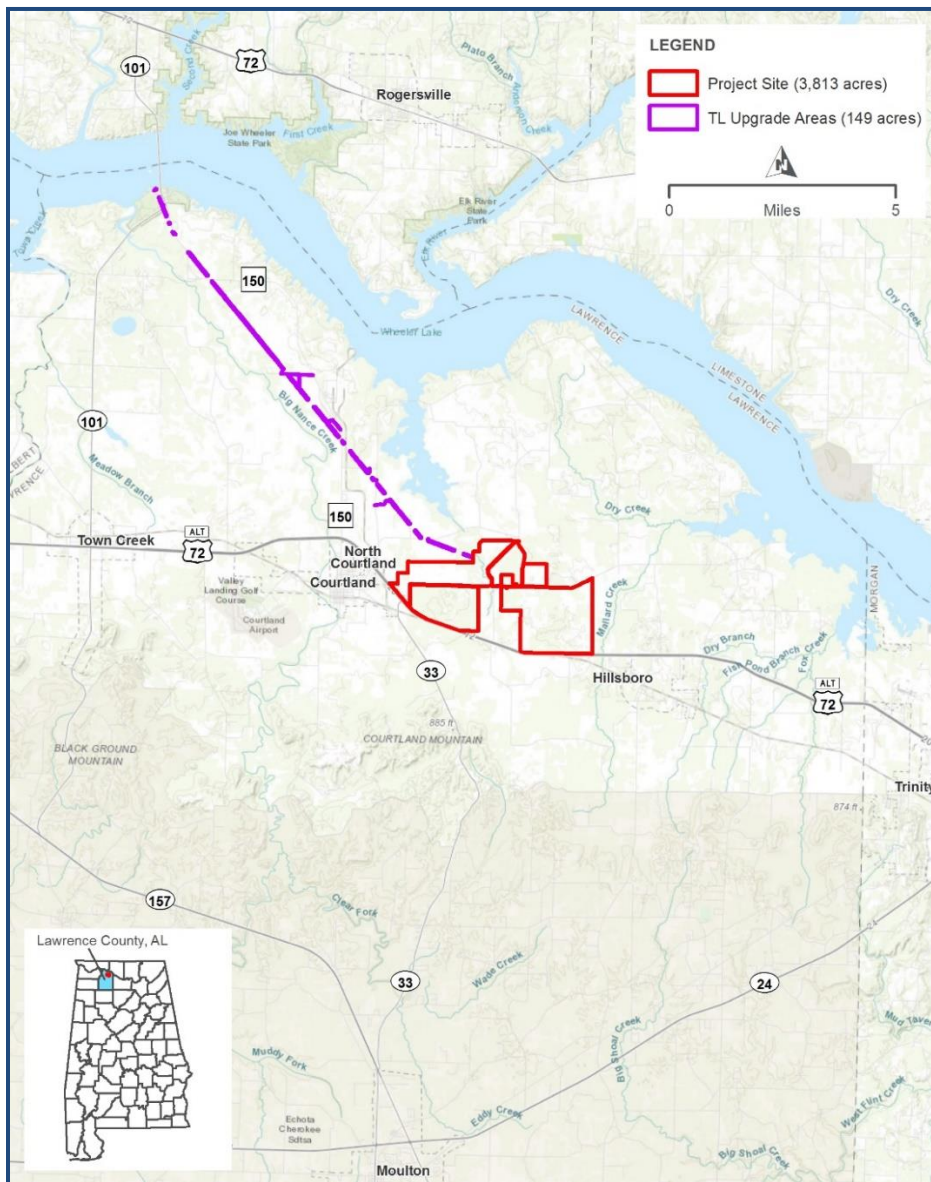


Hillsboro Solar Environmental Impact Statement SCOPING REPORT

NOVEMBER 14, 2023



Scoping Report Executive Summary

Tennessee Valley Authority (TVA) is preparing an environmental impact statement (EIS) to assess the potential environmental effects of a proposed solar photovoltaic (PV) facility in Lawrence County, Alabama, known as Hillsboro Solar. The solar facility would be constructed within a Project site measuring approximately 3,813 acres, of which approximately 1,500 acres are necessary to develop the 200-megawatt (MW) alternating current (AC) solar facility. The Project site is located along the north side of U.S. Highway 72 Alternate between Courtland and Hillsboro, Alabama (Figure 1). Hillsboro Solar would connect to the TVA Trinity–Nance 161-kilovolt (kV) transmission line (TL), which runs through the Project site, and require upgrades on approximately five miles of this TL and approximately seven miles of the TVA Wheeler HP–Nance 161-kV TL. Together, the solar facility and the TL upgrades are referred to herein as the Project.

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 Project. This PPA will help TVA meet immediate needs for additional renewable generating capacity in response to customer demands and help fulfill the renewable energy goals established in the 2019 IRP. The PPA is contingent upon the completion of an environmental review. The subject EIS will address the potential environmental effects associated with constructing, operating, maintaining, and decommissioning the proposed solar PV facility in order to inform TVA’s decision-making and involve the public in it.

The EIS will assess a No Action Alternative and an Action Alternative. In evaluating alternatives, TVA considered

other solar proposals prior to selecting the Hillsboro 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. The Action Alternative would execute the PPA to purchase 200 MW AC of power generated by the proposed solar PV facility. Urban Grid Solar would construct, operate, maintain, and eventually decommission the solar PV facility, as described above, within a footprint that avoids environmental resources to the maximum extent possible. Under the No Action Alternative, TVA would not execute the PPA, and Urban Grid Solar would not develop, operate, maintain, or decommission a solar PV facility at this location.

The National Environmental Policy Act (NEPA) requires federal agencies to consider the potential environmental consequences of their proposed actions. An EIS should provide full and fair discussion of significant environmental impacts and should inform decision makers and the public of reasonable alternatives that would avoid or minimize adverse impacts. TVA initiated a 30-day public scoping period on September 1, 2023, when it published a Notice of Intent in the *Federal Register* announcing its plan to prepare an EIS. During the scoping period the public provided input to help TVA identify issues of concern and to help lay the foundation for development of the EIS. In particular, TVA requested comments on other reasonable alternatives that should be assessed in the EIS. This scoping report presents the public comments received, as well as information on how the EIS is being developed.

During the scoping period, TVA received comments from two federal agencies and four private individuals. Comments were related to alternatives; component sourcing; decommissioning and waste management; land use; soils and prime farmland; water resources; biological resources; natural areas, parks, and recreation; visual resources; cultural resources; socioeconomic; environmental justice; and cumulative impacts. This scoping report also includes information about NEPA, federal and local laws, and executive orders that are relevant to the proposed action.

