

## **REVISED FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY**

### **RIVERTON DEVELOPMENT SECTION 26A APPROVAL Nickajack Reservoir, Hamilton County, Tennessee**

On July 24, 2023, the Tennessee Valley Authority (TVA) issued a Finding of No Significant Impact (FONSI) related to its review of an application by Riverton LLC (the Applicant) to develop a master-planned, mixed-use Riverton community (Project) on approximately 155 acres of private land located along the Nickajack Reservoir on the Tennessee River, in Chattanooga, Hamilton County, Tennessee. The FONSI was based on TVA's environmental analysis in an environmental assessment (EA) also completed in July 2023. Upon completion of the EA and issuance of the FONSI, both incorporated herein by reference, TVA approved Riverton LLC's application for a Shoreline Construction Permit issued under Section 26a of the TVA Act. On August 7, 2023, TVA issued one permit for the land-based development activities and 16 individual permits for each waterfront lot to Riverton LLC.

Riverton LLC is now proposing to modify its initial development plan. Initially, the company proposed a mixed-use community development of over 300 homes with various commercial properties. In the modified proposal, the Riverton LLC development (now called Riverton Farms) would include approximately 38 homes and associated community infrastructure (e.g., roads, bridges, utilities, stormwater appurtenances, and riprap). The residences would be larger than initially planned and would be located on larger land parcels. Decreasing the number of homes to be constructed would result in changes in the road design for the development, including a revised alignment within a TVA transmission easement. The modified plan for residential development would eliminate a number of proposed amenities, including commercial and retail space, a community center, and a pool. Under the modified proposal, Riverton LLC would install 17 residential floating docks, an increase of one dock from the initial proposal. The Project Area for the modified proposal remains the same, with approximately 3,400 feet of frontage on the north bank of the Tennessee River on the Nickajack Reservoir between river miles 469.4 and 468.8 (right descending bank).

Generally, the modified plan would result in less ground disturbance within the Project Area. Under the initial proposal, the development was expected to result in 119.6 acres of disturbance within the Project Area. Under the modified proposal, there would be about 104.5 acres of disturbance, a decrease of over 15 acres. Additionally, the length of new roadways within the development would also decrease. Under the original plan, Riverton proposed to install about 3.9 miles (about 20,490 linear feet) of roads, and under the modified proposal, there would be about 1.3 miles (about 6,950 linear feet) of roads installed.

Because the company has requested these modifications, TVA has reviewed the modified proposal and considered whether the anticipated environmental effects of the proposal are adequately addressed in the 2023 EA. TVA's approval is required for the placement of fill within

the 500-year floodplain, the approval of use of portions of a TVA transmission right-of-way (ROW), and approval of riprap and residential docks along the shoreline. TVA is issuing a revised FONSI to address the changes in the proposal.

As stated in the 2023 EA and FONSI, TVA's purpose of and need for action is to decide whether to issue a Section 26a permit for shoreline construction activities and approve use of portions of a TVA transmission ROW as part of the Applicant's proposed residential and commercial development project along the waterfront of the Nickajack Reservoir. TVA's interest in this project arises from its commitment to support economic growth within the Tennessee River Valley region. The proposal would accommodate continued population growth in Hamilton County while generating additional property tax revenue for the County and City of Chattanooga. The Applicant's purpose and need is to commercially develop a private estate community along the Nickajack Reservoir waterfront in general proximity (an approximately 5-mile radius) to the Chattanooga city-center.

Section 26a of the TVA Act requires TVA approval prior to the construction, operation, or maintenance of any dam, appurtenant works, or other obstructions affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or its tributaries. TVA's Section 26a jurisdiction extends to the limits of the Tennessee River watershed. On TVA reservoirs that jurisdiction typically applies to the limits of the 500-year floodplain or to the upper limits of TVA's flowage rights, whichever is higher. Because the proposed development includes activities that would be located within the 500-year floodplain, TVA has Section 26a jurisdiction over portions of the Project Area and must consider whether to approve or deny the Section 26a permit application. TVA must also review and approve the use of a segment of a TVA transmission ROW easement within the Project Area to ensure the use does not affect the function and reliability of its transmission system. TVA's permitting authority applies to approximately 88 acres of the Project Area, lands within the 500-year floodplain and the TVA transmission ROW.

