

Technical Appendix

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Public Involvement Plan

PUBLIC INVOLVEMENT PLAN

March 12, 2009

*Byhalia Road (Partial State Route 175) from
Holmes Road to State Route 385 (Bill Morris
Parkway) in Collierville, Shelby County,
TDOT PIN 108916.00*



The Town of Collierville
In coordination with the
Tennessee Department of Transportation
NEPA Documentation Office
Environmental Division

Please contact Mr. Joe W. Matlock NEPA DO ED TDOT at (615) 741-5365
or by E-Mail (joe.matlock@state.tn.us)

Or

Mr. Frank McPhail Town of Collierville at (901) 457-2340
or by E-Mail (fmcpfail@ci.collierville.tn.us)
if you have any questions.

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Introduction

The Town of Collierville in coordination with the Tennessee Department of Transportation (TDOT) is proposing to improve Byhalia Road (partial SR-175) between Holmes Road and SR-385 (Bill Morris Pkwy) for enhanced regional and local transportation mobility. The project is located in southeast Shelby County in the Town of Collierville and within the Memphis Metropolitan Area.

This public involvement plan was prepared according to TDOT's Public Involvement Plan for projects in the Level 2 Category. The Level 2 classification constitutes projects that require completion of a Categorical Exclusion.

The goals and objectives of this plan are to:

Create an open and visible decision-making process to which stakeholders have equal access and input.

Provide a method by which stakeholders are informed and have an understanding of the process, issues, and possible solutions from the perspectives of various interests. Include public comments throughout the decision-making process.

The methods that will be used to achieve the public involvement goals and objectives are outlined in this plan. The plan provides a detailed description of the project area discusses stakeholders and public group outreach methods, outlines the coordinated activities that will involve the public in the development process, provides a schedule of events, and outlines a reevaluation and revision process for this plan.

Project Description

The project begins at Holmes Road on the south and ends at SR 385 (Bill Morris Pkwy) on the north. The project has a total length of approximately 1.73 miles and includes the following segments:

- Segment 1 – Resurfacing an existing 2-lane open shoulder section of Byhalia Road just north of Holmes Road. This segment is contained within existing right-of-way, is approximately 0.30 miles in length and acts as a transition into segment 2.
- Segment 2 – Resurfacing an existing 5-lane curb and gutter section of Byhalia Road bordered by the Southridge subdivision on the west and Estanaula Trails subdivision on the east. The typical section for this segment will include two 11'-0" wide (minimum) lanes in each direction with the outside lane in each direction being 13'-0" wide to allow for a bicycle lane. It will also include a 12'-0" wide continuous two-way left turn lane (CTWLTL) in the middle. This segment is contained within existing right-of-way, is approximately 0.45 miles in length, has existing 5'-0" wide sidewalks on each side, and 40' wide landscape easements on each side.
- Segment 3 – Widening an existing 2-lane open shoulder section of Byhalia Road south of E. Shelby Drive to a 5-lane curb and gutter section with 5'-0" wide sidewalks on each side. The typical section would be the same as Segment 2 with a proposed right-of-way width of 84'-0". The amount of proposed right-of-way required for this segment is 1 acre (65% is to be dedicated). The segment is

approximately 0.24 miles in length and contains a section along the west side bordering the Southridge subdivision that has already been widened. It also includes a proposed 40' wide landscape easement on both sides.

- Segment 4 – Widening an existing 2-lane open shoulder section of Byhalia Road (SR-175) north of E. Shelby Drive to a 6-lane curb and gutter section with a 28'-0" wide raised median and a proposed right-of-way width of 115'-0". The amount of proposed right-of-way required for this segment is 5.3 acres (84% is to be dedicated). The typical section for this segment will include three 12'-0" wide lanes in each direction with the outside lane being 16'-0" wide to allow for a bicycle lane. Median openings and a 12'-0" wide left turn lane will be provided at each side road. This segment is approximately 0.85 miles in length and contains a section along the east side bordering the Preserve at Oak Grove subdivision (Oak Grove PD Phase 1) that has already been widened. It also includes a proposed 40' wide landscape easement on both sides.
- Segment 5 – Extension of E. Shelby Drive (proposed SR-175) from Woodgrove subdivision (Oak Grove PD Phase 4) on the west side of Byhalia Road to connect with the intersection of Byhalia Road and E. Shelby Drive on the east side of Byhalia Road. The typical section for this segment will include three 12'-0" wide lanes in each direction, an 18'-0" wide raised median, 5'-0" wide sidewalks on each side and a proposed right-of-way width of 114'-0". The amount of proposed right-of-way required for this segment is 2.6 acres (51% is to be dedicated). This segment is approximately 1,000' in length and will remove the existing 300' offset between the two intersections of Shelby Post Rd. (SR-175)/E. Shelby Drive and Byhalia Road making it a much safer single intersection.
- Segment 6 – Widening E. Shelby Drive from Byhalia Road (SR-175) to Deep Woods Road which has been widened on the north side already. The typical section for this segment will include three 12'-0" wide lanes in each direction, an 18'-0" wide raised median, 5'-0" wide sidewalks on each side and a proposed right-of-way width of 114'-0". The amount of proposed right-of-way required for this segment is 0.6 acres (100% is to be dedicated). This segment is approximately 700' in length and will include 40' wide landscape easements on each side.

Alternatives considered for the project: include the above Build Alternative and a No-Build Alternative.

Stake Holders and Customers

A database comprised of residents, elected officials, businesses and institutions in the general project area will be created. The database's primary use involves meeting and hearing notifications, as well as documentation and tracking of public comments.

Determination of special outreach populations will be made using U.S. Census data, field reviews and information provided by local government or other knowledgeable local organizations. Once populations are identified, measures will be taken to make sure they have access to information and the ability to make comments despite their race, religion, age, income or disability.

Outreach Techniques

Media Relations Plan

The Town of Collierville will coordinate all media contact and draft meeting/hearing notices for publication. Notices will include the general project location map and text explaining the purpose of the meeting/hearing and its location and time.

Public Meetings

The first Public Meeting was held at Collierville's Town Hall on May 5, 2009. The meeting began at 5:00 pm with an introduction from the Town Engineer, Matt Thomson and a few words from the Town Mayor, Stan Joyner. A formal presentation, using PowerPoint slides for illustration, was given by Patrick Neal, Project Manager for Pickering, Inc. and Joe Matlock representing TDOT's Environmental Division. Multiple sets of project area mapping, which show the corridor that will be studied, were placed on easels outside the chambers in the lobby. Representatives of The Town of Collierville, Pickering and TDOT were available to answer questions. The public was asked to complete comment cards and return them to the Town of Collierville at the meeting or following the meeting within the 21-day comment period. A court reporter was in attendance to record verbal comments.

Public Hearing

If required by FHWA a public hearing will be held to give the public an opportunity to offer comments on the project and the findings of the CE. The hearing is anticipated to combine the open house format and a formal presentation with question and answer session. A question-and-answer session will be afforded to those in attendance. Staff will also be available to answer questions. Tables throughout the room will contain project mapping.

TDOT Website Postings

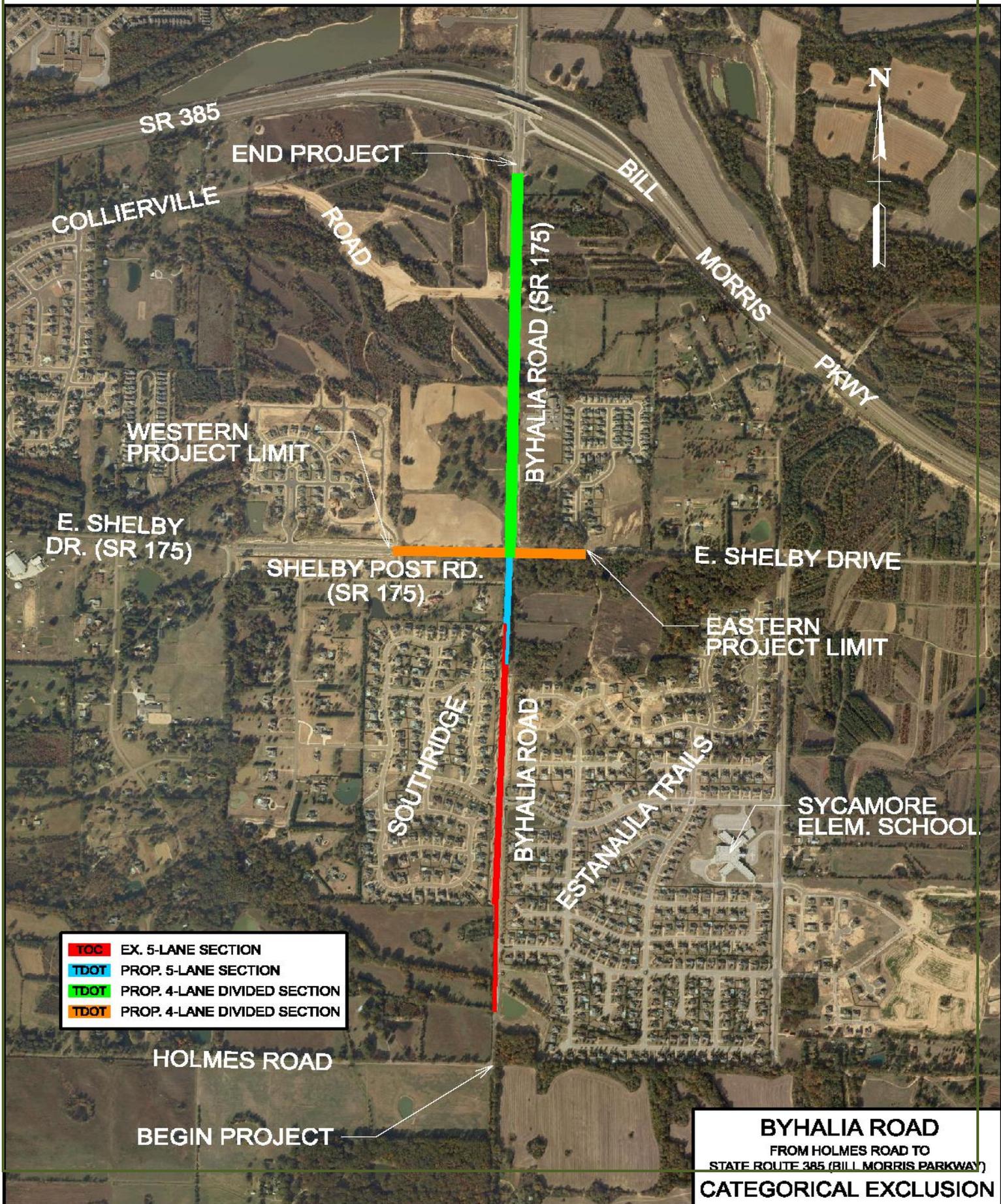
TDOT will post in a PDF format general location mapping, initial coordination summary, the approved CE, public hearing/meeting notices and summaries; press release for the selection of the preferred alternative and other pertinent information.

Schedule

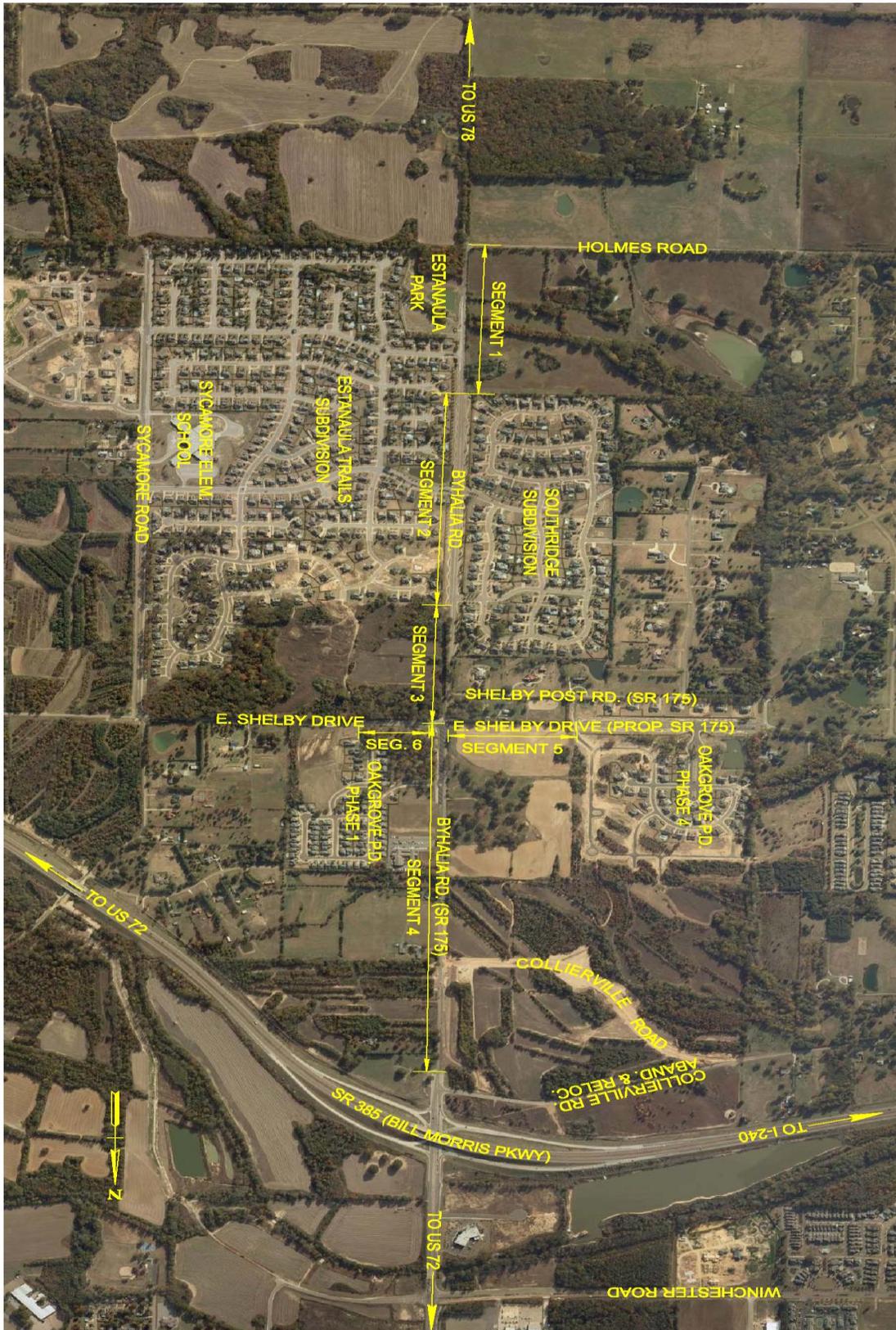
A public meeting and a public hearing must be scheduled. Locations for such meetings will be identified by the Town and coordinated with the Environmental Division and the TDOT Community Relations staff. Any other public meeting will be scheduled and held as needed.

