

Appendix G – Agency Correspondence

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

February 24, 2010

Ms. Cindy Schulz, Supervisor
U.S. Fish and Wildlife Service
6669 Short Lane
Gloucester, VA 23061

Ms. Mary Jennings, Supervisor
U.S. Fish & Wildlife Service
Tennessee Field Office
446 Neal Street
Cookeville, TN 38501

Dear Ms. Schulz and Ms. Jennings:

In order to address power system reliability issues and to meet air emission reduction requirements, the Tennessee Valley Authority (TVA) is proposing to build a dual-fuel combined cycle (NGCC) facility at the location of its existing John Sevier Fossil Plant (JSF) Plant in Hawkins County, Tennessee. To provide natural gas for the operation of the NGCC facility, East Tennessee Natural Gas, LLC (ETNG) is proposing to improve an existing gas pipeline and develop an extension that connects the main gas pipeline (referred to as the "Northeastern Tennessee (NET) Project") to the JSF Plant reservation location. As currently envisioned, the NET Project will extend south from the JSF Plant reservation along a new right-of-way (ROW) and east into Virginia along an existing ROW.

TVA has proposed to begin construction of the NGCC facility in April 2010, pending the completion of its NEPA review for this proposal. ETNG plans to begin construction of the NET Project in the spring of 2011. ETNG has initiated the Pre-filing process with the Federal Energy Regulatory Commission (FERC), the lead federal agency for ETNG's NET Project, and plans to file a certificate application for the NET Project in March 2010. A certificate from FERC for the NET Project is anticipated in late 2010.

As set forth more clearly below, TVA has determined that the proposed action of constructing the NGCC facility would not result in impacts to Indiana bats or other listed species or their critical habitat. The potential effects of the NET Project are also generally reviewed in this letter and certain specific mitigation measures identified. However, TVA and ETNG both recognize that the FERC Section 7 consultation will establish the ultimate requirements for the NET Project.

Ms. Cindy Schulz, Supervisor
Ms. Mary E. Jennings, Supervisor
Page 2
February 01, 2010

As the NET Project is located in Virginia and Tennessee, we are in discussions with both the Cookeville, TN, and Gloucester, VA, field offices. The Cookeville office was first notified of the project in a letter from Jeff Benefiel of Natural Resources Group, LLC, (NRG), ETNG's contractor, on June 19, 2009. Ms. Jennings provided a response to the NRG communication on July 23, 2009. The Virginia Office in Abingdon was first notified on June 19, 2009. Ultimately the project was transferred to the Gloucester Office, which responded in a letter on November 20, 2009.

During the course of informal discussions with Jim Widlak (Cookeville) and Kim Smith (Gloucester), TVA has developed an environmental assessment (EA) to assess any environmental impacts to resources at or around the JSF Plant and along the pipeline corridor.

Twenty-three federally-listed plants and animals are known from the counties encompassed along the anticipated pipeline corridor. Species include gray bat, Indiana bat, Carolina northern flying squirrel, blue sucker, chucky madtom, spotfin chub, duskytail darter, fine-rayed pigtoe, shiny pigtoe, spectaclocase, purple bean, rayed bean, birdwing pearlymussel, Cumberland monkeyface pearlymussel, green-blossom pearlymussel, little-wing pearlymussel, Cumberland bean pearlymussel, slabside pearlymussel, rough rabbitsfoot, tan riffleshell, fluted kidneyshell, small-whorled pogonia, and Virginia spiraea. Critical habitat for purple bean pearlymussel is also present in nearby Beech Creek, but would not be affected by the project.

Prior to initiating biological surveys, TVA endangered species and wetland biologists met with personnel from NRG and ETNG to outline TVA's process for conducting surveys. In this meeting, TVA provided data related to listed species and caves to NRG and ETNG. NRG had also contacted state heritage and game and fish offices to consider their concerns as well. This process ensured that NRG collected pertinent resource information to support TVA's review process.

TVA, NRG and ETNG met with USFWS personnel (Cookeville) on October 26, 2009, to review results of biological and wetland surveys and discuss potential impacts to listed species. At the meeting we concluded that neither the NGCC facility nor the anticipated pipeline would result in impacts to the above listed species or critical habitat, as most are

Ms. Cindy Schulz, Supervisor
 Ms. Mary E. Jennings, Supervisor
 Page 3
 February 21, 2010

not located near the NGCC facility nor the anticipated pipeline corridor. However, in further discussions, we realized that some additional surveys may be needed to address issues related to Indiana bats at some forested blocks along the pipeline corridor. Furthermore, the November 20, 2009, letter submitted by USFWS personnel (Gloucester) indicated that the Virginia office had additional concerns related to Virginia spiraea, Indiana bats and gray bats.

