

Attachment 2. Joint Public Notice and Agency Comment Responses

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**US Army Corps
of Engineers.**

Public Notice

Public Notice No. 09-38 Date: **May 18, 2009**

Nashville District Application No. **200900037** Expires: **June 17, 2009**

Please address all comments to: Regulatory Branch, 3701 Bell Road, Nashville, TN 37214-2660; ATTN: J. Ruben Hernandez

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Inverted Siphon and Waterline Crossing at Mile 646.6, Tennessee River, in Knoxville, Knox County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to **Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403)**, **Section 404 of the Clean Water Act (33 USC 1344)**, and a Tennessee Valley Authority (TVA) Permit pursuant to **Section 26a of the TVA Act (16 USC 831y-1)**. 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. The applicant has applied for the State certification by separate application.

APPLICANT: Knoxville Utilities Board
835 East Jackson Street
Knoxville, Tennessee 37915

LOCATION: Mile 646.6, Tennessee River (Fort Loudoun Lake), in Knoxville, Knox County, Tennessee, Lat 35.9471°, Lon 83.9240°, USGS Knoxville-TN Topographic Quadrangle.

BACKGROUND: The Knoxville Utilities Board (KUB) sewer system conveys wastewater from the south Knoxville area with an existing 12" and 24" inverted siphon which crosses beneath the Tennessee River. Due to the siphon's age, condition, and limited capacity (existing 12" pipe is blocked), KUB plans to replace the existing structure at a point slightly upstream of the current location. In addition, due to future rehabilitation of the Henley Street Bridge in 2010, KUB will remove the existing 16" water main currently affixed to the bridge and install the line within the same trench used by the new inverted siphon.

PROPOSED WORK: The proposed work consists of the construction of a new inverted siphon. The new inverted siphon would consist of two pipes: one 18" and one 24" diameter (dia) ductile iron pipe (DIP). The project also includes one 16" dia. DIP waterline crossing. It is proposed that the three pipes be installed within a single trench using a conventional cut and cover method. The estimated total length of each pipe to be installed beneath the river is 700'. The proposed pipe depth is 3.5' (minimum) below the existing riverbed. It is anticipated that all pipe and structures will be below grade or outside the existing TVA flowage easement, Elevation 822. Other components within the project include the installation of two concrete manhole junction boxes on either side of the proposed crossing route and associated sewer pipes, manholes, and a 24" dia. high-density polyethylene (HDPE) temporary bypass pipe as shown on the attached exhibits. The proposed temporary pipe will be placed on the bottom of the river and secured with concrete anchors. All temporary piping will be removed at the completion of the project.

Tunnel boring, horizontal direction drilling (HDD), and cut & cover construction methods were all considered and thoroughly evaluated. The tunnel boring & HDD were determined as nonviable upon the completion of an extensive geotechnical evaluation which identified subsurface voids. Therefore, the cut & cover method was selected for implementation.

Construction will be carried out by blasting & excavating one trench for the three pipes. The excavation will be conducted using a clamshell excavator mounted on a 40 ft x 80 ft crane barge. A second barge (40 ft x 80 ft) will also be utilized for storing materials. After blasting, the excavated material will be sidecast to the upstream side of the trench in order to minimize disturbance to the existing inverted siphon located to the downstream of the trench. The excavated material will be utilized as trench backfill and pipe cover to restore the riverbed contours to their original state after all three pipes have been placed by crane and divers.

The existing inverted siphon piping will remain in place and will be evaluated after construction of the new inverted siphon. Depending on the condition of the existing inverted siphon, KUB will either rehabilitate the existing siphon to be used as a backup system or abandon it in place if it can't be rehabilitated.

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. 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.

The work has been categorically excluded from environmental documentation by 33 CFR Part 325, Appendix B, Paragraph 6, which became effective on March 4, 1988. An Environmental Assessment may be prepared if extraordinary circumstances are revealed during the public interest review.

