

**ADOPTION AND FINDING OF NO SIGNIFICANT IMPACT**  
**TENNESSEE VALLEY AUTHORITY**  
**MEADOWVIEW AQUATIC CENTER**  
**SULLIVAN COUNTY, TENNESSEE**

The City of Kingsport (City) proposes to develop the Kingsport Aquatic Center, a 46,400-square-foot commercial recreational development that would include a YMCA aquatic facility, an outdoor recreational area, and associated parking lots and roadways. The development would also provide an outdoor recreation area with picnic shelters, a play area, and parking. The proposed recreational facility would provide increased recreational opportunities for the public.

The proposed aquatic center would be constructed at the Meadowview site in Kingsport Tennessee. Stream impacts would occur from two road crossings of two unnamed tributaries to Horse Creek for access to the site. One crossing would consist of 90 feet of 8-foot by 4-foot bottomless box culvert, and the other would involve the installation of 101 feet of 30-inch pipe culvert. Furthermore, construction of the aquatic center and recreational facility would involve adding fill into 15.5 acres of jurisdictional wetlands. Compensatory mitigation would be required and would occur at four sites.

On May 18, 2010, the City applied for Section 26a approval for stream crossings over two unnamed tributaries to Horse Creek, in Sullivan County, Tennessee (see Appendix C of the attached environmental assessment [EA]). Section 26a of the Tennessee Valley Authority (TVA) Act of 1933, as amended, requires that TVA approval be obtained prior to the construction, operation, or maintenance of a structure or construction activity affecting navigation, flood control, or public lands. Therefore, TVA's action would be to make a decision on the City's request for Section 26a approval for the stream crossings.

To address the potential environmental impacts of the proposal, the United States Army Corps of Engineers (USACE) completed an EA on May 31, 2011. TVA was a cooperating agency in the preparation of the EA. TVA is adopting the EA which is incorporated by reference.

**Alternatives**

From the standpoint of the National Environmental Policy Act, two alternatives were considered in the EA: the No Build (or No Action) Alternative and the Meadowview Site Alternative (i.e., the Action Alternative), which considers the construction of the aquatic center at the Meadowview site.

The City considered multiple sites for the proposed project and ruled out all but seven, as most had undesirable locations or locations that would preclude any future expansion of the facility. An alternatives analysis was performed on the remaining seven possible sites to assess demographic characteristics, traffic patterns, and the engineering and economic feasibility for constructing the proposed development. These sites were analyzed with respect to convenience, site acquisition costs, and expandable area. All but one of these sites, the Meadowview site, were dismissed from further consideration. The Meadowview site provides a more economical option, as it is a former industrial site that would be donated by the Eastman Chemical Company.

No Build Alternative - Under this No Action Alternative, the City would not construct the planned aquatic center and recreation facility at the proposed Meadowview site. Implementation of the No Build Alternative would result in no impacts to those resources currently under jurisdiction of the Tennessee Department of Environment and Conservation (TDEC), USACE, and TVA. Adoption of the No Build Alternative would not fulfill the City's needs, and the City would not expand recreational opportunities available to the public.

Meadowview Site Alternative - Under this Action Alternative, the aquatic center and recreation facility would be constructed at the Meadowview site, and mitigation of the wetlands and stream crossings would be completed. The City would be able to provide additional public recreational opportunities. Also, during the site preparation process for the center, coal fly ash placed there by Eastman would be removed to an approved landfill for disposal.

The footprint of the Meadowview site encompasses approximately 21.6 acres, of which 15.5 acres are jurisdictional wetlands. As originally proposed, the aquatic center and recreation facility would have impacted 18.7 acres of wetlands. However, the footprint of the facility was revised to reduce wetland impacts by 3.2 acres. Of the 15.5 acres of wetlands impacted, 2.3 acres are past mitigation lands that would be mitigated at a 3:1 ratio. The applicant prepared a Compensatory Wetland Mitigation Plan in accordance with the Compensatory Mitigation Rule (33 Code of Federal Regulations [CFR] 332.4(c)/40 CFR 230.92.4 (c)).

The Compensatory Wetland Mitigation Plan (see Appendix B of the EA) proposed by the City would include a total of 70.9 acres occurring on site and at three off-site areas owned by the City within the Reedy Creek watershed. These sites provide restoration or creation of 36.5 acres of wetlands on the Vanover property, restoration of 10 acres on the Meadow Garden site, and the preservation of 20.8 acres on the Willis property. On-site mitigation consists of the restoration of 1.27 acres of wetlands, enhancement of 0.41 acre, and the preservation of 1.97 acres of existing wetlands. Additional on-site mitigation consists of stream enhancement that includes riparian plantings for 150 feet along both banks of an unnamed tributary to Horse Creek. Mitigation sites would be monitored with annual reports submitted to TDEC and USACE.

