

Comments received by the Tennessee Valley Authority in response to the publication of proposed "Procedures for Implementing the National Environmental Policy Act" in the Federal Register on June 8, 2017 (82 FR 26620).

October 27, 2017
Tennessee Valley Authority
Knoxville, Tennessee

Comments from Local, State, Federal or Tribal Officials



United States Department of the Interior

Office of the Secretary
Office of Environmental Policy and Compliance
1849 C Street, NW - MS 5538 - MIB
Washington, D.C. 20240

SEP - 5 2017

9043.1
PEP/NRM

ER 17/0281

Mr. Matthew Higdon
NEPA Specialist
Tennessee Valley Authority
400 West Summit Hill Drive, WT 11D
Knoxville, TN 37902

Re: Proposed Rule for Procedures for Implementing the National Environmental Policy Act
by the Tennessee Valley Authority

Dear Mr. Higdon:

The Department of the Interior (Department) has reviewed the proposed rule and supporting documentation prepared by the Tennessee Valley Authority (TVA) for proposed amendments to its Procedures for Implementing the National Environmental Policy Act (NEPA) in part 18 of the Code of Federal Regulations (CFR). The Department provides the following comments from the U.S. Fish and Wildlife Service (FWS) for consideration as TVA moves forward in finalizing the procedures. FWS evaluated the proposed procedures for potential impacts to species that FWS has statutory and trust responsibilities to protect and the comments provided are in accordance with the NEPA of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.), the Endangered Species Act (ESA) of 1973, as amended (87 Stat. 884; 16 U.S.C. § 1531 et seq.); the Migratory Bird Treaty Act of 1918, as amended (40 Stat. 755; 16 U.S.C. § 703 et seq.); the Bald and Golden Eagle Protection Act of 1940, as amended (16 U.S.C. §§ 668–668d); and the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–667e; the Act of March 10, 1934; Ch. 55; 48 Stat. 401).

Extraordinary Circumstances

In 18 CFR Section 1318.201, TVA has identified extraordinary circumstances, which, based on the individual proposed action, would require further analyses before a Categorical Exclusion (CATEX) is utilized or would require the development of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). Section 1318.201 states that: “TVA may consider whether: (1) The action has the potential to significantly impact environmental resources, including the following resources: (i) Threatened or endangered species....” The Department recommends that TVA modify the language in paragraph (i) to include: species listed, or proposed to be listed, on the List of Endangered or Threatened Species or designated Critical Habitat for these species. This recommended language is consistent with the Department’s own Extraordinary Circumstances and with other Federal agencies’ Extraordinary Circumstances.

The recommended language recognizes the importance of protecting species proposed to be listed and that the impacts to the habitat in which listed or proposed to be listed species rely on may have detrimental impact to those species.

18 CFR, Appendix A to Subpart C of Part 1318—Categorical Exclusions

CATEX 26 TVA Act Section 26A Approvals and CATEX 27 TVA Shoreline Actions

The TVA is proposing to modify an existing CATEX to include boat ramps as facilities that could be approved by TVA under Section 26a of the TVA Act. In addition TVA is proposing a new CATEX for TVA actions along shorelines, which includes the installation of boat docks and ramps. The proposed language is as follows:

CATEX 26: Approvals under Section 26a of the TVA of minor structures, boat docks and ramps, and shoreline facilities.

CATEX 27: Installation of minor shoreline structures or facilities, boat docks and ramps, and bank stabilization (generally up to 1/2 mile in length) by TVA.

The proposed addition of private and TVA boat ramps to the existing and proposed CATEXs could potentially result in increases in loss of riparian vegetation and cuts made along the shoreline, which in turn could lead to erosion, and the increased points of introduction of non-native nuisance aquatic species.

Examples of possible undesirable introductions include aquatic vegetation, vascular and submersed (Alligatorweed, hydrilla, Eurasian watermilfoil, water hyacinth) and invertebrates (zebra mussel, Chinese mystery snail) that may physically attach to watercraft, but also bait animals native to the U.S. (rusty crayfish, virile crayfish, Blueback herring). Additionally, exotic fishes (silver carp, bighead carp, black carp, grass carp) that are established in other waterways may be introduced from other river systems and basins via live wells and/or bilge pumps. Trophic-level indirect impacts (example: competition; dense mats of water hyacinth compete with native aquatic vegetation for nutrients in the water column and shade out primary production), and direct impacts (example: predation; black carp are molluscivores) can occur to aquatic fauna.

Given the high levels of native aquatic diversity found in the Tennessee River system, TVA should ensure that TVA employees, contractors, and TVA Act Section 26A applicants are aware of the potential habitat destruction and loss that can result from the introduction of non-native aquatic species and take appropriate precautions in implementing these actions.

CATEX 27 TVA Shoreline Actions and CATEX 33 Cultural Resources Protection

The TVA is proposing two new CATEXs that address actions along the shoreline to construct minor facilities or to protect cultural resources. The proposed language for those CATEXs is as follows:

CATEX 27: Installation of minor shoreline structures or facilities, boat docks and ramps, and bank stabilization (generally up to 1/2 mile in length) by TVA.

CATEX 33: Actions to protect cultural resources including, but not limited to, fencing, gating, signing, and bank stabilization (generally up to 1/2 mile in length when along stream banks or reservoir shoreline).

Given the high levels of native freshwater aquatic diversity in the Tennessee River system, bank stabilization activities associated with cultural and water resource management and bioengineering below the high water mark have the potential to affect fish and wildlife beyond the statements in the supporting documentation. While TVA includes a distance of ½ mile in length as a parameter, additional measures may be needed to ensure protection of aquatic resources. As TVA moves forward with finalizing the procedures, the Department requests that TVA evaluate modifying the CATEXs and the supporting documentation to address the following:

Direct effects to benthic fauna such as federally-protected freshwater mussels could occur during proposed activities, through crushing, short-term increases in suspended solids and turbidity, or displacement. Bank stabilization activities are likely to intersect sensitive aquatic species in dam tailwater areas, as well as on flowing reaches of rivers within the Tennessee River system, even at lengths of ½ mile or less. Despite the potential long-term benefits of reduced erosion, the timing and duration of these projects can be as important as their linear extent.

How riprap or stabilization materials are transported to a given project site, either by truck, trailer, or barge, is an extremely important consideration in evaluation of project impacts. For example, a moored barge containing riprap along a shoreline can impact the river bank and bottom through the barge itself rubbing against the bank and bottom as a result of wave action, or and mooring ropes and chains maintaining barge position along a bank. Also, spud poles driven into the river bottom, used to maintain barge position in the river, can directly impact benthic fauna through crushing or displacement. Propeller wash over a specific area by repeated passes of watercraft moving riprap from the barge and placing it on the bank can increase turbidity, directly affecting the respiration and excretion rates of freshwater mussels.

Any placement of riprap on a shoreline or bioengineering along the bank should take into account spillage, especially if bank shaping and/or geotextile fabric spreading has not occurred prior to placement. Spillage of riprap or materials into the river can crush benthic organisms unable to move quickly away from disturbance, and result in increased suspended solids and turbidity, and lead to sedimentation, which can smother animals and habitats and directly affect the respiration and excretion rates of freshwater mussels.

For significant projects of this type that have the potential to require formal consultation with the FWS, the use of a CATEX may not be appropriate. A programmatic ESA formal consultation on these types of activities is encouraged.

CATEX 42 Road Improvements

The TVA is proposing to establish a new CATEX for improvements to existing roads, trails, and parking areas. The proposed language is as follows:

CATEX 42: Improvements to existing roads, trails, and parking areas, including, but not limited to, scraping and regrading; regrading of embankments, installation or replacement of culverts; and minor expansions.

The Department recommends that TVA also consider including the installation or replacement of small-scale bridges when possible, to facilitate improved fish and wildlife passage, particularly on TVA lands or lands where TVA has easements. Direct, indirect, and cumulative effects to natural resources can result from roadway improvement and expansion. Impacts to aquatic resources occur in particular when rivers or streams and their tributaries are intersected multiple times by a roadway. The Department recommends that TVA evaluate potential modifications to existing roadways when undertaking improvements to provide beneficial impact to aquatic resources.

The proposed new CATEX includes the installation or replacement of culverts. Improperly designed culverts alter the natural flow regime, present barriers to fish and aquatic organism passage, resulting in reduced dispersal capability and fragmenting existing populations. The Department recommends that TVA evaluate how it will address potential impacts from the installation and replacement of culverts and evaluate modifying the CATEX 42 and the supporting documentation.

In addition, the Department notes that TVA's proposed CATEX 42 allows for ground disturbance activities from the expansion of footprint or through new grading of roadways, trails, and parking facilities. The supporting documentation for the CATEX notes that minor expansion examples include widening of roads and additional parking spaces. Multiple impacts may occur due to expansion of these uses. Impacts include possible increased erosion through soil disturbance activity, which in turn, can lead to increased suspended solids and turbidity, directly affecting the respiration and excretion rates of aquatic organisms, and lead to sedimentation, which can smother animals and aquatic habitats. Additionally, increases in impervious surfaces associated with expanding and paving parking areas could result in additional runoff to rivers and streams and reduced groundwater recharge within a watershed. To reduce the potential impacts, the Department recommends that TVA evaluate adding language to the proposed CATEX 42 that includes parameters for when the CATEX can be used, such as parameters the limit project size or impacts to resources.

CATEX 46 Small Hydropower Systems

The TVA is proposing to establish a new CATEX for installation of small-scale drop-in hydroelectric systems. The proposed language is as follows:

CATEX 46: Installation, modification, operation, and removal of commercially available small-scale, drop-in, run-of-the-river hydroelectric systems that do not require construction of new water storage structures or new water diversion from a stream or river channel. Covered systems would be located up-gradient of natural fish barriers and outside of any navigation channels and involve no major construction or modification of stream or river channels.

As noted in TVA's supporting documentation, TVA has not constructed hydroelectric generators of this type, and therefore, has not evaluated if these types of projects would have insignificant impacts to natural resources or the human environment within the Tennessee River system or Power Service Area. Additionally, TVA could not identify any relevant CATEXs, EAs, or EISs for similar activities within their database since 2002. Given that TVA has not had the opportunity to evaluate the potential impacts of small-scale drop-in hydroelectric systems within


the Tennessee River System, the Department finds that additional information is needed within the supporting documentation to justify the use of a CATEX at this time. The Department requests that TVA evaluates the following when finalizing the supporting documentation and CATEX 46:

Additional information in the supporting documentation is needed regarding: how these systems work; the extent to which they are planned to be used by TVA; a description of where actual conditions exist, such as if they would be "...up-gradient of natural fish barriers, and outside of any navigation channel...;" a description of locations of where these systems could or would be targets for installation; and where a project has been successfully implemented by other agencies and the resulting impacts.

Since TVA is not subject to Federal Energy Regulatory Commission requirements, TVA is responsible for self-regulation of energy policies and procedures with regard to hydropower compliance. How regulatory agencies with responsibilities for trust resources that intersect where TVA plans to implement this CATEX will have the opportunity for input and review, or are notified of small hydropower system use is unclear. Technical aspects of how a hydropower system such as this would be placed and secured into a river channel and its resulting effects to river discharge, the aquatic habitat, and aquatic fauna within the Tennessee River drainage should be shared with resource agencies with regulatory responsibilities and peer-reviewed by qualified personnel who have experience working in the drainage.

Thank you for the opportunity to provide comments on TVA's proposed NEPA Implementing Procedures. For questions or further information regarding this response, please contact Christine Willis of FWS, at 404-679-7310 or at christine_willis@fws.gov or Cheryl Kelly on my Natural Resources Management Team, at 202-208-7565 or at cheryl_kelly@ios.doi.gov.

Sincerely,



for Michaela E. Noble
Director
Office of Environmental Policy and Compliance

Electronic distribution: NEPArule@tva.gov

cc: Christine Willis, USFWS, christine_willis@fws.gov
Robert Tawes, USFWS, robert_tawes@fws.gov
Matthew Higdon, TVA, mshigdon@tva.gov



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Molly Joseph Ward
Secretary of Natural Resources

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Director

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July 6, 2017

Pat Bernard Ezzell
Senior Program Manager and Federal Preservation Officer
Community Relations
Tennessee Valley Authority
400 W. Summit Hill Drive
Knoxville, TN 37902

Re: Proposed Changes to TVA's Procedures for Implementing the National Environmental Policy Act
DHR File No. 2017-0499

Dear Ms. Ezzell:

Thank you for your e-mail of June 13, 2017 notifying the Virginia Department of Historic Resources of proposed changes to the Tennessee Valley Authority's procedures for implementing the National Environmental Policy Act (NEPA). It is our understanding that TVA established its current procedures in 1980 and amended these in 1983. In general we support the revised procedures which provide greater clarity to the procedures to improve environmental compliance and help to reduce paperwork and delay. We offer the following comments for your consideration which may further assist these goals by encouraging coordinating compliance with Section 106 of the National Historic Preservation Act of 1966, as amended:

1. **Coordination with the National Historic Preservation Act.** In 2004 the Advisory Council on Historic Preservation (ACHP) revised the regulations governing Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, to include coordination with NEPA (36 CFR Part 800.8). The basic principles of early coordination and public involvement in decision-making can be met by coordinating these processes. Moreover, the process and documentation required for the preparation of an EA/FOPNSI or an EIS/ROD may be used to comply with Section 106 in place of the regulations at 36 CFR Part 800.3 through Part 800.6, provided that the agency official notifies the ACHP and the State Historic Preservation Officer and follows the standards outlined in Part 800.8. The advantages of this coordination were not considered in 1983. We encourage TVA in 2017 to include a brief statement of the possibilities and advantages of this approach, perhaps under Subpart A- General Information.
2. **Categorical Exclusions.** We recommend that the introductory section under Subpart C include the acknowledgement that categorical exclusions under NEPA may still require compliance with the NHPA and the Endangered Species Act. The CEQ guidance, "Final Guidance for Federal Departments and Agencies on Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act," 75 FR 75636 refers to the necessity of documentation of all resource analyses and the results of any consultations or coordinations into the administrative record for the proposed action. Many of the categorical exclusions presented do not have the potential to affect historic

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properties and so would not be undertakings subject to Section 106. We are somewhat concerned that certain categorical exclusions explicitly refer to structures less than 50 years old (e.g. 36 e and f), recognizing the possibility of affecting eligible structures, but in many cases consider activities that will not physically disturb more than 10 acres as categorical exclusions apparently without considering the possibility of affecting recorded or previously unidentified archaeological sites. We do not object to the wording as is, but again suggest inclusion of the need to consider historic properties in the introductory section on "extraordinary circumstances."

If you have any questions concerning our comments, or if we may provide any further assistance, please do not hesitate to me at (804) 482-6088.

Sincerely,



Ethel R. Eaton, Ph.D., Senior Policy Analyst
Review and Compliance Division

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From: [Eaton, Ethel \(DHR\)](#)
To: [Ezzell, Patricia Bernard](#); "[LeeAnne.Wofford@preserveala.org](#)"; [Barber, Mike \(DHR\)](#); [craig.potts@ky.gov](#); "[info@mdah.state.ms.us](#)"; [Bartos, Ramona \(Ramona.Bartos@ncdcr.gov\)](#); "[david.crass@dnr.ga.gov](#)"; "[Tucker, Bryan](#)" ([Bryan.Tucker@dnr.ga.gov](#)); [Patrick.McIntyre@tn.gov](#); [Jennifer.Barnett@tn.gov](#); [Higdon, Matthew Stephen](#)
Cc: [NEPA Rule Comments](#)
Subject: DHR File No. 2017-0499TVA, NOTIFICATION OF PROPOSED CHANGES TO TVA'S PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT
Date: Thursday, July 06, 2017 4:21:45 PM
Attachments: [image001.png](#)
[Proposed Changes to TVA's Procedures for Implementing the National Environmental Policy Act: 07062017: DHR File No. 2017-0499.docx](#)

TVA External Message. Please use caution when opening.

Pat,

Please see attached the Department of Historic Resources comments on the proposed rule.

Thank you for offering us the opportunity to comment.

Regards,

Ethel

Ethel R. Eaton, Ph.D., Senior Policy Analyst
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Virginia Department of Historic Resources
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From: Ezzell, Patricia Bernard [mailto:pbezzell@tva.gov]
Sent: Tuesday, June 13, 2017 11:05 AM
To: [Patrick.McIntyre@tn.gov](#); '[LeeAnne.Wofford@preserveala.org](#)'; [Barber, Mike \(DHR\)](#); [craig.potts@ky.gov](#); '[info@mdah.state.ms.us](#)'; [Bartos, Ramona \(Ramona.Bartos@ncdcr.gov\)](#); '[david.crass@dnr.ga.gov](#)'; '[Tucker, Bryan](#)' ([Bryan.Tucker@dnr.ga.gov](#)); [Jennifer.Barnett@tn.gov](#); [Eaton, Ethel \(DHR\)](#)
Subject: TVA, NOTIFICATION OF PROPOSED CHANGES TO TVA'S PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT

Good Morning,

This email is to notify you that the Tennessee Valley Authority (TVA) is seeking public and stakeholder comment on proposed changes to its procedures for implementing the National Environmental Policy Act (NEPA). NEPA establishes the process for considering and disclosing environmental impacts of major federal actions. TVA first established its NEPA procedures in 1978 and made minor revisions in 1983. The most significant proposed change is

the list of TVA categorical exclusions (CE). These are categories of actions found to have no significant individual or cumulative environmental effect, under normal circumstances, and for which more in-depth environmental reviews are unnecessary. The current list of 28 CEs would be expanded to 50 CEs. Additional CEs are proposed to address common activities essential to TVA's mission, including routine natural resources stewardship, economic development and certain transmission system management activities that have little impact to the environment.

On Thursday, June 8, TVA published a [notice of Proposed Rule](#) in the Federal Register to initiate a formal rulemaking process. The notice summarizes TVA's proposed changes and includes the list of proposed CEs. Interested parties are invited to review the proposed procedures and provide comments no later than August 7, 2017. The notice and additional information, including guidance on how to submit comments, are available online at www.tva.gov/nepa.

Please let me know if you have any questions.

Thank you.

Sincerely,

Pat

Pat Bernard Ezzell

Senior Program Manager and Federal Preservation Officer
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From: [Ezzell, Patricia Bernard](#)
To: [Higdon, Matthew Stephen](#)
Cc: [Jones, Clinton E](#); [Shuler, Marianne M](#); [Harle, Michaelyn S](#); [Wells, Edward William III](#); [Maher, Thomas O](#); [Pritchard, Erin E](#); [Watts, M Denise](#)
Subject: FW: Proposed Changes to TVA's Procedures for NEPA Implementation
Date: Friday, July 14, 2017 2:54:46 PM

Comments from Eastern Band of Cherokee Indians.

Pat

From: Holly Austin [mailto: [REDACTED]]
Sent: Thursday, July 13, 2017 2:25 PM
To: Ezzell, Patricia Bernard
Subject: Proposed Changes to TVA's Procedures for NEPA Implementation

TVA External Message. Please use caution when opening.

Hi Pat,

I have looked over the new proposed categorical exclusions, as well as the modifications of the older ones, and I agree that they are all necessary to allow TVA to function on a day to day basis, without unnecessary paperwork. However, we would ask that your NHPA implementation process for projects requiring an NHPA review remain the same until the Programmatic Agreement is in effect. As always, if a TVA employee uncovers a historic resource or grave while executing a project under these categorical exclusions, we would ask that they stop all work immediately and the CRS staff begin the consultation process with the tribes.

Sincerely,

--

Holly Austin
Tribal Historic Preservation Office
Eastern Band of the Cherokee Indians
[REDACTED]

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

ROBERT J. MARTINEAU, JR.
COMMISSIONER

BILL HASLAM
GOVERNOR

September 6, 2017

Via Electronic Mail to NEPArule@tva.gov

Attn: Matthew Higdon, NEPA Specialist,
Tennessee Valley Authority,
400 W. Summit Hill Drive #1D-K,
Knoxville, Tennessee 37902.

RE: Comments on Tennessee Valley Authority proposed amendments to NEPA procedures

Dear Mr. Higdon:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Valley Authority (TVA) proposed amendments to procedures for implementing the National Environmental Policy Act (NEPA). TVA is proposing the following amendments as they relate to its implementation of NEPA; (1) updates to organizational references to clarify roles and responsibilities within TVA; (2) acknowledgement of the use of modern notification and communication methods to improve public participation; (3) revisions to TVA's list of categorical exclusions (CEs) to include common actions that have been demonstrated to have little effect on the human environment and to remove CEs for actions which TVA rarely or no longer undertakes; (4) instructions to incorporate Executive Order (E.O.) 13690¹; and (5) revisions to improve the clarity of the procedures and remove redundant and outdated information.² TDEC is specifically interested in proposed revisions to TVA's list of CEs, and provides the following comments:

As the state's steward of Tennessee's natural environment, TDEC is charged with protecting and improving the quality of Tennessee's air, land, and water through a responsible regulatory system; protecting and promoting human health and safety; conserving and promoting natural, cultural and historic resources; and providing a variety of quality outdoor recreational experiences. Any changes to TVA's NEPA procedures do not preclude TVA actions or projects from complying with all applicable state regulations and permitting requirements. TDEC encourages TVA to consider any best management practices for applicable actions

¹ E.O. 13690 "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input."

² For more information on TVA's proposed changes to the organization's NEPA procedures, please visit <https://www.tva.gov/Environment/Environmental-Stewardship/Environmental-Reviews/Proposed-Changes-to-TVAs-NEPA-Procedures>.

covered by newly proposed and existing CEs. Additionally, TDEC recommends that any potential actions or projects covered by newly proposed CEs still be made available for public comment and review during the preparation of a project proposal and analysis in the future.³

TDEC appreciates the opportunity to comment on TVA's proposed amendments to the organization's NEPA procedures. Please note that these comments are not indicative of approval or disapproval of the proposed amendments. Please contact me should you have any questions regarding these comments.

Sincerely,



Kendra Abkowitz, PhD
Director of Policy and Planning
Tennessee Department of Environment and Conservation
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cc: Molly Cripps, TDEC, OEP
Lacey Hardin, TDEC, APC
Chuck Head, TDEC, Bureau of Environment
Lisa Hughey, TDEC, SWM
Tom Moss, TDEC, DWR
Mark Norton, TDEC, Division of Archaeology
Joe Sanders, TDEC, Office of General Counsel
Stephanie Williams, TDEC, DNA

³ For example, the U.S. Forest Service regularly issues notification regarding the preparation of CEs and the opportunity to provide comment regarding a proposed project. This allows potential stakeholders the opportunity to provide input, and assists the U.S. Forest Service in evaluating whether an Environmental Assessment is needed. For more information on how the U.S. Forest Service conducts public engagement on CEs please visit the Cherokee National Forest "Current and Recent Projects" webpage at <http://www.fs.usda.gov/goto/cherokee/lands/projects>.

Comments Submitted to TVA Using the Form on TVA's NEPA Website

Last	First	Org/Agency	City	State	Zip	Date Received	Comment
Arnold	Palige	Crye-Leike Realtors, Inc.	Memphis	TN	38114	9/2/2017	<p>Dear TVA: Subject: Uphold the public's right to know: Don't change TVA's NEPA procedure I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources. Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken. As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities. Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities. Your consideration is very much appreciated.</p>
Babaoglu	Rehim		Memphis	TN	38103	9/2/2017	<p>I am opposed to TVA's changes to its NEPA procedures and attempt to tap the Memphis Aquifer. In fact, there should be more notices to citizens and more public in-put before drastic decisions are made by you. Digging wells in the Memphis Aquifer is tantamount to theft of the purest water in the country that will sustain Memphians through 3 generations. Please use the free water from the Mississippi river.</p>
Billmeier	Dee		Memphis	TN	38120	9/3/2017	<p>TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources and I am greatly disturbed by this. Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken. As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities. Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities. I currently have a 'Protect our Aquifer' sign in my yard and many people have told me they are in agreement. This subject is too important to let slide.</p>
Bockman	Julie		CROSSVILLE	TN	38558	8/31/2017	<p>This is regards to any proposed wind farms within the state of TN. We have plenty of reliable sources for our electricity, and do not need to scar our lands with wind farms. It saddens me to think we would be stripping our mountain tops to house these huge eyesores. Especially when there is no benefit to our communitie! It will not bring in jobs to help support workers, and we who live in TN are not even in need of the expensive energy that the turbines would produce. Please take a ride on Interstate 65 in northern Indiana or on Interstate 39 near Paw Paw Illinois. Once, there were just a few wind turbines, now, along a 10+ mile stretch of land all you can see, as far as you can see are wind turbines. The big difference is, they did not have to stripe the lands of any trees since it is all farm fields, and the farmers gain a profit from both the lease of their property for the turbines and can still farm their lands. It is a win-win for them. For us, it does neither. It only damages the mountain tops. No one will be growing agriculture on the stripped lands for it will be too rocky and cannot produce crops, nor will homes be built in these areas. It just doesn't make sense.</p> <p>So I am telling you, the TVA, that as tax payer and property owner in the TVA service area, that I would want a comprehensive environmental review of activities and am concerned about: The increased number of Categorical Exclusions Lack of Notice to Public Decreased Public Input TVA requiring Full Environmental Impact Statements on all wind energy projects</p>
Campbell	John	Private Citizen	Crossville	TN	38558	8/31/2017	<p>I disagree with including any size wind turbine in the EARLY and DID exclusion section. Wind turbines have an environmental impact beyond the proximity to airports. Please reconsider to require a full environmental impact small when building any size commercial wind turbines in the TVA management area. Thank you.</p>
Carr oppenheimer	Susan	Concerned citizen Shelby county tennessee	Memphis	TN	38117	9/6/2017	<p>Please be smart and protect the environment from toxic chemicals near and under our water.</p>
Drummond	James	Protect Our Acquifer	Memphis	TN	38104	9/2/2017	<p>I strongly oppose TVA's proposed expansion of categorical exclusions from the review process mandated by the National Environmental Policy Act. At a time of heightened public concern over the environmental impacts of TVA actions, transparency is critical to build trust. TVA should welcome the public's involvement.</p>
DuBois	Sue		Walland	TN	37886	9/6/2017	<p>I am opposed to the proposed changes to the TVA NEPA procedures because they do not promote transparency and public involvement. The broad discretion it gives TVA to exclude a project from formal review of environmental effects lends itself to abuse and does not include the public in its decision-making process.</p>
Edwards	Deborah	Dr.	Germantown	TN	38139	9/5/2017	<p>Subject: Uphold the public's right to know: Don't change TVA's NEPA procedure I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources. Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken. As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities. Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.</p>
Edwards	Donna		Walland	TN	37886-2246	9/6/2017	<p>I am gravely concerned about TVA's proposal to amend its implementing procedures for NEPA, and I am writing to protest this proposal on the grounds that it would remove the agency's legal obligation to keep ratepayers informed of actions that could potentially cause significant impacts in their communities.</p> <p>Decades ago, during graduate studies at the University of Tennessee, I attended a NEPA conference in Knoxville, where I learned about the historical importance of this policy act and its numerous benefits. Since 1970, NEPA has functioned as this nation's environmental guide star, and any attempt to weaken it would have serious long term consequences. It is of vital importance that TVA's actions continue to be transparent, and that the agency not be given the sole ability to judge whether or not a proposed activity will have significant environmental effects.</p> <p>In the current proposal, TVA plans to increase the types of projects it can undertake without notifying or involving the public by almost 50%; when coupled with the fact that the agency already makes 95% of its decisions without public notice or input, this would leave an alarmingly small number of activities that would trigger the NEPA requirement.</p> <p>Allowing TVA to make closed-door decisions about 1)clean water, 2) public lands, 3) private property, or 4)public power will remove essential protections that are the rights of all ratepayers. I strongly urge that this proposal NOT be approved in any form.</p> <p>Donna Edwards</p>
Fesmire	Denise		Germantown	TN	38138	9/4/2017	<p>Please do not change your rules regarding public notification of projects or accepting public comment . Thank you.</p>

							By proposing to amend the relationship that NEPA has with TVA, I am concerned that these rule changes are being implemented in such a way as to provide more free rein and potentially cause (unintended) damage to the beautiful Tennessee forest and wetlands. I read that guidelines being used were provided by White House Council on Environmental Quality (CEQ), a council which our President has not seen to fully staff. I'm not sure I believe that this is a mere continuation of reasonable oversight but an excuse to change to a less carefully developed set of guidelines. Efficiency is a good goal, good for you! However, when you discuss CE's you refer to effects 'under normal circumstances' but are we really facing normal circumstances? The increase in record-setting storms, for instance, should encourage you to continue to carefully evaluate potential impacts in a more forward-facing manner. Please consider new ways of identifying impact that are less dependent on a historical record that may no longer apply. Fundamentally please find ways to be transparent that are perhaps not so onerous on the system; again, efficiency is a good thing! Thank you. Sincerely, Marilyn Finley
Finley	Marilyn	concerned citizen	Maryville	TN	37803	9/6/2017	
Forbess	Susan		Drummonds	TN	38023	9/5/2017	Please do not pollute the Memphis aquifer.
							I am expressing my opposition to TVA's proposal to amend your procedures for implementing NEPA. I demand that the public/citizens of Memphis/Shelby County continue to receive environmental reviews and public input under the National Environmental Policy Act as excluding us endangers our public health, safety, and environment not just for us but generations to come who deserve to have a safe environment in the years ahead. Shelby County already has several chemical pollution sites that are hazardous to our environment, having been identified and known to cause cancer that lead to premature deaths of residents who were exposed to these chemicals. We continue to struggle with sewage and other pollutants in nearby President Island without having to be concerned about our aquifers being contaminated. There has to be due diligence by TVA continuing with environmental reviews which are made public to assure TVA is not being negligent or if are the public will be made aware. We are paying for their services and have the right to make diligent surveys of the quality of our water they are using to generate energy for electricity. Respectfully submitted, Leslie Fuller
Fuller	Leslie	Protect Our Aquifer	Memphis	TN	38104	9/6/2017	
							I am against your changing the rules concerning your compliance with NEPA. The public has every right to participate in discussions concerning our water, air and lands. There have been so many recent incidences of neglect by companies and officials who assure us that whatever they do is safe and in the best interest of all. Lead in the drinking water in Flint, contaminants from refineries in Houston after Harvey and lets not forget the coal ash spill in east TN, all of this has had a huge impact on our environment and citizens. All these costs always come back to the taxpayers whether it be in Federal, State, County or City funds and because of this fact I want to be able to be heard!!!
fulton	diane		MEMPHIS	TN	38104	9/5/2017	
							Attachments available at the following Sharefile link: https://southernenvironment.sharefile.com/d-f7764e549d8416f8
Garcia	Amanda	Southern Environmental Law Center	Nashville	TN	37213	9/6/2017	Hard copy and disk to follow. This is a duplicate submission of the letter I submitted via email to NEPArule@tva.gov.
							TVA is in NO WAY to be trusted to make its own rules and then judge if these are sufficient! (See Kingston Ash Spill for an example of the quality of their "Environment Stewardship"). 1. All Categorical Exclusions (CEs) should be eliminated. 2. ALL TVA actions should have an independent review by an Environmental Staff NOT under the thumb of the TVA Board.
Garrett	Paul		White House	TN	37188	8/30/2017	Paul Garrett
							On behalf of the Metro Government of Nashville and Davidson County, we provide the following comments on the proposed rule-making to add additional categorical exclusions from NEPA analysis: • TVA has a longstanding practice of analyzing rate changes with rigorous environmental analysis and environmental impact statements. The addition of proposed CE 47 would reverse this practice. • TVA is not subject to independent scrutiny by a public utilities commission because of its federal status, so if TVA is also exempted from analyzing the environmental impacts of rate changes, then the public will have no opportunity to provide input on such changes. • TVA has also stated that they plan to update their rate structure in February 2018 to specifically address the proliferation of distributed energy resources and energy efficiency across their service territory. It is worrisome that TVA would try to exempt rate changes from environmental analysis just months before a proposed rate change that might impact how renewables and energy efficiency are priced. • Metro is definitely sympathetic to a government agency's desire to simplify the regulatory and bureaucratic hoops that need to be jumped through to update often simple policy changes and is in agreement with the vast majority of proposed CE changes. However, rate changes clearly have an impact on a customer's incentive to consume more or less energy and thus has an environmental impact and should not be excluded from environmental analysis. • Metro also understands the potential impact of distributed energy resources on TVA's grid reliability and interconnection costs. This is an issue that needs to be addressed and we are supportive of finding a solution. However, as stated, excluding rate changes from environmental analysis is not the way to achieve this goal in the most sustainable and environmentally responsible way. • Metro is committed to reducing its impact on the environment. The draft recommendations from Mayor Barry's Livable Nashville Committee includes a goal to reduce our GHGs by 80% by 2050 and increase Nashville's renewables by 30% by 2030. In order to achieve these goals, we need a utility rate structure that encourages energy efficiency and distributed energy resources, such as solar.
Hafkenschiel	Erin	Mayor's Office, Metro Nashville Davidson County	Nashville	TN	37201	9/6/2017	
hall	francis	protect our aquifer	memphis	TN	38112	9/4/2017	What can I do to be assured that TVA will operate in the public light and quit trying to dodge public scrutiny. What reasoning is being used to disregard the importance of our drinking water?
							We, as a community, just went through a battle with Apex wind company. They came into the area and wanted to put up huge turbines without any notice to the people in the area. After a long battle and the help of our representative we have stopped this for the time being. The impact on our community and the beautiful Cumberland county area would have been extensive. I think it is important that these companies must answer to the entire communities before starting project, not just a few individuals on some board. I'm sure that the TVA will work in the interest of keeping our state special to all persons that live and visit here. What is good for one company is not necessarily beneficial to the long term need of our communities. Thanks for listening. Nancy Harper
Harper	Nancy	Fairfield Glade Community	Crossville	TN	38558	9/1/2017	
							I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources. Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken. As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they I am concerned that they are doing this in a pennywise but pound foolish manner. If cheap shortcuts are taken to keep the cost low but major irreparable damage is done to the drinking water of a major metropolitan area in the state of TN and cost savings on power will be lost many times over. The risk is not work the reward in this particular scenario. Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.
Hatfield	Robert	Cooper-Young Community Organization	Memphis	TN	38104	9/2/2017	
Hendrix	Suzy	Ms	Memphis	TN	38107	9/2/2017	I am writing to express my opposition to TVA's proposal to amend its procedures for implementing NEPA. This proposal endangers public health, safety, and the environment by allowing even more closed-door decision making. This is the opposite of what should be happening during a crucial time!
Hyder	Lisa		Ooltewah	TN	37363	9/5/2017	I am opposed to the elimination of environmental reviews and public input under the National Environmental Policy Act (NEPA); the public must be able to express views on proposed projects like the construction of new power plants, transmission lines, and drilling new groundwater wells.
							I strongly disagree with TVA to decrease regulations of public awareness and safety. The Memphis Aquifer drilling of any kind is shamefully neglectful and endangering a perfectly excellent source of drinking water for millions of people. This is just one example that comes to mind of corporations putting profit before public safety. I encourage the powers of authority to think past your pocket book and make decent, morally correct decisions concerning the public safety!!
Koeppen	M. Rene	Tennessee resident	Memphis	TN	38104	9/4/2017	
							two attachments
Kurtz	Sandra	Blue Ridge Environmental Defense League	Chattanooga	TN	37416	9/4/2017	

Mamerow	Natalie	American Society of Civil Engineers	Washington	DC	20001	9/6/2017	attachment
							<p>We appreciate the opportunity to comment on your NEPA process proposed changes. Please feel free to contact me at 828 258-3939x223 or Andrew Henderson at 828 258-3939x227 if you have any questions or concerns about these comments.</p> <p>3.26 & 3.27 CE 26 & CE 27 Section 26A Permitting approvals & TVA Shoreline Actions The proposed addition of private and TVA boat ramps to the existing CE is concerning with regard to the potential increases in loss of riparian vegetation and cuts made along the shoreline, which could lead to erosion, and the increased points of introduction of non-native nuisance aquatic species. Examples of possible undesirable introductions include aquatic vegetation, vascular and submersed (Algalonweed, Hydrilla, Eurasian watermilfoil, Water hyacinth) and invertebrates (Zebra mussel, Chinese mystery snail) that may physically attach to watercraft, but also bait animals native to the US (Rusty crayfish, Varie crayfish, Blueback herring). Additionally, exotic fishes (Silver carp, Bighead carp, Black carp, Grass carp) that are established in other waterways may be introduced from other river systems and basins via live wells and/or barge pumps. Additionally, trophic level indirect impacts (example: competition; dense mats of water hyacinth compete with native aquatic vegetation for nutrients in the water column and shade out primary production), and direct impacts (example: predation; black carp are molluscivores) can occur to aquatic fauna. Given the high levels of native aquatic diversity found in the Tennessee River system, TVA must ensure that internal personnel, contractors, and 26A applicants are aware of the potential habitat destruction and loss that can result from the introduction of non-native aquatic species.</p> <p>3.27 & 3.33 CE 27 & CE 33 TVA Shoreline Actions & Cultural Resources Protection Given the high levels of native freshwater aquatic diversity in the Tennessee River system, bank stabilization activities associated with cultural and water resource management and bioengineering below the high water mark has the potential to affect fish and wildlife beyond statements in the supporting documentation information on page 8-113. Specifically, direct effects to benthic fauna such as federally protected freshwater mussels could occur during these activities, through crushing, short-term increases in suspended solids and turbidity, or displacement. Bank stabilization activities are likely to intersect sensitive aquatic species in dam tailwater areas, as well as on flowing reaches of rivers within the Tennessee River system, even at lengths of 1/8 mile or less. Despite the potential long-term benefits of reduced erosion, the timing and duration of these projects can be as important as their linear extent. How riprap or stabilization materials are transported to a given project site, either by truck, trailer, or barge, is an extremely important consideration in evaluation of project impacts. For example, a moored barge containing riprap along a shoreline can impact the river bank and bottom through the barge itself rubbing against the bank and bottom as a result of wave action, or and mooring ropes and chains maintaining barge position along a bank. Also, spud poles driven into the river bottom, used to maintain barge position in the river, can directly impact benthic fauna through crushing or displacement. Propeller wash over a specific area by repeated passes of watercraft moving riprap from the barge and placing it on the bank can increase turbidity, directly affecting the respiration and excretion rates of freshwater mussels. Any placement of riprap on a shoreline or bioengineering along the bank should take into account spillage, especially if bank shaping and/or geotextile fabric spreading has not occurred prior to placement. Spillage of riprap or materials into the river can crush benthic organisms unable to move quickly away from disturbance, and result in increased suspended solids and turbidity, and lead to sedimentation, which can smother animals and habitats and directly affect the respiration and excretion rates of freshwater mussels. For significant projects of this type that have the potential to require formal consultation with the US Fish & Wildlife Service, a TVA Categorical Exclusion may not be appropriate. A programmatic formal consultation on these types of activities is encouraged.</p> <p>3.42 CE 42 Road Improvements Installation or replacement of culverts is included in the proposal supporting documentation (p. 3-225); consideration should be given to inclusion of bridges when possible in addition to culverts, to facilitate improved fish & wildlife passage, particularly on TVA lands or lands where TVA has easements. Direct, indirect, and cumulative effects to natural resources can result from roadway improvement and expansion. Impacts to aquatic resources occur in particular when rivers or streams and their tributaries are intersected multiple times by a road project. These impacts include possible increased erosion through soil disturbance activity, which in turn, can lead to increased suspended solids and turbidity, directly affecting the respiration and excretion rates of aquatic organisms, and lead to sedimentation, which can smother animals and aquatic habitats. Improperly designed culverts alter the natural flow regime, present barriers to fish and aquatic organism passage, resulting in reduced dispersal capability and fragmenting existing populations. Additionally, increases in impervious surfaces associated with expanding and paving parking areas could result in additional runoff to rivers and streams and reduced groundwater recharge within a watershed.</p> <p>3.46 CE 46 Small Hydropower Systems TVA is proposing a new Categorical Exclusion for installation, modification, operation, and removal of small hydropower systems despite the fact that they have not constructed hydroelectric generators of this type, nor have they displayed these activities have insignificant impacts to natural resources or the human environment within the Tennessee River system or Power Service Area. Additionally, TVA could not identify any relevant CE's, EA's, or EIS's for similar activities within their EXTRAC database since 2002, and based this CE proposal on CE's by the Department of Energy and Rural Utility Service. There is limited discussion in the supporting documentation on how these systems work, the extent to which they are planned to be used by TVA, and no description of where actual conditions exist "...up-gradient of natural fish barriers, and outside of any navigation channels...". TVA does not describe any locations of where these systems could or would be targets for installation or where they have been successfully implemented by other agencies. Since TVA is not subject to Federal Energy Regulatory Commission requirements, they are essentially responsible for self-regulation of energy policies and procedures with regard to hydropower compliance. How regulatory agencies with responsibilities for trust resources that intersect where TVA plans to implement this CE will have the opportunity for input and review, or are even are notified of small hydropower system use is unclear. Technical aspects of how a hydropower system such as this would be placed and secured into a river channel and its resulting effects to river discharge, the aquatic habitat, and aquatic fauna WITHIN the Tennessee River drainage should be shared with resource agencies with regulatory responsibilities and peer-reviewed by qualified personnel who have experience working in the drainage. Currently this proposal by TVA is categorically exclude a procedure that has not been tested within their work area and does not meet required criteria is unacceptable.</p>
Mizzi	Janet	U.S. Fish and Wildlife Service	Asheville	NC	28801	6/23/2017	<p>Dear TVA,</p> <p>As we all are aware, people actually died of thirst in June 2017 in Africa. We, the United States, Tennessee, Shelby county, etc. did not provide these people so much as 1 gallon of drinking water, although it was a matter of life and death.</p> <p>The TVA now wants to use over 100 million gallons of clean drinking water from the Memphis Sands Aquifer every month, for all foreseeable months, to cool machinery at its new electricity-generating plant. There are already problems or changes to geography in other parts of the continental United States due to use of large amounts of water from the Ogallala Aquifer and from water being re-directed for agricultural use in California. There are documented cases of the actual ground level sinking due to use of the underground water.</p> <p>I have concerns about the TVA's (or anyone else's) use of such tremendous amounts of water, indefinitely, for non-drinking purposes.</p> <p>Considering it is a current regulation to at least allow people to comment on plans for use such as this, and considering how the TVA got permission for these 5 wells without telling almost anyone, I don't see the benefit, except to allow the TVA and others access to clean drinking water for whatever purpose, with the fewest number of people on earth being aware of plans or the actual use of such, basically irreplaceable water.</p> <p>I also object to this ridiculous requirement that anyone commenting during the public comment phase agree to make their personal contact information public. This is intimidating.</p> <p>I request that the TVA continue and actually increase information to the public about plans and actual use of public resources, to allow for the possibility that someone outside the TVA might have some useful ideas.</p> <p>Sincerely, Susan Moresi</p>
Moresi	Susan		Cordova	TN	38016	9/3/2017	<p>There should be more information to the public about actions taken on public and private land by TVA and the opportunity for public comment, particularly with regard to actions accessing groundwater by drilling into aquifers. People and organizations should be permitted to sign up for notification, with notification sent at least 30 days in advance of any comment period. I would adopt by reference the comments and information submitted by the Southern Environmental Law Center of Tennessee, including but not limited to the comments directed to Section CE-35, Wells.</p>
MORROW Oaks	NANCY Sara	PROTECT OUR AQUIFER Sierra Club	MEMPHIS Cordova	TN	38107 38018	9/5/2017 9/5/2017	<p>This would endanger public by making decisions behind closed doors.</p>
Palmer	Sally	The Nature Conservancy	Nashville	TN	37130	9/4/2017	attachment
							<p>We are property owners and taxpayers in the TVA service area. We have concerns regarding proposed changes to NEPA procedures. Our concerns are the increase in number of Category Exclusions, lack of public notice, decrease in public input and especially the requirement of a full environmental impact statement on all wind energy projects.</p> <p>Industrial wind turbines projects should require strictly enforced regulations regarding health, environmental impact, cost and effect on wild life.</p>
Riharb	Michael and Sharon		Crossville	TN	38558	8/31/2017	<p>I can't imagine an organization such as TVA, supposedly acting in the public interest particularly with respect to environmental matters such as our most precious natural resource, water, not wanting to know everything it can as early as possible about the environmental effects of its proposed actions prior to making decisions and to provide opportunities for public review and comment on those evaluations and on what TVA proposes. To do otherwise is totally irresponsible.</p>
Scott	Rowlett	Protect Our Acqifer	Memphis	TN	38103	9/5/2017	1 attachment
Shea	Courtney	Tennessee Interfaith Power and Light	Knoxville	TN	37918	9/1/2017	<p>Dear Sir or Madam: Please do everything you can to use Dirty water rather than pure water to harm our aquifer. Abide by the Sierra Club's recommendations. Save our clean water. Thank you.</p>
Todd	Christine	Calvary Episcopal Church	Memphis	TN	38112	9/5/2017	<p>Plsease see attached file.</p>
Vowell	Donald	Plaintiffs in Sherwood v. TVA	Knoxville	TN	37919	9/6/2017	<p>TVA exists to serve the public and must remain open, transparent, and accountable in all aspects of its operations. Limiting NEPA access to environmental data is unacceptable, as is limiting public comment, notice, and participation.</p>
Wade	Linda		Maryville	TN	37803	9/6/2017	

Comments from Individuals

✓
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DONALD K. VOWELL
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CERTIFIED CIVIL TRIAL SPECIALIST

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville TN 37902

RE: Comment on Proposed CE Revisions

Dear TVA Officials:

I am making this comment on behalf of the Plaintiffs in the case of *Sherwood v. TVA*. Your proposed Categorical Exclusion #15 would appear to directly violate and contravene the injunction of the United States District Court in *Sherwood v. TVA*. That injunction orders TVA to refrain from implementing the right-of-way vegetation management practice known at the 15-foot rule “until TVA has prepared and published an environmental impact statement pursuant to the National Environmental Policy Act....” The injunction also orders TVA to “maintain buffer zones on the edges of the rights-of-way as described in TVA’s 1997 and 2008 Line Maintenance Manuals,” to “leave existing trees in the wire zone so long as they do not pose an immediate hazard to the transmission lines,” and to continue to allow landowners to trim their own trees where they have done so in the past. Note that this is an order of the United States District Court, fully enforceable by the law of the United States, including contempt of court.

Your proposed categorical exclusion 15 is stated as follows:

Transmission and utility line right-of-way maintenance actions occurring within an existing maintained right-of-way, including routine vegetation management, removal of danger trees outside the right-of-way, and access road improvements or construction (generally no more than 1 mile of road construction outside the right-of-way).

As you should be aware, a categorical exclusion is a device whereby an environmental impact statement is avoided, and is intended for actions that do not have significant environmental impact. But under your proposed CE 15, you propose to treat right-of-way maintenance “within an existing maintained right-of-way” as a categorical exclusion. It is simply unbelievable that you would propose this after your experience in *Sherwood v. TVA*. That is essentially the same thing that you attempted in *Sherwood v. TVA*, and it was rejected by the court, leading to the injunction referenced above. I will point out the

obvious: the present injunction is directed towards your right-of-way maintenance "within an existing maintained right-of-way." That is the point of the injunction. The injunction prevents TVA from clearing trees within an existing maintained right-of-way unless they present an "immediate hazard" to the lines. There are millions of trees "within the existing maintained right-of-way" including vast numbers of 100-year-old trees that were left standing when you installed the lines, beginning in the 1930s. Many of these trees are found in the buffer zones, which are specifically covered by the injunction. Clearing these trees is not "routine maintenance." That was settled in *Sherwood v. TVA*. It appears that you are simply attempting an end-run around the injunction entered by the Court in *Sherwood v. TVA*. Instead of waiting for the environmental impact statement to be completed, as ordered by the Court, you appear to be authorizing yourself to eliminate the buffer zones by categorical exclusion, with no environmental impact statement.

As mentioned, categorical exclusions are intended to be used where the action has no significant environmental effect. Clearing these vast numbers of trees in the right-of-way has huge environmental effect, as determined by the Court in *Sherwood v. TVA*. The webpage where you propose the new categorical exclusions states that these actions "have no significant individual or cumulative environmental effect (under normal circumstances) and for which more in-depth environmental reviews are unnecessary." But, as mentioned, the court has already determined that the actions do have significant environmental effect and that "more in-depth environmental review" (environmental impact statement) is necessary.

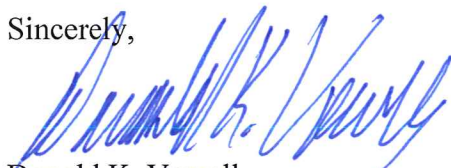
Your supporting material states that "[t]hese activities are usually minor in scope and address maintenance of already constructed and previously disturbed ROWs." (3-38) But, as has been determined by the Court in *Sherwood v. TVA*, "[t]hese activities" are NOT "usually minor in scope" and in many cases the trees in the right-of-way have NOT been "previously disturbed." The buffer zones have vast numbers of 100-year-old trees that have were left standing when TVA initially installed the lines. They have never been "disturbed. The same is true to a lesser extent in the wire zone.

Your supporting material also states that "[t]o reduce risk of trees or branches falling onto lines, or lines sagging or swaying into trees, tall trees within border zones (the area from the outside of the conductors to the edge of the ROW) are removed." (3-39) This is directly contrary to the injunction which orders you to leave the buffer zones.

I would simply request that you drop CE 15 from your list of proposed new categorical exclusions.

Thank you for your consideration.

Sincerely,



Donald K. Vowell

Enclosure(s): (1)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

DONNA W. SHERWOOD, et al.,)
)
 Plaintiffs,)
)
v.)
)
TENNESSEE VALLEY AUTHORITY,)
)
 Defendant.)

No.: 3:12-CV-156-TAV-HBG

INJUNCTION ORDER

For the reasons discussed in the Memorandum Opinion and Order entered contemporaneously with this Injunction Order, and for good cause being shown, it is hereby ordered, adjudged, and decreed as follows:

IT IS ORDERED that TVA is **ENJOINED** from further implementing the transmission line right-of-way vegetation management practice that has come to be known in this litigation as the “15-foot rule” until TVA has prepared and published an environmental impact statement pursuant to the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321–4370m12. TVA shall submit a request for dissolution of the injunction after completion of the procedural steps necessary to comply with NEPA. Plaintiffs will then have the opportunity to state their position with respect to the dissolution of the injunction.

IT IS FURTHER ORDERED that the terms of this injunction will remain in effect until the Court grants TVA’s request for dissolution of the injunction.

IT IS FURTHER ORDERED that TVA will maintain buffer zones on the edges of its rights-of-way as described in TVA’s 1997 and 2008 Line Maintenance Manuals:

- a. When re-clearing 500-kV transmission lines on ROWs that are 200 feet wide, TVA will re-clear 150 feet, that is, 75 feet from centerline to outside edges, leaving a 25-foot buffer zone on each side.
- b. On the more recently purchased 500-kV transmission line ROWs where 175 feet is all that is purchased, TVA will re-clear 150 feet, that is, 75 feet from centerline to outside edges, leaving a 12.5-foot buffer zone on each side.
- c. When re-clearing 161-kV transmission lines, the structure type and height will determine the width.
 - i. On multiple-pole structures and single- and double-circuit steel tower lines where TVA has 150 feet of easement, TVA will re-clear 100 feet, that is, 50 feet from centerline to outside edges, leaving a 25-foot buffer zone on each side. Where TVA only has 100 feet of ROW, the entire 100 feet is re-cleared.
 - ii. On lines that utilize single-pole structures where TVA has an easement of 75 feet, the entire 75 feet will be re-cleared.
 - iii. On 69-kV transmission lines, re-clearing will be accomplished.

d. On easements with multiple transmission lines, the “centerline to outside edges” will apply to the transmission line nearest the outside boundary.

TVA will leave the existing trees in the wire zone so long as they do not pose an immediate hazard to the transmission lines.

TVA may remove or trim any trees in the wire zone of the right-of-way, or in the buffer zones of the right-of-way, or any danger tree outside the right-of-way, in accordance with its contract rights, that it deems to present an immediate hazard to its transmission lines.

In using the term “re-clearing” in this Order the Court is simply utilizing the terminology that TVA has used in its Line Maintenance Manuals and is making no determination as to whether TVA either has or has not cleared the right-of-way previously.

IT IS FURTHER ORDERED that where TVA has previously allowed a given landowner to trim his or her own trees, TVA shall continue to do so, except that TVA will have the right to immediately remove or trim any tree that it deems to present an immediate hazard to its transmission lines.

The Court accepts TVA’s representations that it has budgeted \$15 million for its yearly vegetation management and \$14 million for vegetation management during Fiscal Year 2018 through 2020. TVA shall report its quarterly and cumulative annual spending levels to plaintiffs when those figures are reasonably available through its accounting department.

IT IS FURTHER ORDERED that TVA shall post a copy of this Order and any subsequent substantive Order in a prominent location on its website to inform the public and in particular the landowners on the right-of-way that TVA has been enjoined from further implementing the 15-foot rule, and to inform the public and landowners as to the practices that TVA is being ordered to follow pursuant to this Order.

IT IS FURTHER ORDERED that TVA is required to pay plaintiffs' reasonable attorney's fees and costs in this litigation related to the NEPA and mootness issues pursuant to the Equal Access to Justice Act ("EAJA") with reasonableness to be determined by the Court in accordance with the EAJA if the parties cannot agree on the amount.

TVA will inform the Court within **thirty (30) days** after entry of this Order of the measures taken to inform TVA employees and contractors involved in transmission line right-of-way vegetation management of the terms of this injunction.

If a party seeks to modify any provision of the injunction, the parties must first meet and confer, in order to attempt to reach agreement before applying to the Court.

The Court retains continuing jurisdiction to enforce this Order through contempt or otherwise, to clarify the injunction should the need arise, to determine whether the injunction should be dissolved, and for such other proceedings as may be appropriate.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

Chattanooga Pulse
Shades of Green Column for August 2017
By Sandy Kurtz

*NEPA mandates not only a process, but an ethos of caring for the environment. –
-Dinah Bear, General Counsel, Council for Environmental Quality*

Decisions in The Dark Threaten Environment

In 2012, TVA suddenly cut numerous mature trees in people's back yards bordering transmission lines. Contractors showed up unannounced to kill all tree species that might grow 15 feet tall within the wide power line easement. When citizens asked why, they were told that FEMA made a new rule. This was blatantly untrue. In fact TVA alone had changed their policy citing bogus reasons related to the dangers of those far away trees arcing to the power lines and saving money by not having to cut so often. Residents were infuriated over the loss of their trees never before considered a threat. West Knoxville homeowners took TVA to court. Finally this past June 2017, TVA asked for legal dismissal saying they had returned to the previous maintenance policies. All this time, money and loss of trees could have been avoided if TVA had only followed NEPA.

NEPA, the National Environmental Policy Act, assures that Federal agencies protect the environment and allow public review of projects. For large projects, both an environmental assessment (EA) and environmental impact statement (EIS) are required and usually a public hearing. In requesting dismissal of the tree cutting case, TVA stated that they recognized the appropriate environmental review wasn't conducted and that they will publish an EIS. In other words, NEPA requirements were not followed.

Now we learn that TVA wants to weaken their burden of proof under NEPA requirements for some projects. After all, preparing an EA and/or an EIS is time consuming and can be costly. Why not avoid all those requirements for citizen input when it's so obvious (to TVA) that the project has no environmentally significant impact? TVA now wants so-called minor projects to become NEPA Categorical Exclusions (CE). However, TVA has gone too far.

Some original exclusions were 1) Routine operation, maintenance, and minor upgrading of existing TVA facilities.; 2) Technical and planning assistance to State, and local and private organizations and entities and 3) Emergency preparedness actions not involving the modification of existing facilities or grounds. Clearly no EA or EIS would be needed. If the 31 new ones are approved and some old ones eliminated there will be a whopping increase from 19 to 50. Here are some proposed new ones. Note the many weasel words:

- Actions to restore and enhance wetlands, riparian, and aquatic ecosystems that generally involve physical disturbance of no more than 125 acres, including, but

not limited to, construction of small water control structures; revegetation actions using native materials; construction of small berms, dikes, and fish attractors; removal of debris and sediment following natural or human-caused disturbance events; installation of silt fences; construction of limited access routes for purposes of routine maintenance and management; and reintroduction or supplementation of native, formerly native, or established species into suitable habitat within their historic or established range.

- Reburial of human remains or objects (including repatriations) on TVA land.
- Actions to manage invasive plants including, but not limited to, chemical applications, mechanical removal, and manual treatments that generally do not physically disturb more than 125 acres of land.
- Actions to manipulate species composition and age class, including, but not limited to, harvesting or thinning of live trees and other timber stand improvement actions (e.g., prescribed burns, non-commercial removal, chemical control), generally covering up to 125 acres and requiring no more than 1 mile of temporary or seasonal permanent road construction.

Maybe you think these don't sound too bad. The point is, however, that if these are listed in the categorical exclusions list, you will not have a say one way or another until after the deed is done. TVA is a Federal public power agency. Citizens have a right to transparency, information and input before an environmental impact statement is completed including alternative solutions before any final decision.

The good news is that TVA is allowing public comment until September 6. The Federal Council for Environmental Quality must finally approve each proposed exclusion. See TVA's NEPA website. Send comments to NEPARule@tva.gov.

NEPA allows light to shine for environmental protection. The August solar eclipse will black us out for only 2.5 minutes. A TVA eclipse will keep us in the dark for far longer.

From: [Emily Oppenheimer](#)
To: [NEPA Rule Comments](#)
Subject: We have a right to know.
Date: Wednesday, September 06, 2017 12:29:17 PM

TVA External Message. Please use caution when opening.

To Whom it May Concern:

Really, it concerns all of us who care about having access to clean drinking water, clean air to breathe, and clean land on which to live. The Memphis Sand Aquifer is Memphis and the surrounding areas' most valuable and important resource. The first, foremost, and fundamental right to this water belongs to the citizens who live above it. Please do not subject our health and safety to the whims of TVA officers and whatever information they choose to withhold or release to us. We have a right to know who is using our water, for what, how they are accessing it, and how they are leaving it after them. We should get the final say through the voice of our vote. MAKE THE PEOPLE THE PRIORITY.

I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources.

Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken.

As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities.

Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

Thank you for your time and faithful attention to this subject. Make the right and responsible decision now.

Thank you,
Emily Oppenheimer



Lifelong, proud Memphian

From: [Gino Bauwens](#)
To: [NEPA Rule Comments](#)
Subject: Uphold the public's right to know: Don't change TVA's NEPA procedure
Date: Tuesday, September 05, 2017 3:13:42 PM

TVA External Message. Please use caution when opening.

I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources.

Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken.

As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities.

Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

--

Kind Regards

Gino Bauwens

Chemicar USA
670 New York Street
Memphis , TN 38104
office: [REDACTED]
cell: [REDACTED]
www.chemicar.com

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This communication, including any attachments, may contain information that is proprietary, privileged, confidential or legally exempt from disclosure. If you are not a named addressee, you are hereby notified that you are not authorized to read, print, retain a copy of or disseminate any portion of this communication without the consent of the sender and that doing so may be unlawful. If you have received this communication in error, please immediately notify the sender via return e-mail and delete it from your system.

From: [Hunter Oppenheimer](#)
To: [NEPA Rule Comments](#)
Subject: TVA,s NEPA procedures
Date: Tuesday, September 05, 2017 10:32:43 PM
Attachments: [I am writing to express my c \(2\).textClipping](#)

TVA External Message. Please use caution when opening.

I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources.

Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken.

As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities.

Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

Hunter Oppenheimer

[REDACTED]

Memphis, TN 38104

[REDACTED]

From: [Jane Gulley](#)
To: [NEPA Rule Comments](#)
Date: Monday, September 04, 2017 7:54:26 AM

TVA External Message. Please use caution when opening.

Subject: Uphold the public's right to know: Don't change TVA's NEPA procedure I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources. Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken. As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities. Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

From: [Jessica Clark](#)
To: [NEPA Rule Comments](#)
Subject: Memphis water
Date: Tuesday, September 05, 2017 7:43:51 PM

TVA External Message. Please use caution when opening.

Uphold the public's right to know: Don't change TVA's NEPA procedure I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources. Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken. As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities. Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

From: [Joyce Petrina](#)
To: [NEPA Rule Comments](#)
Subject: Uphold the public's right to know: Don't change TVA's NEPA procedure
Date: Sunday, September 17, 2017 5:12:56 PM

TVA External Message. Please use caution when opening.

I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources.

Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken.

As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities.

Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

Joyce Petrina

Sent from my iPhone

From: [Lisa Snowden](#)
To: [NEPA Rule Comments](#)
Subject: Rules
Date: Saturday, September 02, 2017 3:14:11 PM

TVA External Message. Please use caution when opening.

I am absolutely against weakening the rules governing transparency in ALL issues and procedures involving TVA. TVA is a public utility and therefore owes the public honest and open access to decisions and projects concerning water, public land and private property.

It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken.

As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities.

Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

Thank you
Lisa Snowden

From: [Matt](#)
To: [NEPA Rule Comments](#)
Subject: Don't change TVA's NEPA procedure
Date: Monday, September 04, 2017 12:22:40 PM

TVA External Message. Please use caution when opening.

Don't change TVA's NEPA procedure

I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources.

Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken.

As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities.

Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

From: [Sara Burnett](#)
To: [NEPA Rule Comments](#)
Subject: NEPA rule
Date: Monday, September 04, 2017 9:31:58 AM

TVA External Message. Please use caution when opening.

I am writing to express my concern that TVA is attempting to exempt itself from oversight and public comment on its activities that will affect our water, land, air, and public utility rates and sources. Please do not weaken TVA's NEPA procedures. It is imperative that the public be given adequate information on these important issues and the opportunity to be heard before any action can be taken.

As a citizen of Shelby County, Tennessee, I am particularly concerned about the attempt by TVA to eliminate federal oversight on wells accessing potable groundwater, such as the five wells installed at the Allen Power Plant, which will draw water from our drinking water source, the Memphis Sand Aquifer. The drilling and planned use of these wells have caused much concern and outrage among our citizens. TVA has repeatedly told us that their main duty is to produce energy in the most cost-effective manner, but they are not factoring in the cost to those of us who live and work near their facilities. Please do not let TVA operate behind closed doors. Instead, I ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

Thank you.

Sara Burnett



Memphis 38104

From: [REDACTED] on behalf of [Amy Lutterloh](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Sunday, September 03, 2017 7:09:07 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

It is disconcerting to see TVA pushing through 31 additional categorical exclusions, nearly doubling the number of categories that will no longer be subject to public notice and thorough environmental analysis. While some changes make logical sense, like those associated with human resource decisions, others appear to be an overreach and outside of those activities intended to be covered by NEPA's categorical exclusion provision. For example, TVA is proposing to exclude installation of groundwater wells in drinking aquifers – like the controversial cooling water wells proposed in Memphis – from NEPA analysis, closing the door to the public input and potentially affecting customer's access to drinking water without allowing them to understand the implications beforehand. It is also troubling to see a proposal that would exempt changes in how our local power companies are charged for TVA's wholesale electricity, leaving important economic decisions that could affect customer's pocketbooks behind closed doors.

I ask TVA to only extend categorical exclusions to those actions that would clearly have minimal impact on public health and the environment, such as human resource decisions, and keep the door open for the public to engage in TVA's decisions to take actions that clearly affect the environment such as the acquisition or lease of natural gas plants which could be built by third parties. The burden on TVA is small when compared to the burden the public may bear if TVA unnecessarily broadens categorical exclusions under NEPA and leaves us in the dark.

Thank you for your consideration.

ADDITIONALLY: To recap:

I am concerned about the TVA's lack of transparency in disclosing environmental impacts of major federal actions. Please make ready available all proposed changes to be "In accordance with the Administrative Procedure Act" - the rulemaking process provides the public and interested parties with an opportunity to review the Proposed Rule" and submit input to its customers.

Sincerely,
Amy Lutterloh

[REDACTED] Memphis, TN 38134-3343

From: [REDACTED] on behalf of [Beverly Sweeton](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement. I strongly agree that public input is vitally important to our safety. We only have to look at past catastrophic events to know lives and property can be at risk. We are all in this together. We must have input
Date: Tuesday, August 29, 2017 12:33:58 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Beverly Sweeton

[REDACTED] TN 37087-9475

From: [REDACTED] m on behalf of [Martha Spencer](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Monday, September 04, 2017 2:53:52 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Martha Spencer

[REDACTED] Brevard, NC 28712-6762
[REDACTED]

From: [REDACTED] on behalf of [Kibibi Lewis](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Sunday, September 03, 2017 9:10:36 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Kibibi Lewis

[REDACTED] Nashville, TN 37218-1210
[REDACTED]

From: [REDACTED] on behalf of [Joann Hill](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Saturday, September 02, 2017 7:22:42 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Joann Hill

[REDACTED] Memphis, TN 38116-4325
[REDACTED]

From: [REDACTED] on behalf of [Inger Upchurch](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Saturday, September 02, 2017 7:14:31 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Inger Upchurch

[REDACTED] Memphis, TN 38134-4336
[REDACTED]

From: [REDACTED] on behalf of [Samuel Upchurch](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Saturday, September 02, 2017 7:11:54 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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I ask TVA to only extend categorical exclusions to those actions that would clearly have minimal impact on public health and the environment, such as human resource decisions, and keep the door open for the public to engage in TVA's decisions to take actions that clearly affect the environment such as the acquisition or lease of natural gas plants which could be built by third parties. The burden on TVA is small when compared to the burden the public may bear if TVA unnecessarily broadens categorical exclusions under NEPA and leaves us in the dark.

Thank you for your consideration.

Sincerely,
Samuel Upchurch
[REDACTED] Memphis, TN 38107-3122
[REDACTED]

From: [REDACTED] on behalf of [Sandra Upchurch](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Saturday, September 02, 2017 7:08:29 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Sandra Upchurch
[REDACTED] Memphis, TN 38111-2007
[REDACTED]

From: [REDACTED] on behalf of [William Prettyman](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Saturday, September 02, 2017 9:30:11 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,

William Prettyman

Sincerely,
William Prettyman

[REDACTED] Woodlawn, TN 37191-9188

From: [REDACTED] on behalf of [Mary Clarke](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Friday, September 01, 2017 8:31:45 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Mary Clarke

[REDACTED] Nashville, TN 37204-4105

From: [REDACTED] on behalf of [Richard Phelps](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Thursday, August 31, 2017 5:46:16 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Richard Phelps

[REDACTED] Tullahoma, TN 37388-5223
[REDACTED]

From: [REDACTED] on behalf of [Richard Williams](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Thursday, August 31, 2017 11:14:33 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Richard Williams

[REDACTED] Huntsville, AL 35802-2652
[REDACTED]

From: [REDACTED] on behalf of [Patricia Bancer](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Thursday, August 31, 2017 10:40:35 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Patricia Bancer

[REDACTED] Huntsville, AL 35811-9775
[REDACTED]

From: [REDACTED] on behalf of [Alan LeQuire](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Thursday, August 31, 2017 8:16:02 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Alan LeQuire

[REDACTED] Nashville, TN 37209-3606
[REDACTED]

From: [REDACTED] on behalf of [Wesley Sherer](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Thursday, August 31, 2017 8:09:53 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Wesley Sherer

[REDACTED] Montgomery, AL 36106-1903

From: [REDACTED] on behalf of [PAUL ELLIOTT](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Thursday, August 31, 2017 7:30:57 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
PAUL ELLIOTT

[REDACTED] Birmingham, AL 35242-7239
[REDACTED]

From: [REDACTED] on behalf of [Patrick Adams](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 11:28:51 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Patrick Adams
[REDACTED] Athens, AL 35613-3741
[REDACTED]

From: [REDACTED] on behalf of [Craig McManus](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 11:20:35 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Craig McManus
[REDACTED] Dothan, AL 36305-6954
[REDACTED]

From: [REDACTED] on behalf of [Dawn Wetzel](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 10:34:26 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Dawn Wetzel

[REDACTED] Memphis, TN 38103-0837

From: [REDACTED] on behalf of [Stephen Weissman](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 7:49:04 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Stephen Weissman

[REDACTED] Asheville, NC 28806-8812

From: [REDACTED] on behalf of [Christopher Farmlett](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 5:10:02 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Christopher Farmlett

[REDACTED] Gurley, AL 35748-8014

From: [REDACTED] on behalf of [Nathaniel Crockett](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 9:18:37 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Nathaniel Crockett
[REDACTED] Knoxville, TN 37917-6648
[REDACTED]

From: [REDACTED] on behalf of [Lindsay Pace](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 8:09:39 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Lindsay Pace
[REDACTED] t Chattanooga, TN 37409-2332
[REDACTED]

From: [REDACTED] on behalf of [Nancy Acopine](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 1:39:45 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Nancy Acopine
[REDACTED] Asheville, NC 28804-2443
[REDACTED]

From: [REDACTED] on behalf of [Douglas Hudgens](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 12:18:46 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Douglas Hudgens
[REDACTED] Cookeville, TN 38501-2053

From: [REDACTED] on behalf of [Dale Atwood](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 12:03:21 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Dale Atwood
[REDACTED] Nashville, TN 37210-3305
[REDACTED]

From: [REDACTED] on behalf of [Van Bunch](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:29:03 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Van Bunch

[REDACTED] Signal Mountain, TN 37377-2319

From: [REDACTED] on behalf of [Wade Austin](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 9:50:00 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Wade Austin

[REDACTED] Nashville, TN 37206-1000
[REDACTED]

From: [REDACTED] on behalf of [Doug Wingeier](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 9:17:03 PM

TVA External Message. Please use caution when opening.

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Thank you for your consideration.

Sincerely,
Doug Wingeier

[REDACTED] Asheville, NC 28801-1218

From: [REDACTED] on behalf of [Virginia J House](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 7:48:48 PM

TVA External Message. Please use caution when opening.

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Thank you for your consideration.

Sincerely,
Virginia J House
[REDACTED] Huntingdon, TN 38344-4604
[REDACTED]

From: [REDACTED] on behalf of [Ron Harris](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 5:12:12 PM

TVA External Message. Please use caution when opening.

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Thank you for your consideration.

Sincerely,
Ron Harris

[REDACTED] Morristown, TN 37814-6763
[REDACTED]

From: [REDACTED] on behalf of [Tom Boughan](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 4:57:45 PM

TVA External Message. Please use caution when opening.

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Thank you for your consideration.

Sincerely,
Tom Boughan

[REDACTED] Cowan, TN 37318-3158
[REDACTED]

From: [REDACTED] on behalf of [Lawrence Turk RN](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 4:37:50 PM

TVA External Message. Please use caution when opening.

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Thank you for your consideration.

Sincerely,
Lawrence Turk RN
[REDACTED] Hendersonville, NC 28793-0203
[REDACTED]

From: [REDACTED] on behalf of [John Atkins](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 4:14:51 PM

TVA External Message. Please use caution when opening.

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Thank you for your consideration.

Sincerely,
John Atkins

[REDACTED] Morristown, TN 37814-2601
[REDACTED]

From: [REDACTED] on behalf of [Harry Wozniak](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 3:04:46 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Harry Wozniak

[REDACTED] Columbus, OH 43205-1267
[REDACTED]

From: [REDACTED] on behalf of [Kathy Johnson](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 2:53:54 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Kathy Johnson

[REDACTED] Knoxville, TN 37918-1976
[REDACTED]

From: [REDACTED] on behalf of [Jeffrey Deal](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 2:11:07 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Jeffrey Deal

[REDACTED] Boone, NC 28607-3643
[REDACTED]

From: [REDACTED] on behalf of [Frank C. Newbell](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 1:35:55 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Frank C Newbell
[REDACTED] s Lebanon, TN 37087-2262
[REDACTED]

From: [REDACTED] on behalf of [Charles Cohen](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 1:35:50 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Charles Cohen

[REDACTED] Huntsville, AL 35806-3654

From: [REDACTED] on behalf of [Eric Gunther](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 1:18:08 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Eric Gunther

[REDACTED] Chattanooga, TN 37406-3626
[REDACTED]

From: [REDACTED] on behalf of [helga barden](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 1:01:59 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
helga barden

[REDACTED] Asheville, NC 28804-3713
[REDACTED]

From: [REDACTED] on behalf of [James Mills](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 12:41:59 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
James Mills

[REDACTED] Chattanooga, TN 37404-4006
[REDACTED]

From: [REDACTED] on behalf of [Pamela DiMaria](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:55:26 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Pamela DiMaria
[REDACTED] Hendersonville, TN 37075-4083

From: [REDACTED] on behalf of [Susan Schoenbohm](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:53:48 AM

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Thank you for your consideration.

Sincerely,
Susan Schoenbohm

[REDACTED] Nashville, TN 37215-6119
[REDACTED]

From: [REDACTED] on behalf of [Barbara Farley-Burns](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:51:50 AM

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Thank you for your consideration.

Sincerely,
Barbara Farley-Burns
[REDACTED] Memphis, TN 38114-5828
[REDACTED]

From: [REDACTED] on behalf of [Natasha Tarin](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:36:50 AM

TVA External Message. Please use caution when opening.

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Thank you for your consideration.

Sincerely,
Natasha Tarin

[REDACTED] Manchester, TN 37355-2057
[REDACTED]

From: [REDACTED] on behalf of [Debbie Brawner](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:36:48 AM

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Thank you for your consideration.

Sincerely,
Debbie Brawner
[REDACTED] Nashville, TN 37211-3629

From: [REDACTED] on behalf of [BO GRAHAM](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:32:10 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
BO GRAHAM

[REDACTED] Memphis, TN 38104-5016
[REDACTED]

From: [REDACTED] on behalf of [Jacqueline Friederichsen](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:32:10 AM

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Thank you for your consideration.

Sincerely,
Jacqueline Friederichsen

[REDACTED] Knoxville, TN 37917-3636

From: [REDACTED] on behalf of [Chuck Itzkovitz](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:19:30 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Chuck Itzkovitz

[REDACTED] Asheville, NC 28804-3286

From: [REDACTED] on behalf of [Claudia Synnatzschke](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:13:03 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Claudia Synnatzschke
[REDACTED] Smyrna, TN 37167-2808
[REDACTED]

From: [REDACTED] on behalf of [Richard Beckum](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:02:46 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Richard Beckum

[REDACTED] Memphis, TN 38118-2104
[REDACTED]

From: [REDACTED] on behalf of [Jeff Moore](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:02:34 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Jeff Moore

[REDACTED] Counce, TN 38326-3429
[REDACTED]

From: [REDACTED] on behalf of [Mike Lowery](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 11:00:44 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Mike Lowery

[REDACTED] Mentone, AL 35984-2304

From: [REDACTED] on behalf of [Claudine Cremer](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:56:56 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Claudine Cremer

[REDACTED] Weaverville, NC 28787-9393
[REDACTED]

From: [REDACTED] on behalf of [Jodie Vance](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:54:34 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Jodie Vance

[REDACTED] Memphis, TN 38103-4454
[REDACTED]

From: [REDACTED] on behalf of [Linda McClendon](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:54:12 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Linda McClendon

[REDACTED] Arab, AL 35016-2432

From: [REDACTED] on behalf of [Steven Sondheim](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:47:51 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Steven Sondheim

[REDACTED] Memphis, TN 38117-1517
[REDACTED]

From: [REDACTED] on behalf of [Caroline Smart](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:46:45 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Caroline Smart

[REDACTED] Memphis, TN 38104-5527
[REDACTED]

From: [REDACTED] on behalf of [Steven Sondheim](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:45:19 AM

TVA External Message. Please use caution when opening.

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Thank you for your consideration.

Sincerely,
Steven Sondheim
[REDACTED] Chicago, IL 60657-4753
[REDACTED]

From: [REDACTED] on behalf of [Stephanie Capps](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:37:18 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Stephanie Capps

[REDACTED] Nashville, TN 37221-1383
[REDACTED]

From: [REDACTED] on behalf of [John Ryder](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:33:12 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
John Ryder

[REDACTED] Ashland City, TN 37015-4016
[REDACTED]

From: [REDACTED] on behalf of [Terry Green](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:28:39 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Terry Green

[REDACTED] Nashville, TN 37217-4652

From: [REDACTED] on behalf of [Dot Sulock](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:27:20 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Dot Sulock

[REDACTED] Asheville, NC 18804

From: [REDACTED] on behalf of [Demetria Jackson](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, September 05, 2017 8:49:48 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

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Thank you for your consideration.

Sincerely,
Demetria Jackson
[REDACTED] Memphis, TN 38116-6208
[REDACTED]

From: [REDACTED] on behalf of [Cari Harris](#)
To: [NEPA Rule Comments](#)
Subject: ENGAGE WITH THE PUBLIC!
Date: Thursday, August 31, 2017 10:20:18 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

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Thank you for your consideration.

Sincerely,
Cari Harris

[REDACTED] Memphis, TN 38104-8404
[REDACTED]

From: [REDACTED] on behalf of [Bonita McCay](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:38:48 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

It is disconcerting to see TVA pushing through 31 additional categorical exclusions, nearly doubling the number of categories that will no longer be subject to public notice and thorough environmental analysis. While some changes make logical sense, like those associated with human resource decisions, others appear to be an overreach and outside of those activities intended to be covered by NEPA's categorical exclusion provision. For example, TVA is proposing to exclude installation of groundwater wells in drinking aquifers – like the controversial cooling water wells proposed in Memphis – from NEPA analysis, closing the door to the public input and potentially affecting customer's access to drinking water without allowing them to understand the implications beforehand. It is also troubling to see a proposal that would exempt changes in how our local power companies are charged for TVA's wholesale electricity, leaving important economic decisions that could affect customer's pocketbooks behind closed doors.

TVA should be a leader in conservation, green industry development, and environmental management throughout the Tennessee River areas. Since the advancement of nuclear power, utility prices have escalated in our area and economic engines fueled by industry have left the area because of it. Instead of advancing solutions to problems, it seems that TVA has become a part of government entities who want to divest services to the citizens of the region, and I believe that this is contrary to TVA's charter. My father served in the Civilian Conservation Corps that was an important part of developing TVA's mission. I would like to see this mission further developed and maintained. I hope that you will consider my remarks and will come to an agreeable solution for all the people who live in TVA's area of influence.

I ask TVA to only extend categorical exclusions to those actions that would clearly have minimal impact on public health and the environment, such as human resource decisions, and keep the door open for the public to engage in TVA's decisions to take actions that clearly affect the environment such as the acquisition or lease of natural gas plants which could be built by third parties. The burden on TVA is small when compared to the burden the public may bear if TVA unnecessarily broadens categorical exclusions under NEPA and leaves us in the dark.

Thank you for your consideration.

Sincerely,
Bonita McCay
[REDACTED] Sheffield, AL 35660-3143

From: [REDACTED] on behalf of [Carol Hudler](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 3:57:28 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

We are concerned that TVA is pushing through 31 additional categorical exclusions, nearly doubling the number of categories that will no longer be subject to public notice and thorough environmental analysis. While some changes may make logical sense, like those associated with human resource decisions, others appear to be an overreach and outside of those activities intended to be covered by NEPA's categorical exclusion provision. For example, TVA is proposing to exclude installation of groundwater wells in drinking aquifers – like the controversial cooling water wells proposed in Memphis – from NEPA analysis, closing the door to the public input and potentially affecting customer's access to drinking water without allowing them to understand the implications beforehand. It is also troubling to see a proposal that would exempt changes in how our local power companies are charged for TVA's wholesale electricity, leaving important economic decisions that could affect customer's pocketbooks behind closed doors.

