

FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY

MALLARD FOX CREEK INDUSTRIAL PARK LAND DISPOSAL TRACT NO. XWR-633

The Tennessee Valley Authority (TVA) received a request from Hexcel Corporation in May 2011 to purchase approximately 74 acres of TVA property located on Wheeler Reservoir, Tennessee River Mile 298 (south bank), Morgan County, Alabama. The property is part of the Mallard-Fox Creek Industrial Park. TVA owns this land, but it is under permanent easement to the Decatur-Morgan County Port Authority for site development purposes until such time as it is sold for industrial development. The TVA Wheeler Reservoir Land Management Plan allocated the subject property, Tract No. XWR-633, for industrial development as part of Mallard-Fox Creek Industrial Park. Hexcel Corporation's intended use is consistent with the current allocation for industrial use.

Under the proposed action, TVA would authorize the sale of Tract XWR-633 for industrial purposes at a public auction in accordance with Section 31 of the TVA Act. The sale of this tract would be consistent with its designated use and the TVA Land Policy. TVA would retain the rights to construct a transmission line on 2.4 acres of the property and continue to own the wooded shoreline.

Alternatives

In accordance with the National Environmental Policy Act (NEPA), TVA developed and evaluated two alternatives in an environmental assessment (EA), which is incorporated herein by reference. These were the No Action Alternative and the Action Alternative.

Under the No Action Alternative, TVA would not sell the land and additional industrial development whether by the applicant or other qualified bidder would not occur as a result of this proposal. If TVA were to adopt the No Action Alternative, the land would remain in its current condition, and TVA would retain ownership of Tract XWR-633.

Under the Action Alternative, TVA would sell Tract XWR-633 at a Section 31 public auction for industrial use. For the purpose of evaluating environmental impacts, this alternative was assumed to result in the complete destruction of all wetlands and other plant and animal habitat on Tract XWR-633. TVA would retain the wooded riparian marginal strip below elevation 560 feet above mean sea level (msl), so this strip would remain in its current condition under the Action Alternative, unless the buyer of Tract XWR-633 pursued construction of water intake, wastewater discharge, or barge facilities in the future. Any future activity affecting the riparian corridor below elevation 560 feet would be subject to additional environmental review at that time. The Action Alternative is TVA's preferred alternative.

Impacts Assessment

Tract XWR-633 is currently vacant, and there are no structures on the property and no evidence of former buildings or improvements. It is covered mainly by grass and maintained by mowing about twice per year. Implementing the Action Alternative would not affect prime or unique farmland, parks, natural areas, groundwater, or floodplains. Implementing the Action Alternative would result in minor impacts to air quality, noise, geological resources, surface water quality, recreation, visual resources, socioeconomics, environmental justice, and transportation. No

impacts on wild or scenic rivers would occur. The Action Alternative would result in industrial development that would be expected to generate minor amounts of solid waste.

Implementation of the Action Alternative would result in unavoidable impacts to 2.36 acres of wetlands. The purchaser of the property must apply for and obtain the necessary USACE permit approvals for impacts to jurisdictional wetlands and must mitigate the loss of 1.75 acres of wetlands at a 2:1 ratio at a USACE approved mitigation bank located within the appropriate watershed. Impacts to 0.61 acre of non-jurisdictional wetlands must be mitigated at a 1:1 ratio through purchase of mitigation bank credits. This will fulfill TVA's regulatory compliance with Executive Order (EO) 11990. No placement of fill within the floodplain would be necessary, and proposed actions would not affect floodplain values or functions adversely. Implementation of the Action Alternative would be consistent with Executive Order (EO) 11988, Floodplain Management.

There are no historic structures located on or in the vicinity of the property. Previous surveys identified three archaeological sites in the vicinity of Tract XWR-633, one of which (1MG31) is potentially eligible for listing in the National Register of Historic Places (NRHP). TVA would retain ownership of the potentially eligible portion of this site and a 50-foot buffer. The only aboveground cultural resource identified is Burt Cemetery, which is located off of Tract XWR-633 and will be avoided during future development of the tract. With the exclusion of Site 1MG31 from the proposed sale, there would be no impacts from implementing the Action Alternative on cultural resources. In a letter dated July 27, 2011, the Alabama State Historic Preservation Officer (SHPO) concurred with TVA's determination that the proposed undertaking would not adversely affect any historic properties that are potentially eligible or currently listed in the NRHP provided that TVA remove Site 1MG31 and its 50-foot buffer from the sale.

