

MEMORANDUM OF AGREEMENT

PURSUANT TO 36 CFR PART 800 BETWEEN THE TENNESSEE VALLEY AUTHORITY AND THE ALABAMA STATE HISTORIC PRESERVATION OFFICER

FOR THE DISPOSAL OF LAND ON TVA'S MUSCLE SHOALS RESERVATION

COLBERT COUNTY, ALABAMA

WHEREAS the Tennessee Valley Authority (TVA) proposes the disposal of approximately 1,400 acres of land on TVA's Muscle Shoals Reservation (MSR) in Colbert County, Alabama (the "undertaking"); and

WHEREAS the Federal property on the MSR that is the subject of this undertaking (hereinafter the "MSR property") includes the area bounded by Second Street to the South, Hatch Boulevard to the West, Wilson Dam Road to the East, and is generally bounded by Reservation Road to the north with the exception of two areas surrounding TVA's Western Area Radiological Building and TVA's Multi-Purpose Building Complex; and

WHEREAS TVA, in consultation with the Alabama State Historic Preservation Officer (AL SHPO), has delineated the area of potential effects (APE), as that term is defined in 36 CFR § 800.16(d), for this undertaking to be the approximately 1,400 acres proposed for transfer; and

WHEREAS TVA has documented the boundary of that APE on topographic maps attached to this MOA and made a part of it by reference as Appendix A; and

WHEREAS TVA, in consultation with the AL SHPO, has found that 51 historic properties eligible for listing in the National Register of Historic Places (NRHP) are located within the boundary of the APE. These eligible properties are enumerated in Appendix B and shown on a topographic map as Appendix C, both made a part of this Memorandum of Agreement (MOA) by reference; and

WHEREAS consistent with the documentation standards in 36 CFR § 800.11(e), TVA has provided to the AL SHPO and other consulting parties, documentation of the adverse effect this undertaking may have on the aforementioned eligible historic properties; and

WHEREAS archaeological site identification and evaluation studies have been conducted and there are no known prehistoric archaeological sites eligible for listing in the NRHP and no known Native American sacred sites or human remains within the APE;

WHEREAS the cities surrounding the MSR property, including the cities of Florence, Muscle Shoals, Sheffield, and Tuscumbia, have expressed interest in redevelopment of the MSR property and the redevelopment of such property is consistent with TVA's economic development mission; and

WHEREAS the former United States Nitrate Plant No. 2 (hereinafter "USNP2") was built during World War I on the MSR property, but following the war was idle until the creation of TVA in 1933 (hereinafter this general period from World War I until 1933 is referred to as the "first

architectural period,” being generally defined as those buildings constructed in the industrial army vernacular style and having the following character defining features: precast concrete sills and lintels, low slope roofs with monitor and clerestory, hollow clay tile masonry with brick quoins, exposed structural steel framing, and hopper windows); and

WHEREAS the USNP2 became, upon the creation of TVA in 1933, the nucleus of the agency’s National Fertilizer Development Center (NFDC); and

WHEREAS the fertilizer development and production operations at NFDC were scaled back in 1990 and by 1998 had largely ceased (hereinafter the general period from 1933 to 1998 is referred to as the “second architectural period,” being generally defined as those buildings constructed in the international style and having the following character defining features: linear rectangular massing, flat roofs, asymmetrical façades, windows which are set flush with the outer walls, and precast concrete window surrounds); and

WHEREAS the cities and counties surrounding the MSR property, including the cities of Florence, Muscle Shoals, Sheffield, and Tusculumbia and Colbert and Lauderdale counties, joined together to create the Northwest Alabama Cooperative District (NACD) pursuant to Alabama Code § 11-99B, and the NACD and the Historic Sheffield Commission have been provided the opportunity to review this MOA; and

WHEREAS TVA will/ retain ownership and monitoring responsibility of approximately 64 acres of land designated as solid waste management units, and these areas are shown as excluded from the MSR in topographic maps attached to this MOA and made a part of it by reference as Appendix A; and

NOW, THEREFORE, TVA and AL SHPO agree that the undertaking shall be implemented in accordance with the following stipulations to satisfy TVA’s responsibilities under Section 106 of the *National Historic Preservation Act* (NHPA). TVA’s Federal Preservation Officer, or the designee thereof, shall act for TVA in all matters concerning the administration of this Agreement.