Please consider extending categorical exclusions only to those actions that would clearly have minimal impact on public health and the environment, such as human resource decisions, and keep the door open for the public to engage in TVA's decisions on actions that clearly impact the environment.

Thank you for your consideration.

Sincerely,
Carol Hudler
[REDACTED] Nashville, TN 37215-0902
[REDACTED]

From: [REDACTED] on behalf of [Hunt Henion](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:52:44 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

I think it's totally unacceptable that TVA is proposing such a wide range of inappropriate changes to its National Environmental Policy Act (NEPA) procedures -- for the first time in 35 years. I realize that the TVA is not subject to oversight by traditional utility regulators like public service commissions. We essentially have to trust you. But you need to hear our concern about how little access we have to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and the comment period granted by NEPA regulations.

It is disconcerting to see TVA pushing through 31 additional categorical exclusions, nearly doubling the number of categories that will no longer be subject to public notice and thorough environmental analysis. While some changes make logical sense, like those associated with human resource decisions, others appear to be an overreach and outside of those activities intended to be covered by NEPA's categorical exclusion provision. For example, TVA is proposing to exclude installation of groundwater wells in drinking aquifers -- like the controversial cooling water wells proposed in Memphis -- from NEPA analysis, closing the door to the public input and potentially affecting customer's access to drinking water without allowing them to understand the implications beforehand. It is also troubling to see a proposal that would exempt changes in how our local power companies are charged for TVA's wholesale electricity, leaving important economic decisions that could affect customer's pocketbooks behind closed doors.

I ask TVA to only extend categorical exclusions to those actions that would clearly have minimal impact on public health and the environment, such as human resource decisions, and keep the door open for the public to engage in TVA's decisions to take actions that clearly affect the environment such as the acquisition or lease of natural gas plants which could be built by third parties. The burden on TVA is small when compared to the burden the public may bear if TVA unnecessarily broadens categorical exclusions under NEPA and leaves us in the dark.

Thank you for your consideration.

Sincerely,
Hunt Henion

[REDACTED] Memphis, TN 38111-3139
[REDACTED]

From: [REDACTED] on behalf of [Phyllis Brown](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement, Think Community!
Date: Wednesday, August 30, 2017 7:03:22 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

It is disconcerting to see TVA pushing through 31 additional categorical exclusions, nearly doubling the number of categories that will no longer be subject to public notice and thorough environmental analysis. While some changes make logical sense, like those associated with human resource decisions, others appear to be an overreach and outside of those activities intended to be covered by NEPA's categorical exclusion provision. For example, TVA is proposing to exclude installation of groundwater wells in drinking aquifers – like the controversial cooling water wells proposed in Memphis – from NEPA analysis, closing the door to the public input and potentially affecting customer's access to drinking water without allowing them to understand the implications beforehand. It is also troubling to see a proposal that would exempt changes in how our local power companies are charged for TVA's wholesale electricity, leaving important economic decisions that could affect customer's pocketbooks behind closed doors.

I ask TVA to only extend categorical exclusions to those actions that would clearly have minimal impact on public health and the environment, such as human resource decisions, and keep the door open for the public to engage in TVA's decisions to take actions that clearly affect the environment such as the acquisition or lease of natural gas plants which could be built by third parties. The burden on TVA is small when compared to the burden the public may bear if TVA unnecessarily broadens categorical exclusions under NEPA and leaves us in the dark.

Also, before I close, TVA will you please consider engaging in Renewable energies that will provide access for joint ventures, or partners to work with your company in a win- win business to business relationships and let the public know that TVA welcomes public and private entity ties.

Thank you for your consideration.

Sincerely,
Phyllis Brown

[REDACTED] Cordova, TN 38016-1498
[REDACTED]

From: [REDACTED] on behalf of [Phyllis Brown](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Wednesday, August 30, 2017 5:53:57 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

It is disconcerting to see TVA pushing through 31 additional categorical exclusions, nearly doubling the number of categories that will no longer be subject to public notice and thorough environmental analysis. While some changes make logical sense, like those associated with human resource decisions, others appear to be an overreach and outside of those activities intended to be covered by NEPA's categorical exclusion provision. For example, TVA is proposing to exclude installation of groundwater wells in drinking aquifers – like the controversial cooling water wells proposed in Memphis – from NEPA analysis, closing the door to the public input and potentially affecting customer's access to drinking water without allowing them to understand the implications beforehand. It is also troubling to see a proposal that would exempt changes in how our local power companies are charged for TVA's wholesale electricity, leaving important economic decisions that could affect customer's pocketbooks behind closed doors.

I ask TVA to only extend categorical exclusions to those actions that would clearly have minimal impact on public health and the environment, such as human resource decisions, and keep the door open for the public to engage in TVA's decisions to take actions that clearly affect the environment such as the acquisition or lease of natural gas plants which could be built by third parties. The burden on TVA is small when compared to the burden the public may bear if TVA unnecessarily broadens categorical exclusions under NEPA and leaves us in the dark.

Lastly, I ask TVA to open their door to the public who are interested in shared and/or community solar and invest their company in the renewable energy market so that their customers or subscribers can the opportunity to access clean energy without the road blocks that TVA enforce.

Thank you for your consideration.

Sincerely,
Phyllis Brown
[REDACTED] Memphis, TN 38167-0510
[REDACTED]

From: [REDACTED] on behalf of [Rick Clemenzi](#)
To: [NEPA Rule Comments](#)
Subject: Public Engagement is Essential to a Smart Future
Date: Tuesday, August 29, 2017 1:49:57 PM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

As an electric customer served by the TVA, I find it extremely troubling that TVA has proposed a wide range of changes to its National Environmental Policy Act (NEPA) procedures. Many of the proposed changes appear completely inappropriate.

As TVA is not subject to oversight by traditional utility regulators like public service commissions, that leaves customers with very little access to information regarding issues regarding electric rates, acquisitions, new generation facilities, or the public health impacts of TVA actions. One of the very few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

I ask TVA to only extend categorical exclusions to those actions that would very clearly could only have ZERO impact on rates, public health, or the environment. This could include such items as human resource decisions. ALL other decisions MUST stay open to public review and comment or the TVA should be disbanded as an improperly run operation.

Thank you.

Sincerely,
Rick Clemenzi
[REDACTED] Asheville, NC 28814-0757
[REDACTED]

From: [REDACTED] on behalf of [William Norris](#)
To: [NEPA Rule Comments](#)
Subject: Don't Close the Door to Public Engagement
Date: Tuesday, August 29, 2017 10:51:10 AM

TVA External Message. Please use caution when opening.

Dear TVA Rule,

KUB is bad about this and TVA should not get any worse!

As an electricity customer served by the Tennessee Valley Authority, I find it troubling that TVA is proposing such a wide range of changes to its National Environmental Policy Act (NEPA) procedures for the first time in 35 years, including many that appear inappropriate. As you well know, TVA is not subject to oversight by traditional utility regulators like public service commissions, leaving your customers with very little access to information regarding issues such as raises in electric rates, acquisitions of new generation facilities or public health impacts associated with TVA actions. One of the few ways your customers can engage is through the public notice and comment period granted by NEPA regulations.

It is disconcerting to see TVA pushing through 31 additional categorical exclusions, nearly doubling the number of categories that will no longer be subject to public notice and thorough environmental analysis. While some changes make logical sense, like those associated with human resource decisions, others appear to be an overreach and outside of those activities intended to be covered by NEPA's categorical exclusion provision. For example, TVA is proposing to exclude installation of groundwater wells in drinking aquifers – like the controversial cooling water wells proposed in Memphis – from NEPA analysis, closing the door to the public input and potentially affecting customer's access to drinking water without allowing them to understand the implications beforehand. It is also troubling to see a proposal that would exempt changes in how our local power companies are charged for TVA's wholesale electricity, leaving important economic decisions that could affect customer's pocketbooks behind closed doors.

I ask TVA to only extend categorical exclusions to those actions that would clearly have minimal impact on public health and the environment, such as human resource decisions, and keep the door open for the public to engage in TVA's decisions to take actions that clearly affect the environment such as the acquisition or lease of natural gas plants which could be built by third parties. The burden on TVA is small when compared to the burden the public may bear if TVA unnecessarily broadens categorical exclusions under NEPA and leaves us in the dark.

Thank you for your consideration.

Sincerely,
William Norris

[REDACTED] Knoxville, TN 37912-4356

From: [Bev Robb](#)
To: [NEPA Rule Comments](#)
Subject: NEPA RULE
Date: Saturday, September 02, 2017 10:05:03 AM

TVA External Message. Please use caution when opening.

We as tax payers and property owners in the TVA service area, want comprehensive environmental reviews of activities and are concerned about:

- The increased number of Categorical Exclusions
- Lack of Notice to Public
- Decreased Public Input
- TVA requiring Full Environmental Impact Statements on all wind energy projects

We live in a small retirement resort community of about 8000 people located in the Cumberland Plateau of East TN.

We are concerned that there is NO mandate for INDIVIDUAL review of these projects, but are reviewed as a GROUP. Our small community is surrounded by mountains, valleys, and abandoned mines. This is a sanctuary for soaring birds like Eagles and Hawks. We have numerous hiking trails here and the natural beauty is breathtaking. We have struggled with the invasion of a company determined to install giant wind turbines and we have won in the TN legislature. Senator Lamar Alexander helped to support our cause. Please don't destroy the property and homes in our area !!! Consider how a GROUP decision would impact our community here.

Sincerely,

Beverly Robb



Fairfield Glade
Crossville, TN 38558

Sent from [Mail](#) for Windows 10

From: [Cara Murray](#)
To: [NEPA Rule Comments](#)
Subject: TVA Nepa procedures
Date: Thursday, August 31, 2017 8:46:25 PM

TVA External Message. Please use caution when opening.

As a tax payer and property owner in the TVA service area, I would like TVA to conduct comprehensive environmental reviews of all activities, and most specifically, create impact statements for all proposed wind energy products. I am also concerned about:

- The increased number of Categorical Exclusions
- Lack of Notice to Public
- Decreased Public Input

Thank you,

Cara Murray

From: [Carole Soldon](#)
To: [NEPA Rule Comments](#)
Subject: NEPA Rule Change
Date: Thursday, August 31, 2017 7:25:34 PM

TVA External Message. Please use caution when opening.

It has come to my attention that there are new TVA NEPA procedures under consideration that would expand the number of activities that could be handled as 'Categorical Exclusions' when determining the impact of said exclusions, meaning no individual impact studies would be done.

As a tax payer and property owner in the TVA service area, I want to see comprehensive environmental reviews of activities that have the potential to affect our daily lives. and I am greatly concerned about:

- The increased number of Categorical Exclusions
- Lack of Notice to Public
- Decreased Public Input
- TVA requiring Full Environmental Impact Statements on all wind energy projects

Yours truly,
Carole P Soldon

From: [Juergen Dahle](#)
To: [NEPA Rule Comments](#)
Subject: NEPA Rules
Date: Friday, September 01, 2017 9:50:59 AM

TVA External Message. Please use caution when opening.

We would like, as taxpayers and property owners in the TVA service area, we want comprehensive environmental reviews of activities and are concerned about the following:

Increased number of Categorical Exclusions

Lack of Notice to Public

Decreased Public Input

TVA requiring Full Environmental Impact Statements on all wind energy projects

Juergen and Patricia Dahle



Crossville, TN 38558

Sent from [Mail](#) for Windows 10

From: [Kathy Randall](#)
To: [NEPA Rule Comments](#)
Subject: Proposed Policy
Date: Saturday, September 02, 2017 8:20:37 AM

TVA External Message. Please use caution when opening.

as tax payers and property owners in the TVA service area, we want comprehensive environmental reviews of activities and are concerned about:

- The increased number of Categorical Exclusions
- Lack of Notice to Public
- Decreased Public Input
- TVA requiring Full Environmental Impact Statements on all wind energy projects

From: [Magdalena Horstkotte](#)
To: [NEPA Rule Comments](#)
Subject: Environmental Reviews
Date: Sunday, September 03, 2017 5:21:01 PM

TVA External Message. Please use caution when opening.

As taxpayers and property owners in the TVA service area, we would like to request comprehensive environmental reviews of activities and we are concerned about the following:

*** The increased number of Categorical Exclusions

*** Lack of Notice to Public

*** Decreased Public Input

*** TVA requiring Full Environmental Impact Statements on all wind energy projects.

Thank you for honoring our request.

Dieter and Magdalena Horstkotte

[REDACTED]

Crossville, TN 38558

From: [Roger Soprych](#)
To: [NEPA Rule Comments](#)
Date: Thursday, August 31, 2017 9:35:43 PM

TVA External Message. Please use caution when opening.

as tax payers and property owners in the TVA service area, we want comprehensive environmental reviews of activities and are concerned about:

- The increased number of Categorical Exclusions
- Lack of Notice to Public
- Decreased Public Input
- TVA requiring Full Environmental Impact Statements on all wind energy projects



Virus-free. www.avg.com

From: [Roger Soprych](#)
To: [NEPA Rule Comments](#)
Subject: new NEPA procedures
Date: Thursday, August 31, 2017 9:34:21 PM

TVA External Message. Please use caution when opening.

As a tax payer and property owner in the TVA service area I want comprehensive environmental reviews of activities and are concerned about
The increased number of Categorical Exclusions
The lack of notice to public
decreased public input
TVA requiring full environmental impact statements on all wind energy projects under considerations.

Very Respectful
Roger Soprych



Virus-free. www.avg.com

From: [bbbuell](#)
To: [NEPA Rule Comments](#)
Subject: Implement responsible industrial wind energy regulations in Tennessee.
Date: Tuesday, September 05, 2017 8:56:46 AM

TVA External Message. Please use caution when opening.

Please Implement *responsible industrial wind energy regulations in Tennessee.*

Thank you.

Byron Buell

From: [Craig Leeper](#)
To: [NEPA Rule Comments](#)
Subject: NEPA Rules Changes
Date: Monday, September 04, 2017 12:47:06 PM

TVA External Message. Please use caution when opening.

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Regarding the expansion of Categorical Exclusions that your committee is considering, we have concerns as to how they may apply to Industrial Wind Energy projects. Wind Turbines can be useful, but if placed in the wrong location, they can have significant negative impacts on the environment, people, tourism, and property values. We are directly concerned with the proposed Apex project on Millstone Mountain in Crab Orchard, but there are many areas within Tennessee that would be negatively impacted in an Industrial Wind Farm was placed in the wrong location.

Please consider requiring for all wind energy projects:

- Full Environmental Impact Statements.
- Adequate Public Notice.
- Adequate Public Input.

Thank you,

Craig and Becky Leeper
Crossville

From: [Craig Robb](#)
To: [NEPA Rule Comments](#)
Subject: Wind Turbines on the Mountains around the Crossville, TN area
Date: Wednesday, September 06, 2017 4:43:01 PM

TVA External Message. Please use caution when opening.

Most of us don't want these Turbines. We have fought successfully before and will do it again if we have to. They are unsightly, the wind does not blow consistently here and the small amount of electricity generated would be minimal. We have enough electricity and don't want to spoil our view. Also the Turbines kill many birds.

Craig Robb

Craig Clark



Crossville, TN 38555

To whom it may concern:

I would like to begin with a general comment that in total, I believe that TVA should be allowed to operate efficiently and to use Categorical Exclusions where appropriate and environmental impact is minimal. Public involvement should be sought for the development of those Categorical Exclusions. TVA should however implement procedures that public notice should be given prior to activity proceeding in an area and notification should be made directly to property owners bordering the activity.

The bulk of my comments will be pertaining to Industrial Wind Turbine Energy projects.

26622

Subpart E-Environmental Impact Statements

Section 1318.400 Purpose and scope.

TVA would specify that “major power generating facilities” would normally require an EIS if such actions involve construction of new major power generating facilities occurring at sites not previously used for industrial purposes.

I submit that this statement applies directly to industrial wind turbine projects and directs that they should require an EIS.

26625

Subpart B-Initiating the NEPA Process

1318.100 Action formulation

(c) TVA's Chief Executive Officer and Board of Directors are the agency's primary decision makers for programs and actions that are likely to be the most consequential from an environmental, financial, and policy standpoint. Other TVA officials and managers are responsible for and make decisions about other TVA actions.

This is why I made comments to the Board at the listening session at the TVA Board meeting on 08-23-2017. I requested that the Board have TVA act as the lead federal agency and review the Industrial Wind Turbine project under the NEPA process. My notes for the presentation are also attached to the transmitting email. This project is an industrial power generating facility at a site not previously used for industrial purposes. This project should have an EIS and it should begin with the request for interconnection with the TVA transmission line. This interconnection enables the industrial power generating facility. The wind developer should pay all costs associated with the review.

1318.101 NEPA determination

(a) NEPA applies to proposed actions with potential impacts on the physical environment that would result in a non-trivial change to the environmental status quo.

There is no doubt that the industrial wind turbine project meets this criterion.

(f) TVA may choose to conduct an environmental review when NEPA does not apply.

This speaks to the point that it is within the purview of the board to review this project since it is a power generating facility that is in the TVA service area and will interconnect with and be carried on TVA transmission lines.

Subpart C-Categorical Exclusions

1318.201 Extraordinary circumstances

(a) An action that would normally qualify as a categorical exclusion must not be so classified if an extraordinary circumstance is present and cannot be mitigated, including through the application of other environmental regulatory processes. In order to determine whether extraordinary circumstances exist, TVA may consider whether:

(1) The action has the potential to significantly impact environmental resources, including the following resources:

(i) Threatened or endangered species,

(ii) Wetlands or floodplains,

(iii) Cultural or historical resources,

(iv) Areas having special designation or recognition such as wild and scenic rivers, parklands, or wilderness areas,

And

(v) Important farmland; and

(2) The significance of the environmental impacts associated with the proposed action is or may be highly controversial.

(b) The mere presence of one or more of the resources under paragraph (a)(1) of this section does not preclude use of a categorical exclusion. Rather, the determination of whether extraordinary circumstances exist depends upon the existence of a cause-effect relationship between a proposed action and the potential effect on those resource conditions, and, if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions.

From reading the section above, the interconnection that may normally be handled as a Categorical Exclusion should be considered under Extraordinary circumstances and should be reviewed as part of the whole industrial wind turbine project under an Environmental Impact Study.

Subpart E-Environmental Impact Statements

1318.400 Purpose and scope.

(a) The following actions normally will require an EIS:

(2) The construction of new major power generating facilities proposed at sites not previously used for industrial purposes.

(3) Any major action, the environmental impact of which is expected to be highly controversial.

(b) If TVA determines that an EIS will not be prepared for an action falling within one of these categories, the basis for this must be discussed in the environmental review that is conducted or in a document that is made available to the public upon request.

(e) The no-action alternative in an EIS (or an EA) should represent the environmental status quo and should be formulated to provide the environmental baseline from which the proposed action and other alternatives can be assessed even when TVA is legally required to take action.

This industrial wind turbine project is an action that would normally require an EIS by virtue of meeting (a)(2) and (a)(3). If as stated in (b) above, TVA has determined that an EIS will not be prepared, please consider this as a request for the referenced documentation.

The no-action alternative is described as the environmental status quo and will be assessed against other alternatives, “even when TVA is legally required to take action”. This fits the situation that exists with the interconnection to the TVA transmission line being required by the

Federal Energy Regulatory Commission (FERC) under the 1978 Public Utility Regulatory Practices Act (PURPA). The obligation under (PURPA) to provide the interconnection and carry the power for a private wind developer should not force TVA to violate NEPA and fail to protect the environment, citizens and communities in the TVA service area.

1318.401 Lead and cooperating agency determinations.

(A) As soon as practical after the decision is made to prepare an EIS (or EA), the NEPA compliance staff, in consultation with the initiating TVA entity and legal counsel, should consider whether requesting other Federal, State, or local agencies to participate in the preparation of the EIS as lead, joint lead (see 40 CFR 1501.5), or cooperating agencies (see 40 CFR 1501.6) is desirable and or necessary.

We believe that TVA should be the lead agency since they are the most capable of accomplishing the NEPA process for a major power generating facility within the TVA service area. We would request the Tennessee Department of Environment and Conservation (TDEC) be included as a cooperating agency. They would be most knowledgeable about the local environment and an advocate for the residents in the county.

Subpart F-Miscellaneous Procedures

1318.500 Public participation

(a) TVA's policy is to encourage meaningful public participation in and awareness of its proposed actions and decisions. This policy is implemented through various mechanisms.

(b) The type and format for public participation will be selected as appropriate to best facilitate timely and meaningful public input.

(c) TVA provides additional public participation opportunities during its open meetings of the Board of Directors, which are widely publicized and normally include a listening session during which members of the public may comment to the Board of Directors on TVA activities.

(d) TVA also maintains a public Web site at which it posts information about TVA activities and programs, including ongoing and recently completed EAs and EISs.

TVA does not have a means of communication with the public for actions taken by a private entity as in the case of the industrial wind turbine project where Apex is the wind developer. They have no requirement for public involvement in the project and they do not provide any. Further, we could get no information on this project from TVA. We had to file a series of Freedom of Information Act requests to TVA to find out what is occurring with the interconnection project. The wind developer told us that the public had no right to see any environmental information on the project or to have scoping or construction details of any kind. The wind developer also told us that they had a "special" environmental process that included no public involvement and an expedited approval process. We assume that the

“special” process is being provided through TVA, however we find nothing about this in the rules.

We have taken advantage of the listening session provided at the TVA Board of Directors Meeting. We spoke to the Board in February in Gatlinburg and requested your assistance in providing environmental oversight to the project to prevent the many devastating impacts this project will present to our local area. I also spoke to the TVA Board on August 23, 2017 in Knoxville. My notes for that presentation are attached to the transmittal with this document.

1318.504 Private applicants

(a) In those cases when private applicants, persons or other non-Federal entities (collectively “private entity”) propose to undertake an action that will require TVA’s approval or involvement, the contacted TVA entity will notify the NEPA compliance staff. That staff must determine, in consultation with legal counsel, whether NEPA is triggered and the scope of the review of TVA’s proposed action.

(d) Private entities may be allowed to prepare draft and final EA’s or EIS’s for TVA’s review and approval, but TVA remains responsible for the adequacy of the documents and the conduct of associated EA and EIS processes.

(e) Private entities normally will be required to reimburse TVA for its costs in reviewing their proposed actions.

(f) Participation of private entities in a TVA's costs, does not commit TVA to favorable action on a request.

We believe that the industrial wind turbine project includes a large amount of federal funds, is dependent upon permits from federal agencies and is engaged in an activity in the TVA service area that is described in TVA rules as falling under NEPA. This being the case, TVA should, under these rules, require that the private entity (Apex) bear the costs for TVA to review this project under NEPA. TVA should, in accordance with TVA rules, require that an EIS be completed for the entire project including the interconnection.

26630

Appendix A to Subpart C of Part 1318-Categorical Exclusions

6. Transactions (contracts, agreements or other instruments) for the sale, purchase, or interchange of electricity not resulting in the construction and operation of new generating facilities or in major modifications to existing generating facilities or associated electrical transmission infrastructure

The purchase of power from the industrial wind turbine project would not be handled as a Categorical Exclusion.

16. Construction of new transmission and/or construction of electric power substations or interconnection facilities, including switching stations, phase or voltage conversions, and support facilities that generally require the physical disturbance of no more than 10 acres.

While the interconnection facility could be handled as a Categorical Exclusion, we suggest that this be included in the whole project and all be handled under NEPA with an EIS and with TVA as the lead agency.

As indicated in my comments to the TVA Board, Executive Order 13783 of March 28, 2017 resulted in the Council on Environmental Quality withdrawing its final guidance for Federal agencies on how to consider gas emissions and the effects of climate change in NEPA reviews. Wind energy projects were given “special” consideration for their perceived reduction in CO2 emissions to offset their impact on the environment.

We hope that TVA will consider review of this industrial wind turbine project as the lead federal agency and require the wind developer to review the project under NEPA with an EIS. This is the right thing to do for the environment and the citizens of Cumberland County Tennessee.

Thank you for considering our comments and requests.

Craig Clark

Cumberland Mountain Coalition

“Tennesseans for Responsible Wind Energy”

Craig Clark, Cumberland County, TN

Cumberland Mountain Preservation Coalition

Last February, I sought your help to withhold approval of any actions regarding a project proposed by Apex Wind Energy to construct 29 – 660 ft. tall industrial wind turbines atop a mountain in Cumberland County Tennessee. This project threatens our local economy, public safety and a very sensitive environment.

In regards to the NEPA process and environmental impact study, the wind developer stated that due to a special federal approval process, no formal public involvement or full EIS was required. Because Tennessee was one of only four states void of regulations regarding industrial wind turbines, we worked with our Tennessee General Assembly to address the situation. Tennessee passed a one-year moratorium on industrial wind turbine construction and established a study committee to develop responsible regulations for wind energy that can be enacted in the next legislative session.

Another significant development occurred when President Trump signed Executive Order 13783 “Promoting Energy Independence and Economic Growth” this past March. This may change the trajectory of NEPA.

This project is sized just under the 80 MW PURPA limit, so TVA is required to interconnect and carry the power. I have been told that TVA is not required to purchase the power. As utility customers in the TVA service area, we wish that you did not have to purchase or carry the power since it will add inefficiency to the system and increase power costs for us.

Reviewing the environmental policy of TVA, your commitment to responsible environmental stewardship and application of NEPA rules according to the intent of the legislation is obvious. Your rules would require a formal Environmental Impact Study for this type of project.

This industrial wind turbine project receives substantial federal funding from subsidies in the form of tax credits and special tax deductions for depreciation by investors as well as special federal permits for taking wildlife as part of the project. This means the project should be reviewed through the NEPA process by the lead federal agency. We would like to request that TVA operate as the lead federal agency for industrial wind projects in your service area.

From: [Dwight Wages](#)
To: [NEPA Rule Comments](#)
Subject: Wind projects in Tenn and specifically near Crab Orchard/Fairfield Glade
Date: Monday, September 04, 2017 11:37:21 PM

TVA External Message. Please use caution when opening.

Dear Sirs,

This is to register my strong concerns to not allow the development of any windfarms with out strict analysis of whether : a) there is really need for this energy source, b) that the environmental effects of the construction, and continuous use of a wind farm is detrimental to the area and the beauty of our vistas.

Please insure that all such projects meet muster and a full study is done on the impact to our natural resources.

Sincerely,

Dwight Wages
Fairfield Glade, TN

From: [GRiechers](#)
To: [NEPA Rule Comments](#)
Subject: Proposed TVA NEPA procedures/rules Updates
Date: Friday, September 01, 2017 5:11:37 PM

TVA External Message. Please use caution when opening.

Gentlemen,

I live in Fairfield Glade, TN and we have been in the middle of a battle to keep a wind farm out of our back yard. I came from CA and know firsthand that there is nothing scenic or beautiful about wind turbines.

I understand that you are considering increasing the number or type of projects that would fall under Categorical exclusions, not requiring public notice and decreased public input.

As a tax payer and property owner in the TVA service area I would hope and expect you to require a full environmental impact statement on any project that will impact the scenery and environment like a wind turbine operation would. This would include Public notice as well as providing for public input to such projects.

Yours truly,

Garron Riechers DDS



Fairfield Glade, TN 38558

From: [Jay Mac](#)
To: [NEPA Rule Comments](#)
Subject: Crab Orchard Proposed wind project
Date: Thursday, August 31, 2017 7:36:04 PM

TVA External Message. Please use caution when opening.

As some one that would be located in the bulls eye it is imperative that a NEPA study be done if allowed to move forward.

I was an environmental inspector for over 18 years and I found it appalling that Apex was going to get a free pass if not required by you!

That is simply not right and they should be required to go through all the requirements that any other power plant would be required and especially since there are many negative things about wind turbines that are not known here in TN.

Since they also propose to build the largest wind turbines in north america that in itself would justify a NEPA study. From the information I have read they can cause a variety of negative effects not only on humans that live with in a 5 miles radius but farm life and wildlife that is in their kill zone. It is also a fact there are a number of birds that are on the endangered list that live in the planned location of this project.

Please look at this closely because we don't want to go rushing into this without proper reviews which you can help enforce by requiring Apex or any other wind generating company that plans to build these in our State.

Respectfully,
Henry McCarthy REA.

From: [KC Frantzen](#)
To: [NEPA Rule Comments](#)
Subject: FULL ENVIRONMENTAL STUDY requested
Date: Friday, September 01, 2017 10:21:57 AM

TVA External Message. Please use caution when opening.

As property owners and TN taxpayers in the Big Lick/Vandever area (Cumberland County), I strongly request TVA NEPA Rules be modified to include a FULL Environmental Statement on all sustainable Energy projects (wind, solar, whatever) submitted for approval anywhere in our state. This is too important an issue to not fully study the short-term and long-term impacts. Also that taxpayers be notified of any and all such projects, with ample time being given for public forums on them.

All proposed Wind and Solar Energy projects impact Tennessee communities (people and wildlife). Our economy and health is paramount and must be considered, in detail, before any approval is given.

Thank you.

KC & Stephan Frantzen



From: [Michael Westfall](#)
To: [NEPA Rule Comments](#)
Subject: Wind Turbines
Date: Thursday, August 31, 2017 7:08:43 PM

TVA External Message. Please use caution when opening.

As a resident of Cumberland County Tennessee, I would like to request that you conduct a full and comprehensive environmental impact study on all Wind Turbine project that seek your approval to build in Tennessee. Thank you.

Sent from my iPhone

From: [R. D. Emrick](#)
To: [NEPA Rule Comments](#)
Cc: [Bob Corker](#); [Congressman Diane Black](#); [Mayor Carey](#); [James Mayberry](#); [Paul Bailey](#); [Cameron Sexton](#); [John Patterson](#); [Woody Geisler](#); [Bob Weber](#); [Bob Diller](#); [Senator Lamar Alexander](#)
Subject: REVISED TRANSMITTAL re NEPA Rules Changes
Date: Friday, September 01, 2017 2:22:26 PM

TVA External Message. Please use caution when opening.

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

September 1, 2017

Dear Sirs/Madams:

You might be aware of the proposal by APEX Clean Energy to construct 23 or more mega wind turbines on Millstone Mountain in Crab Orchard. Please be informed that there are considerable controversy and public opposition which have attracted the attention of local, state, and national representatives. There is compelling reason for this opposition; briefly stated:

- The region **will not receive any of the energy** produced by the wind farm;
- **Wildlife** -- eagles, hawks, and bats -- will be killed in large numbers;
- **Infrasound vibrations** present very real threats to the health of residents, school children, pets, and farm animals as far out as 5 to 6 miles;
- **Watersheds** to Daddy's Creek and Ozone Falls will likely become tainted;
- The beautiful **mountain horizon** marking the western gateway to the Great Smokies will be defaced by 23 or more 600 ft. "mega" towers;
- There will be a tremendous **economic impact** to the region -- a net loss exceeding \$400 million over the next 20 years.

I am aware that proposed NEPA procedures would expand the scope of Categorical Exclusions and limit public notice and input. The APEX project mentioned above poses considerable threats to the environment and public health of our area, and there is considerable concern among residents of this area that sufficient due diligence, as represented by a full Environmental Impact Study, would be bypassed or greatly watered down.

I urge you to consider very carefully the consequences of such a curtailing of NEPA compliance and adopt policies that assure judicious treatment of controversial wind energy

projects.

Thank you for your attention and judicious consideration.

Sincerely,

Robert D. Emrick, Fairfield Glade, Tn

From: [REDACTED]
To: [REDACTED] : [NEPA Rule Comments](#)
Subject: Proposed TVA NEPA Rules Changes
Date: Friday, September 01, 2017 9:27:01 AM

TVA External Message. Please use caution when opening.

To: TVA

As a tax paying property owner in Cumberland County Tennessee, I strongly request the new TVA NEPA Rules be modified to include a Full Environmental Statement on all Wind (or Solar) Energy projects submitted for approval anywhere in the state of Tennessee, and that the public be notified of any and all such project, with ample time being given for public forums on them.

All proposed Wind (and Solar) Energy projects impact Tennessee communities, wildlife, economy and health and must be considered in detail before any approval is given.

Thank you.

Sharon Hilton

From: [REDACTED]
To: [NEPA Rule Comments](#)
Subject: NEPA Rule Comments
Date: Monday, September 04, 2017 5:01:46 PM

TVA External Message. Please use caution when opening.

Sir,

We are residents of Cumberland County, Crossville/Fairfield Glade. We are writing to express our concern for expansion of “categorical exclusions” in your consideration of whether to approve certain types of projects, especially wind energy projects, which you may deem to be routine in nature or have minimal impact.

Our main issue is that granting these exclusions results in a less intensive examination of any such project and it specifically excludes any public notice or involvement in the process. We very much urge you to consider a comprehensive and inclusive review of all such projects to include public notice that such projects are under review, opportunity to provide public input into your processes, and perhaps most importantly we urge that the TVA require full environmental impact studies and statements on all such projects, especially wind energy projects.

Thank you for your consideration.

Tim and Diane Connor
Crossville, TN

[REDACTED]
[REDACTED]

From: [betsy black](#)
To: [NEPA Rule Comments](#)
Subject: Request
Date: Saturday, September 02, 2017 3:12:46 PM

TVA External Message. Please use caution when opening.

Please don't change the NEPA process. The public needs and deserves input into projects that affect our water, property-both public and private and public power.

Betsy Black

[Sent from Yahoo Mail for iPad](#)

To Whom It May Concern,

Aug. 31, 2017

It has come to my attention that there are new TVA NEPA procedures under consideration that would expand the number of activities that could be handled as 'Categorical Exclusions' when determining the impact of said exclusions, meaning no individual impact studies would be done.

As a tax payer and property owner in the TVA service area, I want to see comprehensive environmental reviews of activities that have the potential to affect our daily lives, and I am greatly concerned about:

The increased number of 'Categorical Exclusions'

Lack of Notice to Public

Decreased Public Input

TVA requiring Full Environmental Impact Statements on all wind energy projects

Yours truly,



Carole P Soldon

From: [Dan Spector](#)
To: [NEPA Rule Comments](#)
Cc: [Scott banbury](#)
Subject: hiding your plans and actions
Date: Saturday, September 02, 2017 6:15:50 PM

TVA External Message. Please use caution when opening.

Dear TVA,

Are you really publicly owned? Why are you acting like you should be able to do things in secret, things that impact us in Tennessee?

You are not a GOP creation and you do not owe Trump a thing. You owe US everything. Perhaps we need a new board of directors.

Dan Spector



August 30, 2017

NEPA Rule
400 West Summit Hill Drive
WT 11D
Knoxville, TN 37902

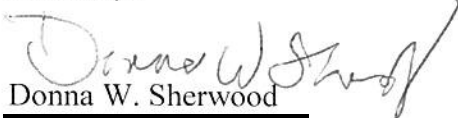
Dear TVA:

I am writing to oppose TVA's proposal to reduce its compliance with current environmental rules and laws. I cannot imagine that anyone would trust you to protect the environment given your track record over the past fifteen years.

From the collapse of the coal ash pond near Kingston to your admission two months ago that you had not even begun to prepare an Environmental Impact Statement for your new policy to clear cut your power line right of ways, you have shown yourselves to be poor stewards.

Holding TVA to lower environmental standards is a silly idea.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna W. Sherwood", written in dark ink.

Donna W. Sherwood

Knoxville, TN 37923

From: [Charlie Goodman](#)
To: [NEPA Rule Comments](#)
Subject: Comments...TVA proposed changes to its environmental policies
Date: Wednesday, September 06, 2017 3:07:10 PM

TVA External Message. Please use caution when opening.

Attention members of the Board of Directors...TVA...cc All judges involved and all news organizations

For many years I have carefully followed the challenges both the TVA and the public face in your vegetation and environmental management policies and I am astonished at the attitude TVA has demonstrated not only with the public you serve but also to the disdain of the court's oversight of your policies.

First let me verify why I am qualified to even comment.....My name is Charles H. Goodman aka Charlie Goodman..... for nearly seven years I worked with local property owners and about four plus years I represented Indiana's property owners in the administrative Courts before the Indiana Utility Regulatory Commission as the co-founder of the Indiana Tree Alliance we help create ground breaking state laws to guide our state's Electric utilities in their vegetation management policies.

To date property owners from 22 states have called me asking how they can also better communicate with their own utilities and help change the outcome of their current disputes. In addition FERC...the Federal Energy Regulatory Commission chose me and a gentleman from Yonkers New York to represent all property owner in the United States in a day long vegetation Management Conference held in Washington D.C.

I listened to and read the court filings in this long standing fight between TVA and its own customers. I also read numerous newspaper accounts from ordinary citizens such as Attorney Larry Silverstein from Knoxville Tn.....TVA's attitude reminded me of the actions and attitude of another manager for a local Indiana utility which is owned by a much larger corporation.....he acted like a bully earning the reputation of being like the gestapo from Germany back in the 30's and 40's.....the kind of person.....Teachers today spend many hours to try and weed out this destructive character traitalthough not a person TVA's actions as a bully could have been avoided long ago if TVA simply listen to and respected the feelings of its own customers.....

TVA's hard and fast 15 foot rule especially in the buffer zones leaves little room for contractors to try and bend to accommodate your own customer.....the words **your own customers** seems to be something you are and have been forgetting.....as this fight landed in court including the appellate court yet you effectively thumbed your nose at the court...taking the attitude we are right and every one else is wrong....even the Judges.....

Acting like a huge corporate bully is simply wrong instead create a citizen advisory board so common sense rules can be created that will benefit everyone.....dump the TVA attorneys who are acting like a bullies and believe they can ignore the court and NEPA Instead develop a much better and closer relationship with your own customers.....reach out now to your own customers and stop looking for a way to circumvent the NEPA rules.....once you discover the value of working with your customers you will find success

I wish I could come down there to help all but my time is slowing running out and I doubt their are utilities upstairs to jostle with

Good luck...I hope you will listen and understand working with your own customer is the wisest path to follow.

From: [Jim Kovarik](#)
To: [NEPA Rule Comments](#)
Subject: Proposed changes to NEPA
Date: Monday, September 04, 2017 12:04:46 PM

TVA External Message. Please use caution when opening.

I have been a taxpaying, utility-paying resident of Memphis, TN since 1981. I have worked as a subcontractor for three years on a project for TVA in the 1980s. As someone who knows the impact and reach and original intent of TVA, I know that now—more than ever—TVA must honor and expand its commitment to public input.

We live in a world where local populations know their area best and where the larger public is privy to the information and decisions made about local resources. Now more than ever, the public understands the connectivity of environmental decisions and activities. Nothing occurs without consequence. And even the smallest decision has spiraling ramifications.

For example, the recent decision of TVA to drill five new wells in Memphis—without public comment—to cool their new combined cycle gas plant seemed straightforward enough. Now we learn, after the wells are dug without that robust public comment period, that lead and arsenic levels are dangerously high in this very area, that the five wells could pull these toxins into the deep, drinking water aquifer of the Memphis Sands, and that there are voids in the clay layers that protect the deep aquifer.

All of this should have been discussed and brought to the public in the west Tennessee region (as well as the surrounding states) who also depend upon the deep aquifer as one of its primary, practically sacred resources.

As a federal level agency, TVA should be in the business of sharing, discussing, and adjudicating all decisions in concert with experts, citizens, and local stakeholders. This is the very mandate of being a federal agency rather than private corporation or any random individual.

Our resources are under strain and attack through overuse, pollution, isolated management, and yes, climate change. The day is over when an agency can run rough shod over the known needs, sensitivities, and local knowledge of people in their locale. As a responsible federal agency with duties and responsibilities over natural resources, power generation, and regional development, you will be derelict in your duty if you do not cast as wide a net as possible to understand and respond to decisions that affect all Tennessee Valley citizens—and surrounding populations.

It is a dereliction of your duty to think that engineers, lawyers, and bureaucrats can sit in a boardroom in Knoxville and make critical decisions without tapping into what is known in the large, diverse, and sprawling Tennessee Valley. TVA should be expanding its public outreach. TVA should be building a system of experts who understand how to access local knowledge and sensibilities. TVA should be investing in a continual dialogue with citizens about what works best for the present and what bodes best for the future and generations to come.

To go backwards on NEPA rules (less public input) favors short term, quicker solutions over long term, sustainable conservation of resources. TVA was not created to mismanage precious

resources. It was created to make the best use of resources, preserve those that cannot be replaced, and to bring prosperity to all citizens of the Valley.

To ignore public opinion, to act without public input (even in the smallest of projects or proposed actions) invites disaster, degradation, and potential irreversible damage. Tapping into the Memphis Sands Aquifer is a good example of this. Learn from the lessons of history and take the time to hear people out. It may take some additional time, money, and resources, but in a complicated world with precious resources, it is the only way to achieve long term, viable and common sense solutions.

Do your duty. Act like a federal agency who cares for the resources and the people under your charge. Ask people for their opinions and learn from locals. History has shown that those who only operate in boardrooms adjudicate with arrogance and ignorance. Both have no place in our resource future. Cast your net wide, care about the future, do your homework, and seek consensus not over reach.

All of these principles are embodied in a robust public process.

Jim Kovarik

[REDACTED]

Memphis, TN 381078

[REDACTED]

From: [Jim Levernier](#)
To: [NEPA Rule Comments](#)
Subject: More Transparency and Oversight to protect the public.
Date: Saturday, September 02, 2017 8:24:17 PM

TVA External Message. Please use caution when opening.

Please act as a good steward to water resources and keep the least of us in mind. Be transparent in what you plan and care for the future welfare of the people you serve.

Thanks,
Jim

From: [John Eulberg](#)
To: [NEPA Rule Comments](#)
Subject: categorical exclusions
Date: Friday, September 01, 2017 10:03:48 AM

TVA External Message. Please use caution when opening.

You should CONSPICUOUSLY publish a list of "categorical exclusions" under consideration in every paper and give the public a reasonable time to respond.

September 1, 2017

Tennessee Valley Authority
NEPA Rule
400 West Summit Hill Drive
WT 11D
Knoxville, TN 37902

Dear NEPA Study Group:

We want to add our voices to those who oppose the proposal to reduce TVA's compliance with environmental regulations. We do not believe TVA can be trusted to show proper concern for the natural world, and we would point to your mishandling of the coal ash pond mess—both initially and now—and also to the recently ended debacle over cutting everything under your power lines as strong evidence.

TVA appears intent on becoming another Duke Energy when your original charter established a very different purpose. We urge you to return to your roots, and we look forward to the day when TVA is as respected and well regarded as was the case a generation ago.

Sincerely,

Handwritten signatures of Larry F. and Megan G. Brown. The signature for Larry F. is on the left, and the signature for Megan G. Brown is on the right.

Larry F. and Megan G. Brown

Knoxville, TN 37918

From: [REDACTED]
To: [NEPA Rule Comments](#)
Subject: Comment on Proposed Environmental Procedure Changes (NEPA) --- 9-6-17
Date: Wednesday, September 06, 2017 3:24:00 PM
Attachments: [TVA comments re NEPA proposal 9-6-17.docx](#)

TVA External Message. Please use caution when opening.

To Whom It May Concern:

From: Larry Silverstein, Attorney at Law

Re: Comments regarding proposal to increase TVA's list of categorical exclusions to NEPA

Date: September 6, 2017

I am writing to associate myself with the comments submitted by Sierra Club and other environmental organizations and individuals in OPPOSITION to TVA's proposal to change its procedures for implementing the National Environmental Policy Act, specifically increasing the list of categorical exclusions.

Having followed the TVA vegetation management policy changes and Federal court litigation for over five years, I am very familiar with what happened when TVA attempted to bypass NEPA requirements by bogusly claiming a categorical exclusion. It is abundantly clear that TVA cannot be trusted to follow the environmental protections that NEPA provides. TVA should not be allowed to ignore NEPA by adding to its categorical exclusion list without very careful consideration of the opposition that has been presented to TVA's proposal by many organizations and individuals.

In this particular case the U.S. Court of Appeals for the 6th Circuit has unanimously ruled against TVA, rejecting its arguments that NEPA did not apply. As a result TVA has finally in 2017, confessed judgment against itself, admitting what it had done in violating NEPA.

TVA claimed in Federal court in Knoxville for five years that cutting down millions of trees, spraying dangerous herbicides on public and private property to needlessly destroy fruit trees, fruit bushes, grass, etc., was just routine maintenance and not a new policy. In 2011 and 2012, TVA had admitted publicly many times that this was a new policy, but TVA tried in Court to deny it even when confronted with oral and written evidence to the contrary. TVA claimed this policy would cost an additional \$159 million. Who knows how much has actually been spent already or how much more will be spent in the future. This was hardly routine maintenance to cut down millions of trees that for many years were on the edge of easements and which presented no danger to the transmission lines and wouldn't in the future. It was hardly routine maintenance to destroy property, cause erosion problems, and do harm to the environment on a massive scale.

This is a textbook example of why a categorical exclusion should not be made for vegetation management in the future. If this change is made, TVA will be creating another obstacle to protecting the environment and public and private property from even further mass destruction. There must be checks and balances to protect against TVA's abuse of discretion. This is why NEPA exists and requires environmental impact statements in a process that allows for public input. TVA's proposal is a blatant attempt to limit public input and to make crucial decisions without scrutiny from those who know the most about the environment.

It is most unfortunate that TVA has earned a terrible reputation in recent years for a lack of honesty and integrity and a disregard for the environment and public safety. This proposal is just another example of

why there exists a lack of trust about TVA. This reputation cannot be blamed just on prior management.

The current proposal is from 2017. All one has to do is read the recent Court opinions or listen to the oral arguments at the Court of Appeals where the words "contempt of court" were spoken less than a year ago by a Federal appellate judge who was astonished by TVA's behavior and its legal attempts to defend it. Thankfully, overwhelming evidence existed and presented in Court so that TVA was caught in its lies and exposed for all to see. TVA could not rebut the pictures from Land Between the Lakes where many miles of trees were cut down AFTER TVA had told the court it had stopped its practices. It also could not rebut other evidence from other areas.

Given this recent track record, it is beyond belief that TVA is now trying to not just ignore NEPA like it did in the past, but to take an action to make changes in policy which might make legal what was just found to be illegal or at the least require lengthy and costly litigation to stop or overturn a harmful environmental decision.

While I have zero confidence in TVA's management to tell the truth and do the right thing and follow the law, I would hope that the Board of Directors would decide that they must be involved in reviewing every section of the current TVA proposal and reject many of the attempts to avoid following NEPA. At the August board meeting, the Board heard from at least 11 speakers who provided many strong and detailed arguments as to why this proposal requires careful scrutiny by the Board of Directors, even if the Board's action may not be required. It is well past time that this Board become active in reviewing what TVA management proposes.

It should not be necessary for organizations and individual to have to spend limited resources engaging in litigation to force TVA to follow NEPA. While it is possible that some of the proposed categorical exclusions might be acceptable, it is clear that those dealing with Vegetation Management clearly are not acceptable, especially now that the Federal Courts have spoken very clearly regarding TVA's disregard for NEPA, and TVA has finally admitted it rather than continue to risk a contempt of court finding against it. TVA has consented to an Injunction which is now in effect. TVA is still facing a possible ruling of sanctions against it for its behavior and therefore, should not yet be trusted to follow the law or given any opportunity to further ignore the law.

Thank you for your consideration.

Larry Silverstein, Attorney at Law

██████████
Knoxville, TN 37909

Mark H. Barnes, PhD

Clinical Psychology
300 West End Lane NW
Knoxville, TN 37919
(865) 315-7316
drmarkbarnes@att.net

September 6, 2017

Tennessee Valley Authority
NEPA Rule
400 West Summit Hill Drive, WT 11D
Knoxville, TN 37902

Dear Tennessee Valley Authority:

I want to oppose the suggestion that TVA be exempted from all or part of the National Environmental Policy Act. There is nothing in TVA's performance over the last two decades that would make any sane person believe you can be trusted to care properly for the natural world.

Your ongoing reprehensible behavior in the collapse of the coal ash pond in Roane County and the fairly recent bizarre proposal to clear cut your power line rights of way both show that TVA has no serious regard for anything beyond your own immediate interests.

I strongly oppose any exemption from NEPA standards. If anything, you should be held to higher standards.

Sincerely,


Mark Barnes, Ph.D.

From: [Laura Young](#)
To: [NEPA Rule Comments](#)
Subject: NEPA Regulations
Date: Friday, September 01, 2017 8:44:16 PM

TVA External Message. Please use caution when opening.

We are totally against TVA exempting any more categories from NEPA's disclosure and analysis requirements.

We are against such closed-door decision making, especially when the decisions may adversely affect people's lives. Individuals and communities need to be allowed to voice their opinions when a decision might affect their life and and livelihood.

Richard and Laura Young

[REDACTED]

Chattanooga, TN 37411

[REDACTED]

I write on behalf of Tennessee Citizens for Wilderness Planning (TCWP), an Oak Ridge-based not-for-profit environmental advocacy organization. We are familiar with TVA and partner with the organization in maintenance of Worthington Cemetery Ecological Study Area/Small Wild Area and Whites Creek Small Wild Area. Additionally, TCWP is keenly interested in TVA's ownership and management of the public lands over which it has responsibility. Thank you for this opportunity to comment on the proposed changes to the agency's NEPA rules.

TCWP deplores the large increase in the circumstances that will fall into the Categorical Exclusion designation. The proposed Categorical Exclusions circumvent public notification and comment on a host of actions. Many of these proposed exclusions are identified by a very subjective and ultimately piecemeal process. When is an activity "minor?"

One can easily foresee circumstances in which the *entire* situation and cumulative effects will not be considered. The Koppers Coal Reserve Management Plan Environmental Impact Statement process provided natural resource managers with a thorough understanding of not only the proposed mining areas but also the ramifications of such mining on the larger, important habitat. Without NEPA rules, such necessary information might never have come to light.

Of particular concern are CE's 9, 11—13, 15—19, 21—33, 38, 43. The definitions of the proposed exclusions consistently use the words "generally," "minor," and "including but not limited to." These definitions are oblique and indirect to the point that the agency could conceivably damage catastrophically lakeshores, lakes, and air quality.

We acknowledge that the proposed CEs "would not normally cause significant environmental impacts." It's the chance of *abnormal* environmental impacts that TCWP is interested in.

We propose that TVA release completed Categorical Exclusion Checklist for Proposed TVA Actions to anyone who requests this documentation, with a comment period for citizens to voice concerns. This transparency would reflect well on the agency and further broader citizen involvement.

Sandra K. Goss
Executive Director
Tennessee Citizens for Wilderness Planning

From: [Terri Likens](#)
To: [NEPA Rule Comments](#)
Subject: Reducing public disclosure/input on NEPA rule
Date: Friday, September 01, 2017 12:54:02 PM

TVA External Message. Please use caution when opening.

The Tennessee Valley Authority is an important part of the Tennessee Valley and its economy, but the agency has shown repeatedly that it is in need of more oversight and transparency, rather than less.

I had a front row seat to the ash spill disaster in Roane County, both as a resident and as a newspaper editor there at the time. The way TVA handled inspections before the disaster, and its excuses afterward were nothing short of appalling. When it tried to raise the specter of an eco-terrorist attack in the mess, the agency lost all credibility.

The agency has been unscrupulous in lake land deals. It already is exempt from federal contract review, which, frankly, should be corrected.

This is one of the country's biggest, most powerful public agencies, and the public's full knowledge and say in what it does is an important part of our democracy.

Frankly, we need more openness from TVA, not less.

The NEPA rule changes should be kicked to the curb, or buried in a pit of fly ash.

Sincerely,

Terri Likens
Cookeville, Tennessee

VANCE R. SHERWOOD, PHD
CLINICAL PSYCHOLOGY
300 WEST END LANE
KNOXVILLE, TENNESSEE 37919
PHONE 865.330.9611

August 29, 2017

NEPA Rule
400 West Summit Hill Drive
WT 11D
Knoxville, TN 37902

Dear TVA:

I am writing to object strenuously to the proposal that TVA be relieved of some of the burdens of current environmental law. Even the most cursory review of TVA's behavior over the past ten years suggests considerable indifference to what is best for the natural world. I refer to:

- 1) a culture of fear at one of your nuclear plants;
- 2) your recent admission that your new policy regarding power line tree removal did not meet NEPA standards nor was an EIS carried out in planning for the new policy (in fact, it appeared there was no paper trail for the new policy whatsoever);
- 3) your coal ash pond disaster about a decade ago and your dogged resistance to accepting your responsibility for what is owed to property owners or health-related problems arising in clean up workers.

With such a sorry record, I cannot imagine why anyone would want less oversight and/or relaxed environmental standards for you guys.

Sincerely,



Vance R. Sherwood, Ph.D.
Clinical Psychologist

From: [Vic & Sue Skeels](#)
To: [NEPA Rule Comments](#)
Subject: Categorical Exclusions
Date: Friday, September 01, 2017 10:25:29 AM

TVA External Message. Please use caution when opening.

As a resident in your service area, I am very concerned about Categorical Exclusions. Although I believe we should have the least amount of government interference in our lives as possible, there are certain areas where it is needed and desired.

It seems to me that there is a move to significantly increase the number of Categorical Exclusions. While property owners should be allowed to use their property as they see fit, we all know that there are times when it is neither wise nor prudent. When that usage has the potential for adverse affects on others, there needs to be checks and balances.

The public needs to know what is happening in their area. I do not think someone sitting in a remote office should determine whether or not I should be informed of actions having the potential to affect my surroundings. Any activity affecting my environment should be available to me for input.

I am particularly concerned about wind energy projects. I have done a considerable amount of research, and came to the conclusion that it is not feasible for the area I live in. I won't go into the details of that research at this time, as I am sure you are well aware of the controversy.

If not for a few concerned and alert citizens, I would now be looking at structures well over 500 feet tall. The view is only a minor problem. The environmental and health affects are significant. Please do not keep the public in the dark concerning projects that may affect their environment.

Thank you.

Susan Skeels

Wm. Paul Phillips
District Attorney General, retired
8th Judicial District of Tennessee
(Counties of Campbell, Claiborne, Fentress, Scott, & Union)
P.O. Box 4489
Oneida, TN 37841-4489

NEPPA Rule
400 West Summit Hill Dr., WT-11D
Knoxville, TN 27902

Re: Opposition to TVA's proposed exemption to the National Environmental Policy
Act (NEPA)

Dear Sirs:

I am shocked and appalled that TVA would seek exemption from any environmental regulation in light of the devastating coal ash pond disaster in Roane County and the ill workers who were forced to clean up TVA's mess without proper safety precautions. TVA has proven that it needs to be held to higher, not lower standards. TVA should earn the trust of the public before seeking exemptions from the law.

Respectfully yours,

Wm. Paul Phillips

Wm. Paul Phillips

Comments from Organizations

From: [Jonathan Levenshus](#)
To: [NEPA Rule Comments](#)
Cc: [Bonnie Swinford](#); [Rita Harris](#); [Levenshus, Jonathan](#)
Subject: Sierra Club Comments - NEPA Proposal
Date: Wednesday, September 06, 2017 11:17:53 AM
Attachments: [Sierra Club - Member Letter to TVA NEPA 9.6.17.pdf](#)
[Sierra Club - Member Addresses NEPA 9.6.17.pdf](#)
[Sierra Club - Member Spreadsheet NEPA 9.6.17.xlsx](#)
[Sierra Club Member Individual Comments NEPA 9.6.17.pdf](#)

TVA External Message. Please use caution when opening.

To Whom it May Concern:

On behalf of Sierra Club members and supporters across the Tennessee Valley, I am writing to share comments on TVA's proposal to update its NEPA procedures. Under separate email cover, the NEPA office will receive technical comments signed by Zachary Fabish, an attorney with the Sierra Club's Environmental Law Program.

In total, 1,085 members signed the attached Sierra Club form letter (Sierra Club Member Letter to TVA_NEPA_9.6.17) and 337 members edited that letter to include additional comments (Sierra Club Member Individual Comments_NEPA_9.6.17).

As has been the Sierra Club's past practice with form letters, I am attaching a copy of the form letter, a document that includes 337 edited form letters, and an Excel spreadsheet and pdf. with the names and contact information for the 1,085 members that signed the form letter.

Please confirm that you have received this message at your earliest convenience, and also please let me know if you have any questions or problems opening the attached documents.

Thank you in advance and have a nice rest of your week.

Jonathan

Jonathan Levenshus
Senior Campaign Representative
Sierra Club Beyond Coal Campaign
jonathan.levenshus@sierraclub.org
(202) 590-0893



September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

I am writing to express my support for the National Environmental Policy Act (NEPA), which ensures critical protections not only for my health, safety, and the environment, but also for public participation, transparency, and government oversight.

I am also writing to express my opposition to TVA's proposal to amend TVA's procedures for implementing NEPA. This proposal endangers public health, safety, and the environment by expanding closed-door decision making. As a self-regulating utility, TVA has an even higher obligation to transparency to the public.

I am especially concerned about the types of activities being proposed for NEPA exemption such as impacts to public lands, transmission lines or drilling groundwater wells and how the proposal would limit TVA's obligation to solicit public input about proposed actions. If adopted, this policy would give TVA sweeping discretion on when and how to notify the public of plans and reduce record keeping regarding TVA's decisions.

Please do not weaken TVA's NEPA procedures. Instead, I respectfully ask that you protect the public's right to have a say in the decisions that directly impact our lives and communities.

Categorical Exclusions should only be used as they were intended in order to save money, time, historical sites, public lands, and endangered species. NEPA should maintain the long-established processes for public review that have included local officials, landowners, and taxpayers to encourage compromise and cultivate better projects with more public support.

Thank you for your consideration of these comments.

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Shelby	Adair	Starkville	MS
Patrick	Adams		
Karen	Adams		
Barbara	Addis	Knoxville	TN
Patrick	Albano	Memphis	TN
Jennifer	Aldrich		
Saundra	Aldridge	Huntsville	AL
Martha	Alexander		
V.	Alexiades	Knoxville	TN
Sherry	Allen	Erin	TN
Susan	Allen	Huntsville	AL
Deborah	Allison	Shelbyville	TN
M.D.	Allison	Kingsport	TN
M.D.	Allison		
Betty	Anderson	Bowling Green	KY
Kelley	Anderson	Memphis	TN
Mary	Andreae		
Geneva	Andrews	Dayton	TN
Donna	Andrzejewski	Downers Grove	IL
Liz	Anthony	Nashville	TN
Deborah	Appleby	Farragut	TN
Roy	Appugliese		
Barbara	Arbuckle	Petersburg	
Connie	Arduini	Memphis	TN
Robyn	Arena	Billerica	MA
Regina	Armes	Wartburg	TN
James	Arnett	Nashville	TN
LeeAnne	Arnold	Nashville	TN
Eric	Artrip	Huntsville	AL
Harry	Arzuaga		
Richard	Atchison	Murfreesboro	TN
Becky	Atkins	Lenoir City	TN
Carla	Auchterlonie	Huntsville	AL
Katherine	Austin		
Richard	Averitt	Soddy Daisy	TN
Jakub	Avramov	Loudon	TN
Nancy	Axelson		
Jimpsie	Ayres	Memphis	TN
Dana	Baggett		
Kathy	Bailey		
Charles	Baldwin	Jackson	TN
Amy	Balog	Pikeville	TN

First Name	Last Name	Location	
Pamela	Balog	Cleveland	TN
Dennis	Banta	Knoxville	TN
Kristy	Barham	Dyersburg	TN
Thom	Bark	Nashville	TN
Gary	Barnes	Chattanooga	TN
Judith	Barnett	Crossville	TN
Karina	Barron	Maryville	TN
Mercedes	Basadre	Ocoee	TN
Danielle	Bates	Gray	TN
Walter	Bazner	Bartlett	TN
Katrin	Bean	Nashville	
Mike	Beason		
Nancy	Beavers	Woodlawn	TN
Cassie	Bell	Arlington	TN
Carol	Bell	Knoxville	TN
Wilson	Bell	Rogersville	TN
Chris	Bennett	Huntingdon	TN
Carolyn	Bennett		
Robert	Benson	Lebanon	TN
Marianne	Bentley	Nashville	TN
Peggy	Benton	Loudon	TN
Nicole	Berkheimer	Knoxville	TN
Hector	Bertin	Whiteville	TN
Troy	Bidwell	Knoxville	TN
John	Binkley	Gallatin	TN
David	Bishop	Kingsport	TN
Lisa	Bishop-Pattillo	Knoxville	TN
Jenny	Blackburn	Knoxville	TN
Cheryl	Blankenship	Clarksville	TN
Cheryl	Bockstruck	Lebanon	TN
Leslie	Bohn	Cookeville	TN
James	Bohrman		
Renee	Bolden		
Maren	Bollinger	Huntsville	AL
Scott	Bomar	Memphis	TN
Leslie	Bond	Loudon	TN
Margaret	Bonnema	Collierville	TN
Carolie	Booth	Franklin	TN
Dave	Bordenkircher	Nashville	TN
Maureen	Bosch	Knoxville	TN
Veronica	Bourassa	Evensville	TN
D.	Bourrie	Decatur	AL

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Dianne	Bowen	Memphis	TN
Nigel	Bowen	Lakeland	TN
Gary	Bowers	Nashville	TN
Mary	Bowman	Knoxville	TN
Sharon	Boyce	Knoxville	TN
Anthony	Boyd	Memphis	TN
Joy	Bracewell		
Susan	Bradfield	Franklin	TN
Laura	Bradley	Oxford	MS
Rhonda	Bradley	Crossville	TN
Kathryn	Bradley		
Denton	Bragg		
Paul	Brauckmann	Johnson City	TN
Debbie	Brawner	Nashville	TN
Mary	Bright		
Rob	Brill	Nashville	TN
Mary	Bristow	Brentwood	TN
Charles	Brocco	Hendersonville	TN
Michael	Broderick	Johnson City	TN
Kenneth	Brooks	Erin	
Karl	Brooks	Harrison	TN
Raleigh	Brooks		
William	Brothers	Brentwood	TN
Shirley	Brown	Maryville	TN
Marie	Brown	Chattanooga	TN
Jamie	Brown	Knoxville	TN
David	Brown		
Donna	Brown		
James	Brown		
CJ	Brown		
Lucy	Brugnoletti	Gatlinburg	TN
Jillian	Bryan		
Shirley	Bryant	Cordova	TN
Todd	Buchkovich	Luttrell	TN
susan	buck	Nashville	TN
Corey	Buckingham		
Helen	Buckley	Chattanooga	TN
Tiffany	Bumpus	Castalian Springs	TN
Van	Bunch	Signal Mountain	TN
Lillian	Burch		
Jeri	Burgdorf	Nashville	TN

First Name	Last Name	Location	
Leatrice	Burgess	Memphis	TN
Gordon	Burghardt	Knoxville	TN
Jan	Burgos	Olive Branch	MS
Sandra	Burnett	Nashville	TN
Harold	Burrows	Williston	TN
Ida	Burson	Memphis	TN
Lacey	Butler	Hendersonville	TN
Melissa	Butler	Antioch	TN
Bob	Butters	Jasper	TN
Alfreda	Byford		
Rusty	Bynum	Huntsville	AL
Beverly	Byram	Old Hickory	TN
Tiffany	Caldwell	Amory	MS
Sandy	Call	Memphis	TN
Matt	Callo		
Susan	Campbell	Fall Branch	TN
James	Campbell	Ten Mile	TN
Debbie	Cannon	Monroe	TN
Billie	Cantwell	Knoxville	TN
Stephanie	Capps	Nashville	TN
Carole	Caprio	Carthage	TN
Kent	Caraway	Chattanooga	TN
Kara	Carden	Mount Juliet	TN
James	Carey		
Terri	Carney	Birchwood	TN
Jamie	Caroenter	Murfreesboro	TN
Janella	Carpenter	Newport	TN
Jennifer	Carroll	Radford	VA
Tali	Carroll		
Edna	Carroll		
Charles	Carter	Athens	TN
Nancy	Carter	Athens	TN
Jacquelyn	Carter	Chattanooga	TN
Katen	Carter		
Erin	Carver		
Rebecca	Carver		
Daniel	Case	Memphis	TN
Sally	Casey	White House	TN
Mark	Caskey	Memphis	TN
Marjorie	Casteel		
Roberta	Caudle		
Elizabeth	cavens	Millington	TN

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Gregory	Chandler Jr.	Huntsville	AL
Scot	Chandwater		
Perry	Chapdelaine	Ashland City	TN
Edith	Chapman	Huntsville	AL
Amy	Chapman	Ooltewah	TN
Sue	Chard	Portland	TN
Corey	Chatis	Nashville	TN
Nichole	Christian		
Paegan	Clark	Gatlinburg	TN
Amy	Clark	Clarksville	TN
Jessica	Clark	Memphis	TN
Cathy	Clarke		
Mace	Clarridge	Hixson	TN
Faye	Clayborne		
Stephanie	Claypoole	Tuscumbia	AL
Edward	Clebsch	Oak Ridge	TN
Barbara	Cloud	Nashville	TN
Michael	Cockrell		
Jo	Cohen	Lakeland	TN
Chris	Collins	Hendersonville	TN
Charles	Comstock	Johnson City	TN
April	Cook	Dover	
Lorri	Cook	Sardis	MS
J D	Cooper	Memphis	TN
Brinda	Copeland		
Jennifer	Corum	Knoxville	
Mike	Couch	Crossville	TN
Wanda	Couey	Antioch	TN
Pamela	Couey		
Kevin	Cox		
Pajan	Cox-Wilhoit	Greeneville	TN
Ann	Coz	Nashville	TN
Charles	Crabtree	Senatobia	MS
Don	Craft	Huntsville	AL
LEONARD	CRAIG	Brentwood	TN
Regan	Craig		
Zachary	Cramer	Chattanooga	TN
Katherine	Crawford	Nashville	TN
Jeremy	Crawford	Memphis	TN
Jonathan	Crites	Nashville	TN
Alice	Crocker	Ringgold	GA
Kenneth	Crockett	Knoxville	TN

First Name	Last Name	Location	
Charles & Dinah	Crow	Cumberland City	TN
Miles	Crowther	Knoxville	TN
Frank	Cuffe		
Shelly	Cummings		
Jeanne	Cunningham	Gallatin	TN
Teresa	Curl	La Fayette	GA
Lindsey	D		
Chris	Dacus	Bell Buckle	TN
Joe	Daniel	Hermitage	TN
Gail	Daniel		
Jamie	Daniels		
Cheryl	Dare	Memphis	TN
Donna	Darnell	Corryton	TN
Debi	Darnell	Grimsley	TN
Sonya	Davenport	Athens	AL
Patricia	Davenport	Knoxville	TN
Garnett	Davis	Kingston Springs	TN
Joanna	Davis	Murfreesboro	TN
Tina	Davis	Lebanon	TN
John	Davis	Cumberland Furnace	TN
Gwynne	Davis	Nashville	TN
Ron	Davis	Knoxville	TN
Jeffrey	Dean	Bruceton	TN
SsSally Ily	Dean		
Harry	Debauffer Iii	Shelbyville	TN
Charles	DeCurtis	Fayetteville	GA
Tim	Delger	Nashville	TN
Tim	Demonbreum	Murfreesboro	TN
Barbara	Deneke		
Bre	Denis		
Thomas	Dennison	Murfreesboro	TN
Jeremy	Denton	Greenbrier	TN
Carol Michler	Detmer	Murfreesboro	TN
Amy	Deyoung	Ooltewah	TN
Rusty	Dillion	De Witt	AR
Jenny	Dillon		
Robert	Dimick	Brentwood	TN
Patricia	Dishman	Nashville	TN
Joe	Distretti		
RICHARD	DOBSON		

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Jennifer	Dodson		
Debby	Dolan	Antioch	TN
Teresa	Donegan	Lebanon	TN
Travis	Donoho		
Mary	Donovan	Knoxville	TN
Dianne	Doochin	Nashville	TN
Gerald	Dooley	Kingston Springs	TN
Delmar	Dorr	Madison	TN
Gina	Dorsett	Flintstone	GA
Donna	Dowker		
Alvah	Downs	Olive Branch	MS
Craig	Drew	Chattanooga	TN
Terina	Drumm		
Chris	Drumright	Murfreesboro	TN
Tara	Duchyns	Nashville	TN
Donna	Duncan	Lebanon	TN
Connie	Dunn	Springville	TN
Maureen	Dunphy		
Danielle	Durflinger	Cookeville	TN
Kelly	Dykes	Luttrell	TN
Susan	Earl	Nashville	TN
Robert	Earls	Nashville	TN
Darrel	Easter	Bartlett	TN
Jana	Eatherly	Knoxville	TN
Bobby	Edge	Seymour	TN
Carol	Edmonds	Clinton	TN
Donna	Edwards	Walland	TN
Melanie	Eichholz	Maryville	TN
Lauren	Ellis	Nashville	TN
Cristy	Ellis	Johnson City	TN
Tyler	Ellison	Knoxville	TN
Linda	Elswick	Knoxville	TN
David	Ernst	Brentwood	TN
Jimmy	Estabrook	Seymour	TN
Rose	Evans	Harvest	AL
Margaret	Evans	Cookeville	TN
Janice	Everett	Knoxville	TN
Lloyd	everett		
Patricia	Everly		
Ann	Ewing	Jackson	TN
Martina	Ewing		
Tracy	Facelli		

First Name	Last Name	Location	
Colette	Fahrner	Holly Springs	MS
Lois	Farmer	Franklin	TN
Marcella	Feathers	Knoxville	TN
Cynthia	Fiala	Smyrna	TN
Gabriel	Fidler	Maryville	TN
Vanda	Fields	Kingsport	TN
Robert	Fingerman	Monteagle	TN
Dean	Finney		
Mel	Firebaugh	Nashville	TN
judy	Fisher	Nashville	
Jennifer	Fisher		
Alan	Fister	Brentwood	TN
lawrence	fitzpatrick	Knoxville	
Herman	Fletcher	Sevierville	TN
Ruth	Fletcher	Knoxville	TN
Carmen	Flores	Loudon	TN
Betsy	Flory	Chattanooga	TN
Diana	Foder	Rockford	TN
C S	Forbed	Harriman	TN
Connie	Fortson	Knoxville	TN
Benjamin	Fowler	Nashville	TN
Matt	Fowler	Nashville	TN
Marcia	Fox		
Emily	Fox-Hill	Grand Junction	TN
licia	foye		
Casey	Francis	Chicago	IL
Margaret	Franklin	Collierville	TN
William	Franks	Nashville	TN
Marcia	Free	Knoxville	TN
Michael	French	Hampton Cove	AL
Jacqueline	Friederichsen	Knoxville	TN
John	Friedrich	South Lake Tahoe	CA
Nichole	Fritz		
Laura	Frizzell	Portland	TN
Shannon	Fuller	Lakeland	TN
Emily	Fulmer	Collierville	TN
Mary	Furtney	Apison	TN
Cathy	Gadway	Reliance	TN
Susan	Gallo	Chattanooga	TN
Chelsea	Gammill	Cookeville	TN
Luis	Gandulla		
Pete	Garland	Signal	TN

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
		Mountain	
Lori	Gasser	Hermitage	TN
Lora	Gassett		
Justin	Gears	Ringgold	GA
Davidcc	Gerstle	Chattanooga	TN
Micki	G'Fellers	Chuckey	TN
Corinne	Giagnorio	Signal Mountain	TN
Amy	Gibson	Signal Mountain	TN
Gordon	Gibson	Knoxville	TN
Corbin	Gibson		
Wayne	Gifford		
James S	Gilchrist	Watertown	TN
Diana	Gill	Memphis	TN
Beverly	Gilliam		
Lou	Glowacki		
Charles	Golden		
Joshua	Goodall		
Peggy	Goodman	Knoxville	TN
Jesse	Gore	Nashville	TN
Denis	Goulet	University	
Sally	Graflund	Memphis	TN
Kelly	Greene	Goodlettsville	TN
Marla & Jeff	Greer	Hendersonville	TN
Emily	Greer	Jackson	TN
Karen	Greever		
Melinda	Griffin		
Yvonne	Griffith	Rogersville	TN
Gloria	Griffith	Mountain City	TN
Wilbert	Griffith	Mountain City	TN
Annalea	Griffith	Chattanooga	TN
Brian	Groenhout	Maryville	TN
K	Gross	Nashville	TN
Anne	Grove	Spring Hill	TN
John	Guenst	Franklin	TN
Jane	Gulley	Memphis	TN
Susan	Gunning	Oak Ridge	TN
Michael	Gunter		
Roger	Guth	Brentwood	TN
Debbie	Guthrie	Tazewell	TN
Sharon	Haas	Chattanooga	TN
Kenneth	Haden	Knoxville	TN

First Name	Last Name	Location	
Charyl	Haelewyn	Willis	MI
Dawn	Hall	Mount Juliet	TN
Alan	Hall	Nashville	TN
Judy	Hall	Franklin	TN
Dodie	Hall		
Amy	Halstead	Flintstone	GA
Judith	Hamilton	Athens	TN
Sabrina	Hamilton	Smyrna	TN
Cyd	Hamilton		
Lillian	Hamilton		
John	Hammel	Pulaski	TN
mitch	Hampton		
Jan	Hankins	Memphis	TN
Jan	Hankins	Maynardville	TN
Lindsay	Hanley	Nashville	TN
Lisa	Hanselman	Johnson City	TN
Matt	Hanson		
Amanda	Harding	Nashville	TN
Lonnie	Harmon	Savannah	TN
James	Harrell Jr	Murfreesboro	TN
Karl	Harris	Collierville	TN
First_tennes seeRita	Harris	Memphis	TN
Melissa	Harris	Nashville	TN
Hilary	Harris	Russellville	KY
Jill	Harris	Dowelltown	TN
Rachel	Harrison	Nashville	TN
JAIME	HARRISON		
Crystal	Hart	Rockwood	TN
Charles	Hart	Laguna Beach	CA
Renata	Hass		
Diana S	Hatcher	Oak Ridge	TN
Cindy	Hatcher	Bumpus Mills	TN
Laura	Hatcher-Rankin	Oak Ridge	TN
Laura C	Hatcher-Rankin	Oak Ridge	TN
Susan	Hathcock	Lenoir City	TN
Marilou	Hawkins	Linden	TN
Adadot	Hayes	Hendersonville	TN
Robert	Hayes	Lawrenceburg	TN
Melanie	Hazelrig	Madison	AL
Mark And Jane	Heald	Pleasant Hill	TN
Mark	Heald	Pleasant Hill	TN

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Jacqueline	Heard	Huntsville	AL
Sherry	Heater	Knoxville	TN
David	Hegseth	Kodak	TN
Pat	Helms	Madisonville	TN
JOYCE	HENDERSON		
Patricia	Hendrix	Horn Lake	MS
Bobbie	Hensley	Greeneville	TN
Janie	Henson		
Juan	Hernandez		
Jane	Herron	Franklin	TN
Angela	Herron	Memphis	TN
LELITA	Hewitt		
Larry	Hice	Huntsville	AL
M Kay	Hickman	Huntsville	AL
Kim	Hickman		
Michelle	Hie		
Luz	Higdon		
Shelly	Higgins		
Carlotta	Hill	Memphis	TN
Vanessa	Hill	Huntsville	
Rachel	Hill		
Pam	Hines	Spring Hill	TN
Wendy	Hinson	Memphis	TN
Tammy	Hipsher		
Rose	Hirschy	Hermitage	TN
Patricia	Hixon		
Taylor	Hixson	Hixson	TN
Mary	Hixson		
Susan	Hochanadel	La Follette	TN
Carrie	Hogle		
Jonathan	Holland	Crossville	TN
Robert	Holmes	Monteagle	TN
Mona	Holt	Oak Ridge	TN
Elizabeth	Holton	Hampshire	TN
Julie	Holzen		
Shelby	Hood	Franklin	TN
Shelby L.	Hood	Franklin	TN
Kathy	Hoover-Dempsey	Madison	TN
S	Hopper	Nashville	TN
Philip	Horn		
ALEXANDER	Howard	Nashville	TN
Laura	Howes	Knoxville	TN

First Name	Last Name	Location	
Karen	Howser	Sparta	TN
Craig & Susana	Huber	Mt Juliet	TN
Samantha	Hughes	Oliver Springs	TN
Colleen	Hughes	Cookeville	TN
Sherri	Hunter	Bell Buckle	TN
Maria	Hunter	Baxter	TN
Mary	Hunter	Chattanooga	TN
Terry	Hunter	Cullman	AL
Randy	Hunter		
Sarah E	Hurd	Johnson City	TN
Sarah	Hurt	Soddy Daisy	TN
Phil	Huss	Rockvale	TN
phil	huss	Rockvale	TN
Mohammad	Hussain	Knoxville	TN
Jennifer	Hutcherson	Fairview	TN
Maira	Hutchins-Fuhr		
Janet	Hyder	Elizabethton	TN
Herenia	Ibanez		
randall	ingram	Bath Springs	TN
Dana	Ingram	Eads	TN
Linda	Inness	Philadelphia	TN
Teresa	Iovino	Memphis	TN
Martha	Israel	Memphis	TN
Danielle	Jackson		
David	Jacques	Nashville	TN
Cindy	Janac	Sevierville	TN
Mike	Jansen	Loretto	TN
Austin	Javes	Murfreesboro	TN
Jack	Jean	Fayetteville	TN
Cheryl	Jenkins		
Charlie	Johnson	Bristol	TN
Mary Kay	Johnson	Knoxville	TN
Jim	Johnson	Chattanooga	TN
Diane	Johnson	Rossville	GA
Laurel	Johnson	Powder Springs	TN
Susan	Johnston	Nashville	TN
Millicent	Jones	Kingsport	TN
Patricia	Jones	Hilham	TN
Sylvia	Jones	Clarkrange	TN
Aaron	Jones	Nashville	TN
Susan	Jones		
Jama	Jones		

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Laryssa	Jones		
Jacqueline	Jones-Ford	Knoxville	TN
Summer	Josey	Tishomingo	MS
Jenna	Joyner		
Judith	Kahle	Fairfield	CA
David	Kalb	Bristol	TN
Catherine	Kalinowski	Hixson	TN
Don and Gerry	Kaller	Chattanooga	TN
Donald	Kaller	Chattanooga	TN
Karin	Kalodimos	Nashville	TN
Teresa	Karson		
Albert	Kashner	Cookeville	TN
pamela	keen	Goodlettsville	TN
Jill	Keene	Chattanooga	TN
Melissa	Keeney		
Andrea	Kellar	Madison	AL
Martha	Kelly	Fayetteville	TN
Pamela	Kelly		
Lori	Kemper		
Dorthy	Kendall	Springville	TN
William And Virginia	Kennedy	Jonesborough	TN
Adam	Kennon		
Donald	Keyser	Johnson City	TN
Sandra	Kilgore	Greenback	TN
Margaret	King	Cunningham	TN
Sue	Kinser	Knoxville	TN
Robert	Klyce	Memphis	TN
Kathy	Knudson	Chattanooga	TN
Valerie	Knust	Nashville	TN
Reva	Kriegel	Memphis	TN
Leonard	Kruk	Corryton	TN
Anita	Kryszak	Memphis	TN
Bob	Kuehlthau	Huntsville	AL
Diana	Kulas	Franklin	TN
Thomas	Kurtz	Oak Ridge	TN
Adam	Laclair	Knoxville	TN
Donald	Lacy		
Jacqui	Lagersen	Nashville	TN
Carol	Lallier		
Martha	Lammers	Pleasant Hill	TN
Wanda	Lancaster	Pigeon Forge	TN

