



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

DAVID W. SALYERS, P.E.
COMMISSIONER

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GOVERNOR

August 12, 2019

Via Electronic Mail to tagiles@tva.gov

Attn: Travis Giles, NEPA Project Manager
Tennessee Valley Authority
1101 Market St. – BR2N-C
Chattanooga, TN 37402

Dear Mr. Giles:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Valley Authority (TVA) *Draft Environmental Assessment (EA)* for Parc Properties, LLC's (the applicant) proposal to develop TVA property on Norris Reservoir in Campbell County, Tennessee, for commercial recreation purposes. In 2018, the applicant requested that TVA approve a marina and grant a commercial recreation license to allow for the development and operation of the marina, including pedestrian use facilities and bank stabilization. The property is located on the right descending bank of the Powell River in an embayment of Norris Reservoir at Powell River Mile 8.1.¹ The proposal includes a multi-slip marina facility on this property consisting of 288 boat slips for public rent, establishment of harbor limits, and 1,403 feet of bank stabilization. The existing boat slips would remain, but would be reoriented within the new harbor limits and become a part of the commercial marina.

Actions considered in detail within the Draft EA include:

- **No Action Alternative** – According to TVA, implementation of the No Action Alternative would result in the denial or withdrawal of the applicant's request for a commercial recreation license and Section 26a approval for the proposed marina and facilities. The existing community facility would not be modified and no work would occur within the project area. Therefore, no resources would be impacted by the proposed action.
- **Proposed Action Alternative** – Under the Proposed Action Alternative, TVA would issue a commercial recreation license and Section 26a approval to the applicant to construct the proposed marina. The license would be a 30-day revocable license to operate commercial recreation facilities. The proposed marina would contain twelve boat slip structures accommodating 288 vessels. Currently there are two boat slip structures accommodating 48 vessels within the existing community facility. These two structures would be reoriented to allow for the installation of the additional ten structures accommodating 240 vessels. No dredging would be required for construction of the marina. Pedestrian access walkways would be constructed to allow access

¹ Currently, a community water-use facility for the backlying Deerfield Resort is constructed in the proposed project limits. The current facility consists of two covered floating boat slips, with a total of 48 boat slips.

to the floating boat slips. Because harbor limits are required for commercial marinas, TVA would establish harbor limits. The applicant has also requested 1,403.4 feet of riprap bank stabilization for the proposed marina.

TDEC has reviewed the Draft EA and provides the following comments:

Cultural and Natural Resources

TDEC believes the Draft EA adequately addresses potential impacts to cultural and natural resources within the proposed project area.²

Air Resources

TDEC believes that TVA's proposed measures to mitigate environmental impacts to Tennessee's air resources are adequate. Other than a small increase in emissions from boat engines due to a minor increase in projected boat usage of about 16.8% in the study area and small transient increases in emissions from construction equipment used during the project, no air pollution concerns were identified. TDEC does note that the table presented on page 27 (Table 5), providing the local (neighboring county or state) air monitoring data contains an unclear header entry for the Annual PM2.5 statistics presented. TDEC recommends that the header be revised to read PM2.5 "Annual Mean" and drop "24-hr" for the 2018 calendar year data presented.

Solid Waste

During the course of construction and facility operations, all materials determined to be wastes should be evaluated (e.g., waste determinations) and managed (e.g., inspections, container requirements, permitted transport, and disposal) in accordance with the Solid and Hazardous Wastes Rules and Regulations of the State (TDEC DSWM Rule 0400 Chapters 11 and 12, respectively) in addition to other applicable TVA best management practices. TDEC recommends that the Final EA include reference to applicable state regulations.

Water Resources

As noted in the Draft EA, an Aquatic Resource Alteration Permit (ARAP) will be required as well as a National Pollution Discharge Elimination System (NPDES) Stormwater Construction Permit (CGP) with accompanying Surface Water Pollution Prevention Plan if more than an acre of land will be disturbed.³ TDEC applauds the mitigation measures discussed in Section 2.3 under Executive Order 11988 which includes operations involving chemical/fuel storage staying outside the riparian zone. Additionally, TDEC assumes that the policy regarding no new floating cabins will include this marina project and encourages TVA to provide clarification regarding this in the Final EA.

TDEC has concerns that there is no discussion regarding cumulative impacts associated with the development of the Deerfield Marina and adjoining potential Woodson Marina, given that the two marinas are proposed to be located side by side. TDEC also has concern as to how potable water will be supplied to the facility and how any

² This is a state-level review only and cannot be substituted for a federal agency Section 106 review/response. Additionally, a court order from Chancery Court must be obtained prior to the removal of any human graves. If human remains are encountered or accidentally uncovered by earthmoving activities, all activity within the immediate area must cease. The county coroner or medical examiner, a local law enforcement agency, and the state archaeologist's office should be notified at once (Tennessee Code Annotated 11-6-107d).

³ If TVA has any questions regarding the NPDES or ARAP application process please contact, Thomas A. Moss, P.G., Environmental Review Coordinator – Compliance and Enforcement Unit at (615) 532-0170 or tom.moss@tn.gov.

sewage will be handled. The Deerfield Resort Homeowners Association is a public water system in the vicinity but is currently under a TDEC Order and there are concerns as to whether the system would be able to adequately supply the Marina and maintain compliance.⁴ TDEC recommends TVA consider these additional items in the Final EA.

TDEC appreciates the opportunity to comment on this Draft EA. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



Kendra Abkowitz, PhD
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cc: Daniel Brock, TDEC, DOA
Lacey Hardin, TDEC, APC
Lisa Hughey, TDEC, DSWM
Tom Moss, TDEC, DWR
Stephanie Williams, TDEC, DNA

⁴ If TVA has any additional questions regarding Division of Water Resources Order or water supply concerns please contact, Thomas A. Moss, P.G., Environmental Review Coordinator – Compliance and Enforcement Unit at (615) 532-0170 or tom.moss@tn.gov.