

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
SECTION 26A APPROVAL OF WATER USE FACILITIES, DOUBLEHEAD
RESORT, TENNESSEE RIVER MILE 272.25, LEFT BANK, WILSON
RESERVOIR, LAWRENCE COUNTY, ALABAMA

S.S.I. Doublehead Resort, Inc., (Doublehead) plans to expand its existing resort by developing housing and other facilities on an adjacent 106-acre tract of land. Doublehead Resort is located within the Town Creek Embayment of Wilson Reservoir at Tennessee River Mile 272.2 along the left descending bank in Lawrence County, Alabama. In March 2006, Doublehead submitted applications to the Tennessee Valley Authority (TVA) and U.S. Army Corps of Engineers (USACE) for approval under Section 26a of the TVA Act and Section 10 of the Rivers and Harbors Act of water use facilities to serve the resort expansion. The USACE issued an environmental assessment (EA) of its permitting action on October 10, 2007; this EA is incorporated by reference.

USACE evaluated the following four alternatives: 1) No Action, under which the permit request would be denied; 2) The Applicant's Proposal – approval to construct two community boat docks with a total of 70 slips, 19 private day use piers, two public fishing piers, and dredging a total of 29,630 cubic yards from below normal summer pool for a 2000 by 100 foot boat access channel; 3) Other Locations for the Dock Facilities, under which the applicant would relocate the development to a different reservoir; 4) The Applicant's Proposal with Special Conditions – approval with special conditions to minimize impacts on water quality, cultural resources, wetlands, and navigation.

The EA indicated that impacts to air quality, wildlife habitat, visual resources, noise, and environmental justice from the proposal would be insignificant. In order to reduce impacts to wetlands, water quality, aquatic life, and cultural resources, special permit conditions would be incorporated into the USACE permit and TVA's Section 26a approval. With adherence to the special permit conditions, potential effects to wetlands, water quality, aquatic life, and cultural resources would be insignificant. There would be no impact to flood control, and the proposal complies with Executive Order 11988 on floodplain management. Potential effects to the recreational experience or safety of boaters would be negligible.

A joint public notice, PN06-113, was published on October 17, 2006, to advertise the proposed work. In a November 13, 2006, response to the notice, the U.S. Fish and Wildlife Service (USFWS) stated that the proposed project would not cause adverse effects to listed species and that the requirements of Section 7 of the Endangered Species Act have been fulfilled. TVA has independently determined that no federally or state-listed endangered or threatened species would be affected. The Alabama Department of Conservation and Natural Resources responded to the public notice on November 16, 2006, by stating that it has no objection provided that four additional conditions are met. One of these conditions dealt with listed species which would not be affected. The other three were standard conditions of TVA 26a permits. On October 3, 2007, the Alabama Department of Environmental Management confirmed that individual water quality certification was not required for the permitting actions. The Alabama Historical Commission concurred with TVA's finding that the proposed action

would have no effect on historic properties in a letter dated June 14, 2007 provided that archaeological sites 1La141 and 1La131 are avoided.

Mitigation and Special Permit Conditions

The USACE Section 10 Permit approval is dependent on several special conditions incorporated into Alternative 4. Most of these USACE special conditions are routine conditions of TVA permits. In addition to adherence to routine permit conditions, including the use of construction-related best management practices, the following special permit conditions would be included in TVA's Section 26a approval in order to reduce the potential for adverse environmental effects:

Within the delineated wetland area:

- There shall be no removal, destruction, cutting, trimming, mowing, alteration, or spraying with biocides of any vegetation, nor any disturbance or change in the natural habitat in any manner without prior written approval from the TVA. There shall be no planting of any non-native species of vegetation.
- There shall be no agricultural, commercial, or industrial activity undertaken or allowed. Furthermore, nothing contained herein shall preclude the maintenance, repair, or replacement of existing utilities located in the wetland area or any activity in connection therewith.
- There shall be no filling, excavating, dredging, mining or drilling; nor removal of topsoil, sand, gravel, rock, minerals or other materials; nor any dumping of ashes, trash, garbage, or of any other material; and no changing of the topography of the land in any manner.
- There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or any other structures.
- There shall be no disruption of flow pattern by damming, dredging, or construction in any free flowing water body; nor construction of any weirs, or dikes in any marshland; nor any manipulation or alteration of natural water courses, ponds, marshes, wetlands or other water bodies; nor any activities or uses detrimental to water purity.
- Other than utility vehicles, there shall be no operation of dune buggies, motorcycles, all-terrain vehicles, or any other types of motorized or non-motorized vehicles in the wetland area outside of the designated path to the pavilion, playground, and fishing piers.
- There shall be no construction or placing of temporary or permanent buildings, bridges, docks, piers, or other structures without prior written approval from TVA and the USACE.
- The wetland boundary should be marked in a sufficient manner as to make users and property owners aware of the area and the restrictions of activities within the area.
- Doublehead will not sell, assign, or otherwise alienate the wetland as delineated on the enclosed map to a third party, in whole or in part, without placing a restriction in the transfer agreement that prevents disturbance of the wetland area.

For the protection of archaeological sites:

- A 100-foot protective buffer must be established around Site 1La141 which would be marked by a permanent obstructive barrier. The site and barrier must be left undisturbed.

- Doublehead must not sell, assign or otherwise alienate Site 1La141 and the buffer area to a third party, in whole or in part, without placing a restriction in the transfer agreement that prevents disturbance of the site and buffer area.

Although no development in its vicinity is proposed, TVA and the Alabama Historical Commission will inspect Site 1La131 after construction is completed to verify that it was not disturbed. TVA has not identified the need for additional mitigation measures to further reduce the potential environmental impacts.

Conclusion and Findings

We have independently reviewed the USACE EA and conclude that the EA adequately assesses the environmental impacts of the proposed action. We conclude that Section 26a approval of two community and 19 individual water use facilities, two public fishing piers, and excavation totaling 29,630 cubic yards below normal summer pool 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 conditions and other measures described above.



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Date Signed