



**Public Notice**  
**Tennessee Department of Environment and  
Conservation (TDEC)**  
**Division of Water Resources (DWR)**  
**Notice Requesting Public Comments on Draft  
Permit Actions**  
**FILE # NRS 20.151**

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The purpose of this notice is to advise the public of the following proposed permit action and solicit comments and information necessary to evaluate the potential impact of the proposed activities on the aquatic environment.

Pursuant to The Tennessee Water Quality Control Act of 1977, T.C.A. §69-3-108 and Tennessee Rules, Chapter 0400-40-07, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and Section 401 Water Quality Certification. Section 401 of the Clean Water Act requires that an applicant obtain a water quality certification from the state when a federal permit is required. This notice is intended to inform interested parties of this permit application and draft permit and rationale, and to ask for comments and information necessary to determine possible impacts to water quality. At the conclusion of the public notice period a final determination will be made whether to issue or deny the permit.

**PERMIT COORDINATOR**

Mike Lee  
Tennessee Department of Environment & Conservation  
Division of Water Resources, Natural Resources Unit  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243  
(615) 532-0712  
[Mike.lee@tn.gov](mailto:Mike.lee@tn.gov)

**APPLICANT**

Ken Erickson  
CA South Development, LLC  
718 Thompson Lane  
Suite 108-273  
Nashville, TN 37204  
(680) 490-1602

**LOCATION**

Myatt Drive Business Park; Madison, Davidson County  
Unnamed tributary to Dry Creek  
Latitude; 36.282291 Longitude -86.698619

To view the proposed location of these impacts and the watershed condition, visit the Division's map viewer at <http://tdeconline.tn.gov/dwr/> and search on the permit number or coordinates listed in this Public Notice.

## **PROJECT DESCRIPTION / PURPOSE**

The project consists of a commercial development comprising two drive-in door buildings (81,250 square feet and 75,000 square feet), a 35,000 square-foot loading dock, and associated truck and automobile parking. The site is historically disturbed and currently dominated by field and scrub-shrub habitats. Water resource features include three wet weather conveyances, one stream (71 linear feet), and two wetlands (Wetland 1 – 0.70 acres, Wetland 2 – 0.17 acres). The applicant proposes to fill all of wetland 1 and 0.04 acres of wetland 2. The remaining area of wetland 2 and a 20-foot buffer will be avoided and placed under land use restrictions. A road crossing across Stream 1 (71 linear feet), an unnamed tributary to Dry Creek, will be constructed. Micro pools and slab rock will be utilized in the bio-retention basins to create additional habitat. Stream 1 is an intermittent stream that is approximately five feet wide with a depth of up to two feet. Substrate is primarily of small-medium rock and sediment. Stream 1 is currently encapsulated within the project site for a pre-existing road crossing. Compensatory wetland mitigation will occur with the purchase of 2.61 credits from the Banks Pisgah Stream and Wetland Bank in DeKalb County.

## **ANTIDEGRADATION STATEMENT**

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made a preliminary determination that the proposed activities will result in greater than *de minimis* degradation of waters with available parameters. Any appreciable permanent loss of resource value associated with the proposed impact is proposed to be offset by sufficient mitigation to result in no overall net loss of resource value. Pursuant to Antidegradation Statement, in waters with available parameters for habitat, an activity that would cause degradation of habitat above the level of *de minimis* will only be authorized if applicant has demonstrated to the Department that there are no practicable alternatives to prevent or lessen degradation associated with the proposed activity and the degradation is necessary to accommodate important economic or social development in the area and will not violate the water quality criteria for uses existing in the receiving waters. For more information please reference Tennessee's Antidegradation Statement which is found in Chapter 0400-40-03 of the Rules of the Tennessee Department of Environment and Conservation.

## **FACTORS CONSIDERED**

In deciding whether to issue or deny this permit, the Division will consider all comments of record and the requirements of applicable federal and state laws. The division will consider the nature, scale and effects of proposed impacts. The Division will consider practicable alternatives to the alteration, loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impacts to unique, high quality, or impaired waters.

## **HOW TO COMMENT**

TDEC is requesting public comment on this proposed permit action. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure appropriate decisions. Persons wishing to comment on the proposal are invited to submit written comments to the Division. Written comments must be received within **thirty days following distribution of the approved public notice materials** (including signage and newspaper ad). 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 Division's address listed below to the attention of the permit coordinator. You may also comment via email to [water.permits@tn.gov](mailto:water.permits@tn.gov).

After the Division makes a final permit determination, a permit appeal may be filed by the applicant or by any person who participated in the public comment period whose appeal is based on comments given to the Division in writing during the public comment period or in testimony at a formal public hearing. If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Saul Castillo at 615-532-0462 or [saul.castillo@tn.gov](mailto:saul.castillo@tn.gov) for more information.

### **PUBLIC HEARING**

Interested persons may request in writing that the Division hold a public hearing on this application. The request must be received by the Division within the comment period, indicate the interest of the party requesting it, the reason(s) a hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Division will hold a public hearing in accordance with 0400-40-07-.04(4) (f). Send all public hearing requests to the attention of the permit coordinator at the address listed below or via email to [water.permits@tn.gov](mailto:water.permits@tn.gov). Any scheduled public hearings will be advertised through a similar public notice process.

### **FILE REVIEW**

The permit application, supporting documentation, including detailed plans and maps, draft permit and rationale, and related comments are available for review on the internet at the Division's [Water Resources Permits Dataviewer](#) by entering the permit file number listed in the title of this Public Notice. The file may be viewed and copied at the address listed below.

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