

ENVIRONMENTAL ASSESSMENT

**PROPOSED 30-YEAR TERM EASEMENT
FOR
WILDLIFE MANAGEMENT AREAS
STATE OF ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL
RESOURCES**

**TRACT NOS. XTGR-155WL, XTPR-60WL, XTWR-45RE, & XTWR-114WL
GUNTERSVILLE, PICKWICK, & WHEELER RESERVOIRS
JACKSON, LAWRENCE, LAUDERDALE, LIMESTONE, AND MORGAN
COUNTIES ALABAMA**

**TENNESSEE VALLEY AUTHORITY
June 2002**

The Proposed Decision

TVA proposes to grant the Alabama Department of Conservation and Natural Resources (ADCNR) a thirty-year term easement over approximately 24,534 acres and license approximately 19,038 acres of Guntersville, Pickwick, and Wheeler Reservoir land located in Jackson, Lauderdale, Lawrence, Limestone, and Morgan Counties, Alabama for natural resources management and public recreation purposes. This action would consolidate four existing grants of easement covering the 24,534 acres that are currently held by ADCNR in North Alabama and authorize by license agreement the continued use of 19,038 acres of adjoining/associated properties. ADCNR plans to continue with its current operation and use of these areas consistent with the existing management area plans that were previously prepared in association with the existing grants of easement.

Purpose and Need for TVA's Action

ADCNR is requesting that TVA consolidate the four existing easement areas into a single 30-year grant of easement and authorize continued use of adjoining/associated property via revocable license. **No changes in the existing land use or operational strategies are proposed.** The proposed action would simplify property administration, enable ADCNR to maintain qualification for state and Federal funds, ensure continued tenure sufficient to accommodate long term resource management objectives, and place the management areas on a single renewal cycle.

In order to ensure that natural resource and recreation management activities are reflective of stakeholder needs during the term of the proposed easement, ADCNR and TVA would jointly conduct annual evaluations/updates of the existing Management Area Plans to:

- acquire and incorporate public/stakeholder input regarding management of the area;
- assess and define: **1.** strategic needs regarding public use; **2.** resource management/protection issues; and **3.** the respective responsibilities of the two agencies.

Over time, as a result of the annual meetings and further negotiations, ADCNR and TVA may agree to transfer additional responsibilities to ADCNR, including aquatic weed control, nuisance species control and forest management on TVA lands. Additional environmental review would be undertaken when and if these additional actions are proposed.

Alternatives

Proposed Action

The proposed TVA action is to grant a 30-Year term easement over approximately 24,534 acres and license approximately 19,038 acres to ADCNR for natural resources management and public recreation purposes. If the easement is granted, TVA would terminate four separate term grants of easement in favor of a consolidated 30-year grant of easement. In addition to consolidating the existing easement areas, this action would also authorize the use of inundated and other lands that

are adjacent to and managed in association with the existing easement areas through a revocable license agreement. ADCNR would continue management of the areas in accordance with previously approved wildlife management area plans. The grant of a 30-year easement is expected to help ADCNR qualify for Federal funding sources relating to management, conservation, and monitoring of natural resources. Activities addressed in the management plans that would be implemented during the term of the easement include:

- planting of vegetation for shoreline protection;
- planting of shrub cover strips along roads and fields to provide wildlife habitat;
- agricultural leases;
- maintenance and upgrading of access roads and trails; and
- site monitoring and enforcement.

The proposed action would enable TVA to sustain desired optimum benefits of the area's natural resources through continued cooperative effort with ADCNR.

Seven responses regarding the proposed action were received as a result of TVA's public notice. Copies of the responses have been included in the appendix. Of the seven responses, five were supportive of the proposed action and two concerned issues which were not related to the scope of the proposed action. The U.S. Fish and Wildlife Service supported the proposed action but requested conveyance of two acres within the Seven Mile Island WMA for inclusion in the Key Cave Refuge. This proposal is supported by ADCNR and will be addressed by TVA as a separate land use action upon completion of the Pickwick Reservoir Plan.

No Action

Under this alternative, the management areas would continue to be operated under the existing grants of easement. These easements terminate beginning with Jackson County WMA in 2005, Swan Creek WMA in 2008, Seven Mile/Lauderdale WMA in 2013, and Mallard-Fox Creek in 2032. Ongoing management activities in the areas would continue and include:

- planting of vegetation for shoreline protection;
- planting of shrub cover strips along roads and fields to provide wildlife habitat;
- agricultural leases;
- maintenance and upgrading of access roads and trails; and
- site monitoring and enforcement.

