

March 14, 2011

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

Re: Proposed ARAP NRS10.301, Hamilton County

Dear Mr. Lee,

The Tennessee Clean Water Network (TCWN) submits these comments in response to the Division's proposed Aquatic Resource Alteration Permit for Hamilton County (NRS10.301). We concur with the Division's conclusion the proposed project will result in degradation to water quality, but do not believe the application supports the requirements to justify degradation.

### **1. Inadequate alternatives analysis discussion.**

In accordance with Tenn. Comp. R. & Regs 1200-4-3-.06, degradation can not result if a feasible alternative exists. The application failed to discuss the potential for altering the footprint of the site by building upward, expanding east, or incorporating the stream and wetland aesthetically into the development. While TCWN acknowledges the value of the mitigation improvements proposed for the loss of 913 feet of stream, an effort must be made to first prevent degradation to waters of the state. All feasible alternatives must be evaluated before degradation can be permitted.

TCWN encourages the applicant to seek alternative site designs which would either minimize the entire footprint of the development or expand in a manner which would prevent impacts to our water resources.

### **2. Inappropriate wetland mitigation.**

The permittee has already filled wetlands onsite of this development with mitigation occurring in Collegedale, Tennessee at a ratio in accordance with Tenn. Comp. R. & Regs 1200-4-7-.04(b). However, the location of the wetland proposed for additional fill is in a highly urbanized area while mitigation is in a much rural area, negating how the resulting loss is more significant than

the gain. The benefits of wetlands in urban runoff pollutant removal among other factors are undervalued and the role these specific onsite wetlands play is completely lost.

Again, it is recommended the permittee evaluate alternatives which leave these valuable water resources intact. Working with the existing land and water features will greatly protect them as resources to the environment and community.

Please consider the concerns discussed in this letter. We appreciate the opportunity to comment on this proposed permit.

Sincerely,



Dana Wright  
Director of Policy and Legislative Affairs

Cc: Mr. Todd Leamon, Hamilton County Engineer