

Appendix N: Public Involvement and Agency Coordination Plan and Agency Correspondence

State Route (SR) 170

From SR-62 Interchange to SR-9 (US-25W)
Anderson County, Tennessee

Tennessee Department of Transportation

TDOT PIN 124121.00

September 2025

TDOT Environmental Division
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Public Involvement and Agency Coordination Plan (PICP)

State Route 170
From East of the SR-62 Interchange (L.M. 0.00) to SR-9/
Clinton Highway (L.M. 6.18)
Anderson County
PIN 124121.00

Prepared for:
Tennessee Department of Transportation
Environmental Quality and NEPA Section

March 25, 2025

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1. Introduction

1.1 Project Background

The State Route (SR) 170, from east of the SR-62 Interchange (L.M. 0.00) to SR-9/Clinton Highway (L.M. 6.18) in Anderson County, project is an effort by the Tennessee Department of Transportation (TDOT) to widen and realign SR-170 from the SR-62 interchange (L.M. 0.00) to SR-9/Clinton Highway (L.M. 6.18) in Anderson County, Tennessee. The proposed improvements would total approximately 6.18 miles in length. Please see **Figure 1** for the Project Location Map.

The proposed project is needed to improve the existing roadway system along the SR-170 corridor to address geometric deficiencies, enhance mobility, and relieve traffic congestion. The goals and objectives of an improved SR-170 facility include promoting safer operations for commuters and accommodating efficient movement of people and freight. In accordance with Title 23 of the Code of Federal Regulations (CFR) Section 771.119, TDOT is preparing an Environmental Assessment (EA) to review the potential natural, human, and social environmental effects of the proposed project. TDOT will be evaluating a No-Build and one Build Alternative for the purposes of this EA.

The No-Build Alternative would preserve the existing two-lane typical section for the SR-170 roadway and bridge over the Clinch River, maintain the existing median and access, maintain existing intersection configurations, and would not address roadway geometric deficiencies and capacity needs. The No-Build Alternative would also maintain the existing pedestrian and bicycle accommodations and would not address mobility needs. One Build Alternative is proposed to address geometric deficiencies, enhance mobility, and relieve traffic congestion. The Build Alternative would include widening of the existing two-lane typical section into a four-lane section with two lanes in each direction with a variable median, including a sidewalk on one side and a shared use path with retaining wall (as needed) on the other side of the road. The Build Alternative would also include adding turn lanes at strategic intersections, realigning and reconfiguring several intersections along the corridor, and replacing the existing two-lane bridge over the Clinch River with a four-lane bridge.

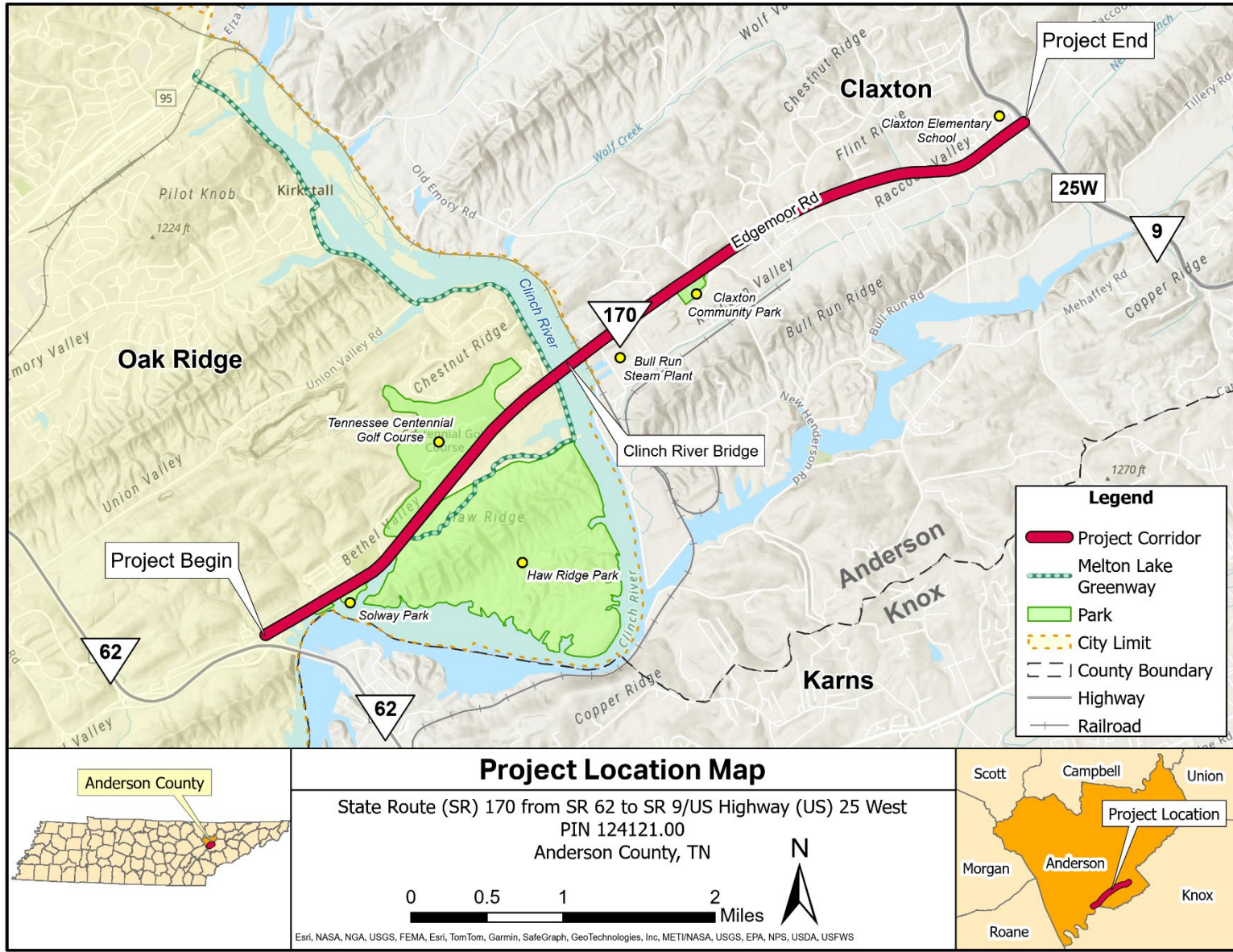
The subject section of SR-170 runs from the City of Oak Ridge to the unincorporated community of Claxton. The land use at the proposed project's start is primarily rural, with a few residential communities, parks, and golf courses. As SR-170 crosses the Clinch River, the land use begins to urbanize, with the Tennessee Valley Authority's (TVA's) Bull Run Fossil Plant directly at the northern end of the bridge with residential communities and businesses appearing more frequently adjacent to the roadway as the proposed project extends toward Claxton.

1.2 Purpose of the Public Involvement and Agency Coordination Plan

The Public Involvement and Agency Coordination Plan (PICP) will serve as a guide throughout the lifetime of the proposed project by outlining a systematic approach to how TDOT and the Federal Highway Administration (FHWA) intend to coordinate with and involve the public, stakeholders, and relevant agencies during the development of the proposed project. Furthermore, the PICP outlines how the results of outreach and coordination efforts will be integrated into the decision-making process for the proposed project. The PICP is being developed pursuant to regulations and in accordance with the TDOT Public Involvement Plan (PIP)¹.

¹ <https://www.tn.gov/content/dam/tn/tdot/documents/government-how-do-i-documents/pip.pdf>

Figure 1. Project Location Map



Federal regulations, like those found in 23 CFR 771.111² and Title 23 of the U.S. Code (USC) Sections 128³ and 139(g)⁴, outline the overarching expectations and requirements regarding the public involvement and agency coordination processes associated with the National Environmental Policy Act (NEPA) process for federal projects.⁵ FHWA as Lead Agency and TDOT as the Joint Lead Agency for the proposed project adhere to the environmental procedures outlined in the various regulations that establish procedures and guidance for implementing NEPA. Furthermore, TDOT's 2007 PIP further details the Department's guidelines and expectations as they relate to public participation. In accordance with TDOT's PIP, the subject project would be classified as a Level Three project and would therefore be subject to the corresponding requirements outlined in the PIP.

The PICP documents the public involvement and agency coordination procedures to be developed and implemented as part of the development of the proposed project. Prior to implementing any specific outreach or coordination efforts discussed in the PICP, more detailed and effort-specific plans will be developed; however, the intent of the PICP is to identify the needs and opportunities for those efforts and establish preliminary goals and objectives and processes to ensure that the various techniques are effective and well-developed. The PICP also includes an initial schedule for public outreach, public meetings, and comment/response periods to be updated as the project advances.

Public and agency participation are both integral parts of the transportation planning process to help ensure that decisions are made in consideration of and to benefit public needs to ensure that the project is developed in accordance with the relevant state and federal requirements. Early and continuous public and agency involvement enables agencies to make better informed decisions. Successful public engagement is a continuous process consisting of a series of activities to both inform the public and stakeholders and to obtain input from them. Conducting meaningful public participation involves not only making the public aware of the opportunity to reach out to the Lead Agencies at any point regarding the proposed project, but also actively seeking public input at specific points in the decision-making process where input has potential to shape the outcome of the proposed actions. Additionally, involving groups and individuals that are potentially affected by the proposed project will ensure that their needs are being heard and met. Similarly, successful agency participation requires facilitating regular opportunities to involve and seek input from the agencies on the development of the proposed project. Providing comprehensive agency coordination packets to invite their review and feedback on key milestones throughout the NEPA and project development process, the agency coordination effort outlined in the PICP will ensure that areas of interest, expertise, and concern specific to the agencies are identified and discussed early in the project development process. This approach will make sure that the project is developed and constructed in accordance with the various state and federal requirements for which agencies may have valuable input or are directly responsible.

1.3 Public Involvement and Agency Coordination Plan Development and Update

The project team is a working collective of TDOT staff and consultants. The project team will develop and carry out the PICP in coordination with staff or representatives of the Knoxville Regional Transportation Planning Organization (KRTPO), the FHWA, the Federal Transit Administration (FTA), and other relevant state, federal, and local agencies and municipalities. Anticipated agencies are listed in the following **Table 1** below.

To ensure that there are sufficient opportunities to share project information and receive input and feedback, the project schedule will be considered when planning public involvement

² 23 CFR 771.111 (<https://www.law.cornell.edu/cfr/text/23/771.111>)

³ 23 USC 128 (<https://www.law.cornell.edu/uscode/text/23/128>)

⁴ 23 USC 139 (<https://www.law.cornell.edu/uscode/text/23/139>)

⁵ Federal statutes and regulations for public involvement (https://www.fhwa.dot.gov/planning/public_involvement/orders/)

activities. The PICP will be assessed and updated as necessary so that the needs of the public and stakeholders are responded to and met.

2. Public Involvement Methods and Activities

Proposed public involvement opportunities for the proposed SR-170 project could include stakeholder meetings, public information meetings, Public Hearings, online engagements, and others. Specifics about each opportunity considered are discussed below.

2.1 Development of a Stakeholder Database

The project team will develop a living database of interested parties located or with interests throughout the project area, elected officials, stakeholders, and any other groups or individuals thought to have an interest in the proposed project. This database will serve as the main catalog of contacts for all outreach efforts for the proposed project and will facilitate the project information sharing process so that all involved parties are aware of upcoming outreach opportunities and other project updates.

An initial list of project stakeholders will be compiled through coordination with local staff and agencies, coordination with previous and on-going projects in the study area, field work, consultations with TDOT, and property owner database research. There may also be populations in the project area that will be identified using Census data or information obtained from groups or organizations known to have knowledge of these populations. In addition, upon request, individual members of the public may request to be added to the database to ensure that they receive all direct distributions to those included on this list. The database will be maintained and updated throughout the development of the proposed project based upon public involvement and ongoing coordination efforts.

Table 1. Stakeholder Database

<i>Local, Regional, State, and Federal Agencies for Coordination</i>	
U.S. Army Corps of Engineers	City of Oak Ridge
U.S. Department of Transportation - Federal Railroad Administration	- Office of The Mayor
Tennessee Valley Authority	- Police Department
Natural Resource Conservation Service	- Fire Department
U.S. Department of Housing and Urban Development	- Recreation and Parks
U.S. Coast Guard	- Planning and Development
U.S. Environmental Protection Agency	- Transportation
U.S. Department of the Interior - Office of Surface Mining	Anderson County
U.S. Department of the Interior - U.S. Geological Survey	- Office of The County Mayor
U.S. Department of Transportation - Federal Aviation Administration	- Parks and Recreation
U.S. Fish and Wildlife Service	- Department of Emergency Management
Appalachian Regional Commission	- Schools
Tennessee Department of Environment and Conservation	- Sheriff
Tennessee Wildlife Resource Agency	Claxton Volunteer Fire Department
Tennessee Historical Commission	City of Oak Ridge Centennial Golf Course
Tennessee Department of Agriculture	University of Tennessee Arboretum
Tennessee Housing Development Agency	Woodhaven Funeral Home and Memorial Gardens
Tennessee Emergency Management Agency	Oak Ridge Memorial Park
Tennessee Association of Floodplain Management	Sierra Club
	The Nature Conservancy
	Tennessee Environmental Council
	Tennessee Trails Association
	Tennessee Wildlife Federation
	Tennessee Division of Forestry

Local, Regional, State, and Federal Agencies for Coordination	
Knoxville Regional Transportation Planning Organization East Tennessee Human Resource Agency	Claxton Country Squares

Early in the proposed project’s development, coordination will occur with any local, regional, state, or federal agencies that are interested in the proposed project and will be maintained throughout the proposed project’s entire development process. This coordination will ensure all agency partners are up to date with and aware of all project aspects, including relevant news, resources, issues, or concerns about the project area.

2.2 Outreach Efforts

2.2.1 Early Coordination

Pursuant to Section 6002 of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and 23 USC 139, Cooperating and Participating Agencies are responsible for assisting in the identification of, as early as practicable, any issues of concern regarding the proposed project’s potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a needed permit or other approval for the proposed project. Cooperating Agency refers to any Federal agency, other than a Lead Agency, that has jurisdiction by law (23 CFR 771.111(d)) or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A State or local agency of similar qualifications or, when the effects are on lands of tribal interest, a Native American tribe may, by agreement with the Lead Agencies, also become a Cooperating Agency.

Participating Agencies, as defined by SAFETEA-LU and 23 CFR 139 do not qualify to serve as Cooperating Agencies. Participating Agencies do not necessarily have jurisdiction over specific resources or authority/responsibility for developing environmental information/analysis, however, their unique interests and expertise in the proposed project makes their involvement and feedback a crucial part of the project development process. Non-Participating Agencies may also have an interest in the proposed project but do not qualify to serve as Cooperating or Participating Agencies.

The project team will identify any local, state, or federal Cooperating, Participating, and Non-Participating Agencies that will be included in the distribution of the Early Coordination Package. The project team will then initiate early coordination with those agencies as well as local stakeholders and organizations and the public and will continue to coordinate for the duration of the project development process. As part of the Early Coordination Package, the project team creates this PICP, develops the agency coordination list and the Cooperating/Participating/Non-Participating Agency coordination request letters, and distributes the Early Coordination Package, accordingly. The Early Coordination Package will include the PICP and a map of the project area.

As the proposed project moves forward through the development process, the Lead Agencies will continue to coordinate and involve the Cooperating and Participating Agencies through concurrence points that will be established for key decision-making milestones to ensure the agencies’ participation in helping the Lead Agencies to review and provide feedback on the development of the proposed project. Currently, those anticipated milestones would include the proposed purpose and need, proposed alternatives under consideration, development of and potential impacts identified in the draft EA, and draft preliminary mitigation efforts. The list below shows the preliminary timeframes currently projected for these concurrence points, however, as the proposed project continues moving through the NEPA and project development processes, if updates to these timeframes are needed, those will be communicated to the agencies accordingly.

Table 2. Early Coordination Milestone and Review Schedule

Coordination Step	Project Milestone & Corresponding Agency Review/Action	Proposed Schedule*
Early Coordination (EC) Initiation Letter	Respond to Cooperating Agency notification/Participating Agency invitation. Review of the Public Involvement and Agency Coordination Plan (PICP).	Review Period Begins: Late March 2025 Review Period Ends: Late April 2025
EC Concurrence Point 1	Review of the Draft Purpose and Need and Range of Alternatives.	Review Period Begins: Late April 2025 Review Period Ends: Late-May 2025
EC Concurrence Point 2	Review of Draft Environmental Assessment (EA) and Draft Preliminary Mitigation Plan.	Review Period Begins: Mid-June 2025 Review Period Ends: Mid-July 2025
EA Approval	<i>Approved EA will be distributed electronically to all agencies and stakeholders.</i>	Late Summer/Early Fall 2025
EC Concurrence Point 3	Review of Final Mitigation Plan.	Review Period: Fall 2025
NEPA Decision Document Approval	<i>Approved decision document will be distributed electronically to all agencies and stakeholders.</i>	Winter 2025/Early 2026

* Proposed schedule is tentative and subject to change. Individual EC timeframes are based on a 30-calendar day review/comment period.

2.2.2 Correspondence

After developing the database that will serve as the catalog of contacts for the proposed project, the project team will determine what correspondence will be sent out. Input received through the early coordination package process will inform notification points for gathering more information about local resources, boundaries, and potential information sources to inform project development. In addition, notification of upcoming open house outreach would be shared with the contacts database to spread the word about milestones where project information will be provided and comments solicited. The correspondence may be in the form of a newsletter, a postcard, or another form of communication to be best determined through the course of project development.

2.2.3 Media Relations

Media releases will inform about scheduling of any planned public meetings and hearings to invite any input about the proposed project to comply with FHWA and NEPA requirements regarding EAs. The project team will put together a media relations plan to be implemented with support from across the TDOT Region 1 and TDOT headquarters office team members. This plan will identify dates and any proposed content of media releases. Additionally, the plan will discuss which ethnic or community media outlets will receive information and evaluate the most effective way of disseminating project information to those sources.

2.2.3.1 Media Strategies and Procedures

To ensure the widest possible public participation, meeting schedules will be disseminated through the media, including newspapers and the Internet. Dissemination methods include formal notices, newsworthy events, public service announcements, mailings, and advertisements. Specific techniques may include:

- Press releases will be sent to related media with an in-depth explanation of the issues involved and the time, date, and location of the event.
- Press releases will be sent to newspapers within/serving the communities within the project area.
- Reminder media advisories will be distributed at least two days prior to a scheduled public engagement event.
- Spots on local radio stations. Trained staff is available to talk about pertinent issues.
- Project related information and notices of public engagement opportunities may be disseminated to the media so notification those event can be shared through digital media outlets as well as in through traditional printed media outlets.

2.3 Public Meetings

The project team will determine the approach to public meetings to be held in the project area. The project team will determine how many public meetings will be held, as well as when and where they will occur. Public meetings provide stakeholders and the public with an opportunity to participate in the proposed project's development. The project team will plan, develop outreach materials, attend, host, and document the public meetings. Potential considerations for hosting the public meeting include: two churches (Valley View Church, Claxton Church Christ), a community center (Claxton Community Park), Claxton Elementary School, University of Tennessee Arboretum Auditorium (located just east of the project beginning), and Centennial Golf Course (located within project area).⁶

2.3.1 Public Meeting Notice

For all formal community meetings, TDOT requires at least one notice in advance of each public meeting. This notice will be published in a newspaper with general circulation in the vicinity of the proposed project at least 15 days prior to the meeting date. A copy of the notice will be furnished to the KRTPO.

Notices will feature a map of the project area, descriptions of the proposed project scope, and meeting details such as purpose, location, date, and time. Additionally, the notices will include the telephone number and mailing address of the appropriate TDOT point(s) of contact for the proposed project so that the public can send comments, questions, or requests for additional information. TDOT's project website⁷ will also feature any meeting notices.

The first NEPA Public Information Meeting for the proposed project was held on March 6, 2025, at Claxton Elementary School in Powell, Tennessee. The school is located on the eastern end of the proposed project, at the intersection of SR-170 (Edgemoor Road) and US 25 (Clinton Highway). The Public Meeting was held in the gymnasium from 5:00 PM to 7:00 PM Eastern Standard Time (EST) and followed an open-house format (as described below). A notice advertising the Public Meeting was published in *The Courier News* on February 26, 2025. Approximately 90 members of the public attended and participated in the event. The comment period for that public meeting will end on March 27, 2025.

2.3.1.1 Meeting Format

Public meetings will be designed to follow an open-house format and will feature project information regarding need and purpose, proposed alternatives under consideration, anticipated preliminary impacts to environmental resources, properties and the community, timelines, finances, and funding sources. The meetings will be scheduled at convenient times and held at convenient locations for attendees. The project team will be available throughout the meeting to participate in conversations with the public. Written comments will be accepted during the meeting and a public comment period will be recognized for 21 calendar days after

⁶ Note: these are considered potential locations are based on a preliminary review of the project corridor and additional potential reasonable sites for public meetings will be evaluated as the project advances.

⁷ SR-170 Project Website (<https://www.tn.gov/tdot/projects/projects-region-1/sr-170-widening.html>)

the meeting. If questions and/or need for clarification about project materials arises from the public/stakeholders to support development of a comment, the project team will respond within seven (7) calendar days. Responses to official comments will be provided in public outreach response documentation, which will be summarized in the EA and included in its entirety in the appendices to the EA. In summary, the following information/materials will be provided or made available for review during as part of the public meeting:

- Study Area/Project Location Map
- Project Description
- Existing Conditions Map
- Need and Purpose – DRAFT
- Range of Alternatives – DRAFT
- Schedule – DRAFT
- Proposed Concept and Proposed Impacts
- Project Handout/Takeaway materials including comment form

2.3.2 Public Hearing Notice

It is TDOT's practice to hold a Public Hearing after the approval of the EA and before the NEPA decision document. The Public Hearing will be held after the EA is completed and signed by the FHWA. After receiving FHWA's approval, the EA will be distributed (digitally, unless otherwise specifically requested) to all Cooperating and Participating Agencies, stakeholders, and members of the public who have requested copies. Additionally, a Notice of Availability (NOA) will be published in a local newspaper(s) with coverage to the project area and its vicinity. A copy will also be available on TDOT's website⁸. The NOA, in addition to announcing the availability of the EA and other project documents for review, also shares information about the Public Hearing such as date, time, and location. In accordance with TDOT's PIP and the regulatory requirements outlined in 23 CFR 771.111(h)(iv), the NOA will be published at least 15 calendar days prior to the Public Hearing. The NOA also announces the beginning of the formal review and comment period and provides instructions on how to provide oral or written comment.

2.3.2.1 Public Hearing Format

As noted above, the regulations and requirements of publishing notices and providing the opportunity for a Public Hearing and obtaining input are based on the FHWA environmental procedures (23 CFR 771), and Title VI of the Civil Rights Act of 1964 (as cited in the TDOT PIP).

Public Hearings will present project information regarding the purpose and need, the proposed range of alternatives evaluated in the EA and the identification of the recommended Preferred Alternative as identified in the approved EA, any anticipated social, economic, and environmental impacts of the Preferred Alternative, and preliminary plans to mitigate those impacts. Information on relocation services and payments, as well as the land acquisition process, must also be provided and discussed. TDOT's right-of-way booklet and at least one representative from the Right-of-Way Division will be present to facilitate these conversations. A formal question-and-answer period following a formal presentation on the information discussed above will allow attendees and the project team to discuss the proposed project. The project team will bring displays for the public to view throughout the hearing. The project team will also be available following the formal presentation and question-and-answer period to participate in conversations with attendees. A court reporter will be present throughout the Public Hearing and will provide a complete transcription of the presentation and question-and-answer session to be included in the project record.

⁸ SR-170 Project Website (<https://www.tn.gov/tdot/projects/projects-region-1/sr-170-widening.html>)

Attendees will be able to provide written comments or use a court reporter for oral comments. During the Public Hearing, an announcement will be made to let attendees know that additional written comments will be accepted for 21 calendar days after the Public Hearing, and these comments will be part of the Public Hearing transcript. The information on all the available methods to provide comments including where to send written comments will also be provided to attendees.

State and local elected officials should be invited to the Public Hearing, as well as stakeholders included in the stakeholder database. All attendees will be asked to sign in upon entering the Public Hearing and will be given a comment sheet to record any comments. The project team may also provide handouts or fact sheets in multiple languages and font types. If needed, the project team will sign individuals in and record their comments. Public Hearings will be scheduled at convenient times and held at convenient locations within the project area for attendees.

3. Schedule

Table 3 includes a tentative schedule of the project's public involvement activities. As the project runs its course and technical milestones are confirmed, the schedule will be updated.

Table 3. Project Development Schedule

Activity	Proposed Timeline*
Early Coordination with Federal, State, local stakeholders	Spring 2025
Public Meeting	Spring 2025
Environmental Assessment (EA)	Summer-Fall 2025
Public Hearing	Fall 2025
Final NEPA documentation	Late 2025/Early 2026
Right-of-way (ROW)	Early 2026

** Proposed schedule and timeframes are tentative and subject to change.*

PICP-Early Coordination

PICP-Early Coordination Summary

Full Name	Email	Company/Organization	Coordination Type	Transmitted	Response Received	Responded
Derrick Collins	dbcollins2@tva.gov	Tennessee Valley Authority – Northeast Valley Region	Cooperating Agencies	3/25/2025		
Elizabeth Smith	esmith14@tva.com	Tennessee Valley Authority – Environmental Compliance and Operations	Cooperating Agencies	3/25/2025		
Heather R. Mattern	Heather.R.Mattern@uscg.mil	U.S. Coast Guard – Eighth District, Sector Ohio Valley	Cooperating Agencies	3/25/2025	Ryan Mullikin responded on 4/24/25 to USACE on behalf of USCG	4/28/2025 (Response to USCG via USACE)
TVA Public Info	plic@tva.gov	Tennessee Valley Authority	Cooperating Agencies	3/25/2025		
Travis A. Wiley	Travis.A.Wiley@usace.army.mil	U.S. Army Corps of Engineers – Nashville District, Regulatory Division	Cooperating Agencies	3/25/2025	4/22/2025 (Also responding on behalf of USCG 4/24/2025)	4/28/2025 (Response to USCG coordination 4/28/2025)
TVA Info	tvainfo@tva.gov	Tennessee Valley Authority	Cooperating Agencies	3/25/2025		
William E. Worrall	William.E.Worrall@usace.army.mil	U.S. Army Corps of Engineers – Nashville District	Cooperating Agencies	3/25/2025		
David Giddens	david_giddens@fws.gov	U.S. Fish and Wildlife Service – Cookeville Field Office	Participating Agencies	4/9/2025	4/10/2025 (Ken Bouwens responded for USFWS)	4/14/2025
Jennifer Fedenko	Jennifer.Fedenko@usda.gov	U.S. Department of Agriculture – Natural Resource Conservation Service (NRCS)	Participating Agencies	4/9/2025	4/11/2025	4/17/2025
Aaron Friend	aaron.friend@usda.gov	U.S. Department of Agriculture – Natural Resource Conservation Service (NRCS)	Participating Agencies	3/25/2025	Jennifer Fedenko responded on 4/11/2025 on behalf of USDA-NRCS	
Dan Beasley	dan.beasley@usda.gov	U.S. Department of Agriculture – Tennessee Rural Development State Office	Participating Agencies	4/9/2025	4/10/2025	4/14/2025
Arlisa Armstrong	Arlisa.Armstrong@usda.gov	U.S. Department of Agriculture – Tennessee Rural Development State Office	Participating Agencies	3/25/2025	Dan Beasley responded on 4/10/2025 on behalf of USDA-RD	
Andy Holt	Andy.H.Holt@tn.gov	Tennessee Department of Agriculture – Deputy Commissioner	Participating Agencies	4/9/2025		
Tina Rogers	Tina.D.Rogers@tn.gov	Tennessee Department of Agriculture	Participating Agencies	4/9/2025		
Region 4 Administrator	FEMA-R4-Info@fema.dhs.gov	Federal Emergency Management Agency – Regional Environmental Officer	Participating Agencies	4/9/2025		
Frank DuBose	frank.dubose@dot.gov	U.S. Department of Transportation – Federal Highway Administration	Participating Agencies	4/9/2025		
Bailey Vernon	bailey.vernon@dot.gov	U.S. Department of Transportation – Federal Highway Administration	Participating Agencies	4/9/2025		
William Winters	bwinters@osmre.gov	Office of Surface Mining Reclamation and Enforcement (OSMRE)	Participating Agencies	3/25/2025		
David Salyers	david.salyers@tn.gov (assumed)	TN Dept. of Environment & Conservation, Commissioner	Participating Agencies	3/25/2025		
Deniece Thomas	deniece.thomas@tn.gov (assumed)	TN Dept. of Labor & Workforce Development, Commissioner	Participating Agencies	3/25/2025		
Emma Bartolo	emma.bartolo@tn.gov	TN Dept. of Environment & Conservation, Policy Analyst	Participating Agencies	3/25/2025	Tom Moss responded for TDEC on 3/31/2025 WKUD also responded to TDEC-TDOT on 3/31/2025	4/2/2025
FRA PA Office	frapa@dot.gov	Federal Railroad Administration – Public Affairs Office	Participating Agencies	3/25/2025		

PICP-Early Coordination Summary

Full Name	Email	Company/Organization	Coordination Type	Transmitted	Response Received	Responded
Jamie Stitt	jamie.stitt@tn.gov	TN Dept. of Economic & Community Development, Asst. Commissioner	Participating Agencies	3/25/2025		
Jeff Aiken	jeff.aiken@tn.gov	TN Dept. of Agriculture, Deputy Commissioner	Participating Agencies	3/25/2025		
Robin Smith	orpd@oakridgetn.gov	City of Oak Ridge – Police Department	Non-Participating Agencies	3/25/2025		
Travis Solomon	tsolomon@oakridgetn.gov	City of Oak Ridge – Fire Department	Non-Participating Agencies	3/25/2025		
Wayne Blasius	wblasius@oakridgetn.gov	City of Oak Ridge – Planning and Development	Non-Participating Agencies	3/25/2025		
Jon Hetrick	jhetrick@oakridgetn.gov	City of Oak Ridge – Recreation and Parks	Non-Participating Agencies	3/25/2025		
Centennial Golf Course	centennial@oakridgetn.gov	City of Oak Ridge – Recreation and Parks	Non-Participating Agencies	3/25/2025		
David Sansom	David@ormp.org	Oak Ridge Memorial Park	Non-Participating Agencies	3/25/2025		
Cris Corley	drcriscorley@gmail.com	Sierra Club – Tennessee Chapter	Non-Participating Agencies	3/25/2025		
Jerry Thornton	gatwildcat@aol.com	Sierra Club – Harvey Broome Group	Non-Participating Agencies	3/25/2025		
Jeff Barrie	jeff@tectn.org	Tennessee Environmental Council – Chief Executive Officer	Non-Participating Agencies	3/25/2025		
Jeremy Holley	jeremy.b.holley@tn.gov	Tennessee Emergency Management Agency – State NFIP Coordinator	Non-Participating Agencies	3/25/2025		
Kevin Hoyt	khoyt@utk.edu	University of Tennessee Arboretum – Director	Non-Participating Agencies	3/25/2025		
Kelly Meyers	kmeyers@acs.acr	Anderson County Schools – Transportation Director	Non-Participating Agencies	3/25/2025		
Laurel Creech	laurel.creech@tnc.org	The Nature Conservancy – Tennessee Program	Non-Participating Agencies	3/25/2025		
Michael Butler	mbutler@tnwf.org	Tennessee Wildlife Federation – Chief Executive Officer	Non-Participating Agencies	3/25/2025		
Michael Cuzzort	mcuzz@stonemor.com	Woodhaven Funeral Home and Memorial Gardens – Cemetery Director	Non-Participating Agencies	3/25/2025		
Mike Patterson	mpatterson@ethra.org	East Tennessee Human Resource Agency – Transportation Services	Non-Participating Agencies	3/25/2025		
Benjamin Taylor	info@andersoncountypark.com	Anderson County Parks and Recreation – Park Manager	Non-Participating Agencies	3/25/2025		
David McGinley	dmcginley@knoxvilletn.gov	Tennessee Association of Floodplain Management – East TN Representative	Non-Participating Agencies	3/25/2025		
Terry Frank	tfrank@andersoncountyttn.gov	Anderson County – County Mayor	Non-Participating Agencies	3/25/2025		
Brook Smith	Brook.Smith@tn.gov	Tennessee Division of Forestry – Area Forester	Non-Participating Agencies	3/25/2025		
Kenneth Kaiser	kaiserkw@kaiserkomputing.com	Claxton Country Squares – Claxton Community Park	Non-Participating Agencies	3/25/2025	3/30/2025 and 4/2/2025	4/2/2025
FRAPA Contact	FRAPA@dot.gov	U.S. Department of Transportation – Federal Railroad Administration	Non-Participating Agencies	3/25/2025		
P. Berge	pberge@oakridgetn.gov	City of Oak Ridge – Unknown Division	Non-Participating Agencies	3/25/2025		
Warren Gooch	wgooch@oakridgetn.gov	City of Oak Ridge – Office of the Mayor	Non-Participating Agencies	3/25/2025		
TTA East TN Chapter	ttaeasttennessee68@tennesseetrails.org	Tennessee Trails Association – East Tennessee Chapter	Non-Participating Agencies	3/25/2025		

Dawood, Laura

From: Magsanoc, Ray
Sent: Wednesday, April 9, 2025 3:57 PM
To: david_giddens@fws.gov; dan.beasley@usda.gov; Jennifer.Fedenko@usda.gov; FEMA-R4-Info@fema.dhs.gov; Andy.H.Holt@tn.gov; Tina.D.Rogers@tn.gov
Cc: DuBose, Frank (FHWA); Vernon, Bailey (FHWA); erick.hunt-hawkins; Rachel Head; Tammy Sellers; Dawood, Laura; Choudhry, Abdul
Subject: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies
Attachments: Anderson SR-170 (PIN 124121.00)_EC Letter Participating_03.25.2025.pdf; Anderson SR-170 (124121.00) - PICP_03.25.2025.pdf

Good morning,

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), is developing an Environmental Assessment (EA) to evaluate the proposed widening and realignment of State Route (SR) 170 from the SR-62 (Oak Ridge Highway) interchange (L.M. 0.00) to SR-9 (US-25W, Clinton Highway) (L.M. 6.18) in Anderson County, Tennessee for approximately 6.18 miles.

