

Appendix A – Correspondence Associated With Coordination and Consultation

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**United Keetoowah Band
Of Cherokee Indians in Oklahoma**

P.O. Box 746 • Tahlequah, OK 74465
2450 S. Muskogee • Tahlequah, OK 74464
Phone: (918) 456-9200 • Fax: (918) 456-9220
www.ukb-nsn.gov

Lisa Stopp, Acting Tribal Historic Preservation Officer

COUNCIL

George Wickliffe
Chief

Charlie Locust
Assistant Chief

Liz Littledave
Secretary

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Goingsnake District

Susan Adair
Illinois District

Adalene Smith
Saline District

Barry Dotson
Sequoyah District

Albert Shade
Tahlequah District

August 21, 2006

Pat Ezzell
TVA
400 West Summit Hill Drive
Knoxville, TN 37903-1401

Dear Pat:

Thank you for your letter of August 10 regarding Seven Islands Nature Preserve. We, too, agree that sites 40KN262 and 40KN287 are potentially eligible for listing in the National Register of Historic Places.

Please alert us immediately if plans find that the sites cannot be avoided. We will then work with you on your suggestion for a Memorandum of Agreement to handle compliance issues and adverse effects.

Best Regards,

Lisa C. Stopp
Acting Tribal Historic Preservation Officer
918.456.9200 lstopp@unitedkeetoowahband.org

cc: Chief George Wickliffe



CHOCTAW NATION OF OKLAHOMA

Cultural Resources

P.O. Drawer 1210 • Durant, OK 74702-1210
1-580-924-8280 • 1-800-522-6170 • Fax: 580-920-3102

September 8, 2006

Pat Bernard-Ezzell
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401

Dear Pat Bernard-Ezzell:

We have reviewed the following proposed project (s) as to its effect regarding religious and/or cultural significance to historic properties that may be affected by an undertaking of the projects area of potential effect.

Entity Requesting Service: Construction of a pedestrian bridge across the French Broad River to connect a new parking area with Seven Islands Nature Preserve

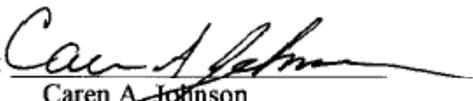
Project Location: French Broad River (River Mile 15.6)

County: Knox County, Tennessee

Comments: After further review of the above mentioned project (s), to the best of our knowledge it will have no adverse effect on any historic properties in the project's area of potential effect. However, should construction expose buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, this office should be contacted immediately @ 1-800-522-6170 ext. 2137.

Sincerely,

Terry D. Cole
Tribal Historic Preservation Officer
Choctaw Nation of Oklahoma

By: 
Caren A. Johnson
Administrative Assistant



**United Keetoowah Band
Of Cherokee Indians in Oklahoma**

P.O. Box 746 • Tahlequah, OK 74465
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Historic Preservation Program

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Adalene Smith
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Barry Dotson
Sequoyah District

Albert Shade
Tahlequah District

January 3, 2007

Ms. Pat Ezzell
Tennessee Valley Authority
400 West Summit hill Drive
Knoxville, TN 37902-1402

Dear Pat:

I am in receipt of your letter dated December 20, 2006 regarding Seven Islands Nature Preserve in Knox County.

We agree with the fact that an MOA be developed to address adverse effects and mitigation. We also agree to be a concurring party to the MOA, should we concur with the final draft. I look forward to receiving it soon!

Best Regards,

Lisa C. Stopp
Acting Tribal Historic Preservation Officer



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

May 4, 2007

Mr. Thomas O. Maher
Tennessee Valley Authority
400 West Summit Hill Dr.
Knoxville, Tennessee, 37902-1499

RE: TVA, SEVEN ISLAND NATURE PRESERVE, UNINCORPORATED, KNOX COUNTY

Dear Mr. Maher:

In response to your request, received on Monday, April 30, 2007, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

Considering available information, we find that the project as currently proposed will NOT ADVERSELY AFFECT ANY ARCHITECTURAL HISTORIC PROPERTY THAT IS ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. Archaeological Resources associated with this undertaking will be commented upon separately. Please direct questions and comments to Joe Garrison (615) 532-1550-103. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at www.state.tn.us/environment/hist/sect106.shtm.

We appreciate your cooperation.

Sincerely,

Richard G. Tune
Deputy State Historic
Preservation Officer

RGT/jyg



United States Department of the Interior

NATIONAL PARK SERVICE
Rivers, Trails, and Conservation Assistance
Southern Appalachian Field Office
175 Hamm Road, Suite C
Chattanooga, Tennessee 37405



IN REPLY REFER TO:

Electronic transmittal:

July 31, 2007

Clay Guerry
Tennessee Valley Authority

Re: Seven Islands Pedestrian Bridge

Dear Mr. Guerry:

Thank you for the opportunity to provide comment regarding the above referenced project and potential impacts to rivers listed on the Nationwide Rivers Inventory (NRI). As you may know, the NRI is a listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance.

In partial fulfillment of Section 5(d) of the Wild and Scenic Rivers Act, a 1979 presidential directive requires each federal agency, as part of its normal planning and environmental review processes, to take care to avoid or mitigate adverse effects on rivers identified in the NRI, particularly if those actions would foreclose potential designation as a "wild," "scenic," or "recreational," river. Although responsible for maintaining and overseeing the NRI, the National Park Service (NPS) does not make determinations as to the extent of impact of a given action. Instead, the NPS makes recommendations for avoiding and/or mitigating actions that could potentially foreclose eligibility.

