

APPENDIX I
CORRESPONDENCE

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**US Army Corps
of Engineers.**
Nashville District

Department of the Army Permit

Regulatory Branch
3701 Bell Road
Nashville, TN 37214-2660

August 12, 2003

File No. 200301242 1145b

Applicant Name/Address	Title	County/State	Permit Type
Tennessee Valley Authority ATTN: Kimberly Choate 1101 Market Street, Chattanooga, TN 37402-2801	TVA Transmission Line Project	Morgan and Limestone, AL	Nationwide Permit #12

Activity Requiring Permit:	River/Stream Mile/Location
Fill Associated with the Installation and backfill of ten H frame steel transmission towers in wetlands in Morgan and Limestone Counties, AL.	Tributaries and Wetlands Tennessee River Miles 297.7 – 302 Left and Right Banks

We have reviewed your letter, dated August 4, 2003, for a Department of the Army permit. The work meets the criteria of Nationwide Permit (NWP) #12 provided that the top 6" to 12" of any backfill is backfilled with topsoil from the bored holes and special attention is paid to controlling siltation. The work shall be in accordance with the attached conditions of the state of Alabama Best Management Practices.

It is your responsibility to obtain any other federal, state, and/or local permits required for the work.

The work is approved under the NWP #12 until **March 18, 2007**, unless the NWP is modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to obtain verification that the permit is still valid.

If changes in the location or plans of the work are necessary, revised plans should be submitted promptly to this office. No deviation should be made in the approved plans without first obtaining approval from this office.

If I can be of further assistance, please contact me at the address above or call (615) 369- 7512

