



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
 Division of Water Resources
 William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor,
 Nashville, Tennessee, 37243
 1-888-891-8332 (TDEC)

Rcd DWR
em
9.2.2022

Application for Aquatic Resource Alteration Permit (ARAP) & State §401 Water Quality Certification

OFFICIAL STATE USE ONLY	Site #:	Permit #:	NR2204.262
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Section 1. Applicant Information (individual responsible for site, signs certification below)

Applicant Name (company or individual):		SOS #:	Status:
Primary Contact/Signatory:		Signatory's Title or Position:	
Mailing Address:		City:	State: Zip:
Phone:	Fax:	E-mail:	

Section 2. Alternate Contact/Consultant Information (a consultant is not required)

Alternate Contact Name:			
Company:		Title or Position:	
Mailing Address:		City:	State: Zip:
Phone:	Fax:	E-mail:	

Section 3. Fee (application will be incomplete until fee is received)

No Fee	Fee Submitted with Application	Amount Submitted: \$ _____
Current application fee schedules can be found at the Division of Water Resources webpage at: https://www.tn.gov/environment/permit-permits/water-permits/1/aquatic-resource-alteration-permit--arap-.html or by calling (615) 532-0625. Please make checks payable to "Treasurer, State of Tennessee".		
Billing Contact (if different from Applicant):	Name:	Email:
Address:	Phone:	

Section 4. Project Details (fill in information and check appropriate boxes)

Site or Project Name:	Nearest City, Town or Major Landmark:		
Street Address or Location (include zip):			
County(ies):	MS4 Jurisdiction:	Latitude (dd.dddd):	
		Longitude (dd.dddd):	
Resources Proposed for Alteration:	Stream / River	Wetland	Reservoir
Name of Water Resource (for more information, access http://tdeconline.tn.gov/dwr):			
Brief Project Description (a more detailed description is required under Section 8):			

Does the proposed activity require approval from the U.S. Army Corps of Engineers, the Tennessee Valley Authority, or any other federal, state, or local government agency? Yes No

 If Yes, provide the permit reference numbers: [METRO NASHVILLE SWGR 2021083334](#)

Will the activity require a 401 Water Quality Certification: Yes No

 If Yes, attach any 401 WQC pre-filing meeting request documentation

Is the proposed activity associated with a larger common plan of development: Yes No

 If Yes, submit site plans and identify the location and overall scope of the common plan of development.

Plans attached? Yes No

 If applicable, indicate any other federal, state, or local permits that are associated with the overall project site (common plan of development) that have been obtained in the past (e.g., construction general permit and/or other ARAP):

Application for Aquatic Resource Alteration Permit (ARAP) & State §401 Water Quality Certification

Section 5. Project Schedule (fill in information and check appropriate boxes)		
Proposed start date:	Estimated end date:	
Is any portion of the activity complete now?	Yes	No
If yes, describe the extent of the completed portion:		

The required information in Sections 6-11 must be submitted on a separate sheet(s) and submitted in the same numbered format as presented below. If any question is not applicable, state the reason why it is not applicable.

Section 6. Description	Attached
	Yes No
6.1 A narrative description of the scope of the project	
6.2 USGS topographic map indicating the exact location of the project (can be a photographic copy)	
6.3 Photographs of the resource(s) proposed for alteration with location description (photo locations should be noted on map)	
6.4 A narrative description of the existing stream and/or wetland characteristics including, but not limited to, dimensions (e.g., depth, length, average width), substrate and riparian vegetation	
6.5 A narrative description of the proposed stream and/or wetland characteristics including, but not limited to, dimensions (e.g., depth, length, average width), substrate and riparian vegetation	
6.6 In the case of wetlands, include a wetland delineation with delineation forms and site map denoting location of data points	
6.7 A copy of all hydrologic or jurisdictional determination documents issued for water resources on the project site	

Section 7. Project Rationale	Attached
	Yes No
Describe the need for the proposed activity, including, but not limited to the purpose, alternatives considered and rationale for selection of least impactful alternative, and what will be done to avoid or minimize impacts to water resources	

Section 8. Technical Information	Attached
	Yes No
8.1 Detailed plans, specifications, blueprints, or legible sketches of present site conditions and the proposed activity. Plans must be 8.5.x 11 inches. Additional larger plans may also be submitted to aid in application review. The detailed plans should be superimposed on existing and new conditions (e.g., stream cross sections where road crossings are proposed)	
8.2 For the proposed activity and compensatory mitigation, provide a discussion regarding the sequencing of events and construction methods and any proposed monitoring	
8.3 Depiction and narrative on the location and type of erosion prevention and sediment control (EPSC) measures for the proposed alterations and any other measures to treat, control, or manage impacts to waters	

<p>Section 9. Water Resources Degradation (degree of proposed impact)</p> <p>Note that in most cases, activities that exceed the scope of the General Permit limitations are considered greater than <i>de minimis</i> degradation to water quality. Please provide your basis for concluding the proposed activity will cause one of the following levels of water quality degradation:</p> <ol style="list-style-type: none"> a. <i>De minimis</i> degradation, no appreciable permanent loss of resource values b. Greater than <i>de minimis</i> degradation (if greater than <i>de minimis</i> complete Sections 10-11) <p><i>For information and guidance on the definition of de minimis and degradation, refer to the Antidegradation Statement in Chapter 0400-40-03-.06 of the Tennessee Water Quality Criteria Rule:</i> https://publications.tnsosfiles.com/rules/0400/0400-40/0400-40.htm <i>For more information on specifics on what General Permits can cover, refer to the Natural Resources Unit webpage at:</i> https://www.tn.gov/environment/permit-permits/water-permits/1/aquatic-resource-alteration-permit--arap-.html</p>
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Application for Aquatic Resource Alteration Permit (ARAP) & State §401 Water Quality Certification

