed alternatives there is a potential for cultural resources to be adversely affected. However, no significant archaeological resources will be disturbed within the project area if the proposed avoidance and mitigation measures are adhered to.

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 EA include discussion relating to USFS protocols for encountering and addressing human remains.

Air Resources

TDEC recommends that should prescribed burning be considered to accomplish the objectives specified in the Draft EA, USFS 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 that the Final EA include discussion relating to these protocols.

Water Resources

TDEC recommends that the use of herbicides and burning in or near waters be minimized and that a hydrologist or wildlife biologist be used to assist in the location of ephemeral pools, springs and seeps. TDEC recommends

² Approximately 37 acres (three stands) would be commercially thinned and 287 acres (16 stands) would be non-commercially thinned.

that USFS coordinate with TDEC prior to submitting Aquatic Resource Alteration Permit (ARAP) applications.³ TDEC recommends that the Final EA reflect these additional considerations.

Solid Waste Management

TDEC recommends that any wastes associated with the proposed action or its alternatives be managed in accordance with the Solid and Hazardous Waste Rules and Regulations of the State of Tennessee.⁴ TDEC recommends that the Final 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 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,



Kendra Abkowitz, PhD
Assistant Commissioner, Office of Policy and Sustainable Practices
Tennessee Department of Environment and Conservation

Kendra.Abkowitz@tn.gov

(615) 532-8689

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

³ If you have any questions about ARAP applications please contact, Thomas A. Moss, P.G., Environmental Review Coordinator – Compliance and Enforcement Unit at (615) 532-0170 or tom.moss@tn.gov.

⁴ Reference TDEC SWM Rule 0400 Chapter 11 for Solid Waste and Chapter 12 for Hazardous Waste <http://sos.tn.gov/effective-rules>.