

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

DEMONSTRATION PLACEMENT OF PRIVATE WATER USE FACILITIES WITHIN FALSE FOXGLOVE (*Aureolaria patula*) HABITAT MELTON HILL RESERVOIR LOUDON COUNTY, TENNESSEE

The Proposed Action

TVA proposes to demonstrate that private water use facilities can be constructed and operated without endangering the survival of the false foxglove. False foxglove is listed by the state of Tennessee as threatened, and was formerly a candidate for federal listing. Property owners in the Beech Grove Subdivision in Loudon County have requested approval for private water use facilities in areas which would directly affect individual stems of false foxglove. TVA proposes to approve a limited demonstration to determine whether and how such facilities can be approved without affecting populations of the plant. If the demonstration indicates that water use facilities can be constructed across false foxglove populations in such a way as to cause no impacts or insignificant impacts, TVA may use the procedures established to evaluate future applications for water use facilities where the species or its habitat occurs.

Background

Although a green plant, false foxglove is parasitic and must attach to certain tree roots, especially those of oaks. The species requires partial sunlight and does not occur in shaded areas such as are found in closed forest canopy. There are 15 known sites on Melton Hill Reservoir where the species occurs, with the largest known population on TVA-owned shoreline adjacent to Beech Grove Subdivision. During the preparation of the Melton Hill Reservoir Land Management Plan, approved in 1999, TVA lands adjacent to the Beech Grove Subdivision were classified as zone 7, residential access. However, because of the presence of false foxglove, this shoreline was classified as residential mitigation, meaning that sensitive species were present and that additional TVA review would be needed prior to approval of shoreline facilities. Upon detailed review of this shoreline following property owner inquiries, TVA determined that large numbers of false foxglove stems could be potentially affected, and that issuance of Section 26a approvals with no conditions to protect the false foxglove would likely result in adverse impacts to this species. Because there was some evidence that water use facilities could be built without adverse effects on the species, TVA worked with property owners to design a demonstration. While the demonstration is underway, TVA will not issue Section 26a approvals for facilities that could affect other false foxglove populations.

TVA prepared and circulated an Environmental Assessment (EA) to document its consideration of alternatives to protect the false foxglove. The draft EA was circulated to 12 federal and state agencies, as well as to the public, in February 2001. Comments

were received from the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (FWS), and the U.S. Geological Survey (USGS). USACE commended TVA for protecting a non federally-listed species. In addition, they pointed out that approval should be obtained first from TVA for an activity on TVA land, before requiring the applicant to obtain USACE approval. In response, TVA removed the requirement to first obtain a Section 404 permit from the EA. FWS supported the demonstration project and stated that the results would provide valuable information. FWS said that if this species can be protected from development impacts through such projects as this demonstration, populations could be maintained at a level at which federal listing would not be necessary. USGS indicated that they would have no comments on the proposal.

Alternatives and Impact Assessment

The EA evaluates the potential environmental impacts of four alternatives. Under Alternative A, the No Action Alternative, a Section 26a approval would not be granted, and no demonstration would be conducted. No additional impacts to environmental resources, including the false foxglove, would be expected. Under Alternative B, a single, four-foot wide, elevated walkway would be approved. The walkway would be four feet above TVA property, be constructed of grated material to allow sunlight to reach the ground below, and include no foundations for the walkway within 20 feet of the summer pool shoreline. A vegetation management zone would extend up to 75 feet from summer pool shoreline, and include both TVA property and adjacent private property. No woody vegetation would be removed from the vegetation management area. Riprap for bank stabilization would be required. Under Alternative C, two elevated walkways would be approved, with identical restrictions to Alternative B. Under Alternative D, two walkways would be approved; however there would be no restriction on walkway elevation. Under this alternative, no removal of potential host trees would be allowed within 50 feet of summer pool shoreline. No wetlands or cultural resources would be affected under any of the action alternatives. All of the action alternatives would have minor navigation, water quality, and other environmental impacts. All alternatives are designed to protect the false foxglove. TVA's preferred alternative is Alternative C because this would offer the greatest protection to false foxglove populations while demonstrating the effectiveness of protective guidelines.

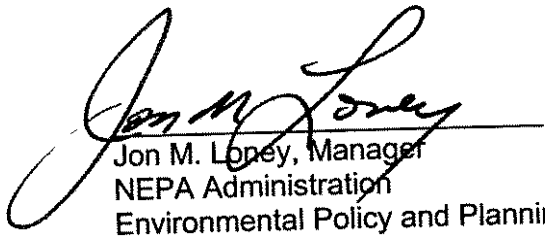
Conclusion and Findings

Based on review of shoreline archaeological inventory data, TVA determined that no historic properties would be affected by the proposal. A copy of the EA was sent to the State Historic Preservation Officer for comment on February 15, 2001. No comments were received. TVA concludes that the requirements of Section 106 of the National Historic Preservation Act have been met. The project would have no effect on any federally-listed endangered or threatened species.

Construction of the water use facilities and bank stabilization would occur within the 100-year floodplain of Melton Hill Reservoir. However, for these type of facilities, there is no practicable alternative to construction in the floodplain, and the facilities would not affect flood elevations. In addition, Loudon County participates in the National Flood Insurance Program (NFIP). All activities would adhere to the minimum standards of the

NFIP. In accordance with these minimum standards, the applicant will ensure that development (1) will not significantly increase 100-year flood elevations, and (2) will not involve placement of fill or other flow obstructions in the floodway portion of the floodplain unless compensatory adjustments are also included.

Based on the EA, we conclude that granting Section 26a approval for construction of two demonstration water use facilities under Alternative C would not be a major federal action significantly affecting the environment. Accordingly, an environmental impact statement is not required. This FONSI is contingent upon adherence to commitments 1 through 9 associated with Alternative C in the attached EA.


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Date