

Tennessee Department of Environment and Conservation
General Aquatic Resource Alteration Permit for
Gravel Removal



Effective Date: April 7, 2015

Expiration Date: April 6, 2020

Activities Covered by this Permit

This general permit authorizes landowners to remove limited quantities of gravel from dry gravel bars for noncommercial use on their private farm or residence.

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. The excavation of gravel is limited to 50 cubic yards annually per farm or residence.
2. The activity shall be conducted in the dry. Excavation equipment shall operate outside of the stream flow at all times.
3. A berm of at least five feet in width shall be left between the work area and the stream flow, or of such greater width as necessary to separate excavation from the water in the stream. For this permit, a berm is considered to be the natural, undisturbed material that is left between the dredging area and the stream flow.
4. The excavation of gravel shall not extend below the water level of the stream at the time of dredging.
5. Access to the work area shall be made at one point only from the bank adjacent to the dry gravel bar, limiting the disruption of riparian vegetation to an area of less than 20 feet wide. Stream beds shall not be used as linear transportation routes for construction equipment.
6. Dredged material shall not be stored or stockpiled below the top bank of the stream channel. Dredged material shall be removed to an upland location.
7. The removal of gravel and bed load from the stream for the purpose of flood control or channelization is not covered.
8. The excavation of gravel for commercial purposes is not covered.

General Conditions

1. 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 *Tennessee Water Quality Control Act of 1977* (the *Act*), and is subject to penalty in accordance with T.C.A. §69-3-115.
2. Activities, either individually or cumulatively, that may result in greater than de minimis degradation to waters of the state 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.
3. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited. Native riparian vegetation must be reestablished after work is

completed. Non-native, non-invasive annuals may be used as cover crops until native species are established. 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.

4. Widening of the stream channel as a result of this activity is prohibited.
5. This activity may not result in a disruption or barrier to the movement of fish or other aquatic life.
6. Activities that directly impact wetlands, or impair surface water flow into or out of any wetland areas are not covered.
7. Activities located in a component of the National Wild and Scenic River System or waters designated as Outstanding National Resource Waters are not covered.
8. 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 permitted without prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
9. Work shall not commence until the permittee has obtained all necessary authorizations 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.
10. Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. All contours must be returned to pre-project conditions to the extent practicable and the completed activities may not disrupt or impound stream flow.
11. The use of monofilament-type erosion control netting or blanket is prohibited.
12. This permit does not authorize impacts to cultural, historic or archaeological features or sites.
13. This permit does not authorize access to private property. Arrangements concerning the use of private property shall be made with the landowner.
14. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule 0400-40-03. This includes, but is not limited to, the prevention of any discharge or use of materials that may be harmful to humans, terrestrial or aquatic life, or causes a condition in which visible solids, bottom deposits or turbidity impairs the designated uses of waters of the state.
15. 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* (www.tn.gov/environment/wpc/sed_ero_controlhandbook/). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 15 days of project completion (see also *Landscaping with Natives* at tneppc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.
16. The permittee is responsible for obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) *General Permit for Storm Water Discharges from Construction Activities* where clearing, grading or excavation results in an area of disturbance of one or more acres, or activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale.

Obtaining Permit Coverage

As long as the landowner does not remove more than 50 cubic yards of gravel from their farm or residence annually, written notice is not required and work may commence without written authorization. Although written authorization is not required, the proposed activity shall be performed in accordance with all limitations, terms and conditions of this general permit.

APPROVED: 
Tisha Calabrese Benton
Director, Division of Water Resources

DATE: 7/22/15