



Department of
**Environment &
Conservation**

Public Hearing
Water Quality, Oil and Gas Board
Davy Crockett Tower
500 James Robertson Pkwy, Nashville – Conf. 1A
and via Microsoft Teams
August 19, 2025 – 10:00am

*If you wish to make Public Comment, please fill out a yellow comment card, or if virtual please email Drake.Smarch@tn.gov or message the chat box. Include what you want to comment on, and you will to be placed in line.

Welcome!

- Opening remarks from Division of Water Resources Director, Paula Mitchell
- Roll call of Board members present.

Board Minutes

- Presentation of minutes from April 2025
- Role Call **Vote** for approval of minutes.
- Minutes are available on the Board's website: <https://www.tn.gov/environment/about-tdec/boards-and-commissions/board-tennessee-board-of-water-quality--oil-and-gas.html>



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Virtual Board Meetings

Board of Water Quality, Oil and Gas

August 19, 2025



Less is More Act – Pub. Ch. 524

- Public Chapter 524 (2025) allows meetings by "electronic means of communication" for state boards under specified conditions. Tenn. Code Ann. § 8-44-108(b).
- “Electronic means of communication” is real-time communication by video conference or audio conference and may include the use of an internet- based platform but does not include email. Tenn. Code Ann. § 8-44-108(a)(1)
- Boards **must meet with quorum physically present at least once per year.** Tenn. Code Ann. § 8-44-108(d) (July 1, 2025).

Notice and Agenda

- State that the meeting will include remote participation by board members.
- Specify a physical location where the public may attend the meeting.
- Contain information necessary for members of the public to access the meeting remotely to view or listen.

Tenn. Code Ann. § 8-44-108(c)(2)

Virtual meeting logistics

- Each part of the meeting required to be open to the public must be **audible to the public at the physical location specified in the notice of the meeting.**
- Ensure remote board members are **identifiable by name throughout the meeting.**

Tenn. Code Ann. § 8-44-108(c)(4) and (7).

Virtual meeting logistics

- Ensure each remote board member can **simultaneously hear and speak to other board members during the meeting.**
- Ensure each remote board member **identifies the persons present in the room** from which the member is participating.
- Take a **roll call vote for all votes** taken during the virtual meeting.

Tenn. Code Ann. § 8-44-108(c)(4) and (6).

Public participation

Public must be allowed to:

- **View and listen to the remote meeting in real time** if the meeting is conducted using video conference, or listen to the remote meeting in real time if the meeting is conducted using audio conference with no video.
- **Participate remotely**, if participation would normally be allowed at the meeting.
- **Provide public comment remotely**, including providing written comment through the use of an internet-based platform, if public comment would normally be allowed at the meeting.

Tenn. Code Ann. § 8-44-108(c)(1)

Sharing and retention of meeting recording

- Ensure each remote board member can **simultaneously hear and speak to other board members during the meeting.**
- Ensure each remote board member **identifies the persons present in the room** from which the member is participating.
- Take a **roll call vote for all votes** taken during the virtual meeting.

Tenn. Code Ann. § 8-44-108(c)(4) and (6).

No more necessity requirement

- Removes necessity requirement for electronic participation.
- Virtual members count for voting and quorum.

UAPA controls contested case hearings

Tenn. Code Ann. § 8-44-108(h) – UAPA

(h) Notwithstanding this part to the contrary, § 4-5-312(c) controls electronic participation in contested case hearings pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3; provided, however, that this section applies to meetings held to take summary action pursuant to § 4-5-320(c) and to review summary action pursuant to § 4-5-320(d)(2).

TN Rapid Assessment Methodology (TRAM)

Proposed Revisions for Board Approval

TRAM is a pre-existing Tool, in use for long time

- TRAM does **NOT** identify the presence of or delineate the extent of a wetland
- TRAM does **NOT** determine whether or not a wetland is 'isolated'
- TRAM identifies the **type** of wetland (riverine, depressionnal, slope, etc)
- TRAM is the official tool used to determine the **quality** or **resource value** of a wetland