Section 10. Detailed Alternatives Analysis		Attached Yes No
10.1	Analyze all reasonable alternatives and describe the level of degradation and permanent loss of resource value caused by each alternative. Assessment must consider options other than the "Preferred" and "No Action" alternatives. Provide associated rationale for selecting or rejecting all alternatives considered and demonstration that the least impactful practicable alternative was selected.	<input type="checkbox"/> <input type="checkbox"/>
10.2	Discuss the social and economic consequences of each alternative	<input type="checkbox"/> <input type="checkbox"/>
10.3	Demonstrate that the degradation associated with the preferred alternative will not violate water quality criteria for uses designated in the receiving waters, and is necessary to accommodate important economic and social development in the area	<input type="checkbox"/> <input type="checkbox"/>

Section 11. Compensatory Mitigation		Attached Yes No
11.1	A detailed discussion of the proposed compensatory mitigation. Provide evidence of credit reservation if proposing to utilize a third-party provider.	<input type="checkbox"/> <input type="checkbox"/>
11.2	Analysis of any proposed appreciable loss of resource value using the TN Stream Mitigation Guidelines. Provide Stream Quantification Tool (SQT) results if applicable. Include Existing Condition Score (ECS) and debit/credit calculations.	<input type="checkbox"/> <input type="checkbox"/>
11.3	Describe how the compensatory mitigation would result in no net loss of resource value	<input type="checkbox"/> <input type="checkbox"/>
11.4	Provide a detailed monitoring plan for the compensatory mitigation site if permittee-responsible project is proposed	<input type="checkbox"/> <input type="checkbox"/>
11.5	Describe the long-term protection measures for the compensatory mitigation site if permittee-responsible project is proposed (e.g., deed restrictions, conservation easement)	<input type="checkbox"/> <input type="checkbox"/>

Certification and Signature			
<p>An application submitted by a corporation must be signed by a principal executive officer; from a partnership or proprietorship, by the partner or proprietor respectively; from a municipal, state, federal or other public agency or facility, the application must be signed by either a principal executive officer, ranking elected official, or other duly authorized employee. <i>I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.</i></p>			
Lee Zoller	President		8/31/2022
Printed Name	Official Title	Signature	Date

Note that this form must be signed by the principal executive officer, partner or proprietor, or a ranking elected official in the case of a municipality; for details see **Certification and Signature** statement above. For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC). Submit the completed ARAP Application form (keep a copy for your records) to the appropriate EFO for the county(ies) where the proposed activity is located, addressed to **Attention: ARAP Processing**. You may also electronically submit the complete application and all associated attachments to water.permits@tn.gov.

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	8383 Wolf Lake Drive, Bartlett	38133-4119	Cookeville	1221 South Willow Ave.	38506
Jackson	1625 Hollywood Drive	38305-4316	Chattanooga	1301 Riverfront Pkwy., Ste. 206	37402
Nashville	711 R S Gass Boulevard	37243	Knoxville	3711 Middlebrook Pike	37921
Columbia	1421 Hampshire Pike	38401	Johnson City	2305 Silverdale Road	37601



AQUATIC RESOURCE ALTERATION PERMIT APPLICATION NARRATIVE

FOR:

ENSLEY BLVD OFFICE BUILDING

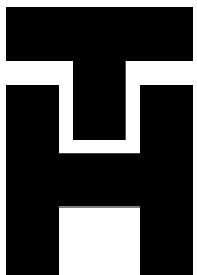
NASHVILLE,
DAVIDSON COUNTY, TENNESSEE

PREPARED FOR:

DIVISION STREET DEVELOPMENT

AUGUST 26, 2022

J-28446.0000



Prepared by:

THOMAS & HUTTON

Savannah, GA | Charleston, SC | Myrtle Beach, SC | Brunswick, GA | Columbia, SC
| Charlotte, NC | Greenville, SC | Nashville, TN

1621 Ensley Partners, LLC
700 12th Ave. South, Suite 302
Nashville, TN 37203

August 26, 2022

ATTN: ARAP Processing
Tennessee Department of Environment and Conservation – Nashville Environmental Field Office
711 R.S. Gass Boulevard
Nashville, TN 37243

RE: General ARAP Permit Application – Ensley Blvd Office Building, Nashville, TN

Attached is a completed and signed Aquatic Resource Alteration Permit application for 1621 Ensley Blvd., Nashville, TN 37210 for the proposed grading activity for the purpose of public stormwater infrastructure improvement that will impact 45 linear feet of the western bank of Browns Creek. The proposed grading will create a 10 feet bottom width trapezoidal grass channel.

We request that the proposed activity be covered under the TDEC General ARAP Permit for Construction of Intake and Outfall Structures.

Please contact Jon Claxton, P.E. at 615-349-4966 or claxton.j@tandh.com if you have any questions. Mr. Claxton will represent Division Street Development on all matters with respect to processing the attached ARAP application.

Sincerely,



Lee Zoller, President
1621 Ensley Partners, LLC
(615) 727-0010
lee.zoller@divisionstdev.com

6.0 Project Description

6.1 A narrative description of the scope of the project:

The project consists of a 73,835 SF mixed use building and the addition of a parking garage, access driveways, landscaped areas, stormwater best management practices, and offsite stormwater, water, and sewer infrastructure. The site is currently grassed and undeveloped, and its eastern edge falls within the 100-year floodplain. The site and surrounding area drain to Browns Creek just offsite. Development proposes to grade adjacent to Browns Creek for stormwater conveyance to improve the public storm infrastructure, as directed by Nashville Metro Water Services. A landscape buffer mitigation plan has been proposed to further minimize impact to Browns Creek.

