



May 11, 2007

Mr. Chuck Bean  
793 Plantation Blvd  
Gallatin, TN 37066  
VIA Electronic Mail – [Cdbeanjr@comcast.net](mailto:Cdbeanjr@comcast.net)

**RE: Stream Determination Associated with Proposed Pond, Humphrey’s County, Tennessee.  
CEC Project #071-252**

Dear Mr. Bean:

Civil and Environmental Consultants, Inc (CEC) has completed the requested stream determination on your farm located along the Dickson/Humphrey’s County line. It is understood that you have requested the determination to facilitate permitting associated with a proposed impoundment to be constructed along the watercourse. The purpose of the impoundment is to provide for a recreational fishery and to enhance the wildlife habitat on your property.

A stream determination was requested because the watercourse proposed to be impounded is depicted on the USGS Tennessee City (39 SE) topographical map of the property as a blue-line stream, (Figure 1). While blue-line designations often indicate that a water course is a jurisdictional stream, this is not always the case. Based on the characteristics observed by CEC during our June 12, 2007 site visit and upon our discussions with you onsite, we have determined that the portion of the watercourse in question on your property within the proposed impoundment area flows only in immediate response to stormwater events and should be classified as a wet weather conveyance (WWC). Subject to concurrence of our findings by the Tennessee Department of Environment and Conservation (TDEC) – the proposed impoundment structure is authorized under the General Permit for the Alteration of Wet Weather Conveyances (copy attached). The project would also fall under the Corps of Engineers Nationwide Permit #29. CEC recommends that you contact the TDEC Nashville Environmental Field Office and request a site meeting to obtain the necessary confirmation of our WWC determination. A copy of this report should also be provided to TDEC. CEC will be happy to arrange the meeting and attend on your behalf, if requested.

The WWC determination was made based on the following observations:

1. A well defined channel (bed and bank) is not present within the portion of the conveyance to be impounded. Though a gravelly substrate is present, the channel geometry would more appropriately be described as a broad-based swale over much of its length within the project area. While the channel is more defined upstream of the proposed impoundment, no indication of sustained flow is present. Channel definition ends well above the footprint of the proposed impoundment.
2. No flow or indications of sustained flow were present and no pooled water was observed.
3. Shallow pits dug within the bottom of the conveyance did not reveal moist soils or groundwater.

**Civil & Environmental Consultants, Inc.**

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**Corporate Web Site** <http://www.cecinc.com>



4. No connections to springs, seeps, or other groundwater sources were observed.
5. No aquatic life is present and no sign of indications of aquatic life such as abandoned caddis fly cases were observed beneath overturned rocks.
6. Portions of the channel are vegetated.
7. You stated that flow is never present more than 2 days following a rain event.

As discussed in the field, TDEC has the final authority in determining the jurisdictional status of watercourses in Tennessee. If they concur with our findings in the field, a letter of determination should be requested from the State Biologist conducting the review. You may then proceed with engineering, acquisition of any necessary construction permits, and actual construction of your proposed impoundment with no further TDEC notification. A copy of the TDEC response should be forwarded to the Corps of Engineers to support the Nationwide 29 coverage. In the event that TDEC determines that the watercourse is an intermittent stream, individual ARAP and Federal Section 404 permits would be required. Individual permits require more detailed study, alternatives analysis, mitigation, and a public notice period.

The following photographs were taken during our field visit and are provided to support your request for a TDEC site review:

Photo 1 – View upstream from proposed dam location



Photo 2 – View downstream along conveyance channel from upper end of proposed impoundment.





Photo 3 – Portion of conveyance  
in wooded area upstream of  
proposed impoundment



Photo 4 – View of watershed  
supplying conveyance and  
proposed impoundment.



CEC appreciates the opportunity to assist you with this project. Please contact us if you have any questions or if you would like for us to assist you with scheduling the TDEC site visit.

