

SUPPLEMENTAL FINDING OF NO SIGNIFICANT IMPACT

**Nemadji Trail Energy Center Project
Douglas County, Wisconsin**

**RURAL UTILITIES SERVICE
U.S. Department of Agriculture**

Dairyland Power Cooperative

**Prepared by:
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Rural Utilities Service**

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A. INTRODUCTION

Dairyland Power Cooperative (Dairyland) plans to submit a financing request to the U.S. Department of Agriculture, Rural Utilities Service (RUS) to construct the proposed Nemadji Trail Energy Center (Project) in Douglas County, Wisconsin. RUS will be 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 Dairyland 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 Final Supplemental Environmental Assessment (Final SEA) for the proposed Project. RUS finds that the Final SEA is consistent with federal regulations and meets the standards for an adequate assessment. Dairyland published newspaper notices, announcing the availability of the Final SEA 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 Nemadji Trail Energy Center (NTEC), a combined cycle natural gas turbine with an output of approximately 625 MW. The one-on-one combined cycle electric generating unit consisting of one H-Class gas turbine generator, one heat recovery steam generator (HRSG) with duct firing, and one steam turbine generator (STG). The Project will use natural gas with the capability to be retrofitted to use fuel oil as a backup fuel. It will occupy approximately 26 acres and will be on the south side of 31st Avenue East, between Grand Avenue and Old 11 Road, near the City of Superior, Wisconsin. The Project will use dry cooling by finned heat exchangers. It will include several miles of new 345-kilovolt (kV) transmission line to tap the existing Arrowhead to Stone Lake Transmission Line as well as a switching station located southeast of the potential plant site.

The Project will be capable of operating at intermediate load modes to fulfill energy and capacity requirements to support the addition of renewable resources. The Project will help address the 1,230 MW shortfall identified by the Midcontinent Independent System Operator¹ (MISO) to meet the planning reserve margin, a reserve necessary in the event of unplanned

¹ MISO is an independent, not-for-profit Regional Transmission Organization that does not own generation or transmission facilities. MISO is regulated by the Federal Energy Regulatory Commission. One of MISO’s primary purposes is to manage the generation and flow of electricity throughout its footprint. MISO manages approximately 72,000 miles of transmission lines across 15 U.S. states and the Canadian province of Manitoba. There are 58 registered transmission-owning members and 134 registered non-transmission-owning members in MISO. Per MISO, “45 million people depend on MISO to generate and transmit the right amount of electricity every minute of every day – reliability, dependably, and cost-effectively.” (<https://www.misoenergy.org/about/>)

outages.² The Project will secure capacity and energy resources that meet the system peak and demand for electricity, also accounting for required system reserve margins in MISO and covering forecasted losses to ensure reliability and resource adequacy during unforeseen events such as uncertainties in extreme weather and forced outages for generators. The Public Service Commission of Wisconsin (PSCW) is the agency of the State of Wisconsin charged by state law to regulate public utilities and the siting of large electric generating facilities. The PSCW found that the Project will provide up to 625 MW of dispatchable generation to support the integration of renewable energy sources.

Previous environmental documentation was prepared that describes the Project in detail and discusses its anticipated environmental impacts. In accordance with 7 CFR § 1970.102(6), RUS adopted the report and put it out for comment as the agency's Environmental Assessment (EA) for the proposed Project. RUS found that the EA is consistent with federal regulations and meets the standards for an adequate EA. Dairyland published notices on October 30 and November 6, 2020, in a local newspaper, announcing the availability of the EA for a 30-day public review period, in accordance with 7 CFR §1970.102(6)(ii). The public review period ended on November 30, 2020. In accordance with NEPA, as amended, the CEQ Regulations, and RD's Environmental Policies and Procedures, RUS determined that the environmental effects of the proposed Project had 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. Because RUS determined that its action will not result in significant impacts to the quality of the human environment, an Environmental Impact Statement was not prepared for the Project. A Finding of No Significant Impact (FONSI) was published in June 2021 which concluded the environmental review process in accordance with NEPA and RD's Environmental Policies and Procedures (7 CFR Part 1970).