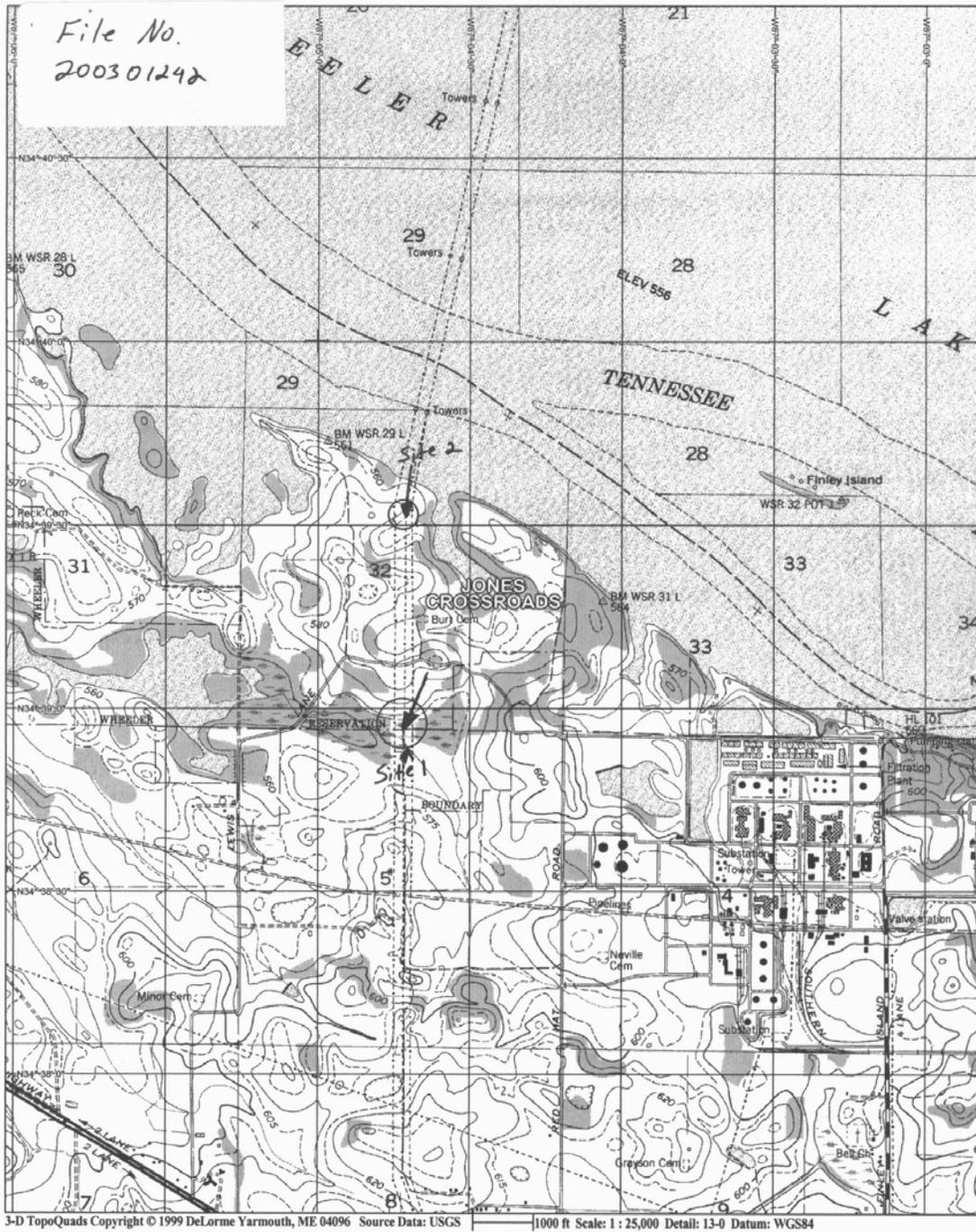
Sincerely,

for *Lisa R. Marris*
Bradley N. Bishop
Chief, Western Regulatory Section
Operations Division

Enclosures

Copy Furnished: CELRN-OP-F/W

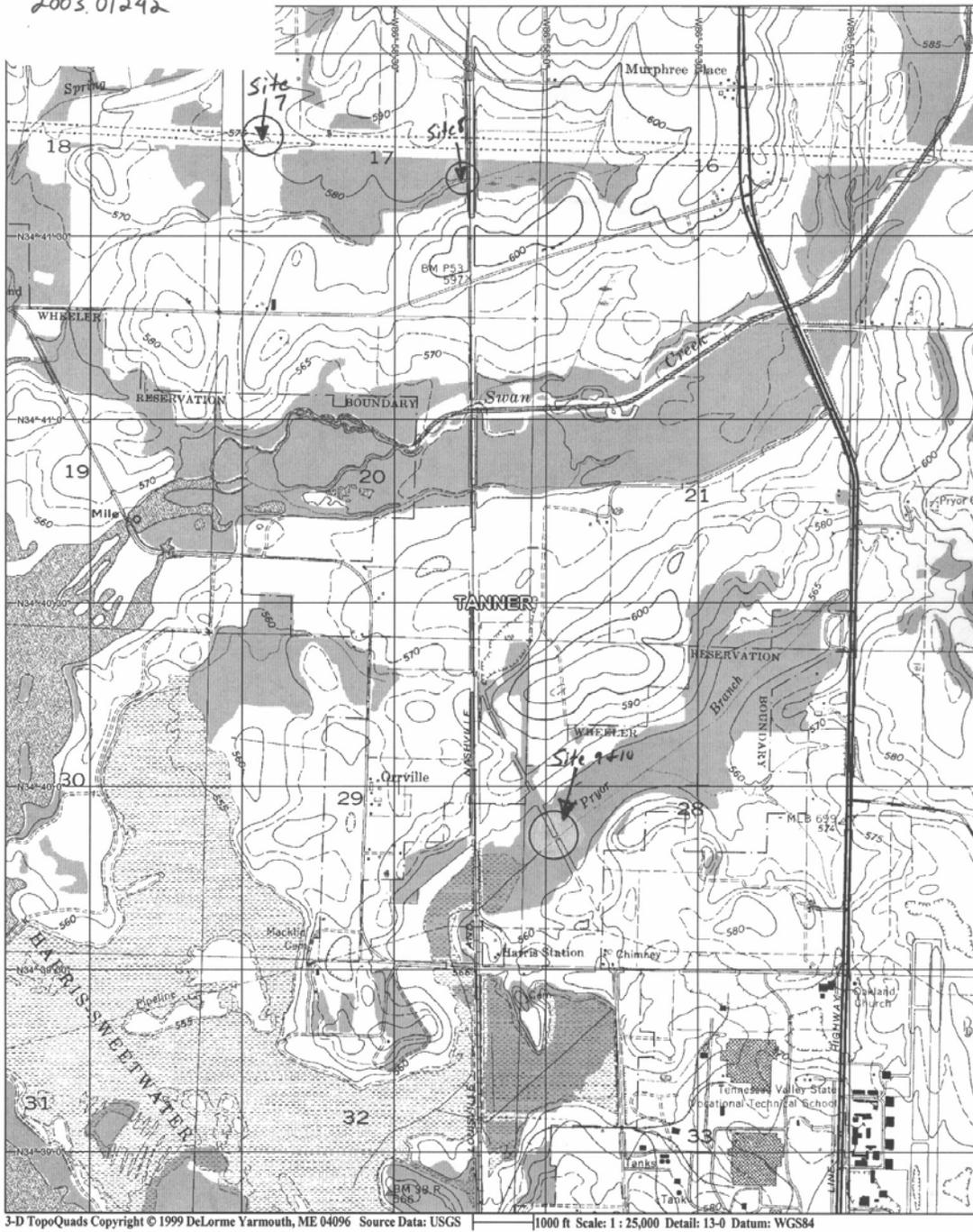
Calpine's Morgan Energy Center – Provide Interconnection