### **Supplemental Environmental Information**

In the 2023 EA, TVA considered the potential environmental effects of granting the Applicant's initial request. In the EA, TVA analyzed two alternatives: a no action alternative in which TVA would not approve the applicant's request and the Applicant's proposal (the Proposed Action alternative). The Proposed Action alternative addressed issuing a Section 26a permit allowing the Applicant to (1) place fill within the 100- and 500-year floodplain, (2) use portions of a TVA transmission ROW, and (3) install 75 linear feet of riprap stabilization and 16 residential floating docks along the Nickajack Reservoir shoreline. In its modified proposal, Riverton LLC would reduce the amount of fill placed within the 100- and 500-year floodplain, modify its use of portions of a TVA transmission ROW, and install an additional residential floating dock along the shoreline. These modifications are addressed below with a discussion of the associated environmental effects.

Placement of Fill within Floodplain: Generally, the modified proposal would result in a decrease in ground disturbances within the property. In the 2023 EA, TVA reviewed the placement of 413,800 cubic yards of fill within the 100-year floodplain and 489,900 cubic yards of fill between the 500-year floodplain and 100-year floodplain. A total of 903,700 cubic yards of fill would be

placed below the 500-year floodplain. Under the revised plan, Riverton LLC would place 158,880 cubic yards within the 100-year floodplain and 53,572 cubic yards between the 500-year floodplain and the 100-year floodplain. Accordingly, total fill placement below the 500-year floodplain will comprise 212,452 cubic yards. This represents a decrease of fill of almost 700,000 cubic yards, when comparing the initial and modified plans. Grading in the Project Area would be “balanced,” meaning all required fill would be sourced from on-site and no fill would be disposed of off-site. The revised plan would not encroach into the floodway of an unnamed tributary of the Tennessee River, as initially proposed. The reduction of fill within the floodplains represents a decrease in soil disturbance and impacts on floodplains when compared to the initial proposal.

The reduction in residential grading required under the modified proposal would also reduce the impacts to wetlands located within the floodplain. Under the initial plan, Wetlands 1, 3, and 5, which each occur within the floodplain, would be affected by grading, with a total wetland loss of a 0.5-acre area. Those wetlands would not be affected under the modified proposal. Two other wetlands would not be impacted under the initial and modified plan. In the 2023 FONSI, TVA notes that Riverton LLC has purchased a wetland credit as mitigation of the 0.5-acre impact. Since no wetland impacts are proposed under the modified plan, there are no wetland mitigation requirements associated with this project.

Under the initial proposal, TVA reviewed alteration of 376 feet of ephemeral stream channel S-9 and required that Riverton LLC obtain mitigation credits for impacts to S-9. Since July 2023, the U.S. Army Corps of Engineers (USACE) has determined that such impacts to ephemeral streams do not require a USACE permit under the Clean Water Act nor compensatory mitigation to offset impacts. Therefore, the mitigation measure relating to impacts to S-9 do not apply to this proposal.

Two stream segments located within the floodplain would be impacted under the modified plan. Under the initial proposal, stream segments S-3 and S-12, located on the north side of the Project Area, would not be affected. Under the modified proposal, Riverton LLC proposes to improve the road crossing of the streams such that some stream impacts would occur. At the S-3 road crossing, Riverton LLC would install a 102-linear-foot 54-inch reinforced concrete pipe with headwalls and 12-linear-feet of inlet and outlet protection, that would result in 119-linear-feet of stream impacts. At the S-12 crossing, Riverton LLC would install 138-linear-foot 42-inch reinforced concrete pipe with headwalls and 15-linear-feet of inlet and outlet protection, that would result in 161-linear-feet of stream impacts. A total of 280 linear feet of impacts would occur under the modified proposal. Although there are slightly more impacts to streams under the modified plan, the impacts are authorized by the USACE under Nationwide Water Permit-14 for Linear Transportation projects. Therefore, TVA does not require mitigation to address the minor impacts to S-3 or S-9.

