

## FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY

### STATE ROUTE 15 (US 64) BETWEEN FAYETTEVILLE AND WINCHESTER - SECTION 26A APPROVAL FOR STREAM ALTERATIONS ASSOCIATED WITH CONSTRUCTION OF 6.268-MILE SEGMENT FROM EAST OF SR 275 TO EAST OF FRANKLIN CITY LINE, LINCOLN COUNTY, TENNESSEE

The Tennessee Department of Transportation (TDOT) has requested approval under Section 26a of the TVA Act for stream alterations associated with the construction of the 6.268-mile segment of State Route (SR) 15 (US Highway 64) from SR 275 to east of the Franklin City line. Specific actions requiring Section 26a approval are:

- Permanent filling of 1.431 acres of jurisdictional wetlands associated with Gum Springs Branch and an unnamed tributary to Gum Springs Branch (1, 9)
- Construction of a box culvert and associated riprap on Gum Springs Branch (5)
- Construction of a culvert and associated riprap on an unnamed tributary to Gum Springs Branch (9)
- Construction of a culvert and associated riprap on an unnamed tributary to Flint River (12)
- Construction of a box culvert on Big Huckleberry Creek (14)
- Construction of a bridge, two culverts, and associated riprap on unnamed tributaries to Little Huckleberry Creek (18, 21, 26).

These actions are described in detail in the attached Joint Application Form.

The 6.268-mile project comprises a segment of a larger 31-mile project for improving SR 15 between Fayetteville and Winchester. The Federal Highway Administration (FHWA) and TDOT jointly prepared an Environmental Assessment (EA) dated June 8, 2000, and a Finding of No Significant Impact (FONSI) dated March 19, 2002, for the entire 31-mile project. TVA was a cooperating agency in the preparation of the FHWA/TDOT EA. Since the FHWA/TDOT EA and FONSI were completed, TVA has received Section 26a permit applications from TDOT for six segments of the project. On February 25, 2005, TVA adopted the FHWA/TDOT EA and issued a FONSI for its actions associated with one of these segments. On March 31, 2006, TVA issued a reevaluation of its 2005 FONSI to address its actions associated with the second of these segments. TVA did not take jurisdiction over the streams on three of the segments. The current proposal addresses the sixth and final segment of the 31-mile project.

#### **Alternatives**

TVA participated in the preparation of the FHWA/TDOT EA as a cooperating agency. The United States Army Corps of Engineers (USACE) also was a cooperating agency. The EA considered the No Build and Build Alternatives in the original planning document. During project development and after public review, TDOT added a third alternative that would utilize an abandoned rail route as part of the proposed alignment.

The Build Alternative selected by TDOT for the segment addressed here utilizes the existing highway alignment for about 3.8 miles and new alignment for about 2.5 miles. The alternatives available to TVA at this time are No Action, in which case TVA would not issue the Section 26a permit, and the Action Alternative of issuing the Section 26a permit for the construction of the 6.268-mile segment with any mitigation and permit conditions necessary to meet regulatory requirements and minimize impacts.

### **Public and Intergovernmental Review**

As described in the FHWA/TDOT EA and the 2005 TVA FONSI, TDOT provided several opportunities for public and intergovernmental involvement in the development and review of the SR 15 project. The current proposal was the subject of a USACE joint public notice issued August 20, 2007. Comment letters were received from the U.S. Fish and Wildlife Service (USFWS) and the Tennessee Historical Commission, both of whom concurred that the proposed action would not affect their trust resources. The Tennessee Department of Environment and Conservation (TDEC) also issued a public notice of TDOT's application for an Aquatic Resource Alternation Permit (ARAP) on October 30, 2007.

### **Impacts Assessment**

The overall impacts of the 31-mile project are summarized in the 2005 TVA FONSI. As stated above, the 6.268-mile segment that is the subject of the currently proposed action would be built on a combination of existing and new alignments. The new alignments were designed, in part, to avoid impacts to historic properties. Land use is primarily agricultural with low density residences and would not be significantly affected. There would be little clearing of forest and impacts to wildlife and vegetation would be insignificant. No federally or state-listed endangered or threatened species or critical habitat would be affected. The U.S. Fish and Wildlife Service concurred with FHWA's determination of not likely to adversely affect listed species for the entire 31-mile project and in a letter dated September 19, 2007, stated that the currently proposed action would not affect listed species.

The streams affected by the currently proposed action are tributaries to the Flint River. No unique or important aquatic communities occur in the affected stream segments. About 1,000 feet of streams would be encapsulated in culverts and additional stream segments would have rip-rap or channel liner placed along their banks. To mitigate this impact to aquatic habitat, TDOT proposes onsite restoration activities and the payment of \$53,400 to the Tennessee Stream Mitigation Program. With the compensatory mitigation, adherence to TDOT best management practices, TVA standard permit conditions, and the conditions of the TDEC §401 Certification and ARAP permit issued December 11, 2007, impacts to water quality and aquatic ecology would be insignificant.

The highway construction would result in the permanent filling of 4.697 acres of wetlands, of which 1.431 are jurisdictional to TVA. TDOT proposes to mitigate by debiting, at a 4:1 ratio, 18.79 acres from available wetland credits at the Coffee County Wetland Mitigation Bank. This mitigation ratio is consistent with the ratio for previously approved segments of the highway.

Most of the construction activities requiring TVA approval would occur in floodplains. They are repetitive actions and, based on the hydraulic designs, would not significantly alter pre-project flood elevations. The project complies with the floodplain management

requirements of the National Flood Insurance Program and is consistent with Executive Order 11988 on floodplain management.

No known historical or archaeological sites of local, state, or national significance eligible for or listed in the National Register of Historic Places (NRHP) would be affected by the current proposed action. In a letter dated August 23, 2007, the Tennessee State Historic Preservation Officer concurred with this determination.

**Mitigation and Permit Requirements**

TVA would require that TDOT adhere to standard conditions for water quality protection contained in the Section 26a permit. As described above, TDOT proposes to mitigate impacts to streams through onsite restoration activities and the payment of \$53,400 to the Tennessee Stream Mitigation Program. TDOT also proposes to mitigate impacts to wetlands by debiting 18.79 acres from an approved wetland mitigation bank. TVA has not identified the need for other mitigation to further reduce potential impacts.

**Conclusion and Findings**

TVA has determined that the issuance of the Section 26a permit for this proposed highway project is not a major federal action significantly affecting the environment. Accordingly, an Environmental Impact Statement is not required. This FONSI is contingent upon adherence to the permit conditions and completion of the mitigation measures described above.



*December 20, 2007*

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Date Signed