

TENNESSEE VALLEY AUTHORITY

Class Review of Repetitive Actions in 100-Year Floodplain

AGENCY: Tennessee Valley Authority.

ACTION: Second public notice for a class review of repetitive actions in the 100-year floodplain.

TVA's Floodplain Management and Protection of Wetlands procedures, 44 FR 45513-24 (1979), implementing Executive Order Nos. 11988 (Floodplain Management) and 11990 (Protection of Wetlands), require TVA to evaluate potential impacts on and consider alternatives to siting in the 100-year floodplain (or a larger floodplain for critical actions) or permitting or taking actions in a wetland in connection with the issuance of licenses, permits, and approvals for land-use activities, and in connection with the acquisition, management, and disposition of TVA facilities and Federal lands under TVA control. Item No. 12 of those procedures permits TVA to evaluate, as a class, routine or recurring actions when the considerations of whether to locate in a floodplain are substantially similar. TVA will continue to individually review proposals to permit or take actions within a wetland due to the individual characteristics of wetlands.

There are certain recurring activities usually occurring adjacent to streams or TVA reservoirs that TVA has evaluated as a class to determine their impacts on natural and beneficial floodplain values. These activities are conducted at times by TVA or other governmental entities but principally by members of the public. In the latter two cases, TVA is involved due to the need to obtain TVA approval pursuant to Section 26a of the Tennessee Valley Authority Act of 1933, as amended, 16 U.S.C. 831y-1, the need to obtain a license or property interest from TVA, or because of a cooperative agreement to which TVA is a party. The following actions were evaluated to determine their impacts on natural and beneficial floodplain values:

1. Private and public water use facilities [e.g., fixed or floating boat docks, fixed or floating boathouses, floats, fixed piers, rafts, floating ski jumps and slalom courses, and buoy lines for swimming areas];
2. Commercial recreation boat dock and water use facilities [e.g., docks, fixed piers, floats, fixed or floating boat slips, fixed or water-related dock buildings but not including habitable structures: fuel handling facilities, floodproof buildings for dry boat storage, and minor dredging for boat channels and harbors];
3. Picnic tables, benches, grills, and fences on TVA lands;
4. Underground, overhead, or anchored utility and related lines and support structures [e.g., cable TV, electric, pipeline, sewer, telephone, and water];
5. Water intake structures;

6. Outfalls;
7. Mooring and loading facilities for barge terminals;
8. Agricultural use of TVA land;
9. Minor grading and fills (e.g., slopes for boat launching ramps, public highways, railroad crossings, pedestrian walkways and crossings, private driveways, retaining walls and riprap for bank stabilization, and parking lots);
10. Bridges and culverts for pedestrian, highway, and railroad crossings; and
11. Small private land-based storage sheds and buildings having less than 25 square feet of floor space and used for storage of water use related equipment.

Preliminary notice of this proposal was published January 15, 1981, in the Federal Register, and resulted in no public comments. TVA has determined that there is normally for each of these actions no practicable alternative, consistent with TVA's policy, to siting in the floodplain, and through application of routine criteria, the adverse impact of these actions on natural and beneficial floodplain values is minimized. These criteria are:

1. All facilities should be designed and constructed to withstand flooding with minimum damage.
2. All activities will adhere to the minimum standards of the National Flood Insurance Program published at 44 CFR 60.1-60.8 (1980), and any future amendments thereto, and comply with local floodplain management regulations. In accordance with these minimum standards, proposed actions will be evaluated to 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.
3. To the extent practicable, construction and maintenance will be scheduled during dry periods.
4. Existing vegetation (ground cover and canopy) will be left in place and undisturbed to the maximum extent practicable.
5. "Best Management Practices" will be used as a minimum to control surface water runoff and erosion. These practices are described in Guidelines For Erosion and Sediment Control Planning and Implementation (EPA Environmental Protection Technology Series Report No. EPS-R2-72-015, August 1972). Disturbed areas will be reseeded as soon as possible with species adapted to existing conditions.
6. Dredge spoil will be disposed of properly in accordance with local, State, and Federal regulations at an inland site outside identified floodways.

7. Riprap, as opposed to soil, will be utilized as fill material below the maximum normal pool elevation.

8. Prior to crossing areas harboring threatened or endangered species, or areas specifically identified as "sensitive," biologists will be contacted and will assist in the determination of mitigative measures necessary to negate or minimize impacts to these areas.

9. In areas where overhead structures are constructed, streambanks will not be disturbed and equipment will not be driven in streams; selective cutting will be used to remove intruding vegetation; stumps will be left at a height which will encourage resprouting, retain soil, and reduce overland waterflow; and no areas will be stripped of vegetation.

Normally, when such criteria are met, the floodplain would not be irreparably damaged by construction activities, altered significantly in volume and rate of flow, or significantly reduced in flood storage capacity.

Appropriate conditions and terms to require all practical measures to minimize harm on the floodplain will be included in the authorizations and approvals issued by TVA. TVA will also take these measures if it maintains or constructs any of these facilities.

This review will in no way constitute or evidence approval by TVA, where TVA property rights are involved, or within the meaning of Section 26a of the TVA Act, of any structure or facility falling within the class. Persons wishing to undertake the activities listed here or other activities requiring TVA approval are cautioned that they must apply for TVA approval in the same manner as they are currently required to do.

Any comments on this review by TVA should be submitted to: John R. Paulk, Director, Division of Land and Forest Resources, Tennessee Valley Authority, Norris, Tennessee 37828, no later than May 21, 1981. Comments may also be telephoned to TVA's Citizen Action Line at 1-800-362-9250 (inside Tennessee), 1-800-251-9242 (outside Tennessee), and 632-4100 in Knoxville or by contacting TVA's Information Office, 400 Commerce Avenue, Knoxville, Tennessee 37902.

Dated: April 14, 1981.

Lawrence L. Calvert,

Assistant Director, Division of Land and Forest Resources.

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