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Thank you for your cooperation and interest in this project.

Regards,

Ray Magsanoc

Senior Environmental Planner – Lead
C +1-919-561-1292
ray.magsanoc@aecom.com

AECOM

1360 Peachtree St NE #300
Atlanta, Georgia 30309, USA
T +1-404- 965-9600
aecom.com

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Choudhry, Abdul

From: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Sent: Tuesday, March 25, 2025 12:28 PM
To: dbcollins2@tva.gov; esmith14@tva.com; Heather.R.Mattern@uscg.mil; plic@tva.gov; Travis.A.Wiley@usace.army.mil; tvainfo@tva.gov; William.E.Worrall@usace.army.mil
Cc: DuBose, Frank (FHWA); Vernon, Bailey (FHWA); Rachel Head; Tammy Sellers; Dawood, Laura; Magsanoc, Ray; Choudhry, Abdul
Subject: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Cooperating Agencies
Attachments: Anderson SR-170 (PIN 124121.00)_EC Letter Cooperating-Participating_03.25.2025.pdf; Anderson SR-170 (124121.00) - PICP_03.25.2025.pdf

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Thank you for your cooperation and interest in this project.

Regards,

Erick Hunt-Hawkins



Erick K. Hunt-Hawkins | NEPA Team Lead
Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor
505 Deaderick Street, Suite 900, Nashville, TN 37243
Work: (615) 253-5163
Email: Erick.Hunt-Hawkins@tn.gov

Choudhry, Abdul

From: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Sent: Tuesday, March 25, 2025 12:28 PM
To: amy.brooks@knoxtpo.org; barker@tnacsco.net; bkidwell@andersoncountyttn.gov; Brook Smith; centennial@oakridgetn.gov; claxtonfire@claxtonfire.com; David@ormp.org; dmcginley@knoxvilletn.gov; drcriscorley@gmail.com; FRAPA@dot.gov; gatwildcat@aol.com; info@andersoncountypark.com; jeff; Jeremy B. Holley; jhetrick@oakridgetn.gov; kaikomp@comcast.net; khoyt@utk.edu; kmeyers@acs.acr; laurel.creech@tnc.org; mbutler@tnwf.org; mcuzz@stonemor.com; mpatterson@ethra.org; orpd@oakridgetn.gov; pberge@oakridgetn.gov; Terry Frank; tsolomon@oakridgetn.gov; ttaeasttennessee68@tennesseetrails.org; wblasius@oakridgetn.gov; wgooch@oakridgetn.gov
Cc: DuBose, Frank (FHWA); Vernon, Bailey (FHWA); Rachel Head; Tammy Sellers; Dawood, Laura; Magsanoc, Ray; Choudhry, Abdul
Subject: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Non-Participating Agencies
Attachments: Anderson SR-170 (PIN 124121.00)_EC Letter Non-Participating_03.25.2025.pdf; Anderson SR-170 (124121.00) - PICP_03.25.2025.pdf

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Regards,

Erick Hunt-Hawkins



Erick K. Hunt-Hawkins | NEPA Team Lead
Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor
505 Deaderick Street, Suite 900, Nashville, TN 37243
Work: (615) 253-5163
Email: Erick.Hunt-Hawkins@tn.gov

Choudhry, Abdul

From: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Sent: Tuesday, March 25, 2025 12:28 PM
To: aaron.friend@usda.gov; Arlisa.Armstrong@usda.gov; brooke.lucas@usda.gov; bwinters@osmre.gov; David Salyers; Deniece Thomas; Emma Bartolo; FRAPA@dot.gov; Jamie Stitt; Jeff.Aiken@tn.gov; Jill White; kajumba.ntale; Melanie Beauchamp; nicole.sikula; Patrick McIntyre; rbrendli@usgs.gov; robertr.samaan@fema.dhs.gov; Vincent Pontello
Cc: DuBose, Frank (FHWA); Vernon, Bailey (FHWA); Rachel Head; Tammy Sellers; Dawood, Laura; Magsanoc, Ray; Choudhry, Abdul
Subject: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies
Attachments: Anderson SR-170 (PIN 124121.00)_EC Letter Participating_03.25.2025.pdf; Anderson SR-170 (124121.00) - PICP_03.25.2025.pdf

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Thank you for your cooperation and interest in this project.

Regards,

Erick Hunt-Hawkins



Erick K. Hunt-Hawkins | NEPA Team Lead
Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor

Dawood, Laura

From: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Sent: Monday, April 28, 2025 11:58 AM
To: Rachel Head; Dawood, Laura; Magsanoc, Ray; Choudhry, Abdul
Subject: FW: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Cooperating Agencies

Categories: Green Category

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FYI



Erick K. Hunt-Hawkins | NEPA Team Lead
Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor
505 Deaderick Street, Suite 900, Nashville, TN 37243
Work: (615) 253-5163
Email: Erick.Hunt-Hawkins@tn.gov

From: Erick Hunt-Hawkins
Sent: Monday, April 28, 2025 10:57 AM
To: Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>; Tammy Sellers <Tammy.Sellers@tn.gov>
Cc: awpatrick <awpatrick@tva.gov>
Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Cooperating Agencies

Travis

Thank you for passing this along. We will reach out to Ryan Mullikin and Justin Buckner to discuss their interest and involvement in the project.

Thank you again,
Erick



Erick K. Hunt-Hawkins | NEPA Team Lead

Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor
505 Deaderick Street, Suite 900, Nashville, TN 37243
Work: (615) 253-5163
Email: Erick.Hunt-Hawkins@tn.gov

From: Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>
Sent: Monday, April 28, 2025 6:42 AM
To: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>
Cc: awpatrick <awpatrick@tva.gov>
Subject: [EXTERNAL] FW: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Cooperating Agencies

FYI. Please see correspondence below from USCG in regards to the subject project.

From: Mullikin, Ryan P LCDR USCG SEC OHIO VAL (USA) <Ryan.P.Mullikin@uscg.mil>
Sent: Thursday, April 24, 2025 12:49 PM
To: Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>
Cc: Buckner, Justin B CPO USCG SEC OHIO VAL (USA) <Justin.B.Buckner@uscg.mil>
Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Cooperating Agencies

Mr. Wiley,

Good morning! MSD Nashville became aware of this project, and I was wondering if you could loop myself and Justin Buckner (cc'ed here) on any updates / if this project does move forward w/ the USACE for permitting. The Coast Guard would be particularly concerned with any waterways impacts as this is a navigable waterway and we may need to establish temporary river closures depending on the type of work being performed.

Thank you!

V/R,

LCDR Ryan Mullikin
Marine Safety Detachment Nashville Supervisor
United States Coast Guard
Office: (615) 736-5421 x2101
Mobile: (502) 558-2534

From: Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>
Sent: Tuesday, April 22, 2025 3:16 PM
To: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; dbcollins2@tva.gov; esmith14@tva.com; Mattern, Heather R. CAPT USCG SEC OHIO VAL (USA) <Heather.R.Mattern@uscg.mil>; plic@tva.gov; tvainfo@tva.gov; Worrall, William E CIV USARMY CELRN (USA) <William.E.Worrall@usace.army.mil>
Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; Rachel Head <Rachel.Head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Magsanoc, Ray <ray.magsanoc@aecom.com>; Choudhry, Abdul <Abdul.choudhry@aecom.com>
Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Cooperating Agencies

Mr. Hunt-Hawkins:

Please see the attached correspondence accepting your invitation to be a cooperating agency in accordance with 40 CFR 1501.8 and a participating agency under SAFETEA-LU. Please feel free to contact me if you have any questions.

Travis Wiley
Transportation Program Manager
Regulatory Division, Nashville District
U.S. Army Corps of Engineers
501 Adesa Pkwy, Suite B250
Lenoir City, TN 37771
(865) 393-0971

From: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Sent: Tuesday, March 25, 2025 12:28 PM
To: dbcollins2@tva.gov; esmith14@tva.com; Heather Mattern <heather.r.mattern@uscg.mil>; plic@tva.gov; Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>; tvainfo@tva.gov; Worrall, William E CIV USARMY CELRN (USA) <William.E.Worrall@usace.army.mil>
Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; Rachel Head <Rachel.Head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Magsanoc, Ray <ray.magsanoc@aecom.com>; Choudhry, Abdul <Abdul.choudhry@aecom.com>
Subject: [Non-DoD Source] SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Cooperating Agencies

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Good morning,

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Thank you for your cooperation and interest in this project.

Regards,

Erick Hunt-Hawkins

Choudhry, Abdul

From: Ken Kaiser <kaiserkw@kaisercomputing.com>
Sent: Wednesday, April 2, 2025 1:30 PM
To: erick.hunt-hawkins
Cc: Dawood, Laura; Magsanoc, Ray; Rachel Head; John Sherk; John Barrett; Dexter Justis
Subject: Re: Re: SR-170 Widening Project - Claxton Country Squares

Categories: Green category

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Erick,

I appreciate your quick response.

One additional response I should also have mentioned regarding the driveway access to the Community Center. Originally there was a driveway that reached the Community Center by way of the drive to the old car wash. When TVA put in the new concrete drive to their fill area, they blocked off the access and from then on forced guests to the Community Center to drive the long way around and through the ballpark and playground area. From that point on TVA has caused problems getting to the Community Center.

Thanks for the opportunity to make comments on the proposed project. We have high hopes that this project will be able to be completed. The widening project is badly needed.

Respectfully,
Kenneth Kaiser
President, Claxton Country Squares

427 Jones Lane, Clinton TN 37716-7034
Home: (865) 945-4450
Mobile: (865) 603-3433
Email: kaiserkw@kaisercomputing.com

On 4/2/2025 9:32 AM, Erick Hunt-Hawkins wrote:

Mr. Kaiser,

Thank you for taking time to review the project materials and provide you response. We appreciate your interest and participation in the project. Your comment will be added to the project file and will be included, along with TDOT's formal response, in the Public Comment Summary. This will be included as part of the Environmental Assessment and will be made available on the project website (<https://www.tn.gov/tdot/projects/projects-region-1/sr-170-widening.html>) it is approved.

I have also forwarded your comment to the TDOT Project Management Team over this project so that we can be sure your specific concerns and questions are distributed to the correct offices and people here at TDOT to be sure that we provide the most accurate and appropriate response.

If you have any follow-up questions or comments, please don't hesitate to contact us again. And thank you again for your time and interest in this project.

Sincerely,
Erick



Erick K. Hunt-Hawkins | NEPA Team Lead
Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor
505 Deaderick Street, Suite 900, Nashville, TN 37243
Work: (615) 253-5163
Email: Erick.Hunt-Hawkins@tn.gov

From: Ken Kaiser <kaiserkw@kaisercomputing.com>
Sent: Sunday, March 30, 2025 10:19 PM
To: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Subject: [EXTERNAL] Re: SR-170 Widening Project - Claxton Country Squares

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Greetings Erick Hunt-Hawkins,

On behalf of Claxton Country Squares, I appreciate receiving your email notice of the proposed and much needed SR-170 widening project. Let me introduce myself. I am Kenneth Kaiser, president of the Claxton Country Squares, the square dance club that consistently dances at the Claxton Community Center. I am thankful for being given the opportunity to give comments and express our concerns about the widening project. There are three main concerns that I will address about the project.

The first two concerns relate to the road access we have to the Community Center. The conversion of the 2-lane bridge to a 4-lane bridge is a concern. The bridge is a vital corridor that is in desperate need of widening but it must be done in such a way that vehicle traffic can continue to get through to the Community Center to attend events at the Community Center.

The second concern has to do with the way the Community Center is reached by vehicle. When the playground and ball park were created next to the Community Center, the access road to the center was designed to go through the middle of the ballpark and playground--this is a worst-case situation for vehicle access. We have had to cancel events at the Community Center because our people could not get through the crowds at the playground/ballpark. The Center needs its own driveway access. It would be great if the widening project would include a dedicated driveway, designed specifically for the Center.

The third concern is more for the citizens of the regions surrounding the SR-170 corridor. Not only am I a member of the Claxton Country Square, Square Dance Club but I am also a resident of the SR-170 corridor. The intersection of Edgemoor Road and New Henderson Road gets difficult to navigate during rush hour times each day. Although I do not like installing traffic lights, traffic lights or some other method of controlling traffic is needed so that New Henderson Road traffic can safely get out onto Edgemoor Road. Navigating this intersection complicates our ability to get back and forth to the Community Center.

Finally, I need to update your ability to communicate with me. I am in the process of changing my email server access. My current email has been kaikomp@comcast.net. Please update my email address from "kaikomp@comcast.net" to "kaiserkw@kaiserkomputing.com".

Please contact me if you have any questions or if you need more information from me.

Respectfully,
Kenneth W. Kaiser
President, Claxton Country Squares
kaiserkw@kaiserkomputing.com
Mobile: 865-603-3433

427 Jones Lane, Clinton TN 37716-7034
Home: (865) 945-4450
Mobile: (865) 603-3433
Email: kaiserkw@kaiserkomputing.com

On 3/25/2025 12:28 PM, Erick Hunt-Hawkins wrote:

Good morning,

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Thank you for your cooperation and interest in this project.

Regards,

Erick Hunt-Hawkins

Choudhry, Abdul

From: Bouwens, Kenneth A <kenneth_bouwens@fws.gov>
Sent: Thursday, April 10, 2025 11:50 AM
To: Magsanoc, Ray
Cc: Sikula, Nicole R; Giddens, David W
Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

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Flag Status: Completed

Categories: Green category

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Ray,
Thank you for the invitation to serve as a Participating Agency in the above-referenced project. Please keep us informed with upcoming project developments and salient meeting dates.

Thank you,

Ken Bouwens
Senior Transportation Biologist
U.S. Fish and Wildlife Service
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501
Desk: 931-534-9523
Cell: 931-303-7655
Email: kenneth_bouwens@fws.gov

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From: Magsanoc, Ray <ray.magsanoc@aecom.com>
Sent: Wednesday, April 9, 2025 2:56 PM
To: Giddens, David W <david_giddens@fws.gov>; dan.beasley@usda.gov <dan.beasley@usda.gov>; Jennifer.Fedenko@usda.gov <Jennifer.Fedenko@usda.gov>; FEMA-R4-Info@fema.dhs.gov <FEMA-R4-Info@fema.dhs.gov>

Info@fema.dhs.gov>; Andy.H.Holt@tn.gov <Andy.H.Holt@tn.gov>; Tina.D.Rogers@tn.gov <Tina.D.Rogers@tn.gov>
Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; erick.hunt-hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>
Subject: [EXTERNAL] SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

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Thank you for your cooperation and interest in this project.

Regards,

Ray Magsanoc
Senior Environmental Planner – Lead
C +1-919-561-1292
ray.magsanoc@aecom.com

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1360 Peachtree St NE #300
Atlanta, Georgia 30309, USA
T +1-404- 965-9600
aecom.com

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Choudhry, Abdul

From: Beasley, Dan - RD, TN <dan.beasley@usda.gov>
Sent: Thursday, April 10, 2025 8:52 AM
To: Magsanoc, Ray
Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green category

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Ray, our Rural Utility Staff has reviewed this and can find no programmatic or project related interest in this proposal. Based on that, USDA-RD does not plan to participate or have comments for the proposal. Thanks for sending this to us for review and comment.

Dan Beasley

Deputy State Director
TN State Office



U.S. DEPARTMENT OF AGRICULTURE

Rural Development

441 Donelson Pike Ste 310 Nashville, TN 37214

p: (615) 783-1321 | c: (615) 519-3857

From: Magsanoc, Ray <ray.magsanoc@aecom.com>
Sent: Wednesday, April 9, 2025 2:57 PM
To: david_giddens@fws.gov; Beasley, Dan - RD, TN <dan.beasley@usda.gov>; Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>; FEMA-R4-Info@fema.dhs.gov; Andy.H.Holt@tn.gov; Tina.D.Rogers@tn.gov
Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; erick.hunt-hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>
Subject: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

Good morning,

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), is developing an Environmental Assessment (EA) to evaluate the proposed widening and realignment of State Route (SR) 170 from the SR-62 (Oak Ridge Highway) interchange (L.M. 0.00) to SR-9 (US-25W, Clinton Highway) (L.M. 6.18) in Anderson County, Tennessee for approximately 6.18 miles.

Your agency has been identified as having an interest in the proposed project.

Please see the attached Coordination Request Letter and Public Involvement and Coordination Plan (PICP) for your review and comments. We kindly ask that comments be returned by **5/9/2025**. If you have any comments or questions, you may contact me via this email or telephone at 919-561-1292.

Thank you for your cooperation and interest in this project.

Regards,

Ray Magsanoc

Senior Environmental Planner – Lead
C +1-919-561-1292
ray.magsanoc@aecom.com

AECOM

1360 Peachtree St NE #300
Atlanta, Georgia 30309, USA
T +1-404- 965-9600
aecom.com

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Choudhry, Abdul

From: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Sent: Wednesday, April 2, 2025 9:17 AM
To: Tom Moss
Cc: Emma Bartolo; Shari Winburn; whastings@wkud.com; Rachel Head; Dawood, Laura; Magsanoc, Ray
Subject: RE: SR170 Widening Project
Categories: Green category

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Tom,

Thank you for your response. We will add this to the project file and make sure the information you provide is circulated to the appropriate people here at TDOT.

Thank you again!
Erick



Erick K. Hunt-Hawkins | NEPA Team Lead
Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor
505 Deaderick Street, Suite 900, Nashville, TN 37243
Work: (615) 253-5163
Email: Erick.Hunt-Hawkins@tn.gov

From: Tom Moss <Tom.Moss@tn.gov>
Sent: Monday, March 31, 2025 12:10 PM
To: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Cc: Emma Bartolo <Emma.Bartolo@tn.gov>; Shari Winburn <Shari.Winburn@tn.gov>; whastings@wkud.com
Subject: SR170 Widening Project

Tom Moss, P.G.
Drinking Water Enforcement
Environmental Review Coordinator
Compliance and Enforcement Unit
Division of Water Resources
Davy Crockett Tower

Note: PDF Response on next page



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
Davy Crockett Tower
500 James Robertson Parkway, 9th Floor
Nashville, Tennessee 37243

MEMORANDUM

Date: March 31, 2025

To: Erick Hunt-Hawkins, TDOT Environmental Division

From: Tom Moss, DWR Environmental Coordinator

Subject: TDOT SR 170, Anderson County, TN

Division staff have reviewed the EA for the proposed 6.1 miles of widening and re-alignment of SR 170 in Anderson County as well as widening of the bridge over the Clinch River. The project, including staging areas, is expected to impact more than one acre of land and will require a construction stormwater permit (CGP). The project is expected to impact several streams as well as the Clinch River with the bridge expansion, which will require a hydrologic determination by a certified hydrologic professional and an Aquatic Resource Alteration Permit (ARAP). The bridge is approximately 1 ½ miles upstream of West Knox Utility District's intake on the Clinch River. Where there are anticipated potential impacts to the Clinch River, West Knox needs to be alerted prior to those activities taking place. West Knox General Manager Wayne Hastings can be reached at whastings@wkud.com or 865-690-2521.

Cc: Wayne Hastings, West Knox UD via email
Shari Winburn, Knoxville DWR Manager via email
Emma Bartolo, TDEC Policy and Planning Office via email

Choudhry, Abdul

From: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Sent: Wednesday, April 2, 2025 9:13 AM
To: Magsanoc, Ray; Dawood, Laura; Rachel Head; Choudhry, Abdul
Subject: FW: SR170 Widening Project

Categories: Green category

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FYI



Erick K. Hunt-Hawkins | NEPA Team Lead
Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor
505 Deaderick Street, Suite 900, Nashville, TN 37243
Work: (615) 253-5163
Email: Erick.Hunt-Hawkins@tn.gov

From: Wayne Hastings <whastings@wkud.com>
Sent: Monday, March 31, 2025 1:24 PM
To: Tom Moss <Tom.Moss@tn.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Cc: Emma Bartolo <Emma.Bartolo@tn.gov>; Shari Winburn <Shari.Winburn@tn.gov>; Jim Reese <jreese@wkud.com>; Christian Kidd <ckidd@wkud.com>; Bryan Gipson <bgipson@wkud.com>
Subject: [EXTERNAL] RE: SR170 Widening Project

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Dear Tom,

Thank you for the submittal. West Knox Utility District (WKUD) will get you a formal response. I just wanted to make you aware of a few points that may be helpful, after a quick review of everything.

WKUD's service area stops at the Clinch River. We do serve part of Anderson County, the portion that is south of the Clinch River. Once you get on the north side of the Clinch River that is Oak Ridge's/The City of Oak Ridge's service area and of course the DOE properties as well. They service some of their own utilities. So where your "Project Corridor" is I believe that is 100% in the City of Oak Ridge's service area.

Additionally I believe the water treatment plant intake you are referring to is also the City of Oak Ridge's. I looked at a map and I scaled it off at 1.8-1.9 river miles downstream of the bridge over the Clinch River at Solway. That WTP intake is Oak Ridge's.

WKUD does have these facilities:

A water treatment plant intake 2.5 river miles upstream of the bridge over the Clinch River, for the Frank Daugherty WTP.

A water treatment plant intake 6.4 river miles downstream of the bridge over the Clinch River, for the Williams Bend WTP.

A wastewater treatment plant outfall discharge (at the bottom of the river) that is another roughly 7.2-7.3 river miles downstream of the Williams Bend WTP intake. So it is nearly 14 miles downstream of the bridge, not that it would matter since it is a discharge.

I believe DOE/Oak Ridge National Lab also has a water treatment plant intake that is roughly 10.3 river miles downstream of the bridge over the Clinch River.

I am copying our other 3 engineers here on this email just for their information.

Many thanks,

Wayne Hastings, P.E.

West Knox Utility District

Direct: 865-862-6708

whastings@wkud.com

From: Tom Moss <Tom.Moss@tn.gov>

Sent: Monday, March 31, 2025 1:10 PM

To: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>

Cc: Emma Bartolo <Emma.Bartolo@tn.gov>; Shari Winburn <Shari.Winburn@tn.gov>; Wayne Hastings <whastings@wkud.com>

Subject: SR170 Widening Project

Tom Moss, P.G.

Drinking Water Enforcement

Environmental Review Coordinator

Compliance and Enforcement Unit

Division of Water Resources

Davy Crockett Tower

James Robertson Parkway, 9th Floor

Nashville, TN 37243

(615) 917-4135

tom.moss@tn.gov

Please Send Environmental Review Requests to: DWR.Environmentalreview@tn.gov

Individual TN Drinking Water System information is available at Drinking Water Watch:

<https://dataviewers.tdec.tn.gov/DWW/>

Dawood, Laura

From: Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>
Sent: Friday, April 11, 2025 1:23 PM
To: Magsanoc, Ray; david_giddens@fws.gov; Beasley, Dan - RD, TN; FEMA-R4-Info@fema.dhs.gov; Andy.H.Holt@tn.gov; Tina.D.Rogers@tn.gov
Cc: DuBose, Frank (FHWA); Vernon, Bailey (FHWA); erick.hunt-hawkins; Rachel Head; Tammy Sellers; Dawood, Laura; Choudhry, Abdul
Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies
Attachments: TN FPPA Flyer.pdf

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Ray,

Thank you for your email. To move forward with this request, we need the following items from you:

- CPA-106 form with parts I and III filled out.
- Shapefile of the project boundary area

I've attached our Farmland Protection Policy Act (FPPA) guide that outlines details FPPA procedures for Tennessee.

Please let me know if you have further questions.

Best,

Jennifer Fedenko
State Resource Soil Scientist
Natural Resources Conservation Service | Soils Staff
Tennessee State Office

 **U.S. DEPARTMENT OF AGRICULTURE**
Natural Resources Conservation Service
801 Broadway, 675 U.S. Courthouse, Nashville, TN 37203
p: (615) 277-2578 | c: (615) 856-2765

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Sent: Wednesday, April 9, 2025 2:57 PM
To: david_giddens@fws.gov; Beasley, Dan - RD, TN <dan.beasley@usda.gov>; Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>; FEMA-R4-Info@fema.dhs.gov; Andy.H.Holt@tn.gov; Tina.D.Rogers@tn.gov
Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; erick.hunt-

hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>
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Thank you for your cooperation and interest in this project.

Regards,

Ray Magsanoc

Senior Environmental Planner – Lead

C +1-919-561-1292

ray.magsanoc@aecom.com

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1360 Peachtree St NE #300
Atlanta, Georgia 30309, USA

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Farmland Protection Policy Act (FPPA)

Procedures for Tennessee, August 2022

Prime farmland is land that:

- Has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses
- Has an adequate and dependable water supply from precipitation or irrigation
- Has favorable temperature and growing season
- Has few or no rocks
- Has soils that are permeable to water and air
- Has soils that are not excessively erodible or saturated with water for a long period of time
- Does not flood frequently



Figure 1 Prime Farmland

What is the Farmland Protection Policy Act (FPPA)?

Projects that are subject to the FPPA requirements are ones that may irreversibly convert farmland (directly or indirectly) to nonagricultural uses. They are also projects that are completed by a Federal agency, or with assistance from a Federal agency.

The FPPA process must be used whenever Federal money or time is used in the direct or indirect conversion of prime farmland. Private land where no Federal funds or technical assistance is utilized is not subject to the provisions of FPPA.

It is the responsibility of the Federal agency that is providing assistance for the project to decide if farmland will be converted to non-agricultural uses and to submit the form. If no conversion of farmland to non-agricultural uses will take place, PLEASE DO NOT initiate this process.



Figure 2 Prime Farmland Example

Activities **NOT** subject to provisions of FPPA:

- Renovating existing structures
- Projects planned and completed without assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before Aug. 4, 1984
- Construction for national defense purpose
- Construction of farm structures needed for farm operation
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.

Lands **NOT** covered by the FPPA:

- Lands identified as urbanized area
- Areas that do **NOT** contain prime, unique, statewide important or locally important farmland

Other Exemptions to the FPPA:

- Small acreages (i.e., 10 acres or less per linear mile or 3 acres where there is a project for an existing bridge or interchange) where a statewide, local, or tribal LESA system has been approved by the State Conservationist. Acreage includes both direct and indirect conversions. These exemptions are to avoid new construction and encourage improvements to existing linear projects such as highways.
- Corridor subsurface projects such as buried water, sewage, and/or electrical lines which will develop a soil disturbance/removal and reconstruction plan for all agricultural land uses.



