

**FINDING OF NO SIGNIFICANT IMPACT AND ADOPTION OF  
U.S. ARMY CORPS OF ENGINEERS ENVIRONMENTAL ASSESSMENT  
TENNESSEE VALLEY AUTHORITY**

**PROPOSED RIPRAP BANK STABILIZATION AND INSTALLATION OF UTILITY POLES  
BETWEEN TENNESSEE RIVER MILES 147.2-152.8, RIGHT BANK, KENTUCKY LAKE  
PERRY COUNTY, TENNESSEE**

Pursuant to Section 26a of the *Tennessee Valley Authority (TVA) Act*, Meriwether Lewis Electric Cooperative requested approval to install aerial utility poles for a 7.2-kilovolt (kV) power line on private property adjacent to the east bank of the Tennessee River approximately from Tennessee River Mile (TRM) 147 to TRM 153 in Perry County, Tennessee. TVA holds a flowage easement over the subject property and exercises Section 26a jurisdiction in this matter because the utility poles could potentially affect flood storage or navigation.

Coincidentally, GGP LLC submitted a joint application to TVA and to the U.S. Army Corps of Engineers (USACE) to perform bank stabilization by installing approximately 5.8 miles of riprap along the shoreline of much of the same property from TRM 147.2 to 152.8 (right bank) and to construct two boat ramps. Additionally, GGP requested TVA approval to install approximately 21,500 linear feet of buried water line and to construct a roadway on its inland property. The roadway would require approximately 1,500 cubic yards of fill. The location of the proposed actions is shown as Figure 1. These proposed actions are subject to TVA approval under Section 26a. The proposed riprap and boat ramps are subject to USACE approval under Section 10 of the *Rivers and Harbors Act of 1899* and Section 404 of the *Clean Water Act*. The deposit of fill material associated with the proposed boat ramps meets the USACE criteria for Nationwide Permit #36.

The proposed bank stabilization would be accomplished by installing riprap between TRM 147.2 and 152.8 (right bank). Bottom elevation of the riprap would be 356.0 feet mean sea level (msl), and the top elevation would be 366.0 feet msl. Normal summer pool elevation is 359 feet msl. Following initial environmental review and in response to concerns from the U.S. Fish and Wildlife Service (USFWS), the Tennessee Wildlife Resources Agency (TWRA), and the Tennessee Department of Environment and Conservation (TDEC), GGP modified the proposal to reduce potential effects to wetlands and aquatic life. Specifically, GGP would not install riprap from TRM 151.5 to 152.5 to protect wetlands. Additionally, GGP changed the location of the proposed boat ramps to the main channel at TRM 149.1 and TRM 149.9 and would not place riprap in Powell Branch or Forked Field Slough.

The actions proposed by GGP are associated with the development of its property for a recreational campground. The placement of the utility poles as described above would allow Meriwether Lewis to provide electric service to the proposed campground.



0 1,100 2,200 4,400 6,600 8,800 Feet

- Launching Ramp Location
- Road and Water Line Location
- Electric Line Location
- Riprap Location

GGP, LLC. & Meriwether Lewis Electric Coop.  
 Tract. No's - GIR- 7908F, 7909F, 7910F,  
 7911F, 7912F, 7951F  
 White Oak/Hardin Landings  
 Perry County, TN  
 TRM- 149-152.5R  
 RLR#'s 182536 & 181702  
 182535 & 181704

Maps:  
 C/D: 236-D & 240-D  
 Quad: 23NE



**Figure 1. Location of Proposed Activities - GGP LLC and Meriwether Lewis Electric Cooperative, Perry County, Tennessee**

## Alternatives

The USACE environmental review dealt only with the request from GGP for riprap and the boat ramps. GGP's request regarding the road and the water lines and the entirety of the request from Meriwether Lewis are outside USACE jurisdiction and were beyond the scope of the USACE review. The following four alternatives were evaluated in the USACE environmental assessment (EA).

- *No Action.* USACE would not issue the requested permit. Consequently, the proposed bank stabilization would likely not take place, nor would the boat ramps be constructed.
- *The Proposed Action.* USACE would approve the placement of 7.4 miles (38,864 feet) of limestone riprap bank stabilization to minimize erosion and the construction of two launching ramps as described in the public notice.
- *The Revised Action.* USACE would approve the applicant's revised proposed action, under which 4,000 feet of riprap bank stabilization would be eliminated and the two launching ramps would be located on the main channel of the Tennessee River.
- *The Revised Action With Special Conditions.* USACE would approve the applicant's request as described in the Revised Action Alternative above with the inclusion of additional special conditions that would minimize unavoidable adverse environmental effects. With the exception of the mitigation measures listed below, these special conditions are routine conditions for TVA approvals.

