

TENNESSEE VALLEY AUTHORITY FINDING OF NO SIGNIFICANT IMPACT

STATE ROUTE 33 (US 411) IMPROVEMENTS FROM JUST SOUTH OF THE MCMINN COUNTY LINE TO THE FOUR LANE SECTION OF MADISONVILLE, McMINN AND MONROE COUNTIES, TENNESSEE

Proposed Action and Need

A joint permit application, dated April 8, 2005, was submitted by Tennessee Department of Transportation (TDOT) to the Tennessee Valley Authority (TVA) and the United States Army Corps of Engineers (USACE) for a portion of Sections VI and VII of the proposed State Route (SR) 33 improvement project. In this permit application, TVA has been asked to review this 5.593-mile section, the northernmost phase, of the 14.1-mile project for required approvals under Section 26a of the TVA Act. No TVA land or land rights are involved. This northernmost project phase includes the proposed improvements and widening (to the northwest side) of SR 33 from just south of the McMinn County line north to the Madisonville Bypass along its existing alignment. Construction along this portion of the roadway would consist of four 12-foot wide lanes, a 50-foot median, a 10-foot wide paved shoulder, culvert extension and various typical drainage and ditch works. These improvements would affect Cave Springs and Carson Branches and other unnamed tributaries confluent to Chestuee Creek, as well as a spring, pond and 5 small wetland areas. This northernmost portion of the project would also involve replacement or extension of 5 box or concrete pipe culverts affecting Cave Springs Branch and other unnamed tributaries. A total of 0.74-acre of wetlands at 4 locations in the vicinity and just north of Cave Springs Branch, as well as another wetland location along SR 33 just south of Madisonville, would be permanently affected. About 350 total feet of riprap would be needed in the floodplain at 7 locations (less than 50 feet at each location) to minimize streambed and bank erosion at culvert inlets and outlets. Affected utility lines, including those conveying electric power, water, sewer and gas, would be modified as needed to continue or improve service.

SR 33 was one of several major highways to receive special attention in the Tennessee Legislation of 1986 by the 94th General Assembly. This project is a section of the route covered in a feasibility study. Improvements to the existing 2-lane highway on its present alignment from just south of the McMinn County line to Madisonville, as proposed, would correct structural, shoulder width, lane number and geometric deficiencies. Roadway capacity would also be increased, along with the level of service, with an eventual continuous four lane highway from US 64 to Maryville. Work on improvements to SR 33 south of Etowah and SR 30 is in progress.

The Federal Highway Administration (FHWA) and TDOT have completed an environmental assessment (EA) for the improvements and widening of SR 33 from 0.2 mile north of SR 30 in Etowah to the existing 4-lane section south of Madisonville

in McMinn and Monroe Counties, Tennessee. The entire project as described in this EA is approximately 14.1 miles in total length and would convert approximately 175 acres of land into highway right-of-way (ROW). This EA also covers the improvements along the northernmost portion of SR 33, currently under review by TVA.

TVA proposes to approve construction of SR 33 improvements for this northernmost 5.593-mile section from just south of the McMinn County line north to the Madisonville Bypass. The Section 26a request for approvals for this 5.593-mile portion of the project involves mitigation of site-specific stream and wetland impacts that were identified in the TDOT project description and application (also see Impacts Assessment Section in this FONSI). This FONSI identifies effects on environmental resources for this portion of the project impact area.

TVA and USACE staff inspected the entire 14.1-mile project including this 5.593-mile portion of SR 33 on June 8, 2005. The portion of the project covered in the 1992 FHWA/TDOT EA between Etowah to just south of the McMinn County line, including that portion of SR 33 through Englewood, has now been completed.

Alternatives

The FHWA/TDOT EA evaluates the environmental consequences of three alternatives, "No Build" or No Action, Alternative A or the Selected Alternative and Alternative B (same as Alternative A with an Englewood Bypass). Under No Action, no widening or other improvements to the existing highway would be made other than routine maintenance activities. Existing and future traffic flow problems would worsen and difficulty accessing needed social, economic, education, and governmental functions in this part of McMinn and Monroe Counties would increase. This would also be inconsistent with the desires of the Tennessee General Assembly.