Figure 3 Field with residue left



Figure 4: Prime farmland examples

Materials for FPPA determination:

- **AD-1006** form with **parts I and III filled out** (CPA-106 for corridor type projects).
- **Maps** showing the project area:
 - a. Use points and lines on USGS 7.5 minute quadrangle topographic maps with the project area that will be converted accurately delineated. Use polygons only when they can accurately describe the project area to scale.
 - b. Provide dimensions of the area to be converted, or if the project extends along a corridor, provide the width and length of each segment of the project.
 - c. Give other clues to the location: Quad name, “2 miles south of...”, etc.
- Alternatively to #2; provide **digital data** of the project:
 - a. Export data to shape file format (**this way is preferred!**).
- **Cover letter** with as many specifics of the project:
 - a. Include any dimensions from 2(b) above.
 - b. Include other directions.
 - c. List the county or counties where the project is located.

What’s **NOT** needed:

- Pictures of the project
- Copies of other agency’s comments
- General questions concerning vegetation, environmental review, and unique features etc

What NRCS will provide in response to AD-1006 or CPA-106 submission:

- If the project is exempt from review:
 - Formal letter of exemption
- If the project is not exempt from review:
 - AD-1006 with parts II, IV, & V filled out (CPA-106 for corridor type projects).
 - Formal letter of project review

Sources of information for FPPA:

Farmland Protection Policy Act (FPPA) subtitle I of Title XV, Section 1539-1549. On June 17, 1994, the final rules and regulations were published in the Federal Register.

Forms and resources including the FPPA manual can be found on the [NRCS National FPPA home page](#).

Send all FPPA requests to the shared inbox:

tnhawc@usda.gov

For questions contact:

Tennessee State Soil Scientist
675 US Courthouse;
801 Broadway
Nashville, TN 37203
(615)-277-2550

Siddika, Safakat

From: Magsanoc, Ray

Sent: Monday, April 14, 2025 3:44 PM

To: Beasley, Dan - RD, TN <dan.beasley@usda.gov>

Cc: Erick Hunt-Hawkins <erick.hunt-hawkins@tn.gov>; rachel.head <rachel.head@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>

Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

Hi Dan,

Thank you for your prompt response and review of the project. We will document your input and acknowledge your intent to be a non-participant for this project. We will also update our distribution list accordingly.

You are welcome to reach out again through this email if situations do change or have any questions.

Thanks

Ray Magsanoc

Senior Environmental Planner – Lead

C +1-919-561-1292

ray.magsanoc@aecom.com

From: Beasley, Dan - RD, TN <dan.beasley@usda.gov>

Sent: Thursday, April 10, 2025 8:52 AM

To: Magsanoc, Ray <ray.magsanoc@aecom.com>

Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

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Ray, our Rural Utility Staff has reviewed this and can find no programmatic or project related interest in this proposal. Based on that, USDA-RD does not plan to participate or have comments for the proposal. Thanks for sending this to us for review and comment.

Dan Beasley

Deputy State Director



U.S. DEPARTMENT OF AGRICULTURE

Rural Development

441 Donelson Pike Ste 310 Nashville, TN 37214

p: (615) 783-1321 | c: (615) 519-3857

From: Magsanoc, Ray <ray.magsanoc@aecom.com>

Sent: Wednesday, April 9, 2025 2:57 PM

To: david_giddens@fws.gov; Beasley, Dan - RD, TN <dan.beasley@usda.gov>; Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>; FEMA-R4-Info@fema.dhs.gov; Andy.H.Holt@tn.gov; Tina.D.Rogers@tn.gov

Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; erick.hunt-hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>

Subject: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

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Thank you for your cooperation and interest in this project.

Regards,

Ray Magsanoc

Senior Environmental Planner – Lead

C +1-919-561-1292

ray.magsanoc@aecom.com

-
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1360 Peachtree St NE #300

Atlanta, Georgia 30309, USA

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Siddika, Safakat

From: Magsanoc, Ray

Sent: Monday, April 14, 2025 3:47 PM

To: Bouwens, Kenneth A <kenneth_bouwens@fws.gov>

Cc: Sikula, Nicole R <nicole_sikula@fws.gov>; Giddens, David W <david_giddens@fws.gov>

Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

Hi Kenneth,

Thank you for your response agreement to be a Participating Agency for this project. We will keep you informed as we progress through the project development process, for the upcoming public hearing, and if there are any future needs for a meeting.

Please reach out for any further questions.

Thanks

Ray Magsanoc

Senior Environmental Planner – Lead

C +1-919-561-1292

ray.magsanoc@aecom.com

From: Bouwens, Kenneth A <kenneth_bouwens@fws.gov>

Sent: Thursday, April 10, 2025 11:50 AM

To: Magsanoc, Ray <ray.magsanoc@aecom.com>

Cc: Sikula, Nicole R <nicole_sikula@fws.gov>; Giddens, David W <david_giddens@fws.gov>

Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

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Ray,

Thank you for the invitation to serve as a Participating Agency in the above-referenced project. Please keep us informed with upcoming project developments and salient meeting dates.

Thank you,

Ken Bouwens
Senior Transportation Biologist
U.S. Fish and Wildlife Service
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501
Desk: 931-534-9523
Cell: 931-303-7655
Email: kenneth_bouwens@fws.gov

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From: Magsanoc, Ray <ray.magsanoc@aecom.com>
Sent: Wednesday, April 9, 2025 2:56 PM
To: Giddens, David W <david_giddens@fws.gov>; dan.beasley@usda.gov <dan.beasley@usda.gov>; Jennifer.Fedenko@usda.gov <Jennifer.Fedenko@usda.gov>; FEMA-R4-Info@fema.dhs.gov <FEMA-R4-Info@fema.dhs.gov>; Andy.H.Holt@tn.gov <Andy.H.Holt@tn.gov>; Tina.D.Rogers@tn.gov <Tina.D.Rogers@tn.gov>
Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; erick.hunt-hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>
Subject: [EXTERNAL] SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

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Thank you for your cooperation and interest in this project.

Regards,

Ray Magsanoc

Senior Environmental Planner – Lead

C +1-919-561-1292

ray.magsanoc@aecom.com

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1360 Peachtree St NE #300

Atlanta, Georgia 30309, USA

T +1-404- 965-9600

aecom.com

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Siddika, Safakat

From: Magsanoc, Ray

Sent: Thursday, April 17, 2025 8:59 AM

To: Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>

Cc: erick.hunt-hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>

Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

Hi Jennifer,

Currently, we are reaching out NRCS to determine your interest on the project. As a participating agency, we plan to inform you of project milestones, the environmental process, and later engage you on the Farmland Protection process, if necessary.

With regards to Farmland Protection, we are in the preliminary stages of reviewing project plans and evaluating the corridor for agricultural uses. We plan to provide a prime farmland impact determination packet/request later.

Please let me know if you have any questions about the overall project

Thanks

Ray Magsanoc

Senior Environmental Planner – Lead

C +1-919-561-1292

ray.magsanoc@aecom.com

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Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; erick.hunt-hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>

Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

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Ray,

Thank you for your email. To move forward with this request, we need the following items from you:

- CPA-106 form with parts I and III filled out.
- Shapefile of the project boundary area

I've attached our Farmland Protection Policy Act (FPPA) guide that outlines details FPPA procedures for Tennessee.

Please let me know if you have further questions.

Best,

Jennifer Fedenko

State Resource Soil Scientist
Natural Resources Conservation Service | Soils Staff
Tennessee State Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
801 Broadway, 675 U.S. Courthouse, Nashville, TN 37203
p: (615) 277-2578 | c: (615) 856-2765

From: Magsanoc, Ray <ray.magsanoc@aecom.com>

Sent: Wednesday, April 9, 2025 2:57 PM

To: david_giddens@fws.gov; Beasley, Dan - RD, TN <dan.beasley@usda.gov>; Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>; FEMA-R4-Info@fema.dhs.gov; Andy.H.Holt@tn.gov; Tina.D.Rogers@tn.gov

Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; erick.hunt-hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>

Subject: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

Good morning,

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Your agency has been identified as having an interest in the proposed project.

Please see the attached Coordination Request Letter and Public Involvement and Coordination Plan (PICP) for your review and comments. We kindly ask that comments be returned by **5/9/2025**. If you have any comments or questions, you may contact me via this email or telephone at 919-561-1292.

Thank you for your cooperation and interest in this project.

Regards,

Ray Magsanoc

Senior Environmental Planner – Lead

C +1-919-561-1292

ray.magsanoc@aecom.com

-

AECOM

1360 Peachtree St NE #300

Atlanta, Georgia 30309, USA

T +1-404- 965-9600

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Siddika, Safakat

From: Magsanoc, Ray

Sent: Monday, April 14, 2025 3:40 PM

To: Andy Holt <Andy.H.Holt@tn.gov>

Cc: Erick Hunt-Hawkins <erick.hunt-hawkins@tn.gov>; rachel.head <rachel.head@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>

Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

Hi Andy,

As part of the Public Involvement and Coordination Plan, we are reaching out to agencies and potential stakeholders who may have an interest in the SR-170 project. This is standard procedure for the project development of most TDOT transportation projects especially for projects that would involve an Environmental Assessment.

We welcome your input on this project. However, if you deem that this is beyond the scope of your agency, your agency does not have to be a participant, and we can update the distribution list accordingly.

Please let me know if you have further questions.

Thanks

Ray Magsanoc

Senior Environmental Planner – Lead

C +1-919-561-1292

ray.magsanoc@aecom.com

From: Andy Holt <Andy.H.Holt@tn.gov>

Sent: Wednesday, April 9, 2025 4:27 PM

To: Magsanoc, Ray <ray.magsanoc@aecom.com>

Subject: RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

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Mr. Magsanoc,

Good afternoon, sir.

I am new to the role of Deputy Commissioner, and as such, I am somewhat perplexed as to why I am a recipient of this email communication.

Can you give me any indication as to why TDA is assumed to have an interest in this project?

Thank you very much & I hope that you have a wonderful day,

AH



Andy Holt | Deputy Commissioner
Tennessee Department of Agriculture
Ellington Agricultural Center
440 Hogan Road
Nashville, TN 37220
University of Tennessee at Martin
G6 Johnson EPS Building
Martin, TN 38237
p. 615-837-5103 c. 615-946-2509
andy.h.holt@tn.gov
www.tn.gov/agriculture



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From: Magsanoc, Ray <ray.magsanoc@aecom.com>

Sent: Wednesday, April 9, 2025 2:57 PM

To: david_giddens <david_giddens@fws.gov>; dan.beasley@usda.gov; Jennifer.Fedenko@usda.gov; FEMA-R4-Info@fema.dhs.gov; Andy Holt <Andy.H.Holt@tn.gov>; Tina D. Rogers <Tina.D.Rogers@tn.gov>

Cc: DuBose, Frank (FHWA) <frank.dubose@dot.gov>; Vernon, Bailey (FHWA) <bailey.vernon@dot.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.choudhry@aecom.com>

Subject: [EXTERNAL] SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Participating Agencies

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Thank you for your cooperation and interest in this project.

Regards,

Ray Magsanoc

Senior Environmental Planner – Lead

C +1-919-561-1292

ray.magsanoc@aecom.com

-

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1360 Peachtree St NE #300

Atlanta, Georgia 30309, USA

T +1-404- 965-9600

aecom.com

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Concurrence Point 1: Coordination

Concurrence Point - 1 Agency Coordination Summary

Full Name	Email	Company/Organization	Transmitted	Response Received	Responded
Amy Brooks	amy.brooks@knoxtpo.org	Knox Transportation Planning Organization	6/26/2025	No Response	
Sheriff Anderson County	sheriff@tnacso.net	Tennessee Association of Chiefs of Police	6/26/2025	Undeliverable	
Brice Kidwell	bkidwell@andersoncountyttn.gov	Anderson County Government	6/26/2025	No Response	
Brook Smith	Brook.Smith@tn.gov	Area Forester Anderson, Knox, Sevier Counties	6/26/2025	No Response	
Centennial Golf Course	centennial@oakridgetn.gov	City of Oak Ridge	6/26/2025	Undeliverable	
Claxton fire	claxtonfire@claxtonfire.com	Claxton Volunteer Fire Department	6/26/2025	No Response	
David Sansom	David@ormp.org	Oak Ridge Municipal Planning	6/26/2025	No Response	
Cris Corley	drcriscorley@gmail.com	Sierra Club, Tennessee Chapter	6/26/2025	No Response	
Jerry Thornton	gatwildcat@aol.com	Sierra Club, Harvey Bromme Group Chair	6/26/2025	No Response	
Benjamin Taylor	info@andersoncountypark.com	Anderson County Parks and Recreation	6/26/2025	No Response	
Jeff Barrie	Jeff@tectnc.org	Tennessee Environmental Council	6/26/2025	No Response	
Jeremy Holley	Jeremy.b.holley@tn.gov	Tennessee Emergency Management Agency	6/26/2025	No Response	
David McGinley	dmcginley@knoxvilletn.gov	Tennessee Association of Floodplain Management	6/26/2025	No Response	
Jon Hetrick	jhetrick@oakridgetn.gov	City of Oak Ridge Recreation and Parks	6/26/2025	No Response	
Kenneth Kaiser	kaiserkw@kaisercomputing.com	Claxton Country Squares	6/26/2025	No Response	
Kevin Hoyt	khoyt@utk.edu	University of Tennessee Arboretum	6/26/2025	No Response	
Kelly Meyers	kmeyers@acs.acr	Anderson County Schools, Transportation Director	6/26/2025	No Response	
Laurel Creech	laurel.creech@tnc.org	The Nature Conservancy	6/26/2025	No Response	
Michael A. Butler	mbutler@tnwf.org	Tennessee Wildlife Federation	6/26/2025	No Response	
Michael Cuzzort	mcuzz@stonemor.com	Woodhaven Funeral Home and Memorial Gardens	6/26/2025	No Response	
Mike Patterson	mpatterson@ethra.org	East Tennessee Human Resource Agency, Transportation Services	6/26/2025	No Response	
Robin Smith	orpd@oakridgetn.gov	City of Oak Ridge Police Department	6/26/2025	No Response	
Ryan Flynn	rlynn@oakridgetn.gov	City of Oak Ridge Public Works	6/26/2025	No Response	
Terry Frank	tfrank@andersoncountyttn.gov	Anderson County Mayor	6/26/2025	No Response	
Travis Solomon	tsolomon@oakridgetn.gov	City of Oak Ridge Fire Chief	6/26/2025	No Response	
NA	ttaeasttennessee68@tennesseetrails.org	Tennessee Trails Association, East Tennessee Chapter	6/26/2025	No Response	
Wayne Blasius	wblasius@oakridgetn.gov	City of Oak Ridge Planning and Development	6/26/2025	No Response	
Warren L Gooch	wgooch@oakridgetn.gov	City of Oak Ridge Mayor	6/26/2025	No Response	
Bill Winters	bwinters@osmre.gov	Office of Surface Mining Reclamation and Enforcement, Regions 1 and 2 Field Office Director	6/26/2025	No Response	
Justin Adams	jadams@osmre.gov	Office of Surface Mining Reclamation and Enforcement, Regions 1 and 2 Field Office Director	6/26/2025	No Response	
David Salyers	David.Salyers@tn.gov	Tennessee Department of Environment and Conservation	6/26/2025	No Response	
Deniece Thomas	Deniece.thomas@tn.gov	Tennessee Department of Labor and Workforce Development	6/26/2025	No Response	
Emma Bartolo	Emma.Bartolo@tn.gov	Tennessee Department of Environment and Conservation (TESA)	6/26/2025	No Response	
NA	FRAPA@dot.gov	U.S. Department of Transportation	6/26/2025	No Response	

Concurrence Point Agency Coordination Summary

Full Name	Email	Company/Organization	Transmitted	Response Received	Responded
Jamie Stitt	Jamie.stitt@tn.gov	Tennessee Department of Economic and Community Development	6/26/2025	No Response	
Jeff Aiken	Jeff.Aiken@tn.gov	State of Tennessee	6/26/2025	Undeliverable	
Jennifer Fedenko	Jennifer.fedenko@usda.gov	United States Department of Agriculture	6/26/2025	No Response	
Jill White	Jill.White@tn.gov	Appalachian Regional Commission	6/26/2025	No Response	
Kajumba Ntale	kajumba.ntale@epa.gov	Environmental Protection Agency	6/26/2025	No Response	
Melanie Beauchamp	Melanie.Beauchamp@tn.gov	Tennessee Department of Tourist Development	6/26/2025	No Response	
Nicole Sikula	nicole.sikula@fws.gov	U.S. Fish and Wildlife Service	6/26/2025	No Response	
David Giddens	david_giddens@fws.gov	U.S. Fish and Wildlife Service	6/26/2025	Chris DeVore responded on behalf of USFWS on 7/14/2025	7/21/2025
Kenneth Bouwens	kenneth_bouwens@fws.gov	U.S. Fish and Wildlife Service	6/26/2025	Undeliverable	
Patrick McIntyre	Patrick.mcintyre@tn.gov	Tennessee Historical Commission (TESA)	6/26/2025	No Response	
Bobby Brendlinger	rbrendli@usgs.gov	U.S. Geological Survey	6/26/2025	No Response	
Vincent Pontello	Vincent.Pontello@tn.gov	Tennessee Wildlife Resource Agency (TESA)	6/26/2025	No Response	
Andy Holt	andy.h.holt@tn.gov	Tennessee Department of Agriculture	6/26/2025	No Response	
Tina D. Rogers	tina.d.rogers@tn.gov	Tennessee Department of Agriculture	6/26/2025	No Response	
Travis A. Wiley	Travis.A.Wiley@usace.army.mil	U.S. Army Corps of Engineers	6/26/2025	7/25/2025	8/1/2025
Derrick Collins	dbcollins2@tva.gov	Tennessee Valley Authority (TESA)	6/26/2025	No Response	
Heather R. Mattern	Heather.R.Mattern@uscg.mil	United States Coast Guard	6/26/2025	No Response	
Public Land Information Center	plic@tva.gov	Tennessee Valley Authority	6/26/2025	Anne W Patrick and Joshua Lynn Johnson responded on 7/8/2025 on behalf of TVA	
TVA	tvainfo@tva.gov	Tennessee Valley Authority	6/26/2025	No Response	
Elizabeth Smith	esmith14@tva.com	Tennessee Valley Authority (TESA)	6/26/2025	No Response	
William E. Worrall	William.E.Worrall@usace.army.mil	U.S. Army Corps of Engineers	6/26/2025	No Response	
Kajumba Ntale	Kajumba.Ntale@epa.gov>	U.S. Environmental Protection Agency	6/26/2025	Kristina Bowen responded on behalf of EPA on 7/17/2025	8/14/2025

Dawood, Laura

From: Laura Dawood <Laura.Dawood@tn.gov>
Sent: Thursday, June 26, 2025 7:06 PM
To: amy.brooks@knoxtpo.org; sheriff@tnacscsco.net; bkidwell@andersoncountyttn.gov; Brook Smith; centennial@oakridgetn.gov; claxtonfire@claxtonfire.com; David@ormp.org; drcriscorley@gmail.com; gatwildcat@aol.com; info@andersoncountypark.com; jeff; Jeremy B. Holley; dmcginley@knoxvilletn.gov; Jon Hetrick; kaikomp@comcast.net; khoyt@utk.edu; kmeyers@acs.acr; laurel.creech@tnc.org; mbutler@tnwf.org; mcuzz@stonemor.com; mpatterson@ethra.org; orpd@oakridgetn.gov; Flynn, Roger; Terry Frank; tsolomon@oakridgetn.gov; ttaeasttennessee68@tennesseetrails.org; wblasius; wgooch@oakridgetn.gov; bwinters@osmre.gov; David Salyers; Deniece Thomas; Emma Bartolo; FRAPA@dot.gov; Jamie Stitt; Jeff.Aiken@tn.gov; Jennifer.fedenko@usda.gov; Jill White; kajumba.ntale@epa.gov; Melanie Beauchamp; nicole.sikula@fws.gov; david_giddens; kenneth_bouwens@fws.gov; Patrick McIntyre; rbrendli@usgs.gov; Vincent Pontello; Andy Holt; Tina D. Rogers; Travis.A.Wiley@usace.army.mil; dbcollins2; Heather.R.Mattern@uscg.mil; plic@tva.gov; tvainfo@tva.gov; esmith14@tva.com; William.E.Worrall@usace.army.mil
Cc: Sharon Schutz; Lori Lange; Rachel Head; Erick Hunt-Hawkins; Magsanoc, Ray; Russell, Jacinda (FHWA); DeLeon, Gilberto (FHWA); Newton, Daniel (FHWA); Hall, Gregory (FHWA); Poole, Kevonte (FHWA); Tammy Sellers; Choudhry, Abdul
Subject: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination
Attachments: TDOT SR-170 CP 1 Package_6-26-25 .pdf

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Good afternoon,

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), is developing an Environmental Assessment (EA) to evaluate the proposed widening and realignment of State Route (SR) 170 from the SR-62 (Oak Ridge Highway) interchange (L.M. 0.00) to SR-9 (US-25W, Clinton Highway) (L.M. 6.18) in Anderson County, Tennessee for approximately 6.18 miles.

Your agency has been identified as having an interest in the proposed project. We would like to update you with the project development and environmental document preparation. Please see the attached Concurrence Point 1: Purpose and Need and Study Area/Alternatives to be Evaluated (CP 1), per procedures outlined in the Public Involvement and Coordination Plan (PICP), for your review and comments. Please respond with any questions and comments you may have regarding CP 1 or the PICP. We kindly ask that comments be returned by 7/28/2025. If you have any comments or questions, you may contact me via this email or telephone at 770-548-9904.

Thank you for your cooperation and interest in this project.

Dawood, Laura

From: Patrick, Anne W <awpatrick@tva.gov>
Sent: Tuesday, July 8, 2025 9:47 AM
To: Nelson, Dana Marie
Cc: Dawood, Laura; Rachel Head; Erick Hunt-Hawkins; Smith, Elizabeth; Dunsmore, Erin Elizabeth; Harle, Michaelyn S; Reaux, Derek
Subject: FW: PLIC - Melton Hill - TDOT Project - SR 170 (Edgemoor Rd Oak Ridge TN) - Laura Dawood
Attachments: TDOT SR-170 CP 1 Package_6-26-25 .pdf; RE: SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Early Coordination Request Cooperating Agencies

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Dana,

The email below was sent to the PLIC on the SR 170 TDOT PIN 124121.00. I am cc'ing Ms. Dawood as she contacted the PLIC. An email dated April 17, 2025, outlined TVA accepting the invitation to be a cooperating agency for the preparation of the environmental assessment (EA) and associated Section 7 ESA and Section 106 NHPA consultations as appropriate. Email attached with the appropriate parties listed in this correspondence.

All correspondence related to this project should be directed to Dana Nelson and Anne Patrick going forward.

Regards,

Anne W Patrick
Land Management
Public Land Management



awpatrick@tva.gov
423-467-3853

Please note office meetings must be scheduled in advance. [Public Land Information Center \(tva.com\)](http://tva.com) is your single source for questions about public land topics. 1-800-882-5263 between 8 a.m. and 6 p.m. Eastern (7 a.m. and 5 p.m. Central) or email plic@tva.gov. For more information about Section 26a permitting, visit [Shoreline Permits](#). To submit an application [apply online](#) or visit TVA.com

From: Johnson, Joshua Lynn <jljohnson55@tva.gov>
Sent: Tuesday, July 8, 2025 9:25 AM
To: Patrick, Anne W <awpatrick@tva.gov>
Cc: Strickland, Samantha J <sjstrickland@tva.gov>
Subject: PLIC - Melton Hill - TDOT Project - SR 170 (Edgemoor Rd Oak Ridge TN) - Laura Dawood

Please provide a closure email when this action has been completed so the record can be closed at the PLIC. Thank you.

Good Morning,

Laura Dawood from TDOT contacted the PLIC requesting comments on a widening and realignment project on SR 170 between the SR 62 interchange and the SR 9 interchange. I think it would affect TVA land in the area of the bridge shown below. Her email is laura.dawood@tn.gov.

Thank you,

Joshua L. Johnson

Environmental Stakeholder Technician
Public Land Information Center
Public Land Management



M. 800-882-5263 E. jljohnson55@tva.gov

400 West Summit Hill Drive, Knoxville, Tennessee 37902

Please note that our offices cannot accommodate walk-in visitors. Meetings are by appointment only. To more quickly begin the review of your request for a Section 26a permit or to learn more about TVA, please [apply online](#) or visit TVA.com. All hard copy applications should be mailed to: Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11D-K, Knoxville, TN 37902.

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From: Laura Dawood <Laura.Dawood@tn.gov>

Sent: Thursday, June 26, 2025 7:06 PM

To: amy.brooks@knoxtpo.org; sheriff@tnasco.net; bkidwell@andersoncountyttn.gov; Brook Smith <Brook.Smith@tn.gov>; centennial@oakridgetn.gov; claxtonfire@claxtonfire.com; David@ormp.org; drcriscorley@gmail.com; gatwildcat@aol.com; info@andersoncountypark.gov; jeff <jeff@tectn.org>; Jeremy B. Holley <Jeremy.B.Holley@tn.gov>; dmcginley@knoxvilletn.gov; Jon Hetrick <jhetrick@oakridgetn.gov>; kaikomp@comcast.net;

khoyt@utk.edu; kmeyers@acs.acr; Laurel Creech <laurel.creech@tnc.org>; mbutler@tnwf.org; mcuzz@stonemor.com; mpatterson@ethra.org; orpd@oakridgetn.gov; Flynn, Roger <rflynn@oakridgetn.gov>; Terry Frank <tf frank@andersoncountyt n.gov>; tsolomon@oakridgetn.gov; ttaeasttennessee68@tennesseetrails.org; wblasius <wblasius@oakridgetn.gov>; wgooch@oakridgetn.gov; bwinters@osmre.gov; David Salyers <David.Salyers@tn.gov>; Deniece Thomas <Deniece.Thomas@tn.gov>; Emma Bartolo <Emma.Bartolo@tn.gov>; FRAPA@dot.gov; Jamie Stitt <Jamie.Stitt@tn.gov>; Jeff.Aiken@tn.gov; Jennifer.fedenko@usda.gov; Jill White <Jill.White@tn.gov>; kajumba.ntale@epa.gov; Melanie Beauchamp <Melanie.Beauchamp@tn.gov>; nicole.sikula@fws.gov; david_giddens <david_giddens@fws.gov>; kenneth_bouwens@fws.gov; Patrick McIntyre <Patrick.McIntyre@tn.gov>; rbrendli@usgs.gov; Vincent Pontello <Vincent.Pontello@tn.gov>; Andy Holt <Andy.H.Holt@tn.gov>; Tina D. Rogers <Tina.D.Rogers@tn.gov>; Travis.A.Wiley@usace.army.mil; Collins, Derrick B. <dbcollins2@tva.gov>; Heather.R.Mattern@uscg.mil; Public Land Information Center (PLIC) <plic@tva.gov>; TVAINFO <tvainfo@tva.gov>; Smith, Elizabeth <esmith14@tva.gov>; William.E.Worrall@usace.army.mil
Cc: Sharon Schutz <Sharon.Schutz@tn.gov>; Lori Lange <Lori.Lange@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Magsanoc, Ray <ray.magsanoc@aecom.com>; Russell, Jacinda (FHWA) <jacinda.russell@dot.gov>; DeLeon, Gilberto (FHWA) <gilberto.deleon@dot.gov>; Newton, Daniel (FHWA) <Daniel.Newton@dot.gov>; Hall, Gregory (FHWA) <gregory.hall@dot.gov>; Poole, Kevonte (FHWA) <kevonte.poole@dot.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Choudhry, Abdul <Abdul.choudhry@aecom.com>
Subject: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

Some people who received this message don't often get email from laura.dawood@tn.gov. [Learn why this is important](#)

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Good afternoon,

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Thank you for your cooperation and interest in this project.

Sincerely,
Laura

Laura Dawood
NEPA Planner
Laura.Dawood@tn.gov

Dawood, Laura

From: Laura Dawood <Laura.Dawood@tn.gov>
Sent: Tuesday, July 8, 2025 10:51 AM
To: Dawood, Laura
Subject: Fw: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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From: Public Land Information Center (PLIC) <plic@tva.gov>
Sent: Tuesday, July 8, 2025 9:26 AM
To: Laura Dawood <Laura.Dawood@tn.gov>
Subject: [EXTERNAL] RE: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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Good Morning,

I have forwarded your inquiry to a TVA land use specialist. Please let me know if I can be of further assistance.

Thank you,

Public Land Information Center

P. 1-800-882-5263 E. plic@tva.gov



Please note that our offices cannot accommodate walk-in visitors. Meetings are by appointment only. To more quickly begin the review of your request for a Section 26a permit or to learn more about TVA, please [apply online](#) or visit [TVA.com](#). All hard copy applications should be mailed to: Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11D-K, Knoxville, TN 37902.

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From: Laura Dawood <Laura.Dawood@tn.gov>

Sent: Thursday, June 26, 2025 7:06 PM

To: amy.brooks@knoxtpo.org; sheriff@tnacsco.net; bkidwell@andersoncountyttn.gov; Brook Smith <Brook.Smith@tn.gov>; centennial@oakridgetn.gov; claxtonfire@claxtonfire.com; David@ormp.org; drcriscorley@gmail.com; gatwildcat@aol.com; info@andersoncountypark.com; jeff <jeff@tectn.org>; Jeremy B. Holley <Jeremy.B.Holley@tn.gov>; dmcginley@knoxvilletn.gov; Jon Hetrick <jhetrick@oakridgetn.gov>; kaikomp@comcast.net; khoyt@utk.edu; kmeyers@acs.acr; Laurel Creech <laurel.creech@tnc.org>; mbutler@tnwf.org; mcuzz@stonemor.com; mpatterson@ethra.org; orpd@oakridgetn.gov; Flynn, Roger <rfflynn@oakridgetn.gov>; Terry Frank <tfrank@andersoncountyttn.gov>; tsolomon@oakridgetn.gov; ttaeasttennessee68@tennesseetrails.org; wblasius <wblasius@oakridgetn.gov>; wgooch@oakridgetn.gov; bwinters@osmre.gov; David Salyers <David.Salyers@tn.gov>; Deniece Thomas <Deniece.Thomas@tn.gov>; Emma Bartolo <Emma.Bartolo@tn.gov>; FRAPA@dot.gov; Jamie Stitt <Jamie.Stitt@tn.gov>; Jeff.Aiken@tn.gov; Jennifer.fedenko@usda.gov; Jill White <Jill.White@tn.gov>; kajumba.ntale@epa.gov; Melanie Beauchamp <Melanie.Beauchamp@tn.gov>; nicole.sikula@fws.gov; david_giddens <david_giddens@fws.gov>; kenneth_bouwens@fws.gov; Patrick McIntyre <Patrick.McIntyre@tn.gov>; rbrendli@usgs.gov; Vincent Pontello <Vincent.Pontello@tn.gov>; Andy Holt <Andy.H.Holt@tn.gov>; Tina D. Rogers <Tina.D.Rogers@tn.gov>; Travis.A.Wiley@usace.army.mil; Collins, Derrick B. <dbcollins2@tva.gov>; Heather.R.Mattern@uscg.mil; Public Land Information Center (PLIC) <plic@tva.gov>; TVAINFO <tvainfo@tva.gov>; Smith, Elizabeth <esmith14@tva.gov>; William.E.Worrall@usace.army.mil
Cc: Sharon Schutz <Sharon.Schutz@tn.gov>; Lori Lange <Lori.Lange@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Magsanoc, Ray <ray.magsanoc@aecom.com>; Russell, Jacinda (FHWA) <jacinda.russell@dot.gov>; DeLeon, Gilberto (FHWA) <gilberto.deleon@dot.gov>; Newton, Daniel (FHWA) <Daniel.Newton@dot.gov>; Hall, Gregory (FHWA) <gregory.hall@dot.gov>; Poole, Kevonte (FHWA) <kevonte.poole@dot.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Choudhry, Abdul <Abdul.choudhry@aecom.com>
Subject: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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Good afternoon,

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Thank you for your cooperation and interest in this project.