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Appendix A – *Federal Register* Notice of Intent

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AC	Alternating current
ADEM	Alabama Department of Environmental Management
BMP	Best management practice
CBMPP	Construction Best Management Practices Plan
CFR	Code of Federal Regulations
DC	Direct current
EIS	Environmental Impact Statement
EO	Executive Order
GHG	Greenhouse gas
IRP	Integrated Resource Plan
kV	Kilovolt
MVT	Medium voltage transformer
MW	Megawatt
NEPA	National Environmental Policy Act
NOI	Notice of Intent
PPA	Power purchase agreement
PV	Photovoltaic
RFP	Request for proposal
TL	Transmission line
TVA	Tennessee Valley Authority
U.S.	United States
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

Scoping Report

1 Introduction

Tennessee Valley Authority (TVA) is a self-financed, wholly owned corporate agency of the United States (U.S.) that serves a region that consists of parts of seven Southeastern states. As a public power entity, TVA has no shareholders and receives no tax dollars. Under the TVA Act of 1933, as amended, Congress charged TVA with advancing the social and economic well-being of the residents of the Tennessee Valley region. TVA produces or obtains electricity from a diverse portfolio of energy sources, including solar, hydroelectric, wind, biomass, fossil fuel, and nuclear. In June 2019, TVA completed the final 2019 Integrated Resource Plan (IRP) and associated Environmental Impact Statement (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 target supply mix adopted by TVA in the 2019 IRP recommends solar expansion in all scenarios analyzed, with most scenarios anticipating 5,000–8,000 megawatts (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). As an outcome of this RFP process, TVA is considering entering into a Power Purchase Agreement (PPA) with Urban Grid Solar to purchase 200 MW alternating current (AC) of power generated by the proposed solar photovoltaic (PV) facility contingent upon the completion of an environmental

review. The facility, known as Hillsboro Solar, would be located within an approximately 3,813-acre Project site in Lawrence County, Alabama. Urban Grid Solar would construct, operate, maintain, and eventually decommission Hillsboro Solar. A substation and facilities to interconnect the solar PV facility to the TVA Trinity–Nance 161-kilovolt (kV) transmission line (TL), as well as upgrades on approximately five miles of this TL and approximately seven miles of the TVA Wheeler HP–Nance 161-kV TL, would also be required to operate the solar facility. Together, the solar facility and the TL upgrades are referred to herein as the Project.

The Project site consists of 3,813 acres, of which approximately 1,500 acres would be necessary to develop the solar facility. The Project site is located along the north side of U.S. Highway 72 Alternate between Courtland and Hillsboro, Alabama. The Project site is mostly farmland with areas of woody wetlands and deciduous forest. The land surplus is to accommodate relocating the Project components to avoid or minimize impacts to wetlands and other sensitive environmental resources. TVA’s Trinity–Nance 161-kV TL extends east-west through the Project site.

TVA is preparing the subject EIS to assess the potential environmental impacts associated with constructing, operating, maintaining, and decommissioning the Project.

Scoping Report

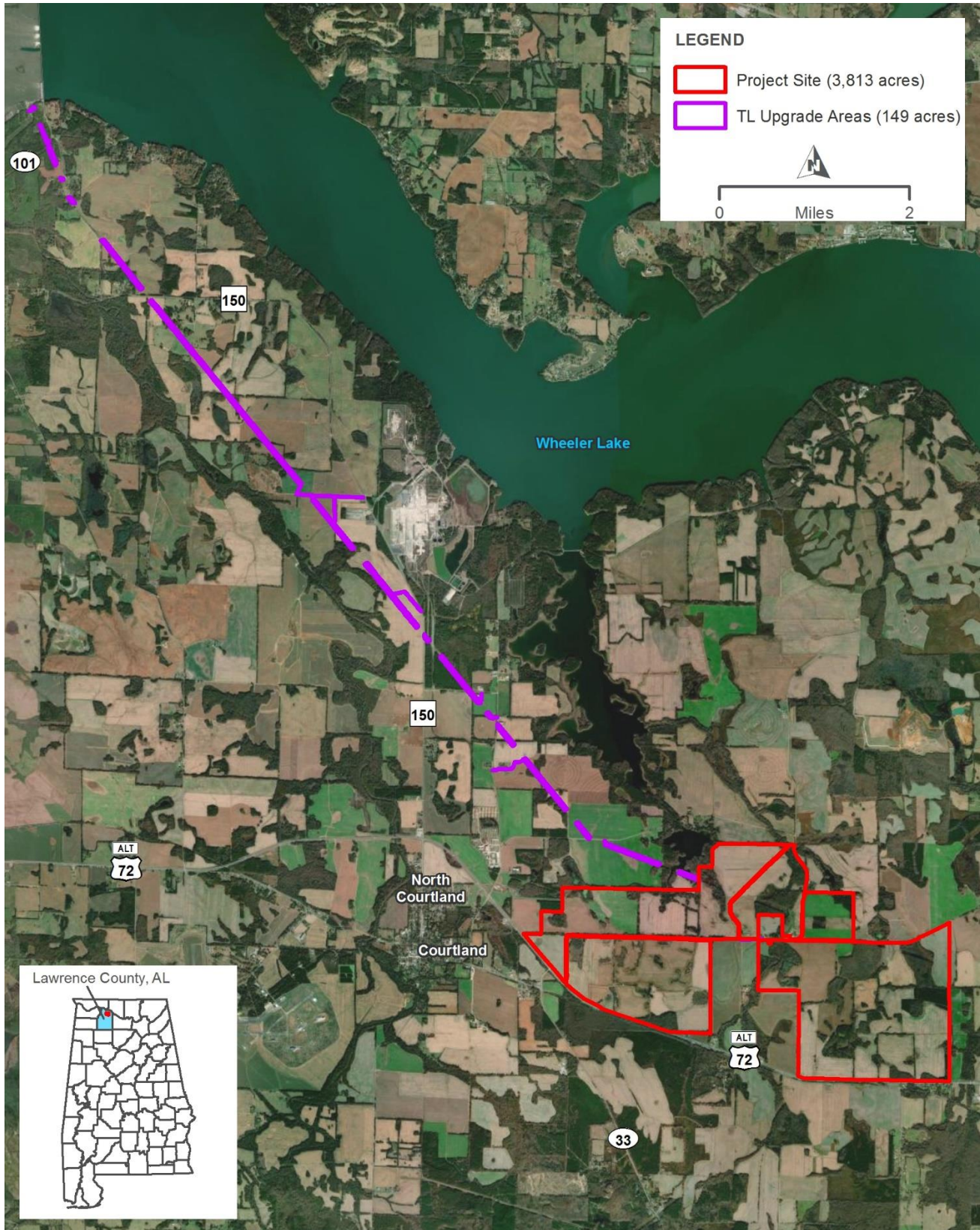


Figure 1. Project Location.

Scoping Report

2 Purpose and Need

Customer demand for cleaner energy prompted TVA to release an RFP for renewable energy resources (2022 Carbon-Free RFP). The purpose of the proposed action—TVA’s approval of the PPA and the associated construction and operation of the Hillsboro Solar project—is to 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.

3 Alternatives

As a result of preliminary internal scoping by TVA and comments received during public scoping, TVA has determined that, from the standpoint of NEPA, there is one reasonable alternative, the Action Alternative (the proposed action), which meets the purpose and need. As required by NEPA, the EIS will also address the No Action Alternative. Variations of the Action Alternative that TVA considered but eliminated from detailed study will be described in the EIS.

3.1 No Action Alternative

Under the No Action Alternative, TVA would not execute the PPA, and Urban Grid Solar would not develop, operate, maintain, and decommission Hillsboro Solar. Existing conditions (land use, natural resources, visual resources, physical resources, and socioeconomics) on the Project site and in the vicinity would remain unchanged. TVA would continue to rely on other sources of generation described in the 2019 IRP to ensure an adequate energy supply and to meet its goals for increased renewable energy and low greenhouse gas (GHG)-emitting generation.