The area's natural resources would continue to be managed at current levels. Future use and management of the areas by ADCNR beyond the expiration dates of the individual grants of easement and licenses would depend on renewal of the existing grants of easements and/or conveyance of other land use authorization.

Affected Environment and Impacts Evaluated

Site Description

The 24,534 acres of TVA land proposed for the 30-Year easement to ADCNR are currently managed by ADCNR under four grants of easement. In addition to the easement areas, approximately 19,038 acres of adjoining TVA lands are also managed by ADCNR through various revocable licenses/letter permits dating back to 1949. These areas are predominantly inundated properties that adjoin the easement areas. Information about the existing easements and associated licenses/letter permits are described in Table 1.

Table 1. Existing Wildlife Management Areas

WMA	Tract/Contract Number	Formerly in WMA via letter permit	Reservoir	Agreement Type	Expiration Date	ADCNR Management Plan	Approx. Acreage
Jackson County <i>North Sauty WR</i> <i>Mud Creek WMA</i> <i>Crow Creek WR</i> <i>Raccoon Creek WMA</i>	XTGR-155WL	Yes	Guntersville	15-year Easement	01/ 2005	Completed in 1987	13,485
Letter Permits	118F.1, 118F.3, 118F.5, 118F.6, 118F.7, & TV-21549A		Guntersville	Revocable	60-day notice	Completed in 1987	1,497
inundated lands	see letter permits above	Yes	Guntersville	none	60-day notice	Completed in 1987	7,402
Swan Creek	XTWR-45RE	Yes	Wheeler	30-year Easement	08/ 2008	Initially Completed in December 1969, revised in November 1977, finalized Dec. 1983	3,045
inundated lands	TV-48597A	Yes	Wheeler	Revocable License	60-day notice	December 1983	5,651
Mallard-Fox Creek	XTWR-114WL	Yes	Wheeler	30-year Easement	01/ 2032	Completed in October 2000	1,518
inundated lands	none		Wheeler	none		October 2000	2,809
Seven Mile Island/Lauderdale	XTPR-60WL	Yes	Pickwick	15-year Easement	10/ 2013	Completed August 1985	6,486
License area	107832	Yes	Pickwick	Revocable License	60-day notice	August 1985	785
inundated lands	none	Yes	Pickwick	none		August 1985	894
						Consolidated Easement Acres =	24,534
						Licensed Acres =	19,038
						Total Acres =	43,572

Table 2 describes the existing land use plan allocations for the affected lands. Generally these areas are allocated for wildlife/natural resources management and other compatible uses in the

Guntersville, Wheeler, and draft Pickwick Reservoir Land Use Plans. The existing planned tract descriptions for these properties acknowledge long term management by ADCNR.

The Pickwick Reservoir Land Management Plan is currently under revision. The proposed action is not expected to limit the choices of reasonable alternatives in this land management plan because: (1) the existing easement areas to be included in the proposed consolidated easement are considered to be committed; therefore, the same use is expected to continue under the general scheme for allocating land in the reservoir land management plan; (2) the inundated properties to be included in the proposed revocable license are not included within the scope of the current land use planning process; and (3) the other lands that are currently licensed to ADCNR and to be included in the proposed license would be relicensed for use consistent with the current land management plan. The property locations for the proposed consolidated easement and revocable license areas are shown on the attached maps.

Table 2. Allocated Uses of Tracts affected by Proposed Consolidated Easement and Revocable License

Land Use Plan	Current Tract Number/Allocation	Existing Land Use Agreement with ADCNR	Proposed Land Use Agreement with ADCNR
Pickwick	23PT - Upland wildlife & general forest management, and campground	Revocable License	Revocable License
Pickwick	24PT - Upland & wetland wildlife	15 year Term Easement	Consolidated Easement
Pickwick	25PT - Upland Wildlife management and forestry demonstration/research	Revocable License and 15 year Term Easement	Consolidated Easement and revocable license
Pickwick	26PT - Minor commercial landing	Revocable License	Revocable License
Pickwick	27PT - Upland and wetland wildlife management and general forest management	Revocable License and 15 year Term Easement	Consolidated Easement and revocable license
Pickwick	28PT - Boat Ramp	Revocable License	Revocable License
Pickwick	29PT - Upland and wetland wildlife management and forestry demonstration/research	15 year Term Easement	Consolidated Easement
Pickwick	30PT - Upland wildlife and general forest management	15 year Term Easement	Consolidated Easement
Pickwick	31PT - Minor commercial landing	Revocable License	Revocable License
Pickwick	32PT - Upland wildlife management and forestry demonstration/research	Revocable license and 15 year Term Easement	Consolidated Easement and revocable license
Pickwick	33PT - Upland wildlife and general forest management	15 year Term Easement	Consolidated Easement
Pickwick	70PT - Wetland and Upland Wildlife, waterfowl, general forest, general agriculture, cultural resources management, and visual protection	Revocable license	Revocable License
Pickwick	75PT - Wetland and Upland Wildlife, waterfowl, general forest,	15 year Term Easement	Consolidated Easement

