

Appendix G – Correspondence

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Environmental Policy and

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TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

Doc Type: EIS-Admi
Index Field: Public Comm
Project Name: Watts Bar
Project No: 2004-1

March 8, 2004

Mr. Jon Loney
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1499

RE: TVA, WATTS BAR RESERVOIR INTEGRATED LAND PLAN,
UNINCORPORATED, MULTI COUNTY,

Dear Mr. Loney:

At your request, our office has reviewed the above-referenced Notice of Intent to Prepare and Environmental Impact Statement in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Upon draft of the Environmental Impact Statement, please submit the document to this office for our review and comment.

Upon receipt of the draft document, we will continue our review of this undertaking as expeditiously as possible. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is not funded or is canceled by the federal agency. Questions and comments may be directed to Jennifer Barnett (615) 741-1588, ext. 17.

Your cooperation is appreciated.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jmb

September 21, 2004

Mr. Russell Townsend
Tribal Historic Preservation Officer
Eastern Band of the Cherokee Indians
Post Office Box 455
810 Acquoni Road
Cherokee, North Carolina 28719

Dear Mr. Townsend:

**WATTS BAR RESERVOIR, LANDS PLANNING ENVIRONMENTAL ASSESSMENT,
MULTIPLE COUNTIES**

The Tennessee Valley Authority (TVA) is developing a Land Management Plan (LMP) for TVA lands on Watts Bar Reservoir. Watts Bar Reservoir is located between Watts Bar Dam and Fort Loudoun Dam and flows from northeast to southwest through four counties in east Tennessee; Roane, Loudon, Rhea, and Meigs. This LMP is similar to recent ones on Guntersville, and Norris Reservoirs. TVA prepares LMPs with the participation of public agencies and officials, private organizations and individuals to provide a clear statement of how TVA will manage public land. Identifying land for specific uses minimizes conflicting land uses and makes it easier to handle requests for use of public land. For the action proposed in the draft Environmental Impact Statement (EIS), which is currently being prepared, TVA Cultural Resources staff have identified the area of potential effects (APE) regarding cultural resources pursuant to 36 CFR Part 800.16(d) as the approximately 14,000 acres of TVA fee-owned land being planned or previously committed to specific land uses. Enclosed are a general description of the project and map of Watts Bar Reservoir. Specific maps of the draft LMP can be accessed on its website- www.tva.com/environment/reports/wattsbar/index.htm. However, if you require hard copies for your initial review, our office will be glad to furnish a set.

TVA Cultural Resources is conducting this consultation as prescribed pursuant to 36 C.F.R. Part 800.3(f)(2) of the Advisory Council's regulations. Please review your records and documentation within the project area regarding historic properties or areas that you have attached religious, cultural or traditional significance. Should such sites or areas of interest be present, TVA Cultural Resources is inviting your office to be a consulting party to the project. Please respond within thirty (30) calendar days after receipt of this letter. Because of the location involved with this project, TVA is inviting the following groups to be consulting parties to the proposed project:

- Cherokee Nation
- United Keetoowah Band
- Muscogee (Creek) Nation of Oklahoma
- Thlopthlocco Tribal Town
- Alabama-Coushatta Tribe
- Alabama-Quassarte Tribal Town
- Kialegee Tribal Town
- Absentee Shawnee
- Shawnee Nation
- Eastern Shawnee Tribe
- Chickasaw Nation

If you have any questions or need additional information, please contact Eric Howard at (865) 632-1403 or fax at (865) 632-1795.

Sincerely,

J. Bennett Graham, Manager
Cultural Resources

Enclosures

cc: Ms. Jennifer Barnett
Tennessee Division of Archaeology
5103 Edmondson Pike
Nashville, TN 37211

September 21, 2004

Ms. Jennifer Barnett
Tennessee Division of Archaeology
5103 Edmondson Pike
Nashville, TN 37211

Dear Ms. Barnett:

**WATTS BAR RESERVOIR, LANDS PLANNING ENVIRONMENTAL ASSESSMENT,
MULTIPLE COUNTIES**

The Tennessee Valley Authority (TVA) is developing a Land Management Plan (LMP) for TVA lands on Watts Bar Reservoir. Watts Bar Reservoir is located between Watts Bar Dam and Fort Loudoun Dam and flows from northeast to southwest through four counties in east Tennessee; Roane, Loudon, Rhea, and Meigs. This LMP is similar to recent ones on Guntersville, and Norris Reservoirs. TVA prepares LMPs with the participation of public agencies and officials, private organizations and individuals to provide a clear statement of how TVA will manage public land. Identifying land for specific uses minimizes conflicting land uses and makes it easier to handle requests for use of public land. For the action proposed in the draft Environmental Impact Statement (EIS), which is currently being prepared, TVA Cultural Resources staff have identified the area of potential effects (APE) regarding cultural resources pursuant to 36 CFR Part 800.16(d) as the approximately 14,000 acres of TVA fee-owned land being planned or previously committed to specific land uses. Enclosed are a general description of the project and map of Watts Bar Reservoir. Specific maps of the draft LMP can be accessed on its website- www.tva.com/environment/reports/wattsbar/index.htm. Hard copies of these maps will be available in the draft EIS. However, if you require copies for your initial review, our office will be glad to furnish a set.

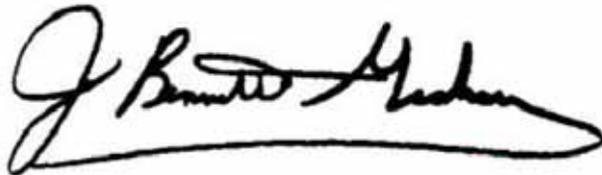
Pursuant to 36 CFR Part 800.4(b)(2) of the Advisory Council's regulations, TVA Cultural Resources is initiating consultation with your office and requests your office's comments regarding the potential effects on properties listed or eligible for listing on the National Register of Historic Places within the APE in Tennessee.

Pursuant to 36 CFR Part 800.3(f)(2) of the Advisory Council's regulations, TVA Cultural Resources is also inviting Indian tribes that might attach religious or cultural significance to historical properties in the area of potential effects to be consulting parties to this project. Because of the location involved with this project, TVA is inviting the following groups to be consulting parties to the proposed project:

- Cherokee Nation
- Eastern Band of Cherokee Indians
- United Keetoowah Band
- Muscogee (Creek) Nation of Oklahoma
- Thlopthlocco Tribal Town
- Alabama-Coushatta Tribe
- Alabama-Quassarte Tribal Town
- Kialegee Tribal Town
- Absentee Shawnee
- Shawnee Nation
- Eastern Shawnee Tribe
- Chickasaw Nation

If you have any questions or need additional information, please contact Eric Howard at (865) 632-1403 or fax at (865) 632-1795.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bennett Graham". The signature is fluid and cursive, with a long horizontal flourish at the end.

J. Bennett Graham, Manager
Cultural Resources

Enclosures

cc: Dr. Joe Garrison
Deputy State Historic Preservation Officer
Tennessee Historical Commission
2941 Lebanon Road
Nashville, TN 37243-0442



Creek Nation of Oklahoma
Cultural and Historic Preservation

October 21, 2004

J. Bennet Graham
Tennessee Valley Authority
PO Box 1589
Norris, TN 37828-1589

RE:Land Management Plan (Multiple Counties) Watts Bar Reservoir, TN

Dear Mr. Graham,

Sorry for the delay in responding to your request and We thank you for inquiring with the Muscogee (Creek) Nation of Oklahoma. Looking at the site and in checking with our resources we do not foresee any impact by this project.