## Impacts Assessment

TVA initiated the environmental review of the proposals by both applicants in the form of a Categorical Exclusion Checklist (CEC #17387). That document is incorporated by reference and is attached as Appendix A. USACE completed an EA regarding the riprap and boat ramps proposed by GGP and issued a finding of no significant impact (FONSI) on February 23, 2009. That document is attached as Appendix B.

The proposed action by Meriwether Lewis involves the construction of a 7.2-kV overhead power line to serve recreational vehicles located within the limits of the 100-year floodplain. Consistent with Executive Order 11988, an overhead power line is considered a repetitive action in the floodplain and would not result in adverse impacts, provided the power line does not foster unwise floodplain development. Recreational use of the floodplain (recreational vehicles in this case) is considered to be acceptable, provided adverse floodplain-related impacts are minimized in accordance with stipulations stated in the December 11, 2007, letters (see Appendix C) to GGP. Provided GGP abides by the conditions stated in these letters, no significant impacts to flood control ability are expected.

The GGP proposal involves the construction of two boat ramps, a road, underground water line, and the placement of riprap within the limits of the 100-year floodplain. These actions are considered repetitive actions that would not result in adverse floodplain effects. Thus, the actions proposed by GGP are consistent with Executive Order 11988. The proposed riprap would not displace flood control or power storage because the amount of material required is less than the amount of material that has been lost to erosion. The proposed road would require less than 1 acre-foot of fill.

Because GGP modified its proposal to avoid potentially affected wetland areas, any potential effects to wetlands would be minor and insignificant. Wetlands would not be affected by the placement of utility poles or the location of the road or water lines.

USFWS and TWRA noted the presence of the orange-foot pimpleback, a federally listed as endangered mussel species within a mile of the proposed action. TWRA also cited records of the listed as endangered pink mucket mussel near the project area. Normal winter pool at the project site is 354 feet msl. As proposed by GGP, the lowest extent of the riprap would be at elevation 356.0 msl. Because the proposed work would be done “in the dry” in the winter during low water, no effects to the listed mussels are expected. A mussel survey at the sites of the proposed boat ramps revealed the presence of few mussels, none of which are listed as endangered or threatened. In a September 24, 2008, letter (see Appendix D in the USACE EA for copies of project correspondence), USFWS found the survey adequate and supported the conclusion of “not likely to adversely affect” with respect to threatened or endangered species or critical habitat.

Numerous belted kingfisher nesting burrows are present in the riverbank within the project area. The belted kingfisher is not a listed species, but is a migratory bird afforded protection under Executive Order 13186 (Responsibility of Federal Agencies to Protect Migratory Birds). As a mitigative measure, TVA has required GGP to avoid placing riprap within 2 feet of any kingfisher burrows (see Mitigation below). With this measure in place, any potential effects to belted kingfishers would be minor and insignificant.

The applicant conducted a Phase I cultural resources survey<sup>1</sup> on the entire inland portion of the project site, i.e., the area to be developed, including the entire length of the shoreline involved. That survey revealed the presence of one archaeological resource on inland GGP property that was potentially eligible for listing in the National Register of Historic Places. GGP agreed to an avoidance strategy in the form of restrictive covenants placed on Lots 152, 153, and 154 of its development (see Appendix H in the USACE EA). With adherence to the *Declaration of Restrictive Covenants and Agreement* between TVA and GGP, potential effects to historic resources from the proposed riprap, boat ramps, and infrastructure improvements would be insignificant.

GGP secured a Water Quality Certification from the State of Tennessee in accordance with Section 401(a)(1) of the *Clean Water Act* on July 7, 2008 (see Appendix E of the USACE EA). Potential effects to water quality are expected to be minor and insignificant.

No adverse impacts to navigation or recreation are expected, and potential effects to aesthetic quality are expected to be insignificant.

The request by GGP for approval of the riprap and boat ramps was the subject of USACE Public Notice 08-15 issued on March 13, 2008. The public notice is included as Appendix B in the USACE EA. The Tennessee Historical Commission responded to the public notice by letter dated March 19, 2008, and recommended an archaeological survey. The Jena Band of Choctaw Indians informed TVA by letter of August 19, 2008 (see Appendix C) that there would be no significant impact in regard to the Jena Band. The Tennessee State Historic Preservation Officer concurred with the restrictive covenant agreement by letter of February 10, 2009 (see Appendix D of the USACE EA). USFWS responded to the public notice by letter dated April 11,

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<sup>1</sup> *Phase I Archaeological Survey for a Proposed Hardin and White Oak Landings Development, Perry County, Tennessee*. Prepared by DuVall & Associates, Inc., Franklin, Tennessee, May 2008.

2008, noting potential impacts to wetlands and endangered mussels. TWRA responded by letter on April 14, 2008, and expressed concerns about potential effects to mussels and to wetlands. The concerns expressed by these commenters were addressed in the EA.