TVA has further evaluated the concerns of the Cookeville and Gloucester offices of the USFWS. Construction of the NGCC facility at the existing JSF Plant reservation would not result in impacts to these species. As to the potential impacts to species from construction and modification of the gas pipeline, TVA and ETNG propose to address these impacts in the following manner:

Virginia spiraea:

A GIS model used by the USFWS indicated that three stream crossings had potential habitat for Virginia spiraea: Steele, Stoffel, and Clear Creeks. NRG examined the corridor for the species and TVA performed an additional review of the sites. No habitat suitable for Virginia spiraea was observed at the stream crossings. TVA provided additional data to the Virginia Field Office to address this species. Based upon the results of the survey, TVA has determined that neither the NGCC facility nor the anticipated pipeline would result in impacts to this species or its habitat.

Gray bat:

With information noted above, NRG survey crews examined the full length of the existing corridor and the anticipated extension to JSF for caves and mines. In addition, state agencies were contacted to determine if geologic features that may support bats were known to be present within or near these areas. No caves or mines were observed in the project area and none were documented through consultation with agencies. TVA also examined access roads to the project area and found no cave or mine resources. One agency consultation in Virginia identified a potential sinkhole within ETNG's pipeline ROW. A recent survey of that sinkhole did not reveal the presence of any openings or portals that could be used by bats to gain access. In addition, ETNG will attempt to avoid this sinkhole feature during construction of the NET Project. Although gray bats could forage over larger streams and rivers in the vicinity, TVA has determined that neither the NGCC facility nor the anticipated pipeline would result in adverse impacts to this species or its habitat.

Indiana bat:

Suitable summer roosting habitat for Indiana bats was identified along portions of ETNG's existing ROW. Trees were ranked from low to high quality based on

Ms. Cindy Schultz, Supervisor
Ms. Mary E. Jennings, Supervisor
Page 4
February 21, 2010

parameters defined in the Habitat Suitability Index Model for Indiana bats (Romme et al. 1995). ETNG has taken measures, such as maximizing the use of existing utility line easements and collocating facilities along those easements as well as limiting temporary and permanent ROW widths, to minimize environmental impacts from the proposed NET Project. However, the pipeline alignment has not yet been finalized and is subject to change pending FERC's certificate application review process. As such, the effects of the pipeline on the Indiana bat are speculative at this time. A FERC certificate is anticipated in late 2010. Neither TVA nor ETNG believes that construction of the NGCC facility will foreclose the formation or implementation of any reasonable and prudent alternative measures identified through FERC's Section 7 consultation for the NET project. Further, TVA and ETNG commit to the following specific protocol going forward to avoid and minimize any impacts from the pipeline on the Indiana bat.

A USFWS-approved contractor will survey for Indiana bats along the proposed NET route using guidelines specified in the Indiana Bat Draft Recovery Plan (April 2007). The consultant will work closely with the respective USFWS offices to determine appropriate survey efforts. If no Indiana bats are captured, ETNG would remove trees along the proposed ROW as needed. If Indiana bats are captured, individual bats would be equipped with radio transmitters, released, and followed to roost trees. If active roosts are found in a tree within the proposed NET Project workspace, ETNG would avoid impacts to confirmed roosting trees to the maximum extent practicable. If, through the FERC process, it is determined that avoidance of any confirmed roosting tree is not practicable, and formal consultation with the USFWS becomes necessary, ETNG agrees that it will comply with all reasonable and prudent measures and terms and conditions resulting from the formal consultations with FERC.

If measures are necessary to mitigate the loss of Indiana bat habitat along the project corridor, TVA would work with the USFWS to identify habitat on nearby TVA lands that could be improved to provide suitable roost habitat for Indiana bats. Proposed improvement activities could include modifying forest characteristics in a manner to benefit foraging bats (i.e., remove vegetation within the midstory) and create suitable roosting sites (i.e., create snags).

TVA has determined that the proposed action of constructing and operating the NGCC facility would not affect Indiana Bats or other listed species or their critical habitat. We respectfully request your concurrence with this determination on the proposed facility. Additionally, we request approval with the approach outlined above regarding the use of mitigation measures as needed to avoid and minimize potential impacts to Indiana bats associated with the proposed pipeline project.

Ms. Cindy Schulz, Supervisor
Ms. Mary E. Jennings, Supervisor
Page 5
February 24, 2010

Sincerely,



(for) Peggy W. Shute, Manager
Biological Permitting and Compliance
Endangered Species Act Compliance Officer
Office of Environment and Technology

c: Mr. John Peconom
Federal Energy Regulatory Commission
Office of Energy Projects (OEP)
888 First Street, NE
Washington, DC 20426

Mr. Tylan Dean
Ms. Kim Smith
U.S. Fish and Wildlife Service
6669 Short Lane
Gloucester, VA 23061

Citations:

Romme, R. C., K. Tyrell, and V. Brack, Jr. 1995. Literature summary and habitat suitability index model: Components of summer habitat for the Indiana bat, *Myotis sodalis*. Federal Aid Project E-1-7, Study No. 8. 3/D Environmental. 38 pp.