3.2 Action Alternative

Under the Action Alternative, TVA would execute the PPA to purchase 200 MW AC of power generated by the proposed solar PV facility. The facility would be located within the approximately 3,813-acre Project site in Lawrence County, Alabama (Figure 1). Urban Grid Solar would construct, operate, maintain, and decommission the solar facility within a 1,500-acre footprint that avoids cultural, biological, and physical resources to the maximum extent possible. The Project would connect to TVA’s existing adjacent Trinity–Nance 161-kV TL that extends east-west through the Project site. To interconnect to

TVA’s existing electrical grid, TVA would build an on-site 161-kV substation, if necessary, and replace the existing overhead ground wire with new fiber-optic overhead ground wire along an approximately five-mile portion of the Trinity–Nance 161-kV TL and an approximately seven-mile portion of the TVA Wheeler HP–Nance 161-kV TL.

The Project would convert sunlight into direct current (DC) electrical energy within PV panels (modules). PV power generation is the direct conversion of light into electricity at the atomic level. Some materials exhibit a property known as the photoelectric effect that causes them to absorb photons of light and release electrons. When these free electrons are captured, an electric current is produced, which can be used as electricity.

The Project would be composed of PV modules mounted together in arrays. Groups of panels would be connected electrically in series to form “strings” of panels, with the maximum string size chosen to ensure that the maximum inverter input voltage is not exceeded by the string voltage at the Project’s high design temperature. The panels would be arranged in individual blocks consisting of the PV arrays and an inverter station on a concrete pad or steel piles, to convert the DC electricity generated by the solar panels into AC electricity. Each inverter would be collocated with a medium voltage transformer (MVT), which would step-up the AC voltage to minimize the AC cabling electrical losses between the central inverters and the potential on-site 161-kV substation. Underground AC power cables would connect the MVTs to a single main power transformer, located within the potential on-site substation. The arrays and inverter block areas would be enclosed by chain-link security fencing. The portions of the Project site outside the fenced-in areas would not be developed.

The modules would be attached to single-axis trackers. The axis trackers would be attached to steel pile foundations and pivot the panels along their north-south axes to follow the path of the sun from the east to the west across the sky.

Other temporary or permanent Project components would include construction laydown areas, buildings, and security and communications equipment. Also, if determined necessary, the Project may include water wells and a septic system or a pump-out septic holding tank. Compacted gravel access roads would provide access to each inverter block, the potential on-site substation, and to any buildings.

Scoping Report

4 Environmental Review Process

NEPA requires federal agencies to consider and study the potential environmental consequences of their proposed actions. Actions, in this context, can include new and continuing activities that are conducted, financed, assisted, regulated, or approved by federal agencies, as well as new or revised plans, policies, or procedures. An EIS should provide full and fair discussion of significant environmental impacts and should inform decision makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.

TVA is initiating the preparation of this EIS to assess the environmental impacts of the proposed action. TVA is using the input from the public scoping period in developing the Draft EIS. The Draft EIS will be posted on TVA’s website and distributed to interested federal, state, and local agencies, individuals, and groups, including scoping participants, for their review and comment. Following the public comment period, TVA will respond to the comments received and incorporate any necessary changes into the Final EIS. TVA will make a final decision regarding the proposed action no sooner than 30 days after the Final EIS is published.

The completed Final EIS will be posted on TVA’s website, and notices of its availability will be sent to those who received the Draft EIS or submitted comments on the Draft EIS. TVA intends to publish the Draft EIS in late 2024 and publish the Final EIS in late 2025.

4.1 Applicable Federal Laws and Executive Orders

4.1.1 National Environmental Policy Act

This EIS is being prepared by TVA in accordance with NEPA (42 U.S. Code §§ 4321 et seq.), regulations implementing NEPA promulgated by the Council on Environmental Quality (40 Code of Federal Regulations [CFR] Parts 1500 to 1508), and TVA NEPA regulations (18 CFR 1318) and procedures.

4.1.2 Other Laws and Executive Orders

Other laws and Executive Orders (EOs) are relevant to the proposed action (Table 1). These laws and orders may affect the environmental consequences of the solar PV facility or represent measures to implement during its construction, operation, or decommissioning. The Draft EIS will describe the regulatory setting for each environmental resource in more detail.

Scoping Report

Table 1. Laws and Executive Orders relevant to the proposed action.

Environmental Resource	Law / Executive Order
Prime Farmland	Farmland Protection Policy Act
Water Resources	Alabama Department of Environmental Management (ADEM) Administrative Code, Chapter 335-6 Clean Water Act EO 11988 – Floodplain Management EO 11990 – Protection of Wetlands Resource Conservation and Recovery Act Safe Drinking Water Act
Biological Resources	Alabama Department of Conservation and Natural Resources Administrative Code, Chapter 220-4 Bald and Golden Eagle Protection Act Endangered Species Act EO 13112 – Invasive Species EO 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds Migratory Bird Treaty Act
Air Quality and GHG Emissions	ADEM Administrative Code, Chapter 335-3 Clean Air Act
Cultural Resources	National Historic Preservation Act Native American Graves Protection and Repatriation Act
Waste Management	ADEM Administrative Code, Chapter 335-13 and 14 Comprehensive Environmental Response, Compensation, and Liability Act Emergency Planning and Community Right-to-Know Act Resource Conservation and Recovery Act Solid Waste Disposal Act Toxic Substances Control Act
Public and Occupational Health and Safety	Occupational Safety and Health Act
Environmental Justice	EO 12898 – Federal Actions to Address Environmental Justice in Minority and Low-Income Populations EO 14096 – Revitalizing Our Nation’s Commitment to Environmental Justice for All

Scoping Report

4.2 Environmental Resources to Be Considered in EIS

Based on internal and public scoping, identification of applicable laws, regulations, EOs, and policies, TVA identified the following resource areas as requiring review within the EIS:

- Land Use
- Geology, Soils, and Prime Farmland
- Water Resources
 - Groundwater
 - Surface Water and Wetlands
 - Floodplains
- Biological Resources
 - Vegetation
 - Wildlife
 - Aquatic Life
 - Threatened and Endangered Species
- Natural Areas, Parks, and Recreation
- Visual Resources
- Noise
- Air Quality and GHG Emissions
- Cultural Resources
- Utilities
- Waste Management
- Public and Occupational Health and Safety
- Transportation
- Socioeconomics
- Environmental Justice

5 Public Outreach during Scoping Period

On September 1, 2023, TVA published a Notice of Intent (NOI) in the *Federal Register* announcing that it planned to prepare an EIS to assess the potential environmental impacts associated with constructing, operating, maintaining, and decommissioning the Project (Appendix A). The NOI initiated a 30-day public scoping period, which concluded on October 2, 2023. The NOI solicited public input on both the scope of the EIS and the environmental issues that should be considered in the EIS. It also requested data, information, and analyses relevant to the proposed action. In addition to the NOI in the *Federal Register*, TVA sent notification of the NOI to local and state government entities and federal agencies; issued a

Project news release via local media serving the Lawrence County area, including WALW-FM radio, *The Moulton Advertiser*, *Times Daily*, *Decatur Daily*, *Huntsville Real-Time News* (AL.com), and the *News Courier*; and posted the news release on TVA's website. TVA sent the scoping notice via email to agencies and organizations.

