

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
WIDOWS CREEK FOSSIL PLANT PROPERTY DISPOSAL
JACKSON COUNTY, ALABAMA

In 2015, the Tennessee Valley Authority (TVA) granted a permanent easement to Wiessner Enterprises, LLC for 360 acres of property at TVA's Widows Creek Fossil Plant for light industrial use, including a data center to be built for Google, Inc. This property is part of approximately 600 acres purchased by TVA in 2009 and 2010 to maintain the ability of using the property for coal combustion residual management activities. TVA subsequently retired the generating units at WCF and no longer needs the 600 acres for this purpose. The disposal of the 360 acres was the subject of a Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) issued by TVA in March, 2015.

Wiessner Enterprises has recently requested that TVA grant it permanent easements on an additional eight parcels totaling 336 acres of WCF property to support the development of the 360-acre area. TVA has also identified the need to construct and operate a new electrical switching station and associated transmission connections to provide electrical service to the data center. TVA also proposes to grade 3.3 acres of WCF property to facilitate the development of the 360-acre area. The potential impacts of these three actions (the disposal and development of the 336-acre area, the construction and operation of the switching station and associated transmission connections, and the grading) are the subject of a supplement to the March 2015 EA. The supplemental EA, as well as the March 2015 EA, are incorporated by reference.

The supplemental EA evaluates two alternatives: the No Action and the Proposed Action Alternatives. Under the No Action Alternative, TVA would not dispose of the 336 acres, which would continue to be designated and managed as TVA power property. TVA also would not construct the switching station and associated transmission connections designed to provide power to the data center or grade the 3.3 acres.

Under the Proposed Action Alternative, TVA would dispose of the 336 acres of WCF property for light industrial land use or associated infrastructure. The 336 acres are comprised of eight tracts, seven of which are part of the 600 acres purchased by TVA in 2009 and 2010. The remaining 87-acre Parcel D tract was purchased by TVA many years ago to support the operation of the several TVA transmission lines that cross it. Transmission lines also cross portions of four of the other tracts, and TVA would retain the rights to operate and maintain the

transmission lines. The presence of the transmission lines limits the types of development that could occur within the transmission line right-of-ways.

The proposed Battery Hill Switching Station would occupy about 6.3 acres on the 360-acre tract over which TVA granted the easement to Wiessner Enterprises. TVA retained the rights to construct and operate the switching station and transmission connections on this property. The remainder of the transmission connections would be on Parcel D. Short (<0.1 mile) tap lines would be constructed to connect two of the existing transmission lines on Parcel D to the new switching station. Most of this construction would occur on previously cleared areas. TVA would also make other modifications to its transmission system at WCF and elsewhere to facilitate the operation of the switching station, including the addition of fiber optic ground wire, reconfigure and install telecommunications connections, and modify system map boards.

The 3.3 acres proposed to be graded are located on two of the tracts proposed for disposal and adjacent to the 360-acre site. Grading and other site preparation efforts are currently under way on the 360-acre site and the proposed grading would be a minor extension of these efforts.

The anticipated environmental impacts of the proposed actions are described in the March 2015 EA and the supplemental EA. The proposed actions would not affect wild and scenic rivers, parks, or natural areas. Impacts to geology, groundwater, air quality, surface water and aquatic ecology, vegetation and wildlife, recreation, and transportation would be minor and insignificant. There would be minor, temporary, adverse impacts to visual resources during the construction of the transmission facilities and any light industrial facilities, as well as minor adverse impacts during the operation of these facilities. The magnitude of the impacts to visual resources would vary with the scope and type of light industrial facilities, and would be greater if the southernmost tract closest to Gunterville Reservoir is extensively developed.

The proposed transmission facilities and grading would not affect floodplains or wetlands. Wetlands and floodplains occur on the tracts proposed for disposal. Any future proposed development in the wetland and floodplain areas would require approval by TVA, by the U.S. Army Corps of Engineers for wetlands, and by the county floodplain administrator for floodplains. With these requirements, including the implementation of any mitigation identified during the subsequent reviews, impacts would be insignificant and proposed action is consistent with Executive Orders 11990 on wetlands and 11988 on floodplains.

