

Eagleton Ballfield Project Environmental Impact

Why is an environmental analysis necessary for the ballfield project?

The county has an obligation to conduct a review of the project site for impacts to natural resources, cultural resources and threatened & endangered species. Projects must be in compliance with all federal state and local regulations. The due diligence task to perform a Preliminary Jurisdictional Determination and identify the presence of any jurisdictional aquatic features was part of the scope of services. When that preliminary review indicated aquatic features, additional quality assessments were performed and the county was advised of the regulatory protocols that would be required.

What are the environmental impacts to the ballfield site?

Jurisdictional water issues were identified on the site. One perennial stream, two ephemeral streams, and one wetland at the site; considered to be either waters of the US (WOTUS) and/or waters of the state (WOTS) and falling under the jurisdiction of the US Army Corps of Engineers (USACE) and the Tennessee Department of Environment and Conservation (TDEC). Both the USACE and TDEC were consulted to assist with site planning activities and to determine permitting requirements in regard to Sections 401 and 404 of the Clean Water Act (CWA) of 1972. Jurisdictional waters are regulated such that there is no “net loss;” therefore, impacts (or losses), must be permitted and compensated for, if exceeding a certain threshold determined by the agencies.

What are the permitting requirements and why are they necessary?

Any impacts to jurisdictional waters such as piping, dredging, fill, or relocations require permits from both regulatory agencies. The proposed ballfield amenities will require extensive grading, fill and piping to the site to accommodate the new ballfields, buildings and walkways.

The county will submit permit applications to the USACE and TDEC that include a narrative discussion of the existing site conditions, proposed impacts, and proposed mitigation. The proposed construction narrative will include an alternatives analysis to demonstrate avoidance and minimization of stream and wetland impacts. As part of the permitting process, the county must identify suitable mitigation for the proposed stream impacts. Based on prior permits obtained through the USACE in Tennessee, the project consultant indicates that a preferred option for mitigation is to purchase credits from a stream mitigation bank or in-lieu fee (ILF) program. TDEC typically prefers permittee-responsible mitigation (PRM), either onsite or within the same or adjacent watershed. Regulatory agencies may differ in their mitigation requirements, so this requires coordination with TDEC and the USACE regarding the purchase of suitable mitigation through a bank or ILF program.

What are mitigation credits?

Mitigation credits are held and distributed through a mitigation bank that is associated with a specific watershed. A mitigation bank is a wetland, stream, or other aquatic resource area that has been restored, established, enhanced, or (in certain circumstances) preserved for the purpose of providing compensation for unavoidable impacts to aquatic resources permitted under Federal, State or local waterway regulation. The arrangement operates under a system of credits and debits devised to ensure that ecological loss resulting from development is compensated by the preservation and restoration of natural features in other areas so there is no net loss to the environment. Credits are sold by a third party under contract with the USACE.

How to reserve and purchase mitigation credits?

For the Eagleton Ballfield Redevelopment Project, credits would be purchased from a stream mitigation bank known as the Cave Spring Mitigation Bank located within the Watts Bar Lake watershed in Roane County. For project planning purposes, the County can reserve credits with the mitigation bank and the regulatory agencies will be notified that credits are being procured during the permitting process.

Credits will be available in June of 2023 and are likely to be allocated fairly quickly. S&ME will submit a request to the seller to reserve credits on behalf of the County. The County will need to sign a mitigation bank contract (Agreement of Purchase and Sale of Stream Mitigation Credits) to reserve the credits. The final number of credits has not been determined, but 152.5 credits have been included in the contract as a place holder based on S&ME's calculations. The County will have three days from the as-built date credit release (this is the date that the seller's as-built credits have been approved by the USACE) to either purchase the credits in full or provide a 30% deposit. Then the County will have another 60 days to complete the purchase of the credits. Since the bank doesn't anticipate a credit release until late June, the County wouldn't be expected to pay for the credits until then.

Although approval of the credit purchase option is not a certainty, the USACE strongly prefers credits as from their perspective it adds much more value than attempts to 'self-mitigate' on the project site.

What mitigation credits have been requested and why?

S&ME has recommended that the County purchase credits for all regulated jurisdictional waters impacts at the ballfield site. From a scheduling perspective, the process of obtaining TDEC and USACE permits proposing to purchase credits as compensatory mitigation takes 60 to 90 days. This timeframe can be incorporated into the overall process without impacting the other deliverables, allowing the project to remain on schedule.

Any options that would include designing and implementing onsite or adjacent mitigation improvements would cause the schedule to be extended at least 60 days longer than currently anticipated. This is based on requirements for design plans, the permitting process, bidding the work to a stream restoration contractor, and a calculation and execution of conservation easements. A fully designed compensatory mitigation plan requires TDEC and USACE approval. This option would require the County to encumber that portion of the property with the improvements into a conservation easement in perpetuity. In addition, there are monetary expenditures associated with this option including consultant fees for the design of the mitigation and construction costs. There is a post-construction requirement for annual monitoring of the mitigated areas during that five-year time period at a cost of approximately \$5,000.00 annually. There is no guarantee that the onsite mitigation would be considered successful by TDEC and/or the USACE, and if deficiencies in the mitigation occur (e.g., low plant survivability, bank erosion, loss of flow), a corrective action plan and/or additional mitigation may be required.