First Name	Last Name	Location	
Jean	Langford	Huntsville	AL
Rachael	Langley	Franklin	TN
Janet	Langley	Pocahontas	TN
Vallie	Langston	Kingsport	TN
Janette	Lanier		
Fran	Large		
Ted	Larosa	Owens Cross Roads	AL
Mary	Lasater	Franklin	TN
First Name	Last Name	City	State
First_alabama	Last_alabama	Prattville	AL
First_georgia	Last_georgia	Decatur	
First_idaho	Last_idaho	Boise	ID
First_virginia	Last_virginia	Richmond	VA
Chinyere	Lateef	Chattanooga	TN
Donna	Lawler	Nashville	TN
Kimberley	Lawrence	Nashville	TN
Jack	Lawrence	Nashville	TN
Chrissy	Lay	Bristol	TN
jennifer	leagan		
Ann	League		
st. thomas	ledoux	Knoxville	TN
Diane	Leiker	Brentwood	TN
Joseph	Lemery		
Roy	Leonard	Benton	TN
Kristin	Leu		
Rachel	Levine	Germantown	TN
Joselyn	Lewey		
Gloria	Lewis	Brentwood	TN
Rita	Lewis	Newton	WV
Eric	Lewis	Nashville	TN
Natalie	Lieberman	Memphis	
Wendell	Liemohn	Louisville	TN
Robin	Lighter	Kingsport	TN
Daniel	Lindstrom	Nashville	TN
Victoria	Linnea		
Michael	Lippard	Franklin	TN
Steve	Lipson	Nashville	TN
Barbara	Listengart		
Cynthia	Livingston	Southaven	MS
Elena	Lloyd-Sidle	Nashville	TN
Phyllis	Long	Memphis	TN

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Laurie	Longchamps		
Chris	Lopez	Nashville	TN
Krystal	Love	Maryville	TN
Krystal	Love		
Debbie	Lowrey		
Paul	Loya		
Caron	Lumsden	Germantown	TN
Rachel	Lynch	Sewanee	TN
Strickland	Lynda	Memphis	TN
Jan	lyons	Oak Ridge	TN
Sharon	Lyons	Allardt	TN
John	MacDaniel	Huntsville	AL
Charles	Mace	Nashville	TN
Sina	Mahaffey	Athens	AL
Tara	Mahoney	Ten Mile	TN
Taylor	Malone	Johnson City	TN
Francie	Manis		
Lance	Manley	Chattanooga	TN
Cathy	Marcinko	Memphis	TN
Sandra	Marion	Cordova	TN
John	Marlin		
Kathie	Martin	Murfreesboro	TN
William	Martin	Nashville	TN
Betty	Martin	Loudon	
Carol	Martin		
Diane	Marting	Oxford	
Deborah	Martin-Laverty		
Carol	Marx-Ruth	Nashville	TN
jacki	masar	Knoxville	TN
John	Mauldin	Smyrna	TN
Maureen	May	Nashville	TN
Brittany	Mayfield	Franklin	TN
Laurie	McAllister		
Cathy	Mccathie	Germantown	TN
Genie	Mccombs	Kingston	TN
Bob	McCombs	Kingston	TN
Karen	McConkey	Knoxville	TN
Deanna	Mcculley	Nashville	TN
Amy	Mcdaniel	Memphis	TN
Candy	Mcdaniel	Memphis	TN
Kenny	Mcdonald	Cordova	TN
Linda	McDougald	Knoxville	TN

First Name	Last Name	Location	
Theresa	McGarry	Johnson City	TN
George	Mcghee	Chattanooga	TN
Sarah	Mcghee	Cottontown	TN
Russel	McGlaughn		
Debbie	McGraw	Southaven	MS
Tanja	Mcgruther	Maryville	TN
Dama	McGuire		
JoAnn	McIntosh	Clarksville	TN
Kim	Mcintyre	Arlington	TN
Lisa	Mcintyre	Franklin	TN
Kathryn	Mckinney	Huntsville	AL
Linda	Mcknight	Joelton	TN
Christine	McLaughlin		
Angela	Mcmahon	Batesville	MS
Hylin	McNeeley	Columbia	TN
Peter	McNeilly	Nashville	TN
Cynthia	Mcwilliams	Clarksville	TN
Thomas	Meacham	Bowling Green	KY
Brian	Meadows	Clarkrange	TN
Carl	Meadows		
Jackie	Medina		
Barry	Medlin	Oak Ridge	TN
Claire	Meggs	Knoxville	TN
Carrie	Megill	Murfreesboro	TN
Benjamin	Mehr		
Aaron	Meier	Nashville	TN
K	Melton	Butler	TN
Forrest	Melton	Madison	TN
Donna	Menke	Memphis	TN
Rick	Merical	Mooreburg	TN
Adam	Merook	Knoxville	TN
Sandra	Messamore	Nashville	TN
Connie	Messer	New Tazewell	TN
Lindsey	Middleton	Chattanooga	TN
Barbara	Migliara	Memphis	TN
Phyllis	Mikula	Memphis	TN
James	Miller	Oak Ridge	TN
Mitch	Miller	Knoxville	TN
Jena	Miller	Sevierville	TN
Louise	Miller		
JAY	MILNER	Johnson City	TN
Mildred	Mincy	Memphis	TN

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Lynn	Miralia	Nashville	TN
Kandi	Missbach		
Jeffrey	Mitchell	Madison	AL
Jonathan	Mitchell	Madison	AL
Joan	Mitchell	Hermitage	TN
Kristina	Mitchell	Southaven	MS
Cameron	Mitchell		
Laurie	Moeller	Manchester	TN
Susan	Moffatt	Millington	TN
Kathleen	Mohning	Nashville	TN
Joyce	Montgomery	Knoxville	TN
Stephanie	Montgomery		
Beverly	Mooney		
Elise	Moore	Nashville	TN
Donna	Moore		
Bob	Moquin	Decatur	TN
Melissa	Moree	Madisonville	TN
Rhea	Morgan		
Cara	Morgan		
Kevin	Morris	Jacks Creek	TN
Steven	Morris	Sharps Chapel	TN
Jordan	Morris		
Karen E	Morrison	Memphis	TN
Stacy	Morse	Nashville	TN
Ken	Morton	Jefferson City	TN
mariela	moscoso	Franklin	TN
Sally	Moses	Hixson	TN
Robin	Motola		
Diana	Moyers	Knoxville	TN
David AND Carol Butler Dr.	Mrs.	Hermitage	TN
Markus	Mueller		
Stephanie	Munoz		
Liz	Murphy	Lafayette	TN
Patricia	Murphy		
M	Murr	Kingston	TN
Diana	Myers		
Mary	Myers		
M. Nour	Naciri, Phd	Nashville	TN
Stacey	Nebel	White House	TN
Dan	Nedvidek		
Roger	Neely	Maryville	TN

First Name	Last Name	Location	
James	Nelson	Soddy Daisy	TN
Collis	Nelson	Morristown	TN
Janice	Nelson		
Karen	Neubauer	Huntsville	AL
Sally	Neumaier		
Pj	Newburn	Jackson	TN
John	Newton	Loretto	TN
Peggy	Nichols	Kenton	TN
Irene	Niculae	Nashville	TN
Robert	Nieves	Nashville	TN
Robert	Nolter	Knoxville	TN
Gail Marie	Noon	Ringgold	GA
Wendell &	Norman	Murfreesboro	TN
Neil	Norman		
Sandra	Norman		
Caren	Norvell	Franklin	TN
Jane	Nowell-Ilgner	La Vergne	TN
Carina	Obara	Chickamauga	GA
Valerie	O'Brien	Chickamauga	GA
Susan	O'Connor	Cookeville	TN
Christine	Oetjen	Johnson City	TN
Mary	Ogle	Memphis	TN
Stefanie	Ohnesorg	Knoxville	TN
Lynn	Oliver	Dixon Springs	TN
Carlos	Orozco	Nashville	
C	Orr	Sneedville	TN
Pamela	Osborne	Memphis	TN
jen	Owens	Nashville	TN
ann	palmer	Smyrna	TN
Chip	Pankey		
Michael	Pardee	Knoxville	TN
Louis	Pardue	Bartlett	TN
Angela	Parker	Memphis	TN
Margie	Parsley		
Ken	Parsons	Ooltewah	TN
Debra	Patterson	Bowling Green	
Patti	Patterson		
Cristal	Payne	Trenton	GA
Diane	Peak	Dover	TN
Susan	Pearce	Memphis	TN
Linda	Pearce	Brentwood	TN
Tracy	Pedersen	Huntsville	AL

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Clyde & Velma	Pedigo	Kingston	TN
Mary	Pennington		
Steve	Perkins	Huntsville	AL
Lynn	Peterson	Starkville	MS
Judith	Petree	Knoxville	TN
Lois	Petrella	Huntsville	AL
Jack	Petrilla	Nashville	TN
E	Petrilla	Nashville	TN
Anita	Phillips	Greeneville	TN
Donald	Pickert		
Betsy	Pickle	Knoxville	TN
Catherine	Pipe	Cordova	TN
Robert	Pittman	Alcoa	TN
Jon	Plumlee	Antioch	TN
Ken	Pniewski	Clarkrange	TN
Tammy	Poole		
Rui	Portugal		
Patricia	Post	Nashville	TN
Desi	Potter		
Sylvia	Powell		
Janice	Poyhonen		
Neil	Prater	Murfreesboro	TN
Laura	Prestridge	Memphis	TN
gayle	price	Hermitage	TN
Emily	Price	Lenoir City	TN
Mike	Price	Greenbrier	TN
Lorraine	Price	Jackson	TN
Daniel	Prieu		
Barbara	Prince	Johnson City	TN
Kathy	Prince	Toney	
Christine	Pritchard	Harriman	TN
Michael	Prumbs	Kingsport	TN
John	Psutka	La Vergne	TN
Ashley	Purser		
Edwin	Pyle	Nashville	TN
William	R.	Huntsville	AL
Marilyn	Rachlin	Clarksville	TN
Charissa	Ragsdale		
Pamela	Rains		
Linda	Raiteri	Memphis	TN
Rhonda	Ramsey		
Kayt	Raph		

First Name	Last Name	Location	
Kathryn	Raphael		
Ryan	Rathmann		
Kirsten	Ray	Seymour	TN
David	Ray	Shelbyville	TN
Becky	Ray	Owens X Rds	AL
Sarah	Raymer	Lenoir City	TN
Michelle	Red Elk		
Kenneth	Reece	Knoxville	TN
Betsy	Reed	Chattanooga	TN
Mary	Reed	Lancing	TN
Sydney	Reichman	Franklin	TN
John	Reid	Mountain City	TN
Vicki	Reinhardt	Bartlett	TN
Ann	Reuter		
Joanne	Rhea	Memphis	TN
Eric	Rhinehardt		
Shawn	Rhoden	Helenwood	TN
David	Riall	Chattanooga	TN
Sarah	Richey	Chattanooga	TN
Janice	Richie	Bolivar	TN
Kevin	Riley	Nashville	TN
Cecilia	Rivas	Hermitage	TN
Elisa	Rives	Scottsboro	AL
Rebekah	Roberts	Bristol	TN
Eric	Robinson	Memphis	TN
Tina	Rogers	Harvest	AL
Melissa	Rogers	Harvest	AL
Colleen	Rogers	Brownsville	TN
Elliot	Rogers	Dyersburg	TN
James	Rogers		
Randal	Roper	Harvest	AL
Anna	Rosado		
C D	Rose		
Lenore	Rosenblatt	Nashville	TN
Howard	Rosenblum		
Beatrice	Ross	Hermitage	TN
Cynthia	Rothschild	Nashville	TN
Jane	Rousseau	Memphis	TN
Cindy	Rowe	Hermitage	TN
Sarah	Rowe	Nashville	TN
David	Roysdon	Jamestown	TN
eric	rud		

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Sue	Ruiz	Joelton	TN
Jackie	Rumler	Knoxville	TN
Laura	Rushing		
Liane	Russell	Oak Ridge	TN
Rebecca	Russell	Oakland	TN
J.	Russell		
Beth	Ryan	Madison	AL
Sara	Ryder	Bristol	TN
Joseph	Rzeczycki	Mountain Home	TN
G	S	Hermitage	TN
Gay	Salter	Elizabethton	TN
Amanda	Sanders	Soddy Daisy	TN
Allie	Sasser	Knoxville	TN
Mary	Saums	Nashville	
Shelby	Sawyer		
Robert	Scarlatti	Wildwood	GA
Dhana	Schaal	Pleasant Shade	TN
Steven	Scheer	Germantown	TN
Rachel	Schlafer - Parton	Luttrell	TN
Cheryl	Schlecht	Maryville	TN
Benjamin	Schlein	Hermitage	TN
Calvin	Schmid	Johnson City	TN
Susan	Schuchard	Nolensville	TN
Rocky	Scott	Hermitage	TN
Trooper	Scout	Nashville	TN
Addison	Scoville		
Mary Lou	Seamon	Knoxville	TN
Sabine	Sedall	Johnson City	TN
Robert	Segal		
Danny	Seiber	Knoxville	TN
Richard	Seidenstricker	Maryville	TN
Michael	Serkownek	Maryville	TN
Katie	Sewell	Madison	AL
Paul	Shaffer	Memphis	TN
Marlene	Shaner	Chattanooga	TN
Ed	Shannon	Murfreesboro	TN
Lucinda	Sharp	Lancaster	TN
Michelle	Sharp	Nashville	TN
Alan	Sharp		
Charleen	Shelton	Crossville	TN
Julie	Shepherd		

First Name	Last Name	Location	
Mike	Sherman	Kodak	TN
Kathy	Sherrard	Sevierville	TN
Lucy	Sherrod	Maryville	TN
Audrey	Shiffler	Pikeville	TN
Mary	Shirley	Knoxville	TN
Mayme	Siders	Clarksville	TN
Mildred	Sieber		
Melanie	Silva	Chattanooga	TN
Winifred	Silvers	Knoxville	TN
Kylia	Simpson	Philadelphia	TN
Jeff	Sims	Knoxville	TN
BRIAN	SIMS		
Tylor	Singer	Crossville	TN
D	Singh		
Margaret	Skaife	Oak Ridge	TN
Sherrie	Slaboda	Debary	FL
Megan	Slattery	Nashville	TN
James	Small	Church Hill	TN
Michael	Smith	Hendersonville	TN
Dorothy A	Smith	Clarksville	TN
Marsha	Smith	Murfreesboro	TN
Brenda	Smith	McMinnville	TN
Debbie	Smith		
George	Smokey		
Leslie	Smoot	Owens Cross Roads	AL
Barbara	Snell	Gallatin	TN
Norman	Soskel	Germantown	TN
Amy	Sparks	Knoxville	TN
fran	spurrier	Nashville	TN
Galen	Staengl	Afton	VA
Susan	Stalgaitis		
Louisa	Stalnaker		
Beth	Stanton	Morristown	TN
Kim	Starnes		
Emily	Steele	Kingston	TN
dennis	steele	Goodlettsville	TN
Shelley	Steele	Nashville	TN
Shelley	Steele	Nashville	TN
Elizabeth	Stein	Nashville	TN
Jeffry	Stein	Nashville	TN
J.	Steinberg	Franklin	TN
Heather	Stephens	Sevierville	

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Daniel	Stephens	Millington	TN
Lucy	Stephenson	Kingston	TN
Eleanor	Stevens	Oak Ridge	TN
Dow	Stevens	Spring Hill	TN
Deborah	Stier	Bristol	TN
Georgianne	Stinnett	Gladstone	VA
wendy	stockdale	Clarksville	TN
Sara	Stone	Jonesborough	TN
Sandra	Stotzer	College Grove	TN
Bud	Strader		
Brian	Straka	Sevierville	TN
Grace	Stranch	Lebanon	TN
Ann	Strange	Knoxville	TN
Karen	Stuart	Memphis	TN
Virginia	Stujenske	Moscow	TN
Desiree	Stuller		
Corey	Sturm	Louisville	KY
MEGAN	SUBLETT		
Linda	Sullivan	Memphis	TN
Dennis	Sullivan	Jackson	TN
Catherine	Swearengen	Memphis	TN
Robert	Sweeney	Columbia	TN
Ben	Sweeton	Chattanooga	TN
Cassie	Swihart		
Bonnie	Swinford		
Rocky	Swingle	Knoxville	TN
George	Swingle	Knoxville	TN
Pam	Swoner	Hermitage	TN
Justin	Tam	Nashville	TN
malcolm	tarkington	Huntsville	AL
Mike	Tate		
Kerri	Tatro	Clarksville	TN
Andrea	Tatum	Martin	TN
James	Taylor	Clarksville	TN
Rebecca	Taylor	Nashville	TN
Anne	Taylor		
Joel	Tellinghuisen	Nashville	TN
Eugene	TeSelle	Nashville	TN
Montie & Jacqueline	Tesky	Gray	TN
Laurel	Tess	Memphis	TN
Melvin	Thomas		
Leslie	Thomasson		

First Name	Last Name	Location	
Pamela	Thompson	Memphis	TN
Kathleen	Throckmorton		
Linda	Tift	Chapel Hill	TN
Ralph	Timberlake	Huntsville	AL
Chris	Tippitt		
Kathy	Tobey	Nashville	TN
Terry	Todd	Old Hickory	TN
Glenda	Tolliver		
Anika	Toro	Knoxville	TN
Gloria	Towner		
William	Tracy	Nashville	TN
Christie	Troglen		
Thom	Trunnell	Knoxville	TN
BILL	TUBERVILLE		
sue	Tucker		
Edwin	Tucker		
Denise	Tugadi	Nashville	TN
Michael	Tumblin	Gatlinburg	TN
Melody	Tunnell		
Megan	Turner	Chattanooga	TN
Gina	Turner	Memphis	TN
Betty	Turner	Memphis	TN
Lauren	Tweeton	Franklin	TN
Carrie	Twickler	Memphis	TN
Justin	Twyford	Nashville	TN
Sue & James	Umbarger	Summertown	TN
Carolyn	Underwood	Huntsville	AL
Leslie	Underwood@	Knoxville	TN
Deborah	Vacik		
Luke	Valentine	Newport	TN
Richard	Vallandingham	Nashville	TN
Vinny & Sandy	Vanacore	Monterey	TN
Vinny And Sandy	Vanacore	Monterey	TN
Vaughna	Vananda	Friendsville	TN
Samuel L.	Vance	Huntsville	AL
Michelle	Vanderee	Columbia	TN
Lea	VanMerkestyn	Collierville	TN
Lynn	Vaughan		
Joey	Vaughn	Ooltewah	TN
Kevin	Vaught	Antioch	TN
Karen	Vena	Cookeville	TN

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Phillip	Vest	Nashville	TN
Diane	Vezina		
Michele	Villeneuve	Kingsport	TN
Genia	Vookles	Knoxville	TN
Elaine	Vowell	Memphis	TN
Shannon	W.	Johnson City	
Ran dy	Waddell	Kingston	TN
Lillian	Wade	Greeneville	TN
Vicki	wade	Memphis	TN
GF	Wade	Harrison	TN
Terry	Waldrop	Saltillo	MS
Heather	Waldrup	Franklin	TN
Cynthia	Walker	Knoxville	TN
David	Walker	Memphis	TN
Mariame	Walker	Memphis	TN
Joan	Walker	Asheville	
Bernadette	Walker		
Beth	Wallace	Treadway	TN
Dennis	Walsh		
Jeff	Waltrip		
Diane	Wang	Oxford	MS
Michel	Ward	Bartlett	TN
Rita	Warner	Greenback	TN
Julia	Warren		
Rodger	Washington		
Patrick	Watermeier	Memphis	TN
Clyde	Watkins	White Bluff	TN
Fred	Watson		
William	Watts	Nashville	TN
Brent	Waugh	Knoxville	TN
Jessica	Weaver	Nashville	TN
Alan	Webb	Harriman	TN
Roman	Weber	Nashville	TN
Cynthia	Weber	Tamarac	FL
Hannah	Weber		
Heidemarie	Weidner	Cookeville	TN
Sally	Welch		
tina	wermuth		
Justin	Wesche	Memphis	TN
Elizabeth	West		
Sharon	West		
Jennifer	Westerholm	Nashville	TN

First Name	Last Name	Location	
Pam	Wheaton	Church Hill	TN
Joyce	Wheaton	Murfreesboro	TN
Kim	Wheetley	Chattanooga	TN
Sandra	Whitaker		
Jill	Whitaker		
Karen	White	Franklin	TN
Joshua	White	Ocoee	TN
Nathan	White	Chattanooga	TN
Charles	White	Nashville	TN
Sarah	Whitehead		
Joshua	Whitfield	Hendersonville	TN
Lee	Wilder	Cookeville	TN
James	Wilkins	Knoxville	TN
Janet	Willcutt	Nashville	TN
Nancy	Williams	Chattanooga	TN
Melanie	Williams	Oak Ridge	TN
Patricia	Williams	Nashville	TN
Gayle	Williams	Mt Juliet	TN
Stacy	Williams	Nashville	TN
vicki	williamson		
Megan	Wilson	Memphis	TN
Cathy.	Wilson	Ringgold	GA
Martha	Wilson	Brentwood	TN
Ann	Wilson	Carthage	TN
Gretchen	Winbigler	Memphis	TN
Houston	Winbigler	Memphis	TN
Robert	Winkler	Oxford	MS
Paula	Witt	Bulls Gap	TN
Keb	Wolfe	Knoxville	TN
Jackie	Wolfe		
Marilyn	Wolle	Brighton	TN
Billy	Womble		
Nick	Woodring		
Rocquelle	Woods	Huntsville	AL
Terrance	WOODS		
Susan	Workman		
Brian	Wright		
John	Wyatt	Tellico Plains	TN
Judith	Wylie	Mt Juliet	TN
Ralph	Wynn	Townsend	TN
Janna	Yeargin	Pleasant Shade	TN
John	Youssi	Jonesborough	TN

Sierra Club Members to Sign Attached Letter

First Name	Last Name	Location	
Julie	Yriart		
Yoni	Zeigler		
David	Zielinski	Crossville	TN
Frank &	Zingheim	Crossville	TN

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We need big companies like TVA to take a stand and protect us. Do not act like a Government that wants to destroy our earth.

VivianAgan

[REDACTED]

37310

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Does TVA do good of the valley? I used to think this, but I witnessed an ever changing environment before I retired, meaning no more "of the valley, for the valley"...TVA charter now is, bring in "experts" from outside, pay them the big bucks to "shake down" the organizations, and then leave them laying in crumbles and pay those same people big bucks to now Exit TVA...I think it will be a huge mistake for the Tennessee Valley region, to not have these public meetings under NEPA.

JaniceAgee

[REDACTED]

37384

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please keep important NEPA process for the TVA region. Public input is important.

Sincerely,

Martha Alexander

MarthaAlexander

[REDACTED]

37919

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I did a three hour round trip drive to Knoxville to be able to speak for three minutes at the TVA board listening session, because that is how important this is. "Democracy dies in darkness." This proposal would be spreading the darkness and contributing to the death of democratic processes!

kateanthony

[REDACTED]

[REDACTED]

Ringgold GA 30736-6600

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have a beautiful state. Let's not let short-sightedness and greed destroy it. Give special consideration to the fact that we have the most popular national park in our state--a great deal of income is generated by this park--we don't want an ugly state no one wants to visit because they are afraid to play in or drink the water.

LaraArnold

[REDACTED]

[REDACTED]

Clarksville TN 37043-5991

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This is a democracy.

PattyAtha

[REDACTED]

[REDACTED]

Athens AL 35611-8712

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA in my area of Wheeler lake and open communication is why we believe they do such a great job.

LarryAtha

[REDACTED]

[REDACTED]

Athens AL 35611-8712

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

In view of the issues that led up to the Coal Ash spill in Tennessee, issues with the "clean up" of that spill, issues with many other TVA waste sites, and the current administrative policies on environmental issues, it would be unconscionable to allow TVA to eliminate environmental reviews and public input. We have one world. It is up to us to care for it, and that care needs to have the light of public record and input.

AnneAtkinson

[REDACTED]

[REDACTED]

Athens AL 35611-8728

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures. Public utilities need public input.

CathyAuge

[REDACTED]

[REDACTED]

Parsons TN 38363-2842

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

What TVA does impacts the air we breathe and the water we drink. We have a right to input on proposed projects.

SusanB O'Connor

[REDACTED]

[REDACTED]

Cookeville TN 38506-6337

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Transparency is key to a healthy democracy!!!

LynneBachleda

[REDACTED]

[REDACTED]

Nashville TN 37221-1816

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I am also writing to express my opposition to TVA's proposal to amend TVA's procedures for implementing NEPA. This proposal endangers public health, safety, and the environment by expanding closed-door decision making. As a self-regulating utility, TVA has an even higher obligation to transparency to the public.

TammieBall

[REDACTED]

37932

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The proposed categorical exclusion for the installation of groundwater wells is very troubling in light of the 2016 Supplemental Environmental Assessment on cooling water wells for the new Allen Gas Plant, which failed to identify known concerns about potential contamination of the Memphis Sand Aquifer by toxic constituents leaking from TVA's coal ash ponds in the immediate vicinity of TVA's cooling water wells. This issue deserved a full Environmental Impact Statement and the categorical exclusion of these decisions from NEPA review is entirely unacceptable.

Scott Banbury

[REDACTED]

[REDACTED]

Memphis TN 38107-2207

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This issue is too important for you to ignore.

EvBanda

[REDACTED]

37920

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Kinder Morgan, a pipeline corporation with a terrible safety record is already clearing land to build the compressor complex that no one in Middle Tennessee wants. Why have a dangerous, noisy polluting project now when more than ever we should be moving away from gas and other fossil fuels and putting our resources in developing the sustainable energy sources we know will cover our needs.

ElizabethBarger

[REDACTED]

[REDACTED]

Summertown TN 38483-0176

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Although TVA pretty much does what it pleases, it remains a public utility, and as such the public must have a voice!

MarkBarrett

[REDACTED]

[REDACTED]

Maryville TN 37803-6439

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Ignorance may be bliss but it is very dangerous for many. Read the papers today!!!

JWB

judithBartholomew

[REDACTED]

37814

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Absolute power corrupts, absolutely! Full disclosure, and public participation, please.

CherylBeard

[REDACTED]

38117

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Don't do it! It's our country and the health of our bodies! Don't do it!

NancyBeavers

[REDACTED]

[REDACTED]

Woodlawn TN 37191-9202

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in the Tennessee Valley, so this is personal for me. I don't know a single person who wants to eliminate environmental reviews and public input on TVA projects.

JudyBell

[REDACTED]

[REDACTED]

Maryville TN 37804-3413

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

These actions are an insult to the people of Tennessee. I am a lifelong Tennessean 68 years old.

LindaBell

[REDACTED]

[REDACTED]

Tullahoma TN 37388-2606

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Don't we have enough Secret Squirrel nonsense going on in Washington?

CynthiaBernard

[REDACTED]

[REDACTED]

Hermitage TN 37076-1033

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please protect our natural resources for future generations!

Mary Nell Billings

[REDACTED]

[REDACTED]

Memphis TN 38125-8811

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

You work for the people of the United States and are responsible to the people of america and the people of this world for your actions.

Sincerely John S. Binkley

JohnBinkley

[REDACTED]

[REDACTED]

Gallatin TN 37066-2818

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA is too valuable to its customers and to the U.S. for its decisions to NOT be transparent to and reviewed by the public.

PatBlackman

[REDACTED]

[REDACTED]

Owens Cross Roads AL 35763-8658

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Thank you for your time and your thoughtful consideration.

MarkBlevins

[REDACTED]

[REDACTED]

Chattanooga TN 37402-2777

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please don't hide what your doing from the public. We have a right to know.

PatBoling

[REDACTED]

37861

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please don't hide what your doing from the public. We have a right to know.

PatBoling

[REDACTED]

37861

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We dont need any closed door deals on any thing. They are usually very bad for our country otherwise, they wouldn't be closed door.

PatBoling

[REDACTED]

37861

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We need you to be transparent in reporting plans to NEPA

sarabowers

[REDACTED]

[REDACTED]

Elizabethton TN 37643-3009

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA works for the people- at the end of the day, TVA is accountable to the residents of TN and needs transparency!

BrandyBoyd

[REDACTED]

[REDACTED] r

Bartlett TN 38135-3112

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We appreciate what the tva does for us energy wise. But we have a right to know what you are doing.

NatalieBoyle

[REDACTED]

35601

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please don't destroy our country! Keep Tennessee Beautiful!

DeborahBratten

[REDACTED]

[REDACTED]

Smyrna TN 37167-3862

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I would also like to see an alarm put in at the normandy dam in Normandy TN to sound when water is released. Several near death experiences this summer on the duck river that could have been avoided by knowledge of water release.

Samantha Brazelton

[REDACTED]

37324

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This is so close to home since we enjoy the park and lakes controlled by the TVA. Please let me have a voice and input into the decision process.

RebeccaBrehmer

[REDACTED]

[REDACTED]

Knoxville TN 37934-1581

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Transparency is key.

JohnBrinkley

[REDACTED]

35801

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

From personal experience I know TVA doesn't mind running rough shot over the public and polluting.

MaggieBrooks Taylor

[REDACTED]

[REDACTED]

Centerville TN 37033-9584

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

There is nothing more important to our survival than the sanctity of our environment and it's ecosystems. Please promote maintaining it's beauty rather than planning it's slow destruction.

KelliBroussard

[REDACTED]

[REDACTED]

Butler TN 37640-7657

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

If you are in the right, you have nothing to fear.

Jerry & DebbieBrown

[REDACTED]

[REDACTED]

Lewisburg TN 37091-2250

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

and TVA should encourage and foster solar energy.

williambrown

[REDACTED]

37616

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Your coal plants are destroying my property. You should be ashamed of your Environmental policies. You making people in TVA service area sick. Switch all coal plants to natural gas and solar and hydroelectric.

TonyBrown

[REDACTED]

37188

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We as the public understand that sometimes there are trade offs and can effectively make reasonable choices. What's so scary about telling us what you are doing?

MaryBurger

[REDACTED]

[REDACTED]

Nashville TN 37212-3805

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Exactly what are you trying to get away with, TVA? This is the age of TRANSPARENCY.

JenniferButler

[REDACTED]

37115

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I do NOT support decisions being made behind closed doors about our beautiful mountains and land being destroyed all in the name of the almighty dollar. Some things are priceless and are not worth any amount of money. Decisions about what gets destroyed needs to be made by the majority of the people in Tennessee and not by entities beholden to big corporations.

ValorieCalton

[REDACTED]

[REDACTED]

Russellville TN 37860-8719

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA is owned by all American citizens, and therefore information about its operations and policies should be available to all Americans.

WalterCampbell

[REDACTED]

[REDACTED]

Nashville TN 37205-1807

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA is owned by the tax-paying, voting citizens of this country, who have a right to know what decisions are being made and who is making them.

WalterCampbell

[REDACTED]

[REDACTED]

Nashville TN 37205-1807

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Citizens must be informed early. Transparency is mandatory. An informed citizenry was important to our founding fathers. Should continue to be.

RaeusCannon

[REDACTED]

37923

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I still wish that the snail darter had stopped the destruction caused by the Tellico Dam. Think of the history under that lake. You took land from poor people and sold it to rich people.

Janella A.Carpenter

[REDACTED]

[REDACTED]

Newport TN 37821-3020

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Keep our land beautiful and stop pollution in our water!

MistyCarriger

[REDACTED]

37659

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I want to know what DREMC is planning.

JenCassels

[REDACTED]

[REDACTED]

Bell Buckle TN 37020-4603

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA has muscled its way into using the precious and pristine Memphis Aquifer for cooling its nuclear plant. Using 3 1/2 million gallons of water, DAILY. Their power grabs must stop. Please do not change TVA's NEPA exclusions. jkc

JohnCathcart

[REDACTED]

[REDACTED]

Memphis TN 38103-0826

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

What makes our government effective and great is the ability for everyone to have a voice. We don't have the opportunity to have a voice if we don't know what is going on.

NicoleChambers

[REDACTED]

[REDACTED]

La Vergne TN 37086-3949

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Our environment is too fragile to allow corporate profit to supersede community safety. TVA should not be engaged in any activity that the public should not be aware of.

LynnCharles

[REDACTED]

[REDACTED]

Knoxville TN 37919-8592

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I want to read the environmental reviews about your proposed projects.

CathyClarke

[REDACTED]

37865

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA must make a special effort to remain open and transparent. Now more than ever the public needs to know and approve projects and plans. We must be the guardians of our land and our climate as the federal government has abdicated that responsibility.

Marlene Clausen

[REDACTED]

[REDACTED]

Chattanooga TN 37404-4411

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in a TVA served area.

EdClynn

[REDACTED]

39759

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a Tennessee resident I rely on you to make good decisions but it is necessary for you to have open public reviews, not closed door decision making.

BarryCoburn

[REDACTED]

[REDACTED]

Nashville TN 37215-4509

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

You must not exclude the public from your work!

KateCockerham

[REDACTED]

37027

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As of recent, Republican rhetoric has focused on the unfairness of federal environmental regulation to communities and private landowners.

So why in the world would we fight so hard against federal overreach, which can be harmful to working communities, just to allow a corporation to blatantly disregard the communities instead?

As an East Tennessean, if TVA attempts to reduce transparency, or eliminate public input, our community will determine louder ways to ensure TVA hears our perspective and that our perspective is greatly valued.

SavannahCollins-Key

[REDACTED]

37920

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Somehow, TVA executive officers need to look beyond the horizon of their immediate interests, whatever they might be, and realize that we need the Environmental Policy Act for the long-term protection of our communities.

PatrickConley

[REDACTED]

[REDACTED]

Murfreesboro TN 37128-6134

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Be transparent!!

JoyceCoombs

[REDACTED]

[REDACTED]

Corryton TN 37721-2114

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a Stewart Co resident you have poisoned our water with cancer causing agents and yet to do something to clean as you promised

DianeCummings

[REDACTED]

37058

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

stop the stupidity!!

ELIZABETHCUNNINGHAM

[REDACTED]

[REDACTED]

Cleveland TN 37312-5016

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in Huntsville, AL, in TVA's service area. I hike TVA lands and boat the Tennessee River. For the most part, TVA manages its assets well. By having public oversight of TVA projects through NEPA,

MikeDalen

[REDACTED]

[REDACTED]

Hampton Cove AL 35763-8405

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live beside Sequoyah Nuclear Plant & many of my neighbors & friends work there. It is important to communicate with the public and give us a chance to know what's happening.

LynnDearing

[REDACTED]

37379

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

All decisions should be in public for it is public that funds these decisions. ie higher utility rates , from very bad decisions!

BrianDefayette

[REDACTED]

37932

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Come on TVA lets work together. You are one of the better utilities.

KayDetter

[REDACTED]

[REDACTED]

Madison AL 35758-7209

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Need more participation

PamDrlica

[REDACTED]

[REDACTED]

Sevierville TN 37876-6461

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Protect our resources

PamDrlica

[REDACTED]

[REDACTED]

Sevierville TN 37876-6461

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please listen for the future of our grandchildren.

V. H.Duncan

[REDACTED]

[REDACTED]

Benton AR 72015-3948

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Nuclear cost over runs, the tragic consequences of coal Ash containment(or not), ya'll need all of the help making decisions

danieldurant

[REDACTED]

[REDACTED]

Signal Mtn TN 37377-2251

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I only live 4 miles from the Browns Ferry Nuclear plant as the crow flies. We must be as informed as possible about the plant and its impacts to our air and water. We are downstream and drink the water. You should be more transparent, not less!

LaurieDye

[REDACTED]

35611

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Nothing is so important that it cannot stand up to the scrutiny of daylight.

Cheryl P.Eberhardt

[REDACTED]

35803

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The public communities have a right to know BEFORE and at the BEGINNING of any action that would impact the environment. We depend on the TVA and US Army Corp of Engineers to provide us with services that keep the environment on the front burner equal to the expansion of TVA's further endeavors. Safety for the people in the communities and safety for our natural resources and surroundings.

DeniseElder

[REDACTED]

[REDACTED]

Byrdstown TN 38549-4062

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

transparency and fairness please!

ConnieEly

[REDACTED]

[REDACTED]

Nashville TN 37207-4733

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The public needs to supply input for health and safety reasons!

KurtEmmanuele

[REDACTED]

[REDACTED]

Chattanooga TN 37405-2506

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have the right to know projects that affect the community!

Kathleen Emmke

[REDACTED]

[REDACTED]

Antioch TN 37013-2252

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA is a public utility; that means the public must be involved.

AnnErcelawn

[REDACTED]

[REDACTED]

Nashville TN 37205-2539

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Thank you for your attention to this important matter.

AnnEsterle

[REDACTED]

[REDACTED]

Bowling Green KY 42103-4723

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please include my email for all public hearings and meetings concerning Cumberland River.

DavisFairfax

[REDACTED]

37087

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

With the global warming and earthquakes from fracking , I find it mandatory that extreme consideration is put into any changes that anyone wants to make against our environment.

DorothyFarner

[REDACTED]

[REDACTED]

Humboldt TN 38343-3513

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

My tax dollars help support TVA projects; TVA has a responsibility to solicit community input on proposed projects!

RitaFazekas

[REDACTED]

[REDACTED]

Blaine TN 37709-5246

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Don't do it

PhyllisFinch

[REDACTED]

37931

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I agree with the first message here!

TheresaFindley

[REDACTED]

38650

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a resident who lives about an hour away from TVA's coal ash spill, TVA's plan to eliminate NEPA really makes me sick! Shame on them!!!

Michael Finley

[REDACTED]

[REDACTED]

Knoxville TN 37931-1792

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a member of the TVA system, I feel that public input is imperative in decisions that affect me, my land and my environment.

PatFitz

[REDACTED]

[REDACTED]

Lewisburg TN 37091-5430

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

DJT is not good for you, me or the universe. His aim is to make money on being President. DO NOT LET HIM!!!! We need to know more about what is going on with TVA and the EPA, not less. Support the Citizens, not corporate America.

OlafFjetland

[REDACTED]

[REDACTED]

South Carthage TN 37030-1798

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We pay enough for the right to have this information; including but not exclusively for the absurd and undeserved compensation of your director!!!!

DeborahFlack

[REDACTED]

37067

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Do not limit the public's right to know and have input regarding decisions affecting the public. Thank you. Jof

JudithFlegel

[REDACTED]

37377

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Just as TVA employees would want to be listened to as individual citizens.. Your customers want to be listened to as well. Fishing, swimming, camping, & hiking is such a huge part of Tennessee culture we all deserve to be apart of the decision-making process.

NaraFleming

[REDACTED]

[REDACTED]

Estill Springs TN 37330-4110

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Living in East Tennessee, in the watershed of some of TVA's greatest dams, I am extremely upset to learn of the current plan to limit public information about and input on

TVA projects. As both a federal taxpayer and a TVA ratepayer, I feel very offended by this shift in policy! Remembering the huge impact of the Kingston TN coal waste disaster some years back, I do not trust TVA to look after the best interests of those impacted by its practices, without local oversight of those practices. Maybe that is why TVA now wants to operate out of public scrutiny, on a "what you don't know won't hurt you" philosophy--not a good idea!

CataFolks

[REDACTED]

[REDACTED]

Maryville TN 37804-2337

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please respect the right of your customers to review actions that can affect their families for many years in the future!

PeterFord

[REDACTED]

[REDACTED]

Hampton TN 37658-3564

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I wish that as a country, we could do better. Consumers should take more responsibility for their own choices and as far as safety and pollution concerns

go- I would like to see companies care more.

RuthFoxall

[REDACTED]

[REDACTED]

Bowling Green KY 42101-8560

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

To those it shall concern:

In these changing times, reducing public involvement is exactly backwards. The public is getting more involved with their civic counterparts as each day passes. If TVA adopts a policy of reversal, it will only slow progress and risk greater harm to our environment, to our communities, and to TVA's future as an energy-producing entity. We own you, not the other way around, so please, get your heads out of the clouds and open your ears.

Respectfully,

Matthew E. Foy

MatthewFoy

[REDACTED]

[REDACTED]

Tempe AZ 85285-7176

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The public has a right to know what projects entail and how they will affect lives and the environment BEFORE it happens. If this process is closed, WHY is it closed? what is being concealed from taxpayers?

Carol Frazier

[REDACTED]

[REDACTED]

Nashville TN 37212-5120

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Exclusion of public input would be a subversion of democracy and a healthy civil society/

JanGarrett

[REDACTED]

[REDACTED]

Bowling Green KY 42104-3809

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

What could be more essential to democracy and a healthy civil society than having an opportunity to provide feedback to government about projects that affect our lives and well-being?

JanGarrett

[REDACTED]

[REDACTED]

Bowling Green KY 42104-3809

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please maintain the public's right to have a say in the decisions that directly impact our lives and communities!

KatharineGarstka

[REDACTED]

35806

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We don't need another Kingston Steam Plant disaster. TVA operations must be transparent.

CharlesGee

[REDACTED]

[REDACTED]

Brentwood TN 37027-4362

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I'm leaving the above comments intact, and to all of that I would add, how dare you? How can TVA possibly be so brazen?

LeslieGengozian

[REDACTED]

[REDACTED]

Knoxville TN 37919-7111

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Your decisions have an effect on everyone now and in the future. Please consider other options.

JackiwGibbons

[REDACTED]

[REDACTED]

Bowling Green KY 42104-8739

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We need more visibility of our utilities, not less. TVA's actions impact a large number of citizens. We have a right to know what they're doing, and to provide front-end input relating to the impact of those actions.

GeraldGonyea

[REDACTED]

[REDACTED]

Greenbrier TN 37073-4677

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Let NOT keep TN. residence in the dark on important and critical Environment issues Which is what TVA is trying to do. .

RudyGonzales

[REDACTED]

[REDACTED]

Bartlett TN 38133-5817

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in Tennessee and by no means do I want TVA making decisions on matters that impact our air (already dicey) and water quality without public review/input.

ChrisGoodacre

[REDACTED]

37934

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

There needs to be more transparency where public funds are concerned, not less.

MaryGosnell

[REDACTED]

37909

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

My family and I live in the evacuation zone of the Watts Bar Nuclear Power Plant. I absolutely oppose any weakening of the public oversight and participation when it comes to any TVA project that has any possibility of impacting public health, safety or our environment.

AnnaGrabowski

[REDACTED]

[REDACTED]

Ten Mile TN 37880-4623

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please do what is right and noble, and keep the lines of decision-making open.

ChristineGrace

[REDACTED]

[REDACTED]

Chattanooga TN 37415-2774

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The water from our aquifer is wonderful. Please do not destroy this natural gem.

MaryGreen

[REDACTED]

[REDACTED]

Germantown TN 38139-3600

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Get onboard clean energy or be left behind. It's the future and the future is now.

SherryGreen

[REDACTED]

[REDACTED]

Horn Lake MS 38637-1615

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I would prefer use of fossil fuels over nuclear.

JorjeanaGross

[REDACTED]

37709

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I would prefer use of fossil fuels over nuclear.

JorjeanaGross

[REDACTED]

37709

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Our children and future generations are counting on us to leave them a safe, diverse world with plentiful fresh air and water. Let us please not let them down.

KathleenGrover

[REDACTED]

[REDACTED]

Johnson City TN 37604-6729

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in Kingston and one ash spill is more than enough. Trying to hide what you want to do to us is unacceptable. Astrid Gunter

AstridGunter

[REDACTED]

[REDACTED]

Kingston TN 37763-6942

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live by the Cumberland River, The Cordell Hull Dam...I want to ALWAYS KNOW what The TVA is up to! I think it's very important we are all kept aware of actions, large or small. Thankyou!

VickiHallen

[REDACTED]

[REDACTED]

Granville TN 38564-4939

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I like clean and water and I don't like coal ash. Coal has to go!

EdwinHam

[REDACTED]

37830

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Sent from a homeowner in Knox County

AudreyHamdi

[REDACTED]

37919

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The world is watching.

MattHanson

[REDACTED]

32780

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We need to maintain a strong practice of public participation and embrace comments from a broad array of community members. Avenues to curb that is not useful for our communities and is problematic.

RitaHarris

[REDACTED]

[REDACTED]

Memphis TN 38112-3835

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

There is much more to a good life than strong business models. Public input helps TVA make the best decisions for everyone affected, and allows residents to be more invested in TVA as a part of our community.

SusanHawthorne

[REDACTED]

[REDACTED]

Knoxville TN 37917-2911

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Do what is right and keep the citizens informed.

MargaretHayes

[REDACTED]

[REDACTED]

Hendersonville TN 37075-5913

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I have been proud to hear that TVA has invested in clean energy investments and I also am concerned that they stay on the up and up and be a transparent company that Tennesseans are proud of. Please include the public opinion on your projects, that will only help with our support and finding a way forward with a clean energy future.

KatieHerzig

[REDACTED]

[REDACTED]

Nashville TN 37212-2254

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

T V A should be- of the people, by the people

And for the people.

You are wrong to deny those same people

ThomasHill

[REDACTED]

[REDACTED]

Lakeland TN 38002-5744

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Citizens need transparency on these issues!

LydiaHines

[REDACTED]

35613

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This stinks and takes away the rights of citizens, and...if it happens, you can look forward to angry pushback! ?

LydiaHines

[REDACTED]

35613

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

So now you too want to do your deals in the dark. Why? It makes me wonder what it is you want to hide.

PattiHolland

[REDACTED]

[REDACTED]

Huntland TN 37345-3034

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA cannot be trusted! There is already enough trouble finding out its problems and this would compound the problem.

Michael Hollis

[REDACTED]

[REDACTED]

Huntsville AL 35803-1956

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

You need to realize there is an election coming and we are watching you!

joannholman

[REDACTED]

[REDACTED]

Sparta TN 38583-6577

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA, why would you endanger your family now or ever by allowing life-threatening pollution to enter our drinking water? Doing so is immoral and you know it.

dellhooker

[REDACTED]

[REDACTED]

Memphis TN 38104-2846

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

You cannot adjust your policy for the current political arena...keep your decisions away from politics and stay consistent with your information to the people in your policies...

PatHorton

[REDACTED]

[REDACTED]

Rossville GA 30741-0454

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a sixth generation Tennessee farm owner, I believe I have a valid perspective to see the benefits of public input in government projects (including TVA). I would appreciate citizens being kept informed and listened to.

MurrayHudson

[REDACTED]

[REDACTED]

Dyersburg TN 38024-3023

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a taxpayer supporting TVA, it should be the right of all citizens to know how decisions are made which impact Tennesseans. Why go underground and operate in the shadows? By this very nature, it fosters suspicion about whose influence is guiding the decisions...big coal, logging, petroleum??? Let the people know what's going on by keeping your meetings public and on the record. Thank you.

SarahHunt

[REDACTED]

[REDACTED]

Nashville TN 37215-2458

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Full disclosure for the public.

PatriciaHunt

[REDACTED]

38305

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The public needs to be aware of and involved in TVA projects to ensure that they can protect themselves from projects that endanger community health and destroy the land that we live on.

SonjaHunter

[REDACTED]

[REDACTED]

Lebanon TN 37090-8208

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

NEPA regulations provide an important safeguard for the public regarding projects that affect communities and should not be limited or compromised in any way.

MargieHunter

[REDACTED]

[REDACTED]

Nashville TN 37212-5223

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Citizens are the only thing that keeps these agencies in check.

MaryHuskey

[REDACTED]

37882

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please do not change rules you do not want to follow. I appreciate TVA. You only need to continue transparency to the public!

RobynHyde

[REDACTED]

[REDACTED]

Chattanooga TN 37405-3976

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

ONLY TRAITORS MUST WORK IN THE DARK.

BrianInzer

[REDACTED]

[REDACTED]

Owens Cross Roads AL 35763-9527

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Be the kind of organization that is part of the community, open to them, and that people trust.

JenniferJohnson

[REDACTED]

[REDACTED]

Memphis TN 38122-5000

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a public utility, your machinations should be public. As a filthy and shameless polluter, your every move requires watching

KarenJohnson

[REDACTED]

[REDACTED]

Murfreesboro TN 37129-1445

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I mistakenly thought that TVA had more class than to attempt to function in secret instead wanting to include the public. This certainly causes me to look at TVA with new suspicions as to your motives.

SandraJones

[REDACTED]

[REDACTED]

Kingston Springs TN 37082-7101

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Why is it that all of a sudden since January, the public has no right to know what is happening in our own backyards. I thought surely TVA which has been such

an active partner for so many years would not choose to dump the public, but apparently, I was wrong. You just lost a whole bunch of my respect and support.

Michael Jones

[REDACTED]

[REDACTED]

Kingston Springs TN 37082-7101

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This proposed change to environmental review is not in the public interest. It may make process easier and more convenient for TVA, but the public will be denied a say and the environment will certainly suffer as has been the case when environmental protections have been ignored.

Edward Jones

[REDACTED]

[REDACTED]

Memphis TN 38117-3404

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA should partner with the public, listening to public concerns and input.

VirginiaJones

[REDACTED]

Oak Ridge 37830

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please keep the public informed on planned decisions.

JoanJones

[REDACTED]

35801

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The public has the right to know.

CatherineJones

[REDACTED]

38063

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA should not be drilling into the sand aquifers that supply drinking water in the Memphis & Mid-South area. It is not necessary to use this pure water for cooling their plant in Memphis.

LindaJowers

[REDACTED]

38671

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I want and need to know your plans for my environment and have my say as to how it impacts my life.

Sharon SKane

[REDACTED]

TN

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We need to protect our earth for our children & grandchildren!! We need Solar & Wind Power for clean air and good health; also produces more jobs.

JoanKearns

[REDACTED]

[REDACTED]

Franklin KY 42134-2381

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I have utilized the services of TVA for all my life. As an adult I am showing my sons the same great resources I have had the privilege of using. Please continue to allow input from your owners, the public. You have historically been proven as a benevolent member of the community please keep it that way.

keckKeck

[REDACTED]

[REDACTED]

Tazewell TN 37879-4625

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have the right to know whats goi g on. Its our mo ney you take for o ver Charing us. Enough!!! Whats going on now.

SusanKeller-Walker

[REDACTED]

38122

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have the right to know whats goi g on. Its our mo ney you take for o ver Charing us. Enough!!! Whats voing on now.

SusanKeller-Walker

[REDACTED]

38122

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Public input is a very important aspect for projects that could impact the environment. There needs to be public involvement as a means of sharing information and for ensuring all possible impacts are considered before taking action on a project.

TimothyKent

[REDACTED]

[REDACTED]

Knoxville TN 37934-1013

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

All new plans should be made clear to the public.

ChelseaKent

[REDACTED]

[REDACTED]

Nashville TN 37205-0702

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Transparency and accountability and fair representation; that's democracy.

EileenKoesy

[REDACTED]

Nashville 37221-2208

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Remember who you work for.

TKomp

[REDACTED]

[REDACTED]

Nashville TN 37215-4301

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA a Federal Government agency! The people are the government. This is basic human rights to have a say in what affects our lives where we live.

GL

[REDACTED]

37748

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Whatever happened to civilian oversight. TVA has done wonders for this state. Don't blow it now

PaulaLadd

[REDACTED]

[REDACTED]

Nashville TN 37206-2317

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Personal Message

First NameLast Name

Email

Contact: Mailing Address Line 1

Contact: Mailing City Contact: USPS State Contact: Mailing Zip/Postal Code

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Anytime neighbors are excluded from taking part in their community they have given up the right to agree or disagree on what problem might be going on. TVA is not above taking liberty with sloppy environmental issues.

Martha JoLaw

[REDACTED]

37148

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I was considering moving to Tennessee.

AlexanderLegault

[REDACTED]

[REDACTED]

New York NY 10022-1196

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I served the State of Connecticut as a civil engineer in the Department of Transportation for 25 years. Implementing procedures to comply with NEPA was a vital process for every federally funded construction project, enabling and encouraging citizens to partner with government agencies on proposed construction projects. Let's keep government responsible for the environment by continuing to raise public awareness.

BetsyLeiss

[REDACTED]

37866

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA a Federal Government agency! The people are the government. This is basic human rights to have a say in what affects our lives where we live.

GregLesick

[REDACTED]

37748

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a fellow agency that works on the countries waterways, we should always be open to public scrutiny, especially since the lands we are now in charge of were taken from the public by eminent domain. The very use of that policy, should require all agencies which use it to be open to the very public we took the lands from. To use the lands in a way that is detrimental to the environment and public health is to betray the very public we "claim" to serve. If we are damaging the environment for profit, then we are no better than the worst polluter out there. And considering what happened at the Kingston ash dam, we need the public to help us not make mistakes like that.

MelanieLeslie

[REDACTED]

[REDACTED]

Goodlettsville TN 37072-9602

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please

CathyLines

[REDACTED]

30736

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have the right to know

GregoryLove

[REDACTED]

[REDACTED]

Memphis TN 38103-2026

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We need to leave the say so in the people's hands.

JamesLuna

[REDACTED]

37166

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We deserve to know what happens to ours and the future kids' environment and how we are effected.

PaulaLynn

[REDACTED]

[REDACTED]

Pulaski TN 38478-4601

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The TVA is a federal agency and public utility, and cannot make decisions concerning public health and safety behind closed doors. I sincerely hope that these proposed exceptions are not enacted.

Thank you,

Sean

SeanMacInnes

[REDACTED]

[REDACTED]

Memphis TN 38104-5911

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

It is important that TVA not get caught up in the soup of the day rhetoric that all regulation and community oversight is bad. The nominal costs and delays required for adequate public input and environmental oversight are not great when set against the very long term nature of your projects and infrastructure. The things you do will have an effect on nature, our people, the environment and our society for generations. A little time spent getting public input and covering the bases is time well spent. TVA has the opportunity to stand for something other than corporate greed, shareholder wealth, and politics of the day. Stick to what TVA a trusted partner with the public and do not change the public policy related to NEPA. In the end it is ethically wrong, and it in the long run it will hurt TVA and public more than help. History has shown this over and over. Matt Magallanes

MatthewMagallanes

[REDACTED]

[REDACTED]

Franklin TN 37064-8647

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Hi, please do not eliminate environmental reviews and public input for proposed projects. Not only does the TVA not have the best track record environmentally, but I believe these reviews and public input are in the best interests of the state's residents and other businesses as unforeseen environmental impacts can be disastrous to the health and the local economy. This is a terrible idea which can only serve short-term interests for a handful of people and I hope for everyone's sake that it does not come to fruition.

Thank you.

SeanMaguire

[REDACTED]

[REDACTED]

Knoxville TN 37902-2141

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We, the American People, have a right to participate in issues that effect our health and well being. TVA cares for nothing but profit..

annmalone

[REDACTED]

[REDACTED]

Sugar Grove VA 24375-3266

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The public must be involved in decisions made by TVA

TerryManess

[REDACTED]

38104

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have the right to know what is happening to our lands and water....when it states "Public Lands".....that would be us...after all, this is the USA.....The ash spill and cleanup in Kingston is a lesson on what not to do.....

MargaretMann

[REDACTED]

[REDACTED]

Clarksville TN 37043-8219

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

All Tennesseans have the right to know and weigh in on decisions that affect all of us. Keep Tennessee clean! Clean and natural waterways are a must! No drilling, Fracking or coal production. Keep the public in the know!

TameraMarcus

[REDACTED]

[REDACTED]

Columbia TN 38401-6135

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA is for the citizens of the Tennessee Valley--do not block us out!

TrishMarshall

[REDACTED]

[REDACTED]

Murfreesboro TN 37129-3201

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA must have transparency with the public. We citizens are impacted by the decisions made. Specially if these decisions affect our health and well being. The NEPA guidelines must continue to be followed. It is the right thing to do.

Tamara Marshall Whiting

[REDACTED]

37210

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA must have transparency with the public. We citizens are impacted by the decisions made. Specially if these decisions affect our health and well being. The NEPA guidelines must continue to be followed. It is the right thing to do.

Tamara Marshall Whiting

[REDACTED]

37210

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

fuck these guys

rebiamartin

[REDACTED]

[REDACTED]

Knoxville TN 37920-7213

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please, keep the public informed and involved in vital issues that affect all our lives.

LeeMartin

[REDACTED]

[REDACTED]

Nashville TN 37220-1413

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We need to hold Government Agencies accountable for their decisions and actions that affect the freedoms and well-being of the American Public.

SteveMattson

[REDACTED]

37617

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I trust that you will do the right thing.

KathyMcGinnis-Craft

[REDACTED]

[REDACTED]

Knoxville TN 37938-3433

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Notice and hearing are constitutional requirements.

PatriciaMcTigue

[REDACTED]

38017

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in Memphis. TVA was required to test and report the state of groundwater under its coal ash pond at the Allen Plant here in Memphis, and they recently found huge amounts of arsenic and other toxins in our groundwater. The fear is that this might leech into our aquifer that provides our drinking water, especially now that they have drilled wells nearby to pump water out of that aquifer to cool its new natural gas power facility. WE NEED TVA to continue to comply with all NEPA rules and regulations!!

RebeccaMercer

[REDACTED]

[REDACTED]

Memphis TN 38104-4866

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in the area the the opporates and if they continue down this path, me and others in the community will work harder towards renewal energy including power grid independence. Removing our reliance on the power companies and taking away our money from them may be the only message they understand.

ChristopherMichelier

[REDACTED]

37129

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in East Tennessee. TVA affects me daily. Please don't try to take away opportunities for my democratic involvement.

LaraMiller

[REDACTED]

[REDACTED]

Knoxville TN 37923-2718

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Public input is essential for proposals that impact our local environment. While it may slow the process down, the public has a right to know.

Matthew Mills

[REDACTED]

[REDACTED]

Nashville TN 37209-3222

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This would be a black eye for your positive reputation in our region.

AngelaMinor

[REDACTED]

[REDACTED]

Cleveland TN 37323-4043

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I am very concerned about the sludge ponds at the Gallatin Steam Plant and could not understand why the did not go from coal to natural gas when the plat was renovated .

EdwardMitchell

[REDACTED]

[REDACTED]

Hendersonville TN 37075-8830

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

My grandfather worked for TVA most of his adult life after coming back with his purple heart medal. Now my very large family, spread all over North Alabama and Tennessee, and indeed a chunk of the rest of the country, and I watch TVA with interest every time it pops up in the news. We are invested in making sure you stay honest and above board, because we feel our Pa expected you to be honorable, as he was. We expect the same, as do our friends, their families, and a large chunk of the rest of the local population. Don't cut these corners and start playing the hide and seek power games with us. We won't stand for it. I'll wake up the family gossip train and drop them on your heads. Have a good day.

MonaMitchell

[REDACTED]

[REDACTED]

Madison AL 35758-1127

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I have had direct experience with TVA on a professional and personal level. Without a lot of public input TVA will repeat the disastrous decisions it made before it had to provide the public the opportunity to comment on its schemes, e.g., it's decisions to ignore the requirements of the NRC.

Michael Mobley

[REDACTED]

[REDACTED]

Clarksville TN 37043-7627

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

PLEASE RESPECT OUR RIGHT TO HAVE A SAY IN DECISIONS THAT DIRECTLY IMPACT OUR LIVES AND COMMUNITIES!!!!!!

MargaretMock

[REDACTED]

[REDACTED]

Mountain City TN 37683-1422

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

just the idea by itself is...sad!

TomMoor

[REDACTED]

[REDACTED]

Columbia TN 38401-7342

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Open and transparent communications are very important with an organization such as TVA that impacts so many citizens. We strongly disapprove of closed meetings. We need to hear about ongoing and future projects.

MaryMoore

[REDACTED]

[REDACTED]

Clarksville TN 37043-8351

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Taxpayers and customers should be allowed to know what is happening at TVA in real time. TVA is funded by the public and should be transparent to the public.

MaryMoore

[REDACTED]

[REDACTED]

Clarksville TN 37043-8351

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The more eyes that can view a project, the more mistakes can be prevented and new ideas can be developed. Keep TVA's activities open and transparent.

MaryMoore

[REDACTED]

[REDACTED]

Clarksville TN 37043-8351

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Marvin Runyon was my neighbor, and he would know the best interests of TVA and the public would be served by operating with the greatest possible openness and transparency. Not just because it's the right thing to do, but because it is a hedge against future lawsuits against TVA.

GaryMoore

[REDACTED]

38016

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We vote and we remember.

Linda Moore

[REDACTED]

42101

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We don't want to end up with more aquifer-type decisions.

SusanMoresi

[REDACTED]

[REDACTED]

Cordova TN 38016-5082

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Looks like you are trying to do something that will HARM your customers.

JillMorgan

[REDACTED]

Soddy Daisy 37379

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a citizen that lives in East Tennessee I am particularly concerned about our beautiful valley here in Tennessee and want to have a voice in any forthcoming changes.

JennieMorgan

[REDACTED]

37801

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Anything that is done in the dark is always not legal people should know what you are trying to do to us if you dont do it in the open it is not legal

CorneliMorris

[REDACTED]

[REDACTED]

Horn Lake MS 38637-2095

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Red Wagner was my father-in-law. He would oppose blocking public oversight. So do I!

BarbaraMott

[REDACTED]

[REDACTED]

Knoxville TN 37920-4215

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a resident of East Tennessee Valley I wish to see that our citizens maintain a voice in the decisions that impact our environment.

SheliaMulroy

[REDACTED]

[REDACTED]

Louisville TN 37777-5105

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

There is too much nonsense and bullshit and outright lying coming from the White House presently. We must fight to keep truth, transparency and the well-being of our citizens and our environment in place in our local and regional policy and plans. The public is hugely affected by anything and everything that TVA wants or plans to do. Therefore, the public has the right and the need to be included in the discussion and planning and approval of these plans while they are on the drawing board, not on the eve of or after implementation. Please work for the good of the people and the good of the environment, not solely for the good of the company.

LindaMyers

[REDACTED]

[REDACTED]

Knoxville TN 37938-3121

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA doesn't seem to have great concern about environmental issues

charlenenash

[REDACTED]

[REDACTED]

Chattanooga TN 37401-2048

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA too big and too much power-too vested in their own ideas of producing electricity and not supportive enough of greener power

CharleneNash

[REDACTED]

[REDACTED]

Chattanooga TN 37401-2048

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

There is no excuse for hiding decisions from the public. TVA is a government agency, which is, as far as I'm concerned, subject to Sunshine Laws!

BarbaraNash

[REDACTED]

[REDACTED]

Nashville TN 37221-2820

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

What reason could there possibly be to prevent public transparency? This is absurd!

NancyNeilsen

[REDACTED]

[REDACTED]

Maryville TN 37803-5719

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This is from one who lives less than a mile from a TVA plant!

NormNelson

[REDACTED]

[REDACTED]

Gallatin TN 37066-8754

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have a right to know about projects and issues that affect our families' lives, health and well being.

Laura Nevins

[REDACTED]

[REDACTED]

Burns TN 37029-6102

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Get real!!!

JoyNewby

[REDACTED]

[REDACTED]

Brentwood TN 37027-6531

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Water is a God given gift and a necessity for all living things! Please do not mess with our natural resources!

JudyNokes

[REDACTED]

38117

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a lifetime southerner I have followed the work of TVA - please keep your public in the loop! We need each other!

BettieNorthcross

[REDACTED]

[REDACTED]

La Grange 38046

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Because you have the potential to negatively impact our precious water supply, you don't have the right to do this without knowledge, hearings, and approval

SaraOaks

[REDACTED]

[REDACTED]

Cordova TN 38018-7241

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Invest in solar and wind, not nuclear!

FranOverall

[REDACTED]

[REDACTED]

Nashville TN 37221-3432

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA earns respect by operating in the open and seeking public input on proposed activities and the environmental and community impacts of proposed activities. TVA is a PUBLIC utility for the benefit of by the people of the Valley under the TVA Act. Keep public support for TVA against privatization -- keep doing NEPA activities open and often.

Brian Paddock

[REDACTED]

[REDACTED]

Cookeville TN 38501-9224

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

To me, it's unconscionable that TVA would even consider excluding the public. I don't get it.

DianaPage

[REDACTED]

[REDACTED]

Nashville TN 37221-3943

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

It's our American right to have a say in what goes on around us, and it's our duty not only as Americans, but as human beings to protect the earth and the land it graciously allows us to live on. Stop being insane dictators, get over yourselves, and understand you are violating our rights and I can promise, when an American gets their rights stepped on or their land threatened, it never ends well for the opposing party. So think about that TVA, and all the current employees there, and really consider if you want to lose your job and be replaced with people who actually care about the environment and the public's input.

EmmaPatterson

[REDACTED]

[REDACTED]

Chattanooga TN 37404-1841

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We need to be involved! We do not want to be kept in the dark! We want to be in all of this!

CarolynPayne

[REDACTED]

37865

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please, pay attention to your customers.

KayePelham

[REDACTED]

37774

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I do not want to be kept in the dark on these issues.

SylviaPercy

[REDACTED]

[REDACTED]

Murfreesboro TN 37129-2548

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I want transparency in my government.

SylviaPercy

[REDACTED]

[REDACTED]

Murfreesboro TN 37129-2548

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The Earth needs much more protection we supply with legislation. Businesses and others can't continue with their destruction of our resources.

MichellePeterson

[REDACTED]

37027

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The protection of the Environment is a World Issue. The United States needs to face the truth of global climate change and fully understand pollution p. We need full transparency and participation in anything that effects it. The TVA should not threaten long standing rules that it is to hold itself to

MichellePeterson

[REDACTED]

37027

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

NEPA has been the key environmental regulatory law of the USA for decades. The TVA has no right to circumvent it or rewrite it to suit its purposes !! To do so is illegal.

RichardPhelps

[REDACTED]

[REDACTED]

Tullahoma TN 37388-5223

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

NEPA has been the key environmental regulatory law of the USA for decades. The TVA has no right to circumvent it or rewrite it to suit its purposes !! To do so is illegal.

RichardPhelps

[REDACTED]

[REDACTED]

Tullahoma TN 37388-5223

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Private citizens perform a critical role in monitoring these issues from a local perspective. Access to this information should be improved, not limited.

Erik Plakanis

[REDACTED]

[REDACTED]

Gatlinburg TN 37738-6522

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

You should not shut the public out. We have a right to know what's going on and we should have a right to input.

Donald Plunk

[REDACTED]

[REDACTED]

Nashville TN 37211-2703

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have every right to know complete truth and transparency in ALL projects that as taxpayers we aren't just paying to see these projects to fruition but pay for the services once the projects are completed! That in itself should allow all meetings, to be public and for the public to have input into the decision-making to be protected from any kind of under the table deals and low quality materials that might be used. TVA is a solitary entity unto itself and needs strict and complete transparency and oversight at every stage of the project.

KathyPoole

[REDACTED]

37128

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Citizens have every right to review the environmental impact of TVA projects. Everything should be transparent when it comes to our safety and health. Keep NEPA as it is.

DebraPrince

[REDACTED]

[REDACTED]

Nashville TN 37215-4515

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As the public at large, our input is part of your responsibility so that You know your projects and directions are in keeping with our needs and wishes. How will you know what is acceptable to us if we are not allowed to speak on our communities' behalf? Does this mean you don't care how projects will affect us?

CarolRasmussen

[REDACTED]

[REDACTED]

Harrogate TN 37752-5849

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA continues to make troubling environmental decisions, including insufficient coal ash storage and fracking, often threatening the health and safety of citizens in the region. I strongly oppose any efforts to limit public review and input.

GayleRay

[REDACTED]

[REDACTED]

Nashville TN 37204-2239

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

NEPA should maintain the established processes for public review. To maintain transparency for every one living in the United States, it's the fair thing to do !!!

NancyReed

[REDACTED]

35811

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We all have to live here on this planet. We all deserve the chance to have an input on or petition this companies decisions. A corporation shouldn't be able to further itself at our communities' expense. TVA, you are acting like you have something to hide by trying to do this. Shame on you.

AshleyReeve

[REDACTED]m

37922

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Public means just that: property of the people. Any projects proposed to see development on public lands, especially, must come before the public for scrutiny and feedback.

HolleyRoberts

[REDACTED]

[REDACTED]

Cookeville TN 38501-2861

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I have spent most of my life allied against exactly this type of nefarious behavior. I will be letting everyone of my friends neighbors and strangers by the way, online and off, about what you and yours are trying to do. One way or the other, sooner or later you will regret your decision to o wave the public welfare and our children's futures in pursuit of personal, greed laden profit. Let us see what happens in 2018 and 2020. Shame on you all.

JayRoberts

[REDACTED]

37311

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA is supposed to be for the benefit of the people of the area not their detriment.

MaryRoberts-Landrum

[REDACTED]

[REDACTED]

Franklin KY 42134-1601

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

To try to keep the public in the dark when TVA is our 'public' utility distribution company makes me believe that TVA has something ugly to hide. Stop trying to double deal in the dark.

KathyRodgers

[REDACTED]

[REDACTED]

Joelton TN 37080-8931

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I would have written my own letter but this one covers it all. I've grown up and lived around TVA lakes and used TVA power all my 65 years. I have a lot of respect for TVA. Please don't destroy such great work that's been done.

FrancieRose

[REDACTED]

[REDACTED]

Madison TN 37115-4331

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I have to be accountable for my actions, I think common sense should tell us that as a business or corporation that you should be accountable as well.

BrianRose

[REDACTED]

[REDACTED]

Smyrna TN 37167-8357

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We do not need more unclean energy development in our SE TN, N GA areas in and around SW Bradley Co. SE Hamilton Co. TN areas--not now and not ever!

KimberlyRowlett

[REDACTED]

[REDACTED]

Cleveland TN 37311-8338

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

No SPAM please

JosephRzeczycki

[REDACTED]

[REDACTED]

Mountain Home TN 37684-0752

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA was created and organized to benefit the people of the region, with their awareness, consent, and participation in approving all activities that would affect them. TVA is not now and should never be another arm of government run by a small board. There must be transparency and time for understanding, questioning and approving actions of TVA by the citizens who gave up family land and homes for its creation.

Helen Sanders

[REDACTED]

[REDACTED]

Lenoir City TN 37771-6574

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Too much has already been done effecting individuals without their/our permission!

DhanaSchaal

[REDACTED]

[REDACTED]

Pleasant Shade TN 37145-3324

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I remember the spill and how devastated the people were living in that area.

PatSchaefer

[REDACTED]

37128

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I want to be informed about TVA projects

JennySchmidt

[REDACTED]

37216

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Do not keep us in the dark

RockyScott

[REDACTED]

[REDACTED]

Hermitage TN 37076-2907

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please keep us informed so TVA can not lie/hide the truth/pull the wool over our faces. Just keep everyone above board.

ElaineScott

[REDACTED]

[REDACTED]

Rossville GA 30741-4694

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I have worked with TVA in the past and have been friends with many TVA employees. Please remain responsible and set an example for environmental stewardship. Please don't change your policies.

ChristineScott

[REDACTED]

[REDACTED]

Signal Mountain TN 37377-3390

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have a right to know

HeatherSeitz

[REDACTED]

37387

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA does NOT have the right to cause public health problems because of polluted water and air!

BelindaSellari

[REDACTED]

[REDACTED]

Brownsville TN 38012-7420

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I want to know

cathyshafer

[REDACTED]

37178

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have the right to have a say in what is to be a co-ope

Gary JuneShannon

[REDACTED]

37074

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a resident of the TVA service area, the integrity of the agency is vital to the wellbeing of my family and my community. Please recognize the impact of all of us living upon this one precious land mass.

JenniferShepherd

[REDACTED]

[REDACTED]

Saltillo MS 38866-9784

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We need to keep our voice on these important concerns. Keep public input!

ElizabethSheppard

[REDACTED]

[REDACTED]

Bowling Green KY 42101-0529

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Keep our water ways clean, to serve all, especially our most vulnerable forest and aqua culture. Don't do this.

LeeShropshire

[REDACTED]

[REDACTED]

Nashville TN 37216-2527

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We have a right to know what's being done to our water and lands.

TinaShurtleff

[REDACTED]

[REDACTED]

Murphy NC 28906-7472

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This is unconscionable- the people have a right to know what TVA wants to do and the impact the action would have on people and the environment.

MaymeSiders

[REDACTED]

[REDACTED]

Clarksville TN 37043-4505

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Wanting to take away means of transparency only suggests there are things to hide, which TVA just recently proved is the case. We need more transparency, not less. If TVA doesn't have the good of the people and the environment in mind, the people need to be fully informed so we can hold them accountable.

EricaSircy

[REDACTED]

[REDACTED]

Nashville TN 37206-1813

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA belongs to the public! Do not try to shut us out!

MichaelSledjeski

[REDACTED]

[REDACTED]

Del Rio TN 37727-3252

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

To want to do this shows me that TVA is wanting to do something that is wrong and probably illegal.

MichaelSmith

[REDACTED]

[REDACTED]

Dyersburg TN 38024-6839

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

For the people, by the people means something. Democracy is fueled by transparency and multiple voices. No one group, party, person has all the answers, especially when there are political and personal interests involved. TVA should not make decisions about any public property or public interests behind closed doors.

WendySmith

[REDACTED]

[REDACTED]

Knoxville TN 37930-1231

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This is my community and we have the right to have a voice! It has a direct impact on us!

PamelaSolomon

[REDACTED]

37854

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA is too big and too powerful already. The lives of the people involved IS important.

LindaSoule

[REDACTED]

[REDACTED]

Huntsville AL 35803-1574

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Beautiful environment needs strong security!

SomphouvangSouvannaseng

[REDACTED]

[REDACTED]

Murfreesboro TN 37130-6700

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

This is NOT in the consumers' best interest.

ShayeSowell

[REDACTED]

[REDACTED]

Hernando MS 38632-1165

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

You can achieve your mission and still do the right thing. Please don't hinder public awareness.

RandaSpears

[REDACTED]

[REDACTED]

Memphis TN 38103-4239

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Hey, TVA, don't take my right to input away!

ChristopherSpiegl

[REDACTED]

[REDACTED]

Nashville TN 37205-1956

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Do Not steal my Sunshine!!

ShaunaSpiker

[REDACTED]

[REDACTED]

Madison AL 35758-1072

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I am opposed to new ground Wells in Memphis near our drinking water.

GailStarnes

[REDACTED]

38115

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We, the people, have a right to know what is going on.

BeckyStates

[REDACTED]

37040

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Keep the water in Tennessee clean!

AlexStiles

[REDACTED]

37917

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA was made for the people... Everything is, for, of, and by the people.

DarbyStone

[REDACTED]

[REDACTED]

Harvest AL 35749-5806

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

We the people. of the United States and communities in the Tennessee valley, deserve to be informed of any and all matter of projects that effect us and neighboring communities... furthermore it was our community members that set up the TVA to begin with. Formed by people, made up of people.

DarbyStone

[REDACTED]

[REDACTED]

Harvest AL 35749-5806

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

It's already hard enough for the public to communicate with TVA regarding our desires and concerns for our community. I've emailed with no response. I've driven hours to attend public speaking sessions. Do not make it harder for citizen engagement. It's undemocratic.

JennaStonecipher

[REDACTED]

[REDACTED]

Memphis TN 38104-5569

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a resident of Tennessee and as a consumer who participates in the green power initiative, I am particularly concerned about this issue.

KathyStory

[REDACTED]

[REDACTED]

Memphis TN 38117-3641

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I just changed over to TVA. I'm very disappointed in this. You can't hide this stuff it's too important. I may leave if you can't see your way to being open about everything

LynneSullivan

[REDACTED]

[REDACTED]

Jefferson City TN 37760-4052

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

No more Russian tactics. Let the sun shine in. You work for us, not the profit of high paid executives and for-profit interests!

lanasutton

[REDACTED]

[REDACTED]

Chattanooga TN 37421-4062

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

After the TVA ignored the citizens of Memphis , I have no trust in this agency's honesty or their concern for anything that scientists or conservationist say . They will pollute our drinking water and nobody can stop them .

DonTalley

[REDACTED]

[REDACTED]

Memphis TN 38111-7327

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Public comment is extremely important. TVA is supposed to benefit their customers. It is not their function to decide in a vacuum what their customers value and want.

PatriciaTaylor

[REDACTED]

[REDACTED]

Huntsville AL 35806-1852

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

These actions appear to be in support of Trump's plan to gut the EPA in secret without the American public knowing what's going on. This needs to stop.

KatieTedford

[REDACTED]

37355

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Look I'm so tired of the GOV ways. I don't like the way they destroy the earth an then say later we misted up.

SharonThompson

[REDACTED]

37355

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Dear TVA,we are watching you.

LarryTipton

[REDACTED]

[REDACTED]

Benton TN 37307-5008

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a life long resident in TVA's territory of operations & end--user/consumer of TVA's power generation, I appreciate your efforts and specifically how TVA has positively impacted those who lived in rural areas that prior to the TVA, had no electricity and who now have a better level of living. That was decades ago however, and the TVA's record of helping the less fortunate, coupled with some very questionable environment decisions (And accidents with substantial negative impacts), trouble me. To now here that the TVA may now want to limit the publics access to announcements, plans and reviews of proposed projects currently in place under NEMA regulations is even more concerning. Please do not limit our ability to know about TVA projects that could impact our lives and environment!! Regards, Lance Tolman

LanceTolman

[REDACTED]

[REDACTED]

Mount Juliet TN 37122-3376

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Considering the fact that I live within 5 miles of a plant this is very important to me, and my family and friends. I've already had bladder cancer due to groundwater contamination. I also have 2 other relative's who lived in the same area die of cancers.

JenniferTowe

[REDACTED]

37066

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

It is your responsibility to the public to be completely transparent. No closed-door projects, please!

JudithToy

[REDACTED]

[REDACTED]

Washburn TN 37888-4721

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Don't keep us in the dark!

Michael Tumblin

[REDACTED]

[REDACTED]

Gatlinburg TN 37738-5365

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

There is already enough happening in this country today to cloud any transparency and discourage active involvement of informed Americans. This is NOT the time to make matters even worse...certainly when there is little more critical to quality of life than the kind of work overseen and executed by the TVA.

CherylUmberger

[REDACTED]

[REDACTED]

Nashville TN 37214-2379

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please don't shut the public out of engagement in the process of planning new projects and such things. We deserve to be included in these decisions.

AnneVest

[REDACTED]

35769

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Something must be done to control TVA. they have destroyed land and water. Its disgusting and they must be stopped

MaryVrailas

[REDACTED]

[REDACTED]

Columbia TN 38401-6201

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

There are alternative sources for water other than our Memphis Sands Aquifer. Protect its future quality. Water finds a way no matter how much clay there exists.

BenlynWade

[REDACTED]

3&120

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in the Tennessee Valley and do not want reductions in public input to lead to relaxation of environmental controls. We all remember the ask spill and don't want our area poisoned again.

BarbaraWagner

[REDACTED]

[REDACTED]

Sevierville TN 37876-2471

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in northern Alabama.

LindaWalden

[REDACTED]

[REDACTED]

Huntsville AL 35801-1887

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I am totally aghast that TVA wishes to absolve itself from its duty to inform and consult with the public. Arrogant bureaucracy is not welcome at TVA. Do not change the exclusions.

MelbaWalker

[REDACTED]

[REDACTED]

Nashville TN 37211-6904

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I worked for TVA for over thirty years. TVA workers were always involved in their communities. Any communities near TVA facilities need to be informed and understand any potential impacts on their wellbeing.

KentWalker

[REDACTED]

[REDACTED]

Signal Mountain TN 37377-2413

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please, we do not need to deregulate. The public needs to be informed. Do the right thing.

valeriewalling

[REDACTED]

[REDACTED]

Piney Flats TN 37686-3043

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I want to have a say!

MichaelWendt

[REDACTED]

[REDACTED]

Nashville TN 37206-1312

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As Americans we have the right to know and vote when TVA messes with our communities!

