



DEPARTMENT OF  
ENVIRONMENT &  
CONSERVATION

# PUBLIC NOTICE

**File Number: NRS 10.125**

Notice Date:  
**July 21, 2010**

Expiration Date:  
**August 20, 2010**

Pursuant to Chapter 1200-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit (this also includes §401 Water Quality Certifications). This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

**APPLICANT:** Mark Martin  
5389 Cookeville Boat Dock Road  
Baxter, Tennessee 38503  
931-858-2535

**LOCATION:** The proposed alterations are located in Baxter on a tributary to Cane Creek in Putnam County (Coordinates: 36.08845, -85.61371)

**PROJECT DESCRIPTION:** Relocate approximately 645 linear feet of stream, the existing creek runs adjacent to an existing dam. The stream is to be relocated north and is to be made to look similar to the existing creek. The stream would be relocated approximately 10-40 feet to the north of its current location, for the reasons listed below:

Stabilization of the Dam - The existing dam is in poor shape and was poorly constructed. The dam is saturated and water runs across the top of the dam during periods of heavy rain. In addition, the existing creek at the bottom of the dam is eroding the toe of the dam. The existing dam, if left unrepaired, will eventually fail.

Upgrading Conditions of Existing Creek - The existing creek is in fair to poor condition with stream bank erosion and weed-like brush bordering the creek. The neighboring property, also owned by the Martin family, will be cleaned up and all existing debris such as tires, trucks, fences, etc, will be removed.

Increase Depth of Pond - The pond has been known to run dry or near dry in periods of drought. By slightly increasing the depth of the pond, Mr. Martin can ensure his fish and livestock have an adequate water supply.

Relocation of Livestock - Mr. Martin would like to relocate his livestock to the property and would like the pond to serve as the water source for the livestock.

Correct Spillway - The spillway is undersized and inadequate. The spillway is to be regraded to ensure that water does not flow over the dam in periods of heavy rain.

Maintenance - The existing dam is small and not easy to maintain, especially since Mr. Martin is often faced with wet and soggy conditions on the dam. The dam is to be increased in size so that he can maintain the dam and access all parts of the dam, as needed.

Preserve Fish - Mr. Martin keeps Bass, Catfish, and Bluegill in the pond. He would like to keep the fish in the pond and give them a fresh, adequate, water supply.

**Mitigation Plan:**

Stream: The stream is to be relocated north and is to be made to look similar to the existing creek. The stream bottom is to be covered in river rock salvaged from the existing stream. Root wads and rock clusters shall be installed in the creek to allow for a more natural flow of water.

Banks: The sides are to be rip-rapped covered in top soil and seeded and strawed with the appropriate vegetation. Erosion control fabric may be used to stabilize the banks.

Addition of Native Trees: 108 deciduous native trees such as Red Oak, White Oak, Pin Oak, Black Walnut, and Red Maple will be planted at the construction site or on the property. Other deciduous native trees may also be selected for planting. 55 trees, staggered 12 feet apart, each way, are to be placed along the north side of the creek. Due to the location of the dam, an additional 53 trees are to be placed on the property, preferably near the pond.

Fence: A livestock fence shall be placed at either end of the dam to prevent the livestock from entering the creek, the spillway, or the dam areas.

Monitoring: The trees are to be monitored for growth and replaced if necessary. The banks are to be monitored for erosion and repaired if necessary. The site is to be monitored for 3-5 years depending on requirements by the Natural Resources Section of the Tennessee Department of Environment and Conservation.

**DEGRADATION:** In accordance with the Tennessee Antidegradation Statement (Rule 1200-4-3-.06), the division has determined that the proposed activities will not result in degradation to water quality.

**WATERSHED / WATERBODY DESCRIPTION:** The proposed alterations are located in the Caney Fork Watershed HUC #05130108. More information on this watershed can be found at <http://tn.gov/environment/watersheds/wsmplans/>

**Stream Name / ID #:** Unnamed Tributary of Cane Creek (#TN05130108045\_0100)

**Ecoregion:** Eastern Highland Rim (71g)

**Substrate:** gravel, soil

<b>Designated Use</b>	<b>Use Support</b>	<b>Causes</b>
Fish and aquatic life	partially supporting	Riparian grazing / storm water
Recreation	not assessed	
Irrigation	fully supporting	
Livestock watering & wildlife	fully supporting	

**Assessment Date:** 3-19-1999

**PERMIT COORDINATOR:** Benjamin Brown

**FACTORS CONSIDERED:** In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

**COMMENTING:** Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the department's address listed below and to the attention of the permit coordinator.

