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**TEMPORARY LICENSE OF PROPERTY ON THE FORT
LOUDOUN AND TELlico DAM RESERVATIONS FOR
CONSTRUCTION OF BRIDGES OVER THE TENNESSEE
RIVER**

Loudon County, Tennessee

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

Prepared by:
TENNESSEE VALLEY AUTHORITY
Knoxville, Tennessee

August, 2013

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Purpose and Need for Action

On October 22, 2012 the Tennessee Department of Transportation (TDOT) submitted an application to the Tennessee Valley Authority (TVA) for a temporary license for the use of 6.08 acres on the Fort Loudoun Dam Reservation (FLDR) on tracts FL-1 and FL-2 and Tellico Dam Reservation (TDR) on tract TELR-103, to provide staging, haul roads, lay down areas, and install and operate temporary barge loading facilities for the construction of new bridges over the Tennessee River at River Mile (TRM) 601.8, and the Tellico canal see Attachment A. The license would allow transportation of construction material and equipment to the new bridge construction sites.

The bridge construction is a major component of a larger TDOT project to upgrade U.S. Highway 321 (State Route 73) from Lenoir City, Tennessee to Blount County, Tennessee from two to four lanes in order to relieve traffic congestion and improve safety. The cost of the project is \$73.3 million with 80 percent federal and 20 percent state funds. The U.S. Department of Transportation, Federal Highway Administration (FHA) and TDOT issued an environmental assessment (EA) in May 1998 which addressed environmental impacts of new bridge construction on the proposed road location and affected area including the TVA property involved (TDOT 1998). The plans required TDOT to obtain from TVA a highway easement on TVA property and approval under Section 26a of the TVA Act. In April 2003, at TVA's suggestion, TDOT agreed to remove the old U.S. Highway 321 Bridge on top of Fort Loudoun Dam and the associated approach ways and to provide improved access to Lenoir City and TVA property. TDOT provided TVA with plans of the bridge removal and road modifications in December 2005. TVA prepared a supplement to the FHA/TDOT EA (TVA 2008) in April 2008 to consider the environmental impacts of the bridge removal. On April 30, 2008, TVA adopted the FHA/TDOT EA and issued a Finding of No Significant Impact (FONSI) (see Attachment A).

With respect to the current application, TVA must decide whether to provide TDOT with a temporary license agreement for use of about 6 acres of TVA land on the FLDR and TDR for temporary construction during the construction of new bridges over the Tennessee River at River Mile (RM) 601.8 and the Tellico Canal. This action is similar to those described in the 1998 EA adopted by TVA in 2008, but these properties were not considered in that review. This proposed licensing action is therefore the subject of this second supplement to the 1998 FHA/TDOT EA. This SEA incorporates by reference information from the body of the 1998 FHA/TDOT EA and the 2008 TVA SEA. No additional Section 26a approval would be required for the temporary use of the barge landings.

Background

U.S. Highway 321 is a divided two-lane highway that currently crosses the Fort Loudoun Dam on the elevated J. Carmichael Greer Bridge. TDOT is upgrading 7.4 miles of U.S. Highway 321 in Loudon County from two lanes to four lanes. The project would also require new bridge structures over the Tennessee River and Tellico Canal near Fort Loudoun Dam. New bridges are planned over the Tennessee River to replace the existing two-lane bridge on the top of Fort Loudoun Dam. An additional two-lane bridge is being constructed over the Tellico Canal. The project begins 0.2 mile west of U.S. Highway 11 and ends at the existing four-lane section near the Blount County line. To date, the sections of the highway from the Blount County line to near the Tellico Canal have been completed. Also much of the grading and earthwork west of the dam has been done, as is much of the bridge approach work

Other Environmental Reviews and Documentation

U.S. 321 (State Route 73) Four Lane Bridge (0.2 mile) West of U.S. 11 (State Route 2) the
Exit Four - Lane Section Near the Blount County Line, Loudon County Tennessee
(TDOT 1998). This document prepared jointly by FHA and TDOT describes the anticipated environmental impacts of upgrading 7.4 miles of U.S. Highway 321 from Lenoir City, Tennessee, to Blount County, Tennessee, from two to four lanes to relieve traffic congestion and improve safety. TVA and the U.S. Coast Guard were cooperators on the EA. On October 6, 1999, FHA issued a FONSI. Similarly, on May 9, 2001, the U.S. Coast Guard issued a FONSI.

Tellico Reservoir Land Management Plan Final Environmental Impact Statement
Record Decision (TVA 2000). This plan evaluated alternative uses of TVA public lands including some of the lands affected by the U.S. Highway 321 improvement project. It provides a statement of how TVA would manage public land on Tellico Reservoir in the future. It further identified and evaluated land use allocations that will guide the management of 12,643 acres of TVA public land in 139 parcels.

U.S. Highway 321 Bridges Relocation and Removal at Fort Loudoun Dam Reservoir
Supplemental EA (TVA 2008). The supplemental EA evaluated a TVA proposal for the removal of the existing J. Carmichael Greer Bridge on top of Fort Loudoun Dam and its approach roadways after new bridges for U.S. Highway 321 were completed. TDOT provided TVA with plans for the bridge removal and road modifications to improve access to Lenoir City Park and Fort Loudoun Marina and to reduce public access to TVA facilities on the dam reservation. TVA issued a FONSI on April 30, 2008 for the supplement and adopting the FHA/TDOT EA.

Dam Safety Modifications at Cherokee, Fort Loudoun, Tellico and Watts Bar Dams
Gaiger Jefferson Lenoir Rhea, and Meigs Counties Tennessee (TVA 2013). On May 24, 2013, TVA issued a final environmental impact statement for proposed permanent dam safety modifications at its Cherokee, Fort Loudoun, Tellico, and Watts Bar Dams in Tennessee. The modifications would minimize the potential effect of a Probable Maximum Flood (PMF) event which has been recently updated. The modifications would minimize the potential for the failure from overtopping of the four dams during the PMF and prevent an increase in flooding during the PMF at downstream locations including Watts Bar, Sequoyah, and Browns Ferry Nuclear Plants.

Construction of part of a new floodwall at Fort Loudoun Dam may require closure of the adjacent lane of U.S. Highway 321 and, depending on the phase of construction of the TDOT U.S. Highway 321 bridge relocation project, the adjacent land of the entrance ramp from State Route 444 to northbound U.S. Highway 321.

Permits, Licenses, and Approvals

The Tennessee General National Pollutant Discharge Elimination System (NPDES) Permit for discharges of storm water associated with construction activities and a Storm Water Pollution Prevention Plan (SWPPP) noted in the FHA/TDOT EA would be expanded to consider the increased area and facilities.

The Aquatic Resources Alteration Permit (ARAP) under the Tennessee Water Quality Control Act of 1977, T.C.A. §69-3-108, would be expanded to consider the increased area

and facilities. Likewise the United States Army Corps of Engineers (USACE) Department of the Army Permit under Section 404 of the Clean Water Act would also be expanded.

Alternatives

The alternatives remain the same as stated in the 1998 FHA/TDOT EA, which are the No Action (No Build) Alternative and the Proposed Action (Build) Alternative for construction of the bridges over the Tennessee River and the Tellico Canal, which includes easements across TVA property and removal of the old bridge. The Build alternative would be modified to include the temporary use of about six acres of TVA property. Attachment A shows the revised boundaries of the four additional areas (A-D).

Areas A and B (4.68 acres)

Areas A and B are part of parcel FL-2 on the left descending bank of the Tennessee River, downstream from Fort Loudoun Dam. Areas A and B require the most work in order to make the land accessible for trucks transporting bridge beams and equipment to be loaded on barges on Watts Bar Reservation. As the haul road nears the lake, excavation would be required to get the road elevation low enough so that the materials can be loaded easily from the haul road to the barges at the temporary site on Area A. A dock would be constructed at Area A for a crane which would unload materials from trucks to barges. Clean solid graded rock will be used on haul roads and laydown areas, and a rock berm wrapped with geotextile fabric will be placed along the edge of the haul road and laydown areas to filter any sediment or other materials. See Attachment A.

Area C (1.28 acres)

Area C is part of parcel FL-1 along the southeast bank of the Tellico Canal and east of the existing U.S. Highway 321. A roadway exists along the west side of U.S. Highway 321 and loops under the existing bridge to access Area C. Area C is very flat and only rock will be needed to provide a stable laydown area. A rock berm wrapped with geotextile fabric will be used along the laydown area beside the canal to prevent sediment and other materials from entering the canal. A dock is proposed at the laydown area to load materials onto barges, but may not be necessary as the topography is flat and the elevation is close to the canal elevation.

Area D (0.08 acres)

Area D is part of parcel TELR-103 and lays along the north bank of the Tellico Canal and west of the existing U.S. Highway 321 Bridge over the canal. Because the existing floodwall barriers along State Route 441 cannot be removed temporarily during construction, Area D is needed to access the proposed pier for the bridge crossing the Tellico Canal. Clean rock would be placed from the TVA parking lot to the construction area of the proposed pier.

Additional access and haul roads are necessary to transport building materials and equipment needed for the project. A temporary barge loading site along the Tellico Canal and an unloading site on the Tennessee River adjacent to the new bridges would facilitate the movement of construction material and equipment. Modification of the canal bank would be needed to provide adequate elevation to facilitate easy access barges. Also additional space is needed to maneuver around the TVA barrier flood walls to enter the construction area for the Tellico Canal Bridge.

After the project is completed, all of the rock would be removed and the areas would be restored to previous elevations and contours. A native grass mixture of Virginia wildrye

(*Elymus*), purple top (*Tides flag*), and broomsedge (*Adgogijcs*) with a recommended application rate of 18 lbs/acre would be seeded across all temporary impacted areas. The seed mixture includes warm and cool season grasses. During months of extreme heat or cold, none of the native grasses would grow so cover crops and mulch will need to be used until improved conditions exist. During the months of December through February, a cover crop of winter wheat (*Triticæbn*) would be planted with mulch until suitable temperatures exist for seed germination. During the months of June through August, a cover crop of cereal rye (*Secale cereale*) would be planted and mulched until suitable conditions exist. To allow the native grasses to establish, all areas would be over-seeded with annual cover crops of winter wheat and cereal rye per TDOT standards for temporary stabilization.