Sincerely,
Laura

Laura Dawood
NEPA Planner
Laura.Dawood@tn.gov

Dawood, Laura

From: Laura Dawood <Laura.Dawood@tn.gov>
Sent: Thursday, August 14, 2025 3:34 PM
To: Bowen, Kristina
Cc: Kajumba, Ntale; Erick Hunt-Hawkins; Rachel Head
Subject: Re: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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Good afternoon Ms. Bowen,
Confirming receipt. Thank you for your agency's response.

Regards,
Laura

Laura Dawood
NEPA Planner
Laura.Dawood@tn.gov

From: Bowen, Kristina <Bowen.Kristina@epa.gov>
Sent: Thursday, July 17, 2025 11:26 AM
To: Laura Dawood <Laura.Dawood@tn.gov>
Cc: Kajumba, Ntale <Kajumba.Ntale@epa.gov>
Subject: [EXTERNAL] RE: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

Ms. Laura Dawood
TDOT Environmental Division
505 Deaderick Street, Suite 900
James K. Polk Building
Nashville, TN 37243
Laura.Dawood@tn.gov

Re: EPA Comments on State Route 170 From SR-62 to Interchange SR-9 Concurrence Point 1

Dear Ms. Dawood:

The U.S. Environmental Protection Agency has reviewed the purpose and need statement and the alternatives to be evaluated for the State Route 170 Widening Project in accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. The Tennessee

Department of Transportation (TDOT), in cooperation with the Federal Highway Administration, proposes to widen an existing two-lane facility to four-lanes along State Route (SR) 170 from the interchange of SR-62 and SR-9 in Anderson County, Tennessee.

The purpose of the project includes “correcting geometric deficiencies to meet current TDOT design standards; improving connectivity for vehicles, pedestrians, and bicyclists; and providing additional capacity with operational and intersection improvements to address travel delays”. TDOT has requested review of Concurrence Point 1, Purpose and Need and Study Area/Alternatives to be Evaluated. Based on our preliminary review of the Concurrence Point 1 document, the EPA concurs with Concurrence Point 1, with the understanding that environmental impacts will be evaluated in the upcoming NEPA document (42 U.S. Code § 4332(C)(i)).

Thank you for the opportunity to provide comments on the SR-170 Widening Project. If you have any questions, please feel free to contact me at the email below.

Kristina Bowen

NEPA Section

U.S. EPA Region 4

61 Forsyth Street SW

Atlanta, GA 30303

404-562-8399

bowen.kristina@epa.gov

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Sent: Thursday, June 26, 2025 7:06 PM

To: amy.brooks@knoxtpo.org; sheriff@tnacso.net; bkidwell@andersoncountyttn.gov; Brook Smith <Brook.Smith@tn.gov>; centennial@oakridgetn.gov; claxtonfire@claxtonfire.com; David@ormp.org; drcriscorley@gmail.com; gatwildcat@aol.com; info@andersoncountypark.com; jeff <jeff@tectn.org>; Jeremy B. Holley <Jeremy.B.Holley@tn.gov>; dmcginley@knoxvilletn.gov; Jon Hetrick <jhetrick@oakridgetn.gov>; kaikomp@comcast.net; khoyt@utk.edu; kmeyers@acs.acr; laurel.creech@tnc.org; mbutler@tnwf.org; mcuzz@stonemor.com; mpatterson@ethra.org; orpd@oakridgetn.gov; Flynn, Roger <rflynn@oakridgetn.gov>; Terry Frank <tfrank@andersoncountyttn.gov>; tsolomon@oakridgetn.gov; ttaeasttennessee68@tennesseetrails.org; wblasius <wblasius@oakridgetn.gov>; wgooch@oakridgetn.gov; bwinters@osmre.gov; David Salyers <david.salyers@tn.gov>; Deniece Thomas <Deniece.Thomas@tn.gov>; Emma Bartolo <Emma.Bartolo@tn.gov>; FRAPA@dot.gov; Jamie Stitt <Jamie.Stitt@tn.gov>; Jeff.Aiken@tn.gov; Jennifer.fedenko@usda.gov; Jill White <Jill.White@tn.gov>; Kajumba, Ntale <Kajumba.Ntale@epa.gov>; Melanie Beauchamp <Melanie.Beauchamp@tn.gov>; nicole.sikula@fws.gov; david_giddens <david_giddens@fws.gov>; kenneth_bouwens@fws.gov; Patrick McIntyre <Patrick.McIntyre@tn.gov>; rbrendli@usgs.gov; Vincent Pontello <Vincent.Pontello@tn.gov>; Andy Holt <Andy.H.Holt@tn.gov>; Tina D. Rogers <Tina.D.Rogers@tn.gov>; Travis.A.Wiley@usace.army.mil; dbcollins2@tva.gov; heather.r.mattern@uscg.mil; plic@tva.gov; tvainfo@tva.gov; esmith14@tva.com; William.E.Worrall@usace.army.mil
Cc: Sharon Schutz <Sharon.Schutz@tn.gov>; Lori Lange <Lori.Lange@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Magsanoc, Ray <ray.magsanoc@aecom.com>; Russell, Jacinda (FHWA) <jacinda.russell@dot.gov>; DeLeon, Gilberto (FHWA) <gilberto.deleon@dot.gov>; Newton, Daniel (FHWA) <Daniel.Newton@dot.gov>; Hall, Gregory (FHWA) <gregory.hall@dot.gov>; Poole, Kevonte (FHWA) <kevonte.poole@dot.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Choudhry, Abdul <Abdul.choudhry@aecom.com>
Subject: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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Thank you for your cooperation and interest in this project.

Sincerely,
Laura

Laura Dawood
NEPA Planner
Laura.Dawood@tn.gov

Dawood, Laura

From: Laura Dawood <Laura.Dawood@tn.gov>
Sent: Thursday, July 17, 2025 2:38 PM
To: Erick Hunt-Hawkins; Rachel Head
Cc: Magsanoc, Ray; Choudhry, Abdul
Subject: Fw: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

From: Bowen, Kristina <Bowen.Kristina@epa.gov>
Sent: Thursday, July 17, 2025 11:26 AM
To: Laura Dawood <Laura.Dawood@tn.gov>
Cc: Kajumba, Ntale <Kajumba.Ntale@epa.gov>
Subject: [EXTERNAL] RE: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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Ms. Laura Dawood
TDOT Environmental Division
505 Deaderick Street, Suite 900
James K. Polk Building
Nashville, TN 37243
Laura.Dawood@tn.gov

Re: EPA Comments on State Route 170 From SR-62 to Interchange SR-9 Concurrence Point 1

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Thank you for the opportunity to provide comments on the SR-170 Widening Project. If you have any questions, please feel free to contact me at the email below.

Kristina Bowen

NEPA Section

U.S. EPA Region 4

61 Forsyth Street SW

Atlanta, GA 30303

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bowen.kristina@epa.gov

From: Laura Dawood <Laura.Dawood@tn.gov>

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To: amy.brooks@knoxtpo.org; sheriff@tnacso.net; bkidwell@andersoncountyttn.gov; Brook Smith <Brook.Smith@tn.gov>; centennial@oakridgetn.gov; claxtonfire@claxtonfire.com; David@ormp.org; drcriscorley@gmail.com; gatwildcat@aol.com; info@andersoncountypark.com; jeff <jeff@tectn.org>; Jeremy B. Holley <Jeremy.B.Holley@tn.gov>; dmcginley@knoxvilletn.gov; Jon Hetrick <jhetrick@oakridgetn.gov>; kaikomp@comcast.net; khoyt@utk.edu; kmeyers@acs.acr; laurel.creech@tnc.org; mbutler@tnwf.org; mcuzz@stonemor.com; mpatterson@ethra.org; orpd@oakridgetn.gov; Flynn, Roger <rflynn@oakridgetn.gov>; Terry Frank <tfrank@andersoncountyttn.gov>; tsolomon@oakridgetn.gov; ttaeasttennessee68@tennesseetrails.org; wblasius <wblasius@oakridgetn.gov>; wgooch@oakridgetn.gov; bwinters@osmre.gov; David Salyers <david.salyers@tn.gov>; Deniece Thomas <Deniece.Thomas@tn.gov>; Emma Bartolo <Emma.Bartolo@tn.gov>; FRAPA@dot.gov; Jamie Stitt <Jamie.Stitt@tn.gov>; Jeff.Aiken@tn.gov; Jennifer.fedenko@usda.gov; Jill White <Jill.White@tn.gov>; Kajumba, Ntale <Kajumba.Ntale@epa.gov>; Melanie Beauchamp <Melanie.Beauchamp@tn.gov>; nicole.sikula@fws.gov; david_giddens <david_giddens@fws.gov>; kenneth_bouwens@fws.gov; Patrick McIntyre <Patrick.McIntyre@tn.gov>; rbrendli@usgs.gov; Vincent Pontello <Vincent.Pontello@tn.gov>; Andy Holt <Andy.H.Holt@tn.gov>; Tina D. Rogers <Tina.D.Rogers@tn.gov>; Travis.A.Wiley@usace.army.mil; dbcollins2@tva.gov; heather.r.mattern@uscg.mil; plic@tva.gov; tvainfo@tva.gov; esmith14@tva.com; William.E.Worrall@usace.army.mil
Cc: Sharon Schutz <Sharon.Schutz@tn.gov>; Lori Lange <Lori.Lange@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Magsanoc, Ray <ray.magsanoc@aecom.com>; Russell, Jacinda (FHWA) <jacinda.russell@dot.gov>; DeLeon, Gilberto (FHWA) <gilberto.deleon@dot.gov>; Newton, Daniel (FHWA) <Daniel.Newton@dot.gov>; Hall, Gregory (FHWA) <gregory.hall@dot.gov>; Poole, Kevonte (FHWA) <kevonte.poole@dot.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Choudhry, Abdul <Abdul.choudhry@aecom.com>
Subject: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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Thank you for your cooperation and interest in this project.

Sincerely,
Laura

Laura Dawood
NEPA Planner
Laura.Dawood@tn.gov

Dawood, Laura

From: Laura Dawood <Laura.Dawood@tn.gov>
Sent: Monday, July 21, 2025 6:13 PM
To: TDOT_USFWS
Cc: Kyle Kirschenmann; Keven Brown
Subject: Re: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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Hello Chris,

Thank you for your email. The TDOT Ecology Section is working on these materials. I am cc:ing Technical Studies and Ecology team members for reference as well.

Thank you,
Laura

From: TDOT_USFWS <tdot_usfws@fws.gov>
Sent: Monday, July 14, 2025 2:53 PM
To: Laura Dawood <Laura.Dawood@tn.gov>
Subject: Re: [EXTERNAL] TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

Hi Laura,

Thank you for sharing the coordination document with our team. No substantial comments at this time. When your team is ready, please input the project into our IPAC system to begin the ESA process. We'll be happy to continue consultation on T&E species as necessary from there.

Please let us know if you have any questions or if we can advise any further in the meantime.

Chris DeVore
2079490596

From: Giddens, David W <david_giddens@fws.gov>
Sent: Monday, June 30, 2025 8:45 AM
To: TDOT_USFWS <tdot_usfws@fws.gov>
Subject: Fw: [EXTERNAL] TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

Wesley Giddens
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501
Email: david_giddens@fws.gov
Cell Phone: (931)260-6938

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From: Laura Dawood <Laura.Dawood@tn.gov>
Sent: Thursday, June 26, 2025 6:05 PM
To: amy.brooks@knoxtpo.org <amy.brooks@knoxtpo.org>; sheriff@tnacsco.net <sheriff@tnacsco.net>; bkidwell@andersoncountyttn.gov <bkidwell@andersoncountyttn.gov>; Brook Smith <Brook.Smith@tn.gov>; centennial@oakridgetn.gov <centennial@oakridgetn.gov>; claxtonfire@claxtonfire.com <claxtonfire@claxtonfire.com>; David@ormp.org <David@ormp.org>; drcriscorley@gmail.com <drcriscorley@gmail.com>; gatwildcat@aol.com <gatwildcat@aol.com>; info@andersoncountypark.com <info@andersoncountypark.com>; jeff <jeff@tectn.org>; Jeremy B. Holley <Jeremy.B.Holley@tn.gov>; dmccginley@knoxvilletn.gov <dmccginley@knoxvilletn.gov>; Jon Hetrick <jhetrick@oakridgetn.gov>; kaikomp@comcast.net <kaikomp@comcast.net>; khoyt@utk.edu <khoyt@utk.edu>; kmeyers@acs.acr <kmeyers@acs.acr>; laurel.creech@tnc.org <laurel.creech@tnc.org>; mbutler@tnwf.org <mbutler@tnwf.org>; mcuzz@stonemor.com <mcuzz@stonemor.com>; mpatterson@ethra.org <mpatterson@ethra.org>; orpd@oakridgetn.gov <orpd@oakridgetn.gov>; Flynn, Roger <rflynn@oakridgetn.gov>; Terry Frank <tfrank@andersoncountyttn.gov>; tsolomon@oakridgetn.gov <tsolomon@oakridgetn.gov>; ttaeasttennessee68@tennesseetrails.org <ttaeasttennessee68@tennesseetrails.org>; wblasius <wblasius@oakridgetn.gov>; wgooch@oakridgetn.gov <wgooch@oakridgetn.gov>; Winters, Bill R. <bwinters@osmre.gov>; David Salyers <David.Salyers@tn.gov>; Deniece Thomas <Deniece.Thomas@tn.gov>; Emma Bartolo <Emma.Bartolo@tn.gov>; FRAPA@dot.gov <FRAPA@dot.gov>; Jamie Stitt <Jamie.Stitt@tn.gov>; Jeff.Aiken@tn.gov <Jeff.Aiken@tn.gov>; Jennifer.fedenko@usda.gov <Jennifer.fedenko@usda.gov>; Jill White <Jill.White@tn.gov>; kajumba.ntale@epa.gov <kajumba.ntale@epa.gov>; Melanie Beauchamp <Melanie.Beauchamp@tn.gov>; nicole.sikula@fws.gov <nicole.sikula@fws.gov>; Giddens, David W <david_giddens@fws.gov>; Bouwens, Kenneth A <kenneth_bouwens@fws.gov>; Patrick McIntyre <Patrick.McIntyre@tn.gov>; Brendlinger, Bobby <rbrendli@usgs.gov>; Vincent Pontello <Vincent.Pontello@tn.gov>; Andy Holt <Andy.H.Holt@tn.gov>; Tina D. Rogers <Tina.D.Rogers@tn.gov>; Travis.A.Wiley@usace.army.mil <Travis.A.Wiley@usace.army.mil>; dbcollins2 <dbcollins2@tva.gov>; Heather.R.Mattern@uscg.mil <Heather.R.Mattern@uscg.mil>; plic@tva.gov <plic@tva.gov>; tvainfo@tva.gov <tvainfo@tva.gov>; esmith14@tva.com <esmith14@tva.com>; William.E.Worrall@usace.army.mil <William.E.Worrall@usace.army.mil>
Cc: Sharon Schutz <Sharon.Schutz@tn.gov>; Lori Lange <Lori.Lange@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Magsanoc, Ray <ray.magsanoc@aecom.com>; Russell, Jacinda (FHWA) <jacinda.russell@dot.gov>; DeLeon, Gilberto (FHWA) <gilberto.deleon@dot.gov>; Newton, Daniel (FHWA) <Daniel.Newton@dot.gov>; Hall, Gregory (FHWA) <gregory.hall@dot.gov>; Poole, Kevonte (FHWA) <kevonte.poole@dot.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Choudhry, Abdul <Abdul.choudhry@aecom.com>
Subject: [EXTERNAL] TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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Sincerely,
Laura

Laura Dawood
NEPA Planner
Laura.Dawood@tn.gov

Dawood, Laura

From: Laura Dawood <Laura.Dawood@tn.gov>
Sent: Friday, August 1, 2025 2:49 PM
To: Wiley, Travis A CIV USARMY CELRN (USA)
Cc: Worrall, William E CIV USARMY CELRN (USA); Rachel Head; Erick Hunt-Hawkins
Subject: Re: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

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Good afternoon Mr. Wiley,
Acknowledging receipt of the comments and will be incorporating your feedback as part of the NEPA documentation.
Thank you,
Laura

From: Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>
Sent: Friday, July 25, 2025 8:15 AM
To: Laura Dawood <Laura.Dawood@tn.gov>
Cc: Worrall, William E CIV USARMY CELRN (USA) <William.E.Worrall@usace.army.mil>
Subject: [EXTERNAL] RE: TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

Ms. Dawood-

Please find USACE comments for Concurrence Point 1.

From: Laura Dawood <Laura.Dawood@tn.gov>
Sent: Thursday, June 26, 2025 7:06 PM
To: amy.brooks@knoxtpo.org; sheriff@tnacsco.net; bkidwell@andersoncountyttn.gov; Brook Smith <Brook.Smith@tn.gov>; centennial@oakridgetn.gov; claxtonfire@claxtonfire.com; David@ormp.org; drcriscorley@gmail.com; gatwildcat@aol.com; info@andersoncountypark.com; jeff <jeff@tectn.org>; Jeremy B. Holley <Jeremy.B.Holley@tn.gov>; dmcginley@knoxvilletn.gov; Jon Hetrick <jhetrick@oakridgetn.gov>; kaikomp@comcast.net; khoyt@utk.edu; kmeyers@acs.acr; laurel.creech@tnc.org; mbutler@tnwf.org; mcuzz@stonemor.com; mpatterson@ethra.org; orpd@oakridgetn.gov; Flynn, Roger <rfflynn@oakridgetn.gov>; Terry Frank <tfrank@andersoncountyttn.gov>; tsolomon@oakridgetn.gov; ttaeasttennessee68@tennesseetrails.org; wblasius <wblasius@oakridgetn.gov>; wgooch@oakridgetn.gov; bwinters@osmre.gov; David Salyers <David.Salyers@tn.gov>; Deniece Thomas <Deniece.Thomas@tn.gov>; Emma Bartolo <Emma.Bartolo@tn.gov>; FRAPA@dot.gov; Jamie Stitt <Jamie.Stitt@tn.gov>; Jeff.Aiken@tn.gov; Jennifer.fedenko@usda.gov; Jill White <Jill.White@tn.gov>; kajumba.ntale@epa.gov; Melanie Beauchamp <Melanie.Beauchamp@tn.gov>; nicole.sikula@fws.gov; david_giddens <david_giddens@fws.gov>; kenneth_bouwens@fws.gov; Patrick McIntyre <Patrick.McIntyre@tn.gov>; rbrendli@usgs.gov; Vincent Pontello <Vincent.Pontello@tn.gov>; Andy Holt <Andy.H.Holt@tn.gov>; Tina D. Rogers <Tina.D.Rogers@tn.gov>; Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>; dbcollins2

<dbcollins2@tva.gov>; Heather Mattern <heather.r.mattern@uscg.mil>; plic@tva.gov; tvainfo@tva.gov; esmith14@tva.com; Worrall, William E CIV USARMY CELRN (USA) <William.E.Worrall@usace.army.mil>
Cc: Sharon Schutz <Sharon.Schutz@tn.gov>; Lori Lange <Lori.Lange@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Magsanoc, Ray <ray.magsanoc@aecom.com>; Russell, Jacinda (FHWA) <jacinda.russell@dot.gov>; DeLeon, Gilberto (FHWA) <gilberto.deleon@dot.gov>; Newton, Daniel (FHWA) <Daniel.Newton@dot.gov>; Hall, Gregory (FHWA) <gregory.hall@dot.gov>; Poole, Kevonte (FHWA) <kevonte.poole@dot.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Choudhry, Abdul <Abdul.choudhry@aecom.com>
Subject: [Non-DoD Source] TDOT SR-170 Widening Project, Anderson County, Tennessee (TDOT PIN 124121.00) - Concurrence Point 1 Coordination

Good afternoon,

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), is developing an Environmental Assessment (EA) to evaluate the proposed widening and realignment of State Route (SR) 170 from the SR-62 (Oak Ridge Highway) interchange (L.M. 0.00) to SR-9 (US-25W, Clinton Highway) (L.M. 6.18) in Anderson County, Tennessee for approximately 6.18 miles.

Your agency has been identified as having an interest in the proposed project. We would like to update you with the project development and environmental document preparation. Please see the attached Concurrence Point 1: Purpose and Need and Study Area/Alternatives to be Evaluated (CP 1), per procedures outlined in the Public Involvement and Coordination Plan (PICP), for your review and comments. Please respond with any questions and comments you may have regarding CP 1 or the PICP. We kindly ask that comments be returned by 7/28/2025. If you have any comments or questions, you may contact me via this email or telephone at 770-548-9904.

Thank you for your cooperation and interest in this project.

Sincerely,
Laura

Laura Dawood
NEPA Planner
Laura.Dawood@tn.gov



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
REGULATORY DIVISION
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

July 25, 2025

SUBJECT: LRN-2025-00090; TDOT PIN 124121.01; State Route (SR)-170 Improvement Project, Concurrence Point 1- Alternatives Package; Anderson County, Tennessee

ATTN: Ms. Laura Dawood
Tennessee Department of Transportation
Suite 900, J.K. Polk Building
505 Deaderick St
Nashville, TN 37243

Dear Ms. Dawood,

This letter is in response to your request for agency comments as part of Concurrence Point 1 (CP1), addressing the Alternatives to be Evaluated in NEPA (Alternatives Package), for the widening and realignment of SR 170 from the SR-62 (Oak Ridge Highway) interchange (L.M. 0.00) to SR-9 (US-25W, Clinton Highway) (L.M. 6.18) in Anderson County, Tennessee. This project has been assigned File Number LRN-2025-00090. Please refer to this number in all communication concerning this matter.

The U.S. Army Corps of Engineers, Nashville District (USACE) provides the comments below as both a cooperating agency for this project, in accordance with 40 CFR 1501.8 of the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provision of the National Environmental Policy Act (NEPA) and as a Participating Agency in accordance with Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Section 4 (Alternative Descriptions)

Narrative in Section 1 indicates Option B was discussed in the 2011 Transportation Planning Report (TPR) as a five-lane roadway section and a new structure over the Clinch River Bridge while Option C would result in intersection improvements along SR-170 at four locations. Narrative in Section 4 indicated "*other Build Alternatives were eliminated in previous planning phases because they did not meet the need and purpose of the project; one Build Alternative is being considered.*" Although Section 11.3 of the 2011 TPR, which was referenced after this statement, summarized the evaluation of Option C, it did not specifically describe why this alternative was not sufficient to meet the project purpose. In fact, the discussion in Section 11.3 stated "*A portion of the problems identified are due to isolated conditions at individual intersections, rather than stemming from consistently heavy traffic volumes being found throughout the length of the roadway. Through appropriate intersection design, the types of congestion, delay*

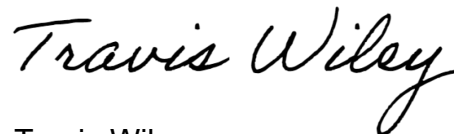
and motorist inconvenience experienced along SR 170 will be alleviated". If Option C is not carried forward as a viable alternative, please provide a more detailed rationale explaining why Option C does not satisfy the project purpose and was therefore eliminated in this evaluation. Also, USACE recommends a discussion on considerations that influenced the design modifications from Option B (five lanes) into the current build option (Alternative 4.2) which consists of a four-lane typical section (two 12-foot travel lanes in each direction) with a variable median and eight-foot shoulders.

Alternatives Analysis (Section 404 (b) (1) Guidelines)

When moving forward with the next phase of alternatives analysis, the USACE suggests that documentation is provided to help facilitate completion of the 404(b)(1) Guidelines (40 CFR 230) analysis during the permitting phase. Previous correspondence for this project, submitted by USACE on January 30, 2025, provides a more detailed discussion of USACE alternatives analysis during the Department of the Army permit evaluation.

We appreciate your consideration of our comments and look forward to collaborating on this project. If you have any questions, please contact me by telephone at 865-393-0971, or via email at travis.a.wiley@usace.army.mil

Sincerely,



Travis Wiley
Transportation Program Manager
Regulatory Division

Attachments
USACE Correspondence (January 30, 2025)



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
REGULATORY DIVISION
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

January 30, 2025

SUBJECT: LRN-2025-00090; TDOT PIN 124121.00; State Route (SR)-170, from the SR-62 Interchange to SR-9, Anderson County, Tennessee, Cooperating Agency Acceptance; Anderson County, Tennessee

ATTN: Mr. Erick Hunt-Hawkins
Tennessee Department of Transportation
505 Deaderick St, Suite 900, J.K. Polk Building
Nashville, TN 37243

Dear Mr. Hunt-Hawkins,

This letter is in response to your invitation (received January 19, 2025) to be a Cooperating Agency and Participating Agency for the subject project in Anderson County, Tennessee. This project has been assigned File Number LRN-2025-00090. Please refer to this number in all communication concerning this matter.

The U.S. Army Corps of Engineers, Nashville District (USACE) accepts the invitation to serve with TDOT and FHWA as a both a cooperating agency for this project, in accordance with 40 CFR 1501.8 of the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provision of the National Environmental Policy Act (NEPA) and as a Participating Agency in accordance with Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in the development of the Environmental Assessment for this project. USACE will work with TDOT and the FHWA to ensure effective and efficient processing of this proposal. .

Additionally, the correspondence on January 19, 2025 indicated that a Department of the Army Permit would be required under Section 404 of the Clean Water Act. USACE recommends identification of potential waters of the U.S. (streams, wetlands, etc.) and a listing of the area/linear feet of those resources (e.g. linear feet of streams and acreage of wetlands) in the earliest stages of the NEPA process and to ensure that avoidance and minimization of impacts to waters of the U.S. is considered in the project alternatives analysis as the process moves forward.

Section 404 (b) (1) Guidelines

When moving forward an alternatives analysis, the USACE suggests that documentation is provided to help facilitate completion of the 404(b)(1) guidelines (40 CFR 230) analysis during the permitting phase. According to the 404(b)(1) guidelines "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the

aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” **The 404(b)(1) guidelines require a determination that the applicant’s preferred alternative is the least environmentally damaging practicable alternative (LEDPA), considering cost, logistics, and existing technology in light of the overall project purpose.** The USACE suggests that you provide a detailed analysis of any on-site and off-site alternatives considered that would accomplish the project purpose while avoiding and minimizing impacts to waters of the U.S. The alternatives analysis should discuss all relevant factors that influence or constrain the location, size, or other characteristics of the project, such as presence of waters of the U.S., cultural resources sites, endangered species, or other relevant constraints. Please identify all criteria and weighting factors used to evaluate and rate on-site and off-site alternatives, provide an evaluation of the practicability and environmentally damaging effects for each alternative, describe/justify the geographic boundaries used to determine potentially suitable alternative sites, and quantify the anticipated impacts to waters of the U.S. at each alternative site. Each alternative should be evaluated with the same level of detail and using the same methodology, including avoidance and minimization measures to reduce impacts to waters of the U.S.

For non-water dependent activities associated with discharges in special aquatic sites (i.e., wetlands), practicable alternatives that do not involve discharges in these sites are presumed to be available, unless clearly demonstrated otherwise. For activities associated with discharges in special aquatic sites, an additional presumption is that all practicable alternatives that do not require discharges in these sites are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise. The permit applicant has the opportunity to rebut these presumptions within the alternatives analysis.

For more guidance on developing an alternatives analysis that satisfies the requirements of the 404(b)(1) guidelines, please see the attached documents *“Information for Preparing an Alternatives Analysis under Section 404”* dated June 2014 and the American Association of State Highway and Transportation Officials (AASHTO) *“Applying the Section 404(b)(1) Guidelines in Transportation Project Decision-Making”*. Incorporation and evaluation of alternatives in sufficient detail to document compliance with the 404(b)(1) Guidelines at this stage of the review will help minimize review time and project hurdles during the permitting phase.

Cumulative Effects:

Section 5.8 (Item I) of the TESA Agreement, requires the document submitted for review under CP2, where substantial impacts are anticipated, should include “a refined study approach, including the spatial and temporal limits of any indirect/cumulative impact analyses.”

When moving forward with the next phase of alternatives analysis, the USACE suggests that documentation is provided to help facilitate completion a cumulative effects determination, in regard to impacts on the aquatic environment. The USACE must consider the cumulative effects associated with the proposed project on the aquatic environment in order to evaluate it under Section 404(b)(1) Guidelines.

