



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

ROBERT J. MARTINEAU, JR.
COMMISSIONER

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GOVERNOR

June 23, 2016

Via Electronic Mail to Travis.A.Wiley@usace.army.mil

Travis Wiley
Department of the Army
Nashville District, Corps of Engineers
110 9TH Avenue South, Room A-405
Nashville, Tennessee 37203

Dear Travis Wiley:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the U.S. Army Corps of Engineers (Corps) *Draft Environmental Assessment for Cumberland City Navigation By-Pass Channel Maintenance Dredging and In-River Placement* (Draft EA) and *Finding of No Significant Impact* (FONSI). The applicant, Corps, proposes maintenance dredging at the upstream and downstream entrances to the Cumberland City Navigation By-Pass located at Cumberland City, Tennessee, in Stewart County. The dredged river sediment would be placed in-river at previously-used placement sites. The purpose of this project is to maintain a clear navigation channel that allows for continued navigation access through Kentucky and Tennessee, and to the utility, industrial, and commercial facilities along the river within those states.

Actions considered in detail within the Draft EA include:

- Alternative 1 – No Action Alternative – Under the No Action Alternative, no maintenance dredging would be done. Current conditions and trends would continue into the foreseeable future. Without routine maintenance dredging, sediment deposition would continue to reduce safe channel width and depth.
- Alternative 2 – Proposed Action Alternative – Under Alternative 2, Corps would use a hydraulic cutterhead suction dredge to remove approximately 350,000 CY of sediment from two dredge sites at the By-Pass entrances. The dredged sediment would be placed in a confined disposal facility in an upland disposal site. Subsequent inspections of upland disposal site by Corps representatives revealed the presence of approximately 30 acres of wetlands.¹
- Alternative 3 – Preferred Action Alternative – Under the Preferred Action Alternative, Corps would use a clamshell dredge to dredge the river bottom at two sites and place channel sediment into silt-hulled barges. The barges would then move to the in-river placement areas for placement of dredged material.

¹ Under the Clean Water Act; Section 404(b) (1) Guidelines (40 CFR Part 230) wetlands are considered a special aquatic site and no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impacts on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

TDEC's **Division of Archaeology (DoA)** and **Division of Air Pollution Control (APC)** have reviewed the Draft EA and have no specific comments regarding the preferred action or its alternatives.

TDEC'S **Division of Natural Areas (DNA)** has reviewed the Draft EA with respect to rare plant species and critical habitat and comments that the Blue Sucker (*Cycleptus elongates*) and the Lake Sturgeon (*Acipenser fulvescens*) have been documented within 1-mile of the project area. DNA recommends that the Blue Sucker and the Lake Sturgeon be considered in the context of the Preferred Action Alternative in the Final EA and that every effort be made to minimize impacts to these species should they be found in the immediate project area.

TDEC'S **Division of Water Resources (DWR)** has reviewed the Draft EA and has the following comments on the preferred action and its alternatives:

- DWR comments that the dredge area exceeds the maximum allowable under the general permit and recommends that Corps mention the preparation of an application for an individual permit in the context of the Preferred Action Alternative in the Final EA.²
- DWR concurs with the finding of no significant impact, but recommends that Corps seek out upland placement solutions for future maintenance dredging projects.

TDEC appreciates the opportunity to comment on this Draft EA. Please note that these comments are not indicative of approval or disapproval of the preferred 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,



Dr. Kendra Abkowitz
Director of Policy and Planning
Phone: (615)-532-8689

cc: Mark Norton, TDEC, DoA
Lacey Hardin, TDEC, APC
Stephanie A. Williams, TDEC, DNA
James Sutherland, TDEC, DWR

² TDEC issued an Individual Aquatic Resource Alteration Permit, NRS No. 15.350, on May 2, 2016.