Affected Environment and Anticipated Impacts

Site Description

The TVA Fort Loudoun and Tellico properties are east of Lenoir City, Tennessee, and straddle the junction of the Tennessee and Little Tennessee rivers. TVA currently maintains the Fort Loudoun Dam and Hydro Plant, switchyard and lines, a maintenance base, Tellico Dam, and public recreation areas with a boat ramp, beach, and picnic areas. The remainder of the TVA property is currently grasslands and woodlands. The U.S. Army Corps of Engineers operates the navigation lock and facilities on the east side of the dam and river. Northward and upstream of Fort Loudoun Dam is the Fort Loudon Marina and Lenoir City Park.

Areas A and B are covered primarily in small diameter trees dominated by red cedar, boxelder, hackberry, American elm, redbud, and privet. Area C is partly covered in similar vegetation within the portion that is expected to be cleared. Also, there are several larger diameter oak and maple trees present adjacent to the portion that will be cleared. These larger trees are not expected to be disturbed. No trees are present in Area D.

Recreation facilities on Fort Loudoun Dam Reservation include parking areas, restrooms, tailwater fishing berms, and a boat ramp located on the right descending bank below the dam. TVA also maintains a parking area, visitor overlook, and picnic area on the right descending bank upstream of the dam. Fort Loudon Marina, one of the largest marina operations on the Tennessee River system, is located in a cove immediately upstream of the dam reservation. Facilities include boat ramps, covered and uncovered boat slips, dry boat storage, fuel pumps, boat rentals, and restaurants. Lenoir City Park is located immediately upstream and adjacent to the marina.

Recreation facilities on the Tellico Dam Reservation include a parking area, restroom building, and fishing area along the canal connecting Fort Loudoun and Tellico reservoirs. To the west, there is a large boat ramp and parking area with two double-lane launch ramps with courtesy docks and parking for trailers, and a separate day use area with swim beaches, restrooms, picnic area, and a paved walking trail. A separate boat launch ramp and parking area located on the left descending bank below the dam provide access to the Tellico and Fort Loudoun tailwaters. A parking area adjacent to Tellico Parkway near Saddle Dam No. 1 provides access to the Hall Bend Trail system that runs through the Hall Bend Habitat Protection Area and adjacent parts of the dam reservation.

Impacts Evaluated

Potential effects to various resources were evaluated in the 1998 FHA/TDOT EA. TVA has performed additional analyses to determine potential effects resulting from the modifications to the applicant's original proposal. Expansion of the project area would have no additional impacts on socioeconomics, environmental justice, prime farmlands, hazardous materials, recreation, parks and managed areas, wild and scenic rivers, climate change, or Nationwide Rivers Inventory streams. There would be a minor increase in noise from the loading and unloading of barges and movement of materials. The potential effects to navigation and transportation, cultural resources, water quality, terrestrial and aquatic resources, visual, wetlands, and noise are considered below.

Noise

There would be a minor increase in noise from the loading and unloading of barges and movement of materials. However, the increase would likely be indistinguishable from noise already considered for bridge and road construction.

Wetlands

U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory data shows the presence of a small non-jurisdictional wetland on the perimeter of Area C (see Attachment A). In order to comply with Executive Order (EO) 11990 (Wetlands) and minimize impacts to the wetland, it would be avoided by construction activities in order to minimize any potential impacts to the wetland.

Floodplains

Some of the additional property would be located within the 100-year floodplain. However, no permanent structures would be maintained and the proposal would be consistent with EO 11988, as access roads and parking areas are considered to be repetitive actions in the 100-year floodplain that should result in minor temporary impacts. These facilities would not increase flood elevations, displace flood control storage, or be subject to damage if flooded.

Visual Resources

There would be minor additional visual impacts with the use of the additional properties for construction activities. Primary impacts would be the removal of vegetation and additional construction activities and material storage. However, these activities are temporary and the vegetation would eventually recover to a similar original state.

Terrestrial and Aquatic Resources

The use of additional TVA property would have minor additional impacts on terrestrial plant communities. Vegetation would be removed on the six additional acres to permit construction activities.

Some smaller, less mobile animals, such as mice, shrews, frogs, and salamanders occupying the areas may be affected by additional construction activities. However, species that would likely be affected by these changes are locally and regionally common.

The additional activities would result in soil disturbances that could potentially be a vector for the introduction and spread of invasive plant species. In order to minimize potential impacts and to comply with EO 13112, the original mitigation measure to revegetate disturbed areas with native or nonnative species would continue to be implemented in the new areas.

No negative impacts to uncommon terrestrial plant communities are expected. Because noninvasive plants would be used to revegetate disturbed areas, and the property would be allowed to revert to natural plant communities, returning the terrestrial community structure of the project area, there would be minor temporary impact to terrestrial resources. Aquatic life could be affected by the increased proposed actions by the alteration of habitat conditions due to modification of the riparian zone and storm water runoff resulting from construction and reclamation activities of the additional areas. As described in the 1998 EA, in order to minimize potential impacts, appropriate standard best management practices (BMPs) would be implemented during construction, operation, and reclamation of the proposed use areas. Therefore, potential impacts to aquatic life would be minor and insignificant.

Use of the additional property is expected to result in minor, temporary, and insignificant effects to local terrestrial and aquatic life.

Endangered and Threatened Species

The TVA Natural Heritage database indicated that in addition to previously identified species, two state-listed species, eastern hellbender (*Cryptobranchus alleganiensis*) and bald eagle (*Haliaeetus leucocephalus*), have been reported from within five miles of the project site. In addition, one heronry and one cave are known to exist within five miles of the project site. Also within five miles are two state-listed plant species, spreading false-foxglove (*Achillea ptarmica*) and mountain honeysuckle (*Lonicera dioica*). The USFWS has recently requested that Federal agencies consider the potential for projects to affect the federally-listed endangered Indiana bat (*Myotis grisescens*) in all counties in Tennessee.

Bald eagles nest in the crown of large trees near large bodies of water over which they forage. Indiana bats hibernate during winter in caves. Indiana bats roost under exfoliating bark, and in cracks and crevices of trees. Indiana bats may use waterways for travel but forage along the tree tops. Suitable foraging/travel habitat for the species is available along the Tennessee River where the project area is located.

Approximately 2.65 acres of forest would be cleared within the proposed license areas (see Attachment A). None of the forested portions that are proposed for clearing in Areas A, B, or C appears to provide suitable summer roost habitat for the Indiana bat. Area D has no forest cover.

The bald eagle nest is at the confluence of the Little Tennessee and Tennessee rivers in the Fort Loudoun/Tellico Dam tailwaters approximately 1.2 miles from the J. Carmichael Greer Bridge and is 0.7 mile from the proposed bridge over the Tennessee River. Although the bald eagle has been removed from the federal list of endangered and threatened species, it is still protected under the Bald and Golden Eagle Protection Act and state laws. Using the USFWS Bald Eagle Management Guidelines, the bald eagle nest is beyond the suggested protective buffer zones, and the nest is not in direct line-of-site to the project. Therefore, TVA has determined that the bridge construction would not have an impact on the bald eagle. TVA also determined that removal of the existing bridge from Fort Loudoun Dam would not result in impacts to this eagle nest or other listed terrestrial animal species.

As stated in the 1998 FHA/TDOT EA, the snail darter (*Percina tanaisias*), pink mucket pearly mussel (*Lamprolaima cuneata*), and orange-footed pearly mussel (*Pleurobema cuneata*) are federally listed as endangered or threatened species in the vicinity of the proposed new bridges. If the conditions of the April 22, 1998, USFWS letter to TDOT 2009 biological

opinion are met (USFWS 2009), these species are not likely to be adversely affected by the temporary use of the additional TVA property and the resulting operation of the barge landing facilities.

The proposed actions would have minimal effect on any state- or federally protected plant species as none have been identified in the project area. With the implementation of standard BMPs that prevent or minimize inputs of pollution and sediment into the river, impacts to foraging and travel habitat for the bats and bald eagles species is not expected to occur as a result of proposed actions.

Installation of a temporary dock (Attachment A) has also been proposed in Area A on the Tennessee River so cranes can be placed on the barges for use in construction of the bridge. The dock would extend into the river only far enough from the bank to insure at least six feet of water depth to allow for the draft of the barges. The proposed dock location is within the action area (300 feet upstream and 1,500 feet downstream of the proposed bridges) designated and addressed in the August 5, 2009 Biological Opinion for this project.

The USFWS was contacted by TDOT (see Attachment B) to ascertain whether the proposed changes in project scope would necessitate that FHWA reopen formal consultation for the snail darter, orange-foot pimpleback, or pink mucket to ensure compliance with the Endangered Species Act, or whether the additional consideration of the Indiana bat would require additional coordination. TDOT requested USFWS concurrence with a determination that additional project activities were “not likely to adversely affect” Indiana bat.

The USFWS concurred on December 21, 2012 (Attachment B) with the TDOT determination that the proposed activities are “not likely to adversely affect” the Indiana bat. USFWS further stated that, “Provided that incidental take is not exceeded during mussel relocation efforts or as a result of construction activities, we believe that the requirements of Section 7 of the Endangered Species Act of 1973, as amended, are fulfilled.” No direct, indirect, or cumulative impacts to federal or state-listed endangered and threatened species would occur as a result of these actions.

Water Quality

As described in the 1998 EA, TDOT would continue to comply with all appropriate local, state and federal permit requirements for any additional areas impacted. As part of this project, a SWPPP would be developed and implemented to control and confine sediment to the project site. This plan would identify specific BMPs to address construction-related activities that would be adopted to minimize storm water impacts. Where soil disturbance would occur, the area would be ultimately stabilized and vegetated with native or nonnative, noninvasive grasses and mulched, as described in *A Guide for Environmental Protection and Best Management Practices for Tennessee Valley Activity* (Muncy 1999). Any additional disturbance would be temporary. With the continued use of standard BMPs, additional impacts to surface water and groundwater from the proposed action would remain minor.

Cultural Resources

East Tennessee has been an area of human occupation for the last 12,000 years. This includes five broad cultural periods: Paleo-Indian (11,000-8,000 BC), Archaic (8000-1600 BC), Woodland (1600 BC-AD 1000), Mississippian (AD 1000-1700), and Historic (AD 1700- to present). Prehistoric land use and settlement patterns vary during each period, but

short- and long-term habitation sites are generally located on flood plains and alluvial terraces along rivers and tributaries. Specialized campsites tend to be located on older alluvial terraces and in the uplands. In East Tennessee, during the 17th and 18th centuries, Europeans and Native Americans began interacting through the fur trading industry. Euro-American settlement increased in the early 19th century as the Cherokee were forced to give up their land.

