

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
GULF COAST DEVELOPMENT SECTION 26A APPROVAL FOR WETLAND FILL
AND IMPROVED STREAM CROSSINGS
BETTS SPRING BRANCH - MADISON COUNTY, ALABAMA

Proposed Action and Need

Gulf Coast Development, LLC proposes to fill 4.76 acres of wetlands and excavate 4.16 acres of additional wetlands for the widening of two existing road crossings over Betts Spring Branch and construction of a lake. The proposed Lake Forest Subdivision would be constructed on a 365-acre site. Federal approval for the widening of the road crossings and wetland fill is needed from the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act and from TVA under Section 26a of the TVA Act. Other than these permits, there is no additional federal involvement in the Lake Forest Subdivision. The applicant proposes to mitigate for the loss of the 8.92 acres of wetlands by creating 10.58 acres of on-site wetlands adjacent to the existing wetland system. Proposed mitigation also includes placing an additional 88.84 acres of wetlands and upland buffers (total of 109.42 acres) into a conservation easement to be held by the city of Huntsville as part of their Greenway and Open Space Plan.

Public and Intergovernmental Review

On March 5, 2004, USACE issued Public Notice 04-15 to advertise the proposed work. Agencies providing comments were the Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (USFWS), and the Alabama Historical Commission (AHC). In summary, the agencies did not object to the project and recommended special conditions that have been included in the Department of the Army Permit (attached). The Edgewater Owners Association, Inc. (EOA), representing the adjacent subdivision, was opposed to the project. In addition to environmental concerns, EOA was concerned with the proposed development's third road that would connect to Edgewater Drive, which is currently a dead-end road in the Edgewater development. Mr. Arthur S. Kirkendall of the city of Madison Planning and Zoning Commission requested a formal public hearing. The USACE environmental assessment (EA) addresses these comments in detail, including their determination that a public hearing was not warranted.

Impacts Assessment

The USACE prepared an EA and on November 17, 2004, issued a Finding of No Significant Impact (FONSI) for this project. On October 27, 2004, the Alabama Department of Environmental Management (ADEM) issued a Section 401 Water Quality Certification for the project. TVA has independently reviewed the USACE EA and FONSI and the water quality certification and confirmed their findings. TVA has decided to adopt the USACE EA. It is attached and incorporated by reference. No National Register of Historic Places listed or eligible properties or threatened or endangered species that are federally listed would be affected. Impacts to surface water and the aquatic environment resulting from the proposed activities would be insignificant with the implementation of Best Management Practices for erosion and sediment control (TVA Standard Conditions 6a, 6d, 6e, and 6h).

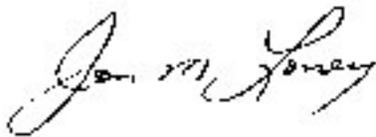
The proposed development would impact a total of 8.92 acres of the 104.61 acres of jurisdictional wetlands on the property owned by the applicant. Specifically, 1.68 acres of the wetlands would be filled due to road expansions and utility construction and the proposed lake would result in the filling of 3.08 acres of the wetland and excavation of 4.16 acres. The original wetlands surrounding Betts Spring were impacted by the construction of Lady Ann dam and lake and the Edgewater community. The remnants of the original wetland system begin below the dam on the applicant's property and continue downstream along Betts Spring Branch eventually ending in the Wheeler Wildlife Refuge five miles downstream.

Mitigation

In order to mitigate for the wetland loss, the applicant would create 10.58 acres of new wetlands on-site adjacent to the existing wetland system. The proposed mitigation area would reconnect two wetland areas, resulting in a larger contiguous wetland system. Additionally, 88.84 acres of wetlands and 20.58 acres of upland buffers (a total of 109.42 acres) would be deeded to the city of Huntsville to be held in the Greenway and Open Space Plan for long term protection. TVA concurs that the project impacts would be insignificant with the proposed wetland mitigation. The special conditions included in the DA permit and ADEM water quality certification would result in insignificant impacts.

Conclusion and Findings

For compliance with Section 106, TVA has determined that no historic properties would be affected. By letter of September 20, 2004, the Alabama Historical Commission concurred with this determination. By letter of April 12, 2004, USFWS had no objections to the project provided their recommendations and those outlined in the engineering designs for the project were followed. For compliance with Executive Order 11988, road crossings are considered to be repetitive actions in the floodplain, and Madison County and the cities of Huntsville and Madison participate in the National Flood Insurance Program. Based on the USACE EA, the ADEM Section 401 Water Quality Certification, and TVA's further review, we conclude that the proposed action would not be a major federal action significantly affecting the environment. Accordingly, an Environmental Impact Statement is not required.



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Date Signed