

U.S. ARMY CORPS OF ENGINEERS
NASHVILLE DISTRICT

FINDING OF NO SIGNIFICANT IMPACT

Mitchell Creek Marina Road Widening and Parking Expansion Project
Dale Hollow Dam and Reservoir
Clay County, Tennessee

1. Mitchell Creek Marina has requested approval for a road widening and parking expansion project. The proposed project includes: G-dock access roadway expansion that includes the movement of one power pole, a vehicle turnaround expansion at the end of G-dock road, constructing additional parking between G and H docks, constructing a second parking area for trucks and trailers, widening the launch ramp roadway, widening the main entrance area, and 18 additional boat slips. By constructing the proposed project's parking and roadway widening the marina would be better able to accommodate marina patrons and provide safer access and maneuverability within the lease area.
2. The existing conditions and potential impacts of alternatives available to the U.S. Army Corps of Engineers (Corps) regarding the proposed project were described and evaluated in an Environmental Assessment (EA), prepared pursuant to the National Environmental Policy Act (NEPA), Council for Environmental Quality regulations (40 CFR, 1500-1508) and the Corps implementing regulation, Policy and Procedures for Implementing NEPA, ER 200-2-2, 1988 (33 CFR 230). Mitchell Creek Marina's alternatives evaluated include a no action and an approval of the proposed road widening and parking lot expansion.
3. The EA revealed no direct or indirect impacts for the proposed road widening and parking expansion project on floodplains, endangered species, wetlands, or hazardous, toxic, or radioactive wastes. The proposed action alternatives are in compliance with the Clean Air Act and Executive Order 12898 for Environmental Justice. None of the alternatives described in this environmental assessment would disproportionately place any adverse environmental, economic, social, or health impacts on minority and low-income populations.
4. The EA, along with the unsigned Finding of No Significant Impact (FONSI), were circulated for a 30 day public and agency review. Public comments received during the review period would be considered before finalizing the EA and FONSI.
5. Coordination with U.S. Fish and Wildlife Service (Service) per the Fish and Wildlife Coordination Act (FWCA 48 Stat, 401, as amended; 16 U.S.C. 661 et seq.) and Endangered Species Act, was initiated by submittal of a habitat assessment of the proposed project area. A site assessment was conducted in December 2014 to review the area for any potential Threatened and Endangered species habitat. Based on the findings of the site assessment three trees

considered as potential Indiana/Northern long-eared bat summer roost habitat were recorded. In an email dated December 11, 2014, the Corps determined that removal of these three trees would not likely adversely affect the Indiana and/or Northern long-eared bat with the stipulation that trees are felled during winter months (October 15 – March 31) and/or if outside of winter months an emergent count survey would be conducted prior to felling trees. The Service responded via email on December 23, 2014 and concurred with the Corps determination. All three trees were felled in December 2014.

6. Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, and its implementing regulations at 36 CFR 800 require consideration of cultural resources prior to a federal undertaking and requires consultation with the State Historic Preservation Officer (SHPO), Federally recognized tribes with a connection to the project location and other consulting parties defined at Section 800.3. The NHPA only affords protection to sites, buildings structures, or objects listed in or determined eligible for listing in the National Register of Historic Places (NRHP). Archival research for this project involved consulting the NRHP, the Tennessee Historical Commission National Register and structure files, and the Tennessee Division of Archaeology site and survey files. The Section 106 consultation for the proposed action led to a “historic properties affected no adverse effect” determination with the condition that the project is monitored for archaeological deposits during construction.

7. I have reviewed the proposed Mitchell Creek Marina Road Widening and Parking Expansion Project, the public and agency comments, and the EA in light of the general public interest. I have determined that issuing the respective approvals, and allowing the proposed project to be constructed would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, as amended. Accordingly, I have concluded that preparation of an Environmental Impact Statement would not be required.

DATE

Stephen F. Murphy
Lieutenant Colonel
Corps of Engineers
District Engineer



**US Army Corps
of Engineers** ®
Nashville District

ENVIRONMENTAL ASSESSMENT

Mitchell Creek Marina Road Widening and Parking Expansion
Dale Hollow Lake
Clay County, Tennessee

August 10, 2015



For Further Information

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| | | |
|-------|--|----|
| 1 | PURPOSE AND NEED FOR ACTION..... | 1 |
| 1.1 | Authorization | 1 |
| 1.2 | Purpose and Need | 1 |
| 1.3 | Issues and Opportunities | 1 |
| 2 | ALTERNATIVES CONSIDERED | 2 |
| 2.1 | Alternative 1-No Action Alternative | 2 |
| 2.2 | Alternative 2 - Approval of the Proposed Road Widening and Parking Lot Expansion . | 2 |
| 3 | AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES | 4 |
| 3.1 | Introduction..... | 4 |
| 3.2 | Physiography and Topography | 4 |
| 3.3 | Aquatic Resources | 5 |
| 3.4 | Wetlands | 6 |
| 3.5 | Water Quality..... | 6 |
| 3.6 | Terrestrial Resources | 7 |
| 3.6.1 | Vegetation..... | 7 |
| 3.6.2 | Wildlife..... | 8 |
| 3.7 | Archeological and Historic Resources (Jordan’s section) | 8 |
| 3.8 | Threatened and Endangered Species | 9 |
| 3.9 | Hazardous, Toxic, and Radioactive Waste | 11 |
| 3.10 | Health and Safety | 11 |
| 3.11 | Recreation and Scenic Resources | 11 |
| 3.12 | Socioeconomics | 12 |
| 3.13 | Air Quality | 12 |
| 3.14 | Noise | 12 |
| 4 | CUMULATIVE IMPACTS..... | 13 |
| 4.1 | Past and Present Actions | 13 |
| 4.2 | Reasonable Foreseeable Future Actions | 13 |
| 4.3 | Combined Cumulative Effects..... | 14 |
| 5 | ENVIRONMENTAL COMMITMENTS, PERMITS, AND APPROVALS | 14 |

| | | |
|------|--|----|
| 6 | ENVIRONMENTAL COMPLIANCE..... | 15 |
| 6.1 | Executive Order 11990-Wetlands..... | 15 |
| 6.2 | Farmland Policy Protection Act..... | 15 |
| 6.3 | Executive Order 11988-Floodplain Management..... | 15 |
| 6.4 | Clean Water Act Compliance | 15 |
| 6.5 | National Pollutant Discharge Elimination System (NPDES) SW Permit | 15 |
| 6.6 | Endangered Species Act and Fish and Wildlife Coordination Act..... | 16 |
| 6.7 | National Historic Preservation Act | 16 |
| 6.8 | Executive Order 13514 – Environmental Justice..... | 16 |
| 6.9 | Clean Air Act | 17 |
| 6.10 | Comprehensive Environmental Response, Compensation, and Liability Act..... | 17 |
| 6.11 | Resource Conservation and Recovery Act | 17 |
| 7 | PUBLIC AND AGENCY COORDINATION | 17 |
| 7.1 | Public and Agency Involvement..... | 17 |
| 8 | CONCLUSION..... | 17 |
| 9 | REFERENCES | 19 |
| 10 | LIST OF PREPARERS..... | 20 |
| | APPENDIX A..... | 21 |
| | APPENDIX B | 23 |
| | APPENDIX C | 26 |