On June 2, 1870, Loudon County was established from parts of Roane, Monroe, and Blount counties. No major battles were fought in the area that became Loudon County during the Civil War; however, the Loudon bridge across the Tennessee River was an important link between Knoxville and Chattanooga. Following the Civil War, industrialization slowly developed in the county. The creation of Fort Loudoun Reservoir in the 1940s and Tellico Reservoir in the 1970s, along with the residential community Tellico Village, contributed significantly to the local economy (Spence 556-558).

The archaeological Area of Potential Effect (APE) for the project was determined to be four additional areas (totaling 15.65 acres) needed by TDOT to complete work on State Route 73. A preliminary records search was conducted prior to the survey and identified no previously recorded archaeological resources within the APE. The archaeological survey was conducted and no previously unrecorded archaeological resources were found within the APE.

Pursuant to federal regulations implementing Section 106 of the *National Historic Preservation Act*, TDOT consulted with the Tennessee State Historic Preservation Officer (SHPO). In a letter dated February 19, 2013, the SHPO concurred with TDOT's finding that no archeological resources would be affected (Attachment B).

Pursuant to the federal regulations implementing Section 106, TDOT also consulted with federally recognized Indian tribes. TDOT did not receive any responses from the tribes..

TVA finds that no historic properties that are listed or eligible for listing on the NRHP would be adversely affected by the proposed undertaking.

Navigation and Transportation

Use of the additional property for new bridge construction would have negligible impacts to U.S. Highway 321 traffic, since the old bridge would be operational. There would be a minor increase in highway traffic congestion with the delivery of materials and equipment to the new areas.

Installation of temporary docks (see Attachment A) has also been proposed in Area A on the Tennessee River and Area C on the Tellico Canal to transport materials and equipment by barges for use in construction of the bridges. The unloading dock at Area A would need to be extended into the river only far enough from the bank to insure at least six feet of water depth to allow for the draft of the barges. The proposed dock location is immediately downstream of the east bank bridge pylons site. The loading dock being proposed at Area C to load materials onto barges is requested, but may not be necessary if the barges can be loaded without it.

Activities near the navigation channel of the river would be the occasional moving of barges between Area A and C and the loading and unloading of the barges along the shoreline. This would have a minor impact on commercial navigation. With the conditions already in

place in the 1988 EA and 2008 SEA, and 2012 Section 26a approval, impacts to commercial navigation and transportation would be minor.

Additional Cumulative Impacts

Additional cumulative effects from the use of additional TVA property would result in a minor increase of adverse effects to vegetation and wildlife. Considering past, present, and future proposals, there would be only minimal adverse cumulative impacts associated with the use of additional TVA property for bridge and roadway construction.

Mitigation Measures

To reduce the potential for adverse effects to environmental resources, TVA would expand the use of the standard and routine conditions and non-routine mitigation measures described in the 1998 FHA/TDOT EA and 2008 TVA FONSI to include the additional areas.

TVA Preparers

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Agencies and Others Consulted

Federal Agencies

United States Army Corps of Engineers

United States Fish and Wildlife Service

State Agencies

Tennessee Department of Transportation

References

Federal Highway Administration and Tennessee Department of Transportation. 1998. *U.S. 321 (State Route 73) from 0.2 mile West of U.S. 11 (State Route 2) to East of Little Tennessee River, Loudon County, Tennessee*. Publication prepared in cooperation with Tennessee Valley Authority and the U.S. Coast Guard. EA dated May 1998; FHWA FONSI issued October 6, 1999; USCG FONSI issued May 9, 2001.

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Tennessee, and its effects on the endangered pink mucket (*Lampsilis*) and
Orangefoot pimple back (*Plectambonites*). August 5, 2009. Cookeville,
Tennessee.