U.S. Fish and Wildlife Service. 2007. Indiana Bat (*Myotis sodalis*) Draft Recovery Plan: First Revision. U.S. Fish and Wildlife Service, Fort Snelling, MN. 258 pp.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

March 9, 2010

Ms. Peggy Shute
Manager, Biological Permitting and Compliance
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

Re: FWS #10-CPA-0308. East Tennessee Natural Gas, Northeastern Tennessee Project

Dear Ms. Shute:

The Service's Cookeville, Tennessee and Gloucester, Virginia Field Offices have reviewed your letter dated February 24, 2010 regarding the referenced project located in Tennessee and Virginia. The following comments are provided under provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended.

We concur that construction activities at the John Sevier Fossil Plant located in Tennessee are not likely to adversely affect federally listed or proposed endangered or threatened species or designated critical habitat. In view of this, we believe that the requirements of section 7 of the Endangered Species Act have been fulfilled for those activities.

As your letter indicated, the Northeastern Tennessee Project (NET) is being evaluated through the Federal Energy Regulatory Commission (FERC) process, and the project is currently being pre-filed by East Tennessee Natural Gas (ETNG). Because section 7 consultation will occur in conjunction with the FERC process and the project may change through the FERC process, we consider information on the NET project to be preliminary. Based on the information provided, we concur that the NET project, as currently proposed, is not likely to adversely affect the federally listed threatened Virginia spiraea (*Spiraea virginiana*) or the federally listed endangered gray bat (*Myotis grisescens*). However, the proposed project may adversely affect the federally listed endangered Indiana bat (*Myotis sodalis*). The Tennessee Valley Authority and ETNG have committed to conduct surveys for the Indiana bat and have identified protective measures to minimize adverse effects to the species. If adverse effects can not be avoided, ETNG agrees to comply with all reasonable and prudent measures and terms and conditions resulting from formal consultation between FERC and the Service. The Service supports this approach, and these preliminary determinations and the process outlined for the Indiana bat will be reevaluated in our consultation with FERC following their review of the project.

Obligations under section 7 provisions must be reconsidered if: (1) new information reveals that the proposed project may affect listed species in a manner or to an extent not previously considered, (2) the proposed project is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed project.

Thank you for the opportunity to comment on this project. Your concern for the protection of endangered and threatened species is greatly appreciated. If you have any questions, please contact Jim Widlak of my staff at 931/528-6481, ext. 202.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary E. Jennings". The signature is fluid and cursive, with a large initial "M" and "J".

Mary E. Jennings
Field Supervisor



November 2, 2004

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

Mr. J. Bennett Graham
Tennessee Valley Authority
Post Office Box 1589
Norris, Tennessee, 37828-1589

**RE: TVA, SEVIER FOSSIL PLANT/NO_x REDUCTION/AMMONIA STORAGE TANKS,
UNINCORPORATED, HAWKINS COUNTY**

Dear Mr. Graham:

In response to your request, received on Friday, October 29, 2004, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

After considering the documents you submitted, we determine that **THERE ARE NO NATIONAL REGISTER OF HISTORIC PLACES LISTED OR ELIGIBLE PROPERTIES AFFECTED BY THIS UNDERTAKING.** We have made this determination either because of the specific location, scope and/or nature of your undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, we have no objections to your proceeding with your undertaking.

If you are applying for federal funds, license or permit, you should submit this letter as evidence of consultation under Section 106 to the appropriate federal agency, which, in turn, should contact us as required by 36 CFR 800. If you represent a federal agency, you should submit a formal determination of eligibility and effect to us for comment. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at www.state.tn.us/environment/hist/sect106.shtm. You may direct questions or comments to Joe Garrison (615) 532-1550-103. This office appreciates your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Herbert L. Harper".

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

December 4, 2008

Dr. Thomas Maher
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

RE: TVA, JOHN SEVIER PLANT EXPANSION, UNINCORPORATED,
HAWKINS COUNTY

Dear Dr. Maher:

Pursuant to your request, this office has reviewed the additional documentation submitted by your Agency concerning the above-referenced undertaking. This is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

Considering available information, we find that the project as currently proposed will not adversely affect any property that is eligible for listing in the National Register of Historic Places. Therefore, this office has no objection to the implementation of this project. Please direct questions and comments to Jennifer M. Barnett (615) 741-1588, ext. 105. We appreciate your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb



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

November 6, 2009

Mr. E. Patrick McIntyre, Jr.
Executive Director
Tennessee Historical Commission
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Dear Mr. McIntyre:

TVA JOHN SEVIER FOSSIL PLANT COMBINED CYCLE PROJECT, HAWKINS COUNTY, TENNESSEE

The Tennessee Valley Authority (TVA) proposes to construct a combined cycle combustion turbine generating facility at the TVA John Sevier Fossil plant (JSF) in Hawkins County, Tennessee. The area of potential effect (APE) of the current project consists of approximately 92 acres (37.25 hectares). Portions of the APE have been previously examined by TRC, Inc. (TRC) in February 2009 under contract with TVA as part of the environmental review of previous planned improvements to JSF (Figure 1, enclosed report) (McKee and Karpynec 2009, Barrett and Karpynec 2008).