On June 23, 2021, RUS received a petition from the Minnesota Center for Environmental Advocacy (MCEA), Sierra Club Environmental Law Program, Clean Wisconsin, and Honor the Earth to rescind the FONSI and to prepare a Supplemental Environmental Assessment (SEA) to include an analysis of greenhouse gas (GHG) emissions, climate change, and tribal environmental justice. The petition stated that new studies related to climate change should be considered in the evaluation of the Project. The petition also noted that recently reinstated CEQ guidance requires agencies to evaluate GHG emissions and climate impacts (Executive Order [EO] 13990). This guidance was reinstated shortly after the EA and FONSI were published. The petition also referenced EO 14008, which discourages fossil fuel infrastructure. RUS agreed that further analysis of the potential environmental impacts of the Proposed Action was warranted, and a SEA will be prepared to consider issues outlined in the petition, as well as applicable EOs and reinstated CEQ guidance. The SEA was published in June 2022.

Following publication of the SEA, comments were received from the U.S. Environmental Protection Agency (EPA), as well as MISO, the MCEA, Sierra Club, Clean Wisconsin, and the

²MISO 2022/2023 Planning Resource Auction Results. Accessed May 2022 from <https://cdn.misoenergy.org/2022%20PRA%20Results624053.pdf>.

public (see Appendix A of the Revised SEA). The Revised Supplemental Environmental Assessment (Revised SEA) was prepared to revise the SEA to address the comments received on the SEA. The Revised SEA included additional discussion and analysis responsive to the comments received. Most notably:

- A Social Cost of Carbon analysis was conducted and is detailed in Section 3.2.2.1.3.1;
- Upstream impacts were discussed in Section 3.2.2.1.3.2;
- The environmental justice analysis from the EA was updated using EJSCREEN 2.0 (Section 3.3.1.4.); and
- Appendix A provided comments received on the SEA as well as responses to comments received.

Further, at the time of the SEA publication, the document was prepared following the CEQ Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews (August 2016). In January 2023, CEQ issued revised GHG guidance with the messaging that the guidance was effective immediately. As such, and consistent with discussions with EPA during this NEPA process, the Revised SEA specifically considered the NEPA Guidance on Consideration of Greenhouse Gas Emissions and Climate Change (CEQ 2023; referred to herein as the 2023 Interim CEQ GHG Guidance). After publication of the Revised SEA, RUS provided responses to comments on the document and updated consultation information related to Section 7 and Section 106 in the Final Supplemental Environmental Assessment (Final SEA).

RUS have 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 Alternative

Under a No Action Alternative, RUS will not provide funding and the Project will not be built. The Project will not add generating capacity to the current resource mix to reliably serve growing load within the service territories and to replace retiring generation. The Project will not help facilitate the addition of new renewable electricity sources to the power portfolio, nor will it be available to bridge reliability needs during the energy transition and support the need identified by MISO for grid reliability and resource adequacy. As such, the No Action Alternative does not meet the purpose and need of the Project.

2. Action Alternatives (Preferred Alternative)

Construction of the NTEC Project requires identification, consideration, and evaluation of sites for location of the generation facilities, as well as alignments for development of the necessary linear electricity transmission facilities. The No Action Alternative and alternative technologies are addressed in Sections 2.6 and 2.7 of the Final SEA, respectively. While generation sites were well defined parcels of land, transmission line macro-corridors were areas of land approximately 0.5-mile wide, considerably greater than the 130 feet of right-of-way (ROW) width required for the new 345-kV line. This difference in width is to provide flexibility for location of the actual transmission line following approval should unforeseen or previously unidentified obstacles be identified requiring minor deviations of the route.

For the Project, two generation sites, Nemadji River and Hill Avenue, were identified, as were two macro-corridors (eastern and western) for transmission line development. Each site was combined with each macro-corridor as a unique Project alternative for comparison and evaluation. These alternatives were:

- Hill Avenue 1: Hill Avenue site (75 acres) combined with eastern macro-corridor (Segments A and E – 5.3 miles of 345-kV transmission line)
- Hill Avenue 2: Hill Avenue site (75 acres) combined with western macro-corridor (Segments A, B, C, and D – 7.1 miles of 345-kV transmission line)
- Nemadji River 1: Nemadji River site (26 acres) combined with eastern macro-corridor (Segments A and E – 3.7 miles of transmission line)
- Nemadji River 2: Nemadji River site (26 acres) combined with western macro-corridor (Segments A, B, C, and D – 5.5 miles of transmission line)

