

**FINDING OF NO SIGNIFICANT IMPACT
LAND USE AND SECTION 26A APPROVAL FOR EASEMENT
AND BRIDGE REPLACEMENT FOR THE CITY OF BRISTOL
AT BEAVER CREEK MILE 22.3 - SUGAR HOLLOW BUSINESS COMPLEX
WASHINGTON COUNTY, VIRGINIA**

The City of Bristol, Virginia (City) is developing a new business complex in Washington County, Virginia on land previously sold to it by the Tennessee Valley Authority (TVA). The City proposes to acquire an easement and construct an access road, Resting Tree Drive, to the Business Complex across land owned by the TVA near the its Beaver Creek Detention Dam. A portion of this TVA land is already under a permanent recreational easement to the City and part of Sugar Hollow Park. All of the land affected by the proposed road easement is TVA fee-owned dam reservation land. The proposed access road and a water line would also cross Beaver Creek and require approval by TVA under Section 26a of the TVA Act. Sugar Hollow Business Complex (Business Complex) would be occupied by clean, nonindustrial facilities that require a nontraditional setting and amenities provided by the City's fiber optic network.

Because of design features for the bridge, the U.S. Army Corps of Engineers did not exercise jurisdiction. TVA must decide whether to modify its current deed restriction over the recreation land, grant an easement over the TVA reservation land, and approve the road and bridge replacement and waterline across Beaver Creek. TVA has prepared the attached environmental assessment (EA) to evaluate the effects of the City's easement, bridge, and access road construction proposal on recreation and environmental resources in the impact area.

The EA evaluates two alternatives: 1) No Action, under which the land and Section 26a actions would be denied, and 2) the Proposed Action with Mitigation. Under Alternative 1, the economic benefits of the proposal could be foregone unless another way to access the property is found. The City, legislatively prohibited from annexing property, has determined that alternative routes are not feasible and would probably have greater impacts. Under Alternative 2, the Proposed Action with Mitigation, the necessary landrights would be granted, the stream crossing and submersed water line approved, and Resting Tree Drive would be constructed allowing access to the planned Business Complex. Alternative 2, with appropriate mitigation as identified in the attached EA, would provide improved services to the community, provide economic benefits to owners and investors of the Business Complex, benefit the local economy, raise property values, and increase area job opportunities. TVA and the City prefer Alternative 2 and believe that no other less impacting, economically feasible, and practical alternative roadway routes to the Business Complex site exist.

Granting the easement and Section 26a permit and subsequent construction of the access road, bridge, and water line would not affect endangered species, prime or unique farmland, groundwater, unique or important terrestrial habitats, state or national forests, wilderness, scenic, or other ecologically critical areas. Other than normally expected solid waste associated with road construction and fugitive dust, no air or land emissions of pollutants, hazardous waste or waste requiring special handling and

disposal would be generated by the project and no impacts from such waste products are anticipated. The City would control fugitive dust by methods outlined in 9 VAC 5-50-60 et seq. of the Regulations for the Control and Abatement of Air Pollution. The City would not conduct open burning onsite and would obtain any necessary air pollution permits for fuel-burning construction equipment.

Given the nature of surrounding business development, noise levels are not expected to increase, other than temporarily during construction. This project would not cause a significant increase in traffic volumes. Mitigation for effects on recreation associated with Sugar Hollow Park is planned and incorporated into the City's conceptual plans for the Business Complex. Socioeconomic impacts would be positive, but insignificant.

The single small palustrine emergent wetland in the Beaver Creek floodplain would be directly impacted by the roadway and bridge construction over Beaver Creek and its lost functions and values offset through mitigation. No endangered or threatened species would be affected and the U.S. Fish and Wildlife Service (USFWS) concurred with this determination on May 4, 2007. By letter dated May 1, the Virginia Department of Historic Resources (VDHR) recommended protection measures to avoid potential inadvertent impacts on the Resting Tree Slave Cemetery. By letter dated May 31, 2007, the VDHR concurred with TVA's determination that, with commitments to protect the Robert Preston House, the proposed project will not adversely affect historic properties. VDHR indicated that no further consultation is necessary (see Attachment 4 of the EA).

