Public Notice
Tennessee Department of Environment and Conservation (TDEC)
Division of Water Resources (DWR)
Notice Requesting Public Comments on Draft Permit Actions
File # NRS25.278

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

City of Hendersonville
Jamie Clary
101 Maple Dr. N.
Hendersonville, TN 37075
615-822-1000

Location

Intersection of Drakes Creek Road and Stop Thirty Road
Hendersonville, Sumner County, Tennessee

Latitude: 36.335936 Longitude: -86.592843
Drakes Creek and Unnamed Tributary, Old Hickory Lake Watershed
Ecoregion 71h, Outer Nashville Basin

To view the proposed location of these impacts and the watershed condition, visit the Division's Mapviewer and search on the permit number or coordinates listed in this Public Notice.

Project Description / Purpose

Permanent impacts to 802 linear feet of stream including bridge/culvert replacement and stream relocation to make improvements to Drakes Creek Road intersection with Stop Thirty Road. Impacts will be compensated through purchase of 36.7 functional foot credits from Buffalo Valley Mitigation Bank.

Permit Coordinator

Sydney Norman
Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
Davy Crockett Tower
500 James Robertson Parkway, 9th Floor
Nashville, Tennessee 37243
615-854-3793
Sydney.L.Norman@tn.gov

Antidegradation

STR-1 (Drakes Creek)

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 no significant degradation in a waterbody with unavailable parameters for habitat because the proposed activities will not result in an appreciable permanent loss of resource values.

STR-2 Encapsulation

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 greater than de minimis degradation of Exceptional Tennessee Waters (ETWs). Any appreciable permanent loss of resource value associated with the proposed impact is proposed to be offset by mitigation that is not in-system. Pursuant to Antidegradation Statement, in waters identified as ETWs, an activity that would cause degradation of habitat above the level of de minimis will only be authorized if the 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.

When the Department determines that more than de minimis degradation of an ETW is, or is not, necessary to accommodate important economic or social development in the area, it will issue a notice of determination by posting it on the Department's website and emailing persons who have requested to be notified of permit actions. That notice will describe the applicable procedures as set forth in Rule 0400-40-03-.06(d).

STR-2 Fill and Replacement

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 of an ETW because the applicant proposes to provide in-system mitigation to offset any appreciable permanent loss of resource values.

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 to 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 o 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. 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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Nashville, Tennessee 37243