Under the Alternative A, the selected alternative, SR 33 from just south of the McMinn County Line north to the Madisonville Bypass would be improved. TDOT would construct four 12-foot wide traffic lanes between the county line and Madisonville on its existing alignment and, along most to its length, a 12-foot wide center turn lane. Highway improvements would be contained within a ROW that would vary from 84-foot to 200-foot wide. Construction would also include 10-foot wide shoulders, and along portions of the route, a 48-foot median. Along SR 33, on its existing alignment through Englewood, TDOT would improve local and regional accessibility, safety and operating conditions and enhance future planned growth by constructing a 4-lane highway with features described above. By providing a facility more capable of handling the expected future traffic demands, the traffic accident rate is expected to remain at a level below the state-wide average (see attached FHWA/TDOT EA). Mitigation for loss of values associated with wetland and stream alterations will be achieved by the debiting available wetland credits at the Coffee County Wetland Mitigation Bank and by payment through the Tennessee In-Lieu-Fee Stream Mitigation Program, respectively.

Under the Alternative B, SR 33 from SR 30 north to the Madisonville Bypass would be improved, however, a bypass would be constructed around the east side of Englewood. This alternative route would leave the existing SR 33 alignment in the

vicinity of the Wishing Well Mobile Home Park and head east across the old Englewood/Etowah highway. It would then span the L&N Railroad, intersect with SR 39 and continue northward to connect with the existing SR 33 north of Duck Creek Road. Under this alternative, any additional stream or wetland mitigation would be handled in the same way as described under Alternative A.

Public and Intergovernmental Review

On September 27, 1991, TDOT sent out a review package, which included a project description and a list of social, economic and environmental concerns, to several federal, state, and local agencies and officials. Replies to this coordination package were received from TVA and several other federal and state agencies. Comments generally indicated that the project would not have impacts on organizational programs, plans or objectives; and, with implementation of best management practices (BMPs) and other mitigative measures, would not have significant environmental effects. On August 11, 1992, TDOT held a public hearing at the McMinn County High School cafeteria to present the findings of its location and environmental studies and to solicit comments from the local citizenry on the alternatives being considered for the project. One hundred and fifty (150) people attended the hearing, 36 people provided comments to the court reporter and 24 people turned in comment cards. Several people were concerned about affects of Alternative B on the environment, businesses and additional project costs; safety, property damage from construction, continued availability of utilities and services, affects on Friendship Baptist Church, noise, property values and related issues. However, most attendees were supportive of the project and felt the expansion was needed to improve safety and vehicular capacity and provide for future growth in the region.

Impacts Assessment

The EA prepared by the FHWA and TDOT assessed the impacts of proposed highway improvements for the entire 14.1-mile stretch of SR 33 in McMinn and Monroe Counties, Tennessee. TVA independently reviewed the impacts assessed in the FHWA/TDOT EA and confirmed its findings. The proposed project does not conflict with the zoning ordinances or comprehensive planning programs of any local or regional development or planning agency or district. There would be temporary and insignificant impacts on water quality, aquatic habitat, and minor and insignificant increases in noise levels associated with the project and its construction. Compared to Alternative B (same as Alternative A with an Englewood Bypass), implementation of Alternative A, is not expected to induce unplanned secondary development. Although about 80 acres would be disturbed, Alternative A would have less impact on farmland and farmable land. The Natural Resources Conservation Service (NRCS) describes Alternative A as having minimal impacts due to improvements following the existing highway and the present adjoining land use. Pursuant to the Farmland Protection Policy Act, TDOT completed the Farmland Conversion Rating Form 1006. While Alternative B rated 107 point, Alternative A would avoid this prime farmland area altogether (see attached FHWA/TDOT EA).

