

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

### **KINGSTON FOSSIL PLANT ASH RECOVERY – PROPOSED RECREATION AREAS**

The Tennessee Valley Authority (TVA) proposes to develop public recreation areas to help restore and enhance the community that was impacted by the December 2008 Kingston Fossil Plant (KIF) ash spill event in Roane County, Tennessee. In January 2009, TVA began developing a recovery plan that would address remediation of the area affected by the dike failure and subsequent ash spill. The objective of the public recreation areas proposal is to enhance and restore some of the land and recreation opportunities that were impacted by the ash spill by converting lands near KIF to public recreational areas.

Prior to the ash spill, softball and soccer fields on TVA's KIF property were available for use by the public. The adjacent ash and water treatment ponds were also used by the public as a wildlife observation area, particularly for viewing shorebirds during the spring and late summer/early fall. These areas have been closed to the public since the ash spill; the ball field area now serves to support the ash recovery effort.

The proposed action also includes allocation changes to nine parcels of TVA Watts Bar Reservoir property in the vicinity of the proposed recreation project. These parcels were initially proposed for allocation in the *Watts Bar Reservoir Land Management Plan Final Environmental Impact Statement* (2009 Plan), completed in February 2009. However, after the ash spill TVA excluded the nine affected parcels from the 2009 Plan and proposed to consider their allocation at another time.

The proposed action is the subject of an environmental assessment (EA) prepared by TVA, which is incorporated herein by reference. The EA tiers from the 2009 Plan and the *Kingston Fossil Plant Structure Razing Environmental Assessment* and incorporates by reference information from the body of related TVA environmental reviews listed therein.

#### **Alternatives**

In accordance with the National Environmental Policy Act (NEPA), TVA developed and evaluated two alternatives in the EA: the No Action Alternative and the Action Alternative.

Under the No Action Alternative, TVA would not develop three proposed recreation concepts (totaling 137 acres) or allocate 143.6 acres of reservoir property at this time. Environmental conditions in the project area would not change, and anticipated recreation and environmental improvements would not occur. Additionally, the proposed allocation changes to reservoir property would not occur at this time but would be addressed at some future time. Adoption of this alternative would not meet TVA's commitment to restore the area to as good or better condition than it was before the spill.

Under the Action Alternative, TVA would enhance and restore land and recreation areas impacted by the 2008 TVA ash spill at KIF by developing three recreation areas, i.e., a ball field area, a developed recreation and green space area, and a green space for wildlife observation and wetland restoration/management activities. Additionally, the continued appropriateness of

the previous allocation of nine affected parcels has been reevaluated and five parcels would be allocated to different land uses more compatible with current and foreseeable conditions.

TVA's Preferred Alternative is the Action Alternative, which is to develop the three planned recreation areas, manage the developed recreation area and two green space public use areas, and allocate the use of nine parcels of Watts Bar reservoir property in the vicinity of the recreation project area.

### **Impacts Assessment**

Implementing the Action Alternative would result in no impacts or minor impacts to wild and scenic rivers, air quality, transportation, hazardous and non-hazardous waste, health and safety, and global climate change. There would be minor and temporary localized increases in noise during construction and vegetation maintenance activities. The project's impact on recreation, wetlands, floodplains, land use, prime farmland, visual resources, water quality, socioeconomics and economic justice were evaluated in the EA and impacts were found to be minimal.

Adoption of the Action Alternative would result in minor beneficial effects to recreation, socioeconomics, wetlands, floodplains and aquatic ecology. The creation of new recreation areas would provide additional recreational opportunities to the public and would potentially generate additional local revenues as a result of purchases and sales tax proceeds from recreation area user spending and sales tax proceeds from purchases of equipment and services. The proposed wetland restoration activities would lead to insignificant beneficial impacts to wetlands, floodplains, and aquatic ecology, including an increase in habitat complexity and a minor overall increase in wetland acreage and quality within the watershed.

Implementation of the Action Alternative would be in accordance with implementing the proposed action would have only minor effects to vegetation, wildlife, and aquatic life. No federally listed or state-listed endangered or threatened species are present and no suitable habitat for these species occurs within the project area. Therefore, implementing the proposed action would have no effect on any endangered or threatened species; thus, requirements under Section 7 of the Endangered Species Act are satisfied. No historic properties would be affected by the proposed action. One previously recorded archaeological site (a historic artifact scatter) was identified within the project area; however, TVA finds the site ineligible for listing in the National Register of Historic Places. The Tennessee State Historic Preservation Officer (SHPO) concurred with TVA's finding, thus requirements under Section 106 of the National Historic Preservation Act are satisfied.

### **Public and Intergovernmental Review**

A draft EA was released to the public on August 1, 2011, and TVA accepted comments through September 16, 2011. TVA received 46 comment submissions from 43 commenters and one petition with 382 signatures. TVA has considered all of the substantive comments it received on the draft EA and has responded to them in the final EA as appropriate. TVA consulted with the Tennessee SHPO concerning impacts to cultural resources, and the Tennessee SHPO concurred that the proposed action will have no adverse impact on such resources. In addition, appropriate recognized Native American tribes were consulted concerning the proposed undertaking. TVA received no objection from any of the tribes.

### **Mitigation**

TVA will implement the following nonroutine measure to reduce the potential for adverse effects to wildlife:

- To avoid adverse impacts to nesting birds, construction activities planned for Site 2 will not occur during the tree swallow breeding season (March 1 through July 1).

**Conclusion and Findings**

Based on the findings listed above and the analyses in the EA, we conclude that the proposed action of developing three public recreation areas would not be a major federal action significantly affecting the environment. Accordingly, an environmental impact statement is not required.



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Date Signed