### **Mitigation**

The special conditions stipulated in the USACE EA are routine conditions in TVA approvals with the exception of the following:

1. *The work must be performed during expected low flow periods, and all equipment must be kept out of the water.*
2. *Lots 152, 153, and 154 of White Landing Development would not be altered. No land-disturbing activities would be conducted and no improvements of any nature would be placed, constructed, located or otherwise maintained, including but not limited to fill material of any type, including concrete pads for the purpose of parking recreational vehicles. There would be no excavation, reshaping, or sloping operation conducted along the riverbank fronting Lots 152, 153, and 154.*
3. *The permittee shall not place riprap bank stabilization between Tennessee River Miles 151.5 and 152.5 on the right-descending bank.*

TVA would also require the following of the applicant.

*Prior to the start of proposed bank stabilization, TVA staff will examine shoreline for birds, especially belted kingfishers, that build nests in steep banks. Any burrows located shall be annotated on maps and indicated in the field. GGP may not place riprap closer than 2 feet from the entrance of any active nest burrows.*

### **Conclusion and Findings**

TVA has critically and independently reviewed the USACE EA and determined that the potential environmental effects of adopting each of the alternatives were analyzed adequately. TVA is therefore adopting the USACE EA. That document is attached as Appendix B and is incorporated by reference. Because modifications were made to GGP's original proposal, and because some of GGP's and Meriwether Lewis's proposed actions were beyond the scope of the USACE EA, TVA performed additional analyses of the potential environmental effects of these modifications and actions. Results of these analyses are summarized above in this FONSI.

Based on the USACE EA and TVA findings, we conclude that Section 26a approval of the proposed actions by Meriwether Lewis Electric Cooperative and GGP LLC would not be a major federal action significantly affecting the environment. This FONSI is contingent upon the successful implementation of the mitigative measures and conditions mentioned in the Mitigation section above. Accordingly, and environmental impact statement is not required.



Daniel H. Ferry, Senior Manager  
Environmental Services and Programs  
Office of Environment and Research  
Tennessee Valley Authority

3/6/09

Date Signed

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## Appendix A

### Categorical Exclusion Checklist for Proposed TVA Actions

|                                                                                                                                                                                                                    |                                                |                                                         |                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------|----------------------|
| Categorical Exclusion Number Claimed                                                                                                                                                                               | Organization ID Number<br>RLR182536            | Tracking Number (NEPA Administration Use Only)<br>17387 |                      |
| Form Preparer<br>Ember F. Anderson                                                                                                                                                                                 | Project Initiator/Manager<br>Ember F. Anderson | Business Unit<br>RSOE - Resource Stewardship            |                      |
| Project Title<br>26a Category 3 RLR182536 Meriwether Lewis Electric Cooperative Kentucky Reservoir                                                                                                                 |                                                |                                                         | Hydrologic Unit Code |
| Description of Proposed Action (Include Anticipated Dates of Implementation) <input checked="" type="checkbox"/> Continued on Page 3 (if more than one line)<br>For Proposed Action See Attachments and References |                                                |                                                         |                      |
| Initiating TVA Facility or Office<br>Kentucky Watershed Team                                                                                                                                                       |                                                | TVA Business Units Involved in Project                  |                      |
| Location (City, County, State)<br>For Project Location see Attachments and References                                                                                                                              |                                                |                                                         |                      |

Parts 1 through 4 verify that there are no extraordinary circumstances associated with this action:

#### Part 1. Project Characteristics

| Is there evidence that the proposed action--                                                   | No | Yes | Information Source        |
|------------------------------------------------------------------------------------------------|----|-----|---------------------------|
| 1. Is major in scope?                                                                          | X  |     | Anderson E. F. 02/27/2009 |
| 2. Is part of a larger project proposal involving other TVA actions or other federal agencies? | X  |     | Anderson E. F. 02/27/2009 |
| *3. Involves non-routine mitigation to avoid adverse impacts?                                  | X  |     | Anderson E. F. 02/27/2009 |
| 4. Is opposed by another federal, state, or local government agency?                           | X  |     | Anderson E. F. 02/27/2009 |
| *5. Has environmental effects which are controversial?                                         | X  |     | Anderson E. F. 02/27/2009 |
| *6. Is one of many actions that will affect the same resources?                                | X  |     | Anderson E. F. 02/27/2009 |
| 7. Involves more than minor amount of land?                                                    | X  |     | Anderson E. F. 02/27/2009 |

\* If "yes" is marked for any of the above boxes, consult with NEPA Administration on the suitability of this project for a categorical exclusion.