Based on information received to date, it is my understanding that the proposed project will occur in the Seven Islands reach of the French Broad River. The French Broad is listed on the NRI from River Mile 0 to River Mile 32 for its outstanding scenic, recreation, geological, fisheries, wildlife, historical, and cultural resources. In the design and construction of a pedestrian bridge over the French Broad, care should be taken to avoid or otherwise mitigate impacts to the river's ORVs. Following are examples of recommendations to avoiding or mitigating project impacts:



-----Original Message-----

From: Joseph Garrison [mailto:Joseph.Garrison@tn.gov]

Sent: Tuesday, July 21, 2009 8:46 AM

To: Howard, Anthony Eric

Subject: Re: Seven Islands Nature Preserve Pedestrian Bridge

Eric,

Because your current request is an addendum to the original design, I wanted to have current conditions photos of the APE. But after seeing the relationship of the amended bridge to the historic properties, I think it best to let our earlier No Adverse Effect letter stand. I will make the appropriate notation in my log.

Thanks,

Joe



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

RECEIVED
7/24/09

July 22, 2009

Ms. Peggy Shute
Manager, Heritage Resources
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

Re: FWS #09-FA-0684

Dear Ms. Shute:

Fish and Wildlife Service personnel have reviewed the June 15, 2009, project analysis regarding the pink mucket and snail darter for the pedestrian bridge over the French Broad River at Seven Islands in Knox County, Tennessee.

The project analysis is adequate and supports the conclusion of not likely to adversely affect, with which we concur. In view of this, we believe that the requirements of section 7 of the Endangered Species Act (Act) have been fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered in this project analysis, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

Your interest and initiative to protect endangered and threatened species is greatly appreciated. If you have questions or if we can be of further assistance, please contact Jim Widlak of my staff at 931/528-6481, ext. 202.

Sincerely,

Mary E. Jennings
Field Supervisor



United States Department of the Interior



NATIONAL PARK SERVICE
Rivers, Trails, and Conservation Assistance
Southern Appalachian Field Office
175 Hamm Road, Suite C
Chattanooga, Tennessee 37405

IN REPLY REFER TO:

Electronic transmittal:

July 23, 2009

S. Clay Guerry
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Re: Seven Islands Pedestrian Bridge

Dear Mr. Guerry:

Thank you for the opportunity to review and provide comment on the revised design alternative for the above referenced project and its potential impacts to rivers listed on the Nationwide Rivers Inventory (NRI). Thank you also for accompanying me on our recent site reconnaissance visit to the proposed bridge crossing. Viewing the proposed site, particularly from the water, was very informative.

As stated in our July 31, 2007 and in our December 4, 2007 letters to TVA, the NRI was created in partial fulfillment of Section 5(d) of the Wild and Scenic Rivers Act. A subsequent 1979 presidential directive requires each federal agency, as part of its normal planning and environmental review processes, to "take care to avoid or mitigate adverse effects" on rivers identified in the NRI, particularly if those actions would foreclose potential designation as a "wild," "scenic," or "recreational," river.

As you know, the National Park Service (NPS) does not make determinations as to the extent of impact of a given action. Consistent with guidance provide by the White House's Council on Environmental Quality (CEQ), the NPS makes recommendations for avoiding and/or mitigating actions that could potentially foreclose classification as either "wild," "scenic," or "recreational." However, the burden is placed upon the permitting agency, in this case TVA pursuant to a Section 26(a) permit application, to (1) determine whether the proposed action could affect an NRI river, (2) determine whether the proposed action could have



an adverse effect on the natural, cultural, and recreational values of the NRI river segment, (3) determine whether the proposed action could foreclose options to classify any portion of the NRI segment as wild, scenic, or recreation rivers (as defined by the Wild and Scenic Rivers Act), and (4) incorporate avoidance/mitigation measures into the proposed action to the maximum extent feasible within the agency's authority.

Based on my review of the revised design plan and knowledge gained from visiting the site, the proposed bridge will create a visual presence on the landscape that could foreclose options to classify the reach as either wild or scenic should it ever be designated for inclusion into the National Wild and Scenic Rivers System.

Specifically, the proposed structure spans 1127 feet from bank to bank in an area where the river and floodplain is at its widest. In addition, the design includes cable support towers reaching 135 feet above the 500-year flood elevation, a height that likely surpasses that of nearby TVA transmission towers, the only other major viewshed obstructions in the area. Further, the proposed crossing location lies at the widest portion of the river and at a predominantly straight reach with an unobstructed view from upstream of approximately ½ mile or more.

If constructed, the span would alter the character of this viewshed and could result in foreclosure of certain Wild and Scenic River classifications. Therefore, it is the recommendation of the National Park Service, in accordance with the NRI and guidance from CEQ, that the project as currently proposed should be modified and/or relocated in order to avoid or mitigate visual impacts that could foreclose options to wild and scenic classification.

Once again, thank you again for consulting with the National Park Service. Please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Sincerely,

_____/s/_____
Jeffrey R. Duncan, Ph.D.
Regional Rivers Program Manager