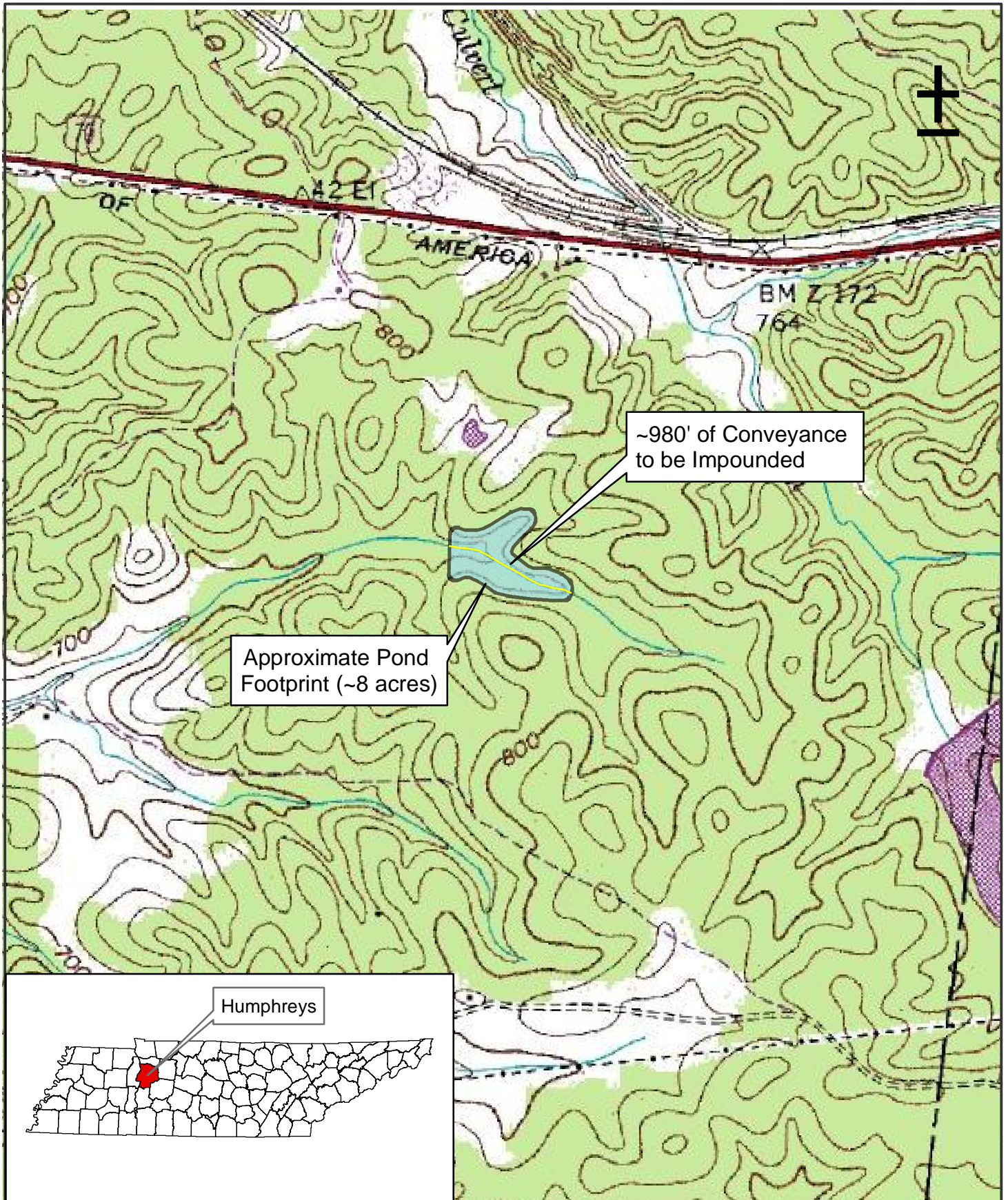
Sincerely,  
**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.**

A handwritten signature in black ink, reading 'Chris Catron'. The signature is fluid and cursive, written over a white background.

Chris Catron, CFP  
*Project Manager / Senior Biologist*

A handwritten signature in black ink, reading 'Jeff T. Duke'. The signature is fluid and cursive, written over a white background.

Jeff T. Duke, CPESC  
*Principal Ecologist*



**Chuck Bean Pond  
Humphreys County  
Project No. 071-252**



**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.**  
405 Duke Drive, Suite 270, Franklin, TN 37067

Columbus, OH \* Cincinnati, OH \* Indianapolis, IN \* Chicago, IL  
St. Louis, MO \* Export, PA \* Detroit, MI \* Pittsburgh, PA

**Figure 1  
USGS Topographical Map**

Scale: 1:12,000

Date: 6/12/07

# General Permit for the Alteration of Wet Weather Conveyances

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

This general permit authorizes alterations to wet weather conveyances. Wet weather conveyances are defined in the Rules of Tennessee Department of Environment and Conservation (1200-4-3-.04) as "man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and which do not support fish or aquatic life and are not suitable for drinking water supplies." Further, Rule 1200-4-3-.02(6) states that waters identified as wet weather conveyances shall be protective of humans and wildlife that may come in contact with them and shall not degrade or adversely affect the quality of downstream waters.

Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

## Exclusions

This general permit shall not be used to authorize activities in the following circumstances:

- 1) where the proposed activity may adversely affect wetlands;
- 2) when the proposed activity will adversely affect a species formally listed on either state or federal lists of threatened or endangered species or their critical habitat;
- 3) when the department determines that the proposed activities, either individually or cumulatively, may result in degradation to waters of the state; or
- 4) when an individual permit is otherwise required.

Projects not qualifying for authorization under this general permit, may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

## Notification

Notification to the division is **not** required for alterations to wet weather conveyances conducted in accordance with all terms and conditions of this General Permit.

## Terms and Conditions

- 1) The work shall be accomplished in conformance with the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization 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.
- 3) Applicant is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities for construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.
- 4) The activity may not result in the discharge of waste or other substances that may be harmful to humans or wildlife.
- 5) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 6) Sediment shall be prevented from entering waters of the state. Erosion and sediment controls shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices.
- 7) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.

- 8) Checkdams shall be utilized where runoff is concentrated. Clean rock, log, sandbag or straw bale checkdams shall be properly constructed to detain runoff and trap sediment. Checkdams or other erosion control devices are not to be constructed in stream. Clean rock can be of various type and size, depending on the application. Clean rock shall not contain fines, soils or other wastes or contaminants.
- 9) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 10) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.

APPROVED:   
Paul E. Davis, Director, Water Pollution Control

DATE: 6-30-05