EVENT	TENTATIVE DATE	SUGGESTED TIME	LOCATION
Work Session	April 27, 2009	5:00 PM	Town Hall
Public Meeting	May 5, 2009	5:00 – 7:00 PM	Town Hall
Public Hearing	TBA	5:00 – 7:00 PM	TBA

Project Location Map



Preliminary Plans and Drawings



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<p>FIGURE 1</p>	<p>BYHALIA ROAD WIDENING</p>		 <p>Pickering Firm Incorporated</p>	<p>Architecture Planning Management Engineering 6775 Lenox Center Court Memphis, TN 38115 901.726.0810 901.272.6911 fax</p>
	<p>DESCRIPTION OVERALL VIEW</p>	<p>PROJECT # 23058.00</p>		
	<p>SCALE N.T.S.</p>	<p>DATE 1/16/2009</p>		



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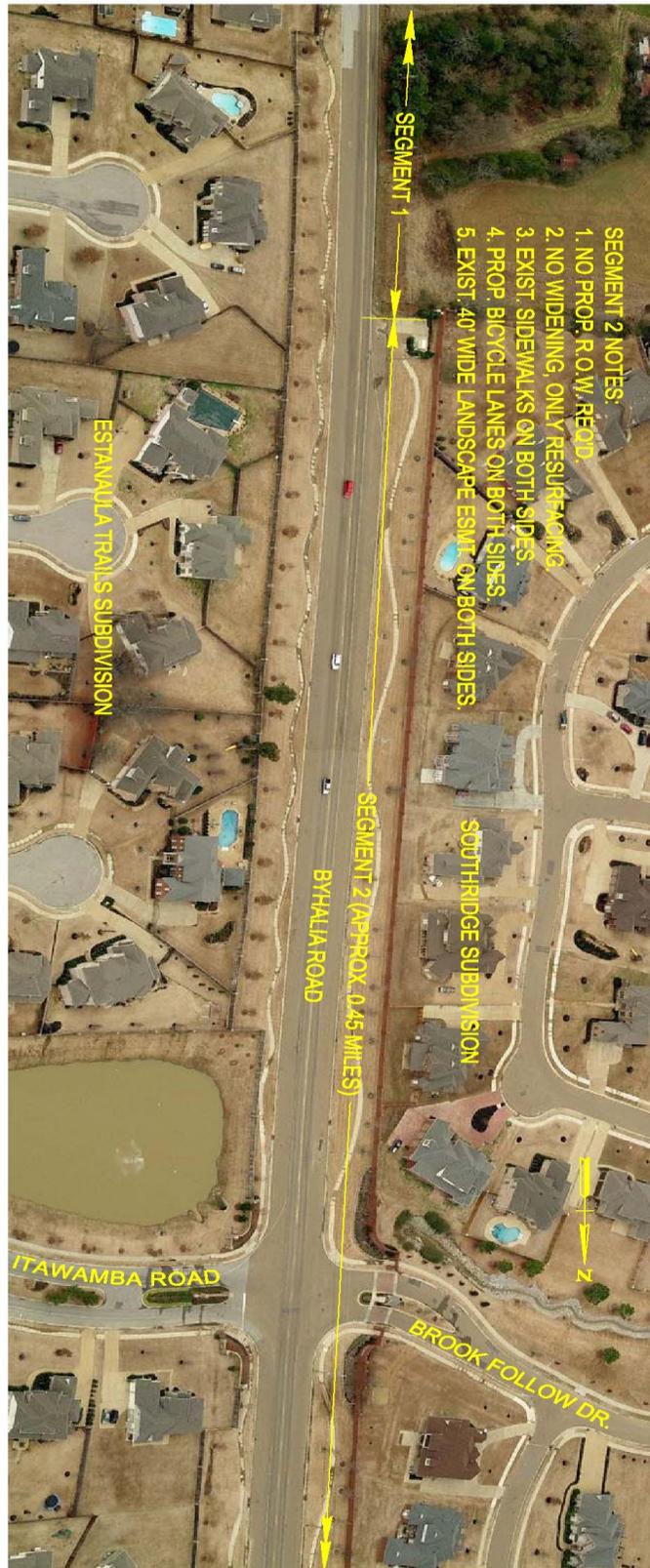
FIGURE 2

BYHALIA ROAD WIDENING

DESCRIPTION	PROJECT #
SEGMENT 1	23058.00
SCALE	DATE
N.T.S.	1/16/2009



Architecture Planning
 Management Engineering
 6775 Lenox Center Court
 Memphis, TN 38115
 901.726.0810
 901.272.6911 fax



- SEGMENT 2 NOTES:**
1. NO PROP. R.O.W. REQ'D
 2. NO WIDENING, ONLY RESURFACING
 3. EXIST. SIDEWALKS ON BOTH SIDES
 4. PROP. BICYCLE LANES ON BOTH SIDES
 5. EXIST. 40' WIDE LANDSCAPE ESMT. ON BOTH SIDES

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FIGURE 3	BYHALIA ROAD WIDENING		 <p>Architecture Planning Management Engineering 6775 Lenox Center Court Memphis, TN 38115 901.726.0810 901.272.6911 fax</p>
	DESCRIPTION	PROJECT #	
	SCALE	DATE	
	SEGMENT 2	23058.00	
	N.T.S.	1/16/2009	



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FIGURE 3A	BYHALIA ROAD WIDENING	
	DESCRIPTION	PROJECT #
	SEGMENT 2	23058.00
SCALE	DATE	
N.T.S.	1/16/2009	

Pickering Firm
Incorporated

Architecture Planning
Management Engineering

6775 Lenox Center Court
Memphis, TN 38115

901.726.0810
901.272.6911 fax



- SEGMENT 5 NOTES:
1. 2.6 ACRES OF PROP. R.O.W. REQ'D. (51% TO BE DEDICATED)
 2. PROP. EXTENSION OF 6 LANE C&G W/ RAISED MEDIAN.
 3. PROP. SIDEWALKS ON BOTH SIDES.
 4. PROP. 40' WIDE LANDSCAPE ESMT. ON BOTH SIDES.



FIGURE 6

BYHALIA ROAD WIDENING	
DESCRIPTION	PROJECT #
SEGMENT 5	23058.00
SCALE	DATE
N.T.S.	1/16/2009



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 Management Engineering
 6775 Lenox Center Court
 Memphis, TN 38115
 901.726.0810
 901.272.6911 fax

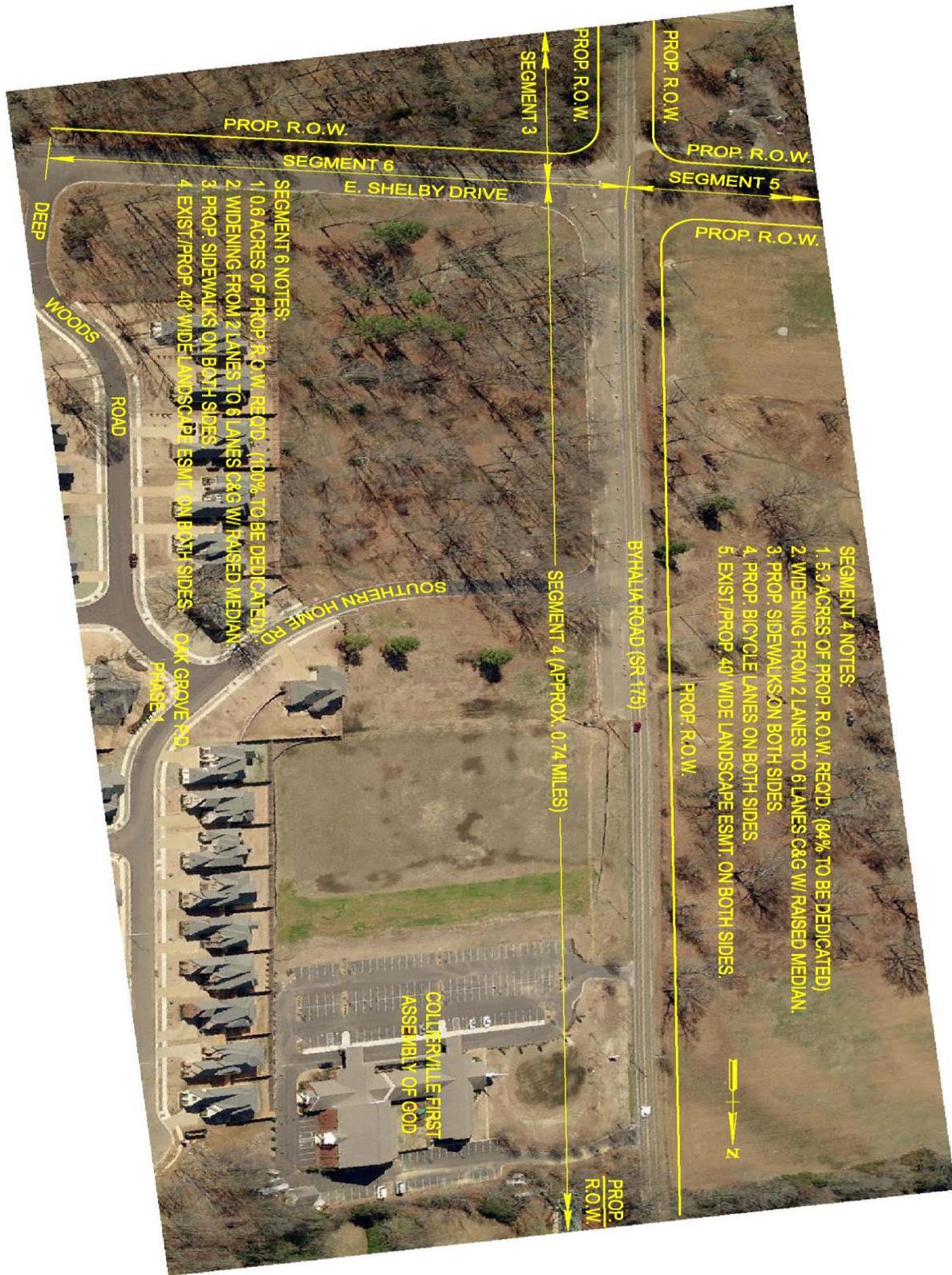
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- SEGMENT 3 NOTES:**
1. 1 ACRE OF PROP. R.O.W. REQ'D. (65% TO BE DEDICATED)
 2. WIDENING FROM 2 LANES TO 5 LANES C&G W/ C/TW/L.
 3. PROP. SIDEWALKS ON BOTH SIDES.
 4. PROP. BICYCLE LANES ON BOTH SIDES.
 5. PROP. 40' WIDE LANDSCAPE ESMT. ON BOTH SIDES.

FIGURE 4	BYHALIA ROAD WIDENING	Pickering Firm Incorporated		Architecture Planning Management Engineering 6775 Lenox Center Court Memphis, TN 38115 901.726.0810 901.272.6911 fax
	DESCRIPTION	PROJECT #		
	SCALE	DATE		
	N.T.S.	1/16/2009		

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BYHALIA ROAD WIDENING	
DESCRIPTION	SEGMENT 4
PROJECT #	23058.00
SCALE	N.T.S.
DATE	1/16/2009

Pickering Firm
 Incorporated

Architecture Planning
 Management Engineering

6775 Lenox Center Court
 Memphis, TN 38115

901.726.0810
 901.272.6911 fax

FIGURE 5



- SEGMENT 4 NOTES:
1. 5.3 ACRES OF PROP. R.O.W. REQ'D. (84% TO BE DEDICATED)
 2. WIDENING FROM 2 LANES TO 6 LANES C&G/W RAISED MEDIAN
 3. PROP. SIDEWALKS ON BOTH SIDES
 4. PROP. BICYCLE LANES ON BOTH SIDES.
 5. EXIST./PROP. 40' WIDE LANDSCAPE ESMT. ON BOTH SIDES.

PROP. R.O.W.

BYHALIA ROAD (SR-175)

PROP. R.O.W.

PROP. R.O.W.



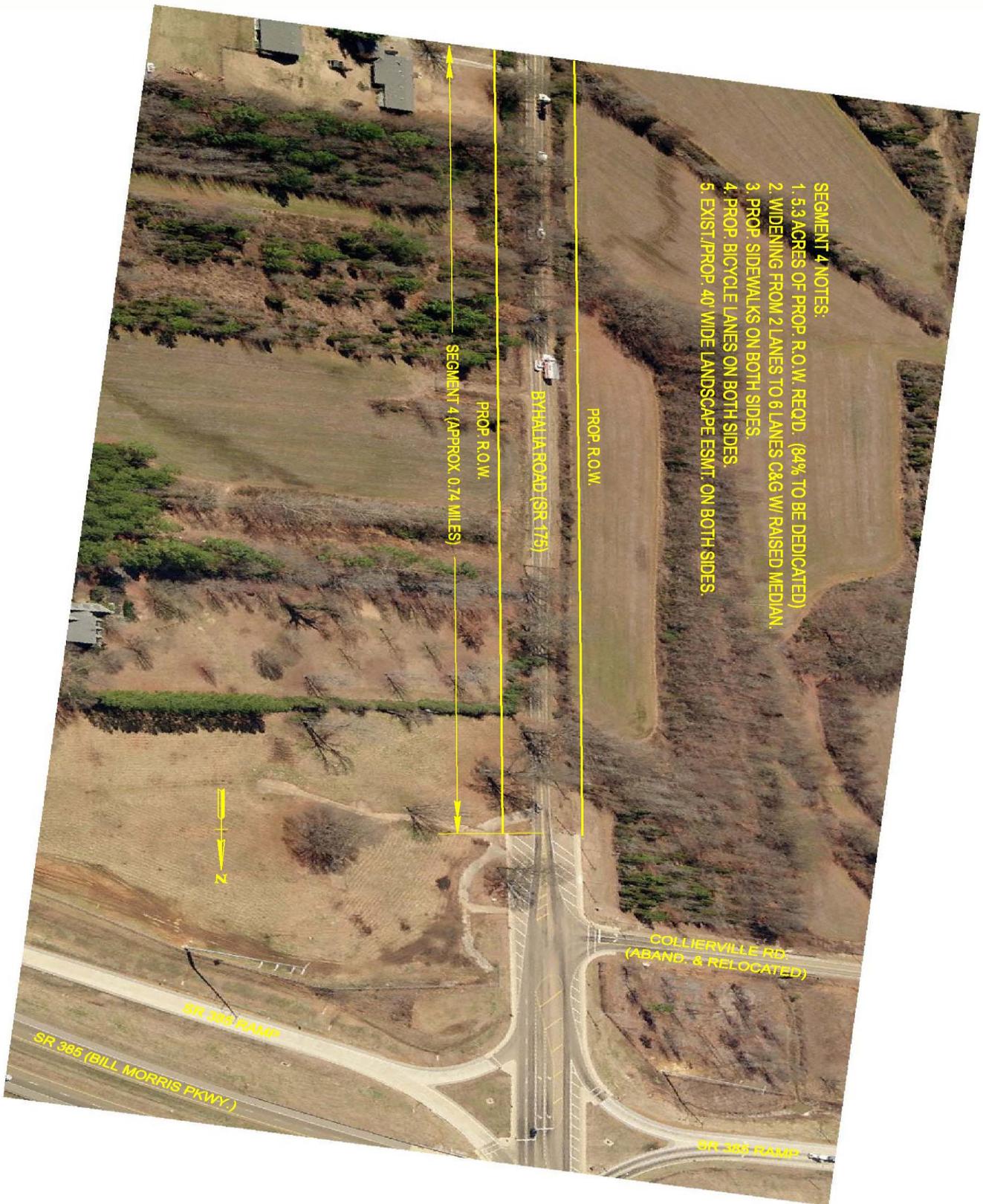
BYHALIA ROAD WIDENING

DESCRIPTION	SEGMENT 4	PROJECT #	23058.00
SCALE	N.T.S.	DATE	1/16/2009



Architecture Planning
 Management Engineering
 6775 Lenox Center Court
 Memphis, TN 38115
 901.726.0810
 901.272.6911 fax

SHEET 1
FIGURE 5A



- SEGMENT 4 NOTES:
1. 5.3 ACRES OF PROP. R.O.W. REQ'D. (84% TO BE DEDICATED)
 2. WIDENING FROM 2 LANES TO 6 LANES C&G W/ RAISED MEDIAN.
 3. PROP. SIDEWALKS ON BOTH SIDES.
 4. PROP. BICYCLE LANES ON BOTH SIDES.
 5. EXIST./PROP. 40' WIDE LANDSCAPE ESMT. ON BOTH SIDES.

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FIGURE 5B	BYHALIA ROAD WIDENING		 Architecture Planning Management Engineering 6775 Lenox Center Court Memphis, TN 38115 901.726.0810 901.273.6911 Fax
	DESCRIPTION SEGMENT 4	PROJECT # 23058.00	
	SCALE N.T.S.	DATE 1/16/2009	

Area Photos

View from northeast corner of Fleming Home Place toward project area.