However, We expect to be notified in case of inadvertent discoveries which are pertinent to the Muscogee (Creek) Nation of Oklahoma as required by the Cultural and Historic Preservation Laws which are applicable. Also, please forward any reports/findings that are produced from the site.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Thompson".

Tim Thompson
Cultural Research Specialist
(918) 732-7732 x7732



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401

August 11, 2005

Dr. Joe Garrison
Environmental Review Coordinator
Tennessee Historical Commission
Clover Bottom Mansion
2941 Lebanon Pike
Nashville, Tennessee 37243-0442

Dear Dr. Garrison: *Joe*

**TVA, PROGRAMMATIC AGREEMENT REGARDING THE PROPOSED LAND PLANS
IN THE STATE OF TENNESSEE, MULTI-COUNTY**

As discussed, enclosed is one copy of the Programmatic Agreement (PA) for TVA Land Management Plans proposed in the state of Tennessee and three signatory pages that have already been signed by TVA. TVA has consulted with the Advisory Council on Historic Preservation (ACHP), the Tennessee State Historic Preservation Officer, and other consulting parties during the development of this PA. It is being executed to minimize any adverse effects to historic properties affected by the land plans in Tennessee. Please return the signed originals to me.

We will forward the signed copies to the ACHP for their signature and return a completed copy to your office. We will attempt to get concurring party signatures on individual pages. If you have any questions or comments, please contact me at jbgraham@tva.gov or at (865) 632-2458.

Sincerely,


J. Bennett Graham, Manager
Cultural Resources

Enclosures



Preserving America's Heritage

October 11, 2005

Mr. J. Bennett Graham
Senior Archaeologist
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1401

REF: Programmatic Agreement for proposed land plans in Tennessee

Bennett
Dear Mr. Graham:

Enclosed is the executed Programmatic Agreement for the referenced program. By carrying out the terms of the Agreement, the Tennessee Valley Authority will have fulfilled its responsibilities under Section 106 of the National Historic Preservation Act and the Council's regulations.

We appreciate your cooperation in reaching this Agreement. If you have any questions, please call Dr. Tom McCulloch at 202-606-8554.

Sincerely,

[Signature]
Don L. Klima
Director
Office of Federal Agency Programs

Enclosure

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

PROGRAMMATIC AGREEMENT
AMONG
THE TENNESSEE VALLEY AUTHORITY,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE TENNESSEE STATE HISTORIC PRESERVATION OFFICER
REGARDING THE IMPLEMENTATION OF RESERVOIR LAND MANAGEMENT PLANS IN
TENNESSEE

WHEREAS, the Tennessee Valley Authority (TVA) has proposed to develop Reservoir Land Management Plans for TVA land holdings within the State of Tennessee, these reservoirs being Boone in Sullivan and Washington Counties; Cherokee in Grainger, Hamblen, Hawkins, and Jefferson Counties; Chickamauga in Bradley, Hamilton, McMinn, Rhea, and Meigs Counties; Douglas in Cocke, Jefferson, and Sevier Counties; Fort Loudoun in Blount, Knox, and Loudon Counties; Fort Patrick Henry in Sullivan and Hawkins Counties; Great Falls in Van Buren, Warren, and White Counties; Gunterville in Marion County; Kentucky in Benton, Decatur, Hardin, Henry, Houston, Humphreys, Perry, Stewart, and Wayne Counties; Melton Hill in Anderson, Knox, Loudon, and Roane Counties; Nickajack in Hamilton and Marion Counties; Nolichucky in Green County; Normandy in Bedford and Coffee Counties; Norris in Anderson, Campbell, Claiborne, Grainger, and Union Counties; Ocoee #1, #2, and #3 in Polk County; Pickwick in Hardin County; South Holston in Sullivan County; Watauga in Carter and Johnson Counties; Watts Bar in Loudon, Meigs, Rhea, and Roane Counties; Wilbur in Carter County; and the Beech River Project consisting of Beech, Cedar, Dogwood, Lost Creek, Pin Oak, Pine, Redbud, and Sycamore Reservoirs in Henderson County, Tennessee; and

WHEREAS, TVA has determined that the implementation of the Land Management Plans has the potential to affect historic properties that are eligible for listing in the National Register of Historic Places (NRHP); and

WHEREAS, TVA has consulted with the Advisory Council on Historic Preservation (Council), the Tennessee State Historic Preservation Officer (SHPO), the Eastern Band of Cherokee Indians, the United Keetoowah Band, the Cherokee Nation of Oklahoma, Chickasaw Nation, the Muscogee (Creek) Nation of Oklahoma, the Poarch Band of Creek Indians, the Alabama-Coushatta Tribe, the Alabama-Quassarte Tribal Town, the Kialegee Tribal Town, the Mississippi Band of Choctaw Indians, the Choctaw Nation of Oklahoma, the Jena Band of Choctaw Indians, the Seminole Nation of Oklahoma, the Seminole Indian Tribe, the Eastern Shawnee Tribe of Oklahoma, and the Absentee-Shawnee Tribe of Oklahoma pursuant to 36 CFR Part 800, the regulations of the Council implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the Eastern Band of Cherokee Indians, the Chickasaw Nation, the Choctaw Nation of Oklahoma, and the Muscogee (Creek) Nation of Oklahoma have been invited to be a signatory to the Programmatic Agreement; and will assist TVA in determining NRHP eligibility of historic properties and appropriateness of treatment plans for historic properties which have religious or cultural significance to the Eastern Band of Cherokee Indians, Chickasaw Nation, the Choctaw Nation of Oklahoma, and/or the Muscogee (Creek) Nation of Oklahoma that will be adversely affected by TVA Land Management Plans; and

WHEREAS, TVA has conducted complete or partial investigations to identify historic properties on portions of lands considered in the Reservoir Land Management Plans; and

WHEREAS, 36 CFR Part 800.14(b) of the regulations of the Council encourages the use of Programmatic Agreements when effects on historic properties are regional in scope and cannot be fully determined prior to the approval of the undertaking; and

WHEREAS, TVA will develop a Reservoir Land Management Plan at each of these reservoirs which will clearly identify the area of potential effect (APE) for each reservoir;

NOW THEREFORE, TVA, the Council, the SHPO, the Eastern Band of Cherokee Indians, Chickasaw Nation, the Choctaw Nation of Oklahoma and the Muscogee (Creek) Nation of Oklahoma agree that the undertaking shall be implemented in accordance with the following stipulations to satisfy TVA's Section 106 responsibilities for Reservoir Land Management Plans. The TVA Federal Preservation Officer, or the designee thereof, shall act for TVA in all matters concerning the administration of this Agreement.

Stipulations

TVA will ensure that the measures outlined below are a part of all Reservoir Land Management Plans developed by TVA within the state of Tennessee, and that these provisions relating to identification, evaluation, and treatment of historic properties are carried out within the APE prior to the commencement of any ground-disturbing activities or activities that may have visual or other effects on a historic property. This Agreement allows phased identification, evaluation, and treatment of the historic properties located within the APE.