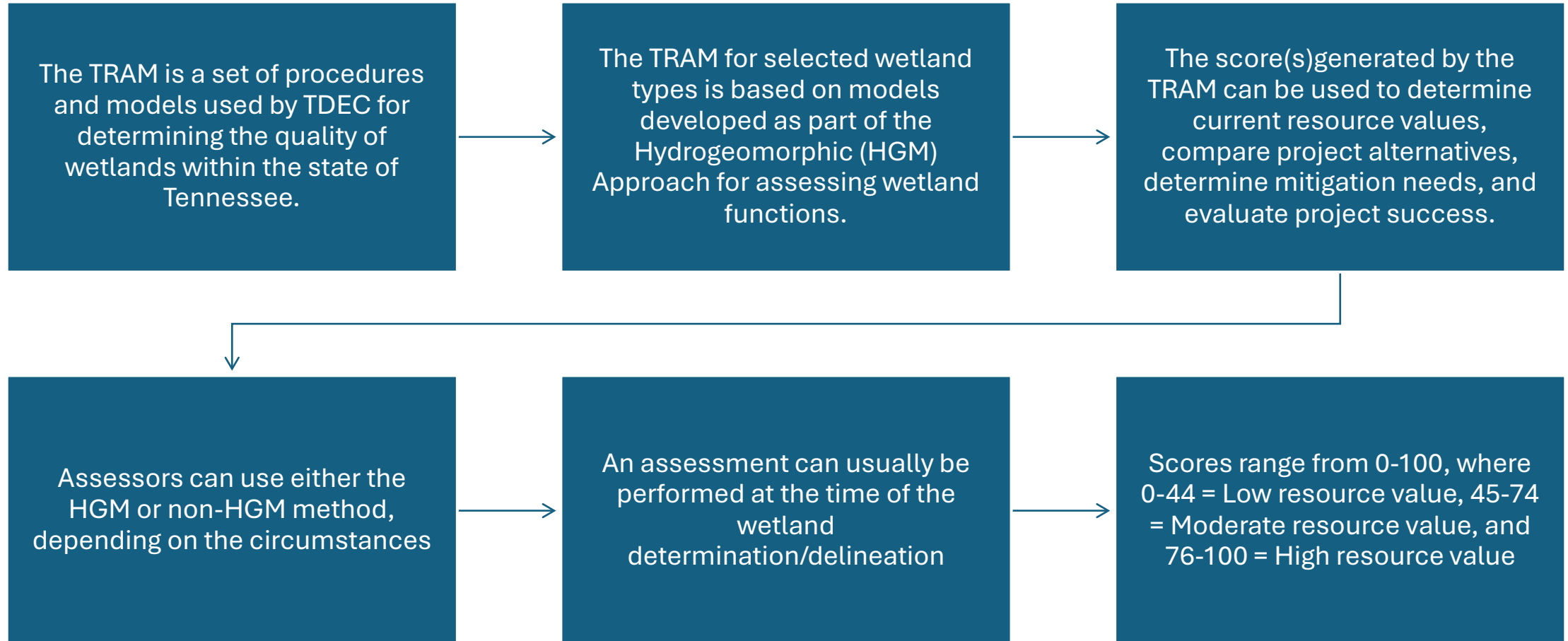
Public Notice and Timeline

- The proposed revisions to the TRAM were made in response to comments received in the 2024 summer study session **PRIOR** to the passage of HB0541 (isolated Wetlands statute).
- Revisions were drafted in late 2024/early 2025.
- Proposed revisions were posted for Public Comment from March 21 – May 23, 2025. Comment period was extended an extra 30 days at the request of 2 commenters
- Isolated wetlands statute passed into law in April of 2025
- We received around 65 specific comments. Multiple revisions made in response to comments received. Some comments requested revisions to better mirror the Isolated Wetlands statute language
- Isolated wetlands statute becomes effective July 1, 2025
- TRAM final revised version and Response to Comments documents ready for release with Board's approval
- Board meeting to approve the TRAM revisions, as per the new statute – that's what we're here for today

HB0541/ SB0670 passed this spring

- Requires DWR to submit an annual report on wetland permitting and mitigation (Aug 1st, 2026)
- Creates new permitting and mitigation requirements for ‘Isolated’ wetlands, which vary with wetland resource value (low-, moderate-, and high-quality)
- Exempts isolated wetlands from consideration of ‘cumulative’ impacts
- *(f) The **wetland resource assessment tool** established and utilized by the department to measure the presence or quality of a wetland is subject to a **public notice** and comment period of no less than thirty (30) days. The wetland resource assessment tool **must be approved by the board** following the public notice and comment period.*

TRAM Methodology



Summary of Revisions – very minor

Introduction – clarifying language for users

Updated and added weblinks

Added clarifying language for ‘Interspersion’ page 12

TRAM User Guide pages 13-14 – new ‘off-ramp’ language for obvious situations where a full TRAM score may not be necessary

HGM assessments – V7. Vegetative Composition and Diversity Metric revised to reduce bias towards forested wetland types

Non-HGM Method (most common) – Improved diagram for ‘Interspersion’ – page 47. No other revisions to non-HGM

Appendix C – added 4 definitions



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Division of Water Resources Updates

Paula Mitchell, Deputy Director, Division of Water Resources

Any Old Business?

Thank you for joining us.
Any questions, please direct to
Drake.Smarch@tn.gov