

**APPENDIX P**  
**PUBLIC INVOLVEMENT AND AGENCY COORDINATION**

**ENVIRONMENTAL ASSESSMENT**

**STATE ROUTE 32 (US-321)**  
**From State Route 73 to North of Wilton Springs Road**  
**Cocke County, Tennessee**  
**TDOT PIN 101422.00**

## **EARLY COORDINATION**

## **JANUARY 24, 2020 EARLY COORDINATION**

## Meridith Krebs

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**From:** Erick Hunt-Hawkins  
**Sent:** Thursday, January 30, 2020 7:38 AM  
**To:** 'Meridith.Krebs@kimley-horn.com'; Meridith Krebs; Patrick Garner; Holly Cantrell; Birch, Valerie;  
Valerie Birch  
**Subject:** FW: SR-32 Participating Agency acceptance email.

FYI



**Erick K. Hunt-Hawkins** | Environmental Supervisor  
Environmental Division | NEPA Special Projects  
James K. Polk Building, 9<sup>th</sup> Floor  
505 Deaderick Street, Suite 900, Nashville, TN 37243  
Work: (615) 253-5163  
Email: [Erick.Hunt-Hawkins@tn.gov](mailto:Erick.Hunt-Hawkins@tn.gov)

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**From:** Long, Larry <Long.Larry@epa.gov>  
**Sent:** Thursday, January 30, 2020 5:21 AM  
**To:** Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>  
**Cc:** Kajumba, Ntale <Kajumba.Ntale@epa.gov>  
**Subject:** [EXTERNAL] SR-32 Participating Agency acceptance email.

**\*\*\* This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. \*\*\***

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State of Tennessee  
Department of Transportation  
Mr. Erick Hunt-Hawkins  
Environmental Supervisor  
Environmental Division  
505 Deaderick St. Suite 900  
Nashville TN 37243

RE: Participating Agency letter for State Route 32 Improvement Environmental Assessment, TDOT PIN 101422.00

Dear Sir:

The Environmental Protection Agency (EPA) is in receipt of your Participating Agency (PA) invitation letter dated January 24, 2020. This letter will serve as EPA's acceptance to TDOT's PA request. The EPA appreciates the opportunity to work with the TDOT, and we look forward to continuing the collaboration process with future TDOT site-specific NEPA documents.

If you wish to discuss our technical comments or recommendations, please contact Mr. Larry Long, of the NEPA Program Office, at (404) 562-9460, or by email at [long.larry@epa.gov](mailto:long.larry@epa.gov).



**Larry Long**

**Regional Mining Expert**

Physical Scientist/Sr. Principle Reviewer

NEPA Section/Strategic Programs Office

Office of the Regional Administrator

61 Forsyth Street, SW

Atlanta, GA 30303

404-562-9460

404-562-9598(FAX)

[long.larry@epa.gov](mailto:long.larry@epa.gov)

Intelligence does not always define wisdom, but adaptability to change does

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# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Tennessee ES Office  
446 Neal Street  
Cookeville, Tennessee 38501



February 7, 2020

Mr. Erick Hunt-Hawkins  
TDOT Environmental Division  
NEPA Special Projects Office Environmental Technical Office  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, Tennessee 37243

Subject: FWS# 20-I-0575. Coordination Package and Invitation to be a Participating Agency for State Route 32 (U.S. Highway 321) Improvement Project from State Route 73 (U.S. Highway 321) at Cosby to north of Wilton Springs Road; PIN 101422.00, P.E. Number: 15005-1234-04, Cocke County, Tennessee.

Dear Mr. Hunt-Hawkins:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), is initiating National Environmental Policy Act (NEPA) documentation and analysis for the proposed State Route (SR) 32 improvements from SR 73 to Wilton Springs Road in Cocke County, Tennessee. The purpose of this project is to enhance connections and access to high tourism areas within the region, improve the roadway to meet current design standards, increase traffic operational efficiency, reduce crashes, meet the intent of the "Improve Manufacturing, Public Roads, and Opportunities for a Vibrant Economy (IMPROVE) Act" legislation, and enhance economic opportunities.

