June 18, 2021

Via Electronic Mail to nepa@tva.gov
Attn: Matthew Higdon, NEPA Specialist
Tennessee Valley Authority
400 West Summit Hill Drive, WT 11B
Knoxville, TN 37902

Dear Mr. Higdon:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Valley Authority (TVA) Draft Supplemental Environmental Assessment (SEA) which evaluates a request from the Eastern Band of Cherokee Indians (EBCI) to develop a resort on TVA-managed public lands on Tellico Reservoir in Monroe County, Tennessee. The Draft SEA is a supplement to the 2004 Draft Environmental Assessment (EA) completed by TVA for an earlier version of this proposed development. Since 2004, the EBCI revised the original proposal because market evaluations show that the commercial lodging and hotel uses were not suitable uses for the site. Certain aspects of the original master plan (e.g., hotel and lodging) also do not comply with TVA’s Land Policy and Commercial Recreation Guidelines issued since 2004. EBCI has since determined that recreational vehicle resort use is more commercially viable. Actions considered in detail within the Draft SEA include:

- **Alternative A – No Action Alternative.** Under the No Action Alternative, the previous Section 26a permit and easement granted to the EBCI for development of the resort would remain valid. TVA considers the No Action Alternative to be the same as the No Action analyzed in its 2004 EA, with one difference. Under the current No Action scenario, the portion of the resort that was constructed (at and adjacent to the marina location) would remain in operation under the revised No Action Alternative.

- **Alternative B – Modified Development Proposal.** Under Alternative B, TVA would issue a land use permit and Section 26a permit to the EBCI to construct and operate the proposed facilities on 41.8 acres of TVA land. Generally, Alternative B would be similar to the Action Alternative reviewed by TVA in its 2004 EA. However, the EBCI has proposed numerous changes to its initial proposal analyzed in the 2004 EA, which are discussed in greater detail below in Chapter 2 of the Draft SEA.

TDEC has reviewed the Draft SEA and has the following comments regarding the proposed action and its alternative:
Cultural Resources

TDEC believes the Draft SEA adequately addresses potential impacts to cultural resources within the proposed project area.¹

Air Resources

The Draft SEA addresses potential air emissions from construction activities and possible open burning in Section 2.3; however, the comparison of alternatives found in Table 2 in Section 2.2 of the Draft SEA does not include considerations relating to temporary and ongoing project impacts to air quality. TDEC encourages TVA to include these considerations in the Final SEA.

The Draft SEA does not discuss building renovation or demolition; in the event building demolition or renovation will occur as part of this project, be advised that TDEC asbestos renovation and demolition regulations apply to any building or structure known to contain asbestos or to any buildings proposed to be demolished. When any structures are proposed to be demolished, an asbestos demolition notification must be provided in advance, and proper pre demolition surveys need to be conducted to identify any regulated asbestos containing material (ACM) present. Prior to any demolition, all facilities must to be examined for ACM and all potential ACM in the buildings proposed for demolition must be handled and disposed of according to the applicable federal, state, and local regulations. TDEC encourages TVA to include these considerations in the Final SEA.

TDEC recommends that all construction equipment employed on site be well maintained and equipped with the latest emissions control equipment to reduce air pollution associated with the project’s activities and encourages TVA to consider these considerations in the Final SEA.

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 SEA include reference to applicable state regulations.

Water Resources

TVA notes that a Stormwater Construction General Permit (CGP) with a Surface Water Pollution Prevention Plan (SWPPP) will be needed as the project will disturb well more than one acre of land. TVA notes that an Aquatic Resource Alteration Permit (ARAP) will be necessary; due to the extensive nature of the

¹ 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).
modifications to the project area an individual ARAP permit was required. ECBI has already submitted the individual ARAP application (NRS20.277) which was deemed complete in March of 2021.

TDEC appreciates the opportunity to comment on this Draft SEA. 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 of future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,

Matthew Taylor  
Senior Policy Analyst, Office of Policy and Sustainable Practices  
Tennessee Department of Environment and Conservation  
Matthew.K.Taylor@tn.gov  
(615) 979-2449

cc: Kendra Abkowitz, PhD, TDEC, OPSP  
Benjamin Almassi, TDEC, DSWM  
Daniel Brock, TDEC, DoA  
Lacey Hardin, TDEC, DAPC  
Tom Moss, TDEC, DWR  
Jennifer Tribble, PhD, TDEC, OPSP