Attachments

- A. Project Information
- B. Correspondence

Attachment A
Project Information

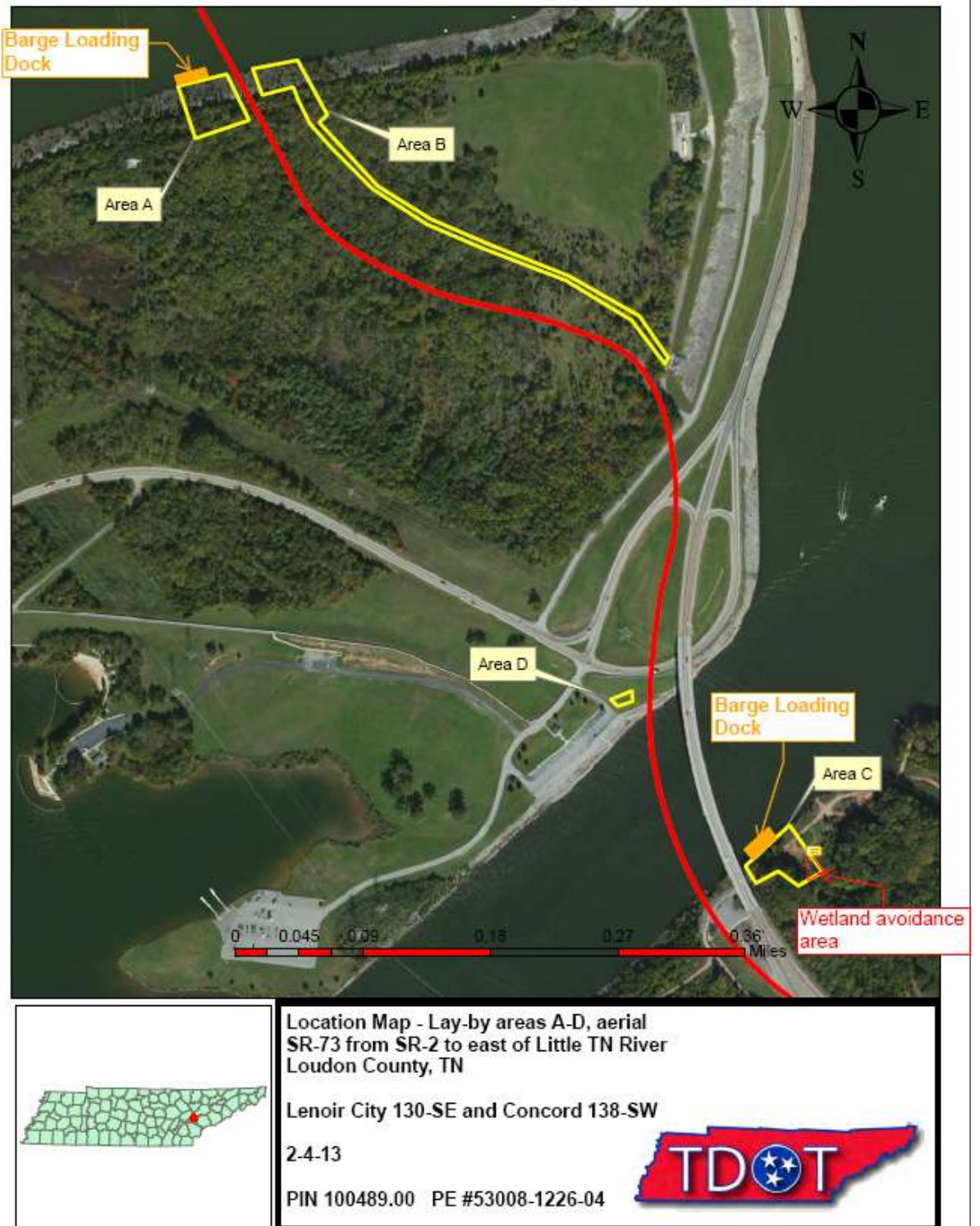


Figure 1 Location Map

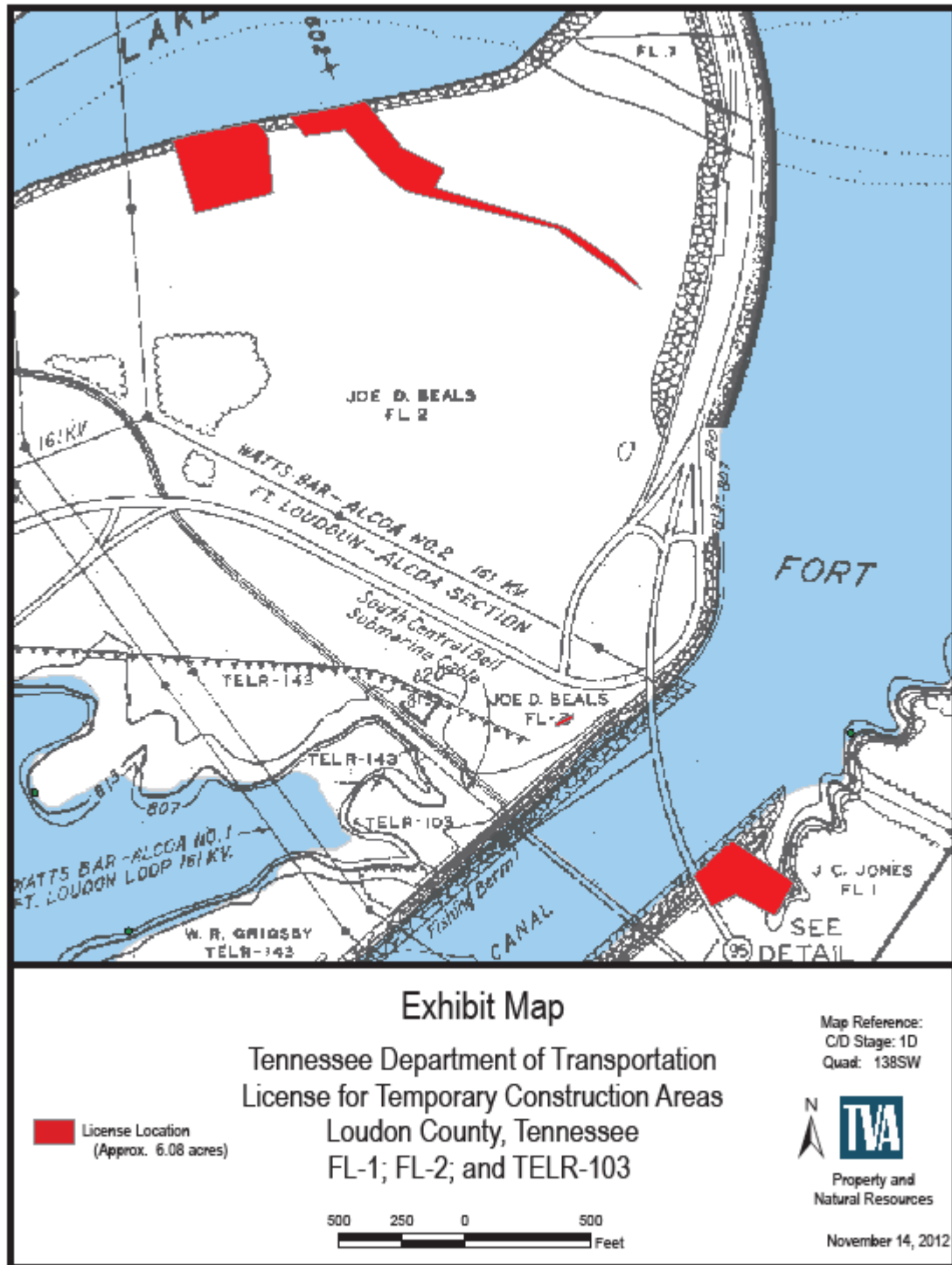


Figure 2 Exhibit Map

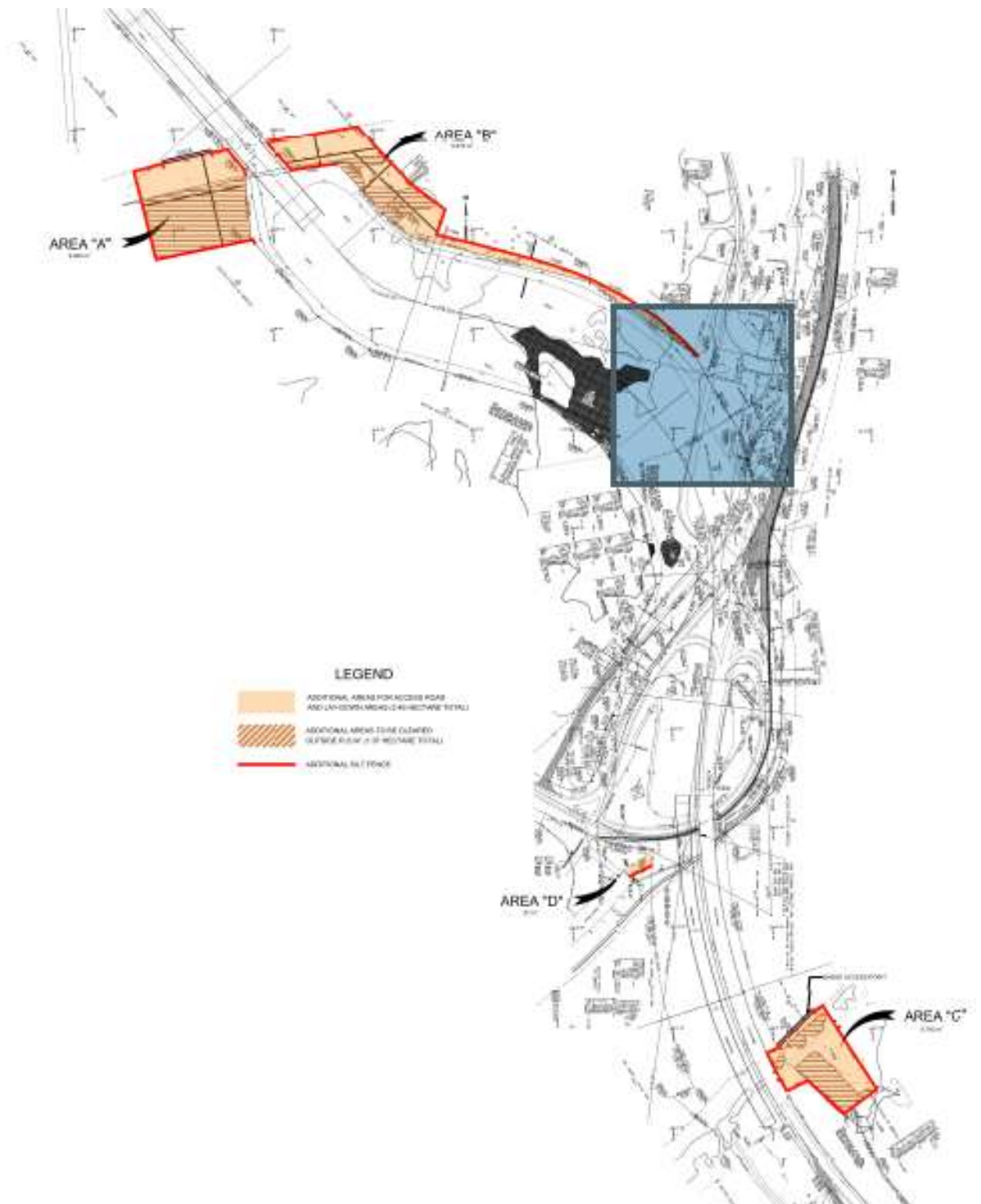


Figure 3 Additional Clearing and Silt Fences

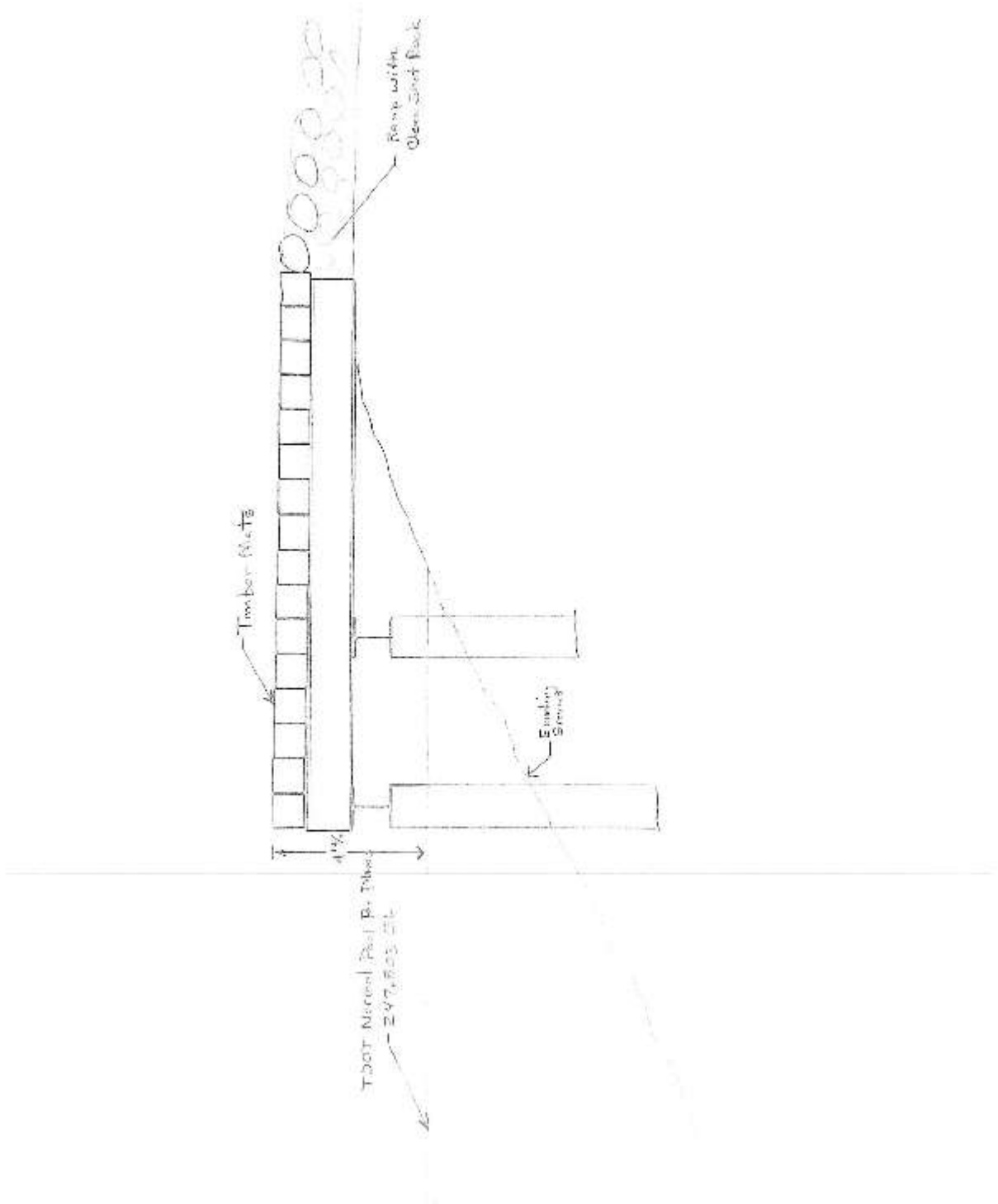


Figure 4 Barge Landing Plans



TENNESSEE VALLEY AUTHORITY

APPLICATION FORM LAND USE

Tennessee Valley Authority (TVA) Resource Stewardship receives several hundred requests annually for use of TVA land or landrights. Please fill out this application completely. TVA has implemented a cost recovery system so that those who benefit directly from the use of public lands reimburse TVA for its total cost. The appropriate initial payment or standard fee must be included with your application. You will be billed for any additional costs for those actions that exceed the initial payment. Please see the attached sheet *TVA Land Transaction Fees* for additional information. If you have any questions, please call your local TVA Resource Stewardship Watershed Team.