#### Part 2. Natural and Cultural Features Affected

| Would the proposed action--                                                                                                                                                                                             | No | Yes | Per-<br>mit | Commit-<br>ment | Information Source<br>for Insignificance |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-------------|-----------------|------------------------------------------|
| 1. Potentially affect endangered, threatened, or special status species?                                                                                                                                                |    | X   | No          | No              | For comments see attachments             |
| 2. Potentially affect historic structures, historic sites, Native American religious or cultural properties, or archaeological sites?                                                                                   |    | X   | No          | No              | For comments see attachments             |
| 3. Potentially take prime or unique farmland out of production?                                                                                                                                                         | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 4. Potentially affect Wild and Scenic Rivers or their tributaries?                                                                                                                                                      | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 5. Potentially affect a stream on the Nationwide Rivers Inventory?                                                                                                                                                      | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 6. Potentially affect wetlands, water flow, or stream channels?                                                                                                                                                         |    | X   | Yes         | No              | For comments see attachments             |
| 7. Potentially affect the 100-year floodplain?                                                                                                                                                                          |    | X   | No          | No              | For comments see attachments             |
| 8. Potentially affect ecologically critical areas, federal, state, or local park lands, national or state forests, wilderness areas, scenic areas, wildlife management areas, recreational areas, greenways, or trails? | X  |     | No          | No              | Jenkins G. D. 11/03/2008                 |
| 9. Contribute to the spread of exotic or invasive species?                                                                                                                                                              | X  |     | No          | No              | For comments see attachments             |
| 10. Potentially affect migratory bird populations?                                                                                                                                                                      |    | X   | No          | Yes             | For comments see attachments             |
| 11. Involve water withdrawal of a magnitude that may affect aquatic life or involve interbasin transfer of water?                                                                                                       | X  |     | No          | No              | Jenkins G. D. 11/03/2008                 |
| 12. Potentially affect surface water?                                                                                                                                                                                   | X  |     | No          | No              | Jenkins G. D. 11/03/2008                 |
| 13. Potentially affect drinking water supply?                                                                                                                                                                           | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 14. Potentially affect groundwater?                                                                                                                                                                                     | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 15. Potentially affect unique or important terrestrial habitat?                                                                                                                                                         | X  |     | No          | No              | For comments see attachments             |
| 16. Potentially affect unique or important aquatic habitat?                                                                                                                                                             |    | X   | No          | No              | For comments see attachments             |

**Part 3. Potential Pollutant Generation**

| Would the proposed action potentially (including accidental or unplanned)---                             | No | Yes | Per-<br>mit | Commit-<br>ment | Information Source<br>for Insignificance |
|----------------------------------------------------------------------------------------------------------|----|-----|-------------|-----------------|------------------------------------------|
| 1. Release air pollutants?                                                                               | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 2. Generate water pollutants?                                                                            | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 3. Generate wastewater streams?                                                                          | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 4. Cause soil erosion?                                                                                   | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 5. Discharge dredged or fill materials?                                                                  |    | X   | Yes         | No              | For comments see attachments             |
| 6. Generate large amounts of solid waste or waste not ordinarily generated?                              | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 7. Generate or release hazardous waste (RCRA)?                                                           | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 8. Generate or release universal or special waste, or used oil?                                          | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 9. Generate or release toxic substances (CERCLA, TSCA)?                                                  | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 10. Involve materials such as PCBs, solvents, asbestos, sandblasting material, mercury, lead, or paints? | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 11. Involve disturbance of pre-existing contamination?                                                   | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 12. Generate noise levels with off-site impacts?                                                         | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 13. Generate odor with off-site impacts?                                                                 | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 14. Produce light which causes disturbance?                                                              | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 15. Release of radioactive materials?                                                                    | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 16. Involve underground or above-ground storage tanks or bulk storage?                                   | X  |     | No          | No              | Anderson E. F. 02/27/2009                |
| 17. Involve materials that require special handling?                                                     | X  |     | No          | No              | Anderson E. F. 02/27/2009                |

**Part 4. Social and Economic Effects**

| Would the proposed action---                                                                                                               | No | Yes | Commit-<br>ment | Information Source<br>for Insignificance |
|--------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-----------------|------------------------------------------|
| 1. Potentially cause public health effects?                                                                                                | X  |     | No              | Anderson E. F. 02/27/2009                |
| 2. Increase the potential for accidents affecting the public?                                                                              | X  |     | No              | Anderson E. F. 02/27/2009                |
| 3. Cause the displacement or relocation of businesses, residences, cemeteries, or farms?                                                   | X  |     | No              | Anderson E. F. 02/27/2009                |
| 4. Contrast with existing land use, or potentially affect resources described as unique or significant in a federal, state, or local plan? | X  |     | No              | Anderson E. F. 02/27/2009                |
| 5. Disproportionately affect minority or low-income populations?                                                                           | X  |     | No              | Anderson E. F. 02/27/2009                |
| 6. Involve genetically engineered organisms or materials?                                                                                  | X  |     | No              | Anderson E. F. 02/27/2009                |
| 7. Produce visual contrast or visual discord?                                                                                              | X  |     | No              | Anderson E. F. 02/27/2009                |
| 8. Potentially interfere with recreational or educational uses?                                                                            | X  |     | No              | Anderson E. F. 02/27/2009                |
| 9. Potentially interfere with river or other navigation?                                                                                   |    | X   | No              | For comments see attachments             |
| 10. Potentially generate highway or railroad traffic problems?                                                                             | X  |     | No              | Anderson E. F. 02/27/2009                |

