

ADOPTION AND FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY

CLEVELAND MUNICIPAL AIRPORT AUTHORITY – SECTION 26A APPROVAL FOR STREAM AND WETLAND IMPACTS AT PROPOSED NEW AIRPORT SITE BRADLEY COUNTY, TENNESSEE

Proposed Action and Need

On October 6, 2008, the Cleveland Municipal Airport Authority (CMAA) submitted to the Tennessee Valley Authority (TVA) a request for approval under Section 26a of the *TVA Act* for alterations to 2,283 feet of Little Chatata Creek and 940 feet of an unnamed tributary to Little Chatata Creek, associated with the construction of a proposed new airport. Specifically, culverts would be installed under the runway, and the road realignments would be designed to convey the entire streamflow volume from the inlet to the outlet of the pipe. In addition to potential effects to these two streams, wetland fill would affect 10.47 acres of jurisdictional wetlands. Therefore, CMAA needs approval under Section 26a of the *TVA Act* for any fill associated with airport construction, as well as permit approvals under Section 404 and Section 401 of the *Clean Water Act* (CWA) from the U.S. Army Corps of Engineers (USACE), Nashville District, and the State of Tennessee, respectively.

The proposed new airport would replace Hardwick Field in Cleveland, Bradley County, Tennessee. The existing airport does not currently meet Federal Aviation Administration (FAA) geometric design standards for a B-II airport, including a runway safety area and line of sight. Based on a survey of aircraft owners wanting to use the airport, the airport should be upgraded to meet the design standards for a C-II aircraft, which includes business jets. The existing airport is surrounded by incompatible development near the airfield and cannot be developed further to support additional community needs. The proposed airport would be in compliance with current FAA design standards, and it is necessary to meet the aviation needs of the community. The project is sponsored by the CMAA, with concurrence from the Tennessee Aeronautics Commission and the Tennessee Aeronautics Division of the Tennessee Department of Transportation.

Activities associated with the proposed airport would consist of:

- Construction of a runway 5,500 feet long and 100 feet wide
- Construction of a 500-foot-wide runway safety area centered on the runway centerline, extending the length of the runway and 1,000 feet beyond each end of the runway
- Construction of a full length 35-foot-wide parallel taxiway with a separation distance of 300 feet from runway centerline to taxiway centerline
- Construction of parking apron, terminal building, four 16-unit T-hangars, 18 corporate hangars, four conventional hangars, and installation of two 10,000-gallon aboveground fuel tanks

- Installation of associated runway and taxiway lights, runway-end identifier lights, and a rotating beacon and lighted wind indicator

The following proposed actions are required for construction of the proposed airport. The potential effects of these actions were considered in an environmental assessment (EA) prepared by the U.S. Army Corps of Engineers (USACE):

- Acquisition of approximately 340 acres of land consisting of 10 properties and eight owners
- Realignment of a portion of Tasso Road, a county road operated and maintained by Bradley County
- Closure of Leamon Road, a private road to the Leamon residence, which would be acquired
- Construction of an airport access road from Michigan Avenue/Dry Valley Road
- Modification of 2,283 feet of Little Chatata Creek and 940 feet of an unnamed tributary to Little Chatata Creek
- Fill of approximately 10.47 acres of jurisdictional wetlands

TVA cooperated in the preparation of the USACE EA, which determined the potential impacts of the agencies' permitting actions that are necessary to allow the proposed stream and wetland alterations associated with the construction of a new airport. The EA includes information adopted from a 2007 FAA EA, as well as additional information received through publication of a joint agency public notice process. The USACE EA is attached and incorporated by reference.

The FAA prepared an EA dated August 2007 entitled *Environmental Assessment to Develop a New Cleveland Municipal Airport* and a finding of no significant impact (FONSI) dated October 24, 2007, for the construction of the proposed airport. In a letter dated June 15, 2007, TVA requested to be a cooperating agency in the preparation of the FAA EA in accordance with Section 1501.6 of the Council on Environmental Quality's *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (NEPA) and TVA's jurisdictional authority under Section 26a of the *TVA Act*.

Alternatives

At least three separate site selection and evaluation studies have been performed over the last 30 years to address the airport needs for the City of Cleveland, Tennessee. The three studies included the evaluation of a total of 22 potential sites, as well as the expansion of the existing airport. The most recent study was initiated in 2004. These early evaluations are discussed in the FAA's EA. The USACE EA evaluated the following alternatives:

Alternative A – The No Action Alternative

Under this alternative, USACE would not issue the requested permits, and TVA would not issue Section 26a approval for the proposed stream alterations and fill. Consequently, under the No Action Alternative, there would be continued use of the existing airport without any improvements. Adoption of this alternative would not result in the provision of additional runway length or the needed FAA design standard improvements to meet the requirements for an

airport of its size nor would it satisfy the need for an up-to-date airport that could accommodate C-II aircraft as required by current airport users and other community members. Under this alternative, the purpose and need for the proposed project would not be met.