Figure 2-14 in the Final SEA provides the locations of the Project components. The NTEC project originally selected wet cooling for the project using ground water as the water source because of its efficiency benefits, economic advantages, and low environmental impacts. Due to concerns expressed by the Wisconsin Department of Natural Resources (WDNR) associated with withdrawing the quantities of groundwater required, Dairyland evaluated other water supply options, including utilization of municipal water, as well as dry cooling (see Section 2.5 of the Final SEA).

3. Alternatives Eliminated from Further Consideration

In addition to the No Action Alternative and Action Alternatives, Dairyland considered other locations for the Project in a siting study. **Section 2.1** of the Final SEA provides more detailed description of the siting study conducted for the Project. Additionally, **Section 2.7** of the Final SEA provides detail on additional technologies considered and eliminated from detailed study because they do not meet the purpose and need for the Project.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

A summary of anticipated effects on the human environment is provided in the EA. The following is a summary of the environmental consequences discussed in the Final SEA, which was conducted to assess potential impacts to air quality and GHGs and tribal environmental justice. Also, due to changes in species listing status over the course of the Project, RUS updated the endangered species consultation under Section 7 of the Endangered Species Act. The Project reached the determination of “May Affect, Not Likely to Adversely Affect” for the Northern Long-eared Bat.

Air Quality and Greenhouse Gases. During construction of the Project, small amounts of air pollutants, including GHGs, will be temporarily generated. Emissions from the expected construction equipment from diesel and gasoline combustion are estimated to be approximately 91,120 total tons CO₂e³ over the three-year construction period. These construction emissions will be temporary in nature, fall off rapidly with distance from construction areas, and be of insufficient quantity and duration to significantly contribute to potential climate change impacts. Once the construction activities are completed, construction-related emissions will cease. See **Section 3.2.2.1.1.** of the Final SEA for additional information on construction emissions.

Project Alternatives using the Western Transmission Route and/or the Hill Avenue Site will have a slightly longer transmission line, which will result in a slight increase in construction related GHG emissions as construction will likely take additional time to complete. During operations, emissions will be generated by the combustion turbine, auxiliary boiler, circuit breaker, natural gas heaters, emergency diesel fire pump, emergency diesel generator, and fuel piping components (see **Table 3-6** of the Final SEA).

A Best Available Control Technology (BACT) analysis was performed for GHG. A summary of the BACT emission limits and the associated control technologies for the combined-cycle combustion turbine are shown in **Table 3-3** of the Final SEA. BACT emission limits and associated control technologies for the auxiliary equipment are listed in **Table 3-4** of the Final SEA. BACT for GHG emissions from the combustion turbine was determined to be the use of natural gas as a fuel, monitoring and control of excess air, efficient turbine design, and an oxidation catalyst. Potential GHG emissions from the Project are shown in **Table 3-6** of the Final SEA. The PSD permit application (Appendix B) contains analyses/assessments regarding emissions of regulated pollutants, including GHG emissions, associated with the construction and operation of the Project.

Large sources of GHG emissions report annually to the WDNR on tons per year of actual emitted of CO₂ and N₂O GHGs. Based on the inventory shared on WDNR’s website,⁴ in 2021,

³ The construction emissions analysis included estimates for CO₂, CH₄, and N₂O emissions. As such, CO₂e is used to report the total estimated construction emissions.

⁴ <https://dnr.wisconsin.gov/topic/AirEmissions/Historical.html>

large reporting sources reported over 69,040,000 tons per year CO₂e in the state. Note that this is not comprehensive, as it does not include methane emissions from these sources, nor does it include other sources that did not trigger reporting per NR 438. When compared to the maximum potential to emit (PTE) of all GHG emissions (CO₂, N₂O, SF₆, and CH₄), assuming that the combustion turbines operate every hour of every day for a full year,⁵ the NTEC Project will emit only 3.9 percent of the GHG emissions in the State of Wisconsin.

In addition to CO₂ and methane, equipment containing SF₆ is proposed at each site. Each of the circuit breakers will contain SF₆. The circuit breakers are state-of-the-art and will be sealed and, therefore, SF₆ leakage will be minimized.

