

Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Stream and Wetland Habitat Enhancement



Effective Date: October 15, 2015

Expiration Date: April 6, 2020

Activities Covered by this Permit

This general permit authorizes activities associated with the improvement of the habitat and ecological function of altered or degraded streams and wetlands, and riparian lands. These activities are designed to improve hydrology, native vegetation, and habitat functions. For streams these activities may include buffer enhancement, vegetative bank stabilization, in-stream habitat structures, and removal of small obstructions in channel.

These activities are limited to existing wetlands for the purposes of greenway development, habitat enhancement, and/or watershed protection. Such activities should propose to restore these sites by establishing conditions that will allow and promote the systems to naturally develop towards regional wetland reference standards. This may include removal of small water control structures or backfilling of existing drainage structures often in conjunction with the planting of hydrophytic species.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in both the Special and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by a standard (individual) permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the *Act*) are met.

Special Conditions

1. This permit does not authorize projects for which the primary purpose is stream relocation, compensatory mitigation, flood control or drainage improvement.
2. Total length of stream channel disturbance is limited to 1000 linear feet.
3. Affected wetland(s) are limited to those in which the maximum extent of potential hydrologic alteration is within single ownership or all affected landowners have submitted written permission allowing the activity to affect their property.
4. Affected wetland(s) greater than 2 acres must be documented to have low resource value. Prior to permit issuance, the applicant will submit baseline documentation of the resource, including Army Corps of Engineers wetland delineation form(s), a Tennessee Rapid Assessment Methodology (TRAM) evaluation, and an overall plant species list.
5. Placement of liners, matting, rip rap or other hard armor along the streambed or bank is prohibited.
6. Moving the channel laterally or vertically is not allowed under this permit.
7. Bank reshaping may be authorized.

8. Projects for the purpose of structure removal are limited to dam-like structures that are no more than 5 feet high.
9. Vehicles and other related heavy equipment may work from the stream bank but not within the stream channel.
10. Work performed by hand and related hand-operated equipment is allowed within the stream channel.
11. Activities that impact wetlands that represent a high resource value, including but not limited to rare wetland types, Exceptional Tennessee Waters, and wetlands located in a component of the National Wild and Scenic River System or Outstanding Natural Resource Waters are not covered.
12. Activities located in any waterway which is identified by the department as having contaminated sediments, and the activity will likely mobilize the contaminated sediments are not covered.
13. Wetlands outside of the permitted impact areas shall be clearly marked so that all work performed by the contractor is solely within the permitted impact area.
14. The authorized wetland and/or stream alterations shall not cause measureable degradation to resource values and classified uses of hydrologically connected waters of the state, including disruption of sustaining surface or groundwater hydrology. This includes temporary or haul roads constructed for the permitted activity.
15. All materials resulting from the enhancement project will be removed and properly disposed of upon completion of work.
16. Temporary wetland impacts, including haul road and staging area fill activities, which do not conform to Tennessee Division of Forestry Best Management Practices shall be mitigated by the removal and stockpiling of the first 12 inches of topsoil, prior to construction. Upon completion of construction activities, all temporary wetland impact areas are to be restored to pre-construction contours, and the stockpiled topsoil spread to restore these areas to pre-construction elevation. Other side-cast material shall not be placed within the temporary impact locations.
17. Permanent vegetative stabilization using native species of all disturbed areas in or near the stream or wetland must be initiated within 14 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-invasive annuals may be used as cover crops until native species can be established.

General Conditions

1. All activities must be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the ARAP application (form CN-1091) and the limitations, requirements and conditions set forth herein. Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977 (the Act)*, and is subject to penalty in accordance with T.C.A. §69-3-115.

2. Activities, either individually or cumulatively, that may result in greater than *de minimis* degradation to waters of the state are not covered. This general permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values.
3. Disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited. Native riparian vegetation must be reestablished after work is completed. Coverage under this permit does not serve to waive any local riparian buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.
4. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
5. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, deemed in need of management, or species of special concern may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if any special conditions are required to avoid and/or minimize harm to the listed species or their habitat. Adverse effects to federal threatened and endangered species are not permitted without prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
6. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of §10 of The Rivers and Harbors Act of 1899; §404 of The Clean Water Act and §26a of The Tennessee Valley Authority Act, as well as any other federal, state or local laws.
7. Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. The completed activities may not disrupt or impound stream flow.
8. The use of monofilament-type erosion control netting or blanket is prohibited.
9. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
10. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
11. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock (containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work.
12. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule 0400-40-03. This includes, but is not limited to, the prevention of any discharge or use of materials that may be harmful to humans, terrestrial or aquatic life, or causes a condition in which visible solids, bottom deposits or turbidity impairs the designated uses of waters of the state.
13. The permittee is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) *General Permit for Storm Water Discharges from Construction Activities* where clearing, grading or excavation results in an area of disturbance of one or more acres,

or activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.

14. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream bank vegetation is disturbed. Stream beds shall not be used as linear transportation routes for construction equipment, rather, the stream channel may be crossed perpendicularly with equipment provided no additional fill or excavation is necessary.

Obtaining Permit Coverage

Activities for the habitat enhancement of streams and wetlands may obtain coverage by submitting a signed and completed ARAP application (form CN-1091), along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. Not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the expiration date on an NOC extends beyond the date the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to twelve (12) months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals holding general permit coverage unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC, or the NOC was issued for less than a one-year term. An NOT form can be downloaded from the division's ARAP webpage (<http://www.tn.gov/environment/permits/arap.shtml>).

APPROVED: _____


Tisha Calabrese Benton
Director, Division of Water Resources

DATE: 10/14/15