1. CONSULTATION:

TVA will seek comments from all appropriate consulting parties as defined at 36 CFR 800.2(c), and from signatories to this agreement on any undertaking proposed pursuant to a Reservoir Land Management Plan. All comments received in response to such requests for comments will be taken into consideration by TVA in its decision to proceed with such undertaking.

2. AREA OF POTENTIAL EFFECT (APE):

The APE is defined as all TVA fee lands described in the Reservoir Land Management Plan and those private or other non-TVA lands which may be affected by an undertaking on TVA fee land.

3. IDENTIFICATION:

A. TVA shall conduct surveys to identify all historic properties within the APE for each Reservoir Land Management Plan. Previous inventories of TVA lands have identified some but not necessarily all historic properties eligible and potentially eligible for listing in the NRHP.

B. The surveys will be carried out in a manner consistent with the *Secretary of the Interior's Standards and Guidelines for Identification* (48 FR 44720-23) and the Tennessee SHPO Standards and Guidelines for Architectural and Archaeological Resource Management Studies. Survey Plans will be provided to all signatories for thirty (30) days for review and comment, and TVA shall take all comments into account prior to implementation. A written report of the survey shall be submitted to the SHPO, Indian tribes, and the other signatories for thirty (30) days for review and comment. Existing information such as previous survey data, photographs, maps, drawings, building plans, descriptions, sketches, etc. shall be used along with new data.

4. EVALUATION:

A. TVA, in consultation with the SHPO, Indian tribes, and the other signatories to this Agreement, shall evaluate the National Register eligibility of properties identified through the surveys in accordance with 36 CFR Part 800.4(c). For properties that have been determined to be potentially eligible for listing in the NRHP, TVA shall conduct evaluation studies in a manner consistent with the *Secretary of the Interior's Standards and Guidelines for Identification and Evaluation* (48 FR 44720-26) and the Tennessee SHPO Standards and Guidelines for Architectural and Archaeological Resource Management Studies. The SHPO, Indian tribes, and the other signatories shall review and comment on the scope of work (SOW) prior to the evaluation. The evaluations shall be conducted in consultation with the SHPO, Indian tribes, and the other signatories, and a written report shall be submitted to all signatories for thirty (30) days for review and comment.

B. Properties which have been evaluated and have been found to meet National Register criteria shall be considered historic properties. Should a dispute arise on the eligibility of a historic property, TVA will consult with the SHPO to resolve the objection. If TVA and the SHPO do not agree with the determination of eligibility, or if the Council or the Secretary of the Interior (Secretary) so request, TVA shall obtain a determination of eligibility from the Secretary pursuant to 36 CFR Part 63. If an Indian tribe that attaches religious and cultural significance to a property off tribal land does not agree with the determination of eligibility, it may ask the Council to request the TVA Federal Preservation Officer to reassess the determination of eligibility.

5. TREATMENT PLANS:

A. AVOIDANCE, PROTECTION, AND MAINTENANCE:

- (1) TVA, in consultation with the SHPO, Indian tribes, and the other signatories, shall ensure that historic properties determined eligible for listing in the NRHP are, to the extent prudent and feasible as determined by the consultation process, avoided and preserved in place while conducting activities that could affect the characteristics of such property. In the implementation of the Reservoir Land Management Plans, alternatives to avoid adversely affecting historic properties eligible for the NRHP will be considered. All eligible historic properties, that are avoided, will be protected by a buffer zone established in consultation with the SHPO, Indian tribes, and the other signatories.
- (2) TVA will develop a protection and maintenance plan for historic properties on a particular reservoir within two (2) years of the completion of a Reservoir Land Management for that reservoir as specified under Stipulation 10.B. of this Agreement. This plan will be consistent with the standards for archaeological resources set forth in *Treatment of Archaeological Properties* (Advisory Council on Historic Preservation 1989), and with the recommended approaches to rehabilitation of historic structures set forth in the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (U.S. Department of the Interior, National Park Service, 1983). Furthermore, this plan will be developed in consultation with the SHPO, Indian tribes, and the other signatories. TVA will seek and consider the views of other consulting parties pursuant to 36 CFR Part 800.3(f).

B. DATA RECOVERY:

- (1) When historic properties eligible for the NRHP will be adversely affected by unavoidable physical destruction or damage and all avenues of avoidance have been considered, and a treatment plan for data recovery is found through consultation with the signatories to this Agreement and Indian tribes having a cultural affiliation with the historic properties to be the appropriate treatment, data recovery will be implemented. In such an instance, TVA shall develop a data recovery plan in consultation with the SHPO, Indian tribes, and the other signatories for the recovery of historic and archaeological data from properties that are determined to be eligible for inclusion in the NRHP.
- (2) The data recovery plan shall be developed in accordance with 36 CFR Part 800.5 and 800.16 and will be consistent with 36 CFR Part 800 and the standards set forth in *Archeology and Historic Preservation: Secretary of Interior's Standards and Guidelines*. The data recovery plan shall specify, at a minimum:
 - (a) the property, properties, or portions of properties where data recovery is to be carried out;
 - (b) any property, properties, or portions of properties that will be destroyed without data recovery;
 - (c) the research questions to be addressed through data recovery, with an explanation of their relevance and importance;
 - (d) the field and laboratory methods to be used, with an explanation of their relevance to the research questions;
 - (e) the methods to be used in analysis, data management, and dissemination of data, including a schedule;
 - (f) the proposed disposition of recovered materials and records. The proposed location of this material will be at the University of Tennessee, McClung Museum except for items specified under Stipulation 9 below;
 - (g) proposed methods for involving the interested public in data recovery;
 - (h) proposed methods for disseminating results of the work to the interested public;
 - (i) a proposed schedule for the submission of progress reports to the SHPO; and
 - (j) a plan, developed in consultation with the SHPO, Indian tribes, and the other signatories, delineating the manner in which historic properties, human remains, and associated funerary objects discovered subsequent to the ratification of this Agreement document would be treated.
- (3) TVA shall provide all signatories an opportunity to monitor the implementation of the data recovery plan.

6. POST REVIEW DISCOVERIES:

Previously unidentified historic properties discovered during the implementation of the Reservoir Land Management Plans will be subject to the evaluation process under Stipulation 4 and treated according to the process under Stipulation 5.

Should historic properties be discovered on TVA lands, the discovered historic properties shall be protected and stabilized to prevent any further disturbance until TVA can make an informed decision about further steps to take to meet Federal agency obligations under Section 106 and the terms of this Agreement.

7. REPORTS:

TVA shall ensure that all historical and archaeological investigations undertaken for compliance with this Agreement are recorded in formal written reports that meet the *Archeology and Historic Preservation: Secretary of Interior's Standards and Guidelines* and the Tennessee SHPO Standards and Guidelines for Architectural and Archaeological Resource Management Studies. The SHPO, Indian tribes, and the other signatories shall be afforded thirty (30) days to review and comment on any archaeological or historical reports submitted under this Agreement.

8. SHORELINE STABILIZATION:

Consistent with its obligations under Section 110 of the NHPA, TVA will monitor reservoir shorelines to determine whether any historic properties are being affected by reservoir operation and/or vandalism. TVA will implement appropriate measures, in consultation with the SHPO, Indian tribes, and the other signatories to protect eligible historic properties that are determined to be adversely affected by such causes.