JaniceWert

[REDACTED]

[REDACTED]

Chattanooga TN 37406-3947

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Public awareness, insight, truthful information to keep truth in the light. Playing this as a dark backroom gives the pretense of shady dirty dealings. Questions - What are they trying to keep hidden. Are they putting people's lives at risk of illness or possible death sentence. What information is changed or possibly filled with false fictitious figures to cushion it as Facts and positive to camouflage possible dangers. What are they afraid of? People who question their motives and want to be informed with truth....Not Lies and deception.....but lies and deception is exactly what it looks like they are doing.

SharonWest

[REDACTED]

37066

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Stop that foolishness!

RickeyWestbrooks

[REDACTED]

[REDACTED]

Hohenwald TN 38462-1341

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA is a public entity, not a corporation. It was created to properly utilize and protect the energy resources of the Tennessee Valley. Constituent input is essential.

DawnWetzel

[REDACTED]

[REDACTED]

Memphis TN 38103-0837

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Just stop trying to do things like trump does. You are not above the law

JerryWhaley

[REDACTED]

37862

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The TVA has redically overstepped their justifiable due process in the past, condemning land to then resell it to developers as enormous profits and call it 'public interest' they have proven they Can Not be trusted!

NolanWhitesell

[REDACTED]

[REDACTED]

Bryson City NC 28713-9180

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Dear TVA, have you lost your mind? YOU MUST WALK THROUGH THE NEPA ANALYSIS PROCESS TO GET TO USE CATEGORICAL EXCLUSIONS. YOU ARE NOT EXEMPT FROM ESA SECTION 7. CONSIDERING THAT YOU WERE THE FIRST AGENCY TO HAVE AN ESA ISSUE WITH THE SNAIL DARTER, YOU SHOULD BE ASHAMED OF YOURSELVES.

PamelaWhitman

[REDACTED]

35803

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

After the oil spill in Kingston and subsequent illness & death and zero care on TVA's part, you MUST not proceed in secret.

C SWhitson-Forbes

[REDACTED]

[REDACTED]

Harriman TN 37748-4525

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA we pay your salaries. That makes us your boss.

RussellWild

[REDACTED]

38016

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I live in Tennessee there should always be oversight of TVA after the mess they made.

BillieWilkinson

[REDACTED]

37865

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The Kingston Steam Plant ash spill has affected workers, as well as near by residents, and continues to affect people using the river and nearby land. It's time for TVA to come out of the dark and start being honest with people. I am 71 and have seen too much information either hidden or presented as misinformation. It's time for TVA to be honest with it's citizens.

WayneWilliams

[REDACTED]

[REDACTED]

Knoxville TN 37920-2748

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

TVA needs to stop operating in the dark and be open to the citizens it is supposed to serve!

WayneWilliams

[REDACTED]

[REDACTED]

Knoxville TN 37920-2748

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Your business affects our lives. Please don't limit our access to your activities. Thank you.

Sheryl AWilson

[REDACTED]

[REDACTED]

Chattanooga TN 37415-3944

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

As a nationally significant agency, TVA's actions set the tone for federal agencies nationwide on environmental review and consideration. My concerns extend to the precedent that this proposal sets for NEPA reviews nation wide.

AnneWoiwode

[REDACTED]

48864

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Please help us

RobinWolff

[REDACTED]

[REDACTED]

Greeneville TN 37743-5543

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Earth first - commerce second

KimberlyWood

[REDACTED]

37066

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Earth first - commerce second

KimberlyWood

[REDACTED]

37066

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

The public must have a voice. Please provide an opportunity for public input now and always. Thank you.

DarrellWood

[REDACTED]

35816

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

I worked as a NEPA Coordinator for the US Army for 17 years. It is a very useful tool to protect the environment, the public health and to keep the local communities informed. Do not let TVA bypass their responsibilities.

CaroleneWu

[REDACTED]

[REDACTED]

Huntsville AL 35803-1711

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

public brought you about. we can take you out

ScottYarbrough

[REDACTED]

Huntsville 35803

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Anyone who needs to know what you are doing it's the people who live in East Tn

TinaYoung

[REDACTED]

[REDACTED]

Crab Orchard TN 37723-1948

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

Excluding the public's opinion on proposed action by OUR agency really can't be called democracy. Besides, even the most intricately involved in TVA's work could possibly learn something. Now what's wrong with that?

JennieYoung

[REDACTED]

[REDACTED]

Elizabethton TN 37643-9101

September 6, 2017

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.

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400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

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400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Please accept these comments on the proposed changes to the Tennessee Valley Authority's National Environmental Policy Act procedures.



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(202) 789.7859 fax ■ www.ASCE.org

September 6, 2017

Tennessee Valley Authority
400 W. Summit Hill Drive #WT-11D
Knoxville, TN 37902

Re: ASCE Comments for Proposed Changes to the TVA's National Environmental Policy Act (NEPA) Procedures 18 CFR Part 1318

Introduction and Background

The American Society of Civil Engineers (ASCE) is pleased to submit the following comments to the Tennessee Valley Authority on its proposed rule re: "Procedures for Implementing the National Environmental Policy Act."

The ASCE was founded in 1852 and is the oldest engineering organization in the nation. The Society represents more than 150,000 civil engineers in private practice, government, industry, and academia who are dedicated to protecting the public safety and welfare of people in the U.S. and worldwide through the advancement of the science and practice of civil engineering. The members of the ASCE are dedicated professionals who design, build, construct, operate, and maintain infrastructure in and around floodplains, and the Society also sets standards related to flood resilient design and construction. For decades, the ASCE has advocated public policies that reduce risk and hold paramount public safety and welfare. Given the ethical responsibility of our members to ensure the public remains safe and that infrastructure is designed to maximize the public interest, including minimizing cost sustainably, the ASCE provides the following comments on the proposed amendments to the TVA National Environmental Policy Act (NEPA) procedures. These ASCE comments necessarily include implementing the Federal Floodplain Risk Management Standard (FFRMS) that was repealed by President Trump's Executive Order on August 15, 2017.

The ASCE supports the federal mitigation of risk, especially pre-disaster mitigation. Between 1980 and 2013, the nation experienced flood-related damages exceeding a total of \$260 billion, and with more than half of the nation's population living within 50 miles of a coast, the risk-management approach taken by the FFRMS is important now more than ever. The FFRMS takes a fiscally responsible, common sense approach of considering and mitigating flood disaster risks

for federally funded development in flood prone areas that should be part of any sustainable agency and organizational planning.

Having considered the role of the professional engineer, reviewed the history of disaster response, and analyzed the proposed actions of the TVA, the ASCE supports the TVA implementation of the sustainable essence of the FFRMS as good resource management. The analysis of the ASCE further finds parts of the proposed rule that could be clarified.

ASCE Policy

The ASCE has two Board approved policies relating to flood risk. The following ASCE policies related to floodplain management indicate that the Society has been actively considering public policies to protect the life and welfare of the citizens of the United States.

The ASCE's Floodplain Management policy states: "The American Society of Civil Engineers (ASCE) urges governments at all levels to adopt proactive floodplain management policies that:

- Hold paramount the public's safety, health, and welfare;
- Protect and restore natural floodplains in situations where the benefit is greater than the costs;
- Enact and enforce land use policies, ordinances and building codes that consider life safety and account for increased risk due to development or major redevelopment of communities in floodplains;
- Inform residents and community planners of the risk associated development in the floodplain;
- Develop flood disaster mitigation and relief plans commensurate with residual risk;
- Develop and exercise flood disaster preparedness and evacuation plans commensurate with residual risk;
- Support creative partnering between federal, state and local governments to adopt floodplain management policies;
- Fund the design and implementation of floodplain management policies and flood mitigation projects;
- Incorporate the concept of building disaster resistant communities consistent with sustainable development;
- Encourage risk appropriate, multiple-uses of flood prone areas;
- Pursue nonstructural flood mitigation facilities, including river restoration and wetland restoration that include improvements in habitat, ecosystems, recreation and open space use; and
- Incorporate floodplains into comprehensive watershed management programs."

The ASCE's Flood Risk Management policy states: "The American Society of Civil Engineers (ASCE) urges all federal, state and local government agencies, in collaboration with the private sector, to adopt flood risk management policies that provide for:

- A consistent definition of flood risk and an accepted framework for how risk should be estimated;

- Effective and sustainable management of risks posed by floods to life safety, human health, economic activity, cultural heritage and the environment;
- Collaborative risk sharing and risk management at all levels of government and by all stakeholders;
- Risk informed communication, policies and funding priorities; and
- The use of natural processes to mitigate the consequences of flooding.”

Comments

Based on the ASCE support of the FFRMS climate science approach to establishing flood elevations, the Society finds that the TVA’s “Determination of Project Specific FFRMS Elevations and Their Applicability” to be unclear in how the Authority factors in the creditable projections of climate change and the effects of weather and watershed changes on floodplain delineations. This document states:

“The most recent National Climate Assessment (NCA; 2014) indicates that there is either no change to current conditions in the Southeast United States, or the trend data is inconclusive; therefore, TVA considers the water surface elevations computed for 100- and 500-year floods to be informed by climate science.”

Other agencies have found actionable trends, and the TVA has made recent revisions of the probable maximum rainfall (PMR) and probable maximum flooding (PMF) parameters used to design and manage the important dams, reservoirs, and vital coal and nuclear power plants along the Tennessee River. Jawdy (2015)¹ used recent extreme events occurring in and around the Tennessee Valley. These events used by the TVA included at least some data from the 2009 unprecedented flood in northern Georgia, a flood that was very clearly due to a change in climate. Shepherd et al. (2011)² established that, for the first time, this extreme event channeled enormous amounts of moisture into the southeast U.S. from the Pacific Ocean. Prior to 2009, southeastern floods were all due to tropical storms that channeled substantial amounts of moisture from the Gulf of Mexico and other parts of the Atlantic Ocean.

Unfortunately, the TVA did not allow sufficient time for the ASCE to look further into specific TVA procedures and methods of analysis to determine if the Authority is misinterpreting the most recent National Climate Assessment (NCA 2014), usually based on global scale analysis. By contrast, floodplain delineation is a semi-empirical art based on hydrologic records at rain gages and stream gages. Rainfall and streamflow records in and around the Tennessee Valley are available at much greater resolution than the information normally used in climate assessments like the NCA (2014). The definitive determination of climate effects on floodplain determination is to test for stationarity in precipitation and runoff records that includes recent extreme events

¹ Jawdy, C. 2015. TVA’s Flood Hydrology Strategy and Potential for Federal Collaboration. Briefing to Subcommittee on Hydrology. 10/22/2015.

² Shepherd, M., T. Mote, P. Knox, S. McCutcheon, J. Dowd, and M. Roden. 2011. Unique perspectives on how synoptic forcing and urban land cover contributed to the disastrous Atlanta flood of 2009. Bulletin of the American Meteorological Society July: 861-870, DOI:10.1175/2010BAMS3003.1 (online 6/2010). [<http://journals.ametsoc.org/doi/pdf/10.1175/2010BAMS3003.1>]

using the methods described by Weaver (2016)³, who evaluated the statistical methods of Bulletin 17b⁴ and the anticipated methods in the draft Bulletin 17c⁵. The brief review of Jawdy (2015) did not indicate evidence of the TVA testing of stationarity. Thus, the ASCE is concerned that the TVA assertion that the Authority floodplain management is “informed by climate science” is at best misleading and misinformed as floodplain management is best informed by the hydrologic science on which floodplain delineation is based.

As a result, the Society is extremely concerned about the public health and safety of the people of the Tennessee Valley. Furthermore, the unprecedented rainfall depths from Hurricane Harvey in just the last few days indicates to the ASCE that the procedures to estimate PMR and PMF in the southeastern U.S. may need to be revised. Updated estimates of these critical parameters may be necessary to better evaluate the risks of TVA dam failures and the ultimate threat to public health and safety.

In addition, the ASCE has concerns about the large number of categorical exclusions proposed in this rule; seemingly innocuous, these categorical exclusions take on a new importance when taken into consideration that the TVA also owns and operates three nuclear power plants. The Society requests that the TVA extend the comment period to give our members and other experts the time necessary to fully review each categorical exclusion. Furthermore, the ASCE strongly recommends that the TVA engage an expert panel of the National Research Council or an independent Blue-Ribbon Panel of experts to evaluate the scientific basis of both the categorical exclusions and the implementation of risk-based floodplain management in the nationally important Tennessee Valley.

In conclusion, the ASCE commends the TVA proposed implementation of the principles of the FFRMS, the use of a risk-management approach that ensures protection of life and welfare, and the wise, efficient, and thoughtful expenditure of taxpayer dollars. However, the Society is concerned about the engineering methods and scientific procedures necessary to manage risks economically and to continue to protect the people of the Tennessee Valley as more and more extreme events put our citizens at risk.

³ Weaver, A. 2016. "Reanalysis of a Flood of Record Using HEC-2, HEC-RAS, and USGS Gage Data." *Journal of Hydrologic Engineering*, DOI: 10.1061/(ASCE)HE.1943-5584.0001354.

⁴ Subcommittee on Hydrology of the Advisory Committee on Water Information. 1982. *Guidelines for Determining Flood Flow Frequency*. Bulletin 17B.

⁵ Subcommittee on Hydrology of the Advisory Committee on Water Information. 2017. *Guidelines for Determining Flood Flow Frequency*. Bulletin 17C, draft.

September 4, 2017

Tennessee Valley Authority
400 W. Summit Hill Drive 11D-K
Knoxville, TN 37902

Via electronic submission to
<http://www.tva.gov/nepa>

RE: Proposed changes to TVA's NEPA procedures

Dear Mr. Higdon:

The Nature Conservancy (TNC) wishes to provide comments on the Tennessee Valley Authority's (TVA) proposal to change its approach to complying with the National Environmental Protection Act (NEPA). TNC is particularly concerned with two aspects of the proposed changes (1) the overall reduction in opportunities for public input during TVA decision-making processes that would fall under newly-proposed CE definitions; and (2) TVA's addition of categorical exclusions (CEs) covering several sets of activities which directly impact natural resources, including but not limited to state and federally-listed species.

According to TVA's website, Categorical Exclusions (CEs) "are categories of actions that do not normally have, individually or cumulatively a significant impact on the environment and for which no unusual or exceptional circumstances exist. Neither an EA or an EIS is required for these actions." When following the NEPA process for activities not defined under CEs, the preparation of an Environmental Assessment (EA) and, when appropriate, an Environmental Impact Statement (EIS), provides interested stakeholders and the general public a standardized way to engage with TVA decision-makers and share information pertinent to the activities under TVA's consideration and their potential impacts on environmental values. When an activity is defined under a CE, this will restrict if not eliminate opportunities for stakeholder and public input; therefore, TVA should be exceptionally conservative in its approach to defining CEs in general and for certain types of activities in particular so that public engagement opportunities are preserved.

Secondly, the process of going through an EA review, even when a finding of no significant impact (FONSI) is made, can be critical to ensuring that all natural resource values that may be impacted by a project or activity have been considered. These values include such things as the habitat requirements of species of greatest conservation concern identified in State Wildlife Action Plans, many of which can be found directly on TVA lands or are subject to impacts resulting from TVA infrastructure management, construction projects, power generating and transmission activities.

Eliminating the steps of an environmental review by covering activities under CEs could result in unintended detrimental impacts to these natural resource values because the information simply was never brought into the deliberation process. In addition, EAs and (when necessary) EISs, allow the definition of appropriate mitigation activities to address potential wetland, stream/riverine, and/or federally-listed species impacts. The first step in defining appropriate mitigation strategies is to attempt to avoid the impact, followed by minimization and finally mitigation. Covering an activity under a CE definition has the potential to eliminate this step-wise approach to ensuring that impacts to natural resources are properly identified and mitigated for, particularly given the relatively large acreage limits defined in the proposed changes: “generally” 10 acres of undisturbed area and “125 acres and 10 miles” of new transmission corridors.

The following section provides comments on several of the proposed new CEs related to our primary concerns with public engagement opportunities and appropriate natural resource impact avoidance and mitigation.

Proposed CE 16

The construction of new transmission lines and substations should not be exempted from NEPA under a categorical exclusion. These projects do have the potential, both individually and cumulatively, to impact the environment and should at a minimum undergo an Environmental Assessment process. In addition, the citizens have a participatory interest in decisions on the siting of transmission and substation infrastructure in their local communities. TVA’s commitment to the public notice process required under a NEPA review provides an important forum for citizen engagement that should be respected and continue.

Proposed CE 15 and CE 19

Both of these proposed CEs deal with vegetation management decisions in TVA transmission corridors. TVA’s extensive transmission system covers many acres of high natural resource value lands, both in public and private ownership. Many of the transmission line areas provide the last remaining habitat for some of the Valley’s rare native plants, and they also cross over rivers and streams which provide habitat and drinking water supplies. Decisions regarding the maintenance of these corridors should be made with the most current field-based data on species distributions and water quality concerns, and the Environmental Assessment process helps ensure proper review.

Proposed CE 29, 30, 31, & 32

These four proposed CEs are targeted at activities designed to better enable TVA’s management of natural resources under its ownership. TNC appreciates TVA’s commitment to managing its land and water resources to protect and improve their long-term values, including habitat quality and quantity. We are unsure, however, regarding the process TVA will utilize to determine the best course of action in its decision-making for some of the activities covered under the CE definitions. For example, some dike or levee construction activities could be beneficial to some resources, but not others, and the acreage exemption is quite large at 125 acres. The previously completed Natural Resource Plan EIS states that “site and/or activity-specific environmental reviews” will be performed. If this suite of activities is covered under CEs, does this mean that those environmental reviews will not be completed? How will TVA ensure an appropriate mitigation review is completed? TVA should specifically clarify the procedures for project planning, species and wetland reviews & mitigation determinations, and how staff will utilize technical stakeholder input in management strategy development.

Proposed CE 35

The installation of new groundwater wells for water supply purposes should not be covered by a CE and exempted from the NEPA process. Groundwater is a significant source of public drinking water, in addition to being used for agricultural and other commercial or industrial purposes. Citizens have an interest in engaging with TVA's decision-making regarding its use of groundwater in their communities. Some portions of TVA's service area contain karst water resources with endemic species, and many times the data available on these resources resides in state, private or academic databases unavailable to TVA without stakeholder engagement. The NEPA process allows for citizens and technical stakeholders to formally engage as well as for proper review of data and alternatives to the impacts a new ground water supply well may cause.

Proposed CE 38

CE 38 has issues similar to those of proposed CE 16 in that both exempt new siting and construction from NEPA review. Because of TVA's large management footprint, new TVA facilities, of any acreage disturbance, not located on an already-developed, existing TVA site should not be exempted from NEPA review. New facility siting and operation has high potential for both individual and cumulative environmental impact throughout the TVA service area. The current language of CE 38 appears so broad that it would allow TVA to develop almost any type of facility anywhere without the completion of even an Environmental Assessment or any public notice. It is unclear in the background information provided for CE 38 how TVA's internal site selection process "systematically avoid(s) the potential environmental effects of the construction and operation of new generating facilities." This internal site selection process is not a substitute for NEPA review, and in the case of new generating facilities, a comprehensive Environmental Impact Statement review is preferable. Neither an EA nor EIS would be required if the proposed CE were adopted; therefore, the CE definition should be changed so that siting of new facilities is not exempted from NEPA.

Proposed CE 45

TNC supports greater provision and access to renewable energy resources, especially when generated on sites which have already been developed for production purposes. However, the current language of CE 45 covers a broad range of potential activities that have varying types of environmental impacts which should be considered under a NEPA review process. For example, wind turbines have the potential to disturb bat and bird migration corridors, affecting population dynamics which extend far beyond the site where the turbines themselves are located. The background information provided for CE 45 mentions the potential for bat population impacts and the importance of proper siting documented by the Department of Energy, but the CE definition does not indicate how siting issues might be avoided. Biomass generation may have a small site-level impact, but the sourcing zone for that biomass around the vicinity of the site has a much broader footprint which must be considered when any such generation facility is planned. These are examples of why utilizing a minimum of an Environmental Assessment under NEPA is important to ensuring that all natural resource values are considered and appropriately compensated for in the siting and development of new generation projects, even from renewable sources.

Proposed CE 46

TNC agrees that access to expanded renewable resources is important to reducing our dependence on carbon-based fuels and that hydropower is an important part of the renewable portfolio of solutions. However, we do not agree with TVA's proposal to categorically exclude "small-scale, drop-in, run-of-the-river hydroelectric generators" from the NEPA process. While these types of power generators may have a smaller impact than older more traditional hydropower projects, where they are sited can have substantial local and cumulative population impacts for certain species. TVA is well aware that the flows of the Tennessee River system have been substantially altered in the last century, and native fish and freshwater mussel populations fragmented and degraded. The Tennessee River system has some of the greatest remaining freshwater biodiversity left in North America, including many federally listed threatened and endangered species.

The future health of these species populations cannot be left to an internal TVA "categorical exclusion checklist" review. The last thirty years have seen very good news in terms of some populations in recovery, but the situation across the valley remains one that requires the highest level of management and planning vigilance to prevent more extinctions. This is particularly true for any generation facility siting on a tributary river to the Tennessee mainstem. At a minimum, any proposed "small-scale, drop-in, run-of-the-river hydroelectric generator" should be subject to an Environmental Assessment process where TVA consults with state and federal natural resource agencies, academic and non-governmental organization experts, to help ensure that the siting and management of the facility will not result in site based or cumulative harm. Because of the significance and status of freshwater resources in the Tennessee River valley, TNC recommends that TVA drop proposed CE 45.

Conclusion

The Nature Conservancy appreciates the opportunity to comment on TVA's proposed changes to its NEPA procedures. We support many of the stated goals in the TVA's review process, including providing operational flexibility to natural resource managers and expanded production of and access to renewable energy resources. We have participated in many of TVA's successful NEPA processes in years past, including EA and EIS development, and we have found TVA's NEPA staff capable of performing efficient and high-level reviews that help ensure public input on alternatives under consideration and proper mitigation for unavoidable natural resource losses.

In finalizing its new NEPA procedures, we strongly encourage TVA to take under serious consideration the importance of citizen engagement in its decision-making processes, as well as that of technical stakeholders who often provide supporting data and expertise that help guide better outcomes. TVA manages a substantial resource base on which citizens of seven states depend. We all have a stake in how our energy is produced and delivered and how our natural resources are managed, and we depend on transparent public procedures and leadership to ensure all voices are heard and all values represented.

Sincerely,



Sally Palmer
Director of Science & Policy
The Nature Conservancy, Tennessee

On behalf of Tennessee Interfaith Power and Light, I am submitting the following comments on the proposed revisions to procedures that the Tennessee Valley Authority (TVA) will follow in carrying out its obligations pursuant to the National Environmental Procedures Act (NEPA). The mission of the Tennessee Interfaith Power & Light is to spiritually respond to the challenges of the climate crisis through upholding the sacredness of all life, protecting vulnerable communities, and caring for the Earth. We manifest our spiritual values by reducing our carbon footprint within our daily lives, releasing the spiritual power of our faith communities, and advocating for transformative climate protection and justice policies. We submit these comments to further accountability for the environmental impacts of TVA as a federal agency.

1. The Proposed Revisions do not address increased uncertainty due to Climate Change.

In its discussion of the reasons for the proposed revisions, TVA assumes that the environmental impacts of future actions will be the same as past actions. If past actions were found to not have a significant environmental impact, then the assumption is made that future actions will likewise not have a significant impact. TVA must practice caution in relying on the impact findings of past decades: It is probable that the coming changes in climate will affect the composition and health of our ecosystems, that climate change will impair the capacity and resiliency of our ecosystems: Specific impacts to be expected include rising temperatures, water stress and drought, increased wildfire risk, increases in insects and pathogens, increases in invasive species, extreme weather events, changes in soil moisture and nutrient content, and tree mortality, resulting in changes to ecosystem dynamics affecting the human environment. See “Considering the Effects of Climate Change on Natural Resources in Environmental Review and Planning Documents”, by Jessica Wentz, September 2016, Sabin Center for Climate Change Law, Columbia Law School and the sources cited therein. In our own region, we have experienced failed planning: federal, state and local officials could not foresee the effects of wildfires on the Gatlinburg community, TVA failed to foresee the failure of its coal ash dam. In my own experience as a regulator, I have seen countless examples of agencies’ over-reliance on “it’s never happened before” without taking a hard look at the true risks and potential impacts of projects.

TVA’s justifications for its proposals for expanding the numbers and types of actions which require no NEPA analysis falsely rely on the assumption that actions which had an insignificant effect in the past must therefore have an insignificant effect in the future.

The above comment is additional justification for narrowing the numbers and scopes of the categorical exclusions, particularly those with wetlands, species, wildfire and vegetative impacts.

2. TVA’s proposed definition of Categorical Exclusions is flawed and should be revised to delete mitigated actions because public and expert input on the ranges and types of mitigation is necessary.

TVA is proposing extensive changes to the definitions of and procedures for categorical exclusions. The agency has published the proposed changes in the forms of regulations in the Federal Register and has provided additional justifications in a separate publication.

https://www.tva.gov/file_source/TVA/Site%20Content/Environment/Environmental%20Stewardship/Environmental%20Reviews/Proposed%20Changes%20to%20TVA’s%20NEPA%20Procedures/tva_proposed_categorical_exclusions_supporting_documentation_june_8_2017.pdf

What is a categorical exclusion?

Broadly, it is a group of actions which a federal agency has determined do not have a significant effect on the environment. As a federal agency TVA's actions are subject to the procedures of the National Environmental Protection Act which can mean that TVA must evaluate the environmental effects through either an Environmental Impact Statement or a less burdensome Environmental Assessment. A third group of minor actions are those for which a significant impact is not expected, and these actions are defined as "categorically excluded" from the NEPA procedural and documentation requirements.

If a TVA action falls within a Categorical Exemption, there is no opportunity for public input prior to the determination that an action is categorically excluded from NEPA. In contrast, if TVA undertakes an environmental assessment or an environmental impact statement, there is the opportunity for comment by outside agencies and the public. It is somewhat unclear what TVA tracks and the purpose of the tracking, but it appears from the justification, that TVA tracks when it uses a categorical exclusion through a system called ENTAC. In addition, there is an additional documentation (probably just a checklist) for some CEs setting forth the considerations utilized in determining the eligibility of an action for a CE. Having worked with federal agencies, I can affirm that the use of CEs is a pragmatic way to make NEPA work and to focus environmental analysis on the actions with significant impacts. Thus, CEs are necessary to make NEPA function. Nonetheless, their use needs to be limited to appropriate circumstances. **There is no opportunity for input from the public on actions for which TVA claims a categorical exclusion.**

This is the TVA current definition of Categorical Exemptions which it is revising:

Categories of actions listed in this section are those which do not normally have, either individually or cumulatively, a significant impact on the quality of the human environment and require neither the preparation of an EA nor an EIS. The office proposing to initiate an action shall determine, in consultation with the Environmental Quality Staff as appropriate, whether or not the proposed action is categorically excluded. An action which would normally qualify as a categorical exclusion shall not be so classified if: (1) the proposed action could have a potentially significant impact on a threatened or endangered species, wetland or floodplain, cultural or historical resource, important farmland, or other environmentally significant resource; or (2) substantial controversy over the significance of the environmental impacts associated with the proposed action has developed or is likely to develop.

Note that there is no mention of mitigation. The proposed changes would be incorporated into new federal regulations at 18 CFR 1318.200 and 1313.201. I did not see substantive changes in the general definition of CE (corresponding to the first sentence of the old definition.)

However, the second sentence in the old definition has been expanded into a separate longer section which says that "extraordinary circumstance ... which cannot be mitigated" would not be eligible for a categorical exclusion. A slightly longer list of factors similar to the impacts described in the second section above is listed.

The phrase within 1318.201 "and cannot be mitigated, including through the application of other regulatory processes" should be deleted. If a normally insignificant action requires mitigation in order that it would not have a significant impact, then the type of mitigation which is being applied should be subject to the more rigorous scrutiny of an Environmental Assessment with the opportunity for public comment. For example, if a land sale poses an impact on an endangered species, then TVA should

consider alternatives to the action or alternative mitigations, with the opportunity for comment by state and federal agencies through an EA or EIS. This proposed definition would allow TVA to continue to use a categorical exclusion “with mitigation”, but without any outside expert or public scrutiny of the nature of the mitigation or the impacts. “Mitigation” is broadly defined at 40 CFR 1508.20 (these are the NEPA regulations applicable to all federal agencies) and includes rehabilitation, restoration, reducing the impacts over time, and compensating for the impact by replacing or providing substitute resources or environments. Thus, this proposed definition would now allow TVA to undertake a wide range of actions as mitigation when presented with extraordinary circumstances, and still use a categorical exclusion to comply with NEPA without outside input, notice or scrutiny. The identification of potential mitigation alternatives, discussion of feasibility and discussion of impacts constitutes a major and a productive aspect of Environmental Assessments. Often the mitigation identified in connection with a preferred alternative allows an agency find that the proposed action will not have a significant environmental impact. The public and outside experts play an important role in the identification of impacts, the potential for alternatives and for mitigation: If an action which is normally excluded requires mitigation, then it should be subject to at least an Environmental Assessment.

TVA may argue that the “other regulatory processes” provide sufficient environmental review. NEPA takes this into consideration. If another permit requires NEPA analysis, then TVA can tier off of that process without unnecessary duplication, but still allowing public notice and comment.

The history of Clean Water Act compliance with coal permits illustrates the importance of scrutinizing “other regulatory processes” as a justification for short-cutting the scope of environmental impacting. Agencies have relied on “nationwide permits” (not requiring project level NEPA) review without truly calculating their impacts: see e.g. *Black Warrior Riverkeepers v. ACOE*, (11th Cir. 2015)

<http://law.justia.com/cases/federal/appellate-courts/ca11/14-12357/14-12357-2015-03-23.html>.

Numerous other lawsuits have identified regulatory failures to identify environmental impacts. See e.g. If a state or federal “regulatory process” does not include a specific NEPA review, then the need for mitigation, effect of mitigation, and alternatives for mitigation would never be scrutinized. See e.g. *Kentucky Riverkeepers v. Rowlette*, 714 F.3d 402 (6th Cir. 2013).

What does the TVA documentation say about CEs and mitigation?

The Federal Register notice does not discuss the addition of mitigation as a factor in determining whether an action which normally is categorically excluded poses extraordinary circumstances. Neither does the “Proposed Categorical Exclusions Supporting Documentation” have a specific discussion of the addition of mitigation as a factor which would allow the use of a mitigated categorical exemption even if an extraordinary circumstance is identified.

There are scattered references to mitigation throughout TVA’s “Proposed Categorical Exclusions Supporting Documentation” and the term is used in several different contexts: mitigation which lessens the significance of an environmental impact, routine mitigation measures (more accurately best practices), and mitigation of non-environmental impacts such as safety. Thus, it is unclear

TVA provides examples of mitigation being identified in the course of an Environmental Analysis as an argument in support of its conclusion that the action is suitable to be categorically excluded from an impact analysis. For example, after performing an Environmental Analysis, TVA utilized mitigation measures to reduce effects on endangered bat species in the process of removing buildings on a 1000

acre site (p. 3-241). The proposed mitigation for Impacts on wetlands from the construction of 4.7 miles of new transmission lines was incorporated into the Finding of No Significant Impact.

TVA's logic is faulty: even if TVA concluded after an Environmental Analysis that the mitigated action had no significant impact on the environment, that conclusion does not support excluding the action from NEPA scrutiny: Alternatives to these actions were given a hard look, the impacts were considered, public input was allowed. When addressing endangered species and impacts to wetlands, it is important to the public and to the environment that TVA undertake the more rigorous scrutiny. If TVA has successfully utilized Environmental Assessments to analyze proposed actions such as these, then it should continue to do so.

In the context of a number of categorical exclusions, TVA discusses mitigation of cultural resources impacts and wetlands impacts. In these cases, the "mitigation" appears to be a type of best management practice or routine procedure.

3. TVA has been overly broad in its discussion of "mitigated" actions which may have an impact on cultural resources by failing to distinguish between best management practice type mitigation and discovery of resources which should trigger a more rigorous analysis

With respect to mitigation of impacts on cultural resources, see the specific discussions of CE # 16, 19, 22, 27 and 33. The most complete discussion is on pages p. 3-55 to 3-56: TVA states that it would "comply with all applicable federal, state, and TVA regulations to mitigate any effects on cultural resources. The potential impacts, mitigation commitments and associated consultation would be recorded by TVA in a Categorical Exclusion Checklist (CEC) in the ENTRAC database. "

TVA has failed to discuss what type of actions it considers to fall within its compliance and has failed to discuss when discovery of a potential resource would call a halt to the project and require further analysis. Some types of "mitigation", akin to best practices, are appropriately used with an action that is categorically exempt from NEPA. Examples are protocols for securing project areas, informing staff of potential for cultural resources, procedures for notifications of potential resource discoveries. However, the regulations proposed by TVA at 18 CFR 1318.201 fail to distinguish between the routine mitigation which is a type of best management practice and the more expansive mitigation actions described at 40 CFR 1508.20 which include provision of substituted resources or other compensation for cultural impacts.

TVA's justification for its expansion of the list and breath of categorical exclusions is fault because it fails to distinguish actions for which routine procedures only are used to identify potential cultural resources in an action area from actions which impact identified resources and will require more rigorous mitigation. While a CE may be appropriate if only routine best practice mitigation is anticipated, TVA's rules must require that other types of mitigation be examined in an EA or EIS. **Thus, CE # 16, 19, 22, 23, 27, 29, 31, 30, 33, 38, and 45 are overly broad, have the potential to significantly impact cultural resources and should not be implemented as written.**

4. CE # 16, and 19 are overly broad and TVA has failed to demonstrate that environmental impacts will be insignificant

CE # 16 is a proposed new categorical exception for the construction of new transmission line infrastructure generally no more than 10 miles in length, with no more than 125 acres of developed rights of way, no more than 1 mile of new roads, and no more than 10 acres disturbance for new facilities. On p. 3-56, TVA states that it intends to use this categorical exception even if TVA is required to mitigate for damages to wetlands damaged by the types of disturbances necessary for construction of 10 mile transmission lines. It speaks of “appropriate mitigation” but does not discuss what type of mitigation would be required. It is unclear whether all impacts to wetlands regardless of the size would be mitigated under the categorical exception (without the consideration of alternatives in an Environmental Assessment.) On p. 3-54: TVA gave an example of a much **shorter** power line construction in which the manner in which mitigation of wetlands was determined was through an Environmental Assessment. It is unclear what type of action was taken for mitigation or what mitigation alternatives were considered. TVA must commit to establishing understandable parameters for reviewing the area of the impacted wetlands to determine if the impacts are within the parameters of impact which it had previously determined were not significant when mitigated and should undertake and EA for actions which require off site mitigation. **TVA has identified a new powerline of less than 5 miles which so impacted wetlands that offsite mitigation was required. TVA should limit CE # 16 to new powerlines which are less than 4 miles and which do not require offsite mitigation of wetland impacts.**

There is a similar discussion of mitigation of cultural resources and wetlands in reference to rebuilding transmission lines (less than 25 miles in length and less than 125 acres of disturbance). See page 3-78. CE # 19. However the examples provided by TVA illustrate why the 25 mile standard will fail to meet NEPA standard. On pages 3-76 to 3-77, TVA cites to a 23 mile rebuild as supporting a categorical exemption. However, TVA states that in order to make a finding of no significant impact, **TVA rerouted a portion of the line to avoid impacting an endangered species. Without an Environmental Assessment, this alternative would not have been identified.** Similarly, TVA noted that in the Kirksman Clifty City project, the Environmental Assessment included site planning to avoid sensitive resources and implementation of environmental quality protection standards. Without the scrutiny of outside experts and the public, and without the consideration of alternatives, would these mitigation measures have been identified and implemented? Most of the citations given to support the minor nature of impacts are based on the more rigorous review and enhanced mitigation resulting from EAs and EISs. **TVA has failed to establish that the 25 mile standard in this categorical exemption will individually or cumulatively have an insignificant environmental impact.** TVA cites 3 other agencies as having comparable categorical exclusions. They are not comparable. One of the other agencies has a 20 mile standard, not a 25 mile standard for rebuilding. The second of the three agencies only provides for a 20 % pole replacement, not total replacement. The third agency only provides a 25 mile reconstruction only **“to enhance environmental or land use values.”** Thus, **no other agency provides for the total rebuilding of 25 miles of any and all transmission lines under a categorical exclusion.** This indicates that TVA is seeking to push the outer limits of its use of CEs to deny public scrutiny or input.

5. **CE # 45 is overly broad and confusing. TVA has failed to accurately describe the CE and its justification.**

TVA has proposed CE#45 to cover a broad range of totally unrelated activities with inadequate justification.

CE # 45 parts a and b describe changes to an existing facility without explaining how this CE subpart could possibly create up to 25 acres of new disturbance. We do not oppose the use of categorical exceptions for small changes to existing structures but the acreage authorizations would call into question whether these projects would be small or low impact.

In CE #45 c., TVA has proposed a vague standard for a “small number” of wind turbines with a height “generally” less than 200 feet as categorically excluded from any environmental review. However, the specific language of TVA’s own analysis demonstrates that positioning of wind turbines potentially has significant impacts on species:

Impacts of wind turbines on birds and bats vary by region and by species, so turbine site selection is a key consideration to design small wind projects that would not have the potential for significant impacts to birds and bats due to strikes/collisions with turbine components. Cumulative impacts to bat populations have a potential for significance due to a general region-wide decline of bats in the Eastern United States if initial project siting is not done appropriately (i.e. in accordance with industry best management practices [BMPs]).

Thus TVA notes that wind turbines have the potential for significant impacts and that site selection varies by region and species but still assumes that site selection can be done without an environmental analysis. Further, by using vague and undefined language such as “small” and “generally”, and by the potential footprint of 25 acres, TVA has created uncertainty about the intended scope of this categorical exemption. **TVA has failed to provide justification for the inclusion of the siting of new wind turbines as categorically exempt from NEPA analysis.**

6. TVA must require documentation beyond a simple notation for the application of Categorical Exceptions.

In the Appendix, TVA has provided a sample short check list of its documentation of the application of CEs. However, TVA is proposing that for some exemptions, there would be no documentation other than a notation in the tracking system. See e.g. 3-286: TVA would not document the application of CE # 44 for cleaning up small scale non-emergency solid waste or hazardous waste because the activities are intended to mitigate negative environmental effects. TVA has been using generic checklists for documenting these types of actions but now proposes that no documentation other than an entry in the ENTRAC database would occur. TVA has identified no adverse effects from the checklists. **TVA should document all uses of categorical exemptions.**

Respectfully submitted,

Courtney Shea on behalf of Tennessee Interfaith Power and Light

My contact information is courtshea@aol.com, 865-387-7466, 3926 Beverly Place, Knoxville, 37918.

From: [Larry Larson](#)
To: [NEPA Rule Comments](#)
Cc: [Chad Berginnis](#); [Conrad](#); [Merrie Inderfurth](#); [Williamson, Carrie C](#); [Michele Mihalovich](#); [Doug Plasencia](#); [sam medlock](#)
Subject: ASFPM comments on TVA proposed changes to NEPA Implementation 18 CFR Part 1318
Date: Friday, September 01, 2017 11:14:16 AM

TVA External Message. Please use caution when opening.

To TVA

ASFPM has reviewed the Federal Register dated 8 June 2017 outlining the proposed changes in TVA procedures to implement NEPA. Our Comments are contained in this email and we appreciate TVA consideration of these comments. ASFPM has worked with TVA for decades and always appreciate the professional approach TVA uses in its work and collaborations.

ASFPM is a professional non-profit membership organization with 17,000 members and 26 Chapters in the US. Our mission is to work to reduce flood losses in the nation and to protect the natural and beneficial functions floodplains provide in reducing flood losses and protecting natural resources.

The email will focus on subpart G of 18 CFR part 1318, Floodplains and Wetlands. This subpart focuses on how TVA proposes to determine project specific flood risk elevations and their applicability for TVA projects. We applaud these TVA analyses to review the hydrology for the TVA region. We understand your precipitation studies show some increases, indicating a need to update your flood frequency analyses for 100 and 500 year frequencies—which requires funding resources. We urge TVA to seek such funding and perform the updates as soon as possible. We also urge you to perform frequent updates of these analyses to properly reflect changes in hydrology.

We think the one page showing how TVA determines project specific flood elevations demonstrates a solid approach to this issue. While we understand the EO specifying approaches to determining a Federal Flood Risk Management Standard flood elevation is no longer in place, we urge TVA to utilize the concepts in your work to the extent possible. The proposed TVA determination chart essentially uses freeboard to provide extra protection to federal taxpayer investments for TVA projects, which we support as wholly

appropriate. These approaches are also consistent with EO 11988, which is now the directive for determining how federal actions will be protected and as stated, you will continue to use that process for TVA permitting actions.

We support adding freeboard of 2' or 3' depending on whether an action involves a critical action is appropriate as outlined in EO 11988.

Chad Berginnis, CFM ASFPM Executive Director
and

Larry A. Larson, P.E., CFM | Director Emeritus-Senior Policy Advisor

Association of State Floodplain Managers

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www.floods.org



17,000 members dedicated to reducing flood losses in the nation

From: [deborah bahr](#)
To: [NEPA Rule Comments](#)
Cc: [cweet4art](#)
Subject: NEPA rule
Date: Wednesday, September 06, 2017 1:30:52 PM

TVA External Message. Please use caution when opening.

Greetings TVA,

I represent Clean Water Expected in East Tennessee (CWEET), a small non profit in Cosby, Tn. The communities CWEET serves are very concerned about the proposed changes to the way TVA will implement the National Environmental Policy Act procedures. Counties in our region include National Forest and Park properties, our "commons" . The "commons" filter water to keep aquifers clean- essential to the vast number of rural households that depend on these natural process' for water from wells and springs. Healthy wild spaces provide supplemental resources to many homes through fishing, hunting, and needed tourism dollars. Much of our land is agricultural. These communities value clean air & water, a legacy that should stay in tact for generations to come.

Vague language and size limitations in the proposed changes to NEPA have the potential to devastate resources our communities depend on. Twenty-five acres of disturbance to previously disturbed areas may not have great impact in a flat landscape, but in our mountains could create disturbing runoff, silt pollution in spring heads, erosion and other issues. Now is not the time to jeopardize decades of lessons learned and experience gained from using this environmental law. Public input adds real voices to realities that TVA needs to consider when thinking about altering the landscape and natural resources communities depend on.

NEPA is a proven tool whose aim is to make sure the public, project sponsors and collaborating agencies have a clear map to assess proposals that may impact federal resources. Now is not the time to jeopardize decades of lessons learned and experience gained from using this environmental law.

Transparency by TVA helps to build rapport with rural communities. Public input is an essential part of the process. Compromising the quality of environmental review and limiting the role of the public is the wrong approach. TVA should cultivate the perception and create a reality that underscores it is open about policy and interested in public response on how policy could impact the communities TVA works in. Please take action now to protect environmental reviews and public input under the National Environmental Policy Act (NEPA). Prove TVA IS concerned about how policy affects our lives, because it does affect our communities in very real ways!

Thank you for your consideration,

Deborah Bahr
Director CWEET
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Cosby, TN



September 6, 2017

Via electronic submission to
NEPArule@tva.gov

Tennessee Valley Authority
NEPA Rule Comments
400 W. Summit Hill Drive 11D-K
Knoxville, TN 37902

**RE: TVA, PROPOSED RULE, PROCEDURES FOR IMPLEMENTING
THE NATIONAL ENVIRONMENTAL POLICY ACT, 82 FED.
REG. 26,620 (JUNE 8, 2017)**

Dear Mr. Higdon:

As the president of the Memphis citizen's group, [Protect Our Aquifer](http://protectouraquifer.org) (POA), I'm writing to comment on the Tennessee Valley Authority's (TVA) proposed changes to its implementing regulations for the National Environmental Policy Act (NEPA).

I am incorporating by reference all objections and information contained in the September 6, 2017 submission of the Southern Environmental Law Center of Tennessee.

[Protect Our Aquifer](http://protectouraquifer.org) is extremely concerned that TVA's proposed changes undermine transparency, and stifle public involvement in TVA's decisions and how TVA reviews the effects of its activities on the people and environment in Memphis and Shelby County, TN, which is TVA's largest customer.

Proposed CE 35 is of particular concern to us. CE-35 would categorically exclude "installation or modification (but not expansion) of groundwater withdrawal wells, or plugging and abandonment of groundwater or other wells. Site characterization must verify a low potential for seismicity, subsidence, and contamination of freshwater aquifers."

Proposed CE 35 lacks the specificity required by NEPA and the CEQ Guidelines to ensure that no significant environmental impacts will occur as a result of application of the CE. Like the use of the undefined term "minor" in other CEs, proposed CE 35 leaves it entirely to TVA's discretion to determine whether a particular groundwater withdrawal well has a "low" potential for seismicity, subsidence, or contamination of freshwater aquifers. TVA offers no definition or context that would limit application of the "low" threshold. Nor does TVA's proposed "extraordinary circumstances" procedure provide



such guidance. CE 35 therefore provides insufficient guidance for TVA staff to implement NEPA.

Recent experience at TVA's Allen coal and natural gas plants in Memphis clearly demonstrates why the scope of this CE should be limited to groundwater monitoring wells, rather than applying to all groundwater withdrawal wells without limitation. In April 2016, TVA unilaterally decided to withdraw thousands of gallons of water per minute from wells it proposed to drill into the Memphis Sand Aquifer, Memphians' primary drinking water source, to help run its new Allen gas plant. TVA made this decision without seeking public comment through NEPA. Despite questions raised by local groups like the Sierra Club and Protect Our Aquifer, TVA claimed there was no risk of contamination to the aquifer.

One year later, citing high levels of toxic pollutants, including arsenic, found in groundwater at coal ash ponds at the TVA's Allen Fossil Plant, the Tennessee Department of Environment and Conservation has ordered an investigation. TDEC is particularly concerned about the risk these pollutants may pose to the Memphis Sand Aquifer once TVA begins withdrawing water from the gas plant wells, as evidenced by a second letter the state agency sent to TVA outlining the parameters of the investigation. In fact, those concerns led TDEC to obtain TVA's agreement not to use the groundwater withdrawal wells at Allen until the investigation has been completed.

The Allen experience demonstrates TVA's lack of ability to properly evaluate whether a particular risk to freshwater aquifers is "low" without additional specificity and without public comment when it conducts an environmental assessment, let alone in the context of a CE.

TVA should promulgate documentation requirements that would require that application of CE 35 be documented and be made publicly available on TVA's website.

TVA should adjust CE 35 so that it complies with the requirements of NEPA, including making it applicable only to groundwater monitoring wells and including additional specific limits on its application. TVA should also be subject to any local regulations that may impose higher restrictions and duties.

Sincerely,

Ward Archer
President, [Protect Our Aquifer](http://protectouraquifer.org)

Via electronic submission to
TVA's NEPA Website
<http://www.tva.gov/nepa>

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**RE: TVA, PROPOSED RULE, PROCEDURES FOR IMPLEMENTING
THE NATIONAL ENVIRONMENTAL POLICY ACT, 82 FED.
REG. 26,620 (JUNE 8, 2017)**

Dear Mr. Higdon:

These comments are submitted on behalf of the Southern Alliance for Clean Energy (SACE) in response to the Tennessee Valley Authority's ("TVA") proposed changes to its implementing regulations for the National Environmental Policy Act ("NEPA"). SACE has also signed on to a set of comments submitted by the Southern Environmental Law Center on behalf of groups working in the Tennessee Valley. These group comments speak to the wider concern that TVA's proposed changes undermine transparency, stifle public involvement in TVA's decisions, and bestow upon TVA almost boundless discretion to decide whether and how it must review the effects of its activities on the people and environment throughout its seven-state service territory, which includes nearly all of Tennessee, and portions of Alabama, Georgia, Kentucky, Mississippi, North Carolina, and Virginia.

We are submitting these additional comments in order to highlight our specific concerns with TVA's proposed addition of a Categorical Exclusion (CatEx) for Modifications to Rate Structure and Associated Contracts.¹ In TVA's proposed changes to its NEPA implementing regulations, it assumes, based on previous NEPA reviews, that any future decisions related to rate structure would have minimal environmental impacts. For the reasons outlined below, however, we believe this proposed CatEx is not consistent with the goal of achieving compliance with NEPA requirements.

NEPA requires all federal agencies to perform environmental impact analysis for any major action, in order to determine the course that would have the least negative impact on health, land and water. There is a mandatory public comment period for any NEPA analysis document, forcing agencies like TVA to involve the public in decisions that may otherwise have been kept behind closed doors. Unlike investor owned utilities, TVA is not subject to oversight by traditional utility regulators because it is a federal agency. The National

¹ TVA Summary of Proposed Changes to Categorical Exclusions, Table 2-1, pgs. 2-11 – 2-12

Environmental Policy Act (NEPA) is a primary access point for transparency in TVA's rate design process.

TVA states that its new CatEx would apply to "Modifications to the TVA rate structure (i.e., rate change)," which is defined in the following section of TVA's supporting documents:

Under TVA's contracts with distributors, there are different processes for making "rate adjustments" and making "rate changes." A "rate adjustment" is the process by which TVA increases or decreases rates to match revenue needs. A rate change is a process by which TVA changes the structure of the rates as opposed to the overall level of rates. Rate changes generally are designed to be "revenue neutral" to TVA at the system level, i.e., the changed rates applied to the same billing data are intended to result in the same overall system level revenue being collected by TVA, although revenues paid by individual customers or customer classes may change. While rate adjustments tend to have similar effects across customer classes, rate changes can involve changes in cost allocation and rate structure that can raise power bills for some customers and lower them for others, with an overall revenue neutral effect on TVA.²

While a change in rate structure may be *revenue neutral* for TVA, it does not necessarily follow that these impacts will also be environmentally neutral. We disagree with TVA's conclusion that "no individually or cumulatively significant effects are typically attributable to the types of activities included in the proposed CEs."³

The basis for TVA's conclusion derives from its internal review of four NEPA filings (1981, 2003, 2010, 2015) for rate adjustments or rate changes that *did* include an Environmental Assessment (EA) / Environmental Impact Statement (EIS). In those cases, TVA summarized that the proposed changes could have "negligible or minor effects on environmental resources within the Tennessee Valley, but would not normally cause significant environmental effects."

TVA has recently publicized its intent to pursue a broad set of rate adjustments and rate changes (including the structure of the rates themselves) that are *intended* to be more impactful than those in the past. While the scope of those prior rate structure modifications may have been minor, TVA's own comments indicate that future rate structure modifications may have more dramatic impacts.

TVA acknowledges that, "Changes in electricity rates may ... induce ... increased energy use," and that such changes "may result in changes in energy production by TVA." TVA cites a 2015 EA⁴ in which it "found that the potential net effect on TVA energy requirements would be somewhere between 0 and -0.1 percent (a decrease)."⁵

² Proposed Categorical Exclusions Supporting Documentation: Amended TVA Procedures for Implementing the National Environmental Policy Act, June 2017 at 3-305.

³ *Id.* at 3-311.

⁴ Refining the Wholesale Pricing Structure, Products, Incentives and Adjustments for Providing Electricity to TVA Customers, TVA Final Environmental Assessment, July 2015.

⁵ *Id.* at 3-308.

Yet in that same 2015 EA, TVA explained that the same factors that are driving the need for TVA to “make adjustments in [its] pricing structures” also drives the need to make changes to its “generation and transmission assets.” While the changes examined in the 2015 EA may not have been anticipated to significantly increase total TVA energy requirements, that is because those changes were intended to “incentivize cost-saving behaviors” (i.e., reduced energy use).⁶ The relationship of the 2015 rate change to generation and transmission assets was made clear: the changes included “stronger pricing signals to control demand during on-peak periods.”⁷

The significance of demand during on-peak periods is established in TVA’s 2015 Integrated Resource Plan: “Peak demand ... is the highest one-hour power requirement placed on the system. In order to reliably serve customers, TVA must have sufficient resources to meet the peak hour demand.”⁸ During these on-peak periods, TVA relies on otherwise infrequently used generation assets, such as combustion turbines.⁹ The EIS for the 2015 IRP reported that fuel combustion, NOx emissions, CO₂ emissions and land requirements for current and committed combustion turbines were higher on a per megawatt-hour basis than for current and committed combined cycle natural gas plants. In short, while the 2015 EA may have correctly identified that rate structure changes may have a small net effect on TVA energy requirements, it may have overlooked the significant impact on generation and transmission asset requirements and use that would result from the control of demand during on-peak periods.

Today, TVA’s interest has shifted from controlling peak demand to preparing for the impact of energy efficient technologies and the ability of customers to generate and store their own energy. As discussed in “A New Pricing Paradigm,” (attached) TVA acknowledges that the driving force in this technology shift is that, “their bill naturally goes down because they are using less energy.” Rate changes related to a technology shift *driven by customer bill savings* are most definitely not limited to 0 to -0.1 percent energy changes.

While TVA has not indicated precisely what rate changes it may propose in response to customer adoption of technologies that reduce the demand for TVA electricity, TVA has said that, “doing nothing [is] not an option.” Instead, TVA explains that, “We are looking at a model in which the more energy you use, the more the price goes down.” In fact, Cass Larson, TVA’s Vice President of Pricing and Contracts, describes the technology shift as “a seismic shift” in justifying TVA’s consideration of such a regressive rate change. (See “A New Pricing Paradigm,” attached.)

What TVA is considering is not a new model, this form of rate design is known as a “declining block rate.” According to the Regulatory Assistance Project, “Declining block rates have largely fallen out of favor because they reward greater energy usage by the customer and do not properly reflect the increased costs associated with new resources needed to supply greater usage. They also undermine the economics of energy efficiency and renewable energy by reducing the savings a customer can achieve by reducing energy purchases from the utility.”¹⁰ For example, the Iowa Utilities Board actually prohibits

⁶ Refining the Wholesale Pricing Structure, TVA Final EA, p. 1.

⁷ *Id.* at 11.

⁸ TVA 2015 Integrated Resource Plan at 26.

⁹ *Id.* at 32.

¹⁰ Jim Lazar and Wilson Gonzalez, *Smart Rate Design for a Smart Future*, Regulatory Assistance Project (July 2015), p. 83.

declining block rates except under unusual circumstances.¹¹ TVA's open acknowledgement that it is considering declining block rates, which would reward greater energy usage, in response to energy saving technologies is a direct contradiction of its conclusion that that "no individually or cumulatively significant effects are typically attributable to the types of activities included in the proposed CEs."¹² Quite simply, adopting declining block rates would inhibit customer adoption of energy saving technologies and result in higher levels of emissions annually and particularly during peak periods (i.e., from higher polluting natural gas combustion turbines).

An additional concern is that TVA's rate change proposals may seek to explicitly discourage certain types of distributed energy resources. In "A New Pricing Paradigm," TVA asserts that "[t]he fairest way to incorporate renewable energy is to build large-scale solar," but this is not an uncontroversial statement. Some would disagree and contend, alternatively, that the fairest approach would be to allow customers the freedom to choose their electricity resource. A number of utilities have begun imposing excessive standby charges or demand rates that essentially undermine the economics of residential or small-scale commercial rooftop solar, limiting customers' freedom to choose.

For example, in Virginia, both Dominion and Appalachian Power have initiated standby charges for larger, residential systems that make them essentially uneconomic.¹³ Already, we have witnessed TVA progressively reducing the incentive value of their Green Power Providers program – to the point that it has not been fully subscribed for the last two years. If TVA changes its rate structures to go beyond the efficient collection of its revenue requirement and actively discourages customer choice with respect to generation and storage of power for on-site consumption, then those customers will be blocked from pursuing a more environmentally protective option than TVA offers on its power generation system. This simply cannot be what is intended by a "categorical exclusion" from NEPA review. Instead, it creates a permanent loophole that will allow TVA to design its rates to favor its existing, polluting generation system over the creation of a future less polluting generation system.

Furthermore, TVA's economic development mandate does not empower TVA to control the economic choices of businesses and residents of the Tennessee Valley. Even if TVA makes its own value assessment that a particular renewable energy technology is uneconomic, it should not actively discourage customer adoption of said technology through rate structure penalties. Consumers and businesses should have the economic freedom to choose to install solar and other renewable energy resources, with development opportunities at the residential, commercial, community and utility-scale. TVA's expressed interest in rate changes that would render certain choices less economical would have significant socioeconomic effects to those businesses and consumers who would otherwise make such investments.

TVA cites Department of Energy Categorical Exclusions B1.1 and B4.3 as examples of "activities similar in size and scope under similar resource conditions and with similar

¹¹ IAC 199.20.10(3)

¹² Proposed Categorical Exclusions Supporting Documentation at 3-311.

¹³ "Both Dominion and APCo have approval from the SCC to impose standby charges so high that solar installers say the larger systems often don't make economic sense." 2017 Guide to Virginia Wind and Solar Policy, Ivy Main, June 27, 2017 available at <https://powerforthepeopleva.com/2017/06/27/2017-guide-to-virginia-wind-and-solar-policy/>

environmental effects to the actions other agencies have categorically excluded.”¹⁴ However, each of these two examples contain limiting principles that are not present in TVA’s more expansive proposed CatEx.

DOE CatEx B1.1 includes the limitation that the rate or price changes must be “consistent with the change in the implicit price deflator” TVA provides no such explicit benchmark. DOE CatEx B3.4 is more similar to TVA’s proposal, but a review of the application of CatEx B3.4 by the Bonneville Power Administration indicates that it applies to what TVA terms “rate adjustments” rather than “rate changes.” For example, in the FY 2018–2019 Proposed Power and Transmission Rate Adjustments (BP-18), the BPA justifies the use of CatEx B3.4 on the basis that the “rate adjustment proposal largely continues the same rate construct.”¹⁵

In another instance in which BPA evaluated a rate proposal that fell within CatEx B4.3, BPA reached that conclusion only after completing a Business Plan EIS and Record Of Decision (ROD) for NEPA compliance.¹⁶ BPA found that, “Based on the environmental analysis in the Business Plan EIS, the potential environmental impacts of all business direction alternatives fall within a fairly narrow band” In short, rather than assuming that rate changes would not normally cause significant environmental effects, BPA completes an EIS and ROD when considering updates to its business plan; in this case, evaluating six alternative business directions. These are precisely the type of analysis TVA must complete before making a determination on what impacts, if any, a rate change would have on TVA customers and on Tennessee Valley natural resources.

As stated in the SELC group comments, “If TVA also exempts the environmental impacts associated with its rate changes from public scrutiny under NEPA, the public will be left in the dark about important policy decisions that could have an effect on their ability to save money on electricity bills and reduce their impact on GHG and conventional pollution.”¹⁷ Given the lack of traditional utility regulator oversight, the NEPA public comment process is the only tool that helps ensure transparency and establishes an important venue for environmental and consumer advocates to hold TVA accountable for its decisions.

For the reasons outlined above, SACE respectfully requests that TVA not move forward with the proposed addition of CatEx 47 to its NEPA implementing regulations.

Respectfully submitted,



Dr. Stephen A. Smith
Executive Director
Southern Alliance for Clean Energy

¹⁴ *Id.* at 3-311, 3-312.

¹⁵ FY 2018–2019 Proposed Power and Transmission Rate Adjustments (BP-18), available at [https://www.bpa.gov/efw/Analysis/CategoricalExclusions/cx/20170725-FY2018-19_Proposed-Power-and-Transmission-Rate-Adjustments-\(BP-18\).pdf](https://www.bpa.gov/efw/Analysis/CategoricalExclusions/cx/20170725-FY2018-19_Proposed-Power-and-Transmission-Rate-Adjustments-(BP-18).pdf)

¹⁶ 2008 Final Transmission Proposal, Administrator’s Record of Decision, TR-08-A-01, April 2007, available at https://www.bpa.gov/news/pubs/PastRecordsofDecision/2007/2008_Rate_Case_ROD_TR_08_A_01.doc.pdf

¹⁷ “A Troubling Trend in Rate Design: Proposed Rate Design Alternatives to Harmful Fixed Charges,” Southern Environmental Law Center, December 2015, available at https://www.southernenvironment.org/uploads/news-feed/A_Troubling_Trend_in_Rate_Design.pdf

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September 6, 2017

Via electronic submission to
TVA's NEPA Website
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**RE: TVA, PROPOSED RULE, PROCEDURES FOR IMPLEMENTING THE
NATIONAL ENVIRONMENTAL POLICY ACT, 82 FED. REG. 26,620
(JUNE 8, 2017)**

Dear Mr. Higdon:

The undersigned energy and conservation groups ("Conservation Groups"), representing thousands of residents of the Tennessee Valley,¹ are writing to provide comments on the Tennessee Valley Authority's ("TVA") proposed changes to its implementing regulations for the National Environmental Policy Act ("NEPA").

We are extremely concerned that TVA's proposed changes undermine transparency, stifle public involvement in TVA's decisions, and bestow upon TVA almost boundless discretion to decide whether and how it must review the effects of its activities on the people and environment throughout its seven-state service territory, which includes nearly all of Tennessee, and portions of Alabama, Georgia, Kentucky, Mississippi, North Carolina, and Virginia. The potential impacts of TVA's decision-making on the public health and natural resources across this region cannot be overstated. TVA manages:

- 293,000 acres of public land and 11,000 miles of shorelines²
- 16,000 miles of transmission lines and 200,000 acres of rights of way³
- Generation resources that provide electricity for 9 million people, including:

¹ The Tennessee Chapter Sierra Club alone has 46,000 members and supporters in Tennessee.

² Att. 1, TVA, *Environmental Stewardship*, <https://www.tva.gov/Environment/Environmental-Stewardship> (last visited Aug. 29, 2017).

³ Att. 2, TVA, *Proposed Categorical Exclusions Supporting Documentation*, at 3-38 (June 2017).

- 8 fossil plants (41 active units)
- 3 nuclear plants (7 units)
- 29 hydro plants (109 units)
- 1 pumped storage hydroelectric plant (4 units)
- 9 natural gas combustion-turbine plants (87 units)
- 7 natural gas combined-cycle plants (11 units)
- 1 diesel-generator site (5 units)
- 14 solar energy sites
- 1 wind-energy site⁴

As detailed in the attached comments, TVA's proposed changes amount to an attempt to rewrite its way out of complying with NEPA in its management of these extensive resources. In many cases, TVA's proposed changes are inconsistent with the mandates of NEPA as interpreted by the Council on Environmental Quality, the federal agency charged with ensuring appropriate implementation of NEPA across all federal agencies. Moreover, while TVA claims that its proposal to expand the categories of activities excluded from environmental review will provide increased transparency, the proposed exclusions are written so broadly that they would apply to almost every activity the utility undertakes and threaten our communities' clean water, public lands, private property, and public power across the Valley.

The attached comments reflect evaluation of TVA's proposed rule by attorneys at the Southern Environmental Law Center and Sierra Club. We respectfully insist that TVA comply with its obligations under NEPA designed to create transparent, meaningful review of TVA's actions affecting the public health and environment in its seven-state service territory.

Sincerely,



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⁴ Att. 3, TVA, *Our Power System*, <https://www.tva.gov/Energy/Our-Power-System> (last visited August 29, 2017).

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**PART I: COMMENTS ON PROPOSED CHANGES TO TVA’S PROCEDURES TO
IMPLEMENT THE NATIONAL ENVIRONMENTAL POLICY ACT**

I. Legal Framework

A. The purpose of the National Environmental Policy Act is to ensure informed decision-making by federal agencies like TVA.

NEPA is “our basic national charter for protection of the environment.”⁵ Other environmental statutes focus on particular media (like air, water, or land), specific natural resources (such as wilderness areas or endangered plants and animals), or discrete activities (such as mining, introducing new chemicals, or generating, handling, or disposing of hazardous substances). In contrast, NEPA applies broadly “to promote efforts which will prevent or eliminate damage to the environment.”⁶

NEPA has “twin aims. ‘First, it places upon [a federal] agency the obligation to consider every significant aspect of the environmental impact of a proposed action. Second, it ensures that the agency will inform the public that it has indeed considered environmental concerns in its decisionmaking process.’”⁷

To accomplish its goal of informed decision-making, NEPA requires agencies to disclose and analyze potential environmental impacts associated with any “major federal action,”⁸ which means any action which has the potential to significantly affect the environment.⁹ NEPA “emphasizes the importance of coherent and comprehensive up-front environmental analysis to ensure informed decisionmaking to the end that ‘the agency will not act on incomplete information, only to regret its decision after it is too late to correct.’”¹⁰

B. The role of the Council on Environmental Quality is to ensure that TVA’s implementing procedures conform to NEPA and its regulations.

The federal Council on Environmental Quality (CEQ) is charged with interpreting NEPA and ensuring the statute’s consistent implementation throughout executive branch federal

⁵ 40 C.F.R. § 1500.1(a).

⁶ National Environmental Policy Act § 2, 42 U.S.C. § 4321.

⁷ *Kern v. Bureau of Land Mgmt.*, 284 F.3d 1062, 1066 (9th Cir. 2002) (quoting *Balt. Gas & Elec. Co. v. Natural Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983)) (internal quotations and citations omitted, alteration in original).

⁸ 42 U.S.C. § 4332(C); 40 C.F.R. § 1508.18.

⁹ 40 C.F.R. §§ 1508.18; 1508.27.

¹⁰ *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 (9th Cir. 1998).

agencies.¹¹ CEQ has promulgated regulations interpreting NEPA (“CEQ Regulations” or “Regulations”), which are binding on federal agencies, including TVA.¹² Thus, TVA’s implementing procedures must be consistent with NEPA and the CEQ Regulations.¹³ This limitation on TVA’s NEPA implementing procedures also applies to TVA’s adoption of categorical exclusions (CE).¹⁴

To ensure consistency, CEQ requires that TVA obtain its concurrence after review “for conformity with [NEPA] and these regulations.”¹⁵ Pursuant to bedrock principles of administrative law, in reviewing agency procedures pursuant to 40 C.F.R. § 1507.3, CEQ must adhere to the mandates of NEPA and its own regulations and guidance.

C. TVA lacks authority to reinterpret NEPA and CEQ Regulations in its implementing procedures.

The CEQ Regulations make clear that an implementing agency must limit itself to implementing, rather than interpreting, NEPA and the CEQ Regulations. To allow otherwise would be to undermine the purpose of the CEQ regulations, which is “to tell federal agencies what they must do to comply with the procedures and achieve the goals of the Act.”¹⁶ The CEQ Regulations thus specify that TVA, as an implementing agency, “shall not paraphrase these [CEQ] regulations. They shall confine themselves to implementing procedures.”¹⁷

CEQ guidance further clarifies that implementing agencies, such as TVA, have no authority to redefine the terms and requirements set forth in the CEQ regulations. The rationale for this limitation is simple:

By Executive Order 11991, the President directed the Council to establish a single and definitive set of uniform standards for implementing NEPA government-wide. Therefore, while agencies may quote the regulations in their implementing procedures, they shall not attempt to restate or otherwise paraphrase the regulations (Section 1507.3(a)). Agencies shall

¹¹ See *Andrus v. Sierra Club*, 442 U.S. 347, 358 (1979) (noting CEQ’s role in promulgating regulations to interpret NEPA and their binding effect on federal agencies); 40 C.F.R. § 1507.3 (setting forth process for CEQ review of agency implementing procedures).

¹² *Andrus*, 442 U.S. at 358

¹³ *Sierra Club v. Bosworth*, 510 F.3d 1016, 1026-27 (9th Cir. 2007) (holding adoption of categorical exclusion invalid due to failure to properly assess significance and cumulative impacts, among other things).

¹⁴ 40 C.F.R. § 1507.3; *Sherwood v. Tennessee Valley Auth.*, 590 F. App’x 451, 458 (6th Cir. 2014).

¹⁵ 40 C.F.R. § 1507.3(a).

¹⁶ 40 C.F.R. § 1500.1.

¹⁷ *Id.*

confine themselves to procedures which make the standards established by the NEPA regulations effective in the context of their decisionmaking.¹⁸

For example, CEQ specifically prohibits agencies from redefining the term “significantly” in determining the appropriate level of environmental review for a particular class of action under 40 C.F.R. § 1507.3(b)(2).¹⁹ Rather, CEQ explains, “[s]ection 1508.27 defines the term ‘significantly’ and agencies must follow this definition.”²⁰ This rationale applies with equal force to any term defined in the CEQ regulations.

II. TVA’s Proposed NEPA Rule is inconsistent with the requirements of NEPA and the CEQ Regulations.

Throughout the Proposed NEPA Rule, TVA impermissibly paraphrases the CEQ Regulations and improperly constrains its obligations to comply with requirements set forth in NEPA and the CEQ Regulations. TVA’s impermissible paraphrasing throughout the Proposed NEPA Rule is arbitrary because it reduces the protections of the NEPA process by, for example, undermining the well-defined and understood terminology of a “significant” environmental impact with a new, undefined, and untested standard for “important” environmental impacts. Such paraphrasing creates ambiguity regarding whether TVA intends to identify, analyze, and mitigate “significant” impacts—as it is required to do under NEPA and the CEQ Regulations—or simply to dismiss any impacts or resources that TVA does not consider to be “important.”

This unnecessary ambiguity is exactly what CEQ was trying to avoid by prohibiting paraphrasing in the Regulations. Moreover, many of TVA’s proposed changes contradict, rather than implement, NEPA and the CEQ Regulations, as interpreted by CEQ. For these reasons, rather than simplifying TVA’s environmental review burden, the Proposed NEPA Rule will create confusion among TVA staff and the public and invite controversy and litigation.

A. TVA cannot define the term “controversial” as proposed in its Proposed NEPA Rule.

In the Proposed NEPA Rule, TVA seeks to define the term “controversial” as “scientifically supported commentary that casts substantial doubt on the agency’s methodology

¹⁸ See Att. 4, Memorandum from the Council on Environmental Quality on Agency Implementing Procedures Under CEQ’s NEPA Regulations (January 19, 1979) [hereinafter CEQ, Implementing Guidance].

¹⁹ See *id.*

²⁰ *Id.*

or data, but does not mean commentary expressing mere opposition.”²¹ TVA’s proposed definition improperly intrudes on CEQ’s authority to interpret NEPA and is substantially narrower than previous judicial interpretations of the term. Moreover, TVA’s proposed definition provides TVA with limitless discretion to determine what constitutes “scientifically supported” commentary and what constitutes “substantial doubt.” For these reasons, TVA cannot define the term “controversial” as proposed.

In the CEQ Regulations, the term “controversial” is one of the factors agencies must consider when determining whether an action has the potential to “significantly” affect the environment.²² The implementing agency’s “significance” determination is important in at least two contexts: (1) determining whether and when an agency must prepare an environmental assessment or an environmental impact statement;²³ and (2) determining when “extraordinary circumstances” prevent the application of a categorical exclusion to a normally excluded activity.²⁴

In determining whether an action “significantly” affects the environment, CEQ requires an agency to consider both the context and intensity of the impact.²⁵ Among other things, with respect to intensity, CEQ requires an agency to consider “[t]he degree to which the effects on the quality of the human environment are likely to be highly controversial.”²⁶

As explained above in Part I, Section I, the CEQ Regulations explicitly forbid agencies from paraphrasing the CEQ Regulations themselves.²⁷ Moreover, in guidance issued to assist agencies in developing implementing procedures, CEQ made clear that agencies “must follow” CEQ’s definition of “significantly.”²⁸ Thus, TVA cannot define a factor included in CEQ’s definition of “significantly” more narrowly than it has been interpreted by CEQ and judicial decisions. Yet TVA proposes to do precisely that.

The CEQ Regulations do not separately define “controversial.” Nor, in any of the agency implementing regulations we reviewed, have agencies included a stand-alone definition of “controversial.” The agencies that do discuss the term “controversial” in the context of specific

²¹ Att. 5, TVA, Procedures for Implementing the National Environmental Policy Act, 82 Fed. Reg. 26,620, 26,624 (Proposed June 8, 2017) (to be codified at 18 C.F.R. § 1318.40) [hereinafter TVA, Proposed NEPA Rule].

²² See 40 C.F.R. § 1508.27.

²³ See 42 U.S.C. § 4332(C) (requiring detailed statement on “proposals for legislation and other major Federal actions significantly affecting the quality of the human environment”); 40 C.F.R. §§ 1507.3; 1501.4.

²⁴ See 40 C.F.R. § 1508.4 (“Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.”)

²⁵ 40 C.F.R. § 1508.27(a)-(b).

²⁶ *Id.* at § 1508.27(b)(4).

²⁷ See Section Part I, Section I, above; 40 C.F.R. § 1507.3(a).

²⁸ See Section Part I, Section I, above; *see also* Council on Environmental Quality, Memorandum, Agency Implementing Procedures Under CEQ’s NEPA Regulations (January 19, 1979).

provisions of their implementing procedures tend to hew to the long-standing definition derived from judicial opinions: “Controversial” means “a substantial dispute as to the size, nature, or effect of the action.”²⁹

Nothing in the judicial definition limits the “controversial” nature of impacts to “scientifically supported commentary” or “substantial doubt on the agency’s methodology or data.” Indeed, a substantial dispute about the size, nature, or effect of the action may exist without reference to the agency’s methodology or data, and may be based on simple facts on the ground, including but not limited to community concern, rather than “scientifically supported” commentary. Thus, TVA’s proposed definition is inconsistent with the CEQ Regulations as interpreted by the courts, and cannot be incorporated into the agency’s implementing procedures.

Even if TVA had authority to redefine “controversial,” its proposed definition provides too much discretion to the agency to determine whether a particular impact is “controversial.” TVA provides no guidance regarding the standard for “scientifically supported” commentary or what would constitute “substantial doubt” about TVA’s “methodology or data.” This is particularly troubling given the central role that “significance” determinations play in an agency’s public disclosure and analysis of environmental impacts of its actions.

For the public and decision-makers to be confident in TVA’s “significance” determinations, TVA must, like other agencies, follow CEQ’s definition of “significantly” and hew to the long-standing judicial definition of “controversial.” TVA must strike the definition of “controversial” from its Proposed NEPA Rule.

B. TVA’s definition of “extraordinary circumstances” also improperly redefines “controversial.”

In its Proposed NEPA Rule, TVA seeks to amend its procedure for determining whether “extraordinary circumstances” exist that require reclassification of a particular action that would normally qualify for categorical exclusion. In particular, TVA proposes to delete a catch-all provision that requires TVA to consider whether the action has the potential to significantly impact “other environmentally significant resources.”³⁰ TVA also proposes to segregate the

²⁹ *Rucker v. Willis*, 484 F.2d 158, 162 (4th Cir. 1973); *Hillsdale Env’l Loss Prevention, Inc. v. U.S. Army Corps of Eng’rs*, 702 F.3d 1156, 1181 (10th Cir. 2012); *Wetlands Action Network v. United States Army Corps of Eng’rs*, 222 F.3d 1105, 1122 (9th Cir. 2000), abrogated on other grounds by *Wilderness Soc. v. U.S. Forest Service*, 630 F.3d 1173 (9th Cir. 2011).

³⁰ Compare Att. 6, TVA, *Procedures for Compliance with the National Environmental Policy Act* (last updated Apr. 28, 2017) with Att. 5, TVA, Proposed NEPA Rule 82 Fed. Reg. 26,620 (to be codified at 18 C.F.R. pt. 1318).

consideration of whether an impact “is or may be highly controversial” from its overall “significance” determination.³¹

TVA’s Proposed NEPA Rule is inconsistent with the CEQ Regulations, which require the agency’s procedures for categorical exclusions to “provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.”³² By referring to “significant” environmental effects, the CEQ Regulations require an agency to import the definition of “significantly” into its “extraordinary circumstances” procedures. For the reasons set forth above, TVA’s definition of “controversial” cannot supersede CEQ’s as interpreted by the courts. Moreover, whether an impact is “controversial” is *part* of the “significance” determination and should not be segregated from that determination as TVA’s Proposed NEPA Rule purports to do, unless the agency makes clear that it will consider *all* of the context and intensity factors as required by NEPA and the CEQ Regulations. Finally, TVA’s exclusion of the catchall provision makes its procedures inconsistent with the CEQ Regulations, which contemplate that *any* significant environmental effect would trigger the need for an EA or an EIS, not just those limited to specific types of environmental resources.³³

C. TVA arbitrarily and inaccurately paraphrases the scope of analysis required in environmental assessments and environmental impact statements.

In the Proposed NEPA Rule, TVA purports to define the “scope,” or information that it will include in EAs: “EAs should concisely communicate information and analyses about *important* environmental issues and *reasonable* alternatives.”³⁴ TVA’s proposed language improperly paraphrases and restricts the requirements set forth in the CEQ Regulations.³⁵ The CEQ Regulations provide:

Environmental assessment:

(a) Means a concise public document for which a Federal agency is responsible that serves to:

³¹ *Id.*

³² 40 C.F.R. § 1508.4.

³³ See also Att. 7, Memorandum from Nancy H. Sutley, Chair, CEQ, on Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act 6 (Nov. 23, 2010) [hereinafter CEQ, CE Guidance] (when adopting CEs, agency should evaluate whether its “extraordinary circumstances” procedures will adequately capture circumstances in which activity is likely to have a significant environmental impact).

³⁴ Att. 5, TVA, Proposed NEPA Rule 82 Fed. Reg. 26,625 (to be codified at 18 C.F.R. § 1318.300).

³⁵ See generally 40 C.F.R. §§ 1507.3; 1508.9.

(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

(2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.

(3) Facilitate preparation of a statement when one is necessary.

(b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.³⁶

Under the CEQ Regulations, TVA is required to include brief discussions of the need for the proposal, alternatives, environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

In the Proposed NEPA Rule, TVA mentions only “important environmental issues” and “reasonable alternatives,” omitting important components of the environmental assessment required by the CEQ Regulations. Further, TVA improperly restricts the range of environmental impacts it will discuss in its environmental assessments to what it deems “important environmental impacts,” rather than those impacts that are *significant*, as required by the CEQ Regulations.³⁷ In addition, the CEQ Regulations explicitly reference “alternatives required by section 102(2)(E),” rather than “reasonable alternatives.” This provision therefore improperly paraphrases the CEQ Regulations.³⁸

Similarly, in the Proposed NEPA Rule, TVA purports to define the “scope” of information that it will include in environmental impact statements.³⁹ TVA’s proposed language improperly paraphrases and imposes restrictions on the requirements set forth in the CEQ Regulations.⁴⁰ The CEQ Regulations extensively describe the requirements to be included in an environmental impact statement in 40 C.F.R. Part 1502.⁴¹ The Proposed NEPA Rule is inconsistent with these requirements, in, among other ways, its exclusion of the public at various stages of the process, as described further in Part I, Section III.C, below.

³⁶ 40 C.F.R. § 1508.9.

³⁷ See 40 C.F.R. § 1501.4 (describing when preparing an environmental assessment is appropriate); § 1508.13 (defining “finding of no significant impact”).

³⁸ *Id.* § 1507.3.

³⁹ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26626 (to be codified at 18 C.F.R. § 1318.400(c)-(e)).

⁴⁰ See generally 40 C.F.R. §§ 1507.3; 1508.9.

⁴¹ See generally 40 C.F.R. §§ 1502.1-25.

