

FINDING OF NO SIGNIFICANT IMPACT

TENNESSEE VALLEY AUTHORITY

ECONOMIC DEVELOPMENT GRANT PROPOSAL FOR PROPOSED BREEDING NORTH INDUSTRIAL PARK EXPANSION

An integral part of Tennessee Valley Authority's (TVA) mission is to promote economic development within the TVA service area. TVA provides financial assistance to help bring to market new/improved sites and facilities within the TVA service area and position communities to compete successfully for new jobs and capital investment. TVA proposes to provide an economic development grant through TVA InvestPrep funds to the City of Athens, Alabama (City) to facilitate development of the Breeding North Industrial Park expansion site. TVA funds would be used for tree removal, rough grading of a 400,000-square foot building pad, and construction of a gravel marketing road. The Breeding North Industrial Park is located approximately 1 mile south of US Highway 72 (Mooresville Highway) in Athens, Limestone County, Alabama. The area of TVA's Proposed Action (herein referred to as the Project Area) is a 40.7-acre area in the former Woodlands Golf Course that is located east of County Road 61 (Hine Street) and north of Martin Luther King Jr. Drive. The Project Area is a portion of the Breeding North Industrial Park expansion site, a larger 47.0-acre property proposed for development by the City as an industrial site. TVA's Proposed Action would facilitate the marketability of the Breeding North Industrial Park expansion site.

The proposal is the subject of an Environmental Assessment (EA) prepared by TVA, which is incorporated herein by reference. In the EA, TVA evaluated potential impacts of the Proposed Action (i.e., the Action Alternative) as well as the alternative of not implementing the action (i.e., the No Action Alternative). Under the No Action Alternative, TVA would not provide TVA InvestPrep funds to the City. TVA would not be furthering its mission of promoting economic development by assisting the local community to compete successfully for new jobs and capital investment through the Proposed Action. The City may seek alternate funding (if available) to complete tree removal, rough grading of a 400,000-square foot building pad, and construction of a gravel marketing road. Success in obtaining alternate funding would result in similar impacts and benefits as the Action Alternative. If the City were not able to secure the funding for the actions described above, the land use at the site would likely remain unchanged, no direct or indirect environmental impacts would be anticipated, and the economic benefits associated with the Action Alternative would not be realized. Under the Action Alternative, TVA would provide TVA InvestPrep funds to the City to facilitate improvement of the Project Area. TVA funds would be used for tree removal, rough grading of a 400,000-square foot building pad, and construction of a gravel marketing road.

The Action Alternative would require disturbance of up to 40.7 acres and would result in clearing of 11.2 acres of trees. The City or its contractors would implement appropriate measures, such as best management practices (BMPs) and best construction practices, to avoid, minimize or reduce negative potential environmental impacts of the Action Alternative to insignificant levels. These practices include, but are not limited to, installation of sediment and erosion controls (silt fences, sediment traps, etc.); management of fugitive dust; and a restriction allowing work during day time work hours only.

TVA has determined that the Action Alternative would not significantly affect floodplains, wetlands, land use and prime farmland, natural and managed areas, and archaeology and historical structures. The Action Alternative would not result in significant impacts from the creation or disposal of solid and hazardous wastes.

Implementing the Action Alternative could result in minor impacts to air quality and climate change, groundwater, surface water, aquatic ecology, terrestrial zoology, botany, and public recreation opportunities. Implementation of the Action Alternative could create minor impacts to the human environment, including visual effects, noise, socioeconomics and environmental justice, and transportation issues.

A May 2019 field survey of an approximately 60.2-acre property, which included the Project Area, identified one intermittent stream and one pond in the Project Area. No wetlands were identified in the Project Area. The stream and pond were examined to determine if they were Jurisdictional Waters of the United States (WOTUS) regulated by the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA). The intermittent stream identified in the Project Area eventually flows into Swan Creek which is a relatively permanent water (RPW) that would be classified as a Jurisdictional WOTUS. Due to this connection and based on field survey observations, the stream in the Project Area would be considered to be a non-relatively permanent water (non-RPW) and would be a Jurisdictional WOTUS. The pond identified in the Project Area appears to be isolated with no surface water connection to WOTUS, and consequently would not be considered a WOTUS. If impacts to jurisdictional waters cannot be avoided, consultation and permitting with the USACE Nashville District and Alabama Department of Environmental Management (ADEM) would be required prior to initiation of construction. Impacts to a WOTUS would require a CWA Section 404 permit and a CWA Section 401 Water Quality Certification.

A wildlife field survey conducted in December 2019 identified a red-shouldered hawk (*Buteo lineatus*) nest in a pine tree in the Project Area. To avoid impacts, disturbing activities must be avoided within 660 feet of the nest when it is active (typically February to May). If this restriction cannot be adhered to, the United States Department of Agriculture (USDA) would be consulted for guidance and minimization measures.