Use of TVA Transmission Right-of-Way: In response to Riverton LLC’s initial proposal, TVA reviewed the use of a segment of a TVA transmission ROW easement within the Project Area, along the northern portion of the property. In the initial proposal, Riverton LLC requested the use of portions of the TVA transmission ROW primarily for roadways. Under the modified plan, a modification to the easement is requested to accommodate access roadways that would be constructed in a new alignment. The new road alignment within the transmission easement

would provide frontage to the residential lots and to the city park and the northern portion of the property. The new roadway alignment represents a minor change to the proposal and would not result in effects that differ from those previously disclosed by TVA.

TVA has reviewed the modified proposal to ensure the proposed use would not affect the function and reliability of its transmission system. On August 7, 2024, TVA issued a revised letter of no objection to Riverton, LLC after reviewing their revised plans for construction activities within the TVA transmission line easement.

Shoreline Facilities and Stabilization: Under the modified development plan, Riverton LLC has not proposed changes to its request to stabilize 76 linear feet of the Tennessee River bank, affecting 0.15 acres on the north bank of the river. The location, length, and area to be impacted by rip-rap placement is unchanged. Consistent with the 2023 FONSI, Riverton LLC would be required to adhere to the same mitigation measure associated with the placement of riprap on the shoreline (see Mitigation Measures and Environmental Commitments below).

Under the 2023 EA, TVA reviewed and approved the installation of 16 residential boat docks along about 1,817 linear feet of shoreline. Under their modified plan, Riverton LLC requests that TVA approve one additional residential boat dock for a total of 17 boat docks within the same 1,817-linear-foot shoreline area. The additional boat dock requires approval by TVA under Section 26a of the TVA Act. It would be subject to the same permit conditions identified in TVA's 2023 FONSI, including those required to minimize effects to navigation. The addition of a dock along the shoreline is not a substantial change to the Proposed Action and does not alter TVA's previous findings that the installation of residential docks would not result in different or additional effects to navigation, aquatic, or shoreline resources.

Other Resource Issues: In the 2023 EA, TVA evaluated the following issues: Vegetation, Aquatic Ecology, Wildlife, Threatened and Endangered Species, Wetlands, Managed and Natural Areas, Cultural Resources (Archaeological and Architectural Resources), Floodplains, Surface Water, Navigation, Parks and Recreation, Transportation, Land Use, Visual Resources, Solid and Hazardous Waste and Hazardous Materials, Socioeconomics and Environmental Justice, Public Health and Safety, Noise, Geology and Groundwater, and Air Quality. The discussion above addresses potential changes in impacts to wetlands, surface water, navigation, and floodplains. A summary of impacts to other resources is provided in the July 2023 FONSI, in which TVA determined that the proposed action would not result in significant environmental impacts.

The modifications proposed by Riverton LLC would not result in different or additional impacts to aquatic ecology, wildlife, vegetation, wildlife, and threatened and endangered species than those disclosed by TVA in the 2023 EA. For these resources, TVA found that there would be negligible to minor effects to these resources. Similarly, the modified plan would not result in different or additional impacts on Land Use, Managed and Natural Areas, Parks and Recreation, Waste, Socioeconomics, Environmental Justice, Health and Safety, Noise, Geology, and Groundwater. The character and scale of the development plan has not changed such that the effects on these resources differ from those disclosed by TVA in the 2023 EA.

