

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

MESANA INVESTMENTS LLC
PROPOSED COMMUNITY FACILITIES AND ASSOCIATED SHORELINE ALTERATIONS
LITTLE TURKEY CREEK MILES 1.8, RIGHT BANK, AND 2.0, RIGHT BANK
OPPOSITE TENNESSEE RIVER MILE 616.4, RIGHT BANK
FORT LOUDOUN RESERVOIR
KNOX COUNTY, TENNESSEE

Proposed Action and Need

Mesana Investments LLC, doing business as Jefferson Park Subdivision (Jefferson Park), proposes to construct two fixed community docks along the right-descending bank of Little Turkey Creek, one each at Miles 1.8 and 2.0. Little Turkey Creek is a tributary to the Tennessee River at Mile 616.4 (right bank), Fort Loudoun Reservoir, Knox County, Tennessee. These community facilities would be constructed for use by back-lying residents of the partially developed Jefferson Park Subdivision. In addition, Jefferson Park proposes to install riprap along the shoreline fronting the two common lots and attach a nonpotable water intake to each dock. Jefferson Park also proposes to construct a boat launching ramp at one of the community docks. These structures require approval by the Tennessee Valley Authority (TVA) under Section 26a of the *TVA Act* and approval by the U.S. Army Corps of Engineers (Corps) under Section 10 of the *Rivers and Harbors Act*. Because their installation would be located below elevation 820 mean sea level (msl) and within TVA's flowage easement, Section 26a approval would also be required for three culverts and a gazebo. No TVA land is involved.

In early 2008, TVA reviewed a request for approval of individual water use facilities and related improvements fronting 35 waterfront lots. These individual docks, stabilization, and other minor alterations met TVA's criteria for being categorically excluded under the *National Environmental Policy Act* and were approved in June 2008. During the summer of 2008, these facilities as well as the launching ramp at Community Dock A were authorized by the Corps under Nationwide Permit or Department of the Army Regional Permit 08-RP-01, Dock Structures and Associated Activities on TVA Lakes.

These community docks and associated shoreline alterations would allow convenient reservoir access for subdivision residents, enhance market value of the development properties, and likely result in economic benefits to the developer and community, as well as meet the needs of the applicant. TVA cooperated with the Corps in the preparation of the attached environmental assessment (EA) of the proposed action, which was completed in May 2009. The EA scope, except for visual effects on historic properties, generally includes the affected shoreline and adjoining waterfront and common lots. The EA is incorporated by reference.

Alternatives

The following three alternatives were evaluated in the EA:

- A. No Action, under which the community dock permit and related approvals would be denied or Jefferson Park would elect to modify its proposal to avoid triggering federal jurisdiction, and the proposed work requiring TVA approval would not be performed

B. Applicant's Proposed Action

C. Applicant's Proposed Action With Special Conditions

Under the Applicant's Proposed Action or the Applicant's Proposed Action With Special Conditions, TVA would approve the proposed shoreline development and alterations. These two Action Alternatives differ in the number of special conditions and mitigation measures imposed to reduce potential environmental impacts; many of the conditions included in the Applicant's Proposed Action With Special Conditions are standard requirements for TVA permits. Under Alternative C (Applicant's Proposed Action With Special Conditions), which is TVA's Preferred Alternative, the applicant would minimize anticipated water quality and historic properties impacts. Measures to maintain structural integrity, shoreline stability, and navigational safety would also be included.

Impacts Assessment

The site is located on Little Turkey Creek, along Northshore Drive near the town of Farragut, just outside Knoxville, Tennessee. The applicant owns approximately 158.4 acres of land, of which approximately 127 acres are proposed for residential development. The applicant also owns a total of 4,890 linear feet of shoreline at the normal summer pool of Fort Loudoun Reservoir (elevation 813 msl). Of this total, 3,556 feet of shoreline would be utilized by the 35 individual lot owners who may construct private docks and related appurtenances. The project site was previously heavily wooded with mature trees and shrubs, supporting a fairly stable shoreline. In 2007 and in preparation for development, upland clearing resulted in the removal of most native vegetation. Since then, best management practices (BMPs) have been used to minimize impacts to water quality and aquatic life.

The EA concludes that impacts from the proposal to air quality, wildlife, vegetation, noise, land use, transportation, socioeconomics, and environmental justice would be minor and insignificant. Effective July 13, 2007, the Tennessee Department of Environment and Conservation (TDEC) issued to Mesana Investments a National Pollutant Discharge Elimination System Permit authorizing discharge of storm water associated with construction activities. Although Little Turkey Creek is on the state 303(d) list as impaired waters, TVA does not believe that the contribution of sediments or other pollutants from construction and use of the proposed shoreline facilities would significantly worsen current water quality in the embayment, because natural vegetation succession, current use of BMPs, and the proposed shoreline stabilization would result in site stability over the long term. Overall, the work would result in minor temporary individual and cumulative impacts on water quality. No wetlands would be affected. The ramp, docks, and stabilization would be constructed in the floodplain; TVA has determined that this proposal is a repetitive action and that impacts to the floodplain have been minimized to the extent practicable. There would be no impact to flood control, and the proposal complies with Executive Order 11988 on floodplain management.