Land Use Plan	Current Tract Number/Allocation	Existing Land Use Agreement with ADCNR	Proposed Land Use Agreement with ADCNR
	agricultural research, general agriculture, archaeological resources management, visual protection, and habitat protection area		
Pickwick	76PT - Wetland and Upland wildlife and waterfowl management, navigation safety harbor, and visual protection	15 year Term Easement	Consolidated Easement
Pickwick	77PT - wetland and upland wildlife management and visual protection	15 year Term Easement	Consolidated Easement
Wheeler	Both Swan Creek and Mallard Fox Creek WMA's were considered to be committed for long term use by ADCNR	Revocable license and 30 year Term Easements	Consolidated Easement and revocable license. The inundated lands adjoining Swan Creek are currently under license to ADCNR, the inundated lands adjoining Mallard Fox Creek are not currently licensed to ADCNR.
Guntersville	XGR-103PT2 (Zone 4)	15 year Term Easement	Consolidated Easement
Guntersville	XGR-103aPT2 (Zone 4)	Revocable Letter Permit	Revocable License. This area is currently under revocable license to ADCNR.
Guntersville	XGR-136PT2 (Zone 4)	15 year Term Easement	Consolidated Easement
Guntersville	XGR-136PT2 (Zone 4)	Revocable Letter Permit	Revocable License. This area is currently under revocable license to ADCNR..
Guntersville	XGR-136aPT2 (Zone 4)	Revocable Letter Permit	Revocable License. This area is currently under revocable license to ADCNR.
Guntersville	XGR-137PT2 (Zone 4)	15 year Term Easement	Consolidated Easement
Guntersville	XGR-178PT2 (Zone 3)	Revocable Letter Permit	Revocable License. This area is currently under revocable license to ADCNR.
Guntersville	XGR-176PT2 (Zone 4)	15 year Term Easement	Consolidated Easement

Impacts Evaluated

As noted in the attached EDR, the categories receiving further attention in this EA are land use, significant managed areas, visual resources, and cultural resources.

Land use

The proposed easement area is adjacent to agricultural, residential, and industrial lands which could be affected by the proposed easement. Consideration was given as to whether the proposed action would alter current land use and whether it is consistent or compatible with adjacent land uses and local land use plans. This proposal does not include any change in the current land use of the area. Adjacent properties are predominantly in private ownership and used for agricultural, industrial, and residential purposes. Given the historical existence of the WMA, its continued operation is expected to remain consistent with existing land uses.

Significant Managed Areas

The TVA tracts proposed for easement are considered significant managed areas as they have been committed in the Guntersville, Pickwick, and Wheeler Reservoir Land Management Plans for wildlife management purposes. Additionally, they are already included as part of ADCNR's Seven Mile Island/Lauderdale, Swan Creek, Mallard-Fox Creek, and Jackson County WMA's. These WMA's are the largest tracts of public land available in Jackson, Lauderdale, Lawrence, Limestone, and Morgan Counties for recreational use. In addition to these TVA lands, ADCNR

has acquired use of private lands totaling 4,134 acres that are also included in the WMA's. Table 3 contains a list of other significant managed areas in the vicinity.

Table 3. Significant Managed Areas within the vicinity of the Proposed Consolidated Grant of Easement

Reservoir	Managed Area	Use	Tract	Acreage
Guntersville	Lake Guntersville State park	Public Recreation	XTGR-70	3,700
Guntersville	Buck's Pocket State Park	Public Recreation	XTGR-152RE	243
Pickwick	J. P. Coleman State Park	Public Recreation	XTPR-4,5,6,7,8,9,10,11, & 12	1,921
Pickwick	Bruton Branch State Park	Public Recreation	XTPR-21	140
Pickwick	Pickwick Landing State Park	Public Recreation	XTPR-39, XTPR-40L, XTPR-39E	565
Pickwick	Key Cave National Wildlife Refuge	Natural Resources Management	Private Lands	1,060
Wheeler	Wheeler National Wildlife Refuge	Natural Resources Management	XTWR-50	18,104
Wheeler	Joe Wheeler State Park	Public Recreation	XTWR-63	1,956
			Total Acres	27,689