TDOT distributed an Initial Coordination request for this project in August of 2012. Due to the length of time since that request and a change in proposed alternatives, TDOT is transmitting this new coordination request. TDOT and the FHWA have requested that the U.S. Fish and Wildlife Service (Service) be a participating agency in the development of the Environmental Assessment. Acceptance of this request does not imply that the Service supports the proposal or has any special expertise with respect to the evaluation of the project.

We have reviewed the project summary and the possible role that our agency would have in developing the proposed improvements to SR 32 in Cocke County, Tennessee. We accept the invitation to be a participating agency in the development of this project. Our office will strive to provide timely input, participate in coordination meetings, and comment on all alternatives.

Thank you for the opportunity to review this document. If you have any questions regarding our comments, please contact John Griffith at 931/525-4995 or by email at [john\\_griffith@fws.gov](mailto:john_griffith@fws.gov).

Sincerely,

A handwritten signature in blue ink, reading "Virgil E. Andrews, Jr." with a stylized flourish at the end.

Virgil Lee Andrews, Jr.  
Field Supervisor



# United States Department of the Interior

NATIONAL PARK SERVICE  
Great Smoky Mountains National Park  
107 Park Headquarters Road  
Gatlinburg, Tennessee 37738



D30

February 24, 2020

Erick Hunt-Hawkins, Environmental Supervisor  
Tennessee Department of Transportation  
Environmental Division, NEPA Special Projects  
Suite 900, James K. Polk Building  
505 Deadrick Street  
Nashville, TN 37243-1402

RE: Cooperating Agency Request for State Route 32 (US-321)

Dear Mr. Hunt-Hawkins:

Great Smoky Mountains National Park (Park) received your letter dated January 24, 2020 inviting the National Park Service to act as a cooperating agency with the Tennessee Department of Transportation (TDOT) and Federal Highway Administration (FHWA) in the preparation of the Environmental Assessment and requesting comments on the Coordination and Public Involvement Plan for the proposed Improvements to State Route 32 (US-321) From State Route 73 at Cosby to North of Wilton Springs Road Cocke County, Tennessee PIN #101422.00 Project #15005-1234-00. The proposed improvements would affect the Foothills Parkway, which is a National Park Service unit managed by Great Smoky Mountains National Park.

The Park accepts your invitation to become a cooperating agency in accordance with 40 CFR 1501.6 of the Council on Environmental Quality's Regulations for Implementing the Procedural Provision of the National Environmental Policy Act and to become a Participating Agency (in accordance with Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) with TDOT and FHWA in the development of the Environmental Assessment for this project. A Section 4(f) evaluation is required to address avoidance, minimization, and mitigation to parklands.

We have reviewed the Coordination and Public Involvement Plan (Plan) and have no comment at this time. We appreciate your coordination with us and look forward to working with FHWA and TDOT on this project. If you have any questions, please contact Alan Sumeriski, Chief of Facilities Management at (865) 436-1237 or [Alan\\_Sumeriski@nps.gov](mailto:Alan_Sumeriski@nps.gov) in the Park or Anita Barnett, Planning and Compliance Division at 404-507-5706 or [Anita\\_Barnett@nps.gov](mailto:Anita_Barnett@nps.gov) in the regional office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cassius M. Cash". The signature is fluid and cursive, with the first name "Cassius" being the most prominent.

Cassius M. Cash  
Superintendent



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

February 11, 2020

SUBJECT: LRN-2018-00601; TDOT PIN 101422.00; Cooperating Agency Acceptance

ATTN: Mr. Erick Hunt-Hawkins  
Tennessee Department of Transportation  
505 Deaderick ST, STE 900, J.K. Polk BLDG  
Nashville, TN 37243

Dear Mr. Hunt-Hawkins:

This letter is in response to your January 24, 2020, invitation to be a Cooperating Agency and Participating Agency for the SR-32 project from SR-73 to north of Wilton Springs Road, located in Cocke County, Tennessee. This project has been assigned File Number LRN-2018-00601. 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 continue to be both a Cooperating Agency (in accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provision of the National Environmental Policy Act (NEPA)) and a Participating Agency (in accordance with Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)) with TDOT and FHWA in the development of the Environmental Assessment for this project.

