



Public Notice
Tennessee Department of Environment and
Conservation (TDEC)
Division of Water Resources (DWR)
Notice Requesting Public Comments on Draft
Permit Actions
FILE # NRS24.013

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

Adam Kelly
Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources
Davy Crockett Tower
500 James Robertson Parkway, 9th Floor
Nashville, Tennessee 37243
615-253-5348
Adam.T.Kelly@TN.gov

APPLICANT

Tennessee Department of Transportation (TDOT)
505 Deaderick St #900 JK Polk Building
Nashville, TN 37243

LOCATION

Kidd Lane Bridge over Elk River
Fayetteville, Lincoln County
Miscellaneous Tributaries to the Elk River, Elk River, and Unnamed Wetlands
Latitude: 35.137777 Longitude: -86.588798

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

TDOT proposes unavoidable permanent impacts to 1,189 linear feet of stream, 0.729 acres of wetland and temporary impacts to 1.03 acres of wetland associated with the construction of a new bridge on a new alignment along Kidd Lane over the Elk River in Lincoln County. Onsite permittee responsible mitigation will be provided through stream restoration of approximately 2,015 feet of Stream 3 and the enhancement of approximately one acre of Wetlands. Onsite permittee responsible mitigation is authorized to partially offset permanent wetland impacts and generate up to 685 functional feet stream credits which is sufficient functional lift to offset permanent stream impacts. Additional compensatory mitigation to offset permanent impacts to wetlands will be provided through allocating 1.45 credits of previously purchased credits from Coffee County Wetland Mitigation Bank at a 2:1 ratio with a 1.25:1 proximity multiplier.

ANTIDegradation

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made a preliminary determination that the proposed impacts to streams and some wetlands will result in *de minimis* degradation of waters with available parameters because the applicant proposes to provide in-system mitigation to offset any appreciable permanent loss of resource values.

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made a preliminary determination that the proposed impacts to some wetlands will result in greater than *de minimis* degradation of waters with available parameters. Any appreciable permanent loss of resource value associated with the proposed impact is proposed to be offset by sufficient mitigation to result in no overall net loss of resource value. Pursuant to Antidegradation Statement, in waters with available parameters for habitat, an activity that would cause degradation of habitat above the level of *de minimis* will only be authorized if 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.

In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has made the preliminary determination that the proposed impacts to the Elk River will not result in an appreciable permanent loss of resource values, and therefore will result in no more than *de minimis* degradation of an ETW without mitigation.

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.

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 water.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 may be able to provide translation or interpretation services free of charge. Please contact Alisha Looper at 615-571-4470 or alisha.looper@tn.gov.

Si le resulta difícil leer, hablar o comprender inglés, TDEC puede proporcionarle servicios de traducción o interpretación sin cargo comunicándose con Alisha Looper al 615-571-4470 o alisha.looper@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 water.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 data viewer at [Report on Permits \(tn.gov\)](#) 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.

Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
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500 James Robertson Parkway, 9th Floor
Nashville, Tennessee 37243