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ENVIRONMENTAL ASSESSMENT

ECONOMIC DEVELOPMENT GRANT PROPOSAL FOR PREPARATION OF A PAD-READY SITE AT FORT PAYNE INDUSTRIAL PARK, CITY OF FORT PAYNE, ALABAMA

DeKalb County, Alabama

PREPARED BY:
TENNESSEE VALLEY AUTHORITY

JULY 2014

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TVA ECONOMIC DEVELOPMENT GRANT PROPOSAL FOR PREPARATION OF A PAD-READY SITE AT FORT PAYNE INDUSTRIAL PARK, CITY OF FORT PAYNE, ALABAMA DEKALB COUNTY, ALABAMA

TENNESSEE VALLEY AUTHORITY

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The Proposed Decision and Need

The Tennessee Valley Authority (TVA) proposes to provide a grant to the Industrial Development Board of the City of Fort Payne (City) for the preparation of a 330,000 square feet (SF) (400 by 825 feet) earthen/gravel "pad ready" site and access road within a 39.6-acre parcel which has been zoned for "Light Industrial" activity. The "pad ready" site would be raised to an elevation of approximately 974 feet Mean Sea Level (MSL). The elevation of this "pad ready" site would eliminate the primary barrier to making the site eligible for industrial development. (see Attachment A). TVA contribution would be 50 percent of the estimated total cost.

The primary purpose of this project is to prepare an industrial site in the Fort Payne Industrial Park in DeKalb County, Alabama. An industrial or commercial facility at this site could provide long-term economic growth and development opportunities for the County by creating a more diverse regional economy and stronger economic base.

TVA provides financial assistance for projects within the TVA area of service for economic development. The multi-year economic development program designed to bring to market new/improved sites and facilities within the TVA area and position communities to compete successfully for new jobs and investment.

TVA's action is to make a decision on providing a grant to the Industrial Development Board of the City of Fort Payne for the infrastructure improvements in the Fort Payne Industrial Site. To address the potential environmental impacts of the proposal, TVA has prepared this environmental assessment (EA) in accordance with the Council of Environmental Quality's regulations and TVA's procedures for implementing the National Environmental Policy Act (NEPA).

Background

The Industrial Development Board of the City owns the 40-acre tract, which it purchased the in 1999 to be part an industrial park being developed on the north side of Interstate (I)-59 in DeKalb County, Alabama, City of Fort Payne, Alabama.

The City would like to provide site preparation to construct a building pad in shovel ready condition. The proposed site is about a mile south of exit 218 on I-59 and preparing a raised pad could provide a competitive advantage with regard to future commercial and or industrial prospects (Figure 1). This project would provide the infrastructure necessary for future job creation and retention, and strengthen the economy. The City has committed to provide funds for the project. However, TVA funds are important in order to fully implement the project.

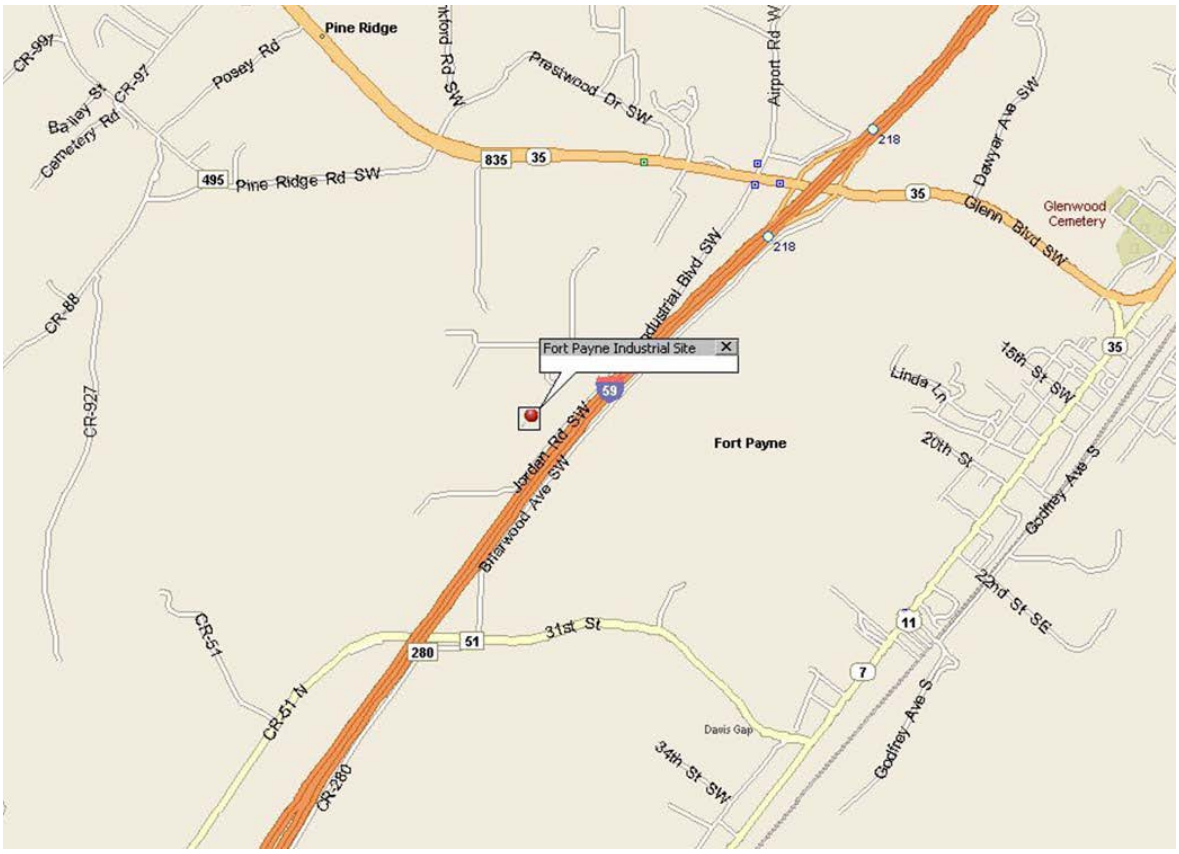

Figure 1. Location of Proposed Project

Alternatives

Scoping by TVA has determined that from the standpoint of NEPA, there are two viable alternatives available: the No Action Alternative and the Proposed Action Alternative.

The No Action Alternative

Under the No Action Alternative TVA would not provide funding. In this event, the City could seek funding from alternative sources, or not complete the project. If the project were not completed, the site would continue to be at a competitive disadvantage for selection by developers. If the City obtained alternative funding, the overall environmental consequences would be similar to the Action Alternative.

Action Alternative – The Proposed Action Alternative

Under the Action Alternative, TVA would provide funding. The site would be prepared and available for industrial and/or commercial development (Attachment A). The City would implement best management practices (BMPs), standard and special conditions to minimize or reduce the environmental effects of the proposed project to levels of insignificance, or implement mitigation to offset adverse project impacts.

Future commercial or industrial development of the proposed site may involve facilities, such as manufacturing, service, utility, assembling, and/or warehouses. However, the particular kind of industrial or commercial development that would occur at this site is unknown at this time. Nor

is it known at this juncture whether other TVA actions may be necessary for any such future development.

Affected Environment and Evaluation of Impacts

Site Description

The proposed project is in DeKalb County Alabama, within the City of Fort Payne which is the largest community in the county. The county is located in north east Alabama and is largely rural with many small communities and much of its area devoted to agriculture and forest. The proposed project is in the Southern Limestone/Dolomite Valleys and Low Rolling Hills Level IV ecoregion. Common vegetation types in this region are oak-hickory and oak-pine forests, along with pasture and row crops in areas with more productive soils (Griffith et al 2001).

The site is located on Jordan Road approximately one mile south of Glenn Boulevard and Alabama State Route (SR) 35. It is bounded on the South by Ferguson Enterprises, Inc., a 750,000 SF distribution center, on the west by Wills Creek, and on the north by a right of way and a medical clinic. The subject property has been in pasture for over 40 years and is gently rolling with elevations from 780 to 800 feet MSL. The proposed project area is currently vacant with no structures and has historically been agricultural pasture land with about half being cleared. There is forest cover along Big Wills Creek. Topography is relatively flat with overall grade falling to the North West. The site is also traversed by several small to medium drainage features that provide storm water drainage into Big Wills Creek.

Impacts Evaluated

The applicant's proposed actions, subsequent to TVA's selection of the Action Alternative, would have no impacts on several natural resources. These resources are either not present on the site or would not be affected by the proposal: navigation, unique or important aquatic wildlife habitats, prime or unique farmland, recreation, visual resources, wetlands, natural areas, and wild and scenic rivers. These resources were therefore not evaluated further in this EA.

Resources that could potentially be affected by the proposed action or need further assessment additional include groundwater, floodplains, threatened and endangered terrestrial species, cultural resources, terrestrial ecology, water quality, socioeconomics, environmental justice, transportation, noise, air quality, and solid waste.

Groundwater

The project area is located in the Valley and Ridge Physiographic Province and is underlain by Mississippian to Ordovician rock strata (Miller 1990). The Valley and Ridge aquifer consists of folded and faulted bedrock comprised of carbonates, sandstone, and shale. Soluble carbonate rocks and some easily eroded shales underlie the valleys in the province, and more erosion-resistant siltstone, sandstone, and cherty dolomite underlie ridges. The arrangement of the northeast-trending valleys and ridges are the result of a combination of folding, thrust faulting, and erosion. Compressive forces from the southeast have caused these rocks to yield, first by folding and subsequently by repeatedly breaking along a series of thrust faults. The faulting has resulted in geologic formations which are repeated several times across the region often with older age strata overlying rock of a younger geologic age.

