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FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
WATERCRESS SUBDIVISION PROPOSED STREAM IMPOUNDMENT, UNNAMED TRIBUTARY TO ROUND ISLAND CREEK, LIMESTONE COUNTY, ALABAMA

The developer of Watercress Subdivision (Watercress) proposes to construct an 8.6-acre private impoundment to offer additional recreation opportunities to subdivision residents. Watercress is located near Athens, Limestone County, Alabama, along an unnamed tributary to Round Island Creek, a tributary to Wheeler Reservoir. In November 2006, Watercress submitted applications to the Tennessee Valley Authority (TVA) and U.S. Army Corps of Engineers (USACE) for approval under Section 26a of the TVA Act and Section 404 of the Clean Water Act, respectively, of the placement of two culverts for road crossings and fill for the impoundment dam within the unnamed tributary. The USACE issued an environmental assessment (EA) of its permitting action on December 14, 2007; this EA is incorporated by reference. TVA was a cooperating agency in the development of this EA.

The EA evaluated the following three alternatives: 1) No Action, under which the permit request would be denied; 2) The Proposed Action, under which TVA and USACE would approve the installation of two culverts for road crossings and placement of 175 cubic yards of fill material into an unnamed tributary for construction of an impoundment structure; and 3) The Proposed Action with Special Conditions, under which TVA and USACE would approve the proposed action with the inclusion of additional special conditions that would reduce the potential for adverse effects.

The proposal was the subject of a Joint Public Notice issued by USACE, TVA, and the state of Alabama in January 2007. In response to comments on the public notice, Watercress revised its proposal by reducing the size and increasing the depth of the impoundment and committing to increased mitigation including planting trees in the riparian zone, constructing a water control structure in the unnamed tributary, and placing an 8.7-acre forested area along the unnamed tributary and Round Island Creek within a permanent conservation easement.

The EA concludes that impacts to terrestrial ecology, recreation, visual resources, and noise from the proposed action would be insignificant. There would be no impacts to threatened or endangered species or their habitats, and the U.S. Fish and Wildlife Service concurred with this determination in a letter dated September 12, 2007. No archaeological sites or historic properties would be affected, and the Alabama State Historic Preservation Officer concurred with this determination in a letter dated April 12, 2007. Navigation, traffic, air quality, environmental justice, wetlands, and flood control would not be affected. The proposed action would affect water quality and aquatic life. These effects would be minimized by implementation of the mitigation measures associated with Alternative 3 and would be insignificant. The Alabama Department of Environmental Management issued a Water Quality Certification under Section 401(a)(1) of the Clean Water Act on September 28, 2007.

Mitigation and Permit Conditions

In addition to adherence to routine permit conditions, including the use of construction-related best management practices, the following mitigation measures would be required. These measures and conditions would reduce the potential for adverse environmental effects.

The following measure would be included as a standard condition in the Section 26a permit:

- The work must be performed in accordance with any plans attached to the permit. You must have a copy of this permit available on site and ensure that all contractors are aware of its conditions and abide by them.

The following measures and conditions would be included as additional conditions in the Section 26a permit:

- The structure shall be constructed during low flow periods of the year and a silt containment boom, or equivalent, shall be placed between the construction work and the downstream end of the work until completion. It is your responsibility to perform routine maintenance on the structure/culverts to keep them clean from debris and open.

- You must perform the measures as outlined in the Mitigation Plan attached to the Section 26a permit. A plant survival rate of 60 percent after three years must occur, and a report stating the survival rate results must be submitted to the Pickwick-Wheeler Watershed Team (PWWT) office.

- You must contact the PWWT office at least two weeks prior to the date of the pre-construction meeting with the USACE. Also, you must contact the PWWT office upon commencement and completion of the Mitigation Plan measures.

- Copies of photographs taken during the middle stage of construction and after the project is finished shall be forwarded to the PWWT office by mail or email, Attn: Samantha Strickland.

Conclusion and Findings

We have independently reviewed the USACE EA and conclude that it adequately assesses the environmental impacts of the proposed action. We conclude that issuance of the Section 26a permit for the culverts and fill would not be a major federal action significantly affecting the environment. Accordingly, preparation of an environmental impact statement is not required. This Finding of No Significant Impact is contingent upon adherence to the permit conditions and mitigation measures described above.

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Date Signed