Please see the attached January 10, 2020 comments from this office to TDOT, as submitted per the Tennessee Environmental Streamlining Agreement (TESA) Concurrence Point (CP) 2. Please also consider these as Participating Agency comments to assist in the *"identification of, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project"*, pursuant to Section 6002 of the SAFETEA-LU.

We appreciate your consideration of our comments, and look forward to collaborating on this project. If you have any questions, please contact Mr. William Worrall, Transportation Program Manager, by telephone at 615-369-7513, or via email at [william.e.worrall@usace.army.mil](mailto:william.e.worrall@usace.army.mil)

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua W. Frost", is written over the typed name.

Joshua W. Frost  
Chief, Technical Services Branch  
Regulatory Division



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
NASHVILLE, TENNESSEE 37243-0435

DAVID W. SALYERS, P.E.  
COMMISSIONER

BILL LEE  
GOVERNOR

February 24, 2020

**Via Electronic Mail to Erick.Hunt-Hawkins@tn.gov**

Attn: Erick Hunt-Hawkins, Environmental Supervisor  
TDOT Environmental Division, NEPA Special Projects  
505 Deaderick Street, Suite 900  
Nashville, TN 37243

Dear Mr. Hunt-Hawkins:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments to the Tennessee Department of Transportation (TDOT) on the Coordination and Public Involvement Plan (Plan) for developing an Environmental Assessment for a proposed widening of State Route (SR) 32 (US-321) in Cosby, Cocke County, Tennessee.<sup>1</sup> According to TDOT, the proposed improvements to SR-32 (US-321) are expected to improve connections/access to high tourism areas within the region, improve the roadway to meet current design standards, improve traffic operational efficiency, reduce crashes, meet the intent of the "Improve Manufacturing, Public Roads, and Opportunities for a Vibrant Economy (IMPROVE) Act legislation, and enhance economic opportunities. In addition, to reviewing the Plan for any issues of concern regarding the project's potential environmental and cultural resource impacts, TDOT is also requesting TDEC's response on being a Participating Agency in the project moving forward.<sup>2</sup> Actions considered in detail within the Plan and likely to be evaluated in a future Draft EA include:

- **Western Alternative** – The Western Alternative would begin on SR-73 just south of Stonebrook Drive and continue north on new location west of Stonebrook Drive for approximately 1.4 miles before crossing existing SR-32. After crossing existing SR-32, the alternative continues north on new location to just north of SR-339 (Jones Cove Road), where it then follows the existing SR-32 alignment, except where it straightens out several curves, to north of Middle Creek Road where it again travels on new location to align with existing SR-32 at the SR-32/Wilton Springs Road intersection. The alternative continues through the intersection to connect with the existing four-lane divided section of SR-32 north of the bridge over Cosby Creek. The replacement of the bridge was initially identified as a separate IMPROVE Act project but has since been

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<sup>1</sup> This Coordination and Public Involvement Plan is intended to define the process by which TDOT will communicate information about the SR-32 Environmental Assessment (EA) to the lead, cooperating, participating and other agencies, and to the public. The plan also identifies how input from agencies and the public will be solicited and considered. This Coordination and Public Involvement Plan supersedes the August 2012 Coordination Plan and the April 2012 PIP. It does document the coordination that has already occurred, discusses coordination planned through the remainder of the EA process, and provides a current schedule for the major project milestones. This Coordination and Public Involvement Plan will continue to be updated periodically to reflect any changes to the project schedule and other items that typically require updating over the course of the project.

<sup>2</sup> In accordance with Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

combined with the SR-32 project. The Western Alternative would result in the realignment of the entrance to the Foothills Parkway. Coordination with the National Park Service (NPS) has been on-going. The NPS has reviewed the current plans for the realigned entrance and has found them acceptable, with appropriate mitigation.