TVA contracted with TRC, to conduct the cultural resource survey of the APE. Prior to the field survey, TRC conducted archival research at the Tennessee Division of Archaeology and the Tennessee Historical Commission in Nashville to identify all documented historic properties within and near the APE. Archival research identified no previously recorded archaeological sites within the APE. A previous TRC cultural resource investigation of the plant (Barrett and Karpynec 2008) resulted in a determination by the Tennessee State Historic Preservation Office (TN-SHPO) that this resource is eligible for the National Register of Historic Places (NRHP).

Following the archival research, TRC conducted the cultural resources survey. Please find enclosed the draft report titled *Cultural Resource Investigations for the TVA John Sevier Fossil Plant Combined Cycle Project, Hawkins County, Tennessee*. The report discusses both the results of previous surveys along with results from the survey of the remaining areas of the current APE for the combined cycle facility project.

The archaeological survey, conducted from August 26–28, 2009, consisted of the remaining APE located primarily in the eastern portion of the project area not covered by previous cultural resources surveys. The entire project area was subject to extensive previous disturbance during the past fifty years of JSF operations and no new archaeological sites were identified during the current cultural resources survey.

Mr. E. Patrick McIntyre, Jr.
Page 2
November 6, 2009

TRC staff conducted the historical/architectural survey of the APE on August 26, 2009. No previously unrecorded architectural resources, of at least 50 years of age, were identified within the proposed APE. TRC's reassessment of JSF resulted in the recommendation that the proposed installation of the combined cycle equipment would not lead to the demolition or physical alteration of JSF's historic core. TRC found that while the combined cycle equipment would visually effect JSF, that effect would not be adverse and JSF would remain eligible for listing in the National Register of Historical Places (NRHP) under criteria A and C for its significance in the area of electrical production following World War II and as a representative example of the International Style of architecture.

TVA has reviewed the enclosed report and agrees with the findings and recommendations of the authors. Pursuant to 36 CFR Part 800 TVA is seeking your concurrence with these findings, and our recommendation that the proposed undertaking would not adversely affect any historic properties on or eligible for listing in the NRHP.

Should you have any questions or comments, please contact Richard Yarnell at 865/632-3463 or wryarnell@tva.gov.

Sincerely,



A. Eric Howard
Federal Preservation Officer
WT 11D-K

MH:IKS
Enclosures

cc: Ms. Jennifer Barnett
Tennessee Division of Archaeology
1216 Foster Avenue, Cole Bldg. #3
Nashville, Tennessee 37210

FDMS, WT 11D-K



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

November 12, 2009

Mr. A. Eric Howard
Tennessee Valley Authority
400 West Summit Hill Dr.
Knoxville, Tennessee, 37902-1499

RE: TVA, JOHN SEVIER FOSSIL/COMBINED CYCLE, UNINCORPORATED, HAWKINS COUNTY

Dear Mr. Howard:

In response to your request, received on Thursday, November 5, 2009, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

Considering available information, we find that the project as currently proposed MAY ADVERSELY AFFECT PROPERTIES THAT ARE ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. You should now begin immediate consultation with our office. Please direct questions and comments to Joe Garrison (615) 532-1550-103. We appreciate your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jyg



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

December 21, 2009

Mr. E. Patrick McIntyre, Jr.
 Executive Director
 Tennessee Historical Commission
 2941 Lebanon Road
 Nashville, Tennessee 37243-0442

Dear Mr. McIntyre:

TVA , JOHN SEVIER FOSSIL PLANT COMBINED CYCLE PROJECT, HAWKINS COUNTY, TENNESSEE

In response to the consultation letter dated November 12, 2009 (enclosed) and discussions with Dr. Garrison and Richard Yarnell on December 4, 2009, the following information should address your concerns and provide clarification to TVA's letter of November 6, 2009, regarding the criteria and purpose for selecting John Sevier Fossil Plant (JSF), a National Register of Historic Places (NRHP) eligible property, as the site for a combined cycle turbine plant (CC) in East Tennessee.

A court Order issued in the *North Carolina v. TVA* lawsuit requires TVA to reduce emissions at the JSF by January 2, 2012. TVA seeks to utilize the existing infrastructure at the fossil facility in a manner that allows greater flexibility in generating power at JSF and satisfies the terms of the Order. Therefore, the proposed CC project is being considered to meet these purposes. TVA is continuing to investigate the use of SOx and NOx Controlled Technologies (e.g. scrubbers), but the length of time to select and install such technologies would exceed the Order deadline of January 12, 2012. Thus, the construction of a CC remains the most viable option to meet the requirements of the Order. Furthermore, JSF operates under an existing Title V Permit regarding compliance with the Tennessee air pollution control regulations and the *Tennessee Air Quality Act*. Revision of the JSF Title V Permit for the installation of the proposed CC would allow TVA to meet the January 12, 2012 deadline; a timeline that could not be met if TVA were seeking a Title V Permit at a new location. While the proposed undertaking may alter the physical setting of the JSF, the construction of the CC would not demolish, or physically alter any of the contributing resources, allowing JSF to remain operational and meeting the regional customer power supply.

