

**MEMORANDUM TO FILE: DETERMINATION OF NEPA ADEQUACY –  
Additional Bank Armoring Associated with the *Rockwood Campground and  
Marina Environmental Assessment***

Roane County, Tennessee

March 25, 2022

This memorandum has been prepared to document the evaluation by the Tennessee Valley Authority (TVA) National Environmental Policy Act (NEPA) Program to determine whether the increase in shoreline stabilization has the potential to change the analysis of impacts in the *Rockwood Campground and Marina Environmental Assessment*. This memorandum records the determination of NEPA adequacy, in compliance with the Council on Environmental Quality's NEPA implementing regulations at 40 CFR 1502.9(d) and TVA's NEPA procedures at 18 CFR 1318.101(d).

**Description of the Proposal**

In December 2021, TVA completed the *Final Rockwood Campground and Marina Environmental Assessment* (FEA). In the Finding of No Significant Impact (FONSI) signed in December 2021, TVA decided to implement the preferred alternative identified in the Final EA: Action Alternative - issue a deed modification to allow for commercial recreation on 9.85 acres originally transferred to the City of Rockwood for public recreation. TVA would issue Rockwood Realty Partners, LLC (formerly Blue Ridge Development, LLC) a thirty-year term commercial recreation easement for the construction and operation of a commercial marina and campground on 24.60 land-based acres. Finally, TVA would issue a Section 26a permit for all facilities built below the 750-foot contour elevation and the 10.30-acre harbor limit area, including shoreline stabilization activities.

Since December 2021, Rockwood Realty Partners, LLC (Developer) has determined that approximately 1,000 feet of shoreline stabilization - a combination of vegetation stabilization and hard armoring - are needed to ensure shoreline stability.

**Purpose and Need**

The overall project purpose continues to meet TVA's objective to provide the public with quality, affordable outdoor recreation opportunities as outlined in the 2009 Watts Bar Reservoir Land Management Plan (RLMP). The action is also consistent with TVA's land use for the area by protecting and conserving the area's natural resources while providing recreational opportunities. The change from the prior scope is to allow the substitution of shot rock instead of dirt at the bottom of the fill within sections of those areas below the 741-foot contour. The rock would act as a binder to the lake bottom and the dirt fill would then be placed on top. To achieve the overall project goals, the Developer has identified additional shoreline armoring needs to support the development as discussed in the December 2021 FEA. Therefore, TVA has prepared this Determination of NEPA Adequacy to document the evaluation of additional shoreline stabilization measures.

**Proposed Action**

The final EA analyzed 120 linear feet of riprap shoreline stabilization (Figure 1) below the 750-foot contour area. The Developer is proposing to increase to approximately 599.0 linear feet of vegetative

stabilization and 396.9 linear feet of hard armoring (Figure 2) within the previously analyzed harbor limit area of 10.30 acres. The harbor limit area was part of the draft EA's March 2021 consultation with the US Fish and Wildlife Service (USFWS), Tennessee's State Historic Preservation Office (SHPO), and interested tribes. The Developer received an Aquatic Resource Alteration Permit (ARAP) from the Tennessee Department of Environment and Conservation (TDEC) for the placement of 120 feet of riprap as analyzed under the FEA. The Developer submitted an application to TDEC for the additional hard armoring and vegetative stabilization. On February 28, 2022, TDEC provided a Notice of Coverage that the additional shoreline stabilization work falls under the General Permit for Bank Armoring and Vegetative Stabilization to Blue Ridge Development, LLC (Attachment A).