By reducing the number of residences to be built in the project area, from about 300 to 38 residences, the potential impacts to transportation and visual resources would be reduced under the modified plan. With far fewer residents in the proposed community, there would be fewer impacts to roadways in the vicinity of the development. The lower density development would reduce the potential for increases in traffic volume and congestion on Lupton Drive and other roadways that was described in the 2023 EA. Similarly, with fewer residences in the project area, the adverse effects to visual resources associated with the higher density mixed-use development would be reduced under the modified plan. Fewer homes within the project area would decrease the potential for adverse changes in visual character in the viewshed.

In its review of the initial proposal, TVA determined that three archaeological sites within the Project Area were eligible for inclusion in the National Register of Historic Places. Through consultation with the Tennessee State Historic Preservation Office (SHPO), TVA and the SHPO executed a Memorandum of Agreement (MOA) that provides guidance for the avoidance, minimization, and mitigation of adverse effects to the sites from the Project. The MOA was signed in November 2022 and modified in August 2024 to address proposed modifications to the development proposal. The modified MOA is attached to this FONSI (Attachment 1). TVA consulted with Native American Tribes with an expressed interest in the project area, but none chose to sign the MOA. Through avoidance, there would be no adverse effects to two of the sites. Consistent with the terms of the MOA, data recovery excavations were performed in early 2023 to address effects on the third site. There would be no adverse effects to historic architectural resources within the vicinity of the Project.

## **Public Involvement**

On June 1, 2023, TVA issued the draft EA for public review and comment. The availability of the draft EA was announced in a newspaper advertisement (*Times Free Press*, Chattanooga), and the draft EA was posted on TVA's website. An article about the Project and the public comment period was published by the *Times Free Press* on June 5, 2023. TVA did not receive any public comments during the 30-day review period. Upon receiving the modified proposal, TVA did not provide additional public opportunities given that the scale and character of the development plan had not changed significantly and given the lack of public interest in the 2023 review.

## **Necessary Permitting and Consultation**

All necessary permits, permit modifications, licenses, and approvals would be obtained by the Applicant for activities it implements within the project area. The list below updates the list in TVA's 2023 FONSI based on the modified proposal (e.g., as noted above, the wetland and stream mitigations are removed). The list identifies additional regulations, programs, permits, approvals, or other authorizations from federal, state, or local authorities that may be required before the Project Area could be developed:

- An aquatic resource alteration permit (ARAP), which serves as a Section 401 Water Quality Certification in Tennessee, and a Section 404 permit from the US Army Corps of Engineers, are required for activities that involve point source discharges of dredge or fill into Waters of the US (WOTUS) or Waters of the State of Tennessee. The applicant has applied for an ARAP from the Tennessee Department of Environment and Conservation

(TDEC) and a USACE Section 404 Individual Permit. The USACE public notice for the Individual Permit was published in January 2023. Per USACE guidelines, the USACE would issue the Individual Permit after the TVA Section 26a permit is issued.

- A National Pollutant Discharge Elimination System (NPDES) general permit is required under Section 402 of the Clean Water Act for discharge of pollutants found in stormwater runoff associated with construction activities that disturb greater than one acre into WOTUS or Waters of the State of Tennessee. The development and approval of a Stormwater Pollution Prevention Plan (SWPPP) is a component of this permit. Construction Best Management Practices (BMPs) to minimize impacts to water quality would be outlined in the SWPPP. An NPDES permit was obtained in August 2022.
- Approval from TVA, USACE, and the U.S. Coast Guard (USCG) regarding the proposed lakeward extension of facilities along the Tennessee River.
- Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899, issued by the USACE.
- Rezoning applications to support commercial and high-density residential uses at the subject property have been approved by local authorities.
- A City Storm Water Variance is required because fill material would be placed within the City-mandated 60-foot water quality buffer adjacent to approximately 100 linear feet of stream S-1. The Applicant submitted a Water Quality Buffer Plan to the City in April 2022 and the Storm Water Variance was approved in June 2022. A revised Water Quality Buffer Plan and associated variance request will be submitted to the City based on the most recent site grading plans.
- A City Land Disturbance Permit would be applied for before the commencement of grading or clearing activities.
- Approval that the portion of the Project located within the 100-year floodplain is compliant with the City of Chattanooga Flood Ordinance for Residential Construction (Sec. 38-365) was obtained in March 2023.
- Final building permits would be applied for by property owners/builders upon completion of site grading, installation of road and utility infrastructure, and upon final plat approval.