**Part 5. Other Environmental Compliance/Reporting Issues**

| Would the proposed action---                                                                                 | No | Yes | Commit-<br>ment | Information Source<br>for Insignificance |
|--------------------------------------------------------------------------------------------------------------|----|-----|-----------------|------------------------------------------|
| 1. Release or otherwise use substances on the Toxic Release Inventory list?                                  | X  |     | No              | Anderson E. F. 02/27/2009                |
| 2. Involve a structure taller than 200 feet above ground level?                                              | X  |     | No              | Anderson E. F. 02/27/2009                |
| 3. Involve site-specific chemical traffic control?                                                           | X  |     | No              | Anderson E. F. 02/27/2009                |
| 4. Require a site-specific emergency notification process?                                                   | X  |     | No              | Anderson E. F. 02/27/2009                |
| 5. Cause a modification to equipment with an environmental permit?                                           | X  |     | No              | Anderson E. F. 02/27/2009                |
| 6. Potentially impact operation of the river system or require special water elevations or flow conditions?? | X  |     | No              | Anderson E. F. 02/27/2009                |

Description of Proposed Action (Include Anticipated Dates of Implementation)

Continued from Page 1

Parts 1 through 4: If "yes" is checked, describe in the discussion section following this form why the effect is insignificant. Attach any conditions or commitments which will ensure insignificant impacts. Use of non-routine commitments to avoid significance is an indication that consultation with NEPA Administration is needed.

An  EA or  EIS will be prepared.

Based upon my review of environmental impacts, the discussions attached, and/or consultations with NEPA Administration, I have determined that the above action does not have a significant impact on the quality of the human environment and that no extraordinary circumstances exist. Therefore, this proposal qualifies for a categorical exclusion under Section 5.2.\_\_\_\_\_ of TVA NEPA Procedures.

|                                                |                            |                    |
|------------------------------------------------|----------------------------|--------------------|
| Project Initiator/Manager<br>Ember F. Anderson |                            | Date<br>02/27/2009 |
| TVA Organization<br>OE&R                       | E-mail<br>efanders@tva.gov | Telephone          |

**Site Environmental Compliance Reviewer**

**Final Review/Closure**

\_\_\_\_\_  
Signature

Ember F. Anderson  
\_\_\_\_\_  
Signature

02/27/2009

**Other Review Signatures (as required by your organization)**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

**Attachments/References**

Description of Proposed Action

Facility(s): Utilities - Aerial - Electric 3.22(L) 10(W) Applicant(s): Meriwether Lewis Electric Cooperative Post Office Box 240 Centerville TN 37033

Project Location

County, State: Perry, TN Land Tract(s): GIR 7910 F GIR 7951 F Map Sheet(s): 110 Navigation Chart 23 NE Quad Sheet 236 C/D Stage 240 C/D Stage Streams(s): Tennessee R RM 149 R Tennessee R RM 152.5 R

CEC General Comment Listing

1. Project Manager changed from Randy Lowe to Ember Anderson. Ember Anderson added as Additional Closer. Changes made by Jim Williamson 10/9/08 at request of Ember Anderson.  
By: James F. Williamson 10/09/2008
2. Preparer changed from Randy Lowe to Ember Anderson per Ember Anderson's request.  
By: James F. Williamson 11/05/2008
3. Application Package  
By: ALIS Added Comment
4. Permit Package  
By: ALIS Added Comment
5. Application Package  
By: ALIS Added Comment
6. Permit Package  
By: ALIS Added Comment
7. All review Info  
By: ALIS Added Comment  
Files: AllReviewInfo121207.pdf 12/12/2007 2,527,124 Bytes
8. All review info - updated 12/12/07  
By: ALIS Added Comment
9. all review info  
By: ALIS Added Comment
10. All review info  
By: ALIS Added Comment  
Files: AllReviewInfo121207.pdf 12/12/2007 1,393,280 Bytes
11. Review Information  
By: ALIS Added Comment  
Files: AllReviewInfo11008.pdf 01/10/2008 1,598,573 Bytes
12. Review Information  
By: ALIS Added Comment  
Files: AllReviewInfo11008.pdf 01/10/2008 1,598,573 Bytes
13. Signed RV Conditions Letter  
By: ALIS Added Comment  
Files: SignedRVCond.Ltr.pdf 01/10/2008 419,006 Bytes
14. Signed RV Conditions Letter  
By: ALIS Added Comment  
Files: SignedRVCondLtr.pdf 01/10/2008 419,006 Bytes
15. AERIAL VIEW OF BOTH PROPERTIES - LOOKING NORTH/NORTHEAST  
By: ALIS Added Comment  
Files: AerialViewOfBOTHProperties.pdf 01/16/2008 294,854 Bytes
16. supporting documents  
By: ALIS Added Comment  
Files: 401Cert.pdf 11/03/2008 877,831 Bytes
17. supporting documents  
By: ALIS Added Comment  
Files: 401Cert.pdf 11/03/2008 877,831 Bytes