Calpine's Morgan Energy Center – Provide Interconnection

File No.
2003.0124a



ATTENTION

YOU ARE REQUIRED TO SUBMIT THIS SIGNED CERTIFICATION REGARDING THE COMPLETED ACTIVITY AND ANY REQUIRED MITIGATION.

I hereby certify that the work authorized by **DA Permit No. 200301242** and any required mitigation was done in accordance with the Corps of Engineers authorization, including any general or special conditions.

Permittee Signature

Date _____

Submit this signed certification to the office checked below:

- U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, TN 37214
- Eastern Regulatory Field Office
P.O. Box 465
Lenoir City, TN 37771
- Western Regulatory Field Office
2042 Beltline Road, Southwest
Building C, Suite 415
Decatur, AL 35601



US Army Corps
of Engineers
Nashville District

Nationwide Permit Conditions

File No. 200301242

The following General Conditions must be followed in order for any authorization by an NWP to be valid:

1. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.
2. **Proper Maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. **Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. **Water Quality.** (a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)). (b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General

Condition 19 for vegetated buffer requirements for the NWPs). This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

11. **Endangered Species.** (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Web pages at <http://www.fws.gov/9end spp/endspp.html> and http://www.nmfs.noaa.gov/prot_res/overview/es.html respectively.

12. **Historic Properties.** No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(j)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

14. **Compliance Certification.** Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

- (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWP does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 17/3-acre).

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).

20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow. This condition is only applicable to projects that have the potential to affect water flows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWP 7 in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

(b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWP 13 only after it is determined that the impacts to the critical resource waters will be no more than minimal.

26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWP 39, 40, 42, 43, and 44.

(b) Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWP 39, 40, 42, and 44.

(c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps. For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWP 7 does not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.
3. NWP 7 does not grant any property rights or exclusive privileges.
4. NWP 7 does not authorize any injury to the property or rights of others.
5. NWP 7 does not authorize interference with any existing or proposed Federal project.

* Some NWP conditions that are not applicable for this verification were omitted from above list. If you are interested in a complete list, you should contact the Corps of Engineers office that handled your request.



US Army Corps
of Engineers
Nashville District

Nationwide Permit

File No. 200301242

No. 12, Utility Line Activities

Activities required for the construction, maintenance and repair of utility lines and associated facilities in waters of the US as follows:

(i) Utility lines: The construction, maintenance, or repair of utility lines, including outfall and intake structures and the associated excavation, backfill, or bedding for the utility lines, in all waters of the US, provided there is no change in preconstruction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication (see Note 1, below). Material resulting from trench excavation may be temporarily sidecast (up to three months) into waters of the US, provided that the material is not placed in such a manner that it is dispersed by currents or other forces. The District Engineer may extend the period of temporary side casting not to exceed a total of 180 days, where appropriate. In wetlands, the top 6" to 12" of the trench should normally be backfilled with topsoil from the trench. Furthermore, the trench cannot be constructed in such a manner as to drain waters of the US (e.g., backfilling with extensive gravel layers, creating a french drain effect). For example, utility line trenches can be backfilled with clay blocks to ensure that the trench does not drain the waters of the US through which the utility line is installed. Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

(ii) Utility line substations: The construction, maintenance, or expansion of a substation facility associated with a power line or utility line in non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters, provided the activity does not result in the loss of greater than 1/2-acre of non-tidal waters of the US.

