

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
SECTION 26A APPROVAL OF COMMUNITY WATER USE FACILITIES
FOR BREEZE POINTE & HOME OWNERS ASSOCIATION,
UPPER ANDERSON BRANCH, PICKWICK RESERVOIR,
HARDIN COUNTY, TENNESSEE

Breeze Pointe & Home Owners Association (Breeze Pointe) proposes to construct floating community docks fronting its property at Upper Anderson Branch Mile 0.4 on Pickwick Reservoir. In 2006, TVA approved a boat access channel dredge and a floating community dock accommodating 12 slips proposed by the previous owner. These facilities have been constructed. The home owners association now proposes two additional sets of floating community docks that would parallel the shoreline, extend a maximum of 26 feet lakeward, and accommodate a total of 14 boats. Both docks would be constructed of aluminum frame with PVC decking and would be supported by telescoping spud poles. Floatation would consist of encased foam.

The proposed facilities require approval by TVA under Section 26a of the TVA Act. They also require approval by the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act of 1899. Development of these additional water use facilities would increase the value of the private property to Breeze Pointe owners and investors and serve the needs of subdivision property owners.

TVA has cooperated with USACE in the preparation of an environmental assessment (EA) of the proposed facilities. TVA is adopting the EA, and it is incorporated by reference.

The EA evaluates three alternatives: 1) No Action; 2) the Applicant's Proposed Action; and 3) the Proposed Action with Mitigation. Under the No Action Alternative, USACE and TVA would deny the permit requests or they would be withdrawn by the applicant. Under Alternative 2, the floating community boat slips would be approved as originally proposed. Under Alternative 3, special conditions or mitigation would be imposed on the applicant to avoid, reduce, or offset unavoidable adverse impacts of community dock construction. Most of the proposed special conditions or mitigation measures are standard conditions of TVA Section 26a permits. The applicant would not sell fuel or provide a pump out facility at these floating boat slips. TVA would also require adherence to a vegetation management plan over its land below contour elevation 423-foot mean sea level (msl). USACE has chosen to approve Alternative 3, which is TVA's preferred alternative.

No endangered or threatened species would be affected and the U.S. Fish and Wildlife Service concurred with this determination on February 11, 2008. No wetlands occur on the site and none would be impacted by the proposal. No cultural resources eligible for or listed on the National Register of Historic Places would be affected, and the Tennessee Historical Commission concurred with this determination on January 16,

2008. The EA concludes that impacts of the action alternatives on the physical and chemical environment, including water quality, would be negligible. Effects on biological characteristics of the impact area including fish and aquatic life, terrestrial wildlife and their habitats, and vegetation would be minor. Although TVA has been informed that excessive erosion and sedimentation has resulted from some other recent or ongoing private residential developments on lower Pickwick Reservoir, similar problems have not been reported at this location, and no significant impacts to water quality and aquatic life or habitat would be expected to result from construction and use of these facilities. Human uses and values including noise, air quality, aesthetics, land use, environmental justice, and flood control would not be affected. An analysis of traffic/transportation and water-related recreation in the EA concludes that, even considering boats originating from the adjoining subdivision, the additional number of boats from Breeze Pointe would be small and would not contribute significantly to crowding or reduced boating safety in Upper Anderson Branch or this reach of the Tennessee River. Because of the width of the river, it is anticipated that navigation in the vicinity of the mouth of the river would not be restricted.

The proposal was the subject of a Joint Public Notice issued by USACE and TVA on January 11, 2008. It describes the originally proposed work (see Appendix A in the EA). During the comment period, responses were received from one federal and one state agency (see Appendix B of the attached EA). These comments have been addressed in the attached EA, and a public meeting was not requested.

Mitigation and Permit Conditions

As part of its standard conditions for Section 26a approval, TVA would require use of best management practices and other general and standard conditions. Breeze Pointe would also be required to implement the USACE's special permit conditions listed in the attached EA. Breeze Pointe would adhere to the conditions of the shoreline vegetation management plan. TVA has not identified the need for any additional non-routine conditions or mitigation measures.

Conclusion and Findings

Based on the EA, we conclude that the Section 26a approval for the Breeze Pointe water use facilities would not be a major federal action significantly affecting the environment. Accordingly, the preparation of an environmental impact statement is not required. This Finding of No Significant Impact is contingent upon adherence to the permit conditions in the attached February 25, 2008 EA.



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Date Signed