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FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY

ERWIN MARINE PROPOSED COMMERCIAL RECREATION EASEMENT AND WATER USE FACILITIES, GUNTERSVILLE RESERVOIR, MARSHALL COUNTY, ALABAMA

Erwin Marine Sales Inc. (Erwin Marine) proposes to further develop approximately 8.8 acres of Tennessee Valley Authority (TVA) property and an adjoining 4 acres of private property on Guntersville Reservoir in Marshall County, Alabama, for commercial recreation purposes. The property lies along the right-descending bank of Honeycomb Creek Mile 2.3, a tributary to Tennessee River Mile 352. In March 2007, Erwin Marine requested that TVA and the U.S. Army Corps of Engineers (USACE) approve a marina and expansion of existing harbor limits. In June 2007, Erwin Marine requested that TVA grant a 30-year commercial recreation easement on an 8.8-acre portion of TVA property to allow the further development of the marina, including roads and parking associated with the proposal, pedestrian use facilities, and extensive landscaping with native plants. The potential effects of the proposed action have been evaluated in an environmental assessment (EA) prepared by TVA; this EA is incorporated by reference. USACE cooperated with TVA in the development of the EA. The proposal was the subject of a joint public notice issued by USACE and TVA in October 2007. Comments on the public notice were considered in the development of the draft EA, which was issued for public comment in April 2008. The comments on the draft EA are addressed in the final EA.

The EA evaluates two alternatives, the No Action Alternative and the Action Alternative – Applicant’s Proposal. Under the No Action Alternative, the request for a term commercial recreation easement and permit under Section 26a of the *TVA Act* would be denied. TVA Tract XGR-6PT2 would remain allocated for developed recreation purposes. The two-year term license agreement with Erwin Marine for the continued operation of the commercial marina would expire in July 2009, and management of the property would revert to TVA. Under the Action Alternative, TVA and USACE would grant Erwin Marine the necessary easement and permits to construct the proposed marina, extension of existing harbor limits, a launching ramp, excavation below normal summer pool, roads, parking, extensive landscaping with native plants, and a pedestrian use plan on the proposed easement area.

The EA concludes that impacts to terrestrial ecology, aquatic ecology, threatened or endangered terrestrial animal species and their habitats, water quality, navigation, recreation, land use, floodplains, and visual resources from the Action Alternative would be insignificant. There would be no impacts to threatened or endangered species or their habitats, wetlands, prime farmland, and cultural resources, and the Action Alternative is consistent with Executive Order 11988. The U.S. Fish and Wildlife Service and the Alabama State Historical Preservation Officer have concurred with the determination on threatened or endangered species and cultural resources, respectively.

Mitigation and Permit Conditions

In addition to adherence to routine permit conditions, including the use of construction-related best management practices (BMPs), the following mitigation measures and permit conditions

would be required. These measures and conditions would reduce the potential for adverse environmental effects.

- Construction of the new launching ramp, courtesy pier, and associated parking to benefit the general public will be complete prior to the original ramp being closed.
- Access to the harbor area under the TVA 161-kV transmission line will be restricted for sailboats.
- The harbor limits will be modified slightly on the downstream end to follow closely the end of Dock 1 and then the outside edge of the transient slips as shown in Figure 3-1 of the EA.
- Material finishes of all exposed roofing materials for water use facilities shall be nonreflective and analogous in color to the surrounding landscape.
- Prior to construction, the applicant will develop and submit for TVA's approval a vegetation management plan for the proposed easement area and the shoreline. Only the native plants listed in Appendix D of the EA will be approved within the transmission line right-of-way.
- No permanent structures will be located within the transmission line right-of-way that would be a potential fire hazard or would impede maintenance of the existing transmission line or construction of future transmission lines.
- The transient boat slips will not be covered with a roof.
- Dredging activities will occur during winter drawdown conditions on Guntersville Reservoir (normally October through March).

Conclusion and Findings

TVA has assessed the potential impacts associated with the proposed action. We conclude that, with the permit conditions and mitigation measures to minimize adverse environmental impacts, the approval of a term commercial recreation easement over a portion of XGR-6PT2 and Section 26a approval of the proposed marina, extension of existing harbor limits, a launching ramp, excavation below normal summer pool, roads, parking, extensive landscaping with native plants, and pedestrian use facilities would not be a major federal action significantly affecting the quality of the environment. Accordingly, preparation of an environmental impact statement is not required.



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Date Signed