To the extent that TVA desires to provide guidance to its NEPA staff and the public regarding the scope of analysis required in environmental impacts statements, it may quote from the CEQ Regulations, as long as it makes clear that it is quoting the Regulations.⁴² TVA may not, however, “attempt to restate or otherwise paraphrase the regulations.”⁴³ This is a particularly important limitation on TVA’s authority as an implementing agency where, as here, TVA attempts to curtail its legal obligation to comply with NEPA by inaccurately summarizing or paraphrasing the CEQ Regulations.

D. TVA arbitrarily and inaccurately paraphrases the alternatives analysis required in environmental assessments and environmental impact statements.

In the Proposed NEPA Rule, TVA contemplates narrowly limiting what alternatives analysis it would perform to merely that of “key action alternatives.”⁴⁴ Not only is this language poorly defined and potentially sweeping in scope, but it is contrary to the requirements of NEPA.

Nowhere in its proposal does TVA explain what a “key action alternative” is, or how it differs from the sort of alternatives analysis TVA currently undergoes, or which NEPA requires. However, other language discussing alternatives analyses in TVA’s proposed regulatory changes may shed some light. In the Proposed NEPA Rule section discussing “Actions that will affect floodplains or wetlands,” TVA contemplates excluding from NEPA analysis situations where “there is no *practicable* alternative” to avoiding affecting floodplains and wetlands.⁴⁵ Similarly, TVA, in discussing public notice of proposed treatment for such actions, notes that TVA would “[b]riefly identify alternative actions considered and explain why a determination of *no practicable alternative* has been proposed.”⁴⁶ Likewise, TVA proposes to alter its policy on environmental reviews to make decisions that “concentrate on truly significant environmental issues, consider reasonable alternatives to the proposed action . . . and are practicable.”⁴⁷

Critically, TVA proposes to define “practicable” as follows:

⁴² See Att. 4, CEQ, Implementing Guidance (“Agencies may quote from the regulations to provide a context for implementing procedures”).

⁴³ *Id.*

⁴⁴ See Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,627 (to be codified at 1318.402(g)(1)).

⁴⁵ *Id.* at 26,629 (to be codified at 18 C.F.R. § 1318.602(a)(1)) (emphasis added).

⁴⁶ *Id.* at 26,630 (to be codified at 18 C.F.R. § 1318.603(b)(2)) (emphasis added).

⁴⁷ *Id.* at 26,624 (to be codified at 18 C.F.R. § 1318.10(c)).

Practicable, as used in Subpart G of this part, refers to the capability of an action being performed within existing constraints. The test of what is practicable depends on the situation involved and should include an evaluation of all pertinent factors, such as environmental impact, economic costs, statutory authority, legality, technological achievability, and engineering constraints.⁴⁸

Accordingly, TVA is proposing to limit its alternative analysis according to a basket of different factors, with the ultimate objective of eliminating from scrutiny anything TVA deems to not be “key.” Not only does this series of semi-overlapping definitions fail to actually define precisely what TVA would consider a “key” alternative (or even a “practicable” one), it is quite potentially very different from CEQ’s regulations, which focus on “reasonable” alternatives.⁴⁹

For example, “reasonable” alternatives could quite readily not be ones that TVA views as “key”—such as an alternative considering the environmental impacts of retiring a polluting power plant, rather than extending its life via costly retrofits. In such a situation, TVA may well determine that plant retirement is not a “key” alternative (or, through the byzantine welter of definitions it proposes, “practicable”) despite the fact that it is nonetheless a reasonable alternative to consider. Indeed, the language TVA proposes for inclusion in changes to its implementing regulations could allow TVA to artificially constrain the alternatives analysis in such a way as to remove alternatives TVA does not necessarily desire. Given that the entire point of NEPA is to require agencies to consider the environmental impacts of the projects they wish to undertake, in light of alternatives that *they might not otherwise consider*, TVA’s proposal to so constrain the analysis is highly troubling.

As such, in any final Rule that TVA issues, TVA should simply adopt CEQ’s formulation, or define its alternatives analysis in a way that does not impermissibly paraphrase the CEQ regulations to narrow the scope TVA’s obligation to consider reasonable alternatives, in contravention of NEPA and the CEQ Regulations.

E. Contrary to the requirements of NEPA and the CEQ Regulations, TVA proposes to prepare environmental impact statements only for a very narrow category of major Federal actions.

⁴⁸ *Id.* at 26,624-25 (to be codified at 18 C.F.R. § 1318.40).

⁴⁹ *See, e.g.*, 40 C.F.R. § 1500.2 (noting that federal agencies “shall to the fullest extent possible . . . [u]se the NEPA process to identify and assess the reasonable alternatives to proposed actions . . .”); *id.* at § 1502.14 (noting that agencies shall “[r]igorously explore and objectively evaluate all reasonable alternatives” and must “[i]nclude reasonable alternatives not within the jurisdiction of the lead agency.”).

In the Proposed NEPA Rule, TVA proposes only three categories of its extensive activities across seven states and thousands of acres and miles of private and public land that will “normally” trigger the preparation of an environmental impact statement. These three categories include (1) new dams or navigation locks; (2) “new major power generating facilities proposed at sites not previously used for industrial purposes”; and (3) major actions with “highly controversial” environmental impacts.⁵⁰ In so doing, TVA is making an exception that swallows the rule, contrary to the intent of the Act.

The CEQ Regulations require TVA to identify “[s]pecific criteria for and identification of those typical classes of action . . . which normally do require environmental impact statements.”⁵¹ Pursuant to NEPA, an agency is required to prepare an environmental impact statement for any “major Federal action[] significantly affecting the quality of the human environment.”⁵² The CEQ Regulations further define both “major federal actions” and “significantly,” and expressly recognize the reinforcing relationship between the two terms: “Major reinforces but does not have a meaning independent of significantly.”⁵³ Thus, TVA should, in its implementing procedures, identify classes of action that will “significantly” affect the environment, and therefore “normally” require the preparation of an EIS.

At a minimum, such classes of action should include the categories identified in the CEQ Regulations as “major federal actions.”⁵⁴ This would include, among other things, the development or significant amendment of policies and plans that cover a broad range of actions or have significant geographic scope. A brief review of TVA’s website reveals the following examples^{55, 56}:

- [2015 Rate Change](#)
- [Diesel-fueled Generation in TVA Demand Response Program](#)
- [Floating Houses](#)
- [Integrated Resource Plan](#)
- [Natural Resource Plan](#)
- [Reservoir Land Management Plans](#)

⁵⁰ Att. ____, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26626 (to be codified at 18 C.F.R. § 1318.400(a).

⁵¹ 40 C.F.R. §§ 1507.3(b)(2)(i).

⁵² 42 U.S.C. § 4332(2)(C).

⁵³ 40 C.F.R. §§ 1508.18; 1508.27.

⁵⁴ 40 C.F.R. §1508.18(b).

⁵⁵ Att. 8, TVA, *Environmental-Reviews*, <https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews> (last visited August 29, 2017).

⁵⁶ Att. 9, TVA, *Transmission System Vegetation Management Program*, <https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews/Transmission-System-Vegetation-Management-Program> (last visited August 29, 2017).

- [Shoreline Management Policy](#)
- [TVA Solar Photovoltaic Projects](#)
- [Updates to Eight Reservoir Land Management Plans and the Comprehensive Valley-wide Land Plan](#)
- [Transmission System Vegetation Management Program](#)

Under the Proposed NEPA Rule, none of these activities would necessarily fall under the categories that normally require environmental impact statements, unless TVA deemed their impacts “highly controversial.” Pursuant to the CEQ Regulations, TVA should identify these “typical classes of action” and provide “specific criteria for” them as actions “which normally do require environmental impact statements.”

Moreover, while the three classes of action identified by TVA (new dams, new power plants on greenfields, and highly controversial actions) indisputably should require preparation of an environmental impact statement, they are overly restrictive in scope. For example, the construction of new power generating facilities should require preparation of an EIS regardless of whether they are being constructed on previously developed, industrial land. Further, while we agree that actions with “highly controversial” impacts warrant automatic preparation of an EIS, we disagree with how TVA has defined the term “controversial,” as explained in Part I, Section II.A above.

F. The Proposed NEPA Rule’s implementation of programmatic NEPA review is inconsistent with NEPA and the CEQ Regulations.

Contrary to the requirements of NEPA and CEQ Regulations and guidance, TVA’s proposed implementing regulations for programmatic NEPA reviews would authorize the agency to begin acting prior to completing review, and the public will be barred from weighing in on those actions. Specifically, TVA’s proposed regulation states,

Ongoing, existing, or previously planned and approved actions that may be within the scope of a programmatic review may continue during the programmatic review period.⁵⁷

Programmatic NEPA review is a vital aspect of NEPA implementation and a key opportunity for public engagement in agency decision making. For an agency like TVA, which manages over 293,000 acres of land and 11,000 miles of shoreline, programmatic reviews permit agencies and the stakeholders to engage with big picture questions of agency policy choices and

⁵⁷ 82 Fed. Reg. at 26,628 (to be codified at 18 C.F.R. § 1318.503(c)).

their environmental effects.⁵⁸ Programmatic NEPA reviews provide program-level review of policies and projects with broad geographic scope. Agencies then “tier” project- and site-specific analysis to their programmatic review.

Under the Proposed NEPA Rule, however, TVA would begin undertaking the project- and site-specific activities without having completed the broad programmatic review required under NEPA. Moreover, TVA also proposes to exclude many of the same project- and site-specific activities from NEPA analysis by classifying them as categorical exclusions.⁵⁹

TVA’s proposal to allow interim actions to occur while the agency is conducting programmatic reviews is in direct contradiction to the CEQ Regulations and guidance.⁶⁰ CEQ Regulations explicitly prohibit interim actions during programmatic analyses, except where three criteria are present: (1) the interim action is justified independently of the programmatic EIS; (2) it is accompanied by an adequate EIS of its own; *and* (3) it will not prejudice the ultimate decision on the programmatic EIS by determining subsequent development or limiting alternatives.⁶¹

CEQ’s programmatic guidance further outlines these three criteria. The first criterion may apply where the action could occur irrespective of whether or how the program subject to the programmatic EIS goes forward, for example, when an agency is legally obligated to carry out a proposed interim action.⁶² The second criterion generally requires an EIS for the proposed interim action.⁶³ The third criterion applies when the proposed interim action would not effectively block an agency from considering reasonable alternatives.⁶⁴ Further explaining the third criteria, CEQ urges agencies to distinguish interim actions from ongoing actions.⁶⁵ This distinction, however, does not change the underlying rule that these actions may not occur unless all three criteria are met. Rather, this example simply clarifies that ongoing operations will likely not block the objective consideration of reasonable alternatives and will generally satisfy the third criterion of this exception.⁶⁶ It does not, as TVA proposes, assume that any and all ongoing activities can continue without meeting all three criteria as set out in CEQ’s regulations and programmatic guidance.

⁵⁸ Att. 8, TVA, *Transmission System Vegetation Management Program*.

⁵⁹ See Part II, Section IV, below.

⁶⁰ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,628 (Proposed June 8, 2017) (to be codified at 18 C.F.R. § 1318.503(c)).

⁶¹ 40 C.F.R. § 1506.1(c); CEQ Programmatic Guidance, at 37–39.

⁶² Att. 10, Memorandum from Michael Boots, Council on Environmental Quality on Effective Use of Programmatic NEPA Reviews 38 (Dec. 18, 2014) [hereinafter CEQ, Programmatic Guidance].

⁶³ Att. 10, CEQ, CE Programmatic Guidance, 38.

⁶⁴ Att. 10, CEQ, CE Programmatic Guidance, 38.

⁶⁵ Att. 10, CEQ, CE Programmatic Guidance, 39.

⁶⁶ Att. 10, CEQ, CE Programmatic Guidance, 39.

To remedy these issues, TVA must amend its proposed regulations so that they comply with CEQ regulations and guidance. It should incorporate the language from CEQ's regulations:

While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:

- (1) Is justified independently of the program;
- (2) Is itself accompanied by an adequate environmental impact statement;
and
- (3) Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.⁶⁷

In addition to TVA's flawed approach to interim actions during programmatic reviews, TVA also fails to incorporate vital aspects of CEQ's programmatic guidance, specifically guidance related to improving public involvement and transparency during programmatic environmental reviews. CEQ's guidance responds to a report from an interagency task force that reviewed the federal government's implementation of NEPA—the "NEPA Task Force."

The Task Force found that programmatic NEPA analyses were particularly vulnerable to perceptions of agencies hiding the ball or playing a "shell game" to block meaningful public engagement on both broad programmatic and project- or site-specific analyses.⁶⁸ These reviews fall prey to situations where public involvement is too early to raise discrete, localized issues in broader programmatic analysis and then too late to raise them in any subsequent tiered analysis.⁶⁹

Because of the apparent "shell game" of programmatic reviews and tiering, CEQ suggests that agencies clearly state how a programmatic review influences subsequent tiered reviews.⁷⁰ Moreover, CEQ encourages robust public participation, including extended comment periods, to ensure that the public is able to engage on both programmatic and project- or site-specific tiered analyses.⁷¹

CEQ has instructed agencies to consider whether programmatic analyses actually "segment" the overall program from subsequent individual actions, thereby unreasonably

⁶⁷ 40 C.F.R. § 1506.1(c).

⁶⁸ Att. 10, CEQ, CE Programmatic Guidance, 8 n. 10.

⁶⁹ Att. 10, CEQ, CE Programmatic Guidance, 25.

⁷⁰ Att. 10, CEQ, CE Programmatic Guidance, 24.

⁷¹ Att. 10, CEQ, CE Programmatic Guidance, 25.

constricting the scope of environmental review at both levels.⁷² CEQ's guidance tells agencies to clearly outline which decisions are supported by the programmatic NEPA document, which decisions are deferred, and the time-frame or triggers for tiered NEPA review.⁷³

To incorporate this guidance from CEQ, TVA should require programmatic NEPA reviews to explicitly outline (1) what actions are covered in the programmatic review, (2) what actions will be reviewed in subsequent, tiered analyses, and (3) the timeline for these subsequent reviews. Moreover, TVA should be required to identify whether these tiered analyses would be exempted because the project- or site-specific activities fall under a categorical exclusion.⁷⁴ In these circumstances, TVA must allow public comment and engagement on these project- or site-specific activities during programmatic review. If the programmatic review has been completed for an activity that would fall under a categorical exclusion, TVA should at least issue an environmental assessment of the action and allow for public notice and comment.

G. The Proposed NEPA Rule's implementation regarding records of decision is inconsistent with NEPA and the CEQ Regulations.

TVA's proposed EIS procedures are written in a way that would allow TVA to begin acting before a ROD is publicly available. The regulatory language states that "[u]ntil a ROD is made available to the public, *normally* no action should be taken to implement an alternative that would have adverse environmental impacts or limit the choice of reasonable alternatives."⁷⁵ TVA cannot qualify this prohibition so that it has the discretion so that it can take action without issuing a ROD. CEQ's regulations unequivocally prohibit action until an agency issues a ROD.⁷⁶ TVA must remove "normally" from Section 1318.405(e).

H. The Proposed NEPA Rule's implementation regarding adopting the environmental reviews of other agencies is inconsistent with NEPA and the CEQ Regulations.

The Proposed NEPA Rule would allow TVA to adopt another agency's final EIS without providing an opportunity for the public to comment on the EIS:

⁷²Att. 10, CEQ, CE Programmatic Guidance, 16 (citing *Piedmont Env't'l Council v. FERC*, 558 F.3d 304, 3016 (4th Cir. 2009)).

⁷³Att. 10, CEQ, CE Programmatic Guidance, 10.

⁷⁴See Part II, Sections III and IV, below.

⁷⁵Att. 5, TVA, Proposed NEPA Rule, 82 Fed Reg. at 26,627 (to be codified at 18 C.F.R. § 1318.405(d)).

⁷⁶40 C.F.R. § 1506.1(a).

(b) If TVA determines that the EIS or a portion thereof adequately addresses TVA's proposed action, it must make this determination and the adopted EIS available on its public Web site. If the other agency's EIS does not adequately assess its proposed action, TVA may choose to supplement the EIS in accordance with the process used to supplement other EISs (see 40 CFR 1506.3).

(c) If TVA cooperated in the preparation of an EIS that TVA determines adequately addresses its proposed action, TVA may make a decision about its proposed action 30 days or later after notice of availability of the [final EIS] was published in the Federal Register.

(d) If TVA did not cooperate in the preparation of an EIS that TVA determines adequately addresses its proposed action and that it proposes to adopt, NEPA compliance staff will transmit notice of its adoption to EPA for publication of a notice of availability and circulate the [final EIS] for public comment.⁷⁷

This proposal runs counter to the CEQ Regulations and guidance. An agency writing implementing regulations may supplement CEQ regulations, but not rewrite them to serve their own purposes.⁷⁸ Moreover, the implementing agency's procedures must be consistent with NEPA and the CEQ Regulations as interpreted by CEQ.⁷⁹

The CEQ Regulations permit agencies to adopt the environmental reviews of other agencies in certain, defined circumstances: where the other agency's EIS meets the standards for an adequate statement.⁸⁰ However, rather than adopting only EISs that comply with NEPA's requirements, TVA proposes to decide whether to adopt another agency's EIS on the basis of whether it "adequately address[es] the TVA action."⁸¹ Thus, TVA's proposed regulations turn on whether the other agency's EIS "adequately addresses its proposed action" and whether TVA cooperated in the preparation of the EIS.

Neither of these factors are part of the CEQ Regulations. In fact, these factors contradict the Regulations, which require TVA to evaluate whether the other agency's analysis meets the standards for an adequate EIS. TVA should change its implementing regulations to implement, not supplant, the CEQ Regulations. TVA should require that "the actions covered by the original

⁷⁷ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,628 (to be codified at 18 C.F.R. § 1318.407(b)–(d)).

⁷⁸ See Part I, Section I, above.

⁷⁹ See *id.*

⁸⁰ 40 C.F.R. § 1506.3(a).

⁸¹ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,628 (to be codified at 18 C.F.R. § 1318.407(b)).

environmental impact statement and the proposed action are substantially the same” and that the EIS “meet the standards for an adequate statement under CEQ regulations.”⁸²

Even if another agency’s EIS does not adequately address TVA’s action, TVA proposes to adopt that EIS and supplement it, rather than conducting its own EIS. The CEQ Regulations do not permit this type of adoption and supplementation.⁸³ Rather, they provide a discrete opportunity for an agency to adopt another agency’s EIS where the proposed actions are parallel and where the EIS meets the standards for an adequate EIS.⁸⁴ There is no circumstance where an EIS that inadequately addresses a proposed action can be said to meet the standards for an EIS because by definition the EIS would not be analyzing the proposed action or its potential effects and alternatives. In these circumstances, TVA must conduct its own EIS. Therefore, TVA should remove this language from its proposed implementing regulations: “If the other agency’s EIS does not adequately assess its proposed action, TVA may choose to supplement the EIS in accordance with the process used to supplement other EISs.”⁸⁵

Following a trend throughout the Proposed NEPA Rule and further discussed in Part I, Section III below, TVA proposes to block public comment by not providing appropriate public notice and comment when adopting another agency’s EIS, decreasing public transparency in TVA’s NEPA implementation. CEQ requires an agency to treat another agency’s EIS as a draft and recirculate it for public comment.⁸⁶ TVA, on the other hand, would permit itself to circulate a final EIS even if it did not cooperate in the preparation of the EIS, and even where the EIS does not cover the proposed action.⁸⁷ In this situation, the public may not even be aware of a proposed activity, and would be unable to provide meaningful comments on the activity, reasonable alternatives, and environmental effects. Moreover, even if TVA cooperates with the agency that wrote the EIS, CEQ requires the TVA first “conclude[] that its comments and suggestions have been satisfied,”⁸⁸ whereas TVA proposes no such requirements, instead only adding a timeline for issuing a record of decision (ROD) after making the final EIS available on its website.⁸⁹ To remedy its implementing regulations, TVA should delete its proposed language and quote the CEQ Regulations requiring agencies to treat another agency’s EIS as a draft and recirculate it for public comment.

⁸² 40 C.F.R. § 1506.3.

⁸³ 40 C.F.R. § 1506.3.

⁸⁴ 40 C.F.R. § 1506.3(a).

⁸⁵ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,628 (to be codified at 18 C.F.R. § 1318.407(b)).

⁸⁶ 40 C.F.R. § 1506.3(b).

⁸⁷ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,628 (to be codified at 18 C.F.R. § 1318.407(d)).

⁸⁸ 40 C.F.R. § 1506.3(c).

⁸⁹ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,628 (to be codified at 18 C.F.R. § 1318.407(c)).

I. The Proposed NEPA Rule's procedures for supplementing EAs and EISs are inconsistent with NEPA and the CEQ Regulations.

In the Proposed NEPA Rule, TVA improperly paraphrases CEQ Regulations regarding when supplemental EISs must be prepared.⁹⁰ The CEQ Regulations require an agency to supplement a draft or final EIS if the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or if significant new circumstances or information arises relating to environmental concerns regarding the proposed action or its impacts.⁹¹ TVA should quote this language as required by the CEQ Regulations and guidance, as discussed in Part I, Section I above. The requirements for supplementing EISs apply to EAs.⁹² Thus, in keeping with the goals of NEPA and implementing procedures, TVA should also quote the standard set forth in 40 C.F.R. § 1502.9 in its analogous provision for supplementing EAs.⁹³

TVA also proposes to limit its obligation to supplement EAs and EISs to circumstances where “there are important decisions remaining to be made.”⁹⁴ Under well-settled case law, however, an agency must supplement its EIS as long as any part of its *major federal action remains to occur*.⁹⁵ This distinction makes sense, because the point of supplementing the information is to allow the agency a chance to reconsider its decision in light of new information. If the standard were whether an agency had already chosen its course of action, such reconsideration would never occur. The same rationale applies to supplementing EAs.⁹⁶

The Proposed NEPA Rule procedures for supplementing EISs also remove a provision from the current procedures that states that “TVA will make [significant new information concerning action modifications, alternatives, or probable environmental effects] available to the public.”⁹⁷ TVA’s implementing procedures should make clear that pursuant to the CEQ

⁹⁰ See Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26627 (to be codified at 18 C.F.R. 1318.406.) ; *see also* Part I, Section I, above.

⁹¹ 40 C.F.R. § 1502.9(c)(1).

⁹² See *Western Watersheds Project v. Bureau of Land Management*, 721 F.3d 1264, 1277–78 (10th Cir. 2013); *Price Road Neighborhood Assoc., Inc. v. U.S. Dep’t of Transp.*, 113 F.3d 1505, 1509–10 (9th Cir. 1997).

⁹³ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26626 (to be codified at 18 C.F.R. § 1318.304(a)).

⁹⁴ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26626 and 26627 (to be codified at 18 C.F.R. § 1318.304(a) and 1318.406).

⁹⁵ See *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 374 (1989) (If there remains “major Federal actio[n]” to occur, and if the new information is sufficient to show that the remaining action will “affec[t] the quality of the human environment” in a significant manner or to a significant extent not already considered, a supplemental EIS must be prepared.).

⁹⁶ See *Western Watersheds Project v. Bureau of Land Management*, 721 F.3d 1264, 1277–78 (10th Cir. 2013); *Price Road Neighborhood Assoc., Inc. v. U.S. Dep’t of Transp.*, 113 F.3d 1505, 1509–10 (9th Cir. 1997).

⁹⁷ See Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,620, 26,627 (to be codified at 18 C.F.R. § 1318.406); Att. 6, TVA, *Procedures for Compliance with the National Environmental Policy Act* (last updated Apr. 28, 2017).

Regulations, it is obligated to circulate a supplemental EIS in the same manner as a draft and final statement.⁹⁸ NEPA requires that “relevant information will be made available to the larger audience that may also play a role in both the decision making process and the implementation of that decision.”⁹⁹ That obligation is no different in the context of supplemental analysis.

The Proposed NEPA Rule procedures for supplementing EAs similarly do not make this information available to the public.¹⁰⁰ Yet the same rationale that applies to circulating supplemental EISs applies equally to supplemental EAs. Procedures implementing NEPA “must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.”¹⁰¹ When preparing an EA, an agency must provide the public with sufficient environmental information to permit them to weigh in and inform the agency decision making process.¹⁰² When an agency does not make this information available to the public, it fails to fulfill NEPA’s public disclosure requirements.¹⁰³

J. The Proposed NEPA Rule’s mitigation procedures are inconsistent with NEPA and the CEQ Regulations.

In TVA’s proposed implementing regulations, it seeks to remove any requirement to comply with the mitigation commitments it makes in its RODs and FONSIIs. Specifically, Section 1318.501(e) states:

Circumstances may arise that warrant modifying or deleting previously made [mitigation] commitments. The decision to modify or delete the [mitigation] commitment will be made by the NEPA compliance staff in consultation with TVA legal counsel, after considering the environmental significance of such a change.¹⁰⁴

TVA’s proposal flies in the face of NEPA, CEQ regulations, and case law that make it clear that when an agency promises the public that it will comply with mitigation measures, it must follow through.¹⁰⁵ This proposal is even more troubling considering TVA’s practice of

⁹⁸ 40 C.F.R. § 1502.9(c)(4).

⁹⁹ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

¹⁰⁰ See Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,620, 26,626 (to be codified at 18 C.F.R. § 1318.304).

¹⁰¹ 40 C.F.R. § 1500.1(b).

¹⁰² *Bering Strait Citizens for Responsible Resource Dev. V. U.S. Army Corps of Eng’rs*, 524 F.3d 938, 953 (9th Cir. 2008).

¹⁰³ See *WildEarth Guardians v. Montana Snowmobile Ass’n*, 790 F. 3d 920, 925 (9th Cir. 2015).

¹⁰⁴ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,628 (Proposed June 8, 2017) (to be codified at 18 C.F.R. § 1318.501(e)).

¹⁰⁵ 40 C.F.R. § 1505.3; *Friends of Animals v. Sparks*, 200 F. Supp. 3d 1114 (D. Mont. 2016); *Lee v. U.S. Air Force*, 220 F. Supp. 2d 1129, 1236 (D.N.M. 2002), *aff’d*, 354 F.3d 1229 (10th Cir. 2004) (explaining that agencies are “legally bound by the NEPA decision document and were “obligated to act as promised under 40 C.F.R. § 1505.3

issuing mitigated FONSI in lieu of conducting EISs and the utility's unfounded proposal to permit mitigated categorical exclusions.¹⁰⁶ This proposal would allow TVA to use a mitigated FONSI to avoid developing an EIS, and then simply release itself from the required mitigation in the FONSI. Because this proposed implementing procedure violates NEPA and the CEQ Regulations, TVA must remove it and commit itself to completing and complying with mitigation measures that it commits to in NEPA documents.

While amending its implementing regulations, TVA should ensure that it is incorporating and complying with CEQ guidance specifically on mitigation and monitoring.¹⁰⁷ TVA should clearly describe which mitigation factors in a FONSI are added so that the proposed activity does not have a significant impact.¹⁰⁸ In those instances, TVA must also ensure that the public has ample opportunity to weigh in on the mitigation and the potential effects of the activity with and without the proposed mitigation.¹⁰⁹

In terms of ensuring that mitigation commitments are implemented, TVA should establish public processes and internal procedures to ensure that mitigation commitments made on the basis of any NEPA analysis are carefully documented and that relevant funding, permitting, and other agency approvals and decisions are made conditional on performance of these mitigation commitments.¹¹⁰ TVA should also commit to mitigation monitoring, particularly where it relies on an EA and mitigated FONSI.¹¹¹

and are “subject to all recourse contemplated by federal law and . . . regulations” for failure to comply); *Sierra Club v. Jacobs*, 2005 WL 6247793, at *7 (S.D. Tex. Sept. 30, 2005) (holding that any mitigation measures set out in an EIS are “directly binding” on the U.S. Forest Service pursuant to 40 C.F.R. § 1505.3); *Tyler v. Cisneros*, 136 F.3d 603, 608 (9th Cir. 1998) (finding that tan agency must comply with mitigation measures agreed to by the agency in the NEPA review process).

¹⁰⁶ TVA, Calhoun, Georgia - Area Power System Improvements EA and FONSI (Apr. 26, 2016); TVA, Ashland 161-kV Delivery Point EA and FONSI (June 7, 2016); Selmer-West Adamsville 161-kV Transmission Line and Switching Station (Jan. 6, 2015); Union-Tupelo No.3 161-kV Transmission Line (Oct. 9, 2014); Putnam-Cumberland, Tennessee – Improve Power Supply Project EA (Nov. 13, 2013). Furthermore, TVA's current use of mitigated FONSI goes beyond the guidance of CEQ which only allows for mitigated FONSI where “the proposal itself so integrates mitigation from the beginning that it is impossible to define the proposal without including the mitigation.” Att. 11, Memorandum from the Council on Environmental Quality on Forty Most Asked Questions Concerning CEQ's National Environmental Policy Regulations at 29 (March 23, 1981) [hereinafter CEQ, Forty Questions]. As CEQ explains, where the introduction of mitigation does not alter the nature of the overall proposal, the agency should still continue the EIS process. *Id.*

¹⁰⁷ Att. 12, Memorandum, Nancy H. Sutley, CEQ Chair, to Heads of Federal Depts. and Agencies, Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact 2 (Jan. 14, 2011) [hereinafter CEQ Mitigation Guidance].

¹⁰⁸ Att. 12, CEQ, Mitigation Guidance, 7.

¹⁰⁹ Att. 12, CEQ, Mitigation Guidance, 7–8.

¹¹⁰ Att. 12, CEQ, Mitigation Guidance, 8.

¹¹¹ Att. 12, CEQ, Mitigation Guidance, 10.

Finally, TVA should implement CEQ guidance that encourages providing public access to mitigation monitoring information.¹¹² TVA should make publicly available proactive releases of mitigation monitoring reports and other supporting documents as well as responses to public inquiries regarding mitigation.¹¹³

In sum, TVA must remove Section 1318.501(e) from its implementing regulations and comply with the requirements of NEPA and CEQ in developing its mitigation procedures.

K. The Proposed NEPA Rule's procedures regarding identifying extraordinary circumstances are inconsistent with NEPA and CEQ guidance.

In the Proposed NEPA Rule, TVA proposes several changes to its procedures governing the extraordinary circumstances under which an action that would normally qualify as a categorical exclusion must not be categorically excluded. At the same time, TVA also proposes to categorically exclude more and more of its activities, so that the only way the public might learn of them is if TVA unilaterally determines that an extraordinary circumstance exists.

Alarming, TVA adds language that would authorize it to mitigate extraordinary circumstances that are present and subsequently apply the categorical exclusion.¹¹⁴ Allowing an agency to mitigate extraordinary circumstances improperly circumvents NEPA's public participation requirements and gives the agency unfettered discretion to decide—behind closed doors—whether the mitigation is adequate. NEPA requires more.

CEQ guidance on categorical exclusions states that “agency NEPA implementing procedures should clearly describe the manner in which an agency applies extraordinary circumstances and the circumstances under which additional analysis in an EA or an EIS is warranted.”¹¹⁵ This guidance also requires an agency's extraordinary circumstances to provide sufficient parameters to limit categorical exclusions.¹¹⁶ Moreover, of the agency implementing procedures compiled on the CEQ website,¹¹⁷ TVA's proposed procedures are the only ones that reference mitigating extraordinary circumstances.

¹¹² Att. 12, CEQ, Mitigation Guidance, 13.

¹¹³ Att. 12, CEQ, Mitigation Guidance, 14.

¹¹⁴ See Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,620, 26,625 (to be codified at 18 C.F.R. § 1318.201 (a)).

¹¹⁵ Att. 7 CEQ, CE Guidance, 5-6.

¹¹⁶ See *id.*

¹¹⁷ Att. 13, CEQ, *Federal Agency NEPA Implementing Procedures*, https://ceq.doe.gov/docs/laws-regulations/Federal_Agency_NEPA_%20Implementing_Procedures_15July2013.pdf (last visited July 12, 2017) [hereinafter CEQ, NEPA Implementing Procedures].

TVA also proposes to add a provision that “the mere presence of one or more of the resources under paragraph (a)(1) of this section does not preclude use of a categorical exclusion.”¹¹⁸ Instead, TVA asserts that the determination of whether extraordinary circumstances exists depends on the existence of a “cause-effect” relationship between a proposed action and the potential effect on the resources and on the degree of this potential effect.¹¹⁹

Nothing in NEPA or the CEQ Regulations authorizes such a limitation on identifying extraordinary circumstances. Instead, the statute and regulations require TVA to engage in an analysis of whether an action will significantly affect the environment, applying a range of context and intensity factors, not a simple cause and effect test.

Consistent with this understanding, of the agency implementing procedures compiled on the CEQ website,¹²⁰ TVA’s proposed procedures are the only ones that would explicitly require a cause-effect relationship to find that an action does not fall into a categorical exclusion. Three sets of procedures, those of the Federal Aviation Administration, the Federal Emergency Management Agency, and the U.S. Coast Guard, specify that the agency must evaluate whether there are extraordinary circumstances in light of the action’s effects on the environment, but they do not require a cause-effect relationship.¹²¹

L. The Proposed NEPA Rule’s procedures regarding emergency actions are inconsistent with NEPA and the CEQ Regulations.

TVA proposes to commandeer NEPA’s provisions for emergency actions so that it may avoid complying with NEPA requirements whenever “unforeseen situations” occur. Its proposed regulation on emergency situations would allow TVA to consolidate, modify, or omit NEPA

¹¹⁸ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,625 (to be codified at 18 C.F.R. § 1318.201(b)).

¹¹⁹ *Id.*

¹²⁰ Att. 13, CEQ, NEPA Implementing Procedures.

¹²¹ See Att. 14, Order 1050.1E, CHG 1, Federal Aviation Administration, Environmental Impacts: Policies and Procedures (Mar. 20, 2006) (“The presence of one or more of the following circumstance(s) in connection with a proposed action is not necessarily a reason to prepare an EA or EIS. The determination of whether a proposed action may have a significant environmental effect is made by considering any requirements applicable to the specific resource”); Att. 15, Directive 108-1, FEMA, Environmental Planning and Historic Preservation Responsibilities and Program Requirements (Aug. 22, 2016) (“A determination of whether an action that is normally excluded requires additional evaluation because of extraordinary circumstances focuses on the action’s potential effects and considers the environmental significance of those effects in terms of both context (i.e., local, state, regional, Tribal, national, or international) and intensity.”); Att. 16, Commandant Instruction M16475.1D, U.S. Coast Guard, National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts (Nov. 29, 2000) (“The simple existence of any of the situations as described in (1)-(10) above is not necessarily a reason to prepare an EA or EIS. The determination that a CE is inappropriate and more environmental analysis is needed, or that an EA or EIS is needed, must be based on the potential significance of the proposed action’s effects on the environment.”).

procedures where “emergencies *or unforeseen situations*” occur.¹²² Moreover, the use of this exception could be undiscoverable because the required documentation for these situations is “within the discretion of [TVA’s NEPA] official.”¹²³ There is no requirement that TVA physically or electronically document its use of this exception.

CEQ, while allowing leniency in emergency situations, explains that emergency situations must relate to immediate threats to human health, safety, or valuable natural resources.¹²⁴ TVA’s “unforeseen situations” is clearly broader than the emergency situations contemplated by CEQ. Thus, TVA should amend its proposal so that it quotes CEQ’s regulations and guidance, limiting emergency situations to those with immediate threats to human health, safety, or valuable natural resources, not simply “unforeseen situations.”

CEQ guidance on the use of NEPA in emergencies emphasizes that even in these dire situations, agencies should continue their efforts to notify and inform the affected public.¹²⁵ TVA’s proposed rule, however, would make it so there may be no discoverable documentation if TVA’s use of this exception to NEPA, let alone any proactive notice or involvement of the public.¹²⁶ TVA should involve the public during decision making to the extent that it does not exacerbate a dangerous situation, and should at least notify the public of the emergency and its response. At the very least, TVA must require electronic documentation of its use of this exception.

III. The Proposed NEPA Rule reduces transparency rather than encouraging public notice and participation, in contravention of NEPA and the CEQ Regulations.

The core purpose of NEPA is to “[e]ncourage and facilitate public involvement in decisions which affect the quality of the human environment.”¹²⁷ Agencies must “[m]ake diligent efforts to involve the public in preparing and implementing their NEPA procedures.”¹²⁸ Thus, “NEPA procedures must insure that environmental information is *available to public officials and citizens before decisions are made and before actions are taken.*”¹²⁹ Yet throughout

¹²² Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,629 (to be codified at 18 C.F.R. § 1318.510(a)).

¹²³ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,629 (to be codified at 18 C.F.R. § 1318.510(d)).

¹²⁴ Att. 17, Memorandum, Executive Office of the President, CEQ, on Emergencies and the National Environmental Policy Act 1 (2010); 40 C.F.R. § 1506.11.

¹²⁵ Att. 17, Memorandum, Executive Office of the President, CEQ, on Emergencies and the National Environmental Policy Act 2 (2010).

¹²⁶ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,629 (Proposed June 8, 2017) (to be codified at 18 C.F.R. § 1318.510(d)).

¹²⁷ 40 C.F.R. § 1500.1(d).

¹²⁸ 40 C.F.R. § 1506.6(a).

¹²⁹ 40 C.F.R. § 1501.1(d) (emphasis added).

the Proposed NEPA Rule, TVA cuts the public out of the process, pushing decision making behind closed doors and thereby continuing to reduce transparency afforded to the public.

A. The Proposed NEPA Rule's procedures for environmental assessments discourage early public involvement in projects and are contradictory.

TVA proposes multiple changes to its implementing procedures that would stifle public involvement in the process for developing EAs. In the proposed implementing procedures for EAs, TVA proposes to determine whether to allow public comment on the basis of the public's involvement through other processes or their "expressed interest."¹³⁰ This regulation replaces TVA's current procedures for public involvement in EAs, where TVA bases the level of public involvement on whether it is appropriate for facilitating timely and meaningful public input to the EA process.¹³¹

TVA's proposal is contrary to the CEQ Regulations, which requires agencies to consider whether public comment is "practicable," not whether they have already been involved.¹³² As defined in the Merriam-Webster dictionary, practicable means "capable of being put into practice or of being done or accomplished."¹³³ Whether the public has already been involved in the process for the project does not weigh on whether something is capable of being done, put into practice, or accomplished.

Moreover, TVA has a history of selectively engaging with preferred public constituencies, such as their customers, and then using that so-called "public" participation as an excuse for avoiding public comment on EAs. For example, TVA's EA for its 2015 rate change was issued as a final EA without the opportunity for public comment.¹³⁴ In the FONSI, TVA explained that it had developed the rate change in consultation with its "customers," *i.e.*, local power companies and direct-serve industrial customers.¹³⁵ Such limited engagement with select constituencies does not and cannot substitute for the genuine public participation required by NEPA. Public participation is particularly important when the interests of TVA's self-selected

¹³⁰ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,625 (Proposed June 8, 2017) (to be codified at 18 C.F.R. § 1318.301(a)).

¹³¹ Att. 6, TVA, *Procedures for Compliance with the National Environmental Policy Act* (last updated Apr. 28, 2017).

¹³² 40 CFR. § 1501.4(b).

¹³³ Att. 18, Practicable, Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/practicable> (last visited Aug. 29, 2017).

¹³⁴ Att. 19, TVA, Refining the Wholesale Pricing Structure, Products, Incentives and Adjustments for Providing Electricity to TVA Customers, Final Environmental Assessment (July, 2015) [hereinafter TVA, Rate Change EA].

¹³⁵ Att. 19 (a), TVA, Refining the Wholesale Pricing Structure, Products, Incentives and Adjustments for Providing Electricity to TVA Customers, Finding of No Significant Impact (July, 2015) [hereinafter TVA, Rate Change FONSI].

constituencies may not align with those of the general public and other stakeholders, such as with rate changes.

TVA's restrictive standard would also create a chilling effect on early public involvement, which directly conflicts with CEQ's implementing regulations and guidance.¹³⁶ In CEQ's guidance on coordination, it emphasizes involving the public early and often in the NEPA process, identifying how decision making is improved through meaningful coordination with stakeholders.¹³⁷ Instead of encouraging early public participation and involvement in the NEPA process, TVA's proposed regulation would incentivize public participants to avoid any early involvement in fear of losing their opportunity to comment on a draft EA.

In addition, TVA's proposed rules regarding the public's opportunity to comment on EAs contradict themselves. Section 1318.301(c) states, "EAs prepared for actions listed in § 1318.400(a) will be circulated for public review and comment."¹³⁸ Section 1318.400(a) sets out actions that will normally require an EIS. Section 1318.400(b) provides the contradiction, saying that where TVA decides that an action described in § 1318.400(a) does not need an EIS, the agency must discuss the basis for this decision *in a document that is made available to the public upon request*.¹³⁹ Under § 1318.301(c), the EA will be circulated to the public for review and comment, but under § 1318.400(b), the public has to request the document containing the basis for the agency's decision not to prepare an EIS (normally provided for in an EA), and no public comment occurs. TVA must fix this contradiction and require public comment for situations where it is issuing an EA but would normally be required to create an EIS.

B. The Proposed NEPA Rule's procedures for circulating findings of no significant impacts for public comment are inconsistent with the CEQ Regulations and guidance.

TVA's proposed implementing regulations for FONSIIs are similarly inadequate and contrary to the CEQ Regulations. TVA provides that it will allow public comment on a draft FONSI in the limited instances where TVA does not allow public comment on an EA. Further, even if TVA doesn't permit comment on an EA, it proposes to avoid a public comment period on a FONSI unless one of three circumstances occur: (1) the proposed action is or is closely similar to an action listed in the section describing actions that normally will require an EIS; (2) TVA

¹³⁶ 40 C.F.R. § 1500.2(d) (encouraging public involvement in decisions that affect the quality of the human environment, not only those that could have a significant effect);

¹³⁷ See generally Att. 20, CEQ Guidance on Collaboration in NEPA (2007).

¹³⁸ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,625 (to be codified at 18 C.F.R. § 1318.301(c)).

¹³⁹ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,626 (to be codified at 18 C.F.R. § 1318.400(b)).

has previously announced it would conduct an EIS for the proposed project; or (3) the nature of the proposed action is one without precedent.¹⁴⁰

TVA's proposal runs counter to CEQ guidance, only incorporating a few of the circumstances where a FONSI should be made available for public comment. First, CEQ does not limit the availability of public comment on FONSI for situations where the agency did not release a draft EA for public review. Instead, CEQ guidance explains that a FONSI should be made available for public review in the following cases: (1) the proposal is a borderline case, i.e., when there is a reasonable argument for preparation of an EIS; (2) it is an unusual case, a new kind of action, or a precedent setting case, such as an even minor development in a pristine area; (3) there is either scientific or public controversy over the proposal; (4) the proposed action would be located in a floodplain or wetland; and (5) the proposal integrates mitigation from the beginning so that it is impossible to define the proposal without including the mitigation, and the agency relies on mitigation measures in determining that the overall effects would not be significant.¹⁴¹

TVA should bring its regulations into line with CEQ guidance. It should remove the additional requirement that a draft FONSI will only be sent out for public comment in the event that there was no public comment period on the EA. Moreover, rather than cherry-picking a few of the situations where CEQ would require public comment on a FONSI, TVA should incorporate all of them.

C. The Proposed NEPA Rule's procedures for developing environmental impact statements give TVA unfettered discretion and deprive the public of input into key portions of the NEPA process, including scoping, alternatives analysis, and RODs.

The Proposed NEPA Rule's procedures for developing EISs would provide TVA with unfettered discretion and would undermine or block public engagement in the NEPA process. TVA proposes to make key decisions about action alternatives and environmental issues before initiating the public scoping process. TVA's proposal would also give TVA NEPA compliance staff unfettered discretion to determine whether public scoping meetings should be held.

CEQ's handbook on collaborative NEPA reviews describes scoping as an early and open process meant to identify the significant issues that may need to be addressed when considering a proposed action.¹⁴² CEQ emphasizes the need to keep meetings open and to collaborate during

¹⁴⁰ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,626 (to be codified at 18 C.F.R. § 1318.303(d)).

¹⁴¹ Att. 11, CEQ, Forty Questions.

¹⁴² Att. 20, Council on Environmental Quality, *Collaboration in NEPA: A Handbook for NEPA Practitioners* 20-21 (Oct. 2007) [hereinafter CEQ, NEPA Handbook].

the scoping process to ensure that the EIS adequately addresses the issues of importance to affected stakeholders.¹⁴³

As explained by CEQ, the scoping process should include interested parties in the scoping process, rather than pre-determining action alternatives, environmental issues, and the schedule for EIS preparation behind closed doors, without public input.¹⁴⁴ By allowing TVA staff to predetermine these key aspects of an EIS, the scoping process would be fundamentally narrowed by TVA's proposal. TVA must amend its implementing regulations to remove Section 1318.402(a) because it violates CEQ guidance and undermines the EIS scoping process.

In addition to allowing its staff to predetermine key aspects of an EIS behind closed doors, TVA also proposes to stifle public input by making the decisions on whether to hold public scoping meetings completely discretionary.¹⁴⁵ The proposed regulations would permit TVA's staff to determine whether public scoping meetings should be held, but do not include any factors that staff must consider when making that decision.

In contrast, the CEQ Regulations require public hearings or public meetings during the scoping process whenever appropriate or where required by statute.¹⁴⁶ CEQ's guidance highlights scoping meetings as a key method for involving the public and improving the NEPA process. For example, CEQ spotlights the National Park Service's use of scoping meetings across the country during its EIS scoping for the Colorado River Management Plan as a perfect example of proper EIS scoping.¹⁴⁷ As CEQ explains, a collaborative approach that engages the public improves the quality of decision-making and increase public trust and confidence in agency decisions.¹⁴⁸ By permitting TVA's staff to decide arbitrarily whether to hold public scoping meetings, the proposed regulations make it possible for TVA to decide not to hold these meetings for any reason whatsoever. TVA should instead require public scoping meetings whenever they are appropriate and wherever they are statutorily required. In its implementing procedures, TVA should identify statutorily-required scoping and propose factors for consideration of when scoping meetings are "appropriate," taking into account the underlying goals and purposes of NEPA and the scoping process.

¹⁴³ Att. 21, Memorandum from Executive Office of the President, CEQ, to General Counsels, NEPA Liaisons, and Participants in Scoping at 20 (April, 1981).

¹⁴⁴ Compare 40 C.F.R. § 1501.7(a) with Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,626 (to be codified at 18 C.F.R. § 1318.402(a)).

¹⁴⁵ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,626 (to be codified at 18 C.F.R. § 1318.402(c)).

¹⁴⁶ 40 C.F.R. § 1506.6(c).

¹⁴⁷ Att. 20, NEPA Handbook 19, 21, 60.

¹⁴⁸ Att. 20, NEPA Handbook 1 (citing CEQ, NEPA Task Force Report to the Council on Environmental Quality—Modernizing NEPA Implementation (Sept. 2003)).

TVA also proposes to make NEPA documents, such as draft EISs, final EISs, and supplemental EISs and EAs, available “to the public upon request” rather than as a matter of course.¹⁴⁹ TVA proposes to make it completely discretionary for the agency to extend the comment period on a draft EIS, or even to address public comments on the draft EIS.¹⁵⁰ This discretion should be qualified by including factors that the agency must weigh and consider when making these decisions about public involvement in the EIS process.

IV. The Proposed NEPA Rule Does Not Comply with Executive Mandates to Take Into Account Impacts Related to Floodplains and Wetlands

The Proposed NEPA Rule includes a subpart to implement TVA’s obligations under Executive Order No. 11,988 (Floodplain Management), as amended by Executive Order 13,690 (Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input), and Executive Order No. 11,990 (Protection of Wetlands).¹⁵¹ These executive orders are intended to protect federal public lands and federally-funded projects from impacts related to flooding, and to ensure that federal agencies adequately take into account in their decision-making the risks and environmental harms associated with developing projects in floodplains and wetlands.¹⁵²

On August 15, 2017, President Donald J. Trump issued an Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process

¹⁴⁹ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,626 (to be codified at 18 C.F.R. § 1318.400(b)); *id.* at 26,627 (to be codified at 18 C.F.R. § 1318.403(d), (f) (making a draft EIS available on TVA’s website and “by other means upon request to TVA” and making “[m]aterials” publicly available only in restricted ways); *id.* (to be codified at 18 C.F.R. § 1318.404(e)); *id.* 26,627 (to be codified 18 C.F.R. § 1318.406) (removing requirement that “TVA . . . make such information [supplemental EIS] available to the public”). Section 1318.403(f) is particularly concerning because TVA did not provide a large number of EAs and EISs it relied upon in this rulemaking to the Conservation Groups until two business days prior to the close of this comment period, despite multiple requests under FOIA and requests for expedited treatment. *See* Part I, Section VI, above. The lack of timely availability of these public documents argues in favor of *increased* public access rather than the unfettered discretion proposed in the Proposed NEPA Rule.

¹⁵⁰ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. at 26,627 (to be codified at 18 C.F.R. § 1318.404(e)) (“TVA may increase or extend the public comment period *in its discretion*.” (emphasis added)); *id.* (to be codified at 18 C.F.R. § 1318.404(c)) (“The FEIS *should* address all *substantive* comments on the DEIS” (emphasis added)). CEQ, on the other hand, requires agencies to respond to comments in their final EIS. 40 C.F.R. § 1502.9(b).

¹⁵¹ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,629 (to be codified at 18 C.F.R. § 1318.600(a)).

¹⁵² *See* Att. 22, Floodplain Management, Exec. Order No. 11,988, 42 Fed. Reg. 26,951 (May 24, 1977) [hereinafter Exec. Order 11,988], as amended by Att. 23, Establishing a Federal flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, Exec. Order No. 13,690, 80 Fed. Reg. 6,425 (Feb. 4, 2015) [hereinafter Exec. Order 13,690], and Att. 24, Protection of Wetlands, Exec. Order No. 11,990, 42 Fed. Reg. 26,961 (May 24, 1977) [hereinafter Exec Order 11,990].

for Infrastructure (“Trump Infrastructure EO”).¹⁵³ Section 6 of the Trump Infrastructure EO revoked Executive Order 13,690, and its future remains uncertain.¹⁵⁴ At a minimum, TVA remains obligated to implement Executive Orders 11,988 and 11,990. Accordingly, our comments below address TVA’s obligations under Executive Orders 11,988 and 11,990 and other existing federal standards.

A. The Proposed NEPA Rule Improperly Sidelines the Public in TVA’s Decision-Making Regarding Floodplains and Wetlands

Executive Orders 11,988 and 11,990 set a high bar for public involvement in planning process for federal projects that impact floodplains and wetlands, requiring that agencies “provide opportunity for early public review” of any plans or proposals for actions in floodplains or wetlands, “including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.”¹⁵⁵

Contrary to these requirements, TVA’s proposed rule states that “[p]ublic notice of actions affecting floodplains or wetlands is not required if the action is categorically excluded under § 1318.200.”¹⁵⁶ TVA’s misapplication of Executive Orders 11,988 and 11,990 render the public comment requirements of those orders mere surplusage. The orders do not require the bare minimum public involvement already mandated by NEPA and its implementing authorities for *any* environmental impact. Rather, the orders recognize that floodplains and wetlands are special, unique, and uniquely controversial resources in which to conduct major development and federal infrastructure projects. Development of the floodplain and wetlands impact the broader public, especially downstream, and the mandates of Executive Orders 11,988 and 11,990 ensure they will have an opportunity for public engagement about those impacts for each such

¹⁵³ Att. 25, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects, Exec. Order No. 13,807, 82 Fed. Reg. 40,463 (Aug. 24, 2017) [hereinafter Exec. Order 13,807].

¹⁵⁴ *Id.* Conservation Groups note that in the aftermath of Hurricane Harvey and the destruction it has wrought on the Texas and Louisiana coastlines, President Trump is reported to be reconsidering his revocation of Executive Order 13,690. *See* https://www.washingtonpost.com/politics/after-harvey-the-trump-administration-reconsiders-flood-rules-it-just-rolled-back/2017/09/01/c3a051ea-8e56-11e7-8df5-c2e5cf46c1e2_story.html?utm_term=.ab418d55b55c.

¹⁵⁵ Att. 22, Exec. Order No. 11,988 Sec. 2 at (a)(4); Att. 24, Exec. Order No. 11,990 Sec. 2 at (b).

¹⁵⁶ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,620, 26,629 (to be codified at 18 C.F.R. § 1318.603).

project, even if ordinary NEPA procedures outside of floodplains and wetlands would not require it.

TVA's attempt to circumvent public participation in its decision-making regarding actions affecting floodplains or wetlands is particularly alarming given the impermissibly broad scope of the categorical exclusions it has proposed.¹⁵⁷ Many of these categorical exclusions are expressly intended to apply to actions that will indisputably affect floodplains and wetlands, including, but not limited to, CE 22 (Dispersed Recreation); 23 (Public Use Areas); CE 24 (Use of TVA Property); CE 25 (Property Transactions); CE 26 (Section 26A Permitting Approvals); CE 27 (TVA Shoreline Actions); CE 28 (Modifications to Land Use Allocations in TVA Plans); and CE 29 (Wetlands, Riparian & Aquatic Ecosystem Improvements).¹⁵⁸ Moreover, as discussed above, TVA's proposed "extraordinary circumstances" procedure would allow TVA to adopt mitigation of impacts to floodplains and wetlands without public notice or review and without triggering environmental review requirements.¹⁵⁹ These restrictions on public review directly contradict the requirements of the relevant executive orders. TVA must hew to the mandates of Executive Orders 11,988 and 11,990 and alter its regulations to provide for public review of *all* actions that will affect floodplains and wetlands.

B. TVA Must Use an Informed Science-Based Approach to Evaluate the Impacts of Its Actions on *All* Floodplains and Wetlands.

NEPA requires TVA to apply current and reliable science to evaluate the environmental effects of its projects on natural resources, including floodplains and wetlands.¹⁶⁰ Consistent with this NEPA obligation, the most recently-promulgated Federal Flood Risk Management Standard directs federal agencies to use "the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science" to determine flood risks.¹⁶¹ Failure to abide by these standards would expose TVA infrastructure to increasing long term risks and place the agency out of step with modern engineering practice. TVA should amend its regulation to require an "informed science approach that uses the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding risk incorporating long-term projections based on the best available science."

¹⁵⁷ See Part II, Section II.D and III, below.

¹⁵⁸ See Part III, below.

¹⁵⁹ See Part I, Sections II.B and K, above.

¹⁶⁰ See 40 C.F.R. 1500.1(b) ("Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA."); see also 40 C.F.R. §1502.24 .

¹⁶¹ Att. 26, U.S. Dep't Energy, Guidelines for Federal Flood Risk Management Standard, <https://energy.gov/sites/prod/files/2015/02/f19/FederalFloodRiskManagementStandard.pdf> (last visited Aug. 29, 2017).

Similarly, in carrying out TVA's activities, Executive Order 11,990 requires the federal utility to consider the following "factors relevant to a proposal's effect on the survival and quality of the wetlands:"

(a) public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;

(b) maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and

(c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.¹⁶²

The Proposed NEPA Rule would require only that TVA analyze "[t]he effect of the proposed action on natural and beneficial floodplain and wetland values,"¹⁶³ without any additional specificity regarding the full range of factors required to be considered under Executive Order 11,990. The Proposed NEPA Rule does not give TVA staff specific enough guidance to ensure the thorough wetlands analysis required by Executive Order 11,990. Moreover, TVA should apply a similar informed, science-based approach to wetlands evaluation as it will apply to floodplain evaluations.

The Proposed NEPA Rule would also exempt actions that are categorically excluded from floodplains or wetlands evaluation if TVA staff finds (1) there is no practicable alternative that will avoid affect the floodplains or wetlands and all practicable efforts to minimize impacts are incorporated; and (2) the impacts on the floodplain or wetland would be minor.¹⁶⁴ As a preliminary matter, this exemption from floodplains or wetlands evaluation is inconsistent with the requirements of the relevant executive orders, which are concerned with *all* actions affecting floodplains and wetlands. Further, it is unclear how TVA will determine whether an action can be categorically excluded and make the required findings *in the absence* of a floodplains or wetlands evaluation. This is particularly concerning given the broad scope of actions TVA proposes to categorically exclude, as discussed below in Parts II and III, and its proposal to mitigate its way out of "extraordinary circumstances" based on floodplain or wetlands impacts.

¹⁶² Att. 24, Exec. Order 11,990 (May 24, 1977), as amended by Att. 27, Elimination of Unnecessary Executive Orders and Technical Amendments to Others, Exec. Order No. 12608, 52 Fed. Reg. 34,617, (September 14, 1987).

¹⁶³ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,629 (to be codified at 18 C.F.R. § 1318.602(b)(1)).

¹⁶⁴ *Id.*

For these reasons, TVA must subject *all* actions that affect floodplains or wetlands to a floodplains or wetlands evaluation.

C. TVA Must Implement Executive Order 11,988's Directives for the Management of Flood Risk in Federal Infrastructure.

The Proposed NEPA Rule appears to ignore directives for management of federal infrastructure under Section 3 of Executive Order 11,988, including requirements to meet the requirements of the National Flood Insurance Program, floodproof new or reconstructed federal infrastructure, preferentially by elevating structures rather than filling in land, and advise buyers and restrict uses of property sold by TVA in the floodplain. As a federal agency with an affirmative obligation to manage the shorelines and floodplains of lakes and rivers across the region, TVA's regulations, more than any other federal agency should require compliance with these common sense obligations.

V. TVA has not provided adequate time for the public to review its far-ranging Proposed NEPA Rule.

The Proposed NEPA Rule touches on nearly every aspect of TVA's NEPA procedures and nearly every aspect of the federal agency's activities covering its seven-state service territory. According to TVA, it took TVA staff at least four years to develop the Proposed NEPA Rule.¹⁶⁵ During those four years, TVA has maintained two Federal Advisory Committee Act (FACA) stakeholder committees, one charged with advising TVA on natural resource policy issues and the other charged with advising TVA on energy policy issues.¹⁶⁶ To the best of our knowledge, neither FACA committee was consulted during TVA's NEPA rule revision process. Nor, to the best of our knowledge, did TVA informally seek significant stakeholder input prior to publishing the Proposed NEPA Rule. This is surprising given the fact that the NEPA Proposed Rule has significant implications for public and stakeholder input into both TVA's stewardship and energy decision-making processes.

¹⁶⁵ Att. 2, TVA, CE Support Documentation, 1-2.

¹⁶⁶ See Att. 28, TVA, *Our Public Advisory Councils*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils> (last visited August 29, 2017); Att. 29, TVA, *Regional Energy Resources Council*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils/rerc> (last visited August 29, 2017); Att. 30, TVA, *Contact RERC Members*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils/rerc/Contact-RERC-Council-Members> (last visited August 29, 2017); Att. 31, TVA, *Regional Resources Stewardship Council*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils/Regional-Resource-Stewardship-Council> (last visited August 29, 2017); Att. 32, TVA, *Contact RRSC Council Members*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils/Regional-Resource-Stewardship-Council/Contact-RRSC-Council-Members> (last visited August 29, 2017); Att. 33, *RRSC Meetings*, <https://www.tva.gov/About-TVA/Our-Public-Advisory-Councils/Regional-Resource-Stewardship-Council/RRSC-Meetings> (last visited August 29, 2017).

TVA initially provided the public with a mere 60 days to review and comment on the far-ranging Rule.¹⁶⁷ Several conservation and energy nonprofit organizations, including but not limited to the Sierra Club, Southern Alliance for Clean Energy, and Southern Environmental Law Center, requested an additional 60 days to review the Proposed NEPA Rule.¹⁶⁸ The bases for this request were:

- 1) These changes represent the first time TVA has revisited its own NEPA procedures in over 30 years and will affect how TVA conducts environmental analysis across an incredibly broad range of activities, establishing procedures that will likely remain in place over the next 10–20 years. Thus, it is critical that the public have sufficient time to review and offer comments on TVA’s proposed changes.
- 2) The current comment period is inadequate to allow for thorough and meaningful public review and analysis of over 400 pages of proposed rule language and supporting documents. Given the complexity and wide-range of activities covered by the proposed NEPA changes, additional time for public review should be added to the current comment period.
- 3) TVA is proposing to add 31 additional Categorical Exclusions, more than doubling the number of categories of activities conducted by the agency that would be exempt from public disclosure and environmental review. The complexity and range of topics covered by the proposed new Categorical Exclusions, as well as proposed changes to TVA’s current Categorical Exclusions, are identified by TVA as affecting the following program areas¹⁶⁹:
 - a. Education and Information Sharing
 - b. Public Health and Safety
 - c. Transmission Projects/Maintenance
 - d. Existing Plant Acquisition
 - e. Recreation Management
 - f. Natural Resource Stewardship
 - g. Facilities Management
 - h. Road Maintenance

¹⁶⁷ See Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,620 (to be codified at 18 C.F.R. pt. 1318).

¹⁶⁸ Att. 34, Letter from Angela Garrone, Research Attorney, Southern Alliance for Clean Energy, to Matthew Higdon, NEPA Specialist, TVA (July 7, 2017).

¹⁶⁹ Att. 2, TVA, CE Support Documentation, 2-1.

- i. Property Access
 - j. Waste
 - k. Renewable Energy
 - l. Economic Development
 - m. Rate Structure
- 4) In addition to dramatically expanding the scope of activities that would be exempt from environmental review, the proposal would amend significant portions of TVA's existing NEPA procedures. The proposal also purports to implement the requirements of an executive order addressing treatment of wetlands and floodplains. Each of these components of the proposal has the potential to substantially impact the interests of the public in informed environmental decision-making as well as the clean water, clean air, and public lands in the states served by TVA.
- 5) TVA is a public power entity that is not subject to review of any public service commission or other third party energy regulator, a unique situation that leaves NEPA review as one of the few processes in place that allows for transparency and public engagement. According to TVA, it began consideration of these changes as far back as 2013, seeking guidance from a team of environmental and legal professionals.¹⁷⁰ The public must have enough time to complete its own legal and environmental review and the current comment period is insufficient to allow for such review.

In response, TVA extended the public comment period for 30 days.¹⁷¹ The extension granted by TVA is inadequate to allow the public to evaluate the implications of the Proposed NEPA Rule, particularly given that TVA itself took years to develop the Rule without consulting stakeholders, has now given the public a mere ninety days, with the requested extension, to provide comments on thousands of pages of information. And, as described below, TVA has also refused to provide public documents in a timely manner so that the public can conduct informed review of the Rule and provide meaningful comments.

VI. Neither TVA nor CEQ have not provided adequate documentation to the public to evaluate the basis for TVA's Proposed NEPA Rule.

¹⁷⁰ Att. 2, TVA, CE Support Documentation, 1-1.

¹⁷¹ Att. 35, TVA, Proposed Rule: Extension of Comment Period, 82 Fed. Reg. 35,133 (to be codified at 18 C.F.R. pt. 1318).

In support of its proposal to dramatically curtail public involvement and give itself nearly limitless discretion to determine whether and when environmental review is necessary under NEPA, TVA provides a scant three pages of rationale in the Federal Register.¹⁷²

With respect to its proposed categorical exclusions, TVA provides an approximately 300 page document that purports to substantiate 50 categorical exclusions, including 31 new exclusions (“Supporting Documentation”).¹⁷³ The Supporting Documentation relies heavily upon a significant number of TVA categorical exclusion checklists, environmental assessments, and environmental impact statements that are not reasonably publicly available.¹⁷⁴ The Supporting Documentation also relies upon categorical exclusions adopted by other agencies, for many of which the records supporting their adoption are not publicly available.¹⁷⁵

In an attempt to obtain public records prior to the expiration of the comment period, the Southern Environmental Law Center (SELC) submitted an expedited request pursuant to the federal Freedom of Information Act (FOIA) on June 28, 2017.¹⁷⁶ TVA granted expedited treatment of the request on July 11, 2017,¹⁷⁷ expressing doubt that it would be able to provide the requested documents before the original deadline for submittal of public comments. After granting an extension of the public comment period, TVA provided some documents, largely heavily redacted emails,¹⁷⁸ responsive to the expedited request on July 28, 2017, while invoking Exemption 5 of the FOIA to withhold nearly 500 pages of documents.¹⁷⁹ TVA made no attempt to segregate exempt from non-exempt material in those nearly 500 pages.

In addition, TVA unreasonably narrowly construed the scope of SELC’s request and refused to timely provide the primary sources that supported the proposed procedures TVA had submitted to CEQ. On July 19, 2017, SELC sent TVA an email clarifying the scope of the expedited request.¹⁸⁰ On July 31, 2017, TVA responded, refusing to acknowledge the scope of

¹⁷² See Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,620-23 (Proposed June 8, 2017) (to be codified at 18 C.F.R. pt. 1318).

¹⁷³ See generally TVA, *Proposed Categorical Exclusions Supporting Documentation* (June 2017).

¹⁷⁴ Att. 36, Memorandum from Southern Environmental Law Center on Survey of Publicly-Available EAs and EISs, (Aug. 4, 2017).

¹⁷⁶ Att. 37, Letter from Amanda Garcia, Staff Attorney, Southern Environmental Law Center, to Denise Smith, FOIA Officer, TVA (June 28, 2017).

¹⁷⁷ Att. 38, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (July 11, 2017).

¹⁷⁸ Att. 39, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (July 28, 2017); Att. 40, Attachments to Letter from Denise Smith, FOIA Officer, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (July 28, 2017).

¹⁷⁹ Att. 39, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (July 28, 2017).

¹⁸⁰ Att. 41, E-mail from Amanda Garcia, Staff Attorney, Southern Environmental Law Center, to Denise Smith, FOIA Officer, TVA (July 19, 2017).

the original request, treating the request for primary sources as new request and placing it on “Track 3,” TVA’s slowest track for response.¹⁸¹

Due to the urgency of obtaining the information before the comment deadline, SELC submitted a second expedited request to obtain the previously requested information.¹⁸² TVA denied expedited treatment of that request, in effect arguing that in the Federal Register and Supporting Documentation, it had already provided the public with the information it wanted the public to see.¹⁸³ TVA claimed:

The comprehensive supporting documentation that TVA has publicly available on its website and in the Federal Register includes a voluminous amount of information sufficient to allow public understanding of and comment on the proposed changes.¹⁸⁴

With two business days remaining prior to the close of the comment period, SELC received a CD containing additional environmental assessments and environmental impact statements cited in the Supporting Documentation.¹⁸⁵ The documents include thousands of pages. TVA still has not provided any of the categorical exclusion checklists that it relied upon in the Supporting Documentation.¹⁸⁶

Despite the fact that TVA should have already compiled the information requested for its administrative record as well as CEQ’s review, TVA relegated SELC’s request to “Track 3,” which means it may be several months before TVA discloses all of the relevant public documents upon which it purportedly relied for its proposed categorical exclusions.¹⁸⁷

In short, TVA has relied upon the alleged “voluminous” amount of information that is available on its website to delay disclosure of public information. The volume of currently available information is completely irrelevant; the question is whether the public has had timely and reasonable access to the *relevant* information by which to evaluate TVA’s proposal—and the relevant information includes all of the public information upon which the agency has relied in developing and supporting the Proposed NEPA Rule. TVA has not provided the relevant

¹⁸¹ Att. 42, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (July 31, 2017); *see also* 18 C.F.R. § 1305.1(b)(3)(noting Track 3 designation will usually result in longest response times).

¹⁸² Att. 43, Letter from Amanda Garcia, Staff Attorney, Southern Environmental Law Center, to Denise Smith, FOIA Officer, TVA (July 31, 2017).

¹⁸³ Att. 44, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (Aug. 9, 2017).

¹⁸⁴ *Id.*

¹⁸⁵ Att. 45, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (Aug. 30, 2017).

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*; *see also* 18 C.F.R. § 1305.1(b)(3)(noting Track 3 designation will usually result in longest response times).

information in a timely manner, and therefore has hindered public scrutiny of the Proposed NEPA Rule.

SELC also submitted a similar FOIA request to CEQ on June 28, 2017.¹⁸⁸ Although the 20 working day deadline for responding to SELC's request has long-since expired,¹⁸⁹ CEQ has not responded to SELC's request. On August 29, 2017, SELC sent a letter to CEQ seeking the legally required response to its FOIA request.¹⁹⁰ SELC has not yet received a response.

Without access to the relevant public records, the public is not able to fully evaluate whether TVA's Proposed NEPA Rule is supported by the evidence upon which it has relied. As explained in detail throughout this letter, all of the reasonably available evidence points to the contrary.

¹⁸⁸ Att. 46, E-mail from Amanda Garcia, Staff Attorney, Southern Environmental Law Center, to Freedom of Information Officer, CEQ (June 28, 2017).

¹⁸⁹ Freedom of Information Act, 5 U.S.C. § 552(a)(3)(A) and (a)(6)(A).

¹⁹⁰ Att. 47, Letter from Amanda Garcia, Staff Attorney, Southern Environmental Law Center, to Freedom of Information Officer, CEQ (Aug. 29, 2017)

PART II: COMMENTS ON TVA’S PROPOSED CHANGES TO ITS CATEGORICAL EXCLUSIONS

I. Legal Framework

A. To adopt a categorical exclusion, TVA must define the activity with specificity and demonstrate that it will not individually or cumulatively result in significant effects on the environment.

In certain narrowly prescribed circumstances, an agency may promulgate a “categorical exclusion” that exempts the covered activity from the requirement to perform environmental review. An agency must set forth “specific criteria for and identification of” actions that it proposes to categorically exclude from environmental review.¹⁹¹ A categorical exclusion is appropriate only when a category of activity does not “individually or cumulatively have a significant effect on the human environment.”¹⁹²

In 2010, CEQ issued specific guidance for the adoption of categorical exclusions in implementing procedures.¹⁹³ The guidance explains that the text of a categorical exclusion “should clearly define the eligible category of actions, as well as any physical, temporal, or environmental factors that would limit its use.”¹⁹⁴

The guidance also makes clear that the mere fact that an agency has previously issued findings of no significant impact for a particular activity is inadequate to support the adoption of a categorical exclusion for that activity.¹⁹⁵ Rather, the agency must demonstrate through monitoring and other evidence that the activity in fact had no significant impact.¹⁹⁶ The same limitation applies to activities that have “independent utility” and were analyzed within a broader EIS, and are now proposed for categorical exclusion.¹⁹⁷

¹⁹¹ 40 C.F.R. § 1507.3(b)(2); *see also* Att. 4, CEQ, Implementing Guidance; *Sierra Club v. Bosworth*, 510 F.3d 1016, 1032 (9th Cir. 2007) (rejecting adoption of categorical exclusion where agency failed to include specific limitations on its scope).

¹⁹² 40 C.F.R. § 1508.4; *Sierra Club*, 510 F.3d at 1026 (requiring agency’s “significance” determination regarding a proposed CE to be a reasoned decision based on an adequate record and holding agency’s failure to, among other things, adequately consider cumulative impacts, was arbitrary and capricious).

¹⁹³ Att. 7, CEQ, CE Guidance, at 1.

¹⁹⁴ *Id.* at 5.

¹⁹⁵ *Id.* at 7.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.* at 7-8.

With respect to the benchmarking of a proposed categorical exclusion against those of other agencies, the guidance again advises caution in drawing comparisons.¹⁹⁸ To rely on another agency's categorical exclusion, an agency should consider: "(1) characteristics of the actions; (2) methods of implementing the actions; (3) frequency of the actions; (4) applicable standard operating procedures or implementing guidelines (including extraordinary circumstances); and (5) timing and context, including the environmental settings in which the actions take place."¹⁹⁹

In its 2010 guidance, CEQ expressly recognized the potential for abuse of categorical exclusions: "If used inappropriately, categorical exclusions can thwart NEPA's environmental stewardship goals, by compromising the quality and transparency of agency environmental review and decisionmaking, as well as compromising the opportunity for meaningful public participation and review."²⁰⁰

II. TVA's supporting documentation for its proposed CEs fails across the board to demonstrate that the actions proposed to be included will not individually or cumulatively have significant effects on the environment.

A. TVA's supporting documentation does not take the required hard look at the potential direct and indirect environmental effects of the individual and cumulative application of the CEs.

TVA's analysis of the direct, indirect, individual, and cumulative effects of the application, both individually and cumulatively, of the proposed CEs is categorically inadequate. Of the CEs that include analysis of the CE's environmental effects,²⁰¹ TVA's analysis is conclusory, ignoring, among other things, effects on endangered and threatened species and their habitats, ecologically important natural areas, as well as climate change and water quality impacts. For example, in the EAs cited as support for CE 32, TVA conditioned its finding of no significant impact on the application of mitigation measures for threatened and endangered bat species, but failed to consider or even mention the effects that applying CE 32 would have on

¹⁹⁸ *Id.* at 9.

¹⁹⁹ *Id.*

²⁰⁰ Att. 7, CEQ, CE Guidance, 3.

²⁰¹ Proposed CEs 2–10, 12, 14, 18, 20, 23–26, 46 include no discussion or analysis of environmental effects. Att. 2, TVA, CE Support Documentation, 3-7 to 3-13, 3-23, 3-36, 3-71, 3-84, 3-100 to 3-104, 3-299 (June 2017).

these bats.²⁰² The individual and cumulative application of each CE (and all CEs cumulatively applied) would have significant environmental effects. TVA must consider and provide public notice and comment on those effects before it can finalize these CEs.

Courts have repeatedly explained that during NEPA analysis, agencies must take a “hard look” at the environmental impacts of their proposed actions.²⁰³ This “hard look” prohibits “[g]eneral statements about ‘possible effects’ and ‘some risk’ . . . absent a justification regarding why more definitive information could not be provided.”²⁰⁴ CEQ requires TVA to include a thorough analysis of the direct, indirect, and cumulative impacts of the application of each CE.²⁰⁵ Direct impacts occur at the same time and place as the action.²⁰⁶ Indirect impacts are reasonably foreseeable and occur later in time or at a farther removed distance.²⁰⁷ Cumulative impacts result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.²⁰⁸

Throughout the supporting documentation for its CEs, TVA discusses only direct actions, ignoring both indirect and cumulative actions. This analysis cannot be characterized as a “hard look.” Before excluding all of these activities from public review, TVA must provide the analysis that it will forego if it categorically excludes them.

B. The supporting documentation fails to provide any analysis of the potential for cumulatively significant effects on any of the 50 proposed CEs.

Each individual CE in the Proposed NEPA Rule, when applied cumulatively over time and geographic scope, could have a significant environmental effect. CEQ defines “significant”

²⁰² See, Att. 2, TVA, CE Support Documentation 3-169 (citing for support Putnam-Cumberland, *Tennessee—Improve Power Supply Project*, Environmental Assessment (chemical and mechanical ROW maintenance) (Nov. 13, 2013) (only removing Indiana bat roosting habitat between Oct 15 and April 1); Union-Tupelo No. 3 161kV Transmission Line EA (chemical and mechanical ROW maintenance) (Oct. 9, 2014) (only removing Indiana and/or northern long-eared bat habitat between Dec 1 and March 15)); Selmer-West Adamsville 161-kV Transmission Line and Switching Station (chemical and mechanical ROW maintenance) (Jan. 6, 2015) (contributing money to the Indiana Bat Conservation Fund and only removing roosting habitat between Oct 15 and March 31)); *id.* at 3-171 (reviewing the effects that applying this CE would have on fish and wildlife without any mention on threatened and endangered bats).

²⁰³ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 340 (1989).

²⁰⁴ *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1380 (9th Cir. 1998).

²⁰⁵ Att. 7, CEQ, CE Guidance 5. (urging agencies to “consider whether the cumulative effects of multiple small actions ‘would cause sufficient environmental impact to take the actions out of the categorically excluded class’”).

²⁰⁶ *Id.* § 1508.8(a).

²⁰⁷ *Id.* § 1508.8(b).

²⁰⁸ *Id.* § 1508.7

to include considerations of the “context” and “intensity” of the action.²⁰⁹ “Context” requires that the significance of an action be analyzed in the contexts of society as a whole, the affected region, and the affected interests.²¹⁰ “Intensity” refers to the severity of impacts.²¹¹ Here, the impacts of cumulatively applying each individual CE, as well as the cumulative effect of applying all of the CEs, are likely to be significant in terms of both “context” and “intensity.” For example, as explained in more detail in Part II.D and Part III, many of the proposed CEs lack specificity that would limit their repeated application throughout TVA’s territory. Moreover, many of TVA’s proposed CEs may “adversely affect an endangered or threatened species or its habitat that has been determined to be critical.”²¹²

Despite the high likelihood of each CE’s cumulative significance, TVA’s Proposed Categorical Exclusions Supporting Documentation (“Supporting Documentation”) is utterly devoid of any cumulative impact analysis. TVA appears to assume, without analysis, that if the activity proposed for exclusion does not have individually significant impacts, it will *a fortiori* not have cumulatively significant impacts, either. This assumption is contrary to CEQ Regulations, which expressly observe that “[c]umulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”²¹³

For example, stakeholders have challenged TVA’s failure to conduct an EIS for its management of transmission infrastructure, which includes the actions in proposed CE 15–20.²¹⁴ As demonstrated in *Sherwood v. TVA*, the policy and decisions surrounding timber harvesting and tree clearing require an EIS.²¹⁵ Having conceded an EIS is necessary, TVA has proposed to prepare a programmatic EIS for its transmission-related vegetation management activities.²¹⁶ In the Proposed NEPA Rule, however, TVA is proposing to categorically exclude (CE 15–19) nearly all of the actions it will take to implement the policy challenged in *Sherwood*.²¹⁷ This proposal improperly places the cart before the horse, concluding—on the basis of no analysis—that TVA’s transmission-related activities will not have cumulatively significant impacts, even

²⁰⁹ 40 C.F.R. § 1508.27.

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² *Id.*

²¹³ 40 C.F.R. § 1508.7.

²¹⁴ *Sherwood v. TVA*, No. 3:12-CV-156-TAV-HBG, 2017 WL 3261769 (E.D. Tenn. July 31, 2017).

²¹⁵ *Sherwood v. TVA*, No. 3:12-CV-156-TAV-HBG, 2017 WL 3261769 (E.D. Tenn. July 31, 2017).

²¹⁶ Att. 9, TVA, *Transmission System Vegetation Management Program*, <https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews/Transmission-System-Vegetation-Management-Program> (last visited August 29, 2017).

²¹⁷ See Att. 2, TVA, CE Support Documentation, 3-38 (CE 15) (June 2017); *id.* at 3-47 (CE 16); *id.* at 3-62 (CE 17); *id.* at 3-71 (CE 18); *id.* at 3-73 (CE 19).

though it has already admitted that the cumulative impact of these activities require it to conduct a programmatic EIS.

Another example comes from TVA's proposal to categorically exclude all of its implementing actions for its Natural Resource Plan. In proposed CEs 22–32, TVA proposes to categorically exclude the activities it takes to implement its wetlands, terrestrial ecosystem, forest, invasive species, and recreational lands management programs.²¹⁸ As TVA itself has recognized, the cumulative effects of actions taken under these CEs require an EIS—most recently, the Natural Resource Plan programmatic EIS. TVA conducted the Natural Resource Plan EIS because of the significant environmental effects that arise from the cumulative actions taken under proposed CE 22–32.²¹⁹ If the program that creates a framework for these actions requires an EIS, then individual actions taken to implement that framework likely would also have cumulatively significant impacts, requiring additional environmental analysis. TVA's Proposed NEPA Rule would undermine the agency's obligation to disclose and analyze these significant cumulative impacts.

For this reason alone, TVA has failed to provide the required documentation and analysis necessary to support its proposed categorical exclusions. TVA must provide the required cumulative impact analysis before adopting any CEs.

