

Mitigation of Ditches Webinar

Is mitigation required for ditches and altered/modified streams in your state?

- Not for ditches.
- Yes for altered/modified streams.

How are these waterbodies defined in your state?

From rule:

“Ditch” means a man-made excavation for the purpose of conveying water. Ditches do not include streams, modified streams or canals.

(Ditch would be synonymous with wet weather conveyance).

"Stream" means a surface water that is not a wet weather conveyance.

From Rule:

"Wet weather conveyance" means, notwithstanding any other law or rule to the contrary, man-made or natural watercourses, including natural watercourses that have been modified by channelization:

(A) That flow only in direct response to precipitation runoff in their immediate locality;

(B) Whose channels are at all times above the groundwater table;

(C) That are not suitable for drinking water supplies; and

(D) In which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow there is not sufficient water to support fish, or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months.

Do you distinguish between ditches and highly-degraded streams? If so, how? If not, why not?

Yes. Ditches or wet weather conveyances are not subject to classified uses for surface waters.

Streams are waters of the state that are subject to classified uses of surface waters. If they are degraded, they are often listed as impaired under 303d.

What is required to be mitigated for these waterbodies?

From Rule:

Where the proposed activity would result in an appreciable permanent loss of resource value, the applicant must propose adequate mitigation actions so that there is no overall net loss of state water resource values.

“Resource Values” are the benefits provided by the water resource. These benefits include, but are not limited to, the ability of the water resource to:

- (a) filter, settle and/or eliminate pollutants;
- (b) prevent the entry of pollutants into downstream waters;
- (c) assist in flood prevention;
- (d) provide habitat for fish, aquatic life, livestock and water fowl;
- (e) provide drinking water for wildlife and water fowl;
- (f) provide and support recreational uses; and
- (g) provide both safe and adequate quality and quantity of drinking water.

What counts as mitigation for these waterbodies (mitigation activities)?

Compensatory stream mitigation may be accomplished through the restoration of previously channelized streams, removal of existing culverts, stabilization of eroding banks, re-establishment of riparian buffers, construction of in-stream habitat, livestock exclusion, significant removal of non-point source pollutants especially in urbanized areas, reversal of adverse hydrological modifications, and any combination thereof.



STREAM MITIGATION GUIDELINES
FOR THE STATE OF TENNESSEE

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
NATURAL RESOURCES SECTION

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Site selection for compensatory mitigation should focus on significantly degraded streams near the impact site.

Are there any specific challenges associated with mitigating for these waterbodies?

From Rule:

Antidegradation:

In waters with unavailable parameters, new or increased discharges that would cause measurable degradation of the parameter that is unavailable shall not be authorized.

De Minimis degradation – Degradation of a small magnitude, as provided in this paragraph.

Habitat alterations... are de minimis if the Division finds that the impacts, individually and cumulatively are offset by impact minimization and/or in-system mitigation (HUC 12), provided however, in ONRWs the mitigation must occur within the ONRW.