The impacts of the proposed action for the Significant Managed Areas resource category are considered to be beneficial. As stated earlier, granting the requested easement would enable ADCNR to fully qualify for state and Federal funds not otherwise available because of limited tenure over the land. Availability of increased funding would enable ADCNR to accomplish the following long term goals:

- (1) increase the quality and quantity of wildlife resources;
- (2) fully utilize these renewable resources for both hunting and non-hunting recreational uses;
- (3) maximize and sustain a productive wildlife program while managing and conserving soil, water, forests, and other resources to provide for future public recreation demands;
- (4) minimize or eliminate the potential for adverse environmental impacts from development and/or management;
- (5) monitor for unauthorized archeological activities and
- (6) produce additional beneficial wildlife food and cover while enhancing soil productivity and agribusiness by managing tillable lands through cooperative farming programs consistent with wildlife management objectives.

Visual Resources

The TVA tracts proposed for easement include several areas of the highest scenic value which are designated for visual protection. They also include extensive acreage with moderately high scenic qualities that are designated for natural resource conservation. During land planning for Guntersville, the more attractive areas in the latter group were assumed to have relative protection by virtue of being part of a WMA. Consideration was given as to whether the proposed action would result in adverse impacts to any of these visual resources. The easement

proposal does not identify any facility development or changes in land use, and it includes commitments for coordination and review of facilities or changes desired in the future. With this action, WMA operations are expected to continue protecting and preserving the attractive natural character of these lands with little if any impact.

Cultural Resources

Cultural resources include, but are not limited to, prehistoric and historic archaeological sites, historic structures, and historic sites that were the location of important events where no material remains of the event are present. These resources are both finite and non-renewable and in many situations are our only window into the past; therefore, protection, preservation, and management of these fragile resources are important.

TVA is mandated under Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, to evaluate the effects of Federal undertakings on historical, archaeological, and cultural resources and afford the Advisory Council on Historic Preservation opportunities to comment on the proposed undertakings. Section 110 of the NHPA requires active management and protection for Federally owned historic properties. This protection pertains specifically to archaeological resources, historic sites, and historic structures or objects. The Native American Graves Protection and Repatriation Act requires TVA to consult with affiliated federally recognized tribes regarding inadvertent discovery of Native American remains. The NHPA and the Archaeological Resources Protection Act of 1979 (ARPA) require TVA to protect significant archaeological resources and other historic properties. Historic properties, as defined under 36CFR§800.16 (l), are “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places,” located on TVA lands or affected by TVA undertakings. An Undertaking is defined, under 36 CFR §800.16(y), “as a project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to state or local regulation administered pursuant to delegation or approval by a Federal agency.” For the action proposed in this EA, the area of potential effect (APE), as defined in 36 CFR §800.16(d), is the 43,572 acres of TVA fee owned lands in Jackson, Lauderdale, Lawrence, Limestone, & Morgan Counties, Alabama which are part of the existing term easements and revocable licenses granted to ADCNR and are located in or adjacent to TVA reservoirs Pickwick, Wheeler, and Guntersville.

Archaeological and Historic Resources

There is a long record of human occupation in northern Alabama. The Tennessee River Valley has been an area for human occupation for at least 12,000 years. This occupation became more intense through succeeding cultural periods. Archaeological investigations in this portion of the Tennessee River Valley have generally divided the prehistory and history of the area into six broad periods: Paleo-Indian (10,000-8000 BC), Archaic (8000-1200 BC), Woodland (1200 BC-AD 1000), Mississippian (AD 1000-1500), Protohistoric-Contact Period (AD 1500-1750), and Historic (AD 1750-present). Prehistoric archaeological stages are based on changing settlement

and land use patterns and artifact styles. Each of these broad periods is generally broken into sub-periods (generally Early, Middle, and Late), which are also based on artifact styles and settlement patterns. Smaller time periods, known as "Phases" are represented by distinctive sets of artifactual remains. In addition, historic era cultural traditions include the Cherokee and Chickasaw (AD 1700-present) and European- and African-American (AD 1750-present) occupations.

