

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
SECTION 26A APPROVAL OF CULVERTS, PEDESTRIAN BRIDGES,
WETLAND FILLS, AND STREAM RELOCATION FOR CANEBRAKE CLUB,
PINEY CREEK, LIMESTONE COUNTY, ALABAMA

Canebrake Club (Canebrake) plans to expand its existing golf course and residential community development on Piney Creek, a tributary to Wheeler Reservoir at Tennessee River mile 310.7 in Limestone County, Alabama. In November 2006, Canebrake requested that the Tennessee Valley Authority (TVA) and U.S. Army Corps of Engineers (USACE) approve culverts, pedestrian bridges, wetland fills, and stream relocations. The USACE issued an environmental assessment (EA) of this proposed action on October 24, 2007. TVA was a cooperating agency in the preparation of this EA, which is incorporated by reference.

The EA evaluates the following four alternatives: 1) the No Action Alternative, under which the permit requests would be denied; 2) the Location Alternative, under which the development would be moved to another property; 3) the Reconfiguration Alternative, under which the development would be reconfigured with the existing landscape; and 4) the Proposed Action Alternative, under which USACE and TVA would approve the construction of three culverts, two pedestrian bridges, and 8.67 acres of wetland fill and the relocation of two unnamed streams. The pedestrian bridges were installed during the development of the golf course.

The EA concludes that impacts of the proposed action on air quality, wildlife habitat, floodplains, visual resources, noise, and environmental justice would be insignificant. There would be no impact on cultural resources, and the Alabama Historical Commission concurred with this determination in a letter dated January 4, 2007. The proposed action would affect water quality, wetlands, and aquatic life by filling 8.7 acres of wetlands and 1,300 feet of streams. This could also affect two endangered aquatic snails occurring about 1.5 miles downstream of the project area. In order to minimize these effects, Canebrake has developed a mitigation plan which includes wetland creation and preservation, habitat enhancement on existing and relocated streams, and a permanent conservation easement along 9,200 feet of stream. With implementation of this mitigation plan, potential effects to water quality, wetlands, aquatic life, and endangered and threatened species would be insignificant. Impacts to endangered and threatened species would not be adverse, and the U.S. Fish and Wildlife Service (USFWS) concurred with this determination in a letter dated September 20, 2007.

Mitigation and Special Permit Conditions

The USACE Section 10 Permit approval is dependent on several special conditions incorporated into Alternative Four. Most of these USACE special conditions are routine conditions of TVA Section 26a permits. In addition to adherence to standard and general permit conditions, including the use of construction-related best management practices, the following measures would be established as conditions in TVA's Section 26a approval in order to reduce the potential for adverse environmental effects:

- Excess materials associated with the project or mitigation shall be disposed of in the designated upland area. No material shall be disposed of in the stream except for the filling authorized by the permit.

- All in-stream work should occur during low, base flow conditions (typically July through October), including stream bank stabilization activities within the Piney Creek by-pass channel. Stream flow must not be interrupted during construction activities.
- Canebrake will implement the mitigation plan as summarized in Section 1.3 of the EA. The detailed plan will be attached to the Section 26a permit.
- Canebrake must contact Mr. Rob Hurt (256-353-7243) or other appropriate USFWS representative at least 48 hours prior to any work occurring within the Piney Creek by-pass channel to enable a USFWS representative to be on site during stream work.
- Canebrake must mitigate impacted stream reaches and wetlands as designated in mitigation plans and subsequent revisions submitted in support of the TVA/USACE permit application. Tree and shrub plantings associated with the mitigation work shall be accomplished no later than during the first dormant period (November to March) following stream relocation completion and upon achieving final grade within the wetland mitigation areas.
- As described in the approved mitigation plan, all mitigation areas proposed for permanent protection shall be indentured into a restrictive covenant that will become an attachment to the deed and run with the property. The restriction shall contain covenants prohibiting certain uses such as, but not limited to: any removal, alteration, or destruction of any native vegetation or natural habitat; any agricultural, commercial, or industrial activity; any draining, filling, excavating, or dredging; any construction of buildings; and any disruption or alterations of the stream. The restrictive covenant shall protect in perpetuity the ecological values of the mitigation sites. The restrictive covenant does not prohibit stream and wetland work required to comply with stream and wetland compensatory mitigation.
- Within 90 days of issuance of this permit, the restrictive covenant shall be recorded in the Miscellaneous Document Book with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title and interest in real property. A certified copy of the record shall be furnished to TVA's Pickwick-Wheeler Watershed Team and USACE Nashville District Regulatory Branch within 30 days of recording.

Conclusion and Findings

Based on the USACE EA, we conclude that Section 26a approval of three culverts, two pedestrian bridges, 8.67 acres of wetland fill, and relocation of two unnamed streams would not be a major federal action significantly affecting the environment. Accordingly, preparation of an environmental impact statement is not required. This FONSI is contingent upon adherence to the mitigation plan and special permit conditions described above.



December 7, 2007

Jon M. Loney
 Senior Manager, NEPA Policy
 Environmental Stewardship and Policy
 Tennessee Valley Authority

Date Signed