CEC Comment Listing

Part 2 Comments

CEC Comment Listing

1. Review of the TVA Regional Natural Heritage Database indicates that no federal or state listed species are reported within 3 miles of the project site. Gray and Indiana bats are reported from the surrounding counties. The proposed project, rip-rap and small powerline, would not result in impacts to these species.  
By: Travis Hill Henry 03/21/2008
1. The applicant has changed the plans for this project such that the ramps and rip rap will not extend below winter pool elevation. Therefore, there should be no impact to the Federally listed mussels known from this stretch of the Tennessee River.  
By: Gary D Jenkins 11/03/2008
1. After reviewing the heritage database and the proposed extent of the project, the project will need to go to consultation with FWS due to T/E mussel species in the direct project area. Due to the need for further review, the project will need to be elevated to an EA. The applicant will also need to understand that this may take several months and be asked if we need to proceed? After the applicant changed the amount of work to be done and the locations of the boat ramps, FWS will still need to be consulted with on the project.  
By: Clinton Jones 06/04/2008
2. Applicant has submitted new information revising placement of rip-rap and boat ramps. All portions of the intersection of this project boundary and TVA flowage easement should have a phase I archaeological and architectural survey. Depending on the geomorphology, the new location of the boat ramps should have deep-testing to identify any archaeological deposits that may be disturbed by construction.  
By: Thomas O Maher 06/06/2008
2. This portion of the Kentucky Reservoir has not been surveyed. There are, however, numerous known archaeological sites within and adjacent to the Hardin Bottom and Patriot Landing/White Oak area of the Tennessee River flood plain. For this, and any other action requiring TVA 26a permit, easement, or deed modification, I believe that the area of potential affect is 100% of TVA fee-owned land or flowage easement. The APE should have a through phase I survey done to identify historic properties. Once historic properties are identified, additional investigations may be necessary depending on the direct and indirect effects of the project. I also strongly recommend that TVA initiate early consultation with the Tennessee State Historic Preservation Officer and appropriate Tribal Historic Preservation Officers regarding this project.  
By: Thomas O Maher 12/17/2007
6. At the direction and with the approval of the Tennessee Department of Environment and Conservation, the applicant has changed the plans for this project such that the ramp construction and rip rap placement will not impact wetlands on the project site. See the TDEC ARAP in the Attachments Section.  
By: Gary D Jenkins 11/03/2008
6. Mark Carnes with the U.S. Army Corps of Engineers called me to confer on this project. He participated in a site visit to the proposed project area and indicated there were no wetlands present - it was entirely steeply eroded banks. Based on this conversation and his knowledge of the site, I rescind my previous comment regarding the need for a wetland delineation and the potential for this project to significantly impact wetlands.  
By: Kim Pilarski-Brand 04/18/2008
6. This project if approved would affect water flow and stream channels. further review is needed to see the amount of affects that could happen to the area.  
By: Clinton Jones 04/16/2008
6. This project has the potential to significantly affect wetlands. Suggest applicant have a wetland delineation prepared to fully document types and locations of wetlands and potential impacts. Impacts at this point are unknown.  
By: Kim Pilarski-Brand 04/14/2008
6. Based on a call from Gary Jenkins on May 14, 2008, there is additional need to hold off on this project until the applicant provides further information about avoiding wetlands in the slough areas. This comment overrides the comment I made on 04/18/2008 and my review is ongoing until this information is received.  
By: Kim Pilarski-Brand 05/15/2008
6. A review of revised project plans indicates wetland impacts have been avoided by relocating the boat ramps out of the sloughs, and avoiding placing rip rap in wetland areas. This input is based on information provided by watershed team staff

and a site visit report provided by phone by Mark Carnes with the USACE.

By: Kim Pilarski-Brand 07/22/2008

7. The revised project information provided by Randy Lowe on June 4 does not change my March 11 comments.

By: Roger A. Milstead 06/19/2008

7. See attached responses.

By: Roger A. Milstead 03/11/2008

Files: 182536ken.doc 03/11/2008 43,520 Bytes

182535ken.doc 03/11/2008 43,520 Bytes

181702ken.doc 03/11/2008 45,056 Bytes

181704ken.doc 03/11/2008 44,544 Bytes

9. The proposed project would not result in the spread of exotic or invasive terrestrial animals.

By: Travis Hill Henry 03/21/2008

10. A field investigation from Barry Hart, Kentucky Watershed Team Office, revealed that several kingfisher burrows exist at the project site. These burrows and surrounding habitat should be marked before any application of rip-rap. In these areas, the extent of the rip-rap should be reduced in an effort to maintain these burrows, this includes leaving approximately 2 feet of shoreline exposed under the entrances. With this commitment the proposed action would not result in adverse impacts to this resource.