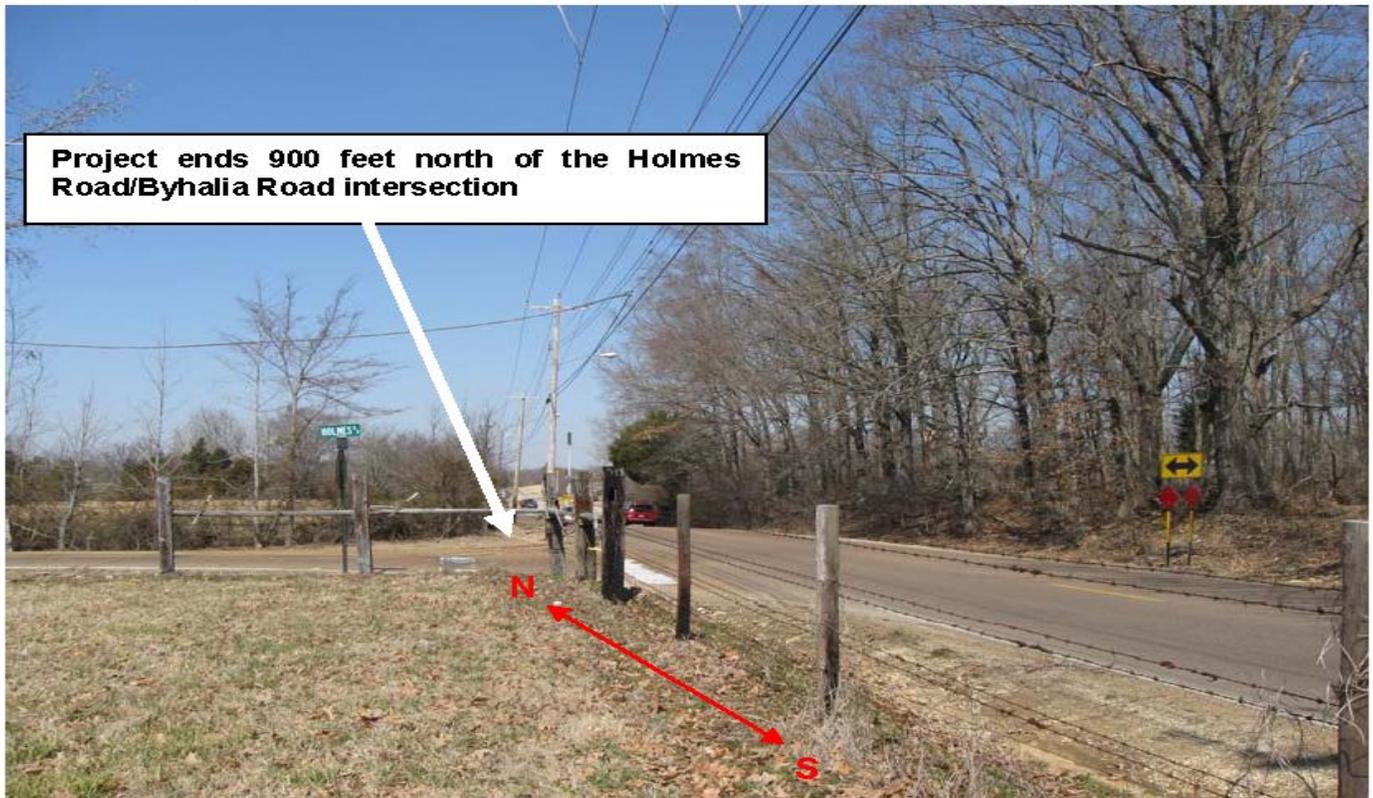


Figure 5-03. Site 40SY717, from site center to north. Note magnolia tree adjacent to Byhalia Road.



Figure 5-07. Northwest portion of Segment 4, view north. Note massive ditching, grading, and disturbance.



Figure 5-08. Further massive disturbance, this view is in central portion of Segment 4, along east side of road. View is to south. Note grading, ditching, and paving.



Figure 4-27. South section of Old Salem Presbyterian Church Cemetery with two gravestones, view east.



Figure 4-28. South section of Old Salem Presbyterian Church Cemetery viewing north at fallen gravestone and obelisk.



Figure 5-05. Iso 1, viewed from site center to east.

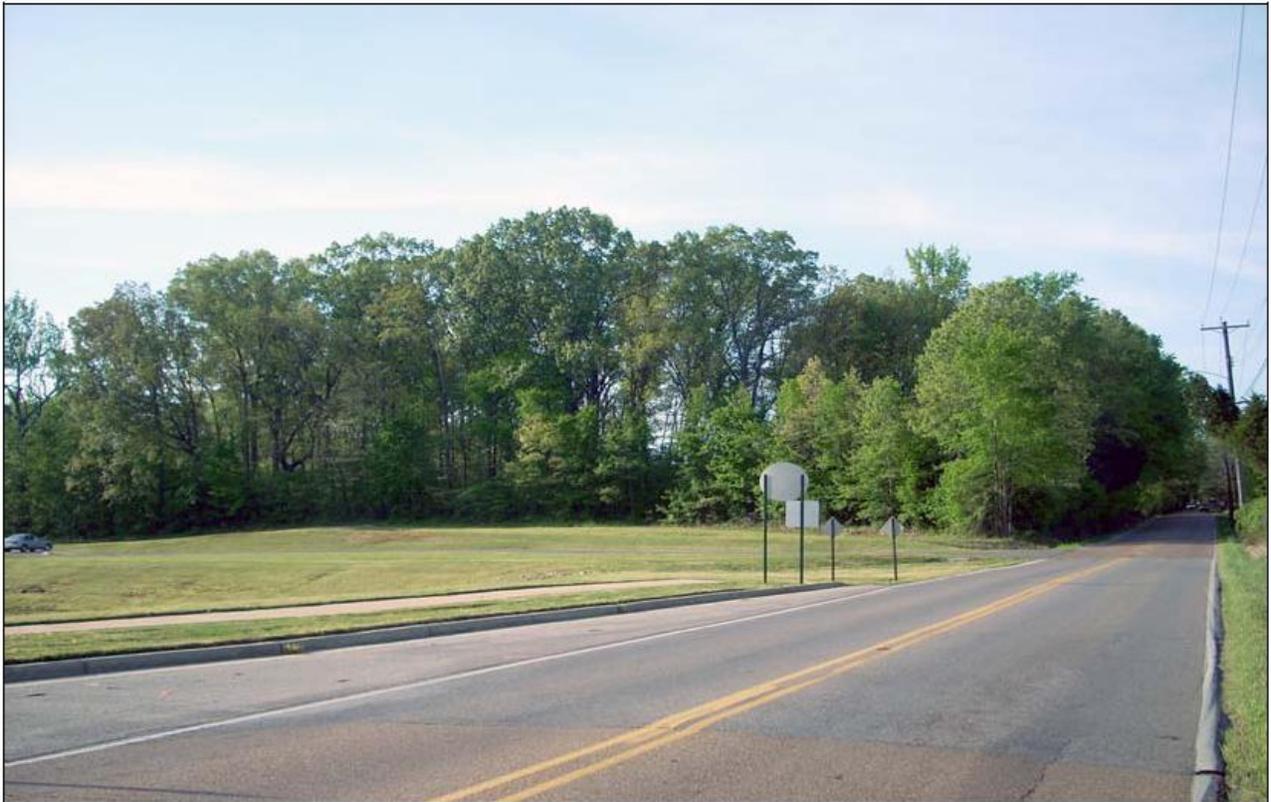


Figure 4-26. Northwest corner of Old Salem Presbyterian Church Cemetery location, viewing southeast from Byhalia Road.

View from south end of project



View north from Fleming Home Place (on left) driveway along Byhalia Road. Proposed project is over one-half mile north of here.



TIP

MEMPHIS LONG-RANGE TRANSPORTATION PLAN



Table 13.13 - Highway Projects - 2020 Horizon Year (continued)

ID	Facility	Extents	Description	Ext. Project Cost (inflated)	Funding Year	Route Designation	Funding Source
250014	US 51	Babe Howard Blvd to Union Rd	Access management improvements	\$3,377,628	2020	US 51 / SR 3	TN-NHS
820027.1	Highway 78 / SR 4	Perkins to Outland	Widen from 4 to 6 lane (Divided)	\$3,063,873	2015		TN-NHS
820027.2	Highway 78 / SR 4	Outland to Shelby Dr	Widen from 4 to 6 lane (Divided)	\$3,817,285	2015		TN-NHS
820028	Highway 78 / SR 4	Shelby Dr to Holmes	Widen from 4 to 6 lane (Divided)	\$9,929,387	2015		TN-NHS
820029	Highway 78 / SR4	Holmes to Old Lamar	Widen from 4 to 6 lane (Divided) plus interchange at Holmes	\$22,439,401	2015		TN-NHS
Total TN-NHS				\$50,001,119			
02020024-	Austin Peay	Covington Pike to Old Brownsville	Widen from 2 to 5 lanes	\$7,822,305	2015	SR 14	TN-SSTP
02020027-	Austin Peay	Old Brownsville to SR 385	Widen from 2 to 4 lanes	\$18,155,729	2015	SR 14	TN-SSTP
02020031	Germanatown	Cresstridge Road to Stout	Widen from 2 to 4 lanes (Divided)	\$1,348,287	2015	SR 177	TN-SSTP
01200026-	Highway 70	E. of Macon to Elmore	Widen from 4 to 7 lanes	\$15,689,227	2020	US 70 / SR 1	TN-SSTP
01200029	Highway 72	Poplar Estate to Miller Farms	Widen from 5 to 6 lanes (Divided)	\$5,028,700	2020	US 72 / SR 57	TN-SSTP
Total TN-SSTP				\$48,044,248			
6001001	Airways	Ketchum to Plough	Widen from 6 to 8 lanes and Improve Interchange at I-240	\$14,953,286	2020		TN-LSTP
1870023	Airways	Lamar to S Parkway	Widen from 4 to 6 lanes (Divided)	\$7,518,893	2020		TN-LSTP
1270005	Byhalia	Shelby Dr to SR 385	Widen from 2 to 4 lanes (Divided)	\$3,234,299	2020		TN-LSTP
01270003-	Byhalia	State Line Road to Shelby Dr	Widen from 2 to 5 lanes	\$2,873,035	2015		TN-LSTP
01270004	Byhalia	SR 385 to Winchester	Widen from 4 to 6 lanes (Divided)	\$1,592,625	2020		TN-LSTP
1270006	Democrat	Airways to Tchulahoma	Widen from 5 to 6 lanes (Divided)	\$3,498,782	2020		TN-LSTP
500002	Dexter	Whitten to Raleigh Lagrange	Widen from 2 to 5 lanes	\$1,102,090	2015		TN-LSTP
2180002.1	Felix Presley	Craft Rd to Winchester	Widen from 2 to 3 lanes (Divided)	\$741,610	2020	US 51 / SR 3	TN-LSTP
250010.1	Felix Presley						TN-LSTP

Currently there is no TIP page for this project because the project is being funded by the Town of Collierville for PE – NEPA, PE – Design, and ROW. The project does exist and is included in the 2030 L RTP under ID # 01270004 and 01270005 (see attached). An agreement exists between the Town of Collierville and the State for future funding for construction (see attached). Once the plans have been finalized for construction and a funding source has been identified, a TIP page will be created. TDOT will bid/award/ and manage the project during construction.

SHPO Coordination

Archaeology



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

July 30, 2009

Mr. Gerald Kline
Tennessee Department of Transportation
Environmental Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-0334

RE: FHWA, ARCHAEOLOGICAL ASSESSMENT, SR-175/BYHALIA ROAD IMPROVMENTS,
COLLIERVILLE, SHELBY COUNTY, TN

Dear Mr. Kline:

At your request, our office has reviewed the above-referenced archaeological survey report in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided, we find that the project area contains no archaeological resources eligible for listing in the National Register of Historic Places.

If project plans are changed or archaeological remains are discovered during construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

Your cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb

The APE for this project is limited to Byhalia Road south of SR 385 and just south of Holmes, as well as a small section of Holmes Road just west of Byhalia Road and part of the existing and proposed sections of East Shelby Drive (Figure 1-02).

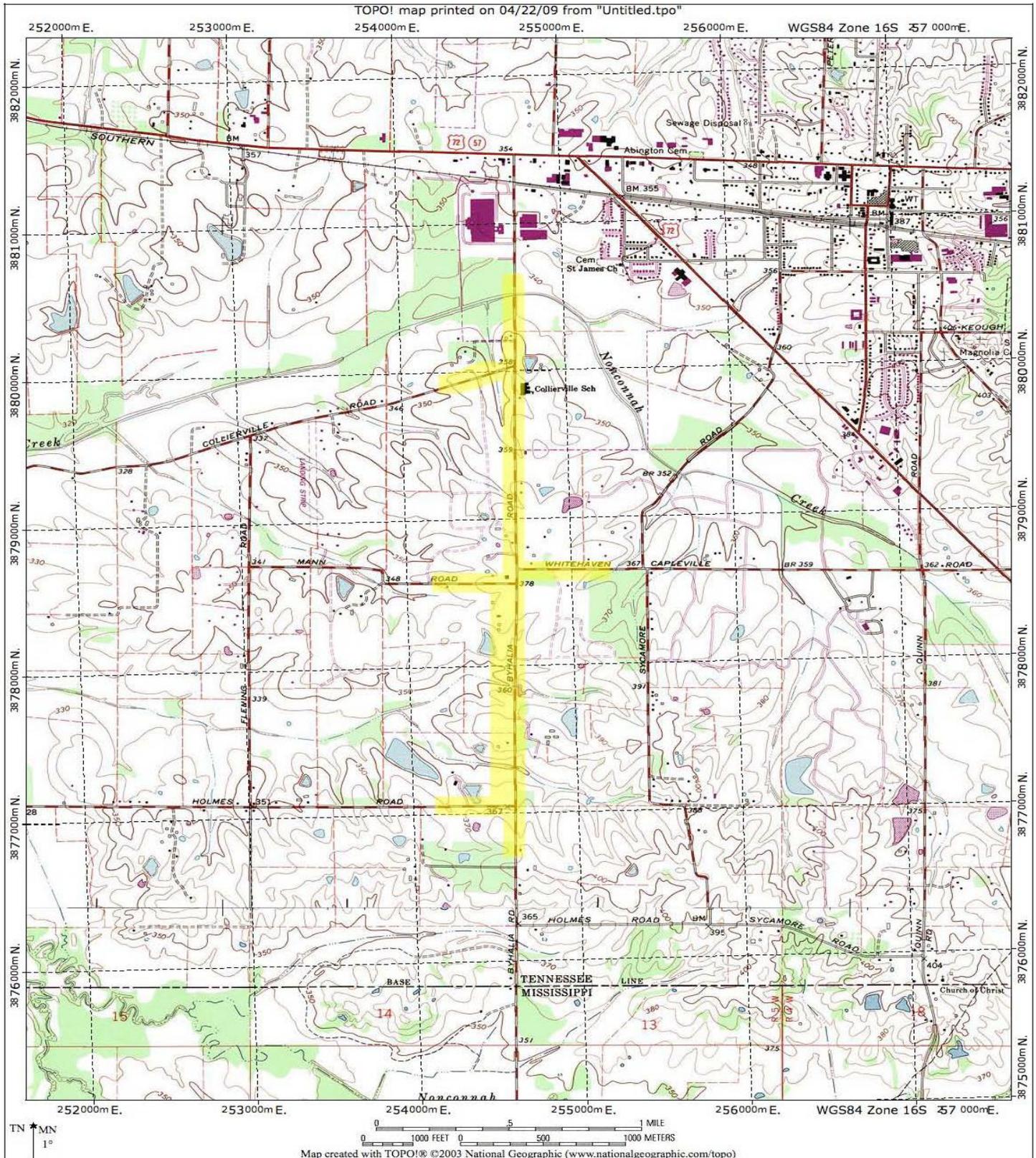


Figure 1-02. Quad map indicating the coverage (roads driven) of the architectural field survey of the APE (base map: 1983 Collierville, TN 7.5 min. quad/TN map #416 SW).



PCI Report No. 29044

**ARCHITECTURAL/HISTORICAL ASSESSMENT
OF THE PROPOSED BYHALIA ROAD WIDENING PROJECT
FROM HOLMES ROAD TO SR 385 IN COLLIERVILLE,
SHELBY COUNTY, TENNESSEE**



PREPARED FOR:

**Pickering, Incorporated
6775 Lenox Center Court, Suite 300
Memphis, Tennessee 38115**

PREPARED BY:

**Panamerican Consultants, Inc.
91 Tillman Street
Memphis, Tennessee 38111**

**FINAL REPORT
OCTOBER 2009**

FINAL REPORT

ARCHITECTURAL/HISTORICAL ASSESSMENT
OF THE PROPOSED BYHALIA ROAD WIDENING PROJECT
FROM HOLMES ROAD TO SR 385 IN COLLIERVILLE,
SHELBY COUNTY, TENNESSEE

Authored by:
Angie Clifton

Prepared for:
Pickering, Incorporated
6772 Lenox Center Court, Suite 300
Memphis, Tennessee 38115
Phone: (901) 726-0810

Lead Federal Agency:
Federal Highway Administration

Prepared by:
Panamerican Consultants, Inc.
91 Tillman Street
Memphis, Tennessee 38111
Phone: (901) 454-4733
Panamerican Project No. 29044



C. Andrew Buchner, RPA
Principal Investigator

OCTOBER 23, 2009

MANAGEMENT SUMMARY

The Tennessee Department of Transportation (TDOT) proposes to improve Byhalia Road (partial SR 175) between Holmes Road and SR 385 (Bill Morris Parkway) in Collierville, Shelby County, Tennessee, for enhanced regional and local transportation mobility. The total length of the proposed improvement is approximately 1.73 miles. At the request of Pickering Inc., Panamerican Consultants, Inc. conducted an architectural/historical assessment of the proposed project area. The project area can be identified on the 1983 Collierville, Tennessee USGS topographic 7.5 min. quadrangle sheet. The documents of effects will be contained in a separate document.

A records search, field survey, and research were conducted in March and April of 2009. The purpose of the effort was to identify individual architectural/historical resources or districts that would meet the Criteria of Eligibility for the National Register of Historic Places (NRHP). Properties considered to be within the APE for this project were surveyed and evaluated for NRHP eligibility. As a result of the field survey, three previously surveyed resources were determined to require further evaluation: the John M. Fleming Home Place (NR Listed 12-06-1990), the 1952 Mann House and Farm (No. 30065) and the ca. 1848 Old Salem Presbyterian Church Cemetery (No. 30099).