### **Impacts Assessment**

Based on the analyses in the EA, TVA has concluded that implementation of the Action Alternative would result in no impacts to threatened and endangered species, unique terrestrial or aquatic habitats, or cultural resources. It would result in minor beneficial effects to socioeconomics and recreation. Effects to floodplain functions are anticipated to be insignificant, and the Action Alternative is consistent with Executive Order 11988. Adoption of the Action Alternative would not facilitate the spread of invasive species, and it would have minor and insignificant adverse impacts on aquatic life, natural areas, and aesthetics.

One species of bird, the Virginia rail (*Rallus limicola*), which is tracked by the Tennessee Natural Heritage Program, has been documented to occur within 800 feet of the northern edge of the project boundary. Based on review of photos, marginally suitable habitat may be available in the project area. If both the proposed on-site wetland impacts and off-site restoration efforts occur outside of the breeding and nesting season (which is estimated to occur March through July in Tennessee), impacts to this species are not expected to occur.

A Water Quality Certification pursuant to Section 401 of the Clean Water Act was issued by TDEC in a letter dated March 8, 2011 (see Appendix E of the EA). In the certification, TDEC indicated that, with the implementation of special conditions, general conditions, mitigation

requirements, and monitoring procedures required by the applicant, the proposed work would not violate applicable water quality standards.

Potential impacts to surface water quality from the crossing and encapsulation of the unnamed tributaries to Horse Creek would be offset by on-site stream enhancement that would include 150 feet of riparian plantings along both banks of an unnamed tributary to Horse Creek.

As previously described, the Compensatory Wetland Mitigation Plan proposed by the City involves improvements or preservation of a total of 70.9 wetland acres occurring in four separate sites to compensate for the loss of 15.5 acres of jurisdictional wetlands. The USACE determined that the mitigation plan provides adequate mitigation for the total impact area, while restoring and protecting additional areas within the watershed that could have been impacted without a USACE permit. TVA concurs with this determination.

### **Public and Intergovernmental Review**

A joint USACE/TVA public notice was issued on September 23, 2010. Comments were received from the United States Fish and Wildlife Service (USFWS), United States Environmental Protection Agency (USEPA), the Tennessee Historical Commission (THC), and one individual. USFWS stated there were no federally listed species in the impact area; therefore, it considers the requirements of Section 7 of the Endangered Species Act fulfilled. USEPA asked for additional time for the comment period and later requested denial of the project, stating that the proposed mitigation did not meet Compensatory Mitigation Rule (33 CFR 332.4(c)/40 CFR 230.92.4 (c)) requirements. THC stated the need to review an archaeological survey of the project prior to making comments. In addition, a concerned citizen expressed concerns over the loss of Virginia rail habitat.

Additional information was sent to USEPA and THC in response to their public notice comments. Following receipt of the additional information, USEPA responded by e-mail dated February 9, 2011, stating that the revised plans and compensatory mitigation appeared to be much improved over the original plan. Thus, USEPA had no further concerns or objections to the proposal. THC responded on April 18, 2011, and indicated that upon review of the archaeological report, it concurred that no resources eligible for listing in the National Register of Historic Places would be affected by the undertaking. Thus, requirements under Section 106 of the National Historic Preservation Act have been fulfilled. All other issues raised by the comments were addressed in the EA.

### **Mitigation**

To address potential wetland and stream impacts from the proposed project, USACE would impose general and special conditions in its permit, as described in the EA, including compliance with the requirements of the March 18, 2011, Compensatory Wetland Mitigation Plan, which minimizes or reduces the adverse environmental effects of the proposed project.

Additionally, to address potential impacts to Virginia rail and ensure appropriate timing of the mitigation to be performed, the USACE permit would be conditioned such that the applicant must perform all mitigation measures within one year from the date of the wetland impacts on the development property, which includes the on-site mitigation, Vanover, Meadow Garden, and Willis properties.

TVA Section 26a approval would require the City to implement construction best management practices and to comply with standard and general conditions of the Section 26a Permit. TVA has not identified the need for other mitigation to further reduce potential impacts.

**Conclusion and Findings**

Based on the findings in the EA and the implementation of the stated wetland and stream conservation and mitigation measures, TVA concludes that the construction of the proposed aquatic center and recreation area, as described under the Action Alternative, would not be 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 wetland and stream mitigation measures described in the EA.



for

July 8, 2011

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Susan J. Kelly, Senior Manager  
Federal Determinations  
Environmental Permits and Compliance  
Tennessee Valley Authority

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Date Signed