In accordance with the 2023 Interim CEQ GHG Guidance, RUS calculated the social cost of carbon (SC-CO₂) associated with the proposed Project, presenting both the Proposed Action Alternative and the No Action Alternative. See Section 3.2.2 of the Final SEA for the SO-CO₂ analysis methodology.

Annual SC-CO₂ values for the Project were estimated based upon CO₂ PTE calculations (Appendix C of the Final SEA). The SC-CO₂ was calculated for average discount rates of 5 percent, 3 percent, and 2.5 percent, as well as the 95th percentile estimate based on a 3 percent discount rate. The social cost estimates were summed to represent the total social cost of the Project from 2025 to 2050 as a present value of estimated SC-CO₂ in 2020 dollars. These values are shown in **Table 3-8** of the Final SEA. For the average discount rates, high to low over the analysis lifespan, the SC-CO₂ was calculated to be \$678 million, \$2.5 billion, and \$3.8 billion in 2020 dollars for the 5 percent, 3, percent and 2.5 percent discount rates, respectively. The SC-CO₂ for the 95th percentile, 3 percent discount rate was calculated to \$7.7 billion. Note that **Table 3-8** of the Final SEA was updated in response to EPA's comments on the Final SEA in Appendix A to reflect values based on metric tonnes. Previous versions of this table utilized U.S. short tons. Due to the PTE calculations representing a worst-case scenario, these cost values represent a conservative (*i.e.*, over-) estimation.

Additionally, annual SC-CO₂ values were calculated for the entire MISO West Region for scenarios that represent the region with and without the NTEC facility and associated displacement of coal-fired emissions. See Section **3.2.2** of the Final SEA for methodology. These values are presented in **Table 3-9** of the Final SEA. The addition of the Project into the MISO West Region has been modeled to support the reduction of total CO₂ emissions compared to the No Action Alternative (see Chapter 4 of the Final SEA, Cumulative Impacts) and therefore will also decrease the total projected SC-CO₂ values. For average discount rates over the analysis lifespan the reduction in the SC-CO₂ was calculated to be \$845 million, \$1.2 billion, and \$1.7 billion in 2020 dollars at the discount rates of 5 percent, 3 percent, and 2.5 percent, respectively.

⁵ It is not anticipated that the Project will operate every hour of every day for a year. As such, the emission estimate used is a conservative estimate of NTEC's share of total Wisconsin emissions (in that it over-estimates emissions from NTEC).

The reduction of SC-CO₂ over the analysis lifespan was \$3.5 billion in 2020 dollars for the 95th percentile of an applied 3 percent discount rate.

Construction and operation of the NTEC Project will result in an overall decrease in CO₂ emissions within MISO West. These reductions in the SC-CO₂, associated with the displacement of higher GHG producing coal facilities, will range from between \$845 million and \$3.5 billion, depending on the discount rate considered. Tables showing annual totals for both the Project emissions and the MISO West Regional Analysis are included in Appendix C of the Final SEA.

As part of the indirect impact analysis of the Project, RUS calculated upstream GHG emissions from the transportation of natural gas necessary for the operation of the Project. These losses are considered an indirect effect of the Project as NTEC will require natural gas to operate.⁶ The facilities transporting this gas are currently in-place, aside from the tap line to the plant, and are owned and operated by other entities. Additionally, because the Project is anticipated to displace a comparable level of electricity generation from coal fired facilities, the upstream emissions from the transportation of coal for coal fired operations were estimated to represent the No Action Alternative. See **Section 3.2.2.1.3.2** for a detailed methodology for calculating upstream emissions. Note that in response to comments from MCEA on the Final SEA in Appendix A, a clerical error was identified within **Section 3.2.2.1.3.2**. The natural gas leakage rate should read 16.9 lb CO₂e/MMBtu throughout this section. However, this clerical error does not affect the RUS conclusion that Proposed Project is anticipated to support the reduction of overall GHGs in the MISO West Region.

The Project's anticipated upstream emissions due to the transportation of natural gas is approximately 297,701 short tons of CO₂e per year. The No Action Alternative (continued reliance on existing coal plants) is anticipated to emit approximately 285,558 short tons CO₂e per year due to coal transportation.