Located on the ca. 1850 John M. Fleming Home Place are a ca. 1850 Greek Revival/Italianate plantation home, several agricultural tenant houses, outbuildings, sites, and related land features. The 1952 Mann House and Farm is a custom designed ranch house that has several farm structures on the property that include a lean-to, a main horse barn, and a small horse barn. The Mann House and Farm was determined ineligible for the NRHP by the Tennessee State Historic Preservation Office for losing its architectural integrity due to alterations made to the property.

Although the Old Salem Presbyterian Church Cemetery has historic associations from the community's early period of settlement, it is the opinion of the consultant that it does not retain its historic integrity due to its deterioration and is not recommended eligible for the NRHP.

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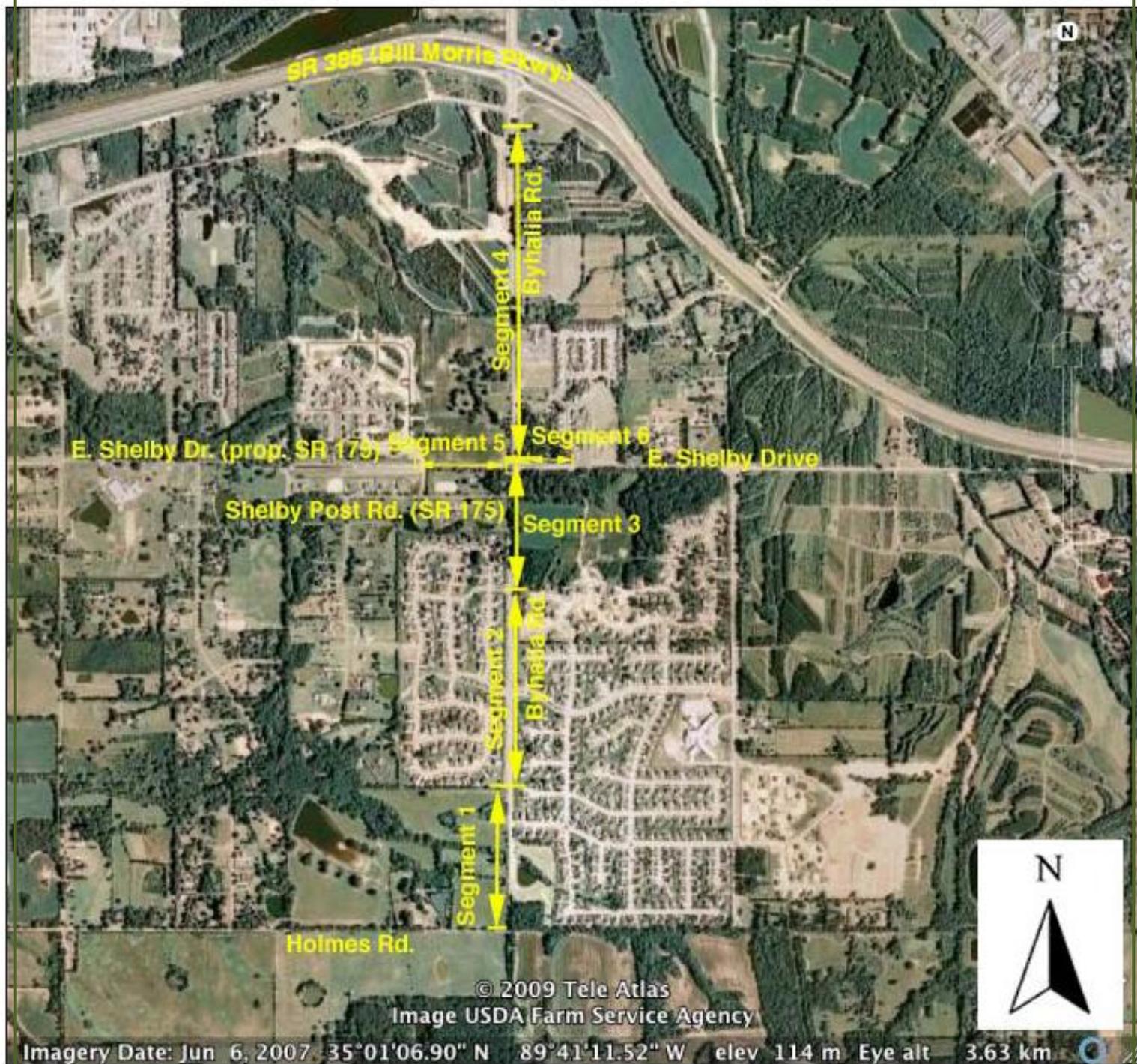


Figure 1-0L. Aerial view of project area with proposed segments overlain (image courtesy Google Earth™)

AREA OF POTENTIAL EFFECTS

A project's APE is defined in 36 CFR 800.16 (d) as "the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different kinds of effects caused by the undertaking."

SHPO Coordination

Historic/ Architectural



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

May 11, 2010

Ms. Martha Carver
Tennessee Department of Transportation
505 Deaderick St/900
Nashville, Tennessee, 37243-0349

RE: FHWA, EFFECT DETERMINATION, BYHALIA RD./HOLMES RD. TO SR-385,
COLLIERVILLE, SHELBY COUNTY

Dear Ms. Carver:

Pursuant to your request, received on Monday, April 26, 2010, this office has reviewed documentation concerning the above-referenced undertaking. This review is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739)

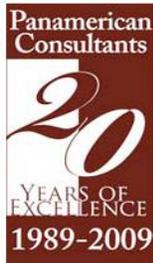
Based on the information provided, we find that the project area contains a cultural resource eligible for listing in the National Register of Historic Places the Fleming Farm. We further find that the project as currently proposed will not adversely affect this resource.

Unless project plans change, this office has no objection to the implementation of this project. Should project plans change, please contact this office to determine what additional action, if any, is necessary. Questions and comments may be directed to Joe Garrison (615) 532-1550-103. Your cooperation is appreciated.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jyg



PCI Report No. 29044

**PHASE I CULTURAL RESOURCES SURVEY
OF THE PROPOSED BYHALIA ROAD WIDENING PROJECT
FROM HOLMES ROAD TO SR 385 IN COLLIERVILLE,
SHELBY COUNTY, TENNESSEE**



PREPARED FOR:

**Pickering, Incorporated
6775 Lenox Center Court, Suite 300
Memphis, Tennessee 38115**

PREPARED BY:

**Panamerican Consultants, Inc.
91 Tillman Street
Memphis, Tennessee 38111**

**DRAFT REPORT
MAY 2009**



Figure 1-01. Quad map locator showing the APE, with all surveyed segments (base map: Collierville, Tenn. 7.5 min. quad, photorevised 1983).

DRAFT REPORT

**PHASE I CULTURAL RESOURCES SURVEY
OF THE PROPOSED BYHALIA ROAD WIDENING PROJECT
FROM HOLMES ROAD TO SR 385 IN COLLIERVILLE,
SHELBY COUNTY, TENNESSEE**

Authored by:

**Daniel Cain, RPA
Field Director**

Prepared for:

**Pickering, Incorporated
6772 Lenox Center Court, Suite 300
Memphis, Tennessee 38115
Phone: (901) 726-0810**

Lead Federal Agency:

Federal Highway Administration

Prepared by:

**Panamerican Consultants, Inc.
91 Tillman Street
Memphis, Tennessee 38111
Phone: (901) 454-4733
Panamerican Project No. 29044**



**C. Andrew Buchner, RPA
Principal Investigator**

MAY 8, 2009

MANAGEMENT SUMMARY

At the request of Pickering Inc., Panamerican Consultants, Inc. conducted a Phase I archaeological assessment of four segments of the proposed Byhalia Road widening project from Holmes Road to SR 385 in Collierville, Shelby County, Tennessee. This location can be identified on the 1983 Collierville, Tennessee USGS topographic 7.5 min. quadrangle sheet. A total of approximately 0.015 square miles (9.5 a.) were surveyed.

A literature and records search indicated that no previously recorded archaeological sites are mapped within the project area. Fieldwork was conducted from March 3–7, 2009. During the fieldwork, one newly recorded archaeological site (40SY717) and one isolated find (Iso 1) were identified. Site 40SY717 was identified during subsurface testing and consists of a low-density historic deposit, attributable to a twentieth-century domestic occupation. Iso 1, a single prehistoric ceramic sherd, was identified during the course of close-interval surface inspection of an agricultural field. Both of these finds are within the proposed right-of-way.

Site 40SY717 and the isolated find are recommended as not eligible for inclusion in the NRHP, as neither is capable of yielding significant archaeological data beyond the temporal and location data already in hand. Given that there are no significant or potentially significant cultural resources located within the area of potential effect (APE), and that no evidence of surface or subsurface cultural features was noted within the APE, no further archaeological work is recommended within the APE prior to the planned widening of Byhalia Road.

ACKNOWLEDGEMENTS

Panamerican appreciates the opportunity to have provided Pickering, Inc. with these archaeological services. Mr. Keith Jackson administrated the contract, and provided local and technical assistance.

Panamerican personnel who contributed to the project include the following individuals. Daniel Cain served as field director. He was assisted in all aspects of fieldwork by Ben Abney. Angie Clifton conducted the literature and records review. N.C. Kaplan conducted the artifact analysis and curation tasks. Jessie Flanders edited the report. Kate Gilow provided administrative support during all phases of the project.

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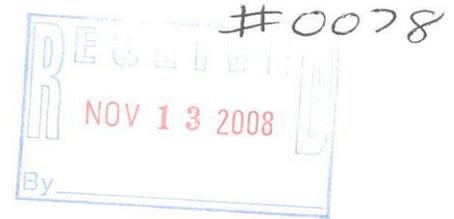
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USFWS, TVA, USACE Coordination



November 4, 2008

CERTIFIED MAIL:
7007 3020 0002 4809 0273

United States Fish and Wildlife
220 Great Circle Road
Suite 150
Nashville, TN 37228
ATTN: Steve Middleton

No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

**RE: Environmental Assessment
Byhalia Road Widening
Town of Collierville, Shelby County, Tennessee**

Scott Barclay 11/19/08
**Field Supervisor Date
U. S. Fish and Wildlife Service
Cookeville, TN 38501**

Dear Mr. Middleton:

We are writing to request the United States Fish and Wildlife's input on the Town of Collierville's proposal to widen and reconstruct portions of Byhalia Road (portion of State Route 175) and extend the West side of the east intersection of Byhalia Road and East Shelby Drive. This request is a component part of the Federal Highway Administration (FHWA) and Tennessee Department of Transportation (TDOT) Environmental Assessment process. An aerial view and a topography map of the project area are attached as **Figure 1** and **2**, respectively, to this letter. The project is approximately 1.75 miles in total length. The following paragraphs are intended to assist you in understanding the scope, area, and potential impacts of the project.

The widening and reconstruction of Byhalia Road has been part of the Town of Collierville's Long Range Transportation Plan for several years. The project area extends north from the Town of Collierville limits for approximately 1.75-miles terminating south of the intersection of Byhalia Road and Tennessee State Route 385, and is generally broken into five segments, including the modification to the intersection of Byhalia Road and East Shelby Drive.

- **Segment 1** - The first 0.25-miles of the current two-lane road extending north from the town limits will be reconstructed and remain a two-lane road.
- **Segment 2** - The next 0.50-miles of current five-lane, undivided road will be reconstructed and remain a five-lane, undivided road.
- **Segment 3** - The next 0.15-miles of current two-lane road will be widened into a five-lane undivided road.
- **Segment 4** - The next 0.85-miles of current two-lane road will be widened into a four-lane divided road extending to the south intersection of Byhalia Road and Highway 385.
- **Segment 5** - The extension of the west side of East Shelby Drive to match the existing east intersection of Byhalia Road and East Shelby Drive.

This initiative is proceeding for several safety and economic reasons including improved traffic flow, minimizing congestion, improved traffic level of service, enhanced linkages to regional transportation systems and support for continued residential and commercial development in the area. This project will improve traffic safety on an important north-south roadway.



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401

November 20, 2008

Mr. Keith M. Jackson, Geologist
Pickering Firm, Inc.
6775 Lenox Center Court, Suite 300
Memphis, Tennessee 38115

Dear Mr. Jackson:

ENVIRONMENTAL ASSESSMENT, BYHALIA ROAD WIDENING, TOWN OF
COLLIERVILLE, SHELBY COUNTY, TENNESSEE

TVA has reviewed the November 4, 2008, request for comments on the proposed improvements to Byhalia Road which is part of State Route 175 in the Town of Collierville, Shelby County, Tennessee. We are not aware of any unique environmental issues associated with this project; although, you should contact the Tennessee Department of Conservation and the U. S. Fish and Wildlife Service for confirmation. The project as proposed is outside the watershed of the Tennessee Valley River and not subject to approval under Section 26a of the *TVA Act*. Also, we do not believe that any TVA property or interests are involved in the project.

Should you have any questions, please contact Richard L. Toennisson at (865) 632-8517 or rtoennisson@tva.gov.

Sincerely,

A handwritten signature in cursive script that reads "Daniel H. Ferry".

Daniel H. Ferry, Senior Manager
Environmental Services and Programs
Office of Environment and Research



REPLY TO
ATTENTION OF:

Operations Division
Regulatory Branch

DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT, CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894
November 26, 2008

Mr. Keith M. Jackson
Pickering Firm, Inc.
6775 Lenox Center Court, Suite 300
Memphis, Tennessee 38115

Dear Mr. Jackson:

This is in reference to information you submitted on behalf of the Town of Collierville, requesting comments on the widening of Byhalia Road as shown on the attached maps.

In review of the information submitted, it appears this route will cross one unnamed tributary to Nonconnah Creek which is located in segment 2 at latitude 35.00864 and longitude -89.68907. It is our preliminary jurisdictional determination (PJD) that this tributary is considered to be waters of the United States. A PJD cannot be appealed. If you object to this PJD, please contact us for information about receiving an approved jurisdictional determination and information on the administrative appeals process. The PJD is included for your concurrence. If you agree with this PJD please sign the form and return it to the address listed above. If the PJD is not returned within 30 days of the date of this letter we will assume your concurrence. This PJD will remain valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

The decision regarding this action is based on information found in the administrative record that documents the District's decision-making process, the basis for the decision, and the final decision. As you are aware, the placement of dredged or fill material in waters of the U.S. require Department of the Army permit authorization under Section 404 of the Clean Water Act. Please submit your request for permit authorization when designs and/or plans for the road construction have been decided. This project may be eligible for expedited approval under Nationwide Permit (NWP) 14.

The Memphis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the enclosed survey post card and return it or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. Your comments, positive or negative, will not affect any current or future dealings with the Corps of Engineers.