Groundwater in the Valley and Ridge aquifers primarily is stored in and moves through fractures, bedding planes, and solution openings in the rocks. These aquifers are typically present in valleys and rarely present on the ridges. Most of the carbonate-rock aquifers are directly connected to sources of recharge, such as rivers or lakes, and solution activity has

enlarged the original openings in the carbonate rocks. In the carbonate rocks, the fractures and bedding planes have been enlarged by dissolution of the rock. The dissolution occurs as slightly acidic water dissolves some of the calcite and dolomite which are the principle components of carbonate-rock aquifers. The progression of chemical weathering can possibly results in the development of karst features (caves, sinkholes, springs). Currently, however, there is no evidence of karstic features at ground surface of the site.

Public drinking water for Dekalb County, Alabama is supplied by both surface water and groundwater sources (EPA 2013). A majority of the population is supplied by the public water system; however, some private residences rely on private wells.

No Action Alternative - Under the No Action Alternative, no impacts to groundwater would occur within the project area. If the City obtained alternative funding, the overall environmental consequences would be similar to the Action Alternative.

Action Alternative - Under the Action Alternative, the proposed construction activities have the potential to impact groundwater. Site clearing and grading for structures and access roads could cause erosion resulting in the movement of sediment into springs or groundwater infiltration zones. The contractor would follow all applicable regulations regarding storm water permitting and utilize applicable BMPs to minimize and control erosion during construction. Contractor would implement and utilize control methods to contain and properly dispose of all wastes and accidental spills in order to prevent the discharge of potential contaminants to groundwater.

Herbicides used during clearing and subsequent maintenance activities have the potential to enter groundwater. Although some herbicides break down quickly, others may persist in groundwater. Use of fertilizers and herbicides would be considered with caution before application and applied according to the manufacturer's label. BMPs dealing with herbicide application would also be used to prevent impacts to groundwater.

Proper implementation of these BMP's and control measures are expected to result in insignificant impact to groundwater as a result of the proposed action.

Floodplains

Based on the site map entitled "Proposed Contours for the Industrial Development Board of the City of Fort Payne, Alabama", developed by Greenhill Engineering Consultants (GEC), Inc. on February 6, 2014, the site is located within the 100-year floodplain of Wills Creek. According to DeKalb County, Alabama, Flood Insurance Rate Map Panel 292 the 100-year flood elevation is 794 MSL. DeKalb County participates in the National Flood Insurance Program, and any development must be consistent with these regulations.

As a federal agency, TVA is subject to the directives of Executive Order (EO) 11988, Floodplain Management. The objective of EO 11988 is "…to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative" (United States Water Resources Council 1978). The EO is not intended to prohibit floodplain development in all cases, but rather to create a consistent government policy against such development under most circumstances. The EO directs Federal agencies, prior to taking actions, to avoid the 100-year floodplain unless there is no practicable alternative. For certain "Critical Actions", the minimum floodplain of concern is the area subject to inundation from a 500-year (0.2 percent annual chance) flood.

No Action Alternative - Under the No Action Alternative, the building pad would either not be constructed, or TVA would not be involved in the review process. If alternative funding is obtained the overall environmental consequences would be similar to the Action Alternative.

Action Alternative - Under the Action Alternative, the building pad would be located entirely within the Big Wills Creek 100-year floodplain. Under EO 11988, fill for a building pad is not considered to be a repetitive action in the 100-year floodplain. Therefore, it was necessary for the applicant to evaluate alternatives and provide supporting information to document that there is no practicable alternative to siting the building pad in the 100-year floodplain.

The applicant provided documentation to TVA (see Attachment B) to support the selection of this site for the construction of the building pad. The best available information at the time of purchase by the City indicated the site was outside the 100-year floodplain. This is the largest tract of land of industrial development that the City owns and no other tracts are currently for sale at this time. The site is less than one mile from I-59 and the City has constructed a road adjacent to the tract with utilities in anticipating industrial development. A public notice requesting comments about the project appeared in the Fort Payne Times Journal for 10 days, from July 11 to 21, 2014, no comments were received. TVA reviewed the all the above information and made a determination that there is no practicable alternative to the proposed floodplain siting.

To minimize adverse floodplain impacts, the least amount of fill would be used to construct the building pad, the fill would be located outside of the Big Wills Creek 100-year floodway, the top elevation of the pad would be at or above elevation 795 MSL, which is one foot above the 100-year flood elevation, and any future building would be 1.5 to 2 feet higher, such that the final floor elevation would be at or near elevation 797 MSL. Therefore, the proposed project would be consistent with EO 11988 and have no significant impact on floodplains.

Aquatic Ecology and Water Quality

An April 2014 field survey of the proposed 40 acre parcel documented two perennial, one intermittent, and three ephemeral streams. Aquatic life and water quality could be affected by the proposed action either directly by the alteration of habitat conditions or indirectly due to modification of the riparian zone and storm water runoff resulting from construction activities associated with the site preparation. Potential impacts due to removal of streamside vegetation within the riparian zone include increased erosion and siltation, loss of in-stream habitat, and increased stream temperatures. Other potential construction impacts include alteration of stream banks and stream bottoms by heavy equipment and runoff of herbicides into streams.

No Action Alternative - Under the No Action Alternative, there would be no impacts to aquatic ecology and water quality. The City could seek alternative funding, resulting in impacts similar to those associated with the proposed action. However, changes to aquatic life would likely occur over the long term due to factors such as population growth and land use changes within the area.

Action Alternative - Under the Action Alternative, based on the plans, the proposed building pad would not be constructed on either of the perennial streams. However, watercourses that convey only surface water during storm events such as ephemeral streams could be affected by the proposed site preparation. Impacts would be minimized by standard BMPs designed in part to minimize disturbance of riparian areas, and subsequent erosion and sedimentation that can be carried to streams. Because appropriate BMPs would be implemented during site

preparation work, and no stream alteration would occur, any impacts to aquatic ecology and water quality would be minor.

Terrestrial Ecology

A site visit to the project area was conducted in April, 2014. The vast majority of the project area is dominated by herbaceous vegetation, which is characterized by greater than 75 percent cover of forbs and grasses and less than 25 percent cover of other types of vegetation. The open field is regularly mowed and contains plant species indicative of early successional, heavily disturbed sites. Common species in the field include broomsedge, dandelion, Kentucky bluegrass, large yellow vetch, red clover, tall fescue, and timothy. Small areas, primarily riparian zones along Big Wills Creek, contain mature deciduous forest. American beech, sugar maple, and white oak are common in the overstory with fire pink, may apple, spring beauty, violet wood sorrel, and wood anemone in the herbaceous later. Other areas of fragmented woods on the site had an understory dominated by species indicative of disturbed habitats or had small diameter trees (< 10 inches diameter at breast height). No plant communities on the site have conservation value.

EO 13112 (Invasive Species) serves to prevent the introduction of invasive species and provides for their control to minimize the economic, ecological, and human health impacts that those species potentially cause. In this context, invasive species are non-native species that invade natural areas, displace native species, and degrade ecological communities or ecosystem processes (Miller 2010). The project area is currently dominated by weedy herbaceous vegetation, which reflects the frequency and magnitude of disturbance present on site. Disturbances associated with agriculture, grazing, and mowing prevent tree species from becoming established, but can also encourage invasion and establishment of weedy plants.

The project footprint is comprised primarily of herbaceous field (i.e., pasture) with several small, fragmented forest blocks and narrow linear strips that are primarily concentrated in the southwest corner of the footprint. Red maple, shortleaf pine, eastern boxelder, and eastern red cedar are dominant species in these forest segments, which are dense in the mid and understory with species that include Chinese privet and devil's walking stick. White oak and hickory also are present in the canopy. Several aquatic features (one stream and two wetlands) are present. The project area is bordered by additional interspersion of agriculture and forest fragments to the north and west, industrial infrastructure to the south, and impervious surface (i.e., interstate highway) to the east.

Birds observed during the site visit included: tree swallow, red-winged blackbird, and common yellowthroat, species typical of early-successional habitat in or near aquatic features; eastern bluebird, field sparrow, and eastern meadowlark, typical species of large open fields; and eastern towhee, tufted titmouse, northern flicker and house finch, common associates of interspersed field-forest habitat. Red-tailed hawks were observed in flight overhead. Mammal observations included presence of a beaver dam located on the northern end of the stream, near the western boundary of the project area. Other mammals frequently observed in this type of habitat include Virginia opossum, eastern cottontail, striped skunk, white-tailed deer, eastern mole, woodchuck, and rodents such as white-footed mouse and hispid cotton rat. Garter snake, upland chorus frog, and southern leopard frog were in abundance in close proximity to the wetlands and stream. Other amphibians and reptiles typical in this type of environment include spring peeper, black racer, and black rat snake.

An active great blue heron nesting colony was documented during the site visit (Figure C-1 of Attachment C). At least 10 nests and 13 individuals were observed within a single tree located

close to the northern boundary of the project footprint, adjacent to the northern end of the stream and to one of the forest blocks.

No caves have been documented within 3 miles of the project area. No caves or unique habitats were observed during the field survey.

No Action Alternative - Under the No Action Alternative, the industrial site could remain in its current condition for some length of time. The City could seek alternative funding or not complete the project. If the project is not completed, no impacts to terrestrial ecology would occur. If the project is completed with alternative funding, the impact to terrestrial ecology is likely to be similar to the Action Alternative.

Action Alternative - Under the Action Alternative, as the herbaceous vegetation currently found on the site does not support native plant communities with conservation value; the permanent conversion of the site, which is comprised primarily of non-native plants, would have a negligible impact on the terrestrial ecology of the region. It is unlikely that development of the industrial site would disturb the approximately 2-acre patch of mature deciduous riparian forest along Big Wells Creek, but even if that area was cleared the impact would be negligible when considered in the context of the amount of similar forested habitat in the region. Adoption of the Action Alternative would not significantly affect the terrestrial ecology of the region.

