



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

January 7, 1998

Mr. Carl R. Olsen  
Regulatory Branch, Corps of Engineers  
Post Office Box 1070  
Nashville, Tennessee 37202-1070

RE: COE-N, PN# 97-137/CAUSEWAY/FILL/EMORY R., UNINCORPORATED, ROANE COUNTY

Dear Mr. Olsen:

Pursuant to your request, this office has reviewed documentation received Wednesday, December 17, 1997 concerning the above-referenced undertaking. This review is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (51 FR 31115, September 2, 1986).

Considering available information, we find that the project as currently proposed may adversely affect properties that are eligible for listing in the National Register of Historic Places. You should now begin immediate consultation with our office. Please direct questions and comments to Joe Garrison (615)532-1559. We appreciate your cooperation.

Sincerely,

Herbert L. Harper  
Executive Director and  
Deputy State Historic  
Preservation Officer

HLH/jyg

JAN 09 1998

TVA-00010345

# Water

# Structures®

## Unlimited

Mr. Carl R. Olsen  
USACE  
Reg. Br./Nashville Dist.  
P.O. Box 1070  
Nashville, TN 37202-1070

Re: # 970021330 Tennessee Valley Authority.

Dear Sir:

Water Structures request that the following comments be considered with equal merit as an alternative for best management practices or an appropriate protective device to a proposed discharge of fill or dredged materials into the waterways of the United States. Pursuant to Section 404 of the Clean Water Act by which this permit will be evaluated, as outlined in the Public Notice.

Environmental Protection Agency 40 CFR Part 230 Guidelines specifically require that "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 impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

As outlined in this public notice the following will result in avoidable discharges of dredged and/or fill materials into the waterways of the United States.

- (a) Applicant states and cross-section drawings show fill material being placed below water line and toeing in of riprap will be required to prevent scouring.
- (b) Applicant proposes no alternative analysis in the public notice to the proposed adverse impacts associated with fill and/or dredge material discharges.

Alternatives to fill material and dredged material discharges are available, cost-effective and are capable of being used by the applicant. If fill discharges can be avoided, they must be avoided. Unavoidable fill discharges must utilize an appropriate protective device as outlined in 40 CFR Part 230.

- (a) Practicable alternatives exist for cofferdams, stream diversions and appropriate protective devices, consisting of zero fill and/or dredged material discharges.

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TVA-00010346

(b) That practicable alternatives to fill material discharges are known to exist by the Chief, Regulatory Branch USACE/Nashville District.

(c) Practicable alternatives and appropriate protective devices achieve through avoidance of fill material discharges, erosion and turbidity that tend to degrade water quality and damage aquatic life.

Alternative Analysis:

Water Structures Unlimited (WSU) manufactures a product with many applications for stream, wetlands and riparian dredge and fill activities. This product provides a protective barrier which reduces or eliminates most water quality impacts associated with dredge or fill activities through the use of nothing other than on-site water directed into a structure. Depending on the application, this water retention system can be used as a temporary barrier for stream diversion purposes without any associated fill discharge, or as a coffer dam for temporary dewatering activities, again without any associated fill discharge.

The applicant by use of the WSU method or equivalent would be able to achieve the project objective without fill and/or dredge material discharges associated with toeing in of the riprap and the placement of fill material below the water level, as proposed by the applicant. Section 404 Guidelines prohibit discharges of dredge or fill material when a practicable alternative exist.

A permit ~~cannot be issued~~ therefore in circumstances where a less environmentally damaging practicable alternative for the proposed discharges exist.

I request that the enclosed information be considered with equal merit and without prejudice as an alternative analysis and best management practice for the mitigation of the proposed discharges or containment of discharges.

Sincerely,



Craig Doolaege

**FACSIMILE TRANSMITTAL HEADER SHEET**

For use of this form, see AFM 23-11. The processing agency is CDRC.

COMMAND/ OFFICE	NAME/ OFFICE SYMBOL	OFFICE TELEPHONE NO. (AUTOVON/Comm.)	FAX NO. (AUTOVON/Comm.)			
FROM: NASHVILLE DISTRICT CORPS OF ENGINEERS	REGULATORY BR.	615/736-5181	615/736-7145			
TO: <i>LINDY PRINTZ</i>	<i>TVA</i>		<i>423-751-7011</i>			
CLASSIFICATION	PRECEDENCE	NO. PAGES (including this Header)	DATE-TIME	MONTH	YEAR	RELEASER'S SIGNATURE
		<i>f</i>	<i>20 10:20</i>	<i>1</i>	<i>98</i>	<i>Carl Olson</i>

**REMARKS**

*Lindy,*

*SHPO letter*

*Waterstructures letter*

*hard copies to forward (including US FV w/lin)*

*Carl*

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