During the recreation season, an increase in boating activity and usage would occur. The increased contribution from these docks is expected to be small and achieved gradually during subdivision build-out. Therefore, the increased demand and use would not significantly affect recreational opportunities; boating and navigation safety would not be reduced. To support safe boating, the applicant would install signage at visible locations on the two community docks and boat ramp encouraging safe boating practices. Implementation of special conditions including use of natural background colors and fully shielded or internal low-glare lighting in dock construction would result in minor visual effects.

TVA determined that no federally listed animal or plant species would be affected by the proposed actions. By letter dated April 2, 2009, the U.S. Fish and Wildlife Service (USFWS) states that available records do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project and that requirements under Section 7 of the *Endangered Species Act of 1973*, as amended, are fulfilled. No archaeological sites listed or eligible for listing in the National Register of Historic Places (NRHP) would be affected by the undertaking. Provided the visual impacts that may occur to the potentially eligible Prater farm are minimized through a vegetative screening commitment, by letter of March 5, 2009, Tennessee Historical Commission (THC) states that the project will not adversely affect any property that is eligible for listing in the NRHP and has no objection to the implementation of the project.

Public and Intergovernmental Review

On May 12, 2008, the Corps and TVA issued Joint Public Notice (JPN) No. 08-11 to advertise the proposed work and to determine the overall public interest in the proposal. The USFWS, the THC, 10 individuals, and 112 petitioners responded with comments on the JPN. Several individuals requested a public hearing or permit denial.

On March 3, 2009, TVA released the draft EA (DEA) by posting it on its external Web site and by sending it to 30 individuals including representatives of various federal, state, and local agencies and to some individuals who provided written comments on the JPN. The DEA was also placed at the Farragut Branch Public Library for review, and postcards announcing the availability of this document were mailed to 77 other private citizens who were among those that signed a petition in opposition to the proposal. Comments on the DEA were requested by April 2, 2009. In response to review of the DEA, comments were received from the one local organization, East Tennessee Development District; two state agencies, TDEC's Division of Recreation Educational Services and THC; and one federal agency, USFWS. TVA and the Corps also received 10 comments by mail, e-mail, or online via the Internet, representing the views of 12 citizens. Comments from agencies and the public received during the public involvement process have been addressed in the final EA.

In its Statement of Findings and Finding of No Significant Impact, the Corps denied a request for a public hearing after deciding that a hearing would not likely provide any additional information. TVA concurs with this decision.

Mitigation

As part of its Section 26a approval, TVA would require use of BMPs and other general and standard conditions. Jefferson Park would also adhere to conditions of approval contained in the Corps and TDEC authorizations, including planting of a buffer of trees to minimize visual impacts on a nearby historic structure. Several of these listed special conditions in the EA are standard conditions of TVA Section 26a approvals. TVA has identified the need for the following special commitments to further reduce potential impacts:

- In accordance with Mesana Investments' commitment letter dated June 27, 2008, and attached map, Jefferson Park must institute and implement a native planting plan as a visual screen along the eastern boundary line bordering the property and the Prater farm property. Either Virginia pines, eastern red cedars, or a mixture of the two species shall be planted immediately upon receipt of shoreline alterations approvals from the Corps and TVA. These trees will be a minimum of 1.5 to 2 inches in diameter at ground level when planted. These native, container-grown trees must be planted by Jefferson Park,

which guarantees survival and agrees to replant any tree that dies immediately or no later than the next planting season (November through January or within one year). Trees will be planted in two rows, 800 linear feet long, staggering or alternating rows along the buffer area designated in Figure 2 of the TVA correspondence dated May 23, 2008, in Appendix E of the attached EA. Each row will contain trees spaced 15 feet apart, and the rows would be placed 7 feet apart. Jefferson Park will comply with the planting design shown in Appendix F. Jefferson Park must also identify and designate the affected lots on the final plat, as its commitment letter indicates, and submit a copy to the Corps and TVA.

- All color schemes for roofs and boat slip exteriors shall be visually compatible with natural background colors (dark green, gray, or brown hues).
- All lights used on the approved water use facilities shall be fully shielded or have internal low-glare optics, such that no light is emitted from the fixture at angles above the horizontal plane. Shielded low-pressure sodium lamps shall be used during the construction and operational phases. Area lighting must be on poles no taller than 40 feet, unless they are lighting objects taller than 40 feet. In such cases, pole heights shall be minimized.
- Jefferson Park will place signage at highly visible sites at both Community Docks A and B and at the ramp at Community Dock A encouraging users of these facilities to obey boating laws, observe safe boating practices, and act responsibly on the water.

Conclusion and Findings

TVA has independently reviewed the Corps EA, found it to be adequate, and is therefore adopting this EA. TVA has determined that the approval of the Section 26a permit for the proposed community docks, boat launching ramp, stabilization, and other associated shoreline alterations would not be a major federal action significantly affecting the quality of the environment. Accordingly, an environmental impact statement is not required. This finding of no significant impact is contingent upon adherence to the permit conditions and completion of the mitigation measures described above and in the attached Corps EA.



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Date Signed