<p>1. Name and Mailing Address of Applicant: Tennessee Dept. of Transportation Mr. John C. Schroer, Commissioner Suite 700, James K. Polk Bldg. Nashville, TN 37243-0349 Home Telephone No. _____ Office Telephone No. <u>615-741-2848</u> E-Mail Address _____ Social Security No. or Federal ID No. _____</p>	<p>2. Name, Address, and Title of Authorized Agent: (i.e., builder, engineer.) <i>Include a letter confirming your authorization.</i> Tennessee Dept. of Transportation Attn: Gary Palmer Suite 600, James K. Polk Bldg., Nashville, TN 37243-0337 Home Telephone No. _____ Office Telephone No. <u>615-253-1113</u> Gary.Palmer@tn.gov</p>		
<p>3. Location: <i>Attach a location map and a map showing boundaries of TVA land needed.</i> Subdivision: <u>Loudon County</u> Lot Number: <u>S.R. 73</u> Reservoir: <u>Bridges @ Ft. Loudon Channel</u> River: _____ River Mile: _____</p>	<p>4. Type of Land Use Required: <i>Please call your local TVA Resource Stewardship Watershed Team (WT) listed on page 2 to help us determine the appropriate TVA action needed.</i></p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; padding-right: 20px;"> <p>Approval by TVA WT:</p> <p><input type="checkbox"/> Land Use Permit</p> <p><input checked="" type="checkbox"/> License Agreement</p> <p><input type="checkbox"/> Sufferance Agreement <i>(Complete page 1 only)</i></p> </td> <td style="vertical-align: top;"> <p>Approval by TVA Board:</p> <p><input type="checkbox"/> Easement</p> <p><input type="checkbox"/> Deed Modification</p> <p><input type="checkbox"/> Lease (<u> </u> years needed)</p> <p><input type="checkbox"/> Abandonment</p> <p><input type="checkbox"/> Land Transfer</p> </td> </tr> </table>	<p>Approval by TVA WT:</p> <p><input type="checkbox"/> Land Use Permit</p> <p><input checked="" type="checkbox"/> License Agreement</p> <p><input type="checkbox"/> Sufferance Agreement <i>(Complete page 1 only)</i></p>	<p>Approval by TVA Board:</p> <p><input type="checkbox"/> Easement</p> <p><input type="checkbox"/> Deed Modification</p> <p><input type="checkbox"/> Lease (<u> </u> years needed)</p> <p><input type="checkbox"/> Abandonment</p> <p><input type="checkbox"/> Land Transfer</p>
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<p>5. Proposed Time Schedule for your Project: Start date: <u>1/1/2013</u> Projected completion date: <u>1/1/2018</u></p>			
<p>6. Describe your project, its purpose and intended use: Describe the proposed development, on or off TVA land. Include a general description of proposed structures to be erected and land disturbance including vegetation removal, fills or excavations. Attach a copy of detailed plans as appropriate. Area sought is to be used by Blaylock Co. as a Staging Area during the construction of the project.</p>			
<p>7. Will federal assistance be used as part of this project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe activity and complete Applicant Information Pre-Award Form.</p>			
<p>8. Authorization for TVA to process your application: Application is hereby made for approval of the land use described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. By submitting this request, I understand business credit checks will be performed as part of the normal business procedure.</p> <p>PAYMENT TERMS: Payment for Land Transaction Fees and any related costs are due Net thirty (30) days from the date of invoice. On any overdue payment, TVA shall charge interest at the rate payable by TVA under the United States Prompt Payment Act (31 U.S.C. §§3901-3906), from the date payment is due until the date TVA receives payment. Payment of interest shall be due within thirty (30) days after TVA's invoice for such interest is dated.</p> <p>Failure by the Customer to pay all invoices within sixty (60) days will result in termination of the request.</p>			

8. Authorization (continued)

I understand TVA charges a standard fee for minor land actions, and that full cost recovery is required for all other actions. I understand and agree to pay all of TVA's costs associated with the processing of this application (if it is not a minor land action covered by the standard fee), and that the standard fee or initial processing fee is nonrefundable and does not guarantee TVA approval; that TVA may impose terms and conditions at the time of approval; and that these fees are in addition to any payment that may be required for the purchase or use of TVA land.

OCT 22 2012
Date


Signature of Applicant

9. Anticipated Economic Impacts of your Project:

A. Projected cost estimate and funding source (if project is to be completed in phases, please include time schedule and costs for each phase):

\$76.3 Million 80% Federal
20% State

B. Number of jobs to be created - Near - Term (including construction) Unknown
Long - Term

C. Negative socioeconomic Impacts considered: N/A

D. Expected public and investor benefits:
Improved Safety for Motoring Public

10. Describe Anticipated Environmental Impacts: (Include copies of reviews, assessments, or letters from federal or state agencies)

See 26A

11. Alternative Site(s) Considered: (Include justification for rejecting alternate locations; attach explanation if needed)

N/A

12. List all permits, approvals, or certifications required by other federal, state, or local agencies: (Include those required for any structure, construction activity, discharge or other activities described in this application)

Issuing Agency	Type Approval	Identification Number	Date of Application	Date of Approval
TVA	26A			

13. Has any agency denied approval for the project described herein or any activity related to the project?

No Yes (if "Yes", attach explanation)

Send your completed request to the TVA Resource Stewardship Watershed Team listed below:

<p>A complete request should include:</p> <ol style="list-style-type: none"> This completed application form and a check or money order with Social Security Number or Federal ID Number on the check made payable to "TVA" for the appropriate land transaction fee. A location map indicating the area of TVA land or landrights affected by the project. Drawing(s) or plan(s) of any proposed construction activity or development which would result if land or landrights are granted. Monthly invoice payments should be mailed to the TVA address as shown on the invoice. 	<p style="text-align: center;">Tennessee Valley Authority</p> <p style="text-align: center;">_____ Team Manager Acceptance of Request</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Document Type: EA-Administrative Record
Index Field: Finding of No Significant
Impact (FONSI)
Project Name: US 321-Fort Loudoun Dam
Reservation
Project Number: 2002-126

April 30, 2008

Anda A. Ray, WT 11A-K
Janet C. Herrin, WT 10D-K

U.S. HIGHWAY 321 BRIDGES REPLACEMENT AND REMOVAL AT FORT LOUDOUN DAM
RESERVATION, LOUDON COUNTY, TENNESSEE – FINDING OF NO SIGNIFICANT IMPACT
(FONSI)

In accordance with the *National Environmental Policy Act* (NEPA) and TVA's implementing procedures, Environmental Stewardship & Policy is adopting the attached environmental assessment (EA) and issuing the attached supplemental EA and FONSI. This serves as documentation of TVA's environmental review. As stated in the FONSI, we conclude that the proposed action will not have a significant impact on the quality of the environment.



Daniel H. Ferry, Senior Manager
Environmental Services & Programs
Environmental Stewardship & Policy

RLT:SBW

Attachments: Federal Highway Administration and Tennessee Department of Transportation
1998 EA and TVA 2008 supplemental EA and FONSI

cc: Darrell A. Cuthbertson, LCB 1A-LCT
Maureen H. Dunn, WT 6A-K
Emily J. Reynolds, OCP 1L-NST
Rachel V. Terrell, HWY 1A-LCT (entire package)
EDMS, WT 11D-K (entire package)

Prepared by Richard L. Toennisson (ES&P); reviewed by Charles P. Nicholson (ES&P) and
Darrell A. Cuthbertson (L&WS) with concurrence of Kelly A. Love (OGC)

Document Type: EA-Administrative Record
Index Field: Finding of No Significant Impact (FONSI)
Project Name: US 321-Fort Loudoun Dam Reservation
Project Number: 2002-126

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
U.S. HIGHWAY 321 BRIDGES REPLACEMENT
AND REMOVAL AT FORT LOUDOUN DAM RESERVATION
LOUDON COUNTY, TENNESSEE

On April 8, 2003, the Tennessee Department of Transportation (TDOT) submitted an application to Tennessee Valley Authority (TVA) for a highway easement on the Fort Loudoun Dam Reservation and for approval of Section 26a under the TVA Act for new bridges over the Tennessee River at Tennessee River Mile 601.8 and over the Tellico Canal between Fort Loudoun and Tellico reservoirs. Approval would allow TDOT to complete the upgrading of U.S. Highway (US) 321 (State Route 73) from Lenoir City, Tennessee, to Blount County, Tennessee, from two to four lanes in order to relieve traffic congestion and improve safety. The Federal Highway Administration (FHWA) and TDOT issued an EA in May 1998 that addressed the environmental impacts of the proposed 7.4-mile road improvement project, including the proposed bridges on the Fort Loudoun Dam Reservation. TVA and the U.S. Coast Guard were cooperators on the EA. On October 6, 1999, FHWA issued a finding of no significant impact (FONSI). Similarly, on May 9, 2001, the U.S. Coast Guard issued a FONSI.

During the development of this project, TVA proposed that TDOT remove the existing J. Carmichael Greer Bridge (US 321) on top of Fort Loudoun Dam and its approach roadways after the new bridges were completed. TVA also proposed that other existing roadways be modified to improve access to Lenoir City Park and Fort Loudoun Marina and to reduce public access to nearby TVA facilities on the dam reservation. TDOT agreed to these proposals in April 2003 and provided TVA with plans for the bridge removal and road modifications in December 2005. Consequently, TVA has prepared a supplement to the FHWA/TDOT EA to document the impacts of the bridge and approach roadway removal and modifications to other roadways on the dam reservation. TVA is adopting the FHWA/TDOT EA; both it and the supplemental EA are attached and incorporated by reference.

Proposed Action and Need

TVA needs to decide whether to approve the construction and operation of the proposed bridges under Section 26a and grant the easement for the bridge approaches and roadway. Furthermore, TVA needs to decide whether to authorize the bridge removal and modifications to roadways and other actions on the dam reservation described in the December 2005 plans.

Alternatives

The FHWA/TDOT EA evaluated the potential impacts of a No Build Alternative and a Build Alternative for construction of new bridges over the Tennessee River and the Tellico Canal. In the supplemental EA, under the Build Alternative, TVA evaluated a "Keep Option" and a "Removal Option" addressing the existing bridge and approaches and modification of other

existing roadways. The Removal Option also includes the relocation of a transmission line structure.

Under the No Build Alternative, the new bridge construction would not occur. This could be for a variety of reasons under the control of the government agencies involved, including TVA not approving the proposed actions under Section 26a and/or not granting an easement across the dam reservation. Consequently, the existing J. Carmichael Greer Bridge on top of Fort Loudoun Dam would stay in service. Therefore, the potential environmental impacts associated with the construction and operation of the proposed bridges would not occur, and transportation over the Tennessee River and Tellico Canal would not be improved. TVA would continue maintenance to preserve the structural integrity of the existing bridge, and the public would continue to access the Fort Loudoun Marina and Lenoir City Park through the dam reservation.