It is likely the JSF will continue to undergo future alterations to the existing infrastructure to ensure that TVA meets changing environmental standards. Understanding that the proposed CC undertaking may adversely affect JSF, TVA proposes that documentation equal to or the nomination of JSF to the NRHP would be considered adequate mitigation. Pursuant to 36 CFR Part 800, TVA is seeking your concurrence that documentation would mitigate potential adverse effects to the JSF by the proposed undertaking.

John Sevier Combined-Cycle and Natural Gas Pipeline

Mr. E. Patrick McIntyre, Jr.
Page 2
December 21, 2009

Should you have any questions or comments, please contact Richard Yarnell at 865/632-3463 or wryarnell@tva.gov.

Sincerely,

A handwritten signature in cursive script that reads "Eric Howard".

A. Eric Howard
Federal Preservation Officer

MH:IKS
Enclosure

cc: Dr. Joe Garrison (w/enclosure)
2941 Lebanon Pike
Nashville, Tennessee 37243

Kimberly Hodges (EDMS), LP 2V-C



December 29, 2009

TENNESSEE HISTORICAL COMMISSION
 DEPARTMENT OF ENVIRONMENT AND CONSERVATION
 2941 LEBANON ROAD
 NASHVILLE, TN 37243-0442
 (615) 532-1550

Mr. A. Eric Howard
 Tennessee Valley Authority
 400 West Summit Hill Dr.
 Knoxville, Tennessee, 37902-1499

RE: TVA, JOHN SEVIER COMBINED CYCLE, UNINCORPORATED, HAWKINS COUNTY

Dear Mr. Howard:

In response to your request, received on Tuesday, December 22, 2009, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process. You may also find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at <http://www.tennessee.gov/environment/hist/federal/sect106.shtml>.

Based on available information, we propose that the project as currently proposed might not adversely affect any National Register of Historic Places-eligible property so long as the following condition was met:

TVA place sufficient vegetative screening between the historic property and the proposed project to screen it from the historic property

So long as TVA agrees to meet this condition, this office has no objection to the implementation of this project. You should begin immediate consultation with this office to determine whether this is a mutually agreeable course of action. Questions and comments may be directed to Joe Garrison (615) 532-1550-103. Your cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
 Executive Director and
 State Historic Preservation Officer

EPM/jyg



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

January 20, 2010

Mr. E. Patrick McIntyre, Jr.
Executive Director
Tennessee Historical Commission
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Dear Mr. McIntyre:

ADDITIONAL INFORMATION - TVA JOHN SEVIER FOSSIL PLANT COMBINED CYCLE PROJECT, HAWKINS COUNTY, TENNESSEE

In response to your letter dated December 29, 2009 (enclosed), TVA agrees to meet the condition of placing vegetative screening between the National Register of Historic Places-eligible John Sevier Fossil Plant (JSF) and its contributing elements and the proposed combined cycle plant. TVA is in the process of developing a vegetative screening plan for JSF and will submit the proposed plan to your office for your review and comment.

Should you have any questions or comments, please contact Richard Yarnell at 865/632-3463 or wryarnell@tva.gov.

Sincerely,

A handwritten signature in black ink that reads "Eric Howard".

A. Eric Howard
Federal Preservation Officer
WT 11D-K

MH:IKS
Enclosure

cc: Ms. Jennifer Barnett
Tennessee Division of Archaeology
1216 Foster Avenue, Cole Bldg. #3
Nashville, Tennessee 37210

Kimberly Hodges (EDMS), LP 2V-C



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

January 26, 2010

Ms. Kathleen Kilpatrick
 State Historic Preservation Officer
 Department of Historic Resources
 2801 Kensington Avenue
 Richmond, Virginia 23221

Dear Ms. Kilpatrick:

THE EAST TENNESSEE NATURAL GAS, LLC NORTHEASTERN TENNESSEE PROJECT,
 WASHINGTON COUNTY, VIRGINIA; VDHR FILE NUMBER – 2009-0976.

The Tennessee Valley Authority (TVA) proposes to construct a natural gas combined cycle combustion turbine plant (CCCT) at the John Sevier Fossil Plant (JSF) in order to reduce air emissions. The construction of the combined cycle plant would allow TVA to utilize the existing infrastructure at the fossil facility in a manner that allows greater flexibility in generating power at JSF and continue to meet the power supply demands of the region. Operation of the proposed combined cycle plant would require East Tennessee Natural Gas, LLC (ETNG) to upgrade approximately 8.81 miles of existing pipeline in Washington County, Virginia. TVA agrees with the previously determined Area of Potential Effect (APE), as defined in VDHR FILE NUMBER 2009-0976 which is approximately the 8.81-mile long by 200-foot wide pipeline corridor, the footprint of the 7.3-acre proposed ware yard and the 1.94 miles of proposed access roads.