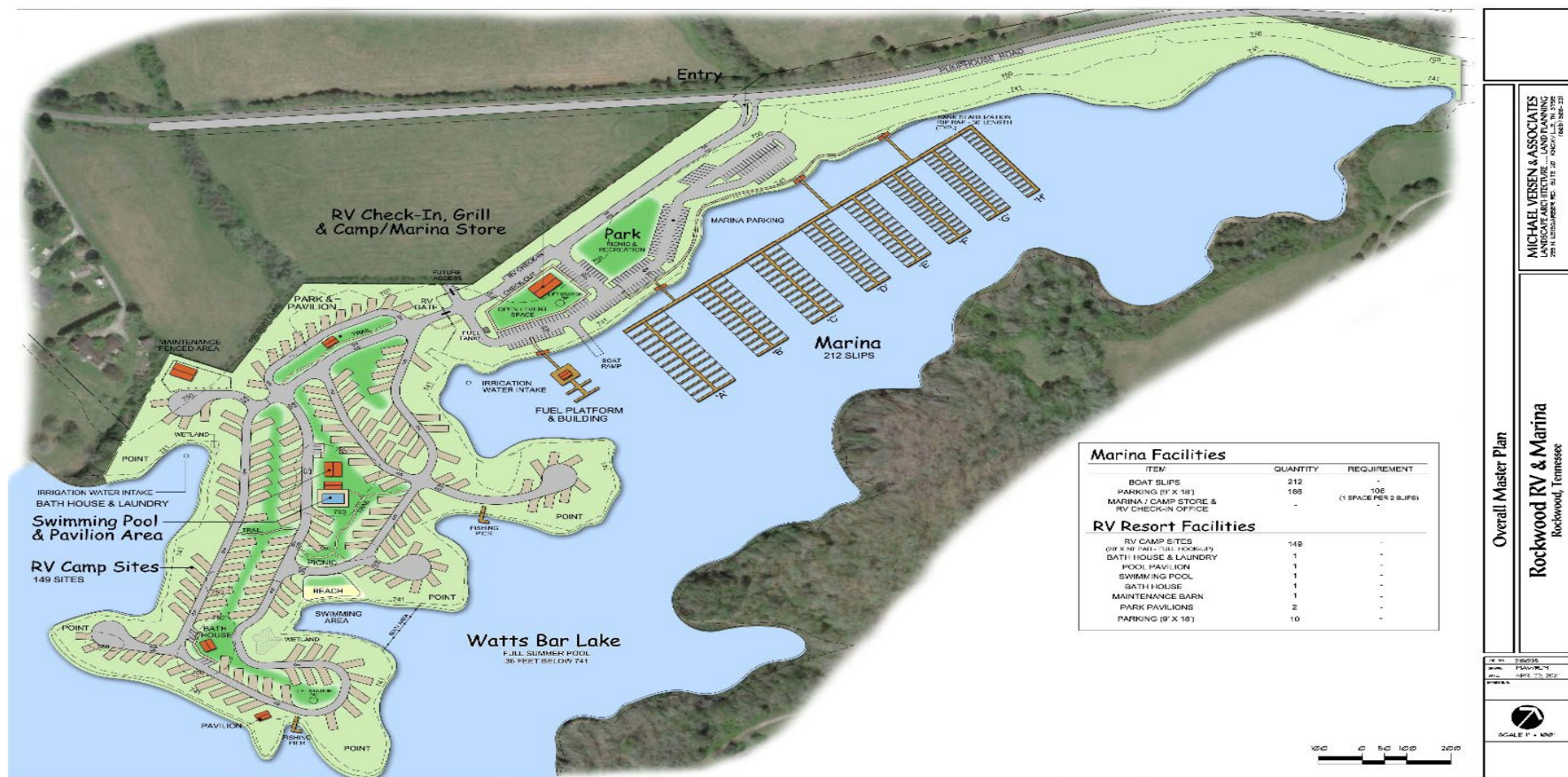


Figure 2. Rockwood Campground and Marina from the Final EA

### **Applicable Documents**

Related environmental documents and materials were reviewed concerning this assessment.

- *General Permit for Bank Armoring and Vegetative Stabilization Aquatic Resource Alteration Permit (ARAP – NR2103.127)*. TDEC has approved the Developer's request for additional shoreline stabilization needs through the notice of coverage letter. This activity is governed by the General Permit for Bank Armoring and Vegetative Stabilization. The work must be accomplished in conformance with accepted plans and information submitted in support of application NR2103.127 and the limitations and conditions set forth in the General Permit for Bank Armoring and Vegetative Stabilization (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins. The Developer's coverage from February 28, 2022, through April 7, 2025.
- *Rockwood Campground and Marina Final Environmental Assessment (TVA 2021)*. The EA was prepared to support TVA's goal to provide new recreation amenities for the surrounding community.