The determination of cumulative effects assessment (CE) for an appropriately sized watershed should, at a minimum, include the following information:

- a. Identify relevant past, present, and reasonably foreseeable future activities:
 - i. Consider and describe how past activities have historically affected and will continue to detrimentally affect the aquatic resources of concern for the proposed project. Consider other present actions, such as other TDOT projects, that may be detrimentally affecting the aquatic resources of concern.
 - ii. Estimate the acreage of watershed that will be directly or indirectly affected by future activities, such as other TDOT projects. This information should be appropriately depicted on a CE map.
 - iii. The discussion should be specific and should include summary tables for impacts to waters of the U.S. for past, present, and reasonably foreseeable future activities.
- b. Describe the project-related effects on the aquatic environment:
 - i. Using data collected within the watershed, describe how the proposed project, in addition to past and reasonably foreseeable future activities, such as other TDOT projects, would be expected to affect aquatic resources within the Hydrologic Unit Code (HUC) 8 watershed. The discussion should be specific, and should include summary tables for impacts to waters of the U.S. Consider and describe the direct and indirect effects, as well as evaluate what cumulative effects might occur because of other actions, including those actions outside the USACE regulatory jurisdiction.
 - ii. Estimate the length and/or acreage of impacts to waters of the U.S. that are predicted to occur as a result of the proposed project in combination with other reasonably foreseeable future activities, such as other TDOT projects. The discussion should be specific and should include summary tables for impacts to waters of the U.S. for the proposed project and for reasonably foreseeable future activities.

- iii. Estimate the surface acreage of the watershed that is predicted to be impacted as a result of the proposed project in combination with other reasonably foreseeable future activities, such as other TDOT projects. This information should be appropriately depicted on a CE map.

We appreciate your consideration of our comments and look forward to collaborating on this project. If you have any questions, please contact me by telephone at 865-393-0971, or via email at travis.a.wiley@usace.army.mil

Sincerely,

A handwritten signature in black ink that reads "Travis Wiley". The signature is written in a cursive, flowing style.

Travis Wiley
Transportation Program Manager
Regulatory Division

Attachments

1. Information for Preparing an Alternatives Analysis under Section 404
2. Applying the Section 404(b)(1) Guidelines in Transportation Project Decision-Making

Information for Preparing an Alternatives Analysis Under Section 404

June 2014

In its evaluation of permit applications to discharge dredged or fill material into waters of the U.S. (WOTUS), including wetlands, the U.S. Army Corps of Engineers (Corps) is required to analyze alternatives to the proposed project that could achieve its purpose and need. The Corps conducts this analysis pursuant to two main requirements - the 404(b)(1) Guidelines (Guidelines)ⁱ and the National Environmental Policy Act (NEPA)ⁱⁱ. The Corps must evaluate alternatives that accomplish the overall project purpose, and that are reasonable and practicable. A permit cannot be issued if a practicable alternative exists that would have less adverse impact on the aquatic ecosystem, provided that alternative does not have other significant adverse environmental impacts.

The Guidelines include two rebuttable presumptions. The first presumption states that if a project does not need to be in a special aquatic site, such as a wetland, to meet its basic purpose (i.e., the project is not "water-dependent"), it is presumed that alternatives that do not affect special aquatic sites are available. The second presumption states that if a project involves a discharge of dredged or fill material into a special aquatic site, a practicable alternative located in uplands is presumed to have less adverse impact on the aquatic ecosystem. **It is the applicant's responsibility to clearly demonstrate to the Corps that both of these presumptions have been rebutted in order to pass the alternatives portion of the Guidelines.** This document will assist a permit applicant in formatting this information into an "Alternatives Analysis" that includes the key items that must be addressed. The level of detail in an alternatives analysis should be commensurate with the scale of the adverse environmental effects of the project. Analysis of projects proposing greater adverse environmental effects should be more detailed and explore a wider range of alternatives than projects proposing lesser effects.

Below are suggested steps to follow in providing the necessary information for the Corps to consider in the alternatives analysis:

Step 1: Define Purpose and Need

At the beginning of an alternatives analysis, the applicant should clearly state the overall project purpose and need (examples are below). Significant thought should be applied when developing the project purpose as it will drive much of the alternatives analysis. The overall project purpose must be specific enough to define a permit applicant's needs, but not so restrictive to preclude other alternatives. It should also not be too wide-ranging without consideration for the applicant's real needs, as the geographic boundaries in the purpose define the scope of the analysis. For example:

- a. *To develop a 225-lot single-family residential development at the southeast intersection of Interstate 10 and Toledo Blade Boulevard.*

This example is too restrictive because there are no alternative sites to consider. It also unnecessarily details the exact number of lots, which can reduce the number of reasonable or practicable alternatives.

- b. *To develop a residential development in Northwest Florida.*

This example is too wide in scope if the applicant is actually focusing on a certain portion of a certain city or county to locate the project. This would also create an unmanageable number of alternatives.

- c. *To develop a single-family residential subdivision near Interstate 10 in Crestview, Florida, to meet local demand for this type of housing.*

This is an appropriate overall project purpose as it narrows the geographic scope to a reasonable and manageable size. It clearly defines what the project involves (single-family residences rather than “housing” that could also mean townhouses or apartments), the actual target market area (near Interstate 10 in Crestview), and the need for the project (local demand).

The applicant’s proposed overall project purpose will be carefully considered, but if the Corps cannot concur with it as submitted, the Corps is required to modify it. Once the Corps has placed the project on public notice, the applicant must use the overall project purpose as stated in that public notice or the overall project purpose as provided back to the applicant if the Corps has modified their original project purpose. If the applicant has already performed an alternative analysis using a project purpose the Corps cannot concur with, (e.g., it is too restrictive or too broad in geographic scope), the analysis may need to be revised to accurately include reasonable and practicable alternatives.

Additional information about the proposed overall project purpose should also be provided, including details about the relevant market conditions and area, location, history, and other factors that influence or constrain the intended nature, size, level of quality, price class, or other characteristics of the project. Information that further describes why particular geographic boundaries were chosen also will assist the Corps in its review.

Step 2: Identify Alternatives

The applicant must list and briefly describe alternatives that could meet the overall project purpose. This list, at a minimum, must include the information noted below.

- a. the applicant's preferred alternative (the project proposed in the permit application)
- b. alternatives that would involve no discharges of dredged or fill material into WOTUS (The "No-Action" alternative comprises one or more alternatives that would not involve a discharge of dredged or fill material into WOTUS, which could involve reconfiguring the project to avoid all wetlands on the site, siting the project entirely in uplands offsite, or no-action, i.e. not implementing the project. Although the "No-Action" alternative might not seem reasonable initially, it must always be included in the analysis. The no-action alternative can serve several purposes. First, it may be a reasonable alternative, especially for situations where the impacts are great and the need is relatively minor. Second, it can serve as a benchmark, enabling decision makers to compare the magnitude of the environmental effects of the action alternatives.)
- c. alternative offsite locations, including those that might involve less adverse impact to WOTUS
- d. onsite alternatives that would involve less adverse impact to WOTUS (These include modifications to the alignments, site layouts, or design options in the physical layout and operation of the project to reduce the amount of impacts to WOTUS.)
- e. alternatives that would involve greater adverse impact to WOTUS but avoid or minimize other significant adverse environmental consequences including offsite and onsite options (Alternatives that meet these criteria are uncommon.)

Alternatives that are clearly unreasonable should be identified and eliminated (not evaluated further). For example, alternative sites that are far too small to accommodate the project or that lie outside the geographic boundaries identified in the overall project purpose can be eliminated. This step of the analysis is not intended to rule out alternatives that are "unreasonable" according to the applicant, but those that would be considered "unreasonable" to an objective third-party. The Corps will verify that the criteria used for screening alternatives are objective and not so restrictive that they eliminate actual reasonable alternatives. The applicant must list the alternatives that were initially considered then eliminated from further study because the applicant feels they failed to pass this first round of screening. The Corps will review this list and determine if elimination of these alternatives is appropriate.

The maximum number of reasonable alternatives to study further will vary and depends on the nature and scope of the proposed project; however, there typically should be multiple alternatives to consider. The number of alternatives listed should be greater for

projects involving greater impacts. This is the preliminary list of reasonable alternatives; alternatives that are not practicable will be eliminated from further consideration in the later stages of the analysis.

In many instances, there will be alternatives determined to be both unreasonable and impracticable, as these terms can be nearly synonymous when used in these analyses. Regardless of whether the applicant identifies an alternative as unreasonable or as impracticable, it is imperative the applicant describe, in the context of the overall project purpose and need for the project, why each alternative should be eliminated from further analysis. The Corps must be able to independently review and verify this information and each step in the applicant's alternative analysis.

Step 3: Describe and Analyze Alternatives for Practicability

This step also addresses onsite and offsite alternatives and determines which are practicable and which are not. Practicable is defined here as meaning the alternative is available, is able to achieve the overall project purpose, and is feasible considering cost, existing technology, and/or logistics in light of the overall project purpose.

Alternatives should be clearly listed and numbered for ease of reference and comparison. *At a minimum*, the following information for each alternative site examined should be provided:

1. *General site information:*

- a. specific parcel information including, but not limited to; parcel ID numbers, aerial photos, location maps , FLUCCS codes and GPS coordinates;
- b. presence, quantity and quality of wetlands or other WOTUS;
- c. County/City zoning designation;
- d. the presence of any federally-listed threatened or endangered species or their critical habitat, and/or the presence of any historical properties or resources; and,
- e. site infrastructure (Will the site require new access roads/infrastructure? What are the potential impacts associated with these improvements?).

2. *The practicability of each alternative:*

- a. Practicability: alternatives that are practicable are those that are available and capable of being done by the applicant after considering the following (in light of the project purpose):
 - Cost (For example, the costs associated with various infrastructure components such as roadways or utilities, including upgrades to existing infrastructure components or the need to establish new infrastructure components, may affect the viability of a particular alternative. A location far from all existing infrastructure (roads, water,

sewer, and/or electricity) might not be practicable considering the costs associated with upgrading/establishing the infrastructure necessary to use that site. However, just because one alternative costs more than another, this does not mean that the more expensive alternative is entirely impracticable. Cost is analyzed in the context of the overall cost of the project and whether it is unreasonably expensive or exorbitant. In addition, cost is an objective, industry-neutral inquiry that does not consider an individual applicant's financial standing. The data used for any cost or financial feasibility analysis must be current with respect to the time of the alternatives analysis.);

- Existing Technology (The alternatives examined should consider the limitations of existing technology yet incorporate the most efficient/least-impacting construction methods currently available. For example, alternatives to mining limestone or other minerals may not be practicable considering a lack of technology to allow replacement of that mineral resource in the mass-production of concrete; however, engineered retaining walls can be incorporated into an alternative that substantially minimizes wetland impacts by eliminating fill slopes.); and,
 - Logistics (The alternatives examined may incorporate an examination of various logistics associated with the project, i.e., placement of facilities within a required distance, utilization of existing storage or staging areas, and/or safety concerns. Examples of alternatives that may not be practicable considering logistics are a land-locked parcel that cannot be accessed by public roads or a site that is too small to meet the overall project purpose.
- b. Availability: The Guidelines state that if it is otherwise a practicable alternative, an area not presently owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the overall purpose of the proposed activity can still be considered a practicable alternative. In other words, if an applicant does not own an alternative parcel, that does not rule that parcel out as a practicable alternative. **The applicant should consider and anticipate alternatives available during the timeframe that the Corps conducts its alternatives analysis.** An evaluation of availability for purchase and projected cost of such a purchase may be incorporated into this discussion.
- c. Other information: any other information that conveys the practicability of the alternatives reviewed in consideration of the overall project purpose should be included.

An alternatives comparison matrix (example on next page) is an effective way to present and compare the main parameters that were considered during the evaluation.

To allow for an objective evaluation, the comparison of the plan(s) for the proposed and alternative sites should be framed for “yes” or “no” answers. A narrative should accompany the matrix defining the practicability factors chosen and further explaining any “no” answers with objective and verifiable data. Practicability of the “no-action” alternative also must be addressed in this narrative and, if applicable, also included in the matrix. The information should explain the consequences on the applicant and the public if the project is not implemented. Any remaining alternatives that are found to be practicable will move on to the next and final step.

If an alternative can be easily documented to be a more environmentally damaging alternative and this can be clearly described within the narrative and matrix, then this step and the following step can be combined. This will save the applicant time and expense; however, it is only appropriate for alternatives where this distinction is clear.

Example Alternative Comparison Matrix for Practicability

Category	Practicability Factor	Alternative 1 Applicant's Preferred Alternative	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Availability	Existing Zoning Appropriate or Potential for Zoning Change?	YES Zoned for this project type	YES Zoned for this project type	YES Zoned for this project type	YES Zoned for agriculture but County has expressed support for the project	YES Zoned for this project type
	Available for Acquisition?	YES Applicant owns the parcel	YES	YES	YES	YES
Cost	Reasonable Acquisition Costs?	YES Applicant owns the parcel	YES	YES	YES	NO Seller will only sell all 350 acres without subdividing
	Costs feasible for mitigating impacts to historic and cultural resources found onsite?	YES No historic or cultural resources found onsite	YES No historic or cultural resources found onsite	YES No historic or cultural resources found onsite	NO If impacts to historic resources onsite allowed, costs to mitigate those impacts will increase project costs from \$xxxx to \$xxxx	YES No historical or cultural resources found onsite

	Other Costs Feasible?	YES	YES Additional costs for extensive retaining walls	YES	NO Costs to connect to utilities will increase project costs from \$xxxx to \$xxxx	NO Extensive use of retaining walls, and construction of two bridges increase project costs from \$xxxx to \$xxxx
Existing Technology	Topography and other Site Conditions Feasible for Construction of Project?	YES	YES With extensive use of engineered retaining walls and drainage systems	YES	YES	YES With extensive use of retaining walls, and bridges over Clear Creek
Logistics	Sufficient Parcel Size?	YES 40 acres	YES 48 acres	NO 21 acres	NO 17 acres	YES 350 acres
	Availability of Utilities?	YES	YES	YES	NO 6 miles to existing water, sewer and power	YES
	Availability for Access?	YES County right-of-way on east property boundary	YES County right-of-way to northwest property corner	NO Landlocked by private parcels and request for an easement was denied	NO Landlocked by private parcels and request for an easement was denied	YES County right-of-way to west side of property

Step 4: Identify the Least Environmentally Damaging Practicable Alternative

1. The Guidelines require that the Least Environmentally Damaging Practicable Alternative (LEDPA) be selected. Therefore, using the same numbering system from the step above, identify the environmental impacts for each remaining practicable alternate site. For each remaining site:
 - a. describe the impacts (beneficial or adverse) to the aquatic ecosystem associated with each of the remaining alternatives
 - b. describe the overall (beneficial or adverse) environmental impacts associated with each of the remaining alternatives
 - c. be specific and quantitative in the identification of impacts (Rather than "Alternative A would result in a large impact to low quality wetlands and ditches that are sparsely vegetated and impact some wildlife." use "Alternative A would result in the discharge of fill material over 2.1 acres of fire-suppressed wet pine flatwoods wetland and 1.2 acres of wet ditches that contain scattered emergent wetland vegetation. Using the Uniform Mitigation Assessment Method, the function and value of the flatwoods wetland and ditch system have been calculated at 0.6 and 0.2,

respectively. Work affecting 0.7-acre of potential flatwoods salamander habitat would also result from siting the project at this location."

2. If multiple practicable alternatives remain, and/or many environmental/relevant factors are involved, another matrix that contains only environmental/relevant parameters (e.g., wetland functional units, listed species, high value upland habitat, historic properties) can be used to assist in illustrating the proposed LEDPA. Emphasis should be placed on impacts to the aquatic environment through functional unit loss of wetlands or other WOTUS that would be affected or eliminated by each alternative. An example matrix is below.

Example Environmental Factor Matrix

Environmental Factors	Alternative 1 Applicant's Preferred Alternative	Alternative 2
Wetland Impacts (Acres)	2.0	6.0
Loss in Wetland Function (UMAM Functional Units)	1.4	3.9
Impacts to Federally Listed Threatened or Endangered Species	No	No
LEDPA	Yes	No

3. Conclude the alternatives analysis with a description of the alternative proposed to be the LEDPA, reiterating the rationale for this determination.

ⁱ The 404(b)(1) Guidelines (Guidelines) are associated with the Clean Water Act of 1972, and are found in the Federal Register under 40 CFR Part 230

ⁱⁱ The Corps' Implementation Procedures for the National Environmental Policy Act (NEPA) of 1969 are found in the Federal Register under 33 CFR Part 325, Appendix B

AASHTO PRACTITIONER'S HANDBOOK

14

August 2016

APPLYING THE SECTION 404(B)(1) GUIDELINES IN TRANSPORTATION PROJECT DECISION-MAKING

This Handbook is intended to assist practitioners in applying the Section 404(b)(1) Guidelines in the environmental review process for surface transportation projects. The Handbook focuses on highway and transit projects that require an individual Section 404(b)(1) Guidelines permit under the Clean Water Act and involve preparation of an environmental impact statement (EIS) or environmental assessment (EA) under the National Environmental Policy Act (NEPA).

This Handbook outlines steps that can be taken at each stage of the environmental review process to lay the foundation for compliance with the guidelines. Issues covered in this Handbook include:

- Linking the transportation planning process to project-level studies and decisions
- Initiating an environmental review process that includes NEPA and Section 404(b)(1) Guidelines requirements (as well as Rivers and Harbors Act requirements, where applicable)
- Identifying and evaluating aquatic resources, including waters of the United States
- Defining “purpose and need” under NEPA and “overall project purposes” under Section 404(b)(1) Guidelines
- Developing, screening, and evaluating alternatives under both NEPA and Section 404(b)(1) Guidelines
- Selecting a preferred alternative that complies with the guidelines and with the requirement for a public-interest determination
- Developing mitigation measures that comply with the guidelines
- Resolving inter-agency disputes involving the guidelines

The Practitioner's Handbooks are produced by the Center for Environmental Excellence by AASHTO. The Handbooks provide practical advice on a range of environmental issues that arise during the planning, development, and operation of transportation projects.

The Handbooks are primarily intended for use by project managers and others who are responsible for coordinating compliance with a wide range of regulatory requirements. With their needs in mind, each Handbook includes:

- key issues to consider;
- a background briefing;
- practical tips for achieving compliance; and
- a list of reference materials.

In addition, key regulations, guidance materials, and sample documents for each Handbook are posted on the Center's web site at <http://environment.transportation.org>.



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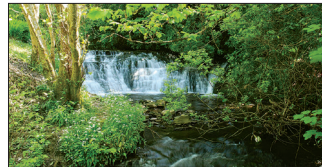


American Association of State Highway and Transportation Officials

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Overview



This Handbook provides advice on compliance with the Section 404(b)(1) Guidelines as part of the environmental review process for a transportation project.

Section 404(b)(1) Guidelines of the Clean Water Act prohibits the discharge of dredged or fill materials into waters of the United States, except when authorized by a permit issued by the U.S. Army Corps of Engineers (Corps). Waters of the United States—also called jurisdictional waters—include many wetlands, streams, lakes, and rivers, as well as oceans.

When issuing permits under Section 404, the Corps must comply with the Section 404(b)(1) Guidelines. The guidelines define the criteria that must be met in order for the Corps to issue a Section 404 permit. The guidelines were issued by the U.S. Environmental Protection Agency (EPA) and are included in EPA's regulations at 40 CFR Part 230.

Federal agencies typically consider the guidelines as one part of an environmental review process that includes compliance with many other laws, such as the National Environmental Policy Act (NEPA). Therefore, rather than addressing the Guidelines in isolation, this Handbook considers the guidelines in the context of the environmental review process as a whole. The Handbook uses a step-by-step approach to illustrate the actions that can be taken throughout the process to lay the groundwork for compliance with the guidelines.

It is important to note several points regarding the scope and emphasis of this Handbook:

- The Handbook focuses on actions that transportation agencies can take in their capacity as project sponsors, joint lead agencies, and/or Section 404(b)(1) Guidelines permit applicants.
- The Handbook focuses on projects that require an individual Section 404(b)(1) Guidelines permit under the Clean Water Act and that involve preparation of an Environmental Impact Statement (EIS) or Environmental Assessment (EA) under NEPA—in other words, relatively large and complex projects. These projects are the focus of the Handbook because they are the ones that are most likely to involve challenges regarding the application of the guidelines. The Handbook does not address projects that qualify for nationwide or regional general permits.
- The Handbook focuses on Section 404(b)(1) Guidelines permitting, rather than covering all forms of Corps permitting equally. The Handbook briefly discusses permits issued by the Corps under Sections 9 and 10 of the Rivers and Harbors Act.
- The Handbook focuses on the guidelines specifically, rather than covering all aspects of Section 404(b)(1) Guidelines permitting. The Handbook focuses on the guidelines because of their important role in decision-making for complex transportation projects. As context for the discussion of the guidelines, the Handbook includes background information on other important aspects of Section 404(b)(1) Guidelines permitting, such as jurisdictional determinations.

Background Briefing

The Clean Water Act prohibits the discharge of dredged or fill material into waters of the United States, except as authorized in a permit issued pursuant to Section 404(b)(1) Guidelines of the Act. The agency with direct responsibility for issuing Section 404(b)(1) Guidelines permits is the Corps. In carrying out this responsibility, the Corps must follow criteria established by the EPA. These criteria are known as the Guidelines. Although they are called “guidelines,” these criteria are established in regulations (40 CFR Part 230) and are legally binding. The guidelines establish important requirements that must be met before a permit can be issued.

Corps Permitting—The Basics

Origins of Permitting Authority. The Corps' role as a permitting agency originates in the Rivers and Harbors Act of 1890. In general terms, that law prohibited the construction of barriers to navigation—piers, bridges, abutments, etc.—in navigable waters unless approved by the Secretary of War. The Corps' permitting role was expanded in the Rivers and Harbors Act of 1899, which prohibited discharges into navigable waters without a Corps permit. In 1972, Congress further expanded and redefined the Corps' permitting function with the enactment of Section 404(b)(1) Guidelines of the Clean Water Act. Section 404(b)(1) Guidelines gave the Corps broader permitting jurisdiction and more of an environmental protection mission. Today, the Corps continues to exercise permitting authority under the Rivers and Harbors Act, as well as the Clean Water Act.

Scope of Corps' Jurisdiction. The scope of the Corps' permitting jurisdiction is defined more broadly under the Clean Water Act than under the Rivers and Harbors Act. Section 404(b)(1) Guidelines of the Clean Water Act gives the Corps permitting authority over the “waters of the United States.” This term has been interpreted to include traditionally navigable waters as well as a wide range of non-navigable aquatic resources, including many wetlands. By contrast, the Rivers and Harbors Act gives the Corps permitting authority over “navigable waters of the United States.”¹

Standards for Determining Jurisdiction. The extent of the Corps' jurisdiction over “waters of the United States” has been the subject of extensive litigation. This issue was addressed by the Supreme Court in *Rapanos v. United States*. There was no single majority opinion in *Rapanos*, which left substantial confusion about the legal standard to be applied for determining jurisdiction. Based on that case, the Corps now defines its jurisdiction to include traditional navigable waters and their tributaries, as well as other aquatic resources with a “significant nexus” to those waters. Under this standard, wetlands are considered jurisdictional “if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity” of traditional navigable waters.²

Process for Making Jurisdictional Determinations. Following the *Rapanos* decision, the Corps and EPA issued joint guidance (the *Rapanos* guidance) clarifying the standards and process for making jurisdictional determinations.³ In addition, the Corps issued Regulatory Guidance Letter 08-02, which further clarified the procedures for making jurisdictional determinations, and also allowed applicants to request a “preliminary jurisdictional determination.”⁴ With a preliminary determination, the applicant can concede jurisdiction and proceed with the permit application process, thereby avoiding a potentially time-consuming effort to determine jurisdiction.

Individual vs. General Permits. The Corps issues two types of permits under Section 404(b)(1) Guidelines: “individual permits” and “general permits.” Individual permits are issued for specific projects. An individual permit can be issued as a standard permit or as a “letter of permission,” which involves a more limited review for a project with minor impacts. General permits are issued for categories of projects that are presumed to have similar effects and not more than minimal impacts on the aquatic environment. General permits can be issued on a nationwide or regional basis.⁵ As noted in the Overview section, this Handbook focuses on individual permits.

Environmental Review Requirements. The Corps must comply with environmental review requirements under various Federal laws before issuing Section 404(b)(1) Guidelines permits. These laws include NEPA, the Endangered Species Act, the National Historic Preservation Act, the Coastal Zone Management Act, and many others. The level of review required under these laws varies greatly from case to case, depending on the nature of the project and its impacts. Each law has different requirements, and the Corps must ensure that all applicable requirements are satisfied before a permit is issued. The Corps' regulations include procedures for NEPA compliance (33 CFR Part 325, App. B) and for Section 106 compliance (33 CFR Part 325 App. C). As reflected in those regulations, the Corps has an independent obligation to comply with those laws. The

1 For purposes of the Rivers and Harbors Act, the Corps defines “navigable waters of the United States” as those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity. 33 CFR 328.3(a)

2 On June 29, 2015, the Corps and EPA published a final rule defining the term “waters of the United States.” The final rule took effect on August 28, 2015. However, a Federal court subsequently issued an injunction that prevented the rule from taking effect. As of the date of publication of this Handbook, the injunction remains in place, and therefore the June 2015 final rule is not in effect.

3 The joint EPA/Corps guidance documents are available on the Center's web site at <http://environment.transportation.org> and are listed in the Reference Materials section for this Practitioner's Handbook.

4 Regulatory Guidance Letter 08-02 is available on the Center's website at <http://environment.transportation.org> and are listed in the Reference Materials section for this Practitioner's Handbook.

5 33 CFR 320.1(c).

Corps may adopt, incorporate by reference, or otherwise use or rely upon the NEPA and Section 106 documents prepared by other agencies.

Public Interest Review. The Corps conducts a public interest review as part of its decision-making process under Section 404(b)(1) Guidelines and under Section 10 of the Rivers and Harbors Act. The public interest review is based on a range of factors, weighing the proposed impacts against the potential benefits of the proposed activity. The Corps issues a permit only if it concludes that the project is in the public interest. The public interest finding is required by the Corps' regulations, not by the guidelines.⁶ The Corps' regulations include a list of 21 criteria that the Corps must consider when making a public interest determination. One required element is a finding that the proposed activity complies with the guidelines.

Overview of Section 404(b)(1) Guidelines Permitting

Agency Roles. The Clean Water Act creates a system of checks and balances in which several agencies have a significant role in the Section 404(b)(1) Guidelines permit application process. The Corps is assigned the lead role as the permitting agency, with direct responsibility for issuing and denying permits. The EPA, the U.S. Fish and Wildlife Service, and state water quality agencies all have important roles as well. The agencies' roles are based on specific provisions in the statute itself.

Corps as Permitting Agency. Section 404(b)(1) Guidelines(a) gives the Corps its authority to issue permits under the program. It also requires the Corps to issue a public notice and provide an opportunity for a public hearing before issuing a permit.

EPA Role in Setting Guidelines. Section 404(b)(1) Guidelines(b) requires the Corps to exercise its permitting authority "through the application of guidelines developed by [EPA], in conjunction with [the Corps]." EPA implemented this requirement by issuing the guidelines, which are codified as regulations in 40 CFR Part 230.

EPA "Veto" Authority. Section 404(b)(1) Guidelines(c) authorizes EPA to prohibit or overturn the issuance of a permit by the Corps under the Section 404(b)(1) Guidelines program. In effect, this section gives EPA a veto power over Section 404(b)(1) Guidelines permits. While the veto is rarely exercised, the existence of this authority gives EPA substantial influence in the permitting process.

USFWS Commenting Role. Section 404(b)(1) Guidelines(m) directs the U.S. Fish and Wildlife Service to submit comments on a Section 404(b)(1) Guidelines permit application within 90 days after receiving notice from the Corps. This commenting role is defined by Section 404(b)(1) Guidelines itself, and is separate from the Service's roles under the Endangered Species Act and other laws.

Agency Coordination and Elevation. Section 404(b)(1) Guidelines(q) directs the Corps to enter into agreements with EPA and other agencies to minimize delays in permitting under Section 404(b)(1) Guidelines. As directed by this section, the Department of the Army has entered Memoranda of Agreement (MOAs) with EPA, the U.S. Department of the Interior, and the U.S. Department of Commerce. The MOAs establish policies and procedures governing the Corps' coordination with EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. The procedures include a framework for elevating inter-agency disputes regarding Section 404(b)(1) Guidelines permit decisions. This elevation process is known as "Section 404(b)(1) Guidelines(q) elevation."⁷

State Water Quality Certification. Section 401 of the Act requires permit applicants to obtain a certification from the state that a proposed project meets the state's water quality standards; this certification must be obtained before the Corps issues an individual Section 404(b)(1) Guidelines permit.

In sum, while the Corps makes the Section 404(b)(1) Guidelines permit decision, other Federal and state agencies have substantial roles in the Section 404(b)(1) Guidelines permit application process. The result is a process that requires extensive interagency coordination.

6 33 CFR 320.4(a).

7 See, e.g., "Clean Water Act Section 404(b)(1) Guidelines(q) Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army" (Aug. 11, 1992).

The Section 404(b)(1) Guidelines

The first Section 404(b)(1) Guidelines were issued by EPA on an interim basis in 1975. Following amendments to the Act in 1977, EPA updated the guidelines and published them as final regulations in 40 CFR Part 230 on December 24, 1980. The guidelines adopted in December 1980 have remained largely unchanged since that time.

Elements of the Guidelines. Section 230.10 of guidelines establishes four requirements that must be met in order for the Corps to issue a Section 404(b)(1) Guidelines permit. If any one of them is not met, the permit cannot be issued. (For the full text of Section 230.10, refer to Appendix A to this Handbook.) The four requirements include:

- **No Practicable Alternative.** There must be no “practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequence.”⁸
- **No Violation of Other Laws.** The project cannot be permitted if it (1) “causes or contributes, after consideration of disposal site dilution and dispersion, to violations of any applicable state water quality standard”, (2) “violates any applicable toxic effluent standard or prohibition under section 307 of the Act”; (3) “jeopardizes the continued existence of species listed as endangered or threatened under the Endangered Species Act ... or results in likelihood of the destruction or adverse modification of ... critical habitat”; or (4) “violates any requirement imposed by the Secretary of Commerce to protect any marine sanctuary...”⁹
- **No Significant Degradation.** The project must not “cause or contribute to significant degradation of the waters of the United States.” This section lists criteria to be considered in making a determination of significant degradation. It requires this determination to be based on “appropriate factual determinations, evaluations, and tests.”¹⁰
- **Minimizing Adverse Impacts.** The project must include “appropriate and practicable steps to minimize potential adverse impacts of the discharge on the aquatic ecosystem.”¹¹

Compensatory Mitigation. The four-part test in Section 230.10 requires minimization, but does not explicitly require mitigation. In a 1990 Memorandum of Agreement, the Corps and EPA agreed to require appropriate and practicable mitigation in Section 404(b)(1) Guidelines permits. In March 2008, the Corps and EPA issued updated regulations addressing compensatory mitigation requirements in more detail. The regulations direct the Corps to include “appropriate and practicable” compensatory mitigation conditions in Section 404(b)(1) Guidelines permits. These regulations—known as the “2008 Mitigation Rule”—are included in Subpart J of the guidelines (40 CFR 230.91 to 230.98) and in the Corps’ own regulations at 33 CFR Part 332.

