

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
PROPOSED KINGSTON RIVERBOAT DOCK
WATTS BAR RESERVOIR
ROANE COUNTY, TENNESSEE

Proposed Action and Need

Watts Bar Riverboat Co. (WBRC) submitted a joint Tennessee Valley Authority (TVA)/U.S Army Corps of Engineers (USACE) Section 26a permit application on September 22, 2005. WBRC proposes to construct a commercial dock located at Clinch River Mile 0.7 (left bank) on Watts Bar Reservoir in Roane County, Tennessee. The proposed work would consist of the construction of a fixed and floating dock structure to moor the Watts Bar Belle (a paddlewheel excursion boat), and construction of a floating gift shop. In the original proposal, the facility would have several components which consist of a 130 foot fixed dock, a 40 foot connection walkway, a 36 by 10 foot floating dock, a 98 by 10 foot floating dock, and a 30 by 20 foot floating gift shop. The first three components of the structure would extend lakeward 200 feet from the Normal Summer Pool (NSP) elevation of 741.0 feet. The fourth component would parallel the shoreline for 108 feet at 180 feet distance lakeward from the NSP elevation to allow the riverboat to be moored. The gift shop would be placed on the inside of the fourth dock structure. The proposed dock facility would include water, sewage and electrical service to the gift shop and a sewage pump-out facility for the riverboat. A more detailed description of the proposed expansion is described in Section 1.2 of the attached Environmental Assessment (EA) prepared by the USACE. Also, the Public Notice (Appendix A of the USACE EA) describes the fixed and floating dock structures.

Alternatives

Four alternatives were evaluated for comparison purposes.

No Action. Under the No Action alternative construction of the docking facility would not occur. This alternative would result in the applicant (WBRC) not being able to meet his needs to construct the fixed and floating structure for the operation of the riverboat at this location. The potential environmental impacts described in Section 3.0 of the EA would not occur. The socioeconomic benefits of a new recreational facility would not be achieved. No action would be brought about by a USACE or TVA permit denial.

The Proposed Action. Under the Proposed Action Alternative, construction of the docking facility could occur. WBRC's original application for construction an operation of a commercial dock facility for a riverboat including a gift shop and sewage pump-out facility as described in Section 1.2 of the EA would occur. The structure would extend lakeward 200 feet from NSP. See Appendix A of the USACE EA (Public Notice) for a description of the applicant's proposed action. The facility may be viewed as visually intrusive to some adjacent property owners in the vicinity. The socioeconomic and recreation benefits of a riverboat excursion recreational facility would be realized.

The Proposed Revised Action. Under the Proposed Revised Action Alternative, construction of the docking facility would occur in accordance with the applicant's revised plans. The lakeward

extension of the facility would be 190 feet from the NSP. The 108 foot floating dock which would moor the Riverboat would be 170 feet lakeward of the NSP. In addition, the proposed facility would be located at least 50 feet downstream of the existing public launching ramp. See Appendix E of the USACE EA for the revised details of the fixed and floating structure.

The Proposed Revised Action with Conditions. Under this alternative the applicant's revised plans as described above would be approved with the inclusion of additional conditions that would minimize adverse environmental impacts (see the Mitigation section). This is the preferred alternative selected by the USACE for permitting. It is also TVA's preferred alternative.

Impacts Assessment

The USACE has prepared an EA dated February 28, 2006, to assess the potential environmental impacts associated with the proposed project. The USACE Statement of Findings was issued on February 28, 2006. Section 3.0 of the EA addressed the potential impacts of the proposed project on the following resource areas: health and safety, erosion and water quality, biological and human characteristics, and aesthetics. No threatened or endangered species, wetlands, or historic resource issues were identified. The proposed addition of facilities is consistent with repetitive uses in the floodplain without impact and would not impact flood control functions. Recreation opportunities will be enhanced. Evaluation of other resource areas identified in Section 3.0 of the USACE EA confirms that these resources would not be significantly impacted or not impacted at all. TVA has independently reviewed the assessment of impacts in the USACE EA, and has decided to adopt the USACE EA. It is attached and incorporated by reference.

The environmental review evaluated the potential for water quality impacts. Wastewater generated from the proposed boat pump system would be pumped to a holding tank and hauled to an offsite treatment facility. The applicant has indicated that the facility would be tied to the sewer system as soon as such service is available. Construction related best management practices would be required to control pollution runoff and contain accidental spills. Additional state and local permits may be required to reduce construction related impacts from storm water. No significant impacts to terrestrial and aquatic wildlife and habitat, aesthetics, noise, cultural resources, or water resources are anticipated. Beneficial impacts are anticipated for water recreation and the local economy.

In response to comments on the public notice, the agencies undertook an in-depth evaluation of vehicle traffic and navigational safety. Locations of proposed facilities were reviewed to ensure access and boating maneuverability. The facility would be constructed at least 50 feet from an existing public boat ramp to allow space for private boating. Navigation safety will be improved as a result of following the recommendation of a survey of the reservoir bottom to reduce the length of the dock by 100 feet. A review of traffic in the vicinity concluded that the development posed no significant traffic issues.

Public and Intergovernmental Review

A joint TVA/USACE Public Notice (PN. 05-105) was published on December 6, 2005, to advertise the WBRC proposal. The public notice was widely distributed to federal, state, and local agencies, elected officials and others.