The site preparation primarily includes development of a building pad on an herbaceous field. The proposed actions do not include tree removal or impacts to aquatic features. Wildlife associated with these habitats are thus not expected to be directly impacted by proposed actions. Terrestrial animals that may be present during construction may be disturbed by human presence, human activity and associated human noise, and thus may move into surrounding similar habitat during construction activities. It is likely wildlife would return to the area upon completion of the building pad.

One heronry has been documented within three miles of the proposed project area. The heronry is located in a tree within the project area, near the northern end of a stream and in close proximity to the western boundary. To avoid adverse impacts to the birds, any proposed actions would need to stay at least 330 feet away from the heronry (Figure C-1 of Attachment C) during the heronry nesting season (i.e., February 15 – July 15).

Threatened and Endangered Species

The Endangered Species Act provides broad protection for species of fish, wildlife, and plants that are listed as threatened or endangered in the United States or elsewhere. The Act outlines procedures for federal agencies to follow when taking actions that may jeopardize federally listed species or their designated critical habitat. The policy of Congress is that federal agencies must seek to conserve endangered and threatened species and use their authorities in furtherance of the Act's purposes.

Review of the TVA Natural Heritage Database (database), in April 2014, indicates that one federally listed and no state-listed rare plant species have been previously documented within a five-mile vicinity of the project area (Table C-1 of Attachment C). Two additional federally listed plant species are known to occur in DeKalb County, Alabama; no designated critical habitat for plant species occurs in the project area. Neither federally nor state-listed plant species occur on the site.

Based on review of the database for records of terrestrial animals, no federally-listed or state listed species have been documented within three miles of the project area. Records for one federally-protected species (gray bat; USFWS 1982) occur within DeKalb County, but not within three miles of the project area. The project footprint falls within the range of one additional federally endangered species (Indiana bat; (USFWS 2007) and one species proposed for listing as federally endangered (northern long-eared bat). See Table C-2 in Attachment C.

Gray bat hibernates in caves in large numbers during winter months and migrates to warmer caves to form summer maternity colonies (adult females and young) or bachelor colonies (adult males). This species is closely associated with rivers, lakes, and other large bodies of water over which it forages for aquatic insects (Best et al. 1995, Tuttle 1976). It occurs primarily in the cave region of Missouri, Arkansas, Kentucky, Tennessee, and Alabama. Summer and winter ranges are essentially the same (Nature Serve 2014).

Although summer roosting gray bats have been documented in several caves in DeKalb County, all known roost sites are greater than three miles from the project site. Habitat suitable for roosting or foraging by gray bats is not present within the project footprint.

Indiana bat is listed as federally endangered (USFWS 2007). The species overwinters in caves and forms small colonies under loose bark of trees and snags in summer months (Barbour and Davis 1974). Indiana bats disperse from wintering caves to areas throughout the eastern US. The species favors mature forests interspersed with openings. Use of living trees with suitable roost characteristics in close proximity to suitable snags also has been documented. Multiple roost sites generally are selected. The availability of trees of a sufficient bark condition, size, and sun exposure is another important limiting factor in how large a population an area can sustain (Tuttle and Kennedy 2002, Harvey 2002, Kurta et al. 2002).

Indiana bat has not been documented in DeKalb County. Winter occurrence has been reported from caves in Marshall and Jackson Counties, Alabama, west of DeKalb County and the project area. Northern long-eared bat is found in the eastern US. Suitable winter habitat includes underground caves and cave-like structures (e.g. abandoned or active mines, railroad tunnels). During summer this species roosts singly or in colonies in cavities, underneath bark, crevices, or hollows of both live and dead trees (typically ≥3 inches in diameter). Northern long-eared bat forages in upland and lowland woodlots, tree-lined corridors, and water surfaces, feeding on insects. In general, habitat use by northern long-eared bat is thought to be similar to that by Indiana bat (USFWS 2014b).

Federal agencies have been directed under Section 7 to assess the suitability of habitat and potential impacts to Indiana bat within project footprints that occur within the potential range of the species (USFWS 2014a). This increased vigilance is based on the continued decline of Indiana bat and the recent and continued impact of white-nose syndrome on cave-dwelling bat species. Since 2006, when white-nose syndrome was first observed in a cave in New York, the associated fungus, *Pseudogymnoascus destructans*, has adversely impacted cave-dwelling bat species up and down the eastern seaboard. Impacts are spreading further south and west, with close to 100 percent mortality in affected caves after 2-3 years (USFWS 2012). Indiana bat is one of the species that has experienced mortality due to white-nose syndrome.

Twenty trees with characteristics considered suitable for roosting (i.e., dead and living trees with exfoliating bark, solar exposure, and ranging in diameter from 8 to 30 inches) by Indiana bat and/or northern long-eared bat were identified within the project footprint. These trees were located in the northwest section of the footprint, within one of the forest blocks. Foraging

habitat on the site is lacking to marginally suitable, based on presence of an extensive open area (pasture) and low plant diversity and abundance, which corresponds to low insect diversity and abundance, and thus low food availability for insect-eating bats.

Two federally listed endangered mussels, two federally listed threatened species (a fish and a mussel), and six state-listed species (5 insects and a fish) are known to occur within DeKalb County and/ or the Big Willis Creek watersheds (Table C-3 of Attachment C).

No Action Alternative - Under the No Action Alternative, the project area would likely remain in its current condition for the foreseeable future. If the City obtained alternative funding, the overall environmental consequences would be similar to the Action Alternative.

Action Alternative - Under the Action Alternative, the project would not impact federally or state-listed species because no individual plants or habitat capable of supporting listed species occurs in the project area. Suitable foraging habitat is not present within the footprint of the project area for gray bat, and is lacking to marginally suitable for Indiana and northern long-eared bat. Because no listed aquatic species or designated critical habitat are known from the project site, and appropriate BMPs would be implemented during site preparation activities, no impacts to federal or state listed aquatic species are anticipated to occur. Furthermore, a letter dated February 10, 2014 from the USFWS office determined that the proposed site development would have no effect on federally listed species or their designated critical habitat.

Cultural Resources

TVA determined the Area of Potential Effects (APE) to be the footprint of any proposed disturbance that would be funded by TVA including the pad, associated parking lot and access road. The APE is located within a 40-acre parcel owned by the City and has been previously been zoned for light industry.

Historic and cultural resources, including archaeological resources, are protected under various federal laws, including: the Archaeological Resources Protection Act, the Native American Graves Protection and Repatriation Act, and the National Historic Preservation Act (NHPA). Section 106 of the NHPA requires federal agencies to consult with the respective State Historic Preservation Officer (SHPO) when proposed federal actions could affect these resources.

Prior to TVA's involvement, the City's contractor sent a letter to the Alabama SHPO regarding the proposed project. In a letter dated February 6, 2014, SHPO stated that the proposed project would have no effects to historic properties.

No previous archaeological sites or archaeological surveys have been conducted within the proposed APE. In April 2014, TVA Cultural Compliance archaeologists conducted an archaeological field reconnaissance of the APE. No intact cultural deposits or artifacts were identified.

No Action Alternative - Under the No Action Alternative, there would be no project-related effects to historic or archaeological resources under this alternative. Likewise, no direct, indirect, or cumulative effects to these resources are expected. If the City obtained alternative funding, the overall environmental consequences would be similar to the Action Alternative.

Action Alternative - Under the Action Alternative, TVA determined the APE to be the footprint of any proposed disturbance that would be funded by TVA including the pad, associated parking

lot and access road. The APE was subjected to an archaeological reconnaissance by a TVA Archaeologist in 2014. As a result no archaeological sites were identified.

Pursuant to 36 CFR § 800.4, implementing Section 106 of the *National Historic Preservation Act*, on April 29, 2014, TVA consulted with the Alabama SHPO on the TVA finding that, no historic properties would be affected by the proposed undertaking. In a letter dated June 9, 2014, the SHPO concurred with TVA findings of no effect.

Pursuant to 36CFR§ 800.2 (c)(2)(ii), 800.3 (f)(2), and 800.4 (a)(4)(b), TVA also consulted with federally recognized Indian tribes regarding properties within the proposed project's APE that may be of religious and cultural significance to them and eligible for the NRHP. TVA received responses from The United Keetoowah Band of Cherokee Indians in Oklahoma and The Chickasaw Nation who had no objections to the project but would like notification should any human remains be inadvertently discovered.

Transportation

Trucks going to or from the proposed site would travel to the site by Jordan Road which connects to Alabama State Route (SR) 35 via Industrial Boulevard a mile to the northeast. Exit 218 to I-59 is about 0.5 miles further to the east. Jordan Road currently dead ends near Ferguson Distribution Center, which contributes about 200-300 trips per day to the road traffic.

No Action Alternative - Under the No Action Alternative, existing transportation would not be affected. If the earthen building pad and associated access road is constructed at this location without TVA involvement, the impacts would be much the same as the Action Alternative.

Action Alternative - Under the Action Alternative, there would be a minor temporary increase in transportation while the proposed earthen building pad and associated access road were constructed. After the initial mobilization of equipment, traffic to and from the proposed site would consist of a small workforce of operators, laborers, and construction foreman observing a typical eight to ten-hour work day. The minor temporary increase in transportation while the proposed earthen building pads and associated access road is constructed would be insignificant.

Socioeconomics and Environmental Justice

The proposed facility would be located in DeKalb County, Alabama, which had a population of 71,109 in 2010 (US Census Bureau 2014). The most recent unemployment rate was 11.0 percent, which is higher than the state's rate of 10.3 percent. The minority population share was at 15.5 percent in the county, which is lower than the state (29) and national (36) percentages. According to the American Community Survey 2008-2012 estimates, the population below the poverty level at the county level is 19.5 percent and the state and national levels at 18.1 and 14.9 percent, respectively.

Medium household income in DeKalb County was $36,853, as of 2012, about 69 percent of the national level of $53,040 and 85 percent of the state level of $43,160. Employment in the county is dependent primarily on manufacturing, education and health care, and retail, but less dependent on service and professional sectors of the economy.