Due to the clerical error in Final SEA Section 3.2.2.1.3.2 relating to the loss rate of natural gas (see Appendix F of the Final SEA), RUS re-examined the conservative assumption that the entirety of the 1.5 percent of upstream losses from natural gas could be attributed to transportation. In response to this discrepancy in upstream scope, RUS consulted the National Energy Technology Laboratory's (NETL) Upstream Dashboard Tool (v.3)⁷ for an emission factor that represents natural gas leakage emissions from transportation only. When utilizing this emission factor (9.26 lb CO₂e/MMBtu), the anticipated annual CO₂e emissions are approximately 163,132 short tons per year. Therefore, RUS maintains that the project will ultimately support the reduction of GHG emissions in the MISO West region.

The American Gas Association states that total methane annual emissions declined 16 percent between 1990 and 2019. It is expected that this reduction in methane emissions will continue with ongoing industry and government programs aimed at further reducing leakage from the natural gas system nationwide, including the system providing natural gas to the proposed

⁶ The natural gas pipeline is not considered part of the Proposed Action. Losses are considered an indirect effect.

⁷ <https://www.netl.doe.gov/energy-analysis/details?id=756>

NTEC facility. NTEC will be in compliance with these programs including New Source Performance Standards, issued by the EPA, and codified in 40 CFR Part 60, for existing and new oil and gas facilities. Over time, RUS believes the upstream emissions associated with the NTEC facility will be further reduced from current estimates.

Tribal Environmental Justice. No direct impacts to tribes are anticipated. No construction or facilities will be located on tribal lands, and no impacts to traditional cultural properties (TCPs) or Native American cultural sites are anticipated.

The Proposed Action will increase GHG emissions in the immediate Project vicinity. While the Proposed Action will cause GHG emissions in the direct vicinity, climate change occurs on a global scale. No guidelines or thresholds for local climate impacts due to localized GHG emissions have been developed or identified by the US EPA. There are no NAAQS or health exposure thresholds for GHGs. While criteria pollutants such as NO_x, SO₂, CO and particulates cause localized health impacts, GHGs have effects on the global carbon cycle and cause system-wide changes.

The Proposed Action is not anticipated to require additional oil or gas development. The Proposed Action will use existing, developed sources for natural gas. As such, the Proposed Action will not contribute to a need for development boom circumstances linked to increases in criminal activity, including human trafficking.

As discussed in Section 3.3.1.1 of the Final SEA, approximately 180 Ojibwe burials were moved from the Wisconsin Point Cemetery to the St. Francis Cemetery around 1918-1919. As noted in the October 2020 EA, the St. Francis Xavier Cemetery will not be impacted by the Project.

Due to safety concerns, Native American access to lands for hunting, fishing, and gathering may be temporarily curtailed or restricted during Project construction. Fishing access to the Nemadji River is provided at 18th Street and 11th Street. There are also several hunting areas owned by the City of Superior and Douglas County within the Study Area that may be used by Native Americans (along with the general public) to access local resources (Figure 3-3 of the Final SEA). The fishing access at 18th Street and the Nemadji canoe launch are accessed from roads that are also used to access the Nemadji River Site. They are near the transmission routes south of the Nemadji River Site.

Though not directly crossed, the access may be limited or temporarily closed for safety reasons during construction of facilities through temporary road closures. There may be temporary increased noise during Project construction. There may be increased traffic and noise near the fishing access at 18th Street during operation. Traffic during operation of the Project will increase vehicles on nearby roads but is not anticipated to significantly increase traffic due to the number of employees anticipated or reduce access to these facilities.

The Preferred Site is not located within a hunting area. The transmission line route south of the Nemadji River Site will require clearing woodland in a portion of the Allouez Area Parcel 1

hunting area, the Itasca Area hunting area, and the Annex hunting area. The route generally follows existing transmission line and natural gas line through these parcels, however. Clearing will remove woodland habitat and result in a minor change to the habitat mix on these areas. For safety reason, access to all or portions of these areas may also be controlled during construction. Once completed, access to these areas will be restored.