(iii) Foundations for overhead utility line towers, poles, and anchors: The construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the US, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

(iv) Access roads: The construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the US, excluding non-tidal wetlands adjacent to tidal waters, provided the discharges do not cause the loss of greater than 1/2-acre of non-tidal waters of the US. Access roads shall be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes the adverse effects on waters of the US and as near as possible to preconstruction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above preconstruction contours and elevations in waters of the US must be properly bridged or culverted to maintain surface flows.

The term "utility line" does not include activities which drain a water of the US, such as drainage tile, or french drains; however, it does apply to pipes conveying drainage from another area. For the purposes of this NWP, the loss of waters of the US includes the filled area plus waters of the US that are adversely affected by flooding, excavation, or drainage as a result of the project. Activities authorized by paragraph (i) through (iv) may not exceed a total of 1/2-acre loss of waters of the US. Waters of the US temporarily affected by filling, flooding, excavation, or drainage, where the project area is restored to preconstruction contours and elevation, is not included in the calculation of permanent loss of waters of the US. This includes temporary construction mats (e.g., timber, steel, geotextile) used during construction and removed upon completion of the work. Where certain functions and values of waters of the US are permanently adversely affected, such as the conversion of a forested wetland to a herbaceous wetland in the permanently maintained utility line right-of-way, mitigation will be required to reduce the adverse effects of the project to the minimal level.

Mechanized land clearing necessary for the construction, maintenance, or repair of utility lines and the construction, maintenance and expansion of utility line substations, foundations for overhead utility lines, and access roads is authorized, provided the cleared area is kept to the minimum necessary and preconstruction contours are maintained as near as possible. The area of waters of the US that is filled, excavated, or flooded must be limited to the minimum necessary to construct the utility line, substations, foundations, and access roads. Excess material must be removed to upland areas immediately upon completion of construction. This NWP may authorize utility lines in or affecting navigable waters of the US even if there is no associated discharge of dredged or fill material (See 33 CFR part 322).

Note 1: Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit; except for pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the US, which are considered to be bridges, not utility lines, and may require a permit from the USCG pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material associated with such pipelines will require a Corps permit under Section 404.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work and the area restored to preconstruction contours, elevations, and wetland conditions. Temporary access roads for construction may be authorized by NWP 33.

STATE OF ALABAMA
BEST MANAGEMENT PRACTICESFile No
200301242

The following Best Management Practices (BMPs) required by the Alabama Department of Environmental Management (ADEM) must be followed, as appropriate, in order for any authorizations by a Nationwide Permit (NWP) in the State of Alabama to be valid:

1. The applicant must implement appropriate BMPs for the prevention and control of nonpoint sources of pollutants, e.g., sediment, oil and grease, chemicals, etc., during project construction and subsequent operation (ADEM Administrative Code, Chapters 6-9 and Appendices A and B, and the "Alabama Nonpoint Source Management Program 1989" or other appropriate sources). Immediately after completion of the project, the applicant must implement measures to ensure permanent revegetation or cover of all disturbed areas.
2. The applicant shall implement an ADEM accepted Spill Prevention Control and Counter Measures Plan for all fuel or chemical storage tanks or facilities. The applicant shall maintain on-site, or have readily available, sufficient oil and grease absorbing material and flotation booms to contain and clean up fuel or chemical spills and leaks.
3. All construction and worker debris, e.g., trash, garbage, etc., must be immediately removed and disposed of in an approved manner. Also, soil contaminated by paint or chemical spills, etc., must be immediately cleaned up or be removed and disposed in an approved manner.
4. Appropriate measures must be taken to prevent the deposition of airborne pollutants, e.g., spray paint, herbicides, excessive road dust, etc., from entering the waterbody.
5. Permanent or temporary raised creek crossings must be constructed with pipe(s) to safely pass expected mean water flow of the creek for the time of year and length of time that they are installed. Placement of rock fill without pipe(s) for passage of water is not acceptable. Each raised creek crossing must be designated to ensure structure integrity and stability for safe passage of water flow generated by expected precipitation events while the structure is in place.
6. The applicant is required to monitor turbidity levels in the affected waterbody before, during, and after performing any construction, dredging, filling, or other activity authorized by the NWP. The applicant must cease operations should turbidity resulting from project implementation exceed background turbidity by more than 50 n.t.u. Operations may resume when the turbidity decreases to within acceptable levels.