C. TVA does not analyze the climate-related impacts of any of the proposed CEs.

In each and every section analyzing the potential environmental effects of its 50 proposed categorical exclusions, TVA omits any consideration of these activities' effects on greenhouse gas ("GHG") emissions and climate change. However, NEPA requires that agencies consider these effects.²²⁰ The proposed CEs have the potential to have a significant effect on climate change when applied individually and cumulatively. For example, TVA proposes to categorically exclude in-kind replacement of electricity turbines, the installation of combined heat and power or cogeneration systems (generally natural gas generators), and modifications of

²¹⁸ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* 3-166 (CE 32).

²¹⁹ Att. 48, TVA, Natural Resources Plan, Final EIS (July 2011) [hereinafter Natural Resource Plan EIS].

²²⁰ *Sierra Club v. FERC*, Case No. 16-1329, slip op. 24-27 (August 22, 2017), [https://www.cadc.uscourts.gov/internet/opinions.nsf/2747D72C97BE12E285258184004D1D5F/\\$file/16-1329-1689670.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/2747D72C97BE12E285258184004D1D5F/$file/16-1329-1689670.pdf); *Sierra Club v. FERC*, 2016 WL 6915536 (D.C. Cir. 2016) (unpublished opinion); *Ctr. Biological Diversity v. Nat'l Highway Traffic Safety Admin. (NHTSA)*, 528 F.3d 1172, 1200 (9th Cir. 2008); *High Country Conservation Advocates v. U.S. Forest Serv.*, 52 F. Supp. 1174, 1191 (D. Colo. 2014); see also Att. 48 (a), CEQ, *Considering Cumulative Effects Under the National Environmental Policy Act Handbook* 2, 7, 9, 13, 24 (Jan. 1997).

its electricity rate structure, each of which when applied individually and cumulatively (and all of which applied together) would have significant direct and indirect effects on greenhouse gas emissions and climate change. However, these effects are not considered (or, in some cases, even mentioned) in the Proposed NEPA Rule.

Similarly, NEPA requires that agencies consider the effects of climate change on a project or proposal.²²¹ Actions taken under some of the proposed CEs have the potential to be significantly affected by climate change. For example, in CE 26, TVA proposes to categorically exclude the “installation of minor shoreline structures or facilities,” and in CE 22 TVA proposes to categorically exclude the “development of dispersed recreation sites.” The actions described in these proposed CEs, which in many cases would occur along the shoreline and in floodplains, have the potential to be significantly affected by increased storms and flooding that occur as a result of climate change, particularly on a cumulative basis.²²² However, these effects are not considered or even mentioned in the Proposed NEPA Rule.

Finally, in its analysis of the cumulative effects, TVA must consider the effect that climate change has had and is having on the affected environment. “The impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct.”²²³ For example, this analysis is vital when considering the cumulative effects of the actions covered by the transmission CEs (CE 15–20) because these projects would significantly affect federally protected bats.²²⁴

As an illustration, when considering the cumulative effects of applying CE 16, TVA must consider the incremental impact of the action when added to the effects of climate change on these bats.²²⁵ However, TVA does not even mention climate change (or bats for that matter) when discussing the effects of CE 16 on wildlife.²²⁶ If TVA applies CE 16 even once, it could

²²¹ *Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv.*, 184 F. Supp. 3d 861, 875-876 (D. Or. 2016) (environmental analysis insufficient where it did not include analysis of effects of climate change on physical environment as it related to endangered fish population).

²²² See also Part I, Section IV, above, regarding TVA's treatment of floodplains and wetlands generally, including the requirement under NEPA to employ robust scientific analysis.

²²³ *Ctr. for Biological Diversity v. Natl. Hwy. Traffic Safety Admin.*, 538 F.3d 1172, 1217 (9th Cir. 2008); Att. 48 (a), CEQ, *Considering Cumulative Effects Under the National Environmental Policy Act Handbook* 2, 7, 9, 13, 24 (Jan. 1997).

²²⁴ See Att. 2, TVA, CE Support Documentation, 3-38 (CE 15); *id.* at 3-47 (CE 16); *id.* at 3-62 (CE 17); *id.* at 3-71 (CE 18); *id.* at 3-73 (CE 19); *id.* at 3-84 (CE 20).

²²⁵ *Id.* § 1508.7.

²²⁶ See Att. 2, TVA, CE Support Documentation, 3-54 to 3-57.

clear over 180 acres of forest, which could contain over 79,000 mature trees.²²⁷ These 79,000 trees serve as foraging habitat for the endangered Indiana bat and threatened northern long-eared bat.²²⁸ The U.S. Fish and Wildlife Service has identified climate change as one of the threats to these species.²²⁹ TVA must consider whether the incremental addition of habitat loss, combined with climate change effects, cause significant environmental effects. However, nowhere in its analysis of the environmental effects of applying this or any of the CEs does TVA include the required cumulative analysis of climate change on the affected environment. TVA must conduct this analysis and submit it for public notice and comment before finalizing its CEs.

D. Lack of specificity in the descriptions of proposed categorical exclusions would allow activities with individually and cumulatively significant environmental effects to fall within exclusions.

Many of the proposed CEs lack the specificity required by the CEQ Regulations and guidance.²³⁰ For example, many CEs contain language stating they are “generally” limited to only 10-acre, 125-acre, or 250-acre plots of land, or are limited to “minor” actions.

²²⁷ CE 16 would permit TVA to clear a 10-mile (52,800-foot) by 150-foot area, an area of about 181 acres, for a right-of-way. See Att. 2, TVA, CE Support Documentation, 3-47. We calculated the number of trees per acre using the analysis of the University of Tennessee in a recent report on White Pines. Att. 49, University of Tennessee, *Tree Crops for Marginal Farmland: White Pine with Financial Analysis* 8 (2000), <https://extension.tennessee.edu/publications/Documents/PB1462.pdf> (last visited August 30, 2017) (using the 10-foot by 10-foot spacing estimate of 435 trees/acre).

²²⁸ See TVA, Ashland 161-kV Delivery Point, Environmental Assessment and Finding of No Significant Impact (June 7, 2016).

²²⁹ Att. 50, Wildcat Wind Farm, LLC, *Indiana Bat and Northern Long-eared Bat Habitat Conservation Plan* (May 12, 2016).

²³⁰ 40 C.F.R. § 1507.3(b)(2); Att. 7, CEQ, CE Guidance.

Table 1. TVA's Unreasonably Broad Language in Categorical Exclusions

Broad Language	Categorical Exclusions
“minor” action or impacts	11 (health and safety) 13 (preliminary site studies) 14 (research and development) 17 (existing transmission infrastructure)* 24 (use of TVA property) 25 (property transactions) 26 (Section 26a permitting approvals) 27 (TVA shoreline actions)* 28 (modifications to land use allocations in TVA plans) 36 (facilities-based, routine, in-kind activities)* 42 (road improvements)* 47 (modifications to rate structure and associated contracts) 49 (economic development)*
“generally” X acres, miles, or megawatts (MW)	15 (rights-of-way maintenance) 16 (new transmission infrastructure) 17 (existing transmission infrastructure)* 19 (transmission line retirement and rebuilding) 22 (dispersed recreation)* 23 (public use areas)* 27 (TVA shoreline actions)* 29 (wetlands, riparian, and aquatic ecosystem improvements)* 30 (land management and stewardship)* 31 (forest management)* 32 (invasive plant management)* 33 (cultural resource protection)* 37 (facilities-based upgrades and modifications)* 38 (siting, construction, and operation of buildings) 40 (demolition and destruction of structures) 43 (TVA property access)* 45 (renewable energy sources at existing facilities) 49 (economic development)*
“not limited to”	18 (telecommunications and smart grid) 22 (dispersed recreation)* 23 (public use areas)* 29 (wetlands, riparian, and aquatic ecosystem improvements)* 30 (land management and stewardship)* 31 (forest management)* 32 (invasive plant management)* 33 (cultural resource protection)* 36 (facilities-based, routine, in-kind activities)* 37 (facilities-based upgrades and modifications)* 42 (road improvements)* 43 (TVA property access)* 48 (assistance for energy and water programs) 49 (economic development)*

* Denotes a CE with more than one type of discretionary language

In its guidance on CEs, CEQ explains that the categories for actions should be limited by both their terms and extraordinary circumstances.²³¹ CEQ advises agencies that the *text of their CEs* must clearly define the eligible category of actions, as well as any physical, temporal, or environmental factors that would constrain its use.²³² TVA's proposed CEs' text, however, is as clear as mud, with the use of discretionary, subjective terms, such as "minor" or "generally."

TVA itself acknowledges the subjectivity of its proposed use of discretionary terms like "minor," "limited," "small," "routine," and "small-scale."²³³ TVA proposes that rather than placing explicit limits on its discretion, it will engage in a "significance" determination to ascertain whether a proposed action is "minor" or "limited." TVA's rationale employs circular logic: TVA will consider an activity minor and categorically excluded unless TVA unilaterally determines that it is significant.²³⁴ In contrast to TVA's proposal, the CEQ Regulations require categorical exclusions to be used for activities that the agency has specifically defined in a manner to ensure that they will almost never significantly affect the environment.²³⁵

Rather than using such broad, subjective terms, TVA must clearly define and limit the actions to which each CE applies. TVA's CE drafting is particularly concerning given that TVA also proposes to keep a tight rein on what qualifies as an "extraordinary circumstance," as argued above in Part I, Sections II.B and K, and that TVA does not consistently require any documentation or public notice of its use of CEs. Taken individually and cumulatively, these proposals would allow TVA to make decisions about almost all of its activities behind closed doors, with no oversight by the public. This proposal contradicts the purpose and role of NEPA in agency decision making. Therefore, TVA must reconsider its proposal and ensure that the CEs are the exception, not the rule.

In addition to correcting its CEs to comply with CEQ regulations and guidance, TVA should also proactively incorporate CEQ's guidance on CEs. CEQ advises agencies to limit the geographic applicability of a CE to a specific region or environmental setting,²³⁶ rather than

²³¹ Att. 7, CEQ, CE Guidance, 2.

²³² Att. 7, CEQ, CE Guidance, 5.

²³³ Att. 2, TVA, CE Support Documentation, 2-2 ("TVA recognizes that these descriptors are subjective and does not propose to define these terms.").

²³⁴ We note that TVA's determination regarding what constitutes a "minor" activity has been questioned by the Court of Appeals for the Sixth Circuit. *See Help Alert Kentucky, Inc. v. Tennessee Valley Authority*, 191 F.3d 452, *4 (6th Cir. 1999) (unpublished opinion) ("TVA's conclusion that the logging activity in the work areas at issue is 'minor' strikes us as somewhat more problematic.")

²³⁵ *See* 40 C.F.R. §§ 1507.3(b)(2)(ii); 1508.4; Att. 7, CEQ, CE Guidance 2.

²³⁶ Att. 7, CEQ, CE Guidance, 5.

across the 293,000 acres of land and 11,000 miles of shoreline for which TVA is responsible.²³⁷ CEQ recommends that where appropriate, agencies limit the frequency with which a CE is used in a particular area,²³⁸ rather than permitting a CE to be used contiguously across thousands of acres of land and miles of shoreline.²³⁹ Therefore, TVA should include limits on the contiguous application of each CE, and should limit the geographic availability of each CE, without use of the term “generally,” as required to ensure that sensitive resources are not significantly affected.

Finally, TVA itself has described the misuse of CEs by its staff. TVA cites many examples where its review of the application of a CE to a particular project demonstrated how TVA staff were “unclear which of the current CEs are appropriately applied” for specific actions.²⁴⁰ In these instances, TVA explains that staff incorrectly applied a CE to an action that *should not have exempted that activity*.²⁴¹ Now, rather than providing clear and defined CE text to guide its staff, TVA proposes broad and unwieldy language that is sure to lead to continued confusion.

Specific examples of broad CE language will be outlined in the sections below.

E. TVA’s cited EAs and EISs do not support TVA’s proposed categorical exclusions.

Throughout TVA’s supporting documentation for its proposed CEs, TVA cites to existing EAs and EISs as support for concluding that activities that would fall under the proposed CE would not have significant environmental effects.²⁴² However, these examples are often defective because they include and condition findings of no significant impact on mitigation factors, demonstrate the need for broader environmental review, or show TVA’s attempts to avoid tiering site- and project-specific analyses to its programmatic reviews.²⁴³ CEQ guidance

²³⁷ Att. 1, TVA, Environmental Stewardship.

²³⁸ Att. 7, CEQ, CE Guidance, 5.

²³⁹ None of the proposed CEs limit their contiguous use, thus, TVA may segregate the 293,000 acres of land and 11,000 miles of shoreline into 10 mile, 100 acre, or 250 acre parcels when applying CEs.

²⁴⁰ See, e.g., Att. 2, TVA, CE Support Documentation, 3-23.

²⁴¹ *Id.*

²⁴² See, e.g., Att. 2, TVA, CE Support Documentation, 3-30 (citing TVA’s experience with relevant TVA EAs and EISs for CE 13). Note that TVA also cites to CE checklists (CEC) that are not publicly available. AWLX submitted a FOIA request and request for expedited treatment. However, TVA was unable to provide the CECs prior to the end of the comment period. Therefore, undersigned groups are unable to comment on whether the CECs support TVA’s proposed CEs.

²⁴³ Conservation Groups note that these defects are apparent from the EAs and EISs that were made available on TVA’s website. Many of the EAs and EISs are not publicly available, and TVA did not timely provide its CE

explains that agency's previous EAs and EISs are useful for analyzing the environmental effects of a proposed CE. However, there are requirements for that analysis.

Where a cited FONSI or ROD includes mitigation measures, an agency must ensure that these measures are an "integral component" of the actions included in the CE.²⁴⁴ Many of TVA's cited NEPA documents include mitigation.²⁴⁵ We have created a table of the mitigation measures adopted in each of the FONSIs and RODs to which we timely had access.²⁴⁶ However, none of the corresponding CEs include such mitigation or other inherent limitations on their application.

TVA proposes to allow itself to mitigate activities and then apply CEs. But even if TVA includes mitigation, its proposed implementing regulations would allow TVA to release itself from any mitigation commitments.²⁴⁷ If TVA goes forward with its proposal, it must comply with CEQ guidance and make the mitigation from cited FONSIs and RODs an "integral component" of its proposed CEs.

CEQ also demands that when citing an EIS for support, an agency must ensure that the EIS specifically addresses the environmental effects of the independent proposed action and determines that those effects are not significant.²⁴⁸ The cited EISs to which the undersigned groups had reasonable access do not encompass all of the actions that would be included in the proposed CEs. Moreover, they do not specifically address the direct, indirect, individual, and cumulative effects of applying the proposed CEs individually and cumulatively. Nor does TVA direct the public to the relevant portion of the EAs and EISs that provides this detailed and specific analysis.

supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. *See* Part I, Section VI, above.

²⁴⁴ Att. 7, CEQ, CE Guidance, 7.

²⁴⁵ *See, e.g., TVA, Calhoun, Georgia—Area Power System Improvements*, Finding of No Significant Impact (Apr. 26, 2016) ("This finding of no significant impact is contingent upon adherence to the mitigation measures described.").

²⁴⁶ Att. 36, Memorandum from Southern Environmental Law Center on Survey of Publicly-Available EAs and EISs, (Aug. 4, 2017). The Southern Environmental Law Center compiled this table during the comment period based on the NEPA documents publicly available on TVA's website. SELC filed FOIA requests for the remaining documents, but our request for expedited treatment was twice denied. Many of the EAs and EISs are not publicly available on TVA's website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. *See* Part I, Section VI, above.

²⁴⁷ *See* Part I, Section II.J, above.

²⁴⁸ CEQ, CE Guidance, 7–8.

This defect is particularly salient for the CEs that cite to programmatic documents, because those programmatic documents assume that a tiered EA or EIS would perform the required level of analysis for the actions that are covered by a CE.²⁴⁹ As CEQ explicitly states in its CE guidance document, CEs should not be established or used for any segment or interdependent part of a larger proposed action.²⁵⁰

Specific examples will be outlined in the comments below.

F. The benchmarking examples cited by TVA do not support the CEs as written.

In the Supporting Documentation, TVA frequently relies on its purported “benchmarking” of a CE against CEs adopted by other agencies. As noted above, CEQ guidance advises caution in relying on other agencies’ CEs. CEQ explains that, in order to rely on another agency’s categorical exclusion, an agency should consider: “(1) characteristics of the actions; (2) methods of implementing the actions; (3) frequency of the actions; (4) applicable standard operating procedures or implementing guidelines (including extraordinary circumstances); and (5) timing and context, including the environmental settings in which the actions take place.”²⁵¹

The Supporting Documentation provides none of this contextual information. As described in Part III below, in most cases, the contextual information would counsel *against* adoption of the CE. The Supporting Documentation relies primarily on the plain language of other agencies’ CEs. But in most cases, not even the plain language of other agencies’ CEs supports TVA’s broadly worded CEs. TVA frequently omits the specificity other agencies have added to bring their CEs into alignment with NEPA and the CEQ Regulations.

For these reasons, TVA’s benchmarking exercise is a hollow one. Other agencies’ CEs provide little, if any, support for TVA’s proposed CEs.

III. TVA’s proposed CEs segment activities in a manner that avoids NEPA review of activities that, considered together, would require an environmental assessment or environmental impact statement.

²⁴⁹ Att. 51, TVA, Natural Resource Plan Record of Decision, 76 Fed. Reg. 57,100 (Sept. 15, 2011) [hereinafter TVA, Natural Resources Plan ROD] (promising to “[c]onduct[] site and/or activity-specific environmental reviews of its actions to implement the [Natural Resource Plan] and incorporate appropriate measures to avoid, minimize, or mitigated adverse impact.”).

²⁵⁰ Att. 7, CEQ, CE Guidance, 5.

²⁵¹ *Id.*

In the Proposed NEPA Rule, TVA effectively segments broader actions so that it can avoid environmental review of those activities. Many of the proposed CEs should be considered together because of their similar scope, activity, or purpose. *See* Table 2.

Table 2. TVA’s Proposed Segmentation of Agency Actions Subject to NEPA Review

Binding Characteristic	Related CEs
Transmission Development and Maintenance - Activities that tier to TVA’s Transmission System Vegetation Management Program	15 (rights of way maintenance) 16 (new transmission infrastructure) 17 (existing transmission infrastructure) 18 (telecommunications and smart grid) 19 (transmission line retirement and rebuilding) 20 (transmission transactions)
Road Development and Management -	41 (road maintenance) 42 (road improvements) 43 (TVA property access)
Natural Resource Management - Activities that tier to TVA’s Natural Resource Plan	22 (dispersed recreation) 23 (public use areas) 24 (use of TVA property) 25 (property transactions) 26 (section 26a permitting approvals) 27 (TVA shoreline actions) 28 (modifications to land use allocations in TVA plans) 29 (wetlands, riparian, and aquatic ecosystems improvements) 30 (land management and stewardship) 31 (forest management) 32 (invasive plant management) 33 (cultural resources protection)
Electricity Regulation - Activities that tier to TVA’s Integrated Resource Plan	21 (power plant acquisition) 36 (facilities-based, routine, in-kind activities) 37 (facilities-based upgrades and modifications) 38 (siting, construction, and operation of buildings) 40 (demolition and disposal of structures) 44 (waste management and cleanup) 45 (renewable energy sources at existing facilities) 46 (small hydropower systems) 47 (modifications to rate structure and associated contracts)

NEPA requires environmental reviews to analyze “[c]onnected actions,” which are actions that (1) automatically trigger other actions that may require environmental review; (2) cannot or will not proceed unless other actions are taken previously or simultaneously; and (3) are interdependent parts of a larger action and depend on the larger action for their justification. NEPA also requires environmental reviews to analyze “[s]imilar actions,” which when viewed with other reasonably foreseeable or proposed agency actions have the similarities

that provide a basis for evaluating their environmental consequences together, such as common timing or geography.²⁵² Impermissible segmentation occurs where a major federal action breaks off a small part of a broader action to escape application of the NEPA process.²⁵³ The hallmark examples of improper segmentation are (1) where one proposed component action would be meaningless or obsolete without the other action, and (2) where completing one proposed component action force a larger or related project to go forward notwithstanding the environmental consequences.²⁵⁴ Moreover, regionally applied activities generally require a cumulative environmental review.²⁵⁵

Many of these CEs include actions that are at least “similar” if not also “connected.” TVA could not maintain transmission line infrastructure without first constructing those lines. They apply to a set region, TVA’s service territory. And they have been or are being analyzed in a programmatic document, meaning they are interdependent parts of a larger action. The natural resource management CEs cite to the Natural Resource Plan, the programmatic analysis to which these implementing actions would normally tier but instead are covered by these proposed CEs.

TVA’s proposed CEs permit the impermissible segmentation of activities that, when taken together, would require NEPA review. Therefore, these CEs should be abandoned, and TVA should analyze their underlying actions in grouped NEPA analyses, tiering to the relevant programmatic EIS.

IV. TVA may not create CEs for activities that would normally tier to programmatic EAs and EISs.

TVA proposes to engage in the exact “shell game” that CEQ has been working to avoid for programmatic NEPA analyses.²⁵⁶ In the Proposed NEPA Rule, TVA fails to prevent situations where the public is too early to raise issues in the broader programmatic analysis and then too late to raise them in any subsequent tiered analysis, as advised by CEQ guidance.²⁵⁷ And with its proposed CEs, TVA is making it impossible for the public to engage on project- and site-specific actions. *See* Table 3.

²⁵² 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env’tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

²⁵³ *Tenn. Env’tl Council*, 32 F. Supp. 3d at 890.

²⁵⁴ *Hirt v. Richardson*, 127 F. Supp. 2d 833, 842 (W.D. Mich. 1999) (citing *Maryland Conservation Council v. Gilchrist*, 808 F.2d 1039 (4th Cir.1986); *Bragg v. Robertson*, 54 F.Supp.2d 635, 649 (S.D.W.Va.1999)).

²⁵⁵ *Id.* (citing *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976); *Pub. Serv. Co. v. Andrus*, 825 F.Supp. 1483, 1501 (D. Idaho 1993)).

²⁵⁶ Att. 10, CEQ Programmatic Guidance, 8, n. 10.

²⁵⁷ Att. 10, CEQ Programmatic Guidance, 25.

Table 3. TVA's NEPA Shell Game

Programmatic NEPA Analysis	CEs Implementing Programmatic Activity
Natural Resource Plan EIS (2011)	22 (dispersed recreation) 23 (public use areas) 24 (use of TVA property) 25 (property transactions) 26 (section 26a permitting approvals) 27 (TVA shoreline actions) 28 (modifications to land use allocations in TVA plans) 29 (wetlands, riparian, and aquatic ecosystem improvements) 30 (land management and stewardship) 31 (forest management) 32 (invasive plant management) 33 (cultural resources protection)
Shoreline Management Initiative EIS (1999)	27 (TVA shoreline actions) 28 (modifications to land use allocations in TVA plans) 29 (wetlands, riparian, and aquatic ecosystem improvements) 33 (cultural resources protection)
TVA Solar Photovoltaic Projects Programmatic EA (2014)	45 (renewable energy sources at existing facilities)
Integrated Resource Plan EIS (2015)	16 (new transmission infrastructure) 17 (existing transmission infrastructure) 19 (transmission line retirement and rebuilding) 20 (transmission transactions) 45 (renewable energy sources at existing facilities) 46 (small hydropower systems) 48 (assistance for energy and water programs)
Transmission System Vegetation Management Program (ongoing)	16 (new transmission infrastructure) 17 (existing transmission infrastructure) 19 (transmission line retirement and rebuilding) 20 (transmission transactions)

CEQ CE guidance prohibits an agency from avoiding project- or site-specific NEPA analysis by categorically excluding these activities.²⁵⁸ TVA's proposed CEs would categorically exclude nearly all of the implementing activities that would normally tier to program-level environmental analyses. For example, the CEs for the development of recreation areas, installation of shoreline structures, modifications to land use plans, and actions at wetlands, riparian, and aquatic ecosystems all cite to TVA's Natural Resource Plan EIS as support for the

²⁵⁸ Att. 7, CEQ, CE Guidance, 5.

CEs.²⁵⁹ The Natural Resource Plan EIS provided a programmatic review “evaluat[ing] various approaches to management of biological, cultural, water, and recreation resources; public engagement; and reservoir lands planning.”²⁶⁰ The plan explicitly states that TVA will “[c]onduct[e] site and/or activity-specific environmental reviews of its actions to implement the [natural resource plan].”²⁶¹ As demonstrated above, TVA’s proposed CE 22–33 all implement the Natural Resource Plan and would now go without site- and project-specific NEPA analysis under TVA’s proposal, even though TVA promised to conduct this analysis in its programmatic EIS.

In addition to these examples, TVA is also proposing to allow itself to apply mitigated CEs. Mitigated CEs would allow TVA to add mitigation measures to avoid “extraordinary circumstances” so that a CE would still apply. Combining this allowance with TVA’s other proposals, TVA can:

- Conduct a programmatic NEPA analysis, analyzing only broad, big-picture environmental effects;
- Determine that its implementing actions could have significant environmental effects or includes extraordinary circumstances;
- Mitigate those significant environmental effects or extraordinary circumstances;
- Categorically exclude these actions (so long as they fit within a unreasonably broadly defined CE category, even if the proposed action might have significant environmental effects or extraordinary circumstances);²⁶²
- Remove the mitigation requirements.

Thus, in the Proposed NEPA Rule, TVA has created the exact “shell game” that CEQ has worked to avoid in NEPA implementation.

Other examples are highlighted in the below sections.

V. TVA should ensure that the application of all categorical exclusions is documented and made publicly available on TVA’s website.

²⁵⁹ Att. 2, TVA, CE Support Documentation, 3-4 (CE 1); *id.* at 3-94

²⁶⁰ Att. 51, TVA, Natural Resource Plan, ROD.

²⁶¹ Att. 48 TVA, Natural Resource Plan EIS vol. 1, at 118.

²⁶² Even if they don’t neatly fit in one of these categories, TVA has admitted that staff have *still* applied an inappropriate CE to these types of activities. *See, e.g.*, Att. 2, TVA, CE Support Documentation, 3-23, 3-48, 3-93, 3-140.

TVA proposes not to require any documentation of the application of a CE. In its most recent CE guidance, CEQ explains that agencies should consider whether CEs warrant documentation, which TVA has already done in its current operations.²⁶³ However, even though TVA explains that it is already documenting the use of CEs, and already storing them electronically, it states that it is not promulgating any documentation requirements and it is not making TVA's ENTRAC database—which holds its CE documentation—publicly available.²⁶⁴ TVA's promise that employees will document these CEs is an empty one. Thus, TVA should promulgate documentation requirements for the application of any and all of its CEs. Furthermore, Conservation groups request that TVA make this documentation and ENTRAC publicly available on its website, and establish a register for interested parties to supply contact information to be notified of any actions in sufficient time to participate in the process.

²⁶³ See Att. 2, TVA, CE Support Documentation, 3-46 (explaining that staff would normally complete a CE checklist in TVA's ENTRAC database for the application of CE 15).

²⁶⁴ See, e.g., Att. 2, TVA, CE Support Documentation, 3-100.

PART III: COMMENTS ON SPECIFIC PROPOSED CATEGORICAL EXCLUSIONS

The analyses and attachments discussed in Parts I and II, above, provide important context and explication for the analyses presented in this section for each individual proposed CE. Accordingly, the analyses and attachments discussed in Parts I and II are incorporated by reference into the analysis of each CE discussed in this Part.

I. CE 6—Electricity Contracts

TVA proposes to amend an existing CE that categorically excludes “contracts or agreements for the sale, purchase, or interchange of electricity.” The amended text of CE 6 would read: “Transactions (contracts or agreements) for the sale, purchase, or interchange of electricity not resulting in the construction and operation of new generating facilities or major modifications to existing generating facilities and associated electrical transmission infrastructure.”

Proposed CE 6 lacks the specificity required by NEPA and the CEQ Regulations to ensure that no significant environmental impacts will occur as a result of application of the CE.²⁶⁵ In particular, CE 6 does not contain language that would ensure that relevant environmental impacts—specifically greenhouse gas (GHG) and conventional air pollution—would not occur as the result of a particular decision to enter into a contract or cumulative decisions to enter into contracts for the sale or purchase of electricity. Instead, CE 6 focuses solely on whether the sale or purchase would result in new physical infrastructure, a metric that would not adequately evaluate potentially relevant air and GHG emissions and other impacts or provide sufficient guidance to TVA staff to do so. Nor does TVA’s proposed “extraordinary circumstances” procedure provide such guidance.²⁶⁶

The failure to include limits on GHG and air emissions is particularly troubling because of the changing nature of the utility marketplace, in which utilities frequently purchase generation owned by third parties. Indeed, in its 2015 Integrated Resource Plan, TVA evaluated a strategy in which its capacity additions derived primarily from power purchase agreements for natural gas and renewable energy.²⁶⁷

Moreover, the initial choice whether to enter into a particular contract or agreement itself may have direct and indirect environmental impacts, including but not limited to carbon and conventional air pollution impacts. By proposing to categorically exclude electricity contracts without limiting application to situations where the contract will definitively *not* have such

²⁶⁵ See Part II, Section II. D, above.

²⁶⁶ See Part I, Sections II.B and K; Part II, Section II.D, above.

²⁶⁷ Att. 52, TVA, *Integrated Resource Plan* at 61, 83-84 (2015).

impacts, TVA undermines the requirement that agencies consider reasonable alternatives to a proposed action—the component that CEQ calls “the heart of the environmental impact statement.”²⁶⁸ It is not sufficient to claim—without support—that the emissions and other impacts would occur anyway because some other party would purchase the electricity.²⁶⁹ Yet this claim is implicit in TVA’s conclusion that CE 6 would not have individually or cumulatively significant effects.

TVA provides no support for its proposed CE 6 derived from its own CECs, EAs, or EISs. Nor does TVA provide any support for its proposed CE 6 based on benchmarking other agency’s CEs.

TVA should promulgate documentation requirements that would require that application of CE 21 be documented and be made publicly available on TVA’s website.²⁷⁰

TVA should adjust CE 6 so that it complies with the requirements of NEPA, including making it applicable only to contracts or agreements that do not result in *any* increases of GHG or conventional air pollution or other impacts in addition to the existing infrastructure-oriented limitation, or TVA should withdraw both the existing CE and proposed CE 6.

II. CE 15—Rights of Way Management

In CE 15, TVA proposes to categorically exclude the tree removal, vegetation management, and access road construction that it undertakes when maintaining rights-of-way for transmission and utility lines.²⁷¹ This proposal would not limit or define which trees (called “danger trees”) TVA can remove nor does it limit or define “routine” vegetation management.²⁷² The proposed CE would “generally” allow TVA to construct a road of no more than one mile outside of the right-of-way.²⁷³ In addition, although not set out in the language of CE 15, TVA also includes erosion control and bank stabilization in its description of activities that this CE covers.²⁷⁴

²⁶⁸ 40 C.F.R. § 1502.14.

²⁶⁹ See *Montana Environmental Information Center v. U.S. Office of Surface Mining*, 2017 WL 3480262, *15 (August 14, 2017) (conclusion that there would be no effects from air emissions because other coal would be burned instead was “illogical” and “places [the agency’s] thumb on the scale by inflating the benefits of the action while minimizing its impacts”).

²⁷⁰ See Part II, Section II. V, above.

²⁷¹ Att. 2, TVA, CE Support Documentation, 3-38.

²⁷² *Id.*

²⁷³ *Id.*

²⁷⁴ *Id.* at 3-43. If TVA wishes to cover erosion control and bank stabilization under this CE, it must make that explicit in the language of the CE. Moreover, it must limit the geographic scope of these activities and take a “hard look” their environmental effects.

With such unreasonably broad language,²⁷⁵ this CE could apply to all of TVA's 16,000 miles of transmission lines, 100,000 transmission line structures, over 200,000 acres of rights-of-way, and more than 500 substations.²⁷⁶ For comparison, Interstate 95 is approximately 1,900 miles long, about one-tenth the length of TVA's existing transmission system.²⁷⁷ CE 15 would apply to all of the tree removal, vegetation management, and access road construction across this massive area.

CE 15 does not limit the scope of tree removal or vegetation management that TVA would be permitted to categorically exclude.²⁷⁸ Arguably, the language of the CE would permit TVA to remove so-called danger trees and manage the vegetation on all 200,000 acres of rights-of-way, the size of about 3.6 million average-sized homes.²⁷⁹ However, as demonstrated by *Sherwood v. TVA*, TVA has conceded that it must conduct an EIS for such broad tree clearing and vegetation management practices, and certainly cannot categorically exclude these activities, because of their significant direct, indirect, and cumulative effects.²⁸⁰ Trimming a few branches off a tree may have an insignificant environmental effect, but doing the same for all of the trees within a 200,000 acre area would cause significant, long-lasting effects on the environment, especially threatened and endangered bat species.

Moreover, TVA's proposal to "generally" limit road construction to no more than one mile is meaningless and arbitrary.²⁸¹ By including "generally," TVA permits itself to construct roads that exceed one mile whenever it wants. TVA does not explain whether any distance must separate these 1-mile roads. And TVA does not explain how limiting the roads to one mile or less leads to insignificant effects. Because under the proposed CE language TVA could construct contiguous roads of any length, one next to the other, the application of this CE could have significant direct, indirect, and cumulative environmental effects.²⁸²

TVA's cited EAs and EISs do not support CE 15 because they are mitigated FONSI, and the proposed CE does not substantially integrate these mitigation measures into its language.²⁸³

²⁷⁵ See Part II, Section II.D (Specificity), above.

²⁷⁶ Att. 2, TVA, CE Support Documentation, 3-38.

²⁷⁷ Interstate 95 is approximately 1,900 miles long. Wikipedia, Interstate 95, Aug. 24, 2017, https://en.wikipedia.org/wiki/Interstate_95.

²⁷⁸ Att. 2, TVA, CE Support Documentation, 3-38.

²⁷⁹ See Washington Grown, What Does an Acre Look Like?, <http://www.wagrown.com/what-does-an-acre-look-like> (last visited Aug. 29, 2017).

²⁸⁰ *Sherwood v. TVA*, No. 3:12-CV-156-TAV-HBG, 2017 WL 3261769 (E.D. Tenn. July 31, 2017). Indeed, as discussed further below, TVA has already conducted scoping for a proposed EIS. TVA, Transmission System Vegetation Management Program, <https://www.tva.gov/Environment/Environmental-Stewardship/Environmental-Reviews/Transmission-System-Vegetation-Management-Program> (last visited Aug. 29, 2017).

²⁸¹ Att. 2, TVA, CE Support Documentation, 2-38.

²⁸² See Part II, Sections II.A-C.

²⁸³ See Part II, Section E.

Moreover, the voltage of a transmission line has direct implications on the environmental impact of that line.²⁸⁴ Because of the voltage of the transmission lines reviewed in the cited EAs, these documents do not support CE 15's proposal to manage rights-of-way for all voltages. It is essential for TVA to provide NEPA documentation supporting the maintenance of rights-of-way for the specific voltages that it proposes to cover under this CE. Specifically,

- Calhoun, Georgia—Area Power System Improvements EA, Ashland 161-kV Delivery Point EA, Selmer-West Adamsville 161-kV Transmission Line and Switching Station EA, Union-Tupelo No.3 161-kV Transmission Line EA, and Putnam-Cumberland, Tennessee—Improve Power Supply Project EA make their FONSIIs contingent on adherence to mitigation measures for wetland, state-listed plants, threatened and endangered bats, and protected turtles;²⁸⁵

As CEQ sets forth, if an agency cites to FONSIIs that include mitigation measures, the agency must ensure that these measures are an “integral component” of the actions included in the CE.²⁸⁶ Here, the mitigation measures in the cited FONSIIs seek to safeguard wetlands, state-listed plants, and protected bats and turtles as well as their habitats,²⁸⁷ but CE 15 includes none of these mitigation measures.²⁸⁸ To remedy this error, TVA must make the mitigation measures in the cited CEs “integral component[s]” of its CE language.

TVA's discussion and analysis of the environmental effects of activities applicable to CE 15 is far from a “hard look,” as it includes only conclusory statements with no analysis or cited scientific evidence supporting TVA's conclusions.²⁸⁹ Instead, TVA cites to its own NEPA analyses, even though they are mitigated FONSIIs, to suggest there will not be not significant environmental effects.²⁹⁰

²⁸⁴ *Id.* at 3-47.

²⁸⁵ TVA, *Calhoun, Georgia - Area Power System Improvements*, EA and FONSI (Apr. 26, 2016); TVA, *Ashland 161-kV Delivery Point* EA and FONSI (June 7, 2016); TVA, *Selmer-West Adamsville 161-kV Transmission Line and Switching Station* (Jan. 6, 2015); TVA, *Union-Tupelo No.3 161-kV Transmission Line*, (Oct. 9, 2014); TVA, *Putnam-Cumberland, Tennessee – Improve Power Supply Project*, EA (Nov. 13, 2013). Many of the EAs and EISs are not publicly available on TVA's website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. *See* Part I, Section VI, above; *see also* Part II, Sections II.E, III-IV.

²⁸⁶ Att. 7, CEQ, CE Guidance, 7.

²⁸⁷ TVA, *Calhoun, Georgia - Area Power System Improvements* EA and FONSI (Apr. 26, 2016); TVA, *Ashland 161-kV Delivery Point* EA and FONSI (June 7, 2016); TVA, *Selmer-West Adamsville 161-kV Transmission Line and Switching Station* (Jan. 6, 2015); TVA, *Union-Tupelo No.3 161-kV Transmission Line* (Oct. 9, 2014); TVA, *Putnam-Cumberland, Tennessee – Improve Power Supply Project* EA (Nov. 13, 2013).

²⁸⁸ Att. 2, TVA, CE Support Documentation, 3-38. In fact, TVA does not even mention these protected species and habitats in its analysis of CE 15's environmental effects. *Id.* at 3-42 to 3-44.

²⁸⁹ *See* Part II, Section II.A-C, above.

²⁹⁰ *See* Part II, Section II.E, above.

Further, although these FONSIIs include mitigation for protected bats, turtles, wetlands, and plants, TVA does not even mention the effects that applying CE 15 would have on these resources.²⁹¹ Although TVA claims that “[i]n several cases, a FONSI was reached based on mitigating measures to address impacts not associated with maintenance actions,”²⁹² the utility does not state that mitigation was unnecessary for maintenance actions in all cases. TVA does not specifically explain whether or when mitigation *was* necessary for maintenance actions and how proposed CE 15 would not include those cases. Nor would TVA’s proposed “extraordinary circumstances” procedure ensure that activities within the scope of the CE would receive adequate environmental review.²⁹³

Additionally, all of the transmission CEs have significant air quality and climate implications because of the effect that transmission infrastructure has on the type and amount of electricity generation, the cumulative effects of climate on the environment, and the effects that climate change would have on new and existing transmission infrastructure.²⁹⁴

Table 4. Environmental Effects of Existing Transmission Lines Based on TVA Estimates²⁹⁵

	10-miles of transmission lines	16,000-miles of transmission lines
Land use impacts	122 acres affected	195,200 acres affected
Wetlands Impacts	12 acres affected	24,000 acres affected
Forested Wetlands Impacts	0.3 acres affected	480 acres affected
Stream Impacts	15 stream crossings	24,000 stream crossings

²⁹¹ See Att. 2, TVA, CE Support Documentation, 3-42 to 3-44.

²⁹² Att. 2, TVA, CE Support Documentation, 3-42.

²⁹³ See Part I, Sections II.B and K and Part II, Section II.D, above.

²⁹⁴ See Att. 53, Nat’l Ass’n Clean Air Agencies, *Implementing EPA’s Clean Power Plan: A Menu of Options* 18-1 to 18-16 (2015) [hereinafter NACAA, *Implementing EPA’s CPP*]; see also Part II, Section II.C.

²⁹⁵ Att. 52, TVA, 2015 IRP, 193.

Forested Stream Impacts	1 stream crossings	160 stream crossings
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The cited benchmarking examples do not support the broad language and application of CE 15.²⁹⁶ To rely on another agency’s categorical exclusion, an agency should consider: “(1) characteristics of the actions; (2) methods of implementing the actions; (3) frequency of the actions; (4) applicable standard operating procedures or implementing guidelines (including extraordinary circumstances); and (5) timing and context, including the environmental settings in which the actions take place.”²⁹⁷

TVA cites DOE’s CE on the construction of transmission lines as an example, but ignores the major differences between TVA’s and DOE’s transmission systems and service territories.²⁹⁸ DOE’s CE applies to actions with completely different characteristics, implementation, frequency, timing, and context.²⁹⁹ Unlike TVA, DOE’s authority to construct transmission lines is extremely limited: Federal law authorizes DOE to coordinate the Federal authorizations needed for siting *other* entities interstate electric transmission projects;³⁰⁰ designate energy corridors on federal lands;³⁰¹ and construct transmission necessary for demonstration projects.³⁰² TVA, on the other hand, builds and manages a transmission system that currently covers an 80,000-acre service area, including 16,000 miles of transmission lines, 513 substations, over 200,000 acres of rights-of-way.³⁰³

The distinction between DOE’s and TVA’s transmission-related actions is definite. Therefore, TVA cannot use DOE’s transmission CEs as benchmarking examples, or at least, should recognize the difference between the two agency’s activities and explain why despite these differences, TVA’s CEs will similarly cause insignificant environmental effects. Moreover, the cited DOE CEs do not permit the activities that TVA proposes to cover in this CE.³⁰⁴ TVA

²⁹⁶ See Part II, Section II.F, above.

²⁹⁷ Att. 7, CEQ, CE Guidance, 9.

²⁹⁸ Att. 2, TVA, CE Support Documentation, 3-58.

²⁹⁹ Att. 7, CEQ, CE Guidance, 9.

³⁰⁰ Energy Policy Act of 2005 (EPA) § 1221(a), 16 U.S.C. § 824p(h); Att. 54, U.S. Dep’t Energy, *Coordination of Federal Transmission Permitting on Federal Lands* (216(h)), <https://energy.gov/oe/services/electricity-policy-coordination-and-implementation/transmission-planning/coordination> (last visited Sept. 5, 2017).

³⁰¹ EPA 2005 § 368, 16 U.S.C. § 824p(a); Att. 55, U.S. Dep’t Energy, *Energy Corridors on Federal Lands*, <https://energy.gov/oe/services/electricity-policy-coordination-and-implementation/transmission-planning/energy> (last visited Sept. 5, 2017).

³⁰² See 42 U.S.C. § 16215(a).

³⁰³ See Att. 2, TVA, CE Support Documentation, 3-58.

³⁰⁴ *Id.* at 3-42 to 3-43.

adds “maintenance of existing transmission line assets” to the activities under the proposed CE, but this activity is not identified in the DOE CE, not described in the background on the CE, and not discussed elsewhere in this CE’s supporting documentation.

Similarly, the actions of the Federal Highway Administration (FHWA) are patently different from TVA’s transmission CEs. FHWA’s cited CE also includes much more specificity and explicitly limits its application to portions of rights-of-way that “have not been disturbed or that are not maintained for transportation purposes.”³⁰⁵ Therefore, to be supported by the FHWA CE, TVA would need to incorporate the limiting language from that CE. Even then, TVA must analyze FHWA’s CE to see if it sufficiently aligns with the characteristics of CE 15’s actions, the methods of implementing CE 15’s actions, the frequency of CE 15’s actions, the FHWA’s applicable standard operating procedures or implementing guidelines (including extraordinary circumstances); and timing and context of CE 15, including the environmental settings in which the actions take place.³⁰⁶

TVA is also preemptively introducing CE 15 as a means to avoid tiering to the programmatic EIS that it is preparing as a result of *Sherwood*.³⁰⁷ As CEQ has explained, TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.³⁰⁸ That is exactly what TVA proposes to do here.³⁰⁹

In addition to avoiding tiering, CE 15 is part of a string of proposed CEs that deal with different aspects of constructing, maintaining, transferring, purchasing, and retiring transmission infrastructure.³¹⁰ These activities are sufficiently “connected” and “similar” to require TVA to consider them together, as argued above.³¹¹ TVA could not maintain transmission line infrastructure without first constructing those lines. These transmission CEs apply to a set region: TVA’s service territory. And the actions exempted under these CEs have been or are being analyzed in a programmatic document, meaning they are interdependent parts of a larger action. Therefore, TVA must consider these transmission activities together, which would require tiered EAs or EISs. TVA cannot categorically exclude them.

³⁰⁵ *Id.* at 3-44

³⁰⁶ Att. 7, CEQ, CE Guidance, 9.

³⁰⁷ See Att. 9, TVA, *Transmission System Vegetation Management Program*, <https://www.tva.gov/Environment/Environmental-Stewardship/Environmental-Reviews/Transmission-System-Vegetation-Management-Program> (last visited Aug. 29, 2017).

³⁰⁸ Att. 7, CEQ, CE Guidance, 5.

³⁰⁹ See Part II, Section III and IV, above.

³¹⁰ See Att. 2, TVA, CE Support Documentation, 3-38 (CE 15); *id.* at 3-47 (CE 16); *id.* at 3-62 (CE 17); *id.* at 3-71 (CE 18); *id.* at 3-73 (CE 19); *id.* at 3-84 (CE 20).

³¹¹ See Part II, Section III and IV, above; see also 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env’tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

As argued above, TVA should promulgate documentation requirements that would require that application of CE 15 be documented and be made publicly available on TVA's website.

TVA should either adjust CE 15 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

III. CE 16—New Transmission Infrastructure

TVA currently has over 16,000 miles of transmission lines, 513 substations, over 200,000 acres of rights-of-way, all covering 80,000 square miles of service territory.³¹² And each year, TVA has been adding about 150 miles of new transmission lines, the distance of almost six marathons, along with the accompanying rights-of-ways, substations, and switching stations.³¹³

CE 16 would allow TVA to construct new transmission line infrastructure in increments of “generally” 10 miles, as long as they “generally” require no more than 125 acres of new rights-of-way, no more than 1 mile of new access road construction, and support facilities that physically disturb no more than 10 acres.³¹⁴ The inclusion of the term “generally” means that the explicit 10-mile limitation is meaningless.³¹⁵ Even if the 10-mile limit had a meaning, TVA provides no rationale for why a 10-mile transmission line does not have significant environmental effects, while an 11-mile transmission line would. Furthermore, without limiting the contiguous application of CE 16, TVA could simply break up a 150-mile, 1,000-mile, 10,000-mile stretch of new transmission infrastructure into 10-mile increments and categorically exclude all of its activities. Although in its description, TVA maintains it would limit the length of 500 kV transmission lines to less than 10 miles because of these lines require wider rights-of-way, nothing in the CE's language reflects this limitation.³¹⁶

The application of this CE across TVA's 80,000 square mile service territory would have significant direct, indirect, and cumulative environmental effects.³¹⁷ TVA explains that the construction of new transmission infrastructure requires the removal of most trees and shrubs across the entire new right-of-way. For a 10-mile 500-kV line (which requires a 150-foot corridor), clearing a new right-of-way could mean removing over 79,000 mature trees.³¹⁸ Extend

³¹² Att. 2, TVA, CE Support Documentation, 3-47.

³¹³ *Id.*

³¹⁴ Att. 2, TVA, CE Support Documentation, 3-47.

³¹⁵ See Part II, Section II.D (Specificity), above.

³¹⁶ *Id.* at 3-49.

³¹⁷ See Part II, Section II.A-C, above.

³¹⁸ We calculated the square feet of 10-mile (52,800 foot) right-of-way corridor for a 500-kV line: 150 ft X 52800 ft = 7920000 ft². We converted the square feet back into acres: 7920000 ft²/43560 = 181.82 acres. Then we calculated the number of trees per acre using the analysis of the University of Tennessee in a recent report on White Pines

that to the approximately 150-miles that TVA has been adding annually, and under this CE, TVA could clear nearly 1.2 million mature trees per year without any of its activities requiring NEPA analysis.³¹⁹ TVA's own estimates show that applying a CE to new 10-mile transmission lines would have significant individual and cumulative effects. See Table 5.

Table 5. Environmental Effects of New Transmission Lines Based on TVA Estimates³²⁰

	10-mile transmission line	150-mile transmission line
Land use impacts	122 acres affected	1830 acres affected
Forest Cleared	56 acres cleared (>24,300 trees)	840 acres cleared (>365,000 trees)
Wetlands Impacts	7 acres affected	105 acres affected
Forested Wetlands Impacts	4 acres affected	60 acres affected
Stream Impacts	34 stream crossings	510 stream crossings
Forested Stream Impacts	12 stream crossings	180 stream crossings

If, as TVA concedes, it must prepare an EIS for tree clearing and vegetation management practices for *existing* transmission infrastructure, it must do the same for constructing new

using the 10-foot by 10-foot spacing estimate. UT, *Tree Crops for Marginal Farmland: White Pine with Financial Analysis* 8 (2000), <https://extension.tennessee.edu/publications/Documents/PB1462.pdf>. 181.82 acres X 435 trees/acre = 79090 trees.

³¹⁹ Using the same calculations described in note 319, assuming that the transmission lines are 500-kW lines.

³²⁰ Att. 52, TVA, 2015 IRP, 193

transmission infrastructure, because of this activity's significant direct, indirect, and cumulative effects.³²¹ Moreover, TVA should demonstrate that these additional transmission lines are necessary and that no-wires alternatives would be ineffective.³²² Additionally, all of the transmission CEs have significant air quality and climate implications because of the effect that transmission infrastructure has on the type and amount of electricity generation.³²³

TVA's cited EAs and EISs do not support CE 16 because they are mitigated FONSI, and the proposed CE does not substantially integrate these mitigation measures into its language.³²⁴ Moreover, the EAs described by TVA similarly do not support proposed CE 16—e.g., all four EAs involve 161-kV lines, which would require smaller rights-of-way than a 500-kV line.³²⁵ Specifically,

The Calhoun, Georgia—Area Power System Improvements, Ashland 161-kV Delivery Point EA, Memphis Regional Megasite Power Supply, Selmer-West Adamsville 161-kV Transmission Line and Switching Station, Union-Tupelo No.3 161-kV Transmission Line, Putnam-Cumberland, Tennessee—Improve Power Supply Project, Montpelier 161kV Transmission Line, New 161kV Transmission Line Tap to Spencer, Red Hills-Kosciusko 161-kV Transmission Line, Rugby-Sunbright Power Supply Improvements FONSI are contingent on adherence to mitigation measures for wetland, state-listed plants, threatened and endangered bats, and protected turtles.³²⁶ As CEQ sets forth, if an agency cites to FONSI that include mitigation measures, the agency must ensure that these measures are an “integral component” of the actions included in the CE.³²⁷ Here, the mitigation measures in the cited FONSI seek to safeguard wetlands, state-listed plants, and protected bats and turtles as well as their habitats,³²⁸

³²¹ *Sherwood v. TVA*, No. 3:12-CV-156-TAV-HBG, 2017 WL 3261769 (E.D. Tenn. July 31, 2017).

³²² FERC Order 1000, 136 FERC ¶ 61,051 (July 21, 2011).

³²³ Att. 53, NACAA, Implementing EPA's CPP, 18-1 to 18-16.

³²⁴ See Part II, Section II.E, above.

³²⁵ See Section II, Part II.E, above; TVA CE Supporting Documentation, 3-53 to 3-54. Note that none of these EAs were publicly available, and Conservation Groups received copies of them with less than two business days to review and comment on the specifics of these documents.

³²⁶ TVA, Calhoun, Georgia - Area Power System Improvements EA and FONSI (Apr. 26, 2016); TVA, Ashland 161-kV Delivery Point EA and FONSI (June 7, 2016); Memphis Regional Megasite Power Supply EA (Feb. 16, 2016); Selmer-West Adamsville 161-kV Transmission Line and Switching Station (Jan. 6, 2015); Union-Tupelo No.3 161-kV Transmission Line (Oct. 9, 2014); Putnam-Cumberland, Tennessee – Improve Power Supply Project EA (Nov. 13, 2013); Montpelier 161kV Transmission Line EA (Feb. 24, 2017); New 161kV Transmission Line Tap to Spencer EA (Feb. 18, 2016); Red Hills-Kosciusko 161-kV Transmission Line EA (Jan. 25, 2017); Rugby-Sunbright Power Supply Improvements EA (Feb. 16, 2017). Many of the EAs and EISs are not publicly available on TVA's website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above; see also Part II, Sections II.E, III-IV.

³²⁷ Att. 7, CEQ, CE Guidance, 7.

³²⁸ See TVA, Calhoun, Georgia - Area Power System Improvements EA and FONSI (Apr. 26, 2016); TVA, Ashland 161-kV Delivery Point EA and FONSI (June 7, 2016); Memphis Regional Megasite Power Supply EA (Feb. 16,

but CE 16 includes none of these mitigation measures in its text.³²⁹ To remedy this error, TVA must make the mitigation measures in the cited CEs “integral component[s]” of its CE language.

TVA did not take a “hard look” at the environmental effects of activities applicable to CE 16. It includes conclusory statements with no analysis or cited scientific evidence supporting TVA’s conclusions.³³⁰ TVA cites to its own NEPA analyses, even though they are mitigated FONSIIs, so that there are not significant environmental effects.³³¹ In the case of wildlife effects, TVA cites no authority for its conclusion that the application of this CE individually and cumulatively will have no significant effect on the state- and federally protected species cited in the mitigated FONSIIs.³³² TVA similarly ignores any cumulative effects of applying the proposed CE. Nor would TVA’s proposed “extraordinary circumstances” procedure ensure that activities within the scope of the CE would receive adequate environmental review.³³³

Moreover, TVA provides no analysis of climate effects, even though the activities that apply to CE 16 would have significant air quality and climate implications because of the effect that transmission infrastructure has on the type and amount of electricity generation, the cumulative effects of climate on the environment, and the effects that climate change would have on new and existing transmission infrastructure.³³⁴ Before finalizing this CE and moving these activities behind closed doors, TVA must conduct the required environmental analysis of direct, indirect, individual, and cumulative effects.

The cited benchmarking examples do not support the broad language and application of CE 16. TVA cites DOE’s CE on the construction of powerlines as an example, but ignores the major differences between TVA’s and DOE’s transmission systems and service territories, as described above.³³⁵ While DOE’s discrete transmission construction projects may not have significant indirect, direct, individual, or cumulative effects, TVA’s construction of contiguous 10-mile transmission lines, and the accompanying rights-of-way and substations, would have significant individual, cumulative, direct, and indirect effects. Therefore, DOE’s CE is an inappropriate benchmark for TVA’s proposed CE 16.

2016); Selmer-West Adamsville 161-kV Transmission Line and Switching Station (Jan. 6, 2015); Union-Tupelo No.3 161-kV Transmission Line (Oct. 9, 2014); Putnam-Cumberland, Tennessee – Improve Power Supply Project EA (Nov. 13, 2013); Montpelier 161kV Transmission Line EA (Feb. 24, 2017); New 161kV Transmission Line Tap to Spencer EA (Feb. 18, 2016); Red Hills-Kosciusko 161-kV Transmission Line EA (Jan. 25, 2017); Rugby-Sunbright Power Supply Improvements EA (Feb. 16, 2017).

³²⁹ Att. 2, TVA, CE Support Documentation, 3-47. In fact, TVA does not even mention these protected species and habitats in its analysis of CE 16’s environmental effects. *Id.* at 3-54 to 3-57.

³³⁰ See Part II, Section II.A-C, above.

³³¹ See Part II, Section II.E, above.

³³² See Att. 2, TVA, CE Support Documentation, 3-56.

³³³ See Part I, Sections II.B and K, and Part II, Section D, above.

³³⁴ See Att. 2, NACAA, Implementing EPA’s CPP; *see also* Part II, Section II.C.

³³⁵ *Id.* at 3-58. See Part III, Section II (CE 15); Part II, Section II.D, above.

Similarly, the cited CE from BTOP involves different activities, with different characteristics.³³⁶ BTOP's CE covers constructing buildings that affect no more than 5 acres (without inclusion of a discretionary term like "generally").³³⁷ The Rural Utility Service CE includes more restrictive and specific limits on the application of its CE, such as the length restriction based on the transmission line's voltage.³³⁸ FERC's CE similarly limits the permissible length of a new transmission line eligible for this CE based on the line's voltage.³³⁹ However, FERC goes further by applying the CE to new lines on new rights-of-way that are only one mile or less, rather than TVA's proposed 10 miles.³⁴⁰

TVA is also introducing CE 16 as a means to avoid tiering to the programmatic EIS required after *Sherwood* and the EIS for TVA's 2015 IRP.³⁴¹ TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.³⁴²

In addition to avoiding tiering, CE 16 is part of a string of proposed CEs that deal with different aspects of constructing, maintaining, transferring, purchasing, and retiring transmission infrastructure.³⁴³ These activities are sufficiently "connected" and "similar" to require TVA to consider them together, as argued above.³⁴⁴ Therefore, TVA must consider these transmission activities together, which would require tiered EAs or EISs. TVA cannot categorically exclude them.

As argued above, TVA should promulgate documentation requirements that would require that application of CE 16 be documented and be made publicly available on TVA's website.

TVA should either adjust CE 16 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

IV. CE 17—Existing Transmission Infrastructure

TVA proposes CE 17 as a means to categorically exclude its maintenance and management of all of TVA's 16,000 miles of existing transmission lines, 100,000 transmission

³³⁶ *Id.* at 3-58.

³³⁷ *Id.*

³³⁸ *Id.* at 3-59.

³³⁹ *Id.*

³⁴⁰ *Id.*

³⁴¹ See Att. 9, TVA, *Transmission System Vegetation Management Program*, <https://www.tva.gov/Environment/Environmental-Stewardship/Environmental-Reviews/Transmission-System-Vegetation-Management-Program> (last visited Aug. 29, 2017); see also Part II, Section III and IV., above.

³⁴² CEQ, CE Guidance, 5; see also Part II, Section III and IV, above.

³⁴³ See Att. 2, TVA, CE Support Documentation, 3-38 (CE 15); *id.* at 3-47 (CE 16); *id.* at 3-62 (CE 17); *id.* at 3-71 (CE 18); *id.* at 3-73 (CE 19); *id.* at 3-84 (CE 20); see also Part II, Section III and IV, above..

³⁴⁴ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env't'l Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

line structures, over 200,000 acres of rights-of-way, and more than 500 substations.³⁴⁵ It would permit TVA to categorically exclude its modifications, repairs, and maintenance all existing infrastructure, without limitation on these activities' geographic scope or environmental effects.³⁴⁶ Under CE 17, TVA could exclude any "minor" addition to existing infrastructure, including transmission line uprates which would require TVA to broaden rights-of-way.³⁴⁷ Moreover, adjacent and outside of TVA's 200,000 acres of rights-of-way, TVA could construct roads that are "generally" no more than one mile without NEPA review.³⁴⁸

TVA must set forth "specific criteria for and identification of" actions that it proposes to categorically exclude from environmental review.³⁴⁹ However, in CE 17, TVA includes unreasonably broad, discretionary terms that permit TVA to uprate all 16,000 miles of transmission lines, ten-times the length of I-95, as long as it finds this action is "minor."³⁵⁰ As argued above, TVA's use of "minor" provides it unfettered discretion. The language of the CE also permits TVA to categorically exclude *any and all* changes, repairs, and maintenance on its existing transmission infrastructure.³⁵¹ Further, the inclusion of the term "generally," as argued above, removes any meaning from the one-mile limit on road construction.³⁵² Similar to other CEs, TVA arbitrarily determines there are no significant effects for one-mile roads, without explanation or support. Again, TVA does not limit this CE's contiguous application to roads of any length, one next to the other. The broadness of CE 17's language is demonstrated by TVA's own statement that CE 17 would apply to changes and repairs to "communications-related equipment and structures" even though this CE includes no mention of communications-related infrastructure, focusing instead on electricity transmission infrastructure.³⁵³

Conservation Groups were unable to determine whether TVA's cited CECs or EAs sufficiently support CE 17 because none were timely made available by TVA.³⁵⁴ However, assuming these documents are similar to the other "supporting" EAs to which undersigned groups do have access, the EA likely include mitigation measures to ensure that the actions (which would now be covered by CE 17) do not have significant environmental effects, thereby

³⁴⁵ Att. 2, TVA, CE Support Documentation, 3-62.

³⁴⁶ *Id.*

³⁴⁷ *Id.* TVA demonstrated that higher-voltage lines require wider rights-of-way and therefore have more significant environmental effects. *Id.* at 3-47.

³⁴⁸ *Id.* at 3-62.

³⁴⁹ 40 C.F.R. § 1507.3(b)(2); *see also* Att. 4, CEQ, Implementing Guidance; *Sierra Club v. Bosworth*, 510 F.3d 1016, 1032 (9th Cir. 2007) (rejecting adoption of categorical exclusion where agency failed to include specific limitations on its scope); *see also* Part II, Section II.D, above.

³⁵⁰ *Id.*

³⁵¹ *Id.*

³⁵² *Id.*

³⁵³ *Compare id.* at 3-65 to *id.* at 3-62.

³⁵⁴ *See* Part I, Section I.VI, above.

requiring an EIS. As CEQ sets forth, if an agency cites to FONSIIs that include mitigation measures, the agency must ensure that these measures are an “integral component” of the actions included in the CE.³⁵⁵ Thus, assuming the cited EAs include mitigation measures, TVA must make these measures “integral component[s]” of CE 17.

The EAs described by TVA similarly do not support proposed CE 17.³⁵⁶ For example, all three described EAs involve transmission lines with 161-kV or less.³⁵⁷ Where the voltage of a transmission line has direct implications on the environmental impact of that line, it is essential for TVA to provide examples supporting the specific voltages that it proposes to cover under this CE.³⁵⁸

TVA failed to take a “hard look” at the environmental effects of the individual and cumulative application of CE 17 because it includes only conclusory statements with no analysis or cited scientific evidence supporting TVA’s conclusions.³⁵⁹ TVA assumes argues that rights-of-way are already developed, even though uprates of existing transmission lines require TVA to broaden rights-of-way into undeveloped and undisturbed woodlands.³⁶⁰ The FONSIIs cited for CE 16 all demonstrated that tree clearing for rights-of-way have individual and cumulative effects on protected bat, plant, and turtle species.³⁶¹ Here, TVA provides no evidence that the same is not true for widening rights-of-way.³⁶² Additionally, all of the transmission CEs have significant air quality and climate implications because of the effect that transmission infrastructure has on the type and amount of electricity generation, the cumulative effects of climate on the environment, and the effects that climate change would have on new and existing transmission infrastructure.³⁶³

³⁵⁵ Att. 7, CEQ, CE Guidance, 7.

³⁵⁶ See Section II, Part II.E, above.

³⁵⁷ Att. 2, TVA, CE Support Documentation, 3-64 to 3-65.

³⁵⁸ *Id.* at 3-47.

³⁵⁹ See Part II, Sections II.A-C, above.

³⁶⁰ Att. 2, TVA, CE Support Documentation, 3-66; *id.* at 3-47.

³⁶¹ See TVA, *Calhoun, Georgia - Area Power System Improvements* EA and FONSI (Apr. 26, 2016); TVA, *Ashland 161-kV Delivery Point* EA and FONSI (June 7, 2016); TVA, *Memphis Regional Megasite Power Supply* EA (Feb. 16, 2016); TVA, *Selmer-West Adamsville 161-kV Transmission Line and Switching Station* (Jan. 6, 2015); TVA, *Union-Tupelo No.3 161-kV Transmission Line* (Oct. 9, 2014); TVA, *Putnam-Cumberland, Tennessee – Improve Power Supply Project* EA (Nov. 13, 2013); TVA, *Montpelier 161kV Transmission Line* EA (Feb. 24, 2017); TVA, *New 161kV Transmission Line Tap to Spencer* EA (Feb. 18, 2016); TVA, *Red Hills-Kosciusko 161-kV Transmission Line* EA (Jan. 25, 2017); TVA, *Rugby-Sunbright Power Supply Improvements* EA (Feb. 16, 2017). Many of the EAs and EISs are not publicly available on TVA’s website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above.

³⁶² See Att. 2, TVA, CE Support Documentation, 3-66.

³⁶³ See Att. 54, Nat’l Ass’n Clean Air Agencies, *Implementing EPA’s Clean Power Plan: A Menu of Options* 18-1 to 18-16 (2015) [hereinafter NACAA, *Implementing EPA’s CPP*]; see also Part II, Section II.C.

Nor would TVA's proposed "extraordinary circumstances" procedure ensure that activities within the scope of the CE would receive adequate environmental review.³⁶⁴

The cited benchmarking examples do not support the broad language and application of CE 17. TVA did not consider the (1) characteristics of the other agencies' actions; (2) methods of implementing those actions; (3) frequency of those actions; (4) applicable standard operating procedures or implementing guidelines (including extraordinary circumstances); and (5) timing and context, including the environmental settings in which the actions take place.³⁶⁵ As described above, the transmission actions of DOE are distinct from TVA's and therefore DOE's CEs are inappropriate benchmarks.³⁶⁶ Moreover, the cited CEs are much more restrictive than CE 17, and do not permit the breadth of actions TVA proposes to cover under CE 17.³⁶⁷ BTOP's cited CE, and TVA's accompanying discussions, focus on telecommunications even though the CE language and title focus exclusively on electricity transmission.³⁶⁸ Similarly, DHS's CE covers none of the activities proposed in CE 17, and TVA does not discuss how this divergent example supports CE 17.³⁶⁹ Therefore, these benchmarking examples do not support CE 17.

CE 17, similar to those above, would permit TVA to avoid tiering to the programmatic EIS for TVA's IRP, and TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.³⁷⁰

In addition to avoiding tiering, CE 17 is part of a string of proposed CEs that deal with different aspects of constructing, maintaining, transferring, purchasing, and retiring transmission infrastructure.³⁷¹ These activities are sufficiently "connected" and "similar" to require TVA to consider them together, as argued above.³⁷² Therefore, TVA must consider these transmission activities together, which would require tiered EAs or EISs. TVA cannot categorically exclude them.

As argued above, TVA should promulgate documentation requirements that would require that application of CE 17 be documented and be made publicly available on TVA's website.

³⁶⁴ See Part I, Sections II.A and K and Part II, Section II.D, above.

³⁶⁵ Att. 7, CEQ, CE Guidance, 9; *see also* Part II, Section II.C.

³⁶⁶ Att. 2, TVA, CE Support Documentation, 3-67.

³⁶⁷ *Id.*

³⁶⁸ *Id.* at 3-68.

³⁶⁹ *Id.* at 3-69.

³⁷⁰ Att. 7, CEQ, CE Guidance, 5; *see also* Part II, Section III and IV, above.

³⁷¹ *See* Att. 2, TVA, CE Support Documentation, 3-38 (CE 15); *id.* at 3-47 (CE 16); *id.* at 3-62 (CE 17); *id.* at 3-71 (CE 18); *id.* at 3-73 (CE 19); *id.* at 3-84 (CE 20).

³⁷² 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env't'l Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014); *see also* Part II, Sections III and IV, above..

TVA should either adjust CE 17 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

V. CE 18—Telecommunications and Smart Grids

In its changes to CE 18, TVA proposes to expand the scope and types of activities covered by the CE, leading to cumulatively significant environmental effects. In addition to the current activities covered by this CE, TVA would allow itself to install fiber optics, electricity transmission control devices, and supporting towers.³⁷³ There is no limit to the length, geographic scope, or environmental impacts that these activities can have under the CE.³⁷⁴

The proposed CE text does not set forth “specific criteria for and identification of” the actions that it proposes to categorically exclude.³⁷⁵ The CE does not limit to the length of fiber optic wire installations permitted, the number of support towers, the scope of the activities, or the environmental effects resulting from these actions. Under the CE’s current language, TVA could cover its 80,000-mile service territory with fiber optic wires and build thousands of support towers, all while avoiding NEPA review and under the protection of CE 18. TVA’s proposed CE 18 cannot be called specific in any way.

Although TVA proposes to greatly expand the scope of this CE, TVA provides no evidence to support CE 18 from its experience with EAs or EISs.³⁷⁶ Instead, TVA cites to a select group of CECs.³⁷⁷ Based simply on the description of the cited CECs,³⁷⁸ CE 18 would (if finalized as proposed) categorically exclude actions that are distinct and significantly broader than those discussed in the cited CECs. TVA fails to take any look, let alone a “hard look” at the potentially significant individual and cumulative environmental effects of applying the amended CE 18.³⁷⁹ For example, TVA provides no support for its conclusion that installing fiber optic wires across its service territory would cause no significant individual or cumulative effects. TVA includes no discussion of the individual and cumulative environmental effects of the

³⁷³ TVA, CE Supporting Documentation, 3-71.

³⁷⁴ *Id.*

³⁷⁵ 40 C.F.R. § 1507.3(b)(2); *see also* CEQ, Memorandum, Agency Implementing Procedures Under CEQ’s NEPA Regulations (January 19, 1979) ; *Sierra Club v. Bosworth*, 510 F.3d 1016, 1032 (9th Cir. 2007) (rejecting adoption of categorical exclusion where agency failed to include specific limitations on its scope); *see also* Part II, Section II.D, above.

³⁷⁶ Att. 2, TVA, CE Support Documentation, 3-71.

³⁷⁷ *Id.*

³⁷⁸ Many of the EAs and EISs are not publicly available on TVA’s website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. *See* Part I, Section VI, above..

³⁷⁹ Att. 2, TVA, CE Support Documentation, 3-71 to 3-72.

expansive activities applicable to CE 18.³⁸⁰ Nor would TVA's proposed "extraordinary circumstances" procedure ensure that activities within the scope of the CE would receive adequate environmental review.³⁸¹

The amendments to CE 18 are disconcerting because TVA's Board of Directors recently approved a request to execute TVA's Strategic Fiber Initiative, a \$300 million project that would install 3,500 miles of optical ground wire.³⁸² TVA has promised to install these wires only after appropriate environmental reviews.³⁸³ Under proposed CE 18, however, TVA could complete this whole project without any NEPA analysis. These activities should require a programmatic analysis, and should not be excluded under this CE.³⁸⁴

As argued above, TVA should promulgate documentation requirements that would require that application of CE 18 be documented and be made publicly available on TVA's website.

TVA should either adjust CE 18 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

VI. CE 19—Transmission Line Retirement and Rebuilding

As with the other transmission CEs, TVA proposes to expansively categorically exclude activities under CE 19, including building new transmission lines "contiguous to existing rights-of-way."³⁸⁵ These new lines would "generally" extend no more than 25 miles in length and require a right-of-way expansion of 125 acres.³⁸⁶ However, adding a new 25-mile 500-kV transmission line contiguous to an existing line would require a right-of-way expansion of over 450 acres, affecting nearly 200,000 mature trees.³⁸⁷ Even limiting this example to 69-kV transmission line would require a right-of-way expansion of over 225 acres, affecting nearly

³⁸⁰ See Part II, Section II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

³⁸¹ See Part I, Sections II.B and K and Part II, Section II.D, above.

³⁸² See Att. 56, TVA, Memorandum, Board of Directors, TVA, *Proposed Board Resolution (Strategic Fiber Initiative)* (April 18, 2017) [hereinafter TVA, Strategic Fiber Memo]; Att. 57, TVA, Board Meeting, Powerpoint Presentation (May 11, 2017) https://www.tva.gov/file_source/TVA/Site%20Content/About%20TVA/Our%20Leadership/Board%20of%20Directors/Meetings/2017/May%2011,%202017/May%2011%202017%20Board%20presentation.pdf (last visited Sept. 5, 2017).

³⁸³ See Att. 56, TVA, Strategic Fiber Memo ("Upon completion of any required environmental reviews, TVA would install 3,500 miles of new [optical ground wire]").

³⁸⁴ Att. 7, CEQ, CE Guidance, 5.

³⁸⁵ Att. 2, TVA, CE Support Documentation, 3-73.

³⁸⁶ *Id.*

³⁸⁷ Using the same calculations described in note 319

100,000 mature trees.³⁸⁸ In fact, only transition of a 25-mile 69 kV line to a 161 kV line would require a right-of-way expansion of less than 125 acres.³⁸⁹

Including the term “generally” removes any meaning from the 25-mile and 125-acre limitations of the CE.³⁹⁰ Moreover, even if the term “generally” was removed, TVA arbitrarily defines the 25-mile and 125-mile limit because it provides no explanation for why these limits equate to insignificant direct, indirect, individual, and cumulative effects.³⁹¹ Because this CE could also apply contiguously, there is no real limit on the geographic scope and potential individual and cumulative environmental effects of applying this CE.

As TVA itself states, TVA staff have “regularly cite[d] to other existing CEs when considering proposed actions” covered under CE 19.³⁹² If TVA staff has previously improperly applied other CEs to the types of activities that would only now be excluded under CE 19, then TVA has even more incentive to provide clear, specific language in its proposed CEs. Under the current language, staff may confuse CE 19 with CE 16 whenever a new transmission line would be contiguous with existing lines. Importantly, it is unclear when TVA would construct a new transmission line that is not connected to existing infrastructure.

The application of this CE across TVA’s 80,000 square mile service territory would have significant direct, indirect, and cumulative environmental effects. TVA explains that the construction of new transmission infrastructure requires the removal of most trees and shrubs across the entire new right-of-way. A 25-mile 500-kV transmission line and accompanying 450-acre right-of-way could require clearing nearly 200,000 mature trees.³⁹³ TVA’s own estimates show that new transmission lines, even if contiguous to existing infrastructure, would have significant individual and cumulative effects.³⁹⁴

As conceded by TVA, tree clearing and vegetation management practices for *existing* transmission infrastructure have significant environmental indirect, direct, individual, and cumulative effects, thereby requiring an EIS.³⁹⁵ If the tree clearing for maintaining rights-of-way and existing transmission has significant environmental effects, surely the same is true for new

³⁸⁸ Using the same calculations described in note 319.

³⁸⁹ A 25-mile 69-kV line requires a ROW of approx. 225 acres. A 25-mile 161-kV line requires a ROW of approx. 303 acres. A 25-mile 500-kV line requires a ROW of approx. 450 acres. Using the same calculations described in note ##. Thus, moving from a 69-kV line to a 161-kV line would expand the ROW by 78 acres; from a 161-kV line to a 500-kV line would expand the ROW by 147 acres; and from a 69-kV line to a 500-kV line would expand the ROW by 225 acres.

³⁹⁰ See Part II, Section II.D, above.

³⁹¹ Att. 2, TVA, CE Support Documentation, 3-73 to 3-74.

³⁹² Att. 2, TVA, CE Support Documentation, 3-73.

³⁹³ Using the same calculations described in note 223.

³⁹⁴ See Table 5 (from section on CE16).

³⁹⁵ *Sherwood v. TVA*, No. 3:12-CV-156-TAV-HBG, 2017 WL 3261769 (E.D. Tenn. July 31, 2017).

transmission infrastructure. Moreover, TVA should demonstrate that these additional transmission lines are necessary and that no-wires alternatives would be ineffective.³⁹⁶ Additionally, all of the transmission CEs have significant air quality and climate implications because of the effect that transmission infrastructure has on the type and amount of electricity generation, the cumulative effects of climate on the environment, and the effects that climate change would have on new and existing transmission infrastructure.³⁹⁷

TVA did not take a “hard look” at the environmental effects of activities applicable to CE 19, and instead provides conclusory statements with no analysis or cited scientific evidence supporting TVA’s conclusions.³⁹⁸ The environmental effects described by TVA do not contemplate the construction of new transmission lines that are contiguous with existing lines. The cited NEPA analyses are primarily mitigated EAs, thus limiting the environmental effects of the proposed actions.³⁹⁹ Looking closer at these EAs, these documents require mitigation measures for protected bat species as a method for reducing environmental effects below the “significant” threshold.⁴⁰⁰ However, TVA does not even mention bats in its section on wildlife effects.⁴⁰¹ Similar to other CE analyses, TVA ignores any cumulative effects of applying the proposed CE. Moreover, TVA provides no analysis of climate effects, even though the activities that apply to CE 19 would have significant climate effects. Before finalizing this CE and moving these activities behind closed doors, TVA must conduct the required environmental analysis of direct, indirect, individual, and cumulative effects.

Nor would TVA’s proposed “extraordinary circumstances” procedure ensure that activities within the scope of the CE would receive adequate environmental review.⁴⁰²

TVA’s cited EAs and EISs do not support CE 19 because they are mitigated FONSI, and the proposed CE does not substantially integrate these mitigation measures into its language.⁴⁰³ Putnam-Cumberland, Tennessee—Improve Power Supply Project FONSI are contingent on adherence to following best management practices and mitigating effects on threatened and endangered bats.⁴⁰⁴ Conservation Groups groups could not timely access the remaining cited

³⁹⁶ Att. 58, Order No. 1000, *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, 136 F.E.R.C. ¶61,051, 18 C.F.R. pt. 35 (July 2011).

³⁹⁷ See Att. 53, NACAA, Implementing EPA’s CPP, 18-1 to 18-16; see also Part II, Section II.C.

³⁹⁸ See Part II, Sections II.A-C, above; TVA, CE Supporting Documentation, 3-77 to 3-79.

³⁹⁹ See TVA, *Putnam-Cumberland, Tennessee – Improve Power Supply Project*, Environmental Assessment (11/13/2013); see also Part II, Section II.E, above.

⁴⁰⁰ See TVA, *Putnam-Cumberland, Tennessee – Improve Power Supply Project*, Environmental Assessment (11/13/2013).

⁴⁰¹ Att. 2, TVA, CE Support Documentation, 3-78.

⁴⁰² See Part I, Sections II.B and K and Part II, Section II.D, above.

⁴⁰³ See Part II, Sections II.E, above.

⁴⁰⁴ TVA, *Putnam-Cumberland, Tennessee – Improve Power Supply Project*, Environmental Assessment (11/13/2013).

NEPA documents, but assume they suffer the same defects.⁴⁰⁵ As explained above, if TVA cites to a mitigated FONSI as support, then it must ensure that these mitigation measures are an “integral component” of the actions included in the CE.⁴⁰⁶

The cited benchmarking examples do not support the broad language and application of CE 19.⁴⁰⁷ TVA cites DOE’s CE on the construction of powerlines as an example, but ignores the major differences between TVA’s and DOE’s transmission systems and service territories, as described above.⁴⁰⁸ While DOE’s discrete transmission construction projects may not have significant indirect, direct, individual, or cumulative effects, TVA’s construction of 25-mile transmission lines that are contiguous to existing transmission infrastructure, and the accompanying rights-of-way, would have significant individual, cumulative, direct, and indirect effects. Moreover, even if the activities were similar, the DOE CEs are more restrictive, permitting only 10-mile transmission lines, and 20-mile lines in disturbed or developed areas.⁴⁰⁹ Here, TVA would be able to construct 25-mile lines in undisturbed or undeveloped areas as long as they connected to existing transmission infrastructure.⁴¹⁰ Therefore, DOE’s CE is an inappropriate benchmark for TVA’s proposed CE 19.

Similarly, the cited CE from BTOP involves different activities, with different characteristics.⁴¹¹ BTOP’s CE limits itself to replacing or rebuilding existing lines that involve less than 12% pole replacement (without inclusion of a discretionary term like “generally”).⁴¹² The Rural Utility Service CEs applies only to the financing of projects, and are still more restrictive than TVA’s CE 19.⁴¹³ None of the cited CEs support TVA’s proposal to construct new 25-mile transmission lines as long as they are contiguous to the existing ones.

As in the other transmission CEs, TVA is also introducing CE 19 as a means to avoid tiering to the programmatic EIS required after *Sherwood* and the EIS for TVA’s 2015 IRP.⁴¹⁴

⁴⁰⁵ Many of the EAs and EISs are not publicly available on TVA’s website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. *See* Part I, Section VI, above.