- **Eastern Alternative** – The Eastern Alternative would begin just west of the SR-73/SR-32 intersection continuing through the intersection on new location, crossing Cosby Creek and then basically continuing in a northerly direction approximately 3,000 feet before crossing Caney Creek Road. After crossing Caney Creek Road, the Eastern Alternative continues northward on new location for a distance of approximately 2,500 feet before following the same alignment as the Western Alternative. Between Caney Creek Road and the point where it follows the same alignment as the Western Alternative, the Eastern Alternative crosses existing SR-32 and Cosby Creek twice.
- **Alternative Following Existing SR-32** – This alternative would begin just west of the SR-73/SR-32 intersection and reconfigure the existing intersection. Currently, vehicles accessing SR-32 from SR-73 have to stop at the intersection and turn left to go north on SR-32. The T-intersection would be reconfigured so that traffic travelling from SR-73 to SR-32 northbound, or from SR-32 to SR-73 southbound, would become the through traffic, and traffic travelling to or from SR-32 south of the original intersections would have a stop condition. Just north of the reconfigured intersection, the Alternative Following Existing SR-32 would follow existing SR-32 to just north of Caney Creek Road where it would diverge slightly to straighten out the curve, cross existing SR-32 and Cosby Creek, and continue in a northwesterly direction on new location. Approximately 1,000 feet north of where it crosses existing SR-32, the Alternative Following Existing SR-32 would follow the same alignment as the Western Alternative.
- **No-Build Alternative** – The No-Build Alternative would not improve SR-32 and serves as a baseline against which to compare other build alternatives against. However, the No-Build Alternative would include projects in the study area that are identified in the Statewide Transportation Improvement Program (STIP). Currently, no projects located near the project area are included in the 2017-2020 STIP

TDEC has reviewed the Plan and provides the following initial comments for TDOT's consideration:

### Geologic Considerations

The most recent geologic map for the project area is contained in a 2012 report by the United States Geological Survey (USGS) entitled "Geologic Map of the Great Smoky Mountains National Park Region, Tennessee and North Carolina".<sup>3</sup> As shown in Figure 1 (included as an Attachment), the project area is geologically complex. TDEC encourages TDOT to refer to the full USGS map and accompanying report for a description of the various bedrock and surficial geologic units in the project area. The geotechnical investigation should take into account the abrupt change in geological conditions that can occur along the proposed route, and therefore should be as detailed as possible. Of particular concern is the potential for acid rock drainage, ground and slope instability, and degradation to the karst ecosystem.

According to the "Geologic Hazards Map of Tennessee" (Miller, 1978) the project crosses bedrock conducive to forming karst terrain (Shown on the geologic map in Figure 1 as Cs = Shady Dolomite) and is in a topographic region with the propensity for hillslope instability when disturbed (Figure 2 in the Attachment). TDEC

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<sup>3</sup> For more information, please visit <https://pubs.usgs.gov/sim/2997/>.



encourages TDOT to take these factors in consideration when planning SR-32 alternative routes and work activities.

TDEC performed a review of paper records as well as both in-house and on-line databases and has concluded that there are no abandoned oil and gas wells, inactive mine sites, and known mineral resources along the proposed project route.<sup>4</sup>

## **Cultural and Natural Resources**

TDEC believes that the Plan adequately addresses TDOT's approach to identifying and evaluating potential impacts to cultural and natural resources.<sup>5</sup> TDEC issued permits are required for excavations occurring on state-controlled lands; TDEC encourages TDOT to include this consideration in the Draft EA.<sup>6</sup>

## **Air Resources**

The Plan indicates that Cocke County is in attainment for all criteria pollutants. TDEC would like to note that this is accurate; however, the portion of Cocke County that lies within the Great Smoky Mountains National Park is a maintenance area for ozone. As such, if the project extends into this area, transportation conformity requirements apply. TDEC encourages TDOT to include this consideration in the Draft EA and planning documents moving forward.

TDEC encourages TDOT to include details in the Draft EA of the measures designed to mitigate fugitive dust emissions that could be generated during road construction activities. The Plan does not discuss whether the project will result in the demolition of structure. If demolition is required, TDEC encourages TDOT to include discussion relating to ensuring that any asbestos containing material is identified and managed properly during demolition, and that the appropriate notifications are provided prior to demolition activities commencing. TDEC encourages TDOT to include these considerations in the Draft EA.