Figures

| | | |
|-----------|--|----|
| Figure 1. | Vicinity Map of Mitchell Creek Marina..... | 2 |
| Figure 2. | Proposed Project Footprint. | 3 |
| Figure 3. | Ecoregions of Tennessee and Kentucky within the Vicinity of the Proposed Project. .. | 5 |
| Figure 4. | EPA map depicting Dale Hollow Lake’s No Discharge Zone. | 7 |
| Figure 5. | Project Development Plan | 22 |

Tables

| | | |
|----------|--|----|
| Table 1. | U.S. Fish and Wildlife Service – Clay County Table of Threatened, endangered, and species of special concern. | 10 |
| Table 2. | Summary of Section 106 of the National Historic Preservation Act Consultation. | 24 |

ACRONYMS

BMP – Best Management Practice

CEQ – Council on Environmental Quality

Corps- U.S. Army Corps of Engineers

CWA – Clean Water Act

CY – Cubic Yards

dB- Decibels

°F- Degrees Fahrenheit

EA – Environmental Assessment

EPA – Environmental Protection Agency

FONSI – Finding of No Significant Impact

HTRW – Hazardous, Toxic or Radioactive Waste

MSL – Mean Sea Level

LF- Linear Feet

mgd- Million Gallons per Day

NAAQS – National Ambient Air Quality Standards

Nashville District – U.S. Army Corps of Engineers, Nashville District

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NRCS- Natural Resources Conservation Service

NRHP – National Register of Historic Places

RM- River Mile

Service – U.S. Fish and Wildlife Service

sq-ft – Square Feet

TDEC - Tennessee Department of Environment and Conservation

TWRA – Tennessee Wildlife Resource Agency

1 PURPOSE AND NEED FOR ACTION

1.1 Authorization

This Environmental Assessment (EA) is being conducted under Operation and Maintenance authority for Dale Hollow Lake. Dale Hollow Dam and Lake was authorized by the Flood Control Act of 1938 and the River and Harbor Act of July 24, 1946 (Public Law 396, 82nd Congress, 2nd Session) for the purposes of flood control and hydroelectric power. Additional authorized purposes incorporated pursuant to the Flood Control Act of 1944 include water quality, recreation, and fish and wildlife conservation. This EA is being prepared pursuant to the National Environmental Policy Act (NEPA), Council for Environmental Quality (CEQ) Code of Federal Regulation 40, 1500-1508, and the U.S. Army Corps of Engineers (Corps) Regulation ER 200-2-2, titled Policies and Procedures for Implementing NEPA.

1.2 Purpose and Need

Mitchell Creek Marina's proposed project consists of six sites within its lease areas. The project includes: G-dock access roadway expansion that includes the movement of one power pole, a vehicle turnaround expansion at the end of G-dock road, constructing additional parking between G and H docks, constructing a second parking area for trucks and trailers, widening the launch ramp roadway, widening the main entrance area, and 18 additional slips.

Mitchell Creek Marina owners are experiencing issues pertaining to parking, as well as, safe access and maneuverability to and from facilities due to increased demands from slip lessees, day-use marina patrons, and narrow roadways. By constructing the proposed project the marina would be better able to accommodate marina patrons and provide safer access and maneuverability within the lease area. A vicinity and location map is included for project orientation and location (Figure 1). All activities proposed within this EA are located within the marina's existing lease area on lands owned by the Corps.

1.3 Issues and Opportunities

Implementation of the proposed project could result in habitat loss, potential threatened & endangered (T&E) species impacts, as well as potential cultural resource impacts. If not approved Mitchell Creek marina would be unable to accommodate as many marina patrons and access would continue to be difficult. However, if the proposed project is to be implemented, revenue and recreation would most likely increase, as well as, improved safety and maneuverability within the lease area.

2 ALTERNATIVES CONSIDERED

2.1 Alternative 1-No Action Alternative

Alternative 1 is considered the **No Action Alternative** and would require Mitchell Creek Marina to operate under existing conditions and not allow additional parking areas or widened roadways within the current lease area.

