Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Minor Dredging in Reservoirs, Lakes, and Ponds

Effective Date: April 7, 2020
Expiration Date: April 7, 2025

Activities Covered by this Permit

This general permit authorizes minor dredging activities within reservoirs, lakes, and ponds. Minor dredging activities typically include, but are not limited to, excavation of the lakebed to establish boat access by private and commercial marinas and boathouses, maintaining intake structures, and removal of accumulated sediment from other open-water features. Dredging should be conducted during draw-down periods in managed reservoirs and may be conducted up to the elevation of the summer pool. This general permit does not cover dredge activities in flowing systems such as streams and rivers (including the removal of bed load from streams), or jurisdictional wetlands.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in the Special Conditions and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by an individual permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the Act) and the rules promulgated thereunder are met.

Special Conditions

1. Excavation below the ordinary high water mark is limited to 500 cubic yards of material along no more than 200 linear feet of shoreline.
2. Excavation activities associated with the dredging shall be kept to the minimum amount necessary for the project objectives.
3. Solids suspended in the water column during dredge activities shall be contained and not allowed to mobilize beyond the containment area.
4. Activities located in any waterbody which is identified by the department as having contaminated sediments, and the activity will likely mobilize the contaminated sediments in such a manner as to likely harm aquatic life or human health, are not covered.
5. Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterbody.
6. Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
7. Clearing, grubbing, and other disturbance to riparian vegetation is prohibited. Coverage under this permit does not serve to waive any local riparian buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.

General Conditions

1. The amount of fill, stream channel and bank modifications, or other impacts associated with the activity shall be limited to the minimum necessary to accomplish the project purpose. The permittee shall utilize the least impactful practicable method of construction.
2. All activities must be accomplished in conformance with the approved plans, specifications, data, and other information submitted in support of the ARAP application (form CN-1091) (except as where no application is required as specified below), and the limitations, requirements, and conditions set forth herein. Failure to comply with the terms and conditions of this permit is a violation of the Act.
3. Activities, either individually or cumulatively, that may result in an appreciable permanent loss of resource values to streams or wetlands are not covered. This general permit shall not be used incrementally to combine with other activities resulting in an appreciable permanent loss of water resource values.
4. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary native riparian vegetation removal, including tree removal, is prohibited. Native riparian vegetation must be reestablished in all areas of disturbance outside of any permanent authorized structures after work is completed. Coverage under this permit does not serve to waive any local riparian buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.
5. Widening of the channel as a result of this activity is prohibited.
6. This activity may not result in the permanent disruption to the movement of fish or other aquatic life upon project completion.
7. Blasting within 50 feet of any jurisdictional stream or wetland is prohibited.
8. Activities that directly impact wetlands, or impair surface water flow into or out of any wetland areas are not covered.
9. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
10. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, deemed in need of management, or species of special concern may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if any special conditions are required to avoid and/or minimize harm to the listed species or their habitat. Adverse effects to federally listed threatened and endangered species are not authorized by this permit. Permittee is responsible for obtaining prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act
11. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of section10 of The Rivers and Harbors Act of 1899, section 26a of The Tennessee Valley Authority Act, section 402 of the Clean Water Act (including, but not limited to an NPDES permit for construction stormwater), or any other federal, state, or local laws.
12. Backfill activities must be accomplished in the least impactful manner possible that stabilizes the streambed and banks to prevent erosion. The completed activities may not disrupt or impound stream flow.
13. The use of monofilament-type erosion control netting or blanket is prohibited in the stream channel, stream banks, or any disturbed riparian areas within 30 feet of top of bank.

14. This permit does not authorize impacts to cultural, historic, or archaeological features or sites.
15. This permit does not authorize access to public or private property. Arrangements concerning the use of public or private property shall be made with the landowner. The permittee is responsible for obtaining any additional permitting or maintenance agreements with other government or public agencies or lands.
16. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock (containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work. Any disturbance to the stream bed or banks must be restored to its original condition. As approved after Division review, activities may be conducted in the flowing water if working in the dry will likely cause additional degradation. Any work conducted in the flowing water must be for a short duration and with minimal impact, and conform to the Division-approved methodology.
17. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule Chapter 0400-40-03, or impairment of the uses of waters of the state as designated by Rule Chapter 0400-40-04.
18. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream bank vegetation is disturbed. Stream beds shall not be used as linear transportation routes for mechanized equipment, rather, the stream channel may be crossed perpendicularly with equipment provided no additional fill or excavation is necessary.

Obtaining Permit Coverage

Minor dredging activities located within Kentucky Lake, Pickwick Lake, Tims Ford Lake, Fort Loudoun Lake, Watts Bar Lake, Douglas Lake, Norris Lake, Cherokee Lake, South Holston Lake, Ft. Patrick Henry Lake, Boone Lake, Watauga Lake, Chickamauga Lake, Tellico Lake, Melton Hill Lake, or Nickajack Lake managed by the Tennessee Valley Authority may be performed without submittal of an application or written authorization from the division prior to the commencement of work, provided the work is performed in accordance with the preceding permit limits, and following additional limitations:

1. excavation shall not exceed 150 cubic yards below the normal full pool elevation of reservoirs;
2. excavation shall only be performed working in the dry when the reservoir is below full pool elevation, between the reservoir shoreline and water surface of the lake, and,
3. excavated material shall be disposed of in a confined upland disposal site located above the 100-year floodplain.
4. work shall not commence until proper authorization under a 26a permit from the TVA is obtained.

Other proposed minor dredging activities may obtain coverage by submitting a signed and completed application, along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. As noted above, not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to twelve (12) months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals receiving an NOC unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC. An NOT form can be downloaded from the division's ARAP webpage (https://www.tn.gov/environment/permit-permits/water-permits1/aquatic-resource-alteration-permit--arap-.html).

APPROVED: Jennifer Dodd (Apr 7, 2020) DATE: 04/07/2020

Jennifer Dodd
Director, Division of Water Resources