

FINDING OF NO SIGNIFICANT IMPACT

**AR Solar - Clark County - VNA, LLC
Clark County, Arkansas**

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

Today's Power, Inc.

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

February 2024

A. INTRODUCTION

Today's Power, Inc. (TPI) plans to submit a financing request to the U.S. Department of Agriculture, Rural Utilities Service (RUS) to construct the proposed AR Solar - Clark County - VNA, LLC (Project) in Clark County, Arkansas. RUS is considering this financing request. Prior to taking a federal action (i.e., providing financial assistance), RUS is required to complete an environmental analysis in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. §§ 4231–4347), the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and RD's NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970). After completing an independent analysis of an environmental report prepared by Today's Power, Inc. and its consultant, RUS concurred with its scope and content. In accordance with 7 CFR § 1970.102, RUS will adopt the report and issue 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. Today's Power, Inc. published newspaper notices, 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

The overall purpose of the Project is to construct the AR Solar - Clark County - VNA, LLC Project in Clark County, Arkansas. Today's Power, Inc. proposes to construct a 36.8-acre solar facility on a tract of land located near the city of Gum Springs, Arkansas in Clark County, at the intersection of Highway 26 and Highway 17. TPI will be in partnership with Veolia North America, LLC (VNA). The proposed Project will provide renewable energy in the community. RUS has reviewed the purpose and need for the Project and determined that the proposal will meet the RUS purpose and need.

C. ALTERNATIVES EVALUATED

1. No Action

Under the No Action Alternative, RUS will not provide financial assistance to Today's Power, Inc., and/or the proposed Project will not be constructed. This alternative will not assist Today's Power, Inc. in providing electricity to rural residents.

2. Action Alternative (Preferred Alternative)

Under the Action Alternative, RUS will consider financing the proposed Project, and Today's Power, Inc. will construct a 36.8-acre solar facility on a tract of land located near the city of Gum Springs, Arkansas in Clark County, at the intersection of Highway 26 and Highway 17. TPI will be in partnership with Veolia North America, LLC (VNA). The proposed Project will provide renewable energy in the community.

3. Alternatives Eliminated from Further Consideration

In addition to the No Action Alternative and Action Alternative, Today's Power, Inc. considered other technology and siting alternatives, which are documented in the Alternatives section of the EA: alternate sites.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The analysis in the EA documented that the proposed Project will have no adverse effects to land use, farmland, floodplains, wetlands, water resources, coastal resources, biological resources, cultural resources & historic properties, aesthetics, air quality, socioeconomic & environmental justice, noise, transportation, human health & safety, and corridors. In accordance with the requirements of § 1970.104(b), a summary of anticipated impacts on the human environment is provided below, including any mitigation measures deemed necessary to avoid, minimize, or mitigate impacts. Today's Power, Inc. is responsible for implementing these measures.

There are no federal lands or formally classified lands within the Project. The Project is exempt from the provisions of the Farmland Protection Policy Act. The Project will have no impact to formally classified lands or important farmland.

The Project site is outside of the 500-year floodplain. No wetlands are present at the Project sites. The Project area will not impact water resources (including sole source aquifers) or coastal resources. The Project will have no significant impact to floodplains, wetlands, water resources, or coastal resources.

The Project will have no effect to federally listed, proposed, or candidate species. There are no critical habitats or suitable eagle habitat within the Project area. The Project site is not known to have invasive species, and will have no significant impact to biological resources.

A cultural resources survey was completed in the Project Area of Potential Effect (APE). Consultation was conducted with the State Historic Preservation Officer (SHPO). Seven Indian Tribes were contacted, and one Tribe responded. The Project will not affect historic properties and cultural resources.

The Project area is in attainment for criteria air pollutants. The Project will not negatively affect minority or low-income populations. The Project may have temporary impacts during construction to aesthetics, noise, and transportation. There are no identified hazardous materials in the Project site. The Project will have no significant impact to aesthetics, air quality, socioeconomics & environmental justice, noise, transportation, and human health & safety.

E. PUBLIC AND AGENCY INVOLVEMENT

A local newspaper advertisement, announcing the availability of the EA and participation under Section 106 of the National Historic Preservation Act, was published on February 8 & 15, 2024, in The Southern Standard, Clark County, Arkansas. A copy of the EA was available for public review at <https://www.rd.usda.gov/resources/environmental-studies/assessment/ar-solar-clark-county-vna-llc>. The 14-day comment period ended on February 21, 2024. RUS received no comments on the EA during the public review period.

F. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, RUS has concluded that the proposed Project will have no significant effects to land use, farmland, floodplains, wetlands, water resources, coastal resources, biological resources, cultural resources & historic properties, aesthetics, air quality, socioeconomic & environmental justice, noise, transportation, human health & safety, and corridors. 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 will not disproportionately affect minority or low-income populations.

In accordance with the National Environmental Policy Act, as amended, the Council on Environmental Quality Regulations, and RD's Environmental Policies and Procedures, 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 will 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 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. 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 FONSI or the agency's other environmental determinations. 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:

CHRISTOPHER MCLEAN Digitally signed by CHRISTOPHER
MCLEAN
Date: 2024.02.29 11:34:30 -05'00'

CHRISTOPHER A. MCLEAN

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For additional information on this FONSI and EA, please contact Terry Czerwien, Environmental Protection Specialist, at terry.czerwien@usda.gov.