



# Public Notice

## Tennessee Department of Environment and Conservation Division of Water Resources Notice Requesting Public Comments on Draft Permit Actions

### FILE # NRS21.235

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** Robert Baker  
Division of Water Resources  
312 Rosa L. Parks Avenue 11th Floor  
Nashville, Tennessee 37243-1102  
615-532-0710  
[Robert.D.Baker@tn.gov](mailto:Robert.D.Baker@tn.gov)

**APPLICANT** Jackson County Highway Department  
Thomas Anderson, Superintendent  
450 Baugh Hollow Lane  
Gainesboro, Tennessee 38562  
931-268-9914

#### LOCATION

The project is located on the Cumberland River in Jackson County at ten points of impact.

#### PROJECT DESCRIPTION / PURPOSE

The authorized alterations to waters of the state consist of construction of rip rap revetments along 670 feet of streambank at ten sites on the Cumberland River to reconstruct and protect road embankments. The purpose of the proposed activity is to repair and protect the structural integrity of the public roadway. The stream banks at the sites subject to this permit are actively eroding and represent an imminent threat to the integrity of the roadways at those locations.

The Commissioner has determined that, pursuant to rule 0400-04-07-.04, an emergency situation existed and the permit for remedial action was issued prior to public notice and participation on October 5, 2021. This notice serves as public notice for this emergency authorization.

#### ANTIDEGRADATION

The affected waters have available parameters for habitat. The affected waters are designated as Exceptional Tennessee Waters, the basis of inclusion for which is the Cordell Hull Wildlife Refuge and state threatened Blue Mud-plantain.

As described in the accompanying permit rationale, the Department has made a preliminary determination that the proposed activity will result in de minimis degradation.

## **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.

In making this decision, a final determination will be made evaluating appreciable permanent loss of resource values and proposed compensatory mitigation to ensure the project will not result in no overall net loss of state water resources values.

## **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 [DWR Permits in TN](#) 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.

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