6.2 USGS Topographic Map:

See attached.

6.3 Photographs of the resource(s) proposed for alteration with location description:

See attached photos.

6.4 A narrative description of the existing streams:

Grading is proposed adjacent to Browns Creek. Browns Creek is approximately 50 feet wide top of bank to top of bank and approximately 13-15 feet deep with a bedrock/gravel dominated stream bed. No other water resource features will be impacted by the proposed activity.

6.5 A narrative description of the proposed stream:

The proposed grading will impact approximately 45 linear feet of the western bank of Browns Creek through the installation of a 10' bottom width trapezoidal grass ditch with 3:1 side slopes. A buffer mitigation plan and drainage plan are also attached, which show plantings and outlet protection along the disturbance. No compensatory mitigation is required.

6.6 In case of wetlands, include wetland delineation with delineation forms:

No wetlands are being impacted by the proposed grading activity.

6.7 A copy of all hydrologic or jurisdictional determination documents issued for water resources on the project site.

Browns Creek has been identified as a stream by Metro Water Services and previous projects along it. No determination documents for this specific project have been attached.

7.0 Project Rationale

The proposed activity is required to develop the proposed mixed-use project (Ensley Blvd Office Building). The proposed 73,835 sf development would allow for additional mixed-use office space, retail, and associated parking needed in Nashville. The offsite

stormwater infrastructure improvement, required by Metro Water Services, has been designed to minimize impact to Browns Creek as much as possible. A landscape buffer mitigation plan has also been designed to further minimize impact. Alternatives to developing the site for mixed-use included:

Alternative 1 – Elliptical RCP:

Alternative off-site stormwater designs were examined for this site and discussed at great length with the stormwater department of Nashville Metro Water Services. The first alternate design proposed connecting stormwater infrastructure from the Ensley Blvd Office Building site and the large off-site stormwater basin near the corner of 4th Ave and Moore Ave. From there, a proposed 43" x 68" Elliptical RCP pipe replace the existing undersized 36" RCP in Moore Ave and would convey stormwater to the discharge point north of the Moore Ave bridge over Browns Creek. The 43" x 68" RCP would still be undersized for the large off-site drainage basin; however, it was the largest pipe that could possibly fit in Moore Ave due to existing utilities, cover, and invert depth. Metro Water Services did not accept this solution due to the pipe being undersized and inadequate vertical separation from the existing 42" sewer main running adjacent to Browns Creek. Furthermore, this solution would do little to mitigate the ongoing drainage issues in proximity to this site, and installing a pipe through Moore Ave and outfall structure would constitute a level of impact to Browns Creek similar to that of Alternative 2 – Proposed Design.

Alternative 2 – Proposed Design:

The proposed design was decided upon after extensive design conversations between the owner, engineer, and Metro Water Services as the only solution preferred by all parties. The proposed design will impact approximately 45 linear feet of the western bank of Browns creek through the installation of a 10' bottom width trapezoidal grass ditch with 3:1 side slopes on Metro owned property south of Moore Ave. This design minimizes the impact of Browns Creek and provides the most capacity possible for the off-site drainage basin draining to Browns Creek. A concrete ditch of the same dimensions was discussed to further increase capacity, but it was decided by both the design engineers and Metro Water Services that a grass channel would be preferable to minimize the impact of Browns Creek, including water quality. The proposed design will also provide increased flood storage for Browns Creek. A buffer mitigation landscape plan has also been proposed for the impact, which will further reduce the impact on Browns Creek. No compensatory mitigation is required.

Alternative 3 – No Build:

This alternative would result in no development, and the value of the mixed-use office and retail space would not be provided to Nashville or Davidson County. Additionally, due to the ongoing flooding and drainage infrastructure issues in the area and off-site stormwater directives from Metro Water Services, any future design for this site would necessitate offsite stormwater improvements that would impact Browns Creek. In the no-build scenario, offsite stormwater improvements, which will help facilitate future development in the area and improve the public stormwater infrastructure, will not be built.

8.0 Technical Information:

- 8.1 Detailed plans, specifications, blueprints, or legible sketches of present site conditions and the proposed activity. Plans must be 8.5 x 11 inches. Additional larger plans may also be submitted to aid in application review. The detailed plans should be superimposed on existing and new conditions (e.g., stream cross sections where road crossings are proposed):**

See attached plans.

- 8.2 For both the proposed activity and compensatory mitigation, provide a discussion regarding the sequencing of events and construction methods:**

Best management practices (silt fences, sediment tubes, inlet filters, etc.) will be utilized throughout the project site to minimize storm water runoff and erosion control. A 60 foot riparian buffer (30 feet on impact side) will be established along the stream following completion of work. The offsite ditch conveying stormwater to Browns Creek will be graded and stabilized before the off-site stormwater infrastructure is connected to drain to it. Extra care will be taken in controlling stormwater runoff and erosion near Browns Creek.

10.0 Detailed Alternative Analysis

- 10.1 Analyze all reasonable alternatives and describe the level of degradation caused by each of the feasible alternatives:**

Alternative 1 – Elliptical RCP:

This alternative provides a minimal level of degradation to water quality and a similar level of degradation compared to Alternative 2. The first alternate design proposed connecting stormwater infrastructure from the Ensley Blvd Office Building site and the large off-site stormwater basin near the corner of 4th Ave and Moore Ave. From there, a proposed 43" x 68" Elliptical RCP pipe replace the existing undersized 36" RCP in Moore Ave and would convey stormwater to the discharge point north of the Moore Ave bridge over Browns Creek. The 43" x 68" RCP would still be undersized for the large off-site drainage basin; however, it was the largest pipe that could possibly fit in Moore Ave due to existing utilities, cover, and invert depth. Metro Water Services did not accept this solution due to the pipe being undersized and inadequate vertical separation from the existing 42" sewer main running adjacent to Browns Creek. Furthermore, this solution would do little to mitigate the ongoing drainage issues in proximity to this site, and installing a pipe through Moore Ave and outfall structure would constitute a level of impact to Browns Creek similar to that of Alternative 2 – Proposed Design.

