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**Project Number:** 2007-68

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

### **SECTION 26a APPROVAL OF PROPOSED STREAM ENCAPSULATIONS AND CHANNEL RELOCATIONS AT UNNAMED TRIBUTARIES TO THE WEST PRONG LITTLE PIGEON RIVER IN PIGEON FORGE SEVIER COUNTY, TENNESSEE**

#### **Proposed Action and Need**

The City of Pigeon Forge (CPF) proposes to enhance traffic flow, level of service, and capacity; increase safety; and provide a regional connector by improving its local roadways Jake Thomas Road (JTR) and Teaster Lane (TL) in Pigeon Forge, Tennessee. These road improvements include: (1) extending JTR to Veterans Boulevard, (2) widening TL, (3) expanding the intersection of JTR and TL, and (4) creating a parking facility to alleviate traffic congestion on U.S. Highway 441 through the Pigeon Forge area. In addition to relieving some of the traffic burden on existing city streets, the proposed road improvements would provide enhanced access to new and expanding recreation and business developments, including the Pigeon Falls Village, Main Street MarketPlace, and West Terrace developments.

The proposed action would impact approximately 7,228 feet of several unnamed tributaries to the West Prong Little Pigeon River (WPLPR). Culverts would encapsulate 6,291 feet of the tributaries, and 937 feet of the tributaries would be relocated. Approximately 0.47 acre of jurisdictional wetlands would be impacted in three areas. Stream obstructions and fill in floodplains require approval by the Tennessee Valley Authority (TVA) under Section 26a of the *TVA Act*. The proposed action, which also requires approval by the U.S. Army Corps of Engineers (USACE), is the subject of an environmental assessment (EA) prepared by USACE. TVA was a cooperating agency in the preparation of this EA, which is incorporated by reference.

#### **Alternatives**

The EA evaluated three alternatives: (1) No Action, (2) the Applicant's Final Proposal, and (3) the Applicant's Final Proposal With Added Special Conditions. Under the No Action Alternative, TVA would not issue a Section 26a permit, and the roadway improvement project would not occur. Under either Action Alternative, TVA would issue a Section 26a permit for the stream obstructions and fill in both wetlands and floodplains associated with the proposed improvements to JTR, TL, and their intersection in Pigeon Forge. The 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 Alternative 3 are standard requirements in TVA permits.

#### **Impacts Assessment**

Most of the property north of TL and along the corridor of the JTR extension is hilly, consisting of a series of narrow ridges separated by narrow valleys running in a southwest-northeast direction. Vegetation clearing from past timber harvests has occurred to a certain degree. Property to the south of TL is mostly flat due to its proximity to the WPLPR. The affected stream channels are generally poorly defined (particularly in the upper reaches), lack sinuosity,

and possess a mostly mud/silt substrate with few pebbles or other types of instream habitat. The WPLPR at this location (about River Mile 10) is on the list of impaired waters compiled by the Tennessee Department of Environment and Conservation (TDEC) pursuant to Section 303(d) of the *Clean Water Act*. CPF proposes to mitigate the loss of stream habitat by either making physical habitat improvements to an already degraded off-site stream in the area or making an in-lieu-fee payment of \$1,258,200 (\$200 per linear foot) to the Tennessee Stream Mitigation Program if no qualified off-site habitat can be located. Excavation and grading activities would result in a minor short-term localized increase in turbidity and siltation. However, employment of sound construction techniques, including use of effective erosion and sedimentation control measures, would minimize impacts on the streams, and with the previously described mitigation, impacts to streams, water quality, and associated aquatic life would be insignificant. TDEC issued a Water Quality Certification, which included the mitigation measures mentioned above, on December 7, 2007.

A Phase II archaeological survey in 2007 revealed a prehistoric burial feature, Site 40SV164, on the regional parking facility site. Prehistoric burial features are generally not eligible for inclusion in the National Register of Historic Places (NRHP). However, Native American tribes must be consulted on the appropriate handling of those features when they are discovered. Based on the USACE's consultation with Native American tribes about how to handle the burial feature, the Tennessee State Historic Preservation Officer (TNSHPO) concurred via letter on May 12, 2008, that Site 40SV164 contained no archaeological resources eligible for listing in the NRHP. In addition, TNSHPO was satisfied with USACE documentation and concurred with the burial treatment and abatement plan for the burial feature. Concurrence on that plan was conditioned on the burial feature being left in place under a parking lot "green island" adequately protected from additional disturbance. TVA has independently determined that historic properties would not be adversely affected.

The proposed road project would impact three separate wetland areas for a total impact of 0.47 acre. CPF would create 0.77 acre of wetlands on site and purchase 0.42 acre of wetland credits from the Indian Creek Advanced Wetland Mitigation Site in Roane County, for a total of 1.19 acres. The 1.19 acres of created wetlands and purchased credits would mitigate the wetlands destroyed during construction of the roadway improvements project, and overall wetland impacts would be insignificant.

Consistent with Executive Order 11988 (Floodplain Management), parking lots are repetitive actions in the floodplain that result in minor impacts. Stream relocations and encapsulations of a stream are not considered repetitive actions in the 100-year floodplain. The applicant has evaluated other alternatives and documented that there is no practicable alternative to performing these activities in the floodplain. CPF will comply with its own floodplain regulations. The stream encapsulations and relocations would provide conduits equivalent to what they replace; therefore, TVA has determined that the impacts to flooding would be minimal and that the project complies with Executive Order 11988.

No federally or state-listed as endangered or threatened species or habitat to support these species are known in the project area. Consequently, no impacts to species listed as endangered or threatened are anticipated. The U.S. Fish and Wildlife Service (USFWS) concurred with this determination in a letter dated August 31, 2007.

Impacts of the project to land use, recreation, noise, visual resources, and socioeconomics would be insignificant.

### **Public and Intergovernmental Review**

TDEC held a public hearing on June 28, 2007, concerning applications for state water quality permits from CPF and other applicants. Comments were received from one federal agency, one private nongovernmental conservation organization, and four private citizens. Comments on the Pigeon Forge roadway improvements proposal have been addressed in the USACE EA.

On August 7, 2007, USACE and TVA issued Joint Public Notice No. 07-69 to advertise their proposed actions. Comments on the joint public notice were received from the TNSHPO, USFWS, and U.S. Environmental Protection Agency. None of these agencies objected to the proposal.

### **Mitigation**

TVA would require that CPF adhere to general and standard conditions for water quality protection contained in the Section 26a permit. Instream construction activities would be performed during lower water conditions. As described above, CPF proposes to mitigate impacts to streams through off-site physical habitat improvements or through an In-Lieu-Fee payment to the Tennessee Stream Mitigation Program. CPF would also acquire the wetland mitigation banking credits and would implement the other measures included in its Water Quality Certification. In addition, CPF would be required to carry out the plan for mitigating impacts to cultural resources. TVA has not identified the need for other mitigation to further reduce potential impacts.

### **Conclusion and Findings**

TVA has independently reviewed the USACE EA and found it to be adequate. TVA is therefore adopting this EA. TVA has determined that the issuance of a Section 26a permit for the stream obstructions and fill in both wetlands and floodplains associated with the proposed roadway improvements and expansion project 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 USACE EA.



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Date Signed