

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY

**STATE ROUTE 15 (US 64) BETWEEN WAYNESBORO AND PULASKI - SECTION 26a
APPROVAL FOR STREAM ALTERATIONS ASSOCIATED WITH CONSTRUCTION OF
6.5-MILE LAWRENCEBURG BY-PASS SEGMENT, LAWRENCE COUNTY,
TENNESSEE**

The Tennessee Department of Transportation (TDOT) has requested approval under Section 26a of the TVA Act for stream alterations associated with the construction of the 6.5-mile eastern Lawrenceburg By-Pass segment of State Route 15 (US Highway 64) from SR 6 (US 43) to 0.5 miles west of the Giles County line. Specific actions requiring Section 26a approval are:

- Construction of two culverts and associated riprap on unnamed tributaries to Shoal Creek.
- Construction of a culvert and associated riprap on unnamed tributary to West Fork Sugar Creek.
- Construction of two culverts and associated riprap on unnamed tributaries to Dry Land Creek.
- Construction of a bridge on an unnamed tributary to Dry Land Creek.
- Relocation of 252 feet of an unnamed tributary to West Fork Sugar Creek.
- Permanent filling of 4.658 acres of jurisdictional wetlands.
- Construction of an outfall structures on an unnamed tributary to Dry Land Creek.

These actions are described in detail in the attached Joint Application Form.

The 6.5-mile eastern Lawrenceburg By-Pass comprises Segment 8 of a larger TDOT highway improvement project for 45.5 miles of SR 15 between SR 99 in Wayne County and the SR 15 by-pass in Pulaski, Giles County. SR 15 is classified as a Principal Arterial highway and the highway improvement project would upgrade it to a four-lane highway with a by-pass around Lawrenceburg. Most roadway construction would consist of four 12-foot directional travel lanes, a 48-foot median, 12-foot outside shoulders, and 6-foot inside shoulders. The overall project would be built on a combination of the existing US 15 alignment and new alignment. The Lawrenceburg By-Pass would be on a new alignment. The project would accommodate future traffic demands while improving existing highway geometric and operational deficiencies.

The Federal Highway Administration (FHWA) and TDOT jointly prepared an Environmental Assessment (EA) dated April 6, 2000, and a Finding of No Significant Impact (FONSI) dated October 28, 2002, for the entire 45.5-mile improvement project. TVA was a cooperating agency in the preparation of the FWHA/TDOT EA. Since the FHWA/TDOT EA and FONSI were completed, TVA has received Section 26a permit applications from TDOT for several of the 10 segments of the project. On March 2,

2004, TVA adopted the FHWA/TDOT EA and issued a FONSI for its actions associated with construction of Segments 1 and 4 of the project. TVA has subsequently issued Section 26a permits for stream crossings on Segments 6 and 9. The current proposal is for actions associated with parts of Segments 7 and 8.

Alternatives

TVA participated in the preparation of the FHWA/TDOT EA as a cooperating agency. The United States Army Corps of Engineers (USACE) also was a cooperating agency. The EA considered the "No Build" and "Build" Alternatives for the Lawrenceburg By-Pass. During project development and after public review, TDOT modified the Build Alternative by extending the east end of the Lawrenceburg By-Pass farther to the east on new alignment. The other project modifications added at that time and described in the FHWA/TDOT FONSI did not affect the Lawrenceburg By-Pass. Prior to its selection of the Build Alternative, TDOT considered an alternate alignment for the Lawrenceburg By-Pass around the north side of Lawrenceburg. This alignment was rejected because it would have impacted more wetlands, streams, and floodplains and displaced more residents, while offering no traffic service advantages. The alternatives available to TVA at this time are No Action, in which case TVA would not issue the Section 26a permit, and the Action Alternative of issuing the Section 26a permit for the construction of the east Lawrenceburg By-Pass with any mitigation and permit conditions necessary to meet regulatory requirements and minimize impacts.