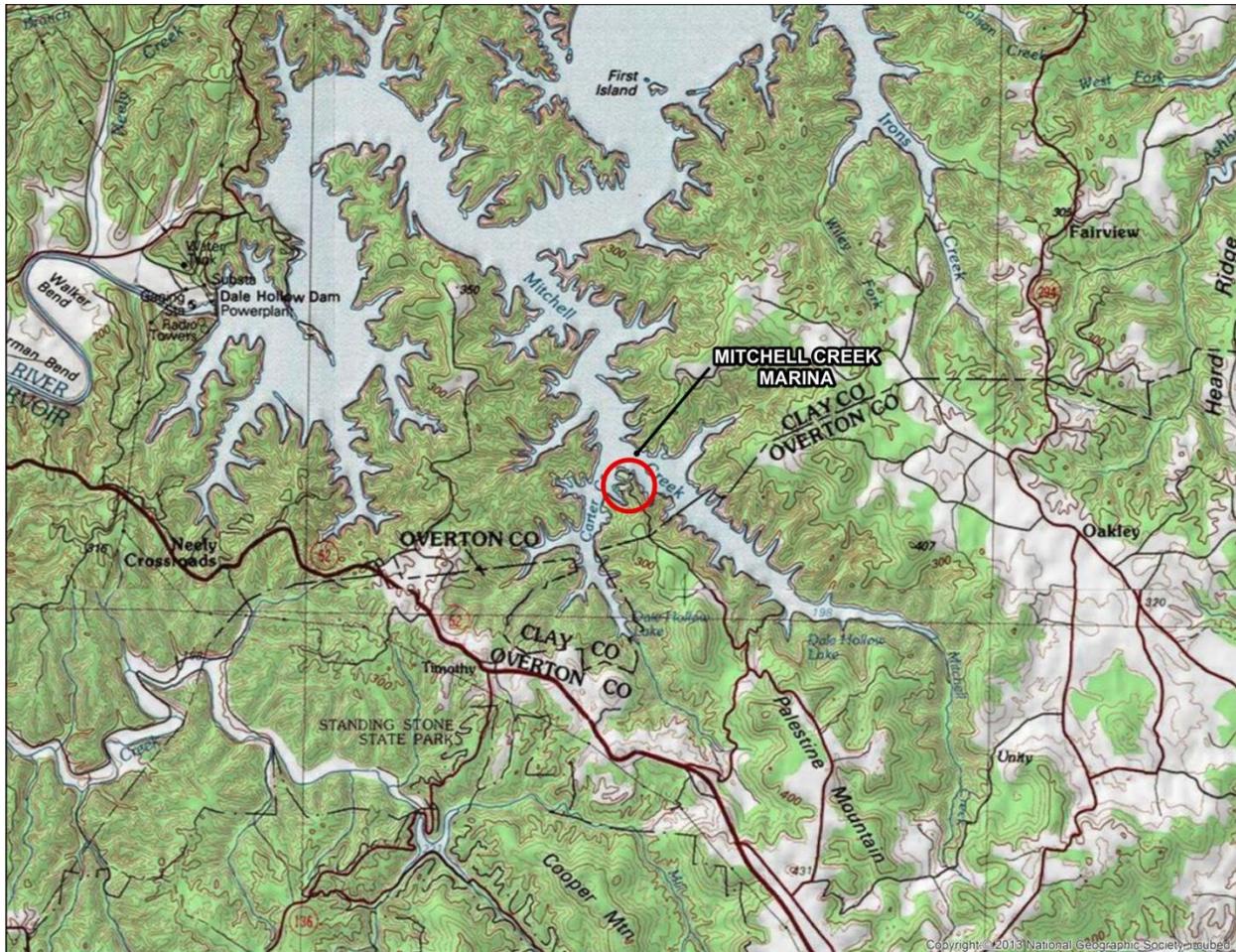


Figure 1. Vicinity Map of Mitchell Creek Marina.

2.2 Alternative 2 - Approval of the Proposed Road Widening and Parking Lot Expansion

Alternative 2 would allow for Mitchell Creek Marina to create an additional 55 parking spaces in two areas (G-Dock/H-Dock/Cabin and Truck and Trailer), turnaround expansion area (G-dock Turnaround), three expansion/widening roadways (G-dock access road, launch ramp road, and Livingston Boat Dock Road), and install 18 additional boat slips within the marina lease area (Figure 2). The total project footprint is approximately 2.60 acres. All fill material would be

placed above ordinary high water (OHW) which is the normal summer pool elevation of 651 feet above mean sea level.

The G-Dock/H-dock/Cabin parking addition would impact an area that is approximately 0.34 acres. This site would require the removal of four trees and 4,500 cubic yards (CY) of fill material to be placed above OHW.

The Truck and Trailer parking addition would impact an area that is approximately 1.50 acres and 4,000 CY of fill material above OHW. This site is comprised of a stand of mixed deciduous trees. In order to construct the Truck and Trailer parking additional trees within the site's footprint would be required to be removed.

The G-dock turnaround and road expansion/widening site (approximately 0.78 acres) would be increased to approximately 6,400 sq-ft after construction completion.



Figure 2. Proposed Project Footprint.

Combined, the two parking expansion sites and the G-dock turnaround expansion/widening site would require approximately 8,500 CY of fill material above OHW that would be taken from the three roadway expansion/widening sites.

The proposed G-dock access road expansion site would increase the road to approximately 15 feet. The launch ramp road expansion site would increase the road's width to 15 feet along its entire length. The Livingston Boat Dock Road at the main entrance to the lease area would be increased to approximately 50 feet wide. All three areas would be lined with gravel and then topped with asphalt.

Eight boat slips would be added to Dock A and ten slips would be added to Dock C. Project plans can be found in Appendix A.

3 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1 Introduction

The Corps is evaluating the impacts of a proposed Mitchell Creek Marina Road Widening and Parking Lot Expansion Project, Clay County, Dale Hollow Lake Project, Allons, Tennessee. The proposed project consists of the construction of an additional 55 parking spaces in two areas (G-Dock/H-dock/Cabin and Truck and Trailer), turnaround expansion area (G-dock Turnaround), and expansion of three roadways (G-dock access road, launch ramp road, and Livingston Boat Dock Road) within the marina lease area. The borrow sites for the parking and G-dock turnaround expansion sites are proposed to be from the three roadway expansion sites with approximately 8,500 CY of fill material utilized. The two proposed parking expansion sites would require tree removal and ground disturbance at all areas (Figure 2).

3.2 Physiography and Topography

Dale Hollow Lake is located in north-central Tennessee and south-central Kentucky. The Mitchell Creek project area is located in the Eastern Highland Rim Ecoregion Level IV 71g shown in Figure 3 (Woods et. al. 2002). The Eastern Highland Rim has landforms characterized as tablelands of moderate relief and irregular plains. Mississippian-age limestone, chert, shale, and dolomite predominate, and karst terrain sinkholes and depressions are especially noticeable between Sparta and McMinnville. Numerous springs and spring-associated fish fauna typify the region. Natural vegetation for the region is primarily oak-hickory forest, with some areas of bluestem prairie and cedar glades. Bottomland hardwoods forests were once abundant in some areas, although much of the original bottomland forest has been inundated by several large impoundments. Barrens and former prairie areas are now mostly oak thickets or pasture and cropland.

Mitchell Creek Marina is located in Allons, Tennessee approximately 16 miles southeast of Dale Hollow Dam. Dale Hollow Dam is approximately three miles east of Celina, Tennessee and 18 miles west of Byrdstown, Tennessee. Dale Hollow Lake has a surface area of approximately 27,700 acres surrounded by approximately 24,842 acres of public lands at the normal summer pool elevation of 651 feet above MSL. Approximately 98 % of this land is forested.