Since fiscal year 1999, TVA has been pursuing a systematic effort in identifying the most significant and endangered archaeological sites along its reservoir shorelines and stabilizing/protecting them. All stabilization to date has been coordinated with the requisite SHPO and Indian tribes.

9. TREATMENT OF HUMAN REMAINS:

A. TVA shall ensure that the treatment of any human remains discovered within the APE complies with all State and Federal laws, including the Native American Graves Protection and Repatriation Act (NAGPRA), concerning archaeological sites and treatment of human remains. Regarding human remains identified on State lands, TVA shall ensure that the remains be treated in a manner that is consistent with the Advisory Council of Historic Preservation's *Policy Statement Regarding the Treatment of Human Remains and Grave Goods* (1988), and in accordance with Tennessee Code Annotated (T.C.A.) 46-4-101 et seq. "Termination of Use of Land as a Cemetery," and T.C.A. 11-6-116b, "Notification and Observation," and T.C.A. 11-6-119 "Reinterment" with implementing Tennessee Rules and Regulations Chapter 0400-9-1 "Native American Indian Cemetery Removal and Reburial." Should human remains be encountered during historic properties investigations or post-review discovery, all ground disturbing activities in the vicinity of the human remains will be ceased immediately. TVA will notify signatories within three (3) business days and invite them to comment on any plans developed to treat the human remains.

B. After consultation with signatories and culturally affiliated Indian tribes in accordance with the provisions of NAGPRA, if any Native American human remains and/or associated funerary objects are excavated during the survey, evaluation, or data recovery of historic properties, TVA shall ensure that these remains and associated objects will be repatriated in accordance with the provisions of NAGPRA within sixty (60) days of completion of any investigations specified in the research design. The temporary curation of the human remains and associated funerary objects will be at the University of Tennessee, McClung Museum during this interim.

10. TIMETABLES FOR COMPLIANCE:

A. Consistent with Stipulation 11 that allows phased compliance, TVA shall ensure that the commitments in this Agreement are met prior to commencement of any ground-disturbing activities. In the event that previously unidentified historic properties should be encountered during the implementation of any ground-disturbing activities, consultation with the SHPO, Indian tribes, and the other signatories will be conducted to determine where work can resume while the effects to the historic property are addressed.

B. Within two (2) years of completion of a Reservoir Land Management plan in Tennessee, TVA will develop a plan for protection and maintenance of historic properties at that particular reservoir. The plan will be submitted to the SHPO, Indian tribes, and the other signatories for review pursuant to Stipulation 5.A(2).

C. Throughout this agreement, unless otherwise stated, the SHPO, Indian tribes, and the other signatories shall have thirty (30) days to review and comment on all reports concerning investigations of historic properties and proposed data recovery plans provided by TVA. Comments received from the signatories shall be taken into consideration in preparing final plans. A copy of the final reports and data recovery plans shall be provided to the signatories.

11. PHASED COMPLIANCE:

Consistent with 36 CFR Part 800.4(b)(2), this Agreement allows phased identification, evaluation, and treatment of historic properties in order to meet the requirements of Section 106 of the National Historic Preservation Act (NHPA).

12. LAND TRANSFER OF PROPERTY RIGHTS:

The instrument of conveyance for the transfer, lease or sale, of any parcel containing or that may contain a historic property from the Federal Government to a third party will include provisions to ensure that all requirements of Section 106 of the NHPA and its implementing regulations (36 CFR Part 800) are met. The instrument of conveyance shall contain, when necessary to protect historic properties, a legally binding preservation covenant for the protection of such properties prepared in consultation with the SHPO, Indian tribes, and the other signatories. TVA may release the grantee from the preservation covenant in whole or in part, as appropriate, pursuant to the terms of the covenant and after consultation with the SHPO, Indian tribes, and the other signatories. The covenant may be enforced by TVA or the United States of America.

13. ADMINISTRATIVE CONDITIONS:

A. If Stipulations 1 - 12 have not been implemented within ten (10) years, this Agreement shall be considered null and void, unless the signatories have agreed in writing as provided in Paragraph 13.B. below to an extension for carrying out its terms. If no agreement is reached on an extension at the end of this 10-year period, TVA and the SHPO will resume consultation pursuant to 36 CFR Part 800.

B. If Stipulations 1 - 12 have not been implemented within nine (9) years from the date of this Agreement's execution TVA and the SHPO shall review the Agreement to determine whether the Agreement should be extended. If an extension is deemed necessary, TVA, the Council, and the SHPO and other signatories will consult to make appropriate revisions to the Agreement.

C. The signatories to this Agreement shall consult at least once every year to review implementation of the terms of this Agreement. Prior to the reviews, TVA shall provide to the signatories a report detailing how it has carried out its obligations pursuant to this Agreement.

D. The Council, SHPO, Indian tribes and the other signatories may monitor activities carried out pursuant to the Agreement, and the Council will review such activities if so requested. TVA will cooperate with the Council, SHPO, Indian tribes and the other signatories in carrying out their monitoring and review responsibilities.

E. The signatories to this Agreement may agree to amend the terms of the Agreement. Such amendment shall be effective upon the signatures of all signatories to this Agreement, which shall be appended to the Agreement as an attachment.

F. Should the SHPO, Indian tribes and the other signatories object within thirty (30) days after receipt of any plans, specifications, contracts, or other documents provided for review pursuant to this Agreement, TVA shall consult with the SHPO to resolve the objection. If TVA determines that the objection cannot be resolved, TVA shall request the further comments of the Council pursuant to 36 CFR Part 800. Any Council comment provided in response to such a request will be taken into account by TVA in accordance with 36 CFR Part 800 with reference only to the subject of the dispute; TVA's responsibility to carry out all actions under this Agreement that are not the subjects of the dispute will remain unchanged.

G. In the event the SHPO is unable to fulfill its responsibilities pursuant to this Agreement, TVA shall consult with the Council on an appropriate course of action for implementing the terms of this Agreement.

H. If the Council determines that the terms of this Programmatic Agreement are not being carried out, or if this Agreement is terminated, TVA shall comply with subpart B of 36 CFR Part 800 with regard to individual Reservoir Land Management Plans covered by this Agreement.

I. TVA shall ensure that public involvement in addition to its outreach to the signatories to this Agreement is conducted pursuant to 36 CFR Part 800.14 by inviting comment through Public meetings, Public notices, or other appropriate mechanisms as may be agreed upon by the signatories.

Execution and implementation of this Programmatic Agreement evidences that TVA has taken into account the effects on historic properties resulting from its action to develop Reservoir Land Management Plans in Tennessee and TVA has thereby complied with its obligations under Section 106 of National Historic Preservation Act for these actions..

