

## FINDING OF NO SIGNIFICANT IMPACT (FONSI)

### CHEROKEE RESERVOIR LAND MANAGEMENT PLAN GRAINGER, HAMBLEN, HAWKINS, AND JEFFERSON COUNTIES, TENNESSEE

#### Background

TVA develops reservoir land management plans to assist in managing the public lands around its reservoirs. In conjunction with its construction of Cherokee Dam in the early 1940s, TVA acquired 45,148 acres of land. Approximately 15,950 acres was above the elevation of the top of the gates of the dam. Sales and transfers of land for economic, industrial, residential, or public recreation development have resulted in a current net balance of 8,187 acres of public land. In order to determine future management direction for this land, TVA has prepared a land allocation plan for Cherokee Reservoir. This plan updates a previous 1974 plan. Of the 8187 acres, 5590 acres (68 percent) are proposed to be allocated for natural resource conservation, 1020 acres (12 percent) are proposed for sensitive resource management, 760 acres (9 percent) are proposed for recreation, 542 acres for TVA project operations, and 275 acres for residential access. In addition, TVA would expand its Berry Island Ecological Study Area, and establish 6 new Habitat Protection Areas to protect state-listed plants, caves, or other sensitive resources.

TVA notified the public and environmental agencies of its land planning effort for the Cherokee Reservoir through articles in its *TVA River Neighbors* publication in April 1999, by questionnaires distributed to local government agencies and organizations, and through a public notice in August 1999. Notices were also sent to state and federal agencies in August 1999. Following consideration of scoping comments, staff research and resource inventories, TVA developed draft allocations and prepared a draft environmental assessment evaluating the impacts that could result from such allocations. The draft EA and plan, released in April 2001, was provided to the public, agencies, and interested organizations. A public meeting was held in Morristown on April 24, 2001. Comment letters were received from 28 individuals, agencies, or organizations. Responses to these comments are provided in Appendix A-3 of the EA.

After considering all comments, TVA developed a Final Environmental Assessment and Land Management Plan. Most of the public comments were supportive of TVA's proposed plan. Other comments focused on specific parcels, residential access, potential development, water quality, or clarification of the process of land planning. Upon review of the comments, TVA believes that the requests for land uses reflected in these comments can be accommodated within the existing zone definitions and that the remaining issues can be addressed by the clarifications provided in Appendix A-3.

Agencies commenting on the draft land plan included the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (FWS), Tennessee Department of Agriculture (TDA), Tennessee Department of Transportation (TDOT), Tennessee Wildlife Resources Agency (TWRA), Tennessee Commission of Indian Affairs (TCIA), Tennessee Historical Commission (THC), and Tennessee Department of Environment and Conservation (TDEC). USACE, FWS, and TDEC indicated support for Alternative B. TDOT requested that provision be made for land easements that would allow the widening of SR 31 across Poor Valley Creek and US 11W from Rutledge to Bean Station. TVA did not identify sensitive resources on these lands and expects to be able to accommodate these road expansion projects, pending review of their final location.

TCIA stated that Alternative B seemed to offer a reasonable plan for protection of sensitive cultural resources, but requested that TVA clarify how impacts to sensitive cultural resources would be addressed in renewal of existing commitments. When TVA renews existing

commitments, it evaluates potential effects on sensitive historic properties under the National Historic Preservation Act (NHPA). THC concurred with the phased identification and evaluation approach for the lands planning effort, and pointed out that systematic surveys are needed prior to ground disturbing activities. TDA supported efforts to minimize polluted runoff from reaching Cherokee Reservoir.

### **Alternatives**

The EA evaluates the potential environmental impacts of two alternatives, no action (Alternative A), and the proposed Reservoir Land Management Plan (Alternative B). The EA and accompanying Land Use Plan and Parcel Descriptions are attached and incorporated by reference. Under Alternative A, TVA would continue management of its properties according to the 1974 reservoir land use forecast system. When a proposal is received from an external applicant or internal TVA organization, TVA would evaluate the proposed land use for consistency with the forecast. Under the forecast system, 4318 acres or 53 percent of reservoir lands are designated for public recreation, which is defined as land set aside for use by the general public for recreational activities. Smaller areas of land are designated for Dam Reservation and Reservoir Operations, commercial recreation, industrial, and power transmission. Approximately 583 acres considered for allocation under Alternative B were not included in the previous forecast system. Requests for use of these “no forecast” lands would be handled on a case-by-case basis under Alternative A. “No forecast” lands and reservoir operations lands with deeded residential access rights would be managed in accordance with the TVA Shoreline Management Policy adopted in 1999.

