

## FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY

BLACK EAGLE MINERALS TERMINAL EXPANSION AT  
TENNESSEE RIVER MILE 247.5, LEFT BANK, PICKWICK RESERVOIR  
COLBERT COUNTY, ALABAMA

### Proposed Action and Need

Black Eagle Minerals (Black Eagle) proposes to expand its barge terminal at Pride Landing on Pickwick Reservoir, just downstream of the mouth of Dry Creek at Tennessee River Mile 247.5, left bank, in Colbert County, Alabama. The purpose of this project is to enlarge the existing dock and stockpile area in order to handle an anticipated increase in projected workload from future industrial growth in the area. The expanded terminal is authorized to load and unload coal, steel, and rock products and general commodities which include corn and other grains, denatured fuel ethanol, and petroleum products, but exclude fertilizers.

Metal sheet pilings would be used to construct a barge loading platform between existing upstream barge mooring cells and the enclosed 1-acre area of reservoir bottom would be filled with 33,619 cubic yards of material. This would create a flat area for the dock platform measuring about 50 feet wide along the shore and behind the cells. The volume of material to be placed between elevations 408 and 414 mean sea level (msl) (Power Storage Loss) equates to 6,413 cubic yards. The volume of material to be placed between elevations 408 and 425.3 msl (Flood Storage Loss) equates to 15,452 cubic yards. Tennessee Valley Authority (TVA) approval pursuant to Section 26a of the *TVA Act* and a Department of the Army permit pursuant to Section 10 of the *Rivers and Harbors Act of 1899* and Section 404 of the *Clean Water Act* are required for this project.

### Alternatives

The U.S. Army Corps of Engineers (USACE) prepared an environmental assessment (EA) of its related permitting action in February 2009. TVA was a cooperating agency in the preparation of this EA. The following four alternatives were evaluated in the EA:

- a. No Action, under which the permit approvals would be denied and the proposed work requiring TVA approval would not be performed
- b. Applicant's Proposed (Reduced) Action
- c. Other Alternatives
- d. Applicant's Proposed Action With Special Conditions

Under Alternative c (Other Alternatives), the fill material could have involved different designs, location, or alternative configurations likely to result in the same or additional impacts, but other alternatives would not provide adequate space near the reservoir edge and existing mooring cells in the area. Therefore, Alternative c was determined to be impractical. Under Alternative d (Applicant's Proposed Action With Special Conditions), which is TVA's preferred alternative, the applicant's use of the sheet piling minimizes the extent of the fill slopes and fill volume, thereby minimizing the overall project footprint. Under the Applicant's Proposed (Reduced) Action or the

Applicant's Proposed Action With Special Conditions, TVA would approve the proposed terminal expansion. These two Action Alternatives differ in the number of special conditions and mitigation measures imposed to reduce potential environmental impacts; many of the conditions included in the Applicant's Proposed Action With Special Conditions are standard requirements for TVA permits. TVA has independently reviewed the USACE EA and concurs with its conclusions, and the EA is attached and incorporated by reference.

### **Impacts Assessment**

The EA concludes that impacts from the proposal on water quality and aquatic life would be predominantly short term and insignificant. On July 30, 2008, the Alabama Department of Environmental Management (ADEM) issued a water quality certification for this proposal. Since that time, the size of the project has been reduced.

Existing noise levels would not significantly increase, and noise impacts, therefore, would be insignificant. Impacts to wildlife and vegetation, recreation, aesthetics, transportation, air quality, and environmental justice would be insignificant. Black Eagle has operated a commercial terminal at this location for a number of years. There would be no short-term increase in barge traffic or mooring at the existing mooring cells. Because the proposed expansion would take place between existing areas of development and not extend further lakeward than existing mooring facilities, no effects on commercial or recreational navigation are expected. Mooring at the cells would continue to be limited to three barges wide. There would be minor beneficial socioeconomic impacts because, in the long term, the terminal would provide increased business opportunity in the area and region. There is no published floodway on the Tennessee River in Colbert County. Because of potential impacts to wetlands, the original proposal was modified and the size of the facility reduced; consequently wetlands would largely be avoided and only minimally impacted. These reductions also served to minimize project effects on power and flood storage losses. No impacts to flood control are expected, and the proposal complies with Executive Order 11988 (Floodplain Management).