During the preparation of this EA, TVA consulted with several federal and state agencies. As noted above, in April 2021, TVA initiated consultation with the Tennessee Historical Commission and 13 federally recognized tribes in compliance with Section 106 of the National Historic Preservation Act (NHPA) to address potential adverse effects to three archaeological sites within the Project Area. As part of the consultation process, a Memorandum of Agreement was developed to mitigate adverse impacts on sensitive archaeological resources. As noted above, TVA and the Tennessee Historical Commission modified the MOA in August 2024 to address modifications to the Riverton LLC development plan.

Because the Project is partially located within the 100-year floodplain, the Applicant is required to meet the requirements of the National Flood Insurance Program and the City of Chattanooga's floodplain management ordinance. To satisfy these requirements, the City reviewed the Project grading plans to ensure that the lowest floor of any building would be at or

above elevation 660.5 feet, which would be one foot above the 100-year flood elevation, and that no fill material would be placed within either the Tennessee River floodway or the floodway of an unnamed tributary to the Tennessee River. The Applicant received City of Chattanooga flood review approval in March 2023.

TVA initiated consultation with the U.S. Fish and Wildlife Service (USFWS) in August 2021 in compliance with Section 7 of the Endangered Species Act. In their response on August 24, 2021, the USFWS concurred with TVA's "not likely to adversely affect" findings for certain federally listed species and acknowledged TVA's "no effect" findings for other federally listed species.

As noted above, TVA also consulted with the USACE regarding the Applicant's permit requirements and with the USCG to discuss whether the proposal would affect navigation on the Tennessee River.

As noted in the 2023 FONSI, prior to submitting its Section 26a permit application, the Applicant engaged in public and agency outreach regarding the proposed Project. This outreach included coordination with TDEC, the City of Chattanooga, and the USACE regarding resource surveys and associated permitting. Representatives of the Applicant also met in person with the Lupton City Homeowners Association on multiple occasions and engaged in 12 public meetings of the Chattanooga City Council and the Planning Commission.

### **Mitigation Measures and Environmental Commitments**

Through the project planning and permitting process, numerous design modifications have been incorporated into the Proposed Action alternative that avoid or minimize impacts to sensitive resources identified within the Project Area. In addition to the standard conditions for a Section 26a permit and other necessary permits, which include mitigation measures, BMPs and other requirements, TVA would require implementation of the following mitigation measures to avoid, minimize, or resolve adverse impacts on the environment:

- Adherence to the following National Register of Historic Places (NRHP) Section 106 MOA stipulations:
  - Avoid two NRHP-eligible sites (40HA73 and 40HA115).
  - Allow Tribal access to sites 40HA73 and 40HA115.
  - Conduct data recovery excavations at site 40HA538.
  - Include culture histories provided by Tribes in the technical report on 40HA538.
  - Adhere to the Human Burial Treatment Plan included as Appendix F of the MOA.
  - Train onsite construction personnel and the Riverton Homeowner's Association on the importance of preserving archaeological resources.
- Activities occurring within the TVA transmission ROW would be subject to TVA's General Conditions such as adhering to U.S. Occupational Safety and Health Administration requirements, preventing future soil erosion, and prohibiting the stockpiling of soils within the ROW.