7. All materials used as fill or for construction purposes must be non-toxic, non-acid forming, and free of solid waste or other debris.

8. The applicant shall perform regular cleanup and proper disposal of floating or submerged trash and garbage retained or trapped by any structures. If appropriate, the applicant shall implement an ADEM accepted system for the collection, storage, treatment, and disposal of sewage and other putrescible wastes.

9. Marinas may not increase the number of berthing areas unless they are equipped with all facilities and appurtenances typically required by ADEM for new marinas, i.e., trash receptacles, receptacle for fish offal and carcasses, an accepted spill prevention control and countermeasure plan for fueling facilities, and a sewage pump-out system, where appropriate.

10. Bilge or ballast water pumped from ships or boats, e.g., dredge or construction barges, tugboats, fishing boats, pleasure craft, etc., shall not be discharged into waters of the State of Alabama without removal of solids, oils, fuel, petroleum by-products, and toxic compounds. No rubbish, trash, garbage, or other such materials shall be discharges overboard into waters of the State of Alabama. Litter and refuse from vessels shall be disposed in a manner consistent with state and local regulations. Toilet wastes, domestic wastewater, and other domestic waste shall not be discharged into waters of the State of Alabama without treatment by an approved marine sanitation devise.

11. Dredged material shall not be sidecast, or otherwise placed, in adjacent waters or wetlands.

MEMORANDUM OF AGREEMENT
PURSUANT TO 36 CFR § 800 BETWEEN THE TENNESSEE VALLEY AUTHORITY AND THE
ALABAMA STATE HISTORIC PRESERVATION OFFICER

WHEREAS, the Tennessee Valley Authority (TVA) proposes to construct a 161-kV transmission line (TL) approximately 15.7 miles in length with a 100 ft right of way easement in Limestone and Morgan Counties, Alabama; and,

WHEREAS, TVA and the SHPO have agreed, in consultation that archaeological site 1LI568 is eligible for listing in the National Register of Historic Places (NRHP); and

WHEREAS, TVA has determined that the construction of the Calpine-Morgan TL will have an adverse effect upon 1LI568; and

WHEREAS, TVA has consulted with the Alabama State Historic Preservation Officer (SHPO) pursuant to 36 CFR § 800, the regulations of the Advisory Council on Historic Preservation (Council) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, 1LI568 was recorded as part of a Phase I archaeological survey and was documented in the report *Cultural Resources Survey for the Calpine Interconnection Project, Limestone and Morgan Counties, Alabama*, and is made a part of this Agreement by reference as Appendix A; and

WHEREAS, in order to mitigate the adverse effects of the undertaking to 1LI568, TVA shall implement a treatment plan with provisions for both mitigation and protection of the site; and

NOW THEREFORE, TVA and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations to satisfy TVA's Section 106 responsibilities. The TVA Federal Preservation Officer, or the designee thereof, shall act for TVA in all matters concerning the administration of this Agreement.

Stipulations

TVA shall ensure that the following stipulations are carried out:

1. PRE-CONSTRUCTION MITIGATION:

TVA, in consultation with the SHPO determined that intensive documentation of 1LI568 would mitigate the effects of the placement of TL structures adjacent to and within features of the site. The research design submitted to TVA for that work is made a part of this document as Appendix B. The following additional research will be conducted:

- a. Detailed recordation of all features that comprise 1LI568 including the portion of the historic Athens-Decatur roadbed that would be affected as well as the abandoned portion of the Louisville and Nashville Railroad and another unidentified railroad bed. Recordation would be conducted using a total station to map characteristics of the feature at close intervals, the result of which would be to produce a detailed map of all features within the site.
- b. Photographs to document the site's condition before clearing and construction.
- c. Additional historical research to document the sequence of railroad construction in the area as well as railroad history.

