

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
SECTION 26A APPROVAL FOR PROPOSED SACHS CHANNEL
DREDGING, BIG SPRING CREEK EMBAYMENT, GUNTERSVILLE
RESERVOIR, MARSHALL COUNTY, ALABAMA

Sachs Construction Company proposes to dredge approximately 15,065 cubic yards of material to create about 5,560 linear feet of boat channels in the Big Spring Creek embayment of Guntersville Reservoir. The proposed dredging would provide boat access to a lakefront subdivision being developed by Sachs on the right bank of Big Spring Creek at mile 5.2 to 5.6. Sachs submitted a joint application to the Tennessee Valley Authority (TVA) and the U.S. Army Corps of Engineers (USACE) in December 2006 for the necessary approvals by TVA under Section 26a of the TVA Act and by USACE under Section 10 of the Rivers and Harbor Act. The USACE issued an environmental assessment (EA) of the proposed dredging on January 18, 2008. TVA was a cooperating agency in the preparation of this EA, which is incorporated by reference.

The proposed action consists of a main channel dredge approximately 4180 feet long and 40 feet wide and 23 lateral channel dredges 60 feet long and 30 feet wide extending from the main channel towards individual shoreline lots. An undredged buffer of 100 feet would be maintained between the main channel dredge and the shoreline. Undredged 30-foot buffers would be maintained between the shoreward ends of the lateral channels and the shoreline. The maximum depth of the dredging would be at an elevation of 587.4 feet, 7.6 feet below the full summer pool elevation of Guntersville Reservoir. The spoil material would be removed by suction dredge and pumped to an upland containment area above elevation 600.0 outside of the 100-year floodplain on the applicant's property. The eventual construction of individual private land use facilities such as docks is an anticipated consequence of the proposed dredge, therefore, TVA is also evaluating the environmental consequences of issuing the Section 26a permits for these facilities. TVA owns the shoreline adjoining the proposed subdivision and Sachs has the necessary land rights to construct private water use facilities. Private water use facilities must comply with TVA's Shoreline Management Policy (SMP) standards regarding size, color, and other characteristics, and individual landowners can request an access corridor of no more than 20 feet wide across the TVA land and must have a TVA-approved vegetation management plan.

The USACE EA assesses the environmental impacts of the following three alternatives: No Action, under which the permit applications would be denied; Proposed Action, consisting of the applicants original proposal; and Proposed Action with Special Conditions. This last alternative consists of the applicant's plan modified by reductions in channel widths and in the number of lateral channels from 27 to 23 and by the addition of special conditions to minimize unavoidable adverse impacts. The Proposed Action with Special Conditions is the USACE preferred alternative. The Special Conditions are mostly best management practices that are routine conditions for TVA Section 26a permits. For TVA's purposes, the Proposed Action with Special Conditions alternative also includes the eventual issuance of Section 26a permits for individual water use facilities.

Impacts Assessment

The substrate of the area to be dredged is primarily sand and silt and there would be short-term impacts to water quality and aquatic ecology. These potential impacts were lessened by a modification to the applicant's proposal which reduced the area to be dredged by about half and by the required use of best management practices. Consequently, overall impacts to water quality and aquatic life would be minor and no long-term impacts are anticipated. No unusual or unique plant or animal populations occur in the project area and the dredging would have little effect on vegetation or wildlife. The dredge spoil would be deposited in an upland part of the proposed subdivision and would not noticeably increase the impacts to vegetation and wildlife that would otherwise result from the subdivision development. The potential effects from the development of private water use facilities would be minimized by the required adherence to the current Section 26a regulations, which incorporated TVA's SMP. Thus, overall impacts to vegetation and wildlife would be insignificant. No plants or animals listed under the Endangered Species Act would be affected and the U.S. Fish and Wildlife Service, in a letter dated March 1, 2007, stated that there would be no adverse effects on listed species. There would be no impacts on state-listed endangered or threatened species or other species of conservation concern.

No wetlands are located in the project area; therefore the proposed dredging and future private water use facilities would not impact wetlands. The proposed dredge and private water use facilities would be located within the 100-year floodplain. Consistent with Executive Order (EO) 11988 on floodplain management, they are considered to be a repetitive action in the floodplain and would not adversely flood or floodplain values.

The proposed action would have no effect on historic properties listed on or eligible for listing on the National Register of Historic Places. The Alabama Historical Commission (AHC) concurred with this determination in a letter dated November 31, 2007.

The proposed action would not affect commercial navigation. The potential increase in the number of recreational boats docked on Guntersville Reservoir is small relative to the whole reservoir and the Big Spring Creek and city of Guntersville area. No adverse impacts to recreation are anticipated. The dredge would not result in long-term visual impacts, and the visual impacts resulting from private water use facilities would be reduced by adherence to SMP standards. TVA would also require that all water use facility site lighting include full cut-off features which limit the amount of waste light produced at a vertical angle of 80 degrees above the lowest emitting portion of the luminaries. Consequently, impacts to visual resources would not be significant. No adverse noise impacts would occur. The proposed action would result in minor beneficial socioeconomic impacts and is compatible with both the TVA Guntersville Reservoir Land Management Plan and development in this area of the city of Guntersville.

Public and Intergovernmental Review

TVA and USACE issued joint Public Notice 07-13 for the proposed dredge on February 7, 2007. Two agencies, the USFWS and AHC, and one individual commented on the notice. The comments of both agencies have been addressed in the EA and, in partial response to the USFWS comments, the width of the dredge channels and the number of lateral dredges were reduced. The one individual objected to the proposal because of concerns over road access, maintenance of the dredged area, and mosquitoes. These issues have been addressed in the EA. There were no requests for a public hearing.

Mitigation and Special Permit Conditions

In addition to adherence to routine permit conditions, including the use of construction-related best management practices, the following special permit condition would be required:

- All water use facility site lighting shall include full cut-off features which limit the amount of waste light produced at a vertical angle of 80 degrees above the lowest emitting portion of the luminaries.

TVA has not identified the need for other mitigation to further reduce potential impacts.

Conclusion and Findings

TVA served as a cooperating agency in the preparation of the USACE EA for the proposed action. In addition to providing input to the development of the EA and providing comments on a draft, TVA has independently reviewed the USACE EA and concluded that it adequately addresses anticipated impacts on the environment. TVA is therefore adopting the USACE EA. TVA has determined that the issuance of the Section 26a permits for the proposed dredge and anticipated private water use facilities would not be a major federal action significantly affecting the quality of the environment. Accordingly, an environmental impact statement is not required. This FONSI is contingent upon adherence to the permit conditions described above.



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John W. Myers, Senior Manager
Environmental Strategy and Management
Environmental Stewardship and Policy
Tennessee Valley Authority

Date Signed