STIPULATIONS

TVA shall ensure that the following stipulations are implemented:

1. INVENTORY AND CURATION OF ALL ORIGINAL RECORDS

TVA shall inventory all original records associated with the design, construction, and operation of the USNP2, and all NFDC facilities, comprised of buildings of the first and second architectural periods. Additionally, TVA shall catalog these records in a searchable electronic database. TVA shall provide the original materials and the database to the Special Collections Department of Collier Library at the University of North Alabama so that these records are curated consistent with the standards in 36 CFR Part 79. TVA shall complete the cataloging tasks associated with Stipulation 1 within two (2) years of the effective date of this MOA.

2. PREPARATION OF HISTORIC DISTRICT NOMINATION FORMS

TVA shall prepare a NRHP Registration Form (NPS 10-900) for the United States Nitrate Plant No. 2/National Fertilizer Development Center Historic District. The nomination form and supporting information shall be prepared by individuals who meet the professional qualification standards as published in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. TVA shall complete the task associated with Stipulation 2 and submit the Registration Form to the Alabama Historical Commission and the keeper of the NRHP prior to the transfer of the MSR property, in whole or in part. TVA shall submit an annual report updating the status of this stipulation to the consulting parties.

3. COMPREHENSIVE PLAN, DESIGN GUIDELINES, AND ARCHITECTURAL CONTROLS

A comprehensive master plan for the redevelopment of the MSR Property (hereinafter "Redevelopment Plan") will be formulated and developed by TVA in partnership with the NACD and/or other appropriate local governments or development entities, with opportunities for public input and with input from AL SHPO. The Redevelopment Plan shall include design guidelines for new construction located within a reasonable distance from those buildings listed in Appendix B as being associated with Stipulation 3, requiring any such construction to be compatible with the massing, size, scale, and character that define architectural features of the first and second architectural periods. Additionally, the Redevelopment Plan shall incorporate architectural controls for those buildings listed in Appendix B as being associated with Stipulation 3, based on the Secretary of the Interior's Standards for the Treatment of Historic Properties as defined in 36 CFR Part 68. These design guidelines and architectural controls will be made a part of any instrument that transfers the property out of federal ownership and will be enforceable by TVA and/or potentially by appropriate local government(s) or local historic commissions. TVA shall complete the tasks associated with Stipulation 3 prior to the transfer of the MSR property, in whole or in part. TVA shall submit an annual report updating the status of this stipulation to the consulting parties.

4. DOCUMENTATION OF PROPERTIES NOT ADDRESSED IN STIPULATION 3

TVA shall prepare Historic American Building Survey (HABS) Level II Documentation for those properties identified in Appendix B as being associated with Stipulation 4. This level of documentation shall include:

- a. Selected existing drawings of primary plans, elevations, and details in digital format and printed as ink on archival material;
- b. Selected photographs of each principal elevation and all significant interior spaces in digital format with large format negatives and 8"X10" archival prints; and
- c. Selected history and description of each building (one page) printed as ink on archival paper.

TVA shall curate any documentation produced as a result of this stipulation with the Special Collections Department of Collier Library at the University of North Alabama. TVA shall complete the tasks associated with Stipulation 4 within two (2) years of the effective date of this MOA.

5. CONDITION SPECIFIC ASSESSMENTS

Until such time as all properties listed in Appendix B and referenced in Stipulation 3 have been transferred from Federal ownership in accordance with the terms of this agreement, TVA will provide architectural and structural condition assessments, including information on the status of the project and property disposal, every three (3) years to the signatories to enable them to verify implementation of the terms of this MOA and to determine whether amendments are required.