**PUBLIC HEARING:** Interested persons may request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing. Send all public hearing requests to the department's address listed below and to the attention of the permit coordinator.

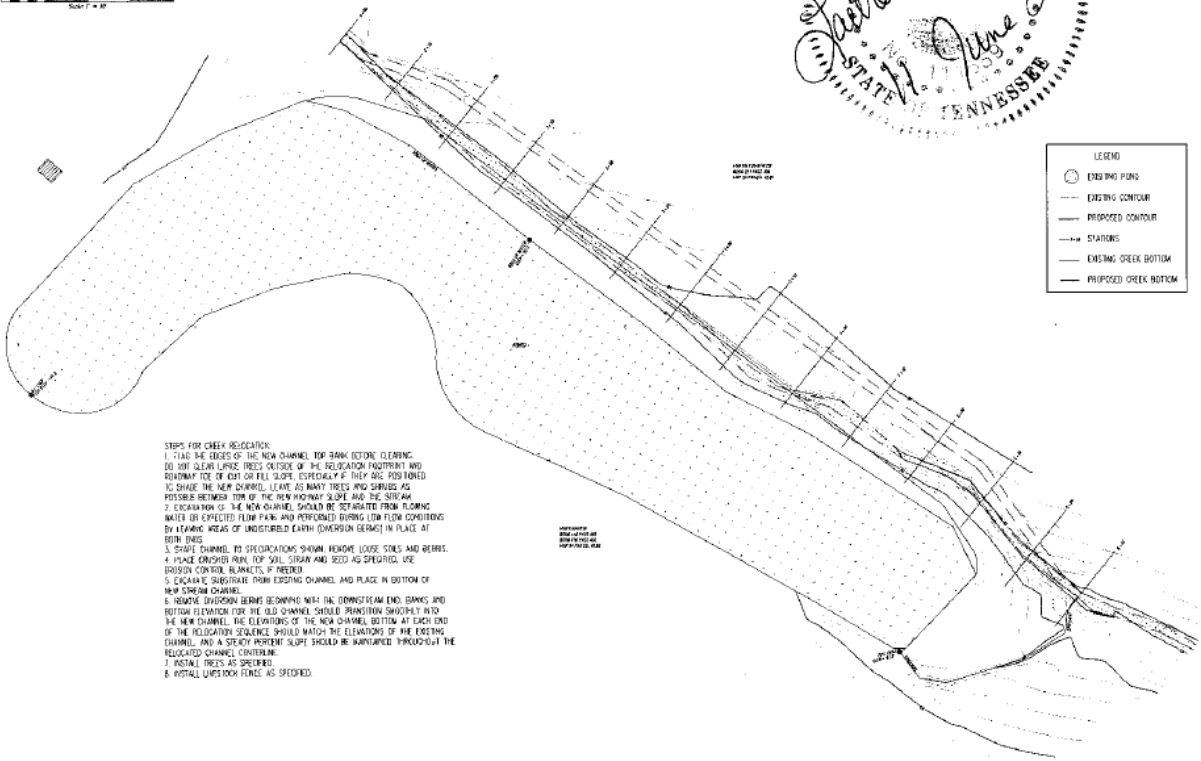
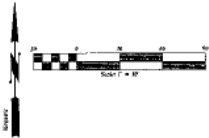
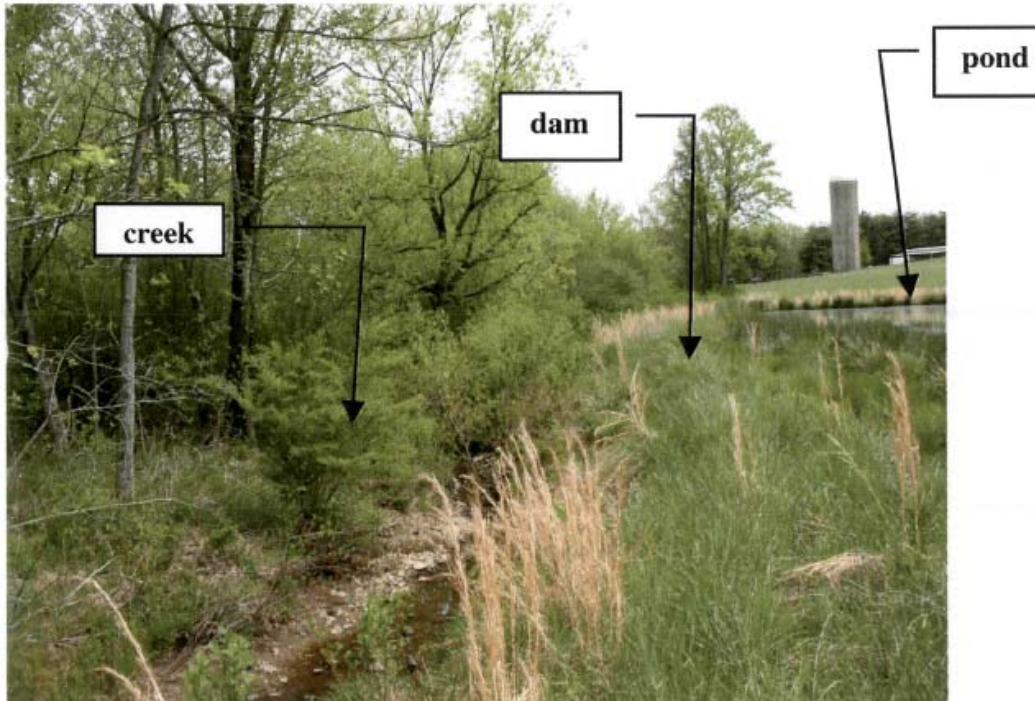
**FILE REVIEW:** The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed below) for review and/or copying.

