

**FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY**

FORREST CROSSING DEVELOPMENT

**REQUEST FOR PERMANENT EASEMENT FOR ROAD AND UTILITIES
RIGHT-OF-WAY (ROW) ACROSS TVA LAND AND SECTION 26a PERMIT
FOR ROAD, UTILITIES, SHORELINE STABILIZATION, AND TO CONSTRUCT
RECREATIONAL VEHICLE CAMPING LOTS ON PRIVATE PROPERTY,
SALE TRACT NO. XGIR-940H (PLANNED TRACT NO. 262PT),
TENNESSEE RIVER MILE 157.9L, KENTUCKY RESERVOIR,
DECATUR COUNTY, TENNESSEE – FINDING OF NO
SIGNIFICANT IMPACT (FONSI)**

Proposed Action and Need

Dr. James M. Lee has proposed that the Tennessee Valley Authority (TVA) grant him a permanent easement and right-of-way (ROW) to access his property for the construction and sale of RV camping lots. Additionally, Section 26a approval is needed for construction, use and maintenance of a road, aerial and underground utilities across the easement area; shoreline stabilization, and development of recreational vehicle (RV) campsites. Because federal approval would be needed to gain access to this property and proposed actions on the property need approval under Section 26a, TVA assessed the impacts on the entire site. TVA review indicated that the project could affect historic properties. In addition, the project would affect a large land area and would be located in the floodplain. Accordingly, TVA decided to prepare the attached EA to better understand the nature and significance of the affects on the cultural resources sites and floodplains, and assess the impacts of the entire proposed Forrest Crossing Development.

Alternatives and Impact Assessment

The two alternatives under consideration in this EA are the Action Alternative under which TVA would grant the requested permanent easement and approve the private land development under Section 26a, and the No Action Alternative.

Under the No Action Alternative, TVA would not grant an easement across Tract No. GIR-7666 or issue Section 26a permit approval for the road and utilities needed to support RV camp lots development or approve the shoreline stabilization. Because it is surrounded by TVA land, Kentucky Reservoir, and Penny Hassell Branch, the applicant's private property would remain land-locked; however, TVA would continue to allow access across its property for agricultural purposes.

Under the Action Alternative, TVA would grant a permanent easement and approve a Section 26a permit. This would allow Dr. Lee to construct, use and maintain an access road, aerial electric lines, and underground waterlines across TVA fee owned property (Tract XGIR-940H). Also, Section 26a permit approval would be issued for construction within the ROW as well as for the proposed fill and construction of the road and utilities,

shoreline stabilization, and RV campsite development on his private land (Tract No. GIR-7673F).

The RV campground would be located within the limits of the 100-year floodplain and also below the TVA Flood Risk Profile or elevation 389.5 msl. For compliance with Executive Order 11988 (Floodplains Management), a road, underground and overhead utilities, and riprap are considered to be repetitive actions in the floodplain that generally result in minor floodplain impacts. The RV campground is considered to be a recreational use of the floodplain that would not result in adverse floodplain impacts. TVA is not promoting unwise development in the floodplain because of the recreational nature of the project. From the standpoint of flood control, the proposed project and permanent easement would have insignificant impacts because fill from the road has been minimized and RVs are required to remain mobile.

TVA has determined, in consultation with the Tennessee State Historic Preservation Officer (TN SHPO) and other consulting parties, that the proposed development without any mitigation would adversely affect historic properties that are listed, potentially eligible or eligible for listing in the National Register of Historic Places (NRHP). Therefore, in order to mitigate the adverse effects of the undertaking, TVA, in consultation with the TN SHPO, has developed a Memorandum of Agreement (MOA) which addresses the identification, evaluation, phased assessment, and treatment of adverse effects on listed or eligible NRHP historic resources in Area 1 of the area of potential effect (APE). The provisions and stipulations of the executed MOA (Appendix C in the EA) are incorporated by reference in this EA and, to ensure TVA's compliance with Section 106 of the National Historic Preservation Act, Dr. Lee will adhere to them.

Mitigation Measures

No significant environmental effects are expected to occur from the proposed project provided protective commitments and needed mitigation measures outlined below are implemented in accordance any MOA specified schedule, or otherwise, in a timely manner. General and Standard Conditions included in TVA Section 26a and Land Use approvals, particularly those standard conditions associated with structures and facilities, ownership rights, shoreline modification and stabilization, and best management practices, will be required to prevent or minimize negative impacts. These conditions are included in Appendix E of the FEA.

In addition to these conditions, approval of this action will include the following special commitments.