The open burning of landscape waste material is not discussed in the Plan. TDEC encourages TDOT to consider other methods of disposal with lesser air resource impacts that may be available and preferred. Should other suitable disposal methods not be available, when open burning, TDEC recommends avoiding burning on days with poor smoke dispersion, not burning on air quality alert days, use of good smoke management practices when planning the open burning and insuring coordination with local and state air pollution control agencies, forestry agencies and local fire agencies prior to conducting any planned burning.

Additionally, TDEC recommends that TDOT discuss anticipated emissions generated by the gasoline and diesel fueled trucks and construction equipment used. TDEC further recommends discussion of how these emissions are expected to be minimized through the use of proper maintenance, new emissions control technologies, and fuels along with the minimization of unnecessary heavy duty vehicle idling, and where possible through using newer trucks for long haul off-site transport to help mitigate emissions during construction activities.

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<sup>4</sup> For more information or questions, please contact Tennessee State Geologist, Ronald Zurawski at [Ronald.Zurawski@tn.gov](mailto:Ronald.Zurawski@tn.gov) or (615)532-1502.

<sup>5</sup> This is a state-level review only and cannot be substituted for a federal agency Section 106 review/response. Additionally, a court order from Chancery Court must be obtained prior to the removal of any human graves. If human remains are encountered or accidentally uncovered by earthmoving activities, all activity within the immediate area must cease. The county coroner or medical examiner, a local law enforcement agency, and the state archaeologist's office should be notified at once (Tennessee Code Annotated 11-6-107d).

<sup>6</sup> For more information or questions, please contact State Programs Archaeologist, Daniel Brock at [Daniel.Brock@tn.gov](mailto:Daniel.Brock@tn.gov) or (615)687-4778.

## **Solid Waste**

TDEC recommends that the Draft EA consider and explicitly reflect that any wastes associated with such activities in Tennessee be managed in accordance with the Solid and Hazardous Waste Rules and Regulation of the State of Tennessee (TDEC DSWM Rule 0400 Chapters 11 and 12, respectively).

## **Water Resources**

TDEC encourages TDOT to conduct evaluation of potential impacts to state and federal jurisdictional water features for all alternatives before removing them for consideration. Wetland and stream features were located during field review and had not yet been delineated at the time. Any impacts to waters of the state will be subject to an alternatives analysis and permit review. TDEC encourages TDOT to include these considerations for the process moving forward.

TDEC appreciates the opportunity to comment on this Plan. TDEC would like to be added as a participating agency to this project and looks forward to future collaboration with TDOT on SR-32 improvements and associated environmental considerations and reviews. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