The Federal Highway Traffic Noise Prediction Model was used to predict the design year (2013) and existing noise levels at twenty-two (22) representative sensitive receptor locations along SR 33 between Etowah and Madisonville. TDOT determined that although there are only slight increases in predicted design year, the majority of the location points have noise impacts in the design year approaching or exceeding the noise abatement criteria of 70 dBA (decibels measured on hourly weighted sound level) with or without the project. No location points would have more than moderate noise impacts when comparing increases in design year noise levels to existing levels. This project would have little effect on the audible environment of the area. Based on the context and intensity of the impacts, there is no significant noise impact on the area. Because of added costs, measures considered to mitigate project related minor increases in noise levels were determined to be infeasible or impractical when compared to any limited noise attenuation they might offer.

Numerous streams would be affected by this project, but impacts would be insignificant if TVA Standard Conditions 5a-e, 6a, and 6c-i in its Section 26a permit are followed. Other than the 5 small wetlands, previously mentioned, no unique aquatic habitats were identified within the project area. Land use, business and home relocation impacts, recreation, aesthetics, air, and geological impacts would be minimal. Socioeconomic impacts of the proposal are expected to be positive, but not significant.

For compliance with Executive Order (EO) 11988 (Floodplain Management), culverts are considered to be repetitive actions in the floodplain. TDOT checked the Flood Insurance Rate Maps for both McMinn and Monroe Counties and portions of the project in both counties lie within the Federal Emergency Management Agency designated floodplain. Monroe County participates in the National Flood Insurance Program (NFIP), but McMinn County and the City of Madisonville do not. However, the design of these roadway improvements is compliant with the floodplain management criteria set forth in the NFIP regulations. TDOT has determined that the project is also consistent with requirements of floodplain management guidelines for implementation of EO 11988 and FHWA guidelines 23 CFR 650A. TDOT and TVA findings suggest project implementation would not result in more than a 1-foot rise of waters in any stream or tributary downstream of the project or adversely impact the 100-year flood elevations, floodway elevations, and floodway widths. The project would not support incompatible floodplain development.

By letter dated January 28, 1992, the U. S. Fish and Wildlife Service (FWS) indicated that there are no records of any federally listed or proposed endangered or threatened species known from the impact area of the project. Furthermore, FWS recommended that impacts on aquatic resources should be minimized by implementation of BMPs to effectively control erosion, sedimentation and other potential hazards. An October 1, 2004, search of the Tennessee Department of Environment and Conservation, Division of Natural Heritage records and, more recently, TVA Regional Natural Heritage Project records confirmed that there are no known federally listed species in the project impact area. TVA's review found a 1970 record for Tennessee Dace (*Phoxinus tennesseensis*), listed in need of management in Tennessee, in nearby Burger Branch, a small upstream tributary of Chestuee Creek. Use of best management practices indicated in TVA standard conditions (see Mitigation section below) would minimize any potential impacts on this small fish.

The roadway improvement project, from just south of the McMinn County line to Madisonville, would permanently impact 0.74 acre and temporarily impact 0.08 acre of wetlands. TDOT would mitigate temporary impacts by returning the impacted sites to their original contour elevations and revegetating them. Permanent wetland impacts would be mitigated by debiting, at a 4:1 ratio, 3.0 acres of available wetland credits at the Coffee County Wetland Mitigation Bank. TVA has determined that there are no practicable alternatives to meet the purpose and need for this project without impacting these small wetlands. With mitigation mentioned above, the project would be consistent with EO 11990 (Protection of Wetlands) and would not cause significant impacts to wetland resources or their values to the region. Mitigation for the impacts of encapsulating and length losses of 1,804 feet of stream at various locations along the route would be mitigated by payment of \$360,800 to the Tennessee In-Lieu-Fee Stream Mitigation Program administered through the Tennessee Wildlife Resources Foundation (TWRFF). On September 26, 2005, for portions of the project not meeting the criteria for the general permit, Tennessee Department on Environment and Conservation (TDEC) issued a conditional Individual Aquatic Resource Alteration Permit (ARAP) TDOT#62004-1204-04 (see the TDEC individual ARAP attached to this FONSI).