SIGNATORIES:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John W. Fowler Date: 10/11/05
[]

TENNESSEE VALLEY AUTHORITY

By: [Signature] Date: 7.20.05
[]

TENNESSEE STATE HISTORIC PRESERVATION OFFICER

By: Herbert L. Hagen, DSHPO Date: 8/23/05
[]

CONCURRING PARTIES:

EASTERN BAND OF CHEROKEE INDIANS

By: _____ Date: _____
[]

CHICKASAW NATION

By: _____ Date: _____
[]

CHOCTAW NATION OF OKLAHOMA

By: _____ Date: _____
[]

MUSCOGEE (CREEK) NATION OF OKLAHOMA

By: _____ Date: _____
[]

By: _____ Date: _____
[]

By: _____ Date: _____
[]

**Southeast Tennessee Rural Planning Organization
Resolution 2007-2**

**RESOLUTION BY THE TECHNICAL COMMITTEE OF THE SOUTHEAST TENNESSEE
RURAL PLANNING ORGANIZATION (RPO) IN SUPPORT OF THE TENNESSEE VALLEY
AUTHORITY (TVA) LAND USE DESIGNATION FOR A DEEP WATER PORT IN RHEA
COUNTY**

WHEREAS, the Technical Committee of the Southeast Tennessee RPO was created to identify, study and prioritize multi-modal transportation projects in southeast Tennessee; and

WHEREAS, the Technical Committee of the Southeast Tennessee RPO has recognized the importance of the Tennessee River as a significant waterway for navigation and the movement of goods both upriver and downriver from southeast Tennessee; and

WHEREAS, TVA was created to oversee resource management of the Tennessee River and its tributaries for power generation, navigation, flood control, recreation and economic development; and

WHEREAS, TVA currently manages 11,000 acres of public shoreline through its land use management plan, which is currently under review; and

WHEREAS, 35-40 acres of TVA land with shore access is located in Rhea County within the Watts Bar Reservation; and

WHEREAS, that acreage is currently designated for industrial/commercial development as a deep water barge/terminal site;

BE IT THEREFORE RESOLVED that the Technical Committee of the Southeast Tennessee Rural Planning Organization offers its support for the identified acreage to remain designated for industrial/commercial use as a potential public or private barge/terminal site on the Tennessee River.

Adopted this 10th day of April, 2007.



John Graham
Technical Committee Chair
Southeast Tennessee Rural Planning Organization

Watts Bar Reservoir Land Management Plan

State of Tennessee
Department of Environment and Conservation
Recreation Educational Services Division
10th Floor, L&C Towers, 401 Church Street
Nashville, Tennessee 37243-0435

August 13, 2007

Mr. Jon M. Loney, Manager
NEPA Policy - Environmental Stewardship and Policy
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37901-1401

Dear Mr. Loney:

Thank you for allowing the Recreation Educational Services Division (RES), Tennessee Department of Environment and Conservation, the opportunity to once again review and comment on the draft EIS for Watts Bar Reservoir Land Plan.

While there are valid points to implementing either Alternative B is a good process to follow. I would encourage you to work with local parks and recreation agencies throughout the area to implement the plan.

One point of concern might lie in the number of recreation user days per year. The Draft EIS points out that Watts Bar Reservoir receives an estimated 1.9 million recreation user days per year, while your Reservoir Operations Study - Final Programmatic EIS, 4.24-5 states that there are "4.0 million recreation user days across ALL 25 ROS projects." This means that Watts Bar Reservoirs in the study utilize the other 50% of the recreation user days per year and the other 34 Reservoirs in the study utilizes the other 50%. This may not be a significant point, but it might skew the number results enough to consider other recreation endeavors, such as number of boat ramps, marinas, picnic areas, etc.

If RES can assist in other ways with this or future planning, we'll be glad to do so.

My best,

Mark Tummons



the
Chickasaw
Nation HEADQUARTERS

Arlington at Mississippi / Box 1548 / Ada, OK 74821-1548 / (580) 436-2603

Bill Anoatubby
Governor

Jefferson Keel
Lieutenant
Governor

August 22, 2007

Ms. Pat Ezzell
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902-1499

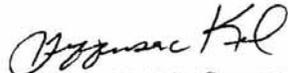
Dear Ms. Ezzell:

Thank you for your letter of notification regarding the Tennessee Valley Authority Projects listed on the attachment.

We are unaware of any specific historic properties or traditional cultural, religious and/or sacred sites at this time. However, in the event of inadvertent discoveries, we expect all construction activities to cease and we be notified according to all applicable state and federal laws.

If you have any questions, please contact Ms. Gingy Nail, historic preservation officer, at (580) 332-8685.

Sincerely,


Jefferson Keel, Lt. Governor
The Chickasaw Nation

Attachment

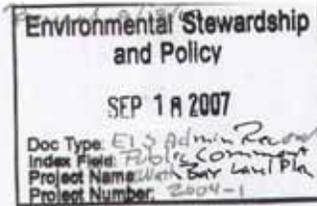


God Bless America!

Tennessee Valley Authority Projects

County	Description
Multiple Counties	Watts Bar Reservoir, Lands Planning Environmental Impact Statement
Decatur County	Proposed development at the Tennessee River Golf Course
Tishomingo County	Yellow Creek Port, Pickwick Reservoir

Watts Bar Reservoir Land Management Plan
 Attn.: Rick Toennisson
 TVA NEPA Administration
 400 West Summit Hill Dr.
 Knoxville, TN 37902



In regard to the Amended Draft EIS Watts Bar Reservoir Land Management Plan, I offer the following comments:

1. Clinch River Breeder Reactor site—See map on reverse

The Clinch River Breeder Reactor site should be an amalgam of Alternatives B and C. The previously disturbed site on parcel 145, along with 133 contiguous acres from parcel 142 for a total of 378 acres provide an excellent industrial site and should be allocated to Zone 5. The two mile riparian area from the road to the river (100 acres of parcel 145) should be Zone 3 so important wildlife habitat can be preserved as well as water quality.

There are 350 acres, the remainder of parcel 142 and all of parcel 143, which should be Zone 4. This will provide habitat for wildlife including turkeys and deer and deep forest habitat for migratory birds. It also provides deer and turkey hunting opportunities. These parcels are contiguous with a forest on the DOE reservation as well as the Grassy Creek habitat protection area (parcel 146) and the 2.2 mile riparian area of parcel 144, thus extending protected habitat from the deep forest to the water's edge. This also provides a buffer for the DOE security training range located near the DOE/Breeder Site Boundary.

The 265 acre Grassy Creek habitat protection area (parcel 146) should be a natural area as TVA has proposed. In addition, approximately 30 acres (less a narrow strip for access to industrial property) of parcel 145 should be added to the west end of parcel 146 since this is a very steep slope and would not be desirable for any type of industry. Parcel 144 is proposed as Zone 3 as it should be. This is a 2.2 mile riparian area that is very important for wildlife, as well as water quality.

Another consideration that should be given to the allocation of breeder site land is the fact that if a nuclear type facility is located here, large buffer zones are very important. The allocations described above would surround any new facility by a buffer zone.