ETNG is seeking a license from the Federal Energy Regulatory Commission (FERC) to construct, operate, and maintain new and upgraded natural gas pipeline required by TVA's proposed CCCT. By this letter TVA is consulting your office regarding the findings and recommendations resulting from the Phase I Cultural Resources Survey prepared by R. Christopher Goodwin and Associates, Inc. (Goodwin) for the FERC undertaking. This report will also be submitted to your office by FERC under the Section 106 process. Please find enclosed the report titled *Phase I Archaeological Survey and Architectural Reconnaissance for the Proposed East Tennessee Natural Gas, LLC Northeastern Tennessee Project, Washington County, Virginia* as fulfillment of TVA's obligations under Section 106 of the *National Historic Preservation Act*.

The APE in Virginia is part of a larger project associated with the construction and operation of the pipeline and the JSF CCCT that also includes approximately the 19.0-mile long by 200-foot wide new and upgraded ETNG pipeline project corridor, 29 associated access roads, three ware yards totaling 20.4 acres in Hawkins, Greene, Washington, and Sullivan Counties, Tennessee, and approximately 92 acres on the JSF reservation in Hawkins County, Tennessee. Per your request, please find enclosed digital copies of the draft reports titled *Phase I Archaeological Survey and Architectural Reconnaissance for the Proposed East Tennessee Project, Hawkins, Greene, Washington, and Sullivan Counties, Tennessee* and *Cultural Resource Investigations for the TVA John Sevier Fossil Plant Combined Cycle Project, Hawkins County, Tennessee*.

Ms. Kathleen Kilpatrick
Page 2
January 26, 2010

We also have enclosed the consultation letters between TVA and the Tennessee State Historic Preservation Office. TVA is consulting with the following federally recognized Indian tribes regarding properties within the proposed project's APE that may be of religious and cultural significance to them: Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians in Oklahoma, The Chickasaw Nation, Choctaw Nation of Oklahoma, Jena Band of Choctaw Indians, Muscogee (Creek) Nation of Oklahoma, Quassarte Tribal Town, Kialegee Tribal Town, Thlopthlocco Tribal Town, Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, and the Shawnee Tribe.

Prior to the field survey, Goodwin conducted archival research at the Virginia Department of Historic Resources (VDHR) to identify all documented historic properties within and near the APE. Archival research identified four previously recorded archaeological sites (44WG247, 44WG248, 44WG249, and 44WG250) within the APE. Three sites (44WG247, 44WG249, and 44WG250) were determined ineligible for the National Record or Historic Places (NRHP) and were not relocated during the current survey. Site 44WG248 was previously determined eligible for the NRHP.

The archaeological survey conducted during July, August, and December 2009, identified three isolated finds: one secondary flake fragment, one historic stoneware fragment, and one non-cortical flake fragment. (Please note that on page 66, Figure 14 the Positive Historic STP label is a typo and will be changed to Positive Prehistoric for the final report). Goodwin also conducted testing outside the previous mapped site boundaries of site 44WG248. In order to avoid adverse affects to NRHP eligible site 44WG248,

- Goodwin placed five slip trenches along the existing pipeline in order to delineate the boundaries of the existing pipeline trench
- The upgrading of the pipeline would be confined to the boundaries of the existing trench within the boundaries of site 44WG248
- An open cut of Benhams Road to facilitate use of the existing trench has been approved by Virginia Department of Transportation
- Timber mats will be employed for access to the site and a straw barrier will be used to separate the spoil piles from the site surface and prevent ground impact when the spoil is returned to the trench
- An archaeological monitor will be present during construction to ensure that no intact archaeological deposits are disturbed
- The proposed work would not disturb any intact archaeological deposits and shall be confined to the previously disturbed portions of the site.

With the conditions outlined in the letter in regards to site 44WG248, it is TVA's opinion that no cultural resources eligible for the NRHP would be adversely affected by the proposed undertaking and no further investigations are recommended.

TVA has reviewed the enclosed report and agrees with the recommendations of the authors. Pursuant to 36 CFR Part 800, we are seeking your concurrence with TVA's findings and recommendations.

Ms. Kathleen Kilpatrick
Page 3
January 26, 2010

Should you have any questions or comments, please contact Richard Yarnell at 865/632-3463 or wryarnell@tva.gov.

Sincerely,

A handwritten signature in black ink that reads "Eric Howard". The signature is written in a cursive, flowing style.

A. Eric Howard
Federal Preservation Officer

MH:IKS
Enclosures

cc: Mr. Roger Kirchen
Project Review Archaeologist
2801 Kensington Avenue
Richmond, Virginia 23221

Kimberly Hodges (EDMS), LP 2V-C



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

January 27, 2010

Mr. A. Eric Howard
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

RE: TVA, CULTURAL RESOURCES ASSESSMENT, ETNG/NORTHEASTERN
EXTENSION PROJ., UNINCORPORATED, MULTI COUNTY, TN

Dear Mr. Howard:

At your request, our office has reviewed the above-referenced cultural resources survey report in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided, we concur that the project area contains no historic properties eligible for listing in the National Register of Historic Places.

