

FINDING OF NO SIGNIFICANT IMPACT

**Charles R. Lowman Energy Center Bridge Replacement Project
Washington County, Alabama**

**Rural Utility Service
U.S. Department of Agriculture**

PowerSouth Energy Cooperative

**Prepared by:
Engineering and Environmental Staff
Rural Utilities Service**

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A. INTRODUCTION

PowerSouth Energy Cooperative (PowerSouth) plans to submit a financing request to the U.S. Department of Agriculture, Rural Utility Service (RUS) to replace an aging access bridge (Project) to the Lowman Energy Center (LEC), located in Washington County, Alabama. RUS is considering this financing request. Prior to taking a federal action (i.e., providing financial assistance), RUS is required to complete an environmental impact analysis in accordance with the National Environmental Policy Act of 1969 [(NEPA (U.S.C. 4231 et seq.)), the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and Rural Development's (RD) NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970). After completing an independent analysis of an environmental report prepared by PowerSouth, RUS concurred with its scope and content. In accordance with 7 CFR § 1970.102, RUS adopted the report and issued it as the Agency's Environmental Assessment (EA) for the proposed Project. RUS finds that the EA is consistent with federal regulations and meets the standards for an adequate assessment. PowerSouth published a newspaper notice, announcing the availability of the EA for public review, in accordance with 7 CFR § 1970.102. In addition, RUS considers the proposed Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 USC 470(f), and its implementing regulation, "Protection of Historic Properties" (36 CFR Part 800).

B. PROJECT DESCRIPTION AND PURPOSE/NEED

PowerSouth is proposing to replace the aging access bridge to the LEC, a critical energy facility that provides and serves the energy needs of rural consumers in Alabama and northwest Florida. The Project will consist of the construction of a new 960-ft. access bridge adjacent to the existing bridge, located on PowerSouth's existing 313-acre LEC site in Leroy, Washington County, Alabama. The proposed bridge will be constructed out of concrete piles, reinforced concrete girders, and a poured in place concrete deck and once completed, will serve as the sole access point to enter the LEC. The existing bridge, a wooden pile supported structure constructed in the 1970s, is currently the sole access point for workers to enter the plant. Due to its age, the existing bridge is in poor condition despite costly annual maintenance and needs replaced. RUS has reviewed the purpose and need for the Project and determined that the proposal will meet the present and future needs of PowerSouth.

C. ALTERNATIVES EVALUATED

1. No Action

Under the No Action Alternative, RUS would not provide financial assistance to PowerSouth, and/or the proposed Project would not be constructed. This alternative does not address the need of this project to secure a long-term stable access for the LEC. Under this alternative, continual maintenance and repair of the existing bridge would be needed. Not only would maintenance costs become an increasing concern, but the aging bridge would continue to create access and safety issues, which could result in decreased reliability for the LEC and disrupt services to the PowerSouth service territory and its members.

2. Action Alternative (Preferred Alternative)

Under the Action Alternative, RUS would consider financing the proposed Project, and PowerSouth would replace the existing access bridge to the LEC by constructing a new bridge on site immediately adjacent to the existing bridge. The proposed project would allow for a safe and

structurally sound access route to the LEC for approximately 75 years, which is the estimated lifespan of the proposed bridge. The entirety of the Project location is located within the 100-year floodplain and will require approximately 0.36 acres of wetland fill, which is necessary to bring the bridge embankment to elevation on the northwest end of the bridge. The replacement bridge will have fewer pile supports and a higher elevation than the existing bridge, which should result in more flow and thereby less impediment in the floodplain.

3. Alternatives Eliminated from Further Consideration

In addition to the No Action Alternative and Action Alternative, PowerSouth considered other construction designs and siting alternatives, which are documented in the **Alternatives** section of the EA.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The analyses in the EA documented that the proposed Project would have no adverse effects to land use, important farmland, formally classified lands, floodplains, wetlands, water resources, coastal resources, biological resources, cultural/historic resources, air quality, social impact and environmental justice, noise, transportation, aesthetics, and human health and safety. A summary of anticipated impacts on the human environment is provided below, including any mitigation measures deemed necessary to avoid or minimize impacts. PowerSouth is responsible for implementing these measures.

General Land Use

No changes to the existing land use will result as the construction footprint is adjacent to the existing access bridge and consists of open area on an industrial site. No mitigative measures are required.