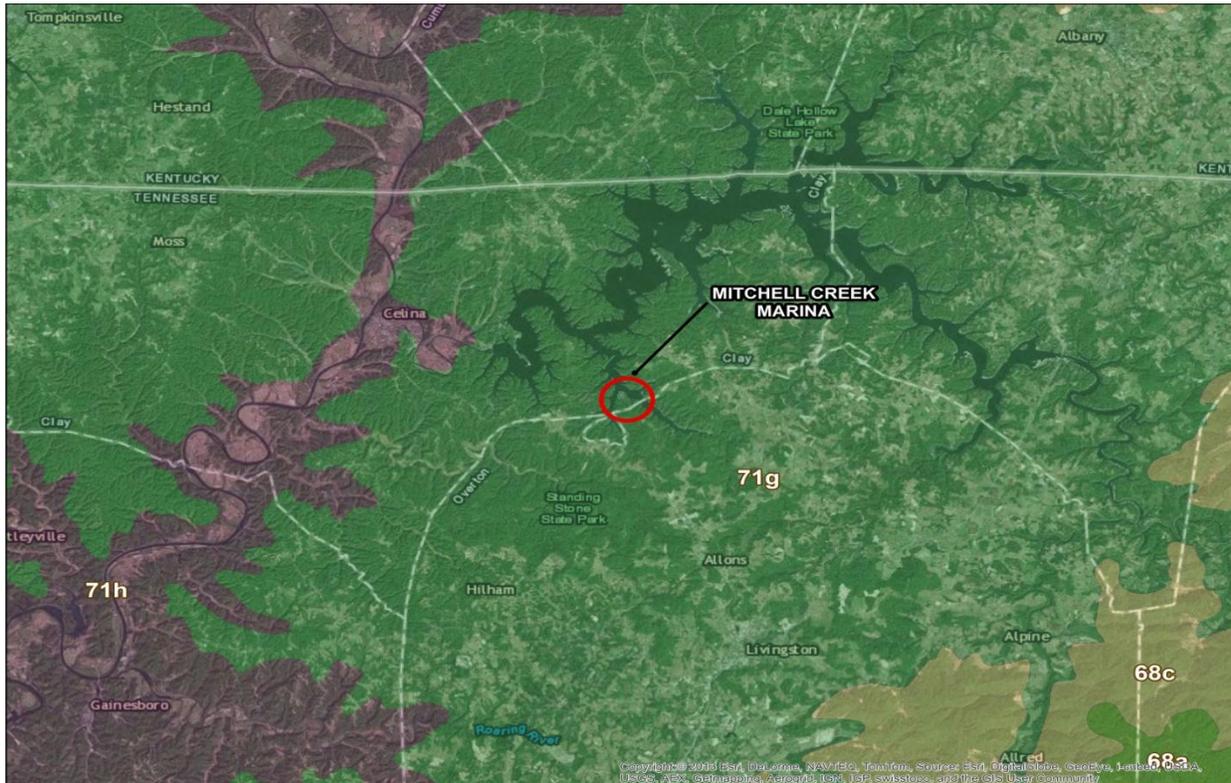


Figure 3. Ecoregions of Tennessee and Kentucky within the Vicinity of the Proposed Project.

Alternative Impacts: The No Action Alternative would not have any effect on the existing physiology and topography. Alternative 2 (Approval of Proposed Action) would have minor negative impacts to the physiology and topography within the proposed project area due to cut and fill areas. However, these impacts are considered negligible.

3.3 Aquatic Resources

Tennessee Wildlife Resources Agency and Kentucky Department of Fish and Wildlife Resources are responsible for fisheries management as specified in the Operational Management Plan for Dale Hollow Lake (USACE, 1991). Dale Hollow Lake's fishery is typical of Kentucky and Tennessee Lakes with diverse native and introduced species. Fisheries habitat is less than optimal due to deep, relatively infertile waters, fluctuating water levels and lack of cover. However, this lake is renowned for its smallmouth bass (*Micropterus dolomieu*) fishery and holds the world's record catch. In addition, the relatively cold lake waters provide a two-storied

fishery with the cold lower layer supporting populations of rainbow trout (*Oncorhynchus mykiss*). Other sport fish include largemouth bass (*Micropterus salmoides*), spotted bass (*M. punctulatus*), white and black crappie (*Pomoxis annularis*, *P. nigromaculatus*), bluegill (*Lepomis macrochirus*) and other species of sunfish (*Lepomis spp.*), walleye (*Stizostedion vitreum*), muskellunge (*Esox masquinongy*), white bass (*Morone chrysops*), channel catfish (*Ictalurus punctatus*), and blue catfish (*Ictalurus furcatus*). Other important species of fish within the lake include gizzard shad and threadfin shad (*Dorosoma cepedianum*, *D. petense*), alewife (*Alosa pseudoharengus*), various minnows and shiners (Cyprinidae), carp (*Cyprinus carpio*), freshwater drum (*Aplodinotus grunniens*), smallmouth buffalo (*Ictiobus bubalus*), various suckers (Catostomidae), and longnose gar (*Lepisosteus osseus*).

Alternative Impacts: The No Action Alternative would not have any effect on the aquatic resources. Alternative 2 (Approval of Proposed Action) could have minor negative short impacts to aquatic resources due to sedimentation and erosion. However, these impacts are considered negligible. Construction best management practices (BMPs) would be followed to minimize environmental impacts.

3.4 Wetlands

The project area was examined for wetlands through a combination of in-house research and field investigations. In-house research included a review of published information sources such as U.S. Geological Survey (USGS) 7.5 minute quadrangle topographic maps, Natural Resources Conservation Service (NRCS) Soils mapping, and U.S. Fish and Wildlife Service (Service) National Wetlands Inventory (NWI) information.

Alternative Impacts: No wetland areas are present within the vicinity of the proposed project. Therefore, neither alternative would affect wetland areas.

3.5 Water Quality

Existing Condition: The Clean Water Act (CWA), as amended in 1977, established the basic framework for regulating discharge of pollutants into the waters of the United States. Dale Hollow Lake is located in the Obey River Watershed identified as Hydrologic Unit Code 05130105. According to the 2014 Tennessee 305(b) map and 2012 303(d) List prepared by Tennessee Department of Environment and Conservation (TDEC), tributaries within the Obey River Watershed are being impaired due to abandoned mining, municipal point source discharge, permitted industrial runoff permitted, and urbanized high density area. However, the overall status assessment of the Obey River Watershed, including Dale Hollow Lake, has been described in the 2012 305(b) Water Quality Status Report issued by TDEC, as “one of the cleanest Lakes in the state and a popular recreation area in both Kentucky and Tennessee.” Dale Hollow Lake is classified as a No Discharge Zone by the Environmental Protection Agency (EPA). Therefore, commode waste must be retained in a holding tank, pumped out for treatment elsewhere, and

kept out of lake waters. Marinas and docks operating on public water must provide a sewage removal service for houseboats.

Alternative Impacts: The No Action Alternative would not have any effect on the existing water quality. Alternative 2 (Approval of Proposed Action) could have minor negative short impacts to the water quality due to sedimentation and erosion. However, these impacts are considered negligible. Construction BMPs would be followed to minimize environmental impacts.

3.6 Terrestrial Resources

3.6.1 Vegetation

Vegetation surrounding Mitchell Creek Marina is primarily oak-hickory forest (Corps, 1991). Dominant trees include butternut hickory (*Juglans cinerea*), shagbark hickory (*Carya ovata*),

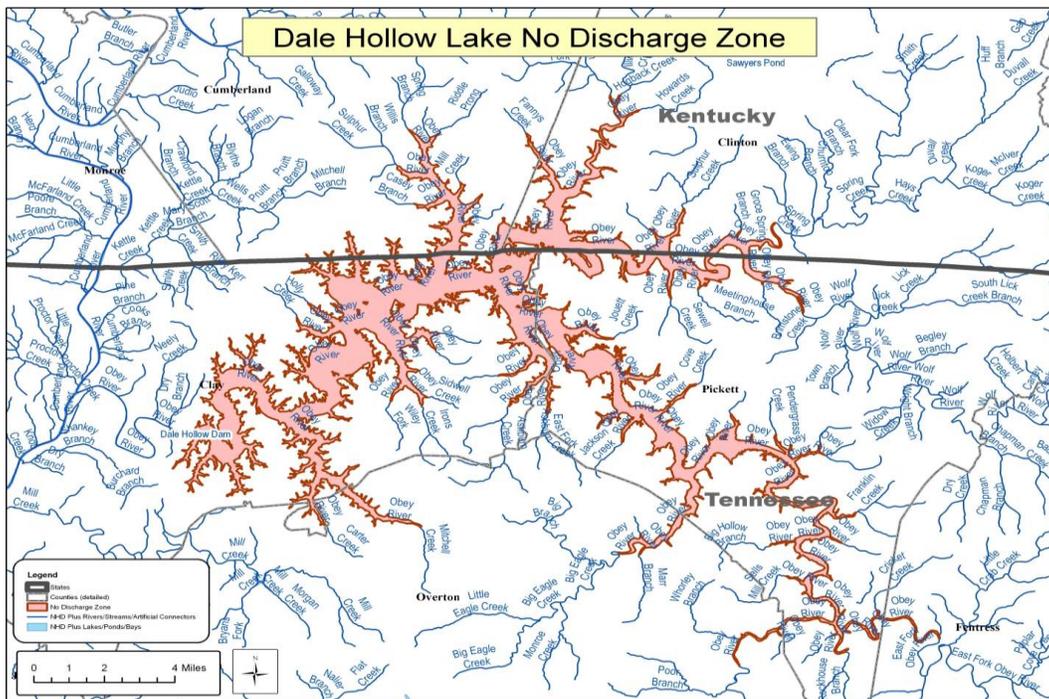


Figure 4. EPA map depicting Dale Hollow Lake's No Discharge Zone.