Public and Intergovernmental Review

As described in the FHWA/TDOT EA and the 2004 TVA FONSI, TDOT provided several opportunities for public and intergovernmental involvement in the development and review of the SR 15 project. The current proposal was the subject of the attached USACE and TVA joint public notice issued April 12, 2007. Comment letters, also attached, were received from the U.S. Fish and Wildlife Service (USFWS) and the Tennessee Historical Commission. The Tennessee Department of Environment and Conservation (TDEC) also issued a public notice of TDOT's application for an Aquatic Resource Alteration Permit (ARAP) on July 19, 2007. TDOT subsequently held a public hearing on the ARAP application on August 31, 2007. During its review of the ARAP application, TDEC requested modifications to some of the proposed stream alterations and associated mitigation measures. TDOT has adopted these changes and thus the final permitted action differs slightly from that described in the Section 26a permit application.

Impacts Assessment

The proposed east Lawrenceburg By-Pass segment would be built on new alignment with access limited to intersecting public roadways. Land use in the area is primarily agricultural with low density residences and scattered small woodlots. Although some residences would be displaced and farmland removed from production, overall land uses would not be significantly affected and changes in land use would be limited by the partial access control. Impacts to wildlife and vegetation would be insignificant. The prime farmland along the east and west segments of the Lawrenceburg By-Pass was rated 122 by National Resource Conservation Service criteria, below the threshold score of 160 requiring evaluation of other alternatives. Long-term economic impacts would be beneficial and there would be no substantial impact on air quality or noise levels.

The streams directly affected by the highway construction and TVA's proposed action are all unnamed first or second order tributaries to Shoal Creek or to Dry Land Creek, a tributary to Shoal Creek. No unique or important aquatic communities occur in the affected stream segments. About one-third of a mile of streams would be encapsulated in culverts, a 252-foot stream segment would be relocated, and additional stream segments would have riprap or channel liner placed along their banks. To mitigate this impact to aquatic habitat, TDOT proposes onsite restoration activities and the payment of \$351,600 to the Tennessee Stream Mitigation Program. With the compensatory mitigation, adherence to TDOT best management practices, TVA standard permit conditions, and the conditions of the TDEC §401 Certification and ARAP permit issued September 7, 2007, impacts to water quality and aquatic ecology would be insignificant.

The highway construction would result in the permanent filling of 4.658 acres of wetlands. TDOT proposes to mitigate this by a combination of onsite mitigation and/or by debiting the necessary acres from available wetland credits at the Coffee County Wetland Mitigation Bank or other nearby mitigation bank such that the equivalent of a 4:1 ratio (18.63 acres) is met. This mitigation ratio is consistent with the ratio for previously approved segments of the highway.

Most of the construction activities requiring TVA approval would occur in floodplains. They are repetitive actions and, based on the hydraulic designs, would not significantly alter pre-project flood elevations. The project complies with the floodplain management requirements of the National Flood Insurance Program and is consistent with Executive Order 11988 on floodplain management.

The FHWA/TDOT EA concluded that no federally listed endangered or threatened species would be affected. In a letter dated May 9, 2007, the USFWS concurred with this determination for the current proposal. TVA also concurs with this determination and has independently concluded that there would be no adverse effects on state-listed endangered or threatened species.

No known historical or archaeological sites of local, state, or national significance eligible for or listed in the National Register of Historic Places (NRHP) would be adversely affected by the proposed roadway project. In a letter dated June 14, 2007, the Tennessee Historical Commission concurred with this determination.

Mitigation and Permit Requirements

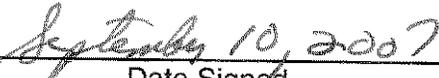
TVA would require that TDOT adhere to standard conditions for water quality protection contained in the Section 26a permit. As described above, TDOT proposes to mitigate impacts to streams through onsite restoration activities and the payment of \$351,600 to the Tennessee Stream Mitigation Program. TDOT also proposes to mitigate impacts to wetlands by onsite restoration and/or debiting up to 18.63 acres from an approved wetland mitigation bank. TVA has not identified the need for other mitigation to further reduce potential impacts.

Conclusion and Findings

TVA has determined that the issuance of the Section 26a permit for this proposed highway project is not a major federal action significantly affecting 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.



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Date Signed