⁴⁰⁶ Att. 7, CEQ, CE Guidance, at 7.

⁴⁰⁷ *See* Part II, Sections II.F, above.

⁴⁰⁸ Att. 2, TVA, CE Support Documentation, 3-80.

⁴⁰⁹ *Id.*

⁴¹⁰ *Id.* 3-73.

⁴¹¹ *Id.* 3-80 to 3-81.

⁴¹² *Id.* at 3-80.

⁴¹³ *Id.* at 3-81.

⁴¹⁴ *See* Att. 9, TVA, *Transmission System Vegetation Management Program*, <https://www.tva.gov/Environment/Environmental-Stewardship/Environmental-Reviews/Transmission-System-Vegetation-Management-Program> (last visited Aug. 29, 2017); *see also* Part II, Sections III and IV.

TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.⁴¹⁵

Additionally, CE 19 is part of a string of proposed CEs that deal with different aspects of constructing, maintaining, transferring, purchasing, and retiring transmission infrastructure.⁴¹⁶ These activities are sufficiently “connected” and “similar” to require TVA to consider them together, as argued above.⁴¹⁷ Therefore, TVA must consider these transmission activities together, which would require tiered EAs or EISs. TVA cannot categorically exclude them.

As argued above, TVA should promulgate documentation requirements that would require that application of CE 19 be documented and be made publicly available on TVA’s website.

TVA should either adjust CE 19 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

VII. CE 20—Transmission Transactions

In its changes to CE 20, TVA proposes to expand the scope and types of activities covered by the CE, so that when applied cumulatively, the activities will have significant direct and indirect environmental effects.⁴¹⁸ CE 20 would now allow for any conveyance of transmission lines and rights-of way as well as associate equipment.⁴¹⁹ TVA also proposes to further expand CE 20 to include the disposal of existing transmission infrastructure.⁴²⁰

The proposed CE text does not set forth “specific criteria for and identification of” the actions that it proposes to categorically exclude.⁴²¹ There are absolutely no limits on these activities, meaning that TVA could convey or destroy all 16,200 miles of transmission lines, 513 substations, switchyards, and switching stations, and 200,000 acres of rights-of-way.⁴²² TVA’s proposed CE 20 must be rewritten to describe the specific activities.⁴²³ Taken as written, the CE

⁴¹⁵ CEQ, CE Guidance, 5.

⁴¹⁶ See Att. 2, TVA, CE Support Documentation, 3-38 (CE 15); *id.* at 3-47 (CE 16); *id.* at 3-62 (CE 17); *id.* at 3-71 (CE 18); *id.* at 3-73 (CE 19); *id.* at 3-84 (CE 20).

⁴¹⁷ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env’tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014); see also Part II, Sections III and IV.

⁴¹⁸ Att. 2, TVA, CE Support Documentation, 3-84.

⁴¹⁹ *Id.*

⁴²⁰ *Id.*

⁴²¹ 40 C.F.R. § 1507.3(b)(2); see also CEQ, Memorandum, Agency Implementing Procedures Under CEQ’s NEPA Regulations (January 19, 1979) ; *Sierra Club v. Bosworth*, 510 F.3d 1016, 1032 (9th Cir. 2007) (rejecting adoption of categorical exclusion where agency failed to include specific limitations on its scope).

⁴²² Att. 2, TVA, CE Support Documentation, 3-84.

⁴²³ See Part II, Sections II.D.

is invalid because applied individually and cumulatively, it would have a significant environmental effect.⁴²⁴

Although TVA proposes to greatly expand the scope of this CE, TVA provides no evidence to support CE 20 from its experience with EAs or EISs.⁴²⁵ Instead, TVA cites to a select group of CECs, none of which were timely made available to Conservation Groups for review.⁴²⁶

Nor would TVA's proposed "extraordinary circumstances" procedure ensure that activities within the scope of the CE would receive adequate environmental review.⁴²⁷

TVA fails to take any look, let alone a "hard look" at the potentially significant individual and cumulative environmental effects of applying the amended CE 20.⁴²⁸ All of the transmission CEs have significant air quality and climate implications because of the effect that transmission infrastructure has on the type and amount of electricity generation, the cumulative effects of climate on the environment, and the effects that climate change would have on new and existing transmission infrastructure.⁴²⁹

Additionally, CE 20 is part of a string of proposed CEs that deal with different aspects of constructing, maintaining, transferring, purchasing, and retiring transmission infrastructure.⁴³⁰ These activities are sufficiently "connected" and "similar" to require TVA to consider them together, as argued above.⁴³¹ Therefore, TVA must consider these transmission activities together, which would require tiered EAs or EISs.⁴³² TVA cannot categorically exclude them.

As argued above, TVA should promulgate documentation requirements that would require that application of CE 20 be documented and be made publicly available on TVA's website.

TVA should either adjust CE 20 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

⁴²⁴ See Part II, Section II.A-D, above.

⁴²⁵ Att. 2, TVA, CE Support Documentation, 3-84 to 3-85. Many of the EAs and EISs are not publicly available on TVA's website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above.

⁴²⁶ *Id.*

⁴²⁷ See Part I, Sections II.B and K and Part II, Sections II.D, above.

⁴²⁸ Att. 2, TVA, CE Support Documentation, 3-71 to 3-72.

⁴²⁹ See Att. 53, NACAA, Implementing EPA's CPP, 18-1 to 18-16; see also Part II, Section II.C.

⁴³⁰ See Att. 2, TVA, CE Support Documentation, 3-38 (CE 15); *id.* at 3-47 (CE 16); *id.* at 3-62 (CE 17); *id.* at 3-71 (CE 18); *id.* at 3-73 (CE 19); *id.* at 3-84 (CE 20).

⁴³¹ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env'tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

⁴³² See Part II, Sections III and IV.

VIII. CE 21—Power Plant Acquisition

Proposed CE 21 would categorically exclude “[p]urchase or lease, and subsequent operation of existing combustion turbine or combined-cycle plants for which there is existing adequate transmission and interconnection to the TVA transmission system and whose planned operation by TVA is within existing environmental permits for the purchased or leased facility.”

Proposed CE 21 lacks the specificity required by NEPA and the CEQ Regulations to ensure that no significant environmental impacts will occur as a result of application of the CE.⁴³³ In particular, CE 21 does not contain language that would ensure that relevant environmental impacts—especially greenhouse gas (GHG) and conventional air pollution—would not occur as the result of a particular decision to purchase, lease, and subsequently operate existing natural gas plants. Instead, CE 21 limits its application to situations in which the purchase or lease would not result in new physical infrastructure and TVA would plan to operate “within existing environmental permits,” metrics that would not adequately evaluate potentially relevant air and GHG emissions and other impacts or provide sufficient guidance to TVA staff to do so. Nor does TVA’s proposed “extraordinary circumstances” procedure provide such guidance.⁴³⁴

In particular, the proposed limitation that TVA plan to operate “within existing environmental permits” cannot demonstrate the acquisition and subsequent operation will have no individually or cumulatively significant environmental impacts. TVA is required to evaluate its proposed action against the affected environment, which means the actual baseline conditions as they exist before the agency’s proposed action occurs.⁴³⁵ TVA’s plan to operate “within existing environmental permits” is irrelevant to the question of the actual levels of GHG and conventional air pollution being emitted from the CT or NGCC before the acquisition. The baseline must be based on the actual level of emissions at the CT or NGCC, not its permit limits. The CT or NGCC proposed for purchase or lease could be mothballed, or be run solely as a seasonal peak resource, and TVA’s plans may be to run it at far higher rates that are still within existing permit limits. In these ways, the acquisition could have both individually and cumulatively significant effects.

The failure to include limits on GHG and other air emissions is especially troubling because of TVA’s increased and increasing reliance on natural gas generation. Indeed, TVA

⁴³³ See Part II, Section II. D, above.

⁴³⁴ See Part I, Sections II.B and K; Part II, Section II.D, above.

⁴³⁵ See 40 C.F.R. § 1502.15 (“Affected environment”); *Half Moon Bay Fishermans’ Mktg. Ass’n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988) (“Once a project begins, the “pre-project environment” becomes a thing of the past, thereby making evaluation of the project’s effect on pre-project resources impossible.”)

acquired a 705 MW natural gas combined cycle plant in Mississippi in 2015.⁴³⁶ TVA appears not to have performed NEPA review for the acquisition of this plant.⁴³⁷ Moreover, in its 2015 Integrated Resource Plan, TVA's projected capacity additions derived primarily from natural gas.⁴³⁸ Thus, the likelihood of significant cumulative impacts is great.

Moreover, the initial choice whether to acquire a particular combustion turbine or combined cycle plant may itself may have direct and indirect environmental impacts, including but not limited to carbon and conventional air pollution impacts. By proposing to categorically exclude CTs and NGCCs without limiting application to situations where the acquisition will definitively *not* have such impacts, TVA undermines the requirement that agencies consider reasonable alternatives to a proposed action—the component that CEQ calls “the heart of the environmental impact statement.”⁴³⁹ It is not sufficient to claim—without support—that the emissions and other impacts would occur anyway because some other party would acquire or run the plant.⁴⁴⁰ In today's electricity market, not to mention the future market, the natural gas plant proposed for acquisition could well be sidelined by demand-response, energy efficiency, solar, wind, or battery storage. Yet the claim that someone else would acquire and run the plant is implicit in TVA's conclusion that CE 21 would not have individually or cumulatively significant effects.

TVA provides no support for its proposed CE 21 derived from its own CECs, except for one CEC that appears to have impermissibly “tiered” to a previous EA. The EAs described by TVA similarly do not support proposed CE 21.⁴⁴¹ The EA addressing construction of a *new* NGCC at John Sevier is not similar in terms of the activities proposed to be addressed in CE 21.⁴⁴² In particular, the baseline in the John Sevier EA would include operation of the coal-fired power plant at John Sevier, rather than the emissions levels of a pre-existing NGCC or CT.⁴⁴³

⁴³⁶ Att. 53(a), TVA, *Ackerman Combined Cycle Plant*, <https://www.tva.gov/Energy/Our-Power-System/Natural-Gas/Ackerman-Combined-Cycle-Plant> (last visited Sept. 6, 2017).

⁴³⁷ TVA does not list the Ackerman acquisition among the CECs, EAs, and EISs it reviewed. *See* Att. 2, TVA, CE Support Documentation, 3-87-88.

⁴³⁸ Att. 52, TVA, 2015 IRP, 116.

⁴³⁹ 40 C.F.R. § 1502.14.

⁴⁴⁰ *See Montana Environmental Information Center v. U.S. Office of Surface Mining*, 2017 WL 3480262, *15 (August 14, 2017) (conclusion that there would be no effects from air emissions because other coal would be burned instead was “illogical” and “places [the agency's] thumb on the scale by inflating the benefits of the action while minimizing its impacts”).

⁴⁴¹ *See* Section II, Part II.E, above.

⁴⁴² *See* Att. 2, TVA, CE Support Documentation, 3-89.

⁴⁴³ The same is true of the Allen Fossil Plant Emission Control Project EA cited by TVA. *See* Att. 2, TVA, CE Support Documentation, 3-88.

The Combustion Turbine Generic EA discussed by TVA is also inapt. Although TVA claims that the scope of the EA and the proposed CE 21 are “nearly identical,”⁴⁴⁴ in fact proposed CE 21 includes the acquisition of NGCCs in addition to the CTs evaluated in the Combustion Turbine Generic EA. Moreover, the Combustion Turbine Generic EA was prepared in 2006-2007, before the widespread availability of resources that compete with peaker CTs, including demand-response, energy efficiency, solar, wind, and battery storage. Indeed, TVA’s own 2015 Integrated Resource Plan acknowledges that demand response and energy efficiency may compete favorably with CTs.⁴⁴⁵

Nor does the DOE CE described by TVA provide support for its proposed CE 21.⁴⁴⁶ As a preliminary matter, it is not clear that the activities described by DOE—“contracts, policies, and marketing and allocation plans related to electric power acquisition”—are similar to the specific purchasing, leasing, and operating activities described in CE 21. Moreover, DOE limits its CE to resources “operating within their normal operating limits,” which can be interpreted as their current operating plans, rather than the limits permissible in their environmental permits, as proposed by TVA. To the extent DOE applies the CE to acquisitions that would result in higher levels of emissions than the actual baseline, that application is inconsistent with NEPA.

TVA should promulgate documentation requirements that would require that application of CE 21 be documented and be made publicly available on TVA’s website.⁴⁴⁷

TVA should withdraw proposed CE 21 and subject its decisions to acquire natural gas generation resources to public scrutiny as required by NEPA. In the alternative, TVA should adjust CE 21 so that it complies with the requirements of NEPA, including making it applicable only to acquisitions that do not result in *any* increases of GHG or conventional air pollution or other impacts in addition to the existing infrastructure-oriented limitation.

IX. CE 22—Dispersed Recreation

In CE 22, TVA proposes to categorically exclude its development and maintenance of dispersed recreation sites, which are used for hunting, fishing, primitive camping, wildlife observation, hiking, and mountain biking.⁴⁴⁸ It would exclude activities ranging from signage to

⁴⁴⁴ Att. 2, TVA, CE Support Documentation, 3-89.

⁴⁴⁵ *See, e.g.*, Att. 52, TVA, 2015 IRP, 117 (“The key determinants of future natural gas needs are trajectories on natural gas pricing and energy efficiency and renewables availability and pricing”).

⁴⁴⁶ *See* Section II, Part II.F, above.

⁴⁴⁷ *See* Section II, Part V, above.

⁴⁴⁸ Att. 2, TVA, CE Support Documentation, 3-92.

site stabilization, and implicate approximately 229,000 acres and the more than six million recreational visits annually.⁴⁴⁹

As with many other CEs, the language in CE 22 is unreasonably broad.⁴⁵⁰ TVA's proposed CE 22 would allow it to manage all 229,000 acres under this categorical exclusion.⁴⁵¹ CE 22 would apply to the development and maintenance of "dispersed recreation sites (*generally* not to exceed 10 acres in size)."⁴⁵² The inclusion of "generally" removes any outer limits to this CE's application. Moreover, although the CE "generally" limits its application to areas less than or equal to 10 acres in size (about the size of 10 football fields), TVA does not prohibit the contiguous application of the CE. Under the current terms of CE 22, TVA could break down their 229,000 acres of dispersed recreation areas into contiguous 10-acre plots, and categorically exclude TVA's activities on each of these plots. The cumulative impacts of these individual actions would likely be significant. Yet TVA concludes, without analysis, that application of CE 22 will not have significant impacts.⁴⁵³

The CE's description of the types of activities that might be categorically excluded creates a broad spectrum in which many activities with potentially significant environmental effects might fall. The environmental effects of "signage" are vastly distinguishable from the "stabilization of sites." This distinction is demonstrated by TVA's own cited background materials: Cited CECs include fence posts, signage, and emergency lighting, while cited EAs and EISs deal with broader actions, such as land management plans for reservoirs and education and recreation area improvements. Because of the broad range of activities covered, CE 22 lacks the specificity required to reasonably assess its potential environmental impacts.⁴⁵⁴

TVA's cited EAs and EISs do not support CE 22 because they either include mitigation measures that limit the environmental effects that the activities might have or they commit to further environmental reviews for site- or project-specific actions, such as those that would be excluded under CE 22.⁴⁵⁵

The Natural Resource Plan EIS and ROD promises to "[c]onduct[] site and/or activity-specific environmental reviews of its actions to implement the [Natural Resource Plan] and

⁴⁴⁹ *Id.*

⁴⁵⁰ *See* Part II, Section II.D (Specificity), above.

⁴⁵¹ *Id.*

⁴⁵² Att. 2, TVA, CE Support Documentation, 3-92 (emphasis added).

⁴⁵³ *See* Part II, Sections II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁴⁵⁴ *See* Part II, Sections II.D, above.

⁴⁵⁵ Many of the EAs and EISs are not publicly available on TVA's website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. *See* Part I, Section VI, above; *see also* Part II, Sections II.E, III-IV.

incorporate appropriate measures to avoid, minimize, or mitigated adverse impact.”⁴⁵⁶ Rather than properly tiering EAs or EISs to the Natural Resource Plan EIS, TVA proposes to categorically exclude many of the activities that would require this type of site- or activity-specific review, leading to the exact kind of “shell game” that CEQ was seeking to avoid in its programmatic guidance.⁴⁵⁷

- The Watts Bar Reservoir Land Management Plan EIS and ROD does not support CE 22 because its conclusion that proposed activities would not have significant impacts on the environment relies on “mitigat[ion] through regulatory requirements and commitments prior to any undertaking.”⁴⁵⁸
- The Bear Creek Reservoir Land Management Plan EA and FONSI mentions mitigation to offset the long-term loss of wetland functions, stating that “[r]outine environmental review would be completed for any proposed action.”⁴⁵⁹
- The Boone Reservoir Land Management Plan EA and FONSI explains that “[w]ith the implementation of the above measures, TVA has determined that adverse environmental impacts of future land development proposals on the TVA-managed reservoir lands would be substantially reduced.”⁴⁶⁰

TVA’s discussion and analysis of the environmental effects of activities applicable to CE 22 is inadequate. TVA’s analysis is far from a “hard look,” as it includes only conclusory statements with no analysis or cited scientific evidence supporting TVA’s conclusions.⁴⁶¹ Instead, TVA cites to its own analyses in the Natural Resource Plan EIS and ROD and the Muscle Shoals Outdoor Education and Recreation Area Improvements EA and FONSI. As outlined above, however, these examples are not focused on the activities proposed in this CE or their effects, either individually or cumulatively, and are not supportive of TVA’s proposed CE 22.

⁴⁵⁶ Att. 51, TVA, Natural Resources Plan, ROD.

⁴⁵⁷ Att. 10, CEQ, CE Programmatic Guidance, 8 n. 10 (“[R]eliance on programmatic NEPA documents has resulted in public and regulatory agency concern that programmatic NEPA documents often result in a “shell game” of when and where deferred issues will be addressed, undermining agency credibility and public trust.”)

⁴⁵⁸ TVA, *Watts Bar Reservoir Land Management Plan*, Environmental Impact Statement, S-6.

⁴⁵⁹ TVA, *Bear Creek Reservoir Land Management Plan*, Environmental Assessment, 14.

⁴⁶⁰ 75 Fed. Reg. 40,034, 40,036 (July 13, 2010). Many of the EAs and EISs are not publicly available on TVA’s website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. *See* Part I, Section VI, above.

⁴⁶¹ *See* Part II, Sections II.A-C, above.

The cited benchmarking examples also do not support the broad language and application of CE 22.⁴⁶² For example, TVA maintains that the National Park Service (NPS) and U.S. Forest Service (USFS) CEs support TVA's categorical exclusion of "stabilization of sites," but it is not clear that the NPS or USFS CEs actually exclude all of the activities considered "stabilization of sites." TVA does not describe these activities, but based on a search of the terms "stabilization" and "stabilize" in TVA's Natural Resource Plan, most examples would include shoreline and bank stabilization. NPS and USFS, however, limit themselves to maintenance of "structures, facilities, utilities, grounds, and trails,"⁴⁶³ which might include "mowing lawns"⁴⁶⁴ or "applying pesticide,"⁴⁶⁵ not the kind of "bioengineering, geotextiles, and rock riprap" required for shoreline stabilization efforts.⁴⁶⁶

TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.⁴⁶⁷ In the explanation of site stabilization activities in the programmatic EIS for the Natural Resource Plan, TVA states that it "conducts the appropriate site-specific environmental reviews prior to stabilizing reservoir shoreline."⁴⁶⁸ Now, it proposes to play a "shell game" and provide no site-specific environmental reviews of these activities.

Additionally, CE 22 is part of a string of proposed CEs that deal with different aspects of natural resource management, as demonstrated by their citation of the Natural Resource Plan programmatic EIS.⁴⁶⁹ These activities are sufficiently "connected" and "similar" to require TVA to consider them together, as argued above.⁴⁷⁰ Therefore, TVA must consider these activities together, thereby requiring tiered EAs or EISs. TVA cannot categorically exclude them.

As argued above, TVA should promulgate documentation requirements that would require that application of CE 22 be documented and be made publicly available on TVA's website.⁴⁷¹

TVA should either adjust CE 22 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

⁴⁶² See Part II, Section II.F, above.

⁴⁶³ Att. 2, TVA, CE Support Documentation, 3-97.

⁴⁶⁴ Att. 2, TVA, CE Support Documentation, 3-97 to 3-98.

⁴⁶⁵ Att. 2, TVA, CE Support Documentation, 3-97 to 3-98.

⁴⁶⁶ Att. 47, TVA, Natural Resource Plan EIS, 72.

⁴⁶⁷ Att. 7, CEQ, CE Guidance, 5.

⁴⁶⁸ Att. 47, TVA, Natural Resource Plan EIS, 72.

⁴⁶⁹ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁴⁷⁰ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env't'l Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

⁴⁷¹ See Section II, Part V, above.

X. CE 23—Public Land Use

TVA proposes to amend CE 23 to so that it can develop its public use areas, as long as the construction of parking areas, stream access points, and day use areas “generally” result in a physical disturbance of no more than 10 acres.⁴⁷² CE 23 includes the same deficits surrounding use of the term “generally,” arbitrary and unexplained distinction between anything affecting 10 acres or less and anything affecting more than 10 acres, and permitting segmentation of large swaths of TVA land into 10 acre plots so as to avoid NEPA review. Essentially, under TVA’s proposal, it can break its public lands into contiguous 10-acre sections and build parking lots on all of them.⁴⁷³

TVA’s Supporting Documentation provides no analysis of the individual and cumulative direct and indirect environmental effects of activities applicable to CE 23.⁴⁷⁴ Instead, the agency simply states that “TVA determined that most proposed activities that occur on less than 10 acres could be considered minor and unlikely to result in significant effects.”⁴⁷⁵ This conclusory statement ignores the potential cumulative effects of developing parking areas, for example, on multiple 10-acre plots.⁴⁷⁶ TVA provides no evidence from its current CE application or from EAs and EISs. Moreover, it provides no benchmarking examples of CEs from other federal agencies.

TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.⁴⁷⁷ Because this activity would tier to the Natural Resource Plan programmatic EIS, play a “shell game” by categorically excluding it. Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting tiered EAs and EISs.⁴⁷⁸ These activities are sufficiently “connected” and “similar” to require TVA to consider them together, as argued above.⁴⁷⁹

As argued above, TVA should promulgate documentation requirements that would require that application of CE 23 be documented and be made publicly available on TVA’s website.⁴⁸⁰

⁴⁷² Att. 2, TVA, CE Support Documentation, 3-100.

⁴⁷³ See Part II, Section II.D (Specificity), above.

⁴⁷⁴ See Part II, Sections II.A-C, above.

⁴⁷⁵ Att. 2, TVA, CE Support Documentation, 3-100.

⁴⁷⁶ See Part II, Section II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁴⁷⁷ Att. 7, CEQ, CE Guidance, 5.

⁴⁷⁸ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁴⁷⁹ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env’tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

⁴⁸⁰ See Part II, Section V, above.

TVA should either adjust CE 23 so that it complies with the requirements of NEPA, or it should withdraw it as a CE.

XI. CE 24—Use of TVA Property

TVA is proposing to amend CE 24, which deals with “minor” activities conducted by non-TVA entities on TVA property as authorized by contract, license, permit, or covenant agreements.⁴⁸¹ TVA is adding “recreational uses” to the types of activities included in this categorical exclusion, and removing “encroachments.”⁴⁸²

CE 24 lacks specificity because of TVA’s undefined use of the term “minor.”⁴⁸³ Without a clear limit on these “minor” activities, TVA could arguably apply this exemption to all activities conducted pursuant to “170 agreements with private entities for commercial recreation,” “130 agreements with public agencies for public recreation,” and the “80 public recreation areas” for which it is responsible.⁴⁸⁴

Although TVA proposes to greatly expand the scope of this CE through its undefined use of the term “minor” and its addition of “recreational uses” to this CE, TVA provides no evidence to support CE 24 from its experience with EAs and EISs or benchmarking examples from other agencies’ CEs. The Supporting Documentation provides no analysis of the individual and cumulative environmental effects of activities applicable to CE 24.⁴⁸⁵ TVA must take a “hard look” at the environmental effects of proposed CEs before they are finalized.

Generally, agreements regarding non-TVA recreational activities require at least an EA. For example, TVA is currently seeking public comment on an EA for a proposed management agreement with the Ocoee River Outfitters Association, USFS, and the State of Tennessee.⁴⁸⁶ This proposed management agreement could have significant environmental effects because it would involve water releases on the Ocoee River. Under TVA’s proposed CE, agreements such as these would occur without public notice and knowledge, and without the benefit of NEPA’s purpose to improve decision making through the collaboration of public, private, and government representatives.

⁴⁸¹ Att. 2, TVA, CE Support Documentation, 3-101.

⁴⁸² *Id.*

⁴⁸³ See Part II.D (Specificity), above.

⁴⁸⁴ Att. 2, TVA, CE Support Documentation, 3-101.

⁴⁸⁵ See Part II, Section II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁴⁸⁶ Att. 59, TVA, *Ocoee River Whitewater Rafting Agreements*, <https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews/Ocoee-River-Whitewater-Rafting-Agreements> (last visited Aug. 15, 2017).

As argued above, TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.⁴⁸⁷ Because this activity would tier to the Natural Resource Plan programmatic EIS, play a “shell game” by categorically excluding it. Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting tiered EAs and EISs.⁴⁸⁸ These activities are sufficiently “connected” and “similar” to require TVA to consider them together, as argued above.⁴⁸⁹

As argued above, TVA should promulgate documentation requirements that would require that application of CE 24 be documented and be made publicly available on TVA’s website.⁴⁹⁰

TVA should either adjust CE 24 so that it complies with the requirements of NEPA, or it should withdraw it as a CE.

XII. CE 25—Property Transactions

TVA seeks to amend CE 25, which deals with the transfer, lease, or disposal of land, mineral rights, land rights, and ownership of permanent structures.⁴⁹¹ TVA is adding “rights in ownership of permanent structures” and proposes to limit this CE to actions that are “minor in nature.”⁴⁹² TVA proposes these changes because, as currently written, this CE has not been used as intended.⁴⁹³

Application of the proposed CE 25 includes no specific bounds because of TVA’s use of the undefined term “minor.”⁴⁹⁴ Again, TVA currently manages 293,000 acres of land and 11,000 miles of shoreline.⁴⁹⁵ Under the proposed CE, TVA has the freedom to sell, lease, or transfer this land, as well as the accompanying mineral rights, landrights, and structures, as long as TVA determines that these acts are “minor,” a term that, left undefined and without appropriate context or other limits, provides TVA unfettered discretion.

Although TVA proposes to greatly expand the scope of this CE through its definition of “minor” and its addition of “transfer, lease, or disposal” to this CE, TVA provides no evidence to

⁴⁸⁷ Att. 7, CEQ, CE Guidance, 5.

⁴⁸⁸ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁴⁸⁹ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env’tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

⁴⁹⁰ See Part II, Section V, above.

⁴⁹¹ Att. 2, TVA, CE Support Documentation, 3-102.

⁴⁹² *Id.*

⁴⁹³ *Id.*

⁴⁹⁴ See Part II, Section II.D (Specificity), above.

⁴⁹⁵ Att. 1, TVA, Environmental Stewardship.

support CE 25 from its experience with EAs and EISs. TVA provides no analysis of the individual and cumulative environmental effects of activities applicable to CE 25.⁴⁹⁶ TVA must take a “hard look” at the environmental effects of proposed CEs before they are finalized because it is the only opportunity for the public to engage with TVA about those effects.

TVA’s benchmarking examples do not support the broad language and application of CE 25. For example, USFS only permits land purchases, and not land transfers or the transfer, lease, or disposal of mineral rights, landrights, or permanent structures.⁴⁹⁷ Even for agencies that permit land transfers in their CEs, their CEs include strict limiting language. DOE only permits these types of transfers where “under reasonably foreseeable uses (1) there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment and (2) the covered actions would not have the potential to cause a significant change in impacts from before the transfer.”⁴⁹⁸ Thus, these benchmarking examples are distinct from and inapplicable to TVA’s proposed CE 25.⁴⁹⁹

Because this activity would tier to the Natural Resource Plan programmatic EIS, play a “shell game” by categorically excluding it. TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.⁵⁰⁰ Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting tiered EAs and EISs.⁵⁰¹ These activities are sufficiently “connected” and “similar” to require TVA to consider them together, as argued above.⁵⁰²

TVA should promulgate documentation requirements that would require that application of CE 25 be documented and be made publicly available on TVA’s website.⁵⁰³

TVA should either adjust CE 25 so that it complies with the requirements of NEPA, or it should withdraw it as a CE.

XIII. CE 26—Section 26a Permitting Approvals

In CE 26—which covers applications (i.e., Section 26a permitting applications) to construct facilities or make alterations to the 11,000 miles of shoreline that TVA manages—

⁴⁹⁶ See Part II, Section II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁴⁹⁷ Att. 2, TVA, CE Support Documentation, 3-103.

⁴⁹⁸ Att. 2, TVA, CE Support Documentation, 3-103.

⁴⁹⁹ See Part II, Section II.F (Benchmarking), above.

⁵⁰⁰ Att. 7, CEQ, CE Guidance, 5.

⁵⁰¹ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁵⁰² 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env’tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

⁵⁰³ See Part II, Section V.

TVA is adding “ramps” to its categorically excluded activities.⁵⁰⁴ TVA receives thousands of these applications *each year*, and annually approves more than 1,500 permits under this CE.⁵⁰⁵

CE 26 lacks the required specificity due to the use of the undefined and unlimited term “minor.”⁵⁰⁶ TVA provides no evidence to support CE 26 from its experience with EAs and EISs or benchmarking examples from other agencies’ CEs. The environmental effects of Section 26a permits can be significant, as demonstrated in TVA’s decision to conduct an EIS for the section 26a permitting of floating houses and nonnavigable houseboats on TVA reservoirs.⁵⁰⁷ However, TVA provides no discussion of the environmental effects of the activities to be conducted under the proposed CE.⁵⁰⁸ Further, TVA does not cite to any benchmarking examples from other agencies. Activities excluded under CE 26 would also tier to the Natural Resource Plan programmatic EIS, therefore TVA cannot categorically exclude them.⁵⁰⁹ Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting NEPA analysis.⁵¹⁰ These activities are sufficiently “connected” and “similar” to require TVA to consider them together, as argued above.⁵¹¹

As argued above, TVA should promulgate documentation requirements that would require that application of CE 26 be documented and be made publicly available on TVA’s website.⁵¹² TVA should either adjust CE 26 so that it complies with the requirements of NEPA, or it should withdraw it as a CE.

XIV. CE 27—TVA Shoreline Actions

TVA proposes to add CE 27 to cover bank stabilization (“generally” up to ½ mile) as well as installation of “minor” shoreline structures or facilities, boat docks and ramps.⁵¹³ This CE would apply to the 11,000 miles of shoreline that TVA manages, with implications for the entire Tennessee River watershed which covers 41,000 square miles across 125 counties in portions of seven states.⁵¹⁴ TVA had previously been inappropriately applying these activities to CE 26.⁵¹⁵

⁵⁰⁴ Att. 2, TVA, CE Support Documentation, 3-104.

⁵⁰⁵ Att. 2, TVA, CE Support Documentation, 3-104.

⁵⁰⁶ See Part II, Section II.D (Specificity), above.

⁵⁰⁷ Att. 60, TVA, *Floating Houses Policy Review*, Environmental Impact Statement (Feb 2016).

⁵⁰⁸ See Part II, Section II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁵⁰⁹ Att. 7, CEQ, CE Guidance, 5.

⁵¹⁰ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁵¹¹ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env’tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

⁵¹² See Part II, Section V(Documentation), above.

⁵¹³ Att. 2, TVA, CE Support Documentation, 3-106.

⁵¹⁴ Att. 2, TVA, CE Support Documentation, 3-106.

Proposed CE 27 lacks the specificity required by NEPA and the CEQ Regulations.⁵¹⁶ It again only limits itself to “minor” structures, facilities, boat docks, and ramps. Further, it would permit itself to undertake bank stabilization activities that are “generally” up to ½ mile in length. The inclusion of “minor” and “generally” is inappropriate because these terms effectively remove any outer limits to this CE’s application. TVA also arbitrarily selected a ½ mile distinction between requiring an EA and being subject to this CE without any explanation of the distinction. Furthermore, even with the arbitrary ½ mile distinction, TVA could potentially apply this CE consecutively across its 11,000 miles of reservoir shoreline.

Moreover, the types of activities could have significant environmental effects, cumulatively and individually: for example, municipal or industrial water intakes, sewage outfalls, and wastewater discharges on TVA shoreline property could significantly affect the water bodies to which they would be connected.⁵¹⁷

TVA’s cited EAs and EISs do not support CE 27 because they either include mitigation measures that limit the environmental effects that the activities might have or they commit to further environmental reviews for site- or project-specific actions, such as those that would be excluded under CE 22.⁵¹⁸ Specifically,

- The Natural Resource Plan EIS and ROD promises to “[c]onduct[] site and/or activity-specific environmental reviews of its actions to implement the [Natural Resource Plan] and incorporate appropriate measures to avoid, minimize, or mitigate adverse impact.”⁵¹⁹ Rather than properly tiering EAs or EISs to the Natural Resource Plan EIS, TVA proposes to categorically exclude many of the activities that would require this type of site- or activity-specific review, leading to the exact kind of “shell game” that CEQ was seeking to avoid in its programmatic guidance.⁵²⁰
- The Shoreline Management Initiative EIS includes promises to “require special analysis of individual development proposals, and perhaps specific mitigation measures, before a permit decision could be made would be allocated to a Residential Mitigation category.”⁵²¹

⁵¹⁵ Att. 2, TVA, CE Support Documentation, 3-106.

⁵¹⁶ See Part II, Section II.D (Specificity), above.

⁵¹⁷ Part II, Section II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁵¹⁸ See *id.*, see also Part II, Section IV (Tiering/Programmatic).

⁵¹⁹ Att. 51, TVA, Natural Resources Plan, ROD.

⁵²⁰ Att. 10, CEQ, Programmatic Guidance, 8 n. 10 (“[R]eliance on programmatic NEPA documents has resulted in public and regulatory agency concern that programmatic NEPA documents often result in a “shell game” of when and where deferred issues will be addressed, undermining agency credibility and public trust.”)

⁵²¹ TVA, *Shoreline Management Initiative*, Environmental Impact Statement, 2-17 (June 4, 1999).

- The Duck River Bank Stabilization River Mile 176.8 EA applies mitigation measure commitments in both its FONSI and the biological opinion that the agency conducted under the Endangered Species Act. Because these mitigation measures were necessary for the agency to conclude that the proposed bank stabilization would not have a significant environmental effect, this example is not supportive of this CE.
- did not have access to the remaining NEPA documents until two business days prior to the close of the comment period, and therefore cannot comment directly on their application and support for this CE.⁵²²

TVA's discussion and analysis of the environmental effects of activities applicable to CE 27 far from the "hard look" required by NEPA and CEQ. TVA's analysis includes only conclusory statements with no analysis or cited scientific evidence supporting TVA's conclusions. Instead, TVA cites to its own analyses, which are not supportive of TVA's proposed CE 27.

The cited benchmarking examples similarly do not support the broad language and application of CE 27.⁵²³ For example, the USFS, an agency similarly tasked with land management, minutely defines and strictly limits its actions related to shoreline activities.⁵²⁴ The other examples limit themselves or apply in defined and limited manners. Notably, none of the agencies included all of the activities that TVA proposes to include in this CE.⁵²⁵

The activities in this CE would normally tier to the analyses of a programmatic EIS, such as the Natural Resource Plan or Shoreline Management Initiative EIS. In programmatic EISs, agencies must identify the opportunities for stakeholders to engage on issues related to site- or project-specific activities. If, as TVA now proposes, those site-and project-specific activities would be categorically excluded, TVA must identify that it will not conduct site-specific NEPA analyses and must consider the public's comments on those activities during programmatic review.⁵²⁶

⁵²² Many of the EAs and EISs are not publicly available on TVA's website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. *See* Part I, Section VI, above; *see also* Part II, Sections II.E, III-IV.

⁵²³ *See* Part II, Section II.F.

⁵²⁴ Att. 2, TVA, CE Support Documentation, 3-114 to 3-115.

⁵²⁵ Att. 2, TVA, CE Support Documentation, 3-117.

⁵²⁶ *See* Part II, Sections III-IV.

Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting tiered EAs and EISs.⁵²⁷ These activities are sufficiently “connected” and “similar” to require TVA to consider them together, as argued above.⁵²⁸

As argued above, TVA should promulgate documentation requirements that would require that application of CE 27 be documented and be made publicly available on TVA’s website.⁵²⁹

TVA should either adjust CE 27 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

XV. CE 28—Modifications to Land Use Allocations in TVA Plans

TVA is proposing to add CE 28 to cover unilateral changes to land use plans that were developed in the public sphere.⁵³⁰ Its proposal would permit TVA to categorically exclude any “minor” amendments to land use allocations that it determines implement TVA policies.⁵³¹ Because these “minor” land use allocations could affect broad swaths of the 293,000 acres of land that TVA manages, the individual and cumulative application of this CE could have significant effects.

CE 28 includes unreasonably broad language, bestowing upon TVA unfettered discretion. It again only limits itself to “minor” amendments to land use allocations to implement TVA’s shoreline or land management policies.⁵³² Although undersigned groups agree that TVA should seek to improve current programs, these improvements should happen during the public NEPA process, not behind closed doors. Although in the description TVA explains that these changes will not be the type of “site-specific actions” that would normally require project-specific NEPA review, the language of the proposed CE does not provide for that limitation.

Moreover, the types of activities could have significant environmental effects, cumulatively and individually: as TVA explains, “Historically the reallocation of land use had been addressed in reservoir land management plans (RLMPs), which extensive NEPA documentation through an EA or EIS.”⁵³³ Now TVA proposes to avoid this type of analysis

⁵²⁷ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁵²⁸ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env’tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

⁵²⁹ See Part II, Section V.

⁵³⁰ Att. 2, TVA, CE Support Documentation, 3-120.

⁵³¹ Att. 2, TVA, CE Support Documentation, 3-120.

⁵³² See Part II, Section II.D (Specificity), above.

⁵³³ Att. 2, TVA, CE Support Documentation, 3-120.

completely, without having done sufficient analysis of the individually and cumulatively significant effects of its proposal.⁵³⁴

TVA's cited EAs and EISs do not support CE 28 because they either include mitigation measures that limit the environmental effects that the activities might have or they commit to further environmental reviews for site- or project-specific actions, such as those that would be excluded under CE 28.⁵³⁵ Specifically,

- The Natural Resource Plan EIS and ROD promises to “[c]onduct[] site and/or activity-specific environmental reviews of its actions to implement the [Natural Resource Plan] and incorporate appropriate measures to avoid, minimize, or mitigated adverse impact.”⁵³⁶ Rather than properly tiering EAs or EISs to the Natural Resource Plan EIS, TVA proposes to categorically exclude many of the activities that would require this type of site- or activity-specific review, leading to the exact kind of “shell game” that CEQ was seeking to avoid in its programmatic guidance.⁵³⁷
- The Douglas-Nolichucky Tributary Reservoirs Land Management Plan EIS requires implementation measures as necessary based on the findings of any site-specific environmental review, whereas here, TVA would avoid this site-specific environmental review.⁵³⁸
- The other EAs and EISs cited by TVA include substantial mitigation measures, and many also include form language, “With the implementation of the above measures, TVA has determined that adverse environmental impacts of future land development proposals on the TVA-managed reservoir lands would be substantially reduced.”⁵³⁹
- Undersigned groups did not have access to the remaining NEPA documents until two business days prior to the close of the comment period, and therefore cannot comment directly on their application and support for this CE.⁵⁴⁰

⁵³⁴ See Part II, Section II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁵³⁵ See Part II, Section II.E; III; IV (Citations to EAs/EISs), (Segmenting), (Tiering/Programmatic).

⁵³⁶ Att. 51, TVA, Natural Resources Plan, ROD.

⁵³⁷ Att. 10, CEQ, CE Programmatic Guidance, 8 n. 10 (“[R]eliance on programmatic NEPA documents has resulted in public and regulatory agency concern that programmatic NEPA documents often result in a “shell game” of when and where deferred issues will be addressed, undermining agency credibility and public trust.”)

⁵³⁸ TVA, *Douglas-Nolichucky Tributary Reservoirs Land Management Plan*, EIS (8/25/2010).

⁵³⁹ See, e.g., TVA, *Pickwick Reservoir Land Management Plan* EIS (9/10/2002).

⁵⁴⁰ Many of the EAs and EISs are not publicly available on TVA's website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above; see also Part II, Sections II.E, III-IV.

TVA's discussion and analysis of the environmental effects of activities applicable to CE 28 is far from what is required by NEPA and the CEQ Regulations. For example, TVA does not include an analysis of CE activities falling within the following category: "minor" amendments to land use allocations to implement TVA's shoreline or land management policies. TVA's analysis includes only a conclusory statement that the proposed CE would have "no direct environmental effects" and would not cause significant indirect environmental effects. This is insufficient to satisfy the requirements for establishing a CE under NEPA and the CEQ Regulations.⁵⁴¹

The cited benchmarking examples similarly do not support the broad language and application of CE 28.⁵⁴² For example, BLM limits its CE to maintenance of land use plans.⁵⁴³ Similarly, both NPS and FWS limit their actions to those with "minor" effects, rather than those actions that are "minor."⁵⁴⁴

According to TVA's prior EISs and their description of the CE, some of the activities that would apply this CE would have tiered to the analyses of a programmatic EIS, such as the Natural Resource Plan or Shoreline Management Initiative EIS. TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.⁵⁴⁵ Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting tiered EAs and EISs.⁵⁴⁶ These activities are sufficiently "connected" and "similar" to require TVA to consider them together, as argued above.⁵⁴⁷

TVA should promulgate documentation requirements that would require that application of CE 28 be documented and be made publicly available on TVA's website.⁵⁴⁸

TVA should either adjust CE 28 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

XVI. CE 29—Wetlands, Riparian and Aquatic Ecosystem Improvements

TVA's proposed CE 29 would encompass actions that TVA determines restores and enhances wetlands that "generally" disturb no more than 125 acres of land.⁵⁴⁹ It would

⁵⁴¹ See Part II, Section II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁵⁴² See Part II, Section II.D, above.

⁵⁴³ Att. 2, TVA, CE Support Documentation, 3-123.

⁵⁴⁴ *Id.*

⁵⁴⁵ Att. 7, CEQ, CE Guidance, 5.

⁵⁴⁶ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁵⁴⁷ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env'tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

⁵⁴⁸ See Part II, Section V, above.

categorically exclude activities ranging from the construction of dikes to species reintroduction.⁵⁵⁰

CE 29 suffers the same deficiencies as many of its other proposed CEs because of its unreasonably broad language. The acreage limit that TVA proposes is “generally” no more than 125 acres. 125 acres means approximately 125 football fields’ worth of wetlands that can be affected under a single activity exempted in this CE. Moreover, nothing in the CE’s language proposes to limit the 125 acres to singular locations so that TVA cannot segregate the 293,000 acres of public land for which it is responsible into 125 acre plots.⁵⁵¹

Moreover, the types of activities could have significant environmental effects, cumulatively and individually: as TVA explains, “These areas protect some of the most biologically diverse and sensitive habitats occurring on TVA-managed lands, including unique wetlands, riparian areas, and aquatic ecosystems.”⁵⁵² While the installation of one recycled Christmas tree (typically used by TVA as fish attractors)⁵⁵³ into one area considered on its own may not have significant environmental effects, 125 football fields filled with recycled Christmas trees would be detrimental to these “biologically diverse and sensitive habitats.”

TVA’s cited EAs and EISs do not support CE 29 because they include mitigation measures that limit the environmental effects that the activities might have or they commit to further environmental reviews for site- or project-specific actions, such as those that would be excluded under CE 29.⁵⁵⁴ Specifically,

- The Natural Resource Plan EIS and ROD promises to “[c]onduct[] site and/or activity-specific environmental reviews of its actions to implement the [Natural Resource Plan] and incorporate appropriate measures to avoid, minimize, or mitigated adverse impact.”⁵⁵⁵ Rather than properly tiering EAs or EISs to the Natural Resource Plan EIS, TVA proposes to categorically exclude many of the activities that would require this type of site- or activity-specific review, leading to the exact kind of “shell game” that CEQ was seeking to avoid in its programmatic guidance.⁵⁵⁶

⁵⁴⁹ Att. 2, TVA, CE Support Documentation, 3-125.

⁵⁵⁰ Att. 2, TVA, CE Support Documentation, 3-125.

⁵⁵¹ See Part II, Section II.D (Specificity), above.

⁵⁵² Att. 2, TVA, CE Support Documentation, 3-125.

⁵⁵³ Att. 2, TVA, CE Support Documentation, 3-125.

⁵⁵⁴ See Part II, Section II.E, III, IV (Citation to Other EAs/EISs), (Segmenting), (Tiering/Programmatic), above.

⁵⁵⁵ Att. 51, TVA, Natural Resources Plan, ROD.

⁵⁵⁶ Att. 10, CEQ, CE Programmatic Guidance, n. 10 (“[R]eliance on programmatic NEPA documents has resulted in public and regulatory agency concern that programmatic NEPA documents often result in a “shell game” of when and where deferred issues will be addressed, undermining agency credibility and public trust.”)

- The other EAs and EISs cited by TVA include substantial mitigation measures, and many also include form language, “With the implementation of the above measures, TVA has determined that adverse environmental impacts of future land development proposals on the TVA-managed reservoir lands would be substantially reduced.”⁵⁵⁷

TVA’s discussion and analysis of the environmental effects of activities applicable to CE 29 does not meet the standard required by NEPA and the CEQ Regulations.⁵⁵⁸ TVA’s discussion includes only conclusory statements that the proposed CE would not cause significant environmental effects while only citing prior TVA EAs and EISs and no scientific studies.

Because this activity would tier to the Natural Resource Plan programmatic EIS, play a “shell game” by categorically excluding it. TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.⁵⁵⁹ Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting tiered EAs and EISs.⁵⁶⁰ These activities are sufficiently “connected” and “similar” to require TVA to consider them together, as argued above.⁵⁶¹

The cited benchmarking examples similarly do not support the broad language and application of CE 29.⁵⁶² For example, each of the cited CEs are meticulously described and limited, and none of the agencies include all of the activities that TVA proposes to include in this CE.⁵⁶³ Moreover, TVA provides no evidence that categorically excluding management of wetlands and riparian areas would be consistent with U.S. Army Corps of Engineers regulations, guidance, and practice, or with the executive orders discussed in Section I.IV, above.

TVA should promulgate documentation requirements that would require that application of CE 29 be documented and be made publicly available on TVA’s website.⁵⁶⁴

TVA should either adjust CE 29 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

⁵⁵⁷ See, e.g., TVA, *Pickwick Reservoir Land Management Plan*, Environmental Impact Study (Sept. 10, 2002). Many of the EAs and EISs are not publicly available on TVA’s website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above; see also Part II, Sections II.E, III-IV.

⁵⁵⁸ See Part II, Section II.A-C (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁵⁵⁹ See Part II, Section III, IV (Segmenting), (Tiering).

⁵⁶⁰ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁵⁶¹ 40 C.F.R. § 1508.25(a)(1)–(2); *Tenn. Env’tl Council v. TVA*, 32 F. Supp. 3d 876, 889–90 (E.D. Tenn. 2014).

⁵⁶² See Part II, Section II.D, F (Specificity), (Benchmarking).

⁵⁶³ Att. 2, TVA, CE Support Documentation, 3-134 to 3-136.

⁵⁶⁴ See Part II, Section V, above.

XVII. CE 30—Land Management and Stewardship

Proposed CE 30 would categorically exclude a broad and apparently limitless range of “actions to maintain, restore, or enhance terrestrial ecosystems” on TVA land, as long as the action would “generally” not physically disturb more than 125 acres. The proposed CE lacks the specificity required by NEPA and the CEQ Regulations because it employs the terms “generally” and “not limited to” without prescribing additional limitations.⁵⁶⁵

The acreage limit that TVA proposes is “generally” no more than 125 acres, again approximately 125 football fields worth of terrestrial ecosystems that could be affected under a single activity exempted in this CE. As with CE 29, nothing in this CE’s language proposes to limit the 125 acres to unconnected, singular locations. Instead, under the text of the proposed CE, TVA would be able to segregate the 293,000 acres of public land for which it is responsible into 125 acre plots, and then conduct controlled burning on all of them.⁵⁶⁶

Moreover, the types of activities could have significant environmental effects, cumulatively and individually: this CE would apply to activities in Natural Areas (16,000 acres) that include “some of the most biologically diverse and sensitive habitats occurring on TVA-managed lands” including “populations of threatened and endangered species.”⁵⁶⁷ The presence of threatened or endangered species should require preparation of an environmental impact statement; however, under TVA’s proposed changes to its “extraordinary circumstances” procedures, it could apply this CE even if a threatened or endangered species were present, as long as TVA unilaterally determined it had done sufficient mitigation or wouldn’t directly “cause” an impact on the species.⁵⁶⁸ Further, TVA also fails to define extraordinary circumstances that are likely to be implicated by this indiscriminate CE, such as PETs, rare habitat, erosive soils, and unstable slopes.

TVA’s cited EAs and EISs do not support CE 30 because they either include mitigation measures that limit the environmental effects that the activities might have or they commit to further environmental reviews for site- or project-specific actions, such as those that would be excluded under CE 30.⁵⁶⁹ Specifically,

⁵⁶⁵ See Part II, Section II.D (Specificity).

⁵⁶⁶ See Part II, Section II.A-C, III (Significant Impacts), (Cumulative Impacts), (Climate Impacts), (Segmenting), above.

⁵⁶⁷ Att. 2, TVA, CE Support Documentation, 3-138.

⁵⁶⁸ See Part I, Sections II.B and K, above (Extraordinary Circumstances).

⁵⁶⁹ See Part II, Section II.E. Many of the EAs and EISs are not publicly available on TVA’s website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above; see also Part II, Sections II.E, III-IV. However, based on the descriptions in the CE Supporting

- The Natural Resource Plan EIS and ROD promises to “[c]onduct[] site and/or activity-specific environmental reviews of its actions to implement the [Natural Resource Plan] and incorporate appropriate measures to avoid, minimize, or mitigated adverse impact.”⁵⁷⁰ Rather than properly tiering EAs or EISs to the Natural Resource Plan EIS, TVA proposes to categorically exclude many of the activities that would require this type of site- or activity-specific review, leading to the exact kind of “shell game” that CEQ was seeking to avoid in its programmatic guidance.⁵⁷¹

Again, TVA’s discussion and analysis of the environmental effects of activities applicable to CE 30 is conclusory and does not represent a “hard look,” as required by NEPA.⁵⁷²

Because this activity would tier to the Natural Resource Plan programmatic EIS, play a “shell game” by categorically excluding it. TVA cannot categorically exclude any segment or interdependent part of a larger proposed action.⁵⁷³ Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting tiered EAs and EISs.⁵⁷⁴

The cited benchmarking examples similarly do not support the broad language and application of CE 30.⁵⁷⁵ For example, while BLM applies a limit of 250 acres to some of its CEs, this acreage is only used in certain, defined activities that BLM takes.⁵⁷⁶ Noticeably absent from TVA’s benchmarking for CE 30 are examples from U.S. Forest Services (USFS) categorical exclusions, because TVA’s proposed CE 30 is out of step with the Forest Service’s CE on land management practices: “Proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of this [categorical exclusion] and shall be considered separately under Forest Service NEPA procedures.”⁵⁷⁷

Documentation, these CECs involve minute actions conducted on much smaller acreages (ranging from 0.5–51 acres).

⁵⁷⁰ Att. 51, TVA, Natural Resources Plan, ROD.

⁵⁷¹ Att. 10, CEQ, CE Programmatic Guidance, at n. 10 (“[R]eliance on programmatic NEPA documents has resulted in public and regulatory agency concern that programmatic NEPA documents often result in a “shell game” of when and where deferred issues will be addressed, undermining agency credibility and public trust.”)

⁵⁷² See Part II, Section II.A-C, III (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁵⁷³ See Part II, Section IV.

⁵⁷⁴ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁵⁷⁵ See Part II, Section II.F, above.

⁵⁷⁶ Att. 2, TVA, CE Support Documentation, 3-146.

⁵⁷⁷ 36 C.F.R. § 220.6(e)(16).

TVA also should promulgate documentation requirements that would require that application of CE 30 be documented and be made publicly available on TVA's website.⁵⁷⁸

TVA should either adjust CE 30 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

XVIII. CE 31—Forest Management

Proposed CE 31 would categorically exclude a broad range of forest management activities, including tree harvesting, prescribed burns, salvage, and replanting.

CE 31 lacks the specificity required by NEPA and the CEQ Regulations.⁵⁷⁹ TVA again proposes to “generally” limit its categorically excluded activities to no more than 125 acres (and 250 acres in some instances). It does not limit the 125 acres to unconnected, singular locations, rather than contiguous forest. In addition, the CE lists specific activities as examples but expressly states that application of the CE is “not limited to” those activities.

Moreover, the types of activities could have significant environmental effects, cumulatively and individually because the proposed CE would include timber harvesting.⁵⁸⁰ As demonstrated in *Sherwood v. TVA*, the policy and decisions surrounding timber harvesting and tree clearing requires NEPA review.⁵⁸¹

TVA's cited EAs and EISs do not support CE 31 because they either include mitigation measures that limit the environmental effects that the activities might have or they commit to further environmental reviews for site- or project-specific actions, such as those that would be excluded under CE 31.⁵⁸² Specifically,

- The Natural Resource Plan EIS and ROD promises to “[c]onduct[] site and/or activity-specific environmental reviews of its actions to implement the [Natural Resource Plan] and incorporate appropriate measures to avoid, minimize, or mitigated adverse impact.”⁵⁸³ Rather than properly tiering EAs or EISs to the Natural Resource Plan EIS, TVA proposes to categorically exclude many of the activities that would

⁵⁷⁸ See Part II, Section V.

⁵⁷⁹ See Part II, Section II.D (Specificity), above.

⁵⁸⁰ Att. 2, TVA, CE Support Documentation, 3-152.

⁵⁸¹ *Sherwood v. TVA*, No. 3:12-CV-156-TAV-HBG, 2017 WL 3261769 (E.D. Tenn. July 31, 2017).

⁵⁸² Many of the EAs and EISs are not publicly available on TVA's website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above; see also Part II, Sections II.E, III-IV. However, based on the descriptions in the CE Supporting Documentation, these CECs involve minute actions conducted on much smaller acreages (ranging from 4–51 acres).

⁵⁸³ Att. 51, TVA, Natural Resources Plan, ROD; see also Part II, Section II.E (Citation to EAs/EISs), above.

require this type of site- or activity-specific review, leading to the exact kind of “shell game” that CEQ was seeking to avoid in its programmatic guidance.⁵⁸⁴

TVA’s discussion and analysis of the environmental effects of activities applicable to CE 31 is far from the “hard look” required by NEPA.⁵⁸⁵

The cited benchmarking examples similarly do not support the broad language and application of CE 31. The cited CEs include multiple qualifications and minutely defined activities, whereas TVA’s proposed CE includes broad activity descriptions with no real limitation.⁵⁸⁶ Although TVA cites the U.S. Forest Service’s CEs for support, TVA’s proposed CE 31 is out of step with the Forest Services, which adopted forest management CEs only for particular forest management activities undertaken for specific purposes with defined limits and standards.⁵⁸⁷

To avoid the “shell game” in programmatic NEPA review, TVA must clearly explain whether it will not conduct site-specific NEPA analyses activities or categorically excluded them under this CE.⁵⁸⁸ Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting tiered EAs and EISs.⁵⁸⁹

TVA should promulgate documentation requirements that would require that application of CE 31 be documented and be made publicly available on TVA’s website.⁵⁹⁰

TVA should either adjust CE 31 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

XIX. CE 32—Invasive Plant Management

Proposed CE 32 would apply to “[a]ctions to manage invasive plants including, but not limited to, chemical applications, mechanical removal, and manual treatments that generally do not physically disturb more than 125 acres of land.”⁵⁹¹

⁵⁸⁴ Att. 10, CEQ, CE Programmatic Guidance, 8 n. 10 (“[R]eliance on programmatic NEPA documents has resulted in public and regulatory agency concern that programmatic NEPA documents often result in a ‘shell game’ of when and where deferred issues will be addressed, undermining agency credibility and public trust.”)

⁵⁸⁵ See Part II, Section II.A-C, III (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁵⁸⁶ See Part II, Section II.F (Benchmarking), above.

⁵⁸⁷ Att. 2, TVA, CE Support Documentation, 3-158 to 3-159.

⁵⁸⁸ See Part II, Section IV (Tiering/Programmatic), above.

⁵⁸⁹ See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁵⁹⁰ See Part II, Section V (Documentation), above.

⁵⁹¹ Att. 2, TVA, CE Support Documentation, 3-166.

The language in CE 32 lacks specificity because it would allow TVA to take any action related to invasive plant management that “generally” occurs on 125 acres of land or less and does not limit the types of activities covered, as long as they pertain to “invasive plant management.”⁵⁹² TVA does not require that these 125 acre plots be non-contiguous. The language of this CE should be limited so that proposed activities that could have significant effects on the environment cannot be conducted without proper NEPA review.

TVA’s cited EAs and EISs do not support CE 32 because they either include mitigation measures that limit the environmental effects that the activities might have or they commit to further environmental reviews for site- or project-specific actions, such as those that would be excluded under CE 32.⁵⁹³ TVA again cites to the Natural Resource Plan EIS, which promises to conduct “site and/or activity-specific environmental reviews” and to “incorporate appropriate measures to avoid, minimize, or mitigated adverse impact.”⁵⁹⁴ Moreover, the Putnam-Cumberland Tennessee-Improve Power Supply Project EA includes mitigation measures to protect endangered and threatened bat species, making the FONSI “contingent upon adherence to the mitigation measures described.”⁵⁹⁵

TVA’s discussion and analysis of the environmental effects of activities applicable to CE 32 is far from the “hard look” required by NEPA.⁵⁹⁶ This inadequacy is particularly concerning given the multiple cited EAs that require mitigation for endangered bat species.⁵⁹⁷

⁵⁹² See Part II, Section II.D (Specificity), above.

⁵⁹³ See Part II, Section II.E (Citation to EAs/EISs), above. Many of the EAs and EISs are not publicly available on TVA’s website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above; see also Part II, Sections II.E, III-IV. However, based on the descriptions in the CE Supporting Documentation, these CECs involve minute actions conducted on much smaller acreages (ranging from 4–51 acres).

⁵⁹⁴ Att. 51, TVA, Natural Resources Plan, ROD.

⁵⁹⁵ TVA, *Putnam-Cumberland, Tennessee – Improve Power Supply Project*, Environmental Assessment (chemical and mechanical ROW maintenance) (Nov. 13, 2013). See also TVA, *Union-Tupelo No. 3 161kV Transmission Line*, Environmental Assessment (chemical and mechanical ROW maintenance) (Oct. 9, 2014). Many of the EAs and EISs are not publicly available on TVA’s website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above; see also Part II, Sections II.E, III-IV.

⁵⁹⁶ See Part II, Section II.A-C, III (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁵⁹⁷ TVA, *Putnam-Cumberland, Tennessee – Improve Power Supply Project*, Environmental Assessment (chemical and mechanical ROW maintenance) (Nov. 13, 2013) (only removing Indiana bat roosting habitat between Oct 15 and April 1); TVA, *Union-Tupelo No. 3 161kV Transmission Line*, Environmental Assessment (chemical and mechanical ROW maintenance) (Oct. 9, 2014) (only removing Indiana and/or northern long-eared bat habitat between Dec 1 and March 15)); TVA, *Selmer-West Adamsville 161-kV Transmission Line and Switching Station*, Environmental Assessment (chemical and mechanical ROW maintenance) (Jan. 6, 2015) (contributing money to the Indiana Bat Conservation Fund and only removing roosting habitat between Oct 15 and March 31).

The proposed CE does not include such limitations on harvesting the habitat of these bats, and the discussed environmental effects do not even mention the potential individual and cumulative effects to endangered bats.

The cited benchmarking examples similarly do not support the broad language and application of CE 32.⁵⁹⁸ The cited CEs include multiple qualifications and minutely defined activities, whereas TVA's proposed CE includes broad activity descriptions with no real limitation. Further, the cited examples do not support TVA's proposed CE. For example, the U.S. Forest Service's cited CEs include no mention of invasive species, instead involving the repair and maintenance of administrative and recreational sites.⁵⁹⁹ The Forest Service instead has created a national strategic framework for invasive species management, explicitly recognizing that the NEPA process is vital for an issue like invasive species, where problems are often "unanticipated side effects of otherwise desirable actions."⁶⁰⁰

To avoid the "shell game" in programmatic NEPA review, TVA must clearly explain whether it will not conduct site-specific NEPA analyses activities or categorically excluded them under this CE.⁶⁰¹ Moreover, TVA cannot segment the activities of CE 22–33 so that it can avoid conducting tiered EAs and EISs.⁶⁰²

TVA should promulgate documentation requirements that would require that application of CE 32 be documented and be made publicly available on TVA's website.⁶⁰³

TVA should either adjust CE 31 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

XX. CE 35—Wells

⁵⁹⁸ See Part II.F (Benchmarking), above.

⁵⁹⁹ Att. 2, TVA, CE Support Documentation, 3-172.

⁶⁰⁰ Att. 60a, USFS, *National Strategy and Implementation Plan for Invasive Species Management* (Oct. 2004); Att. 60b, USFS, *Policy and Authorities: Forest Service Authorities for Invasive Species Management*, <https://www.fs.fed.us/invasivespecies/policy.shtml> (last visited Sept. 5, 2017) ("The rationale behind the NEPA process—that agencies should be fully informed of the consequences of their actions before making a decision—is especially important when dealing with an issue like invasive species, where problems are often unanticipated side effects of otherwise desirable actions. Analysis and interagency, intergovernmental, and public review and comment that identify potential problems with invasive species for a particular proposed action may also yield ideas for alternative methods of approaching an issue or other forms of mitigation.").

⁶⁰¹ See Part II, Section II.IV (Tiering/Programmatic), above.

⁶⁰² See Att. 2, TVA, CE Support Documentation, 3-92 (CE 22); *id.* at 3-100 (CE 23); *id.* at 3-101 (CE 24); *id.* at 3-102 (CE 25); *id.* at 3-104 (CE 26); *id.* at 3-106 (CE 27); *id.* at 3-119 (CE 28); *id.* at 3-125 (CE 29); *id.* at 3-138 (CE 30); *id.* at 3-152 (CE 31); *id.* at 3-166 (CE 32); *id.* at 3-174 (CE 33).

⁶⁰³ See Part II, Section II.V (Documentation), above.

Proposed CE 35 would categorically exclude “installation or modification (but not expansion) of groundwater withdrawal wells, or plugging and abandonment of groundwater or other wells. Site characterization must verify a low potential for seismicity, subsidence, and contamination of freshwater aquifers.”⁶⁰⁴

Proposed CE 35 lacks the specificity required by NEPA and the CEQ Regulations to ensure that no significant environmental impacts will occur as a result of application of the CE.⁶⁰⁵ Like the use of the undefined term “minor” in other CEs, proposed CE 35 leaves it entirely to TVA’s discretion to determine whether a particular groundwater withdrawal well has a “low” potential for seismicity, subsidence, or contamination of freshwater aquifers.⁶⁰⁶ TVA offers no definition or context that would limit application of the “low” threshold. Nor does TVA’s proposed “extraordinary circumstances” procedure provide such guidance.⁶⁰⁷ CE 35 therefore provides insufficient guidance for TVA staff to implement NEPA.

This lack of guidance is particularly troubling because CE 35 does not, on its face, limit application of the CE to groundwater monitoring wells, but instead applies to *all* groundwater withdrawal wells, including those wells used for water supply.⁶⁰⁸ In the Supporting Documentation, TVA admits the broad scope of the CE: “While the majority of these wells are for monitoring groundwater, the proposed CE does not specify the purpose of the wells.”⁶⁰⁹

Recent experience at TVA’s Allen coal and gas plants in Memphis clearly demonstrate why the scope of this CE should be limited to groundwater monitoring wells, rather than applying to all groundwater withdrawal wells without limitation. In April 2016, TVA unilaterally decided to withdraw thousands of gallons of water per minute from wells it proposed to drill into the Memphis Sand Aquifer, Memphians’ primary drinking water source, to help run its new Allen gas plant.⁶¹⁰ TVA made this decision without seeking public comment through NEPA.⁶¹¹ The US Geological Survey groundwater study relied upon by TVA expressly noted that it did not

⁶⁰⁴ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26,631.

⁶⁰⁵ See Part II, Section II. D, above.

⁶⁰⁶ See Part II, Section II.D, above.

⁶⁰⁷ See Part I, Sections II.B and K; Part II, Section II.D, above.

⁶⁰⁸ At a press conference following the August 2017 TVA Board meeting, TVA’s CEO Bill Johnson inaccurately claimed that the categorical exclusion does not apply to groundwater supply wells. See Steve Ahillen, *TVA Move Toward more NEPA Exemptions Concerns Environmental Groups*, The Tennessean, Aug. 25, 2017, at <http://www.knoxnews.com/story/news/local/tennessee/2017/08/25/tva-move-toward-more-nepa-exemptions-concerns-environmental-groups/597062001/> (last visited Sept. 1, 2017).

⁶⁰⁹ Att. 2, TVA, CE Support Documentation, 3-187.

⁶¹⁰ Att. 61, TVA, *Allen Fossil Plant Emission Control Project*, Supplemental Environmental Assessment 1-21 (April, 2016) [hereinafter TVA, Allen SEA]; Att. 62, TVA, *Allen Fossil Plant Emission Control Project*, Finding of No Significant Impact 1-3 (April, 2016) [hereinafter TVA, Allen FONSI].

⁶¹¹ Att. 63, Letter from Robert Deacy, Senior Vice President, TVA, to The Honorable Steve Cohen 2 (Sept. 13, 2016).

analyze potential impacts on groundwater quality from TVA's proposed withdrawal wells, and further noted past reports of impacts to the Memphis Sand Aquifer through leakage in the shallow aquifer.⁶¹² Despite the USGS analysis, as well as questions raised by local groups like the Sierra Club and Protect Our Aquifer, TVA claimed there was no risk of contamination to the aquifer.⁶¹³

One year later, citing high levels of toxic pollutants, including arsenic, found in groundwater at coal ash ponds at the TVA's Allen Fossil Plant, the Tennessee Department of Environment and Conservation has ordered an investigation.⁶¹⁴ TDEC is particularly concerned about the risk these pollutants may pose to the Memphis Sand Aquifer once TVA begins withdrawing water from the gas plant wells, as evidenced by a second letter the state agency sent to TVA outlining the parameters of the investigation.⁶¹⁵ In fact, those concerns led TDEC to obtain TVA's agreement not to use the groundwater withdrawal wells at Allen until the investigation has been completed.⁶¹⁶

The Allen experience demonstrates TVA's lack of ability to properly evaluate whether a particular risk to freshwater aquifers is "low" without additional specificity and without public comment when it conducts an environmental assessment, let alone in the context of a CE.

The Allen experience further illustrates the substantial difference in scope and type of potential environmental impacts associated with groundwater withdrawal wells for supply and groundwater withdrawal wells for monitoring. As illustrated by the facts at Allen, because of the significant amount of water withdrawn, groundwater supply wells are much more likely to cause significant impacts on water supply, hydrogeology/subsurface flow, and contaminant transport, among other things.⁶¹⁷ In addition to having individually significant effects, the effects of multiple groundwater supply wells in a specific geographic area may have significant cumulative effects.⁶¹⁸ The proposed limitations on application of CE 35 do not adequately capture these

⁶¹² Att. 64, USGS, *Evaluation of Effects of Groundwater Withdrawals at the Proposed Allen Combined-Cycle Combustion Turbine Plant*, Scientific Investigations Report 7, 10, 13 (2016).

⁶¹³ Att. 61, TVA, Allen SEA 11 ("[N]o significant impacts to groundwater quality are expected to occur for any of the proposed alternatives").

⁶¹⁴ Att. 65, Letter from Steve Goins, Director, Division of Remediation, TDEC, to Susan Smelley, Operations Manager, TVA (June 20, 2017).

⁶¹⁵ Att. 66, Letter from Steve Goins, Director, Division of Remediation, TDEC, to Winifred Brodie, Remediation Specialist, Environmental Compliance and Operations, TVA (July 18, 2017).

⁶¹⁶ Att. 67, Tom Charlier, *TVA Agrees to Hold Off Using New Wells Pending Outcome of Contamination Probe*, Memphis Commercial Appeal, Aug. 24, 2017, at <http://www.commercialappeal.com/story/news/2017/08/24/tva-limit-use-cooling-wells-pending-outcome-contamination-probe/594913001/> (last visited Sept. 1, 2017).

⁶¹⁷ Att. 68, Email from Robert Wilkinson, Coal Combustion Residual (CCR) Technical Manager, TDEC, to Beth Rowan et al., TDEC (July 11, 2017).

⁶¹⁸ Att. 69, Email from John Boatright, Field Officer, Division of Solid Waste Management, TDEC to Rob Burnette et al., TDEC (June 2, 2017).

potential impacts. For these reasons, the installation or modification of groundwater supply wells should not be included within the scope of CE 35, and indeed, should not be categorically excluded at all.

The text of CE 35 similarly does not limit its application to the plugging or abandonment of groundwater wells. Instead, the Supporting Documentation indicates that TVA anticipates applying CE 35 to plugging or abandoning oil and gas wells: “The proposed CE is not intended to apply to the installation of wells for oil or gas exploration or production but may be applied to plugging or abandoning such wells.”⁶¹⁹ The potential environmental impacts associated with plugging or abandoning oil and gas wells are substantially different in scope and type than those associated with abandoning groundwater wells. In particular, the potential for hazardous waste to contaminate surrounding soil and groundwater is much higher for oil and gas wells.⁶²⁰ Oil and gas wells may also emit dangerous levels of methane gas into the air.⁶²¹ The proposed limitations on application of CE 35 do not adequately capture these potential impacts. For these reasons, the plugging and abandoning of oil and gas wells should not be included within the scope of CE 35, and indeed, should not be categorically excluded at all.

For the same reasons, the environmental analysis provided in the Supporting Documentation falls far short of demonstrating that the activities covered in CE 35 will not have significant individual or cumulative effects.⁶²² In particular, the environmental analysis concludes, with no analysis, that “[m]ajor impacts to aquifers from limited well installation and resulting water usage would be unlikely.”⁶²³ It also concludes that no significant impacts will occur to groundwater quality based on the vague limitation of “low” potential for contamination of freshwater aquifers.⁶²⁴ The Allen experience directly contradicts both of these findings.

Similarly, TVA concedes that impacts to soils and groundwater from hazardous waste “may vary by the type of well being plugged or abandoned,” but nevertheless concludes, without analysis, that in all cases the impacts would be “minor and short-term.” Contamination from abandoned oil and gas wells generally is not “minor and short-term,” as TVA’s own environmental documents regarding remediation of Potter’s Ford wells show.⁶²⁵ TVA explains that “[t]he well, located within a wildlife management area and adjacent to the Obed Wild and

⁶¹⁹ Att. 2, TVA, CE Support Documentation, 3-186.

⁶²⁰ Att. 70, Ben Hall, *Cost of Cleaning Abandoned Oil Wells Could Shift to Taxpayers*, NewsChannel 5 Nashville, Oct. 28, 2016, at <http://www.newschannel5.com/news/newschannel-5-investigates/cost-tf-cleaning-abandoned-oil-wells-could-shift-to-taxpayers> (last visited Sept. 1, 2017).

⁶²¹ *Id.*

⁶²² See Part II, Sections II.A-C.

⁶²³ Att. 2, TVA, CE Support Documentation, 3-190.

⁶²⁴ *Id.*

⁶²⁵ Att. 2, TVA, CE Support Documentation, 3-189.

Scenic River, was known to discharge a mixture of oil, gas, and water to the surface and into Underwood Branch.”⁶²⁶

TVA’s past environmental documentation does not support its conclusion that CE 35 would not have individual or cumulatively significant impacts.⁶²⁷ Based on the titles, the categorical exclusion checklists identified by TVA apply primarily to groundwater monitoring well installation or abandonment.⁶²⁸ Nor do the EAs cited in the Supporting Documentation provide adequate support for proposed CE 35.⁶²⁹ With respect to the two EAs TVA discusses, it contends that that actions described and analyzed in the EAs are “atypical.”⁶³⁰ Yet nothing in proposed CE 35 would prevent TVA from applying CE 35 to those types of “atypical” actions. Nor does TVA’s proposed “extraordinary circumstances” procedure provide any basis for limiting the scope of CE 35.⁶³¹

Tellingly, TVA does not cite to or discuss its supplemental EA for the water withdrawal wells at the Allen gas plant site (“Allen SEA”). The Allen SEA concluded that there would be no potential for impacts to water quality in the Memphis Sand Aquifer.⁶³² As described above, the state regulator is concerned enough about those potential impacts to have required TVA to conduct an extensive investigation, and has prevented TVA from using the wells in the meantime. The Allen SEA therefore provides no support for including groundwater supply wells within the scope of CE 35. Nor does it provide confidence in TVA’s ability to determine when there is a “low” potential for contamination of freshwater aquifers.

The Department of Energy CEs that TVA identifies in its benchmarking exercise also do not support adoption of CE 35 because they include additional specific limitations not proposed in CE 35, including but not limited to the following:

- B1.18 does not apply to the installation of new groundwater supply wells unless in existing well field and limits application based on drawdown effects, decline in water table, degradation of aquifer.
- B3.7 is limited to exploratory and experimental wells in existing well fields and contains language re: site characterization verified “low potential for seismicity,

⁶²⁶ *Id.*

⁶²⁷ *See* Part II, Section II.E.

⁶²⁸ TVA declined to provide its categorical exclusion checklists to Environmental Groups during the comment period. *See* Part I, Section VI, above.

⁶²⁹ TVA does not discuss the details of a third EA it cites, for administration of an ARC grant, and the EA was not timely made publicly available by TVA. *See* Part I, Section VI, above.

⁶³⁰ Att. 2, TVA, CE Support Documentation, 3-189.

⁶³¹ *See* Part I, Sections II.B and K; Part II, Section II.D.

⁶³² Att. 61, TVA, Allen SEA 11 (“[N]o significant impacts to groundwater quality are expected to occur for any of the proposed alternatives”).

subsidence, and contamination of freshwater aquifers,” but expressly invokes other DOE protocols to further define “low potential.”

- B5.3 contains additional limits including “covered modifications would not be part of site closure,” and expressly invoking other DOE protocols.
- B5.12 contains additional limits including expressly invoking other DOE protocols.
- B5.13 contains additional express limits.

In addition, the scope and specificity of the DOE CEs is very different from proposed CE 35.

TVA should promulgate documentation requirements that would require that application of CE 35 be documented and be made publicly available on TVA’s website.⁶³³

TVA should adjust CE 35 so that it complies with the requirements of NEPA, including making it applicable only to groundwater monitoring wells (defined as wells solely for the monitoring and measuring groundwater) and providing for additional specific limits on its application, including but not limited to requiring TVA to comply with state and local laws and regulations addressing groundwater and groundwater wells.

XXI. CE 36—In-Kind Replacement

In proposed CE 36, TVA proposes to categorically exclude a vast range of activity: everything fitting under the umbrella of routine operation, repair, in-kind replacement, and maintenance for “existing buildings, infrastructure systems, facility grounds, public use areas, recreation sites, and operating equipment.”⁶³⁴ Not only is this proposed CE extremely vague, by TVA’s own tacit admission, it would incorporate actions that would result in significant impacts to the environment. As a result, proposed CE 36 is contrary to NEPA, and should not be included in any final regulation.

TVA’s proposal offers only hazy limitations that are insufficient to render it a proper categorical exclusion.⁶³⁵ TVA does not offer definitions on what is “routine,” or “in-kind replacement,” or what actions may be “required” to “maintain” or “preserve” assets.⁶³⁶ As a result, it is impossible for members of the public to understand just what *is not* included, as

⁶³³ See Section II, Part V, above.

⁶³⁴ See Att. 2, TVA, CE Support Documentation, 3-194. Indeed, under TVA’s proposal, this activity need not even occur at TVA sites, as TVA proposes including also activities within the “vicinity of TVA’s generation and other facilities.” *Id.*

⁶³⁵ See Part II, Section II.D, above.

⁶³⁶ *Id.*

nearly every activity TVA could undertake could be described as something “required” to “maintain” TVA’s assets.

Nor is the proffered limitation of actions that do not “result in a substantial change in the design capacity, function, or operation”⁶³⁷ particularly meaningful. Besides failing to define what a “substantial change” might or might not be, by proposing to limit a contemplated categorical exemption based on exclusion of all activities that cause “substantial” impact, TVA simply moves a critical aspect of NEPA analysis behind the shield of an exemption. This is because the question of whether or not a proposed action has “substantial” or significant impact is precisely what NEPA analysis is supposed to determine. In other words, TVA is proposing to decide what does and does not threaten significant impact, not through the public process of NEPA analysis, but through the internal a priori decision to cover a vast range of activities in the blanket of a categorical exemption.

This problem is evident in the very first example of an action TVA suggests would be covered by its proposed CE. TVA discusses “[r]egular servicing of in-plant and on-site equipment . . . that do not substantially increase emissions or discharges beyond current permitted levels.”⁶³⁸ Again, TVA makes no attempt to define what “substantially” means here. Nor does TVA explain why increasing emissions or discharges at less than “substantial” levels would not be problematic or lead to significant impacts if they are *above* “current permitted” amounts. Instead, TVA appears to suggest that scenarios in which changes to plant equipment lead to increases in emissions or discharges are properly exempt from NEPA analysis as long as TVA, without public process, quietly determines that such increases are not substantial. This is completely contrary to the purpose of NEPA.

As noted above, a category of action is only appropriate for a categorical exclusion if those activities are incapable of causing significant environmental impact. But as TVA concedes in its Supporting Documentation, much of the action that would be covered by proposed CE 36 is entirely capable of causing significant impact. For example, TVA suggests it “has found that several environmental resources may be affected by such activities” as those within the ambit of CE 36, but that “these activities **typically** do not have significant environmental effects.”⁶³⁹ Likewise, TVA later admits several times that activities covered by proposed CE 36 “could” have long-term significant impacts.⁶⁴⁰

⁶³⁷ *Id.*

⁶³⁸ *Id.*

⁶³⁹ *Id.* at 3-199 (emphasis added); *see also id.* at 3-201 (“TVA concludes that these activities do not typically cause significant environmental effects”).

⁶⁴⁰ *Id.* at 3-201.

But this is the wrong analysis. For something to be *categorically excluded*, it should *never* have significant environmental effects.⁶⁴¹ TVA is conceding that some—perhaps much—of the time, the items covered by proposed CE 36 do in fact have significant environmental effects. This is *precisely* the sort of scenario for which NEPA was intended: TVA must perform some level of NEPA process before determining whether or not there is a significant impact. It cannot simply categorically waive that obligation on the front end based on the unsubstantiated hope that “typically” there would not be a significant impact.