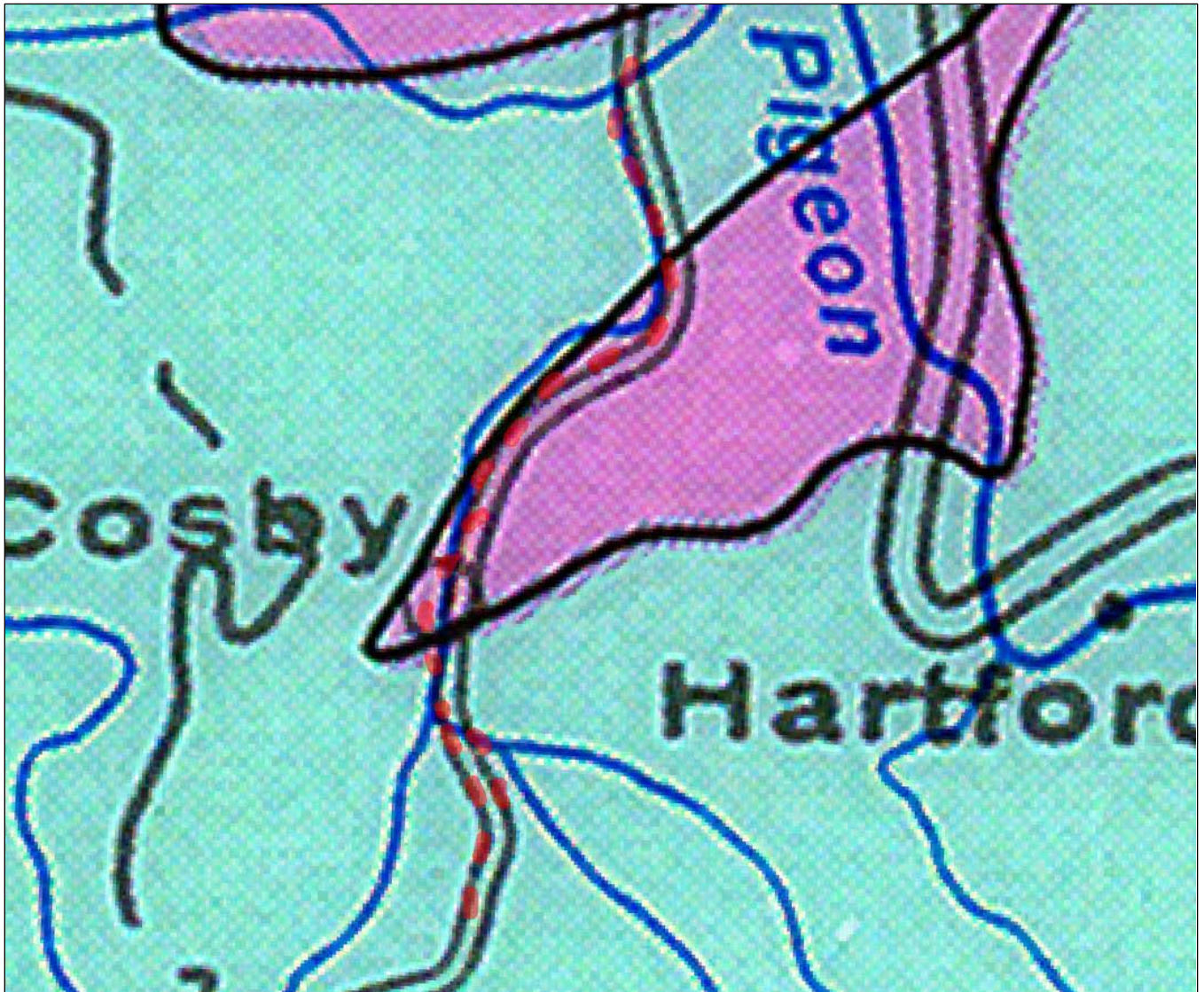
Matthew Taylor  
Senior Policy Analyst, Office of Policy and Sustainable Practices  
Tennessee Department of Environment and Conservation  
[Matthew.K.Taylor@tn.gov](mailto:Matthew.K.Taylor@tn.gov)  
(615) 532-1291

cc: Kendra Abkowitz, PhD, TDEC, OPSP  
Daniel Brock, TDEC, DOA  
Lacey Hardin, TDEC, APC  
Lisa Hughey, TDEC, DSWM  
Tom Moss, TDEC, DWR  
Stephanie Williams, TDEC, DNA  
Ronald Zurawski, TDEC, TGS

## **Attachments**

**Figure 1.** Portion of the “Geologic Map of the Great Smoky Mountains National Park Region.” Dashed red line is the proposed project route and alternative.





**Figure 2.** Portion of the "Geologic Hazards Map of Tennessee". Dashed red line is the proposed project route and alternative.



**State of Tennessee  
Department of Environment and Conservation  
Division of Air Pollution Control  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 15th Floor  
Nashville, Tennessee 37243**

Erick Hunt-Hawkins, Environmental Supervisor  
TDOT Environmental Division, NEPA Special Projects  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243

March 5, 2020

Dear Mr. Hunt-Hawkins:

This letter is in response to your request for an environmental impact assessment in compliance with the following requirements:

**Subpart A-Purpose, Legal Authority, Federal Laws and Authorities**

Sec. 58.5 Related Federal Laws and Authorities

(g) Air Quality. (1) The Clean Air Act (42 U.S.C. 7401 et. seq.) as amended; particularly section 176(c) and (d) (42 U.S.C. 7506 (c) and (d)). (2) Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency—40 CFR parts 6, 51, and 93).