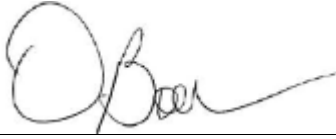
- Project activities would be conducted in a manner to ensure that waste materials are contained, and the introduction of pollution materials to receiving waters would be minimized.
- To minimize the potential for the introduction of sediment into jurisdictional aquatic resources, erosion prevention and sediment control measures would be installed in upland areas. The proposed erosion prevention and sediment control measures would comply with the TDEC General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.
- A Soil Management Plan would be implemented to minimize impacts from the movement of Project Area soils (see Appendix C of the EA).
- To minimize impacts from stormwater runoff, a SWPPP would be developed and implemented during construction.
- The lowest floor of any building would be at or above elevation 660.5 feet.
- No fill material, including riprap bank stabilization, would be located within the Tennessee River floodway.
- The riprap would be placed no more than two feet from the existing shoreline at the top of Nickajack Reservoir's operating range (elevation 634.5).
- As described in Section 3.8 of the EA (Navigation), the proposed floating docks would be reviewed and approved individually through a separate Section 26a permit process. At that time, TVA, the USACE, and USCG may require the following additional conditions, depending on the dock facility:
  - Floating docks would extend no further than 100 feet into the Nickajack Reservoir, thereby minimizing concerns regarding navigation and safety.
  - The floor elevation of any fixed dock should be a minimum of 1.5 feet above the normal summer pool elevation 634.0 feet.
  - The 100-year flood elevation at this site is estimated to be 659.4 feet mean sea level. As a minimum, any fixed facilities should be designed to prevent damage to stored boats by forcing them against the roof during a 100-year flood event.
  - The Applicant is to be advised in writing that the facilities will be on a commercial navigation channel or marked recreational channel and may be vulnerable to wave wash and possible collision damage from passing vessels.
  - All floating structures must be firmly anchored to prevent them from floating free in a high flow or flood event.
  - The USCG may require lighting on the docks for visibility by commercial navigation traffic during overnight transiting of the area.

## **Conclusion and Findings**

Based on the findings of the EA and additional information addressed herein, TVA concludes that approval of the Applicant's proposal, as modified, would not be a major federal action



significantly affecting the environment. Accordingly, an environmental impact statement is not required. To minimize or avoid potential effects to environmental resources, the Applicant is required to implement the mitigation measures, BMPs, and all applicable regulatory and permitting requirements identified above.



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Dawn Booker  
Senior Manager, NEPA Compliance  
Environment and Sustainability

August 23, 2024

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Date

**Attachment 1 – Correspondence and Revised Memorandum of Agreement**



400 West Summit Hill Drive, Knoxville, Tennessee 37902

July 22, 2024

Mr. E. Patrick McIntyre, Jr.  
Executive Director  
and State Historic Preservation Officer  
Tennessee Historical Commission  
2941 Lebanon Pike  
Nashville, Tennessee 37243-0442

Dear Mr. McIntyre:

TENNESSEE VALLEY AUTHORITY (TVA), SECTION 26A PERMIT, RIVERTON FARMS DEVELOPMENT, AMENDED MEMORANDUM OF AGREEMENT (MOA), NICKAJACK RESERVOIR, HAMILTON COUNTY, TENNESSEE (TVA TRACKING NUMBER – CRMS 91562371309) (35.10050, -85.26123)

In December 2022, TVA executed a MOA between TVA, the Tennessee State Historic Preservation Officer (SHPO), and Riverton, LLC (Riverton). The MOA addressed the mitigation of adverse effects to archaeological sites 40HA73, 40HA115, and 40HA538. At the time, Riverton proposed to develop 155 acres into residential and commercial space, including over 300 residential units. TVA issued a Section 26a permit to Riverton in early 2023 for the installation of approximately 75 linear feet of riprap around a stormwater outfall on the shoreline, the introduction of fill within the 500-year floodplain, the use of a portion of TVA transmission right-of-way, and to designate 16 riverfront lots as dockable. To date, no ground clearing, or construction activities have begun on the property.