A Phase I survey was conducted within the project area for the sewer line project by the University of Tennessee, Archaeological Research Laboratory (ARL). The Corps will review the report and submit its determination to the Tennessee State Historic Preservation Office (SHPO). This review constitutes the full extent of cultural resources investigations at this point in the application process. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

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

Public Notice No. 09-38

determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

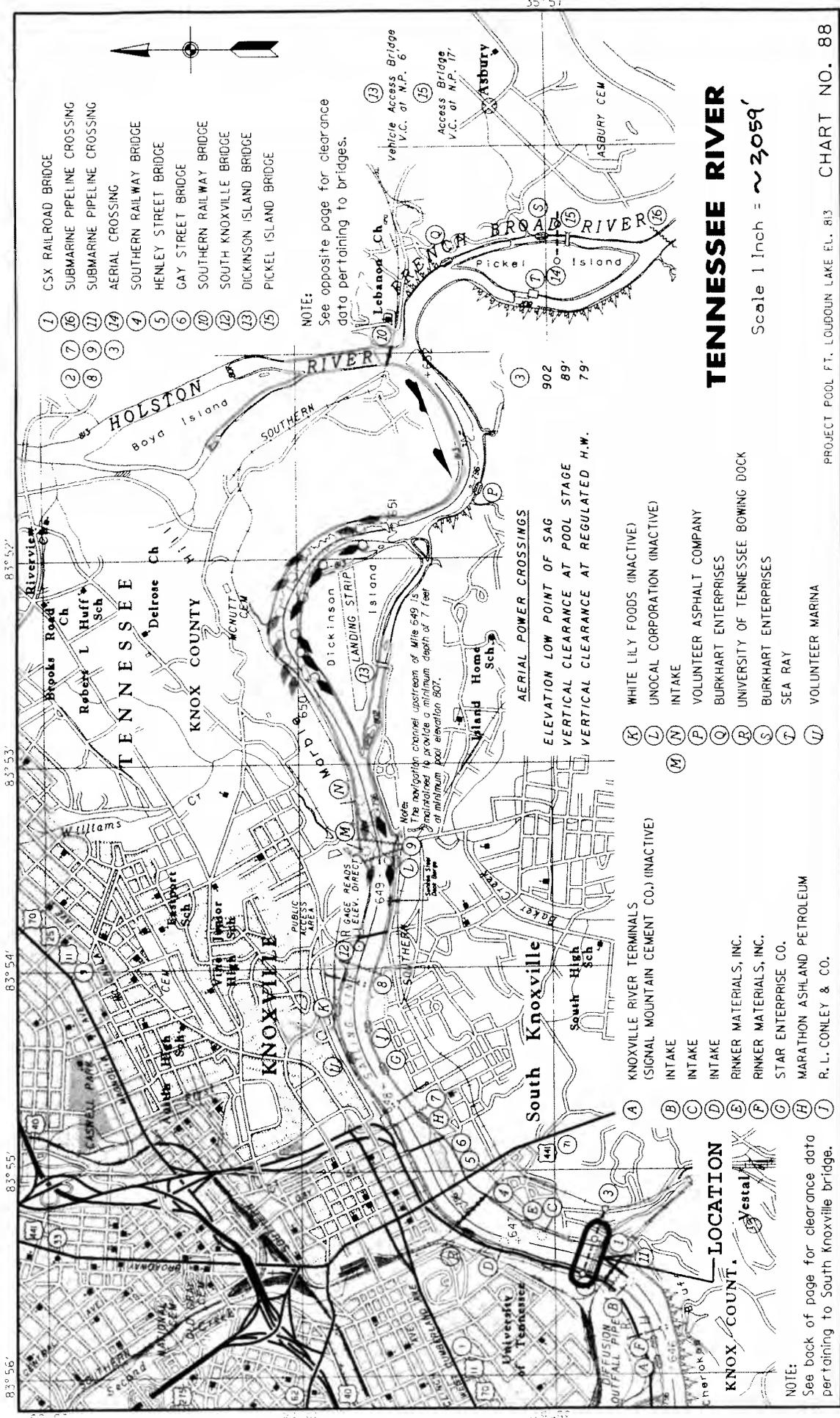
Other federal, state, and/or local approvals required for the proposed work are as follows:

- 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.
- 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 June 17, 2009, 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: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. 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 Little Tennessee Watershed Team, 260 Interchange Park Drive (LCB 1A-LCT), Lenoir City, Tennessee 37772-5664.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Hernandez at the above address or phone number.



- 1 CSX RAILROAD BRIDGE
- 2 SUBMARINE PIPELINE CROSSING
- 3 SUBMARINE PIPELINE CROSSING
- 4 AERIAL CROSSING
- 5 SOUTHERN RAILWAY BRIDGE
- 6 HENLEY STREET BRIDGE
- 7 GAY STREET BRIDGE
- 8 SOUTHERN RAILWAY BRIDGE
- 9 SOUTH KNOXVILLE BRIDGE
- 10 DICKINSON ISLAND BRIDGE
- 11 PICKEL ISLAND BRIDGE
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NOTE:
See opposite page for clearance data pertaining to bridges.

LOCATION

NOTE:
See back of page for clearance data pertaining to South Knoxville bridges.

- (A) KNOXVILLE RIVER TERMINALS (SIGNAL MOUNTAIN CEMENT CO.) (INACTIVE)
- (B) INTAKE
- (C) INTAKE
- (D) INTAKE
- (E) RINKER MATERIALS, INC.
- (F) RINKER MATERIALS, INC.
- (G) STAR ENTERPRISE CO.
- (H) MARATHON ASHLAND PETROLEUM
- (I) R. L. CONLEY & CO.

- (K) WHITE LILY FOODS (INACTIVE)
- (L) UNOCAL CORPORATION (INACTIVE)
- (M) INTAKE
- (N) VOLUNTEER ASPHALT COMPANY
- (O) BURKHART ENTERPRISES
- (P) UNIVERSITY OF TENNESSEE BOWLING DOCK
- (Q) BURKHART ENTERPRISES
- (R) SEA RAY
- (S) VOLUNTEER MARINA

ELEVATION LOW POINT OF SAG
VERTICAL CLEARANCE AT POOL STAGE
VERTICAL CLEARANCE AT REGULATED H.W.

902
89'
79'