The City participates in Federal Emergency Management Agency's National Flood Insurance Program and the project has been designed to meet those requirements and all local ordinances. Consistent with Executive Order 11988 (Floodplain Management), bridges are considered repetitive actions in the floodplain that would result in minor impacts. Other alternative sites considered were unsuitable and, therefore, TVA concludes that there is no practicable alternative to road construction in the floodplain of Beaver Creek. Anticipated impacts on local flooding and floodplain values would be insignificant.

TVA issued a public notice on the land action in the *Bristol Herald Courier* on September 12, 2006, and *Mountain City Tomahawk* on September 13, 2006. This notice requested comments by October 11, 2006. One comment was received on this initial scoping notice. The proposed roadway project has received conditional approval from the various state agencies with jurisdiction over it. TVA circulated the draft EA to eight local, state, or federal agencies as well as interested organizations on April 11, 2007 and requested comments by May 18, 2007. Comments were received from USFWS, Bristol Historical Association, six state agencies, and the City (See Attachment 4 in the attached EA). All comments and recommendations have been considered and, as appropriate, incorporated into this final EA.

Mitigation and Special Permit Conditions

The City would adhere to conditions included in all state permits and approvals as well as implement sound engineering and construction BMPs to prevent sedimentation from entering Beaver Creek. The City will conduct project activities, particularly during any in-stream construction, in accordance with the Virginia Marine Resources Commission permit and the *Virginia Erosion and Sediment Control Handbook* (VDCR 1992) and the *Virginia Erosion and Sediment Control Field Manual* (VDCR 1995). If blasting is required, the City would notify Virginia Department of Game and Inland Fisheries and

allow a representative to be present to observe the operation. The City would comply with its floodplain management ordinance prohibiting encroachments into the Beaver Creek floodway.

In association with construction of the Business Complex, the City will:

- mitigate the wetland loss caused by the project by designing and building a wetland as a part of its storm water drainage control system as shown in Figure 4 of the EA.

To compensate road construction and use effects on parking and recreation in the Sugar Hollow Park, the City will:

- relocate the entrance to Sugar Hollow Park on Lee Highway,
- separate, by fencing, gating, and landscaping, the recreation facilities and area from the new Resting Tree Drive along its entire length,
- install traffic signals at the intersection of the new Resting Tree Drive and Lee Highway and at the Sugar Hollow Park entrance,
- replaced lost parking space by a redesigned parking area in the same vicinity, and
- construct a hiking/biking trail system and a boardwalk over a portion of a created wetland on Business Complex property and then connect the new trail system to the existing trail system on the dam reservation and parkland.

The City has designed Resting Tree Drive, on the easement area to avoid the Resting Tree Slave Cemetery. However, as a condition of the TVA easement, the City will:

- place a temporary highly reflective fence around the north and east sides of Resting Tree Slave Cemetery and the limits of construction in this area so that all heavy equipment and related construction traffic and ground disturbance will not inadvertently impact this cemetery, and
- establish and maintain a visual buffer zone on the west and north sides of the 2-acre donated parcel if the Preston House is ever relocated to this parcel. This buffer zone will be a minimum of 50 feet in width and will be planted with native species of trees and shrubs of sufficient height and density to screen the house setting from development in the Business Complex. If necessary to accommodate the visual buffer, the City will also move the Resting Tree Drive 50 feet to the west in the vicinity of the donated parcel.

As a condition of the consultation under Section 106 of the National Historic Preservation Act, TVA will:

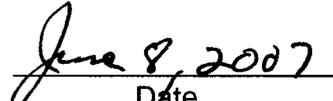
- take documentary photographs of the potential visual effects on the Robert Preston House during the fall or winter of 2007-2008 after leaf fall and submit the photographs to VDHR.

Conclusion and Findings

Based on the EA, we conclude that granting the Sugar Hollow Business Complex easement and approving the bridge crossing and submersed water line affecting Beaver Creek under Section 26a 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 the City's adherence to the permit conditions described above.



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Date

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