Where Is the LEDPA Requirement?

The term “least environmentally damaging practicable alternative” or “LEDPA” is not actually used in the guidelines. Moreover, it can be somewhat misleading because it implies that the Corps makes a single global assessment of which alternative is “least environmentally damaging.” No such determination is made under the guidelines. The actual requirement, as stated in Section 230.10(a), is that there must be no “practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” This requirement is referred to as the “No practicable alternative” requirement in this Handbook.¹²

Key Terms in the Guidelines. The Section 404(b)(1) Guidelines use several terms and concepts that have specific meanings in the context of these regulations. These include:

- **Practicable.** The term “practicable” means “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.”¹³ As noted above, the regulations

8 40 CFR § 230.10(a).

9 40 CFR § 230.10(b).

10 40 CFR § 230.10(c).

11 40 CFR § 230.10(d).

12 40 CFR § 230.10(a).

13 40 CFR § 230.10(a)(2).

4 Applying the Section 404(b)(1) Guidelines in Transportation Project Decision-Making

establish a presumption, for non-water-dependent projects, that practicable alternatives are available to avoid aquatic resources.

- **Aquatic Environment and Aquatic Ecosystem.** The terms “aquatic environment” and “aquatic ecosystem” mean “waters of the United States, including wetlands that serve as habitat for interrelated and interacting communities and populations of plants and animals.”¹⁴
- **Special Aquatic Sites.** The term “special aquatic sites” includes “geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.”¹⁵ The regulations specifically identify the following areas as special aquatic sites: sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes.¹⁶

Presumption of Availability for Non-Water-Dependent Projects. The guidelines create a presumption that practicable avoidance alternatives are available for non-water-dependent projects.¹⁷ A water-dependent project would include facilities such as boat docks, which need to be in or near the water to serve their intended purpose. Highway and transit projects generally are not water-dependent. This presumption places the burden on the applicant to demonstrate that there are no practicable alternatives that entirely avoid aquatic resources. The level of “proof” required will vary depending on the project and the nature of the anticipated impacts.

Flexibility in Applying the Guidelines. The guidelines acknowledge that the level of detail required to demonstrate consistency with the guidelines will vary from case to case. They state that “Although all requirements in § 230.10 must be met, the compliance evaluation procedures will vary to reflect the seriousness of the potential for adverse impacts on the aquatic ecosystems posed by specific dredged or fill material discharge activities.”¹⁸ This provision makes clear that the required level of effort is not identical for all projects. The fact that more extensive analyses are done for higher-impact, more complex projects does not mean that those same analyses are required for all projects.

Relationship to Other Requirements. Projects that require an individual Section 404(b)(1) Guidelines permit typically require review under other laws as well, including NEPA. Multiple agencies have decision-making roles, and each agency has different legal constraints on its decision-making. A key challenge for practitioners is to integrate all of these requirements into a single process. The following requirements have an important relationship to Section 404(b)(1) Guidelines decision-making:

- **NEPA—Purpose and Need.** The Council on Environmental Quality (CEQ) regulations, which govern Federal agencies’ NEPA compliance, require an EIS to include a statement of the “underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.”¹⁹ The guidelines require the Corps to consider the “overall project purposes” as part of the Corps’ assessment of the practicability of alternatives under Section 404(b)(1) Guidelines. The Corps also has its own independent obligation to comply with NEPA, which includes defining the purpose and need. Obviously, it is desirable to have a purpose statement that satisfies all agencies’ requirements.²⁰ Achieving a single concise purpose statement requires a collaborative effort. The Corps is not required to accept the purpose as defined by the applicant or by another Federal agency.
- **NEPA—Range of Alternatives.** The CEQ regulations require an EIS to include detailed analysis of “all reasonable alternatives.”²¹ The guidelines require the Corps to consider “practicable” alternatives for avoiding or minimizing harm to waters of the U.S. As with the purpose and need, it is desirable to have a single range of alternatives that satisfies NEPA requirements as well as Section 404(b)(1) Guidelines requirements. Developing a range of alternatives that satisfies both NEPA and Section 404(b)(1) Guidelines requires a collaborative effort. Applicants

14 40 CFR § 230.3(b).

15 40 CFR § 230.3(m).

16 40 CFR § 230.3(m) and §§ 230.40 to 230.44.

17 40 CFR § 230.10(a)(3).

18 40 CFR § 230.10.

19 40 CFR § 1502.13.

20 For additional information on how to define the project purpose, see Practitioner’s Handbook No. 7, “Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects.”

21 40 CFR § 1502.14(a). The requirement to consider “all reasonable alternatives” applies to an EIS, not an EA. The alternatives analysis in an EA may consist of a range of alternatives, or may consist of the No Action alternative and a single action alternative.

cannot assume that screening decisions made in the NEPA process will automatically limit the range of alternatives that the Corps considers under Section 404(b)(1) Guidelines.

- **NEPA—Indirect and Cumulative Effects.** NEPA requires consideration of direct, indirect, and cumulative effects.²² The guidelines require the Corps to consider the project’s “secondary effects” on waters of the United States.²³ The guidelines list several examples of secondary effects, including “surface runoff from residential or commercial developments on fill.” There is significant overlap between indirect effects, as defined in NEPA, and “secondary effects” as defined in the guidelines. The guidelines themselves do not require consideration of cumulative effects, but the Corps is required under NEPA to consider indirect and cumulative effects when preparing an EIS. Therefore, indirect and cumulative effects analyses play an important role in the Corps’ decision-making, both because of the Guidelines and because of the Corps’ responsibilities under NEPA.
- **Section 4(f).** Section 4(f) prohibits the U.S. DOT from approving the use of certain parks, recreation areas, refuges, and historic sites, unless there is no “feasible and prudent” avoidance alternative and the project includes “all possible planning to minimize harm” to those resources. The concepts of “prudence” and “practicability” are closely related, but different. Each of these terms has a separate legal definition and related case law. The decision-makers also are different: a U.S. DOT agency determines prudence under Section 4(f), whereas the Corps determines practicability under Section 404(b)(1) Guidelines.
- **Section 7 of ESA.** Section 7 of the Endangered Species Act prohibits Federal agencies from approving an alternative that would jeopardize a Federally listed threatened or endangered species, or that would adversely modify or destroy critical habitat for those species. Section 7 does not require selection of the alternative that causes “least harm” to listed species, but its requirements are nonetheless stringent. Impacts to listed species can play a role in the alternatives analysis under the guidelines. For example, impacts to listed species could be “other significant adverse environmental consequences”—a finding that could justify rejection of an alternative that has the least impact to the aquatic ecosystem.
- **Section 106 of NHPA.** Section 106 of the National Historic Preservation Act requires Federal agencies to identify cultural resources (including resources significant to Indian tribes) and consider ways to avoid or reduce any adverse effects on those resources. An alternative that avoids a Section 106 resource may impact a Section 404(b)(1) Guidelines resource, and vice-versa. Therefore, the Corps considers information developed in the Section 106 process when making its Section 404(b)(1) Guidelines permitting decision.²⁴ At the same time, the Corps’ Section 404(b)(1) Guidelines permitting requirements may influence the decisions reached in the Section 106 process.
- **Coastal Zone Management Act.** The Coastal Zone Management Act requires states to develop management plans for coastal waters, including wetlands in coastal zones. Before a Federal permit can be issued for a project in a coastal zone, the permit applicant must obtain a finding by the state that the project is consistent with the state’s coastal management plan. This finding is commonly known as a “consistency determination.”²⁵ The Corps’ Section 404(b)(1) Guidelines regulations implement this requirement through a multi-step process.²⁶ First, the applicant must certify in its application that the project is consistent with the coastal plan. The Corps announces this proposed finding in its public notice for the permit application, and sends that notice to the state agency with responsibility for the coastal zone plan, requesting its concurrence or objection. If the state agency objects, the Corps generally does not proceed to issue the permit. The U.S. Secretary of Commerce has the authority to override a state’s objection, but that authority is rarely exercised.
- **Bridge Acts.** Federal law prohibits the construction or modification of any bridge across navigable waters of the United States unless first authorized by the Coast Guard. The Coast Guard approves the location, plans and navigational clearances of bridges through the issuance of bridge permits or bridge permit amendments. The applicant for a Coast Guard bridge permit must obtain one of the following before a Coast Guard bridge permit can be issued: (1) a Corps Section 404(b)(1) Guidelines permit, (2) assurance from the Corps that a 404 permit will be issued and a statement regarding the adequacy of wetland mitigation, or (3) documentation from the Corps that a Section 404(b)(1) Guidelines permit is not required if jurisdictional wetlands are involved. Specific bridge acts

²² 40 CFR §§ 1502.16, 1508.7, and 1508.8. Direct effects are caused by the action and occur at the same time and place. Indirect effects are caused by a project but are removed in time or distance. Cumulative effects include the project’s direct and indirect effects, combined with the effects of other actions that are reasonably foreseeable.

²³ See 40 CFR § 230.11(h).

²⁴ The Corps’ permitting regulations include procedures for Section 106 compliance. See 33 CFR Part 325, Appendix C.

²⁵ The National Oceanographic and Atmospheric Administration (NOAA) has issued regulations governing coastal zone consistency determinations. These can be found in 15 CFR Part 930.

²⁶ See 33 CFR § 325.2(b)(2).

include Section 9, Rivers and Harbors Appropriations Act of 1899, as amended (33 USC 401); the Act of March 23, 1906, amended (33 USC 491); the General Bridge Act of 1946, amended (33 USC 525); and the International Bridge Act of 1972 (33 USC 535).

- **Executive Orders 11990 and 11988.** Executive Order 11990 (issued May 24, 1977) directs all Federal agencies to “avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.” The Executive Order also states that “In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.” This order gives FHWA an obligation that is closely related to the Corps’ obligations under the Guidelines. The order applies to all wetlands, regardless of whether they fall within the Corps’ jurisdiction. Executive Order 11988 establishes a similar policy for floodplains. FHWA and FTA typically make these findings in their NEPA decision documents.
- **Executive Order 13690.** Executive Order 13690 (issued January 30, 2015) amended E.O. 11988 and established the Federal Flood Risk Management Standard (FFRMS) to improve the Nation’s resilience to current and future flood risks. Executive Order 13690 requires Federal agencies to use a higher vertical flood elevation and corresponding horizontal floodplain when making decisions on Federally funded projects. It also requires Federal agencies to use “natural systems, ecosystem processes, and nature-based approaches” when developing alternatives for a proposed action. In October 2015, the Federal Emergency Management Agency adopted final guidelines implementing Executive Order 13690. The guidelines direct Federal agencies to address compliance with Executive Orders 11988 and 13690 in their NEPA documents.

Procedures for Incorporating Section 404(b)(1) Guidelines Decision-Making with Other Requirements

As described above, Section 404(b)(1) Guidelines is one of many requirements that must be met as part of the environmental review process for transportation projects. One of the most important challenges for practitioners is to devise an appropriate process for integrating the Section 404(b)(1) Guidelines decision-making into the environmental review process as a whole. There is no single required approach for achieving this integration. Some tools for synchronizing these requirements include:

- **Linking Planning and NEPA.** The Federal transportation planning regulations and 23 USC 168 provide a framework for linking the transportation planning process to project-level environmental reviews. Under certain conditions, the regulations allow decisions made in the planning process to be incorporated in subsequent NEPA documents—for example, a decision on purpose and need or the range of alternatives.²⁷ As part of the planning process, transportation agencies may benefit from considering the guidelines and initiating early coordination with the Corps regarding projects (or categories of projects) that may require individual permits. While not required, early consideration of the guidelines may help to avoid delays during project-level studies.
- **Pre-Application Consultation.** The Corps’ regulations recommend that applicants for individual permits engage in pre-application consultation with the Corps to discuss the level of NEPA review required, the information needed for decision-making, other agency reviews and approvals needed, and the overall process to be followed.²⁸ Pre-application consultation is available to all applicants. It is an informal process that varies depending on the nature and complexity of each project.
- **NEPA–Section 404(b)(1) Guidelines Merger Agreements.** Beginning in the late 1980s, FHWA and the Corps entered a number of state-level or regional agreements to “merge” the two agencies’ NEPA, Section 4(f), and Section 404(b)(1) Guidelines processes into a combined process. The merged process includes predefined milestones, known as concurrence points. These typically include purpose and need; range of alternatives; selection of a preferred alternative; and selection of mitigation measures. Merger agreements remain in effect in a few states.
- **Synchronization of NEPA, Section 404(b)(1) Guidelines, and Other Laws.** In 2015, FHWA, the Corps, and other agencies jointly issued a new handbook—known as the *Red Book*—that describes various ways to synchronize compliance with NEPA, Section 404(b)(1) Guidelines and other laws, such as the Endangered Species Act. As

²⁷ The transportation planning regulations and 23 USC 168 provide authority for adopting planning decisions for use in the NEPA process. See 23 CFR Part 450 (sections 450.212, 450.318, and Appendix A) and 23 USC 168. In addition, there is a separate provision in 23 USC 139(f)(4)(E) that allows alternatives screening decisions made in the metropolitan planning process to be adopted by a Federal agency in the NEPA process.

²⁸ 33 CFR 325.1(b).

described in the *Red Book*, the synchronized process includes coordination with the Corps at defined milestones, which are similar to the milestones defined in NEPA-404 merger agreements. The *Red Book* recognizes that it may be beneficial to seek concurrence at each milestone but also recognizes other approaches, including the possibility of seeking comment without requesting concurrence.²⁹

- **Section 139 Environmental Review Process.** Section 139 of Title 23 establishes an environmental review process that is required for all highway, transit, and multimodal projects for which an EIS is prepared. Railroad projects requiring an EIS must comply with Section 139 “to the greatest extent feasible.”³⁰ The environmental review process under Section 139 must include the “process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than [NEPA].” Thus, the Corps’ permitting actions must be addressed as part of the Section 139 process. The process requires an “opportunity for involvement” by participating agencies and the public at two milestones: defining the purpose and need, and determining the range of alternatives to be studied. It does not require the lead agencies to seek concurrence at these milestones. As part of the Section 139 process, the Corps normally should be invited to serve as a participating agency in situations where a project has potential impacts to jurisdictional aquatic resources. The Corps also may be designated as a cooperating agency, as described below.
- **Cooperating Agency Designation.** An agency designated as a participating agency under Section 139 may also be designated as a cooperating agency. Under the CEQ regulations, a cooperating agency may assume—at the request of the lead agency—a role in developing information and preparing environmental analyses that are included in an EIS. The Corps normally is invited to serve as a cooperating agency in preparing an EIS if the proposed project will require an individual Section 404(b)(1) Guidelines permit. Cooperating agency designation is another tool for encouraging heightened involvement with the Corps during the NEPA process, in order to minimize the potential for delays when a permit application is filed.

It is important to understand that the choice about how to coordinate the NEPA and Section 404(b)(1) Guidelines processes does not change the underlying NEPA and Section 404(b)(1) Guidelines requirements themselves, nor does it change the authority of each agency involved. Therefore, regardless of whether an agency follows a merger agreement or some other process, a project that requires an individual permit ultimately must satisfy the guidelines.

Key Issues to Consider

Linking the Transportation Planning Process to Project-Level Studies and Decisions

If the transportation planning process is still under way:

- What information is available about the location and type of aquatic resources in the area affected by the plan? How accurate and comprehensive is this information?
- How can the available information be used to support consideration of aquatic resources in planning-level analyses and decisions?
- What opportunities exist in the planning process to avoid, minimize and, if unavoidable, mitigate impacts to aquatic resources?
- How will mitigation be addressed in the planning process, as required by the planning regulations?
- Will a corridor or sub-area study be prepared, as allowed under the planning regulations?

If the transportation planning process has been completed, and the lead agencies in the NEPA process are deciding whether to adopt planning-level analyses or decisions:

- Were potential impacts to aquatic resources considered in the planning process?
- Were environmental mitigation opportunities considered in the planning process? Do these opportunities involve aquatic resources in the vicinity of this project?

²⁹ See FHWA, USFWS, Corps, et al., “Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects: 2015 Red Book” (Sept. 2015), pp. 9–10.

³⁰ 49 USC 24201.

- Were other agencies and the public involved in the planning-level studies? What was their level of involvement? What concerns were raised and how were they addressed?
- How were the planning-level analyses and decisions documented?

Project Initiation and Scoping

Initial Assessment of Section 404(b)(1) Guidelines Issues

- Based on available information, is an individual Section 404(b)(1) Guidelines permit likely to be needed?
- What existing data (mapping, etc.) is available to identify aquatic resources? Is there a need to gather additional data before beginning to develop alternatives?
- Have other agencies or the public expressed concerns about this project's potential impacts on aquatic resources? What are their specific areas of concern?

Section 139 Compliance Steps (Required for EISs; Optional for EAs)

- Will this project follow the environmental review process required for EIS projects in 23 USC 139 (Section 139): If so:
 - Which agencies will be designated as participating and/or cooperating agencies?
 - How will Section 404(b)(1) Guidelines issues be addressed in the Section 139 coordination plan?
- Is there a NEPA-404 merger agreement that defines required interagency coordination procedures? If so, how does that agreement affect the role of the Corps and other agencies?
- How will the lead agencies coordinate with other agencies regarding the methodologies and level of detail for analyzing impacts to aquatic resources, as required by Section 139?

Approach to Coordinating NEPA and Section 404(b)(1) Guidelines

- When does the applicant intend to file its Section 404(b)(1) Guidelines permit application? What is the desired timing for a Section 404(b)(1) Guidelines permit decision?
- How will the Corps satisfy its own NEPA responsibilities? For example, does the Corps intend to adopt another agency's NEPA document?
- Is there a procedure in place for resolving any inter-agency disputes that may arise during the NEPA process regarding the Section 404(b)(1) Guidelines permit application?

Defining the Project Purpose

- What steps will be taken to involve the Corps in defining the project purpose?
- If Section 139 applies, how will the required "opportunity for involvement" in developing the purpose and need be provided to agencies and the public?
- Are there any significant unresolved issues regarding the project purpose that should be addressed before beginning to develop and screen alternatives?
- What transportation performance measures or other criteria will be used to assess the ability of alternatives to meet the project purpose?

Early Identification and Evaluation of Aquatic Resources

- How accurate and up-to-date is the existing mapping (and other data) regarding the location, type, function, and quality of aquatic resources in the study area?
- Have water quality standards and criteria been established for the aquatic resources in the study area? If not, what standards or criteria will be used as the basis for analyzing impacts and considering mitigation?
- What steps will be taken to identify and map aquatic resources in the study area?

- Have watershed plans or other ecosystem-based plans been developed for the area where this project would be located?
- Is additional work needed to obtain more accurate and up-to-date mapping and other data regarding aquatic resources, before beginning to develop alternatives?
- What level of detail will be necessary for evaluation of the alternatives' impacts to aquatic resources, for purposes of compliance with the Section 404(b)(1) Guidelines?

Developing and Screening Alternatives

- How will the guidelines be considered as part of the alternatives screening process? For example, will alternatives be assessed for "practicability" as defined in the guidelines?
- How will the Corps and other agencies be involved in determining the range of alternatives? Will they be asked to comment on, or concur in, the alternatives screening decisions?
- What screening criteria will be used in the evaluation of alternatives? How will impacts to aquatic resources be addressed as part of those screening criteria?
- How will screening decisions be documented? Will the screening reports or other documentation be sufficient to support the Corps' needs?
- After screening has been completed: Are there any circumstances that might warrant re-consideration of previously eliminated alternatives?

Detailed Study of Alternatives

Wetlands Identification and Functional Assessments

- What is the study area within which wetland resources will be evaluated? How was the scope of analysis determined and how was the rationale documented?
- Are there any methodology issues that need to be resolved before identifying wetlands boundaries and conducting functional assessments? For example, does the study area include unusual types of wetlands?
- What steps will be taken to identify and map aquatic resources in the study area, for the detailed-study alternatives?
- Will the Corps be asked to make preliminary and/or final jurisdictional determinations for multiple alternatives, or only for the preferred alternative? When will those determinations be made?
- How will determinations regarding wetlands boundaries and functions be documented and reviewed? What reports will be prepared and what role will the Corps have in reviewing and commenting on these reports?
- What methodology will be used to assess the quality and functions of the jurisdictional wetlands? How will this qualitative assessment be documented?

Water Quality Characterizations and Assessments

- What water quality assessments are available for the watersheds and streams (perennial and intermittent) within the study area?
- Have water quality standards and criteria been established? If not, what standards or criteria will be used when analyzing impacts and considering mitigation?

Engineering for the Detailed-Study Alternatives

- What level of engineering design will be completed for the alternatives carried forward for detailed study in the NEPA document?
- Will all of the alternatives carried forward for detailed study in the NEPA document be developed to the same or different levels of design detail?
- If there are differences in the level of detail, do they have the potential to affect the Corps' ability to rely on the NEPA document to comply with the guidelines?

Impacts Analysis for the Detailed Study Alternatives

- What standards and criteria will be used to compare the detailed-study alternatives in terms of their relative impacts on the aquatic ecosystem?
- Have the Corps, EPA, and other agencies participated in developing the methodology used for comparing the impacts of the alternatives on jurisdictional aquatic resources?
- If there are disagreements about the methodology to be used, how are they being addressed?

Choosing a Preferred Alternative

- Are all of the detailed-study alternatives assumed to be “practicable”? If some could be dismissed as not practicable, what information is needed to assess “practicability” at this stage of the analysis?
- Do any of the practicable alternatives have “other significant adverse environmental consequences” that should be weighed along with impacts to the aquatic ecosystem?
- At what point in the NEPA process will the preferred alternative be identified?
- Will the Corps sign a concurrence form, submit comments, or take any other action during the NEPA process to indicate that the preferred alternative complies with the guidelines? Will the preferred alternative satisfy each element of the guidelines, including the requirement that the project cause “no significant degradation” to waters of the United States?
- Are there other legal requirements—for example, Section 4(f)—that need to be considered? If so, how will they be reconciled with the requirements of the guidelines?

Avoidance, Minimization, and Compensatory Mitigation

- What steps will be taken throughout the development of alternatives to consider avoidance and minimization of impacts to jurisdictional aquatic resources?
- After a preferred alternative has been identified, what additional efforts will be made to reduce further the impacts of that alternative?
- When and how will potential compensatory mitigation measures be considered?
- Is there an opportunity to use off-site mitigation (including mitigation banks) as a way of meeting compensatory mitigation requirements for the project?

Practical Tips

1 | Linking the Transportation Planning Process to Project-Level Studies and Decisions

The transportation planning process can be used in several ways to support subsequent project-level studies and decisions, including Section 404(b)(1) Guidelines decision-making. Some potential tools are described below. For further information, refer to Practitioner’s Handbook No. 10, “Using the Transportation Planning Process to Support the NEPA Process.”³¹

Consultation with Natural Resource Agencies during the Planning Process. In developing their long-range transportation plans, state departments of transportation must consult with state, tribal, and local agencies responsible for land-use management, natural resources, environmental protection, conservation, and historic preservation. The same requirements apply to MPOs, except that they are not required to consult with tribal agencies. The consultation must involve “comparison of transportation plans with state and tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.”³² One effective tool for complying with this requirement is to develop a statewide geographic information systems (GIS) database, with the best available data on aquatic and other environmental resources. By considering aquatic resources early, planners can identify permitting difficulties even before

³¹ All Practitioner’s Handbooks are available on the Center’s web site at <http://environment.transportation.org>.

³² 23 USC §§ 135(f)(2), 134(i)(5).

projects are incorporated in transportation plans. For this early consideration to be effective, planners should be familiar with the requirements of the guidelines.

Early Consideration of Mitigation Opportunities. The transportation planning process requires consideration of “potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.”³³ This discussion must be developed “in consultation with Federal, state, and tribal wildlife, land management, and regulatory agencies.”³⁴ Early consideration of mitigation (or enhancement) opportunities for aquatic resources does not in any way lessen the need to consider avoidance and minimization alternatives. But by starting the conversation about possible mitigation opportunities, transportation planners can help to build positive working relationships with resource agencies and develop more effective mitigation plans.

Planning–Environmental Linkage (PEL). The transportation planning process can be used to produce a wide range of analyses or decisions for adoption in the environmental review process, including: purpose and need or goals and objective statement(s); general travel corridor and/or general mode(s) definition (e.g., highway, transit, or a highway/transit combination); preliminary screening of alternatives and elimination of unreasonable alternatives; basic description of the environmental setting; and preliminary identification of environmental impacts and environmental mitigation. If this approach is being contemplated for a project that requires a Section 404(b)(1) Guidelines permit, transportation planners should engage the Corps and other agencies early in the process. Ultimately, the streamlining and stewardship benefits of this approach will only be achieved if it is undertaken with the involvement of the Corps and other agencies. Also, under some circumstances, the lead agencies may be required to obtain concurrence from cooperating agencies before adopting planning-level decisions or analyses for use in the NEPA process.³⁵

Integrated Planning (Eco-Logical). On a broader level, transportation planning can be integrated with the development of watershed plans, endangered species recovery plans, land-use plans, and other resource protection and growth plans. Federal environmental and transportation agencies have jointly developed a framework for this type of integrated planning, as documented in the 2006 publication, “Eco-Logical: An Ecosystem Approach to Developing Infrastructure Projects.” The Eco-Logical framework could be used to develop a watershed plan for protecting and restoring aquatic resources. This watershed plan could then be used as a basis for considering avoidance, minimization, and mitigation measures for individual transportation projects in that watershed. This approach is consistent with the 2008 Mitigation Rule (Subpart J of the guidelines), which allows consideration of watershed plans when selecting compensatory mitigation sites for unavoidable impacts to aquatic resources.

Funding for Agency Involvement in Planning. Many state DOTs and MPOs have found that other agencies, including the Corps, are unable to participate extensively in the transportation planning process due to their limited staffs and travel budgets. Section 139 of Title 23 addresses this issue by allowing state DOTs to fund other agencies’ participation in “transportation planning activities that precede the initiation of the environmental review process.”³⁶ Funding also can be provided under this section to create or expand geographic information systems (GIS) mapping and resource inventory databases. Funds may be provided under this section “only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project or program.”

2 | Project Initiation and Scoping

Adequacy of Existing Environmental Data. Early in project development, the lead agencies should consider the adequacy of existing data regarding the location, type, and quality of aquatic resources in the study area. If there are significant data gaps or other shortcomings, it may be necessary to conduct additional research before alternatives are developed and screened. This work could include aerial photography, field checks, remote sensing, records checks, consultation with resource agencies and landowners, or other steps that may help to identify aquatic resources that may not be shown (or may be inaccurately

33 23 USC §§ 134(i)(2)(D), 135(f)(4).

34 Ibid.

35 The transportation planning regulations allow adoption of planning-level decisions or analyses for use in the NEPA process, but do not include a concurrence requirement. See 23 CFR 450.212 and 450.318 Appendix A to Part 450. Section 168 of Title 23 provides an additional source of authority for adopting planning-level decisions or analyses for use in the NEPA process, but it does require concurrence from cooperating agencies that intend to rely upon the NEPA analysis for a permit decision. In addition, Section 139(f)(4)(E) of Title 23 allows adoption of alternatives-screening decisions that were made by an MPO in a metropolitan planning process and also includes a concurrence requirement. Therefore, the need for concurrence may depend on the specific legal authority under which a Federal agency proposes to adopt a planning-level decision or analysis.

36 23 USC § 139(j).

reflected) on existing mapping. The higher the quality of the data available early in the process, the lower the risk of having to modify or re-analyze alternatives.

Water Quality Standards and Criteria. The assessment of impacts on rivers, streams, and other water bodies will be based on the applicable water quality standards for those water bodies, as well as the criteria for measuring compliance with those standards. As a starting point for analyzing those impacts, it is important to identify the applicable standards and criteria (if any) for water bodies that may be affected by the project. These standards and criteria also will be relevant to the development of mitigation measures, if such measures are needed.

Initial Assessment of Potential Aquatic Impacts. Once suitable mapping is available, the lead agencies should make an initial assessment of the project's potential impacts to aquatic resources and the potential implications for the environmental review process. Ideally, these potential impacts will have already been identified at a broad scale in the transportation planning process. But if not, transportation agencies should take a careful look early in the NEPA process at existing data sources to assess the potential for impacts to aquatic resources, including waters of the United States. This initial assessment is important because it provides the basis for determining—at least at a preliminary level—whether an individual Section 404(b)(1) Guidelines permit will be needed.

Compliance with Section 139 Requirements. If a highway or transit project requires a U.S. DOT agency's approval and involves preparation of an EIS, the study must comply with the environmental review process defined in Section 139 of Title 23.³⁷ For projects that require an individual Section 404(b)(1) Guidelines permit, there are several key Section 139 requirements that should be addressed at the outset of the NEPA process:

- **Project Initiation Notice.** Section 139 requires the project sponsor to submit a project initiation notice to the Federal lead agency (FHWA or FTA) at the outset of the NEPA process.³⁸ Among other things, the initiation notice must indicate the Federal permits and approvals that are expected to be required for the project. Therefore, if an individual Section 404(b)(1) Guidelines permit is anticipated, it should be disclosed in the initiation notice, along with permits under the Rivers and Harbors Act and any other permits or approvals needed from Federal agencies.
- **Invitations to Participating and Cooperating Agencies.** Section 139 requires the lead agencies to invite any agencies that may have an interest in the project to be “participating agencies” in the environmental review process. Participating agencies that have an approval role typically also are invited to become “cooperating agencies,” which is a defined term under the CEQ regulations. If an individual Section 404(b)(1) Guidelines permit is likely to be needed, the Corps generally should be invited to be a cooperating agency (as well as a participating agency).
- **Coordination Plan.** Section 139 requires the lead agencies to develop a coordination plan, which defines the process to be used for completing not only the NEPA study but also the other required environmental reviews, permits, and approvals. If an individual Section 404(b)(1) Guidelines permit is likely to be needed, the lead agencies should consider how to address Section 404(b)(1) Guidelines permitting in the coordination plan. In some cases, the coordination plan will simply note the need for a Section 404(b)(1) Guidelines permit. In others, it may be appropriate to define in more detail the specific steps that will be taken to coordinate Section 404(b)(1) Guidelines permitting decision-making with other steps in the environmental review process.
- **Schedule for NEPA and Permitting.** Section 139 requires inclusion of a schedule in the coordination plan, with concurrence of all participating agencies. As defined in Section 139, the schedule should include key milestones in the environmental review process, including required permits. Preparing this schedule can help to illustrate the timing of each agency's actions in relation to the others. One key issue to address in the schedule is the timing of the Corps' decision-making: Is the project sponsor anticipating that a permit decision will be made close in time to FHWA's decision, or that the permit decision will be made much later? Developing a complete schedule can help to clarify these issues and align agency expectations.
- **Methodology and Level of Detail.** Section 139 requires the lead agencies to determine appropriate methodologies and level of detail for analysis in the EIS, in collaboration with participating agencies. This collaborative effort requires engagement, but not concurrence; it can take place during scoping, but is not required to occur at a specific point in the environmental review process. If an individual Section 404(b)(1) Guidelines permit is likely to be needed, the lead agencies should consider engaging the Corps (and other agencies) in early discussions about the methodologies that will be important later in the process when applying the guidelines—for example, the approach

³⁷ All highway, transit, and multimodal projects for which an EIS is prepared must follow the environmental review process defined in 23 USC 139. Railroad projects requiring an EIS must comply with Section 139 “to the greatest extent feasible.” See 23 USC 139(b); 49 USC 24201(a).