white oak (*Quercus alba*), red oak (*Quercus rubra*), and black oak (*Quercus velutina*). The marina is bordered by forested areas, but much of the marina lease is maintained as grass. In the vicinity of the marina, grassed areas are used for overflow parking for car and boat trailer traffic.

Alternative Impacts: The No Action Alternative would have no effect on the existing vegetation. Alternative 2 would present long-term adverse impacts to vegetative resources located within the project footprint. Vegetative clearing necessary to construct and install the two additional parking areas would result in some loss of existing herbaceous vegetation. A number of trees (approximately .83 acres) would have to be removed in order to construct the proposed project. The majority of the trees to be removed are oak, hickory, and eastern red cedar ranging from 5-

18 diameter at breast height. However, when considering the surrounding landscape, mostly forested, the proposed project's tree removal would be considered negligible. The remaining 1.77 acres is comprised of gravel parking lots and manicured herbaceous vegetation.

3.6.2 Wildlife

Various species of wildlife can be seen on Corps lands. The open and forested habitat provides for white-tailed deer (*Odocoileus virginianus*), squirrel (*Sciurus spp*), eastern cottontail (*Sylvilagus floridanus*), raccoon (*Procyon lotor*), and various other small mammals. Bird species are also abundant with a variety of songbirds, woodpeckers, owls, and hawks. Wild turkeys (*Meleagris gallopova*) are also commonly seen. Waterfowl common on the lake include wood duck (*Aix sponsa*), mallard (*Anas platyrhynchos*), American coot (*Fulica americana*), and bluewinged teal (*A. discors*).

Alternative Impacts: The No Action Alternative and Alternative 2 would have minor to no effect on wildlife species due to the lack of suitable habitat within the leased area of Mitchell Creek Marina. Approximately 0.83 acres of forested habitat would be removed to construct the proposed project. This acreage when considering the surrounding landscape, which is dominated by forest lands, is considered negligible.

3.7 Archeological and Historic Resources

Existing Condition: Prehistoric and historic period archaeological sites exist along the banks and floodplains of Mitchell Creek and document activities by Native Americans and early European-American descendants that lived in the Clay County area of Tennessee. There are two historic properties listed on the National Register of Historic Places (NRHP) in Clay County. The Area of Potential Effects (APE) would encompass the footprint of the proposed project which includes all borrow and fill areas and areas involving disturbances to soil subsurface. No historic properties listed or eligible for listing in the National Register of Historic Places (NRHP) are located in the APE. The APE has been previously disturbed from construction activities associated with existing roads, ditch lines, telephone poles, and other marina developments. No historic properties listed or eligible for listing in the NRHP would be affected by this proposed undertaking.

The primary requirements for the consideration of cultural resources stem from Section 106 of the National Historic Preservation Act of 1966 (NHPA) as implemented by regulations at 36 CFR 800. The project is an undertaking of Corps; therefore, the effects of its implementation on historic properties must be considered. Historic properties are properties, including archeological sites and standing structures that have been determined eligible for or are listed on the NRHP. Reports of investigations of archeological and architectural properties that occur within the project's APE have been prepared and submitted to the Tennessee state history preservation office (SHPO) for their review and concurrence via a letter dated January 27, 2015.

Corps made a determination of "no effects to historic properties". SHPO concurred with Corps findings in a letter dated February 3, 2015.

Consultation with six federally recognized Native American tribes was initiated via letter dated February 27, 2015. Corps made a determination of "no effects to historic properties". The Corps received a response from the United Keetoowah Band of Cherokee Indians in letter dated April 2, 2015. The United Keetoowah Band of Cherokee Indians has no comments or objections. They wish to be contacted in the event of human remains are inadvertently discovered. Corps did not receive any comments or concerns from the remaining five Native American tribes. According to 36 CFR 800.4(d)(1)(i) no response from the tribes after the 30 day comment period, implies concurrence with the Corps's original findings and fulfills consultation requirements under Section 106 of the National Historic Preservation Act. This action is in compliance with the National Historic Preservation Act. Please reference Appendix B for information regarding Section 106 consultation with the SHPO and federally recognized Native American tribes.

Alternative Impact: Under the No Action Alternative, no historic properties, listed or eligible for listing would be affected. The Preferred Action Alternative would also have no effects to historic properties. The APE has been previously disturbed from the primary development of the marina. A cultural resources survey was previously conducted of the marina's entire lease area in 2007. The cultural resources investigation did not identify any cultural resources within the marina's lease area. Furthermore, the expansion of roads and the development of parking areas would be commensurate to the local viewshed and would not introduce new visual elements. Consequently, there are no visual effects to historic structures, buildings, objects, or landscapes. Therefore, there are no physical or visual effects to historic properties under the Preferred Action Alternative.

3.8 Threatened and Endangered Species

A review of the U.S. Fish and Wildlife Service's (Service) website for listed species in Clay County, Tennessee identified three federally listed endangered species that could occur within the proposed project footprint. These are the Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*), and the Gray bat (*Myotis grisescens*). The Fowler's Cave beetle (*Pseudanophthalmus fowlerae*) and the Inquirer Cave beetle (*Pseudanophthalmus inquisitor*) are listed as candidate species, and the Bald eagle (*Haliaeetus leucocephalus*) is now considered a species in recovery (Table 1).

A site assessment was conducted in December 2014 to review the area for any potential T&E species habitat. Based on the findings of the site assessment, three potential Indiana/Northern long-eared summer roost habitats were recorded. No caves were identified within the marina leased area. In a email dated December 11, 2014, the Corps determined that removal of these three trees would not likely adversely affect the Indiana and Northern long-eared bats with the stipulation that trees are felled during winter months (October 15 – March 31) and/or if outside

of winter months an emergent count survey be conducted prior to felling trees. The Service responded via email on December 23, 2014 and concurred with the Corps determination. Prior to April 1, 2015, the marina was able to cut all potential summer roost habitat identified by the Corps. See Appendix C for coordination documents.

Alternative Impacts: The No Action Alternative would have no effect on T&E species. Alternative 2 would have minor to no effect on T&E species (Indiana, Gray, and Northern long-eared bats).