DeKalb County Alabama lost 6,000 to 8,000 jobs during 2005-2010 when the unemployment rate reached a high point of 14.1 percent. 2011 average unemployment rate was 10.9 percent (U. S. Census Bureau, 2012). In 2012, the average unemployment rate was 8.5 percent. The loss of manufacturing industry in DeKalb County has caused under-utilized utility infrastructure

in Fort Payne where the use of the City's water system went from about 4 million gallons of water per day down to 0.6 million gallons per day.

No Action Alternative - Under the No Action Alternative, socioeconomics or environmental justice would not be affected. If the proposal is constructed with alternative funding, the impacts would be much the same as the Action Alternative.

Action Alternative - Under the Action Alternative, any construction or operation activities related to the proposed facility would be remote from the area's population and not likely to have any noticeable impact on residents. The proposal would add temporary construction jobs to the local economy as the facility is constructed. Therefore, minor beneficial impacts on commercial activity or other activities in the area are likely to occur because of new or increased purchases of local services and goods. Minority and low-income populations occur in the county and vicinity of the project area. However, there are no adjacent residences. Therefore, any impacts that might occur would be economically beneficial and not disproportionately affect disadvantaged populations.

Noise, Air Quality, and Solid Waste

Construction activities including the movement of large amounts of earth can produce noise from machinery and handling as well as fugitive dust and combustion emissions from engines and burning of unwanted vegetation. Also, localized solid waste would result from the packaging of materials used during the construction process or accumulated in the form of vegetation and construction debris. The proposed project would be located in an existing industrial operations area. No residential development is adjacent to the project area.

No Action Alternative - Under the No Action Alternative, there would no additional impacts to noise, air quality, or solid waste. If project is constructed with alternative funds, the impacts would be much the same as the Action Alternative.

Action Alternative - Under the No Action Alternative, construction noise and impacts to air quality (fugitive dust) expected during the building period would come from equipment used for excavating, grading, and hauling. Most of the construction activities would occur during weekday, daylight hours; however, construction could occasionally occur during nights and weekends, if necessary. The immediate area would experience temporary noise increases during construction; however, most activities would be during weekday daylight hours within an existing Industrial Park removed from the nearest residential receptor. Therefore, the construction noise is expected to result in minor impacts. Construction of the proposed earthen building pad and associated access road would cause temporary minimal offsite fugitive air emissions, but with the employment of BMPs, is expected to result in minor impacts.

Solid wastes produced during the construction of the proposed building pad and associated infrastructure would consist of general refuse. These materials would be disposed of by a licensed waste management company in a permitted landfill. Therefore, the action alternative would result in only minor or temporary direct, indirect or cumulative effects relating to noise, air quality, and solid waste.

Cumulative Impacts

Resources that could be cumulatively affected by TVA providing the grant and the construction of the earthen building pad and associated infrastructure are transportation, socioeconomics, noise, air quality, and solid waste. Transportation, noise, air quality, and solid waste would continue to be affected by general population increases, industrial use, and development growth

in the area. Socioeconomics would be beneficially impacted by direct job growth and indirectly by associated services. However, this action would not result in cumulative impacts on a regional or Valley-wide basis. Although it would have a somewhat greater impact than the No Action Alternative, the Action Alternative would result in a minimal impact on the environment and improve local economy when the proposal was completed. Therefore, TVA has determined that cumulative impacts of this action would be insignificant.

Necessary Permits

As the impacted area would be greater than one acre, a Construction Storm Water Permit from the Alabama Department of Environmental Management would be required, pursuant to Section 401 of the Clean Water Act. The applicant is responsible for obtaining any local, state, or federal permits necessary for this project.

Agency Involvement

The City submitted a completed grant application for the proposed construction of an earthen building pad and associated infrastructure within the Industrial Park on August 1, 2013. The Applicant's contract engineer, Greenhill Engineering Consultants (GEC), Inc., contacted the following agencies regarding the proposal;

- A February 6, 2014 letter from the Alabama Historical Commission concurring that the project will have no effect on properties listed or eligible for listing in the NHRP.
- A February 10, 2014 response from the USFWS to a January 9, 2014 letter from GEC, stating that no federally listed species/critical habitats occur within the project area, and the project will have no significant impact on fish and wildlife resources.
- A February 21, 2014 response from the USACE to a January 9, 2014 letter from GEC that the project will not require a Department of the Army Permit.

In addition to the provided correspondence, TVA contacted the following agencies, as well as federally recognized Native American tribes, concerning the proposed project.

- Alabama Historical Commission
- Cherokee Nation
- The Chickasaw Nation
- Absentee Shawnee Tribe of Oklahoma
- Kialegee Tribal Town
- Alabama-Coushatta Tribe of Texas
- Thlopthlocco Tribal Town
- Eastern Shawnee Tribe of Oklahoma
- Seminole Nation of Oklahoma
- Eastern Band of Cherokee Indians
- Muscogee (Creek) Nation
- Shawnee Tribe
- United Keetoowah Band of Cherokee Indians in Oklahoma
- Poarch Band of Creek Indians

Correspondence received from other agencies related to this review and coordination is contained in Attachment D.

Mitigation Measures

To minimize or reduce the environmental effects of the proposed project, the Applicant is to ensure all construction activities are in compliance with storm water permitting requirements and utilize applicable BMPs to minimize and control erosion during construction. To minimize disturbance to nesting herons during construction, any construction activity would stay at least 330 feet away from the heronry (Figure C-1 of Attachment C) during the nesting season (i.e., February 15 – July 15).

Preferred Alternative

TVA's Preferred Alternative is the Action Alternative where TVA would provide the grant and the building pad would be constructed on the 40 acre site as proposed location.

TVA Preparers

Adam Dattilo, Botanist, Biological Resources, Terrestrial Ecology and Threatened and Endangered Species

Michaelyn Harle, Contract Archaeologist, Cultural Resources, National Historic Preservation Act Section 106 Compliance

Andrew R. Henderson, Aquatic Endangered Species Biologist, Aquatic Ecology and Aquatic Threatened and Endangered Species

Holly G. LeGrand, Biologist, Biological Resources, Terrestrial Resources and Terrestrial Endangered Species

Robert A. Marker, Recreation Specialist, Recreation Resources

Craig L. Phillips, Contract Aquatic Ecologist, Biological Resources, Aquatic Ecology and Endangered Species

Carrie C. Mays, Civil Engineer, River Operations, Floodplains

Roger Milstead, Program Manager, River Operations, Floodplains

Kim Pilarski, Biologist, Biological Resources, Wetlands and Natural Areas

Amos Lee Smith, Water and Waste Compliance Specialist, Groundwater

Richard L. Toennisson, Contract Senior NEPA Specialist, NEPA Compliance and Document Preparation

Wells, Edward W., III, Archaeologist, Cultural Resources, National Historic Preservation Act Section 106 Compliance

