

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
INVESTPREP GRANT PROPOSAL FOR
EAST TENNESSEE PROGRESS CENTER, LOT 12

An integral part of Tennessee Valley Authority's (TVA) mission is to promote economic development within the TVA service area. TVA provides financial assistance to help bring to market new/improved sites and facilities within the TVA service area and position communities to compete successfully for new jobs and capital investment. TVA proposes to provide an economic development grant through TVA InvestPrep funds to the City of Morristown to assist with the development of Lot 12, an 84.6-acre area that is located north of Allen Road and west of Progress Parkway in the East Tennessee Progress Center (ETPC) a larger ±800.0-acre property north of Interstate 81 (I-81) and west of Witt Road in Morristown, Hamblen and Jefferson Counties, Tennessee. There will be minor direct and indirect impacts as a result of the Proposed Action. The entirety of the 84.6-acre Project Area could experience future industrial development following implementation of the Proposed Action. The area of potential cumulative impact for TVA's Proposed Action is comprised of the 84.6-acre Project Area and the remainder of the 800-acre ETPC that is available nearby for future industrial development.

The proposal is the subject of an Environmental Assessment (EA) prepared by TVA, which is incorporated herein by reference. In the EA, TVA evaluated potential impacts of the Proposed Action (i.e., the Action Alternative) as well as the alternative of not implementing the action (i.e., the No Action Alternative). Under the No Action Alternative, TVA would not provide TVA InvestPrep funds to the City of Morristown. TVA would not be furthering its mission of promoting economic development by assisting the local community to compete successfully for new jobs and capital investment through the Proposed Action. The City of Morristown may seek alternate funding (if available) to combine with their existing funds to develop the site. Success in obtaining alternate funding would result in similar impacts and benefits as the Action Alternative. If the City of Morristown were not able to secure the funding for the actions described above, the land use at the site would likely remain unchanged, no environmental impacts would be anticipated, and the economic benefits associated with the Action Alternative would not be realized. Under the Action Alternative, TVA would provide TVA InvestPrep funds to the City of Morristown, facilitating the improvement of Lot 12. TVA funds would be used for the clearing of approximately 5.3 acres of trees, rough grading of approximately 51.7 acres and the addition of lot signage at the southeast corner of the site to clearly delineate Lot 12.

Implementation of the Action Alternative would result in disturbance of the Project Area in preparation for industrial use. The City of Morristown or its contractors are expected to implement appropriate measures, such as best management practices (BMPs), to minimize or reduce negative potential environmental impacts of the Action Alternative to insignificant levels. These practices include, but are not limited to, installation of sediment and erosion controls (silt fences, sediment traps, etc.); management of fugitive dust; and a restriction allowing work during daytime work hours only.

TVA has determined that the Proposed Action, subsequent to TVA's selection of the Action Alternative, would have no impact on natural and managed areas, Nationwide Rivers Inventory streams, or Wild and Scenic Rivers, floodplains, wetlands, land use and prime farmland, and public recreation opportunities. The Proposed Action would also not result in impacts from the creation of solid and hazardous wastes.

Implementing the Action Alternative would result in minor direct and indirect impacts to air quality and climate change, groundwater, soil erosion and surface water, aquatic ecology, terrestrial zoology, botany, archaeology, and historic structures and sites. Implementation of the Action Alternative could create potential impacts to the human environment, including visual effects, noise, socioeconomics and environmental justice, and transportation issues.

An April 2019 environmental survey identified two isolated ponds and three un-named wet-weather conveyances within the Project Area. No wetlands were documented within the Project Area. These waterbodies were examined to determine if they were Jurisdictional Waters of the United States (WOTUS) and Jurisdictional Waters of the State of Tennessee (WOST). The three un-named conveyances identified within the Project Area are ephemeral in nature and were observed to be dry during field surveys and are considered as wet-weather, temporary conveyances that eventually flow into Cedar Creek, a relatively permanent water (RPW). Cedar Creek is classified as Waters of the United States (WOTUS) regulated by the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA). Based on the field survey observations, these un-named tributaries are classified as ephemeral and considered to be a non-relatively permanent water (non-RPW) by the USACE, because they have a direct connection to a relatively permanent water. The two ponds identified within the Project Area appear to be isolated with no surface water connections to WOTUS in the vicinity of the Project Area, and would therefore not be considered WOTUS. If impacts to the waterbodies cannot be avoided, consultation and permitting with the USACE Nashville District and TDEC would be required prior to initiation of construction. Impacts to WOTUS would require a CWA Section 404 permit and CWA Section 401 Water Quality Certification. Impacts to WOST would require an Aquatic Resource Alteration Permit (ARAP) from TDEC, which would also serve as the Section 401 Water Quality Certification.