Riverton has recently submitted a new Section 26a permit application to TVA for the addition of a 17<sup>th</sup> dockable lot (See Appendix A in attached Amendment). The riverfront areas of the lots have been reconfigured so that no docks will be any closer to site 40HA73 than previously planned. The stormwater outfall and associated stabilization would still be installed in the same location with no changes to the dimensions. They have also reduced the number of residential lots to 38 and no longer plan to develop commercial space on the property. The reduction in the number of lots would also reduce the disturbance to the property caused by the construction of roads and utilities. The grading of the land prior to construction would also be reduced. No areas outside those already reviewed would be disturbed. TVA is proposing to issue a new Section 26a permit to reflect the changes in design. TVA finds that the proposed changes in design would not change our previous effect finding, nor would it change the stipulations outlined in the executed MOA to address effects.

Mr. E. Patrick McIntyre, Jr.  
Page 2  
July 22, 2024

As the proposed plans constitute a departure from the plans consulted upon in the creation of the MOA, pursuant to 36 CFR § 800 and Stipulation XII of the MOA, TVA proposes to amend the MOA to reflect the revised project plans. The amendments include minor revisions to two portions of the preamble and the replacement of the project plans provided in Appendix A with the most current plans. All other terms, conditions, and stipulations remain unchanged.

Please find attached the Addendum to the MOA and a signature page for your signature. Please sign the signature page and return to our office via email. Once we receive the signed pages of all signatories, we will provide your office with a copy of each signature so that you will have a complete copy of the signed MOA.

TVA is providing notification of the proposed changes to the development and the amended MOA to federally recognized Indian tribes with an interest in this area. TVA also has notified the Advisory Council on Historic Preservation of our intent to amend the MOA.

Please contact Paul G. Avery by email, [pgavery@tva.gov](mailto:pgavery@tva.gov) with your comments.

Sincerely,



Michaelyn S. Harle  
Manager, Cultural Project Reviews, Environment and Economic Development and Deputy  
Federal Preservation Officer  
Cultural Resources

PGA:ERB

Enclosures

cc (Enclosures):

Ms. Jennifer Barnett  
Tennessee Division of Archaeology  
1216 Foster Avenue, Cole Bldg. #3  
Nashville, Tennessee 37210

**From:** [TN Help](#)  
**To:** [Beliles, Emily](#)  
**Cc:** [Harle, Michaelyn S](#); [Avery, Paul Gordon](#)  
**Subject:** Riverton Development, Nickajack Reservoir (35.10050, -85.26123), CID 80040 - Project # SHPO0001130  
**Date:** Monday, July 22, 2024 11:49:02 AM  
**Attachments:** [TVA Riverton AmendedMOA HamiltonCoTN SHPO 19July2024 SHPO signed 7.22.2024.pdf](#)

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**TENNESSEE HISTORICAL COMMISSION**  
STATE HISTORIC PRESERVATION OFFICE  
2941 LEBANON PIKE  
NASHVILLE, TENNESSEE 37243-0442  
OFFICE: (615) 532-1550  
[www.tnhistoricalcommission.org](http://www.tnhistoricalcommission.org)

2024-07-22 10:46:04 CDT

Dr. Michaelyn Harle  
Tennessee Valley Authority

RE: Tennessee Valley Authority (TVA), Riverton Development, Nickajack Reservoir (35.10050, -85.26123), CID 80040, Project#: SHPO0001130, Hamilton County, TN

Dear Dr. Michaelyn Harle:

Our office has received and reviewed the amendment for the above-referenced MOA. Please find the amendment with Patrick's signature attached.

Please refer to the Project # when submitting any information regarding this agreement. Your continued cooperation is appreciated.