Bill L. Zotto, Economic Development, Project Manager

Agencies and Others Consulted

Alabama Historical Commission, Montgomery, Alabama

United States Army Corps of Engineers, Homewood, Alabama

United States Fish and Wildlife Service, Daphne, Alabama

United States Natural Resources Conservation Service, Tuscaloosa, Alabama

The Chickasaw Nation

The United Keetoowah Band of Cherokee Indians in Oklahoma

References

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Attachments

A. Maps and Plans
B. Floodplain Map and Documentation
C. Supporting Information
D. Agency Letters

Attachment A - Maps and Plans

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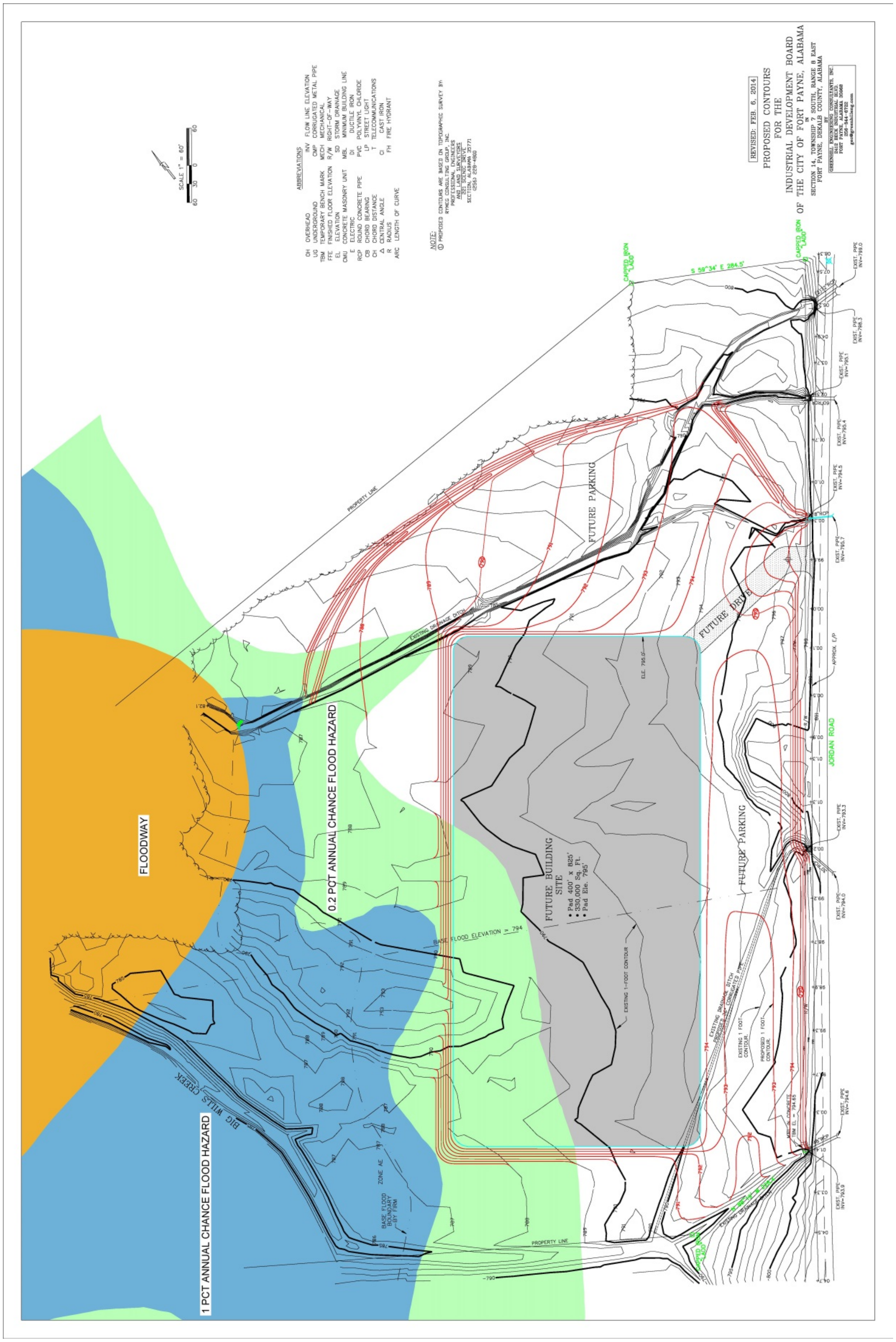
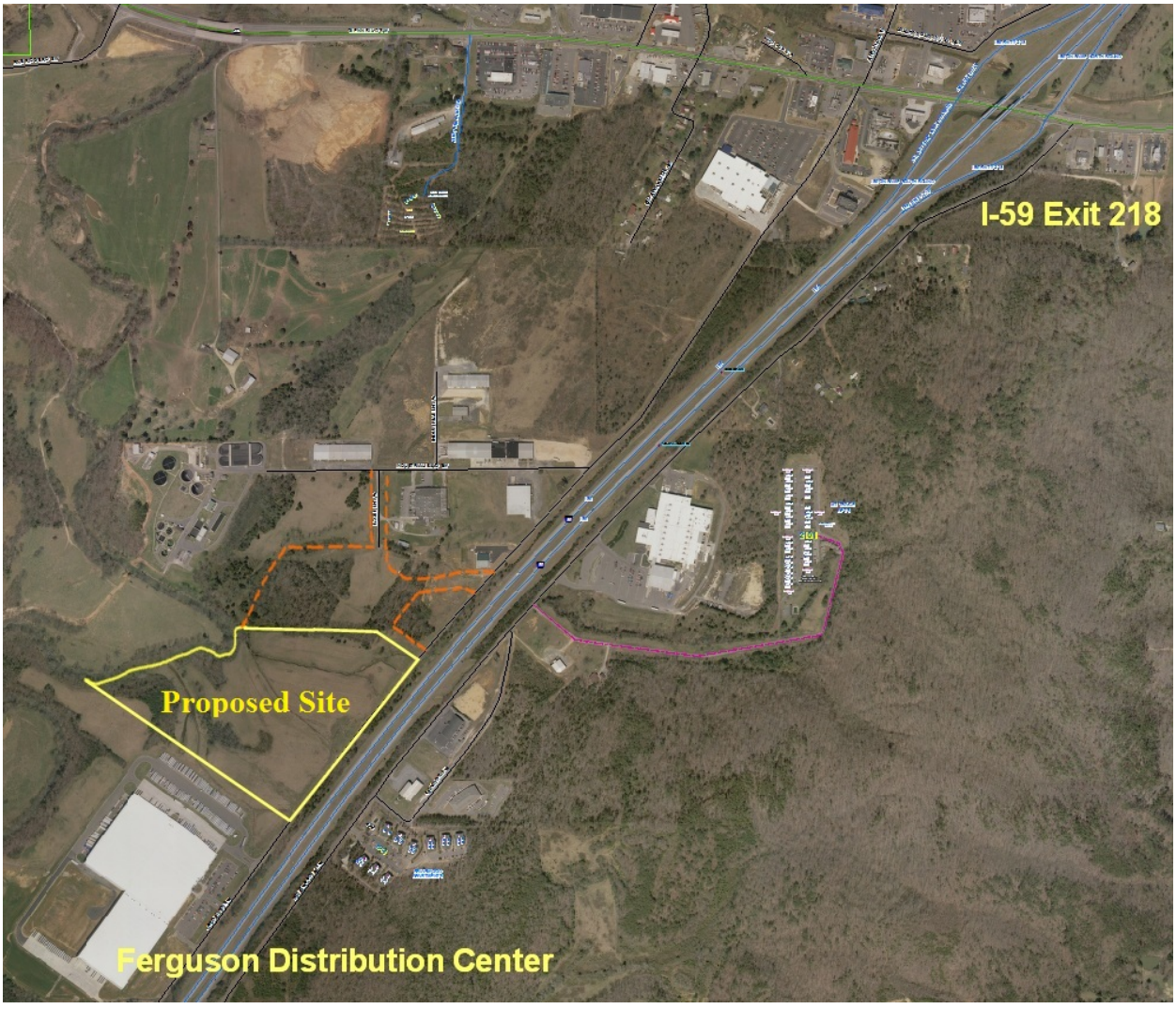

REVISED: FEB. 6, 2014
PROPOSED CONTOURS
FOR THE
INDUSTRIAL DEVELOPMENT BOARD
OF THE CITY OF FORT PAYNE, ALABAMA
SECTION 14, TOWNSHIP 7 SOUTH, RANGE 8 EAST
FORT PAYNE, DEKALB COUNTY, ALABAMA
ABBREVIATIONS
FLOODWAY
0.2 PCT ANNUAL CHANCE FLOOD HAZARD
1 PCT ANNUAL CHANCE FLOOD HAZARD
BIG WILLS CREEK
FUTURE PARKING
FUTURE DRIVE
FUTURE BUILDING SITE
• Pad 400' x 825'
• 330,000 Sq. Ft.
• Pad Ele. 795'
BASE FLOOD ELEVATION = 794
PROPERTY LINE
JORDAN ROAD
S 59°34' E 284.5'


I-59 Exit 218
Proposed Site
Ferguson Distribution Center


Ferguson Distribution Center
PROPOSED SITE
Interstate 59

Attachment B – Floodplain Maps and Documentation

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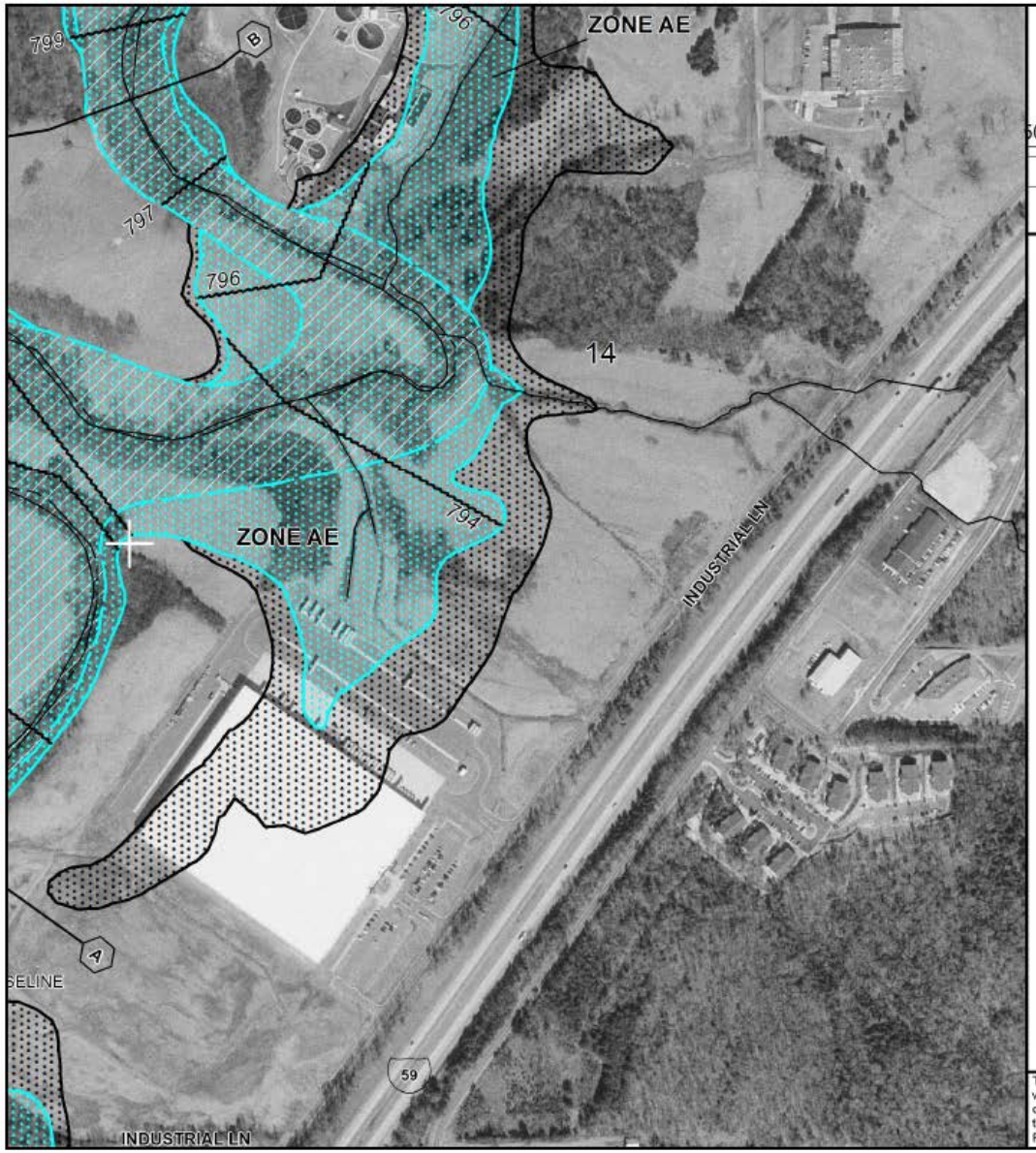

MAP SCALE 1" = 500'

50 0 500 1000 FEET

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0292E

FIRM

FLOOD INSURANCE RATE MAP

DEKALB COUNTY, ALABAMA
AND INCORPORATED AREAS

PANEL 292 OF 506
(SEE LOCATOR DIAGRAM OR MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DEKALB COUNTY	010320	0292	E
FORT PAYNE, CITY OF	010067	0292	E
PINE RIDGE, CITY OF	010478	0292	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP REVISED **MAP NUMBER**

SEPTEMBER 29, 2011 **01049C0292E**

State of Alabama
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

DeKalb County
Economic Development
Authority

Tuesday, May 20, 2014

Mr. Bill L. Zotto, CBI, LEED AP
Project Control Specialist
TVA Economic Development
P.O. Box 292409, OCP 6D-NST
Nashville, Tennessee 37229-2409

Dear Mr. Zotto,

Thank you for setting up a conference call yesterday with the TVA Environmental group so that we could answer some questions pertaining to the [redacted] Project Site. I am attaching bullet points in response to questions of concern that the Environmental Group had on the site. I hope these questions help explain why that site was chosen and that there are no alternative sites available for a similar project. I would like to personally thank each of you for your help and understanding in this matter. We will always be glad to work closely with you as the project develops.

