

## **FINDING OF NO SIGNIFICANT IMPACT**

### **TENNESSEE VALLEY AUTHORITY**

#### **SHOALS LANDING MARINA**

#### **WILSON RESERVOIR**

#### **COLBERT COUNTY, ALABAMA**

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

Putman Properties has proposed construction of a new commercial marina in the Town Creek embayment of Wilson Reservoir, Colbert County, Alabama. A smaller marina was previously located at the site. Facilities would include 398 boat slips, a ship store, and fuel dock. To provide adequate water depth, a 800'-long by 100' wide channel would be dredged from the center of Wilson Reservoir to the marina site. Shoreline would be stabilized with riprap, and a boardwalk would be constructed along the shoreline for approximately 3000 feet. The new boat slips and docks, shoreline riprap, and boardwalk would require approval under Section 26a of the TVA Act.

Following initial review of the project, TVA decided to cooperate with the U.S. Army Corps of Engineers (USACE) in preparation of an environmental assessment (EA) on the impacts of this proposal.

#### **Alternatives**

The EA prepared for this action considers the impacts of three alternatives in detail, No Action, the Applicant's Proposed Action, and the Applicant's Proposed Action with Special Conditions. Under No Action, the marina improvements would not be constructed. Under the Applicant's Proposed Action, the existing marina would be expanded in two locations. Dredging would take place to create an access channel, and riprap would be installed along the shoreline in new locations. Typical marina facilities, including fuel and sewage pump-out services, a restaurant, and ship store, would be constructed. Upland development would include three condominium buildings. Under the Applicant's Proposed Action with Special Conditions, special conditions would be added to avoid, minimize, or mitigate environmental impacts.

#### **Impacts Assessment**

Under No Action, the applicant would be able to operate a marina at the site under existing approvals. In addition, the applicant would be able to construct facilities on private property that do not need TVA or USACE approval. Under the Applicant's Proposed Action, minor increases in turbidity would occur from the dredging activity. Additional recreational facilities would be added to Wilson Reservoir in an area that is currently underserved. No historic properties would be affected, and there would be no effects to endangered or threatened species.

Under the Applicant's Proposed Action with Special Conditions, measures would be added to the approval to reduce potential environmental impacts. These include dredging only during the winter drawdown period, development of a Spill Prevention, Control, and Countermeasures Plan, planting of trees along the top of the riprap for

additional bank stabilization, restricted harbor limits, and a limitation on sailboat use under an overhead transmission line.

### **TVA Review**

TVA independently evaluated the project, participating in site visits and project development. TVA also reviewed a draft of the EA. TVA requested a market analysis and feasibility study and also developed a recreational assessment and a navigation assessment. The studies indicate that capital investment in marinas on Wilson Reservoir has lagged and that there are no nearby facilities offering full-service marina facilities to the recreating public. The studies confirmed that the proposed location is one of the last places where a sizable area of protected water is available and that there is a growing market for such facilities. TVA would require the existing boat ramp at the site to remain open to the public and that 25 percent of the slips in each phase of the marina be available to the general public and transient boaters. TVA would also restrict the harbor limits and control the size of the no-wake zone. Finally, TVA verified compliance with Executive Order 1988 on Floodplain Management. With standard conditions, the project would be compliant.

### **Mitigation**

TVA would require use of its general and standard conditions for Section 26a approval. These Best Management Practices (BMP), together with the requirements of the Section 404 permit, would reduce all potential impacts to insignificance. The following standard flood control conditions would be included in the TVA permit:

- All floating facilities will be securely anchored to prevent them from floating free during flood events.
- The floor elevation of the fixed boardwalks will be a minimum of 1.5 feet above the Normal Summer Pool (NSP) elevation of 507.5'.
- For purposes of shoreline stabilization, all portions will be constructed or placed, on average, no more than two feet from the existing shoreline at NSP.
- The dredge spoil material will be disposed of and contained on land lying above the 508.5' contour. Every precaution should be taken to prevent the re-entry of the spoil material into the reservoir.

The following special commitments would be included in the Section 26a approval:

- The boat ramp located on the premises will remain open to the public after the expiration of the current lease agreement in 2008.
- The applicant will maintain a minimum of 25 percent of the wet slips in each phase available to the general public and transient boaters.
- The applicant will plant native species of trees along the top of the riprap for additional bank stabilization efforts.
- The applicant will institute and maintain two warning buoys at the Tennessee River entrance and two warning buoys at the Town Creek entrance to the dredged channel. The buoys must have the hazard symbol and read "Warning Low Powerline."

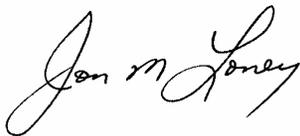
- The approval of harbor limits for Marina B will be contingent upon 50 percent occupancy of Marina A's 70-foot slips as verified by TVA from review of the signed contracts for 26 of the 52 slips.

### **Public and Intergovernmental Review**

The proposed marina expansion and channel excavation was announced to the public and agencies by Joint Public Notice 06-10, dated January 31, 2006. Comments were received from the Alabama Department of Conservation and Natural Resources (ADCNR), Alabama Historical Commission (AHC), U.S. Fish and Wildlife Service (FWS), and 3 citizens. ADCNR requested that the existing launching ramp be kept open for public use. AHC requested a cultural resource assessment for the undisturbed portions of the project area. Further information was provided to AHC, and by letter of March 16, 2006, AHC concurred that the project would not have an effect on any known cultural resources. FWS indicated that no known occurrences of endangered or threatened species occurred at the project site. However, they recommended that the permitting agencies conduct an evaluation of the need for the marina, address fuel spills, utilize BMPs, and dredge only when reservoir levels are at normal winter pool conditions. The agencies have complied with these recommendations. Letters from Willson Jenkins, R. L. Moore, and Mike and Carol Raney raised concerns about boat traffic, impacts to the Alabama Birding Trail, sediment contamination, litter, and fuel spills. These issues were discussed in the EA. By letter of April 13, 2006, the Alabama Department of Environmental Management issued the water quality certification required by Section 401 of the Clean Water Act.

### **Conclusion and Findings**

As mentioned above, TVA finds that the project would have no effect on endangered and threatened species and would not affect historic properties. For compliance with Executive Order 11988, marina facilities and channel excavation is a repetitive action in the floodplain for which there is no practicable alternative. Measures such as the requirement to locate the dredge spoil area above the level of the 100-year floodplain would minimize impacts to the floodplain. TVA has independently reviewed the USACE EA and determined that the impacts have been adequately addressed. TVA is adopting the USACE EA. Based on review of the USACE EA, TVA concludes that Section 26a actions related to approval of Shoals Landing Marina at TRM 272L would not be a major federal action significantly affecting the environment. Therefore, an environmental impact statement is not required.



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Date Signed