The utilization of the sheet piling, as designed, also leaves a natural channel on the upstream end of the proposed facility for summer (high) and winter (low) pool elevation water exchange between the main reservoir and adjacent landward wetlands. In order to ensure that the new loading dock does not cause a barrier to flows between the reservoir and the wetland area, TVA permit conditions would require that the opening around the upstream side of the dock and the peninsula be maintained. For 10 years, Black Eagle would monitor flows through this opening and implement any necessary corrective measures to ensure perpetual survival of the wetland.

The U.S. Fish and Wildlife Service (USFWS) did not respond to Joint Public Notice (JPN) No. 08-34 (see Public and Intergovernmental Review below). By letter dated March 1, 2006 in response to a similar (i.e., rock-fill) previous permitting action at this same facility, the USFWS indicated that there were no known federally listed endangered or threatened species within the project area. Furthermore, USFWS stated that it did not anticipate, given the location of the proposed project, that suitable habitat exists for any federally listed species onsite. Although several federally and state-listed species occur within a 10-mile radius of the proposed project, no listed species were found in a 2008 survey of the impact area. Therefore, no federally or state-listed endangered or threatened species or habitat to support these species are known from the project site or immediate vicinity.

TVA performed an archaeological survey for a 1998 permit action at the Black Eagle site. Intact deposits are present in areas immediately adjacent to the proposed fill location. TVA staff recommended that the proposed work be subject to certain conditions to ensure that sensitive

cultural resources would not be adversely affected. These conditions state that all fill material be placed from the existing dock and/or from a barge and that no part of the peninsula, located immediately northeast of the fill location, be disturbed during the placement of the proposed fill. As configured, the current proposed action would avoid this known archaeological site. The survey information was forwarded to the Alabama Historical Commission (AHC), and by letter dated September 15, 2008, it concurred with TVA's conditional no-effect finding.

### **Public and Intergovernmental Review**

On June 3, 2008, USACE and TVA issued JPN No. 08-34 to advertise the proposed actions. Comments in response to the JPN were received from the Shoals Economic Development Authority and the AHC. Comments provided by these agencies have been addressed in the EA. No comments were received from the general public.

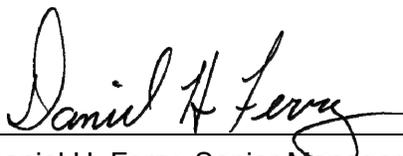
### **Mitigation**

As part of its Section 26a approval, TVA would require use of best management practices and other general and standard conditions. Black Eagle would also adhere to conditions of approval contained in the USACE and ADEM authorizations. TVA has determined that additional mitigation measures are needed to further reduce potential impacts. They are as follows:

- To prevent possible damage to a nearby archaeological site, all fill material must be placed from the existing dock and/or from a barge, and no part of the peninsula, located immediately east of the fill location, must be disturbed during the placement of the proposed fill.
- In order to ensure that the new loading dock does not cause a barrier to flows between the reservoir and the wetland area, Black Eagle will maintain the opening around the upstream side of the dock and the peninsula to allow summer and winter pool elevation water movement into and out of the wetland area. For 10 years, Black Eagle will monitor flows through this opening and, at TVA's discretion, will implement any necessary corrective measures to ensure perpetual survival of the wetland area.

### **Conclusion and Findings**

TVA has independently reviewed the USACE EA, found it to be adequate, and is therefore adopting this EA. TVA has determined that the approval of the Section 26a permit for the proposed barge terminal expansion project would not be a major federal action significantly affecting the quality of the environment. Accordingly, an environmental impact statement is not required. This finding of no significant impact is contingent upon adherence to the permit conditions and completion of the mitigation measures described above and in the attached USACE EA.



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April 2, 2009

Date Signed