

Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Stream and Wetland Habitat Enhancement



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

Activities Covered by this Permit

This general permit authorizes activities associated with the improvement of the habitat and ecological function of altered or degraded streams, wetlands, and riparian lands. These activities are designed to improve hydrology, native vegetation, and habitat functions. For streams these activities may include buffer enhancement, vegetative bank stabilization, in-stream habitat structures, and floodplain bench establishment.

These activities are limited to existing wetlands for the purposes of habitat enhancement and/or watershed protection. Such activities should propose to restore wetland sites by establishing conditions that will allow and promote the systems to naturally develop towards regional wetland reference standards. This may include removal of small water control structures or backfilling of existing drainage structures often in conjunction with the planting of hydrophytic species.

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

Special Conditions

1. This permit does not authorize projects for which the primary purpose is stream relocation, compensatory mitigation, flood control, or drainage improvement.
2. Activities that will not result in a net gain in aquatic resource function and ecological services are not authorized.
3. Total length of stream channel disturbance is limited to 1000 linear feet.
4. Written notification of the commencement of authorized work shall be provided to the local TDEC Environmental Field Office prior to, or within 24 hours after initiation.
5. Affected wetland(s) are limited to those in which the maximum extent of potential hydrologic alteration is within single ownership or all affected landowners have submitted written permission allowing the activity to affect their property.
6. Affected wetland(s) greater than 2 acres, including temporary impacts, must be documented to have low resource value. Prior to permit issuance, the applicant will submit baseline documentation of the

resource, including Army Corps of Engineers wetland delineation form(s), a Tennessee Rapid Assessment Methodology (TRAM) evaluation, and an overall plant species list.

7. Placement of liners, matting, rip rap or other hard armor along the streambed or bank is prohibited.
8. Moving the channel laterally or vertically is not allowed under this permit.
9. Bank reshaping, including the creation of a new floodplain or flood-prone bench(es) may be authorized. Adjustment to the stream bed is not authorized. The stream bed must remain at the present elevation. The adjusted flood prone elevation shall be established at bankfull elevation as determined by an appropriate reference reach in the local watershed or through use of an appropriate ecoregion based regional curve. The cross-sectional area below bankfull cannot be adjusted. The flood prone elevation may not be increased.
10. Vehicles and other related heavy equipment may work from the stream bank but not within the stream channel.
11. Work performed by hand and related hand-operated equipment is allowed within the stream channel.
12. Activities that impact high resource value wetlands, including, but not limited to rare wetland types, Exceptional Tennessee Waters, and wetlands located in a component of the National Wild and Scenic River System or Outstanding Natural Resource Waters are not covered.
13. Activities located in any waterway identified by the department as having contaminated sediments, and the activity will likely mobilize the contaminated sediments are not covered.
14. Wetlands outside of the permitted impact area(s) shall be marked with signs or similar structure so that all work performed by the contractor is solely within the permitted impact area(s).
15. The authorized wetland and/or stream alterations shall not cause measureable degradation to resource values and classified uses of hydrologically connected waters of the state, including disruption of sustaining surface or groundwater hydrology. This includes temporary and haul roads constructed for the permitted activity.
16. All excess material will be removed and properly disposed of upon completion of work.
17. Temporary impacts to wetlands shall be mitigated by the removal and stockpiling of the first 12 inches of topsoil, prior to construction. Upon completion of construction activities, all temporary wetland impact areas are to be restored to pre-construction contours, and the stockpiled topsoil spread to restore these areas to pre-construction elevation. Other side-cast material shall not be placed within the temporary impact locations. Permanent vegetative stabilization using native species of all disturbed areas in or near the wetland must be initiated within 14 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-invasive annuals may be used as cover crops until native species can be established.

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) 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 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. This activity may not result in the permanent disruption to the movement of fish or other aquatic life upon project completion.
6. Blasting within 50 feet of any jurisdictional stream or wetland is prohibited.
7. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
8. 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.
9. 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.

10. 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.
11. 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.
12. This permit does not authorize impacts to cultural, historic, or archaeological features or sites.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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

Activities for the habitat enhancement of streams and wetlands may obtain coverage by submitting a signed and completed ARAP 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. 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 holding general permit coverage 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
Director, Division of Water Resources

DATE: 04/07/2020