Even TVA’s cited examples of categorical exclusions from other agencies show how proposed CE 36 goes too far.⁶⁴² TVA cites approvingly of Department of Energy (“DOE”) categorical exclusion B1.3; however, DOE’s categorical exclusion contains significant limiting language absent from TVA’s proposal.⁶⁴³ The DOE’s exclusion is limited to an action that “does not result in significant change in the expected useful life, design capacity, or function of the facility.”⁶⁴⁴ Similarly, DEO defines the “routine maintenance” covered by the exemption as specifically *not* including “replacement of a major component that significantly extends the originally intended useful life of a facility.”⁶⁴⁵ Likewise, in Department of Homeland Security (“DHS”) categorical exclusion D3—again, cited approvingly by TVA—the exclusion extends only to actions “which do not result in a change in functional use or an impact to a historically significant element or setting”⁶⁴⁶ Contrary to TVA’s proposed CE 36, the DHS exclusion is limited to those activities that do not result in significant changes or impacts.

None of these limitations are present in TVA’s proposal. As a result, CE 36 sweeps in far too much, and would exempt from NEPA review exactly the sort of activities that should be reviewed under NEPA. Accordingly, CE 36 should be rejected. At the very least, TVA should promulgate documentation requirements that would require that application of CE 36 be documented and be made publicly available on TVA’s website.⁶⁴⁷

XXII. CE 37—Modifications of Existing Plant Equipment

TVA’s Proposed CE 37 is even more problematic than proposed CE 36. With proposed CE 37, TVA proposes to exempt “[m]odifications, upgrades, uprates, and other actions that alter existing buildings, infrastructure systems, facility grounds, and plant equipment, or their

⁶⁴¹ See Part II, Sections II.A-C, above.

⁶⁴² See Part II, Section II.F, above.

⁶⁴³ See *id.* at 3-201-02.

⁶⁴⁴ *Id.*

⁶⁴⁵ *Id.*

⁶⁴⁶ *Id.* at 3-203.

⁶⁴⁷ See Section II, Part V, above.

function, performance, and operation.”⁶⁴⁸ In other words, CE 37 would exempt from NEPA review nearly every action TVA could possibly take regarding property it already controls that would not already be covered by CE 36. Nearly any activity TVA could conceive of could be a “modification” of an existing facility, particularly if it includes anything that alters the “function” or “operation” of that facility.⁶⁴⁹ This would appear to include things, concerning generating units, like boiler expansions, turbine rebuilds, or other on-site modifications that could dramatically change the output of a generator, significantly change its emissions or discharges, or substantially change the lifespan of that generating unit, with severe environmental impact resulting.

The only quasi-limitation that TVA offers in CE 37 is that covered actions “generally will not physically disturb more than 10 acres,” but this limitation does not limit much, given that many existing facilities already consist of built or “disturbed” land, and at any rate, TVA appears to not even view this as a guideline, as it suggests that only “generally” will fewer than 10 acres be disturbed.⁶⁵⁰

TVA’s own language in the Supporting Documentation makes it clear that the proposed CE, as currently drafted, would exempt actions likely to cause significant impacts.⁶⁵¹ For example, TVA notes that “under normal circumstances the activities covered by the proposed CE do not individually or cumulatively have a significant effect on the quality of the human environment.”⁶⁵² The words “normal circumstances” are undefined, and are doing a lot of very heavy lifting here—plainly, not every action will take place under “normal” circumstances. Similarly, in discussing hazardous waste, TVA notes that such waste “could be generated from some of the activities under the proposed CE” but then goes on to say that it would be treated according to legal requirements and therefore the “effects on human health and safety” would be “limit[ed].”⁶⁵³ But this is not the same thing as “no significant impact”—TVA is expected to comply with the law no matter what it does, and this expectation is not the same thing as satisfying the requirement for a categorical exemption that no significant impact is possible.⁶⁵⁴

⁶⁴⁸ Att. 2, TVA, CE Support Documentation, 3-208.

⁶⁴⁹ See Part II, Section II.D, above.

⁶⁵⁰ *Id.* CE 37 subpart (b) might offer a further limitation by excluding from the exemption actions that “substantially alter emissions or discharges beyond current permitted limits.” *Id.* However, this language does not explain what is meant by “substantially,” and at any rate, subpart (b) is part of a list of examples “include[d]” by CE 37, but to which CE 37 is “not limited,” and as such, is not a limit at all.

⁶⁵¹ See Part II, Sections II.A-C, above.

⁶⁵² Att. 2, TVA, CE Support Documentation, 3-210.

⁶⁵³ *Id.* at 3-213. TVA makes a similar observation regarding solid waste. See *id.*

⁶⁵⁴ See 40 C.F.R. §1508.4 (“Categorical exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations”).

TVA appears to recognize that proposed CE 37 sweeps in far too much, and would incorporate actions that would have significant impact:

For routine actions under CE #37, some substantive change, improvement or alteration would be made to existing operations, structure, equipment, or emissions. Because the actions would result in some substantive change, TVA would continue to review actions under CE #37 more thoroughly by documenting its application in the ENTRAC database.⁶⁵⁵

TVA adds, hopefully, that “[c]ompletion of a CEC for every application of the proposed CE #37 will ensure that the CE would not be applied to actions that could have significant effects on the environment.”⁶⁵⁶ But this is much less than NEPA requires. If there is a possibility of significant impacts, NEPA is not satisfied if TVA merely records the action in a database listing actions it has categorically excluded. Instead, TVA is required to actually perform NEPA analysis, including analysis of impacts and alternatives.

In support for its proposed CE, TVA cites to examples from other agencies; however, these examples are far less sweeping than proposed CE 37.⁶⁵⁷ For example, TVA cites to DOE categorical exclusion B1.3, yet this exclusion (as discussed above) is far more limited than the exclusion TVA proposes. DOE’s categorical exclusion, discussing equipment replacements, only covers the action “. . . provided that the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility. Routine maintenance does not include replacement of a major component that significantly extends the originally intended useful life of a facility.”⁶⁵⁸ TVA lacks this qualifier, which makes all the difference. Likewise, TVA cites to a DHS categorical exclusion, but this exclusion only addresses actions “that do not result in a change in the functional use of the real property.”⁶⁵⁹ Not only does TVA lack this qualifier, but CE 37 seems specifically written to include actions that deliberately result in changes in the functional use of the facilities being modified.

As with other categorical exclusions discussed above, CE 37 is inconsistent with the requirements of NEPA. The actions covered by proposed CE 37 are exactly of the sort that should be subjected to NEPA analysis. Proposed CE 37 should accordingly be rejected.

⁶⁵⁵ Supporting Documentation, 3-209.

⁶⁵⁶ *Id.*

⁶⁵⁷ See Part II, Section II.F, above.

⁶⁵⁸ *Id.* at 3-215.

⁶⁵⁹ *Id.* at 3-217.

XXIII. CE45—Renewable Energy Sources at Existing Facilities

In Proposed CE 45, TVA proposes to categorically exclude a broad range of renewable and waste-heat-to-energy projects at existing TVA facilities, each of which has its own particular set of potential environmental impacts.

The language in CE 45 is unreasonably broad because it would allow TVA to install electricity generators (like combined heat and power or cogeneration systems) “generally comprising of physical disturbance to no more than 10 acres of undisturbed land and 25 acres of previously-disturbed land.”⁶⁶⁰ TVA provides itself discretion to comply with the 10- and 25-acre limits of the proposed CE and does not require that these 10 and 25 acre plots be non-contiguous. The language of this CE should be specific enough to ensure that proposed activities that could have significant effects on the environment cannot be planned and decided upon behind closed doors and without proper NEPA review.⁶⁶¹

Of particular concern is the leeway that this language provides TVA so that it can build and install a natural gas turbine at an existing facility (that constitutes part of a combined heat and power or cogeneration system), resulting in significant environmental effects, both cumulatively and individually.

TVA’s cited EAs and EISs do not support CE 45 because they include mitigation measures that limit the environmental effects of the activities.⁶⁶² For example, the Johnsonville Cogeneration Plant EA requires the use of “best management practices (BMPs) listed in the EA for avoiding or reducing minor adverse environmental effects from the construction, operation, and maintenance of the proposed cogeneration plant.”⁶⁶³ Undersigned groups were not provided access to the other NEPA documentation until two business days before the end of the comment period and therefore cannot provide insights on whether the following support TVA’s proposed CE.

⁶⁶⁰ *Sherwood v. TVA*, No. 3:12-CV-156-TAV-HBG, 2017 WL 3261769 (E.D. Tenn. July 31, 2017).

⁶⁶¹ See Part II, Section II.D (Specificity), above.

⁶⁶² See Part II.E (Citations to EAs/EISs), above. Many of the EAs and EISs are not publicly available on TVA’s website, and TVA did not timely provide its CE supporting materials to the public during this comment period despite multiple requests under the Freedom of Information Act (FOIA) to provide these documents, or at least portions of them. See Part I, Section VI, above; see also Part II, Sections II.E, III-IV. However, based on the descriptions in the CE Supporting Documentation, these CECs involve minute actions conducted on much smaller acreages (ranging from 4–51 acres).

⁶⁶³ TVA, *Johnsonville Cogeneration Plant EA* (7/1/2015). See also TVA *Solar Photovoltaic Projects Programmatic EA* (9/30/2014) (requiring developers to “adhere to reasonable and feasible routine environmental protections measures mentioned in the PEA.”)

TVA's discussion and analysis of the environmental effects of activities applicable to CE 45 is far from the "hard look" required by NEPA and CEQ Regulations.⁶⁶⁴ This inadequacy is particularly clear given TVA's failure to include any consideration of the effects of these activities on climate change and greenhouse gas emissions, as required by NEPA.⁶⁶⁵

The cited benchmarking examples similarly do not support the broad language and application of CE 45.⁶⁶⁶ The cited CEs include multiple qualifications and apply only to discretely defined activities, whereas TVA's proposed CE includes broad activity descriptions with no real limitation on its activities. For example, even though DOE includes a CE on cogeneration and combined heat and power systems, it limits the CE's application to situations where the activity will "not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources."⁶⁶⁷

These types of activities would normally tier to TVA's Integrated Resources Plan EIS, but now would be categorically excluded. Thus, to avoid the "shell game" in programmatic NEPA review, TVA must clearly explain whether it will not conduct site-specific NEPA analyses activities or categorically excluded them under this CE.⁶⁶⁸

TVA should promulgate documentation requirements that would require that application of CE 45 be documented and be made publicly available on TVA's website.⁶⁶⁹

TVA should either adjust CE 45 so that it complies with the requirements of NEPA, or it should withdraw it as a proposed CE.

XXIV. CE 47—Modifications to Rate Structure and Associated Contracts

In proposed CE 47, TVA would categorically exclude "[m]odifications to the TVA rate structure (i.e., rate change) and any associated modifications to contracts for pricing energy or demand for wholesale end-users or direct serve customers of TVA power or development of new or modified pricing products that result in no or only minor increases in peak or base load energy generation or that result in system-wide demand reduction."⁶⁷⁰

⁶⁶⁴ See Part II, Section II.A-C, III (Significant Impacts), (Cumulative Impacts), (Climate Impacts), above.

⁶⁶⁵ See *id.* Part II, Section II.C.

⁶⁶⁶ See Part II, Section II.F (Benchmarking), above.

⁶⁶⁷ Att. 2, TVA, CE Support Documentation, 3-292.

⁶⁶⁸ Part II, Section IV (Tiering/Programmatic), above.

⁶⁶⁹ See Part II, Section V (Documentation).

⁶⁷⁰ Att. 2, TVA, CE Support Documentation, 3-304.

In this CE, TVA proposes to reverse its longstanding practice of analyzing rate changes in EAs and EISs.⁶⁷¹ In the past, “...TVA has not applied existing CEs to proposed changes to rate structures, modifications to associated contracts, or development of pricing products. TVA has prepared EAs or EISs for such proposals on multiple occasions....” Now, however, TVA proposes to exempt most rate changes from public disclosure and scrutiny under NEPA.

TVA is proposing to adopt this CE in advance of planned February 2018 rate change that is intended to address the proliferation of distributed energy resources (“DERs”), like solar photovoltaics and energy efficiency, across its service territory.⁶⁷² The potential impact of CE 47 on the energy choices available to residents and businesses across the Valley cannot be overstated. In contrast to the rates of monopoly utilities in most states, TVA’s rates are not subject to independent scrutiny by a public utility commission because of its federal status. Indeed, at the August 23, 2017, TVA Board meeting, TVA’s Chief Executive Officer, Bill Johnson, asserted that the Board has “unfettered discretion” to establish rates, regardless of whether it has any basis or justification for doing so.⁶⁷³

If TVA also exempts the environmental impacts associated with its rate changes from public scrutiny under NEPA, the public will be left in the dark about important policy decisions that could have an effect on their ability to save money on electricity bills and reduce their impact on GHG and conventional pollution.⁶⁷⁴

Across the nation, public utility regulators have recognized that rate design is vitally important to distributed energy proliferation and environmental benefits associated with it.⁶⁷⁵ Indeed, because of the increasing availability of energy choices for end-use customers, the National Association of Regulatory Utility Commissioners advises *more* transparency about distribution grid operations, not less:

[I]n any evaluation, the utility’s specific characteristics and the most likely reaction to any rate design changes must be clearly and thoroughly determined before questions and challenges arising from DER are

⁶⁷¹ Att. 2, TVA, CE Support Documentation, 3-306.

⁶⁷² Att. 71, Press Release, TVA, A New Pricing Paradigm, <https://www.tva.gov/Newsroom/A-New-Pricing-Paradigm> (last visited Sept. 6, 2017); Att. 72, Associated Valley Industries, *TVA Pricing Update*, Powerpoint Presentation to Board of Directors, TVA, slides 3-9 (May 4, 2015) [hereinafter AVI, TVA Pricing Update].

⁶⁷³ Video of the August 23, 2017 Board meeting, <https://tva.mediaplatform.com/#!/video/342/TVA+Board+of+Directors+Meeting+-+August+23,+2017>.

⁶⁷⁴ Att. 73, Southern Environmental Law Center & Caroline Golin, The Greenlink Group, *A Troubling Trend in Rate Design: Proposed Rate Design Alternatives to Harmful Fixed Charges* (Dec. 2015).

⁶⁷⁵ Att. 74, National Association of Regulatory Utility Commissions, *Resolution Creating Staff Subcommittee on Rate Design* (Nov. 2015) <http://pubs.naruc.org/pub/D2DDD7AC-E73C-B386-630C-B88491DD0608> (last visited Sept. 5, 2017); Att. 75, National Association of Regulatory Utility Commissions, *Manual on Distributed Energy Resources Rate Design and Compensation*, 71-73; 97-156 (2016) [hereinafter NARUC, DER Manual].

addressed through ratemaking changes. The required level of transparency and detail for the operations and physical characteristics of a utility's distribution system may be significantly more than may have been employed in the past.⁶⁷⁶

TVA's proposed CE 47 would be a step backward in terms of the transparency, rather than the step forward necessary to operate a 21st century grid. Although TVA only operates the transmission grid, its rate structures send strong signals to the local distribution utilities that provide electricity to 9 million people across the Tennessee Valley, as well as to its directly-served industrial customers.⁶⁷⁷

Moreover, TVA acts as the "regulator" for the rates established by distribution utilities. In a recent change to its rate review policy, TVA moved its retail rate review behind closed doors as well, shifting primary responsibility from the Board of Directors to TVA staff.⁶⁷⁸ Proposed CE 47 appears to be TVA's next step toward cutting end-use customers out of the rate design conversation—at precisely the time when end-use customers are becoming active participants in energy efficiency and distributed generation.

Proposed CE 47 lacks the specificity required by NEPA and the CEQ Regulations to ensure that no significant environmental impacts will occur as a result of application of the CE.⁶⁷⁹ First, TVA does not provide sufficient parameters for CEQ, the public, or TVA staff to evaluate what would be considered a "minor" increase in peak or baseload generation.⁶⁸⁰ Moreover, given the growing threat of climate-related impacts, *any* increase in peak or baseload generation could be step in the wrong direction, to the extent that TVA is likely to satisfy that increase with coal- or natural gas-fired generation.⁶⁸¹

Second, limiting application of the CE based on a rate structure's potential influence on load does not adequately address the potential environmental impacts associated with that rate structure. TVA is currently projecting flat and declining load for the foreseeable future.⁶⁸² Thus, even a rate structure that would substantially *deter* end-use customer investment in energy efficiency or other DERs, such as increasing the fixed charge portion of rates to distribution

⁶⁷⁶ Att. 75, NARUC DER Manual, 58

⁶⁷⁷ See Att. 19, TVA, Rate Change EA, 2; Att. Att. 72, AVI, TVA Pricing Update, slides 3-9.

⁶⁷⁸ Att. 76, Memorandum, Board of Directors, TVA, *Approval of Modified Revised Rate Review Process* (July 24, 2015).

⁶⁷⁹ See Part II, Section II. D, above.

⁶⁸⁰ See Part II, Section II.D, above.

⁶⁸¹ See Part I, Section II.C, above.

⁶⁸² Att. 77, TVA, Board Meeting, Powerpoint Presentation (Aug. 23, 2017), https://www.tva.gov/file_source/TVA/Site%20Content/About%20TVA/Our%20Leadership/Board%20of%20Directors/Meetings/2017/August%202017/August%2023%202017%20Board.pdf (last visited Sept. 5, 2017)

utilities and direct serve customers,⁶⁸³ might fall within the scope of proposed CE 47. As long as peak or base load was not predicted to increase above baseline (in a scenario of flat or declining growth), or TVA deemed any increases “minor,” the rate structure would not be subject to review under the proposed CE 47.

The same rate structure would, however, potentially increase environmental impacts above baseline conditions because it would encourage TVA to run existing coal or gas generation at higher rates or to purchase or build additional generation instead of relying on DERs. Rate design can be used to shape customer usage—including total consumption and time of consumption—in a way that allows the utility to dispatch higher-efficiency or lower-efficiency generation resources, resulting in lower or higher emissions, respectively.⁶⁸⁴ These changes may impact the utility’s dispatch of existing generation and shape TVA’s future generation needs, both of which could have significant environmental impacts. As TVA has acknowledged, the environmental benefits of DERs may include avoided environmental compliance costs as well as avoided GHG and conventional pollution impacts and avoided water supply impacts.⁶⁸⁵ DERs can also reduce wasted energy by limiting line losses associated with the transmission of electricity.⁶⁸⁶

TVA’s own Distributed Generation Integrated Value report demonstrates that rate structure and pricing for DERs is likely to be highly “controversial,” which has been interpreted by the courts as “a substantial dispute as to the size, nature, or effect of the action.”⁶⁸⁷ In the DG-IV report, stakeholders disagreed substantially about the value of DERs to the grid and to society, and therefore about how much TVA should encourage their adoption through pricing and rate structures.⁶⁸⁸ Indeed, expert peer reviewers also disagreed with TVA’s methodology and analysis.⁶⁸⁹ Thus, even under TVA’s impermissibly narrow definition of the term, a rate structure that affects DER penetration is likely to be highly “controversial.”⁶⁹⁰ Under the terms of TVA’s

⁶⁸³ Att. 73, Southern Environmental Law Center & Caroline Golin, The Greenlink Group, *A Troubling Trend in Rate Design: Proposed Rate Design Alternatives to Harmful Fixed Charges* (Dec. 2015).

⁶⁸⁴ See Att. 78, Lazar and Colburn, *Rate Design as a Compliance Strategy for the EPA’s Clean Power Plan*, Regulatory Assistance Project (2015), available at <http://www.raponline.org/wp-content/uploads/2016/05/lazarcolburn-ratedesigncppcompliancestrategy-2015-nov.pdf> (last visited Sept. 5, 2017)

⁶⁸⁵ Att. 79, TVA, *Distributed Generation – Integrated Value (DG-IV): A Methodology to Value DG on the Grid* 4 (Oct. 2015) [hereinafter TVA, DG-IV Study].

⁶⁸⁶ *Id.* at 15-16.

⁶⁸⁷ See Part I, Section II.A, above.

⁶⁸⁸ Att. 79, TVA, DG-IV Study and Appendix A.

⁶⁸⁹ Att. 80, Virginia Lacy et al., *TVA Value of Solar Reviewer Comments*.

⁶⁹⁰ Att. 79, TVA, DG-IV study; Part I, Section II.A, above.

Proposed NEPA Rule, any rate structure that would have an impact on DER adoption rates should therefore constitute “extraordinary circumstances” and require preparation of an EIS.⁶⁹¹

At the same time, TVA should not have unilateral power to decide whether a rate structure is “controversial” or is otherwise outside the scope of the proposed CE 47 and/or meets the standard for “extraordinary circumstances.” TVA has historically prepared EAs and EISs for its rate structure changes,⁶⁹² and it should continue to do so. Promulgation of CE 47 is unnecessary and unwise. As CEQ cautions in its guidance on adoption of CEs: “If used inappropriately, categorical exclusions can thwart NEPA’s environmental stewardship goals, by compromising the quality and transparency of agency environmental review and decisionmaking, as well as compromising the opportunity for meaningful public participation and review.”⁶⁹³ Proposed CE 47 invites such inappropriate closed-door decisions in the context of rate-making, one of TVA’s most important responsibilities—and one that, unlike in other jurisdictions, generally is not otherwise subject to public scrutiny through a public ratemaking process.

The Supporting Documentation does not adequately analyze the individually and cumulatively significant effects of rate structure decisionmaking.⁶⁹⁴ TVA relies primarily on its previous EISs and EAs to conclude that any energy use, socioeconomic, and environmental impacts would be insignificant. As explained above, however, in an era characterized by flat and declining demand and the proliferation of customer-sited DERs, TVA’s previous EISs and EAs are of limited relevance. Moreover, the fact that TVA concluded that the specific proposals analyzed in those EISs and EAs would not have significant impacts on the environment is not predictive of the impacts of future rate structure proposals, particularly when TVA’s proposed “limits” on the application of CE 47 are not really limits at all. For example, TVA’s 2015 EA generally proposed changes intended to reflect the cost of producing electricity at the moment of use, which, if properly designed, would tend to send price signals to TVA’s customers to reduce peak usage.⁶⁹⁵ As discussed above, however, nothing in the proposed CE 47 would limit its application to rate structures intended to send better price signals based on consumption, and as DERs have become more economic and accessible, any rate structure change is likely to be controversial in the nature of its effects.

Even when TVA has prepared EAs for its rate changes, TVA has not always subjected its analyses to public scrutiny. For example, TVA issued its 2015 rate structure EA as a final EA

⁶⁹¹ Att. 5, TVA, Proposed NEPA Rule, 82 Fed. Reg. 26625-26626 (to be codified at 18 C.F.R. § (a)(2)) and 18 C.F.R. § 1318.400(a)(3).

⁶⁹² See Att. 2, TVA, CE Support Documentation, 3-306-307.

⁶⁹³ Att. 7, CEQ, CE Guidance, 3.

⁶⁹⁴ See Part I, Section II.A-C, above.

⁶⁹⁵ Att. 19, TVA, Rate Change EA, 20-21.

and FONSI on the same day, without having circulated a draft EA for public comment. Rather than seeking public comment from the broad range of stakeholders that might be affected by the rate change, TVA consulted only with its customers, the distribution utilities and direct-serve customers.⁶⁹⁶ As discussed in Section Part I, Section III above, this is inconsistent with the requirements of NEPA and the CEQ Regulations.⁶⁹⁷ In addition, TVA's failure to seek public comment on at least some of its proposed rate change EAs in the past casts doubt the rigor of its analyses and conclusions in those EAs and further limits the value of their support for proposed CE 47.

The CEs developed by DOE and BOR also do not support adoption of proposed CE 47. Although TVA concludes that the other agencies CEs "include activities similar to those of TVA's proposed CE,"⁶⁹⁸ they do not. DOE CE B1.1 appears to be limited on its face to rate increases, not changes in rate structure as proposed by TVA in CE 47.⁶⁹⁹

DOE B4-3 applies only to rate changes for the Power Marketing Administrations. Unlike TVA, those entities generate electricity from hydropower resources, which are not likely to cause impacts to GHG and air quality.⁷⁰⁰ Moreover, the Power Marketing Administrations "generally do not own electric generating plants" and receive financial support from the federal government.⁷⁰¹ Accordingly, their pricing incentives and rate structure decisions are likely to be substantially different from TVA's. In addition, in contrast to TVA in most circumstances, the Power Marketing Administrations' rates are regulated by the Federal Energy Regulatory Commission, providing an additional level of regulatory and public scrutiny.⁷⁰² Finally, DOE limits application of its CE to circumstances in which generation would stay within "normal operating limits." First, "normal operating limits" is very different for hydroelectric resources than for the fossil resources upon which TVA relies, in particular for peak generation. Second, as described above, CE 47 would impose a purported limit based on *load* not operating limits, and these are two very different metrics, as explained above.

BOR CE D5 is inapt for similar reasons. As a preliminary matter, it is not clear whether CE D5 is intended to apply only to rate increases or also to rate structure changes. In any case,

⁶⁹⁶ See Att. 19, TVA, Rate Change EA, 6; Att. 19(a), TVA, Rate Change FONSI, 2-3.

⁶⁹⁷ See Part I, Section III.A, above.

⁶⁹⁸ Att. 2, TVA, CE Support Documentation, 3-309.

⁶⁹⁹ See Att. 2, TVA, CE Support Documentation, 3-310.

⁷⁰⁰ Att. 81, U.S. Energy Information Administration, *Federal Power Marketing Administrations Operate Across much of the United States* (June 12, 2013) <https://www.eia.gov/todayinenergy/detail.php?id=11651> (last visited Sept. 5, 2017).

⁷⁰¹ *Id.*

⁷⁰² *Id.*

BOR's portfolio is primarily hydroelectric resources.⁷⁰³ Moreover, BOR operates its dams within Power Marketing Administrations and is therefore subject to the same oversight by FERC.⁷⁰⁴ BOR also manages its dams for multiple uses and has a cost allocation process very different from the process employed by TVA.⁷⁰⁵ Accordingly, BOR's rate setting process is not analogous to TVA's.

For these reasons, TVA's benchmarking CEs do not provide support for the adoption of CE 47.

TVA should withdraw CE 47 as a proposed CE. To the extent that TVA nevertheless adopts CE 47, TVA should promulgate documentation requirements that would require that application of CE 47 be documented and be made publicly available on TVA's website.⁷⁰⁶

XXV. Remaining CEs

TVA is not proposing changes to CEs 3, 4, 5, and 7.

CEs 1, 2, 8-14, 33, 34, 38-44, 46, and 48 through 50 have many of the same inadequacies discussed in Parts II and III of these comments. In particular, many of these CEs lack the specificity to ensure no significant environmental impacts will occur as a result of the activities proposed to be excluded.⁷⁰⁷ Nor does TVA's proposed extraordinary circumstances procedure provide the required specificity to ensure no significant impacts will occur.⁷⁰⁸

XXVI. Conclusion

For all of the foregoing reasons, TVA should revise the Proposed NEPA Rule to ensure it complies with NEPA and the CEQ Regulation, and involves the public in a manner that increases transparency in its decision-making. Any revisions should be circulated for public review and comment.

⁷⁰³ Att. 82, U.S. Dep't Int., *Reclamation's Role in Hydropower* (Feb. 4, 2016) https://www.usbr.gov/power/data/role_rpt.html (last visited Sept. 5, 2017).

⁷⁰⁴ *Id.*

⁷⁰⁵ *Id.*

⁷⁰⁶ See Section II, Part V, above.

⁷⁰⁷ See Part II, Section II.D, above.

⁷⁰⁸ See Part I, Section II.B and K, above.

SOUTHERN ENVIRONMENTAL LAW CENTER

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September 7, 2017

Matthew Higdon
Tennessee Valley Authority
NEPA Rule Comments
400 W. Summit Hill Drive 11D-K
Knoxville, TN 37902

RE: Erratum to SELC, et al., Comments on TVA Proposed NEPA Rule

Dear Mr. Higdon:

I am writing to correct an error in the cover letter to the comments submitted by Southern Environmental Law Center, et al., on September 6, 2017, regarding TVA's proposed rule re: procedures to implement the National Environmental Policy Act.¹ In the signature block on page 3, we erroneously identify Richland Creek Watershed Association as a signatory to the comments. In fact, Monette Rebecca, Executive Director, signed the letter on behalf of the Richland Creek Watershed *Alliance*. Please accept this erratum and let the record reflect the support of the Richland Creek Watershed Alliance for the comments we submitted.

Sincerely,



Amanda Garcia
Staff Attorney

Cc: Monette Rebecca
Christina Reichert

¹ 82 FED. REG. 26,620 (JUNE 8, 2017).

**List of Attachments to NEPA Comment Letter
In order they appear in footnotes**

Att. 1, TVA, *Environmental Stewardship*, <https://www.tva.gov/Environment/Environmental-Stewardship> (last visited Aug. 29, 2017).

Att. 2, TVA, *Proposed Categorical Exclusions Supporting Documentation* (June 2017).

Att. 3, TVA, *Our Power System*, <https://www.tva.gov/Energy/Our-Power-System> (last visited August 29, 2017).

Att. 4, Memorandum from CEQ on Agency Implementing Procedures Under CEQ's NEPA Regulations (January 19, 1979).

Att. 5, TVA, Procedures for Implementing the National Environmental Policy Act, 82 Fed. Reg. 26,620 (Proposed June 8, 2017) (to be codified at 18 C.F.R. pt. 1318).

Att. 6, TVA, *Procedures for Compliance with the National Environmental Policy Act* (last updated Apr. 28, 2017).

Att. 7, Memorandum from Nancy H. Sutley, Chair, CEQ, on Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act (Nov. 23, 2010).

Att. 8, TVA, *Environmental-Reviews*, <https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews> (last visited August 29, 2017).

Att. 9, TVA, *Transmission System Vegetation Management Program*, <https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews/Transmission-System-Vegetation-Management-Program> (last visited August 29, 2017).

Att. 10, Memorandum from Michael Boots, Council on Environmental Quality on Effective Use of Programmatic NEPA Reviews (Dec. 18, 2014).

Att. 11, Memorandum from CEQ on Forty Most Asked Questions Concerning CEQ's National Environmental Policy Regulations (March 23, 1981).

Att. 12, Memorandum from Nancy H. Sutley, Chair, CEQ, on Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact (Jan. 14, 2011).

Att. 13, CEQ, *Federal Agency NEPA Implementing Procedures* (July 15, 2013) https://ceq.doe.gov/docs/laws-regulations/Federal_Agency_NEPA_%20Implementing_Procedures_15July2013.pdf (last visited Aug. 29, 2017).

Att. 14, FAA, Order 1050.1E, CHG 1, Environmental Impacts: Policies and Procedures (Mar. 20, 2006).

Att. 15, FEMA, Directive 108-1, Environmental Planning and Historic Preservation Responsibilities and Program Requirements (Aug. 22, 2016).

Att. 16, U.S. Coast Guard, Commandant Instruction M16475.1D, National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts (Nov. 29, 2000).

Att. 17, Memorandum, Executive Office of the President, CEQ, on Emergencies and the National Environmental Policy Act (2010).

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Att. 19, TVA, *Refining the Wholesale Pricing Structure, Products, Incentives and Adjustments for Providing Electricity to TVA Customers*, Final Environmental Assessment (July, 2015).

Att. 19(a), TVA, Refining the Wholesale Pricing Structure, Products, Incentives and Adjustments for Providing Electricity to TVA Customers, Finding of No Significant Impact (July, 2015).

Att. 20, CEQ, *Collaboration in NEPA: A Handbook for NEPA Practitioners* (Oct. 2007).

Att. 21, Memorandum from Executive Office of the President, CEQ, to General Counsels, NEPA Liaisons, and Participants in Scoping (April, 1981).

Att. 22, Floodplain Management, Exec. Order No. 11,988, 42 Fed. Reg. 26,951 (May 24, 1977).

Att. 23, Establishing a Federal flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, Exec. Order No. 13,690, 80 Fed. Reg. 6,425 (Feb. 4, 2015).

Att. 24, Protection of Wetlands, Exec. Order No. 11,990, 42 Fed. Reg. 26,961 (May 24, 1977).

Att. 25, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects, Exec. Order No. 13,807, 82 Fed. Reg. 40,463 (Aug. 24, 2017).

Att. 26, U.S. Dep't Energy, Guidelines for Federal Flood Risk Management Standard, <https://energy.gov/sites/prod/files/2015/02/f19/FederalFloodRiskManagementStandard.pdf>. (last visited Aug. 29, 2017)

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Att. 28, TVA, *Our Public Advisory Councils*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils> (last visited August 29, 2017).

Att. 29, TVA, *Regional Energy Resources Council*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils/rerc> (last visited August 29, 2017).

Att. 30, TVA, *Contact RERC Members*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils/rerc/Contact-RERC-Council-Members> (last visited August 29, 2017).

Att. 31, TVA, *Regional Resources Stewardship Council*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils/Regional-Resource-Stewardship-Council> (last visited August 29, 2017).

Att. 32, TVA, *Contact RRSC Council Members*, <https://www.tva.com/About-TVA/Our-Public-Advisory-Councils/Regional-Resource-Stewardship-Council/Contact-RRSC-Council-Members> (last visited August 29, 2017).

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Att. 34, Letter from Angela Garrone, Research Attorney, Southern Alliance for Clean Energy, to Matthew Higdon, NEPA Specialist, TVA (July 7, 2017).

Att. 35, TVA, Proposed Rule: Extension of Comment Period, 82 Fed. Reg. 35,133 (to be codified at 18 C.F.R. pt. 1318)

Att. 36, Southern Environmental Law Center, Survey of Mitigation Measures in TVA's Publicly-Available EAs and EISs (Aug. 4, 2017).

Att. 37, Letter from Amanda Garcia, Staff Attorney, Southern Environmental Law Center, to Denise Smith, FOIA Officer, TVA (June 28, 2017).

Att. 38, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (July 11, 2017).

Att. 39, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (July 28, 2017).

Att. 40, Attachments to Letter from Denise Smith, FOIA Officer, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (July 28, 2017).

Att. 41, E-mail from Amanda Garcia, Staff Attorney, Southern Environmental Law Center, to Denise Smith, FOIA Officer, TVA (July 19, 2017).

Att. 42, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (July 31, 2017).

Att. 43, Letter from Amanda Garcia, Staff Attorney, Southern Environmental Law Center, to Denise Smith, FOIA Officer, TVA (July 31, 2017).

Att. 44, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (Aug. 9, 2017).

Att. 45, Letter from Denise Smith, FOIA Officer, TVA, to Amanda Garcia, Staff Attorney, Southern Environmental Law Center (Aug. 30, 2017).

Att. 46, E-mail from Amanda Garcia, Staff Attorney, Southern Environmental Law Center, to Freedom of Information Officer, CEQ (June 28, 2017).

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Att. 48, TVA, Natural Resources Plan, Final EIS (July 2011)

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Att. 49, University of Tennessee, *Tree Crops for Marginal Farmland: White Pine with Financial Analysis* 8 (2000), <https://extension.tennessee.edu/publications/Documents/PB1462.pdf> (last visited August 30, 2017).

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Att. 56, TVA, Memorandum, Board of Directors, TVA, *Proposed Board Resolution (Strategic Fiber Initiative)* (April 18, 2017).

Att. 57, TVA, Board Meeting, Powerpoint Presentation (May 11, 2017) https://www.tva.gov/file_source/TVA/Site%20Content/About%20TVA/Our%20Leadership/Board%20of%20Directors/Meetings/2017/May%2011,%202017/May%2011%202017%20Board%20presentation.pdf (last visited Sept. 5, 2017).

Att. 58, Order No. 1000, *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, 136 F.E.R.C. ¶61,051, 18 C.F.R. pt. 35 (July 2011).

Att. 59, TVA, *Ocoee River Whitewater Rafting Agreements*, <https://www.tva.com/Environment/Environmental-Stewardship/Environmental-Reviews/Ocoee-River-Whitewater-Rafting-Agreements> (last visited Aug. 15, 2017).

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Att. 60b, USFS, *Policy and Authorities: Forest Service Authorities for Invasive Species Management*, <https://www.fs.fed.us/invasivespecies/policy.shtml> (last visited Sept. 5, 2017).

Att. 61, TVA, *Allen Fossil Plant Emission Control Project*, Supplemental Environmental Assessment (April, 2016).

Att. 62, TVA, *Allen Fossil Plant Emission Control Project*, Finding of No Significant Impact (April, 2016).

Att. 63, Letter from Robert Deacy, Senior Vice President, TVA, to The Honorable Steve Cohen (Sept. 13, 2016).

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Att. 65, Letter from Steve Goins, Director, Division of Remediation, TDEC, to Susan Smelley, Operations Manager, TVA (June 20, 2017).

Att. 66, Letter from Steve Goins, Director, Division of Remediation, TDEC, to Winifred Brodie, Remediation Specialist, Environmental Compliance and Operations, TVA (July 18, 2017).

Att. 67, Tom Charlier, *TVA Agrees to Hold Off Using New Wells Pending Outcome of Contamination Probe*, Memphis Commercial Appeal, Aug. 24, 2017, at <http://www.commercialappeal.com/story/news/2017/08/24/tva-limit-use-cooling-wells-pending-outcome-contamination-probe/594913001/> (last visited Sept. 1, 2017).

Att. 68, Email from Robert Wilkinson, Coal Combustion Residual (CCR) Technical Manager, TDEC, to Beth Rowan et al., TDEC (July 11, 2017).

Att. 69, Email from John Boatright, Field Officer, Division of Solid Waste Management, TDEC to Rob Burnette et al., TDEC (June 2, 2017).

Att. 70, Ben Hall, *Cost of Cleaning Abandoned Oil Wells Could Shift to Taxpayers*, NewsChannel 5 Nashville, Oct. 28, 2016, at <http://www.newschannel5.com/news/newschannel-5-investigates/cost-tf-cleaning-abandoned-oil-wells-could-shift-to-taxpayers> (last visited Sept. 1, 2017).

Att. 71, Press Release, TVA, *A New Pricing Paradigm*, <https://www.tva.gov/Newsroom/A-New-Pricing-Paradigm> (last visited Sept. 6, 2017).

Att. 72, Associated Valley Industries, *TVA Pricing Update*, Powerpoint Presentation to Board of Directors, TVA (May 4, 2015).

Att. 73, Southern Environmental Law Center & Caroline Golin, The Greenlink Group, *A Troubling Trend in Rate Design: Proposed Rate Design Alternatives to Harmful Fixed Charges* (Dec. 2015).

Att. 74, National Association of Regulatory Utility Commissions, *Resolution Creating Staff Subcommittee on Rate Design* (Nov. 2015) <http://pubs.naruc.org/pub/D2DDD7AC-E73C-B386-630C-B88491DD0608> (last visited Sept. 5, 2017).

Att. 75, National Association of Regulatory Utility Commissions, *Manual on Distributed Energy Resources Rate Design and Compensation*, (2016).

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Att. 79, TVA, *Distributed Generation – Integrated Value (DG-IV): A Methodology to Value DG on the Grid* (Oct. 2015).

Att. 80, Virginia Lacy et al., *TVA Value of Solar Reviewer Comments*.

Att. 81, U.S. Energy Information Administration, *Federal Power Marketing Administrations Operate Across much of the United States* (June 12, 2013) <https://www.eia.gov/todayinenergy/detail.php?id=11651> (last visited Sept. 5, 2017).

Att. 82, U.S. Dep't Int., *Reclamation's Role in Hydropower* (Feb. 4, 2016) https://www.usbr.gov/power/data/role_rpt.html (last visited Sept. 5, 2017).

Video of the August 23, 2017 Board meeting, available on TVA's website. <https://tva.mediaplatform.com/#!/video/342/TVA+Board+of+Directors+Meeting+-+August+23,+2017>.



September 6, 2017

Submitted via email to NEPArule@tva.gov

NEPA Rule Comments
Tennessee Valley Authority
400 W. Summit Hill Drive 11D-K
Knoxville, TN 37902

Re: Tennessee Valley Authority ("TVA") Proposed Rule, Procedures for Implementing the National Environmental Policy Act, 82 Fed. Reg. 26620 (June 8, 2017)

These public comments are submitted on behalf of the Tennessee Solar Industries Association ("TenneSEIA") regarding TVA's proposed amendment to its procedures for implementing the National Environmental Policy Act. Specifically, TenneSEIA is responding to TVA's inclusion of the following action in its list of categorical exclusions proposed as Appendix A to Subpart C of Part 1318 ("CE 47"):

47. Modifications to the TVA rate structure (*i.e.*, rate change) and any associated modifications to contracts for pricing energy or demand for wholesale end-users or direct serve customers of TVA power or development of new or modified pricing products that result in no or only minor increases in peak or base load energy generation or that result in system-wide demand reduction.

TenneSEIA strongly opposes the inclusion of CE 47 in TVA's proposed procedures as contrary to NEPA's purpose by stripping the public of oversight and input into decisions with significant impacts on the environment. The role of NEPA is particularly important in TVA's ratemaking decisions, because it is one of the only avenues for public input and transparency into TVA's ratemaking process.

By including rate changes in a proposed categorical exclusion, TVA is making the formal determination that any change in the design of its rates – except for changes that increase peak or base load energy generation by more than a "minor" amount or that do not result in system-wide demand reduction – will not "individually or cumulatively have a significant effect on the human environment." 40 C.F.R. § 1508.4. As has been demonstrated through numerous whitepapers and studies,¹ rate design has a significant effect on the adoption of solar photovoltaics and other

¹ See, e.g., National Association of Regulatory Utility Commissioners, Distributed Energy Resources Rate Design and Compensation, Nov. 2016, available at <http://pubs.naruc.org/pub/19fdf48b-aa57-5160-dba1-be2e9c2f7ea0>; TechNet, et al., Rate Design for a Distributed Grid, July 21, 2016, available at http://www.seia.org/sites/default/files/resources/Rate_Design_for_Distributed%20Grid_8-11-2016_FINAL.pdf; Southern Environmental Law Center, A Troubling Trend in Rate Design: Proposed Rate Design Alternatives to

distributed energy resources (“DERs”). Any modification to TVA’s rate structures that has the effect of reducing the adoption of DERs, such as solar photovoltaics or energy efficiency, would result in the loss of potentially significant cumulative environmental benefits associated with DERs. This is not an abstract concern in light of TVA’s published statements regarding its intent to implement rate changes that disincentivize DERs,² and without question does not justify a categorical exclusion from NEPA review.

Furthermore, CE 47 and the general provisions governing categorical exclusions are lacking in necessary specificity with respect to the both the thresholds for “minor” increases in peak or baseload generation, and the scope of extraordinary circumstances that would justify the preparation of an EA or EIS. For instance, proposed § 1318.201(a)(2) states provides TVA may consider “whether the significance of the environmental impacts associated with the proposed action is or may be highly controversial.” Courts have held that an action is controversial when “substantial questions are raised as to whether a project ... may cause significant degradation of some human environmental factor.” *Northwest Env'tl. Def. Ctr. v. Bonneville Power Admin.*, 117 F.3d 1520, 1539 (9th Cir.1997). Rate changes targeted at limiting the adoption of DERs have been extremely contentious and hotly debated throughout the country. This would seem to present an extraordinary circumstance that would take such a rate change out of the categorical exclusion altogether. If that is indeed TVA’s intent, then TenneSEIA strongly encourages TVA expressly state that in proposed § 1318.201. As currently drafted, Subpart C of proposed Part 1318, places an extraordinary documentation burden on the official responsible for determining whether CE 47 applies to a given rate change, both with respect to the effect on peak and base load generation or system-wide demand and whether an extraordinary circumstance exists. By attempting to protect rate changes from public scrutiny through a categorical exclusion, TVA may instead be inviting greater scrutiny and controversy in the form of legal challenges to that documentation and the application of vague criteria. Such legal avenues impose unnecessary costs on all parties that could be avoided through the public processes that are at the heart of NEPA.

Not only is a categorical exclusion for rate changes contrary to the letter and intent of NEPA, it leaves the public in the dark about important policy decisions that could have an effect on their ability to save money on electricity bills and reduce their environmental footprints. TenneSEIA and its over 40 member companies work directly with stakeholders throughout the Tennessee Valley on a daily basis regarding the deployment of clean, sustainable energy resources. As a result, we strongly advocate for a robust and comprehensive public input process when TVA is proposing a policy that will impact the health of the Tennessee Valley and its consumers.

Regards,

Matt Beasley, President

Harmful Fixed Charges, Dec. 2015, available at https://www.southernenvironment.org/uploads/news-feed/A_Troubling_Trend_in_Rate_Design.pdf.

² See TVA, A New Pricing Paradigm, available at <https://www.tva.gov/Newsroom/A-New-Pricing-Paradigm>.

I write on behalf of Tennessee Citizens for Wilderness Planning (TCWP), an Oak Ridge-based not-for-profit environmental advocacy organization. We are familiar with TVA and partner with the organization in maintenance of Worthington Cemetery Ecological Study Area/Small Wild Area and Whites Creek Small Wild Area. Additionally, TCWP is keenly interested in TVA's ownership and management of the public lands over which it has responsibility. Thank you for this opportunity to comment on the proposed changes to the agency's NEPA rules.

TCWP deplores the large increase in the circumstances that will fall into the Categorical Exclusion designation. The proposed Categorical Exclusions circumvent public notification and comment on a host of actions. Many of these proposed exclusions are identified by a very subjective and ultimately piecemeal process. When is an activity "minor?"

One can easily foresee circumstances in which the *entire* situation and cumulative effects will not be considered. The Koppers Coal Reserve Management Plan Environmental Impact Statement process provided natural resource managers with a thorough understanding of not only the proposed mining areas but also the ramifications of such mining on the larger, important habitat. Without NEPA rules, such necessary information might never have come to light.

Of particular concern are CE's 9, 11—13, 15—19, 21—33, 38, 43. The definitions of the proposed exclusions consistently use the words "generally," "minor," and "including but not limited to." These definitions are oblique and indirect to the point that the agency could conceivably damage catastrophically lakeshores, lakes, and air quality.

We acknowledge that the proposed CEs "would not normally cause significant environmental impacts." It's the chance of *abnormal* environmental impacts that TCWP is interested in.

We propose that TVA release completed Categorical Exclusion Checklist for Proposed TVA Actions to anyone who requests this documentation, with a comment period for citizens to voice concerns. This transparency would reflect well on the agency and further broader citizen involvement.

Sandra K. Goss
Executive Director
Tennessee Citizens for Wilderness Planning

From: [Lindsay Gardner](#)
To: [NEPA Rule Comments](#)
Cc: [Higdon, Matthew Stephen](#); [Henry, Amy Burke](#)
Subject: TWF's Official TVA NEPA CE Comments
Date: Thursday, August 31, 2017 12:26:24 PM
Attachments: [TVA Categorical Exclusions TWF Official Comments Final.docx](#)

TVA External Message. Please use caution when opening.

To Whom It May Concern,

Please find attached official comments from the Tennessee Wildlife Federation on the proposed TVA NEPA categorical exclusions.

Sincerely,
Lindsay Gardner

Lindsay Gardner | Conservation Policy Manager
Tennessee Wildlife Federation
Office: [\(615\) 353-1133](tel:6153531133)
www.tnwf.org





**Official Comments of the Tennessee Wildlife Federation on the
TVA Proposed Categorical Exclusions, Amended TVA Procedures for Implementing
the National Environmental Policy Act (June 2017)
August 31, 2017**

General Comments

In review of these newly proposed categorical exclusions (CEs) by your agency, we find that we can support many of the proposals. The following comments are regarding the provisions and CEs published that we do have concerns regarding, and provide specific requests herein.

Given the critical need for public understanding and support of TVA's mission, Tennessee Wildlife Federation (TWF) recommends that TVA strengthen its public notification and engagement process overall.

Extraordinary Circumstances

TWF is concerned about the proposed changes to the provision governing "extraordinary circumstances" (Section 1318.201(a) and (b)), which have potential implications for threatened and endangered species and lands with special designations.

Section 1318.201(a): Allows for mitigation of extraordinary circumstances – "An action that would normally qualify as a categorical exclusion must not be so classified if an extraordinary circumstance is present and cannot be mitigated, including through the application of other environmental processes."

It is unclear as to exactly what constitutes an extraordinary circumstance and significant impacts to environmental resources. Similarly, other environmental processes are not defined.

Section 1318.201(b): Adds that "the mere presence of one or more of the resources" (including threatened and endangered species and areas having special designations such as wild and scenic rivers, parklands or wilderness areas) listed does not preclude the use of

a categorical exclusion, and the determination of whether extraordinary circumstances exists depends upon the existence of a cause-effect relationship between the proposed action and the effect on the resources.

Regarding threatened and endangered (T&E) species, it is our understanding that consideration of these is not specified in the CEs, but the provision in Section 1318.201(b) would still allow for an action involving T&E species to be categorically excluded and preclude the opportunity for public review and comment.

TWF supports TVA's case by case review of actions to ensure appropriate consideration of species in need of management. **If there are federally-listed threatened and endangered (T&E) species on TVA managed lands or lands where TVA is working, these should not be categorically excluded.**

Mitigation

Similarly, TWF is concerned with Proposed 18 CFR 1318.501(e) that would allow TVA to modify or delete previously adopted mitigation without public notice. **To this end we oppose implementation of Proposed 18 CFR 1318.501(e), and request it be withdrawn.**

Proposed 18 CFR 1318.501(e) [Mitigation commitment identification, auditing and reporting]: "Circumstances may arise that warrant modifying or deleting previously made commitments. The decision to modify or delete the commitment will be made by the NEPA compliance staff in consultation with TVA legal counsel, after considering the environmental significance of such a change."

Terminology

The subjective term "minor" is used in several CEs. TWF questions at what point minor impacts become meaningful or major cumulative impacts.

CE-Specific Comments

1) Current CE 5.2.1, Proposed CE 1 (New CE)

Educational or informational activities undertaken by TVA alone or in conjunction with other agencies, public and private entities, or the general public

TWF Comment(s): TWF recommends that TVA strengthen its public notification and engagement process and increase transparency.

2) Current CE 5.2.21, Proposed CE 15 (New CE)

Transmission and utility line rights-of-way maintenance actions occurring within an existing maintained right-of-way, including routine vegetation management,

removal of danger trees outside right-of-way, and access road improvements or construction (generally no more than 1 mile of road construction outside right-of-way).

Current CE 5.2.16, Proposed CE 16 (New CE)

Construction of new transmission line infrastructure, including electric transmission lines generally no more than 10 miles in length and that require no more than 125 acres of new developed rights-of-way and no more than 1 mile of new access road construction outside the right-of-way; and /or construction of electric power substations or interconnection facilities, including switching stations, phase or voltage conversions, and support facilities that generally require the physical disturbance of no more than 10 acres.

Current CE 5.2.17, Proposed CE (Major Modification)

Modification, repair, maintenance, or upgrade of, and minor addition to existing transmission infrastructure, including work on power equipment and structures within existing substations and switching stations as well as work on existing transmission lines; the addition, retirement, and /or replacement of breakers, transformers, bushings and relays; transmission line uprate, modification, reconductoring, and clearance resolution for transmission lines; and limited pole replacement; and access road improvements and construction (generally no more than 1 mile of road construction outside of the right-of-way).

TWF Comment(s): TWF recommends the withdrawal of the above proposed CEs (Current CE 5.2.21, Proposed CE 15, Current CE 5.2.16, Proposed CE 16, Current CE 5.2.17, Proposed CE) in light of the fact that TVA is doing a programmatic EIS on its transmission systems. These CEs do not adequately address the cumulative impacts. Cumulative impacts should be considered in citing.

3) Current CE 5.2.20, Proposed CE 20 (Minor Clarification)

Purchase, conveyance, exchange, lease, and/or disposal of existing substations, substation equipment, switchyards, and/or transmission lines and rights-of-way and associated equipment between TVA and other utilities and/or customers.

TWF Comment(s): This should NOT include surplus transmission or generation properties with recreational and/or natural resource value, and language should be added to clarify these exceptions.

4) Current CE 5.2.24, Proposed CE 24 (Minor Clarification)

Minor activities conducted by non-TVA entities on TVA property to be authorized under contract, license, permit or covenant agreements, including those for utility

crossings agricultural uses, rental of structures, and sales of miscellaneous structures and materials from TVA lands.

Current CE 5.2.25, Proposed CE 25 (Minor Clarification)

Transfer, lease, or disposal (sale, abandonment or exchange) of tracts of land, mineral rights, land rights, and rights in ownership of permanent structures that are minor in nature.

TWF Comment(s): The aforementioned CES (Current CE 5.2.24, Proposed CE 24, Current CE 5.2.25, Proposed CE 25) are too broad in nature, increasing the potential for them to be misconstrued. TWF recommends that these be broken down into multiple, separate CEs for purposes of clarity.

5) Current CE 5.2.28, Proposed CE 27 (New CE)

Installation of minor shoreline structures or facilities, boat docks and ramps, and bank stabilization (generally up to ½ mile in length) by TVA.

TWF Comment(s): In addition to the fact that this CE is too broad, there would be cumulative impacts that are not measured under the CE. Additionally, this should be re-written to clarify that bank stabilization is neither a shoreline structure nor facility, but a management practice.

6) Current CE 5.2.28, Proposed CE 35 (New CE)

Installation or modification (but not expansion) of groundwater withdrawal wells, or plugging and abandonment of groundwater or other wells. Site characterization must verify a low potential for seismicity, subsidence, and contamination of freshwater aquifers.

TWF Comment(s): TWF recommends that TVA put a limit on both the number and volume of groundwater wells, which have potential implications for both ground and surface water contamination and negative impacts to drinking water supply, plants, wildlife and public/recreational lands.

7) Current CE 5.2.28, Proposed CE 38 (New CE)

Siting, construction and use of buildings and associated infrastructure physically disturbing generally no more than 10 acres of undisturbed land or 25 acres of previously disturbed land.

Current CE 5.2.28, Proposed CE 43 (New CE)

Actions to enhance and control access to TVA property, including but not limited to construction of and improvements to access road and parking area (generally no

greater than 1 mile in length and physically disturbing no more than 10 acres of undisturbed land or 25 acres of previously disturbed land) and installation of control measures such as gates, fences, or post and cable.

TWF Comment(s): Change 10 acres to 5 acres and 25 acres to 10 acres respectively.

8) Current CE 5.2.28, Proposed CE 45 (New CE)

Installation, modification and operation of the following types of renewable or waste-heat recovery energy projects which increase generating capacity at an existing TVA facility, generally comprising of physical disturbance to no more than 10 acre of undisturbed land or 25 acres of previously disturbed land:

- a. Combined heat and power or cogeneration systems as existing buildings or sites;
- b. Solar photovoltaic systems mounted on the ground, an existing building or other structure (such as a rooftop, parking lot or facility and mounted to signage lighting, gates or fences;
- c. A small number of wind turbines with a height generally less than 200 feet (measured from the ground to the maximum height of blade rotation) that are located more than 10 nautical miles from an airport or aviation navigational aid and more than 1.5 nautical miles from a National Weather Service or Federal Aviation Administration radar;
- d. Small-scale biomass power plants (generally less than 10 megawatts) using commercially available technology intended to primarily support operations in single facilities or contiguous facilities (such as an office or complex) and that is located within a previously disturbed or developed area and uses agricultural residue produces or wood waste as its fuel supply; and
- e. Methane gas electric generating systems using commercially available technology installed within a previously disturbed or developed area on or contiguous to an existing landfill or wastewater treatment plant.

TWF Comment(s): Change 10 acres to 5 acres and 25 acres to 10 acres respectively. Additionally, TWF opposes any greenfield development.

*CE 45 b. TWF recommends the removal of the on-the-ground reference and keeping the solar systems mountings to those on existing buildings or structures.
Delete CE 45 c.*

CE 45 d. TWF questions whether or not this proposed CE would create a similar situation as was the case with chip mills and their proposed river-based facilities seen in the 1990s.

9) *Current CE 5.2.28, Proposed CE 49 (New CE)*

Financial assistance, including but not limited to, approving and administering grants, loans and rebates for the renovation or minor upgrading of existing facilities, established or developing industrial parks, or existing infrastructure; the extension of infrastructure; geotechnical boring; and construction of commercial and light industrial buildings. Generally, such assistance supports actions that physically disturb no more than 10 acres of undisturbed land or no more than 25 acres of previously disturbed land.

Conclusion

We request that TVA reconsider the proposed language and CEs we have reviewed in our comments. As such, we are available for the further discussion if that may be deemed helpful.

Additionally, we would greatly appreciate an opportunity to collaborate with TVA to develop and establish policies to fill in any critical gaps in public communication and understanding that may result from approval of key CEs, and to provide important guidance and needed transparency. Public agencies have to plan for worst-case scenarios and this will help to ensure consistency in the future in the absence of the formal NEPA requirements.

>>Speaker:

Good morning. My name is Jonathan Levenshus, and I'm a representative for the Sierra Club. I want to raise three issues. First, I want to make sure you're aware of TVA's proposal to change the way it implements the National Environmental Policy Act. NEPA plays a critical role in ensuring that federal activities are carried out in a transparent, collaborative and responsible manner. But this proposal gives TVA too much discretion to decide whether and how it reviews the environmental effects of its activities. While I agree that TVA can improve the efficiency of its NEPA process, TVA shouldn't jeopardize the public's right to participate in how the public's resources are managed. Please direct staff to make sure this proposal doesn't tip the balance away from informed decisions by excluding the public. Second, I want to talk about the largest offenders when it comes to dumping toxics into our lakes and rivers, power plants. Earlier this year, the Trump EPA halted a long overdue update of Clean Water Act rules for power plants. These rules gave power plants five years to remove Mercury, Arsenic, and other pollutants from wastewater by using the best available technologies. In May, I asked the Board to direct staff to disregard the Trump EPA decision and instead work with Tennessee to put in place Clean Water Act permits for the Bull Run, Cumberland, Gallatin and Kingston coal plants that complied with these common sense updated rules. We can all agree that TVA's job is to protect people by making sure that the dumping of coal plant water pollution gets cleaned up. Please keep our drinking water supplies and places to fish and play safe by complying with the new Clean Water Act requirements for water toxics. And third, I want to salute TVA for cutting carbon emissions 50 percent below 2005 levels this year. The good news is you're not stopping there. Even after President Trump's exit from the Paris Climate Accord. TVA's emissions are expected to drop 70 percent below 2005 levels by 2030. However, in order to continue that emissions trajectory, TVA will need to dramatically scale up its support for clean energy. One clean energy project the Board should support is Plains and Eastern Clean Line, which would bring wind energy from the Midwest to utilities and customers in the Southeast. I know that some folks at TVA say you don't have a current need for additional capacity, especially wind power. We've heard similar arguments before. But I wanted to share the news that one utility has changed its mind on buying affordable wind power. Like TVA, SWEPCO, a utility serving an area west of the Valley, was not planning to integrate more wind into its system until 2033. But in its most recent IRP, the utility said, "The projected savings has led us to conclude it would be in the best interest of the company and its customers to accelerate the acquisition of renewable generation than what was planned for." That's led SWEPCO to buy into the largest wind energy project in the country and it's forecasting \$7 billion in customer savings over the next 25 years from this project alone. SWEPCO's investment is further evidence that wind is simply a better deal for its customers than dirty fuels. It's time for TVA to make a similar investment in the Plains and Eastern Clean Line. By powering the million and homes and businesses across the Valley with wind power, you can reduce climate change and make the air and water safer while lowering cost for your customers. Please tap the potential of the Plains and Eastern Clean Line now. Thank you for your time.

>>Speaker:

Good morning. I'm Sandy Kurtz, and I live in Chattanooga and I'm speaking here today for the Blue Ridge Environmental Defense League and interfaith -- Tennessee Interfaith Power and Light and Sierra Club. All of us interested in NEPA. When it comes to environmental protection, the NEPA process is key for the general public to know ahead of time what TVA has planned. As you know, your proposal to nearly double the list of categorical exclusions will mean for the projects on the list there will be no requirement for environmental impact statements or public input and only minimal internal environmental assessments. Many of the newly outlined exclusions are overly broad. For instance, you generally assume that any project on land no larger than 125 acres would have minor, minor environmental impact and therefore, can be categorically excluded. That is incorrect. For example, 125-acre forest cleared on a slope would have much impact on erosion, changing light for plants in the understory, wildlife, temperature, and any water quality at the bottom of the hill. The NEPA process would require the environmental impact statement plus public input and consideration of alternatives for the project. And what of mitigation requirements, which are not adequately addressed? Your categorical exclusion numbers 29-32 are examples. It seems that an underlying thought in wanting to place so many projects on the categorical exclusions, 50 is the number, maybe -- since we've already done similar projects before we -- since we've already done these exclusions before, we know what the environmental impacts are and therefore, we can avoid more environmental impact statements and those public meetings. But past findings will not likely hold up in these days of climate change or ecosystem compositions and their resiliency are threatened. There's a long list of changing impacts that should be considered, including extreme weather events, invasive insect species and water stress. I'm sure another thought in increasing this exclusion list was to save money and time, but avoiding the NEPA process does not necessarily save money as shown by the legal battle revolving around the excessive tree cutting for which TVA is now having to make amends. After the legal costs and time, now TVA has to start again and finally, performed the NEPA process. NEPA helps avoid such pitfalls. Public input and environmental impact statements can help make sure any projects are well done and environmentally friendly. Please shorten this list of categorical exclusions. Thank you for listening.

>>Speaker:

Hello, I'm Daniel Joranko, the Executive Director of Tennessee Alliance for Progress. And I'm going to quickly talk to you about four things. First, is our concern about the proposed revised procedures for the National Environmental Policy Act. We strongly believe in openness and public participation and protecting our environment. So we want to look those -- we hope you look at those very carefully. Second, we're very excited about the new Community Solar project in Nashville and TVA's support for that. It's a great way to increase renewables. As you know, Community Solar provides a way for all people to participate in solar while continuing to be part of their local power -- their public power provider system. Third, we're very concerned and we'd like you to lift the commercial solar cap. This is very frustrating to our local solar providers and I continue to hear that from them constantly and we'd like to see that lifted. And finally, a little over a year ago, TVA, as you know, held a Listening Session with low income residents in a

number of cities, including Nashville. Our Nashville team had met beforehand and developed 10 principles for low income programs, which I presented to you last August. And I'd like to strongly urge you to continue your work with low income communities to develop programs and please include Nashville and put together a program with us in Nashville over the next year. We'd very much appreciate it. Low income people need it very much and their energy burdens are very high. Thank you.

>>Speaker:

Hello. My name is Lou Murray, and I am normally very nervous talking in front of crowds, so bear with me. I want to thank you all for the opportunity to speak to you all today and I really want to urge you to protect TVA's [inaudible] procedures. I implore you all to protect the public's right to have a say in the decisions that impact our lives and our communities. TVA is currently asking for categorical exclusions from actions determined to have no impact on the human environment. But after reading through that categorical exclusions, I feel the language is way too vague and way too broad for no impact to be possible. For example, the word "minor" is used multiple times with reference to what -- with no reference to what is considered minor. And what is considered minor to the TVA could be very major to communities in the Tennessee Valley when it comes to public lands, access to clean water, and rate changes. In particular, I was concerned about categorical exclusion number 34, which is asking for exclusion around the process around reburial of human remains and objects. This includes repatriations. What could have more of an impact on a human environment than the removal of ancestors from the land? That seems like it would have an incredible impact on the community and without the community's input would be incredibly detrimental. Since its beginning in 1933, TVA has had a message about being for the public good. It was built for the people and by the people and has committed to the development of healthy communities in the Tennessee Valley. One of the most important factors of developing a healthy community is self-determination for that community to be able to have a say in the ways in which it develops. NEPA is one of one of the few ways communities are able to have a say. I urge you all to please reconsider these NEPA categorical exclusions because TVA is not built for the people without the voice of the people. Thanks.

>>Speaker:

Good morning. Thank you for the opportunity to talk. I'm Mary Headrick, one head in my name, one head on my shoulders but I'm wearing a lot of caps. I'm on the Board for Physicians for Social Responsibility of Tennessee. We care about the health of Tennessee and so we would like to be able to serve as a canary in the coal mine when we see a health risk, and NEPA allows us to do that to give you testimony when our literature shows a health risk that may not be considered. I'm also wearing the hat of a Board member of Sierra Club Harvey Broome chapter because I love Tennessee and the environment around us. I'm also a homeowner with over 2,000 feet of chert, steep, deciduous forest on Norris Lake and my drinking water comes from Norris Lake. So I care a great deal and would like to be able to serve as a canary in the coal mine if my drinking water or my swimming water or the erosion on my shore are jeopardized. And if you loosen these NEPA regulations, then that canary in the coal mine service that so

many of us could provide to help you do your job better would be jeopardized. Additionally, as a physician, I care a great deal about science and I would like to see it included. And delta, T, the time element, is being neglected when we look only at short-term economic considerations rather than long-term economic and environmental considerations. And so the wisdom of the crowd that comes through a vigorous NEPA process would allow some considerations beyond those short-term economic industrial or business gains that might get your ear. I am reminded about a year and a half ago of attending a Baker Center TVA Board Meeting with Senators Corker and Alexander where both senators vigorously opposed wind and solar energy because they didn't provide power 24 hours out of the day. I think that was a bad statement and I would like to lessen the importance when you listen to those sorts of comments from elected officials. We also have that delta T. I'm going to live another 20 years. TVA is going to exist beyond that and so we shouldn't be listening to just the elected officials for short-term or just those other short-term. So delta T is very important. Also, to conclude, I am 11-megawatt a year solar producer and I buy all of that back through Green Power Switch. And if you want to experiment with wind on my hill, we've got one above that chert and deciduous forest. Thank you.

>>Speaker:

Good morning. I'm Axel Ringe, not Alex as they said. A slight correction there. Several of the speakers have spoken very eloquently about TVA's need to maintain a rigorous NEPA public process on their activities. I am going to just give you a quick personal story. A few years ago, TVA changed its policy on the width that they maintain their right-of-ways, clearing the entire width of their right-of-ways which they had not done in the previous 70-some odd years. I happen to be a land owner in Jefferson County and I have about a thousand feet or so of transmission line, 150 kVA that runs across my land. The first I knew of this change in TVA policy was when the crews came through with their tree loppers and their grinders and they basically clear-cut the right-of-way, the additional 25 feet on each side of their right-of-way. By the time I actually found out about, it was too late to do anything. I couldn't even complain to TVA because the work had already been done. A couple of years later, I was surprised when another TVA crew came through spraying herbicides on anything that was left that had woody stems. They would not even tell me what herbicides they were using because they did not know. I think this is an illustration of why TVA needs to adhere to a responsible and a rigorous public process through NEPA. Because people like me, and there are many like me throughout your service area, have a right I think to know what is going to happen on their land and be notified at least in advance so we have an opportunity to raise our voices before it actually happens. And I just want to say that TVA is too large an entity and impacts too many lives to be turned loose to do whatever they want, however they want, and when they want. Thank you.

>>Speaker:

My name is Larry Silverstein, I'm a Knoxville attorney. This is my sixth appearance in the past five and a half years to express my concerns about TVA's right-of-way vegetation clearance policy and litigation in federal court about that policy. I've submitted a package of documents for your review. The Sixth Circuit Court of Appeals ruled against TVA in October 2014. TVA then announced they had suspended all use of the 15-foot rule and reverted to their prior practices. TVA claimed the litigation was moot based on their assurances to the District Court. Those assurances where lies as the current practice had never stopped. The photographic evidence could not be rebutted by TVA. The Sixth Circuit heard a second appeal and unanimously reversed the District Court on November 17, 2016. During oral argument, the court advised TVA counsel that TVA had, "Been right up to the edge of contempt of court and that unconcerned that TVA was not candid with this court in the first round of litigation and that it could be a little more respectful of the process." One judge said, "I personally really hope this case does not come back to us with any indication that TVA is continuing to do this 15-foot rule from this point forward. That would be a bad situation." Following this decision, TVA admitted their wrongdoing by filing a confession of judgment on March 1, 2017 admitting to a massive violation of the National Environmental Policy Act, known as NEPA, and consenting to the entry of a judgment in favor of the plaintiffs and an injunction. The District Court has now entered an opinion and an injunction order on August 2. It retires TVA to "post this order and any subsequent order in a prominent location on its website to inform the public and, in particular, the land owners on the right-of-way, that TVA has been enjoined from further implementing the 15-foot rule. And to inform the public and land owners such as the practices that TVA is being ordered to follow pursuant to this order." TVA now prepares environmental impact statement that should've been done long ago. Plaintiffs will continue to monitor TVA's compliance with the Court's injunction. It is ironic and quite disturbing that TVA is currently trying to increase the number of categorical exclusions to avoid NEPA and required environmental impact statements on many future crucial environmental matters, including transmission line clearance and maintenance. The current legal case is a textbook example of why NEPA protections exist. TVA tried it's best to ignore NEPA by claiming that cutting down millions of trees while destroying private and public property at great expense was just routine maintenance. TVA has been now forced to admit they violated the law and only after the Court of Appeals decision. Now, TVA wants to avoid following federal NEPA law. TVA's shameful behavior finally exposed in court is very consistent with what we have seen way too often in the past five years. This Board must take the appropriate action to fully investigate this issue and do its job to make TVA a real steward of the environment instead of working to do its best to damage the environment. Thank you for your consideration. Thank you.

>>Speaker:

Good morning. Greetings, my name is Deborah Barr. I come from Cocke County and Sevier County, close to the state line. I'm representing Clean Water Expected in East Tennessee today. We're a tiny nonprofit in Cosby. And I'm here to tell you that where the communities I work in, where I live and play wants you to protect the National Environment Protection Act policies. We depend on clean aquifers for wells and

springs, hunting and fishing isn't just recreation in my community, it's supplemental income and food. We depend on these processes to understand what's happening on the impacts of our lives. And you guys are caretakers of that. Healthy wild spaces are necessary. We live with the national forest. We live with the national parks. We value clean air and water, and NEPA is a proven tool whose aim it is to make sure the public project sponsors and collaborating agencies have a clear map to access those processes and the proposals and how they impact our federal resources and our natural resources. Now isn't the time to jeopardize decades of lessons learned and experience gained by using environmental law. Transparency by TVA helps build rapport in these rural communities. I'm representing folks who can't afford to take a day off and may not have a car that would make it to Knoxville to talk to you guys. Public input is an essential part of the process that comprises the quality of environment and reviewing and limiting the role of public in this process is a wrong approach for you guys. You should cultivate a perception that you're open about policy and that you're interested in what we have to say. And that makes a great impact. So please take action now to protect the environmental reviews and the policy input under NEPA. Prove that TVA is concerned about how policy affects our lives because it really impacts us every day in very real ways. And we don't like to get angry, but we will answer what we feel threatens us. Thank you.

>>Speaker:

Hey. My name is Anna Miller Grabowski. I live in 10-mile. I'm in the evacuation zone for Watts Bar nuclear power plant and downstream from Kingston and so I'm kind of affected by stuff you all do. And my husband and I hike on TVA properties that are designated for hiking at least twice a week, so I'm here to ask you not to weaken your environmental regulations concerning NEPA. I read over what you were proposing to do and I don't think it's a good idea. I think you all keep doing the strongest environmental regulation and oversight that you can. One thing that jumped out at me was the 125 acres that, oh, we're not going to worry about it because it's only 125 acres or less. Back when I was a lot younger, I worked for the Lake County Indiana Parks and Recreation Department as their natural resource manager and one of our best properties was 129 acres, so just about right there. It had state threatened species, it had rare topography, and so I don't think you can say just because it's under 125 acres that we don't need to do a full environmental assessment and impact statement. And also I just wanted to say in general, you all have an important position and I'm really impressed with all of you. You all know a lot and I'm impressed with all these people and I'm always impressed with Mary Headrick because she's so smart and everything but she said something that I wanted to say, only she said it better, but what I want to say -- and I got some bad news. I've been looking at you all and I've been looking at the group here and my bad news is you all are going to be dead in 30 or 40 years. You're not going to be here much longer than that. Me neither. But what's going to matter is what we leave behind for these kids and their kids and their kids, and they're not going to care if we have the fanciest buildings or the best jobs or, you know, you've got to make sure people eat and whatnot, but you don't -- we don't need to be worrying so much about money and showing and all that stuff. We need to worry about protecting the environment because that's what's going to keep us and future generations and what we need to live, what we

really need. And it's like the most important thing. It's right up there on par with not going to nuclear war, which none of us can have too much to do about, but next to not having a nuclear war, protecting the environment is like the most important thing that you do in your job. And so I sure hope that you'll take that into consideration when you decide what to do about this NEPA stuff. Thank you, and sorry.

>>Speaker:

Hi. My name is Kate Anthony. I live in Chattanooga and I'm doing a three hour round trip drive to have these three minutes to talk to you because I think it is that important. I think the proposed changes amount to gutting the NEPA policies. This is frightening to me because it feels like another step in the citizenry losing any control over what the government and large corporations are doing. We are already in environmental crisis. What we need now is much more environmental protection. These NEPA changes reduce transparency and allow for exploitations of resources without oversight. Making significant changes to NEPA will reduce fairness and allow in justice. NEPA has proven its worth as a very valuable tool to ensure that the public, project sponsors, and everyone impacted has a way to consistently and fairly assess proposals that affect federal resources. Federal resources ultimately and actually belong to we, the people. So we, the people, deserve to have a say in how they are used. There are lots of moves around these days to privatize resources and open federal lands for mining and drilling. But all of this puts money into corporations while destroying irreplaceable environmental -- environments and habitats. Corporations are notorious for being focused on only the bottom line and especially the short-term bottom line. As a self-regulating utility, TVA has an obligation to think past profit and to protect resources in the long term. There is a saying, who will watch the watchers? You all are some of the watchers and we, the citizenry, are supposed to be watching you. But you are proposing to take away a lot of our ability to do that. The Washington Post newspaper masthead logo reads, "Democracy Dies in Darkness." I believe the proposed changes increase the darkness and contribute to the death of democracy. I'm here to ask you in the strongest possible terms take action to protect environmental reviews and public input under the National Environmental Policy Act. Thank you very much.

>>Speaker:

Hello. My name is Adam Hughes, and I'm a member of Statewide Organizing for Community Empowerment. I'm here to address my concerns about the categorical exclusions that TVA is seeking from NEPA and the threats they posed to the health, safety, and property of Tennesseans. I worry when I see TVA seeking an exemption from a robust public input process for the installation of new gas-fired combustion turbines or combined-cycle plants, as CE-21 proposes. Living near these facilities introduces residents not only to risk, but just the day-to-day annoyance, and the only way to properly determine the scope of that impact and address it is to do the due diligence that the law prescribes for stakeholder engagement. As a publicly owned utility, TVA

should be at the forefront of soliciting public input, not stepping back from that responsibility. I also worry about the provision in CE-32 which would allow for chemical application for invasive plant management to proceed without NEPA oversight. For decades, our members across the state have had to deal with the health impacts of poorly managed herbicide use. To live with that threat is terrifying and the health impacts can be drastic. The only way to understand how land is used by residents and to understand what unintended consequences this might have is to actively seek out residents. Again, TVA should be asking itself how to do better, not how to avoid public involvement. Like many Tennesseans, I spend a lot of time near TVA facilities and TVA land hiking, recreating, visiting and spending time with friends. So I, like every Tennessean, deserves to know that TVA is taking my health and well-being seriously. At a time of climate fragility, rapid change in energy, and an increased focus on sustainable community development, now is not the time to take shortcuts. Now is not the time to remove the procedures put in place to protect us and now is not the time to deny us a voice. Thank you.

>>Speaker:

I'm going to be as brief as I am short and I'm always funny even when I try not to be. Thank you so much for this special. I did sign up. I swear they checked my name off. My name is Ann League, I am executive director of statewide organizing for Community Empowerment, formerly known as Save Our Cumberland Mountains and better known as SOCM. SOCM and TVA have a long history together. One of the first things that we ever did together was our first president climbed a mountain with a video camera on his shoulder to film unscrupulous coal operators layer loading bad coal into trucks to try to cheat TVA by telling them it was premium coal when it was really scrap or crap coal. So we were working with TBI and TVA to catch those who were cheating TVA and we saved TVA and the ratepayers money. So we have a long history of working with you and sometimes not working so much with you, particularly around Koppers coal reserve when we asked you not to allow any permits which was then Royal Blue Wildlife Management Area. And since coal mining has declined, we call that a victory because no permits have gone out of there. So we have a long history together. SOCM is 45 years this year so we think that TVA is in its best interest to have a robust public participation, not just one-on-one of going up over a mountain with a video camera on your shoulder, but also bringing the people in as one previous speakers said, the people who live in these places where projects are, they know these places better than anyone. They know the hills, the hollers, the streams, they know where the homesteads are that aren't on the maps. So I think that TVA would be best served by having a robust public participation process to not have any more categorical exclusions, to try to be the best public partner they can be and continue for another 45 years when I'll probably be dead, but I'm hoping that SOCM continuous and I know that TVA will. So thank you. I was brief. I appreciate this opportunity.

Comments Submitted by Phone

Matthew Higdon
Phone Record: August 24, 2017, 8:15 a.m.

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Carrie sent me an email requesting we speak. I phoned her to discuss TVA's proposed NEPA procedures and Supporting Documentation. Identified numerous minor issues with Supporting Document (including several typos) and requested we make several corrections, most notably the following:

- DOE has identified a problem with their CE B5.18: Wind turbines. Some language in the CE relating to the 10 mile limitation around airports and aviation navigational aid is incorrect. Those limits from FAA apply to something else and they plan a rulemaking to modify the CX and alerted TVA to this issue so that we do not perpetuate the mistake. The 10-mile location language was pulled from an FAA order cited in their 2011 technical support document and was incorrect. That was for lasers but not wind turbines. DOE will remove that limitation from future CX. Haven't gotten that far in whether a new limit is in place. Not relevant to wind turbines. Will talk with FAA to figure out.
- Statement on page 3-293 says that some DOE information was not readily available. Carrie stated that the information is in the Technical Support document, which cites a couple of EAs the DOE relied upon for CX DOE 1622 and 1683.
- Statement on p. 3-25 that says DOE determined that subject to *proposed* limitations that little potential for effects. Those no longer 'proposed' so suggest deleting the word.
- Requested edit to a sentence on p. 3-68, to delete ("When DOE established the CE, it received comments from the public suggesting that such actions were of such minor nature that it was unnecessary to document the application of the CE. DOE opted, however, to require a CE checklist be completed for such reviews.") Was informed that it isn't a checklist they do so they requested deleting sentence.
- Need to correct reference DOE 2011b - wrong document version.

At beginning of call, she said she may or may not submit these in writing, given their nature. At end of call, not clear to me whether she planned to submit them.

Matthew Higdon

Phone Record: September 6, 2017

Conversation with Frank Steinle, Tullahoma, Tennessee Valley Authority-TVA

Note: I had a hard time hearing the caller during the conversation. I asked him to speak more clearly but still had difficulty.

Caller had two main concerns:

(1) TVA does not define what may be considered 'insignificant'. What are the factors that renders something insignificant. I urge you to define the features that renders something insignificant. After taking his comment, I mentioned to him that TVA's procedures are consistent with CEQ's, which has definition for significance. Caller suggests referring to CEQ guidance on significance.

(2) Concern that the reference in procedures relating to charging someone for our environmental review. Lacks specificity and philosophically troubling. Charging for review is an open ended thing. TVA should consider either applying a flat fee for considering any environmental review after a certain cut-off date, or should not charge if TVA finds that the person raised valid concerns, provides input that is meritorious and helpful. Would be helpful if TVA at least provided a fee structure so people will know costs in advance. Under what circumstances would someone be charged; what will the costs be.

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