RUS has determined that a finding of no adverse effect in accordance with 36 CFR § 800.5(b) is appropriate for this undertaking. RUS provided its determination of no adverse effect to consulting parties on August 11, 2023. RUS received responses from the Fond du Lac Band of the Minnesota Chippewa and the Wisconsin Historical Society on August 11, 2023, and August 14, 2023. The Fond du Lac Band indicated that it believed that the Saint Francis Xavier Cemetery will be adversely affected by the project. The SHPO requested a refreshed review of background information.

RUS met with the Fond du Lac Band Tribal Historic Preservation Officer (THPO) on August 22, 2023. During the conversation, RUS discussed the importance of the Saint Francis Xavier Cemetery to the Fond du Lac Band of the Minnesota Chippewa. RUS indicated that any objection to the determination of effect should be expressed in terms of National Register of Historic Places (NRHP) nominating criteria. At the end of this meeting, RUS and the Fond du Lac Band THPO were in agreement on this issue. On August 23, 2023, the Fond du Lac Band THPO provided refined boundary information about areas of concern and stated that they were preparing comments to address NRHP eligibility. No additional comments were received from the Fond du Lac Band.

RUS provided updated background information to the Wisconsin State Historic Preservation Officer (SHPO) on September 1, 2023. These results indicated that RUS had considered all known resources within the project's APE. Accordingly, RUS indicated to SHPO that its determination of effect, made August 11, 2023, considered all relevant resources. Therefore, RUS considered the SHPO's request administrative rather than substantive and indicated that the review period began August 11, 2023. No additional comment was received from SHPO. RUS received no substantive comments relative to the determination that the Project will result in no adverse effect to historic properties.

No environmental justice (EJ) communities were identified in the Project Study Area (Table 3-12 of the Final SEA). Census Tract 210 is no longer considered to be in an EJ low-income area as it was in the EA based on EJSCREEN 2.0. Additionally, as part of RUS investigations using the Climate and Economic Justice Screening Tool, none of the census tracts in the Study Area meet any burden thresholds or socioeconomic thresholds that will identify the tract as disadvantaged. Because no EJ communities were identified in the Study Area, the Project will not have disproportionately high and adverse impacts on EJ communities.

E. PUBLIC AND AGENCY INVOLVEMENT

Local newspaper notices announcing the availability of the Revised SEA were published on July 28 and August 4, 2023, in the Superior Telegram. A copy of the Revised SEA was available for public review at the following libraries:

- Superior Public Library, 1530 Tower Avenue, Superior, WI 54880
- La Crosse Public Library, 800 Main Street, La Crosse, WI 54601
- Murphy Library Resource Center University of Wisconsin – La Crosse, 1631 Pine Street, La Crosse, WI 54601

The Red Cliff Band requested an extension of the comment period on the Revised SEA on August 28, 2023. RUS extended the public comment period to September 10, 2023. RUS received over 3,600 comments on the Revised SEA. A summary of comments received, and RUS responses are in Appendix F of the Final SEA.

F. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, SEA, and Final SEA, RUS has concluded that the proposed Project will have no significant effects to land use and important farmland, floodplains, wetlands, water resources, coastal resources, biological resources, cultural resources and historic properties, aesthetics, air quality, socioeconomic/environmental justice, miscellaneous issues (noise, transportation), human health and 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 CEQ Regulations, and RD's Environmental Policies and Procedures, RUS has determined that the environmental effects 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, including compliance with permits related to the Project. Because RUS action will not result in significant impacts to the quality of the human environment, an Environmental Impact Statement will not be prepared for 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 in accordance with NEPA and RD's Environmental Policies and Procedures (7 CFR Part 1970). The ultimate decision as to 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 is also subject to the availability of loan funds for the designated purpose in RUS' 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 on signature.

Dated:

**ANDREW
BERKE**

Digitally signed by ANDREW
BERKE
Date: 2023.12.06 10:57:26
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**Andrew Berke
Administrator
Rural Utilities Service**

Contact Person

For additional information on this FONSI and the EA, SEA, and Final SEA, please contact Terry Czerwien, Environmental Protection Specialist, USDA, Rural Utilities Service, Environmental and Historic Preservation Division, 1400 Independence Avenue, SW, Washington DC 20250, e-mail: NTEC.RSEA@usda.gov.