

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

In 2010, Tennessee Valley Authority (TVA) purchased approximately 600 acres immediately adjoining its Widows Creek Fossil Plant (WCF) in Jackson County, Alabama. The property was purchased to preserve the ability to convert wet coal combustion residuals at WCF to dry handling systems in the future. Since acquisition of the land, TVA's potential need for this amount of property has changed. Due to the retirement and/or pending retirement of seven of the eight WCF generating units, TVA no longer needs to preserve all of this property for its use. Therefore, TVA proposes to make 360 acres of the property available for light industrial use.

TVA's Economic Development group evaluated the feasibility of the site for potential uses based on location, existing infrastructure, proximity to water, availability of transportation (railroad, barge, road network) and site characterization. After the evaluation, it was determined that the best use of the site would be light industrial use. The property would be made available by selling it at public auction under Section 31 of the TVA Act, or through an easement or license (for ease of use, TVA refers to this as "disposal" or "disposing," although it could still retain fee title to the transferred acreage).

The proposed action is the subject of an environmental assessment (EA) prepared by TVA. This EA is incorporated by reference. The EA evaluates two feasible alternatives, i.e., the No Action Alternative and the Proposed Action Alternative. Under the No Action Alternative, TVA would not make the 360-acre property adjoining its WCF facility available for light industrial use. The property would continue to be designated as TVA power property. Environmental conditions and ongoing actions in the project area would not change.

Under the Proposed Action Alternative, TVA would make available approximately 360 acres of property adjoining the WCF for light industrial land use. Light industry can be generally defined as a manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. These industries tend to be more consumer-oriented and are less intensive than heavy industry. The goods produced are easy to transport. Examples of light industrial uses include, but are not limited to: call centers; food processing; data centers; fabricated metal products industry; recycling facility; storage facilities; print, publishing and allied industries; or mineral processing facilities.

It is highly unlikely that the future light-industrial development would disturb (grading, vegetation removal, etc.) the entire project area. However, the amount of land actually used or required by future development could vary from a few acres to the entire property. For this impact analysis, TVA assumes disturbance of the entire property for a conservative approach. Disturbed areas would likely be graded and reseeded with native or nonnative, noninvasive species. Also, due to safety/security reasons, there would be physical barriers (i.e. fencing), vegetation screens, and other types of barriers between the adjacent residential properties and future development.

Future development of the site could include the construction of multiple buildings and parking lots. Depending on the extent of on-site development, expansion of existing utility infrastructure (i.e., electric, water, fiber optics, sewer, gas and roads) could be necessary. Developers may

arrange to utilize existing infrastructure at the WCF. However, specific site design and how the future development would access such infrastructure is unknown; therefore, the impacts of its use was not assessed in the EA. Also, if a new water intake structure in the Tennessee River is needed, the future owner would need to obtain approval under Section 26a of the TVA Act. TVA would evaluate the use of existing facilities and any proposed water intake structure in a separate environmental review process that tiers from the EA if this is proposed in the future.

Potential effects related to geology and soils, aquatic ecology, groundwater, endangered or threatened aquatic species, natural areas, land use, health and safety, and 100-year floodplain were absent or minor. There would be minor, temporary effects during construction of future light industrial facilities to air quality (fugitive dust), socioeconomics and environmental justice, and noise. There would also be minor, temporary short-term impacts to visual resources during construction of future facilities and minor adverse impacts during operation of future facilities. The proposed action would impact and/or convert 128 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.

There would be an increase in Alabama and Jackson County's overall greenhouse gases associated with the proposed alternative, dependent upon the type of light industry that could develop. These emissions would have a minor to negligible contribution to local and regional climate change. Future development would have long-term impacts on the plant and animal communities found on site; however, the effects would be insignificant at the local, regional, or state-level.

Future development of the proposed project area would impact a maximum of 3.9 acres of wetlands. In accordance with Executive Order (EO) 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 regarding wetland impacts. Prior to site development, TVA would also require a "no practicable alternatives" analysis for potential wetland impacts, if such impacts cannot be avoided. USACE Permitting requirements would require mitigation to offset jurisdictional wetland impacts. There would be insignificant wetland impacts under the Action Alternative.

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 Indiana bat or gray bat, and would not jeopardize the northern long-eared bat. The proposed project area contains no archaeological or architectural properties listed in, or eligible for inclusion in, the National Register of Historic Places. The Alabama Historical Commission concurred with TVA's no effect determination that there would be no historic properties affected by the proposed action.

## **Mitigation**

Depending upon the specific development, its footprint on the property, and supporting activities following transfer of the property, 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) obtain 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 EO 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 regarding wetland impacts. TVA would require a developer to avoid impacting wetlands if practicable, and if not practicable, to submit a “no practicable alternatives” analysis to TVA for approval.

**Conclusion and Findings**

Based on the findings in the EA, TVA concludes that the proposed action of disposing of a 360-acre parcel adjacent to 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