The following are the bullet points that hope will answer your questions:

- The Industrial Development Board of the City of Fort Payne, Alabama purchased the Fort Payne InvestPrep Project site on March 20, 2000. This land was purchased to accommodate the location of the Ferguson Enterprises Distribution Center. The City then retained a 39.59-acre parcel north of Ferguson to have as an industrial site. Since the Ferguson Site was approved for development by ADEM and other approving agencies, the City felt that the remaining site would be the perfect location for an industrial site knowing that any development would have to stay out of the floodway. The sole reasoning for the purchase of this site was for industrial development purposes.

- To accommodate the Ferguson Site and the future industrial site the City constructed a new road past the InvestPrep Site to the Ferguson Site, installed a 16 inch water line, a 4 inch high pressure gas line, a 3-phase power line and an 8 inch sewer line.

- Other than the InvestPrep property site, the City owns one 10-acre and one 12-acre industrial site.

- There are no other Interstate Industrial Sites located within the City Boundaries that can be acquired by the City at this time. In today's economic environment, most companies are looking for direct Interstate Access. This site provides Interstate 59 access less than one mile away.

- DeKalb County has 42 miles of Interstate Highway with only seven Interchanges of which only three have all utilities available.

- The proposed building pad of 795' is one foot above the noted floodplain; however, construction of the building will require a minimum base of 12" to 18" and then a concrete floor anywhere from 10" to 18" depending on load requirements by the future company. This would then add approximately two more feet to a floor level for a minimum 797.

- In 2008 and 2009, the City of Fort Payne lost its major industry, the hosiery industry, and lost approximately 6,000 jobs. County Unemployment went from 3.6% to 12.8% and had it not been for the fact that many employees had over 30 years of employment in the industry; the rate would have

1503 GLENN BLVD., S.W., SUITE 200 • P. O. BOX 680941• FORT PAYNE, AL 35968
• (256) 845-7957 • FAX (256) 845- 7993 • email: jdurham@dekalbeda.com
JIMMY DURHAM - EXECUTIVE DIRECTOR

been much higher. Average annual employment went from 31,480 in 2000 to its present 25,493. Most of our present growth has come from existing industry expansions. It is essential that additional sites need to be developed. All other properties along the Interstate, Norfolk Southern Railroad, and US Highway 11 are privately owned and with depressed real estate values, very few would consider selling at this time.

- Over the past 13 years, we have hand numerous companies look at the proposed InvestPrep site, but due to the extensive site development necessary, they looked at more developed sites elsewhere.
- Many of the buildings located at the I-59, 218 Exit along AL Hwy 35 were built within the floodplain due to the lack of alternative locations.
- Since the original flood, insurance maps were made, to my knowledge no additional hydraulic studies have been done along the Wills Creek drainage area. Since that time, the Fort Payne Waterworks Board has constructed a dam across Wills Creek approximately 8.5 miles north of the proposed InvestPrep site. The City has also required new industry to construct retention ponds for their facilities and the City has also improved drainage ditches inside the City Limits. These items have reduced the amount of any flooding along the creek.
- The proposed building pad of 795' is one foot above the noted floodplain; however, construction of the building will require a minimum base of 12" to 18" and then a concrete floor anywhere from 10" to 18" depending on load requirements by the future company. This would then add approximately two more feet to a floor level for a minimum 797.

No Practicable Alternative Analysis:

Based upon the information presented above, there is no practicable alternative to locating the proposed project at this site for several reasons: (1) this is the largest tract of land for industrial development that the City owns; (2) no other comparable industrial tracts are for sale at this time; (3) the City built a road adjacent to the tract and installed utilities specifically anticipating industrial development; (4) the site is less than one mile from Interstate 59; and (5) the best available data at the time of purchase indicated the site was outside the 100-year floodplain.

Again, we thank you for your concerns to make this project fit all the requirements that you have. This project will be very important to the City of Fort Payne in attracting new and much needed jobs to our community. Again, we thank you for your diligence, support, and advice.

Sincerely,

Jimmy Durham

Public Notice

TVA Economic Development Grant Proposal for Preparation of a Pad-Ready Site at Fort Payne Industrial Park

No Practicable Alternative

The Tennessee Valley Authority (TVA) proposes to provide a grant to the Industrial Development Board of the city of Fort Payne for the preparation of a 330,000-square-foot earthen/gravel pad-ready site and access road within a 39.6-acre parcel that has been zoned for "Light Industrial" activity. This project would be located within the Big Wills Creek 100-year floodplain and is therefore subject to the requirements of Presidential Executive Order (E.O.) 11988 (Floodplain Management).

To minimize adverse floodplain impacts, best management practices would be used in construction, the least amount of fill would be used to construct the building pad, the fill would be located outside of the Big Wills Creek 100-year floodway, the top elevation of the pad would be at or above elevation 795 Mean Sea Level (MSL), which is one foot above the 100-year flood elevation, and any future building would be 1.5 to 2 feet higher, such that the final floor elevation would be at or near elevation 797 MSL.

TVA has reviewed the information provided and made a determination that there is no practicable alternative to the proposed floodplain siting. In accordance with E.O. 11990, TVA has determined there is no practicable alternative that would avoid these impacts.

TVA requests comments on these proposed impacts and its determination. To be considered, comments must be received no later than 10 days from the date of publication of this notice. Any comments, including names and addresses, will become part of the administrative record and will be available for public inspection. Written comments may be mailed, faxed or emailed to:

Amy B. Henry
Tennessee Valley Authority
400 West Summit Hill Drive, WT11A
Knoxville, TN 37902
Fax: 865-632-3146
Email: abhenry@tva.gov

Attachment C – Supporting Information

Table C-1. Federal-listed plant species from DeKalb County, Alabama and all species of conservation concern previously reported from within a 5 mile vicinity of the I Fort Payne EA project area.

Common Name	Scientific Name	Federal Status	State Status (Rank)
Harparella	*Ptilimnium nodosum*	END	SLNS(S1)
Little River Arrowhead[1]	*Sagittaria secundifolia*	THR	SLNS(S1)
Green Pitcher-plant[1]	*Sarracenia oreophila*	END	SLNS(S2)

Source: TVA Natural Heritage Database, April 2014.
Status codes: END = Endangered; SLNS = Listed by the state of Alabama, but not assigned a status; THR = Threatened.
Rank Codes: S1 = Extremely rare and critically imperiled in the state with 5 or fewer occurrences, or very few remaining individuals, or because of some special condition where the species is particularly vulnerable to extirpation; S2 = Very rare and imperiled within the state, 6 to 20 occurrences.
[1]Federal-listed species occurring within the county where work would occur, but not necessarily within 5 miles of the project area.

Table C-2. Federally Listed or Protected Terrestrial Animal Species documented in DeKalb County, Alabama, and other species of Conservation Concern Documented within Three Miles of the Project Area.[1]

Common Name	Scientific Name	Status[2]	
		Federal	State (Rank[3])
Gray Bat	*Myotis grisescens*	LE	PROT (S2)
Northern long-eared Bat	*Myotis septentrionalis*	PE	PROT (S2)
Indiana bat	*Myotis sodalist*	LE	PROT (S1)

[1] Source: TVA Natural Heritage Database, April 2014
[2] Status Codes: LE = Listed Endangered; PE = Proposed Endangered; PROT = Protected
[3] Status Ranks: S1 = Critically Imperiled; S2 = Imperiled

Table C-3. Records of federal and state-listed aquatic animal species from Dekalb County, Alabama and/or in the Big Willis Creek watersheds.[1]

Common Name	Scientific Name	Element Rank[2]	Federal Status[3]	State Status[3]	State Rank[4]
INSECTS					
A Caddisfly	*Ceraclea alabamae*	E		RARE	S1
A Caddisfly	*Ceraclea alces*	E		RARE	S1
A Caddisfly	*Phryganea sayi*	E		TRKD	S1
A Caddisfly	*Polycentropus nascotius*	E		TRKD	S1
Helma's Cheumatopsyche Caddisfly	*Cheumatopsyche helma*	E		RARE	S1
MUSSELS					
Alabama Moccasinshell	*Medionidus acutissimus*	H	LT	PROT	S1
Southern Pigtoe	*Pleurobema georgianum*	H	LE	PROT	S1
Triangular Kidneyshell	*Ptychobranchus greenii*	H	LE	PROT	S1
FISH					
Blue Shiner	*Cyprinella caerulea*	X	LT	PROT	S1
Southern Cavefish	*Typhlichthys subterraneus*	H		PROT	S3

