

Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Construction of Public Access Structures and Boat Ramps



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

Activities Covered by this Permit

This general permit authorizes the construction of public access structures. Public access structures include, but are not limited to, fishing piers, boardwalks, handicap access ramps, and greenway trails. This general permit also authorizes the construction of public or private boat ramps in reservoirs or lakes. Certain boat ramps constructed in specific TVA-managed reservoirs may be constructed without written notification as described in the Obtaining Permit Coverage section.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in both 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. Activities that result in a total width of fill or length of permanent bank disturbance exceeding 20 feet are not covered, except when located within water resource development lands and waters, including flowage easement, managed by the Tennessee Valley Authority (TVA) or the United States Army Corps of Engineers (USACE), where the maximum length of permanent bank alteration that can be approved may be up to 50 feet.
2. This general permit does not authorize more than minimal shoreline alteration, including riparian buffers, in association with the placement of the access or ramp structure.
3. The construction of boat ramps in flowing systems such as streams or rivers, or in jurisdictional wetlands, is not authorized by this general permit.
4. Ramps constructed on fill material shall have the side slopes stabilized with riprap or suitable natural materials.
5. Structures shall be constructed in the dry to the maximum extent practicable (e.g., during winter drawdown periods of lakes/reservoirs, or during low flow periods of flowing streams).
6. Installation of structures may not impair other uses of streams and wetlands, including recreation and navigation.
7. Activities that may adversely affect wetland condition, or impair surface water flow into or out of any wetland areas are prohibited.

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 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 a net 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 stream 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 located in a component of the National Wild and Scenic River System, State Scenic River, or waters designated as Outstanding National Resource Waters are not covered.
9. 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.
10. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of section 10 of The Rivers and Harbors Act of 1899, section 404 of the Clean Water Act, 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.
11. 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.

12. 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.
13. This permit does not authorize impacts to cultural, historic, or archaeological features or sites.
14. 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.
15. 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.
16. 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.
17. Erosion prevention and sediment control measures must be in place and functional before any earth moving operations begin, and shall be designed according to the department's Erosion and Sediment Control Handbook (<http://tnepsc.org/handbook.asp>). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 14 days of project completion (see also Landscaping with Natives at tnepsc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.
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

Boat ramps may be constructed in 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, and Nickajack Lake managed by the Tennessee Valley Authority 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:

- a. The boat ramp and associated stabilization materials must not exceed 20 feet in width,
- b. The discharge into stream and wetlands must not exceed 50 cubic yards,
- c. All fill and excavation work shall be performed in the dry, and
- d. Work shall not commence until proper authorization under a 26a permit from the TVA is obtained.

Small access structures such as stairs, small landings, or hand-carried watercraft launch points may be constructed 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 terms and conditions, and the following additional limitations:

- a. Work may not involve heavy machinery or significant bank re-sloping.
- b. Total width of fill or permanent bank disturbance may not exceed six feet. Public access structures subject to ADA requirements may have a total width of fill or permanent bank disturbance up to 12 feet.
- c. Use of concrete or grouted riprap is prohibited.

The construction of other public access structures or boat ramps may obtain coverage by submitting a signed and completed application (form CN-1091), 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 NOC 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 persons 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:  DATE: 04/07/2020
Jennifer Dodd
Director, Division of Water Resources