³⁸ As used in this Handbook, the term “Federal lead agency” includes any states that have assumed U.S. DOT responsibilities under a NEPA assignment program (23 USC 326 to 327).

to identifying and evaluating jurisdictional waters, and the criteria for determining which alternatives cause the least harm to the aquatic ecosystem.

NEPA–Section 404(b)(1) Guidelines Mergers. Several states continue to follow NEPA-Section 404(b)(1) Guidelines merger agreements, under which the transportation agencies seek formal written concurrence from the Corps and other agencies at specified milestones. If a merger agreement applies, it will define (often in considerable detail) the specific steps to be followed to coordinate Section 404(b)(1) Guidelines permitting with NEPA requirements. Practitioners in those states should be familiar with the requirements under those agreements.

3 | Defining the Project Purpose

“Overall Project Purposes” under Section 404(b)(1) Guidelines. The project purpose is important in Section 404(b)(1) Guidelines decision-making because it is one of the key elements considered in determining whether an alternative is practicable. The guidelines state that an alternative is “practicable” if it is “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.”³⁹ This definition directs the Corps to weigh an alternative’s ability to achieve the project purpose, along with other factors, when determining whether an alternative is practicable. If the project purpose is not clearly defined, disputes regarding the practicability of avoidance alternatives become far more likely.

Corps Approach to Determining Project Purpose. In its capacity as the Section 404(b)(1) Guidelines permitting agency, the Corps makes its own independent decision about how to define the project purpose. The Corps’ regulations recognize that there may be a distinction between an applicant’s own objectives and the activity’s “underlying purpose and need from a broader public interest perspective.”⁴⁰ The Corps considers a project’s purpose from both perspectives. According to the regulations, “while generally focusing on the applicant’s statement, the Corps, will in all cases, exercise independent judgment in defining the purpose and need for the project from both the applicant’s and the public’s perspective.”⁴¹ This regulation underscores the importance of involving the Corps in defining the purpose and need when an individual Section 404(b)(1) Guidelines permit is needed.

CEQ Guidance Regarding Purpose and Need. While the Corps has independent authority to define purpose and need for purposes of its permitting decision, the CEQ has encouraged the Corps (and other permitting agencies) to show “substantial deference” to the purpose and need as defined by U.S. DOT for highway and transit projects.⁴² In joint guidance, FHWA and FTA noted that “substantial deference” means that other Federal agencies “should only raise questions regarding our purpose and need statements when those questions relate to substantive or procedural problems (including omission of factors) important to that agency’s independent legal responsibilities.”⁴³

“Opportunity for Involvement” in Purpose and Need. As part of the Section 139 process, the lead agencies must provide participating agencies and the public with an “opportunity for involvement” in defining the purpose and need. This step provides an early opportunity to determine whether there are significant disagreements between transportation agencies and the Corps (or others agencies) regarding the project’s purpose and need. Even for projects that are not subject to Section 139, this type of engagement can be a valuable step because it helps identify any differences of opinion regarding the purpose and need early in the process. For additional information on resolving disagreements among agencies, see Practical Tips, Part 9, Dispute Resolution Procedures.

Criteria for Evaluating Ability to Meet Purpose and Need. Even when agencies agree on a project’s basic purposes, there can be significant disagreements about which alternatives meet those purposes. For example, highway projects often are proposed to address congestion problems. Establishing the existence of the congestion need may be relatively straightforward. The more challenging issue often involves determining how much improvement is needed in order for an alternative to meet the project purpose. Evaluation criteria can help to provide a framework for making this judgment. When an individual Section 404(b)(1) Guidelines permit is needed, it is important to engage the Corps as these evaluation criteria are developed.

³⁹ 40 CFR § 230.10(a)(2).

⁴⁰ 33 CFR Part 325, App. B, Section 9(b)(4).

⁴¹ 33 CFR Part 325, App. B, Section 9(b)(4).

⁴² Letter from J. Connaughton, Chairman, CEQ, to N. Mineta, Secretary, U.S. DOT (May 12, 2003).

⁴³ Memorandum from M. Peters, FHWA Administrator, and J. Dorn, FTA Administrator, to FHWA Division Administrators and FTA Regional Administrators, “Guidance on ‘Purpose and Need’” (July 23, 2003) (“FHWA and FTA should be given ‘substantial deference’ when identifying the transportation purposes and needs that are at issue”).

For additional information on defining purpose and need, please refer to Practitioner’s Handbook No. 7, “Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects.”

4 | Identifying and Evaluating Aquatic Resources

Mapping Aquatic Resources. Section 230.10(a) in the guidelines requires a comparison of alternatives, under which practicable alternatives are ranked based on their relative impacts to the aquatic ecosystem. In many cases, the differences among alternatives are relatively small—measured in a few acres, or even fractions of acres. Given the mandate to minimize harm, even small differences in impacts to aquatic resources can be significant under the Guidelines. Therefore, it is important to give careful consideration to the underlying data that will be used for developing and comparing alternatives at each stage of the analysis. Especially when a study area is very large, practitioners should be alert for any inconsistencies in the way aquatic resources were mapped in different parts of the study area; inconsistencies in the mapping can lead to a misleading comparison of the relative impacts of different alternatives.⁴⁴

Assessing Jurisdictional Status of Aquatic Resources. In an ideal world, agencies would have complete mapping showing the exact boundaries of all aquatic resources within the study area at the outset of the NEPA process. In practice, the identification and evaluation of aquatic resources is usually a gradual process, with the level of detail (and the degree of certainty) increasing as the range of alternatives under consideration decreases. In broad terms, the key stages include:

- **Development and Screening of Alternatives.** Existing data—e.g., National Wetlands Inventory (NWI) mapping and state stream data—is generally acceptable for scoping and for the initial development and screening of alternatives. In some cases, where there are obvious data gaps or data quality concerns, some additional work is needed at the outset of the study to provide an informed basis for developing and screening alternatives.
- **Comparison of Detailed-Study Alternatives.** Once alternatives have been selected for detailed study, field investigations typically are needed to develop more detailed information about the jurisdictional status of aquatic resources in the study area. To the extent possible, Corps and other agency staff should participate in field visits and review proposed findings regarding jurisdictional status of wetlands and streams. At this stage, applicants generally do not request the Corps to approve jurisdictional determinations, but rather ask for the Corps’ acceptance of the proposed wetland and stream jurisdictional determinations as the basis for comparing alternatives. In some cases, applicants may request preliminary or final jurisdictional determinations by the Corps for multiple alternatives, in order to better evaluate their relative impacts to aquatic resources.
- **Permit Application.** For the Section 404(b)(1) Guidelines permit application itself, an applicant must obtain either an approved (final) jurisdictional determination or a preliminary jurisdictional determination, which can be issued under Regulatory Guidance Letter 08-02. It generally is less time-consuming and data-intensive to obtain a preliminary jurisdictional determination.

Functional/Qualitative Assessments. The comparison of impacts to aquatic resources takes into account the quality and function, not just the quantity, of the resources that are impacted. Thus, in addition to identifying the boundaries of jurisdictional waters, it is necessary to characterize those waters in terms of their type, quality, and function. Approaches to qualitative assessment vary greatly among projects and among states. Practitioners should be alert to this issue and make sure there is a clear understanding with the Corps and other agencies regarding the methods to be used for qualitative/functional assessments of jurisdictional waters. This is a key factor in comparing impacts to aquatic resources because a difference in quality/function can outweigh a difference in the quantity of impact—but only if the difference in quality/function is well-documented and based on a consistent methodology.

5 | Developing and Screening Alternatives

Early Consideration of Avoidance and Minimization. By considering possible avoidance and minimization strategies early in the NEPA process, it may be possible to make refinements that entirely avoid the need for a Section 404(b)(1) Guidelines permit, or that allow the project to qualify for a nationwide permit or a regional general permit. If impacts can be reduced to the point that an individual Section 404(b)(1) Guidelines permit is not required, there is an environmental benefit—lower impacts—as well as a process streamlining benefit.

⁴⁴ Where available, multiple data sources should be used when determining the locations of aquatic resources (e.g., National Wetland Inventory (NWI) maps, soil maps, topographical maps, and, if available maps developed used infrared photography, satellite images, or LiDAR). Avoiding reliance on a single data source can help to improve overall accuracy and consistency, which allows for a more reliable assessment of the alternatives’ relative impacts on aquatic resources.

Consideration of Section 404(b)(1) Guidelines in Screening Process. When an individual Section 404(b)(1) Guidelines permit will be needed, the requirements of the guidelines should be considered as part of the alternatives screening process. This means that alternatives should be assessed not only to determine whether they are “reasonable” under NEPA, but also to determine whether they are “practicable” under Section 404(b)(1) Guidelines. The two standards are similar, but practicability has a specific legal definition in the guidelines. In addition, the judgment of practicability is ultimately made by the Corps. Therefore, it is prudent to coordinate closely with the Corps during the screening process when an individual Section 404(b)(1) Guidelines permit will be needed. The Section 139 process provides a framework for this coordination as described below.

“Opportunity for Involvement” in Screening Decisions. As part of the Section 139 process, the lead agencies must provide participating agencies and the public with an “opportunity for involvement” in determining the range of alternatives to be studied in detail in the NEPA document. Along with coordination on Purpose and Need, this step is intended to bring any major disagreements among agencies into the open, rather than allowing them to linger unresolved until a permit application is actually filed. This step is especially important when a project requires an individual Section 404(b)(1) Guidelines permit. If there are strong differences of opinion among agencies about a project, they often become manifest in conflicts over the elimination of alternatives at the screening stage. For additional information on resolving disagreements among agencies, see Practical Tips, Part 9, Dispute Resolution Procedures.

Documenting Screening Decisions. The results of the alternatives screening process should be thoroughly documented in the project record. For complex projects, it is advisable to prepare an alternatives screening technical report, with the results summarized in the NEPA document itself. Thorough documentation is needed not only for NEPA purposes, but also to provide the underpinning for the Corps’ decision-making under Section 404(b)(1) Guidelines. Practitioners should recognize that the Corps may require additional documentation for its purposes, in order to support a finding that an alternative is not practicable. As a practical matter, it is usually most efficient to ensure that this information is developed in “real time” as part of the NEPA screening process, rather than attempting to develop additional documentation when a permit application is filed.

Potential Need to Re-Analyze Screening Decisions. Under both NEPA and Section 404(b)(1) Guidelines, it may be necessary to re-analyze alternatives screening decisions after the screening process has been completed—sometimes long afterward. Screening decisions should be re-analyzed when new information becomes available that has the potential to undermine, or call into question, the basis for eliminating alternatives. For example, if an alternative was rejected as too costly, but the cost estimates have risen for the other alternatives, it may be necessary to go back and update the cost estimates for the rejected alternative—and find out if it is still too costly. On this point, courts have cautioned that agencies should not just rely on inference; they should include actual analysis in the record to demonstrate that the previous screening decisions remain valid.⁴⁵

6 | Detailed Study of Alternatives

If an individual Section 404(b)(1) Guidelines permit is likely to be needed, it is prudent to make sure that the NEPA document presents enough information for the Corps to assess compliance with the Guidelines. The guidelines should be considered when deciding the level of engineering detail, the methods for estimating impacts, and the methods for estimating costs.

Level of Engineering Detail. The engineering for the alternatives generally should be developed to a comparable level of detail, allowing for an “apples to apples” comparison of their impacts. The level of design detail developed for the NEPA document will vary from project to project, but as a general rule, alternatives that impact aquatic resources should include reasonable efforts to avoid and minimize impacts to those resources (rather than presenting a “worst-case” version of each alternative). In particular, practitioners should give substantial consideration to roadway design at wetland and stream crossings to determine appropriate bridge lengths and other features. These design decisions greatly affect the impacts of the alternatives, both in absolute and relative terms. Given the importance of these decisions, it is advisable to coordinate directly with the Corps (and other agencies) with regard to design decisions in areas within jurisdictional waters. This approach will help to ensure that the NEPA document provides a reliable basis for comparing the relative impacts of the alternatives on the aquatic ecosystem.

Impacts to the Aquatic Ecosystem. The guidelines require a comparative assessment of alternatives’ impacts on the aquatic ecosystem. In some cases, this comparison is presented simply by comparing the total acres of wetlands impacts and total linear feet of stream impacts for each alternative. In others, a more detailed breakdown is provided. For example, impacts could be broken down into sub-categories based on type of wetlands, type of streams, or other factors. Qualitative ratings could be used to further subdivide impacts. The type of data presented, and the manner in which it is presented, can greatly

⁴⁵ *Utahns for Better Transportation v. U.S. DOT*, 305 F. 3d 1152, 1165-66 (10th Cir. 2002).

influence the perception of relative impacts to the aquatic ecosystem. The basic approach to presenting this data should be resolved early in the study, with input from the Corps.

Impacts to Other Resources. As mentioned above, the guidelines allow selection of an alternative that has greater impacts to the aquatic ecosystem if the alternative with lower impacts to the aquatic ecosystem has “other significant adverse environmental consequences”. Therefore, a wide range of impacts—not just impacts to the aquatic ecosystem—may be relevant to the Corps’ decision-making under Section 404(b)(1) Guidelines. Practitioners should focus in particular on trade-offs between the aquatic ecosystem and other resources, because those trade-offs could play a key role in Section 404(b)(1) Guidelines decision-making. For example, if the alternative that reduces impacts to wetlands and streams would have greater impacts to endangered species, the NEPA document should clearly document the trade-off between those two types of impacts.

Cost Estimates. Cost is one of the factors that the Corps considers when assessing practicability under the guidelines. The NEPA document typically includes cost estimates for each of the detailed-study alternatives. To ensure that this information is adequate for the Corps’ decision-making, practitioners should make sure that cost estimates presented in the NEPA document include all major elements of project costs, not just construction cost; and that they are developed to a comparable level of detail for all alternatives. Cost estimates in the NEPA process are inherently somewhat tentative and often change considerably later in the process. But because costs can play a key role in Section 404(b)(1) Guidelines decision-making, it is prudent to make sure cost estimates in the NEPA document are as complete and up-to-date as possible.

Discussion of the Guidelines in the NEPA Document. The guidelines clearly play a major role in decision-making in the NEPA process, and may even be the determining factor in the selection of the preferred alternative. Given their importance, it is prudent to summarize the key elements of the guidelines in the NEPA document and explain how those factors have been or will be addressed. It also is important to make clear that the decision-making responsibility under Section 404(b)(1) Guidelines rests with the Corps, not with FHWA or FTA. If the Corps has submitted comments supporting the preferred alternative, or otherwise indicating its agreement with analysis presented in the NEPA document, those comments should be summarized or referenced. But the drafters of the NEPA document should avoid implying that the Corps has made a final decision. The Corps’ final decision will be made only when a permit is issued, which typically is after the NEPA process is concluded.

7 | Choosing a Preferred Alternative and Ensuring Compliance with the Guidelines

As described earlier, the guidelines establish four major requirements that must be satisfied in order for a Section 404(b)(1) Guidelines permit to be issued. These four requirements should be considered when selecting a preferred alternative, in order to avoid delays when a permit application is filed:

- **No Practicable Alternative.** There must be no “practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem,” unless that other alternative has “other significant adverse environmental consequence.”
- **No Violation of Other Laws.** The preferred alternative must not cause a violation of the water quality standards or toxic effluent standards, jeopardize a threatened or endangered species, or violate requirements imposed to protect a marine sanctuary.
- **No Significant Degradation.** The preferred alternative must not cause or contribute to significant degradation of waters of the United States. The regulation lists factors to consider in making this determination, including cumulative impacts to fish, wildlife, and ecosystem diversity.
- **Minimization of Adverse Impacts.** The preferred alternative must include “appropriate and practicable steps...to minimize the adverse impacts of the discharge on the aquatic ecosystem.”

In addition, the Corps conducts a public-interest review pursuant to its own permitting regulations, which includes a broad consideration of project impacts and benefits. The public-interest determination involves a comprehensive assessment, based on criteria listed in the Corps’ regulations.

The following sections describe each of the four major requirements of the guidelines, as well as the Corps’ approach to making public-interest determinations. Applicants should carefully consider all of these factors when selecting a preferred alternative.

The “No Practicable Alternative” Requirement. This element of the guidelines calls for a three-part determination:

- Is the alternative “practicable”?
- If it is practicable, does it cause “less adverse impact to the aquatic ecosystem” than other alternatives?
- If it is practicable and causes less adverse impact to the aquatic ecosystem, does it have “other significant adverse environmental consequences”?

1. “Practicability.” An alternative is “practicable” if it is “available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.” (40 CFR § 230.3(q)). As with many other legal standards, the definition of “practicable” leaves substantial room for interpretation. It is not possible to reduce an analysis of practicability to a simple formula or computation; case-by-case judgments are required.

However, some general lessons can be gleaned from the guidelines, case law, and practice:

- **Cost.** The Corps has not established a “bright line” for determining how much additional cost is required to support a finding that an alternative is not practicable. The Corps makes a case-by-case judgment, weighing the additional cost along with other factors. If cost is being used as a factor, it is important to make sure the cost estimates are well-supported. In some cases, it may be necessary to perform additional design work on alternatives, specifically to develop cost estimates that can be relied upon in Section 404(b)(1) Guidelines decision-making.
- **Logistics.** There is no definition of “logistics” in the guidelines, nor have the Corps or EPA issued guidance defining this term. However, the U.S. Court of Appeals for the 10th Circuit has held that relocations can be considered when assessing logistics, as well as when assessing cost.⁴⁶ Under this court decision, the social impacts associated with relocating homes and businesses can be considered in their own right, as part of the “logistics” element of practicability, not just as an aspect of cost.
- **Overall Project Purposes.** The Corps is responsible for determining the “overall project purposes.” If the Corps is involved in defining the purpose and need, the Corps can ensure that the purpose and need and the overall project purposes are the same. If the Corps is not satisfied with the purpose and need as defined by another Federal agency, the Corps has the authority to define the “overall project purposes” as it sees fit for Section 404(b)(1) Guidelines decision-making. The requirement to consider this factor underscores the benefits of reaching agreement with the Corps early in the process on a statement of project purposes.
- **What About Impacts to Other Environmental Resources?** The definition of “practicable” does not expressly allow for consideration of impacts to other environmental resources (e.g., endangered species) when evaluating practicability. In general, environmental impacts are considered not as part of the practicability assessment, but rather as part of a separate determination—i.e., does the alternative (even if practicable) have “other significant adverse environmental consequences”? This factor is further addressed below.

2. “Less Adverse Impact to the Aquatic Ecosystem.” The term “aquatic ecosystem” is defined in the guidelines to include “waters of the United States, including wetlands, that serve as habitat for interrelated and interacting communities and populations of plants and animals.” (40 CFR 230.3(c)) Based on this definition, the guidelines require a judgment about the relative impact of the alternatives on jurisdictional waters—i.e., waters of the United States, not just aquatic resources in general. This comparison is not necessarily based on a simple comparison of acreage impacts; the quality and function of the aquatic resources impacted may also play an important role. Methods for comparing aquatic resources impacts should be resolved early in the study, with input from the Corps.

3. “Other Significant Adverse Environmental Consequences.” If an alternative is practicable and causes the least harm to the aquatic ecosystem, it can still be rejected if it causes other significant adverse environmental impacts. For example, if the alternative that has the least impacts to the aquatic ecosystem would disturb endangered species habitat, that impact on endangered species could be considered an “other significant adverse environmental consequence.” If so, that would be a basis for eliminating the alternative. This point is important, because it means that impacts to other environmental resources are relevant in Section 404(b)(1) Guidelines decision-making as a distinct factor, separate from the assessment of practicability, and separate from the assessment of impacts to the aquatic ecosystem.

⁴⁶ *Utahns for Better Transportation v. U.S. DOT*, 305 F. 3d 1152 (10th Cir. 2002) (“Impact on existing development would appear to fall within both the cost and the logistics portion of the practicable definition.”)

No Violation of Other Laws. A Section 404(b)(1) Guidelines permit cannot be issued for a project if it (1) “causes or contributes, after consideration of disposal site dilution and dispersion, to violations of any applicable state water quality standard”, (2) “violates any applicable toxic effluent standard or prohibition under section 307 of the Act”; (3) “jeopardizes the continued existence of species listed as endangered or threatened under the Endangered Species Act...or results in likelihood of the destruction or adverse modification of...critical habitat”; or (4) “violates any requirement imposed by the Secretary of Commerce to protect any marine sanctuary...” 40 CFR § 230.10(b). These requirements typically are satisfied by obtaining Section 401 water quality certification from the state and, if necessary, completing the Section 7 consultation process under the ESA.

No Significant Degradation. A Section 404(b)(1) Guidelines permit cannot be issued if it would “cause or contribute to significant degradation” of waters of the United States. This is an absolute requirement: it does not include any exception allowing the Corps to issue a permit despite a finding of significant degradation. The regulation lists four types of activities that are considered to contribute to “significant degradation”:

1. Significantly adverse effects of the discharge of pollutants on human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites.
2. Significantly adverse effects of the discharge of pollutants on life stages of aquatic life and other wildlife dependent on aquatic ecosystems, including the transfer, concentration, and spread of pollutants or their byproducts outside of the disposal site through biological, physical, and chemical processes;
3. Significantly adverse effects of the discharge of pollutants on aquatic ecosystem diversity, productivity, and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy; or
4. Significantly adverse effects of discharge of pollutants on recreational, aesthetic, and economic values.

This requirement is sometimes overlooked by applicants, but it can play an important role in Section 404(b)(1) Guidelines decision-making. It is prudent for applicants to address this issue early in the process, if any alternatives under consideration have the potential to cause significant degradation to waters of the United States.

Minimization of Adverse Impacts. A Section 404(b)(1) Guidelines permit cannot be issued unless “appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem.” As long as appropriate minimization measures have been incorporated into all alternatives, this requirement itself generally has little, if any, direct bearing on the selection of a preferred alternative. However, this requirement may greatly influence the cost of an alternative, and the cost considerations themselves may influence the choice among the alternatives. For that reason, applicants should take appropriate steps to incorporate minimization (as well as mitigation) measures as alternatives as they are being developed, prior to selection of a preferred alternative.

Public Interest Determination. The requirement for a public-interest determination arises not from the guidelines themselves, but from the Corps’ own regulations governing all Department of the Army permit evaluations—including Section 404(b)(1) Guidelines permits and permits issued under Sections 9 and 10 of the Rivers and Harbors Act. The requirement for a public-interest determination gives the Corps a basis for undertaking a broad assessment of the benefits and impacts of the project as a whole. The regulations state that:

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impact which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency’s 404(b)(1) Guidelines. Subject to the preceding sentence and any other applicable

guidelines and criteria (see §§320.2 and 320.3), a permit will be granted unless the district engineer determines that it would be contrary to the public interest.⁴⁷

8 | Avoidance, Minimization, and Compensatory Mitigation

Avoidance and Minimization. In 1990, the Corps and EPA entered into a Memorandum of Agreement regarding compliance with the guidelines, including the determination of appropriate compensatory mitigation. This MOA established a sequential approach to decision-making, requiring applicants to first avoid and minimize impacts to the maximum extent practicable and then provide compensatory mitigation for those impacts that are unavoidable. The sequential approach established in that MOA remains a guiding principle for the Section 404(b)(1) Guidelines analysis and decision-making. Applicants should follow this approach in every stage of project development, by systematically considering avoidance and minimization opportunities as alternatives are being identified, developed, and refined.

Timing of Mitigation Discussions. When it is clear from the outset that a project will involve impacts to waters of the United States, it is prudent to begin considering mitigation strategies and opportunities early in the NEPA process. Early consideration of mitigation does not mean giving any less emphasis to avoidance and minimization. It is simply a reflection of the reality that, on some projects, there will be impacts to jurisdictional waters, and those impacts must be offset via mitigation. By considering mitigation early, the project sponsor may be able to develop well-defined mitigation strategies, potentially including specific mitigation sites, while the NEPA process is still under way. This information can contribute to informed decision-making in the NEPA process and can help to minimize delays during the Section 404(b)(1) Guidelines permit evaluation process.

Watershed Approach. The 2008 Mitigation Rule encourages a watershed and ecosystem-based approach to identifying compensatory mitigation measures for inclusion in Section 404(b)(1) Guidelines permits. This approach allows greater flexibility for applicants to meet their mitigation requirements with off-site mitigation. The rule also clarifies the process for using mitigation banks. Especially where watershed plans have been developed, applicants should carefully consider the potential to propose off-site mitigation that is consistent with the overall objectives of the watershed plan. Even where a watershed plan has not been adopted, it may be possible to reach agreement with the Corps on off-site mitigation if the mitigation is developed consistent with a watershed or ecosystem-based approach.

9 | Dispute Resolution Procedures

Through close coordination and collaborative decision-making, transportation and environmental agencies can resolve the majority of permitting issues without the need for any formal dispute resolution process. At times, however, it is necessary for disagreements to be elevated to higher-level decision-makers. The primary process for resolving disputes among Federal agencies under the guidelines is the process established under Section 404(b)(1) Guidelines(q) of the Clean Water Act. A separate process also is available under Section 139 of Title 23. The Section 139 process can be invoked by “a Federal agency of jurisdiction, the project sponsor, or the Governor of a state in which a project is located.”

Section 404(b)(1) Guidelines(q) Elevation. As noted in the Background Briefing section, Section 404(b)(1) Guidelines(q) of the Clean Water Act directs the Corps to enter into agreements within EPA and other agencies to minimize delays in permitting under Section 404(b)(1) Guidelines. This section provided the basis for memoranda of agreement that provide for the elevation of permitting disputes involving the Corps, EPA, the U.S. Department of the Interior (including the U.S. Fish and Wildlife Service), and the U.S. Department of Commerce (including the National Marine Fisheries Service). This dispute resolution process is commonly known as “Section 404(b)(1) Guidelines(q) elevation.”⁴⁸ The process involves a sequence of steps, which elevate disputes through each agency’s chain of command with the goal of resolving the issue at the lowest level possible. The use of Section 404(b)(1) Guidelines(q) elevation is not rare, but most are resolved prior to reaching high levels of command. It is the *potential* for elevation that encourages all involved agencies to actively engage early in the process to resolve any disputes involving interpretations of the various statutes and regulations, including interpretations of the guidelines. Both policy issues and project-specific issues can be elevated under this MOA.⁴⁹

Section 139 Issue Resolution. Section 139 of Title 23 establishes an “issue resolution” process that can be invoked by a Federal agency of jurisdiction, a project sponsor, or the Governor of the state in which the project is located. It does not take

⁴⁷ 33 CFR § 320.4(a) (emphasis added).

⁴⁸ This Memorandum of Agreement is available on the Center’s web site at <http://environment.transportation.org> and are listed in the Reference Materials section for this Practitioner’s Handbook.

⁴⁹ Further information about Section 404(b)(1) Guidelines(q) elevation is available on the Center’s web site at <http://environment.transportation.org> and are listed in the Reference Materials section for this Practitioner’s Handbook.

the place of Section 404(b)(1) Guidelines(q) elevation, but provides a means for the project sponsor to seek resolution of issues that could delay or prevent issuance of necessary approvals, including Section 404(b)(1) Guidelines permit decisions. This process can be invoked when a participating agency raises an “issue of concern,” which is defined as an issue that could result in the substantial delay or denial of any required permits or approvals. This process also can be invoked in other circumstances. For more information on issue resolution under the Section 139 process, refer to Practitioner’s Handbook No. 9, “Using the SAFETEA-LU Environmental Review Process (23 USC § 139).”

Appendix A—Text of 40 CFR § 230.10

The following (including the italicized note) is the full text of 40 CFR § 230.10:

§230.10 Restrictions on Discharge

Note: Because other laws may apply to particular discharges and because the Corps of Engineers or state 404 agency may have additional procedural and substantive requirements, a discharge complying with the requirement of these guidelines will not automatically receive a permit.

Although all requirements in §230.10 must be met, the compliance evaluation procedures will vary to reflect the seriousness of the potential for adverse impacts on the aquatic ecosystems posed by specific dredged or fill material discharge activities.

