



Public Notice
Tennessee Department of Environment and Conservation (TDEC)
Division of Water Resources (DWR)
Notice Requesting Public Comments on
Permit Modification Actions
FILE # NRS22.223

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

Mike Lee
Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
Davy Crockett Tower
500 James Robertson Pkwy, 9th Floor
Nashville, Tennessee 37243
(615) 532-0712
Mike.lee@tn.gov

APPLICANT:

Mr. Jason Farmer, Principal
River Stone Construction LLC
6005 Century Oaks Drive
Chattanooga, TN 37416
(423) 595-6673

LOCATION :

Minnis Road NE, Bradley County
Latitude: 35.15334, Longitude: -84.82473

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

A permit was issued on August 11, 2023, for wetland impacts including fill of a 0.09-acre wetland, fill of a 0.315-acre pond, and 0.058 acres of temporary wetland impact for the installation of three utility line crossings. Stream impacts included a 107-foot road crossing and one utility line crossing. Wetland and pond impacts are to be compensated through the purchase of minimum of 0.55 wetland in-lieu fee credits from the Tennessee Mitigation Fund, Southeast Tennessee Service Area. Temporary wetland impacts require two years of post-construction monitoring.

The permittee is requesting a permit modification that includes:

To accomplish the proposed development at the location, project sponsors are proposing to fill approximately 0.49 acre of wetlands on the southern portion of the project area. The wetlands to be impacted have been defined as “Wetland D, E, F, and G. Additionally, the 0.32-acre inundated farm pond will be drained and filled with clean fill to match the surrounding grade.

To accomplish the residential community, the permittee will have two sewer stream crossings. The permittee originally proposed three sewer wetland crossings. However, with the redesign of the subdivision, the permittee was able to eliminate the wetland crossings. The proposed stream crossings include installing an 8-inch sewer line under Channel 1 and Channel 4 both are UNT’s to Little Chatata Creek. The utility crossing will only impact a small section of the stream, and the area will be rehabilitated and stabilized after installation. Due to the existing culvert not being able to withstand the heavy traffic the subdivision will entail, the design engineer and permittee is proposing two road crossings. The permittee is proposing to install a 3 foot by 5 foot box culvert facilitate vehicular traffic over the UNT to Little Chatata Creek (channel 4) with a downstream 10 FT riprap apron. As well as a box culvert in Channel 1 with a downstream 10 foot rip rap apron. All disturbance will be conducted in ‘dry’ weather to the extent practicable and appropriate EPSC Best Management Practices will be utilized.

Permanent stream impacts to Stream 2 are, one 80-foot road crossing with a bottomless culvert plus 8 foot headwalls at the inlet and outlet of the crossing, and four stormwater outfalls that will all total 40 feet. Three temporary stream crossings (on Stream 2, 3, and 5) will be required for access throughout the property. Impacts are associated with creation of a mixed-use development on the site.

Due to the presence of endangered crayfish on site, the permittee has contracted a professional (Dinkins Biological Consulting, LLC) to be onsite during any instream work to relocate the crayfish. All physical alterations will be conducted in ‘dry’ and appropriated EPSC Best Management Practices will be utilized. Dry conditions will be achieved via temporary diversion channels.

The compensatory mitigation for the project modification is the purchase of 0.9 credits from the Tennessee Mitigation Fund Southeast Tennessee. service area.

ANTIDegradation STATEMENT

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 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 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 or 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 \(tn.gov\)](https://www.tn.gov/report-on-permits) 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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