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office: <input type="text" value="Memphis District"/>		File/ORM #: <input type="text" value="MVM-2008-474"/>		PJD Date: <input type="text" value="Nov 24, 2008"/>	
State: <input type="text" value="TN"/>		City/County: <input type="text" value="Collierville, Shelby"/>		Name/Address of Person Requesting PJD Keith M. Jackson Pickering Firm, Inc. 6775 Lenox Center Court, Suite 300 Memphis, TN 38115	
Nearest Waterbody: <input type="text" value="Nonconnah Creek"/>					
Location: TRS, LatLong or UTM: <input type="text" value="35.00864"/> <input type="text" value="-89.68907"/>					
Identify (Estimate) Amount of Waters in the Review Area: Non-Wetland Waters: <input type="text" value="500"/> linear ft <input type="text" value="15"/> width <input type="text"/> acres <input type="text" value="Perennial"/> Stream Flow: Wetlands: <input type="text"/> acre(s) Cowardin Class: <input type="text"/>			Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: <input type="text"/> Non-Tidal: <input type="text"/>		
			<input type="checkbox"/> Office (Desk) Determination <input checked="" type="checkbox"/> Field Determination: Date of Field Trip: <input type="text" value="Nov 18, 2008"/>		

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs: Aerial (Name & Date):
 Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


 Signature and Date of Regulatory Project Manager (REQUIRED)

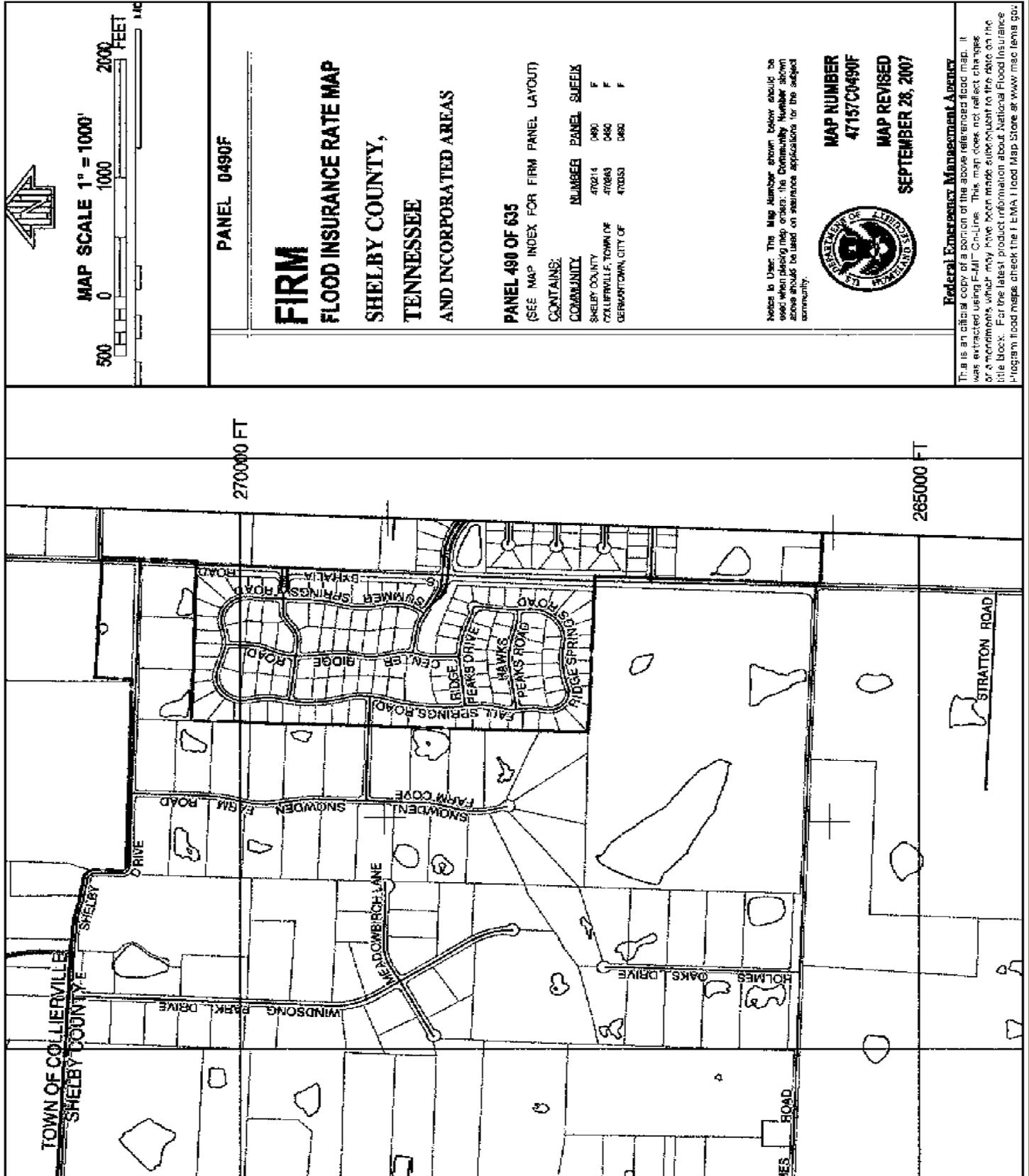
 Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:
 1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.
 2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

Categorical Exclusion Byhalia Road (Partial SR-175) From Holmes Road to SR-385 (Bill Morris Parkway)
Town of Collierville, Shelby County TN PIN 108916.00
Date: November 8, 2010

Page 51

FEMA Map



PANEL 0490F

FIRM
FLOOD INSURANCE RATE MAP
SHELBY COUNTY,
TENNESSEE
AND INCORPORATED AREAS

PANEL 490 OF 635
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SHELBY COUNTY	470214	0490	F
COLLIERVILLE TOWN OF	470843	0490	F
GERMANTOWN CITY OF	470253	0490	F

Notes to User: This Map Number shown below should be used when checking map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
 47157C0490F
MAP REVISED
 SEPTEMBER 28, 2007

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-011 Ch-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at www.msc.fema.gov.

Hazardous Materials

TDOT Environmental Division

To: Joe Matlock
From: Ann E. Epperson, PG *AEE*
Date: March 18, 2010
Re: Hazardous Materials Phase 1 studies

Joe,

In response to your request for scopes of work, please note the following:

1. No new right of way proposed:

In the case where work is being performed in existing ROW, typically no hazardous materials study is necessary, unless observed field conditions indicate one might be needed (such as observing petroleum-stained soil on site). For RSAR and Resurfacing projects, FHWA does not require any hazardous materials studies to be conducted. See the attached email confirmation of this policy.

2. Minor amounts of right of way proposed, "Modified" Phase 1:

The level of NEPA review depends upon the nature, length and complexity of the project. At the simplest level, online database searches such as EPA's Enviromapper, TDOT GIS layers (including TDEC supplied data such as UST locations or Superfund Sites), and aerial photos (Google Earth, LiveMaps, or TDOT GIS) are conducted to look for obvious sites. For some small projects of limited scope such as bridge replacements, interchanges, or sidewalk/streetscapes, this often provides enough information for the document, and a full blown Phase 1 isn't needed. A file review at the local TDEC office is often enough for a file review, without ordering an EDR.

3. Standard Phase 1 Hazardous Materials report:

For projects that require more than a minor amount of right way, or for any site that is suspected to contain contamination, the standard scope of work is attached. For an EA or EIS, I recommend the latest ASTM 1527 standard for Phase 1 Environmental Site Assessments; this is the most comprehensive approach.

Attached is the Scope of Work that TDOT used in the last contract. I believe accounting may be making minor adjustments to the layout, but the content should be the same.



March 16, 2009

Mr. Joe W. Matlock
Tennessee Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900, J.K. Polk Building
Nashville, TN 37243

**RE: Technical Studies-Hazardous Materials
Byhalia Road Widening
Town of Collierville, Shelby County, Tennessee**

Mr. Matlock:

The Town of Collierville has proposed to widen a portion of Byhalia Road (partial SR-175) from Holmes Road to SR-385 (Bill Morris Parkway) located in the Town of Collierville, Shelby County, Tennessee (the Project). A Categorical Exclusion (CE) was granted by the Federal Highway Administration (FHWA) in a letter dated January 22, 2009 for the defined project. As part of the CE determination, additional Impact Analysis needs to be documented in the form of Technical Studies to define a level of impact that the project will have on the community. The Technical Studies are outlined in the Tennessee Department of Transportation (TDOT), Tennessee Environmental Procedures Manual, "*Guidelines for Preparing Environmental Documentation for Federally Funded and State Funded Transportation Projects.*"

For the purposes of completing the Technical Studies in a timely manner, we hope that we may submit each separately as completed for review and comment. The following document provides an overview of the project and details the methodology utilized in the investigation for Hazardous Materials.

The findings of the Hazardous Materials investigation did not identify properties, or Hazardous Materials, which would be considered a Recognized Environmental Concern to this project.

If you, or your staff, has any questions concerning the information attached, please do not hesitate to contact me at (901) 759-5500.

Sincerely,

PICKERING FIRM INCORPORATED

A handwritten signature in blue ink, appearing to read "K. Jackson", is written over the company name.

Keith M. Jackson, PG
Geologist

Cc: CF 23058.00

Introduction

The Town of Collierville has proposed to widen a portion of Byhalia Road (partial SR-175) from Holmes Road to SR-385 (Bill Morris Parkway) located in the Town of Collierville, Shelby County, Tennessee (the Project). A Categorical Exclusion (CE) was granted by the Federal Highway Administration (FHWA) in a letter dated January 22, 2009 for the defined project. As part of the CE determination, additional Impact Analysis needs to be documented in the form of Technical Studies to define a level of impact that the project will have on the community.

The Technical Studies are outlined in the Tennessee Department of Transportation (TDOT), Tennessee Environmental Procedures Manual, "*Guidelines for Preparing Environmental Documentation for Federally Funded and State Funded Transportation Projects dated April 2007.*" The following summarizes the Technical Study for the Hazardous Materials investigation for the defined project area listed below. The Technical Study for Hazardous Materials was conducted by a Federal and State regulatory document records review and database searches, review of historical documents (e.g. aerial photographs), and a physical site reconnaissance to determine the presence of hazardous materials or land uses that may result in the likelihood of subsurface contamination.

Project Description

The primary purpose of this project is to improve Byhalia Road (partial SR-175) between Holmes Road and SR-385 (Bill Morris Pkwy) for enhanced regional and local transportation mobility. The project is located in southeast Shelby County in the Town of Collierville and within the Memphis Metropolitan Area. The project has a total length of approximately 1.73 miles, requires approximately 9.5 acres of new right-of-way (7 acres or 74% is to be dedicated) and includes the following segments:

- Segment 1 – Resurfacing an existing 2-lane open shoulder section of Byhalia Road just north of Holmes Road. This segment is contained within existing right-of-way, is approximately 0.30 miles in length and acts as a transition into segment 2.
- Segment 2 – Resurfacing an existing 5-lane curb and gutter section of Byhalia Road bordered by the Southridge subdivision on the west and Estanaula Trails subdivision on the east. The typical section for this segment will include two 11'-0" wide (minimum) lanes in each direction with the outside lane in each direction being 13'-0" wide to allow for a bicycle lane. It will also include a 12'-0" wide continuous two-way left turn lane (CTWLTL) in the middle. This segment is contained within existing right-of-way, is approximately 0.45 miles in length, has existing 5'-0" wide sidewalks on each side, and 40' wide landscape easements on each side.
- Segment 3 – Widening an existing 2-lane open shoulder section of Byhalia Road south of E. Shelby Drive to a 5-lane curb and gutter section with 5'-0" wide sidewalks on each side. The typical section would be the same as Segment 2 with a proposed right-of-way width of 84'-0". The amount of proposed right-of-way required for this segment is 1 acre (65% is to be dedicated). The segment is approximately 0.24 miles in length and contains a section along the west side bordering the Southridge subdivision that has already been widened. It also includes a proposed 40' wide landscape easement on both sides.
- Segment 4 – Widening an existing 2-lane open shoulder section of Byhalia Road (SR-175) north of E. Shelby Drive to a 6-lane curb and gutter section with a 28'-0" wide raised median

and a proposed right-of-way width of 115'-0". The amount of proposed right-of-way required for this segment is 5.3 acres (84% is to be dedicated). The typical section for this segment will include three 12'-0" wide lanes in each direction with the outside lane being 16'-0" wide to allow for a bicycle lane. Median openings and a 12'-0" wide left turn lane will be provided at each side road. This segment is approximately 0.85 miles in length and contains a section along the east side bordering the Preserve at Oak Grove subdivision (Oak Grove PD Phase 1) that has already been widened. It also includes a proposed 40' wide landscape easement on both sides.

- Segment 5 – Extension of E. Shelby Drive (proposed SR-175) from Woodgrove subdivision (Oak Grove PD Phase 4) on the west side of Byhalia Road to connect with the intersection of Byhalia Road and E. Shelby Drive on the east side of Byhalia Road. The typical section for this segment will include three 12'-0" wide lanes in each direction, an 18'-0" wide raised median, 5'-0" wide sidewalks on each side and a proposed right-of-way width of 114'-0". The amount of proposed right-of-way required for this segment is 2.6 acres (51% is to be dedicated). This segment is approximately 1,000' in length and will remove the existing 300' offset between the two intersections of Shelby Post Rd. (SR-175)/E. Shelby Drive and Byhalia Road making it a much safer single intersection.
- Segment 6 – Widening E. Shelby Drive from Byhalia Road (SR-175) to Deep Woods Road which has been widened on the north side already. The typical section for this segment will include three 12'-0" wide lanes in each direction, an 18'-0" wide raised median, 5'-0" wide sidewalks on each side and a proposed right-of-way width of 114'-0". The amount of proposed right-of-way required for this segment is 0.6 acres (100% is to be dedicated). This segment is approximately 700' in length and will include 40' wide landscape easements on each side.

A figure illustrating the overall project area has been attached as Figure 1.

Environmental Database Review

A review of regulatory records was performed in order to obtain records that can help identify recognized environmental conditions in connection with the Project. The records review includes regulatory documents and database searches (both Federal and State). The records review is limited to records that are reasonably ascertainable, practically reviewable, and are publicly available. The information derived from the records review is used in the process of formulating findings and identifying recognized environmental conditions, or Hazardous Materials.

An environmental database search report obtained from Environmental Data Resources, Inc. (EDR) and was reviewed by PFI for the Project. The EDR report contains records of registered sites in the vicinity of the Project for the classifications and distances listed. The minimum search distances are defined in the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM Standard E 1527-05 and the Environmental Protection Agency (EPA), "All Appropriate Inquiries" (40 CFR 312). Due to the length of the project, the EDR reports were divided into a North Section, extending from SR-385 to Shelby Post Road (SR-175); and a South Section, extending from Shelby Post Road (SR-175) to Holmes Road. The following Table summarizes the findings of both EDR Reports for the Project.

**Environmental Record Search Summary
 Byhalia Road Widening, Town of Collierville, Shelby County, TN
 TN Pin 108916.00**

Federal Database	Approximate Search Distance	Number of Reported Sites
National Priorities List (NPL)/ Proposed NPL	1.00 mile	1
Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)	0.5 mile	1
Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) and No Further Remedial Action Planned (NFRAP)	0.25 mile	0
Resource Conservation and Recovery Act (RCRA) Corrective Action Facilities (CORRACTS)	1.00 mile	0
Resource Conservation and Recovery Act (RCRA) and associated Treatment, Storage, and Disposal Facilities (TSD)	0.50 mile	0
Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (LQG)	0.25 mile	1
Resource Conservation and Recovery Act (RCRA) Small Quantity Generator (SQG)	0.25 mile	0
Emergency Response Notification System (ERNS)	Subject Property	0
State Database	Approximate Search Distance	Number of Reported Sites
State Hazardous Waste Sites (SHWS)	1.00 mile	0
Solid Waste Disposal Facilities (SWF/LF)	0.5 mile	0
Leaking Underground Storage Tanks (LUST)	0.5 mile	0
Underground Storage Tanks (UST)	0.25 mile	0
Voluntary Evaluation Program Sites (VCP)	0.50 mile	0

The following summarizes the findings of the EDR search report:

One (1) site was identified during the database search within the applicable search distances.

- United Technologies-Carrier (EPA ID 1000361686) addressed as 97 S Byhalia Road is located approximately 550 feet north of the Project's northern most termination point. The facility is listed as a CERCLIS, NPL, and RCRA-LQG. According to the CERCLIS assessment history, the initial discovery was reported in 1980 followed by site inspections, assessment, remedial action plans and administrative orders to date. The resulting classification as a CERCLIS site and NPL was from three (3) reported spills of trichloroethylene (PCE), also known as PERC, which is a chlorinated hydrocarbon utilized in the manufacturing industry as a solvent. The spills impacted the groundwater in the general area and also the Town of Collierville public wells in the vicinity of the facility. The facility is also listed as a RCRA-LQG, meaning that the facility generates over 1,000 kilograms of hazardous waste, or over 1 kilogram of acutely hazardous waste per month. Minor violations were reported; however, most were written informal with no penalty fees.

In addition, the EPA Superfund Information System was searched for sites listed on the NPL list. One (1) site was identified and is located approximately 1-mile and is described below.

- Smalley-Piper (EPA ID 1004654413) addressed as 695 West Highway 72 is located approximately 1-mile north of the Project's northern most termination point. The facility is listed as a NPL site. The site is also listed as a CERCLIS site; however, the distance is greater than the applicable search criteria. The Facility was listed on the NPL due to subsurface contamination resulting from manufacturing operations at the facility. The Facility manufactured farming tools since the late 1960's and the soils and groundwater in the general area of the facility have been contaminated with heavy metals (Tri- and Hexavalent chromium, copper, and lead).

Although the sites were identified within the defined search radius, the sites were not located in the immediate general area of the project. It should be noted that both sites are located north of a hydraulic barrier (Nonconnah Creek) which would restrict migration of subsurface contamination toward the Project. Based on the distance from the Project and observation of a hydraulic barrier, the potential environmental impact is considered *de minimis*, or **low potential risk** for the Project.

The complete EDR report, as well as information obtained from the EPA Superfund Information System, is included in Appendix 1.

Historical Documents

Aerial photographs were reviewed in order to determine past uses of properties that may have led to recognized environmental conditions. Aerial photographs were reviewed for 1937, 1971, 1990, 1997, and 2007 (Figure 1).

Review of the 1937 aerial photograph shows that for the general project area, it appears to be either undeveloped lands or agricultural lands with residential dwellings. Review of the 1971, 1990, and 1997 aerial photographs again show mainly agricultural lands or undeveloped lands with more residential dwellings along the roadway, some of which are present today. Review of the 2007 aerial photograph shows the present residential developments adjacent Byhalia Road.

Based on the review of the aerial photographs, no indications of properties were observed that would contribute to a recognized environmental condition with the Project area. No former or current gasoline station, drycleaning facilities, and state or local landfills were observed in the Project area.

