

**FINDING OF NO SIGNIFICANT IMPACT AND
ADOPTION OF ENVIRONMENTAL ASSESSMENT
PREPARED BY THE
FEDERAL HIGHWAY ADMINISTRATION**

**TENNESSEE VALLEY AUTHORITY
SECTION 26A APPROVALS ASSOCIATED WITH STATE ROUTE 24
IMPROVEMENTS AND RED BAY BYPASS IN FRANKLIN COUNTY, ALABAMA**

Proposed Action and Need

On April 11, 2005, Alabama Department of Transportation (ALDOT) requested Section 26a approvals for stream crossings associated with improvements of State Route (SR) 24 in Franklin County, Alabama. The project includes a four-lane bypass on new alignment south of Red Bay, Alabama, from the Alabama/Mississippi state line to just west of Bear Creek. The improvements continue eastward by widening the existing SR 24 from a two-lane to a four-lane facility by adding a median and two travel lanes south of existing SR 24 from west of Bear Creek to SR 247. The project would require the placement of fill in streambeds and wetlands for construction of roadbed, culverts, pipes, and riprap. The project would impact approximately 3.23 acres of wetlands at three sites and would require fill to approximately 0.43 acres of streambeds at eight stream crossings and two stream relocations. The Environmental Assessment (EA) for Project No. APD-355(505), Corridor V, Mississippi State Line to SR 247 in Franklin County was approved March 11, 1982. The Federal Highway Administration (FHWA) approved a re-evaluation for this project on February 10, 2003. In accordance with Section 401(a)(1) of the Clean Water Act (CWA), Alabama Department of Environmental Management (ADEM) issued a conditional water quality certification dated June 3, 2005. On June 8, 2005, pursuant to Section 404 of the Clean Water Act (CWA), the U.S. Army Corps of Engineers (USACE) issued a Finding of No Significant Impact for the proposed action (see Attachment 1). TVA has decided to adopt the ALDOT/FHWA EA (both the March 11, 1982 EA and its reevaluation on February 10, 2003) and the USACE supplemental EA because of the potential impacts to wetlands and streams, the extensive alterations to the existing highway, and also to account for the total federal involvement from federal funding for the entire project.

Impacts Assessment

ALDOT conducted a historic structures survey and determined no historic structures would be affected. During a Phase I cultural resources survey, two archaeological sites (1Fr4 and 1Fr5) were identified that were potentially eligible for the National Register of Historic Places (NRHP). Subsequently ALDOT conducted Phase II testing on these two sites and, based on the results, determined that 1Fr4 was eligible and 1Fr5 was not eligible for the NRHP. ALDOT has executed a memorandum of agreement with the Alabama State Historic Preservation Office (SHPO) to conduct Phase III data recovery to adequately mitigate any adverse effects and in the fall of 2004, ALDOT completed the Phase III field work.

On March 20, 2001, the U.S. Fish and Wildlife Service (USFWS) concurred with the FHWA's determination that no federally-listed, proposed, or candidate threatened and

endangered species were present. However, since that time, a population of Eggert's sunflower was found in Franklin County, Alabama, and USFWS has added the sunflower to the list of federally-listed endangered and threatened species known to occur in Franklin County. Therefore, on May 9, 2005, personnel from TVA, ALDOT, USACE, and USFWS conducted a site review. Several marginally suitable habitat sites along the proposed highway alignment were re-surveyed for Eggert's sunflower and the Price's potato-bean. None of the listed species were found and on May 23, 2005, USFWS concurred with the survey results. No plant communities of conservation concern were observed. No existing populations of aquatic threatened and endangered species are known from the impacted stream segments. By letter dated May 23, 2005, USFWS stated that based on their records and the best information available, it is their belief that there are no federally-listed or proposed endangered or threatened plant or animal species in the impact area, and requirements of Section 7(c) of the Endangered Species Act of 1973, as amended, are fulfilled (see attachment 2).

A flood risk assessment was included in the Floodplains section of the EA Reevaluation. Three areas were identified as flood zones. Two flood zones are located in the city of Red Bay which does not participate in the National Flood Insurance Program (NFIP). The third area is located in an unincorporated area of Franklin County, which is part of the NFIP. The proposed project involves the construction of bridges and culverts within the 100-year floodplain. For compliance with Executive Order 11988, bridges and culverts are considered to be repetitive actions in the floodplain. It was stated in the EA that the federal, state, and local floodplain agencies would be contacted to obtain any necessary approvals.

Fill material would be deposited into 3.23 total acres of jurisdictional wetlands and 0.43 total acres of stream channel for construction of the roadway, culverts, and riprap. The wetland fill would be mitigated by debiting 3.23 credits from the ALDOT Jackson County Mitigation Bank. Each credit is equivalent to two wetland acres. The 0.43 acres of stream impacts would be mitigated with in-kind channel reconstruction and on-site tree and shrub mixture plantings to the south of the relocated channels. Any impacts surface waters would be temporary during construction and would be minimized by properly installed and functional BMPs. The Section 26a approval includes TVA Standard Conditions 3c, 5b, 5c, 6b, 6c, 6d, 6e, 6f, 6g, and 6h.

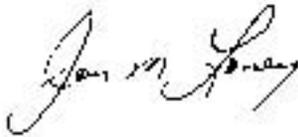
Public Participation

ALDOT held two public hearings and all attendees were in favor of the project. On April 20, 2005, a USACE issued a joint public notice to solicit comments and information necessary to evaluate the probable impacts of the proposed action on the public interest. The notice was sent to federal, state, and local agencies, elected officials, and other interested parties. In response to the notice, one comment from the USFWS was received (Appendix B).

Conclusion and Findings

TVA has concluded that the FHWA-prepared EA is adequate; the impacts on the environment and agency comments have been adequately addressed. TVA has decided to adopt the 1982 FHWA EA and its reevaluation on February 10, 2003, which are attached and incorporated by reference (see attachment 3). TVA has also decided to adopt the June 8, 2005, USACE Supplemental EA and FONSI. During the FHWA/ALDOT environmental review process, compliance with Section 106 of the NHPA

was documented by preparation of a MOA. Prior to permit application, all requirements of the MOA were fulfilled. TVA has determined that the project has no potential to affect additional historic properties. The Joint Public Notice was coordinated with the Alabama SHPO and no response was received. Therefore, the requirements of Section 106 have been met. No species, federally listed as threatened or endangered, would be affected. The proposed actions are considered repetitive actions in the floodplain. TVA's Section 26a approval is contingent upon successful implementation of BMPs for erosion and sediment control including the TVA standard conditions 3c, 5b, 5c, 6b, 6c, 6d, 6e, 6f, 6g, and 6h for culverts and construction. Based on the findings in the FHWA EA and FONSI dated March 11, 1982, and the re-evaluation dated February 10, 2003, we conclude that the TVA Section 26a approval of the request would not be a major federal action significantly affecting the environment. Accordingly, an Environmental Impact Statement is not required.



July 7, 2005

Jon M. Loney, Manager
NEPA Administration
Environmental Policy and Planning
Tennessee Valley Authority

Date Signed