

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
DEERFIELD MARINA COMMERCIAL RECREATION LICENSE AND WATER USE FACILITIES
SECTION 26A APPROVAL

The Tennessee Valley Authority (TVA) proposes to issue a Section 26a permit to Parc Properties, LLC (the applicant) to develop TVA property on Norris Reservoir in Campbell County, Tennessee, for commercial recreation purposes. Deerfield Marina includes a multi-slip marina facility consisting of 288 boat slips for public rent, establishment of harbor limits, and 1,403' of bank stabilization along a portion of tract XNR-156 on the right descending bank of the Powell River in an embayment of Norris Reservoir at Powell River Mile 8.1.

Currently, a community water-use facility for the backlying Deerfield Resort is constructed in the proposed project limits. The current facility consists of two covered floating boat slip structures, with a total of 48 boat slips. These two structures would be reoriented to allow for the installation of ten additional structures accommodating 240 additional slips.

Alternatives

The proposed action is the subject of an environmental assessment (EA) prepared by TVA. The EA addresses two alternatives. Implementation of the No Action Alternative would result in the denial or withdrawal of the applicant's request for a commercial recreation license and Section 26a approval for the marina expansion and associated harbor limits. This alternative would restrict the use of the property deeded specifically for commercial recreation and would not meet the needs of the applicant.

Under the Proposed Action Alternative, TVA would issue a commercial recreation license and Section 26a approval for the applicant to construct the proposed marina. The marina expansion would consist of the construction of new floating boat slips and the establishment of harbor limits as well as the construction of pedestrian walkways.

List of facilities below the 1020-foot contour:

Marina

- Ten new floating covered slip structures with electric utilities built in phases, each structure 179' long by 66' wide with a 20' long by 6' wide access walkway to each. The two existing floating covered community slip structures with 48 slips will be reoriented to allow for the construction of the commercial marina and converted to commercial slips. After completion, the marina will consist of 288 total commercial slips.
- Three floating access walkways, 33' long by 6' wide (qty. 1), 600' long by 6' wide (qty. 1), 250' long by 6' wide (qty. 1), with two concrete walkways each 50' long by 8' wide.
- Establishment of approximately 11.1 acres of harbor limits.
- 1,403.4' of riprap bank stabilization.

Land based activities located between 1020-foot contour and 1044-foot contour elevation:

- Pedestrian walkways to access marina from parking areas.

Roads and parking associated with the proposed development are located above the 1044-foot contour elevation and do not require TVA's approval.

Impacts Assessment

In the EA, TVA identified relevant environmental issues and reviewed the potential impacts of implementing the project. TVA analyzed potential impacts to the following environmental resource areas:

- Surface Water and Soil Erosion
- Aquatic Ecology
- Navigation
- Archaeological and Historical Resources
- Recreation
- Threatened and Endangered Species
- Noise
- Visual Resources
- Air Quality
- Floodplains

TVA's analysis found that most environmental resources would be minimally affected by the proposed action. After a review of the proposed action by TVA subject matter experts, the project was found to have no effect to threatened or endangered terrestrial species. The Tennessee State Historic Preservation Office concurred with TVA's finding that there are no National Register of Historic Places listed or eligible properties affected by the undertaking.

TVA determined that the proposed action would have no or negligible impacts on surface water and soil erosion, visual effects, noise, threatened and endangered species, navigation, recreation, archeological and historical resources, aquatic ecology, air quality, and floodplains.

A recreation analysis of the proposed project revealed that the addition of the 240 slips would create a 14% increase of the total number of boats within a 6-mile upstream and downstream corridor, which is the accepted average distance traveled by a motorboat from its origin. Based on TVA's analysis, the additional wet slips proposed would not significantly change the character of the study area; therefore, there would not be a significant impact on recreation.

Noise impacts would be experienced from the expansion of the marina. Construction related noise would be temporary and of short duration. The marina would only be permitted to construct the facilities during weekday daylight hours. TWRA regulates boating and personal watercraft safety by enforcing Tennessee State boating laws. State boating regulations require that the noise level of any motorized vessel must not exceed 86 decibels at a distance of 50 feet or more from the vessel (TWRA 2018). Additional guidelines are provided by TWRA to prevent excessive noise from personal watercraft, such as avoiding excessive noise near residential areas, particularly early in the morning (TWRA 2018). Therefore, noise impacts would be minor.

Construction would create a temporary visual discord for the duration of this work. Once complete, however, the proposed marina would be consistent with the current visual character of the area. Therefore, there would be minor and temporary visual impacts during construction of the proposed facilities. The completed facility would result in minor visual changes, however those impacts would be similar to other developments in this section of the reservoir.