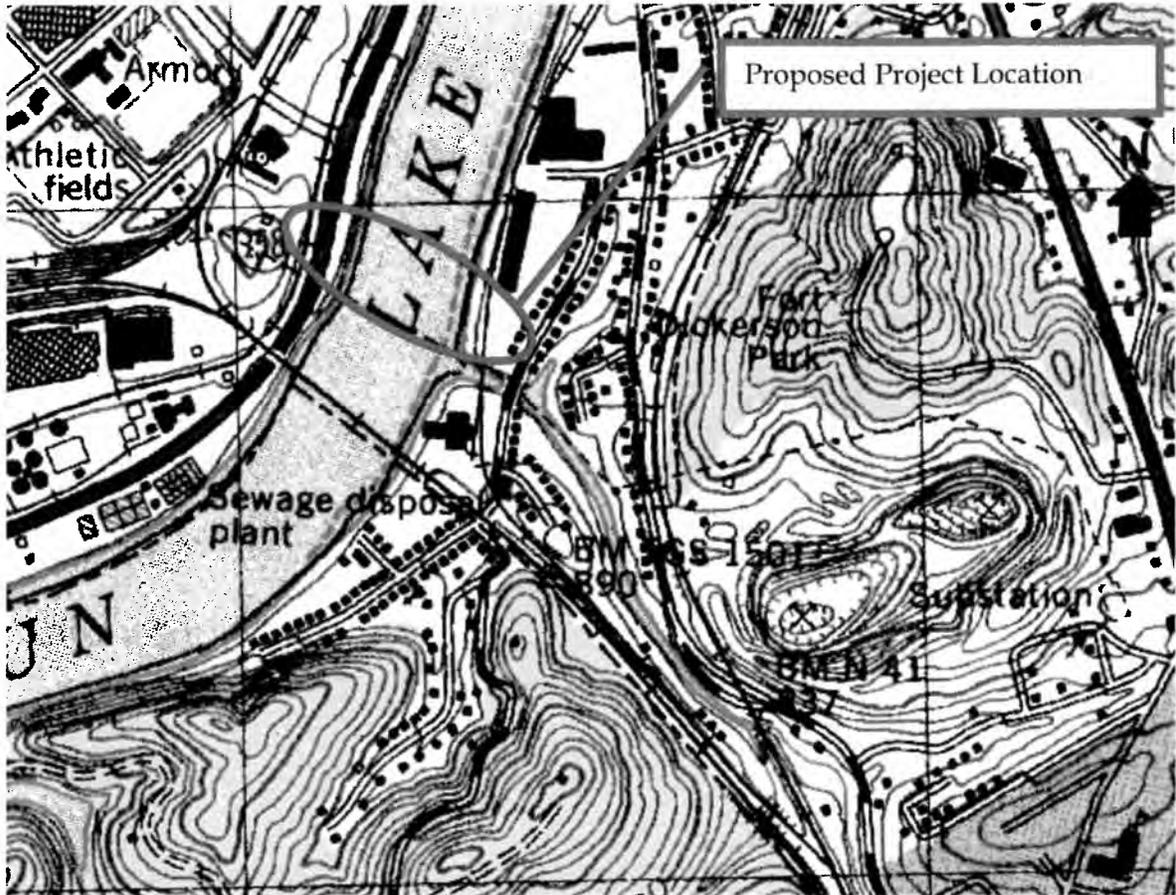
TENNESSEE RIVER

Scale 1 inch = ~ 3059'