The December 2019 wildlife field survey identified at least 11 red imported fire ant (*Solenopsis invicta*) colonies throughout the Project Area. This species is an exotic, invasive species. Limestone County, Alabama is currently under Animal and Plant Health Inspection Service (APHIS) quarantine, as such, any soil, baled hay or straw, plants and sod with roots and soil attached, soil-moving equipment or other "Regulated Articles" as defined by United States Department of Agriculture shall be in compliance with APHIS Quarantine Regulations.

The December 2019 wildlife survey identified suitable summer roosting habitat for federally and state listed bats in the Project Area. Parallel rows of trees, forest fragments, and the pond in the Project Area offer foraging habitat for these species. The Action Alternative includes removal of

approximately 6.7 acres of suitable summer roosting habitat in the Project Area. A number of activities associated with the Action Alternative, including tree removal, were addressed in TVA's programmatic consultation with the United States Fish and Wildlife Service (USFWS) on routine actions and federally listed bats in accordance with ESA Section 7(a)(2) and completed in April 2018. For those activities with potential to affect bats, TVA committed to implementing specific conservation measures. These activities and associated conservation measures, identified on the TVA Bat Strategy Project Screening Form (Attachment 2 of the EA) would be reviewed/implemented as part of the Action Alternative. With implementation of these conservation measures, no significant impacts are anticipated to occur to federally listed bats.

A Phase I archaeological survey conducted in 2019 covered a 60.2-acre area that included the Project Area. No previously recorded and two new archaeological sites were identified during the survey. Both new sites lacked integrity and were not recommended to be eligible for listing on the National Register of Historic Places (NRHP). Therefore, the Action Alternative would result in no effect to NRHP eligible archaeological resources. A historic architectural survey of the Project Area was conducted in 2020. The survey identified twelve newly identified architectural resources over 50 years old, three of which have since been demolished. None of the identified historic architectural resources, including those that were recently demolished, were recommended to be eligible for NRHP listing. As such, the Action Alternative would have no effect on historic properties. In a letter dated May 13, 2020, the Alabama Historical Commission concurred with TVA's finding of no effect. Pursuant to 36 CFR 800.3(f)(2), TVA also consulted with federally recognized Indian tribes regarding properties that may have religious and cultural significance to their tribe and be eligible for the NRHP and two responses were received, indicating no objection to the Action Alternative.

Resources that could potentially be cumulatively impacted by implementation of the Action Alternative and future development of the Breeding North Industrial Park expansion site and five additional properties available for development identified within one mile of the Project Area include air quality and climate change, groundwater, surface water, aquatic ecology, terrestrial zoology, botany, and public recreation opportunities. In addition, implementation of the Action Alternative and future development of the Breeding North Industrial Park expansion site and the five additional properties identified within one mile of the Project Area could create potential cumulative impacts to the human environment, including visual effects, noise, socioeconomic and environmental justice, and transportation issues. With implementation of appropriate measures, such as BMPs and best construction practices, and consultation and permitting with the appropriate state and federal agencies, cumulative impacts to these resources are anticipated to be minor. Although it would have a somewhat greater impact than the No Action Alternative, the Action Alternative would result in a minimal impact on the environment. Therefore, TVA has determined that cumulative impacts of the Action Alternative would be insignificant.

Mitigation

To minimize or reduce the environmental effects of site activities associated with the Action Alternative, the City or its contractors would ensure all clearing and grading activities conducted are in compliance with stormwater permitting requirements and use applicable BMPs to minimize and control erosion and fugitive dust during these actions. Onsite burning activities are to be conducted in compliance with local burn permits and the requirements in ADEM Air Division Administrative Code Chapter 335-3-3.

Operations involving chemical or fuel storage or resupply and vehicle servicing are anticipated to be handled outside of riparian areas and in such a manner as to prevent these items from

reaching a watercourse. Earthen berms or other effective means are anticipated to be installed to protect nearby stream channels from direct surface runoff. Servicing of equipment and vehicles would be done with care to avoid leakage, spillage, and subsequent surface or groundwater contamination. Oil waste, filters, and other litter would be collected and disposed of properly.

Specific avoidance and conservation measures identified on the TVA Bat Strategy Project Screening Form would be implemented as a part of the Action Alternative to reduce effects to Indiana bat and northern long-eared bat.

Disturbing activities would be avoided within 660 feet of the red-shouldered hawk nest when it is active (typically February to May). If this restriction cannot be adhered to, the USDA would be consulted for guidance and minimization measures.

To minimize the potential spread of fire ants, any soil, baled hay or straw, plants and sod with roots and soil attached, soil-moving equipment or other "Regulated Articles" as defined by USDA would be in compliance with APHIS Quarantine Regulations.

Conclusion and Findings

Based on the findings listed above and the analyses in the EA, we conclude that the Proposed Action of TVA funding tree removal, rough grading of a 400,000-square foot building pad, and construction of a gravel marketing road, would not be a major federal action significantly affecting the environment. This finding is dependent on implementation of the mitigation measures described above. Accordingly, an environmental impact statement is not required.



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Date Signed