Table 1. U.S. Fish and Wildlife Service – Clay County Table of Threatened, endangered, and species of special concern.

| County: Clay, TN | | | | | | | |
|------------------|--|-----------------|------------|--|---|---|---------------------|
| Group | Name | Population | Status | Lead Office | Recovery Plan Name | Recovery Plan Action Status | Recovery Plan Stage |
| Birds | Bald eagle (<i>Haliaeetus leucocephalus</i>) | lower 48 States | Recovery | Rock Island Ecological Services Field Office | Northern States Bald Eagle Recovery Plan | Implementation Progress | Final |
| | | | | | Recovery Plan for the Pacific Bald Eagle | Implementation Progress | Final |
| | | | | | Southeastern States Bald Eagle Recovery Plan | Implementation Progress | Final Revision 1 |
| | | | | | Southwestern Bald Eagle Recovery Plan | Implementation Progress | Final |
| | | | | | Chesapeake Bay Bald Eagle Recovery Plan | Implementation Progress | Final Revision 1 |
| Insects | Fowler's cave beetle (<i>Pseudanophthalmus fowlerae</i>) | | Candidate | Tennessee Ecological Services Field Office | - | - | - |
| | Inquirer Cave beetle (<i>Pseudanophthalmus inquisitor</i>) | | Candidate | Tennessee Ecological Services Field Office | - | - | - |
| Mammals | Indiana bat (<i>Myotis sodalis</i>) | Entire | Endangered | Bloomington Ecological Services Field Office | Indiana Bat (<i>Myotis sodalis</i>) Draft Recovery Plan: First Revision | Implementation Progress | Draft Revision 1 |
| | Gray bat (<i>Myotis grisescens</i>) | Entire | Endangered | Columbia Ecological Services Field Office | Gray Bat | Implementation Progress | Final |
| | Northern Long-Eared Bat (<i>Myotis septentrionalis</i>) | | Threatened | Twin Cities Ecological Services Field Office | - | - | - |

3.9 Hazardous, Toxic, and Radioactive Waste

No known Hazardous, Toxic, and Radioactive Waste (HTRW) sites exist at the proposed locations; therefore, there would be no anticipated impacts with any alternative. Any proposal would be required to comply with all applicable federal, state and local laws regarding handling, storage, use, and removal of HTRW materials. Existing fuel tanks would become the responsibility of the lessee to maintain operation and compliance.

Alternative Impacts: No known HTRW sites exist at the proposed locations; therefore, there would be no anticipated impacts with any alternative.

3.10 Health and Safety

Dale Hollow Lake is a vacation destination that borders the Tennessee-Kentucky state line. Each year, Dale Hollow Lake provides recreational opportunities to millions of visitors resulting in intensive use of the lake and recreation areas. Corps, state, and local law enforcement personnel provide visitor assistance and work to educate visitors about water and boating safety. The proposed project area is accessible by the public by land and boat. No health and safety concerns exist with respect to construction activities associated with road widening and parking expansion project.

Alternative Impacts: Both the No Action Alternative and Alternative 2 would have minor to no effect on health and safety.

3.11 Recreation and Scenic Resources

Because of the temperate climate control and relatively long recreation season, visitors have many opportunities to fish, hunt, camp, picnic, boat, canoe, hike, and enjoy the outdoors. Dale Hollow Lake supports six developed recreation areas, seven minor access areas, five campgrounds, fifteen marinas, and three state parks. A Corps study (USACE, Fort Worth District, 2002) has shown that launching ramps/day use facilities contribute to the most recreational boat traffic (66%), whereas 33% of the users come from marinas. Mitchell Creek Marina could have an increased percentage of recreational boat traffic because of their rental boat program.

Alternative Impacts: Under the No Action alternative, no additional recreation would occur within the project area. Under Alternative 2, short-term and minor adverse impacts are expected due to preparation of the project area for the construction of the road widening and parking lot expansion projects. Additional slips at the marina could increase the number of boats moored on Dale Hollow Lake. These boats would then be expected to travel in various areas of the lake. Congestion concerns would primarily be for ingress and egress of Mitchell Creek; however this would most likely occur at varying times throughout the day. Therefore increased boating traffic

would be of minor impact. With availability of slip moorage, the frequency of day-use boat launching could decline, but no real change is expected. All work would likely take place during winter months to avoid impacts to public. During construction roads and parking lots would be temporary closed due to construction. Clearing trees would be necessary for Alternative 2 and could create unsightly conditions to some visitors to the area. However, wider roads and additional parking would better accommodate marina patrons and provide safer access and maneuverability within the lease area.

3.12 Socioeconomics

Dale Hollow Lake is a significant economic factor in the region. In addition to the recreation, hydropower, and flood damage reduction benefits discussed above, the dam provides many other advantages including municipal water supply, increased property values, increased tax revenues, and employment opportunities.

In 2013, the total population of Clay County was 7,743. Clay County maintains a relatively diversified employment base with educational services, health care, and social assistance as the primary industries followed by retail trade, construction, arts, entertainment, and recreation, and accommodation and food service in terms of employment. As of 2011, the median household income for Clay County is \$29,727, with 20.6% persons below the poverty level percentage (*2009-2013 5-Year American Community Survey*, U.S. Census Bureau, 2013).

Alternative Impacts: Under the No Action alternative, socioeconomic benefits would not be realized since the project would not be undertaken. Alternative 2 would provide positive socioeconomic benefits to the local economy by possibly providing additional recreational opportunities within Mitchell Creek Marina.

3.13 Air Quality

Currently the proposed project site is considered in attainment with the National Ambient Air Quality Standards (NAAQS) for which attainment and designations have been issued.

Alternative Impacts: The No Action Alternative would have no effects on air quality levels. Under Alternative 2, there would be temporary/minor air quality impacts such as dust, with no lasting effects, from vehicle, equipment, and construction activities.

3.14 Noise

Currently, noise levels experienced within and around the project area are from recreational vessels operating on Dale Hollow Lake. Noise levels are considered well within acceptable levels within and around the proposed project area of recreational boaters.

Alternative Impacts: The No Action alternative would have no effect on current or future noise levels. Under Alternative 2, there would be some minor noise from vehicle, equipment, and construction activities. It would be short-term and would have no lasting effect. Citizens located next to the project site, as well as those recreating within the vicinity of the project area, would likely experience highest noise levels during construction activities, but noise levels as a result of construction activities would be limited to daylight hours and on weekdays. Change in noise levels would be negligible when compared to existing noise levels.

4 CUMULATIVE IMPACTS

Cumulative impact is defined as the impact on the environment which is the result of the incremental impact of the proposed marina expansion project when added to those of other past, present, or reasonable foreseeable future actions. Geographical boundary considered for this discussion of cumulative impacts is the Dale Hollow Lake. The temporal boundary established spans from Dale Hollow Lake impoundment (1943) to fifty (50) years future projection.

4.1 Past and Present Actions

Past development in Tennessee centered along stretches of rivers and streams often creating centers of commerce. Cities developed over time where properties were bought and sold, helping develop the economies. In the past, both commercial and residential development concentrated along portions of rivers and streams for supplying water and other community needs.