PROJECT POOL FT. LOUDOUN LAKE EL. 813 CHART NO. 88

EXHIBIT A
FILE NO. 200900037
P.N. NO. 09-38

8.2 USGS Topographic Map



Knoxville, TN Quadrangle 1978

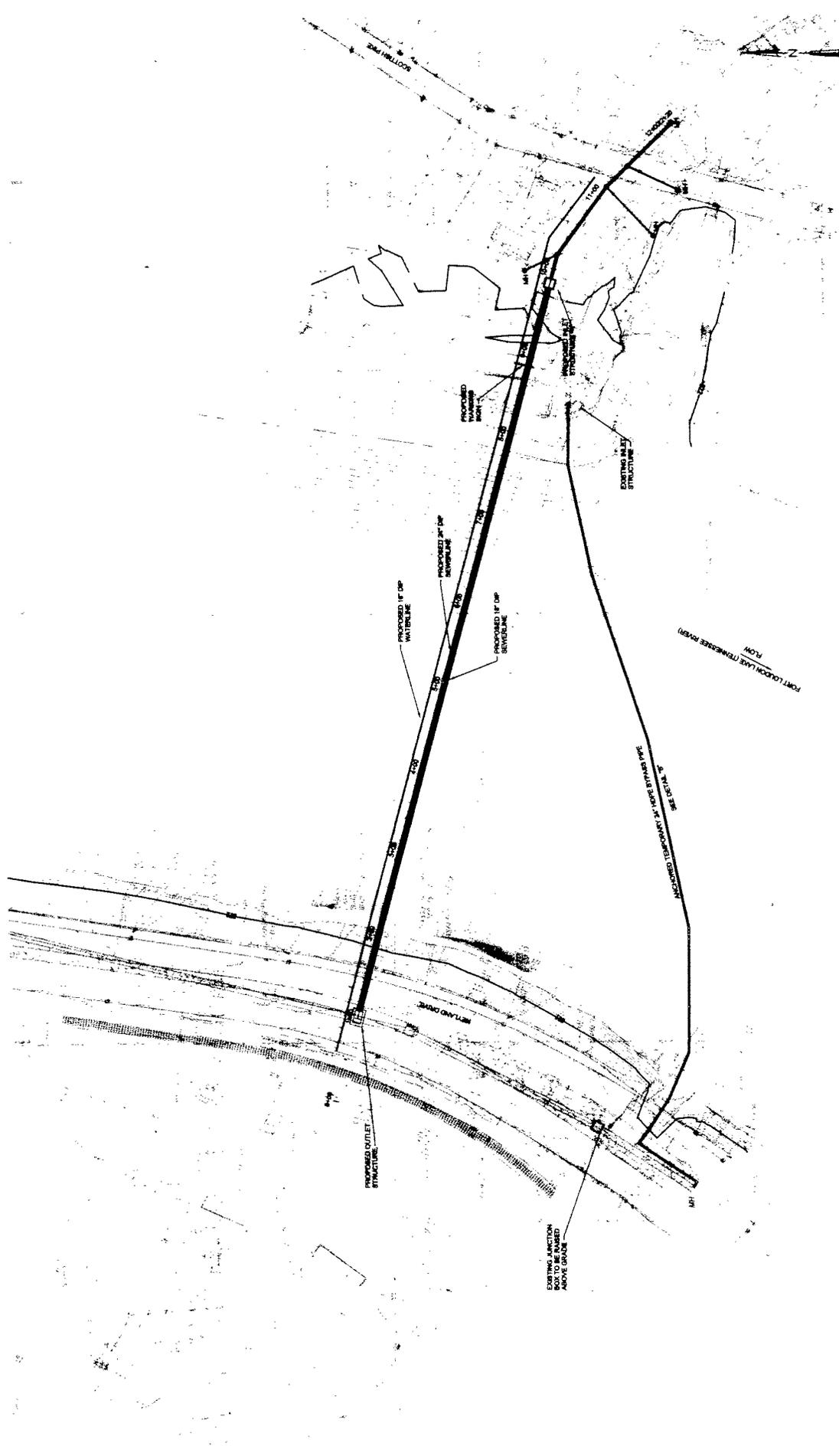
8.3 Project Photographs



East River Bank Looking West



West River Bank Looking East



PERMITS NOT FOR CONSTRUCTION	CHECKED BY C CHILDRESS	APPROVED BY [Signature]	ENGINEER CH2M-HILL 2000 LAURENCE CENTER WAY KNOXVILLE, TN 37922	NO. DATE 1 1/10/09 2 1/10/09 3 1/10/09	REVISION 1 DESCRIPTION 2 DESCRIPTION 3 DESCRIPTION	APRIL APRIL APRIL	SCALE AS SHOWN DATE MARCH 2009	811 KNOXVILLE UTILITIES BOARD KNOXVILLE, TENNESSEE	ONE PROPOSED PLAN	PROJECT 005-C-2601	SHEET NO. OF SHEETS 1 OF 1
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EXHIBIT C
 FILE NO. 200900037
 P.N. NO. 09-38

Duffey, Janet L

From: High, Martin B II
Sent: Monday, June 22, 2009 9:42 AM
To: Duffey, Janet L
Subject: FW: Objections to KUB Siphon Public Notice

Attachments: KUB_PN Comments.PDF



KUB_PN
Comments.PDF (174 K)

Martin High
Program Manager
Little Tennessee Watershed Team
(865) 632-1301
Fax; (865) 632-9484

-----Original Message-----

From: Hernandez, Jose R LRN [mailto:Jose.R.Hernandez@usace.army.mil]
Sent: Friday, June 19, 2009 2:42 PM
To: High, Martin B II
Subject: FW: Objections to KUB Siphon Public Notice

Martin:

For LT Watershed Team information:

J. Ruben Hernandez
Regulatory Branch
U.S. Army Corps of Engineers
(615) 369-7519
(615) 369-7501 fax

We would appreciate your feedback on how we are performing our duties. Our automated Customer Service Survey is located at:
<http://per2.nwp.usace.army.mil/survey.html>
Thank you for taking the time to visit this site and complete the survey.

