

**Public Notice
Tennessee Department of
Environment and Conser-
vation (TDEC)
Division of Water Re-
sources (DWR)
Notice Requesting Public
Comments on Draft Per-
mit Actions
FILE # NRS 20.184**

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 & Conserva-
tion
Division of Water Resourc-
es, Natural Resources Unit
William R. Snodgrass Ten-
nessee Tower
312 Rosa L. Parks Avenue,
11th Floor
Nashville, Tennessee 37243
(615) 532-0712
Mike.lee@tn.gov

APPLICANT

Ronald Brown, Owner
Autumn Woods Subdivision
1513 Randy Drive
Cookeville, TN 38501
(615) 557-6007

LOCATION

Cumby Drive - Autumn
Woods Subdivision;
Cookeville, Putnam County
Latitude 36.211739,
Longitude -85.584155

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

This permit application is for a residential development of 90 single family lots on approximately 75 acres. The construction will require the placement of fill in three wetland areas totaling 0.51 acres of low resource value wetlands. Two of the wetlands are associated with ponds in upland areas. The purpose of the project is to create affordable single-family housing that will serve to alleviate the growing need in the Cookeville area. Compensatory wetland mitigation is proposed in the form of wetland 1.02 credits to be purchased at a 2:1 ratio from the Roaring Paunch Wetland Mitigation Bank.

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 greater than *de minimis* degradation of waters with available parameters. Any appreciable permanent loss of resource value associated with the propose 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.

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.

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 Saul Castillo at 615-532-0462 or saul.castillo@tn.gov for more information.

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 enough 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 Water Resources Permits Dataviewer (http://environment-online.tn.gov:8080/pls/enf_reports/f?p=9034:34001:0:::::) 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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