Formally Classified Lands

No mitigative measures are necessary because there are no formally classified lands within or immediately adjacent to the Project area.

Geology

Potential ground disturbing activities are anticipated to be minimal and limited to the construction period, with any potential impacts expected to be localized. No mitigative measures are required.

Soils

The project area has been substantially altered and filled during the course of previous construction and landscaping. No mitigative measures are required.

Important Farmland

No mitigative measures are necessary because the project location is not classified as prime farmland or farmland of statewide importance.

Floodplains

While the entirety of the Project is located within the floodplain, no mitigative measures are necessary. Once constructed, the replacement bridge will be a foot higher in elevation and contain less pilings than the existing bridge, and allow for more flow and less potential for impediment of

floodwaters. Additionally, once the replacement bridge is constructed, the existing bridge will be demolished.

Wetlands

Project will consist of approximately 0.36 acres of fill within a wetland with a Pre-Construction Notification (PCN) submitted to the USACE for verification on December 11, 2022. PowerSouth will abide by all permit provisions set forth by USACE and will purchase 0.24 bottomland hardwood credits from Alabama River Mitigation Bank, with additional credits being purchased at the time of NWP verification if required.

Water Resources

The most prominent surface water resource in the vicinity of the Project area is the Tombigbee River. Other surface features include several intermittent streams and natural swamps associated with the Tombigbee River in the vicinity of the Project area. Construction of the proposed Project would not create any additional point source discharges and no impacts to water quality are anticipated. PowerSouth will apply for a ADEM NPDES Construction Stormwater Permit (prior to commencement of construction) and will follow all requirements of the permit. Additionally, the proposed construction methods for this Project do not require disturbance to the depth of the underlying aquifer therefore impacts are not anticipated.

Coastal Resources

The Project is not located within the coastal area as defined by the Alabama Coastal Management Program (ACAMP), nor will it affect any coastal resources. No mitigative measures are required.

Biological Resources - General Fish, Wildlife and Vegetation

The Project is not expected to have any long-term effects to general fish, wildlife, and vegetation resources. While the construction of the project may result in short-term temporary displacement impacts to wildlife species foraging in the area, the reduced frequency of maintenance activities associated with the proposed bridge will result in less potential disturbance to wildlife. Effects to the vegetative community within the Project area are expected to be minimal and temporary. No mitigative measures are required.

Biological Resources - Listed Threatened and Endangered Species

Six federally listed species and one candidate were identified to occur near or within the Project area. The Project area does not contain critical habitat. The Project was determined to have no effect to four of the listed species and the one candidate. Written concurrence was received from the Service concerning RUS's Not likely to adversely affect determination for the Black Pinesnake (*Pituophis melanoleucus lodingi*) and the Eastern Indigo Snake (*Drymarchon couperi*) with the following required conservation recommendations: 1.) Provide construction staff with species information and BMPs, 2.) Maintain low speeds at the work site to avoid snakes that may be present in or near the roadway, 3.) Check for snakes underneath equipment prior to moving in the morning, 3.) Observe a no-kill snake policy on site. Additionally, in the event of a live or dead Eastern Indigo Snake or Black Pinesnake encounter, the USFWS Daphne Field Office shall be contacted.

Biological Resources - Migratory Birds

The proposed Project is located within areas previously developed and utilized for power generation. Certain migratory birds may utilize these disturbed areas. An on-site field evaluation of

impacts to migratory birds was conducted was a conclusion that the action will not result in unintentional take nor have any have any measurable negative effects on migratory bird populations. No mitigative measures are required.

Biological Resources - Bald and Golden Eagles

An on-site field evaluation found there are no golden or bald eagle nest sites at or near the Project area. No mitigative measures are required.

Biological Resources - Invasive Species

The proposed Project is not anticipated to result in an increase of invasive species beyond those that are currently established in the vicinity. No mitigative measures are required.

Cultural Resources and Historic Properties

The proposed Project will have “no effect to historical properties”, with RUS concluding that a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for this undertaking. No objections were received from Tribal Nations consulted. RUS will include an inadvertent discovery provision developed in accordance with 36 CFR § 800.13(b) and (c).

Aesthetics

The proposed Project will not result in permanent changes to the visual characteristics of the area. Temporary visual effects are expected and will likely include cranes and other heavy equipment which is consistent with typical roadway construction. Once constructed, the new bridge will have similar visual impacts as the existing bridge which will be removed. No mitigative measures are required.