-----Original Message-----

From: Hernandez, Jose R LRN
Sent: Friday, June 19, 2009 1:35 PM
To: 'Robert.Cook@ch2m.com'
Subject: Objections to KUB Siphon Public Notice

Mr. Cook:

We issued Public Notice 09-38, dated May 18, 2009, concerning your application for a Department of the Army (DA) permit for the subject work. Attached are copies of comments that were received in response to the public notice from the Tennessee Historical Commission (THC), Tennessee Wildlife Resources Agency (TWRA), and U.S. Fish and Wildlife Service (USFWS).

It is our policy to refer all objections/comments to work in waters of the United States to the applicant to afford an opportunity to resolve or rebut the objections/comments. You may voluntarily elect to contact THC, TWRA, and USFWS in an attempt to resolve the objections, but you will not be required to do so.

Whether you are successful or not in resolving the objections directly with these agencies, I would appreciate receiving your input (views and/or supplemental information) on the issues listed below. This information is essential before we can make a final decision on your DA permit application:

1. THC - I understand that a Phase 2 archaeological survey is underway and that TVA is involved in decisions related to the coordination of the survey. ACTION: Please update me on the most recent developments and send me three color copies of the report.
2. TWRA - The agency requests to be invited on site during blasting operations to assess possible damages on the fishery. In addition, they want the installation activities to be coordinated with their boating division to ensure navigation safety. ACTION: Please indicate whether KUB would be able to comply with both requests. If you do not wish to comply, please explain.
3. USFWS - The agency listed several threatened/endangered (T&E) species that previously existed in this area of the Tennessee River. ACTION: Please be aware of this and ensure that the work is conducted in a manner that would minimize impacts on the aquatic environment. If the DA permit is issued, it will contain provisions to minimize impacts on fish and wildlife.

Your specific comments must be received no later than July 19, 2009. Please be reminded that before a DA permit can be issued for your proposed activities you need to obtain a water quality certification from the Tennessee Department of Environment and Conservation (TDEC).

We will continue evaluating your application while we await receipt of the requested information. If changes in the location or plans of the proposed work result from your <<KUB_PN Comments.PDF>> discussions with the agencies, please submit the revisions promptly to this office. If you have any questions, please feel free to call me at any time.

J. Ruben Hernandez
Project Manager
U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214-2660
(615) 369-7519
(615) 369-7501 fax
jose.r.hernandez@usace.army.mil

We would appreciate your feedback on how we are performing our duties. Our automated Customer Service Survey is located at:
<http://per2.nwp.usace.army.mil/survey.html>
Thank you for taking the time to visit this site and complete the survey.

6/5/09 R4

JUN 03 2009



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

May 28, 2009

Mr. J. Ruben Hernandez
United States Army Corps of Engineers
Nashville District
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214

RE: COE-N, PN#09-38/WATERLINE CROSS/TRM 646.6, KNOXVILLE,
KNOX COUNTY

Dear Mr. Hernandez:

The above-referenced undertaking has been reviewed with regard to National Historic Preservation Act compliance by the participating federal agency or its designated representative. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

We concur with your agency that in order to complete our review of this undertaking, this office will need to receive from you a detailed archaeological survey report on the area of potential effect.

Upon receipt of the survey report and agency recommendations, we will complete our review of this undertaking as expeditiously as possible. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is canceled or not funded by the federal agency. Questions and comments may be directed to Jennifer M. Barnett (615) 741-1588, ext. 105.