The Paleo-Indian period (10,000-8000 BC) represents the earliest documented human occupation of the area. The settlement and land use pattern of this period was dominated by highly mobile bands of hunters and gatherers. The subsequent Archaic period (8000-1200 BC) represents a continuation of the hunter-gatherer lifestyle. Through time there is increasing social complexity and the appearance of horticulture late in the period. The settlement pattern during this period is characterized by spring and summer campsites. Increased social complexity, reliance on horticulture and agriculture, and the introduction of ceramic technology characterize the Woodland Period (1200 BC-AD 1000). The increased importance of horticulture is associated with a less mobile lifestyle as suggested by semi-permanent structures. The Mississippian Period (AD 1000-1500), the last prehistoric period, is associated with the pinnacle of social complexity in the Southeastern United States. This period is characterized by permanent settlements, maize agriculture and chiefdom level societies.

It is during the Proto-Historic Period (AD 1500-1750) that there was a decline in the Mississippian Period chiefdoms and the first contacts between Native Americans and Europeans occurred. It is probable that either DeSoto or Pardo traveled through this area in the mid-16th century. The Cherokee and Chickasaw populated the area in the late 17th century and maintained settlements here until forced removal.

The Historic Period (AD1750 to present) represents the expansion of Europeans, Euro-Americans, and African-Americans into the Northern Alabama area as well as the forced removal of Native American Indians. By the early 19th century most Native Americans had been removed and the influx of Euro-Americans and African-Americans increased. Throughout the 19th and early 20th century, this area remained rural with a focus on agricultural production. Industry and urbanization increased in the early to mid-20th century as the area became electrified and other areas of the country became more agriculturally productive.

Several archaeological surveys have been conducted in the Pickwick, Guntersville and Wheeler reservoir areas (Meyer, 1995; Shaw, 2000; Solis and Futato, 1987; Spry and Hollis, 1997; Webb, 1939; Webb and DeJarnette, 1942; Webb and Wilder, 1951). Three recent surveys have revisited previously identified sites and recorded new sites in these reservoirs (Meyer, 1995; Shaw, 2000; Solis and Futato, 1987). All land involved in the proposed easement was covered in one of previously mentioned reconnaissance or opportunistic surveys. The existing data from these surveys were reviewed and approximately 562 historic and prehistoric archaeological sites have been identified within the proposed consolidated easement area with the exception of Planned Tract 33 on Pickwick Reservoir. Assessments of eligibility for the National Register of Historic

Places (NRHP) were conducted in the Wheeler survey. The data derived from the recent Guntersville survey report is not sufficient to make National Register eligibility assessments for the majority of the identified historic properties. Table 4 indicates the numbers of sites and their eligibility determinations for listing in the NRHP.

Table 4. Archaeological Site Information for the Consolidated Easement APE*

Sites Recommended Eligible	128
Sites Recommended Potentially Eligible	61
Sites Recommended Not Eligible	82
Sites with no Eligibility Determination	291
Total Number of Sites Involved in Easement	562

*The above determinations have not received AL SHPO comment; however they reflect TVA’s opinion regarding NRHP eligibility

Given the nature of ongoing activities in the management areas that comprise the APE, there is a potential to affect historic properties that have been recommended eligible for listing in the NRHP. A Programmatic Agreement (PA) has been executed between TVA, ADCNR, the Alabama State Historic Preservation Officer (AL SHPO), the Eastern Band of the Cherokee Indians (EBCI), Chickasaw Nation, and the Advisory Council on Historic Preservation. The PA will ensure that impacts to historic properties within the APE for this proposed action will be addressed pursuant to Section 106 of the NHPA.

Preferred Alternative

The Preferred Alternative is the Proposed Action, conveyance of a 30-Year term easement affecting approximately 24,534 acres and a revocable license affecting approximately 19,038 acres of TVA land to ADCNR for natural resources management and public recreation purposes. Under this alternative, the management areas are expected to qualify for state and Federal funding sources to enable continued management, conservation, and monitoring of natural resources. TVA would be able to minimize its operational costs and continue meeting its goals to achieve sustainable benefits of the area’s natural resources through continued cooperative effort with ADCNR. In general, the proposed action is expected to create beneficial impacts by promoting more active interaction with affected stakeholders and, as warranted, the development and implementation of revised operational standards for the WMA lands.

Preparers

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Ralph L. Porter, Landscape Architect
S. Berry Stalcup, Biologist (Aquatic)

Agencies and Persons Consulted

Alabama Historical Commission, Montgomery
Alabama Waterfowl Association, Inc.
Alabama Department of Conservation and Natural Resources, Montgomery
Tennessee Valley RC&D Council, Inc.
U. S. Fish and Wildlife Service, Daphne and Decatur, Alabama
Claude Herbert Smith
Eric Easterly
Bridrijo Howell
Bill & Marie Osmer

References Cited:

Meyer, Catherine C. 1995. Cultural Resources in the Pickwick Reservoir. Report on file, Tennessee Valley Authority, Cultural Resources Program, Norris, Tennessee.