### **NEPA Adequacy Criteria**

In accordance with 40 CFR 1502.9 and 18 CFR 1318.101(d), the NEPA Program must evaluate and document whether the proposed action described above is already covered under an existing NEPA review. The following questions record the evaluation of four criteria for making this determination.

#### **1. Is the new proposed action essentially similar to the previously analyzed action?**

The Final EA evaluated all disturbances within the 10.30 harbor limit area for all resources. The additional shoreline stabilization falls within this previously analyzed area; therefore, the new proposed action is similar to the previously analyzed action.

#### **2. Are the previously analyzed alternatives adequate for the new action?**

Section 2.1.2 of the Final EA describes the proposed action that was selected in the Finding of No Significant Impact. TVA selected the Action Alternative - Under the Action Alternative, TVA would issue a deed modification to allow for commercial recreation on 9.34 acres (the City Tract) originally transferred to the City of Rockwood for public recreation. TVA would issue Blue Ridge Development, LLC a thirty-year term commercial recreation easement for the construction and operation of a commercial marina and campground on 23.57 land-based acres (the Easement Tract). Finally, TVA would issue a Section 26a permit for all facilities built below the 750-foot contour elevation and the 10.30-acre harbor limit area (collectively, the Section 26a Permit Area). Construction activities would occur throughout the 43.21-acre Project Area depicted in Figure 2. As previously mentioned, the additional shoreline stabilization measures fall under the preferred action alternative. The proposed change to shoreline stabilization does not result in a change to the previously proposed grading plan analyzed under the preferred action alternative. Both the slopes for stabilization and surface elevations are the same. The only change is the substitution of rock (instead of dirt) below the 741-foot shoreline



contour elevation. Both materials are considered fill; therefore, there would be a minimal difference in the analysis, because TVA previously evaluated the need for fill dirt below this contour.

TVA discussed the proposed change with in-house subject matter experts (floodplains, wetlands, aquatics, surface water, cultural). All agree this change doesn't require additional analysis.

**3. Are there significant new circumstances or information relevant to environmental concerns that would substantially change the analysis in the existing NEPA document(s)?**

The final EA analyzed all resources that fall within the 10.30 harbor limit area to ensure no significant impacts would occur. The FEA analyzed the use of dirt fill below the 741-foot contour. The proposed change would use hard armoring and vegetative stabilization at the previously analyzed harbor limit area instead of dirt. Therefore, the analysis under the final EA covers the additional work.

**4. Are there effects that would result from the new action that were not addressed in the previous NEPA document(s)?**

There would not be any new effects. The effects evaluated in the Final EA encompass the effects that would be associated with selection of the additional shoreline stabilization needs.

**Consultation and Public Involvement**

*Consultation*

All impacts to threatened and endangered species were covered under TVA's Bat Programmatic Agreement between TVA and the US Fish and Wildlife Service. The TN State Historic Preservation Office concurred with TVA's findings that no National Register of Historic Places or eligible properties are affected by the undertaking on March 5, 2021. On March 31, 2021, the Cherokee Nation responded they do not foresee the project impacting cultural resources. The Muscogee (Creek) Nation responded on March 15, 2021, that the Nation concurs there should be no effects to any known historic/cultural properties and that work should proceed as planned.

*Public and Agency Review of the Draft EIS*

TVA issued a public notice on March 11, 2020, requesting comments for the proposed action. TVA expressed interest in receiving comments regarding the action's potential to affect the environment or historic properties, and to identify any other issues associated with this request. During the public comment period occurring through April 8, 2020, TVA received ten comments, all in favor of the proposed action, citing favorable location, minimal impact to residential areas and boater traffic and increased recreational opportunities.

TVA issued a public notice in the Roane County News on May 12, 2021, announcing the 30-day public comment period of the Draft EA soliciting comments. Federal, state and local agencies, interested federally recognized Native American Tribes, elected officials, and other stakeholders were sent notification announcing the draft EA's availability for review and comment for a 30-day period. An electronic version of the draft EA was posted on the TVA project website (<https://www.tva.com/environment/environmental-stewardship/environmental-reviews/nepadetail/rockwood-campground-and-marina>) where comments could be submitted electronically. In response to

public comments requesting additional time to prepare and submit comments on the Draft EA, TVA extended the public review period through July 9, 2021.