Alternative 2 – Proposed Design:

This alternative provides a minimal level of degradation to water quality and a similar level of degradation compared to Alternative 1. The proposed design was decided upon after extensive design conversations between the owner, engineer, and Metro Water Services as the only solution preferred by all parties. The proposed design will impact approximately 45 linear feet of the western bank of Browns creek through the installation of a 10' bottom width trapezoidal grass ditch with 3:1 side slopes on Metro owned property south of Moore Ave. This design minimizes the impact of Browns Creek

and provides the most capacity possible for the off-site drainage basin draining to Browns Creek. A concrete ditch of the same dimensions was discussed to further increase capacity, but it was decided by both the design engineers and Metro Water Services that a grass channel would be preferable to minimize the impact of Browns Creek, including water quality. The proposed design will also provide slightly increased flood storage for Browns Creek. A buffer mitigation landscape plan has also been proposed for the impact, which will further reduce the impact on Browns Creek. No compensatory mitigation is required.

Alternative 3 – No Build:

This alternative would result in no degradation to water quality. This alternative would result in no development, and the value of the mixed-use office and retail space would not be provided to Nashville or Davidson County. Additionally, due to the ongoing flooding and drainage infrastructure issues in the area and off-site stormwater directives from Metro Water Services, any future design for this site would necessitate offsite stormwater improvements that would impact Browns Creek. In the no-build scenario, offsite stormwater improvements, which will help facilitate future development in the area and improve the public stormwater infrastructure, will not be built.

10.2 Discuss the social and economic consequences of each alternative.

Alternatives 1 and 2 provide the same social and economic benefits to the community. The project will create mixed-use office and retail space for local businesses as well as enhance the streetscape and pedestrian access along 4th Ave and Ensley Blvd in accordance with the Nashville Major & Collector Street Plan. The Specific Plan zoning for this project has been uniquely crafted by the design team in conjunction with Metro Planning to create a project that will be beneficial to the community around it both economically and socially.

Additionally, Alternatives 1 and 2 will provide an improved public storm infrastructure system for the area, which will help facilitate further economic development in the area.

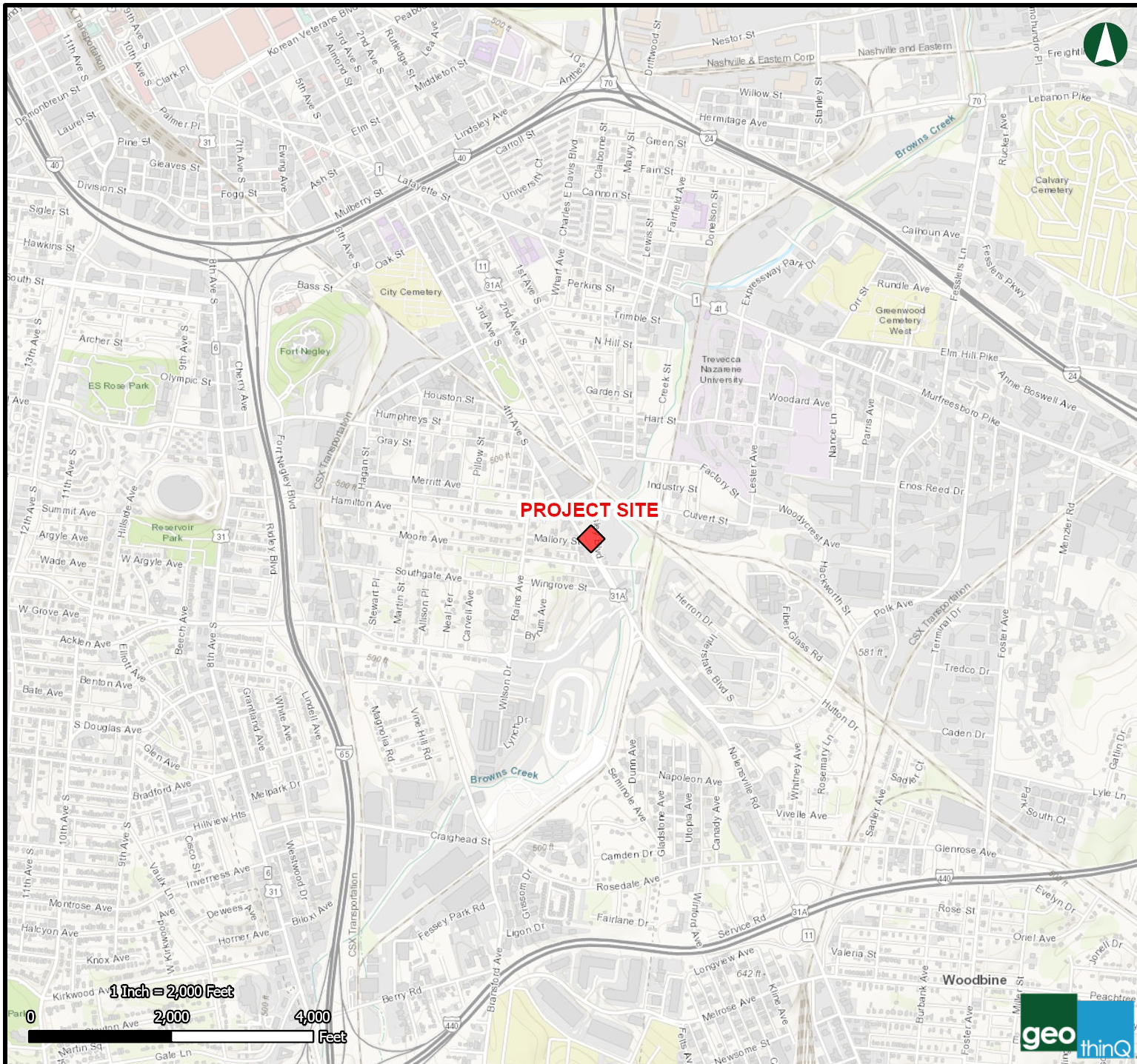
Alternative 3 would provide no social or economic benefit to Nashville.