Shaw, Scott. 2000. Cultural Resources in the Wheeler Reservoir. Report on file, Tennessee Valley Authority, Cultural Resources Program, Norris, Tennessee.

Solis, Carlos, and Eugene M. Futato. 1987. Cultural Resource Investigations in the Guntersville Reservoir Area, Marshall and Jackson Counties, Alabama and Marion County, Tennessee. Report on file, Tennessee Valley Authority, Cultural Resources Program, Norris, Tennessee.

Spry, Marla J., and John M. Hollis. 1997. Cultural Resource Inventory of the TVA Shoreline Initiative Properties on Pickwick, Wheeler, Guntersville, and Nickajack Reservoirs in Mississippi, Alabama, and Tennessee. Report on file Tennessee Valley Authority, Cultural Resources Program, Norris, Tennessee.

TVA. 1995. Wheeler Reservoir Plan

TVA. 1981. Pickwick Reservoir Plan (currently under revision).

TVA. 2001. Guntersville Reservoir Land Management Plan

Webb, William S. 1939. *Archaeological Survey of the Wheeler Basin on the Tennessee River in Northern Alabama*. Smithsonian Institution Bureau of American Ethnology Bulletin 122. Report on file, Tennessee Valley Authority, Cultural Resource Program, Norris, Tennessee.

Webb, William S. and David L. DeJarnette. 1942. *An Archaeological Survey of Pickwick Basin in the Adjacent Portions of the States of Alabama, Mississippi, and Tennessee*. Smithsonian Institution Bureau of American Ethnology Bulletin 129. Report on file, Tennessee Valley Authority, Cultural Resources Program, Norris, Tennessee.

Webb, William S., and Charles G. Wilder. 1951. *An Archaeological Survey of Gunterville Basin on the Tennessee River in Northern Alabama*. University of Kentucky Press, Lexington. Report on file Tennessee Valley Authority, Cultural Resources Program, Norris, Tennessee.

Commitments

The following commitments will be included in the easement document.

1. The total acreage of land that is the subject of this easement will be used exclusively for natural resources management and public recreation in a manner that facilitates the preservation of archaeological resources. All activities will be conducted using appropriate Best Management Practices.
2. Pursuant to Section 106 and its implementing regulations at 36 CFR 800, TVA and ADCNR are signatories to the Programmatic Agreement for the implementation of reservoir land management plans in Alabama. The PA covers all lands under TVA's Reservoir Land Management Plans in the state of Alabama and therefore applies to all those lands involved in the proposed easement. ADCNR will abide by the following commitments:
 - ADCNR shall assist TVA in complying with the Archaeological Resources Protection Act, including monitoring of sites for signs of looting or disturbance and notifying TVA Police and Cultural Resources staff of any signs of these activities.
 - ADCNR shall assist TVA in complying with the Native American Graves Protection and Repatriation Act by immediately reporting any inadvertent discoveries of human remains to the TVA Cultural Resources staff.
 - ADCNR shall assist TVA in complying with Section 106 of the National Historic Preservation Act by submitting requests and plans to TVA for any proposed projects.
 - ADCNR shall close all existing informal campsites and prohibit the future establishment of such informal sites. Camping will only be allowed at TVA approved formal campsites. If ADCNR wishes to convert an informal site into a formal camping location, this undertaking will be coordinated with TVA for a Section 106 review.
 - ADCNR shall implement Best Management Practices to prevent erosion in areas that are in cultivation (agricultural or wildlife), and cultivation must be restricted to the disk-zone. Sub-soiling is prohibited in all areas until an identification survey has been conducted to determine the location of archaeological sites to be avoided.
 - All potentially ground disturbing or terra-forming activities proposed by ADCNR will be submitted to TVA for review under Section 106. Ground disturbing activities include but are not limited to the following:

- Launching ramps and associated facilities;
 - Any new infrastructure including roads, parking areas, buildings, equipment staging areas, etc.;
 - Preparation of formal campsites or other recreation areas, i.e., trails, both pedestrian, ATV, and/or off road vehicles;
 - Forestry management for wildlife habitat, i.e. planting or removal of trees or other vegetation;
 - Impoundment for waterfowl habitat
 - Construction or maintenance of trails
 - Shaping of the shoreline or placement of shoreline stabilization materials, both rock riprap and biostabilization.
 - All cultivated areas
 - Any changes in the scope or location of existing wildlife management activities.
 - Any action that might increase traffic or public access to an area that might be archaeologically sensitive.
- An annual field review to assess and monitor existing and/or proposed operations within the wildlife management areas which could potentially affect archeological sites potentially eligible, eligible, or listed in the NRHP will be conducted by a TVA archaeologist. TVA will notify ADCNR of cultural resource problems identified in the field review. ADCNR will stop the unauthorized activities and correct these problems.
3. Any future facilities or equipment subject to flood damage will be located above or flood proofed to the Flood Risk Profile elevation at that location.
 4. Any future development proposed within the limits of the 100-year floodplain will comply with the requirements of Executive Order 11988.
 5. All future development will comply with the requirements of TVA's Flood Control Storage Loss Guideline (December 1996).
 6. TVA retains the right to flood the tracts as described in the deeds.
 7. ADCNR will prohibit use of the lands for livestock grazing, fall plowing without establishment of winter crops, and recreational use of off-road vehicles except on improved designated roads.
 8. Unless specifically authorized by TVA, no substances listed as hazardous under any federal, state, or local law or regulation shall be brought onto or used on or within the easement area. ADCNR shall submit annual reports on the types of agricultural chemicals applied to the land and their quantities. Only EPA-registered pesticides will be used on agricultural lands.
 9. Forest management activities, significant changes in existing land use (public camping, reservoir access, etc.), or other new activities (construction of buildings, roads, utilities, etc.) will require additional TVA approval.
 10. TVA and ADCNR representatives shall meet on an annual basis to conduct field reviews to assess and monitor existing and/or proposed operations within the wildlife management areas, evaluate stakeholder issues, review strategic needs, evaluate funding priorities, evaluate resource management issues, update operational standards as needed to comply

with Federal, State, or local regulatory changes, and define and strengthen the partnership among the two agencies.

11. ADCNR shall ensure full compliance with all operational conditions to be included in the proposed consolidated grant of easement and associated revocable license. Such conditions would include but are not limited to: responsibilities for natural resource protection and preservation, public recreation and use, drainage and flood control, dewatering operations and maintenance, aquatic weed management, vector control, nuisance animal control, forest management, compliance with existing or future executive orders affecting operations, and development and periodic updates to management plans.

Attachments

Environmental Decision Record

Vicinity Map

Exhibit Maps

Agency and Public Letters Received

Mallard-Fox Creek Wildlife Management Area 30-Year Management Plan, November 2000

Jackson County Wildlife Area Management Plans, November 17, 1987

Seven-Mile Island Wildlife Management Area Plan, May 2001

Lauderdale Wildlife Management Area Plan, May 2001

Swan Creek Wildlife Management Area 30-Year Conceptual Plan, December 1983

RESOURCE STEWARDSHIP ENVIRONMENTAL DECISION RECORD (EDR)*

PROJECT ID NUMBER 110516
(Assigned by Initiating Organization)

TRACKING NUMBER: _____
(NEPA Administration Use Only)

Organization Initiating Project: Resource Stewardship

Project Manager: Timothy C. Gilbert Address: SB 1H-M Phone: 256-386-3068

Preparer: Timothy C. Gilbert Address: SB 1H-M Phone: 256-386-3068
(If different from Project Manager)

Project Action Title: Term Easement - Alabama Department of Conservation and Natural Resources

Project Action Description:

a. Location: (e.g., TVA land, facility, reservoir, county, Guntersville, Pickwick, & Wheeler state)
Reservoirs; Jackson, Lauderdale, Lawrence, Limestone, & Morgan County, Alabama

b. TVA Involvement: (TVA land, facility, funds, technical assistance, Various tracts of TVA etc.)
Fee owned land (approx. 43,572 acres) currently managed by ADCNR under grants of easement and revocable licenses.

c. Narrative: (include name of applicant, if ADCNR is requesting a 30-year term easement any)
consolidating four existing grants of easement. ADCNR proposes to continue operating and managing the areas for wildlife management and public recreation purposes.

Public Notification: No Yes (Attach Copy)

Permits Required from Other Agencies: None

Project Environmental Commitments: (Attach sheet for additional commitments. Include performing organization and estimated completion date.) Included in EA

LEVEL OF REVIEW DETERMINATION: (Check one, based on supporting information on Page 2)

Categorical Exclusion pursuant to Section 5.2. _____ **of TVA NEPA Procedures.** No nonroutine commitments have been identified as necessary to avoid significant environmental impacts. *The action does not qualify for categorical exclusion if Unknown or Significant is checked under Potential Effects.*

Environmental Assessment (EA) or

Environmental Impact Statement (EIS) needed, pursuant to Sections 5.3 or 5.4 of TVA NEPA Procedures. (See EA or EIS instructions).