- (a) Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.
- (1) For the purpose of this requirement, practicable alternatives include, but are not limited to:
 - (i) Activities which do not involve a discharge of dredged or fill material into the waters of the United States or ocean waters;
 - (ii) Discharges of dredged or fill material at other locations in waters of the United States or ocean waters;
 - (2) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered.
 - (3) Where the activity associated with a discharge which is proposed for a special aquatic site (as defined in subpart E) does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not “water dependent”), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.
 - (4) For actions subject to NEPA, where the Corps of Engineers is the permitting agency, the analysis of alternatives required for NEPA environmental documents, including supplemental Corps NEPA documents, will in most cases provide the information for the evaluation of alternatives under these guidelines. On occasion, these NEPA documents may address a broader range of alternatives than required to be considered under this paragraph or may not have considered the alternatives in sufficient detail to respond to the requirements of these guidelines. In the latter case, it may be necessary to supplement these NEPA documents with this additional information.
 - (5) To the extent that practicable alternatives have been identified and evaluated under a Coastal Zone Management program, a section 208 program, or other planning process, such evaluation shall be considered by the permitting authority as part of the consideration of alternatives under the guidelines. Where such evaluation is less complete than that contemplated under this subsection, it must be supplemented accordingly.
- (b) No discharge of dredged or fill material shall be permitted if it:
- (1) Causes or contributes, after consideration of disposal site dilution and dispersion, to violations of any applicable state water quality standard;

- (2) Violates any applicable toxic effluent standard or prohibition under Section 307 of the Act;
 - (3) Jeopardizes the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973, as amended, or results in likelihood of the destruction or adverse modification of a habitat which is determined by the Secretary of Interior or Commerce, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, as amended. If an exemption has been granted by the Endangered Species Committee, the terms of such exemption shall apply in lieu of this subparagraph;
 - (4) Violates any requirement imposed by the Secretary of Commerce to protect any marine sanctuary designated under title III of the Marine Protection, Research, and Sanctuaries Act of 1972.
- (c) Except as provided under Section 404(b)(1) Guidelines(b)(2), no discharge of dredged or fill material shall be permitted which will cause or contribute to significant degradation of the waters of the United States. Findings of significant degradation related to the proposed discharge shall be based upon appropriate factual determinations, evaluations, and tests required by subparts B and G, after consideration of subparts C through F, with special emphasis on the persistence and permanence of the effects outlined in those subparts. Under these guidelines, effects contributing to significant degradation considered individually or collectively, include:
- (1) Significantly adverse effects of the discharge of pollutants on human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites.
 - (2) Significantly adverse effects of the discharge of pollutants on life stages of aquatic life and other wildlife dependent on aquatic ecosystems, including the transfer, concentration, and spread of pollutants or their byproducts outside of the disposal site through biological, physical, and chemical processes;
 - (3) Significantly adverse effects of the discharge of pollutants on aquatic ecosystem diversity, productivity, and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy; or
 - (4) Significantly adverse effects of discharge of pollutants on recreational, aesthetic, and economic values.
- (d) Except as provided under Section 404(b)(1) Guidelines(b)(2), no discharge of dredged or fill material shall be permitted unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem. Subpart H identifies such possible steps.

Reference Materials

Statutes, regulations, and guidance documents cited in this Handbook are available on the Center for Environmental Excellence by AASHTO web site: <http://environment.transportation.org>.

Section 404(b)(1) Guidelines(b)(1) Policy and Guidance

USACE, "Regulatory Guidance Letter 08-02, Jurisdictional Determinations" (June 26, 2008).

USACE, Seattle, "Alternative Analysis Guidance" (2003).

USACE, Fort Worth, "Preparing An Alternatives Analysis Under Section 404(b)(1) Guidelines of the Clean Water Act" (Nov. 2014).

Clean Water Act Section 404(b)(1) Guidelines(q) Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army (Aug. 11, 1992).

Coordination of NEPA, Section 404(b)(1) Guidelines and Other Laws

FHWA, USACE, et al., "Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects: 2015 Red Book" (2015).

Ecological Steering Team , “Eco-Logical: An Ecosystem Approach to Developing Infrastructure Projects” (April 2006)

Purpose and Need in NEPA Documents

Letter from James Connaughton, Chairman, CEQ, to Norman Mineta, Secretary, U.S. DOT (May 12, 2003).

Memorandum from Mary Peters, FHWA Administrator, and Jenna Dorn, FTA Administrator, to FHWA Division Administrators and FTA Regional Administrators, “Interim Guidance on ‘Purpose and Need’” (Aug. 21, 2003).

Executive Orders on Wetlands and Floodplains

E.O. 11990, Protection of Wetlands (May 24, 1977).

E.O. 11988, Protection of Floodplains (May 24, 1977).

E.O. 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (Jan. 30, 2015).

FEMA, “Guidelines for Implementing Executive Order 11988, Floodplain Management, as Revised, and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input” (Oct. 8, 2015).

Additional References

Environmental Law Institute, “The Federal Wetland Permitting Program: Avoidance and Minimization Requirements” (2008).

J. Schutz, “The Steepest Hurdle in Obtaining a Clean Water Act Section 404(b)(1) Guidelines Permit: Complying with EPA’s 404(b)(1) Guidelines’ Least Environmentally Damaging Practicable Alternative Requirement,” *UCLA Journal of Environmental Law & Policy* (Vol. 24, Issue 1) (2005).

ADDITIONAL RESOURCES

PRACTITIONER'S HANDBOOKS AVAILABLE FROM AASHTO CENTER FOR ENVIRONMENTAL EXCELLENCE:

- 1 Maintaining a Project File and Preparing an Administrative Record for a NEPA Study
- 2 Responding to Comments on an Environmental Impact Statement
- 3 Managing the NEPA Process for Toll Lanes and Toll Roads
- 4 Tracking Compliance with Environmental Commitments/Use of Environmental Monitors
- 5 Utilizing Community Advisory Committees for NEPA Studies
- 6 Consulting under Section 106 of the National Historic Preservation Act
- 7 Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects
- 8 Developing and Implementing an Environmental Management System in a State Department of Transportation
- 9 Using the SAFETEA-LU Environmental Review Process (23 USC § 139)
- 10 Using the Transportation Planning Process to Support the NEPA Process
- 11 Complying with Section 4(f) of the U.S. DOT Act
- 12 Assessing Indirect Effects and Cumulative Impacts under NEPA
- 13 Developing and Implementing a Stormwater Management Program in a Transportation Agency
- 14 Applying the Section 404(b)(1) Guidelines in Transportation Project Decision-Making
- 15 Complying with Section 7 of the Endangered Species Act

For additional Practitioner's Handbooks, please visit the Center for Environmental Excellence by AASHTO web site at: <http://environment.transportation.org>

Comments on the Practitioner's Handbooks may be submitted to:
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Concurrence Point 2: Coordination

Concurrence Point 2 - Agency Coordination Summary

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Concurrence Point 2 - Agency Coordination Summary

Full Name	Email	Company/Organization	Transmitted	Response Received	Responded
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Patrick Jaynes*	Patrick.Jaynes@usda.gov	U.S. Department of Agriculture	8/19/2025	No comments/formal response	
Dan Beasley	dan.beasley@usda.gov	U.S. Department of Agriculture	8/19/2025	No comments/formal response	
Nicole Sikula	Nicole_sikula@fws.gov	U.S. Fish and Wildlife Service	8/19/2025	No comments/formal response	
David Giddens	david_giddens@fws.gov	U.S. Fish and Wildlife Service	8/19/2025	No comments/formal response	
Bobby Brendlinger	rbrendli@usgs.gov	U.S. Geological Survey	8/19/2025	No comments/formal response	
Travis A. Wiley	Travis.A.Wiley@usace.army.mil	U.S. Army Corps of Engineers	8/19/2025	No comments/formal response	
Craig D. Carrington	Craig.d.carrington@usace.army.mil	U.S. Army Corps of Engineers	8/19/2025	No comments/formal response	
Heather R. Mattern	Heather.R.Mattern@uscg.mil	U.S. Coast Guard	8/19/2025	No comments/formal response	
Derrick Collins	dbcollins2@tva.gov	Tennessee Valley Authority (TESA)	8/19/2025	No comments/formal response	
Anne W Patrick	awpatrick@tva.gov	Tennessee Valley Authority	8/19/2025	No comments/formal response	
Dana Nelson	dmball@tva.gov	Tennessee Valley Authority	8/19/2025	No comments/formal response	
Elizabeth Smith	esmith14@tva.com	Tennessee Valley Authority (TESA)	8/19/2025	No comments/formal response	
Kajumba Ntale	Kajumba.Ntale@epa.gov	U.S. Environmental Protection Agency	8/19/2025	No comments/formal response	
Bowen Kristina	bowen.kristina@epa.gov	U.S. Environmental Protection Agency	8/19/2025	No comments/formal response	
NA	FRAPA@dot.gov	U.S. Department of Transportation	8/19/2025	No comments/formal response	
FEMA	FEMA-R4-Info@fema.dhs.gov	FEMA	8/19/2025	No comments/formal response	
Amy Brooks	amy.brooks@knoxtpo.org	Knox Transportation Planning Organization	8/19/2025	No comments/formal response	
Doug Burton	doug.burton@knoxtpo.org	Knox Transportation Planning Organization	8/19/2025	No comments/formal response	

*Email was forwarded, or a request was received to share the EA with the referenced names.

SR-170 Widening Project, Anderson Co, Tennessee (TDOT PIN 124121.00) - Concurrence Point 2 - Draft Environmental Assessment Widening

From Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>

Date Tue 8/19/2025 4:40 PM

To Travis.A.Wiley@usace.army.mil <Travis.A.Wiley@usace.army.mil>; Craig.d.carrington@usace.army.mil <Craig.d.carrington@usace.army.mil>; Heather.R.Mattern@uscg.mil <Heather.R.Mattern@uscg.mil>; dmball <dmball@tva.gov>; dbcollins2 <dbcollins2@tva.gov>; Patrick, Anne W <awpatrick@tva.gov>; esmith14 <esmith14@tva.com>; Jennifer.fedenko <Jennifer.fedenko@usda.gov>; Arlisa.Armstrong <Arlisa.Armstrong@usda.gov>; Kajumba.Ntale <Kajumba.Ntale@epa.gov>; bowen.kristina <bowen.kristina@epa.gov>; jadams <jadams@osmre.gov>; rbrendli <rbrendli@usgs.gov>; FEMA-R4-Info <FEMA-R4-Info@fema.dhs.gov>; nicole.sikula <nicole.sikula@fws.gov>; david_giddens <david_giddens@fws.gov>; Jill White <Jill.White@tn.gov>; FRAPA@dot.gov <FRAPA@dot.gov>; Emma Bartolo <Emma.Bartolo@tn.gov>; Vincent Pontello <Vincent.Pontello@tn.gov>; Patrick McIntyre <Patrick.McIntyre@tn.gov>; Andy Holt <Andy.H.Holt@tn.gov>; Tina D. Rogers <Tina.D.Rogers@tn.gov>; Jamie Stitt <Jamie.Stitt@tn.gov>; Melanie Beauchamp <Melanie.Beauchamp@tn.gov>; Deniece Thomas <Deniece.Thomas@tn.gov>; David Salyers <David.Salyers@tn.gov>; wgooch <wgooch@oakridgetn.gov>; orpd <orpd@oakridgetn.gov>; tsolomon <tsolomon@oakridgetn.gov>; wblasius <wblasius@oakridgetn.gov>; Jon Hetrick <jhetrick@oakridgetn.gov>; Flynn, Roger <rfflynn@oakridgetn.gov>; Terry Frank <tfrank@andersoncountyttn.gov>; info <info@andersoncountypark.com>; bkidwell <bkidwell@andersoncountyttn.gov>; kmeyers <kmeyers@acs.acr>; ksharp <ksharp@tnacso.net>; Brook Smith <Brook.Smith@tn.gov>; Jeremy B. Holley <Jeremy.B.Holley@tn.gov>; dmccinley <dmccinley@knoxvilletn.gov>; amy.brooks <amy.brooks@knoxtpo.org>; Mike Conger <mike.conger@knoxplanning.org>; Jonah.bird <Jonah.bird@knoxplanning.org>; mpatterson <mpatterson@ethra.org>

Cc Sharon Schutz <Sharon.Schutz@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <rachel.head@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Magsanoc, Ray <ray.magsanoc@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>

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Good afternoon,

The Tennessee Department of Transportation (TDOT)

As partner agencies with TDOT and FHWA in the development of the EA for the subject project, we are pleased to submit to you for your review Concurrence Point 2 (CP2): Draft Environmental Assessment (EA) and Draft Preliminary Mitigation Plan, per the procedures outlined in the Public Involvement and Coordination Plan (PICP), developed for the project. We ask that agencies provide their concurrence within one month, no later than **9/17/2025**. Please contact us with any clarification questions or comments needed for your concurrence as soon as possible, and no later than 9/10/2025 so that we have time to provide a response or any necessary information prior to the concurrence deadline.

Please note that to ensure that the project continues to move through TDOT project development process in a timely manner, following the 30-day review and concurrence period, all non-responses will be recorded as “concurrence” by default.

All submitted materials have been organized for convenience in the following 3 sub-folders:

- **SR-170 EA** (PDF and Word format)
- **Technical Appendices A-N** (PDF format)
 - The following appendices have also been submitted in Word format for convenience:
 - Appendix D – Land Use and Transportation Analysis Technical Memo
 - Appendix E – Community Impact Assessment, Relocations, and Economic Resources Technical Memo
 - Appendix F – Farmland, Soils, and Floodplain Analysis Technical Memo
 - Appendix G – Visual Resources Technical Memo
 - Appendix H – Parks and Recreation/Section 4(f) & Section 6(f) Technical Memo
 - Appendix M – Public Engagement Summary
- **Section 4(f) De Minimis Determination Evaluations**
 - Final 4(f) De Minimis Evaluation – Section 106 Cultural Resources
 - Section 4(f) De Minimis Determination – Parks-Recreation-Wildlife

If you received this email and are not able to access the linked OneDrive folder, please contact me (Erick.Hunt-Hawkins@tn.gov) or another member of our NEPA Team (Rachel.Head@tn.gov; Laura.Dawood@aecom.com; Ray.Magsanoc@aecom.com) to get access to the CP2 materials.

Best regards,
Erick



Erick K. Hunt-Hawkins | NEPA Team Lead
Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor
505 Deaderick Street, Suite 900, Nashville, TN 37243
Work: (615) 253-5163
Email: Erick.Hunt-Hawkins@tn.gov

FHWA Coordination



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

Tennessee Division

December 12, 2024

404 BNA Drive, Suite 508
Nashville, Tennessee 37217
Phone (615) 781-5770

In Reply Refer To:
HPD-TN

Mr. Erick Hunt-Hawkins
NEPA Team Lead,
James K. Polk Building,
505 Deaderick Street
Nashville, TN 37243

Subject: Environmental Assessment Initiation – SR-170, from the SR-62 Interchange (L.M. 0.00) to SR-9 (US-25W, Clinton Highway (L.M. 6.18)), Anderson County, Tennessee, STIP: 2001010, PIN: 124121.00

Dear Mr. Hunt-Hawkins:

Thank you for your letter dated December 11th, 2024, requesting concurrence from the Federal Highway Administration (FHWA) on the proposed National Environmental Policy Act (NEPA) class of action for the project in the subject line.

The FHWA concurs with the Tennessee Department of Transportation's request that the project proceed as an Environmental Assessment (EA) in accordance with 23 CFR 771.

Initial analysis of this project has not yet established the significance of the environmental impact. Should significant impacts be determined throughout the NEPA decision-making process, FHWA reserves the right to require the preparation of an Environmental Impact Statement.

This EA shall be completed within one year of this letter, as required by 40 CFR 1501.10.

Sincerely,

CARUS FRANKLIN
DUBOSE

Digitally signed by CARUS
FRANKLIN DUBOSE
Date: 2024.12.12 10:51:37
-06'00'

Frank DuBose
Environmental Protection Specialist

cc: Mr. Sean Santalla, Program Development Team Leader, FHWA TN Division
Ms. Bailey Vernon, Environmental Protection Specialist, FHWA TN Division
Ms. Sharon Schutz, Environmental Division Director, TDOT
Ms. Tammy Sellers, Environmental Quality and NEPA Manager, TDOT
Ms. Rachel Head, Statewide Technical Specialist, TDOT



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3655

BUTCH ELEY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

December 11, 2024

Mr. Frank DuBose
Environmental Protection Specialist
Federal Highway Administration
TN Division Office
404 BNA Drive, Bldg. 200, Ste. 508
Nashville, TN 37217

SENT VIA EMAIL TO: Frank.Dubose@dot.gov

Re: State Route (SR)-170, from the SR-62 Interchange (L.M. 0.00) to SR-9 (US-25W, Clinton Highway (L.M. 6.18)), Anderson County, Tennessee, STIP: 2001010, PIN # 124121.00

Dear Mr. DuBose:

The Tennessee Department of Transportation (TDOT) hereby provides notice of our intent to initiate the National Environmental Policy Act (NEPA) process for the above referenced project. The proposed project would require the use of federal funds; therefore, the proposed project is subject to the requirements of NEPA. Though TDOT does not anticipate that the proposed improvements would have significant effects, the proposed project is currently anticipated to warrant multiple relocations (approximately 30 relocations), most of which would occur in areas primarily rural, with a few residential communities, an urban section at the end of the project in Claxton, TN, and at portions of Tennessee Valley Authority's (TVA's) properties including the Bull Run Fossil Plant. As this could constitute an "unusual circumstance" pursuant to 23 CFR 771.117 (a) and (b), TDOT plans to develop an Environmental Assessment (EA) to comply with NEPA.

The proposed improvements include widening of the existing two-lane typical section into a four-lane section with two lanes in each direction with a variable median, including a sidewalk on one side and a shared use path on the other side of the road. Proposed improvements would also include replacing the existing 2-lane bridge over the Clinch River with a 4-lane bridge. TDOT anticipates a U. S. Army Corps of Engineers – Section 404 Permit will be required for this project (attached is a Project Location Map).

Sincerely,

Erick Hunt-Hawkins
NEPA Team Lead
Environmental Division, Environmental Quality and NEPA Section

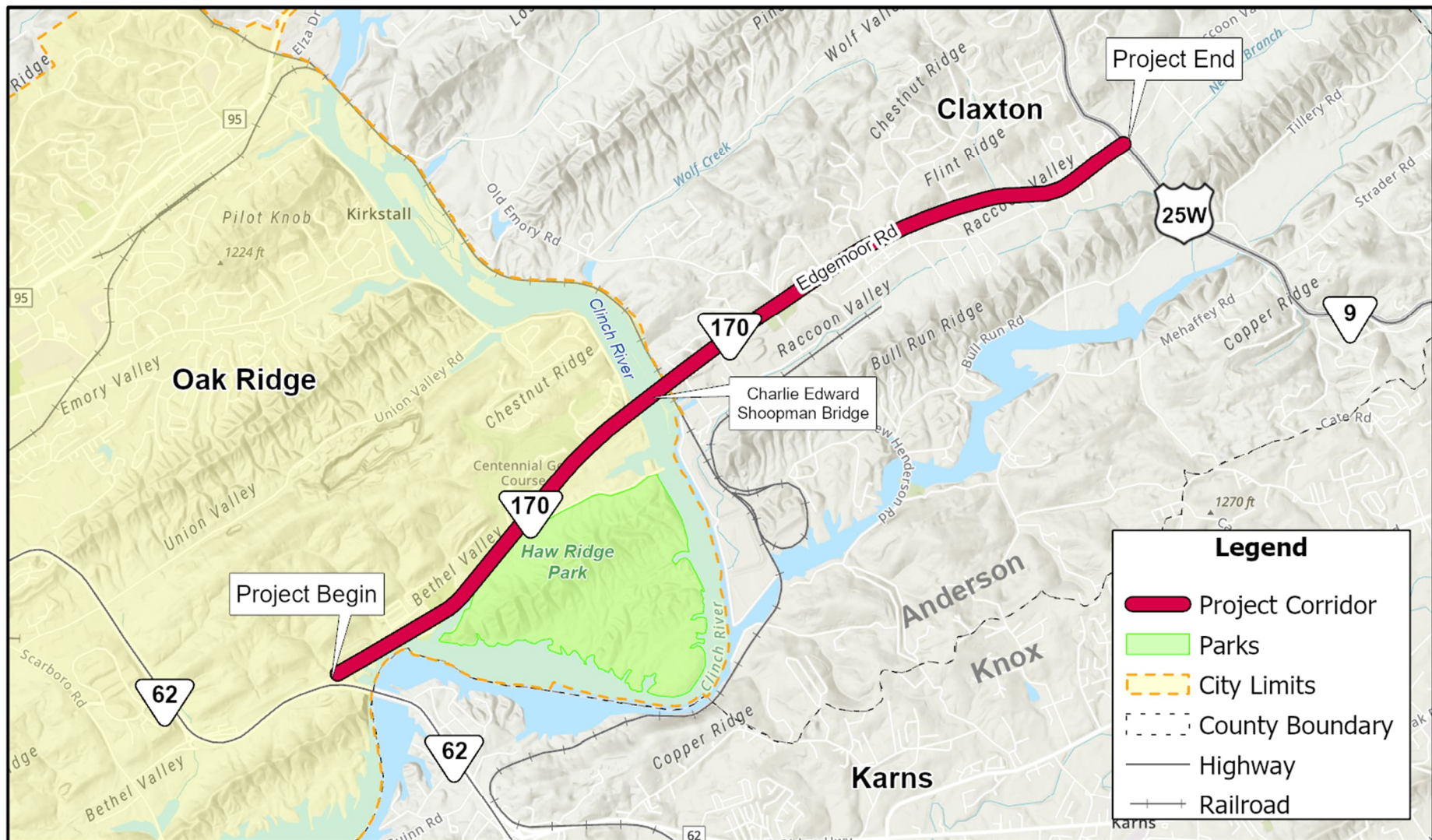
CC:

Sharon Schutz, TDOT Environmental Division Director

Tammy Sellers, TDOT Environmental Quality and NEPA Section Manager

Bailey Vance, FHWA Environmental Protection Specialist

Sean Santalla, FHWA Program Development Team Leader



Legend

- Project Corridor
- Parks
- City Limits
- County Boundary
- Highway
- Railroad



Project Location Map

State Route SR 170 from SR 62 to SR 9/US Highway (US) 25 West
 TDOT PIN# 124121.00
 Anderson County

0 0.5 1 2

Miles

N

Esri, NASA, NGA, USGS, FEMA, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS



NRCS Coordination

From: Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>
Sent: Monday, July 7, 2025 1:13 PM
To: Magsanoc, Ray <ray.magsanoc@aecom.com>
Cc: Erick Hunt-Hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Ortiz, Linda - FPAC-NRCS, TN <linda.ortiz@usda.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>
Subject: RE: TDOT SR-170 Anderson -

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Hi Ray,

Thank you for your email, we have no additional questions for you. We received your completed copy of the CPA-106 form and saved for our records.

Best,

Jennifer Fedenko
State Resource Soil Scientist
Natural Resources Conservation Service | Soils Staff
Tennessee State Office

 **U.S. DEPARTMENT OF AGRICULTURE**
Natural Resources Conservation Service
801 Broadway, 675 U.S. Courthouse, Nashville, TN 37203
p: (615) 277-2578 | c: (615) 856-2765

From: Magsanoc, Ray <ray.magsanoc@aecom.com>
Sent: Tuesday, July 1, 2025 6:48 AM
To: Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>
Cc: Erick Hunt-Hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Ortiz, Linda - FPAC-NRCS, TN <linda.ortiz@usda.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>
Subject: RE: TDOT SR-170 Anderson -

Hi Jennifer,

Hope you are doing well. Just following up on Form CPA-106 and if you have any questions or need more information from us.

Thanks

Ray Magsanoc
Senior Environmental Planner – Lead
C +1-919-561-1292
ray.magsanoc@aecom.com

From: Magsanoc, Ray
Sent: Tuesday, June 10, 2025 2:58 PM
To: Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>
Cc: Erick Hunt-Hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Ortiz, Linda - FPAC-NRCS, TN <linda.ortiz@usda.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Choudhry, Abdul <Abdul.Choudhry@aecom.com>
Subject: RE: TDOT SR-170 Anderson -

Hi Jennifer,

We have completed parts VI and VII on Form CPA-106 and it is ready for your review.

Please let me know if you have any questions.

Thanks

Ray Magsanoc
Senior Environmental Planner – Lead
C +1-919-561-1292
ray.magsanoc@aecom.com

From: Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>
Sent: Thursday, May 22, 2025 8:00 AM
To: Magsanoc, Ray <ray.magsanoc@aecom.com>
Cc: Erick Hunt-Hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>; Ortiz, Linda - FPAC-NRCS, TN <linda.ortiz@usda.gov>
Subject: RE: TDOT SR-170 Anderson -

Hi Ray,

Thanks for sending that shapefile over, worked for me.

The attached CPA-106 form was processed through Part V per Code of Federal Regulations 7 CFR 657.

Please let me know if you have any questions.

Best,

Jennifer Fedenko
State Resource Soil Scientist
Natural Resources Conservation Service | Soils Staff
Tennessee State Office



U.S. DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service
801 Broadway, 675 U.S. Courthouse, Nashville, TN 37203
p: (615) 277-2578 | c: (615) 856-2765

From: Magsanoc, Ray <ray.magsanoc@aecom.com>
Sent: Wednesday, May 21, 2025 12:46 PM
To: Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>
Subject: RE: TDOT SR-170 Anderson -

Hi Jennifer,

Please try the attached zip file that includes a shapefile that has been dissolved down to proposed ROW and easements. Let me know if this works.

Thanks

Ray Magsanoc
Senior Environmental Planner – Lead
C +1-919-561-1292
ray.magsanoc@aecom.com

From: Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>
Sent: Wednesday, May 21, 2025 1:08 PM
To: Magsanoc, Ray <ray.magsanoc@aecom.com>
Subject: RE: TDOT SR-170 Anderson -

Hi Ray,

Thanks for sending this request.

Our software has a 100-record limit when importing shapefiles. Can you send the proposed project area (easement expansion areas) shapefile as one polygon? The shapefile you sent over has 155 different records/polygons.

Thank you,

Jennifer Fedenko
State Resource Soil Scientist
Natural Resources Conservation Service | Soils Staff

 **U.S. DEPARTMENT OF AGRICULTURE**
Natural Resources Conservation Service
801 Broadway, 675 U.S. Courthouse, Nashville, TN 37203
p: (615) 277-2578 | c: (615) 856-2765

From: Magsanoc, Ray <ray.magsanoc@aecom.com>
Sent: Wednesday, May 21, 2025 9:33 AM
To: Fedenko, Jennifer - FPAC-NRCS, TN <Jennifer.Fedenko@usda.gov>
Cc: Erick Hunt-Hawkins <erick.hunt-hawkins@tn.gov>; Rachel Head <rachel.head@tn.gov>
Subject: TDOT SR-170 Anderson -

Hi Jennifer,

We have started farmland assessment and completed Form CPA-106 for your review and completion. Please see attached:

- Transmittal letter
- Form CPA-106
- Project GIS shapefiles and KMZ

Let me know if you have any questions.

Thanks

Ray Magsanoc
Senior Environmental Planner – Lead
C +1-919-561-1292
ray.magsanoc@aecom.com

AECOM
1360 Peachtree St NE #300
Atlanta, Georgia 30309, USA
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aecom.com

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TESA Coordination

From: [DuBose, Frank \(FHWA\)](#)
To: [Erick Hunt-Hawkins](#)
Cc: [Tammy Sellers](#); [Dawood, Laura](#); [Rachel Head](#); [Santalla, Sean \(FHWA\)](#); [Vernon, Bailey \(FHWA\)](#)
Subject: [EXTERNAL] RE: Anderson, SR-170, 124121.00 - TESA Recommendation
Date: Monday, October 28, 2024 3:51:15 PM
Attachments: [image001.png](#)

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Hey Erick,

Thanks for reaching out.

I concur with your recommendation that the project does not warrant involvement in TESA. Thanks for the supporting info to help with our concurrence.

Best,

Frank DuBose

Environmental Protection Specialist
FHWA TN Division
404 BNA Drive, Suite 508
Nashville, TN 37217
frank.dubose@dot.gov
615-795-8830

From: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Sent: Friday, October 25, 2024 3:04 PM
To: DuBose, Frank (FHWA) <frank.dubose@dot.gov>
Cc: Tammy, Sellers <tammy.sellers@tn.gov>; Dawood, Laura <Laura.Dawood@aecom.com>; Rachel Head <Rachel.Head@tn.gov>
Subject: Anderson, SR-170, 124121.00 - TESA Recommendation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Frank,

Good afternoon. In the coming weeks, TDOT will be preparing to initiate the NEPA process for the subject road widening project for SR-170 in Anderson County, and as part of the planning effort we would like to consult with FHWA regarding whether this environmental review effort would need to go through the TESA process or not. Per the 2014 TESA guidance:

TDOT and FHWA, in consultation with other signatory agencies, retain the ability to decide whether a project that meets the criteria listed above does not warrant involvement in the streamlining process due to minimal adverse impacts. (TESA Agreement, Section 3.1)

For context, the subject project proposes to widen the existing 2-lane (with an occasional center turn lane) to 4-lane with a raised median for the first half of the project and 5-lane typical (2 lanes in each direction with a center turn lane) for the second half. The proposed project would follow the existing alignment for SR-170 from SR-62 (Oak Ridge Highway) to SR-9 (US-25W, Clinton Highway), a total distance of approximately 6.18 miles. The proposed project is located in Anderson County, approximately 20 miles west/north west of Knoxville and 20 miles east of Oak Ridge, TN, and it crosses the Clinch River.

At this time, TDOT feels that the subject project does not warrant going through the TESA process.

During informal consultation with FHWA in August of this year, FHWA indicated that the appropriate Class of Action would be an Environmental Assessment (EA) based primarily on the number of anticipated relocations and community impacts associated with the proposed project, as opposed to anticipated significant impacts to environmental resources. A key function of the TESA process is to facilitate coordination between TDOT, FHWA, and TESA agencies, many of whom would serve key roles as regulatory and permitting authorities for these projects. Because TDOT is not, at this time, anticipating significant environmental impacts that would necessarily require enhanced coordination with any of these agencies, we believe that the proposed project would not benefit as readily from these typical benefits provided by the TESA process.

TDOT will be developing and implementing a project coordination plan, pursuant to 23 USC 139(g), which will include identifying Cooperating and Participating Agencies, in accordance with 40 CFR 1501.8, to participate with TDOT in the development of the proposed project. In this way, TESA agencies would still be involved in the project development process, just not as TESA agencies. They would instead be involved as Cooperating or Participating Agencies through the standard NEPA agency coordination process (including early scoping/etc. as warranted).

If FHWA concurs with TDOT's recommendation that the subject project would not warrant following the TESA process, TDOT would then send a letter to the TESA agencies notifying them that the proposed project would not follow TESA, however, the TDOT would continue to coordinate with those and other relevant agencies through the standard NEPA process.

If you have any questions about the project or this recommendation, I would be happy to discuss it with you further.

Thank you,
Erick



Erick K. Hunt-Hawkins | NEPA Team Lead
Environmental Division | Environmental Quality and NEPA Section
James K. Polk Building, 9th Floor
505 Deaderick Street, Suite 900, Nashville, TN 37243
Work: (615) 253-5163
Email: Erick.Hunt-Hawkins@tn.gov