Your cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb

6/15



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

June 11, 2009

Ruben Hernandez
Nashville District Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 372141

Re: Public Notice #09-38
Applicant: Knoxville Utilities Board.
Proposed Inverted Siphon and Waterline Crossing
Tennessee River Mile 646.6 (Fort Loudon Lake)
Knox County, Tennessee

Dear Mr. Hernandez:

The applicant proposes to replace the existing inverted siphon with a new one slightly upstream of the existing one and to install a new water main crossing within the same trench that will be constructed for the new inverted siphon at approximately Tennessee River Mile 646.6, Fort Loudon Lake in Knox County.

The Tennessee Wildlife Resources Agency is not opposed to this project but has some concerns and comments regarding this project. The area proposed for constructing the inverted siphon and water main trench becomes very congested with recreational boating traffic during the spring through fall season, especially during the football games played at Neyland Stadium. Construction activity in this area should be coordinated with the Boating Division of the Tennessee Wildlife Resources Agency to ensure recreational boating safety while construction is occurring. The public notice states that trench construction will be carried out by blasting and excavating one trench for the three pipes. There is the potential that underwater blasting could cause a fish kill. The applicant should be made aware that if a fish kill occurs they will be responsible for fish kill damages. The applicant should inform the Region IV office of the Tennessee Wildlife Resources Agency of when blasting will occur, so that personnel can be on-site if necessary to assess damages due to the blasting.

We thank you for the opportunity to comment on this public notice.

Sincerely,

A handwritten signature in cursive script that reads "Robert M. Todd".

Robert M. Todd
Fish and Wildlife Environmentalist

The State of Tennessee

JUN 12 2009

6/19



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

June 17, 2009

Mr. J. Ruben Hernandez
U.S. Army Corps of Engineers
Nashville District, Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214-2660

Re: FWS #09-FA-0555. USACE Public Notice No. 09-38; Application No. 200900037

Dear Mr. Hernandez:

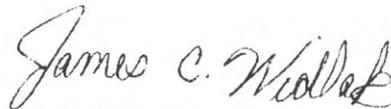
U.S. Fish and Wildlife Service (Service) personnel have reviewed U.S. Army Corps of Engineers (USACE) Public Notice No. 09-38, regarding the Knoxville Utilities Board's Proposed Inverted Siphon and Waterline Crossing at Mile 646.6, Tennessee River, in Knoxville, Knox County, Tennessee, and wish to provide comments at this time. The Knoxville Utilities Board has indicated that the proposed action is to replace an existing wastewater siphon and relocate an existing water main within a trench to be excavated below the riverbed of the Tennessee River at river mile 646.6. The new inverted siphon would consist of 18 and 24-inch diameter ductile iron pipe, and the water main would be comprised of 16-inch diameter waterline. As proposed, each of the three pipes would be 700 feet in length and installed within a single trench at a minimum depth of 3.5 feet below the existing riverbed. The USACE and Tennessee Valley Authority will determine whether to issue removal/fill permits based on an evaluation of probable impacts, including cumulative impacts of the activity on the public interest.

We have reviewed recent and historical endangered species collection records within the locality of the proposed project. Records indicate that the orange-foot pimpleback mussel (*Plethobasus cooperianus*), dromedary pearlymussel (*Dromus dromus*), Anthony's river snail (*Athearnia anthonyi*), and yellowfin madtom (*Noturus flavipinnis*) historically occurred within a several mile vicinity of the proposed project site. However, the two mussel species have not been observed in the project vicinity since the early 1900s, Anthony's river snail was last collected in the locality in 1941, and the yellowfin madtom was last detected in this reach of the Tennessee River in 1970. No recent records document the presence of any federally listed or proposed endangered or threatened species occurring within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat, and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality.

Based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Please contact Todd Shaw (telephone 931/528-6481, ext. 215) of my staff if you have questions regarding the information provided in this letter.

Sincerely,

A handwritten signature in cursive script that reads "James C. Widdell".

for Lee A. Barclay, Ph.D.
Field Supervisor