Under the Build Alternative, the proposed new bridge construction would occur along with the associated impacts described in the FHWA/TDOT EA. However, under this alternative, TVA could implement one of two options concerning the disposition of the existing bridge and modifications to existing roadways. Under the Keep Option, the removal of the existing bridge would not occur. TVA would continue maintenance to preserve the structural integrity of the existing bridge, and the public would continue to access the Fort Loudoun Marina and Lenoir City Park through the dam reservation. Under the Removal Option, TVA would approve the removal of the existing bridge and associated actions. This would result in the impacts and benefits described in the supplemental EA. Further, approval conditions have been developed to minimize the impacts identified for the original action as well as the removal of the existing bridge.

TVA prefers the Build Alternative with the Removal Option, which provides for the construction of the new bridges and removal of the J. Carmichael Greer Bridge.

The FHWA/TDOT EA considered other bridge designs and routes or locations within the vicinity. However, these proposals would have resulted in a degree of impact commensurate with or greater than the impacts of the Proposed Action. Some of these alternatives would not satisfy TDOT's stated purpose and need.

Impacts Assessment

TVA independently reviewed the impacts assessed in the 1998 FHWA/TDOT EA. As a cooperating agency, TVA provided scoping comments and commented on the draft EA. Since the completion of the FHWA/TDOT EA, TDOT has provided plans for the removal of the existing US 321 bridge, and new information regarding threatened and endangered species has become available. This material is incorporated into the supplemental EA.

The new bridges and road modifications would provide convenience and beneficial effects to local traffic and others who use US 321. New bridge construction and removal of the existing bridge would have short-term impacts to navigation and use of the lock during the demolition of the existing bridge. No long-term impacts to navigation are anticipated.

Under the Build Alternative with the bridge removal, there would be little to no impact on existing shoreline resources. Use of the methods described in the Bridge Removal Plan included in the supplemental EA would prevent any hazardous material resulting from the bridge removal from introduction to the Tennessee River. No wetlands would be affected. The proposed actions

Ft. Loudoun Bridge Temporary Licenses

constitute a repetitive action in the floodplain, and impacts to the floodplain have been minimized to the extent practicable. TVA has determined that the proposed action complies with Executive Order 11988.

Construction of the new bridges and approach roads, removal of the existing bridge, and modification of the existing roadways are expected to result in minor, temporary, and insignificant effects to local terrestrial and aquatic life. As stated in the FHWA/TDOT EA, three species listed under the Endangered Species Act occur in the vicinity of the proposed new bridges. If the conditions of the April 22, 1998, U.S. Fish and Wildlife Service letter to TDOT are met, these species are unlikely to be adversely affected by construction of the bridges. None of these species would be affected by the proposed bridge removal. No impacts to state-listed species are anticipated.

Overall aesthetic effect from the proposals would be consistent with the general aesthetic character of the area. Removal of the existing bridge and the approaches would return the dam complex to near its original appearance. The Tennessee State Historic Preservation Officer concurred that historic properties considered eligible for listing on the National Register of Historic Places would not be adversely affected by the construction of the new bridges and approach roads or removal of the existing bridge and associated roadwork.

Noise impacts from construction of the new bridges and approach roads and removal of the existing bridge are expected to be temporary and insignificant. There would be no adverse effects to local residential property values or disproportionate effects to any minority or low-income groups.

Cumulative impacts from the proposals would be negligible with the use of the described mitigation. Considering past, present, and future proposals, there would be only minimal adverse cumulative impacts associated with the bridge construction and removal.

Mitigation and Special Permit Conditions

In addition to the normal Best Management Practices and other measures included as TVA's General and Standard Conditions of Section 26a permits, TVA would require the following measures:

- Implementation of the Bridge Removal Plan.
- To the extent practical, in-stream construction (particularly blasting) would be scheduled to avoid the February through May fish spawning season.
- Provide mowable slopes and ditches for vegetation management at the new construction according to specifications in the December 2005 plans.
- Provide at least a 25-foot-wide maintenance road corridor under bridges between the water and the bridge for access to TVA land.

Conclusion and Findings

FHWA and TDOT have prepared, and TVA has adopted, an EA assessing the proposed action of upgrading US 321, including constructing new bridges and approach roadways on the Fort

Loudoun Dam Reservation. TVA has supplemented the 1998 FHWA/TDOT EA to assess the additional proposed action of removing the existing US 321 bridge and approach roads and making other road modifications on the dam reservation. Based on the findings in the FHWA/TDOT EA and the supplemental EA, we conclude that the issuance of the Section 26a permit and road easement to facilitate the construction of new bridges and approach roadways, as well as the removal of the existing bridge and associated road modifications, would not be a major federal action significantly affecting the environment. Accordingly, the preparation of an environmental impact statement is not required. This FONSI is contingent upon adherence to the Mitigation and Special Permit Conditions listed above.



4/30/08

Daniel H. Ferry, Senior Manager
Environmental Services & Programs
Environmental Stewardship & Policy
Tennessee Valley Authority

Date Signed

Attachment B
Correspondence



TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
401 CHURCH STREET
7th FLOOR L & C ANNEX
NASHVILLE, TENNESSEE 37243-1534

April 28, 2011

Carma Smith
Tennessee Department of Transportation
Suite 900 – James K. Polk Building
505 Deaderick St.
Nashville, TN 37243

Subject: §401 Water Quality Certification
State of Tennessee Application NRS10.293, PIN 100489.00

Dear Ms. Smith:

We have reviewed and approved your application for the wetland fill activities associated with the realignment of State Route 73 will from State Route 2 to East of Little Tennessee River (Ft. Loudon/Tellico Canal).

It is the responsibility of the permittee to read and understand all permit conditions before the project begins. If you need any additional information of clarification, please contact me at 615-532-2334 or by e-mail at Randall.Phillips@tn.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randall Phillips".

Randall Phillips,
Natural Resources Section

Enclosure: §401 Water Quality Certification

Cc: Knoxville Environmental Field Office
U.S. Army Corps of Engineers, Nashville District
Todd Bowers U.S. Environmental Protection Agency, Atlanta, GA
Robbie Sykes, U.S. Fish and Wildlife Service, Cookeville, TN
Rob Todd, Tenn. Wildlife Resources Agency, Nashville, TN
Anthony Summitt, Tennessee Valley Authority
File copy



NRS10.293

Pursuant to §401 of *The Federal Clean Water Act* (33 U.S.C. 1341), any applicant for a Federal license or permit to conduct any activity which may result in any discharge into the waters of the U.S., shall provide the federal licensing or permitting agency a certification from the State in which the discharge originates or will originate. Accordingly, the Division of Water Pollution Control requires reasonable assurance that the activity will not violate provisions of *The Tennessee Water Quality Control Act of 1977* (T.C.A. §69-3-101 et seq.) or provisions of §§301, 302, 303, 306 or 307 of *The Clean Water Act*.

Subject to conformance with accepted plans, specifications, and other information submitted in support of the application, pursuant to 33 U.S.C. 1341 and T.C.A. §69-3-101 et seq., the State of Tennessee hereby certifies and authorizes the activity described below.

PERMITTEE Carma Smith
 Tennessee Department of Transportation
 Suite 900 – James K. Polk Building
 505 Deaderick St.
 Nashville, TN 37243

AUTHORIZED WORK: Permanent fill of of 1.573 acres of wetlands and two road crossings associated with the realignment of State Route 73 will from State Route 2 to East of Little Tennessee River (Ft. Loudon/Tellico Canal).

LOCATION:

Resource	Impact	Location	Acres
Watts Bar Lake	Minor Road Crossing	35.7891, -84.2484	N/A
Wetland # 1	Permanent Fill	35.7866, -84.2440	1.473
Wetland # 2	Permanent Fill	35.7839, -84.2426	0.100
Ft Loudon/ Tellico Canal	Minor Road Crossing	35.7800, -84.2429	N/A

EFFECTIVE DATE: April 28, 2011
EXPIRATION DATE: April 28, 2016


 Paul E. Davis, P.E.
 Director, Division of Water Pollution Control

TDOT, NRS10.293
 §401 Water Quality Certification

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PART I

Special Conditions:

1. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater, should a spill occur.
2. Temporary or permanent soil stabilization shall be accomplished within 15 days after final grading or other earth work. Permanent stabilization with perennial vegetation or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Vegetative species must be on approved native species planting list, (*Landscaping with Natives*; http://www.tneppc.org/pages/landscaping#native_plants).
3. All wetland alterations shall adhere to the following conditions listed below:
 - a. Although no temporary impacts to wetlands were proposed, in the case of temporary wetland impacts this office shall be notified prior to those additional impacts. Topsoil shall be removed from all areas of any temporary impacts and stockpiled prior to construction. Upon completion of construction activities, any temporary haul roads shall be removed. Upon completion of construction activities, all temporary wetland impact areas shall be restored to pre-construction contours and the stockpiled topsoil spread over the area to restore pre-construction elevations. Seeding of temporarily impacted wetland areas with exotic invasives such as fescue is *prohibited*. Seeding for stabilization shall be accomplished with Winter Wheat or Canadian Annual Rye until native vegetation becomes established.
 - b. The permanent filling of any wetland on the project shall be performed in such a manner that remaining portions of the wetlands are not adversely impacted. In particular, the hydrology of the remaining wetlands shall not be impaired.

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§401 Water Quality Certification

General Conditions:

1. It is the responsibility of the Permittee to convey all terms and conditions of this permit to all contractors. A copy of this permit, approved plans and any other documentation pertinent to the activities authorized by this permit shall be maintained on site at all times during periods of construction activity.
2. Work shall not commence until the Permittee has received the federal §404 permit from the U. S. Army Corps of Engineers, a §26a permit from the Tennessee Valley Authority or authorization under a Tennessee NPDES Storm Water Construction Permit where necessary. The Permittee is responsible for obtaining these permits.
3. The work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of application NRS10.293 and the limitations, requirements and conditions set forth herein.
4. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life (including trout streams and naturally reproducing trout streams), livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.
5. Impacts to waters of the state other than those specifically addressed in the plans and this permit are prohibited. All streams, springs and wetlands shall be fully protected prior, during and after construction until the area is stabilized. Any questions, problems or concerns that arise regarding any stream, spring or wetland either before or during construction, shall be addressed to the Division of Water Pollution Control's Knoxville Environmental Field Office (865-594-6035), or the permit coordinator in the division's Natural Resources Section (615-532-0645).
6. Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat is prohibited.
7. This permit does not authorize adverse impacts to cultural, historical or archeological features or sites.
8. With the exception of the acreage limitation, the permitted activity shall be conducted in accordance with the General Permit for Minor Alterations to Wetlands.
9. Road crossings will conform to the General Permit for Construction and Removal of Minor Road Crossings.