The proposed action would have only minor effects to terrestrial and aquatic ecology. No state or federally listed endangered or threatened species are present on or near the site, and the site and adjacent Tennessee River does not offer suitable habitat for these species. Therefore, there would be no effect to state- or federally listed endangered or threatened terrestrial or aquatic species.

Routine Environmental Compliance Measures

Routine Environmental Compliance Measure(s) are existing policies, practices, best management practices (BMPs), and measures required by law, regulation, or permit, that reduce the environmental impacts of the proposed action. The following routine compliance measures, protective of the environment, would be required of the purchaser by law or deed restrictions:

- 1) Emissions from construction equipment will be controlled through engine manufacturing requirements for both mobile sources (40 CFR Part 85) and portable equipment such as air compressors. If necessary, water trucks will be utilized to reduce fugitive dust from construction activities.
- 2) In the event proposed future air emissions appeared to have potential for adverse impacts, applicable requirements for air permits and associated control equipment will be negotiated by the Alabama Department of Environmental Management.
- 3) BMPs will be employed to minimize and mitigate any impacts associated with increased noise levels during construction, as required. Typical construction BMPs for noise include: 1) provision of mufflers for construction equipment, 2) minimization of idling, 3)

conduct outdoor construction during the daytime hours, and 4) nighttime construction limited to indoor tasks.

- 4) Worker safety and exposure to noise will comply with Occupational Health and Safety Administration (OSHA) standards for construction. In addition, the purchaser will obtain a Section 103 permit from the Decatur Police.
- 5) The purchaser will operate within the limitations prescribed by a future permit to discharge to the Decatur sewer system (a publicly owned treatment works); or operate within the requirements of a future National Pollutant Discharge Elimination System permit or modification to an existing permit.
- 6) The purchaser will operate in accordance with the Spill Prevention, Control, and Countermeasures plan and Storm Water Pollution Prevention Plan.
- 7) The purchaser will develop or revise the Risk Management Plan as necessary to reduce hazards from chemical spills or releases.
- 8) Any future facilities or equipment subject to flood damage will be located above elevation 560.2 (TVA Flood Risk Profile elevation plus two vertical feet).
- 9) Any future development proposed within the limits of the 100-year floodplain, elevation 557.4, will be consistent with the requirements of Executive Order 11988.

Mitigation Measure

Proposed mitigation requirements are developed specifically for the proposed action for the purpose of avoiding, minimizing, reducing, or compensating project-specific impacts identified during the environmental review process. The following mitigation is required for the proposed action in order for TVA to meet the requirements of Executive Order 11990, Wetlands Protection and minimize potential impacts to wetlands:

- 1) The jurisdictional wetlands will be mitigated at a ratio of 2 to 1, and the non-jurisdictional wetlands will be mitigated at a ratio of 1 to 1. The mitigation credits will total 4.11 to offset the loss of 2.36 acres of wetlands, unless the USACE requires additional mitigation. In the event the USACE requires additional mitigation; TVA will revise this commitment to match.

Public and Intergovernmental Review

TVA posted notice of the proposed sale on its website and in two local newspapers, the *Decatur Daily* and the *Huntsville Times*, on June 22, 2011, and requested comments by July 25, 2011. No comments were received from the public.

TVA consulted with the Alabama SHPO concerning impacts to cultural resources, and the Alabama SHPO concurred that the proposed action will have no adverse impact on such resources. In addition, appropriate recognized Native American tribes were consulted concerning the proposed undertaking. TVA received no objection from any of these tribes.

Conclusion and Findings

Based on the findings of the EA, TVA has concluded that the sale of approximately 74-acre Tract XWR-633 and the subsequent construction of an industrial facility will not result in significant adverse impacts to the environment. This finding is dependent on the implementation of the special mitigation measure included in the Mitigation section above. The

proposed action is not a major federal action significantly affecting the quality of the environment. Accordingly, an environmental impact statement is not required.



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Date Signed