TVA received responses via United States mail, e-mail, and via TVA's website. At the end of the public review period TVA had received a total of 207 individual submittals, 206 from private citizens and one from the Tennessee Department of Environmental Conservation (TDEC). Individual submittals included letters, e-mails, petition-style submissions, and submissions through the project Web site. The individual submittals included an additional 335 signatures for submissions consisting of text and a list of names of those who supported the comments. Each of these sets of identical comments was treated as a single comment. TVA carefully reviewed comments received on the draft EA and addressed them, as appropriate, in the final EA.

Therefore, the previous public involvement and agency consultation adequately covers the current proposed action.

### **Preparers and Persons Consulted**


The following individuals have reviewed the proposal and assisted in making the determination of potential environmental effects of the proposal and that the previous NEPA documents provide sufficient analysis of the proposal.

<u>Name</u>	<u>Title</u>	<u>Resource / Agency Represented</u>
Elizabeth Smith	NEPA Specialist	NEPA/TVA
Dana Nelson	Environmental Program Manager	Environmental Program Mgr/TVA
Aurora Pulliam	Project Manager	Project Mgr/TVA
Julie Reed	Attorney	Office of General Counsel/TVA

A complete list of all specialists contributing to the previous reviews are available in each of the documents listed in the "Applicable NEPA Documents" section of this memorandum. Those documents are all available at <http://www.tva.gov/nepa>.

### **Conclusion**

Based on the evaluation documented herein, I conclude that the NEPA documentation, including the Finding of No Significant Impact (dated 12/02/2021), fully covers the proposed action and constitutes TVA's compliance with the requirements of NEPA. The requirements for evaluating and documenting this determination at 40 CFR 1502.9 and 18 CFR 1318.101 have been met.



Dawn Booker  
Manager  
NEPA Program

03/28/2022  
Date Signed

## ATTACHMENT A





Under the Aquatic Resource Alteration  
**General Permit for Bank Armoring and Vegetative Stabilization**

Tennessee Department of Environment and Conservation  
Division of Water Resources  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville TN 37243

**ARAP - NR2103.127**

Under authority of the Tennessee Water Quality Control Act of 1977 (TWQCA, T.C.A. 69-3-101 et seq.) the Division of Water Resources has determined the activity described below would not violate applicable water quality standards.

This activity is governed by the *General Permit for Bank Armoring and Vegetative Stabilization* issued pursuant to the TWQCA. The work must be accomplished in conformance with accepted plans, specifications, data and other information submitted in support of application NR2103.127 and the terms and conditions set forth in the above referenced general permit.

**PERMITTEE:** Blue Ridge Development

**AUTHORIZED WORK:** 599.0 linear feet of vegetative stabilization and 396.9 linear feet of hard armoring stabilization.

**LOCATION:** Pump House Road, Roane County

Latitude: 35.8331 Longitude: -84.6807

**WATERBODY NAME:** Watts Bar Reservoir

**EFFECTIVE DATE:** 28-FEB-22

**EXPIRATION DATE:** 07-APR-25

This does not preclude requirements of other federal, state or local laws. In particular, work shall not commence until the applicant 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. This permit may also serve as a federal §401 water quality certification (pursuant to 33 U.S.C. §1341) since the planned activity was reviewed and the division has reasonable assurance that the activity will be conducted in a manner that will not violate applicable water quality standards (T.C.A. § 69-3-101 et seq. or of § § 301, 302, 303, 306 or 307 of *The Clean Water Act*). When required for a federal action, 401 water quality certifications (WQC) shall become effective when the applicable federal agency has established a reasonable period of time pursuant to 40 CFR § 121.6. For federal agency employees and permit holders, the 401 Water Quality Certification Justifications and Citations related to the procedural requirements of §121.7(d) can be found at <https://www.tn.gov/environment/permit-permits/water-permits/1/aquatic-resource-alteration-permit-arap.html>. A paper copy of the certifications and justifications can also be obtained by contacting [water.permits@tn.gov](mailto:water.permits@tn.gov) or calling (615) 532-0359.

