

FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY

CITY OF LAKESITE RECREATION EASEMENT AND WATER USE FACILITIES HAMILTON COUNTY, TENNESSEE

The City of Lakesite, Tennessee, has requested a 30-year easement over an approximately 49-acre tract on Chickamauga Reservoir to develop as a public park. The subject tract, identified as Tract XTCR-211RE, is owned by the United States and under the control of the Tennessee Valley Authority (TVA). The City has also requested approval under Section 26a of the TVA Act to construct a fishing pier, a canoe/kayak launch, and a small pedestrian bridge, and to install approximately 200 linear feet of riprap for bank stabilization. The City also requested the U.S. Army Corps of Engineers (USACE) permits pursuant to Section 10 of the Rivers and Harbors Act of 1899 to construct the proposed fishing pier and Section 404 of the Clean Water Act for the discharge of fill material associated with the placement of riprap and the installation of the canoe/kayak launch. A USACE permit is not required for the proposed pedestrian bridge.

The proposed action is the subject of an environmental assessment (EA) prepared by TVA in cooperation with USACE. The EA is incorporated by reference. Tract XTCR-211RE corresponds to Plan Tract 32, as identified in TVA's *Chickamauga Reservoir Land Management Plan*, prepared in 1989. The designated uses for Plan Tract 32 in that plan are Public Recreation and Forest Management. Thus, proposed use under the easement is consistent with the planned use.

Two feasible alternatives, i.e., the No Action Alternative and the Action Alternative, were considered in the environmental review. Under the No Action Alternative, TVA would deny the easement request and Section 26a approval for water use facilities. Likewise, USACE would not issue the requested permits. In the absence of the requested easement, TVA Section 26a approval and USACE permits, the proposed park would not be established. Under the No Action Alternative, TVA would continue to make the property available for dispersed public recreation use. Consistent with the TVA's 2011 *Natural Resource Plan*, TVA could develop the property for public recreation use or entertain requests from responsible entities for such uses. As needed, TVA could implement forest resource management activities as outlined in the *Natural Resources Plan*.

Under the Action Alternative, TVA would approve the City's request for a 30-year recreation easement over Tract XTCR-211RE and issue Section 26a approvals for the proposed water use facilities and bank stabilization. Additionally, USACE would issue the requested Section 10 and Section 404 permits. Consequently, the City would likely construct and operate the proposed park if the Action Alternative were implemented. The Action Alternative is TVA's preferred alternative.

Internal scoping and preliminary analysis indicated that, due to the nature of the action, construction and operation of the proposed park would not affect any prime or unique farmland. These proposed actions would generate *de minimis* levels of air pollutants. No significant amounts of solid waste would be generated. No hazardous, universal or special waste, toxic substances or radioactive materials would be produced. Because Tract XTCR-211RE is

located in the upper reaches of the Dallas Bay embayment, navigation on the Tennessee River system would not be affected.

Resources within the scope of the environmental review included terrestrial resources consisting of plant and animal life; endangered and threatened species and their habitats; aquatic resources, including water quality, wetlands, floodplains, and aquatic life; recreation and natural areas; community character, including aesthetic quality, traffic, public safety, and security; and cultural resources.

There would be no effects to any terrestrial or aquatic state-listed or federally listed threatened or endangered species. Because of the intervening distance, no nearby natural areas would be affected. There would be no effects to historic properties under the Action Alternative.

Establishment and operation of the proposed park would cause minor disturbances to local wildlife, the onsite plant community, and aquatic life. Because the City proposes to remove invasive privet, there would be some minor benefit to local plant communities. Park construction and operation are not likely to adversely affect local surface water or groundwater quality. No significant effects to the adjacent wetland area are anticipated; thus, the proposed action is consistent with Executive Order 11990 (Protection of Wetlands). The proposed canoe/kayak ramp, fishing pier, shoreline stabilization, and some sidewalks located within the 100-year floodplain are considered repetitive actions in the floodplain that would have minor impacts on floodplain functions. Other proposed amenities, such as pavilions and restrooms would be located above the 100-year floodplain elevation. Thus, the proposed action is consistent with Executive Order 11988 (Floodplain Management). The proposed park would provide additional recreational opportunities, primarily for local residents. The park would result in minor changes in local visual character. Additional local traffic generated from park use would be minor. Abuse of the property and illegal onsite activities are unlikely.

The draft EA was issued for public comment on April 18, 2012. The draft was posted on the TVA website, and a TVA public notice appeared in the North Hamilton Weekly edition of the *Chattanooga Times Free Press* newspaper. Electronic copies of the draft EA were sent to the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Tennessee Department of Conservation, Tennessee Historical Commission, and Tennessee Wildlife Resources Agency. Thirteen federally recognized Indian tribes were notified of the availability of the draft EA. Those citizens that had attended the public meeting or provided comments about the proposed park during scoping were notified of the availability of the draft by postcard. Comments received during the 30-day comment period have been addressed in the Final EA.

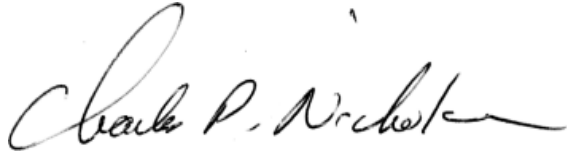
Mitigation and Special Permit Conditions

TVA will implement, or require adherence to, the routine environmental protection measures listed in the EA. The routine mitigation measures, which are terms and conditions of the easement and Section 26a approval of the water use facilities, are identified in Section 2.3 of the EA. TVA has identified the need for the following non-routine measure to reduce the potential for adverse environmental impacts. This measure would also be included in the terms and conditions of the easement and Section 26a approval.

- To protect breeding birds and Indiana bats, all clearing of vegetation, including removal of trees, shall be restricted to occur between November 15 and March 31, inclusive. Felling of dead or dying trees or snags containing any active woodpecker nest is prohibited at any time that nest is active.

Conclusion and Findings

Based on the findings listed above and the analyses in the EA, we conclude that the proposed action of granting a 30-year recreation easement over Tract XTGR-211RE and issuance of the requested Section 26a approvals would not be a major federal action significantly affecting the environment. Accordingly, an environmental impact statement is not required. This finding of no significant impact is contingent upon adherence to the permit conditions and mitigation measures described above.



October 19, 2012

Charles P. Nicholson, Acting Senior Manager
NEPA Interface
Environmental Permits and Compliance
Tennessee Valley Authority

Date Signed