- 1). For the portions of the RV campground that will be located below the TVA Flood Risk Profile elevation or elevation 389.5 msl, the following commitments shall be included in the grant of permanent easement:
 1. All trailers and recreational vehicles (units) will remain truly mobile and ready for highway use.
 2. No unit will be located on the site for more than 180 consecutive days.
 3. No unit will be left unattended for more than 24 hours at a time from November 1 through March 31 of each year.

Commitments 2 and 3 will not apply if the RV campground has (1) a resident manager, (2) access to allow for the safe evacuation of units and their owners/users in the event of flooding, and (3) an evacuation plan reviewed and approved by the local Emergency Management Agency is developed.

- 2). From the standpoint of flood control, the proposed project and permanent easement would have insignificant impacts because the following commitments would be included in the final permit approval and the permanent easement:
 1. The road fill shall not exceed 25 feet in width within the 50-foot road right-of-way.
 2. Dr. James M. Lee, his designees, heirs, assigns, or transferees will notify TVA and obtain its advance approval if:
 - a. Any future facilities or equipment subject to flood damage or not flood-proofed is proposed to be located on land below the TVA Flood Risk Profile elevation 389.5 msl.
- 3). Dr. James M. Lee (owner of Forrest Crossing Development) will adhere to the provisions and stipulations of the executed MOA (Appendix C).
- 4). Approximately 11,722 cubic yards of limestone riprap are proposed to be placed between elevations 359.0 and 378.0 msl along about 3100 feet of Kentucky Reservoir's shoreline. The following conditions, agreed upon by the TN SHPO, will be included in TVA's Section 26a permit:
 1. No excavation or reshaping of the river bank will occur;
 2. All vegetation removed will be cut above ground and by hand; and
 3. Work will be conducted during dry conditions.

Public and Intergovernmental Review

TVA issued a public notice that appeared in the The News Leader (Parsons, Tennessee) and Wayne County News on August 28 and September 4, 2002, respectively. Supportive responses to the notice were received from the mayors of the cities of Parsons and Decaturville, the Decatur County Executive, and the Decatur County Chamber of Commerce. The public notice was also posted at the Parsons City Hall; Decatur County Public Library, Courthouse, and Office of the County Executive; Clifton City Hall, Mayor's Office of Clifton, and Clifton Library.

In a letter dated January 27, 2003, the Tennessee Historical Commission (THC) informed TVA that it concurred that historic properties may be adversely affected by the proposed undertaking and that phased compliance is an appropriate strategy for meeting TVA's Section 106 obligations. Also, THC agreed that a MOA should be developed in consultation with all consulting parties that outlines the phased approach Section 106 compliance and the effects of the undertaking on historic properties within the APE. Adverse affects on historic properties will be avoided or mitigated through implementation of the executed MOA.

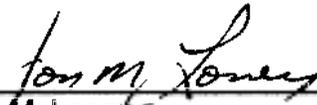
The draft EA was distributed to 16 other federal, state, and local agencies and tribal and conservation organizations on March 27; and it was posted on the TVA website on April 3, 2003. All issues raised by reviewers are addressed in this EA. TDEC issued its conditional water quality certification for the shoreline stabilization portion of the project on October 28, 2002. In a letter dated April 14, 2003, USACE acknowledged its previous review of the shoreline stabilization and expressed gratitude for the opportunity to review the draft EA. In its letter of April 21, 2003, the Southwest Tennessee Development District concurred that development of the RV campground would be in the floodplain and because of TVA proposed requirements, no adverse impacts would occur. On April 21, 2003, the U.S.

Department of the Interior, Office of Environmental Policy and Compliance indicated that the RV park would be situated on tribal lands of the Eastern Band of the Cherokee. Based on consultation with the Eastern Band, TVA had determined that the project would not take place on current or formal tribal lands of the Cherokee. However, TVA consulted with the Chickasaw Nation during the development of this EA and MOA because this area is within former Chickasaw Tribal lands. In its response dated April 24, 2001, the U.S. Fish and Wildlife Service indicated that no significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

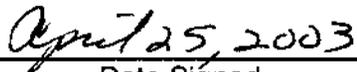
Conclusion and Findings

After review of the EA, TVA finds that the impacts of implementing the Action Alternative would be insignificant. This includes granting a permanent easement across Tract No. XGIR-940H and issuing a Section 26a permit to Dr. James M. Lee for a road, utilities, shoreline stabilization and construction and sale of RV camping lots on Tract No. GIR-7673F, Kentucky Reservoir. Impacts on cultural resources and floodplains would either be avoided, minor and insignificant, or mitigated provided required commitments are implemented.

In total, approval of these actions for Dr. Lee would not have a significant impact on the quality of the environment provided the above commitments are implemented. Accordingly, an environmental impact statement is not required.



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



Date Signed