**APPEAL:** A petition for permit appeal may be filed, pursuant to T.C.A. §69-3-105 by the permit applicant or by any aggrieved person who participated in the public comment period whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Any petition for permit appeal shall be filed with the board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit. Such petition must state in numbered paragraphs the basis of the appeal as required by the Administrative Procedures Act and promulgated regulations. The petition must be prepared on 8½" x 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the address listed below.

Tennessee Department of Environment & Conservation  
Division of Water Pollution Control, Natural Resources Section  
7th Floor L & C Annex  
401 Church Street  
Nashville, TN 37243







- STEPS FOR CREEK RELOCATION:**
1. FLAG THE EDGES OF THE NEW CHANNEL, TOP BANK BEFORE CLEARING.
  2. DO NOT CLEAR LARGE TREES OUTSIDE OF THE RELLOCATION FOOTPRINT AND ROUTINELY TOP OF CUT OR FILL SLOPE, ESPECIALLY IF THEY ARE POSITIONED TO SHADE THE NEW CHANNEL, LEAVE AS MANY TREES AND SHRUBS AS POSSIBLE BETWEEN TOP OF THE NEW HIGHWAY SLOPE AND THE STREAM.
  3. EXCAVATION OF THE NEW CHANNEL SHOULD BE SEPARATED FROM FLOWING WATER OR EXPECTED FLOW PAIR AND PERFORMED DURING LOW FLOW CONDITIONS BY LEAVING AREAS OF UNDISTURBED EARTH (OVERFLOW BERMS) IN PLACE AT BOTH ENDS.
  4. SHORE CHANNEL TO SPECIFICATIONS SHOWN, REMOVE LOOSE SOILS AND DEBRIS.
  5. PLACE COVERER PINK, TOP SOIL, STRAW AND SEED AS SPECIFIED, USE EROSION CONTROL BLANKETS, IF NEEDED.
  6. EXCAVATE SUBGRAVIT FROM EXISTING CHANNEL AND PLACE IN BOTTOM OF NEW STREAM CHANNEL.
  7. REMOVE DIVERSION BERMS BEGINNING NEAR THE DOWNSTREAM END DAMS AND RETURN ELEVATION FOR THE OLD CHANNEL SHOULD TRANSITION SMOOTHLY INTO THE NEW CHANNEL. THE ELEVATIONS OF THE NEW CHANNEL BOTTOM AT EACH END OF THE RELLOCATION SEQUENCE SHOULD MATCH THE ELEVATIONS OF THE EXISTING CHANNEL, AND A STEEP POSITIVE SLOPE SHOULD BE MAINTAINED THROUGHOUT THE RELOCATED CHANNEL CENTERLINE.
  8. INSTALL TRAILS AS SPECIFIED.
  9. INSTALL LIVESTOCK FENCE AS SPECIFIED.