



Public Notice
Tennessee Department of Environment and Conservation (TDEC)
Division of Water Resources (DWR)
Notice Requesting Public Comments on Draft Permit Actions
FILE # NRS26.010

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

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Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
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APPLICANT:

M. Brad Wheat, WMA Coordinator
TWRA Region 1
200 Lowell Thomas Drive
Jackson, TN 38301

LOCATION:

Horn Bluff WMA Refuge Habitat Improvement
Humboldt, Madison County

Latitude 35.87057 Longitude -89.09182

The site is located within the Middle Fork Forked Deer River (HUC 08010205). (for more information, access <http://tdeconline.tn.gov/dwr>):

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 scope includes habitat improvements at three constructed wetlands (designated as the West Field, the North Field, and the East Field). TWRA proposes to construct a series of shallow levees and drainage control structures to manage water levels and enhance wetland wildlife habitat at the refuge. TWRA will remove 850 feet of one levee, construct seven new levees, and construct and/or replace seven drainage control structures.

Proposed improvements include construction of a new levee to divide the West Field into two smaller management areas designated as Units 1 and 2. Similarly, a new levee will divide the East Field into two smaller management areas designated as Units 3 and 5. A new levee across the North Field (Unit 4) will separate it from Units 3 and 5.

TWRA plans to install new drainage control structures on each new levee to manage the water levels in the newly created management units. Two existing drainage control structures within Levee 1 Unit 3 will be removed and replaced.

One new control structure will be placed at the southwest corner of Unit 1 that will allow outflow to the Middle Fork Forked River which runs outside a large levee along the southern boundary of the site. To facilitate drainage to this outflow, built up sediment and debris will be removed from a conveyance on the west side of the managed units.

Stream C-2 is currently clogged with excessive siltation and deadfall snags. This stream will be cleared of debris and sediment will be deposited atop the adjacent levee along the western edge of Unit 1. Dead tree snags will be removed, except for pieces that are deemed suitable for Large Woody Debris classification. These desirable pieces of woody debris will be placed within the stream upon the completion of the sediment removal.

The levee that currently exists between the north and east fields that will be removed for borrow material is approximately 1.67-acres of upland area within the refuge. Removing this area from the total impact results in a filled area of 1.91-acres for the new levees. Within the overall complex of the refuge that totals more than 160-acres of verified wetland area solely within the managed fields, this impact within low quality wetlands

Finally, TWRA also plans to remove approximately 850 feet of an existing levee at the westernmost edge of the refuge to improve drainage patterns of the overall site.

Compensatory wetland mitigation for the proposed activity constitutes restoration of previously converted bottomland hardwood wetland to a forested wetland condition. TWRA will restore approximately 3.50 acres of bottomland hardwood wetland within Unit 5 of the refuge,

ANTIDegradation

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 *de minimis* degradation because the applicant proposes to provide in-system mitigation to offset any appreciable permanent loss of resource values.

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. In addition, the Division will consider whether more than *de minimis* degradation is justified by important social or economic development in the area.

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 for the attention of the permit coordinator. You may also comment via email to 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.

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 or 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 in 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. 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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