2. Other parcels

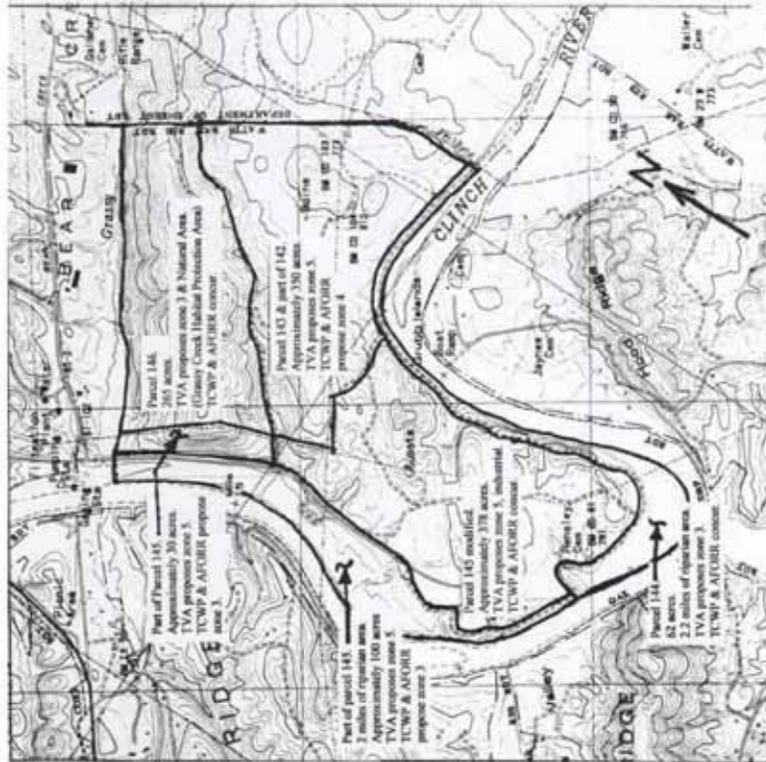
I commend TVA for the following allocations:

- Zone 3 allocations, under both Alternatives B and C, for Parcel 238, the Whites Creek Small Wild Area (SWA), and for Parcel 237, listed as "Proposed addition to Whites Creek SWA to support trail expansion."
- The new Habitat Protection Area (HPA) designation for the Whites Creek Alluvial Deposit Forest, at the upper end of Parcel 233.
- Zone 4 allocations for Parcels 224 and 226 and Zone 3 for Parcel 223.
- Zone 6 allocation for the Meigs County Park (Parcel 5).

Parcel 297 at Lowe Branch should be allocated to Zone 4, rather than to Zone 5. Creating an industrial park on this large parcel would render that land forever unusable by the public.

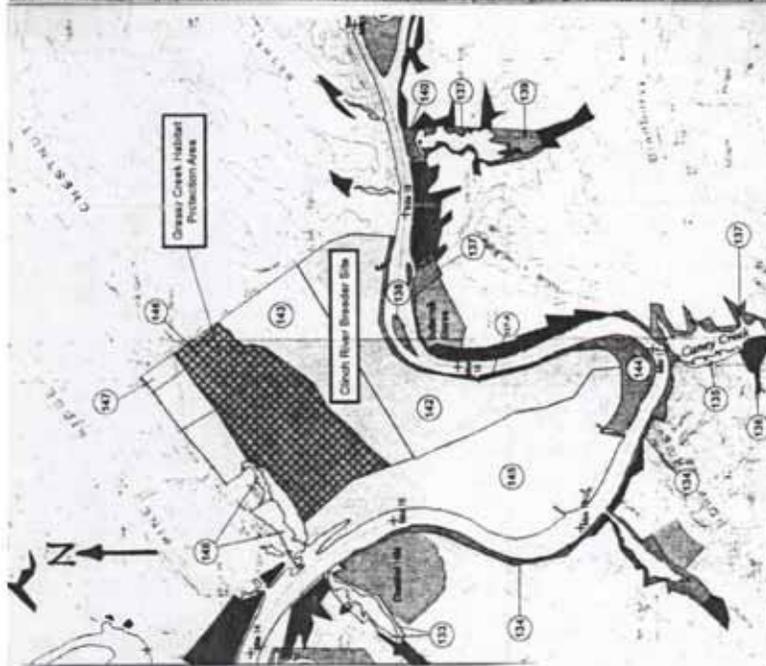
Frank Hensley
 136 Revere Cir
 Oak Ridge, TN 37830

Phone 4830849



**Breeder Site
TCWP & AFORR
Proposal**

Zone Allocation
 Zone 3: Sensitive Resource Management -----457 acres
 Zone 4: Natural Resource Conservation -----350 acres
 Zone 5: Industrial-----378 acres



Parcel Number	Acres	Description
141	63.3	Jones Island, UT forest research station
142	302.5	Clinch River Breeder Site
143	181.6	Clinch River Breeder Site
144	82.2	Production of high forest seedlings and cultural resources
145	375.7	Clinch River Breeder Site
146	265.3	Grassy Creek Habitat Protection Area
147	76.1	Clinch River Breeder Site
148	21.5	Clinch River Breeder Site

**Breeder Site, TVA Proposal
Based on preferred alternative B**



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

Tennessee Valley Authority Attention: Jon M. Loney, Manager NEPA Administration
Environmental Policy and Planning 400 West Summit Hill Drive Knoxville, TN 37902-1499

September 20, 2007

Re: Comments Regarding the Draft Environmental Impact Statement - Watts Bar Reservoir
Land Plan, Loudon, Meigs, Rhea, and Roane Counties, Tennessee

Dear Mr. Loney:

The Tennessee Wildlife Resource Agency has reviewed the Draft Environmental Impact Statement (DEIS) - Watts Bar Reservoir Land Plan and provides the following comment. The Tennessee Wildlife Resource Agency recommends and supports Modified Alternative C - Modified Conservation and Recreation. It is our opinion that the public and the natural resources of the state would benefit the most if this alternative were chosen. Outdoor recreational opportunities would be expanded under this alternative, impacts on prime farmlands would be no greater than with either of the other alternatives, the greatest benefit to rare aquatic and terrestrial species would likely occur under Modified Alternative C, water quality would be maintained under this alternative, and potential impacts to archaeological resources would be insignificant under Modified Alternative C.

If either Modified Alternative A or Modified Alternative B were chosen, rather than Modified Alternative C, approximately 279.4 acres of habitat for the State Endangered Bachman's sparrow could be impacted due to the allocation of parcels 297 and 298 near Watts Bar Dam. As stated on page 49 of the DEIS, "Suitable habitat for Bachman's sparrows is limited and scattered throughout Watts Bar Reservoir lands. The species may be found in Parcels 3, 295, 297, 298, and 299 near Watts Bar Dam." Loss of habitat for the Bachman's sparrow is one of the greatest threats for the continued existence of this species.

Impacts to terrestrial ecological resources where habitat alteration occurs under Modified Alternative A or Modified Alternative B would be greater than Modified Alternative C, as stated on page 101 of the DEIS, which would include "...the loss of some interior forest bird habitat, more habitat fragmentation and loss of biodiversity, and a concurrent increase in invasive plants and animals." If Modified Alternative B were chosen additional impacts to informal recreation could occur, as stated on page 101 of the DEIS: "Specifically selection of this alternative would

Watts Bar Reservoir Land Management Plan

eliminate future stakeholder partnership opportunities and activities on Parcels 297 and 298 at Lowe Branch as well as eliminate from consideration a request from TWRA for the transfer of Parcels 295, 297, 298, and 299 from TVA for inclusion in its WMA program as a contiguous tract of land. Additionally, this alternative would eliminate, over time, the WMA hunting regulation agreement with TWRA for the former Clinch River Breeder Reactor Site area, which includes Parcels 142, 143, 144, 145, and 146." Modified Alternative C would expand informal recreational pursuits, such as wildlife and nature observation and hunting. As stated on page 102 of the DEIS, Modified Alternative C would: "Specifically, the selection of this alternative would maintain current stakeholder partnership opportunities and activities on Parcels 297 and 299 at Lowe Branch and keep open consideration of TWRA's request for the transfer of Parcels 295, 297, 298, and 299 for inclusion in its WMA program. Additionally, this alternative would change the allocation of the former Clinch River Breeder Reactor site (Parcels 142, 143, 145, and 148) from Zone 5 (Industrial) to Zone 4 (Natural Resource Conservation). This reallocation would maintain the area's current ecological state and allow TWRA to continue its interim management agreement. Specifically, this alternative would allow for continued management of natural resources on Parcels 295, 297, 298, and 299 with the possibility of designating a portion of this area as an Important Bird Area in conjunction with TWRA and the incorporation of prescribed burning regimes to better manage groups of wildlife species in conjunction with the Tennessee Division of Forestry."