By: Travis Hill Henry 06/17/2008

10. The proposed project is not expected to result in adverse impacts to migratory bird populations. No heron colonies or other aggregations of migratory birds are known from this area. However, given the length of the shoreline to be covered by rip-rap, the shoreline should be inspected for burrow-nesting birds. Contact Heritage Zoologist Travis Henry for specifics.

By: Travis Hill Henry 03/21/2008

15. No known terrestrial animal habitat is known from the project area.

By: Travis Hill Henry 03/21/2008

16. At the direction and with the approval of TDEC, the applicant has modified his plans for this project such that important aquatic habitat will not be impacted by the modified project. See the TDEC ARAP in the Attachments Section.

By: Gary D Jenkins 11/03/2008

16. After looking at the site of the proposed project, there are T/E species and good habitat in the direct project area. The project will need to be further reviewed with the FWS to determine the amount of potential effects.

By: Clinton Jones 04/16/2008

#### Part 3 Comments

5. Implement standard BMPs for rip rap placement.

By: Gary D Jenkins 11/03/2008

#### Part 4 Comments

9. Please see attached navigation comment.

By: Carolyn Koroa 02/21/2008

Files: 182536ken - 26a - TRM 149.0R - 152.8R - Merriwether Lewis Elec Coop and GGP Inc - rev 02-27-08.doc 02/27/2008 23,552 Bytes

#### CEC Permit Listing

#### Part 2 Permits

6. State Water Quality Certification (ç401 Clean Water Act)

By: Kim Pilarski-Brand 04/14/2008

6. Section 404 Permit (ç404 Clean Water Act)

By: Kim Pilarski-Brand 04/14/2008

#### Part 3 Permits

CEC Permit Listing

5. Section 404 Permit (404 Clean Water Act)  
By: Gary D Jenkins 11/03/2008

CEC Commitment Listing

Part 2 Commitments

10. Shoreline shall be examined for birds (belted kingfisher) that build nests in steep banks. Burrows and an appropriate buffer should be designated on maps and in the field. The highest extent of the rip-rap should not be closer than 2-ft from the bottom of any active burrows.  
By: Travis Hill Henry 06/17/2008

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## **Appendix B**

U.S. Army Corps of Engineers

Environmental Assessment

Statement of Findings and Findings of No Significant Impact

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## Appendix C - Correspondence

December 11, 2008

Mr. Jon Graves  
GGP Group LLC  
1267 West Main Street  
Post Office Box 370  
Parsons, Tennessee 38363

Dear Mr. Graves:

KENTUCKY RESERVOIR - CONSTRUCTION AND MAINTENANCE OF PROPOSED AERIAL ELECTRIC SERVICE - WHITE OAK/PATRIOT LANDING RECREATIONAL VEHICLE DEVELOPMENT - GIR-7910F, -7911F, -7912F, -7909F, -7908F - RLR-182535 - MERIWETHER LEWIS ELECTRIC COOPERATIVE -PERRY COUNTY, TENNESSEE - TVA RESERVATION MAP 236D - TENNESSEE RIVER MILES 147.2R TO 149.0R

Meriwether Lewis Electric Cooperative has submitted, on your behalf, a request for 26a approval to construct a 7.2 Kv aerial electric line to provide power to the subject development. Before we can continue to process the request, we must first ensure that the aerial power line will not promote unwise development of the floodplain or violate TVA's flowage easement rights.

In order to accomplish this, we request that you agree to the following conditions for use of the portion of your property within the TVA Flood Risk Profile Elevation 386.4 msl:

1. No buildings may be constructed or maintained on the property below contour elevation 377.0 msl.
2. Any recreational vehicles (hereinafter called "Units") on the land will remain truly mobile and ready for highway use. This means that the unit is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions, connections, foundations, porches or similar structures.
3. All power installations will have a cutoff switch located above the TVA Flood Risk Profile Elevation 386.4 msl that is accessible during flooding.
4. No unit may be located on the site for more than 180 consecutive days.
5. No unit shall be left unattended for more than 24 hours at a time from November 1 through March 31 of each year.
6. Any future facilities or equipment subject to flood damage must be located above or flood proofed to the TVA Flood Risk Profile Elevation 386.4 msl.

Mr. Jon Graves  
Page 2  
December 11, 2007

7. All future facilities must be approved in advance in writing by TVA.
8. TVA retains the right to flood this land as provided in the grants of flowage easement for Tract Nos. GIR-7908F, GIR-7909F, GIR-7910F, GIR-7911F, GIR-7912F.
9. You will include these provisions as covenants in any deeds or leases conveying interests in the land.