PART II

Mitigation Requirements

Required Mitigation Activities

The permittee shall provide mitigation for the above referenced impact through the purchase of 3.1 wetland mitigation credits at the Lick Creek Wetland Mitigation Bank.

PART III

Duty to Reapply

Permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information and forms as are required to the Director of Water Pollution Control. Such applications must be properly signed and certified.

Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

Other Information

If the permittee becomes aware that he/she failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, then he/she shall promptly submit such facts or information.

Changes Affecting the Permit

Transfer/Change of Ownership

- a. This permit may be transferred to another party, provided there are no activity or project modifications, no pending enforcement actions, or any other changes which might affect the permit conditions contained in the permit, by the permittee if:
- b. The permittee notifies the Director of the proposed transfer at least 30 days in advance of the proposed transfer date;
- c. The notice includes a written agreement between the existing and new permittees containing a specified date for transfer of permit responsibility, coverage, and contractual liability between them; and
- d. The Director does not notify the current permittee and the new permittee, within 30 days, of his intent to modify, revoke, reissue, or terminate the permit, or require that a new application be filed rather than agreeing to the transfer of the permit.
- e. The permittee must provide the following information to the division in their formal notice of intent to transfer ownership:

- a. the permit number of the subject permit;
- b. the effective date of the proposed transfer;
- c. the name and address of the transferor;
- d. the name and address of the transferee;
- e. the names of the responsible parties for both the transferor and transferee;
- f. a statement that the transferee assumes responsibility for the subject permit;
- g. a statement that the transferor relinquishes responsibility for the subject permit;
- h. the signatures of the responsible parties for both the transferor and transferee, and;
- i. a statement regarding any proposed modifications to the permitted activities or project, its operations, or any other changes which might affect the permit conditions contained in the permit.

Change of Mailing Address

The permittee shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

Noncompliance

Effect of Noncompliance

All discharges shall be consistent with the terms and conditions of this permit. Any permit noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, permit termination, permit modification, or denial of permit reissuance.

Reporting of Noncompliance

24-Hour Reporting

- a. In the case of any noncompliance which could cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the required notice of non-compliance shall be provided to the Division of Water Pollution Control in the appropriate Environmental Field Office within 24-hours from the time the permittee becomes aware of the circumstances. (The Environmental Field Office should be contacted for names and phone numbers of environmental response personnel).
- b. A written submission must be provided within five (5) days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:
 1. A description of the discharge and cause of noncompliance;

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2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
3. The steps being taken to reduce, eliminate, and prevent recurrence of the non-complying discharge.

Scheduled Reporting

For instances of noncompliance which are not reported under subparagraph a. above, the permittee shall report the noncompliance by contacting the permit coordinator, and provide all information concerning the steps taken or planned to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including but not limited to, accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

Liabilities

Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of pollutants to any surface or subsurface waters. Additionally, notwithstanding this Permit, it shall be the responsibility of the permittee to conduct its discharge activities in a manner such that public or private nuisances or health hazards will not be created.

Liability under State Law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

This permit does not preclude requirements of other federal, state or local laws. This permit also serves as a State of Tennessee Aquatic Resource Alteration Permit (ARAP) pursuant to the Tennessee Water Quality Control Act of 1977 (T.C.A. §69-3-101 et seq.).

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§401 Water Quality Certification

The State of Tennessee may modify, suspend or revoke this permit or seek modification or revocation should the state determine that the activity results in more than an insignificant violation of applicable water quality standards or violation of the act. Failure to comply with permit terms may result in penalty in accordance with T.C.A. §69-3-115.

An appeal of this action may be made to the Water Quality Control Board. In order to appeal, a petition requesting a hearing before the Board must be filed within **THIRTY (30) DAYS** after receipt of the permit. In such petition, each contention should be stated in numbered paragraphs that describe how the proposed activity would be lawful and the action of the state is inappropriate. The petition must be prepared on 8½" x 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director, Division of Water Pollution Control, 6th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

February 19, 2013

Mr. Gerald Kline
TDOT – Environmental Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-1402

RE: FHWA, ARCHAEOLOGICAL ASSESSMENT, SR-73 CONSTRUCTION
EASEMENTS,
UNINCORPORATED, LOUDON COUNTY, TN

Dear Mr. Kline:

At your request, our office has reviewed the above-referenced archaeological survey report in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided, we find that the project area contains no archaeological resources eligible for listing in the National Register of Historic Places.

If project plans are changed or archaeological remains are discovered during construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

Your cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL DIVISION
SUITE 800, JAMES K. POLK BUILDING
506 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3655

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

July 5, 2013

Eastern Band of Cherokee Indians
2877 Governor's Island Road
Bryson City, NC 28713
Attn: Mr. Tyler Howe

SUBJECT: Section 106 Initial Coordination for Proposed SR-73 (U.S. 321) at Fort Loudoun Dam from SR-2 (U.S. 11) to East of Tellico Canal, Lenoir City, Loudoun County, Tennessee

Dear Mr. Howe:

The Tennessee Department of Transportation (TDOT) in cooperation with the Federal Highway Administration (FHWA) is proposing to widen SR-73 (U.S. 321) at Fort Loudoun Dam in Loudoun County (maps attached). The project will widen SR-73 to a 4-lane highway and construct a new bridge across the Tennessee River and a new bridge parallel to an existing bridge over the Tellico Canal. The project also includes dismantling the existing J. Carmichael Greer Bridge over the Fort Loudoun Dam. Additional right-of-way for construction easements will be needed.

TDOT originally completed an archaeological survey for this project in 1996 as part of a larger project to widen SR-73 from SR-2 to the Blount County line. No archaeological sites eligible for listing in the National Register of Historic Places were documented within the project's Area of Potential Effects. Native American Coordination was not required at that time. The sections of this project from east of Tellico Canal to the Blount County line have already been completed.

The National Historic Preservation Act (NHPA) recognizes that federally funded undertakings, like the subject project, can affect historic properties to which your tribe attaches religious, cultural, and historic significance. In accordance with 36 CFR 800 regulations implementing compliance with Section 106 of the NHPA, I would like to know if you have information you could share with me about tribal concerns in the project area and if you wish to be a consulting party on the project? Early awareness of your concerns can serve to protect historic properties valued by your tribe.

If you act as a consulting party you will receive archaeological assessment reports and related documentation, be invited to attend project meetings with FHWA, TDOT, and the Tennessee State Historic Preservation Office (TN-SHPO), if any are held, and be asked to provide input throughout the process. If you choose to not act as a consulting party at this time, you can do so at a later date simply by notifying me.

Please respond to me via letter, telephone (615-741-5257), fax (615-741-1098), or E-mail (Gerald.Kline@tn.gov). I respectfully request responses (email is preferred) to project reports and other materials within thirty (30) days of receipt if at all possible. Thank you for your assistance.

Sincerely,

Gerald Kline
Transportation Specialist I
Archaeology Program Manager

Enclosure

cc Robin Dushane, Eastern Shawnee Tribe of Oklahoma
Kim Jumper, Shawnee Tribe
Lisa Baker, United Keetowah Band of Cherokee Indians
Tyler Howe, Eastern Band of Cherokee Indians

Tiger Hobia, Kialegee Tribal Town
Richard Allen, Cherokee Nation
Emman Spain, Muscogee (Creek) Nation

TDOT PIN# 040772.00 – Region 1



SR-73 (U.S. 321) AT FORT LOUDOUN DAM PROJECT

FROM SR-2 (U.S. 11) TO EAST OF TELlico CANAL

LENOIR CITY, LOUDON COUNTY, TENNESSEE



PROJECT VICINITY MAP



SR-73 at Fort Loudoun Dam, Lenoir City, Loudon County

Page 2

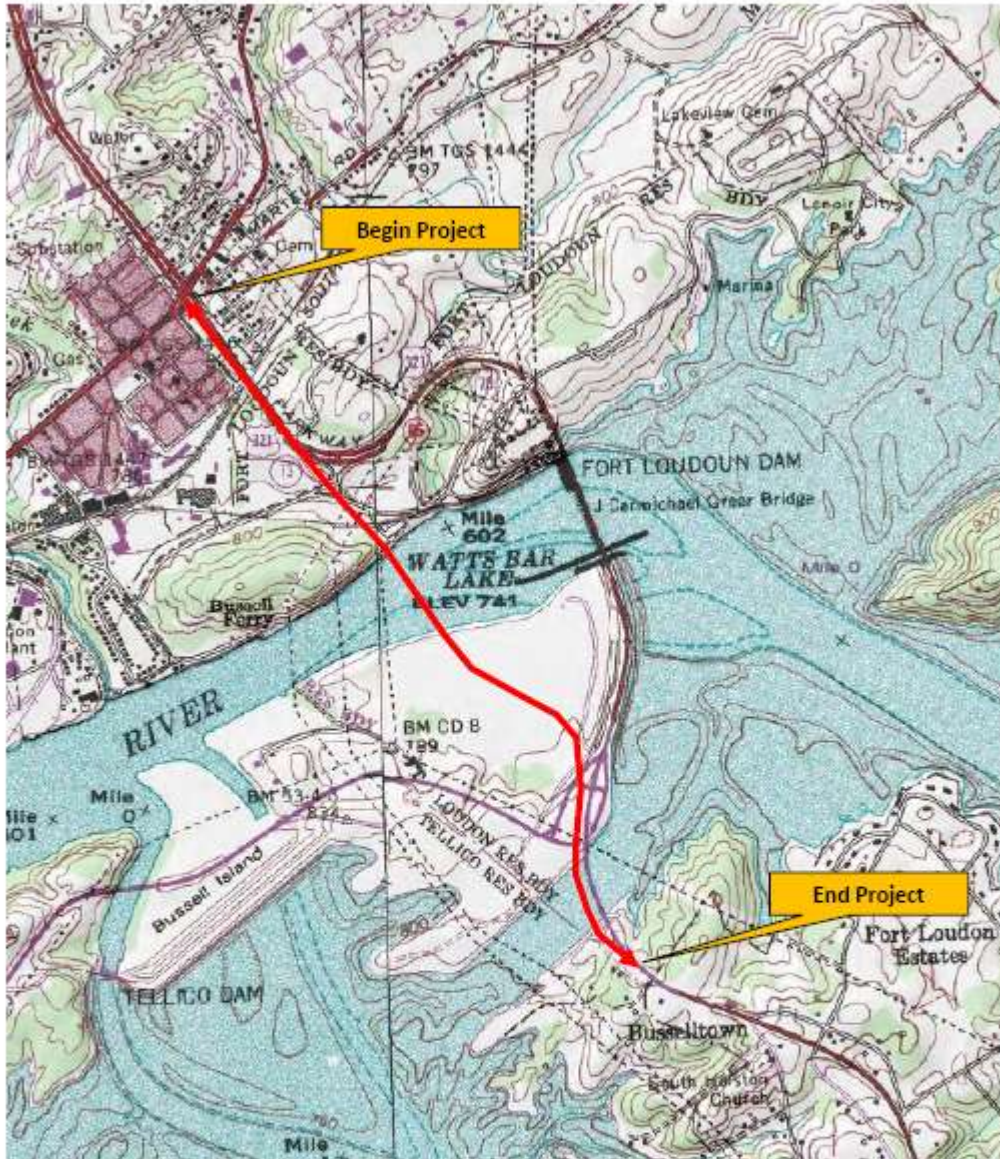


PROJECT LOCATION MAP

TDOT PIN# 040772.00 – Region 1



Ft. Loudoun Bridge Temporary Licenses



PROJECT LOCATION MAP – USGS Quad Lenoir City (130 SE)

