



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

January 22, 2013

REPLY TO
ATTENTION OF:

Regulatory Branch

SUBJECT: File No. LRN-2012-00738; Alleged Unauthorized Deposition of Fill Material into Potential Jurisdictional Wetlands Located at Duer Soccer Complex Near Black Drowning Creek Mile 1.4L, Obed River Mile 34.6L, Crossville, Cumberland County, Tennessee

Honorable Mayor J.H. Graham III
City of Crossville
P. O. Box 1176
Crossville, TN 38557-1176

NOTICE OF UNAUTHORIZED ACTIVITIES

Dear Honorable Graham:

We recently received information from the Tennessee Department of Environment and Conservation (TDEC) that fill material was discharged into potential jurisdictional wetlands located at Duer Soccer Complex, 558 Crossroads Drive, Crossville, Tennessee 38555 (Latitude 35.9992 Longitude -85.0597 (maps attached). This project has been assigned number LRN-2012-00738. Please refer to this number in any future correspondence.

The U.S. Army Corps of Engineers administers regulatory jurisdiction over navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 and all waters of the United States, including wetlands, under Section 404 of the Clean Water Act (CWA). Section 301 of the CWA prohibits the discharge of dredged or fill material into these waters unless the discharge is authorized by a Department of the Army (DA) permit in accordance with Section 404 of the same act (33 USC 1344). The discharge of dredged or fill material includes the placement of rock, sand, dirt or other materials in waters of the United States. Such activities include mechanized land clearing and deposition of fill material in jurisdictional wetlands.

Proceeding with such work, without proper authorization, may result in this office pursuing enforcement action. The performance of unauthorized work may subject you to civil and/or criminal prosecution. Civil fines of no more than \$37,500 per day of violation, criminal fines of up to \$50,000 per day of violation, and imprisonment may be assessed along with injunctive relief which may include restoration of the impacted area.

On July 3, 2012, this office conducted an onsite investigation of your property at the above location with TDEC. It appears you may have filled potential jurisdictional wetlands that abut palustrine forested wetlands in the vicinity of Black Drowning Creek.

Based on available information and our onsite investigation, we believe your work is unauthorized and thus subject to an enforcement action. However, we desire to resolve these issues amicably, and therefore, request your timely cooperation in this matter. Your willingness to cooperate would help expedite resolution of this issue. In order to resolve this matter, this office recommends that you hire an experienced environmental consultant to evaluate the property for the presence of jurisdictional waters and wetlands. We request that you provide the following:

1. Completed Wetland Determination Data Forms (Eastern Mountains and Piedmont) (template attached), narrative report, and delineation of the wetland boundaries with data points and field flagging to identify the extent of jurisdictional waters on site;
2. Mitigation and/or restoration plan for wetland impacts resulting from any unauthorized activity (may be conceptual or detailed for the purposes of initiating voluntary resolution)

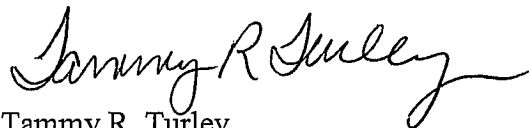
As an alternative to restoration, you may elect to submit an after-the-fact (ATF) application (attached) requesting our review of any existing unauthorized work to be permitted under DA permitting procedures. In order to avoid a potential misunderstanding, our acceptance of an ATF application should not be construed as implying our ultimate approval of your work. Acceptance of an ATF application is contingent upon receipt of a signed Tolling Agreement (template attached). You will be advised in writing of additional information that may be required, should you elect this option.

You are requested to provide any information that may be of assistance to my office in evaluating this matter and in determining the proper course of action. Any comments on your behalf should be submitted to me at the above address within 15 days of the date of this letter.

Further, you are not authorized to perform additional work of this nature in waters of the United States without prior approval of this office and TDEC.

If you have any questions, please contact Ms. Deborah Tuck at the above address, telephone (615) 369-7518 or email deborah.t.tuck@usace.army.mil.

Sincerely,



Tammy R. Turley
Chief, Regulatory Branch
Operations Division