Under Alternative B, 8,187 acres would be allocated into five planning zones as described above in the background section. The planning zones in Alternative B take into account the results of resource inventories for sensitive resources such as rare species, archaeological resources, significant visual resources, and wetlands. Recognizing the sensitive resources identified in these inventories, six additional Habitat Protection Areas are proposed to be designated on all or portions of parcels 36, 43, 46, 59, 73, and 90. A portion of Parcel 90 would be evaluated for potential designation as a Small Wild Area. Additionally, an Ecological Study Area on parcel 57 would be expanded by 11 acres. Alternative B grandfathers previous land use commitments but allocates a major portion of otherwise uncommitted TVA land to zones emphasizing resource stewardship. Residential Access lands would be specifically designated as zone 7. Additionally, no shoreline access would be allowed on lands not designated into zone 7.

### **Impacts Assessment**

Under either alternative, the EA finds that impacts to environmental resources would be insignificant. Under Alternative A, the individual project review process would avoid or minimize impacts to sensitive environmental resources. However, TVA could consider enhanced recreational development on more than 50 percent of Cherokee Reservoir lands, and some tracts are available for industrial and expanded power development needs. By contrast, Alternative B provides enhanced protection to sensitive resources (such as cultural sites, wetlands, and rare species) by allocating certain lands (12 percent) to the Sensitive Resource Management zone, thereby reducing the potential that these sensitive lands would be put to incompatible uses. Sensitive resources would be further protected through administrative designation or expansion of habitat protection areas, small wild areas, and ecological study areas. In total, under Alternative B, TVA would make a long-term commitment to natural resource management and protection on 81 percent of TVA lands. The EA identifies Alternative B as the preferred alternative since this alternative emphasizes conservation-oriented uses for more than 80 percent of public lands while allowing compatible public uses on the remaining lands.

**Conclusion and Findings**

The State Historic Preservation Officer has reviewed the draft plan and concurred, by letter of April 30, 2001, with a phased identification and evaluation approach to compliance under Section 106 of the National Historic Preservation Act. Following identification and evaluation efforts, TVA will prepare the appropriate findings related to historic properties for each ground-disturbing activity.

TVA also consulted with the U.S. Fish and Wildlife Service on impacts to federally-listed endangered and threatened species. The May 15, 2001 letter from the FWS indicated that Alternative B would result in benefits to fish and wildlife of the area. Thus, TVA concludes that the requirements of Section 7 of the Endangered Species Act have been met.

After review of the EA, we agree that the proposed allocation of 8,187 acres of land on Cherokee Reservoir into five planning zones would not have a significant impact on the quality of the environment. Accordingly, an environmental impact statement is not required. This FONSI is contingent upon the attached commitments.

*Original signed by*

*June 22, 2001*

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Jon M. Loney, Manager  
NEPA Administration  
Environmental Policy & Planning  
Tennessee Valley Authority

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Date

**COMMITMENTS**  
**CHEROKEE RESERVOIR LAND MANAGEMENT PLAN**

1. All land-disturbing activities shall be conducted in accordance with Best Management Practices as defined by Section 208 of the Clean Water Act and implementing regulations to control erosion and sedimentation. Forest management activities will be conducted in accordance with practices prescribed for forestry. Best Management Practices for agriculture, including maintenance of vegetative buffers, will be included in agricultural licenses.
2. Timber harvests will be less than 20 acres in size.
3. Visual and water quality enhancement buffers, between 50 feet and 100 feet wide, will be provided to screen timber harvest areas from public thoroughfares and shorelines and to minimize the potential for sediments or other nonpoint source pollutants to enter Cherokee Reservoir.
4. Controlled burns will be conducted in accordance with Tennessee open burning regulations.
5. TVA will conduct a phased identification and evaluation approach to identify cultural resources. All land-disturbing activities will be reviewed by a qualified archaeologist. Following identification and evaluation efforts, TVA will prepare the appropriate findings related to historic properties for review by the State Historic Preservation Officer and consulting parties for each ground-disturbing activity.
6. TVA will monitor the Civil War earthen works on parcel 119 to ensure that public uses are not adversely affecting historic properties.
7. TVA will monitor the impacts of informal recreational use on the heron rookery on parcel 29 to ensure that heron nesting is not adversely affected.