

ADOPTION OF ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY

PROPOSED STREAM RELOCATION, ENCAPSULATION, AND FILL ASSOCIATED WITH A RETAIL DEVELOPMENT, WILLIAMSON COUNTY, TENNESSEE

Wal-Mart Stores, Incorporated (Wal-Mart) proposes to construct a retail store along Columbia Pike, north of Spring Hill, Tennessee. Wal-Mart proposes the placement of fill associated with the relocation of 533 linear feet of an existing perennial stream channel into approximately 307 feet of open channel. Additionally, 198 linear feet of that stream would be encapsulated into a six-foot by six-foot concrete box culvert. Modifications to the stream are necessary to provide adequate parking and vehicular access for the proposed store.

The applicant's proposed action is subject to a U.S. Army Corps of Engineers (USACE) permit under Section 404 of the Clean Water Act and approval by the Tennessee Valley Authority (TVA) under Section 26a of the TVA Act.

The proposed action is the subject of an environmental assessment (EA) prepared by USACE. The USACE EA is incorporated by reference. TVA has independently reviewed the USACE EA and found it to be adequate. TVA is therefore adopting this EA.

The potential effects of implementing three alternatives were analyzed in the USACE EA. Under the No Action Alternative, the USACE would deny the permit or the applicant would withdraw the permit application. The Applicant's Proposed Action, i.e., the Action Alternative, is described above. An additional action alternative involving spanning the entire stream with a bridge was considered, and action under this alternative by the applicant would not require a USACE permit. However, the potential environmental consequences of implementing this alternative would be similar to or greater than those anticipated under the Applicant's Proposed Action. TVA's preferred alternative is the Applicant's Proposed Action, including the implementation of the proposed onsite stream mitigation.

The USACE EA documented that there would be negligible effects, if any, to the following environmental amenities: conservation, aesthetics, wetlands, historic properties, wildlife values, land use, navigation, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and needs and welfare of the people. TVA concurs with these determinations.

The applicant would benefit economically from the establishment of a commercial retail business. Small beneficial economic effects to the local economy are likely from additional employment opportunities and increased sales tax revenues.

To mitigate the adverse impacts resulting from the proposed stream relocation and encapsulation, Wal-Mart proposes onsite compensatory stream mitigation through vegetative enhancements to the approximately 307 linear feet of the relocated stream. Additionally, approximately 1,252 linear feet of another onsite stream would be enhanced. Restoration to the second stream would include the provision of an added 73 linear feet of sinuosity, construction of a 35 to 40-foot wide flood plain connected to the top of both stream banks, and plantings within the 100-foot wide riparian zone. This planted vegetation would include at least 60 native

trees per acre and 30 woody shrubs per acre primarily on the flood plain terrace. The mitigation areas would be protected by deed restrictions. TVA has determined that, with implementation of these mitigation measures, impacts to water quality and aquatic ecology would be insignificant. The Tennessee Department of Environment and Conservation issued a Water Quality Certification under Section 401 of the Clean Water Act on June 6, 2012.

The proposed action is not located in a defined floodplain and would not adversely affect floodplain values or functions. Thus, the action is consistent with Executive Order 11988. Similarly, no wetlands would be affected. USACE determined that the proposed project is not likely to adversely affect the federally listed as endangered Indiana bat (*Myotis sodalis*). Nine trees onsite were identified as potential Indiana bat habitat. To avoid adverse effects to the Indiana bat, USACE has stipulated that removal of these trees shall take place only between November 15 and March 31, a period when the bats are hibernating in caves. Additionally, the applicant proposes to install protective fencing around the subject trees to prevent inadvertent damage or disturbance prior to their removal. With these measures in place, TVA has determined that there would be no effects to the Indiana bat or to any state-listed or federally listed species.

The proposed project would not have any effect on any sites listed or eligible for listing on the National Register of Historic Places.

USACE issued Joint Public Notice 12-08 on February 8, 2012. Comments were received from the United States Fish and Wildlife Service, the Tennessee Historical Commission, and the United States Environmental Protection Agency. There were no requests for a public hearing.

Mitigation and Special Permit Conditions

USACE imposed several mitigation measures as special conditions of the permit, and these measures are listed in Section 9.d. of the EA. Many of these measures are routine conditions for TVA Section 26a approvals. No non-routine measures would be imposed as conditions of the Section 26a approval. TVA has not identified the need for additional mitigation to further reduce impacts.

Conclusion and Findings

Based on the findings listed above and the analyses in the EA, TVA concludes that the proposed Section 26a approval and the subsequent actions proposed by the applicant would not be a major federal action significantly affecting the environment. Accordingly, an environmental impact statement is not required.



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Date Signed