If project plans are changed or archaeological remains are discovered during construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

Your cooperation is appreciated.

Sincerely,

A handwritten signature in black ink that reads "E. Patrick McIntyre, Jr.".

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb



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

February 2, 2010

Ms. Lisa C. LaRue
 Director, Language, History and Culture &
 Acting Tribal Historic Preservation Officer
 United Keetoowah Band
 of Cherokee Indians in Oklahoma
 Post Office Box 746
 Tahlequah, Oklahoma 74464

RECEIVED FEB 05 2010

The United Keetoowah Band of Cherokee Indians in Oklahoma has no objection to the referenced project. However, if any remains, artifacts or other items are inadvertently discovered, please cease construction immediately and contact us at 918-456-6533 or by letter.

Dear Ms. LaRue:

Lisa C. Stopp 2-9-10
 Lisa C. Stopp, Tribal NAGPRA POC Date

THE EAST TENNESSEE NATURAL GAS, LLC, NORTHEASTERN TENNESSEE PROJECT,
 WASHINGTON COUNTY, VIRGINIA

The Tennessee Valley Authority (TVA) proposes to construct a natural gas combined cycle combustion turbine plant at the John Sevier Fossil Plant (JSF) in order to reduce air emissions. The construction of the combined cycle plant would allow TVA to utilize the existing infrastructure at the fossil facility in a manner that allows greater flexibility in generating power at JSF and continue to meet the power supply demands of the region. Operation of the proposed combined cycle plant would require East Tennessee Natural Gas, LLC (ETNG) to upgrade approximately 8.81 miles of existing pipeline in Washington County, Virginia. TVA agrees with the previously determined area of potential effect (APE), as defined in VDHR FILE NUMBER 2009-0976 which is approximately the 8.81-mile long by 200-foot wide pipeline corridor, the footprint of the 7.3-acre proposed ware yard and the 1.94 miles of proposed access roads.

ENTG contracted with Goodwin and Associates to conduct the Phase I cultural resources survey. Please find enclosed a digital copy of the draft report titled *Phase I Archaeological Survey and Architectural Reconnaissance for the Proposed East Tennessee Natural Gas, LLC Northeastern Tennessee Project, Washington County, Virginia*.

Prior to the field survey, Goodwin conducted archival research at the Virginia Department of Historic Resources (VDHR) to identify all documented historic properties within and near the APE. Archival research identified four previously recorded archaeological sites (44WG247, 44WG248, 44WG249, and 44WG250) within the APE. Three sites (44WG247, 44WG249, and 44WG250) were determined ineligible for the National Register of Historic Places (NRHP) and were not relocated during the current survey. Site 44WG248 was previously determined eligible for the NRHP.

The archaeological survey conducted during July, August, and December 2009, identified three isolated finds: one secondary flake fragment, one historic stoneware fragment, and one non-cortical flake fragment. Goodwin also conducted testing outside the previous mapped site boundaries of site 44WG248. In order to avoid adverse affects to NRHP-eligible site 44WG248,

- Goodwin placed five slip trenches along the existing pipeline in order to delineate the boundaries of the existing pipeline trench
- The upgrading of the pipeline would be confined to the boundaries of the existing trench within the boundaries of site 44WG248
- An open cut of Benhams Road to facilitate use of the existing trench has been approved by Virginia Department of Transportation



EASTERN SHAWNEE TRIBE

Cultural Preservation Department
P. O. Box 350, Seneca, MO 64865
918 666 2435 ext 247

culturalpreservation@estoo.net

February 10, 2010

Pat Bernard Ezzell
TVA Historian & NA Liaison
400 W Summit Hill Drive,
Knoxville, TN 37902-1499

Dear Ms. Ezzell,

RE: East TN Natural Gas, LLC, NE TN Project, Hawkins, Greene, Washington & Sullivan Counties, TN

Thank you for your communication dated January 22, 2010 listing the project referenced above. Our department has reviewed this letter and wishes to inform you we concur with TVA's finding and recommendations for the six sites listed.

The ESTO is pleased all these resources have been protected. We also wish to express you have made it straightforward to reply to this complex proposal. Your expertise at coordinating the results of all six sites in one project letter is brilliant.

Best regards,

Robin Dushane
Cultural Preservation Dept



Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
P.O. Box 455
Cherokee, NC 28719
Ph: 828-554-6852 Fax 828-488-2462

DATE: February 19, 2010

TO: TVA
Attn: Pat B. Ezzell
400 West Summit Hill Dr.
Knoxville, TN 37902-1499

PROJECT(s): Comments regarding East TN Natural Gas, LLC, Northeastern TN Project, Hawkins, Greene, Washington, and Sullivan Counties, TN.

The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians would like to thank you for the opportunity to comment on this proposed Section 106 activity under 36 C.F.R. 800.

