



State of Tennessee
Department of Environment and Conservation
Division of Water Resources
Davy Crockett Tower
500 James Robertson Parkway, 9th Floor
Nashville, Tennessee 37243

NOTICE OF DETERMINATION

Economic/Social Necessity for Degradation of Exceptional Tennessee Waters

Aquatic Resource Alteration Permit application NRS25.278

City of Hendersonville

Drakes Creek Road Improvements

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 NRS25.278 is necessary to accommodate important economic or social development in the area.

Background

The City of Hendersonville applied for a § 401 Water Quality Certification and Aquatic Resource Alteration Permit for stream impacts associated with improvements to the intersection of Drakes Creek Road and Stop Thirty Road in Hendersonville, Tennessee. 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 July 14, 2026.

One stream located within the project boundary was determined to be an Exceptional Tennessee Water (ETW). This stream is a Miscellaneous Tributary to Drakes Creek (Waterbody ID TN05130201047_0999) which is an Exceptional Tennessee Water due to observed presence of the state-endangered Streamside Salamander (*Ambystoma barbouri*).

Aquatic resource alteration permitted by ARAP NRS25.278 includes 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. The proposed alterations are located within Old Hickory Lake HUC8 watershed. Resource loss associated with the culvert replacement on the Miscellaneous Tributary to Drakes Creek (STR-2) will be compensated through purchase of 36.7 functional foot credits from Buffalo Valley Mitigation Bank located within the Caney Fork River HUC8 watershed.

The stated goal and purpose of the authorized activity is "to improve roadway capacity, enhance traffic safety, and increase flood resilience along Drakes Creek Road and the Stop Thirty Road intersection to accommodate current and future transportation demands."

The applicant has provided the following information regarding social or economic necessity for the proposed alteration:

“Drakes Creek Road and Stop Thirty Road intersection serves as a key connector between Vietnam Veterans Boulevard and growing residential, commercial, and institutional areas in Hendersonville, making it a vital route for daily commuters, school traffic, and emergency services. Currently configured as a two-lane road, Drakes Creek Road experiences congestion and delays, particularly during peak hours. Limited turning lanes, and lack of signalization contribute to increased risk of accidents. Enhancing safety through lane redesign and signal improvements is a priority. The intersection and surrounding roadway are located within the regulatory floodway of Drakes Creek. Heavy rainfall events often result in road closures or hazardous driving conditions. Elevating the intersection by relocating STR-2 from the edge of Stop Thirty Road, and replacing the existing bridge and culvert are critical to improving flood resilience.”

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 a stream designated as Exceptional Tennessee Waters.
2. The degradation is necessary to accommodate important economic or social development in the area.

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, 500 James Robertson Pkwy, Nashville, TN 37243.