The proposed action would not result in disproportionate adverse impacts to minority or low-income populations and is consistent with Executive Order 12898 on environmental justice. The construction and operation of the proposed transmission facilities, and any future light industrial facilities, would have beneficial impacts on the local economy. The proposed action could affect up to 81 acres of prime farmland. In accordance with the Farmland Protection Policy Act, TVA coordinated with the local office of the Natural Resource Conservation Service and determined that there would be minor indirect and direct impacts to prime farmland under the Proposed Action Alternative. The conversion of the 336 acres of undeveloped land to light industrial use would have insignificant effects on land use.

The proposed transmission facilities and grading would not affect endangered or threatened species. Suitable habitat for the endangered Indiana bat and the threatened northern long-eared bat occurs on about 20 of the 336 acres proposed for disposal and light industrial development. The U.S. Fish and Wildlife Service concurred with TVA's determination that the proposed action may affect, but is not likely to adversely affect, the two bat species with implementation of the mitigation requirement listed below.

No historic properties occur in the area of the proposed transmission facilities and grading, and these actions would have no effect on historic properties. Four archaeological sites were identified elsewhere on the 336 acres proposed for disposal and light industrial development. Two of these sites are in areas that are unlikely to be developed, and TVA would place restrictions on future development within 20 meters of each of these sites. Two other archaeological sites would likely be adversely affected during future industrial development. TVA has developed a Programmatic Agreement with the Alabama State Historic Preservation Office (SHPO), under which TVA would resolve the adverse effects by excavating the sites and cataloging and preserving any excavated artifacts prior to the any development activities. In a letter dated November 24, 2015, the Alabama SHPO approved this approach.

Mitigation

TVA would use standard best management practices during the proposed grading and the construction and operation of the transmission facilities. Depending upon the specific developments, their locations on the property, and supporting activities following transfer of the 336 acres, some mitigation would likely be required by other federal, state, and local authorities in order to acquire necessary permits and other authorizations. Future owners would utilize appropriate best management practices during construction and operation of the property in order to comply with necessary permits and authorizations. TVA would establish the following mitigation measures.

- Consistent with the Endangered Species Act, TVA would require the deed, transfer, or other conveyance documents to include a covenant limiting tree clearing to between October 15 and March 31, unless the future owners either (i) demonstrate that there is no summer roosting habitat for the Indiana and northern long-eared bats prior to any tree clearing or (ii) obtains U.S. Fish and Wildlife Service concurrence that no impact to these species could occur at any time of year. This would remove any potential for direct, indirect, or cumulative effects to either species.
- Consistent with TVA implementation procedures for Executive Order 11990, TVA would include specific language in the deed, transfer, or other conveyance documents for the property describing existing wetlands present on the site and the need to obtain approval and appropriate permitting from USACE prior to impacting any of the wetlands. TVA would require the developer/site owner to avoid impacting wetlands if practicable and if not practicable, to submit a no-practicable-alternatives analysis to TVA for approval.
- Consistent with TVA implementation procedures for Executive Order 11988, TVA would include specific language in the deed, transfer, or other conveyance documents for the property describing floodplains on the site and the need to obtain approval from the county floodplain administrator. TVA would require the developer to avoid impacting floodplains if practicable and if not practicable, to submit a no practicable alternative analysis to TVA for approval.
- TVA would establish 20-meter buffers around two archaeological sites and include restrictions in the conveyance documents prohibiting disturbance within these buffers.
- TVA would implement a treatment plan described in the Programmatic Agreement with the Alabama SHPO for the excavation of two archaeological sites and the cataloging and preserving of any excavated artifacts prior to any development in their vicinity.

Conclusion and Findings

Based on the findings in the EA, TVA concludes that the proposed action of constructing and operating the transmission facilities, the grading, and the disposal of the 336 acres at its WCF facility for light industrial uses would not be a major federal action significantly affecting the environment. Accordingly, an environmental impact statement is not required.



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Date Signed