Signature, Project Manager Date

Resource Stewardship NEPA Reviewer Date

Distribution (with _____ pages of attachments):

cc: **NEPA Administration, WT 8C-K**
Resource Stewardship, Regional Environmental Scientist

PROJECT ID NUMBER 110516

(Assigned by Initiating Organization)

TRACKING NUMBER: _____

(NEPA Administration Use Only)

Media Categories	Potential Effects					Requirements	Information Source		
Refer to Exhibit 3 of EDR instructions for description of media categories.	N O N E	U N K N O W N	B E N E F I C I A L	I N S I G N I F I C A N T	S I G N I F I C A N T	N O N E	P E R M I T S	C O M M I T M E N T S	Provide name of media expert providing input or reference document and date (reference documents are to be attached to EDR). This column must be completed for each media category unless none is checked. If you are certain that potential effects (either positive or negative) are none (based on the RS Prescreening Criteria Checklist), it is not necessary to contact the media expert. Refer to the RS Prescreening Criteria Checklist or Exhibit 2 of EDR instructions for a listing of TVA media experts for each category.
WASTE STREAM GENERATION OR ALTERATION									
Air	X					X			Nature of Action (NOA)
Hazardous Waste	X					X			NOA
Solid Waste	X					X			NOA
Special Materials	X					X			NOA
Wastewater	X					X			NOA
SOCIOECONOMIC EFFECTS									
Land Use				X		X			See discussion and commitment 1 in EA
Transportation	X					X			NOA
Recreation			X					X	Richard Pflueger, 4-19-2001; commitment 10 in EA
Noise	X					X			NOA
EMF	X					X			NOA
EFFECTS ON NATURAL FEATURES									
Groundwater	X					X			NOA
Surface Water	X					X			Berry Stalcup, 4-13-2001
Stream Modification	X					X			NOA
Floodplains				X				X	Roger Milstead 4-13-2001; commitment 3-5 in EA
Wetlands	X					X			Berry Stalcup, 4-13-2001
Farmland	X					X			NOA
Significant Managed Areas			X			X			Berry Stalcup, 4-13-2001
Historic Structures		X						X	Richard Yarnell, 4-27-2001; commitment 2 in EA
Historic Sites		X						X	Richard Yarnell, 4-27-2001; commitment 2 in EA
Archaeological Resources				X				X	Richard Yarnell, 4-27-2001; commitment 2 in EA
Aquatic Ecology			X			X			Berry Stalcup, 4-13-2001
Terrestrial Ecology			X			X			Berry Stalcup, 4-13-2001
Protected Species-Sensitive Habitat									
Aquatic Animals	X					X			Berry Stalcup, 4-13-2001
Terrestrial Animals	X					X			Berry Stalcup, 4-13-2001
Plants	X					X			Berry Stalcup, 4-13-2001
Visual				X				X	Ralph Porter, 06-05-2002; commitment 9 in EA



PUBLIC NOTICE
TENNESSEE VALLEY AUTHORITY

Alabama Department Of Conservation And Natural Resources - Proposed 30-Year Term Easement For Wildlife Management Area

Proposed Action - Alabama Department of Conservation and Natural Resources (ADCNR) has asked TVA to convey a 30-year term easement affecting approximately 25,000 acres in North Alabama. The requested easement would consolidate four separate and existing term easement areas that are currently held by ADCNR for natural resources management and public recreation use. These easements begin to expire in 2005. No additions to the existing easement land base or changes in land use are proposed.

Location - Guntersville, Pickwick, and Wheeler Reservoirs - Jackson, Lawrence, Lauderdale, Limestone, and Morgan Counties.

Description - ADCNR is proposing to continue use of affected TVA reservoir lands for natural resources management and public recreation. ADCNR has managed these lands under various agreements since 1949. ADCNR uses individual management plans to guide operation and management of these areas. ADCNR would agree to conduct periodic public/stakeholder reviews to address needs associated with these areas. Any changes in management plans would be subject to TVA review and approval.

TVA is evaluating the environmental and other effects of the proposed action. We are also seeking to identify other issues that should be addressed in reviewing this request. Pursuant to the National Historic Preservation Act, TVA is also interested in receiving comments on the potential of the proposed action to affect historic properties.

ADCNR and TVA encourage and solicit comments on issues related to this action. Your comments will be used in reaching a decision about granting the proposed easement. We welcome your remarks concerning the benefits and impacts of the proposed easement. All comments on this proposed action must be received on or before May 16, 2001.

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