[1]Source: TVA Natural Heritage Database, accessed May 2014
[2]Status Codes: LE = Listed Endangered; LT = Listed Threatened; RARE = Listed Rare; PROT = Listed Protected; TRKD = Tracked by state Natural Heritage program.
[2]Heritage Element Occurrence Rank; E = extant record ≤ 25 years old; H = Historical ≥ 25 years; X = Extirpated.
[4]State Ranks: S1 = Critically Imperiled; S3 = Vulnerable

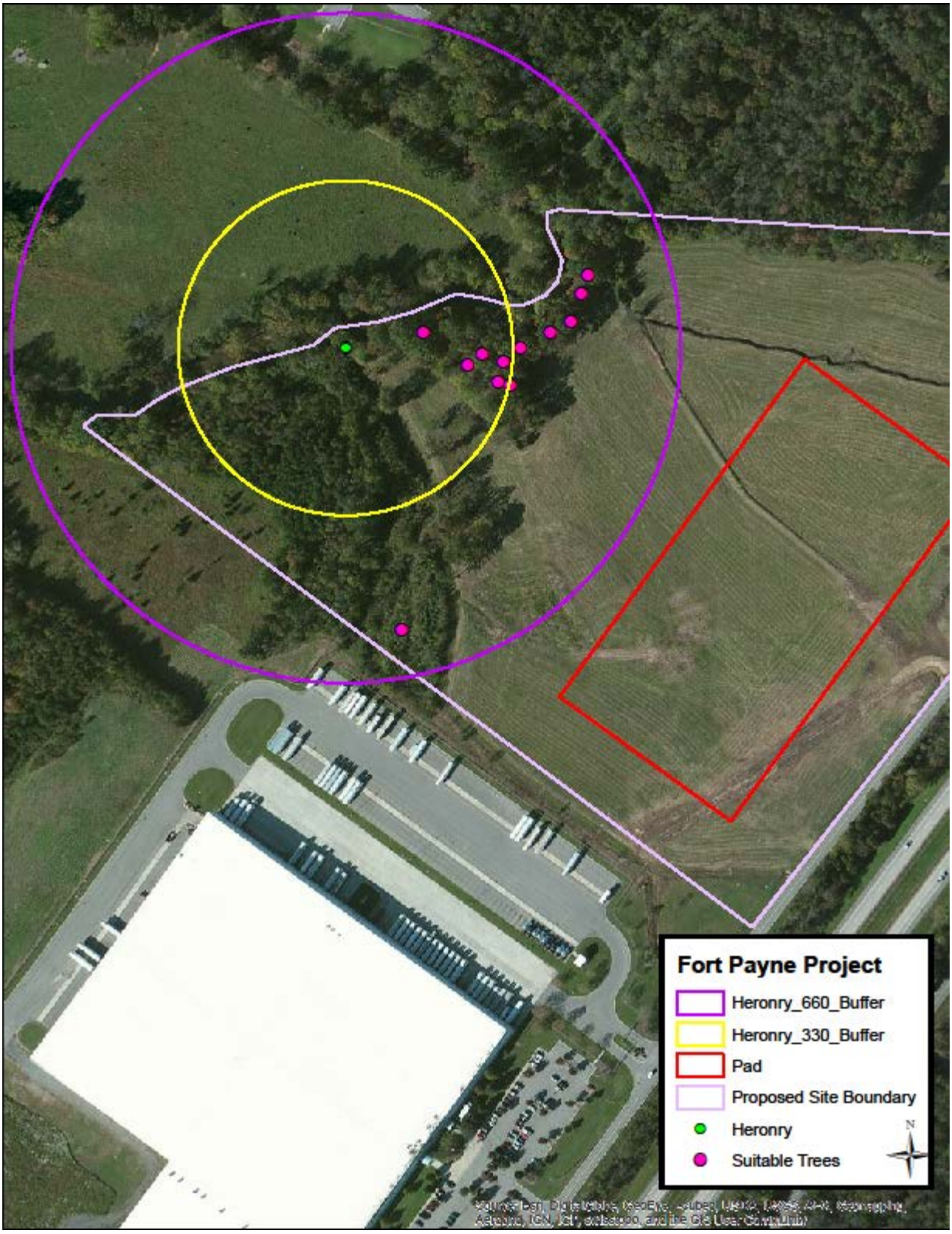

Figure C-1 Heronry Location and Proposed Buffer

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Attachment D - Agency Letters

Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902

April 29, 2014

Frank W. White
State Historic Preservation Officer
Alabama Historical Commission
468 South Perry Street
Montgomery, Alabama 36130-0900

Dear Mr. White:

TENNESEE VALLEY AUTHORITY (TVA), PROPOSED [redacted] GRANT PROPOSAL FOR PREPERATION OF A PAD-READY SITE AT FORT PAYNE INDUSTURIAL PARK, CITY OF FORT PAYNE, DEKALB COUNTY, ALABAMA

TVA proposes to provide a grant to the Industrial Development Board of the City of Fort Payne (Applicant) for the proposed development of a 330,000 square feet (SF) earthen/gravel "pad ready" site off Jordan Road in the City of Fort Payne, DeKalb County, Alabama (Figure 1). The project also includes an associated proposed parking lot. TVA determined the Area of Potential Effects (APE) to be the footprint of any proposed disturbance that would be funded by TVA including the pad, associated parking lot and access road. The APE is located within a 42-acre parcel owned by the Industrial Development Board of the City of Fort Payne and has been previously been zoned as light industrial.

Prior to TVA's involvement, the Applicant's contractor sent a letter to your office regarding the proposed project. In a letter dated February 6, 2014, your office stated that the proposed project would have no effects to historic properties (AHC 14-434).

No previous archaeological sites or archaeological surveys have been conducted within the proposed APE. In April 2014, TVA Cultural Compliance archaeologists conducted an archaeological field reconnaissance of the APE. Profiles of the shovel tests can be seen in Table 1. The APE consists of a mostly flat, relatively low area. A linear, elevated area extends into the APE in a southeastern direction from the northwestern boundary of the area. A deep drainage runs along (and through) the northeastern portion of the area. The field reconnaissance consisted of two transects of five shovel tests each, aligned along a northeastern / southwestern orientation parallel with the long axis of the proposed APE. Based on the shovel test profiles, Area A (shown on Figure 2) represents a filled low area. The soils as observed in the associated shovel tests were homogeneous and contained significant proportions of mixed gravel. The elevated portion (Area B) of the APE was heavily disturbed, and may represent re-deposited materials. Area C appears to be the least disturbed of the APE, and some indication of intact stratigraphy is evident in the profiles of shovel tests in that area. However, no intact cultural deposits or artifacts were identified.

By this letter TVA is notifying your office of our involvement and that the proposed project is an undertaking subject to Section 106 of the National Historic Preservation Act. TVA finds that no historic properties would be affected by the proposed activity.

Pursuant to 36 CFR § 800.4, TVA is seeking your concurrence with our findings and recommendations that no historic properties will be affected by the proposed undertaking.

Pursuant to 36 CFR § 800.3(f)(2), TVA is consulting with federally recognized Indian tribes regarding properties that may be of religious and cultural significance and eligible for the National Register of Historic Places (NRHP).

If you have any questions or comments, please contact Michaelyn Harle by telephone (865) 632-2248 or by email at mharle@tva.gov.

Sincerely,

Clinton E. Jones
Manager, Cultural Compliance
Environment, WT11B-K

MSH:CSD
Enclosures

Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902

April 29, 2014

To Those Listed:

TENNESEE VALLEY AUTHORITY (TVA), PROPOSED [redacted] GRANT PROPOSAL FOR PREPARATION OF A PAD-READY SITE AT FORT PAYNE INDUSTRIAL PARK, CITY OF FORT PAYNE, DEKALB COUNTY, ALABAMA

TVA proposes to provide a grant to the Industrial Development Board of the City of Fort Payne (Applicant) for the proposed development of a 330,000 square feet (SF) earthen/gravel "pad ready" site off Jordan Road in the City of Fort Payne, DeKalb County, Alabama (Figure 1). The project also includes an associated proposed parking lot. TVA determined the Area of Potential Effects (APE) to be the footprint of any proposed disturbance that would be funded by TVA including the pad, associated parking lot and access road. The APE is located within a 42-acre parcel owned by the Industrial Development Board of the City of Fort Payne and has been previously zoned as light industrial.

Prior to TVA's involvement, the Applicant's contractor sent a letter to the Alabama State Historic Preservation Officer regarding the proposed project. In a letter dated February 6, 2014, the AL SHPO stated that the proposed project would have no effects to historic properties.

No previous archaeological sites or archaeological surveys have been conducted within the proposed APE. In April 2014, TVA Cultural Compliance archaeologists conducted an archaeological field reconnaissance of the APE. Profiles of the shovel tests can be seen in Table 1. The APE consists of a mostly flat, relatively low area. A linear, elevated area extends into the APE in a southeastern direction from the northwestern boundary of the area. A deep drainage runs along (and through) the northeastern portion of the area. The field reconnaissance consisted of two transects of five shovel tests each, aligned along a northeastern / southwestern orientation parallel with the long axis of the proposed APE. Based on the shovel test profiles, Area A (shown on Figure 2) represents a filled low area. The soils as observed in the associated shovel tests were homogeneous and contained significant proportions of mixed gravel. The elevated portion (Area B) of the APE was heavily disturbed and may represent re-deposited materials. Area C appears to be the least disturbed of the APE, and some indication of intact stratigraphy is evident in the profiles of shovel tests in that area. However, no intact cultural deposits or artifacts were identified.

By this letter TVA is notifying your office of our involvement and that the proposed project is an undertaking subject to Section 106 of the National Historic Preservation Act. TVA finds that no historic properties would be affected by the proposed activity.