Historically, land use of the area was limited to agriculture and timber harvesting. As time progressed and the Obey River was impounded, recreational opportunities arose (i.e. boating, camping, fishing, and hiking). However, the land use surround Dale Hollow Lake remains mostly undeveloped with small urbanized pockets dispersed sparsely amongst large swaths of agricultural lands and timber.

Mitchell Creek Marina and surrounding area is considered a rural area. The majority of the area surrounding Mitchell Creek Marina is composed of farm land and wooded areas.

4.2 Reasonable Foreseeable Future Actions

Areas within the Obey River watershed could see an increase in residential development and commercial development. New marinas could be proposed due to the economic growth of the area and an increase in recreation on Dale Hollow Lake. Development increases may result in additional losses of wildlife habitat, including forest.

With approval of the additional parking, no additional parking would be available on Corps lands. If additional parking is needed the marina would have to seek properties off Corps lands.

4.3 Combined Cumulative Effects

The proposed development at Mitchell Creek Marina would result in temporary and minor long-term impacts to terrestrial resources in the permanent removal of vegetation/trees to install parking areas and expand lease area roadways. However, 0.83 acres of tree removal (remaining 1.77 acres is comprised of gravel parking lots and manicured herbaceous vegetation) is considered relatively minor in comparison with the significant amount of surrounding terrestrial habitat that would remain. All work would take place within the existing lease area. When combined with other past, present, and foreseeable future actions, the incremental impacts of the present action are minor.

5 ENVIRONMENTAL COMMITMENTS, PERMITS, AND APPROVALS

The following commitments, permits, and approvals are made regarding implementation of the action alternatives:

1. It would be necessary to obtain an individual National Pollutant Discharge Elimination System (NPDES) Storm water permit prior to commencement of construction activities since disturbance would exceed 1 acre. Construction BMPs would be followed to minimize environmental impacts. Examples of general construction BMPs are listed below.
 - Minimize Disturbance – minimize disturbed areas within the project area to those being actively worked.
 - Sediment Control Devices – sediment control devices such as silt fences, fiber rolls, geotextile filter fabric, and rock filters would be used as temporary erosion control barriers to capture stormwater runoff from project area.
 - Inspection and Maintenance - inspect and verify activity-based BMPs are in place prior to commencement of associated activities and regular inspect erosion control devices to assure they are functioning properly.
2. Terrestrial resources impacted would be minimized to those areas where construction activities would be performed. Disturbance or removal of vegetation, including trees, within the proposed project area would be avoided to the greatest extent possible.
3. Consultation under Section 106 of the NHPA has led to a “no affect on historic properties” determination. However, should unanticipated cultural resources be encountered during construction, Mitchell Creek Marina would be required to stop all work and contact the Corps. A Corps archaeologist would assess the project area; consult under Section 106, NAGPRA, or other cultural resource laws as necessary, before construction is resumed.

4. The Service concurred that the Indiana bat a federally listed endangered species and the Northern Long-eared bat a proposed endangered species could occur within the impact area of the project. No caves are located within the marina leased area, therefore, Gray bats would not be affected by the proposed project. The Service issued the following stipulations.
 - a. Trees are to be removed during the winter (October 15th till March 31st). If trees are unable to be removed during the winter evening event occurrence surveys could be performed. If no bats are visible, trees are to be removed within 24 hrs. However, if bats are visible then further concurrence with the Service would be required. Evening event occurrence surveys are to be performed by a Corps biologist and must start 30 minutes prior to dark and continue one hour after dark or until too dark to see.

6 ENVIRONMENTAL COMPLIANCE

6.1 Executive Order 11990-Wetlands

No wetland areas have been identified within the proposed project area.

6.2 Farmland Policy Protection Act

No private agricultural lands or prime and unique farmlands are located in the proposed project area.

6.3 Executive Order 11988-Floodplain Management

A small portion of the marina lease area is located within the 100-year floodplain. However, the proposed project sites are not located within the 100-year floodplain. The No Action Alternative and Alternative 2 would have no effect on the floodplain.

6.4 Clean Water Act Compliance

Waters of the U. S. are not present within the proposed project footprint.

6.5 National Pollutant Discharge Elimination System (NPDES) SW Permit

Construction projects disturbing over 1 acre of land require a general NPDES storm water permit. An NPDES permit is required for all alternatives except the No Action Alternative. Coordination with TDEC, WPC would be required and the permit would be obtained prior to construction.

6.6 Endangered Species Act and Fish and Wildlife Coordination Act

Coordination with the Service began with a site visit of December 8, 2014. During the on-site review of the proposed project, three potential trees were found. In an email sent to the Service on December 11, 2014 the Corps made the determination that based on small number of potential trees and surrounding habitat that the proposed project **may affect, but not likely adversely affect any Threatened and/or Endangered Species (Northern long-eared bat and Indiana bat)**. The Service concurred that the Indiana bat and the Northern Long-eared bat could occur within the impact area of the project.

The Service approved the project with the following conditions:

1. (Preferred) Remove potential habitat trees during winter months (October 15th – March 31st)

- or -

2. Conduct evening event occurrence surveys (if no bats are visible trees would be removed within 24 hrs, however, if bats are visible then further concurrence with the Service would be required).

Evening event occurrence surveys are to be performed by a Corps biologist. All potential Indiana and Northern long-eared bat trees were removed between October 15th and March 31st.

6.7 National Historic Preservation Act

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their actions on historic properties and afford the Advisory Council of Historic Preservation the opportunity to comment on undertakings. The Corps defined the APE as the proposed project area footprint. No historic properties are present in the APE. Appendix B summarizes the Section 106 consultation for the action alternatives. This project also complies with cultural resource laws such as Section 110 of the National Historic Preservation Act, the Archaeological Resources Protection Act, Native American Graves and Repatriation Act, American Indian Religious Freedom Act, and Executive Orders 13006.

A Section 106 consultation for the action alternatives is concluded and a summary of the information is presented in Appendix C.

6.8 Executive Order 13514 – Environmental Justice

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations* requires Federal agencies to promote “nondiscrimination in Federal programs substantially affecting human health and environment”. In response to this directive, Federal Agencies must identify and address disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on

minority and low-income populations. The final step in the environmental justice evaluation process is to evaluate the impact of the project on the population and to ascertain whether target populations are affected more adversely than other residents. The marina provides public service to customers without bias to race or income; therefore there are no environmental justice concerns.

6.9 Clean Air Act

None of the alternatives described would impact long-term ambient air quality standards.

6.10 Comprehensive Environmental Response, Compensation, and Liability Act

No Comprehensive Environmental Response, Compensation, and Liability Act sites were identified within the proposed project boundaries.

6.11 Resource Conservation and Recovery Act

All alternatives would be in compliance with the Resource Conservation and Recovery Act.