6 Summary of Public Scoping Comments

Comments were received from the National Park Service, the U.S. Environmental Protection Agency (USEPA), and four private individuals. Comment submissions are included in Appendix B and summarized by topic below.

6.1 Scope of the EIS

TVA will analyze the potential adverse and beneficial impacts related to the construction, operation, maintenance, and decommissioning of the Project, including the associated modifications to the TVA transmission system. In addition to the environmental resources listed in Section 4.2, TVA will analyze the cumulative impacts of the Project with consideration of any reasonably foreseeable actions and other anticipated changes in the vicinity of the Project site during the operation of the solar facility.

6.2 Response to TVA Scoping Comments

Comments were received regarding several topics. A summary of how TVA plans to approach these items is provided below.

Alternatives

TVA is committed to increasing its use of clean, non-carbon emitting generation, while maintaining a reliable, low-cost, power system. To achieve this, and in response to customer demand, TVA has established goals for additional renewable generating capacity, including solar energy. Customer demand for cleaner energy prompted TVA to release an RFP for renewable energy resources (2022 Carbon-Free RFP). The PPA associated with the Project that resulted from this RFP will help TVA meet immediate needs for additional renewable generating capacity. In general, the cost for distributed generation, such as rooftop solar, is higher than utility-scale generation.

In evaluating alternatives, TVA considered other solar proposals, prior to selecting the Hillsboro site for further

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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. The EIS will describe the site selection process completed during Project planning.

Component Sourcing

The EIS will address the sourcing of the solar panels and other components.

Decommissioning and Waste Management

The EIS will describe the decommissioning process and waste management methods, including the estimated operational lifespan of the solar panels and other components and the recycling or disposal process.

Land Use

TVA will evaluate if development of the Project site as a solar facility is compatible with current land use regulations. Potential impacts from changing land use within the Project site from mostly farmland with areas of woody wetlands and deciduous forest to industrial will be discussed in the EIS.

Soils and Prime Farmland

Potential impacts to soils and prime farmland will be discussed in the EIS.

Water Resources

Potential impacts to water resources, including water quality, waters of the U.S., and floodplains will be discussed in the EIS.

Biological Resources

Potential impacts to wildlife, vegetation, aquatic life, and threatened and endangered species will be analyzed in the EIS.

Natural Areas, Parks, and Recreation

Potential impacts to natural areas, parks, and recreation will be discussed in the EIS.

Visual Resources

Potential impacts to visual resources will be discussed in the EIS.

Cultural Resources

Potential impacts to cultural resources will be discussed in the EIS, including impacts to the adjacent or nearby Trail

of Tears, Bride's Hill and the Joseph Wheeler Plantation National Register sites, and the Muscle Shoals National Heritage Area.

Socioeconomics and Environmental Justice

Socioeconomic and environmental justice consequences will be discussed in the EIS. The EIS will use appropriate tools, such as EJScreen, to assess environmental justice in minority populations and low-income populations. This will include consideration of existing pollution, social, economic, or health burdens and targeted community engagement regarding environmental justice populations.

Cumulative Impacts

TVA will assess the potential for cumulative impacts of the solar facility when considered together with past, present, and reasonably foreseeable future actions in the vicinity of the Project site. These will include other proposed TVA solar facilities in northwest Alabama and other nearby industrial development.

7 Potential Mitigation Measures

TVA and Urban Grid Solar would implement minimization and mitigation measures in relation to resources potentially affected by the Project. These would be developed with consideration to best management practices (BMPs), permit requirements, and adherence to the Construction Best Management Practices Plan (CBMPP).

In association with the proposed electrical interconnection, TVA would employ standard practices and specific routine measures to avoid and minimize impacts to resources. Some comments received during the scoping period offered specific mitigation measures for the proposed action. During development of the EIS, TVA will consider implementation of the following minimization and mitigation measures in relation to potentially affected resources.

Soils

Install silt fence along the perimeter of vegetation-cleared areas, implement other soil stabilization and vegetation management measures to reduce the potential for soil erosion during site operations, and make an effort to balance cut-and-fill quantities to alleviate the transportation of soils off-site during construction.

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Water Resources

Comply with the terms of the CBMPP prepared as part of the National Pollutant Discharge Elimination System permitting process; use BMPs for controlling soil erosion and runoff, such as the use of buffer zones surrounding perennial and intermittent streams as well as wetlands and natural ponds and the installation of erosion control silt fences and sediment traps; and implement other routine BMPs as necessary, such as non-mechanical tree removal within surface water buffers, placement of silt fence and sediment traps along buffer edges, selective herbicide treatment to restrict application near receiving water features, and proper vehicle maintenance to reduce the potential for adverse impacts to surface water and groundwater. Impacts to water resources deemed jurisdictional to the ADEM and U.S. Army Corps of Engineers would be permitted in compliance with the Clean Water Act Sections 401 and 404. The Project would also implement mitigation measures as defined in TVA's 1981 *Class Review of Repetitive Actions in the 100-Year Floodplain*, if needed.

Biological Resources

Revegetate with perennial and annual, non-invasive vegetation to reintroduce habitat, reduce erosion, and limit the spread of invasive species (per EO 13112, Invasive Species); comply with requirements of the U.S. Fish and Wildlife Service (USFWS) in accordance with the Endangered Species Act; implement inactive season tree clearing, if required by USFWS, to minimize impacts to migratory birds and bats; use only USEPA-registered and TVA-approved herbicides in accordance with label directions designed in part to restrict applications near receiving waters and to prevent unacceptable aquatic impacts in areas requiring chemical treatment; and coordinate with U.S. Department of Agriculture and/or USFWS if active osprey and eagle nests are identified during aerial nest surveys of the TL upgrade locations to develop avoidance and minimization measures and ensure compliance under federal law prior to commencement of the TL upgrade activities.

Visual Resources

Use timer- and/or motion-activated downward facing lighting to limit visual effects at night.

Noise

Limit construction activities primarily to daytime hours and

ensure that heavy equipment, machinery, and vehicles utilized at the Project site meet all federal, state, and local noise requirements.

Air Quality and GHG Emissions

Comply with local ordinances or burn permits and avoid burning on days air quality alerts have been issued, as much as feasible, if burning of vegetative debris is required and use BMPs such as periodic watering, covering open-body trucks, and establishing a speed limit to mitigate fugitive dust.

Waste Management

Develop and implement a variety of plans and programs to ensure safe handling, storage, and use of hazardous materials.

Public and Occupational Health and Safety

Implement BMPs for site safety management to minimize potential risks to workers.

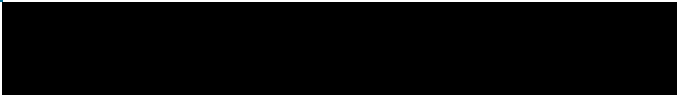
Transportation

Post a flag person during heavy commute periods, prioritize access for local residents, and implement staggered work shifts during daylight hours to manage construction traffic flow near the Project site.

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A

*Appendix A – Federal
Register Notice of Intent*



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, 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.