6. ORAL HISTORY OF WILSON VILLAGE NO. 2

Historic archaeological sites 1CT500 and 1CT575 have been identified as the remains of Wilson Village No. 2 and are eligible for listing in the NRHP. The proposed undertaking will have an adverse effect on sites 1CT500 and 1CT575. Both archaeological sites have had extensive survey and recordation. To augment the archaeological and documentary information on Wilson Village No. 2, TVA will collect oral histories from a sample of the remaining inhabitants of Wilson Village No. 2. These oral histories shall be transcribed and collated into a descriptive report within two (2) years of the effective date of this MOA and curated with the Special Collections Department of Collier Library at the University of North Alabama.

7. TRANSFER OF PROPERTY FROM FEDERAL OWNERSHIP

In any document produced in connection with the sale or transfer of the MSR property, such as: the preliminary Request for Interest, Request for Proposal, or other bid solicitation, TVA shall include the following information:

- a. Information on the history of the MSR property and the first and second architectural periods, including detailed information on character defining features;
- b. Information on known applicable federal, state, and local tax incentives for the re-development of historic properties;
- c. Information indicating that the design guidelines and architectural controls specified in the Redevelopment Plan will be included as part of the transfer instrument as restrictions and/or covenants.

In developing the above referenced information, TVA shall solicit the advice and assistance of the AL SHPO.

8. CHANGES IN PROJECT SCOPE

Should TVA change the project scope subsequent to the execution of this MOA, TVA, in consultation with the AL SHPO, will assess the APE and revise if applicable, identify and

evaluate any new historic properties within that revised APE (or properties not otherwise addressed under this MOA), and further consult with AL SHPO to assess project related effects to any historic properties determined eligible for listing in the NRHP and to resolve any adverse effect.

9. ADMINISTRATIVE CONDITIONS

- a. If TVA has not implemented stipulations 1 through 6, in whole or in part, within ten (10) years from the date of this MOA's execution, the parties shall discuss an extension to this MOA. If agreement cannot be reached on an extension, this MOA shall be terminated. Upon termination of this MOA, TVA and the AL SHPO will resume consultation pursuant to 36 CFR §§ 800.3 through 800.7 to resolve any adverse effects upon historic properties resulting from the undertaking.
- b. The signatories of this MOA may agree to amend the terms of the MOA. Such amendment will take the form of an Amended MOA, and it shall be effective upon being signed by TVA and the ALSHPO. This MOA will be appended as an attachment to the Amended MOA.
- c. Should the AL SHPO object within thirty (30) days after receipt of any documents provided for review pursuant to this MOA, TVA shall consult with AL SHPO to resolve the objection.
- d. If signatories to this MOA object on the basis that the terms of this MOA cannot be carried out, or are not being carried out, the signatories shall consult to seek an amendment to the MOA that will resolve this objection. Signatories may terminate the MOA by giving written notice to TVA thirty (30) days prior to such termination. TVA shall either execute a new MOA pursuant to 36 CFR § 800.6(c) or request the comments of the Advisory Council on Historic Preservation pursuant to 36 CFR § 800.7(a).

The execution of this MOA by TVA and AL SHPO, and implementation of its terms, evidence that TVA has taken into account the effects of the undertaking on historic properties, and TVA has complied with its obligations under Section 106 of the *NHPA*.

Muscle Shoals Reservation Land Disposal

SIGNATORIES:

TENNESSEE VALLEY AUTHORITY

By: Anda A. Ray Date: 7/22/11

Anda A. Ray, Senior Vice President and Senior Policy Official, Environment and Technology

THE ALABAMA STATE HISTORIC PRESERVATION OFFICER

By: Elizabeth Ann Brown, Deputy Date: September 9, 2011

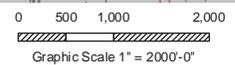
Frank White, Executive Director and Alabama State Historic Preservation Officer