**Subpart D-Environmental Review Process: Documentation, Range of Activities, Project Aggregation and Classification**

Sec. 58.38 Environmental Review Record

**Subpart E-Environmental Review Process: Environmental Assessments (EA's)**

Sec. 58.40 Preparing the Environmental Assessment

(1) A Finding of No Significant Impact on the quality of the human environment.

In reference to your request for Air Quality Data concerning Cocke County / State Route 32 (US-321) Improvement Project received on January 24, 2020; please note that Cocke County is currently in Attainment for all Air Quality Standards in accordance with Rules of the Tennessee Department of Environment and Conservation Bureau of Environment/Division of Air Pollution Control Chapter 1200-03-03 Ambient Air Quality Standards. The Environmental Protection Agency (EPA) has designated Cocke County as Maintenance for the 8-Hour Ozone (1997) National Ambient Air Quality Standards.

## Meridith Krebs

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**From:** Division Remediation  
**Sent:** Friday, January 31, 2020 9:24 AM  
**To:** Meridith Krebs  
**Cc:** Evan W. Spann; Christina McNaughton  
**Subject:** FW: State Route 32 (US-321), From State Route 73 at Cosby to North of Wilton Springs Road, Cocke County, TN, PIN #101422.00, Project #15005-1234-04- Initial Coordination Request  
**Attachments:** StatePartAgencyLtr\_TDEC\_Brawley\_SR32.pdf

Good morning Meridith,

The Department of Environment and Conservation's Division of Remediation (DOR) has not identified any active or closed DOR sites along the project's path.

We do have information for a location that was near the project's path (Activated Metals; coordinates 35.943646, -83.207779). However, it appears nothing became of this site within DOR (its listed as a non-site) and the information is at least 25 years old so it may not be of much help. If you are interested in this information though, I'll be more than happy to send you a link to download it.

Also, you can send future requests to [Division.Remediation@tn.gov](mailto:Division.Remediation@tn.gov) since Barry Brawley is no longer in our division. Have a great day!

*Let me know if I met your expectations by completing the [TDEC Customer Survey](#)*



**Alison Hensley** | Environmental Consultant

Division of Remediation

William R. Snodgrass TN Tower, 14<sup>th</sup> Floor

312 Rosa L. Parks Ave, Nashville, TN 37243

p. 615-532-0932 f. 615-741-1115

[Alison.Hensley@TN.gov](mailto:Alison.Hensley@TN.gov)

[tn.gov/environment/program-areas/rem-remediation.html](http://tn.gov/environment/program-areas/rem-remediation.html)

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**From:** Meridith Krebs  
**Sent:** Friday, January 24, 2020 10:05 AM  
**To:** Barry Brawley  
**Subject:** State Route 32 (US-321), From State Route 73 at Cosby to North of Wilton Springs Road, Cocke County, TN, PIN #101422.00, Project #15005-1234-04- Initial Coordination Request

Good morning-

Your agency has been identified by the Tennessee Department of Transportation as having an interest in the State Route 32 (US-321) Project in Cocke County, Tennessee.

Attached for your agency's review are the Initial Coordination Request Letter and associated Coordination and Public Involvement Plan for the proposed project. Please note that comments are due back from your agency by **February 24, 2020**.

If your agency requires additional information, please do not hesitate to reach out.

Thank you in advance.

-Meridith Krebs



**Meridith C. Krebs**

Environmental Division/NEPA Special Projects Office  
James K. Polk Building, Suite 900  
505 Deaderick Street, Nashville, TN 37243  
c. 404-386-7282  
[meridith.krebs@tn.gov](mailto:meridith.krebs@tn.gov)  
[tn.gov/tdot](http://tn.gov/tdot)



## Meridith Krebs

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**From:** Lisa Hughey  
**Sent:** Wednesday, February 19, 2020 2:43 PM  
**To:** Meridith Krebs  
**Cc:** Benjamin Almassi; Jeremy Hooper  
**Subject:** RE: State Route 32 (US-321), From State Route 73 at Cosby to North of Wilton Springs Road, Cocke County, TN, PIN #101422.00, Project #15005-1234-04- Initial Coordination Request  
**Attachments:** Newport SC32 NEPA.XLSX

In relation to potential solid waste, hazardous waste, or toxic substances issues that may exist or arise with the State Route 32 (SR-32) corridor improvements and expansion plan, the Division of Solid Waste Management (DSWM or the Division) performed a review of the provided project documents (plan, maps), the EPA's EnviroFacts Warehouse and Enforcement Compliance History Online (ECHO) database, and the Division's internal site and enforcement database WasteBin.