7 PUBLIC AND AGENCY COORDINATION

7.1 Public and Agency Involvement

This EA is being made available to Federal and state natural resources agencies, other interested agencies, and the general public for a thirty (30) day review period. The EA will be posted to the Nashville District webpage for public review at

<http://www.lrn.usace.army.mil/Media/PublicNotices/tabid/6993/Category/153/environmental-assessments>.

A Notice of Availability (NOA) has been prepared and is being made available regarding this document. All comments received during the thirty (30) day comment period will be considered in the EA.

8 CONCLUSION

Two alternatives were discussed. Both of which were evaluated in detail. These were “No Action” and “Approval of the Proposed Development Plan.”

The No Action alternative would allow current marina operations regarding recreation to continue. Mitchell Creek Marina would be limited in the number of parking spaces and width to lease area roadways.

The action alternative “Approval of the Proposed Development Plan” would cause only minor impacts occurred during construction and would be beneficial following the completion of

construction activities. All work would be done in accordance with all federal, state, and local laws.

The “No Action Alternative” is the environmentally preferred alternative since it would have no effect on Threatened and Endangered Species, wildlife, and no habitat would be lost. Although the “Approval of the Proposed Development Plan” would still have long-term minor impacts to wildlife habitat, the proposed footprint is small and given the surrounding landscape this impact is consider negligible.

9 REFERENCES

Council for Environmental Quality. 1996 Draft Guidance for Addressing Environmental Justice under NEPA. 1996.

US Army Corps of Engineers, Nashville District. 1991. Operational Management Plan. Nashville, Tennessee.

Tennessee Department of Environment and Conservation, Division of Water Pollution Control. 2004. 305(b) Report; The Status of Water Quality in Tennessee. p. 93.

Federal Emergency Management Agency. 2014. Floodplain Maps Website:
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U.S. Census Bureau. 2014. State and County Quick Facts Website:
<http://quickfacts.census.gov/qfd/index.html>

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<http://www2.epa.gov/aboutepa/epa-identifies-noise-levels-affecting-health-and-welfare>

U.S. Fish and Wildlife Service. 2015. Listed species listed by Tennessee County, website:
http://ecos.fws.gov/tess_public/reports/species-by-current-range-county?fips=47027

U.S. Fish and Wildlife Service. 2014. National Wetlands Inventory website:
<http://www.fws.gov/Wetlands/Data/Mapper.html>

10 10 LIST OF PREPARERS

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APPENDIX A
Plans

APPENDIX B
Section 106 Compliance

Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), and its implementing regulations at 36 CFR 800 require consideration of cultural resources prior to a federal undertaking and requires consultation with the State Historic Preservation Officer (SHPO), Federally recognized tribes with a connection to the project location and other consulting parties defined at §800.3. The NHPA only affords protection to sites, buildings structures, or objects listed in or determined eligible for listing in the National Register of Historic Places (NRHP). In addition, under the Archaeological Resources Protection Act and section 110 of the NHPA, the Corps has responsibilities to protect and preserve significant archaeological sites. Archival research for this project involved consulting the National Register of Historic Places, the Tennessee Historical Commission National Register and structure files, and the Tennessee Division of Archaeology site and survey files. Table 1 summarizes the parties consulted, the mechanisms for consultation, and responses to the consultation. The Section 106 consultation has led to a “no effects to historic properties” determination for the proposed project.

Table 2. Summary of Section 106 of the National Historic Preservation Act Consultation.

| Consulting Party | Initiation date | Initiation mechanism | No Effect letter sent | Concurrence to No Effect determination |
|---|-----------------|----------------------|-----------------------|--|
| Tennessee State Historic Preservation Officer | 27 JAN 2015 | 2 | 27 JAN 2015 | 03 FEB 2015 letter |
| Absentee-Shawnee Tribe of Indians of Oklahoma | 27 FEB 2015 | 2 | 27 FEB 2015 | Awaiting response |
| Cherokee Nation | 27 FEB 2015 | 2 | 27 FEB 2015 | Awaiting response |
| Eastern Band of Cherokee Indians | 27 FEB 2015 | 2 | 27 FEB 2015 | Awaiting response |
| Eastern Shawnee Tribe of Oklahoma | 27 FEB 2015 | 2 | 27 FEB 2015 | Awaiting response |
| Shawnee Tribe | 27 FEB 2015 | 2 | 27 FEB 2015 | Awaiting response |
| United Keetoowah Band of Cherokee | 27 FEB 2015 | 2 | 27 FEB 2015 | Awaiting response |

2- Section 106 initiation letter sent January 2015.

*Response date reflects the end of the 30 day comment period. No Response (NR) implies concurrence with the Corps finding of “no historic properties affected” as per 36 CFR 800.4(d).

In a letter to the Tennessee SHPO dated January 27, 2015, USACE made a determination of “no effects to historic properties”. The Tennessee SHPO concurred with the Corps’ “no effect determination” in a letter response dated February 3, 2015.

Consultation with Federally recognized American Indian Tribes was initiated 27 FEB 2015.

United Keetoowah Band of Cherokee Indians, Oklahoma – provided response dated 6 January 2014, stating no objection to the proposed project, but in the event remains or artifacts or other items of cultural significance are inadvertently discovered, construction is to cease and request to contact them telephonically or by letter

USACE did not receive a response from the following tribes; Absentee-Shawnee Tribe of Indians of Oklahoma, Cherokee Nation, Chickasaw Nation, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, and the Shawnee Tribe. In reference to 36 CFR 800.4(d)(1)(i) no response from the remaining tribes after 30 days, implies concurrence with USACE's original findings and fulfills consultation requirements under Section 106 of the National Historic Preservation Act. This action is in compliance with the National Historic Preservation Act.

APPENDIX C
Comments of Draft EA
And
Coordination with USFWS

-----Original Message-----

From: Robbie Sykes [mailto:robbie_sykes@fws.gov]
Sent: Tuesday, December 23, 2014 12:52 PM
To: Granstaff, Matthew LRN
Subject: [EXTERNAL] RE: (UNCLASSIFIED)

Matthew,

The Service has reviewed the information and attachments submitted in your December 11, 2014, email concerning the Mitchell Creek Marina's parking expansion and road widening project in Clay County, Tennessee. The project would require the removal of a small number of trees, and the Corps has made a determination of not likely adversely affect for the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*). The habitat assessment indicates that three (3) trees exhibit suitable roosting characteristics for these two bat species. It is our understanding that that these three suitable trees would be removed between October 15 and March 31, or if outside of this timeframe, an emergence count survey would be conducted before removal.

Based on timeframe restrictions for suitable tree removal or conducting emergence count surveys, the Service concurs with the Corps determinations of not likely adversely affect these bat species.

Our database does not indicate any current federally listed species in the vicinity of the project that would be impacted by the project. Therefore, based on the best information available at this time, we believe that the requirements of the Fish and Wildlife Coordination Act and section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the action that may affect listed species or critical habitat in a manner not previously considered, (2) the action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the action.

Based on implementation of the conditions above, the Service believes that there would be no adverse effect to any federally listed threatened or endangered species and is not opposed to moving forward with the project.

Thank you for coordinating this proposal with us.

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