Tennessee Valley Authority

Muscle Shoals Reservation Area of Potential Effect

August, 2010



Area of Potential Effect

APPENDIX B

MSR BUILDINGS AND STRUCTURES ELIGIBLE FOR LISTING IN THE NRHP

LINE ITEM NO.	RESOURCE NAME	TVA BUILDING/ STRUCTURE NO.	ASSOCIATED WITH MOA STIPULATION 3	ASSOCIATED WITH MOA STIPULATION 4
1	CHEMICAL FEED HOUSE	01A	YES	NO
2	FILTER BUILDING	01B	NO	YES
3	OLD FILTRATION BUILDING	01C	NO	YES
4	RESERVOIR PUMPING STATION	01D	NO	YES
5	WATER TANK	02	NO	YES
6	DRUM STORAGE AREA BUILDING	05	NO	YES
7	R/M LAB	06	NO	YES
8	POWER SERVICE SHOP NO. 2	16	YES	NO
9	ENVIRONMENTAL RESEARCH CENTER BLDG.	17A	YES	NO
10	SERVICE BUILDING	17B	YES	NO
11	OLD MEDICAL BUILDING	21	YES	NO
12	L/N BUILDING	22	YES	NO
13	WAREHOUSE Z	25	YES	NO
14	CHEMICAL PLANT WAREHOUSE	35	YES	NO
15	MACHINE SHOP	37	YES	NO
16	ENGINEERING LAB	39	YES	NO
17	SHEETMETAL SHOP	41	YES	NO
18	PIPE SHOP	42	YES	NO
19	PROJECT OPERATIONS BATH HOUSE	44	YES	NO
20	PILOT PLANT BUILDING	47	NO	YES

