



**Public Notice**  
**Tennessee Department of Environment and**  
**Conservation (TDEC)**  
**Division of Water Resources (DWR)**  
**Notice Requesting Public Comments on Draft**  
**Permit Actions**  
**FILE # NRS25.148**

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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.

**APPLICANT**

Tennessee Department of Transportation (TDOT)  
505 Deaderick Street #900 - JK Polk Building  
Nashville, TN 37243  
c/o Shawn Wurst, 615-532-3880

**LOCATION**

Forked Deer Road / State Route 180, LM 4.57, 4.75, Bridges over Lost Creek and Lost Creek Overflow Gates, Haywood County, Tennessee  
Latitude: 35.7517      Longitude: -89.3935

Ecoregion 74b, impacts in South Fork Forked Deer River Watershed

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

**PROJECT DESCRIPTION / PURPOSE**

The authorized work consists of emergency replacement of two existing damaged timber bridges along Forked Deer Road/State Route 180 over Lost Creek and the Overflow to Lost Creek with two single span bridges to meet current design standards. The project requires permanent impacts to 83 feet of an unnamed tributary of the Overflow of Lost Creek (STR-1 – relocation/fill). The construction of the project will include the removal of the existing 3-span timber bridge over the Overflow of Lost Creek (STR-2) for a single span 36" box beam bridge 29.25 feet in length over the stream. The project will also include the removal of the existing 5-span timber bridge over Lost Creek (STR-1) for a single span 54" bulb-tee beam bridge 29.25 feet in length. Additionally, the construction of the project will permanently impact 0.07 acres of WTL-1 and temporarily impact 0.14 acres of WTL-1. Stream mitigation will be provided through the purchase of 85.5 functional feet credits from Jack's Creek Stream Mitigation Bank.

The Commissioner has determined that, pursuant to rule 0400-40-070.04, an emergency situation exists and this permit for remedial action is hereby issued without full prior public notice and participation. This emergency permit shall be advertised by public notice, however, no later than twenty (20) days after issuance.

#### **PERMIT COORDINATOR**

Nicholas Zemlachenko  
Tennessee Department of Environment & Conservation  
Division of Water Resources, Natural Resources Unit  
Davy Crockett Tower  
500 James Robertson Parkway, 9<sup>th</sup> Floor  
Nashville, Tennessee 37243  
616-626-0808  
Nicholas.Zemlachenko@tn.gov

#### **ANTIDEGRADATION**

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made a preliminary determination that the authorized activities will result in no significant degradation in a waterbody with unavailable parameters for habitat because the applicant proposes mitigation to offset any appreciable permanent loss of resource values.

For more information, please refer to 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.

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 [ARAP.permits@tn.gov](mailto:ARAP.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 can provide translation or interpretation services free of charge by contacting Brian Canada at 615-979-1406 or [Brian.Canada@tn.gov](mailto:Brian.Canada@tn.gov).

Si le resulta difícil leer, hablar o comprender inglés, TDEC puede proporcionarle servicios de traducción o interpretación sin cargo comunicándose con Brian Canada al 615-979-1406 o [Brian.Canada@tn.gov](mailto:Brian.Canada@tn.gov).

**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 [ARAP.permits@tn.gov](mailto:ARAP.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 \(https://dataviewers.tdec.tn.gov/dataviewers/f?p=2005:1:9486548805959:\)](https://dataviewers.tdec.tn.gov/dataviewers/f?p=2005:1:9486548805959:) 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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