10.3 Demonstrate that the degradation associated with the preferred alternative will not violate water quality criteria for uses designated in the receiving waters, and is necessary to accommodate important economic and social development in the area.

Degradation associated with the preferred alternative will not violate water quality criteria. The proposed site plan will utilize best management practices for erosion and sedimentation control, especially along the project boundaries and associated with the 45 linear foot impact along Browns Creek. Additionally, the project will utilize a water quality unit onsite that will provide 80% TSS removal for onsite stormwater. The social and economic benefits of the proposed project have been summarized in the previous section. Based on an analysis of those factors and the current site plan, it has been determined that the project, as proposed, will not have a negative impact to the classified uses of the receiving waters.

Attachment 2

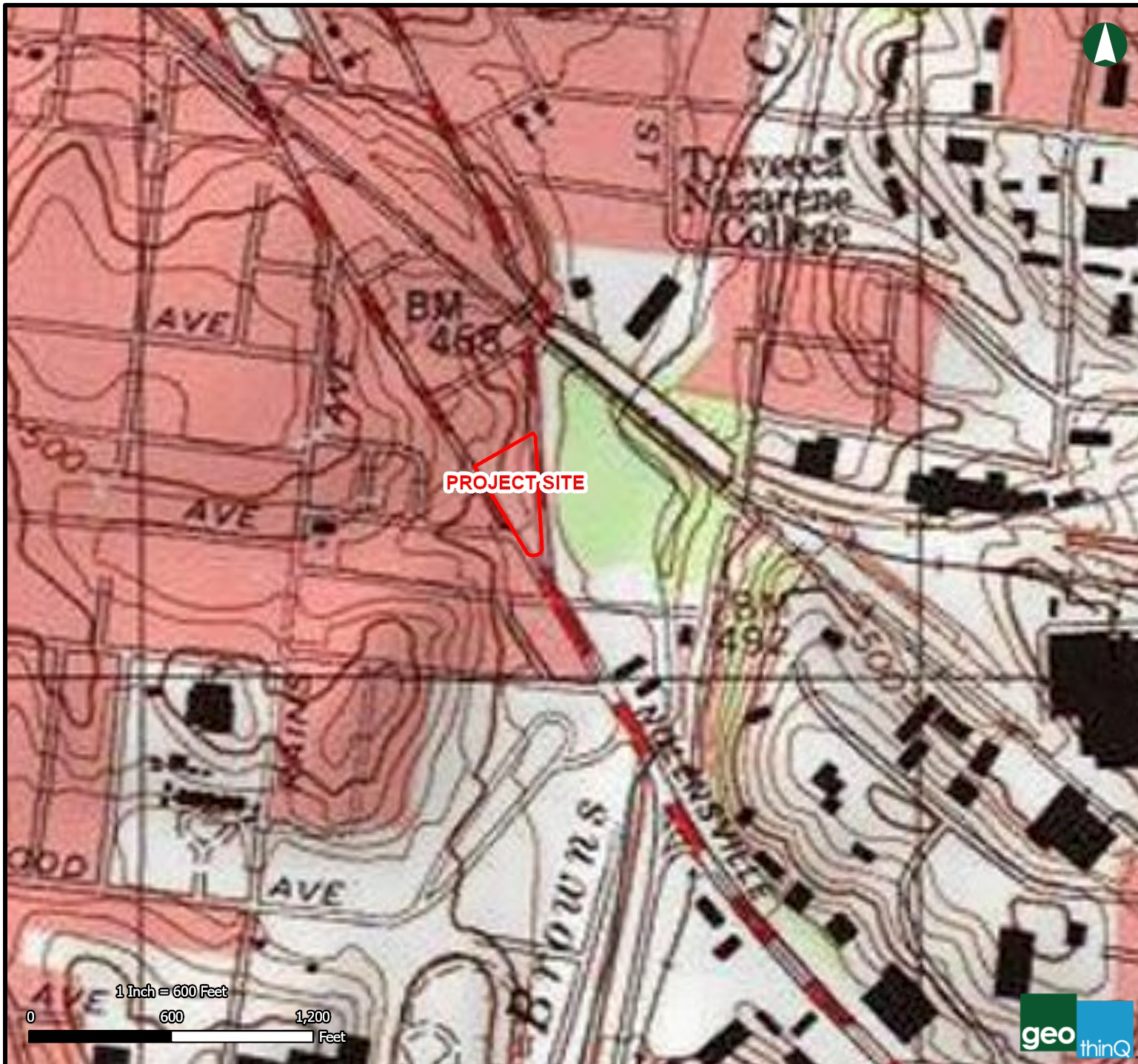
Maps, Photos, & Site Plans



1621 ENSLEY BLVD

SITE LOCATION MAP
08/25/2022





1621 ENSLEY BLVD

USGS TOPOGRAPHIC SITE
LOCATION
08/25/2022





PROPOSED AREA OF IMPACT - LOOKING SOUTH FROM MOORE AVE. BRIDGE



BROWNS CREEK - LOOKING NORTH FROM MOORE AVE. BRIDGE

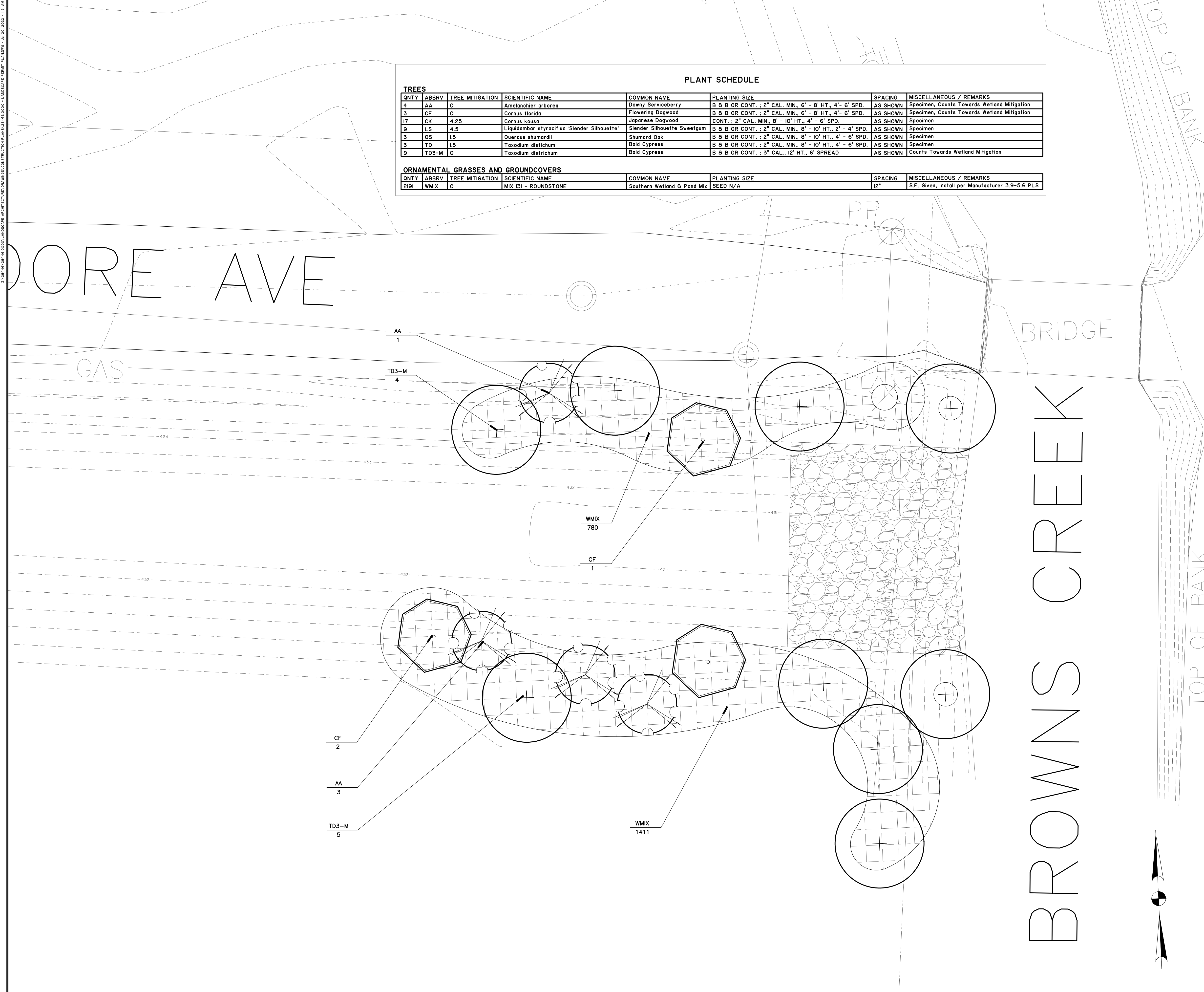


PROPOSED AREA OF IMPACT - LOOKING EAST FROM MOORE AVE.



EXISTING STORMWATER OUTFALL - LOOKING WEST FROM MOORE AVE. BRIDGE

