



NOTICE OF DETERMINATION

Economic/Social Necessity for Degradation of Exceptional Tennessee Waters

Aquatic Resource Alteration Permit application NRS23.206

Tennessee Department of Transportation

I-75 Interchange Modification at I-24; Project # 33005-1185-44; PIN 114174.01

Pursuant to *The Tennessee Water Quality Control Act of 1977*, and Tenn. Comp. R. & Regs. 0400-40-03-.06(4)(d), this notice sets out the Tennessee Department of Environment and Conservation's (the "Department's") determination that the degradation resulting from the new habitat alteration proposed in the § 401 Water Quality Certification and Aquatic Resource Alteration Permit application NRS23.206 is necessary to accommodate important economic or social development in the area.

Background

The Tennessee Department of Transportation (TDOT) applied for a § 401 Water Quality Certification and Aquatic Resource Alteration Permit for stream and wetland impacts associated with improvements to the Interstate 24 and Interstate 75 interchange in Chattanooga (Hamilton County). Additional information on the project proposal and supporting documents are available for review on the internet at the Division's Water Resources Permits Data viewer (<https://www.tn.gov/environment/about-tdec/tdec-dataviewers.html>) by entering the permit file number listed in the title of this Notice of Determination. The draft permit and accompanying rationale were placed on Public Notice on October 24, 2023.

Two streams and one wetland located within the project boundary were determined to be Exceptional Tennessee Waters (ETWs). Three streams are part of the Spring Creek waterbody (segment ID TN06020001007_0510): STR-5, STR-13, STR14. Spring Creek and its headwaters are known Exceptional Tennessee Waters due to observed presence of the state-endangered Chickamauga crayfish (*Cambarus extraneus*).

Unavoidable permanent impacts to 240 feet of stream and temporary impacts to 188 feet of stream are associated with improving the Interstate 24 and Interstate 75 interchange in Chattanooga. Stream mitigation will be provided by a purchase of 74.8 stream functional foot credits from the South Mouse Creek Mitigation Bank.

The purpose of this project is to provide an improved and safer interchange of two major interstates. According to the applicant, continued population growth in the area and traffic volume increases along the I-24 and I-75 corridors have resulted in deficient traffic operations due to increased congestion and the associated safety issues that accompany higher traffic volumes. Substandard ramp geometry and volume increases have caused safety issues. The modifications are needed to provide a safer facility for roadway users by reducing high crash rates and truck rollovers throughout the I-24/I-75 interchange area. The traffic circulation patterns of the existing welcome center creates conditions causing safety issues along northbound I-75.

Determinations

After taking into consideration the information received in support of the permit application and the comments received through public participation, the Department has determined that:

1. The proposed alterations will result in greater than de minimis degradation to three streams designated as Exceptional Tennessee Waters.
2. The degradation is necessary to accommodate important economic or social development in the area because the interstate improvements on I-24 and I-75 will improve road safety conditions for motorists.

Petition for Declaratory Order/Permit Issuance

Pursuant to the Antidegradation Statement, Tenn. Comp. R. & Regs. 0400-40-03-.06(4)(d), the Department's determination that degradation above a de minimis level of the ETWs is necessary to accommodate important economic or social development in the area is subject to review by the Board of Water Quality, Oil and Gas. Within 30 days after the date of this notification, any affected intergovernmental coordination agency or affected third person may petition the Board for a declaratory order under Tenn. Code Ann. § 4-5-223, and the Board shall convene a contested case. If a petition for declaratory order is timely filed, it will be processed in accordance with Tenn. Comp. R. & Regs. 0400-40-03-.06(4)(d) and rules governing contested case hearings. If no such petition is filed within 30 days after this notification, then the Department will proceed to its final determination of whether to issue the permit. A petition may be filed by electronic mail at TDEC.Appeals@tn.gov or by mail to Jenny Howard, TDEC General Counsel, 312 Rosa L. Parks Ave., Nashville, TN 37243.