[FR Doc. 2023-18756 Filed 8-31-23; 8:45 am]

BILLING CODE 8120-08-P

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, or by email to nepa@tva.gov. Please note that TVA encourages comments submitted electronically.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Smith by email at 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.

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, 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.

[FR Doc. 2023-18757 Filed 8-31-23; 8:45 am]

BILLING CODE 8120-08-P

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. 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.

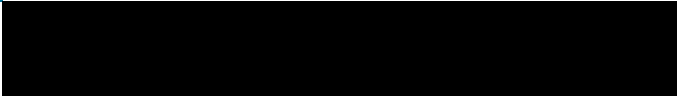
This notice applies to all TxDOT and Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

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



B

Appendix B – Public and Agency Comments



Hillsboro Solar EIS Scoping Report - Public Comments Summary

Comment No.	Document	Topic	Public / Agency Comment	Commenter(s)
1	NOI	Alternatives	Suggestion that other site locations and/or other technologies such as rooftop solar or other power sources be considered.	Carol Coffey; Marcia Guyse
2	NOI	Component Sourcing	Concern about the sourcing of solar panel components.	Carol Coffey
3	NOI	Decommissioning; Waste Management	Concern about the toxicity and the lifespan of solar panels.	Carol Coffey
4	NOI	Cumulative Impacts	The EPA recommends that TVA disclose and consider as part of the cumulative impact analysis whether and how other recently approved projects (including the adjacent North Alabama Utility-Scale Solar Project, the proposed Spring Valley II Solar Project (19 miles from the Project), and First Solar's proposed solar panel manufacturing facility (six miles from the Project), concurrently proposed projects, or reasonably foreseeable future actions may contribute to potentially significant impacts.	Amanetta Somerville, Lead Reviewer, NEPA Section, Strategic Programs Office, USEPA
5	NOI	Land Use	Concern about TVA's land requirements for solar facilities compared to other developers.	Carol Coffey
6	NOI	Land Use	Statement that due to the existence of different land types within the allotted 3,761 acres (farmland, woody wetlands, deciduous forest, and hay/pasture), potential impacts of the solar facility construction on each land type should be analyzed and compared. These evaluations should consider factors such as proximity to endangered species, potential for erosion, and comprehensive impacts to existing native vegetation and wildlife.	London Tuma
7	NOI	Soils	Statement that TVA must research and employ best land management practices. The construction of solar facilities on large areas of land necessitates clearing and grading which can result in soil compaction, potential alteration of drainage channels, and increased runoff and erosion. These environmental consequences can be minimized with the implementation of proven techniques including reducing construction-related compaction, maintaining a substantial cover of perennial vegetation requiring minimal upkeep, and incorporating porous spaces between rows of solar panels to facilitate runoff infiltration.	London Tuma

Hillsboro Solar EIS Scoping Report - Public Comments Summary

Comment No.	Document	Topic	Public / Agency Comment	Commenter(s)
8	NOI	Prime Farmland; Socioeconomics	Concern for the loss of prime agricultural acres and effects to and the viability of the surrounding community if the Project were built.	Carol Coffey; Marcia Guyse
9	NOI	Water Resources	Statement in light of recent Clean Water Act violations of another solar facility in Alabama, TVA must ensure proper conduct in accordance with the Clean Water Act to minimize water pollution both during the construction and operation of the solar facility.	London Tuma
10	NOI	Water Resources (Floodplains)	The EPA recommends that the TVA Model for 100- and 500-year floods to ensure that key infrastructure, such as battery storage facilities, substations, and switchyards, are located outside of these vulnerable areas.	Amanetta Somerville, Lead Reviewer, NEPA Section, Strategic Programs Office, USEPA
11	NOI	Biological Resources (Wildlife)	Concern for the impact of the solar facility on wildlife in the Project vicinity.	Carol Coffey; Marcia Guyse; Junkang Zhang
12	NOI	Biological Resources (T&E Species)	Concern for the impact of the solar facility on the five threatened and endangered plant species found in Lawrence County.	London Tuma
13	NOI	Biological Resources; Soils	The EPA recommends that the EIS include a discussion of the following identified exclusions based on current science: U.S. Fish and Wildlife Service critical habitat, lands to which special status species have been translocated, lands adjacent to existing or planned highway wildlife crossing structures, riparian corridors, connecting lands between habitats, bird migration corridors, and areas containing sensitive soils.	Amanetta Somerville, Lead Reviewer, NEPA Section, Strategic Programs Office, USEPA

Hillsboro Solar EIS Scoping Report - Public Comments Summary

Comment No.	Document	Topic	Public / Agency Comment	Commenter(s)
14	NOI	Natural Areas, Parks, and Recreation	The EPA recommends that the EIS include a discussion of the following identified exclusions based on current science: National landscape conservation lands, including national historic and scenic trails, national monuments, wilderness areas, wilderness study areas, and wild and scenic rivers; special recreation management areas; and conservation opportunity areas.	Amanetta Somerville, Lead Reviewer, NEPA Section, Strategic Programs Office, USEPA
15	NOI	Visual Resources	Concern that the solar facility would be visible from nearby residences.	Carol Coffey
16	NOI	Cultural Resources	Concern that the solar facility would impact historic sites.	Marcia Guyse
17	NOI	Cultural Resources; Cumulative Impacts	NPS requested ongoing coordination in the Project due to the proximity of the Deas-Whiteley Route of the Trail of Tears National Historic Trail, two National Register of Historic Places properties (Bride's Hill and the Joseph Wheeler Plantation District), and the Muscle Shoals National Heritage Area. NPS provided TVA with a link to the geospatial data for the designated alignment of the Trail of Tears for the impact analysis. NPS also recommended that TVA consider the cumulative impacts of nearby solar developments, specifically the adjacent North Alabama Utility-Scale Solar Project, the proposed Spring Valley II Solar Project (19 miles from the Project), and First Solar's proposed solar panel manufacturing facility (six miles from the Project) as these projects also have the potential to affect the Trail of Tears, National Register properties, and the Muscle Shoals National Heritage Area. NPS indicated that the Project would be located in the Muscle Shoals National Heritage Area. NPS stated that they did not anticipate requesting Cooperating Agency status under NEPA, but they may request to be a consulting party under the National Historic Preservation Act.	Ben West, Program Manager, Planning and Compliance Division, NPS
18	NOI	Cultural Resources	The EPA recommends that the EIS include a discussion of the following identified exclusions based on current science: Traditional cultural properties; areas of tribal importance including burial sites, sacred sites, spiritual sites, and ceremonial sites; and areas on the National Register of Historic Places.	Amanetta Somerville, Lead Reviewer, NEPA Section, Strategic Programs Office, USEPA

Hillsboro Solar EIS Scoping Report - Public Comments Summary

Comment No.	Document	Topic	Public / Agency Comment	Commenter(s)
19	NOI	Environmental Justice	The EPA recommends TVA consider whether the Proposed Action may result in disproportionate impacts, including with consideration of existing pollution, social, economic, or health burdens, on environmental justice communities and if so, identify and address those impacts consistent with Executive Order 12898. The EPA also strongly encourages uses its EJScreen tool when conducting environmental justice scoping efforts.	Amanetta Somerville, Lead Reviewer, NEPA Section, Strategic Programs Office, USEPA
20	NOI	Environmental Justice	The EPA recommends meaningfully engaging communities with environmental justice concerns and incorporating the proposed Project's input, concerns, and engagement from communities affected. As an appendix, EPA recommends documenting meaningful engagement with stakeholder groups (i.e., residents, schools, retirement communities, care facilities, hospitals, municipalities, landowners, community organizations, etc.). In addition, the EIS should describe how community concerns or recommendations have been used to develop proposed mitigation options or to avoid or minimize impacts on human health and the environment.	Amanetta Somerville, Lead Reviewer, NEPA Section, Strategic Programs Office, USEPA