21044446.DWG (Landscape Construction) - LANDSCAPE CONSTRUCTION PLAN (Landscape) - JULY 2022 - 10:58 AM



PLANT SCHEDULE						
TREES						
QNTY	ABBRV	TREE MITIGATION	SCIENTIFIC NAME	COMMON NAME	PLANTING SIZE	MISCELLANEOUS / REMARKS
4	AA	0	Amelanchier arborea	Downy Serviceberry	B & B OR CONT. ; 2" CAL. MIN., 6' - 8' HT., 4' - 6' SPD.	AS SHOWN Specimen, Counts Towards Wetland Mitigation
3	CF	0	Cornus florida	Flowering Dogwood	B & B OR CONT. ; 2" CAL. MIN., 6' - 8' HT., 4' - 6' SPD.	AS SHOWN Specimen, Counts Towards Wetland Mitigation
17	CK	4.25	Cornus kousa	Japanese Dogwood	CONT. ; 2" CAL. MIN., 8' - 10' HT., 4' - 6' SPD.	AS SHOWN Specimen
9	LS	4.5	Liquidambar styraciflua 'Slender Silhouette'	Slender Silhouette Sweetgum	B & B OR CONT. ; 2" CAL. MIN., 8' - 10' HT., 2' - 4' SPD.	AS SHOWN Specimen
3	OS	1.5	Quercus shumardii	Shumard Oak	B & B OR CONT. ; 2" CAL. MIN., 8' - 10' HT., 4' - 6' SPD.	AS SHOWN Specimen
3	TD	1.5	Toxodum distichum	Bald Cypress	B & B OR CONT. ; 2" CAL. MIN., 8' - 10' HT., 4' - 6' SPD.	AS SHOWN Specimen
9	TD3-M	0	Toxodum distichum	Bald Cypress	B & B OR CONT. ; 3" CAL., 12' HT., 6' SPREAD	AS SHOWN Counts Towards Wetland Mitigation
ORNAMENTAL GRASSES AND GROUNDCOVERS						
QNTY	ABBRV	TREE MITIGATION	SCIENTIFIC NAME	COMMON NAME	PLANTING SIZE	MISCELLANEOUS / REMARKS
2191	WMIX	0	MIX 131 - ROUNDSTONE	Southern Wetland & Pond Mix	SEED N/A	12" S.F. Given, Install per Manufacturer 3.9-5.6 PLS