Nine comments to the public notice were received. Comments regarding the proposal are discussed in Sections 2.3 and 2.4 of the USACE EA. Comments included concerns about traffic congestion, health and safety, aesthetics, erosion, water quality, property value, and local zoning laws. Other comments addressed in the EA included noise, traffic, and property values.

The Tennessee Historical Commission (THC) responded to the public notice by letter dated December 13, 2005. THC requested that the USACE cultural resources staff provide comments regarding the impact of the proposed activity on historic properties. USACE responded to the THC request in a January 12, 2006 letter where USACE found that the project had no potential to effect historical properties listed or eligible for listing on the National Register of Historical Places (NRHP). THC concurred in a January 25, 2006 letter, stating the proposed activity would have no effect on any known cultural resources listed on or eligible for the NRHP.

U.S. Fish and Wildlife Service (USFWS) responded to the notice on January 4, 2006, indicating that based on the best evidence available, no federally-listed species are known to occur in the impact area and that the requirements of Section 7 of the Endangered Species Act have been fulfilled.

As part of the review process, TVA investigated the potential for a large amount of wave wash from passing commercial and recreational vessels at the proposed location of the facility. After surveying the area, TVA asked that the facility be shortened 10 feet landward from its original proposed location. In repositioning the fixed and floating dock structure, the paddlewheel boat would still have sufficient depth for operation and provide additional room for commercial and recreational navigation. In addition, TVA asked that the dock structure be located at least 50 feet away from the existing launching ramp so as not to interfere with its use.

Six public comments were received in response to the public notice with four comments against and two comments in favor. USACE forwarded a summary of objections and copies of major comments to the applicant who responded to the concerns. The applicant's responses have been summarized in Section 2.3 and included in Appendix D of the USACE EA.

The applicant provided a response to the comments on January 5, 2006. The applicant stated that increased traffic in the area of the facility should not be a concern because the riverboat has a capacity of 140 passengers, with an average trip carrying 60 passengers. Most passengers arrive at the site two or three to a vehicle. The applicant addressed the disturbance (dredging) of contaminated sediments by stating that the Watts Bar Belle has a draft of three feet. The minimum amount of water at the location where the Watts Bar Belle would be moored is seven feet, during winter pool Elevation 736.0. The applicant addressed the pollution issues by stating fuel for the Watts Bar Belle would be delivered from a local vender or the Watts Bar Belle would obtain fuel from a local marina. Also, the applicant noted the Watts Bar Belle does have restrooms and is equipped with holding tanks which would be pumped out by commercially licensed agents. However, the applicant plans to change systems that would allow them to pump waste directly into the city's sewer system as soon as is possible to connect to the system. Trash removal and containment would be handled by a commercial hauler. Finally, the applicant responded to the land management comments by stating the area is zoned F1 and was transferred to the city of Kingston from TVA for recreational and park use by contract finalized in 1954.

The mitigation measures that would minimize impacts to the environment include performing the work during winter pool drawdown and during dry periods of the year. Additionally, instituting and maintaining erosion and sediment control measures for the life of the project and ensure that all disturbed riparian areas are properly seeded, or otherwise stabilized as soon as practicable to prevent erosion and associated runoff from entering the waterway.

Mitigation

TVA's Section 26a approval is contingent upon successful implementation of Best Management Practices for erosion and sediment control including appropriate TVA General Conditions and Standard Conditions as indicated in the permit. Further, WBRC will ensure its riverboat dock facilities and construction work will be conducted in compliance with all conditions of the Section 10 of the Rivers and Harbors Act issued by USACE.

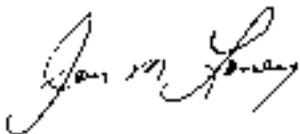
The following special conditions will be included in the Section 26a permit to minimize impacts to the environment:

1. The maximum length of the riverboat dock facility will be 190 feet from the NSP elevation of 741 feet, and the mooring dock parallel to the shore will be 170 feet from the NSP.
2. The riverboat dock facility will be located at least 50 feet downstream of the existing public boat ramp.
3. WBRC is hereby advised that the facility will front on a commercial navigation channel at a location which makes the facility and any moored boats vulnerable to wave wash and possible collision damage from passing boats.
4. The floor of elevation of the fixed dock will be a minimum of two feet above the NSP elevation of 741 feet.
5. All floating facilities will be securely anchored to prevent them from floating free during major floods.

Conclusion and Findings

TVA has independently reviewed the impacts assessed in the USACE EA and determined that the scope, alternatives considered and content are adequate and that impacts to the environment have been adequately assessed. TVA has evaluated the project for compliance with Executive Order 11988. The riverboat dock facility constitutes a repetitive action and impacts to the floodplain have been minimized to the extent practicable. There are no threatened or endangered species present. There are no properties eligible for the NRHP present. There are no wetlands located in the project area. Cumulative impacts from the development to the recreational use of the reservoir or to other resources are expected to be insignificant.

Based on the findings in the USACE EA and based on implementation of the above mitigation measures that are incorporated, we conclude that the riverboat dock facilities would not be a major federal action significantly affecting the environment. Accordingly, an Environmental Impact Statement is not required. The FONSI is contingent upon successful completion of the attached commitments.



Jon M. Loney
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March 8, 2006

Date Signed