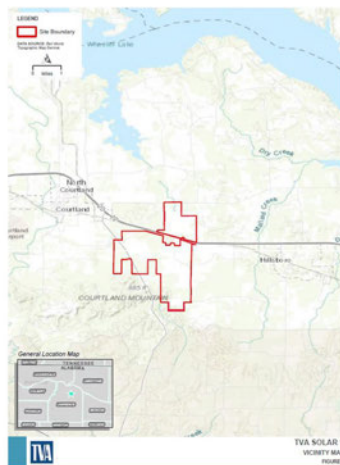
September 3, 2023

Elizabeth Smith
NEPA Specialist, Tennessee Valley Authority,
400 West Summit Hill Drive, WT 11B,
Knoxville, Tennessee 37902

RE: Proposed Hillsboro III Solar Project in Lawrence County Alabama
Docket No. TVA-2023-18757

Dear Ms. Smith,

The purpose of this letter is to comment on docket number 2023-18757, the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the purchase of electricity generated by the proposed Hillsboro III Solar Project. The Hillsboro III Solar Project (88 FR 60529) EIS will consider the potential environmental effects of constructing, operating, and maintaining the proposed 200-megawatt (MW) alternating current (AC) solar facility in Lawrence County, Alabama. This solar construction will allow the Tennessee Valley Authority (TVA) to fulfill the renewable energy goals established in the 2019 Integrated Resource Plan—a comprehensive study of how TVA will meet the demand for electricity in its service territory over the next 20 years (Tolene, 2023).



The outlined area highlights the 3,761 acres of which TVA proposes to choose 1,500 acres to build upon. As a student studying global sustainability and public policy at the University of Virginia, I would like to communicate that I recognize the importance of renewable energy sources like solar power in addressing the energy needs of our growing communities. The construction of this solar field would both help the TVA meet the increasing consumer demand for clean energy as well as curb current and future carbon emissions, resulting in improved local air quality. However, I am also a steward of Alabama's forested lands and natural resources. My family has strong, longstanding ties to Alabama and its land. In fact, one of Alabama's four National Forests is named after my ancestor, William B. Bankhead. As such, it is within my interest to ensure that

any development, including solar projects, is conducted in a manner that balances environmental conservation and economic development. In order to ensure maximal environmental protection, the TVA must take steps to limit the environmental impacts of the proposed 200 MW AC solar facility.

The first consideration the TVA must make is the impact of the proposed solar facility on nearby endangered species. 16 U.S.C. ch. 35 § 1531 et seq of the Endangered Species Act of 1973 “requires federal agencies, in consultation with the U.S. Fish and Wildlife Service and/or the NOAA Fisheries Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species” (U.S. EPA, 2023). This section was specifically designed to protect critically endangered species from extinction as a "consequence of economic growth and development untempered by adequate concern and conservation" (Bureau of Land Management et al., n.d.). Currently, Alabama has twenty-three plant species protected under the ESA. Five of these species¹ are found in Lawrence County. Therefore, it is of utmost importance that during your NEPA review, the TVA ensures no presence of these five listed species within the intended 1,500 acres of construction.

Additionally, the TVA must guarantee the fulfillment of federal standards regarding solar farm construction. In Alabama, solar farm development is subject to federal rules related to the Clean Water Act and minimizing water pollution (McPhillips & Yavari, 2023). These are standards repeatedly broken in the past. Last November, the owners of AL Solar A, LLC, a large solar farm in Alabama, were required to pay \$500,000 to the EPA to settle Clean Water Act violations. According to the EPA, the LLC failed to design, install and maintain proper stormwater controls, conduct regular site inspections, employ qualified inspectors or accurately report and address stormwater issues. Additionally, the EPA claimed AL Solar A allowed unauthorized discharges of excess sediment into waterways (Leggate, n.d.). The TVA must ensure proper conduct in accordance with the Clean Water Act to minimize water pollution both during the construction and operation of the solar farm.

Finally, the TVA must research and employ best land management practices. The construction of solar facilities on large areas of land necessitates clearing and grading which can result in soil compaction, potential alteration of drainage channels, and increased runoff and erosion (Bureau of Land Management et al., n.d.). These environmental consequences can be minimized with the implementation of proven techniques including reducing construction-related compaction, maintaining a substantial cover of perennial vegetation requiring minimal upkeep, and incorporating porous spaces between rows of solar panels to facilitate runoff infiltration (McPhillips & Yavari, 2023).

These factors must all be addressed in the TVA’s subsequent EIS. Additionally, the TVA must consult with all interested agencies in accordance comply the National Environmental Protection Act (NEPA) requirements. The TVA must contact local organizations and government agencies who may be affected by impacts of this project. This includes organizations in charge of

¹Reference to five endangered species found in Lawrence County, Alabama: Alabama Humanities Alliance. (2023, March 27). *Endangered and Threatened Plants of Alabama*. Encyclopedia of Alabama. Retrieved September 3, 2023, from <https://encyclopediaofalabama.org/article/endangered-and-threatened-plants-of-alabama/>

surrounding national parks and protected areas such as the Alabama State Port Authority. Other important federal and state governmental agencies to be involved include but are not limited to: the Alabama Department of Conservation and Natural Resources, Office of Wetland and Stream Protections, Alabama Department of Conservation and Natural Resources, Environmental Protection Agency, Department of Wildlife Resources.

I am aware TVA has considered other solar proposals prior to selecting the current Hillsboro III site for further evaluation. This screening process included a review of transmission options which highlighted the Hillsboro site as a notably viable option for connectivity to the TVA's existing transmission system (Tolene, 2023). However, the TVA should continue to evaluate alternatives, including the No Action Alternative. Additional evaluations should compare the unique impacts of constructing the solar facility in different locations within the surplus acreage outlined. Current research has discovered variable impacts of solar panels influenced by site-specific attributes such as soil composition, terrain incline, and the practices employed in site management, including vegetation types and their maintenance (McPhillips & Yavari, 2023). Due to the existence of different land types within the allotted 3,761 acres—farmland, woody wetlands, deciduous forest, and hay/pasture—(Tolene, 2023), potential impacts of the solar facility construction on each land type should be analyzed and compared. These evaluations should consider factors such as proximity to endangered species, potential for erosion, and comprehensive impacts to existing native vegetation and wildlife.

In summary, I am in support of the construction and operation of the TVA's proposed 200-MW solar facility contingent upon the TVA's full consideration of the concerns outlined above. This project has the potential to power over 38,000 homes with clean energy as well as set the standard for future solar farm developments (Davis, 2019). However, in order to minimize the ecological impact of the solar facility, all associated environmental impacts must be thoroughly evaluated and addressed prior to the construction of the Lawrence County solar facility.