PHOTO EXAMPLE - ROUNDSTONE MIX 131



PHOTO EXAMPLE - BALD CYPRESS

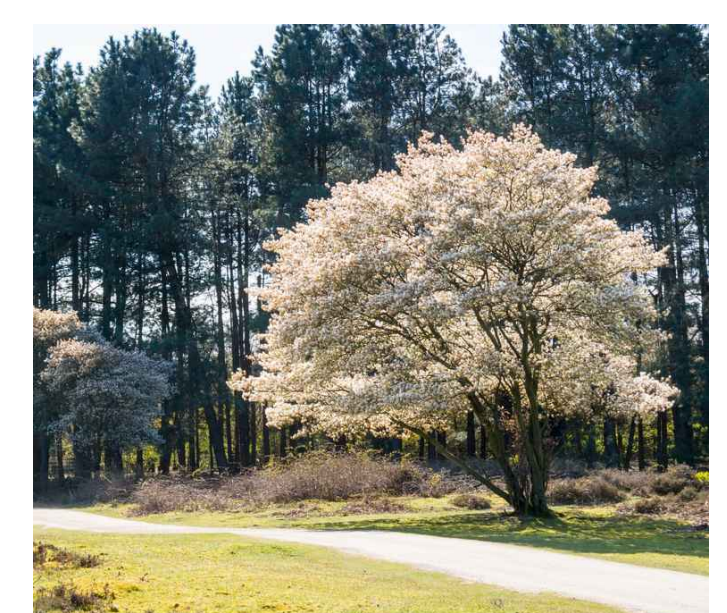
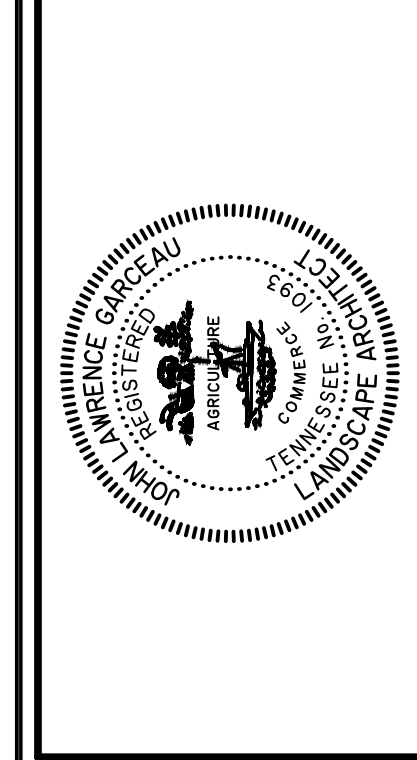


PHOTO EXAMPLE - SERVICEBERRY



PHOTO EXAMPLE - FLOWERING DOGWOOD



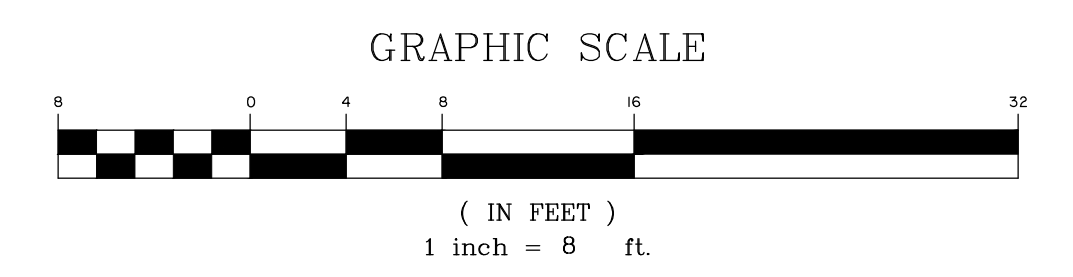
NO.	REVISIONS	BY	DATE

THOMAS & HUTTON
 615 Main Street • Suite 124
 Nashville, TN 37206 • 615.349.4990
 www.thomasandhutton.com

DIVISION STREET DEVELOPMENT
 NASHVILLE, TN
 ENSLEY BLVD OFFICE BUILDING
STREAM BANK MITIGATION PLAN

JOB NO:	J-28446.0000
DATE:	7/15/22
DRAWN:	CET
DESIGNED:	CET
REVIEWED:	JLG
APPROVED:	JLG
SCALE:	1" = 8'

L1.2



Attachment 3
General Aquatic Resource Alteration Permit for
Construction of Intake and Outfall Structures

Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Construction of Intake and Outfall Structures



Effective Date: April 7, 2020
Expiration Date: April 7, 2025

Activities Covered by this Permit

This general permit authorizes the construction, maintenance, repair, rehabilitation or replacement of intake and outfall structures in waters of the state. Outfall structures include those structures and conveyances used for the discharge of wastewater, stormwater, cooling water, etc. Intake structures include those structures used for the removal of water for the purpose of domestic water supply, irrigation, cooling water, etc.

