

**DATES** section of this notice. Federal, state, and local agencies and Native American Tribes are also invited to provide comments. Information about this project is available on the TVA web page at [www.tva.gov/nepa](http://www.tva.gov/nepa), including a link to an online public comment page. Any comments received, including names and addresses, will become part of the administrative record and will be available for public inspection.

After consideration of comments received during the scoping period, TVA will develop a scoping document that will summarize public and agency comments that were received and identify the schedule for completing the EIS process. Following analysis of the resources and issues, TVA will prepare a draft EIS for public review and comment tentatively scheduled for fall 2024; the final EIS and decision is tentatively scheduled for completion in early 2025. In finalizing the EIS and in making its final decision, TVA will consider the comments that it receives on the draft EIS.

*Authority:* 40 CFR 1501.9.

**Rebecca Tolene,**

*Vice President, Environment and Sustainability.*

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**BILLING CODE 8120-08-**

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**TENNESSEE VALLEY AUTHORITY**

**Hillsboro III Solar Project**

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Notice of intent.

**SUMMARY:** The Tennessee Valley Authority (TVA) intends to prepare an environmental impact statement (EIS) for the purchase of electricity generated by the proposed Hillsboro III Solar Project in Lawrence County, Alabama. The EIS will assess the potential environmental effects of constructing, operating, and maintaining the proposed 200-megawatt (MW) alternating current (AC) solar facility. The proposed 200 MW AC solar facility would occupy approximately 1,500 acres of the 3,761-acre Project Study Area. Public comments are invited concerning the scope of the EIS, alternatives being considered, and environmental issues that should be addressed as a part of this EIS. TVA is also requesting data, information, and analysis relevant to the proposed action from the public; affected federal, state, tribal, and local governments, agencies, and offices; the scientific community; industry; or any other interested party. **DATES:** The public scoping period begins with the publication of this Notice of

Intent in the **Federal Register**. To ensure consideration, comments must be postmarked, emailed, or submitted online no later than October 2, 2023.

**ADDRESSES:** Written comments should be sent to Elizabeth Smith, NEPA Specialist, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11B, Knoxville, Tennessee 37902. Comments may be submitted online at: [www.tva.gov/nepa](http://www.tva.gov/nepa), or by email to [nepa@tva.gov](mailto:nepa@tva.gov). Please note that TVA encourages comments submitted electronically.

**FOR FURTHER INFORMATION CONTACT:**

Elizabeth Smith by email at [esmith14@tva.gov](mailto:esmith14@tva.gov), by phone at (865) 632-3053, or by mail at the address above.

**SUPPLEMENTARY INFORMATION:** This notice is provided in accordance with the Council on Environmental Quality's Regulations (40 CFR parts 1500 to 1508) and TVA's procedures for implementing the NEPA (18 CFR 1318). TVA is an agency and instrumentality of the United States, established by an act of Congress in 1933, to foster the social and economic welfare of the people of the Tennessee Valley region and to promote the proper use and conservation of the region's natural resources. One component of this mission is the generation, transmission, and sale of reliable and affordable electric energy.

**Background**

In June 2019, TVA completed the final 2019 Integrated Resource Plan (IRP) and associated EIS. The IRP is a comprehensive study of how TVA will meet the demand for electricity in its service territory over the next 20 years. The 2019 IRP recommends solar expansion and anticipates growth in all scenarios analyzed, with most scenarios anticipating 5,000-8,000 MW and one anticipating up to 14,000 MW by 2038. Customer demand for cleaner energy prompted TVA to release a Request for Proposal (RFP) for renewable energy resources (2022 Carbon-Free RFP).

TVA is considering entering into a Power Purchase Agreement (PPA) with Urban Grid Solar to purchase 200 MW AC of power generated by the proposed Hillsboro III Solar Project, hereafter referred to as the Project. The proposed 200 MW AC solar facility would occupy approximately 1,500 acres of the 3,761-acre Project Study Area which is located entirely in Lawrence County, Alabama. The project site is north of Wheeler, Alabama along US Highway 72 Alternate between Courtland and Hillsboro, Alabama. The project site is mostly farmland with areas of woody wetlands, deciduous forest, and hay/

pasture. The land surplus is to accommodate relocating the array if any areas need to be avoided as a result of the NEPA review. A map showing the project site is available at [www.tva.gov/nepa](http://www.tva.gov/nepa).

**Preliminary Proposed Action and Alternatives**

In addition to a No Action Alternative, TVA will evaluate the action alternative of purchasing power from the proposed Hillsboro III Solar Project under the terms of a PPA. In evaluating alternatives, TVA considered other solar proposals, prior to selecting the Hillsboro III site for further evaluation. Part of the screening process included a review of transmission options, including key connection points to TVA's transmission system. The Hillsboro site stood out as a viable option for connectivity. Environmental and cultural considerations are also included in TVA's screening. For the proposed site, the solar developer plans to consider the establishment of an alternative footprint so that impacts to cultural and/or biological resources could be avoided. The EIS will also evaluate ways to mitigate impacts that cannot be avoided. The description and analysis of these alternatives in the EIS will inform decision makers, other agencies, and the public about the potential for environmental impacts associated with the proposed solar facility. TVA solicits comments on whether there are other alternatives that should be assessed in the EIS.