The Tennessee Wildlife Resources Agency supports and recommends that the Tennessee Valley Authority chose Modified Alternative C for the Watts Bar Reservoir Land Plan.

Thank you for the opportunity to comment.

Sincerely,

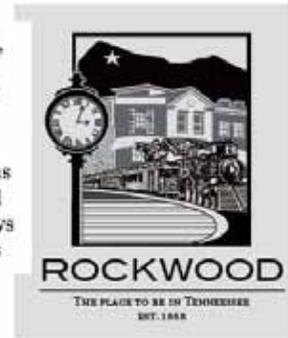
Robert M. Todd
Fish and Wildlife Environmentalist

cc: Bobby Brown, Region III Habitat Biologist
John Mayer, Region III Manager
Dr. Lee Barkley, U.S. Fish and Wildlife Service
Darryl Williams, Environmental Protection Agency

City of Rockwood

110 North Chamberlain Avenue
Rockwood, TN 37854-2309
Phone: 865.354.0611
FAX: 865.354.0348

Mike Miller,
Mayor
City Council
Ray Collett
Gene East
Dudley Evans
James Neal
Darryl Meadows
James Watts



September 21, 2007

Donna Norton, Manager
Watts Bar Reservoir
Tennessee Valley Authority
260 Interchange Park Dr., LCB 1A-LCT
Lenoir City, TN 37772-5664

Dear Ms Norton:

This letter is to inform you of the City of Rockwood's interest in pursuing commercial recreation development opportunities on Parcel 218 as described in the proposed Watts Bar Reservoir Land Management Plan. This parcel, along with our public recreation property (Parcel 219) can provide the appropriate lake-oriented recreational opportunities that the City so desperately needs for future economic prosperity. We envision the use of Parcel 218 to provide recreational facilities typical of those found at Tennessee State parks.

We will be submitting plans for potential uses of Parcel 218 once the TVA Board adopts the new Reservoir Land Management Plan. We look forward to working with TVA to secure the recreational and economic benefits that King Creek can provide to the City of Rockwood and Roane County.

Thank you for your continued cooperation. Please contact Jim Hines if you need any additional information.

Sincerely,

Mike Miller, Mayor
City of Rockwood

Cc: Mike Farmer
Jim Hines



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

September 21, 2007

Mr. Richard Toennisson
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Subject: EPA NEPA Review of TVA DEIS for "Watts Bar Reservoir Land Management Plan"; Loudon, Meigs, Rhea, and Roanne Counties; CEQ# 20070338; ERP# TVA-E65073-TN

Dear Mr. Toennisson:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject Tennessee Valley Authority (TVA) Draft Environmental Impact Statement (DEIS) in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. TVA proposes to amend its recent EIS regarding the 2005 Land Plan (which updated the 1985 Land Plan) to modify it in response to TVA's November 2006 Land Policy, other administrative changes and public comments.

The Watts Bar Reservoir is a 65-year-old, multipurpose reservoir in Tennessee with a shoreline of 721 miles. The current TVA land plan covers approximately 16,200 acres of public lands owned and managed by TVA. The Watts Bar Reservoir area includes the Watts Bar Nuclear Plant, Kingston Fossil Plant, Watts Bar Dam Reservation, and the former Clinch River Breeder Reactor site.

In its 2005 EIS, TVA identified a preference for the "Balanced Development and Recreation Alternative" (Alternative B) over the "Balanced Conservation and Recreation Alternative" (Alternative C) and the No Action Alternative (Alternative A). These three original alternatives were modified in the present EIS to the "Modified Development and Recreation Alternative" (Modified B), the "Modified Conservation and Recreation Alternative" (Modified C) and the "Modified No Action Alternative" (Modified A). Primarily, TVA modifications (pg. S-2) involved land use allocation changes to Zone 3 ("Sensitive Resource Management"), Zone 4 ("Natural Resource Conservation"), Zone 5 (name also changed from the original "Economic Development" zone to the "Industrial" zone) and Zone 6 ("Developed Recreation"). Overall, when the original alternatives (Table 2.1-1: pg. 18) are compared to the modified alternatives (Table 2.2-1: pg. 34), more land was notably moved to conservation (Zone 3) for both Modified B and C. Moreover, "...the residential component of mixed use development, independent retail

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businesses, and some specific types of commercial recreation...are no longer provided for in the TVA Land Policy.” As such, land transfer requests from TVA public lands to private lands for the purposes of developing residences, retail businesses and certain commercial recreation facilities would not be approved by TVA, although industrial development (Zone 5) could still be approved. In addition, the proposed modification would discontinue the Integrated Resource Management Plan (IRM) and formulate other administrative changes. A “Natural Resources Management Strategy” is being developed to replace the IRM.

Overall, EPA supports the changes proposed by the present modification. When compared to the original 2005 Land Plan alternatives, we note that most of the beneficial changes were made to Modified B. Specifically, more lands were allocated to Zone 3 (Sensitive Resource Management), Zone 4 (Natural Resource Conservation) and Zone 6 (Developed Recreation), with less allocation to Zone 5 (Industrial). The additions to Zones 3 and 4 and reductions to Zone 5 appear beneficial while the addition to Zone 6 is somewhat neutral. The greatest environmental benefit appears to be the additions to sensitive and conservation areas and reduction to industrial sites. For Modified C, more lands were also allocated to Zones 3 (Sensitive Resource Management) and 5 (Industrial), but less to Zones 4 (Natural Resource Conservation) and 6 (Developed Recreation). The additions to Zone 3 and reduction to Zone 6 are beneficial, but the reductions to Zones 4 and addition to 5 are not beneficial. We note, however, that the addition to the industrial development (Zone 5) in Modified C is minimal (92 ac vs. 52 ac) and that these areas are existing industrial sites. The greatest environmental benefit appears to be the addition in sensitive areas and reduction in recreational areas. The change in TVA policy to no longer entertain requests for residential development for both Modified B and C is also beneficial to the environment.

We find that both Modified B and C alternatives are environmentally more attractive than the original B and C, with Modified C still providing the most overall protection for the environment. Modified C’s correlation with less development reduces impacts to wetlands, aquatics, shorelines, riparian vegetation, terrestrial areas and other natural habitat as well as minimizing air and noise emissions. Sensitive habitat areas that would be protected include the former Clinch River Breeder Reactor site in Zones 3 or 4 (pg. 108) as a wildlife corridor. Accordingly, EPA continues to prefer the benefits of Alternative C and now Modified C.