TVA Navigation reviewed the proposed marina and harbor limits and determined the proposed harbor limits would not extend more than one-third distance across the embayment as required by TVA. This embayment could potentially become more congested with boat traffic. TVA anticipates the impacts to navigation would not be significant with implementation of mitigation

measures. TVA provided information related to the proposed Deerfield Marina development to the Tennessee Wildlife Resources Agency (TWRA). This agency is responsible for addressing recreational boating safety issues on waters within the State. TWRA's Boating Safety Officer has indicated that TWRA has no objection to the development from a boating safety perspective (email dated 12/19/18).

Public Involvement and Intergovernmental Review

In accordance with TVA policy on Section 26a permit requests for commercial recreation facilities, TVA issued a public notice on November 5, 2018, requesting comments on the proposed action. During the public comment period occurring through December 5, 2018, TVA received 42 comments expressing environmental impact concerns including but not limited to recreation and boating safety, shoreline erosion, wildlife habitat loss, air emissions, and visual impacts. TVA received two comments in favor of the proposal citing increased boating storage and recreational opportunities.

TVA's public and agency involvement included a public notice and a 30-day public review of the Draft EA. The availability of the Draft EA was announced in a media release and was posted on TVA's website. Additionally, TVA notified the individuals who commented on the 2018 public notice. TVA's agency involvement included notification of the availability of the Draft EA to local, state and federal agencies and federally recognized tribes as part of the review. Chapter 4 of the EA provides a list of agencies, tribes, and organizations notified of the availability of the Draft EA. Comments were accepted via U.S. postal mail, e-mail, and TVA's website.

Comments were received from the Tennessee Department of Environment and Conservation (TDEC), the Tennessee Wildlife Resource Agency (TWRA) and 36 members of the public. All comments were carefully reviewed, and the text of the EA was edited as appropriate. Appendix A contains comments on the draft EA and TVA's responses to those comments.

Mitigation Measures

TVA would implement the routine environmental protection measures listed in this EA. In addition to those routine measures, the following non-routine measures, would be implemented as Section 26a permit conditions to reduce the potential for adverse environmental effects.

- Condition 1: All floating facilities shall be securely anchored to prevent them from floating free during major floods.
- Condition 2: For all electrical services permitted, a disconnect must be located at or above the 1035.0-foot contour that is accessible during flooding.
- Condition 3: For purposes of shoreline bank stabilization, all portions of the shoreline bank stabilization shall be constructed or placed, on average, no more than two feet from the existing shoreline at June 1 Flood Guide elevation.

The below Navigation conditions would be included in TVA's Section 26a Permit:

- Condition 4: No portion of the marina facilities may extend beyond the Navigation approved harbor limits.

- Condition 5: The applicant is to be advised in writing that the facilities would be on a commercial navigation channel or marked recreational channel and may be vulnerable to wave wash and possible collision damage from passing vessels.

To minimize temporary noise impacts, the following condition would be included:

- Condition 6: All construction work will be restricted to daylight hours Monday through Friday to minimize temporary noise impacts.

A number of activities associated with the proposed project were addressed in TVA's programmatic consultation completed in April 2018 with the U.S. Fish and Wildlife Service on routine actions and federally listed bats in accordance with Endangered Species Act (ESA) Section 7(a)(2). For those activities with potential to affect bats, TVA committed to implementing specific conservation measures. These activities and associated conservation measures are identified on the TVA Bat Strategy Project Screening Form (Attachment C) and would be implemented as part of the proposed project:

- Condition 7: Noise will be short-term, transient, and not significantly different from urban interface or natural events (i.e., thunderstorms) that bats are frequently exposed to when present on the landscape.
- Condition 8: Operations involving chemical/fuel storage or resupply and vehicle servicing will be handled outside of riparian zones (streamside management zones) in a manner to prevent these items from reaching a watercourse. Earthen berms or other effective means will be installed to protect stream channel from direct surface runoff. Servicing will be done with care to avoid leakage, spillage, and subsequent stream, wetland, or ground water contamination. Oil waste, filters, and other litter will be collected and disposed of properly. Equipment servicing and chemical/fuel storage will be limited to locations greater than 300-ft from sinkholes, fissures, or areas draining into known sinkholes, fissures, or other karst features.
- Condition 9: Direct temporary lighting away from any suitable habitat during the active season. Evaluate the use of outdoor lighting during the active season and seek to minimize light pollution when installing new or replacing existing permanent lights by angling lights downward or via other light minimization measures (e.g., dimming, directed lighting, motion-sensitive lighting).

Conclusion and Findings

Based on the findings and the analyses in the EA, we conclude that the proposed action to permit the requested marina expansion on Norris Reservoir 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