Air Quality

The proposed Project area is an attainment and is currently in compliance with federal clean air standards. Fugitive dust control measures will be utilized to mitigate any temporary impacts during construction and maintenance, including but not limited to the following: the applications of water; reduction in speed on unpaved roadways to 15 miles per hour or less; use of sweepers or water trucks to remove mud at points of public street access; and the stabilization of dirt storage piles by seeding and mulching, tarps, or barrier fencing.

Socioeconomics and Environmental Justice

The proposed Project will be located in a rural area with no nearby neighborhoods and relatively few homes and businesses within close proximity to the proposed Project. The minority population and poverty rates for Washington County are also slightly higher than those of the state. Therefore, the proposed Project area is not considered to be in an area of environmental justice concern. No mitigative measures are required.

Noise

Noise from construction is expected to be localized and temporary with noise levels returning to pre-construction levels following completion of the project. The proposed Project is expected to last 14 months with most of the construction activities occurring during the daylight hours when ambient noise levels are at their highest. No mitigative measures are required.

Traffic and Transportation

Any increased traffic issues associated with the construction of the Project are not anticipated to be significant. Additionally, the county road that provides access to the LEC site will return to normal vehicular traffic levels following completion of Project. No mitigative measures are required.

Human Health and Safety

The proposed project is expected to produce general construction hazards that may include fire, slips, trips, falls, electrical hazards, confined space entry, etc. A comprehensive safety program is in place at PowerSouth, including regular safety briefings for employees and contractors, training, and use of personal safety equipment such as hard hats, ear and eye protection, and safety boots. All federal and state government and OSHA regulations will be adhered to. Perimeter fences and controlled access will remain in place throughout the construction and future operation of the Project and the general public will not be allowed to enter any construction areas associated with the proposed Project as a mitigative measure.

There will be no construction of new sources or work with existing sources emitting EMF, and construction will not affect any nearby sources of hazardous waste, toxic substances, air pollution, or water discharges. No cumulative impacts to human health and safety are anticipated for the region from construction of the Project. No additional mitigative measures are required.

E. PUBLIC AND AGENCY INVOLVEMENT

The availability of the EA for public review was announced via notice in the following newspapers: The South Alabamian on April 6 and 13, 2023, and the Washington County News on April 7 and 14, 2023. A 14-day comment period was announced in the newspaper notices which ended on April 19, 2023. The EA was also available for public review at PowerSouth offices, the USDA Rural Development office and website at <https://www.rd.usda.gov/resources/environmental-studies/assessments>. No comments were received.

F. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, RUS has concluded that the proposed Project would have no significant impacts to water quality, wetlands, floodplains, land use, aesthetics, transportation, or human health and safety. The proposed Project will have no effects on historic properties listed or eligible for listing on the National Register of Historic Places and no effects to federally listed species or designated critical habitat. The proposed Project would not disproportionately affect minority or low-income populations.

In accordance with the National Environmental Policy Act, as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR 1500–1508), and RD's Environmental Policies and Procedures (7 CFR Part 1970), RUS has determined that the environmental impacts of the proposed Project have been adequately addressed and that no significant impacts to the quality of the human environment would result from construction and operation of the proposed Project. Any final action by RUS related to the proposed Project will be subject to, and contingent upon, compliance with all relevant federal and state environmental laws and regulations. Because RUS's action will not result in significant impacts to the quality of the human environment, RUS will not prepare an Environmental Impact Statement for its potential federal action associated with the proposed Project.

G. RUS LOAN REVIEW AND RIGHT OF ADMINISTRATIVE REVIEW

This FONSI is not a decision on a loan application and therefore not an approval of the expenditure of federal funds. Issuance of the FONSI and its notices concludes RUS's environmental review process. The ultimate decision on loan approval depends upon conclusion of this environmental review process in addition to financial and engineering reviews. Issuance of the FONSI and publication of notices will allow for these reviews to proceed. The decision to provide financial assistance also is subject to the availability of loan funds for the designated purpose in RUS's budget. There are no provisions to appeal this decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in Federal District Court under the Administrative Procedures Act.

H. APPROVAL

This Finding of No Significant Impact is effective upon signature.

Dated: _____

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Rural Utilities Service

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Contact Person

For additional information on this FONSI and EA, please contact Robert Deems, Environmental Protection Specialist at Robert.Deems@usda.gov.