**Project Purpose and Need**

The Hillsboro III Solar Project that was submitted as a result of TVA's 2022 Carbon-Free RFP will help TVA meet immediate needs for additional renewable generating capacity in response to customer demands and fulfill the renewable energy goals established in the 2019 IRP. To meet these goals, public scoping is integral to the process for implementing NEPA and ensures that (1) issues are identified early and properly studied, (2) issues of little significance do not consume substantial time and effort, and (3) the analysis of identified issues is thorough and balanced. This EIS will identify the purpose and need of the project and will contain descriptions of the existing environmental and socioeconomic resources within the area that could be affected by the proposed solar facility, including the documented historical, cultural, and environmental resources. Evaluation of potential environmental impacts to these resources will include, but not be limited to, air quality and greenhouse gas emissions, surface

water, groundwater, wetlands, floodplains, vegetation, wildlife, threatened and endangered species, land use, natural areas and parks and recreation, geology, soils, prime farmland, visual resources, noise, cultural resources, socioeconomics and environmental justice, solid and hazardous waste, public and occupational health and safety, utilities, and transportation.

Based on a preliminary evaluation of these resources, potential impacts to vegetation and wildlife due to the conversion of deciduous forest of various ages to early maintained grass-dominated fields may occur. Impacts to water resources would likely be minor with the use of best management practices and avoidance of siting project components in or near streams, wetlands, and riparian areas to the extent feasible. Land use would be impacted by the conversion of farmland to industrial use and the elimination of current farming operations. This would also result in visual impacts. Beneficial impacts are expected by facilitating the development of renewable energy and thereby increasing local job opportunities, as well as improving regional air quality and reducing carbon emissions. The EIS will analyze measures that would avoid, minimize, or mitigate environmental effects. The final range of issues to be addressed in the environmental review will be determined, in part, from scoping comments received.

#### **Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action**

Public scoping is integral to the process for implementing NEPA and ensures that issues are identified early and properly studied, issues of little significance do not consume substantial time and effort, and the analysis of those issues is thorough and balanced. The final range of issues to be addressed in the environmental review will be determined, in part, from scoping comments received. TVA is particularly interested in public input on other reasonable alternatives that should be considered in the EIS. The preliminary identification of reasonable alternatives and environmental issues in this notice is not meant to be exhaustive or final.

#### **Public Participation**

The public is invited to submit comments on the scope of this EIS no later than the date identified in the **DATES** section of this notice. Federal, state, and local agencies and Native American Tribes are also invited to

provide comments. Information about this project is available on the TVA web page at [www.tva.gov/nepa](http://www.tva.gov/nepa), including a link to an online public comment page. Any comments received, including names and addresses, will become part of the administrative record and will be available for public inspection. After consideration of comments received during the scoping period, TVA will develop and distribute a scoping document that will summarize public and agency comments that were received and identify the schedule for completing the EIS process. Following analysis of the issues, TVA will prepare the draft EIS for public review and comment; expected to be released fall of 2024. TVA anticipates the final EIS in fall 2025. In finalizing the EIS and in making its final decision, TVA will consider the comments that it receives on the draft.

**Rebecca Tolene,**

*Vice President, Environment and Sustainability.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Highway Administration**

#### **Notice of Final Federal Agency Actions on the I-35 Capital Express Central Project in Texas**

**AGENCY:** Texas Department of Transportation (TxDOT), Federal Highway Administration (FHWA), Department of Transportation.

**ACTION:** Notice of limitation on claims for judicial review of actions by TxDOT and Federal agencies.

**SUMMARY:** This notice announces actions taken by TxDOT and Federal agencies that are final. The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by TxDOT pursuant to an assignment agreement executed by FHWA and TxDOT. These actions grant licenses, permits, and approvals for the I-35 Capital Express Central project, from US 290E to US290W/SH 71 in Travis County, Texas.

**DATES:** By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of TxDOT and Federal agency actions on the I-35 Capital Express Central project will be barred unless the claim is filed on or before the deadline. For the I-35 Capital

Express Central project the deadline is January 29, 2024. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Patrick Lee, Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416-2358; email: [Patrick.Lee@txdot.gov](mailto:Patrick.Lee@txdot.gov). TxDOT's normal business hours are 8:00 a.m.–5:00 p.m. (central time), Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The I-35 Capital Express Central project will extend from US 290E to US290W/SH 71 in Austin, Travis County, Texas. The project will remove the existing I-35 decks, lower the roadway, and add two non-tolled high-occupancy vehicle managed lanes in each direction. The project will also reconstruct east-west cross-street bridges, add shared-use paths, and make additional safety and mobility improvements within the project limits. The project is approximately 8 miles in length.

The actions by TxDOT and Federal agencies and the laws under which such actions were taken are described in the Final Environmental Impact Statement (FEIS), the Record of Decision (ROD) issued on August 18, 2023, and other documents in the TxDOT project file. The FEIS, ROD and other documents in the TxDOT project file are available by contacting the TxDOT Austin District Office at 7901 North I-35, Austin, TX 78753; telephone: (512) 832-7000.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for the I-35 Capital Express Central project are being, or have been, carried out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 9, 2019, and executed by FHWA and TxDOT.

Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the I-35 Capital Express Central project in the State of Texas.

This notice applies to all TxDOT and Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)].
3. *Land:* Section 4(f) of the Department of Transportation Act of