



PUBLIC NOTICE

File Number:
TND0001201

Notice Date:
February 7, 2012

Expiration Date:
March 6, 2012

Pursuant to Chapter 1200-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit (this also includes §401 Water Quality Certifications). This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

APPLICANT: Mr. James Sills
147 Happy Hollow Road
Dover, Tennessee 37058
931-627-0450

LOCATION: Two points of impact in Stewart County: Hickman Creek N 36.48292
W -87.88184 and Henson Creek N 36.47981 W -87.88238

PROJECT DESCRIPTION / PURPOSE: The applicant is requesting a §401 water quality certification that would authorize instream gravel mining. When permits are issued for this activity, the following conditions are imposed: 1) excavation shall not extend below the adjacent water surface; 2) a berm of at least 10 feet must remain between the excavation and the adjacent water surface.

ANTIDegradation DETERMINATION: In accordance with the Tennessee Antidegradation Statement (Rule 1200-4-3-.06), the division has determined that the proposed activities will result in degradation, or more than insignificant adverse impact to water quality.

WATERSHED / WATERBODY DESCRIPTION:

Stream Name / ID #: Hickman Creek, Henson Creek / TN05130205015T_2900

Ecoregion: Western Highland Rim (71f)

Watershed / Hydrologic Unit Code: 5130205 (2015) Cumberland-Lower-Barkley Lake

Assessment Date: 11/15/2007

Designated Use	Use Support	Causes	Sources
fish and aquatic life	fully supporting		
irrigation	fully supporting		
recreation	not assessed		
livestock watering and wildlife	fully supporting		

PERMIT COORDINATOR: Robert Baker

FACTORS CONSIDERED: In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In

making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

COMMENTING: Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. 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 department's address listed below and to the attention of the permit coordinator.

PUBLIC HEARING: Interested persons may request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing. Send all public hearing request to the department's address listed below and to the attention of the permit coordinator.

FILE REVIEW: The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed below) for review and/or copying.

Tennessee Department of Environment & Conservation
Division of Water Pollution Control, Natural Resources Section
7th Floor L & C Annex
401 Church Street
Nashville, TN 37243

APPEAL: A petition for permit appeal may be filed, pursuant to T.C.A. §§ 69-3-105 by the permit applicant or by any aggrieved person who participated in the public comment period whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Any petition for permit appeal shall be filed with the board within thirty (30) days after public notice of the commissioner's decision to issue or deny the permit. Such petition must state in numbered paragraphs the basis of the appeal as required by the Administrative Procedures Act and regulations promulgated there.



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