

**FINDING OF NO SIGNIFICANT IMPACT**  
**TENNESSEE VALLEY AUTHORITY**  
**SECTION 26A APPROVAL OF FIXED COMMUNITY DOCK, SHADY**  
**OAKS SUBDIVISION, JAGGER BRANCH MILE 1.0, LEFT BANK,**  
**TENNESSEE RIVER MILE 351.6, RIGHT BANK, GUNTERSVILLE**  
**RESERVOIR, MARSHALL COUNTY, ALABAMA**

Developers of the Shady Oaks Subdivision propose to construct a fixed community dock that will accommodate 20 boats. Shady Oaks has requested approval of the facilities under Section 26a of the TVA Act. The developers have also requested Section 26a approval for a 30-inch culvert to improve drainage from upland areas above the community facility. The proposed community dock facilities also require approval by the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbor Act. The USACE issued an environmental assessment (EA) of the proposed action on January 9, 2007. TVA participated in the development of this EA as a cooperating agency. The EA is incorporated by reference.

The EA evaluates three alternatives: 1) No Action, under which the permit requests and approvals would be denied or withdrawn; 2) Applicant's Final Proposed Action; and 3) Applicant's Final Proposed Action with modifications and special conditions. The applicant's final proposed action consists of one fixed community dock structure 158 feet long, 65 feet wide, and containing a total of 20 slips, and the 30-inch drainage culvert. The facilities would be located at Jagger Branch Mile 1.0, Left Bank on Gunterville Reservoir in Marshall County Alabama.

The EA concludes that impacts to air quality, wildlife habitat, visual resources, noise, and environmental justice from the proposal would be minor and insignificant. There would be no effect on state- or federally listed endangered and threatened species or on cultural resources listed on or eligible for listing on the National Register of Historic Places. The U.S. Fish and Wildlife Service (USFWS) and Alabama State Historic Preservation Officer (SHPO) by letters dated July 12, 2006, and November 28, 2006, respectively, have concurred with these determinations. In order to reduce impacts to water quality and aquatic life, the construction work would occur during low winter pool conditions and best management practices would be used. With adherence to these measures, impacts to water quality and aquatic life would be insignificant. Stormwater removal from the upland area above the community facility would be improved with the installation of a 30-inch culvert for drainage. This culvert would be installed on the applicant's land.

No wetlands would be affected, and there would be no change in land use. The proposed facility would be constructed in the floodplain; TVA has determined that this proposal is a repetitive action and that impacts to the floodplain have been minimized to the extent practicable. There would be no impact to flood control and the proposal complies with Executive Order 11988 on floodplain management.

While the proposed fixed community boat dock would provide additional recreational boating opportunities, it would also result in an increase in the density of boats on the reservoir. Approximately eighty-three permitted boathouses with a total of about 166 slips presently exist in the Jagger Branch embayment. The proposed facility would increase this total by 20 slips (12 percent). The length of the proposed dock was reduced by 20 feet to 158 feet in response to public comments and would not extend farther into the embayment than other nearby docks.

The proposed facility therefore would not impact navigation. The increased number of boats in the Jagger Branch embayment, while noticeable, would not result in significant negative impacts on the recreational experience or safety of boaters in the embayment. Impacts on the recreational experience and safety of boaters in the larger Honeycomb Creek embayment and the main body of Gunter'sville Reservoir would be negligible.

The proposed dock has the potential to cumulatively impact recreational boating in the Jagger Branch embayment and upper Honeycomb Creek embayment. Individual private landowners in the area are likely to construct additional water use facilities in the future. A larger community boat dock facility with a total of 44 slips and a boat ramp have been proposed near the upper end of the Jagger Branch embayment about half a mile from the proposed Shady Oaks dock. If approved by TVA and USACE after taking into account the present Shady Oaks proposal, this larger facility would increase the slip capacity in the embayment by about a third. The results of a preliminary review of the larger facility suggest that the corresponding effects on boaters' recreational experience and safety, as well as on other environmental resources, would not be significant. The Alabama Department of Conservation and Natural Resources Boating Law Administrator approved the proposals in a March 2007 communication to TVA. Consequently, cumulative impacts from the proposed Shady Oaks dock would be insignificant.

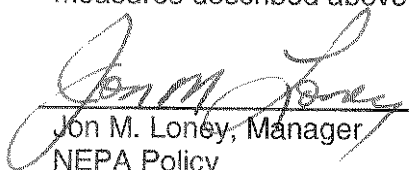
The Shady Oaks proposal was the subject of a joint public notice (PN 06-65) issued by TVA and USACE on June 15, 2006. In response to requests from the public, the comment period was extended to six weeks. Thirty-four comments were received from private citizens and two were received from agencies, the USFWS and SHPO as mentioned above. The comments from private citizens included a petition with 165 signatures. The major issues in the comments were boating safety, impeding navigation, aesthetics, water quality, aquatic habitat, shoreline management policies, property values, and traffic. In response to the comments, the applicant modified the proposal by eliminating riprap shoreline stabilization and a boat ramp and reducing the length of the dock. There were 24 requests for a public hearing. The USACE District Engineer denied these requests after deciding that a hearing would not likely provide any additional information.

### **Mitigation and Special Permit Conditions**

The USACE's permit approval is dependent on several special conditions incorporated into Alternative 3 requiring that work would be performed during winter pool elevation on Gunter'sville Reservoir, that disturbance to riparian vegetation would be kept to a minimum during construction, and that the facility would not extend more than 158 feet lakeward from the normal summer pool elevation 595.0 feet. TVA would also require adherence to standard and general permit conditions, including the use of construction-related best management practices. No non-routine mitigation measures were identified as necessary to further reduce potential environmental impacts.

### **Conclusion and Findings**

TVA has independently reviewed the impacts in the USACE EA and determined that the scope, alternatives considered, and impacts analyses are adequate. We conclude that issuance of the Section 26a permit for this proposal would not be a major federal action significantly affecting the environment. Accordingly, preparation of an environmental impact statement is not required. This FONSI is contingent upon adherence to the permit conditions and mitigation measures described above.

  
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Jon M. Loney, Manager  
NEPA Policy  
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Date Signed