

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
SECTION 26A APPROVAL OF PROPOSED STREAM
ENCAPSULATIONS ON UNNAMED TRIBUTARIES TO THE WEST
PRONG LITTLE PIGEON RIVER IN PIGEON FORGE, SEVIER
COUNTY, TENNESSEE

The City of Pigeon Forge (CPF) has applied to TVA for approval under Section 26a of the TVA Act for activities in streams associated with the proposed construction of Pigeon Falls Lane (PFL) north of Teaster Lane and west of the future Jake Thomas Extension, in Pigeon Forge, Sevier County, Tennessee. The specific activity requiring a Section 26a permit is the filling of 1,399 linear feet of two unnamed tributaries to the West Prong of the Little Pigeon River.

The purpose of this project is to provide access to the proposed Pigeon Falls Village and other future developments, as well as serve as a regional connector. The project would alleviate regional traffic problems by improving access, reducing travel time and expense, maintaining or enhancing safety, and reducing congestion. The project would require construction of a 0.53-mile two-lane typical road cross section. The scope of the environmental review is limited to the roadway right-of-way and adjacent surrounding environs.

The U.S. Army Corps of Engineers (USACE) prepared an environmental assessment (EA) of their related permitting action in June 2008. TVA was a cooperating agency in the preparation of this EA. The EA evaluates three alternatives: 1) the No Action Alternative, 2) the Applicant's Final Proposal, and 3) the Applicant's Final Proposal with Added Special Conditions. Under the No Action Alternative, TVA would not issue the Section 26a permit, and the proposed construction likely would not occur. Under either Action Alternative, TVA would approve the proposed construction of the 0.53-mile road segment. The two Action Alternatives differ in the number of special conditions and mitigation measures imposed to reduce potential environmental impacts; many of the conditions included in Alternative 3 are standard requirements for TVA permits. TVA has independently reviewed the USACE EA and concurs with its conclusions, and the EA is incorporated by reference.

Impact Assessment

The roadway corridor has rolling topography with very steep slopes. Mixed timber stands are scattered throughout the tract, and dense vegetation covers the remaining areas. Past logging practices are evident in various portions of the corridor. No residences would be displaced, and no prime farmland would be impacted. Impacts to wildlife and vegetation would be insignificant.

The proposed road would result in the filling of approximately 1,399 linear feet of two unnamed tributaries to the West Prong of the Little Pigeon River (WPLPR). The unnamed tributaries are of poor quality, and a portion of the WPLPR is on the list of impaired waters compiled by the Tennessee Department of Environment and Conservation (TDEC) pursuant to Section 303(d) of the Clean Water Act. CPF proposes to mitigate the loss of stream habitat by either making physical habitat improvements to an already degraded offsite stream in the area or making an In-Lieu-Fee (ILF) payment of \$220,400 (\$200/linear foot) to the Tennessee Stream Mitigation Program if no qualified offsite habitat can be located. Excavation and grading activities would result in a minor short-term localized increase in turbidity and siltation. However, employment of sound construction techniques, including use of effective erosion and sedimentation control measures, would minimize impacts on the streams, and with the previously described mitigation, impacts to streams, water quality, and associated aquatic life would be insignificant. TDEC issued a Water Quality Certification, which included the mitigation measures for the project mentioned above, on December 7, 2007.

No federally or state-listed endangered or threatened species or habitat to support these species are known from the project area. Consequently, no impacts to endangered or threatened species are anticipated. The U.S. Fish and Wildlife Service (USFWS) concurred with this determination in a letter dated August 31, 2007.

A Phase I archaeological survey was completed in 2004. Based on the results of the survey, USACE and TVA have concluded that no archeological sites are present. One historic structure was identified within view of the project area, however, it was recommended ineligible for the National Register of Historic Places. In a letter dated August 6, 2007, the Tennessee Historical Commission (THC) concurred with the USACE that no properties listed in or eligible for the National Register of Historic Places would be affected by the proposal.

The proposed action would not adversely affect air quality, and no land emissions of pollutants, hazardous waste or waste requiring special handling and disposal, or significant negative social or socioeconomic impacts are anticipated. No designated floodways or floodplains would be affected. Both Action Alternatives would provide a road to accommodate future growth anticipated within the Tourism Development Zone, which would be beneficial to local economy and result in increased tax revenue.

Public and Intergovernmental Review

TDEC held a public meeting on June 28, 2007 concerning applications for state water quality permits from CPF and other applicants. Comments were received from one federal agency, one private non-governmental conservation organization, and four private citizens. Comments on the Pigeon Falls Lane proposal have been addressed in the USACE EA.

On August 2, 2007, USACE and TVA issued Joint Public Notice No. 07-67 to advertise their proposed actions. The comment period ended September 2, 2007, but an extension was issued until September 17, 2007. Comment letters were received from the USFWS and the THC, both of which concurred that the proposed action would not affect their trust resources.

Mitigation and Special Permit Conditions

TVA would require that CPF adhere to general and standard conditions for water quality protection contained in the Section 26a permit. In-stream construction activities would be performed during lower water conditions. As described above, CPF proposes to mitigate impacts to streams through offsite physical habitat improvements or through the ILF payment to the Tennessee Stream Mitigation Program. CPF also proposes to implement the other measures included in its water quality certification. TVA has not identified the need for other mitigation to further reduce potential impacts.

Conclusion and Findings

TVA has independently reviewed the USACE EA and found it to be adequate. TVA is therefore adopting this EA. TVA has determined that the issuance of the Section 26a permit for the proposed stream encapsulation project would not be a major federal action significantly affecting the quality of the environment. Accordingly, an environmental impact statement is not required. This FONSI is contingent upon adherence to the permit conditions and completion of the mitigation measures described above and in the attached USACE EA.



July 25, 2008

Daniel H. Ferry, Senior Manager
Environmental Services and Programs
Environmental Stewardship and Policy
Tennessee Valley Authority

Date Signed