I value the opportunity to review the TVA's proposal and share my perspective as an educated and environmentally passionate individual. I look forward to offering further input on this project in the future stages of review. Please reach out if you have any additional questions or concerns.

Sincerely,
London Tuma
University of Virginia '26
B.A. in Global Sustainability | B.A. in Leadership & Public Policy

References

- Alabama Humanities Alliance. (2023, March 27). *Endangered and Threatened Plants of Alabama*. Encyclopedia of Alabama. Retrieved September 3, 2023, from <https://encyclopediaofalabama.org/article/endangered-and-threatened-plants-of-alabama/>
- Bureau of Land Management, Department of the Interior, Office of Energy Efficiency and Renewable Energy, & Department of Energy. (n.d.). *Solar Energy Development Environmental Considerations*. Solar Energy Development Programmatic EIS. Retrieved September 3, 2023, from <https://solareis.anl.gov/guide/environment/#:~:text=Impacts%20to%20Soil%2C%20Water%2C%20and,used%20to%20mitigate%20these%20impacts.>
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- Leggate, J. (n.d.). *Four Solar Projects Settle \$1.3M EPA Clean Water Construction Suit*. Engineering News-Record. Retrieved September 3, 2023, from <https://www.enr.com/articles/55357-four-solar-projects-settle-13m-epa-clean-water-construction-suit>
- McPhillips, L., & Yavari, R. (Nasim). (2023, February 15). *Maximizing Hydrological and Environmental Benefits of Solar Farms*. PennState Institutes of Energy and the Environment. Retrieved September 3, 2023, from <https://iee.psu.edu/news/blog/maximizing-hydrological-and-environmental-benefits-solar-farms>
- Tolene, R. (2023). Hillsboro III Solar Project. In *Federal Register* (88 FR 60529). Tennessee Valley Authority. Retrieved September 3, 2023, from <https://www.federalregister.gov/documents/2023/09/01/2023-18757/hillsboro-iii-solar-project>
- U.S. EPA. (2023, August 22). *Summary of the Endangered Species Act*. United States Environmental Protection Agency. Retrieved September 3, 2023, from <https://www.epa.gov/laws-regulations/summary-endangered-species-act#:~:text=The%20law%20requires%20federal%20agencies,destruction%20or%20adverse%20modification%20of>

From: [Junkang Zhang](#)
To: [nepa](#)
Subject: solar project
Date: Thursday, September 14, 2023 7:17:51 PM

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

Hello, after reading the summary on federal register about the solar project I was a bit concerned about how this project would effect the wildlife in the area and if it would be located around city's or towns but after reading more int where this will be located it brough ease to my concerned and I hope that this investment has a lot of long term benefits instead of negative outcomes.

From: [Wufoo](#)
To: [nepa](#)
Subject: Hillsboro III Solar Project [#2]
Date: Sunday, September 17, 2023 12:12:19 PM

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

Name	Carol Coffey
City	Hillsboro
State	Alabama
Organization	Personal
Email	[REDACTED]
Phone Number	[REDACTED]

Please provide your comments by uploading a file or by entering them below. *

In the last two years I have done an enormous amount of research on so-called Green Energy, including Wind Turbines and especially Solar Panels. Not only are neither Green, and in fact each leaving and exponentially larger carbon footprint than traditional methods of power, especially in our area, nuclear, you are taking extremely large areas of farm land, taking away crops, livelihoods, killing animals (stop denying that), and turning the beauty of the earth into a short term high tech, overly expensive, method of power that for the most part has a lifecycle only about half of what manufacturers purport.

You are literally surrounding our family property with solar panels on four sides, killing animal environments, toxifying the earth, and ruining an area where my family has resided since the 1830s. Even if you "believe" solar farms are the wave of the future (better get them in before Biden goes out) there are locations, like roof tops of the huge/giant manufacturing buildings all over North Alabama, you can put those. You do NOT need to ruin the world for those of us who still appreciate it. See attach pics. One is what our view is now. The other is your plans for it.

Upload File #1



[solar_farm.jpg](#)
2.53 MB · JPG

Upload File #2



[aqs.jpg](#)
1.22 MB · JPG





From: [Wufoo](#)
To: [nepa](#)
Subject: Hillsboro III Solar Project [#3]
Date: Sunday, September 17, 2023 1:41:33 PM

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the "Report Phishing" button located on the Outlook Toolbar at the top of your screen.

Name	Marcia Guyse
City	Courtland
State	Alabama
Email	[REDACTED]
Phone Number	[REDACTED]

Please provide your comments by uploading a file or by entering them below. *

Please do not build the solar farm between Hillsboro and Courtland. It will not only take valuable farmland, cover historic sites and be an eye sore in the county, but it will also be dangerous to birds and animals. We have hydro power and solar power. We do not need this plant!



United States Department of the Interior



NATIONAL PARK SERVICE

Atlanta Federal Center
1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

IN REPLY REFER TO:
1.A.2 (SERO-PC)

Electronic Transmittal Only, No Hard Copy to Follow

September 28, 2023

Elizabeth Smith
NEPA Specialist
Tennessee Valley Authority
400 W. Summit Hill Drive, WT 11B
Knoxville, Tennessee 37902

Dear Ms. Smith:

The National Park Service (NPS) has reviewed the Tennessee Valley Authority (TVA) notice of intent (NOI) to prepare an environmental impact statement (EIS) to address the potential environmental effects of purchasing 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 alternating current solar facility. TVA has requested comments concerning the scope of the EIS and environmental issues that should be addressed in the EIS as well as data, information, and analysis from potentially affected federal agencies. The NPS has identified several areas of jurisdiction or special expertise that may be affected by the project.

National Scenic and Historic Trails

The Deas-Whiteley Route of the Trail of Tears National Historic Trail (TRTE) runs through Wheeler, AL. Based on our review of the plans provided in the notice, the project would be adjacent to TRTE at Wheeler, and the trail may be affected by the project. Geospatial data for the designated alignment of the TRTE can be located at the following link:

<https://irma.nps.gov/DataStore/Reference/Profile/2238914>.

Please take TRTE resources, which are not limited to historic properties under the National Historic Preservation Act (NHPA), into account when evaluating the impact of the project. The National Trails Office of the NPS administers the TRTE in accordance with its Congressional designation under the National Trails System Act. The National Trails Office is available to further advise TVA on the designation and significance of the Trail of Tears NHT, the routes of and resources along the trail, potential impacts of the project, and suggest mitigation measures. Additional information requests regarding TRTE should be directed to Jordan Jarrett at 505-470-0426 or jordan_jarrett@nps.gov. The Cherokee Nation Tribal Historic Preservation Officer is

Interior Region 2 • South Atlantic–Gulf

Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi
North Carolina, Puerto Rico, South Carolina, Tennessee, U.S. Virgin Islands

also able to provide additional expertise regarding TRTE-related resources and potential impacts as it pertains to Tribal concerns.

National Register of Historic Places

Our initial review also indicates that two properties listed in the National Register of Historic Places - Bride's Hill, a Tidewater Cottage in the Tennessee Valley Thematic Resource and the Joseph Wheeler Plantation District - may be affected by the project. TVA should complete compliance with NHPA Section 106 in its analysis for the project, including identification of historic properties and the area of potential effects. We may find upon further review that it may be appropriate for the NPS to be a consulting party under the NHPA.