We note that 92 acres of existing industrial sites (Zone 5) would still be part of Modified C. Barge terminals and marinas should be properly sited to protect the reservoir resource function. We recommend compliance with TVA’s clean marina initiative and related programs (see TVA website), specifically pertaining to proper marina siting and selection of designs with adequate flushing to maintain water quality.

EPA and other resource agencies previously provided NEPA comments on the TVA EIS for the 2005 Plan. In addition to EPA, page 14 indicates that U.S. Fish and

Wildlife Service (FWS), Tennessee Wildlife Resources Agency (TWRA) and Tennessee Department of Environment and Conservation (TDEC) all favored Alternative C. EPA also recommended a hybrid or blended alternative between the development (B) and conservation (C) extremes, which was acknowledged in the present EIS (pg. 14). Despite the resource agencies' position on the original 2005 Land Plan and acknowledgement that Modified C is the "environmentally preferred" alternative (pg. 38), we note that TVA continues to prefer Modified B similar to its selection of Alternative B in the 2005 EIS. However, we appreciate the present modification toward increased allocation of lands for conservation in Modified B and assume that in part it was made in response to the agency selection of Alternative C. We are also aware of TVA's mandate to balance the environment with industrial and economic development in the Valley (pg. 1), which would favor Modified B over C.

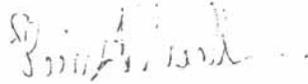
Regardless of a preference for Modified B or C, it is unclear why TVA public lands should be offered for private sale (other than revenue) in either alternative since considerable private shorelands are already in private ownership along the Watts Bar Reservoir (Figure 1.1-1). Moreover, the DEIS indicates that such private lands are rapidly being developed, that the local growth rate is growing faster than that of the state and nation (pg. S-5), and that only 3.7 % of the land in the State of Tennessee is public (pg. 100) and only about 11% of the lands along the reservoir shoreline are TVA public lands (pg. S-4). TVA public lands along Watts Bar Reservoir, which primarily have a conservation and recreation use, serve to buffer the reservoir from ongoing private development in the watershed. Moreover, TVA could continue to encourage its mandate for economic development by regulating private shoreline development along the Watts Bar Reservoir through its Section 26a permitting process. That is, TVA could allocate more lands to conservation (Modified C) and still promote economic development at sustainable levels through its Section 26a permitting process for shoreline construction of private lands.

If Modified C in association with Section 26a permitting would not adequately satisfy the TVA mandate, we alternatively suggest consideration of a hybrid or blended alternative that would allocate more lands for industrial development (Zone 5) than in Modified C but less than in Modified B (i.e., more than 92 ac but notably less than 1,253 ac). We further suggest that such development be limited to light industry that depends on water access and has some environmental benefit such as barge terminals.

We rate this DEIS as "EC-1" (Environmental Concerns, some additional information requested). While we find that both Modified B and C have areas of environmental improvement over the original 2005 Land Plan, we prefer Modified C. This alternative would provide an important public land buffer for ongoing private land development around the Watts Bar Reservoir for wildlife habitat and reservoir water quality benefit.

We appreciate the opportunity to review this DEIS. Should you have questions on our above comments as well as the enclosed *Additional Comments*, please contact Chris Hoberg of my staff at 404/562-9619 or hoberg.chris@epa.gov.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office

Enclosure – *Additional Comments*

ADDITIONAL COMMENTS

* **Modified C** – It is therefore unclear why Table 2.2-1 (pg. 34) depicting allocations for the modified alternatives shows more land (92 ac) in Zone 5 for Modified C than Table 2.1-1 (pg. 18) depicting the original Alternative C shows (52 ac). Although not significantly different, the final EIS (FEIS) should discuss this.

* **Zone 4** – Although Zone 4 is named “Natural Resource Conservation”, we note that timber management would be allowed there, as well as hunting. How will these activities be held to sustainable levels and will clearcutting still be allowed like in the 1988 Plan (pg. 21, Allocation #12)? In order to be a true conservation zone, we recommend that harvesting be limited to forest fuel thinning without clearcutting, and that hunting primarily also be for thinning growing populations for their benefit based on consultation with FWS and their state counterparts. In essence we recommend that harvesting and hunting be allowed to promote healthy forests and wildlife populations rather than for silvicultural or high-yield purposes.

* **EJ** – Environmental Justice (EJ) need not be an issue for this proposed project since minorities account for only 5.7 % of the population (compared to 22.1 % for the State of Tennessee). However, the reduction in commercial residential and industrial growth by all alternatives due to the proposed modification could reduce job opportunities in the area (pg. 140). We note that unemployment (5.3 %) in the area is already higher than the state and national average (pg. S-5) .

* **Bald Eagle** – Page S-3 and Table 3.3-2 (pg. 48) still lists the bald eagle as a federally-threatened species. We understand it has now been delisted, but recommend verification with the FWS before the prospective development of the final EIS.

* **Wetlands** – In addition to the Watts Bar Reservoir watershed being generally forested, forested wetlands is the most common wetland type (pg. 69). Selection of Modified C would likely protect these wetlands from development more than Modified B or A. Avoidance of wetlands (listed as a sensitive resource in Zone 3; pg. 24) through land allocation is preferable and generally more protective than wetland mitigation for filling wetlands due to development.

* **NEPA Process** – The present EIS is said to “amend” the 2005 EIS. Editorially, the NEPA term that is used in such instances is to “supplement” the original EIS, i.e., a “Supplemental EIS” rather than an “Amended EIS” is produced. Also relating to NEPA, it is unclear why the No Action Alternative would still use the 1988 Land Plan if selected as opposed to the 2005 Land Plan since that plan has recently undergone the NEPA process (even though it is being amended by the present EIS).

* **IRM** – The DEIS would have been improved if the proposed Natural Resource Management Strategy that is to replace the IRM was already prepared and presented as a draft or final strategy in an appendix.



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Richard B. Russell Federal Building
75 Spring Street, S.W.
Atlanta, Georgia 30303



ER 07/685
9043.1

September 24, 2007

Mr. Rick Toennisson
TVA NEPA Administration
400 West Summit Hill Drive
Knoxville, TN 37902

RE: Watts Bar Reservoir Land Management Plan

Dear Mr. Toennisson:

The Department of the Interior has reviewed the Watts Bar Reservoir Land Management Plan and has no comments for your consideration. You can contact me at 404-331-4524 if you should have any questions.

Sincerely,

Gregory Hogue
Regional Environmental Officer

cc:
OEPC, Washington



**Oak Ridge Economic Partnership Position Statement
TVA Watts Bar Reservoir Land Management Plan**

Background

The Tennessee Valley Authority (TVA) is proposing to update its 1988 Watts Bar Reservoir Land Management Plan to better reflect changing community needs and current TVA policies.

A Draft Environmental Impact Statement was issued in May, 2005 which proposed three alternatives:

- 1) No Action
- 2) Balanced Development and Recreation
- 3) Balanced Conservation and Recreation

Oak Ridge Economic Partnership Position

The Oak Ridge Economic Partnership recommends serious consideration be given to adopting the Modified Development and Recreation Plan (Modified Alternative B). This plan would provide for continued industrial development in the areas currently designated for industrial development, permitting TVA to continue its mission to promote sustainable economic development in the Tennessee Valley region.

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Oak Ridge, Tennessee 37830
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(865) 483-1678 fax
www.orcc.org