



Public Notice
**Tennessee Department of Environment and
Conservation (TDEC)**
Division of Water Resources (DWR)
**Notice Requesting Public Comments on Draft
Permit Actions**
FILE # NRS21.250

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
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APPLICANT

Adam Mitchell, VP Portfolio Management
Drapac Group 46, LLC
1123 Zonolite Road, NE
Suite 30
Atlanta, GA 30306
(864) 542-4431

LOCATION

West of Cane Ridge Road and North Legacy Drive: Antioch, Davidson County
Latitude 36.011155; Longitude -86.645286

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

This permit application is for unavoidable impacts to 0.33 acres of three small, low resource value wetlands as part of the proposed 238-lot Parks at Cane Ridge residential subdivision. Two jack-and bore sanitary sewer line crossings of two separate intermittent streams also proposed. No intermittent or perennial stream channels (or potential habitat for listed species) will be otherwise altered by the project. The development is located between Legacy Drive and Cane Ridge Road, in Antioch, Nashville, Davidson County.

The site's receiving streams are listed as Exceptional Tennessee Waters due to the presence of potential habitat for the federally endangered Nashville crayfish (*Faxonius/Orconectes shoupi*). The site is located at the top of the Turkey and Indian Creek watersheds, well above more developed perennial streams where the Nashville crayfish has previously been found. No specimens were found in 2018, and the majority of the site's habitat consists of highly intermittent, soil-substrate channels with very limited amounts of available slab rock preferred by the species. Based on negative survey results, poorly developed in-stream habitat, and avoidance of all stream impacts in the site plan, the applicant's consultant does not expect that the project will adversely affect the Nashville Crayfish. In January and February 2021, the site was reassessed for the presence of the state-endangered streamside salamander (*Ambystoma barbouri*). Based on negative survey results and the avoidance of all stream impacts in the site plan, the applicant does not expect that the project will adversely affect the streamside salamander.

Within the 110-acre development site, 11 wetlands, 15 intermittent/perennial streams, and 15 wet weather conveyances were identified. Of the site's jurisdictional water resources, the applicant proposes fill impacts to three wetlands totaling 0.33 acres and proposes two jack and bore sanitary sewer crossings of streams. The three wetlands lie within the Indian Creek watershed but are not strongly connected to downstream waters.

The proposed impacts will be offset by purchasing in-system wetland mitigation in-lieu fee program credits from the Tennessee Mitigation at a 2:1 ratio with a 12% time-lag multiplier (0.74 credits). The Tennessee Mitigation Fund will restore resource values for wetlands within the Lower Cumberland Service Area which is considered the primary service area for the Mill Creek watershed.

ANTIDEGRADATION STATEMENT

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made the 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 the 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.

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 for more information.

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 dataviewer at [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.

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