National Heritage Areas

The project would be located within the Muscle Shoals National Heritage Area (NHA).

Finally, the NPS notes that the project is adjacent to TVA's approved North Alabama Utility-Scale Solar Project, nineteen miles from TVA's proposed Spring Valley II Solar Project in Colbert County, AL, and within about six miles of First Solar, Inc.'s proposed solar panel manufacturing facility at Trinity, AL, that is the subject of an ongoing evaluation by the U.S. Army Corps of Engineers due to proposed discharge of fill material into waters of the United States. These projects also have the potential to affect TRTE and National Register properties, and they would also occur within the Muscle Shoals NHA. TVA should consider the cumulative effects of nearby solar developments and other reasonably foreseeable actions in its evaluation of the project.

Therefore, please ensure that potential impacts to the TRTE, National Register properties, and the Muscle Shoals NHA are addressed in your evaluation of the project, and that we are included in any applicable future correspondence. The NPS would be happy to provide further information related to our jurisdiction or special expertise to inform any future analysis as needed, including the Congressionally designated alignment of TRTE. Please direct questions regarding this letter to Dusty Pate, Energy Specialist, at 404-772-0637 or haigler_pate@nps.gov.

Sincerely,

BENJAMIN WEST Digitally signed by BENJAMIN WEST
Date: 2023.09.28 6:49:49 -04'00'

Ben West
Program Manager, Planning and Compliance Division

cc: Carrie Barske Crawford, Muscle Shoals National Heritage Area
Lisa D. Jones, Alabama Historical Commission
Elizabeth Toombs, Cherokee Nation

From: [Wufoo](#)
To: [nepa](#)
Subject: Hillsboro III Solar Project [#4]
Date: Thursday, September 28, 2023 12:42:09 PM

This is an EXTERNAL EMAIL from outside TVA. THINK BEFORE you CLICK links or OPEN attachments. If suspicious, please click the “Report Phishing” button located on the Outlook Toolbar at the top of your screen.

Name	Carol Coffey
City	Wheeler
State	AL
Organization	n/a
Email	[REDACTED]
Phone Number	[REDACTED]

Please provide your comments by uploading a file or by entering them below. *

I used to support the idea of solar power... then I started researching it. What a scam. Now TVA has intention to surround on four sides, family property that we have had since the 1840s. I talked to Adderholt. According to him TVA has an EPA approved 2 MW solar farm. Looked that up. That would be about 5000 panels and with 2000 panels per acre, that would be 3 acres. Why do you have an option for 4000 acres and other associations for another 3000 acres? Lawrence County is one of the last agricultural counties in North Alabama and you are going to destroy it with expensive, never pay for themselves, toxic to environment and killer of wildlife by taking away their homes and destroying their food supply, not to mention the incredible NON green method of production of panels which most components come from China who uses coal power to create them? It has got to do with money. Why else would TVA sell the people, land and animals of Lawrence County out?

From: [Somerville, Amanetta](#)
To: [Smith, Elizabeth](#)
Subject: Re: EPA Comments on the Notice of Intent to the Prepare Hillsboro III Solar Project Environmental Impact Statement
Date: Tuesday, October 3, 2023 1:31:35 PM

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Dear Ms. Smith:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced Notice of Intent (NOI), consistent with our responsibilities pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and EPA's authority under Section 309 of the Clean Air Act. The CAA Section 309 role is unique to EPA. It requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement and to make its comments public.

The Tennessee Valley Authority is preparing an Environmental Impact Statement (EIS) on the construction, operation, and maintenance of a proposed 200-megawatt solar facility in Wheeler, Alabama, along US Highway 72 Alternate between Courtland and Hillsboro. The proposed solar development would occupy approximately 1,500 acres of the 3,761-acre Project Study Area.

The EPA is submitting the following recommendations for consideration in preparation of the EIS document: 1) Resource-based exclusions, 2) environmental justice, and 3) cumulative impacts.

1. Resource-Based Exclusions:

The EPA recommends that the EIS include a discussion of identified exclusions based on current science. The EPA recommends the following exclusions:

Ecological concerns:

- U.S. Fish and Wildlife Service (USFWS) critical habitat
- Lands to which special status species have been translocated
- Lands adjacent to existing or planned highway wildlife crossing structures
- Riparian corridors
- Connecting lands between habitats
- Bird migration corridors
- Areas containing sensitive soils

Specially designated areas:

- National landscape conservation lands, including national historic and scenic trails, national monuments, wilderness areas, wilderness study areas, and wild and scenic rivers
- Special recreation management areas
- Conservation opportunity areas

Cultural resource and Tribal interests:

- Traditional cultural properties

- Areas of tribal importance including burial sites, sacred sites, spiritual sites, and ceremonial sites
- Areas on the National Register of Historic Places

2. **Environmental Justice (EJ):**

- The EPA recommends TVA consider whether communities may already be experiencing existing pollution, social, economic, or health burdens and whether the proposed action may result in disproportionate impacts on those communities. If so, TVA should identify and address those impacts, as appropriate, consistent with E.O. 12898. Specifically, the EPA recommends that the environmental document identify and address any disproportionate impacts on people of color, indigenous, and low-income populations. The EPA strongly encourages using EJScreen (<https://www.epa.gov/ejscreen>), the EPA's nationally consistent environmental justice screening and mapping tool, when conducting environmental justice scoping efforts. The tool provides information on environmental and socioeconomic indicators, pollution sources, health disparities, critical service gaps, and climate change data. The tool can help identify potential community vulnerabilities by calculating EJ Indexes and displaying other environmental and socioeconomic information in color-coded maps and standard data reports (e.g., pollution sources, health disparities, critical service gaps, climate change data).
- The EPA recommends meaningfully engaging communities with EJ concerns and incorporating the proposed project's input, concerns, and engagement from communities affected. As an appendix, we recommend documenting meaningful engagement with stakeholder groups (i.e., residents, schools, retirement communities, care facilities, hospitals, municipalities, landowners, community organizations, etc.). In addition, the NEPA document should describe how community concerns or recommendations have been used to develop proposed mitigation options or to avoid or minimize impacts on human health and the environment. For additional information from the Interagency Workgroup on NEPA and EJ, see The Environmental Justice Interagency Working Group [*Promising Practices for EJ Methodologies in NEPA Reviews \(Promising Practices\)*](#), dated March 2016, which provides guiding principles agencies can consider in identifying disproportionately high and adverse impacts on minority and low-income populations. The EJ analysis of the Proposed Action should also be completed in accordance with Executive Order 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, published April 21, 2023.

3. **Cumulative Impacts:**

- The EPA recommends that the TVA Model for 100- and 500-year floods to ensure that key infrastructure, such as battery storage facilities, substations, and switchyards, are located outside of these vulnerable areas.
- Other approved projects may compound some impacts at a regional scale. Beyond project needs and alternatives, the EPA recommends that TVA disclose and consider as part of the cumulative impact analysis whether and how other recently approved projects, concurrently proposed projects, or reasonably foreseeable

actions may contribute to potentially significant impacts.

Thank you for the opportunity to comment on the NOI. Should you have any questions or need additional information, please feel free to contact Amanetta Somerville, Lead Reviewer, at 404-562-9025, or somerville.amanetta@epa.gov.

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