Authorization under this general permit is only for the construction of the structures and does not authorize the withdrawal or release of water. Any discharge of pollutants from the outfall must be separately authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The withdrawal of water through the intake must be separately authorized by permit or specifically exempted by rule or statute.

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. New intake or outfall structures shall be located and oriented to avoid permanent alteration or damage to the integrity of the stream channel including the opposite stream bank. The alignment of the outfall structure (except for diffusers) should be as parallel to the stream flow as is practicable, with the discharge pointed downstream. Underwater diffusers may be placed perpendicular to stream flow for more complex mixing.
2. Intake and outfall structures shall be designed to minimize harm and to prevent the impoundment of normal or base flows. Base flow is the usual or normal flow of the stream that is supplied primarily by groundwater from springs and seeps, but not affected by rapid runoff during and after rainfall.
3. Velocity dissipation devices shall be placed as needed at discharge locations to provide a non-erosive velocity from the structure.
4. Headwalls, bank stabilization materials, and any other hard armoring associated with the installation of each structure shall be limited to a total of 25 feet along the receiving stream's bank.
5. Up to 10 intake or outfall structures within a project area may be covered under this general permit.

General Conditions

1. The amount of fill, stream channel and bank modifications, or other impacts associated with the activity shall be limited to the minimum necessary to accomplish the project purpose. The permittee shall utilize the least impactful practicable method of construction.
2. 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 Act.
3. Activities, either individually or cumulatively, that may result in an appreciable permanent loss of resource value to streams or wetlands 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.
4. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary native riparian vegetation removal, including tree removal, is prohibited. Native riparian vegetation must be reestablished in all areas of disturbance outside of any permanent authorized structures 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.
5. Widening of the stream channel as a result of this activity is prohibited.
6. This activity may not result in the permanent disruption to the movement of fish or other aquatic life upon project completion.
7. Blasting within 50 feet of any jurisdictional stream or wetland is prohibited
8. Activities that directly impact wetlands, or impair surface water flow into or out of any wetland areas are not covered.
9. 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 authorized by this permit. Permittee is responsible for obtaining prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
10. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of section 10 of The Rivers and Harbors Act of 1899, section 404 of the Clean Water Act, section 26a of The Tennessee Valley Authority Act, section 402 of the Clean Water Act (including, but not limited to, an NPDES permit for construction stormwater), or any other federal, state, or local laws.
11. Backfill activities must be accomplished in the least impactful manner possible that stabilizes the streambed and banks to prevent erosion. The completed activities may not disrupt or impound stream flow.


12. The use of monofilament-type erosion control netting or blanket is prohibited in the stream channel, stream banks, or any disturbed riparian areas within 30 feet of top of bank.
13. This permit does not authorize impacts to cultural, historic, or archaeological features or sites.
14. This permit does not authorize access to public or private property. Arrangements concerning the use of public or private property shall be made with the landowner. The permittee is responsible for obtaining any additional permitting or maintenance agreements with other government or public agencies or lands.
15. 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. Any disturbance to the stream bed or banks must be restored to its original condition. As approved after Division review, activities may be conducted in the flowing water if working in the dry will likely cause additional degradation. Any work conducted in the flowing water must be for a short duration and with minimal impact, and conform to the Division-approved methodology.
16. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule Chapter 0400-40-03, or impairment of the uses of waters of the state as designated by Rule Chapter 0400-40-04.
17. 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 (<http://tnepsc.org/handbook.asp>). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 14 days of project completion (see also Landscaping with Natives at tnepsc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.
18. 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 mechanized equipment, rather, the stream channel may be crossed perpendicularly with equipment provided no additional fill or excavation is necessary.

Obtaining Permit Coverage

Proposed activities for the construction or removal of intake and outfall structures 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 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. An NOT form can be downloaded from the division's ARAP webpage (<https://www.tn.gov/environment/permit-permits/water-permits/1/aquatic-resource-alteration-permit--arap-.html>).

APPROVED: 
Jennifer Dodd
Director, Division of Water Resources

DATE: 04/07/2020

Form #85009

Ent	Name	Acct No	Invoice	Date	P.O. Num	Reference	Amount	Discount	Check Amt
1621	1621 Ensley Partners	1301-0000	APPLICATION	8/31/2022		ARAP Application	500.00	0.00	500.00

Payor: **1621 Ensley Partners LLC** Date: **8/31/2022** Check No.: **000131** Check Amount: **500.00**
 Payee: **Treasurer, State of Tennessee**

Retain this statement for your records

DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE AN ARTIFICIAL WATERMARK THAT APPEARS ON BACK OF CHECK WHEN HELD AT ANGLE. VERIFY AUTHENTICITY BY RUBBING RED "LS" LOGO BELOW.

1621 Ensley Partners LLC
c/o Avison Young-Tennessee, Inc.
700 12th Avenue South #302
Nashville, TN 37203

FirstBank
 3359 Aspen Grove Drive, Suite 100
 Franklin, TN 37067

87-703
 843

Date: **8/31/2022** Check No.: **000131** Check Amount: **500.00**

Five Hundred AND 00/100 DOLLARS

Pay to the order of:

VOID IF NOT CASHED WITHIN 90 DAYS WITHIN DATE OF ISSUE

Treasurer, State of Tennessee



LaserSecure™ Fraud-Resistant Laser Checks

