



Frequently Asked Questions Regarding Wetlands in Tennessee

1. What is a wetland, and what value do they have?

As defined in TN Department of Environment & Conservation's (TDEC) rules, "Wetland means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions". Wetlands generally include swamps, marshes, bogs, and similar areas. It should be noted that many wetlands in Tennessee do not exhibit standing water for much of the year.

Wetlands provide diverse resource values. This includes, but is not limited to, pollutant removal, flood storage and prevention, erosion control, providing habitat, creating for dynamic food webs, groundwater retention, recreation, environmental education and research opportunities, biogeochemical cycling, economic benefits through our use of the many natural products wetlands produce, and aesthetic values.

2. What criterion is used to determine a wetland?

Under normal circumstances, wetlands must contain three factors which include hydrophytic vegetation, hydric soils, and wetland hydrology. TDEC uses the same technical manuals and methodology to identify wetlands as that used and developed by the US Army Corps of Engineers (USACE).

3. What role does Tennessee Dept. of Environment and Conservation (TDEC) vs. US Army Corps of Engineer (USACE) in the wetland determination process?

TDEC and the USACE each have jurisdictional authority under various federal and state laws to regulate wetland impacts, with neither agency's role taking precedence over the other. While TDEC uses the USACE's methodology for identifying and delineating wetlands, which specific wetlands are subject to jurisdiction under TDEC's regulatory authority may in some cases differ from those subject to federal regulations.

For potential waterfeatures located on an applicant's primary residence or family farm TDEC will conduct a wetland delineation for the landowner. For all other commercial or institutional applications, TDEC requires a wetland delineation be conducted by the applicant and submitted for review, generally prepared by a qualified consultant.

4. What options do I have if a portion of my land is determined to be a wetland?

In certain situations, federal programs may be available to provide financial incentives to protect or improve wetlands on private property. Generally wetlands should be viewed as an ecological asset to the health of a watershed, and for native wildlife. If an area is determined to be a jurisdictional wetland, federal, state, and local permits may be required before the area can be impacted or altered.

5. What information must I provide for a permit?

If an applicant proposes to impact a wetland, an application for a state Aquatic Resource Alteration Permit (ARAP) is required. Applicants need to complete all required information on the ARAP application form. If authorizations are similarly required from the USACE, TVA, or local entity there may be additional applications pertinent to those agencies.

Key information that should be included in any ARAP application includes a technical wetland delineation, and the purpose, need, and specific nature of the proposed alteration.

6. What Is Wetland Mitigation Banking?

Wetland mitigation banking is the restoration, creation or enhancement of wetlands for the purpose of compensating for unavoidable impacts to wetlands at another location. Wetland mitigation banking is commonly used to compensate for significant wetland impacts from development. Mitigation banks are developed by a bank sponsor. A bank sponsor is an individual or entity that develops or improves wetlands for use in wetland mitigation banking and is responsible for the cost of developing the bank. The sponsor is also responsible for the success of the mitigation bank project.

If there is an appreciable unavoidable loss of wetland resources authorized through an ARAP permit, an applicant can propose to purchase credits from a mitigation bank as an optional mechanism to satisfy compensatory mitigation requirements. Once a project is authorized, the permittee will purchase credits from the bank.

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