Sincerely,



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

Ref:MSG14690456\_rN3F74b9GbkvJ03M4sP

AMENDMENT TO  
MEMORANDUM OF AGREEMENT BETWEEN THE TENNESSEE VALLEY AUTHORITY,  
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICER, RIVERTON, LLC,  
ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA, ALABAMA-COUSHATTA  
TRIBE OF TEXAS, CHEROKEE NATION, COUSHATTA TRIBE OF LOUISIANA, EASTERN  
BAND OF CHEROKEE INDIANS, EASTERN SHAWNEE TRIBE OF OKLAHOMA, JENA  
BAND OF CHOCTAW INDIANS, KIALEGEE TRIBAL TOWN, THE MUSCOGEE (CREEK)  
NATION, THE SEMINOLE NATION OF OKLAHOMA, SHAWNEE TRIBE, THLOPTHLOCCO  
TRIBAL TOWN, UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA  
REGARDING A PROPOSED SECTION 26A PERMIT FOR RESIDENTIAL DEVELOPMENT,  
SITE AVOIDANCE AND DATA RECOVERY MITIGATION AT THE RIVERTON  
DEVELOPMENT, HAMILTON COUNTY, TENNESSEE

**WHEREAS**, the *Memorandum of Agreement Between the Tennessee Valley Authority, the Tennessee State Historic Preservation Officer, Riverton, LLC, Absentee Shawnee Tribe of Indians of Oklahoma, Alabama-Coushatta Tribe of Texas, Cherokee Nation, Coushatta Tribe of Louisiana, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, Jena Band of Choctaw Indians, Kialegee Tribal Town, The Muscogee (Creek) Nation, The Seminole Nation of Oklahoma, Shawnee Tribe, Thlopthlocco Tribal Town, United Keetoowah Band of Cherokee Indians in Oklahoma Regarding a Proposed Section 26a Permit for Residential Development, Site Avoidance, and Data Recovery Mitigation at the Riverton Development, Hamilton County, Tennessee* was executed in December 2022 by TVA, the Tennessee State Historic Preservation Officer, and Riverton, LLC; and

**WHEREAS**, the signatories have agreed to amend the Memorandum of Agreement to incorporate changes to the proposed Riverton development; and

**WHEREAS**, TVA will submit a copy of this executed amendment to the Advisory Council on Historic Preservation; and

**NOW, THEREFORE** in accordance with Stipulation XII of the Memorandum of Agreement, TVA, the Tennessee State Historic Preservation Officer, and Riverton, LLC, agree to amend the Memorandum of Agreement as follows:

1. Revise the following:

*Whereas, Riverton is a planned residential community and commercial development of 155 acres, which is currently the location of the Lupton City Golf Course but otherwise undeveloped, located on the right descending bank of the Tennessee River between river miles 468.6 and 469.4 north of downtown Chattanooga;*

to:

*Whereas, Riverton is a planned residential community development of 155 acres, which is currently the location of the Lupton City Golf Course but otherwise undeveloped, located on the right descending bank of the Tennessee River between river miles 468.6 and 469.4 north of downtown Chattanooga;*

2. Revise the following:

*Whereas, the Section 26a permit applied for by the Applicant allows them to place approximately 75 feet of riprap around a stormwater outfall on the shoreline and to designate **16** residential riverfront lots as dockable;*

to:

*Whereas, the Section 26a permit applied for by the Applicant allows them to place approximately 75 feet of riprap around a stormwater outfall on the shoreline and to designate **17** residential riverfront lots as dockable.*

3. Replace the project plans provided as Appendix A with the attached revised plans which reflect the changes to the project.

All other terms, conditions, and stipulations of the Memorandum of Agreement remain unchanged.



**SIGNATORIES:**

STATE OF TENNESSEE

**Tennessee State Historic Preservation Office**

*E. Patrick McIntyre, Jr.* 2024.07.22  
10:45:42 -05'00'

Date

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Mr. E. Patrick McIntyre, Jr.  
State Historic Preservation Officer

UNITED STATES OF AMERICA

**Tennessee Valley Authority**



Date 8/23/2024

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Ms. Michaelyn S. Harle  
Deputy Federal Preservation Officer

**SIGNATORIES:**

Applicant

**Riverton, LLC, a Tennessee limited liability company**

DocuSigned by:  
 Date 7/22/2024  
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Mr. John Thornton, Member of the Board of Managers  
Riverton Investments, LLC, a Delaware limited liability company

APPENDIX A Site  
Maps

*[Redacted by TVA]*