The EBCI THPO concurs with the archeologist's recommendations that no archeological sites eligible for inclusion on the National Register of Historic Places will be affected by the proposed undertaking since the construction plans are modified to avoid all eligible sites. As such, the EBCI THPO believes that the proposed project may proceed as planned. In the event that project plans change, or cultural resources or human remains are discovered, all work should cease, and this office should be contacted to continue government to government consultation as defined under Section 106 of the National Historic Preservation Act of 1966, as amended.

If we can be of further service, or if you have any comments or questions, please feel free to contact me at (828) 554-6852.

Sincerely,

Tyler Howe
Tribal Historical Preservation Specialist
Eastern Band of Cherokee Indians



the
Chickasaw
Nation HEADQUARTERS

Arlington at Mississippi / Box 1548 / Ada, OK 74821-1548 / (580) 436-2603

Bill Anoatubby
Governor

Jefferson Keel
Lieutenant
Governor

March 1, 2010

Ms. Patricia B. Ezzell
Native American Liaison and Historian
Environmental Permitting & Compliance
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1499

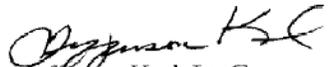
Dear Ms. Ezzell:

Thank you for the notification of the East Tennessee Natural Gas, LLC, Northeastern Tennessee project to construct a natural gas combined cycle combustion turbine plant at the John Sevier Fossil Plant and the required 8.5 miles of new lateral pipeline, and upgrade of approximately 10.7 miles of existing pipeline located in Hawkins, Greene, Washington, and Sullivan Counties, Tennessee.

We accept your recommendation of no adverse effect after the delineated construction modifications have been made. However, we ask that in the event of inadvertent discoveries, all construction activities cease, and we be notified according to all applicable federal and state laws.

If you have any questions, please contact Ms. Gingy Nail, historic preservation officer at (580) 559-0817, gingy.nail@chickasaw.net or Ms. Julie Ray, historic preservation and repatriation manager at (580) 559-0825, julie.ray@chickasaw.net.

Sincerely,


Jefferson Keel, Lt. Governor
The Chickasaw Nation

jar



God Bless America!



COMMONWEALTH of VIRGINIA

Douglas W. Domenech
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

March 5, 2010

Mr. Richard Yarnell
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1499

Re: *Phase I Archeological Survey and Architectural Reconnaissance for the Proposed East Tennessee Natural Gas, LLC Northeastern Tennessee Project, Washington County, Virginia*
DHR File No. 2009-0976

Dear Mr. Yarnell:

We have received for review the report referenced above prepared by R. Christopher Goodwin & Associates, Inc. for Natural Resource Group, LLC and East Tennessee Natural Gas, LLC. Our comments are provided as assistance to the Tennessee Valley Authority (TVA) and Federal Energy Regulatory Commission (FERC) in meeting their individual responsibilities pursuant to Section 106 of the National Historic Preservation Act. We are pleased to inform you that this survey and report meet the *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-42) and DHR's *Survey Guidelines* (rev. 2003).

The project, as presented, is the construction of a new natural gas combustion turbine plant at the John Sevier Fossil Plant in Tennessee, approximately 28 miles of new gas transmission pipeline, four ware yards, and associated access roads. Within Virginia, TVA proposes to install 8.81 miles of pipeline, a 7.3-acre ware yard, and 1.94 miles of access road.

The architectural survey identified five resources (DHR ID #s **095-5362 through 5366**) adjacent to the Area of Potential Effect. We concur that this project does not have the potential to impact these properties and no further consideration is warranted at this time. We do request that the report be revised to include the state-issued resource numbers in the text, Table 5, and Figures 2 – 7.

The archaeological survey identified no new archaeological sites, but three isolated finds, which, by definition, are not eligible for listing in the National Register of Historic Resources. Site **44WG0248**, which was previously determined eligible for listing in the National Register, is located within the APE. Archaeological assessment of the area has established site boundaries and the width of the existing trench into which the new pipe will be installed. TVA recommends a finding of no adverse effect provided that (1) upgrades are confined to the existing trench, (2) installation across Benhams Road is accomplished through open trenching, (3) timber mats and straw barriers are employed to avoid damage to the site, and (4) an archaeological monitor be present during construction. If these

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Newport News, VA 23608
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P.O. Box 519
Stephens City, VA 22655
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Page 2
March 5, 2010
DHR File No. 2009-0976

conditions and the condition proposed by the Tennessee Historical Commission regarding vegetative screening can be met, we *concur* with your *no adverse effect* determination. If changes are made to the scope of the project which may result in impacts to areas not previously surveyed for cultural resources, please notify our office regarding the need for additional survey.

Thank you for the opportunity to review this work. In addition to the revisions requested above, we ask that the total acreage surveyed be included in the Executive Summary. If you have any questions regarding these comments, please do not hesitate to contact me at roger.kirchen@dhr.virginia.gov.

Sincerely,



Roger W. Kirchen, Archaeologist
Office of Review and Compliance

c: Mr. Andrew J. Chartrand, ETNG
Mr. Michael B Hornum, RCGA

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