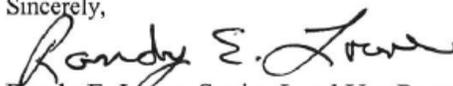
A recreational vehicle is defined as follows:

- Built on a single chassis.
- 400 square feet or less when measured at the largest horizontal projection.
- Designed to be self-propelled or permanently towable by a light duty truck.
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

If these conditions are acceptable, please sign the letter below and send a copy to me at the address listed above. Once we receive your acceptance, we can continue to process the application from Meriwether Lewis Electric Cooperative for construction of the power line.

If you have questions or need additional information, please call me at (731) 641-2022.

Sincerely,

  
Randy E. Lowe, Senior Land Use Representative  
TVA Kentucky Watershed Team  
Resource Stewardship

I  do hereby accept the above-listed conditions.

Date 12-24-07

December 11, 2007

Mr. Jon Graves  
GGP Group LLC  
1267 West Main Street  
P.O. Box 370  
Parsons, Tennessee 38363

Dear Mr. Graves:

KENTUCKY RESERVOIR - CONSTRUCTION AND MAINTENANCE OF PROPOSED AERIAL ELECTRIC SERVICE - PARADISE LANDING/HARDIN BARN LANDING RECREATIONAL VEHICLE DEVELOPMENT - GIR-7910F,-7951F - RLR-182536 - MERIWETHER LEWIS ELECTRIC COOPERATIVE -PERRY COUNTY, TENNESSEE - TVA RESERVATION MAPS 236D & 240D - TENNESSEE RIVER MILE 149.0R TO 152.5R

Meriwether Lewis Electric Cooperative has submitted, on your behalf, a request for 26a approval to construct a 7.2 Kv aerial electric line to provide power to the subject development. Before we can continue to process the request, we must first ensure that the aerial power line will not promote unwise development of the floodplain or violate TVA's flowage easement rights.

In order to accomplish this, we request that you agree to the following conditions for use of the portion of your property within the TVA Flood Risk Profile Elevation 387.6 msl:

1. No buildings may be constructed or maintained on the property below contour elevation 377.0 msl.
2. Any recreational vehicles (hereinafter called "Units") on the land will remain truly mobile and ready for highway use. This means that the unit is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions, connections, foundations, porches, or similar structures.
3. All power installations will have a cutoff switch located above the TVA Flood Risk Profile Elevation 387.6 msl that is accessible during flooding.
4. No unit may be located on the site for more than 180 consecutive days.
5. No unit shall be left unattended for more than 24 hours at a time from November 1 through March 31 of each year.

Mr. Jon Graves  
Page 2  
December 11, 2007

6. Any future facilities or equipment subject to flood damage must be located above or flood proofed to the TVA Flood Risk Profile Elevation 387.6 msl.
7. All future facilities must be approved in advance in writing by TVA.
8. TVA retains the right to flood this land as provided in the grants of flowage easement for Tract Nos. GIR-7910F, GIR-7951F.
9. You will include these provisions as covenants in any deeds or leases conveying interests in the land.

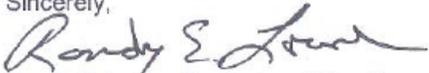
A recreational vehicle is defined as follows:

- Built on a single chassis.
- 400 square feet or less when measured at the largest horizontal projection.
- Designed to be self-propelled or permanently towable by a light duty truck.
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

If these conditions are acceptable, please sign the letter below and send a copy to me at the address listed above. Once we receive your acceptance, we can continue to process the application from Meriwether Lewis Electric Cooperative for construction of the power line.

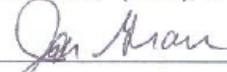
If you have questions or need additional information, please call me at (731) 641-2022.

Sincerely,



Randy E. Lowe, Senior Land Use Representative  
TVA Kentucky Watershed Team  
Resource Stewardship

REL:ITG  
c: Files, ES&P (KWT), WTB 1A-PAT

I  do hereby accept the above-listed conditions.

Date 12-24-07



## *Jena Band of Choctaw Indians*

P. O. Box 14 • Jena, Louisiana 71342-0014 • Phone: 318-992-2717 • Fax: 318-992-8244

August 19, 2008

Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, TN 37902-1499

**RE: WHITE OAK/PATRIOT LANDING AND PARADISE/HARDIN LANDING  
RECREATIONAL VEHICLE DEVELOPMENTS ON KENTUCKY  
RESERVOIR, PERRY COUNTY, TENNESSEE**

To Whom It May Concern:

Reference is made to your letter dated July 31, 2008, concerning the above-proposed project.

After thorough review of the documents submitted, it has been determined that there will be no significant impact in regards to the Jena Band of Choctaw Indians.

Should you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in black ink that reads "Lillie McCormick". The signature is written in a cursive style.

Lillie McCormick  
Environmental Director  
Jena Band of Choctaw Indians  
Ph: 318-992-8258  
Fax: 318-992-8244  
[lmccormickjbc@centurytel.net](mailto:lmccormickjbc@centurytel.net)