The Aerial Photographs are included in Appendix 2.

Site Reconnaissance

On March 6, 2009, Mr. Keith M. Jackson, PG with the Pickering Firm, Inc. performed a physical site reconnaissance which consisted of a walk of the entire Project area. No visual observations were made that would indicate the presence of hazardous materials. In addition, no visual observations of current or past property uses along the Project area (ie. gasoline station, drycleaning facilities, and state or local landfills) that would indicate subsurface contamination issues.

Conclusions

Based on the information and data available, there are no known hazardous waste sites in the project area. The main concern for Hazardous Material impacts would occur during spills on the roadway. The Tennessee Emergency Management Agency has the responsibility and authority for the coordination of state and local agencies when accidents occur involving hazardous materials.

If hazardous materials or substances (ie. gasoline, diesel etc) are encountered during the earthwork for the construction of the proposed roadway, the applicable federal and/or state agencies would be contacted.

References

- ASTM Designation E 1527-05: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. 2005. ASTM, West Conshohocken, Pennsylvania.
- EDR Report for Byhalia Road, Collierville, TN. March 12, 2009, EDR Inquiry #2440661.1s and #2440661.2s.
- EPA Superfund Information System. <http://www.epa.gov/superfund/>
- Shelby County Archives, Aerial Photographs. 1937, 1958, 1971, and 1990. Memphis, TN.
- TerraServer. 1997 and 2007 (Figure 1) Aerial Photograph. <http://terraserver.microsoft.com/>

Air Quality

(iv) For any project affecting one or more of the top three intersections in the nonattainment or maintenance area with the worst level of service, as identified in the applicable implementation plan.

CO impacts are generally localized to high traffic zones in areas of nonattainment or maintenance. The Byhalia Road project is situated in an outlying area of Collierville in southeastern Shelby County. The area is predominantly undeveloped currently and is considered to be at a Level-of-Service A. Even with the widening of Byhalia Road and a combination of planned residential and commercial developments for the future, Byhalia Road is predicted to be a Level-of-Service C or better. In addition, there are currently nor are predicted to be a "top three intersection" identified in the implementation plan. Therefore, a Hot Spot Analysis is not required for the Byhalia Road project.

3.0 Project Setting

The project is located in southeast Shelby County in the Town of Collierville. Byhalia Road (partial SR-175) is a vital north-south minor arterial that provides connectivity with southeast Shelby County and north Mississippi and access to US 72 and US 78. There is a 300' offset between two existing intersections in the current alignment of E. Shelby Drive. The main land use along the portion of Byhalia Road from Holmes Road to E. Shelby Drive (proposed SR-175) is zoned for residential which primarily consists of single-family residential lots. The land use along the portion of Byhalia Road (SR-175) from E. Shelby Drive (proposed SR-175) to SR-385 (Bill Morris Pkwy) is zoned for residential (approximately 40%) and commercial (approximately 60%). The commercial zoning is positioned towards the north end of Byhalia Road (SR-175) near SR-385 (Bill Morris Pkwy). Collierville is steadily growing, as are most of the suburbs outside the greater Memphis metropolitan area. The Oak Grove Planned Development is located along both sides of Byhalia Road (SR-175) between E. Shelby Drive (proposed SR-175) and SR-385 (Bill Morris Pkwy). Collierville First Assembly of God Church borders the project and Estanaula Park is located on the south end of the project near Holmes Road.

The project has a total length of approximately 1.73 miles, requires approximately 9.5 acres of new right-of-way (7 acres or 74% is to be dedicated).

4.0 Air Quality

The Clean Air Act Amendments of 1990 (CAAA) require that transportation plans and/or projects in areas of nonattainment or maintenance (former nonattainment) that are funded or approved by FHWA be in conformity with the State Implementation Plan (SIP) which represents the State's plan to either achieve or maintain the National Ambient Air Quality Standard (NAAQS) for a listed particular pollutant. Based on these conditions, those projects which are governed in non-attainment or maintenance areas are required through the Intermodal Surface Transportation Efficiency Act of 1991 to fiscally constrain and conform to the MPO's Long Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP). The Clean Air Act (42 U.S.C. 7401 et seq.) prohibits federal assistance to projects that are not in conformance with the SIP.

On February 3, 2010, the Environmental Protection Agency (EPA) re-designated Shelby County from non-attainment status to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone. This re-designation indicates that the EPA has determined that Shelby County has met the criteria set forth in the Clean Air Act attaining the 1997 eight-hour ozone standard, the most recent standard to date. Additionally, the EPA re-designation means that Shelby County has a maintenance plan to address any potential future air quality issues.

The EPA initially designated Shelby County as nonattainment of the 1997 ozone NAAQS on June 15, 2004. Subsequent air quality improvements through the end of 2008 led to the submission to the EPA of the Shelby County Redesignation Request and Maintenance Plan on February 26, 2009. On November 19, 2009, the EPA announced it was proposing that the plan met all the requirements of the Clean Air Act to change the legal designation of Shelby County from nonattainment to attainment.

The Memphis MPO was contacted for information about the MPO Regional Transportation Conformity Analyses. Ms. Pragati Srivastava, Transportation Planner with the Memphis MPO, confirmed that both sections of the Byhalia Road Project have been modeled for air conformity. The Byhalia Road Project as described in the 2030 LRTP is divided into two sections, 1) from Stateline Road to Shelby Drive, and 2) from Shelby Drive to SR 385. Both sections were modeled for the 2020 horizon year. Since the project descriptions are the same and both sections were modeled for the 2020 horizon year, an LRTP amendment and Air Quality conformity analysis is not required.

4.1 National and State Ambient Air Quality Standards

As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for six major air pollutants. These pollutants, known as criteria pollutants, are: carbon monoxide, nitrogen dioxide, ozone, particulate matter, sulfur dioxide and lead. The State of Tennessee has also established ambient air quality standards. These standards are either the same or more stringent than the corresponding federal standards.

4.2 Carbon Monoxide Hot Spot Analysis

Carbon monoxide (CO) is a colorless gas that interferes with the transfer of oxygen to the brain. CO is emitted almost exclusively from the incomplete combustion of fossil fuels. As shown in Figure 4, on-road motor vehicle exhaust is the primary source of CO. In cities, 85 to 95 percent of all CO emissions may come from motor vehicle exhaust. Prolonged exposure to high levels of CO can cause headaches, drowsiness, loss of equilibrium, or heart disease. CO levels are generally highest in the colder months of the year when inversion conditions (when warmer air traps colder air near the ground) are more frequent. CO concentrations can vary greatly over relatively short distances. Relatively high concentrations of CO are typically found near congested intersections, along heavily used roadways carrying slow-moving traffic, and in areas where atmospheric dispersion is inhibited by urban "street canyon" conditions. Even under the worst meteorological conditions and most congested traffic conditions, high concentrations are limited to a relatively short distance (300 to 600 feet) of heavily traveled roadways. Vehicle emissions are the major sources of CO.

Consequently, CO concentrations must be predicted on a localized basis to determine if the pollutant concentrations are within the NAAQS for CO. As stated in the EPA conformity regulations, a CO Hot Spot Analysis should be conducted for projects involving the following:

- (i) For projects in or affecting locations, areas, or categories of sites which are identified in the applicable implementation plan as sites of violation or possible violation;
- (ii) For projects affecting intersections that are at Level-of-Service D, E, or F, or those that will change to Level-of-Service D, E, or F because of increased traffic volumes related to the project;
- (iii) For any project affecting one or more of the top three intersections in the nonattainment or maintenance area with highest traffic volumes, as identified in the applicable implementation plan; and,

Noise Evaluation



5.0 Noise

The Byhalia Road Widening Project is a Type I project as defined in 23 CFR 772, Procedures for Abatement of Highway Noise and Construction Noise (23 CFR 772) [1], and therefore a highway traffic noise analysis was required.

Noise levels are measured in units called decibels (dB). Since the human ear does not respond equally to all frequencies, measured sound levels are adjusted or weighted to correspond to the frequency response of human hearing and the human perception of loudness. The weighted sound level is expressed in single number units called A-weighted decibels (dBA) and is measured with a calibrated noise meter. Most people cannot detect ambient noise differences of less than 3 dBA.

Additionally, TDOT noise policy states that “noise abatement will also not be considered reasonable for land uses constructed after the date of adoption of this noise policy (based upon local Assessor’s records), except for projects involving construction of a new roadway alignment.

TDOT noise policy was adopted in April, 2005. Development constructed after this date will not be eligible for noise abatement for future projects.

Finally, TDOT currently has an active Type II Noise Barrier Program to facilitate the construction of “retrofit” noise barriers along existing highways. To be eligible for a Type II noise barrier, an area must meet the following criteria:

- The neighborhood must be located along a limited-access roadway;
- The neighborhood must be primarily residential;
- The majority (more than 50%) of residences in the neighborhood near the highway predated the initial highway construction;
- A noise barrier for the neighborhood must not have been previously determined to be not reasonable or not feasible as part of a new highway construction or through-lane widening study (Type I project);
- Existing noise levels measured in the neighborhood must be above the Noise Abatement Criteria (NAC) of 66 dBA;
- A barrier must be feasible to construct and will provide substantial noise reduction; and,
- A barrier must be reasonable (barrier cost per benefited residence) in accordance with TDOT’s noise policy. A residence is considered “benefited” if the noise barrier will reduce the traffic level by at least 5 bDA.

5.7 Noise during Construction

Since TDOT’s construction specifications apply to this project, construction procedures shall be governed by the *Standard Specifications for Road and Bridge Construction* as issued by TDOT and as amended by the most recent applicable supplements. The contractor will be bound by Section 107.01 of the Standard Specifications to observe any noise construction so as to cause the least practicable noise impact upon noise-sensitive areas.

6.0 Public Involvement

Public Involvement will be coordinated throughout the project process. Any concerns the community might have for Air Quality or Noise will be addressed in the Public Involvement Plan.

7.0 References

- [1] U.S. Department of Transportation, Federal Highway Administration, 23 CFR 772, *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, http://www.access.gpo.gov/nara/cfr/waisidx_08/23cfr772_08.html
- [2] U.S. Department of Transportation, Federal Highway Administration, *Measurement of Highway-Related Noise*, <http://www.fhwa.dot.gov/environment/noise/measure/index.htm>

The Federal Highway Administration (FHWA) has developed a noise abatement criterion which represents the upper limit of acceptable highway traffic noise levels for different types of land uses and human activities. Traffic noise impacts are assumed to occur only when the predicted traffic noise levels approach or exceed the FHWA noise abatement criteria for the particular land use, or where predicting noise levels substantially exceed the existing noise levels. TDOT defines approaching the noise abatement criteria as 1 dB below the noise abatement criteria. The FHWA Noise Abatement Criteria (23 CFR 772 Table 1) categorizes land uses and defines the upper limit of acceptable highway traffic noise levels. The land uses further define the noise sensitive receptors for the project.

FHWA Noise Abatement Criteria (23 CFR 772 Table 1)

Activity Category	Description of Activity Category	Criteria L_{eq}(h)
A	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where preservation of those qualities is essential if the area is to continue to serve its intended purpose.	57 dBA (exterior)
B	Picnic area, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.	67 dBA (exterior)
C	Developed lands, properties, or activities not included in categories A or B above.	72 dBA (exterior)
D	Undeveloped lands.	----
E	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.	52 dBA (interior)

The TDOT Criteria to Define Noise Increase defines noise increase levels based on the difference between the predicted noise levels and the existing noise levels.

TDOT Criteria to Define Noise Increase

0 – 5 dBA	Minor Increase
6 – 9 dBA	Moderate Increase
10 or more dBA	Substantial Increase

5.1 Methodology Discussion is in the complete report.

5.2 Existing Noise Levels

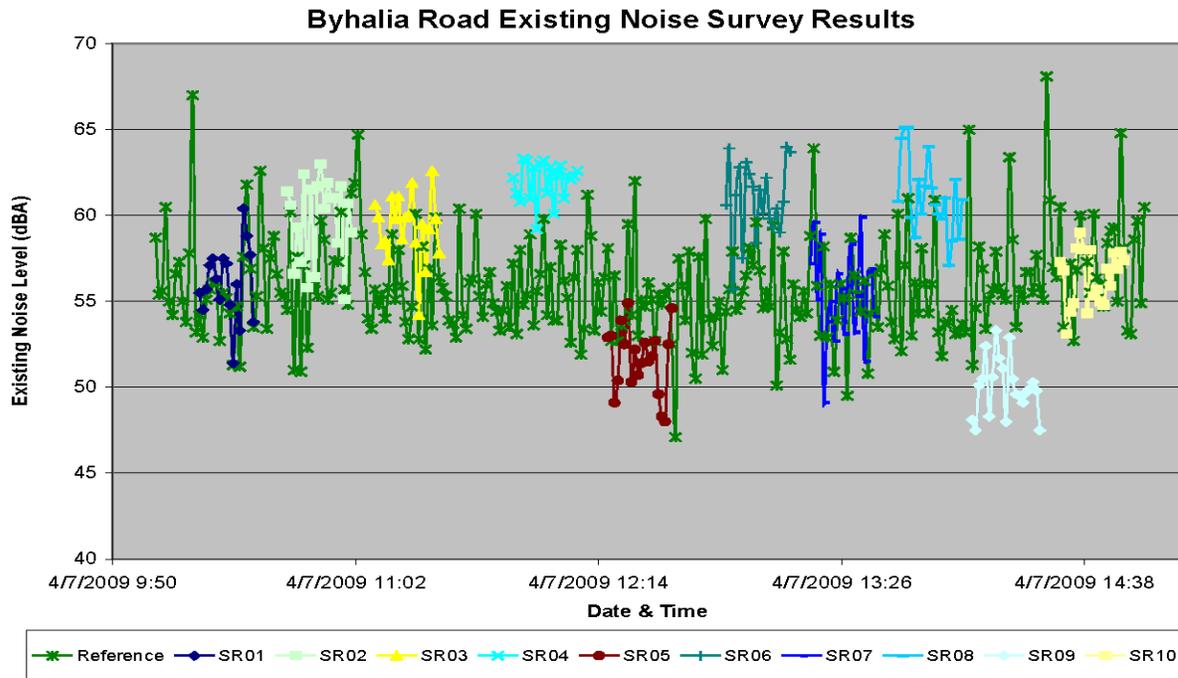
The following table contains the location, sample period, and 1 hour equivalent (L_{eq}) sound level measured and recorded at each of the ten sensitive receptors. The noise measurement data sheets and site photographs are provided in **Appendix 3** as well.

Byhalia Road Existing Noise Survey Results

Sensitive Receptor	Distance from Centerline of Nearest Travel Lane (ft)	Sample Period	L_{eq} (1h) (dBA)
SR01 - Residence - 895 Byhalia Road	75	1015 - 1035	56
SR02 - Church - Collierville First Assembly of God	60	1041 - 1102	60
SR03 - Residence - 626, 698 Byhalia Road	80	1107 - 1128	59
SR04 - Residence - 610 Byhalia Road	60	1148 - 1208	62
SR05 - Park - Estanuala Park	190	1216 - 1237	52
SR06 - Estanuala Trails - Road Side of Fence	60	1249 - 1312	61
SR07 - Estanuala Trails - Subdivision Side of Fence	60	1316 - 1336	55
SR08 - Southridge - Road Side of Brick Wall	55	1342 - 1402	61
SR09 - Southridge - Subdivision Side of Brick Wall	60	1404 - 1425	50
SR10 - Residence - 600 Byhalia Road	115	1430 - 1450	56

None of the L_{eq} , recorded at each the sensitive receptors, exceeded the FHWA Criteria $L_{eq}(h)$ of 67 dBA. The reference microphone had a $L_{eq}(h)$ of 56 dBA. Only twice during the survey, the reference microphone met or exceeded the FHWA Criteria $L_{eq}(h)$ of 67 dBA at any one minute interval.

Furthermore, the noise level data recorded from the reference microphone revealed that the hourly equivalent sound levels remained consistent throughout the day. The following chart illustrates the noise levels collected throughout the survey. The data from each of the ten sensitive receptors and the reference microphone is shown in real time for comparison purposes.



5.3 Predicted Noise Levels

Noise levels were predicted for both the No-Build and the Build alternative. The existing noise levels and the predicted noise levels were compared to determine the expected impacts on the area surrounding the project.

5.3.1 Noise Prediction Levels for the No-Build Alternative

The noise predictions for the No-Build alternative were performed using existing traffic volume levels, future traffic volume levels provided by MPO's 2030 traffic demand model and the data collected during the existing noise level survey. The existing Average Annual Daily Traffic (AADT) on Byhalia Road (partial SR-175) for 2008 ranges from 8,070 vehicles per day (vpd) to 10,808 vpd. According to the MPO's 2030 traffic demand model for this section of Byhalia Road (partial SR-175), the projected AADT ranges from 19,990 vpd to 21,422 vpd.