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

RDA 1017



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES  
KNOXVILLE Environmental Field Office  
3711 MIDDLEBROOK PIKE  
KNOXVILLE, Tn 37921

February 28, 2022

Mr. Dan Barnett, President  
Blue Ridge Development, LLC  
e-copy: [d.barnett@blueridgeecos.com](mailto:d.barnett@blueridgeecos.com)  
265 Brookview Centre, Suite 602  
Knoxville, TN 37919

Subject: **General Permit for Bank Armoring and Vegetative Stabilization**  
**Aquatic Resource Alteration Permit (ARAP) NR2103.127**  
**Rockwood RV Park & Marina**  
**Blue Ridge Development**  
**Rockwood, Roane County, Tennessee**

Dear Mr. Barnett:

We have reviewed your application for 599.0 linear feet of vegetative stabilization and 396.9 linear feet of hard armoring stabilization. Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) and supporting regulations the Division of Water Resources is required to determine whether the activity described in the attached notice of coverage will violate applicable water quality standards. This permit may also serve as a federal §401 water quality certification (pursuant to 33 U.S.C. §1341).

Pursuant to the *Tennessee Water Quality Control Act of 1977* (T.C.A. §§ 69-3-101 et seq.) and supporting regulations the Division of Water Resources is required to determine whether the activity described in the attached Notice of Coverage will violate applicable water quality standards. This permit may also serve as a federal section 401 water quality certification (pursuant to 33 U.S.C. § 1341) and shall become effective when the applicable federal agency has established a reasonable period of time pursuant to 40 CFR §121.6. For federal agency employees and permit holders, the 401 Water Quality Certification Justifications and Citations related to the procedural requirements of §121.7(d) can be found at <https://www.tn.gov/environment/permit-permits/water-permits/aquatic-resource-alteration-permit-arap.html>. A paper copy of the certifications and justifications can also be obtained by contacting [water.permits@tn.gov](mailto:water.permits@tn.gov) or calling (615) 532-0359.

This activity is governed by the *General Permit for Bank Armoring and Vegetative Stabilization*. The work must be accomplished in conformance with accepted plans and information submitted in support of application NR2103.127 and the limitations and conditions set forth in the *General Permit for Bank Armoring and Vegetative Stabilization* (enclosed). It is the responsibility of the permittee to ensure that all contractors involved with this project have read and understand the permit conditions before the project begins.

Please note that unnecessary vegetation removal is prohibited. Adequate erosion controls must be installed prior to construction and maintained during project construction. All disturbed areas must be revegetated or otherwise stabilized upon completion of construction.

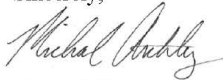
#### Annual Maintenance and Coverage Termination

Permittees will be assessed an annual maintenance fee of \$350 for coverages that exceed one year. Please note that this maintenance fee does not grant the right to extend coverage past the expiration date of the General Permit.

Permittees may terminate coverage prior to the expiration date by submitting a completed notice of termination form (NOT), which is available on the division's webpage at [http://tdec.tn.gov/etdec/DownloadFile.aspx?row\\_id=CN-1450](http://tdec.tn.gov/etdec/DownloadFile.aspx?row_id=CN-1450). A complete NOT should include photodocumentation of the finished project area. The division will notify the permittee that either the NOT was received and accepted, or that the permit coverage is not eligible for termination (due to existing deficiencies) and has not been terminated.

We appreciate your attention to the terms and conditions of this general permit for aquatic resource alteration. If you have any questions, please contact Mr. Joshua Frazier at (865) 364-9500 or by e-mail at [Joshua.Frazier@tn.gov](mailto:Joshua.Frazier@tn.gov).

Sincerely,



Michael Atchley  
Environmental Program Manager

Encl: NOC and copy of general permit

CC: Knoxville EFO Permit File

Mr. Shane Abernathy, Blue Ridge Development, LLC, [s.abernathy@blueridgecos.com](mailto:s.abernathy@blueridgecos.com)

Mr. Joshua Paz, P.E., Cannon & Cannon, Inc., [jpaz@cannon-cannon.com](mailto:jpaz@cannon-cannon.com)

Mr. Jason Hunt, P.E., Cannon & Cannon Inc., [jhunt@cannon-cannon.com](mailto:jhunt@cannon-cannon.com)