Alternative B – The Applicant’s Proposed Action

Under this alternative, USACE would issue the requested permits, and TVA would approve the proposed stream alterations and fill under Section 26a of the *TVA Act*. These actions would facilitate the eventual construction of a new Cleveland Municipal Airport at a new site. The new site design would meet current FAA design standards and could accommodate C-II aircraft. A south Tasso Road site was determined to be the best site for a new airport in Bradley County, due to lower developmental costs and excellent approaches over industry and open farmland and because it would cause minimal impacts to surrounding communities. Implementation of this alternative would affect 2,283 feet of Little Chatata Creek, 940 feet of an unnamed tributary, and 10.47 acres of wetlands.

Alternative C – The Applicant’s Proposed Action With Special Conditions

This alternative involves the issuance of the requested USACE permits and TVA approvals. It is similar to the second alternative in that a new airport would likely be constructed as a result of these necessary actions. However, the addition of special conditions would reduce adverse impacts to the environment.

Impacts Assessment

The subject site is an approximately 340-acre parcel located along Tasso Road in the Tasso Community, approximately 5 miles northeast of downtown Cleveland. The current land use is for agricultural purposes, primarily open pasture for grazing livestock. The site is characterized by rolling topography. The proposed airport site lies within the Appalachian Valley and Ridge Physiographic Province of East Tennessee. The area is characterized by resistant sandstone and shale ridges with broad valleys and rolling hills of resistant limestone, dolomite, and shale.

Little Chatata Creek and an unnamed tributary of this creek are located on site. The existing on-site streams are presently severely impaired by agricultural practices on site. Many of the stream banks, particularly in the pasture areas, have been adversely impacted by the cattle that enter and exit the channel and graze the riparian vegetation. Little Chatata Creek is a 303(d) listed stream for siltation, habitat loss, and *Escherichia coli* (*E. coli*) bacteria; therefore, any stream alterations would not make the existing situation worse. Stream alterations would involve the encapsulation and relocation of 3,223 feet of Little Chatata and an unnamed tributary of Little Chatata. Because aquatic habitat and biotic diversity of these streams are currently degraded (due to situation and agricultural activities) and because the stream relocation would utilize methodologies to improve stream characteristics relative to aquatic habitat and biotic diversity, overall habitat impacts would be relatively minor. No significant adverse effects to fish and wildlife or their habitats and human uses thereof are expected to result from the proposed action.

Tennessee Department of Environment and Conservation (TDEC) has indicated that a National Pollutant Discharge Elimination System stormwater discharge permit would be required because the project area is greater than 1 acre. A Stormwater Pollution Prevention Plan would be developed for the stream relocation and for the excess storm water runoff from the site. Standard construction-related best management practices would be utilized to reduce impacts to water quality. Any resultant impacts would not significantly worsen the current water quality

of Little Chatata Creek or its tributaries. TDEC issued a CWA Section 401 Water Quality Certification on August 17, 2009.

The southern portion of the proposed airport site has adjacent floodplain areas on either side that may be affected by the relocation/realignment of Little Chatata Creek. A No-Rise Certification has been completed by the construction design consultant (S&ME) and submitted to the Bradley County Engineer.

Approximately 10.47 acres of jurisdictional wetlands are located on the site, all of which would be impacted directly by construction of the project. The existing wetlands are of relatively low quality, consisting primarily of herbaceous vegetation, little or no canopy, and having previously been mowed as part of the agricultural land use. Because the on-site wetlands are considered low quality, and proposed mitigation off site is preferable to on-site mitigation (which could attract waterfowl), the wetland mitigation proposed by CMAA is appropriate, and overall, potential wetland impacts would be insignificant.

As discussed below under Public and Intergovernmental Review, there would be no impacts to federally listed endangered or threatened plant or animal species.

Cultural resource Phase I surveys of the proposed site were conducted in March and April of 2007. Ten archaeological sites were identified, and three were considered potentially eligible for inclusion in the National Register of Historic Places (NRHP). These sites (40BY185, 40BY186, and 40BY192) are described in the USACE EA. Additional Phase II surveys of these sites determined that construction of the proposed airport would result in an adverse effect on Site 40BY192, but that Site 40BY185 would not be disturbed. Site 40BY186 is not considered eligible for the NRHP. Data recovery is underway for Site 40BY192 in accordance with an approved data recovery plan and a memorandum of understanding developed between consulting parties, including TVA, on April 8, 2009. None of the structures in the Tasso Community have enough architectural integrity or historic significance to stand on their own as individual listed properties in the NRHP.