Noise levels increase approximately three dBA for each doubling of roadway traffic volume, assuming that the vehicle speed and fleet mix remain constant. 21,422 vpd is less than twice the 2008 value of 10,808 vpd. Thus, it can reasonably be concluded that a decibel increase of three for the sound level in 2030 is a conservative estimation. Also, an increase of 3 dBA is considered a minor increase in the noise level. The chart below displays the estimated future 1 hour equivalent sound levels for each of the ten sensitive receivers. This estimated future 1 hour equivalent sound level was calculated by adding three dBA to each of the existing sound levels. None of the sound levels reach, approach, or exceed the 67 dBA limit for Activity Category B.

Noise Prediction Levels for the No-Build Alternative

Sensitive Receptors	L_{eq} (1h) (dBA)
SR01 - Residence - 895 Byhalia Road	59
SR02 - Church - Collierville First Assembly of God	63
SR03 - Residence - 626, 698 Byhalia Road	62
SR04 - Residence - 610 Byhalia Road	65
SR05 - Park - Estanuala Park	55
SR06 - Estanuala Trails - Road Side of Fence	64
SR07 - Estanuala Trails - Subdivision Side of Fence	58
SR08 - Southridge - Road Side of Brick Wall	64
SR09 - Southridge - Subdivision Side of Brick Wall	53
SR10 - Residence - 600 Byhalia Road	59

5.3.2 Noise Prediction Levels for the Build Alternative

The noise predictions for the Build alternative were performed using existing traffic volumes levels, future traffic volume levels provided by MPO's 2030 traffic demand model, the data collected during the existing noise level survey, and FHWA TNM 2.5. The existing Average Annual Daily Traffic (AADT) on Byhalia Road (partial SR-175) for 2008 ranges from 8,070 vehicles per day (vpd) to 10,808 vpd. According to the MPO's 2030 traffic demand model for this section of Byhalia Road (partial SR-175), the projected AADT ranges from 19,990 vpd to 21,422 vpd.

The FHWA TNM 2.5 uses the physical characteristics of the project study area, the recorded noise levels at each sensitive receiver, and the future traffic volume levels to compute the calculated future noise level. The chart below displays the FWHA TNM 2.5 calculated results for the future 1 hour equivalent sound levels at each of the ten sensitive receivers; the plan views and sound level results of the FHWA TNM 2.5 are provided in **Appendix 4**. SR01- 895 Byhalia Road is the only sensitive receiver that approaches the 67 dBA limit for Activity Category B; the noise level increase is classified as substantial. None of the other sound levels reaches or exceeds the limit and their future noise level increases range from minor to moderate as six (6) of the other receivers have minor noise level increases and three (3) have moderate noise level increases. The following table illustrates the findings:

Noise Prediction Levels for the Build Alternative

Sensitive Receptors	L _{eq} (1h) (dBA)	Increase in Existing Noise Level (dBA)
SR01 - Residence - 895 Byhalia Road	66	10
SR02 - Church - Collierville First Assembly of God	65	5
SR03 - Residence - 626, 698 Byhalia Road	65	6
SR04 - Residence - 610 Byhalia Road	64	2
SR05 - Park - Estanuala Park	56	4
SR06 - Estanuala Trails - Road Side of Fence	65	4
SR07 - Estanuala Trails - Subdivision Side of Fence	58	3
SR08 - Southridge - Road Side of Brick Wall	65	4
SR09 - Southridge - Subdivision Side of Brick Wall	57	7
SR10 - Residence - 600 Byhalia Road	63	7

5.4 Determination of Noise Impacts

No noise impacts were identified for the No-Build alternative. For the Build alternative, one sensitive receiver, SR01 – 895 Byhalia Road, is predicted to be impacted with a noise level of 66 dBA, which is approaching the noise abatement criteria. Also, because the Build alternative has a predicted noise level that is 10 dBA greater than the existing noise level, the noise level at SR01 – 895 Byhalia Road is considered a substantial noise increase. The sensitive receiver represents one house, a single family residence, located at 895 Byhalia Road. The sensitive receiver was placed 75 feet from the center line of the nearest travel lane; however, the house is located approximately 200 feet from the center line of the nearest travel lane of Byhalia Road.

5.5 Noise Mitigation

When noise impacts are found to exist, an investigation is made into potential measures for reducing the noise impact. If it is found that such mitigation measures are not feasible for economic, social, or environmental reasons, they may be dismissed from further consideration.

One noise impact was found to exist at SR-01, 895 Byhalia Road. The predicted noise level for the Build Alternative is 66 dBA which is approaching the noise abatement criteria and an increase of 10 dBA from the existing noise level which is a substantial increase.

TDOT will consider the following noise abatement strategies:

- Traffic management measures (e.g., traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, and exclusive lane designations);
- Alteration of horizontal and vertical alignments;
- Construction of noise barriers;
- Acquisition of property rights for construction of noise barriers; and
- Noise insulation of public use or non-profit institutional structures.

The primary focus of the abatement analysis is to determine if abatement is feasible and reasonable. To be feasible, the mitigation strategy should produce a 10 dBA reduction with a minimum of 7 dBA reduction in highway traffic noise for most of the impacted first row of residences or sensitive receptors. To be reasonable, the strategy must be cost-effective, according to the Tennessee Department of Transportation, *Policy on Highway Noise Traffic Abatement* [3].

These forms of mitigation were not found to be reasonable for this project. Noise barriers are the most common noise abatement technique for roadway projects. However, only one residence was predicted to be impacted and Byhalia Road (partial SR-175) is not a limited access roadway, so the construction of noise barriers is not possible since the barriers would limit the access from adjacent properties. As a result, noise abatement is not feasible for this project.

5.6 Coordination with Local Officials

TDOT encourages local communities and developers to practice noise compatible land use planning in order to avoid future noise impacts. The following language is included in TDOT's noise policy:

"Highway traffic noise should be reduced through a program of shared responsibility. Local governments should use their power to regulate land development in such a way that noise-sensitive lands uses are either prohibited from being located adjacent to a highway or that the developments are planned, designed and constructed in such a way that noise impacts are minimized."

Two guidance documents on noise compatible land use planning are available from FHWA. [4, 5]

The Design Year 2030 Sound Levels – Undeveloped Areas Table presents predicted design year equivalent sound levels for areas along Byhalia Road (partial SR-175) where vacant and possibly developable lands exist. The noise predictions were made at distances of 60-190 feet from Byhalia Road (partial SR-175) for the year 2030 design hour, the Build alternative. The values do not represent predicted levels at every location at a particular distance back from the roadway. The sound levels will vary with changes in terrain and will be affected by the shielding of objects such as houses.

Design Year 2030 Build Alternative Sound Levels – Undeveloped Areas

Distance (ft) ⁽¹⁾	L _{eq} (1h) (dBA) ⁽²⁾
60	65
80	60
100	55

⁽¹⁾ Perpendicular distance to centerline of near lane.

⁽²⁾ For at-grade situation.

This information is being included to make local officials and planners aware of anticipated highway noise levels so that future development will be compatible with these levels.

MSAT

4.3 Mobile Source Air Toxics (MSAT) Analysis

In addition to the criteria pollutants for which there are NAAQS, the EPA also regulates air toxics. Toxic air pollutants are those pollutants known or suspected to cause cancer or other serious health effects. Most air toxics originate from human-made sources, including on-road mobile sources, non-road mobile sources (e.g., airplanes), area sources (e.g., dry cleaners), and stationary sources (e.g., factories or refineries). Controlling air toxic emissions became a national priority with the passage of the Clean Air Act Amendments (CAAA) of 1990, whereby Congress mandated that the U.S. Environmental Protection Agency (EPA) regulate 188 air toxics, also known as hazardous air pollutants. The EPA has assessed this expansive list in their latest rule on the Control of Hazardous Air Pollutants from Mobile Sources (Federal Register, Vol. 72, No. 37, page 8430, February 26, 2007) and identified a group of 93 compounds emitted from mobile sources that are listed in their Integrated Risk Information System (IRIS). In addition, EPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers from their 1999 National Air Toxics Assessment (NATA). These compounds are acrolein, benzene, 1,3-butadiene, diesel particulate matter plus diesel exhaust organic gases (diesel PM), formaldehyde, naphthalene, and polycyclic organic matter. While FHWA considers these the priority mobile source air toxics, the list is subject to change and may be adjusted in consideration of future EPA rules. A Mobile Source Air Toxics Evaluation for the Byhalia Road project is included in **Appendix 2** of the report.

APPENDIX 2
MOBILE SOURCE AIR TOXICS EVALUATION

**MSAT Evaluation for Byhalia Road (partial SR-175) from Holmes Road to SR-385 located
in the Town of Collierville, Shelby County, Tennessee
PIN#: 108916.00**

On February 3, 2006, the FHWA released "*Interim Guidance on Air Toxic Analysis in NEPA Documents.*" [1] This guidance was superseded on September 30, 2009 by FHWA's "*Interim Guidance Update on Air Toxic Analysis in NEPA Documents.*" [2] The purpose FHWA's guidance is to advise on when and how to analyze Mobile Source Air Toxics (MSATs) in the NEPA process for highways. This guidance is interim, because MSAT science is still evolving. As the science progresses, FHWA will update the guidance.

Technical shortcomings of emissions and dispersion models and uncertain science with respect to health effects prevent meaningful or reliable estimates of MSAT emissions of this project. However, even though reliable methods do not exist to accurately estimate the health impacts of MSATs at the project level, it is possible to qualitatively assess the levels of future MSAT emissions. The qualitative assessment presented below has been prepared in accordance with FHWA's Interim Guidance derived in part from a study conducted by the FHWA entitled "*A Methodology for Evaluating Mobile Source Air Toxic Emissions Among Transportation Project Alternatives.*" [3] Additional information regarding MSATs is provided in **Attachment A.**

FHWA's Interim Guidance groups projects into the following categories:

- Exempt Projects and Projects with no Meaningful Potential MSAT Effects;
- Projects with Low Potential MSAT Effects; and,
- Projects with Higher Potential MSAT Effects.

FHWA's Interim Guidance provides examples of "Projects with Low Potential MSAT Effects." These projects include minor widening projects and new interchanges, such as those that replace a signalized intersection on a surface street or where design year traffic projections are less than 140,000 to 150,000 AADT.

The Build Alternative includes the widening of Byhalia Road (SR-175). The highest projected design year 2030 AADT for this section of Byhalia Road (partial SR-175) is 21,422 and substantially lower than the FHWA criterion. Therefore, the project meets the criteria for a "Project with Low Potential MSAT Effects."

For both the No-Build and Build Alternative, the amount of MSATs emitted would be proportional to the vehicle miles traveled, or VMT, assuming that other variables such as fleet mix are the same for each alternative. ***The estimated VMT for the Build Alternative is essentially the same as the VMT for the No-Build Alternative.*** Therefore, it is expected that there would be no appreciable difference in overall MSAT emissions between the No-Build and Build Alternatives.

Additionally, travel speeds for the Build Alternative are expected to be higher than for the No-Build Alternative. According to EPA's MOBILE6 emissions model, emissions of all of the priority MSATs except for diesel particulate matter decrease as speed increases. The extent to which these speed-related emissions decreases will offset VMT-related emissions increases cannot be reliably projected due to the inherent deficiencies of technical models.

Also, regardless of the alternative chosen, emissions will likely be lower than present levels in the design year as a result of EPA's national control programs that are projected to reduce MSAT emissions by 72 percent between 1999 and 2050. Local conditions may differ from these national projections in terms of fleet mix and turnover, VMT growth rates, and local control measures. However, the magnitude of the EPA-projected reductions is so great (even after accounting for VMT growth) that MSAT emissions in the study area are likely to be lower in the future in nearly all cases.

The additional travel lanes contemplated for the Build Alternative will have the effect of moving some traffic closer to nearby homes, businesses, and churches; therefore, under the Build Alternative there may be localized areas where ambient concentrations of MSATs could be higher than under the No-Build Alternative. However, as discussed above, the magnitude and the duration of these potential increases compared to the No-Build Alternative cannot be reliably quantified due to incomplete or unavailable information in forecasting project-specific MSAT health impacts.

In sum, when a highway is widened, the localized level of MSAT emissions for the Build Alternative could be higher relative to the No Build Alternative, but this could be offset due to increases in speeds and reductions in congestion (which are associated with lower MSAT emissions). Also, MSAT will be lower in other locations when traffic shifts away from them. However, on a regional basis, EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be significantly lower than today.

Substantial construction-related MSAT emissions are not anticipated for this project as construction is not planned to occur over an extended building period. However, construction activity may generate temporary increases in MSAT emissions in the project area.

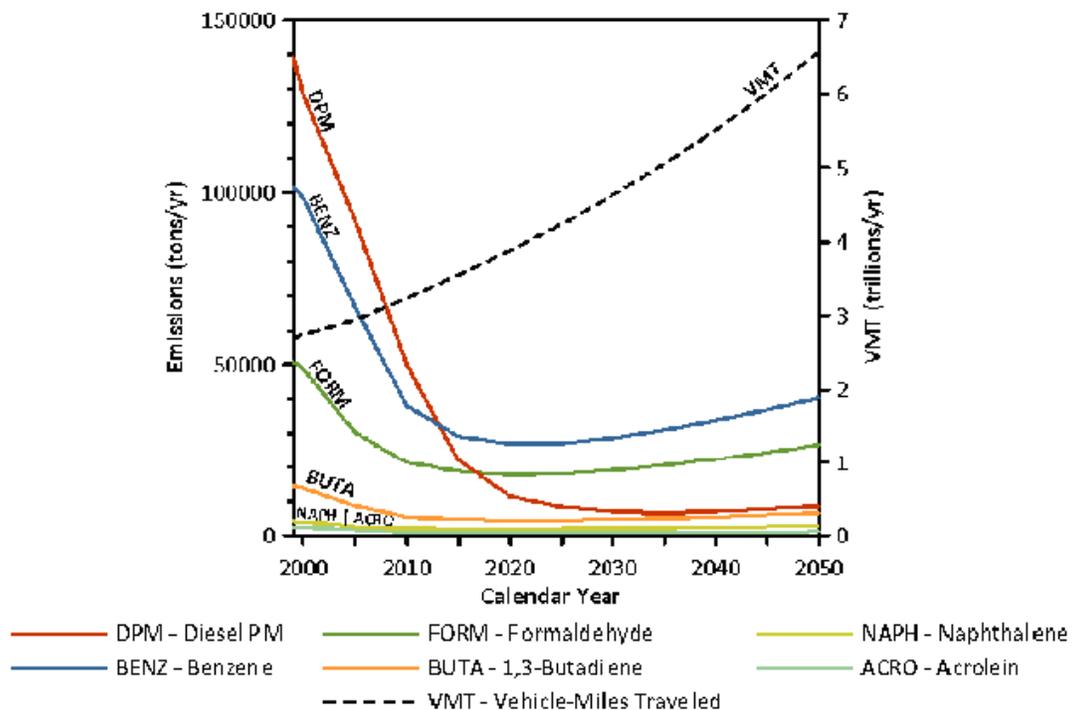
- [1] *Interim Guidance on Air Toxic Analysis in NEPA Documents*, FHWA, February 3, 2006.
<http://www.fhwa.dot.gov/environment/airtoxic/020306guidmem.htm>
- [2] *Interim Guidance Update on Air Toxic Analysis in NEPA Documents*, FHWA, September 30, 2009.
<http://www.fhwa.dot.gov/environment/airtoxic/100109guidmem.htm>
- [3] Claggett, M., et. al., "A Methodology for Evaluating Mobile Source Air Toxic Emissions Among Transportation Project Alternatives," Federal Highway Administration, Resource Center.

Attachment A – Additional Information on Mobile Source Air Toxics (MSATs)

Controlling air toxic emissions became a national priority with the passage of the Clean Air Act Amendments (CAAA) of 1990, whereby Congress mandated that the U.S. Environmental Protection Agency (EPA) regulate 188 air toxics, also known as hazardous air pollutants. The EPA has assessed this expansive list in their latest rule on the Control of Hazardous Air Pollutants from Mobile Sources (Federal Register, Vol. 72, No. 37, page 8430, February 26, 2007) and identified a group of 93 compounds emitted from mobile sources that are listed in their Integrated Risk Information System (IRIS) (<http://www.epa.gov/ncea/iris/index.html>). In addition, EPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers from their 1999 National Air Toxics Assessment (NATA) (<http://www.epa.gov/ttn/atw/nata1999/>). These are acrolein, benzene, 1,3-butadiene, diesel particulate matter plus diesel exhaust organic gases (diesel PM), formaldehyde, naphthalene, and polycyclic organic matter. While FHWA considers these the priority mobile source air toxics, the list is subject to change and may be adjusted in consideration of future EPA rules.

