

Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Minor Alterations to Wetlands



Effective Date: April 7, 2015

Expiration Date: April 6, 2020

Activities Covered by this Permit

This general permit authorizes minor temporary or permanent alterations of wetlands, where avoidance is not possible. The individual or cumulative amount of alteration within a Common Plan of Development that may be authorized is based on degree of resource value impacted. Alterations of up to 0.10 acres of wetlands representing moderate resource value may be authorized. Up to 0.25 acres of wetlands that are degraded and of low resource value, or in situations where the proposed partial fill of a larger wetland would result in no measurable degradation to the water resource value of the overall wetland may be authorized.

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. 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.
2. Activities where all practicable measures to avoid and minimize adverse impacts to the wetlands and other waters of the state have not been employed are not covered.
3. The excavation and fill activities associated with the wetlands alteration shall be kept to a minimum.
4. 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.
5. The authorized wetland alterations shall not cause measureable degradation to resource values and classified uses of hydrologically connected wetlands or other waters of the state, including disruption of sustaining surface or groundwater hydrology. Adjacent wetlands or streams determined likely to be measurably degraded by such hydrologic alteration, or by partial fill, must be included in the cumulative impact calculation, even if not filled or otherwise directly altered physically.
6. Temporary impacts to wetlands 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. Permanent vegetative stabilization using native species of all disturbed areas in or near the wetland must be initiated within 14 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established

General Conditions

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.

1. 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, including the use of multiple general permits to authorize separate wetland impacts within the same Common Plan of Development.
2. Clearing, grubbing, and other disturbance to wetland vegetation shall be kept at the minimum. Unnecessary wetland vegetation removal, including trees, and soil disturbance is prohibited. Native wetland vegetation must be reestablished after work is completed. Coverage under this permit does not serve to waive any local wetland buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.
3. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life and wetland dependent species.
4. 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 federally listed 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.
5. 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.
6. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
7. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
8. 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.
9. 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.
10. Erosion prevention and sediment control measures must be in place and functional before any earth moving operations begin, and shall be designed according to the department's *Erosion and Sediment Control Handbook* (www.tn.gov/environment/wpc/sed_ero_controlhandbook/). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated

within 15 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.

11. The use of monofilament-type erosion control netting or blanket is prohibited
12. 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.

Obtaining Permit Coverage

Proposed minor wetland alteration activities may obtain coverage by submitting a signed and completed 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. As noted above, 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: _____

7/20/15