Pursuant to 36 CFR § 800.3(f)(2), TVA is consulting with the following federally recognized Indian tribes regarding properties that may be of religious and cultural significance and eligible for listing in the National Register of Historic Places (NRHP): Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians in Oklahoma, The Chickasaw Nation, Muscogee (Creek) Nation of Oklahoma, Alabama-Coushatta Tribe of Texas, Kialegee Tribal Town, Thlopthlocco Tribal Town, Poarch Band of Creek Indians, Seminole Nation of Oklahoma, Absentee Shawnee Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, and the Shawnee Tribe.

By this letter, TVA is providing notification of these findings and is seeking your comments regarding this undertaking and any properties that may be of religious and cultural significance and may be eligible for listing in the NRHP pursuant to 36CFR §§§ 800.2 (c)(2)(ii), 800.3 (f)(2), and 800.4(a)(4)(b).

Please respond by May 29, 2014, if you have any comments on the proposed undertaking. If you have any questions, please contact me in Knoxville, Tennessee, at (865) 632-6461 or by email at pbezzell@tva.gov.

Sincerely,

Pat Bernard Ezzell

Patricia Bernard Ezzell
Tribal Liaison and Corporate Historian
Public Relations and Corporate Information
Communications
WT 7D-K

Enclosures

IDENTICAL LETTER MAILED TO THE FOLLOWING ON APRIL 29, 2014:

Dr. Richard Allen
Policy Analyst
Cherokee Nation
Post Office Box 948
Tahlequah, Oklahoma 74465

Governor Bill Anoatubby
The Chickasaw Nation
Post Office Box 1548
Ada, Oklahoma 72821-1548

Mr. Joseph Blanchard
Tribal Historic Preservation Officer
Absentee Shawnee Tribe of Oklahoma
2025 S. Gordon Cooper
Shawnee, Oklahoma 74801

Ms. LaDonna Brown
Tribal Historic Preservation Officer
Department of Homeland Affairs
The Chickasaw Nation
Post Office Box 1548
Ada, Oklahoma 72821-1548

Mr. Ace Buckner
Cultural Resources Director
Kialegee Tribal Town
Post Office Box 332
Wetumka, Oklahoma 74883

cc: Ms. Kara Gann
Assistant Cultural Resources Director
Kialegee Tribal Town
Post Office Box 332
Wetumka, Oklahoma 74883

Mr. Bryant Celestine
Tribal Historic Preservation Officer
Alabama-Coushatta Tribe of Texas
571 State Park Rd. 56
Livingston, Texas 77351

Mr. Charles Coleman
NAGPRA Representative
Thlopthlocco Tribal Town
Route 1, Box 190-A
Weleetka, Oklahoma 74880

Mr. Steve Daugherty
Cultural Preservation Director
Eastern Shawnee Tribe of Oklahoma
127 West Oneida
Seneca, Missouri 64865

Ms. Natalie Deere
Tribal Historic Preservation Officer
Seminole Nation of Oklahoma
Post Office Box 1498
Wewoka, Oklahoma 74884

Ms. Robin DuShane
Tribal Historic Preservation Officer
Eastern Shawnee Tribe of Oklahoma
127 West Oneida
Seneca, Missouri 64865

Ms. Dee Gardner
NAGPRA/Cell Tower Coordinator
Eastern Shawnee Tribe of Oklahoma
127 West Oneida
Seneca, Missouri 64865

Mr. Tyler Howe
Historic Preservation Specialist
Eastern Band of Cherokee Indians
Post Office Box 45
Cherokee, North Carolina 28719

cc: Mr. Russell Townsend
Tribal Historic Preservation Office
Eastern Band of Cherokee Indians
Post Office Box 455
Cherokee, North Carolina 28719

Ms. Miranda Panther
NAGPRA Coordinator
Eastern Band of Cherokee Indians
Post Office Box 455
Cherokee, North Carolina 28719

Ms. Johnnie Jacobs
Manager
Cultural Preservation Department
Muscogee (Creek) Nation
P.O. Box 580
Okmulgee, Oklahoma 74447

cc: Mr. Jeff Fife
Assistant to the Second Chief
Muscogee (Creek) Nation
P.O. Box 580
Okmulgee, Oklahoma 74447

Ms. Odette Freeman
Assistant Manager
Cultural Preservation Department
Muscogee (Creek) Nation
Post Office Box 580
Okmulgee, Oklahoma 74447

Mr. David Proctor
Cultural Advisor
Cultural Preservation Department
Muscogee (Creek) Nation
Post Office Box 580
Okmulgee, Oklahoma 74447

Ms. Kim Jumper
Tribal Historic Preservation Officer
Shawnee Tribe
Post Office Box 189
Miami, Oklahoma 74355

cc: Jodi Hayes
NAGPRA Representative
Shawnee Tribe
PO Box 189
Miami, OK 74355

Mrs. Lisa C. LaRue-Baker
Acting Tribal Historic Preservation Officer
United Keetoowah Band
of Cherokee Indians in Oklahoma
Post Office Box 746
Tahlequah, Oklahoma 74464

Mr. Kirk Perry
Administrator
Department of Homeland Affairs
The Chickasaw Nation
Post Office Box 1548
Ada, Oklahoma 72821-1548

cc: Ms. Virginia (Gingy) Nail
Assistant Tribal Historic Preservation Officer
Department of Homeland Affairs
The Chickasaw Nation
Post Office Box 1548
Ada, Oklahoma 72821-1548

Ms. Amber Jarrett
Preservation & Repatriation Manager
Department of Homeland Affairs
The Chickasaw Nation
Ada, OK 74821-1548

Mr. Emman Spain
Deputy Tribal Historic Preservation Officer
Cultural Preservation Department
Muscogee (Creek) Nation
Post Office Box 580
Okmulgee, Oklahoma 74447

Mr. Robert Thrower
Tribal Historic Preservation Officer
Poarch Band of Creek Indians
5811 Jack Springs Road
Atmore, Alabama 36502

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

TEL: 334-242-3184
FAX: 334-240-3477

June 9, 2014

Clinton E. Jones
TVA
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Re: AHC 2014-0434
Industrial Pad Development
Off Jordon Road
City of Fort Payne
DeKalb County, Alabama

Dear Mr. Jones:

Thank you for forwarding the information about TVA now being involved with this project. As our office had previously concurred with this project, we continue to concur provided the scope of work remains the same. Although we appreciate TVA archaeologists assessing the site and forwarding a synopsis of their findings for our review, we would like to note for future reference, that if TVA conducts an archaeological assessment, TVA should provide a full report to our office, which meets the standards outlined under Alabama Historical Commission Administrative Code 460X9.

We appreciate your efforts on this project and we also appreciate the great relationship we share with your office. Should you have any questions, please contact Greg Rhinehart at (334) 230-2692 or by e-mail at Greg.Rhinehart@preserveala.org.

Sincerely,

Lee Anne Wofford

Lee Anne Wofford
Deputy State Historic Preservation Officer

LAW/GCR/gcr

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITE
EXECUTIVE DIRECTOR

TEL: 334-242-3184
FAX: 334-240-3477

February 6, 2014

Curtis H. O'Daniel, Jr.
Greenhill Engineering
2412 Beck Industrial Boulevard
Fort Payne, Alabama 35968

Re: AHC 14-0434
Industrial Development Near SR 35
DeKalb County, Alabama

Dear Mr. O'Daniel:

Upon review of the information forwarded by your office, we have determined that the proposed project will have no effect on properties listed on or eligible for the National Register of Historic Places (NRHP). Therefore, we concur with this project. However, should artifacts or archaeological features be encountered during project activities, work shall cease and our office shall be consulted immediately.

We appreciate your efforts on this project. Should you have any questions, please contact Greg Rhinehart at (334) 230-2662 or by e-mail at Greg.Rhinehart@preserveala.org. Please have the AHC tracking number referenced above available and include it with any correspondence.

Sincerely,

Lee Anne Wofford

Lee Anne Wofford
Deputy State Historic Preservation Officer

LAW/RJG/GCR/gcr

JAM-2014-00048-JMT

Greenhill Engineering
Consultants Inc.

January 9, 2014

US Army Corp of Engineers
Cindy House Pearson
218 Summit Pkwy Suite 222
Homewood, AL 35209

Re: Industrial Property Development

Dear Mrs. Pearson:

The City of Fort Payne is planning to develop a parcel of property located on Jordan Road just south of Alabama Highway 35 (See attached pictures and map). Environmental clearance from your department is required prior to the project commencing. Please review and comment as needed.

If you have any questions please feel free to call me.

Sincerely,
Greenhill Engineering Consultants, Inc.

Curtis H. O'Daniel, Jr., P.E.

U.S. Army Corps of Engineers

A Department of the Army permit will not be required for your project as proposed.

PROJECT MANAGER
REGULATORY DIVISION

2/24/14
DATE

JAN 15 2014

2412 Beck Industrial Blvd, Fort Payne, Al 35968, (256)844-6722

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Greenhill Engineering
Consultants Inc.

January 9, 2014

US Fish & Wildlife
Bill Pearson
1208 Main Street
Daphne, AL 36526

Re: Industrial Property Development

Dear Mr. Pearson: 2014-TA-0215

The City of Fort Payne is planning to develop a parcel of property located on Jordan Road just south of Alabama Highway 35 (See attached pictures and map). Clearance from your department is required prior to the project commencing. Please review and comment as needed.

If you have any questions please feel free to call me.

Sincerely,
Greenhill Engineering Consultants, Inc.

Curtis H. O'Daniel, Jr., P.E.

U.S. Fish and Wildlife Service
1208-B Main Street – Daphne, Alabama 36526
Phone: 251-441-5181 Fax: 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. As described, the project will have no significant impact on fish and wildlife resources. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. We recommend use of best management practices specific to your project (See http://www.fws.gov/daphne/section7/bmp.html).

William J. Pearson, Field Supervisor — Date 2-10-2014

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