

FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY

CITY OF ATHENS, ALABAMA PROPOSED WATER LINE AND SEWER LINE CROSSINGS ON PINEY CREEK, FRENCH MILL CREEK, AND VARIOUS TRIBUTARIES TO TENNESSEE RIVER, WHEELER RESERVOIR LIMESTONE COUNTY, ALABAMA

Proposed Action and Need

The City of Athens proposes to construct by open trench and directional boring methods water line crossings and sewer line crossings of Piney Creek, French Mill Creek, and various tributaries to the Tennessee River at Mile 310.7, Left Bank, Wheeler Reservoir. The scope of work involves the construction of obstructions within the streams and wetlands associated with the pipeline construction. Cofferdams, consisting of stone, concrete blocks, or portable water barriers, would be utilized to temporarily divert flow around work areas so streamflow would be maintained during construction. These materials or devices would be removed entirely after construction. Tennessee Valley Authority (TVA) approval pursuant to Section 26a of the *TVA Act* and a Department of the Army (DA) permit pursuant to Section 404 of the *Clean Water Act* are required for this project. The portion of the project already accomplished via directional bore was approved by the U.S. Army Corps of Engineers (USACE), but did not require TVA approval.

The purpose of the project is to provide expanded water and sewer service to residential and commercial developments in the southeastern portion of Limestone County. The USACE completed an environmental assessment (EA) for this project, the scope of which includes the stream crossings and route of the lines from existing main lines. TVA was a cooperating agency in the preparation of the EA, which is incorporated by reference.

Alternatives

The following four alternatives were evaluated in the EA:

1. No Action, under which the permit approvals would be denied and the proposed work requiring TVA approval would not be performed;
2. Applicant's Proposed Action;
3. Other Alternatives; and
4. Applicant's Proposed Action With Special Conditions.

Under Alternative 3 (Other Alternatives), the pipeline could have involved different designs or alternative alignments likely to result in the same or additional impacts, while not providing adequate service for the area. Therefore, Alternative 3 was determined to be impractical. Under Alternative 4 (Applicant's Proposed Action With Special Conditions), which is the preferred alternative, the applicant would construct pipelines with 15 crossings of Piney Creek, French Mill Creek, and unnamed tributaries, and six wetland crossings. The City of Athens would abide by terms and conditions of a U.S. Fish and Wildlife Service (USFWS) Biological Opinion (BO) and

Incidental Take Statement resulting from formal consultation under Section 7 of the *Endangered Species Act* (ESA) and other measures.

Impacts Assessment

The EA concludes that impacts from the proposal to air quality, wildlife and vegetation, noise, aesthetics, recreation, transportation, socioeconomics, and environmental justice would be minor and insignificant. The disturbed stream banks would be returned to original preconstruction contours and stabilized using riprap once pipelines were installed. All of the pipeline crossings would be buried beneath the stream bottoms. Best management practices including utilizing sediment control structures, maintaining riparian vegetation, and quickly stabilizing all disturbed areas would minimize potential effects on water quality. There would be no impacts to navigation. Based on a University of Alabama, Office of Archaeological Research, survey, three archaeological sites in the vicinity of the project were determined to be ineligible for listing in the National Register of Historic Places. By letter to USACE dated August 15, 2008, the Alabama Historical Commission (AHC) concurred that the proposed action would not affect historic properties (See Appendix C in the attached EA). TVA concurs with this determination.

Surveys determined that the federally listed endangered armored snail (*Maristonia [=Pyrgulopsis] pachyta*) and slender campeloma snail (*Campeloma decampi*) occur within the project area. USACE concluded that the project “may affect” these snails. Pursuant to Section 7 of the ESA, USACE conducted formal consultation with the USFWS. On July 1, 2008, USACE forwarded the final Biological Assessment to the USFWS and requested initiation of formal consultation. By letter dated February 19, 2009, the USFWS provided its final BO for the proposed project (see Appendix F in the attached EA). USFWS indicated that the BO completes formal consultation for the project as required by the ESA and fulfills the obligations in accordance with Section 7 of that act. The BO included an Incidental Take Statement, reasonable and prudent measures, terms and conditions, and conservation recommendations to protect these two species and their habitats. The BO concluded that “after reviewing the current status of the armored snail and the slender campeloma snail, the environmental baseline for the action area, the effects of the proposed utility construction, and the cumulative effects, it is the USFWS biological opinion that the proposed project is not likely to jeopardize the continued existence of these species, and is not likely to destroy or adversely modify proposed critical habitat.” As a permitting authority, TVA was recognized as a participating agency in this formal consultation and is also subject to the required terms and conditions. The terms and conditions of the BO will be incorporated into the DA and TVA permit approvals.

These two federally endangered snails are also state-listed as S1 (critically imperiled; state protected). However, there would be no effect on any other state-listed plants or animals.

Six crossings performed in association with this pipeline project would temporarily impact a total of 0.25 acre of wetlands. Because open cut trenches in these areas would be backfilled and returned to preconstruction contours, wetland functions are expected to return shortly after project completion. Therefore, effects on these small wetland areas would be minor and insignificant, requiring no mitigation. 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 (Floodplain Management).

Public and Intergovernmental Review

The City of Athens pipeline construction proposal was the subject of Joint Public Notice 08-25 issued by TVA and USACE on July 25, 2008. Comments were requested by August 25, 2008. Two agencies, USFWS and AHC, submitted comments. Due to the known presence of two federally listed aquatic endangered species within the vicinity of the proposed stream crossings, previous coordination had been performed with the USFWS. A preapplication meeting was held on August 1, 2007, to discuss the potential impacts on these species. USFWS recommended formal consultation under Section 7 of the ESA. See discussion of the results of this consultation in Impacts Assessment above.

The AHC responded by letter dated August 15, 2008, stating that it concurred with the project activities; thus, the project can proceed unless the scope of work changes.

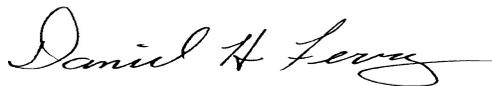
Mitigation and Special Permit Conditions

As stated in the EA, TVA's and USACE's permit approvals are dependent on adherence to special conditions incorporated into Alternative 4. Several of these listed special conditions are standard conditions of TVA Section 26a approvals. Required nonroutine mitigation measures include the following:

- The City of Athens must abide by the U.S. Fish and Wildlife Service Biological Opinion which contains mandatory terms and conditions implementing the reasonable and prudent measures of the Incidental Take Statement (see Appendix F in the attached EA).

Conclusion and Findings

TVA has independently reviewed the USACE EA and found it to be adequate. TVA is therefore adopting this EA. Based on the EA, we conclude that issuance of the Section 26a approval 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 finding of no significant impact is contingent upon adherence to the permit conditions and mitigation measures described above.



Daniel H. Ferry, Senior Manager
Environmental Services and Programs
Office of Environment and Research
Tennessee Valley Authority

March 13, 2009

Date Signed