

**ADOPTION AND FINDING OF NO SIGNIFICANT IMPACT**  
**TENNESSEE VALLEY AUTHORITY**  
THE CLIFFS AT HIGH CAROLINA  
BUNCOMBE COUNTY, NORTH CAROLINA

The Cliffs Communities Inc. proposes to construct a golf course and a residential development, The Cliffs at High Carolina, on a 2,980-acre tract near Fairview in Buncombe County, North Carolina. The proposed development would provide residential housing and recreational opportunities for the growing community in and around Asheville, North Carolina. The proposal consists of approximately 1,400 single-family home lots, an 18-hole golf course, clubhouse village, golf practice range, short-game learning facility, putting and chipping green, and wastewater treatment facility.

The proposed development requires approval by the Tennessee Valley Authority (TVA) under Section 26a of the TVA Act for various activities that would impact on-site streams and wetlands. It also requires approval from the United States Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act; an individual Section 404 Permit was issued by the USACE in April 2010. The USACE prepared an environmental assessment (EA) and issued a finding of no significant impact (FONSI) on April 20, 2010, evaluating the potential environmental impacts of its issuance of a Section 404 Permit and the subsequent development activities. The USACE's EA was used as the basis for completing TVA's environmental review, and it is incorporated herein by reference.

**Alternatives**

TVA's analysis included two alternatives: the No Action Alternative and the Applicant's Proposed Action. Through additional avoidance and minimization, the applicant's original proposal was amended to reduce environmental impacts. The implementation of the No Action Alternative would result in the denial or withdrawal of the applicant's request for Section 26a approval to facilitate the construction of its planned golf course and residential development. Under the Action Alternative, TVA would issue Section 26a approval for the applicant's proposal, with the additional avoidance and minimization requirements included in the USACE EA, for actions that would impact streams and wetlands within the golf course and residential community development. TVA's Preferred Alternative is the Applicant's Proposed Action.

**Impacts Assessment**

No federally or state-listed endangered or threatened species or habitat to support these species are known from the project area. Consequently, there would be no effect on federally listed as endangered and threatened or state-listed species. The United States Fish and Wildlife Service (USFWS) concurred with this determination in a letter dated August 7, 2008. No land emissions of pollutants, hazardous waste, or waste requiring special handling and disposal are anticipated. The proposed project would provide an overall benefit to the local economy of Buncombe County. No designated floodways or floodplains would be affected. Impacts of the proposed action to recreation, water quality, floodways or floodplains, prime farmland, aesthetics, terrestrial ecology, air quality, and noise would be insignificant.

The Cliffs Communities has developed extensive site development and landscape guidelines for residential units of the High Carolina development. These guidelines require the preparation of site-specific erosion control plans, grading and drainage plans, and tree removal/replacement plans. Homeowners are required to comply with these plans and guidelines via deed covenants. Residential lots have been sited to protect existing tree cover, and the guidelines require replacement of trees removed. Deed covenants include drainage, storm water management, and minimum square footage and height requirements. Compliance with these measures would minimize residential site impacts to water quality, visual quality, and terrestrial biological resources.

The proposed action would result in permanent impacts to 3,132 linear feet of streams and temporary impacts to 160 linear feet of streams, 0.223 acre of wetlands, and 0.03 acre of open water. Permanent and temporary impacts to streams and wetlands would be mitigated both on site and off site of the proposed development. The on-site mitigation would include restoring 534 linear feet of streams and 0.0014 acre of wetland. Planned off-site mitigation would be accomplished through payment to the North Carolina Ecosystem Enhancement Program in-lieu fee fund and by restoration and enhancement stream activities at the Shoal Falls site (Crab and Shoal creeks) in Henderson County, North Carolina. The off-site restoration includes 2,416 linear feet of stream restoration and 0.2 acre of wetland restoration.

Archaeological Site 31BN912 occurs in the area of potential effect and was determined to be eligible for inclusion in the National Register of Historic Places. A memorandum of agreement (MOA) on the avoidance of impacts to Site 31BN912 was developed in consultation with USACE, TVA, and the North Carolina State Historic Preservation Officer (SHPO). The MOA was finalized and signed on July 10, 2009. With implementation of stipulations in the MOA, impacts to cultural resources would be insignificant.

### **Public and Intergovernmental Review**

The USACE issued a public notice on July 3, 2008, in response to The Cliffs Communities Section 404 Permit application. Comments were received from the USFWS, North Carolina Wildlife Resources Commission, North Carolina SHPO, the Southern Environmental Law Center, and several members of the public. Comments received during the comment period have been addressed in the USACE EA and FONSI issued on April 20, 2010.

### **Mitigation and Permit Conditions**

Implementation of the special conditions and best management practices outlined in the USACE EA and FONSI during construction will minimize potential environmental effects. TVA will impose a special condition in the Section 26a Permit stating that all work shall be conducted in accordance with the executed MOA between the USACE, the North Carolina SHPO, the Cliff Communities, and TVA. TVA has not identified the need for additional measures to further reduce impacts.

### **Conclusion and Findings**

TVA has independently reviewed the USACE EA and found it to be adequate. TVA is therefore adopting the 2010 USACE EA. TVA concludes 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 FONSI is contingent upon adherence to the special permit condition described above.



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Susan J. Kelly, Senior Manager  
Federal Determinations  
Environmental Permits and Compliance  
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Date Signed