TDOT PIN# 040772.00 – Region 1





STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3655

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

December, 3, 2012

Ms. Leigh Ann Tribble
Environmental Program Eng.
Federal Highway Administration
Tennessee Division Office
404 BNA Dr., Suite 508
Nashville, TN 37217

Subject: SR-73 from SR-2 to east of Little Tennessee River, Loudon County, TN
PIN: 100489.00 PE #53008-1226-04

Dear Ms. Tribble:

Enclosed is information regarding a change in scope for the subject project. Charles Blalock and Sons, Inc., has requested additional land use on TVA property at the south end of the two bridges being constructed on this project. These areas are being requested to provide access roads and lay-by areas for construction materials. Installation of a small dock on the south bank of the Tennessee River near Sta. 2+600R is also being requested to allow cranes to be placed on barges as needed. The TDOT requests that you forward this information to the USFWS with a request for a determination of whether these changes will necessitate that formal consultation be reinstated for the snail darter (*Percina tanasi*), orange-foot pimpleback (*Plethobasus cooperianus*), or pink mucket (*Lampsilis abrupta*). A determination of whether additional coordination be required for the Indiana bat (*Myotis sodalis*) is also requested. We also request that any subsequent correspondence relative to this project include the entire project name and termini as stated in the subject line of this letter.

Thank you for your assistance in this project. Please address any questions specific to the project to Keven Brown at (865) 594-2437.

Sincerely,

Keven A. Brown

Digitally signed by Keven A. Brown
DN: cn=Keven A. Brown, ou=TDOT,
ou=Ecology Section,
email=Keven.Brown@tn.gov, c=US
Date: 2012.12.03 15:43:06 -0500

Keven Brown
Biologist, TDOT Region 1
Ecology Section

KB:kab

Ccopy: Mr. John Hewitt – TDOT, w/attach.
Mr. Ann Andrews - TDOT, w/attach.
Mr. Rob Todd – TWRA, w/attach.

Mr. Bo Baxter – TVA, w/attach.
Project File, w/attach.



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3855

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

December 3, 2012

Ms. Mary Jennings
US Dept. of Interior
Fish and Wildlife Service
446 Neal St.
Cookeville, TN 38501

Subject: SR-73 from SR-2 to east of Little Tennessee River
Loudon County, TN
PIN: 100489.00 PE #53008-1226-04

Dear Ms. Jennings:

As per a phone conversations with John Griffith from your office on September 28th and November 30th, 2012, I am providing the following information concerning the subject project. The contractor for TDOT, Charles Blalock and Sons, Inc., has requested a change to the project scope. Four additional areas totaling approximately 6.1 acres (2.46 ha.) outside the current project ROW have been requested for use as access roads and lay-down areas for bridge materials at the south end of the proposed bridges over the Tennessee River and Tellico Canal as shown on the attached sketch (Areas A thru D). All four areas are located on TVA property and will require issuance of temporary land use agreements to TDOT.

Approximately 2.65 acres (1.07 ha.) of woods will be cleared within these areas as indicated on the attached sketch. Areas A and B are covered primarily in small diameter (<6" DBH) trees dominated by red cedar, boxelder, hackberry, American elm, redbud, and privet (photos 1-5). Area C (photo 6) is partly covered in similar vegetation within the portion that is expected to be cleared. There are several larger diameter oak and maple trees present in Area C (photo 7) adjacent to the portion that will be cleared. These larger trees are not expected to be disturbed. No trees are present in Area D (photo 8). None of the wooded portions that are proposed for clearing in Areas A, B, or C appear to provide suitable summer roost habitat for the Indiana bat.

Installation of a temporary dock (sketch attached) has also been proposed in Area A (photos 9-10) on the Tennessee River so cranes can be placed on the barges for use in construction of the bridge. The dock will need to be extended into the river only far enough from the bank to insure at least six (6) feet of water depth to allow for the draft of the barges. The proposed dock location appears to be well within the action area


(300 ft. upstream and 1,500 ft. downstream of the proposed bridge) designated and addressed in the August 5, 2009 Biological Opinion for this project.

Based on the information provided, will the proposed changes in project scope necessitate that TDOT reopen formal consultation for the snail darter (*Percina tanasi*), orange-foot pimpleback (*Plethobasus cooperianus*), pink mucket (*Lampsilis abrupta*)? Also, will any additional coordination be required for the Indiana bat (*Myotis sodalis*)? Thank you for your assistance with this project. If you need any additional information or have any questions, please let me know.

The above coordination and request for endangered species information is in compliance with the U.S. Fish and Wildlife Coordination Act of 1958, and the Endangered Species Act of 1973, as amended. Thank you for your assistance with this project. If you have any questions or need additional information, please do not hesitate to contact me at (865) 594-2437.

Sincerely,

 Keven A.
Brown

 Digitally signed by Keven A. Brown
DN: cn=Keven A. Brown, o=TDOT,
ou=Ecology Section,
email=Keven.Brown@tn.gov, c=US
Date: 2012.12.03 15:13:20 -0500

Keven Brown
Biologist, TDOT Region 1
Ecology Section

Xc: Mr. John Hewitt – TDOT Permits
Ms. Ann Andrews – TDOT Planning
Rob Todd – TWRA
Bo Baxter – TVA
Project File



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3655

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

December, 3, 2012

Ms. Leigh Ann Tribble
Environmental Program Eng.
Federal Highway Administration
Tennessee Division Office
404 BNA Dr., Suite 508
Nashville, TN 37217

Subject: SR-73 from SR-2 to east of Little Tennessee River, Loudon County, TN
PIN: 100489.00 PE #53008-1226-04

Dear Ms. Tribble:

Enclosed is information regarding a change in scope for the subject project. Charles Blalock and Sons, Inc., has requested additional land use on TVA property at the south end of the two bridges being constructed on this project. These areas are being requested to provide access roads and lay-by areas for construction materials. Installation of a small dock on the south bank of the Tennessee River near Sta. 2+600R is also being requested to allow cranes to be placed on barges as needed. The TDOT requests that you forward this information to the USFWS with a request for a determination of whether these changes will necessitate that formal consultation be reinstated for the snail darter (*Percina tanasi*), orange-foot pimpleback (*Plethobasus cooperianus*), or pink mucket (*Lampsilis abrupta*). A determination of whether additional coordination be required for the Indiana bat (*Myotis sodalis*) is also requested. We also request that any subsequent correspondence relative to this project include the entire project name and termini as stated in the subject line of this letter.

Thank you for your assistance in this project. Please address any questions specific to the project to Keven Brown at (865) 594-2437.

Sincerely,

Keven A. Brown

Digitally signed by Keven A. Brown
DN: cn=Keven A. Brown, ou=TDOT,
ou=Ecology Section,
email=Keven.Brown@tn.gov, c=US
Date: 2012.12.03 13:43:46 -0500

Keven Brown
Biologist, TDOT Region 1
Ecology Section

KB:kab

Copy: Mr. John Hewitt – TDOT, w/attach.
Mr. Ann Andrews - TDOT, w/attach.
Mr. Rob Todd – TWRA, w/attach.

Mr. Bo Baxter – TVA, w/attach.
Project File, w/attach.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

December 21, 2012

Mr. Keven Brown
Tennessee Department of Transportation
Environmental Planning and Permits
James K. Polk Building, Suite 900
505 Deaderick Street
Nashville, Tennessee 37243-0334

Subject: FWS# 13-CPA-0142. Proposal to realign State Route 73 from State Route 2 to east of the Little Tennessee River (Fort Loudon/Tellico Canal), PIN# 100489.00, P.E. 53008-1226-04, Loudon County, Tennessee.

Dear Mr. Brown:

Thank you for your letter dated December 3, 2012, requesting an updated project concurrence due to modifications in construction plans for the new State Route 73 Bridge over the Tennessee River in Loudon County, Tennessee. The contractor is proposing to install a temporary dock to launch barges for construction of the new bridge and to acquire use of four tracts totaling 6.1 acres for access roads and staging areas. The Tennessee Department of Transportation has determined that no suitable summer roosting habitat for the federally endangered Indiana bat (*Myotis sodalis*) is present within the areas to be acquired. Personnel of the U.S. Fish and Wildlife Service (Service) have reviewed the subject proposal and offer the following comments.

Based on the information provided, we would concur with a determination of "not likely to adversely affect" for the Indiana bat. The proposed dock is within the project impact area as defined by the August 5, 2009, biological opinion and does not change our effects analysis or the extent of take authorized for this project. Therefore, our existing biological opinion is still in effect. Provided that incidental take is not exceeded during mussel relocation efforts or as a result of construction activities, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

If you have any questions regarding our comments, please contact John Griffith of my staff at 931/525-4995 or by email at john_griffith@fws.gov.

Sincerely,

A handwritten signature in black ink that reads "Mary E. Jennings". The signature is written in a cursive style with a large, looped "M" and "J".

Mary E. Jennings
Field Supervisor

xc: Robert Todd, TWRA, Nashville, TN
Bo Baxter, TVA, Knoxville, TN