APPENDIX B

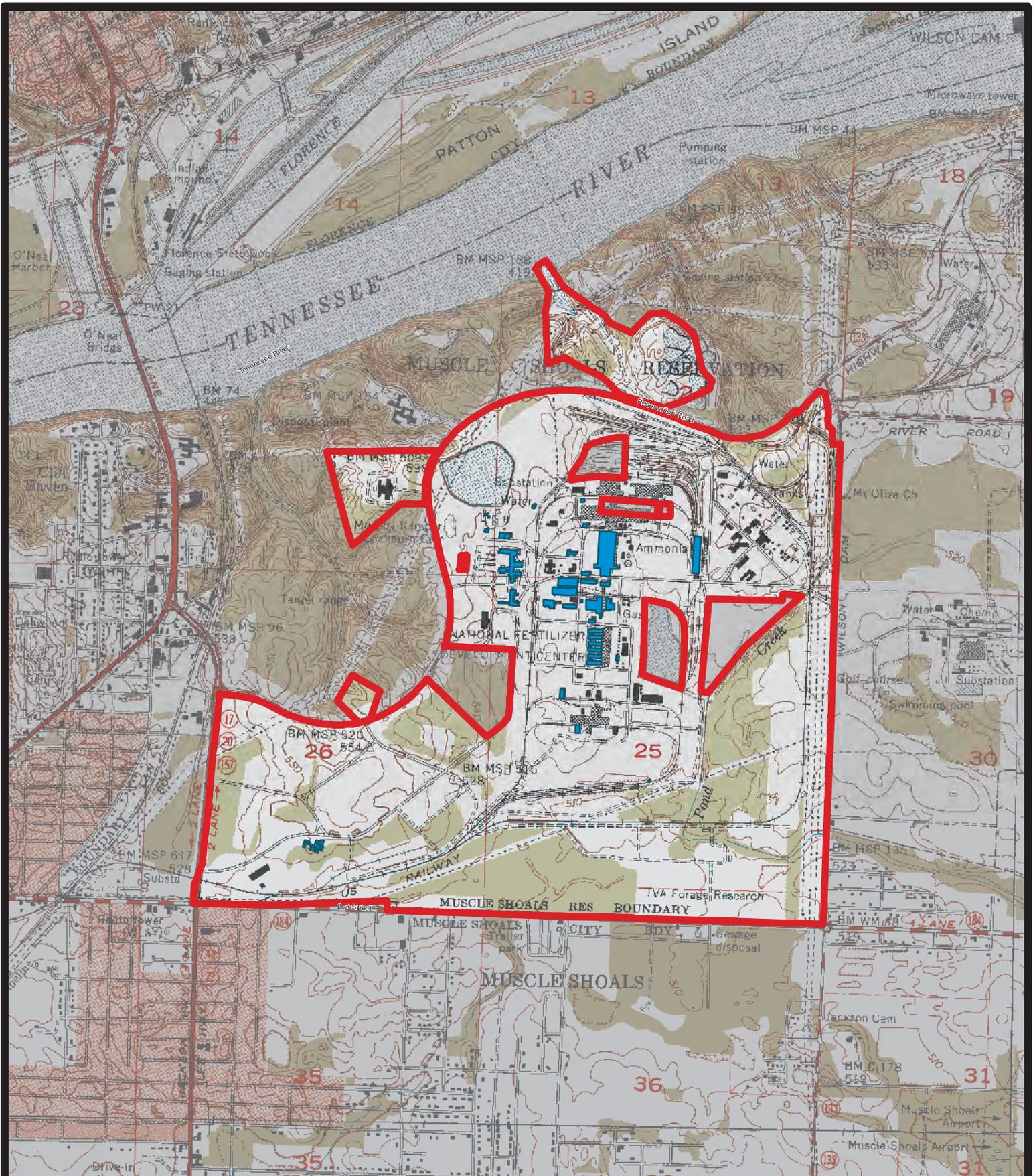
MSR BUILDINGS AND STRUCTURES ELIGIBLE FOR LISTING IN THE NRHP

LINE ITEM NO.	RESOURCE NAME	TVA BUILDING/ STRUCTURE NO.	ASSOCIATED WITH MOA STIPULATION 3	ASSOCIATED WITH MOA STIPULATION 4
21	PAINT STORAGE BUILDING	48	NO	YES
22	AUTOCLAVE BUILDING	50	NO	YES
23	TIN SHOP	53	YES	NO
24	GRINDING BUILDING	54	NO	YES
25	BOILER HOUSE AND STACK	56	YES (STACK)	NO
26	SUBSTATION NO. 2	57	YES	NO
27	SUBSTATION NO. 4	68	YES	NO
28	SUBSTATION NO. 5	72A	YES	NO
29	SUBSTATION NO. 6	74A	YES	NO
30	CATALYZER BUILDING NO. 1	69	YES	NO
31	CATALYZER BUILDING NO. 2	70	YES	NO
32	CATALYZER BUILDING NO. 3	71	YES	NO
33	CATALYZER BUILDING NO. 4	72	YES	NO
34	CATALYZER BUILDING NO. 5	73	YES	NO
35	CATALYZER BUILDING NO. 6	74	YES	NO
36	NITRIC ACID STORAGE TANK 1	76A	NO	YES
37	NITRIC ACID STORAGE TANK 2	76B	NO	YES
38	3A BUILDING	79	YES	NO
39	5A BUILDING	81	YES	NO
40	GREEN HOUSE COMPLEX - HEAD HOUSE	118A	YES	NO

APPENDIX B

MSR BUILDINGS AND STRUCTURES ELIGIBLE FOR LISTING IN THE NRHP

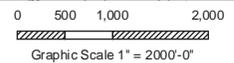
LINE ITEM NO.	RESOURCE NAME	TVA BUILDING/ STRUCTURE NO.	ASSOCIATED WITH MOA STIPULATION 3	ASSOCIATED WITH MOA STIPULATION 4
41	GREEN HOUSE COMPLEX - GREENHOUSE 1	118B	YES	NO
42	GREEN HOUSE COMPLEX - GREENHOUSE 2	118C	YES	NO
43	GREENHOUSE COMPLEX - GREENHOUSE 3	118D	YES	NO
44	GREENHOUSE COMPLEX - PERIPHERAL STR. 1	118E	NO	YES
45	GREENHOUSE COMPLEX - PERIPHERAL STR. 2	118F	NO	YES
46	GREENHOUSE COMPLEX - PERIPHERAL STR. 3	118G	NO	YES
47	GREENHOUSE COMPLEX - PERIPHERAL STR. 4	118F	NO	YES
48	CUBA YARD RR SCALE HOUSE	93	NO	YES
49	SIDEWALKS	N/A	NO	YES
50	FLUME, WATER PLANT	N/A	NO	YES
51	BUS BAR TERMINAL	N/A	YES	NO



Tennessee Valley Authority

Muscle Shoals Reservation NRHP Eligible Buildings/Structures

August, 2010



-  Area of Potential Effect
-  NRHP Eligible Buildings and Structures