

**FINDING OF NO SIGNIFICANT IMPACT**

**Transmission Operations Center  
Owensboro, Kentucky**

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

**Big Rivers Electric Corporation**

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

**September 2023**

## **A. INTRODUCTION**

Big Rivers Electric Corporation (BREC) plans to submit a financing request to the U.S. Department of Agriculture (USDA), Rural Utilities Service (RUS) to construct the proposed Transmission Operations Center (Project) in Owensboro, Daviess County, Kentucky. 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 USDA Rural Development's NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970). After completing an independent analysis of an environmental report prepared by BREC and its consultant, 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. BREC 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**

Big Rivers proposes to construct and operate a new Transmission Operations Center (the TOC Facility or Proposed Action to be located south of the intersection of Henderson Road and Industrial Drive near 3740 U.S. Hwy 60 W, Owensboro, Kentucky (the Project). Construction of the proposed facility would enable Big Rivers to combine its existing Energy Transmission and Substation (ET&S) Facility; energy control, planning and compliance operations; engineering; and other support operations at one central location. The facility would include an office building, warehouse, enclosed and covered vehicle storage space, outdoor equipment storage, and a loading dock. It would be accessible via major thoroughfares in Owensboro, including U.S. Highway 60 W (Wendell Ford Expressway) and Henderson Road (KY-331).

RUS has reviewed the purpose and need for the Project and determined that the proposal will meet the present and future needs of BREC.

## **C. ALTERNATIVES EVALUATED**

### **1. No Action**

Under the No Action Alternative, RUS would not provide financial assistance to BREC, and/or the proposed Project would not be constructed. This alternative would not assist BREC in providing reliable, low cost, renewable electric service to customers in this service territory, therefore failing to meet the increasing demand for electricity with renewable energy generation.

### **2. Action Alternative (Preferred Alternative)**

Under the Action Alternative, RUS would consider financing the proposed Project, and BREC would construct the Transmission Operations Center Project. The proposed Project would comprise of approximately 40 acres upon which a new Transmission Operations Center (the TOC Facility or Proposed Action to be located south of the intersection of Henderson Road and Industrial Drive near 3740 U.S. Hwy 60 W, Owensboro, Kentucky (the Project). Construction of the proposed facility would enable Big Rivers to combine its existing Energy Transmission and Substation (ET&S) Facility; energy control, planning and compliance operations; engineering; and other support operations at one central location. The facility would include an office building, warehouse, enclosed and covered vehicle storage space, outdoor equipment storage, and a loading dock. It would be accessible via major thoroughfares in Owensboro, including U.S. Highway 60 W (Wendell Ford Expressway) and Henderson Road (KY-331).

### **3. Alternatives Eliminated from Further Consideration**

In addition to the No Action Alternative and Action Alternative, BREC considered other technology and siting alternatives, which are documented in the Alternatives Evaluated section of the EA.

## **D. SUMMARY OF ENVIRONMENTAL EFFECTS**

The analyses in the EA documented that the proposed Project would have no significant adverse effects to existing land use, floodplains, cultural resources, threatened and endangered species, water resources, coastal resources, the surrounding community, air quality, noise, transportation, aesthetics, or 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.

During the initial analysis and the time the Environmental Assessment was prepared, 0.45 acres of wetlands were identified as being directly impacted by the proposed Project. After further consultation with the U.S. Army Corps of Engineers, it was determined that there would be direct impacts to 1.05 acres of wetlands. This project is authorized under 33 CFR 330 Nationwide Permit (NWP) 39, Commercial and Institutional Development. BREC is responsible for implementing these measures and has made a mitigation payment of \$79,000 for the purchase of 1.05 Adjusted Mitigation Units, which was deducted from the Flynn Fork Mitigation Bank, Caldwell County, Kentucky on September 6, 2023.

There is a potential for impacts to three federally listed wildlife species. The USFWS is in agreement with the USDA determination that there will be a potential to affect the gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), and northern long-eared bat (*Myotis septentrionalis*). As a mitigation measure for the removal of trees, BREC will implement tree clearing restrictions from June 1 through July 31 and has contributed \$13,702.50 to the Imperiled Bat Conservation Fund as mitigation for potential impacts to suitable bat habitat.

A local newspaper advertisement announcing the availability of the EA and participation under Section 106 of the National Historic Preservation Act, was published on September 8, 11, and 12, 2023, in the Owensboro Messenger Inquirer, Owensboro, Kentucky. A copy of the EA was available for public review at:

<https://www.rd.usda.gov/resources/environmental-studies/assessment/transmission-operations-center-facility-project>

The 14-day comment period ended on September 21, 2023. One public comment was received, expressing concerns about stormwater discharges to the Gilles Ditch watershed and potential negative drainage impacts to residential subdivisions within that watershed. Although the Gilles Ditch is the nearest stream segment to the project area, stormwater from the project area will not discharge into this watershed. The project area will discharge primarily to the north into the Persimmon Ditch with the remaining draining into an unnamed tributary and towards the south into Devins Ditch.

#### **E. FINDING OF NO SIGNIFICANT IMPACT**

Based on the EA, RUS has concluded that the proposed Project would have no significant effects to existing land use, floodplains, wetlands, cultural resources, threatened and endangered species, water resources, coastal resources, the surrounding community, air quality, noise, transportation, aesthetics, 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.

#### **F. 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.

#### **G. APPROVAL**

This Finding of No Significant Impact is effective upon signature.

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#### **Contact information**

For additional information on this FONSI and EA, email: [RUSPublicComments@usda.gov](mailto:RUSPublicComments@usda.gov)