2. CONDITIONS FOR TL CONSTRUCTION:

The following conditions would be implemented to prevent extensive damage to the site during the preparation of the TL right-of-way (ROW) and placement of the TL structures.

- a. Clearing of the vegetation on the site within the ROW would be conducted with a low pressure tired feller-buncher during dry soil conditions.
- b. Heavy equipment would be prohibited on the feature or to traverse it in any way.
- c. Construction of the transmission line structures 98-100 would be regulated to produce minimal impact to the feature and its contours.
- d. Photographs would be taken after ROW clearing that would document both to document the feature without its vegetative cover and any effects that may have occurred as a result of clearing. Additional photographs would be taken post construction to document the effects of structure placement.

3. CONDITIONS FOR FUTURE ROW MAINTENANCE:

- a. The boundaries of the feature within the ROW would be depicted on the final Plan and Profile sheets which are used as reference throughout the line's uselife.
- b. Conditions would be placed on future maintenance of the line that would include no traversing of the site with heavy equipment and hand clearing of vegetation within its boundaries.
- c. Any action involving maintenance or replacement of the TL structures would be reviewed by TVA's Cultural Resources staff.

4. REPORTS:

TVA shall ensure that all historical and archaeological investigations undertaken for compliance with this agreement are recorded in formal written reports that meet the Secretary of Interior's Standards and Guidelines for Identification (48 FR 44720-23) and the Tennessee SHPO Standards and Guidelines for Architectural and Archaeological Resources Management Studies.

The SHPO and shall be afforded thirty (30) days to review and comment on any archaeological or historical reports submitted as compliance with this agreement.

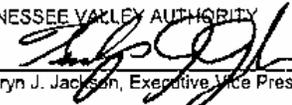
5. ADMINISTRATIVE COMMITMENTS

- a. If Stipulations 1 - 4 have not been implemented within three (3) years from the date of this agreement's execution, this agreement shall be considered null and void, unless the consulting parties have agreed in writing as provided in Paragraph 5.b. below to an extension for carrying out its terms. Upon the agreement's null and void, TVA and the SHPO will resume consultation pursuant to 36 CFR § 800.
- b. If Stipulations 1 - 4 have not been implemented within three (3) years from the date of this agreement's execution TVA, the SHPO and other consulting parties shall review the agreement to determine whether the agreement should be extended. If an extension is deemed necessary, TVA, the SHPO and other consulting parties will consult in accordance with 36 CFR § 800.6(c) to make appropriate revisions to the agreement.
- c. The signatories to this agreement may agree to amend the terms of the agreement. Such amendment shall be effective upon the signatures of both signatories to this agreement, and the amendment shall be appended to the agreement as an attachment.

- d. Should any consulting party object within thirty (30) days after receipt to any documents provided for review pursuant to this agreement, TVA shall consult with the objecting party to resolve the objection.
- e. If either signatory to this agreement determines that the terms of the agreement cannot be carried out, the signatories shall consult to seek an amendment to the agreement. If the agreement is not amended, either signatory may terminate the agreement. TVA shall either execute a new agreement with the signatories pursuant to 36 CFR § 800.6(c)(1) or request the comments of the Council pursuant to 36 CFR § 800.7(a).
- f. Execution of this MOA by TVA and the SHPO, and implementation of its terms, evidence that TVA has taken into account the effects of the undertaking on historic properties, and TVA has complied with its obligations under section 106 of NHPA.

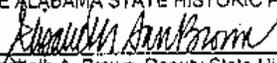
SIGNATORIES:

TENNESSEE VALLEY AUTHORITY

By: 
[Kathryn J. Jackson, Executive Vice President, RSO&E]

Date: 10.3.03

THE ALABAMA STATE HISTORIC PRESERVATION OFFICER

By: 
[Elizabeth A. Brown, Deputy State Historic Preservation Officer]

Date: August 12, 2003

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