Other human use characteristics and anticipated impacts discussed in the USACE EA include potential impacts to water supplies, water-related recreation, traffic and roadway safety, energy consumption, land use compatibility, air quality, noise, and aesthetics. None of these other resource areas would be significantly impacted by the proposed action. The project would not affect minority or low-income populations disproportionately and would provide positive benefits to the City of Cleveland and to the local economy.

Mitigation

In addition to the requirements of any necessary permits and the General and Standard Conditions contained in the TVA 26a approval, the following mitigation measures would be required by TVA. These measures would be included as conditions of the Section 26a approval.

Off-Site Wetland Mitigation and Stream Relocation

- Compensatory wetland mitigation for impacts to 10.47 acres shall occur off site at a 2:1 ratio on 21 acres of the former Rolling Hills Golf Course in Cleveland. The applicant shall conduct the wetland mitigation according to the "Wetland Mitigation Plan, Proposed Cleveland Airport," dated June 30, 2009, and submitted by S&ME.

- The mitigation wetland site shall be monitored for vegetation, hydrology, and soils with annual reports submitted to TVA for five years. Then, a 7th- and 10th-year tree survival monitoring only shall be conducted. These reports shall also be submitted to TVA. The mitigated wetlands shall at a minimum meet PFOIA (forested wetlands) and PEMIC (emergent wetlands) criteria, a 75 percent survival rate of planted trees and shrubs and a herbaceous areal coverage of approximately 70 percent of the species facultative or wetter at the end of five years. The resultant plant community shall contain less than 10 percent aerial coverage of invasive exotic species (Tennessee Invasive Exotic Plant List; www.tneppc.org.). Removal of such species shall be accomplished by hand.

On-Site Stream Mitigation

- The permittee shall conduct the stream mitigation according to the Final Construction Plans dated July 31, 2009.
- To compensate for some loss of temperature moderation of Little Chatata Creek with the removal of mature canopy and the replacement of reduced height canopy, the permittee shall pay \$18,200 to the Tennessee Stream Mitigation Program. A copy of the purchase agreement shall be submitted to TVA.
- The new stream channel shall be monitored for five years with annual reports submitted to TVA. The report shall document tree survival, species list of volunteer herbaceous and woody species, bank stabilization, and in-stream habitat and substrate stability. Methodology shall follow that as outlined under Stream Mitigation Monitoring in the "TDEC ARAP AND USACE/ TVA JOINT 26A PERMIT APPLICATIONS," document dated September 16, 2008, and the Final Construction Plans dated July 31, 2009.

Required Conservation Easement and Signage

- A copy of the executed and recorded conservation easement document must be sent to TVA within 30 days of recordation. The conservation easement must expressly allow for the creation, restoration, remediation, and monitoring activities required by this permit.

The CMAA shall have the primary responsibility for implementation of these mitigation measures with USACE, TDEC, and TVA to monitor the implementation of the mitigation measures, as appropriate. Copies of annual reports, purchase agreement, and the executed and recorded conservation easement document shall be sent to TVA Chickamauga/Hiwassee Watershed Team office. Wetland and stream monitoring reports shall be due by October 31st of each year.

Public and Intergovernmental Review

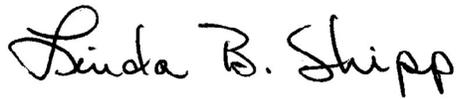
On February 3, 2009, USACE and TVA issued Joint Public Notice 09-02 to advertise the proposed work and to determine the overall public interest of the proposal. Three individuals along with 115 petitioners expressed their views on the proposal. Several requested a public hearing and/or permit denial. The U.S. Fish and Wildlife Service (USFWS), the Bradley County Soil Conservation District, and the Tennessee Historical Commission (THC) were the resource management agencies that responded. By letter dated February 10, 2009, THC stated that, considering available information, the project, as currently proposed, will adversely affect properties that are eligible for listing in the NRHP. Based on the data recovery and the letter from the Tennessee State Historic Preservation Officer of October 5, 2009, TVA concludes that the effects of the construction on historic properties have been taken into account and that

TVA's responsibilities under Section 106 of the *National Historic Preservation Act* have been met.

A USFWS letter dated March 4, 2009, stated that according to USFWS records, there are no federally listed or proposed endangered or threatened plant or animal species in the impact area of the project and that requirements of Section 7(c) of the *Endangered Species Act of 1973*, as amended, are fulfilled. No significant adverse effects to fish and wildlife or their habitats and human uses thereof are expected to result from the proposed work.

Conclusion and Findings

TVA has independently reviewed the USACE EA and found it to be adequate. TVA is therefore adopting the EA. Based on the findings in the EA and the implementation of the stated mitigation measures, TVA concludes that the Section 26a approval for stream alterations and fill as proposed under Alternative C would not be a major federal action significantly affecting the environment. Accordingly, preparation of an environmental impact statement is not required.



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Linda B. Shipp, Senior Manager
NEPA Compliance
Office of Environment and Research
Tennessee Valley Authority

Date Signed