The 2007 EPA rule mentioned above requires controls that will dramatically decrease MSAT emissions through cleaner fuels and cleaner engines. According to an FHWA analysis using EPA's MOBILE6.2 model, even if vehicle activity (vehicle-miles travelled, VMT) increases by 145 percent as assumed, a combined reduction of 72 percent in the total annual emission rate for the priority MSAT is projected from 1999 to 2050, as shown in Figure 1.

Figure 1: NATIONAL MSAT EMISSION TRENDS 1999 - 2050 FOR VEHICLES OPERATING ON ROADWAYS USING EPA'S MOBILE6.2 MODEL



Note:

(1) Annual emissions of polycyclic organic matter are projected to be 561 tons/yr for 1999, decreasing to 373 tons/yr for 2050.
 (2) Trends for specific locations may be different, depending on locally derived information representing vehicle-miles travelled, vehicle speeds, vehicle mix, fuels, emission control programs, meteorology, and other factors
 Source: U.S. Environmental Protection Agency. MOBILE6.2 Model run 20 August 2009.

Air toxics analysis is a continuing area of research. While much work has been done to assess the overall health risk of air toxics, many questions remain unanswered. In particular, the tools and techniques for assessing project-specific health outcomes as a result of lifetime MSAT exposure remain limited. These limitations impede the ability to evaluate how the potential health risks posed by MSAT exposure should be factored into project-level decision-making within the context of the National Environmental Policy Act (NEPA).

Nonetheless, air toxics concerns continue to be raised on highway projects during the NEPA process. Even as the science emerges, we are duly expected by the public and other agencies to address MSAT impacts in our environmental documents. The FHWA, EPA, the Health Effects Institute, and others have funded and conducted research studies to try to more clearly define potential risks from MSAT emissions associated with highway projects. The FHWA will continue to monitor the developing research in this emerging field.

Unavailable Information for Project Specific MSAT Impact Analysis

In FHWA's view, information is incomplete or unavailable to credibly predict the project-specific health impacts due to changes in MSAT emissions associated with a proposed set of highway alternatives. The outcome of such an assessment, adverse or not, would be influenced more by the uncertainty introduced into the process through assumption and speculation rather than any genuine insight into the actual health impacts directly attributable to MSAT exposure associated with a proposed action.

The U.S. Environmental Protection Agency (EPA) is responsible for protecting the public health and welfare from any known or anticipated effect of an air pollutant. They are the lead authority for administering the Clean Air Act and its amendments and have specific statutory obligations with respect to hazardous air pollutants and MSAT. The EPA is in the continual process of assessing human health effects, exposures, and risks posed by air pollutants. They maintain the Integrated Risk Information System (IRIS), which is "a compilation of electronic reports on specific substances found in the environment and their potential to cause human health effects" (EPA, <http://www.epa.gov/ncea/iris/index.html>). Each report contains assessments of non-cancerous and cancerous effects for individual compounds and quantitative estimates of risk levels from lifetime oral and inhalation exposures with uncertainty spanning perhaps an order of magnitude.

Other organizations are also active in the research and analyses of the human health effects of MSAT, including the Health Effects Institute (HEI). Two HEI studies are summarized in Appendix D of FHWA's Interim Guidance Update on Mobile source Air Toxic Analysis in NEPA Documents. Among the adverse health effects linked to MSAT compounds at high exposures are cancer in humans in occupational settings; cancer in animals; and irritation to the respiratory tract, including the exacerbation of asthma. Less obvious is the adverse human health effects of MSAT compounds at current environmental concentrations (HEI, <http://pubs.healtheffects.org/view.php?id=282>) or in the future as vehicle emissions substantially decrease (HEI, <http://pubs.healtheffects.org/view.php?id=306>).

The methodologies for forecasting health impacts include emissions modeling; dispersion modeling; exposure modeling; and then final determination of health impacts - each step in the process building on the model predictions obtained in the previous step. All are encumbered by technical shortcomings or uncertain science that prevents a more complete differentiation of the MSAT health impacts among a set of project alternatives. These difficulties are magnified for lifetime (i.e., 70 year) assessments, particularly because unsupportable assumptions would have to be made regarding changes in travel patterns and vehicle technology (which affects emissions rates) over that time frame, since such information is unavailable. The results

produced by the EPA's MOBILE6.2 model, the California EPA's Emfac2007 model, and the EPA's DraftMOVES2009 model in forecasting MSAT emissions are highly inconsistent. Indications from the development of the MOVES model are that MOBILE6.2 significantly underestimates diesel particulate matter (PM) emissions and significantly overestimates benzene emissions.

Regarding air dispersion modeling, an extensive evaluation of EPA's guideline CAL3QHC model was conducted in an NCHRP study (http://www.epa.gov/scram001/dispersion_alt.htm#hyroad), which documents poor model performance at ten sites across the country - three where intensive monitoring was conducted plus an additional seven with less intensive monitoring. The study indicates a bias of the CAL3QHC model to overestimate concentrations near highly congested intersections and underestimate concentrations near uncongested intersections. The consequence of this is a tendency to overstate the air quality benefits of mitigating congestion at intersections. Such poor model performance is less difficult to manage for demonstrating compliance with National Ambient Air Quality Standards for relatively short time frames than it is for forecasting individual exposure over an entire lifetime, especially given that some information needed for estimating 70-year lifetime exposure is unavailable. It is particularly difficult to reliably forecast MSAT exposure near roadways, and to determine the portion of time that people are actually exposed at a specific location.

There are considerable uncertainties associated with the existing estimates of toxicity of the various MSAT, because of factors such as low-dose extrapolation and translation of occupational exposure data to the general population, a concern expressed by HEI (<http://pubs.healtheffects.org/view.php?id=282>). As a result, there is no national consensus on air dose-response values assumed to protect the public health and welfare for MSAT compounds, and in particular for diesel PM. The EPA (<http://www.epa.gov/risk/basicinformation.htm#g>) and the HEI (<http://pubs.healtheffects.org/getfile.php?u=395>) have not established a basis for quantitative risk assessment of diesel PM in ambient settings.

There is also the lack of a national consensus on an acceptable level of risk. The current context is the process used by the EPA as provided by the Clean Air Act to determine whether more stringent controls are required in order to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect for industrial sources subject to the maximum achievable control technology standards, such as benzene emissions from refineries. The decision framework is a two-step process. The first step requires EPA to determine a "safe" or "acceptable" level of risk due to emissions from a source, which is generally no greater than approximately 100 in a million. Additional factors are considered in the second step, the goal of which is to maximize the number of people with risks less than 1 in a million due to emissions from a source. The results of this statutory two-step process do not guarantee that cancer risks from exposure to air toxics are less than 1 in a million; in some cases, the residual risk determination could result in maximum individual cancer risks that are as high as approximately 100 in a million. In a June 2008 decision, the U.S. Court of Appeals for the District of Columbia Circuit upheld EPA's approach to addressing risk in its two step decision framework. Information is incomplete or unavailable to establish that even the largest of highway projects would result in levels of risk greater than safe or acceptable.

Because of the limitations in the methodologies for forecasting health impacts described, any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with predicting the impacts. Consequently, the results of such assessments would not be useful to decision makers, who would need to weigh this information

against project benefits, such as reducing traffic congestion, accident rates, and fatalities plus improved access for emergency response, that are better suited for quantitative analysis.

Due to the limitations cited, a discussion such as the example provided in this Appendix (reflecting any local and project-specific circumstances), should be included regarding incomplete or unavailable information in accordance with Council on Environmental Quality (CEQ) regulations [40 CFR 1502.22(b)]. The FHWA Headquarters and Resource Center staff Victoria Martinez (787) 766-5600 X231, Shari Schaftlein (202) 366-5570, and Michael Claggett (505) 820-2047, are available to provide guidance and technical assistance and support.

FHWA Guidance Consultant Names on NEPA Documents

No consultant names on documents

Page 1 of 1

From: "Fottrell, Gary" <Gary.Fottrell@fhwa.dot.gov>
To: "Joe Matlock" <Joe.Matlock@state.tn.us>
Date: 12/1/2006 10:19 AM
Subject: No consultant names on documents
CC: "Ed Cole" <Ed.Cole@state.tn.us>, "Brunelle, Karen" <Karen.Brunelle@fhwa.dot.gov>, "Tribble, Leigh Ann" <LeighAnn.Tribble@fhwa.dot.gov>

Joe,

Here's the letter you had asked for. Again, we require that Federal documents not include consultants' names. Including the names of private consultants in the text has been determined by our legal counsel to promote preferential treatment to private organizations or individuals. This applies to all environmental documentation that we review and approve (and sign) - EIS/EA/CE/FONSI/ROD/4(f) documentation, etc. On the other hand, we're not concerned if consultants put their names or logos on their PowerPoint presentations, public hearing handouts, etc. - those aren't Federal documents, and we don't approve them.

Gary

<<No consultant names on NEPA documents.doc>>



U.S. Department
of Transportation
**Federal Highway
Administration**

640 Grassmere Park Road
Suite 112
Nashville, TN 37211

September 13, 2006

In Reply Refer To: HPP-TN

Tennessee Division

Mr. Doug Delaney, Director
Environmental Division
Tennessee Department of Transportation
J. K. Polk Building, 9th Floor
505 Deaderick Street
Nashville, TN 37243

Dear Mr. Delaney:

The Division Office has received National Environmental Policy Act (NEPA) documents that make reference to a consulting firm or a specific consultant's name. It is the Federal Highway Administration's policy not to allow consultant logos, names, or the names of their firms within NEPA documents. This policy is based on 5 CFR 2635.101(b)(8) which is part of the Standards for Ethical Conduct for Employees of the Executive Branch.

We respectfully request that the Department refrain from submitting NEPA documents that specifically include consultant logos, names, or the names of their firms.

Please call me at (615) 781-5760 if you have any questions.

Sincerely,

Leigh Ann Tribble
Environmental Program Engineer

cc: Mr. Ed Cole, TDOT Environment and Planning Bureau Chief
Mr. Harold Jackson, TDOT Environmental Division
Mr. Charles Bush, TDOT Environmental Division
Mr. Tom Love, TDOT Environmental Division



Permits

Programmatic Categorical Exclusion for the XXXXXXXXX Program
Your city and county, Tennessee
State Project No: 1111 Federal Project No.:22222 **Pin No.:33333333**
Date:

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STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334

Memorandum

TO: Teresa Estes
Transportation Coordinator

FROM: Suzanne Herron, Director
Environmental Division

DATE: February 25, 2009

SUBJECT: Local Programs Project Guidelines for Projects Submitted to the Environmental Division

Permit Applications

Local governments should obtain all permits and assume all responsibilities of the permittee as indicated in the permit. Copies of the permit application and permits should be submitted to the Environmental Division prior to letting of the project. **The Permits Office will issue a certification stating that the permits are complete before the project can be let to construction.**

These guidelines ARE NOT all inclusive. The local agency should use the Local Programs Guidelines Manual at <http://www.tdot.state.tn.us/local/projectinfo.htm> for more references to permit applications. Applicants should follow state and Federal guidelines for permit applications. Please contact the Environmental Division or the regulatory agency with questions.

TDEC ARAP, Corps Section 404, TVA Section 26a Permits

To properly identify water resources (such as streams, wetlands, springs, ponds with a stream either entering or leaving it, seeps, etc.) that may be impacted by the project and thus will need permits, the project site must be thoroughly investigated by the local government's qualified biologist. This is because the current state-of-the-art in water resource identification can be quite subtle, and what appears to a lay person to be a simple roadside ditch or low area, for example, could be considered a stream or wetland by a biologist. A copy of the biologist's ecology report must be supplied to the TDOT Environmental Division's Environmental Permits Section with a set of half-size (11" x 17") plans showing the water resource features, present conditions, and the proposed project work. Full-size plans (typically 24" x 36") cannot be accepted by the Environmental Permits Section.

Please note that NEPA documents, particularly Categorical Exclusions, do not serve as an indication of whether water quality or storm water permits will be required on a project. A NEPA document does not replace the need for a detailed site review by a qualified biologist for the purpose of determining permit needs.

Programmatic Categorical Exclusion for the XXXXXXXXX Program
Your city and county, Tennessee
State Project No: 1111 Federal Project No.:22222 **Pin No.:33333333**
Date:

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Project work, either new work or maintenance/repair of existing facilities, that is considered by regulatory agencies to be impacts to water resources (such as streams, wetlands, springs, ponds with a stream either entering or leaving them, seeps, etc.), will require an Aquatic Resource Alteration Permit (ARAP), also called a Section 401 Water Quality Certification under Federal law, from the Tennessee Department of Environment and Conservation (TDEC).

Applicants should always apply to the US Army Corps of Engineers' appropriate Regulatory Branch for a Section 404 Permit any time an ARAP/Section 401 Water Quality Certification is requested from TDEC. The response will be a Corps permit to keep on the project site, or a written reply from the Corps that a permit is not needed. Usually, the TDEC and/or TVA Permits say to contact the Corps for permit approvals.

If the project is in the Tennessee Valley and has water resource impacts requiring an ARAP, the Tennessee Valley Authority (TVA) also needs to be asked for either a "letter of no objection" or a Section 26a Permit for the proposed project. Usually, the TDEC and/or Corps Permits say you have to contact the TVA for permit approvals, anyway.

A copy of all permits or other approvals, or statements of "no objection" or "no permits required" received by the local government from the TDEC, Corps, and/or TVA, must be supplied to the Environmental Permits Section, for us to certify that permit requirements have been met for the project.

NPDES Permit Coverage

If the project disturbs an acre or more of land, the local government must prepare a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to send to TDEC requesting coverage under the NPDES Construction Storm Water General Permit. Land disturbance is defined in the General Permit, and includes clearing, grubbing, grading, etc. A copy of the Notice of Coverage (NOC) from TDEC must be supplied to the Environmental Permits Section, for us to certify that permit requirements have been met for the project.

Note: After the project is awarded to a construction contractor, that contractor must be added to the NOI, which is submitted to TDEC so the contractor can be added by TDEC to the NOC.

Class V Injection Well (Sinkhole) Permits

Whenever a sinkhole is identified in or near the project impact area, a Class V Injection Well Permit must be obtained from TDEC. This requirement applies whether or not the sinkhole has an open throat, and whether or not the sinkhole is actually being filled or repaired by construction operations. Even inadvertent changes to the flow of surface waters to the sinkhole that may be caused by the project require a permit application. The received TDEC permit must be supplied to the Environmental Permits Section, for us to certify that permit requirements have been met for the project.

Does a Resurfacing or Paving Project Need a Water Quality or Storm Water Permit?

The typical resurfacing project does not need any environmental permits involving the Environmental Permits Section, as long as the following are true:

The scope of the project consists of paving, resurfacing, shoulder, and/or guardrail work.

All project activities avoid impacts to streams, wetlands, and other water resources, as identified by a qualified biologist. (The current state-of-the-art in water resource identification can be quite subtle, and what appears to a lay person to be a simple roadside ditch could be considered a water resource by a biologist.)

Programmatic Categorical Exclusion for the XXXXXXXXX Program
Your city and county, Tennessee
State Project No: 1111 Federal Project No.:22222 **Pin No.:33333333**
Date:

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No cross-drains or other culverts on streams or in wetlands are being replaced, extended, or repaired.

No additional work (such as sinkhole filling or repair) is included in the project.

Any resurfacing of bridge decks included in the project is accomplished as simple pavement placement with no milling or grinding of the deck surface; or if deck milling/grinding is done, it is only partial-depth in nature. If full-depth deck repairs are needed on a bridge that crosses a stream, permits would be required.

The project construction does not disturb an acre or more of land. "Land disturbance" does not include stabilized materials under existing pavement that will be milled or ground down, unless the cutting goes all the way to soil or other material that is capable of eroding. If the project will disturb an acre or more of land, the local government will have to prepare a SWPPP and NOI to send to TDEC requesting coverage under the NPDES Construction Storm Water General Permit. A copy of the NOC from TDEC must be supplied to the Environmental Permits Section, for us to certify that permit requirements have been met for the project. As noted above, the construction contractor must be subsequently added to the NOI and NOC.

If all of these conditions are met for the resurfacing project, the local government must supply a written statement to the Environmental Permits Section, stating that relevant water quality or storm water quality permits have been secured; the Environmental Permits Section submittal and certify that permit requirements have been met for the project.

If **all** of these conditions are not met for the resurfacing project, the relevant water quality or storm water quality permits are required and should be obtained by the local government.

Note: It typically takes 30 to 90 days from permit application submittal to the agency issuance of the permit. All relevant permits must be obtained and certified prior to project plans "turn in date" which is generally approximately eight weeks prior to let date. For further information please call 615-253-2477.

cc: Jim Ozment (NEPA Office, TDOT)
John Hewitt (Permits Office, TDOT)
Nancy Sartor (Local Programs Office, TDOT)
Angie Midgett (Long Range Planning, TDOT)