TDOT conducted an archaeological and historic structures assessment for the entire 14.1-mile length of the proposed project including a literature review, records search and Phase I field survey. In consultation with the Tennessee State Historic Preservation Officer (SHPO), TDOT determined that there are no historic properties eligible for listing on the National Register of Historic Places (NRHP). By letters dated March 25, 1992 and March 26, 1992, the SHPO agreed that the project would not affect any historic or archaeological resources. TDOT concurs that all borrow areas outside the right-of-way will require a separate certification as specified under Section 107.06, Tennessee Department of Standards, Federal Aid Provisions (see attached FHWA/TDOT EA). Based on its own independent review, TVA concurs that there would be no affect on historic properties from implementation of the proposed highway improvements from just south of the McMinn County line to Madisonville.

Mitigation

Construction procedures shall be governed by TDOT Standard Specifications for Road and Bridge Construction. TDOT contractors will be responsible for compliance with Section 1007.01 of the standards to observe any noise ordinance in effect within the project limits. TDOT has expertise to effectively manage potential hazards associated with the possible presence of underground storage tanks. Further hazardous waste assessment work will be conducted as design plans are finalized. If hazardous substances are encountered, their general disposition shall be subject to applicable provisions of the Federal Resource Conservation and Recovery and Comprehensive Response, Compensation and Liability Acts and the Tennessee Hazardous Waste Management Act.

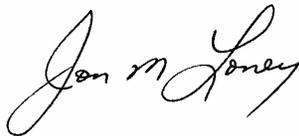
This FONSI is contingent upon successful implementation of BMPs for erosion and sediment control (TVA Standard Conditions 5a-e, 6a, and 6c-i). In its project authorization of June 6, 2005, the proposed work meets the USACE criteria of Nationwide Permit (NWP) #12 (Utility Line Activities) and #14 (Linear Transportation Projects). USACE authorized the fill of 0.74-acre of wetlands and 1,804 linear feet of

stream impacts along the current highway alignment for this northernmost section of the project. Mitigation for the permanent filling of portions of 5 small wetlands along the 5.593-mile portion of SR 33 from just south of the McMinn County line to Madisonville will be provided by the debiting of available wetland credits at the Coffee County Wetland Mitigation Bank. Mitigation for permanent stream impacts will be provided by payment to the TWRF for the In-Lieu-Fee Stream Mitigation Bank Program. The proposed work must also be constructed in accordance with conditions included in the USACE NWP #s 12 and 14 and TDEC General and individual ARAP. On September 26, 2005, TDEC issued a conditional individual ARAP for the northernmost portion of the project.

Conclusion and Findings

TVA has independently evaluated the FHWA/TDOT-prepared EA and determined that it adequately addresses the need, environmental issues, impacts and mitigation measures relating to the proposed project. Accordingly, TVA has decided to adopt the FHWA/TDOT EA. It is attached and incorporated by reference. TVA has determined that no threatened and endangered species would be affected along the 5.593-mile portion of SR 33 now proposed for improvement. TVA has evaluated this portion of the project for compliance with EOs 11988 and 11990. TVA has determined that no practicable alternative to widening the highway along its existing route is available due to the cost associated with relocating all or any portion of the highway. Impacts on wetlands and floodplains have been minimized to the extent practicable. TVA has determined that its Section 26a approval actions along this portion of the project would result in no effect to historic properties.

Based on the FHWA/TDOT EA and this TVA FONSI, we conclude that the needed Section 26a approvals for stream obstructions along this 5.593 section of SR 33 would not be a major federal action significantly affecting the environment. Accordingly, an environmental impact statement is not required. This FONSI is contingent upon successful implementation of TVA General and Standard Conditions (5a-e, 6a, and 6c-i) and the mitigation measures previously identified in the FHWA/TDOT EA, the USACE NWP and the TDEC general and individual ARAP.



September 26, 2005

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Date Signed