The November 2019 environmental surveys identified potential roost trees for federally and state listed bats. The onsite ponds also provide suitable foraging habitat for these species. Future development of Lot 12 includes removal of potential roost trees and the removal of one of the ponds within the Project Area. A number of activities associated with the Action Alternative, including tree removal, were addressed in TVA's programmatic consultation with the USFWS on routine actions and federally listed bats in accordance with ESA Section 7(a)(2) and completed in April 2018. For those activities with potential to affect bats, TVA committed to implementing specific conservation measures. These activities and associated conservation measures are identified on page 5 of the TVA Bat Strategy Project Screening Form (Attachment 2 of EA) and must be reviewed/implemented as part of the Action Alternative. With implementation of these conservation measures, no significant impacts are expected to federally listed bats.

Phase I cultural resources investigations were performed in January 2020. No new archaeological sites were identified during the survey and no further work is recommended since the Action Alternative would result in no effect to NRHP-eligible archaeological resources. The December 2019 historic architectural survey identified a total of six historic architectural resources, three of which were previously surveyed and three of which were previously

unrecorded. One of these resources has been determined eligible for listing in the NRHP as noted by THC records. This resource was, however, not visible from the Project Area. The Action Alternative would not alter any of its character defining features and would therefore have no adverse effect to this historic architectural resource. There is also a residence associated with the eligible structure that would be eligible for listing in the NRHP for its association with the settlement patterns of Jefferson County and as a representative example of the Folk Victorian style. The Action Alternative could potentially be visible from the NRHP-eligible residence; however, the surrounding setting does not contribute to the dwelling's significance. As such, the proposed Action Alternative would not adversely affect the aspects of integrity for which the resource is eligible. TVA consulted with the Tennessee SHPO in a letter dated March 2, 2020 regarding TVA's findings and recommendations. In a letter dated March 12, 2020 the Tennessee SHPO concurred with TVA's findings of no effect. Pursuant to 36 CFR 800.3(f)(2), TVA also consulted with federally recognized Indian tribes regarding properties that may have religious and cultural significance to their tribe and be eligible for the NRHP and only one response was received, indicating no objection to the project.

Resources that could be cumulatively impacted by the Proposed Action and the future development of Lot 12 are: air quality and climate change, biological resources, visual, noise, socioeconomic conditions and environmental justice, and transportation. With implementation of appropriate measures, such as BMPs and best construction practices, and consultation and permitting with the appropriate state and federal agencies, cumulative impacts to these resources are anticipated to be minor. Although it would have a somewhat greater impact than the No Action Alternative, the Action Alternative would result in a minimal impact on the environment. Therefore, TVA has determined that cumulative impacts of the Action Alternative would be insignificant.

Mitigation

To minimize or reduce the environmental effects of site activities associated with the Proposed Action, the City of Morristown or its contractors would ensure all clearing and grading activities conducted are in compliance with storm water permitting requirements and would utilize applicable BMPs to minimize and control erosion and fugitive dust during these actions.

Operations involving chemical or fuel storage or resupply and vehicle servicing would be handled outside of riparian areas and in such a manner as to prevent these items from reaching a watercourse. Earthen berms or other effective means would be installed to protect stream channels from direct surface runoff. Servicing of equipment and vehicles would be done with care to avoid leakage, spillage, and subsequent surface or ground water contamination. Oil waste, filters, and other litter would be collected and disposed of properly.

Unavoidable impacts to the three un-named wet-weather conveyances and modifications to the two onsite ponds would require consultation and permitting with the USACE Nashville District and TDEC. Impacts may require a CWA Section 404 permit and a CWA Section 401 authorization, which would include mitigation measures and possibly compensatory mitigation (e.g., purchase of mitigation credits or implementation of a permittee responsible mitigation plan).

Specific avoidance and conservation measures identified on Page 5 of the TVA Bat Strategy Project Screening Form would be implemented as a part of the Proposed Action to reduce effects to Indiana bat and northern long-eared bat.

Conclusion and Findings

Based on the findings listed above and the analyses in the EA, we conclude that the Proposed Action of TVA funding the improvement of Lot 12 would not be a major federal action significantly affecting the environment. This finding is dependent on implementation of the mitigation measures described above. Accordingly, an environmental impact statement is not required.



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Date Signed