Per the description, the project's purposes entails improving connectivity/access to high tourism areas in the region, attaining current roadway design standards, improving traffic operational efficiency, crash reduction, meeting the legislative intent of the IMPROVE Act (2017), and enhancing economic development opportunities. In the course of our review, all described alternatives were given consideration in our geospatial analyses. Reviews of EPA's databases and the Division's WasteBin database were performed for information relative to the project's delineated areas. There was no evidence of any significant permitted/compliance/enforcement solid or hazardous waste or toxic substances related issues within the site locations. For general proximity in the Newport area, a list of sites has been collected and shared as an attachment for your convenience.

Although, the potential for hazardous material and/or waste sites is minimal, the DSWM strongly recommends that the project's plans reflect that any wastes associated with the planned improvements— which may include and is not limited to construction, materials destined for disposal, unforeseen damages and repairs, cleanup, surface stabilization, leaks and spills —be handled in accordance with the Solid and Hazardous Waste Rules and Regulations of the state. This includes all materials that would be classified as solid and/or hazardous wastes per these chapters.<sup>[1]</sup>

With respect to the possibility of a legacy Solid Waste site, Tennessee's Solid Waste Management program only dates back to 1972, so there could conceivably be disposal in this area that predates our program of which we are unaware. Any wastes which may be unearthed during the project would be subject to a hazardous waste determination, and must be managed appropriately.

*<sup>[1]</sup> Reference the TDEC Solid Waste Management Rule 0400 Chapter 11 for Solid Waste and Chapter 12 for Hazardous Waste. Please see <http://sos.tn.gov/effective-rules> for applicable Rules and Regulations of the State.*

If you have any questions, do not hesitate to contact the Division. Thanks.



**Lisa Ann Hughey, CHMM** | Deputy Director, Central Office

Division of Solid Waste Management

Tennessee Tower, 14<sup>th</sup> floor

312 Rosa L. Parks Ave., Nashville, TN 37243

p. 615-532-0858 c. 615-202-8148

[lisa.hughey@tn.gov](mailto:lisa.hughey@tn.gov)

<http://www.state.tn.us/environment/>

Tell us how we're doing! Please take 5-10 minutes to complete Customer Service Survey at

<http://tn.gov/environment/article/contact-tdec-customer-service-form>

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**From:** Meridith Krebs

**Sent:** Friday, January 24, 2020 10:11 AM

**To:** Lisa Hughey

**Subject:** State Route 32 (US-321), From State Route 73 at Cosby to North of Wilton Springs Road, Cocke County, TN, PIN #101422.00, Project #15005-1234-04- Initial Coordination Request

Good morning-

Your agency has been identified by the Tennessee Department of Transportation as having an interest in the State Route 32 (US-321) Project in Cocke County, Tennessee.

Attached for your agency's review are the Initial Coordination Request Letter and associated Coordination and Public Involvement Plan for the proposed project. Please note that comments are due back from your agency by **February 24, 2020**.

If your agency requires additional information, please do not hesitate to reach out.

Thank you in advance.

-Meridith Krebs



**Meridith C. Krebs**

Environmental Division/NEPA Special Projects Office

James K. Polk Building, Suite 900

505 Deaderick Street, Nashville, TN 37243

c. 404-386-7282

[meridith.krebs@tn.gov](mailto:meridith.krebs@tn.gov)

[tn.gov/tdot](http://tn.gov/tdot)

---

<sup>[1]</sup> Reference the TDEC Solid Waste Management Rule 0400 Chapter 11 for Solid Waste and Chapter 12 for Hazardous Waste. Please see <http://sos.tn.gov/effective-rules> for applicable Rules and Regulations of the State.



**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION**

**CIVIL RIGHTS DIVISION**  
SUITE 1800, JAMES K. POLK BUILDING  
505 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1402  
(615) 741-3681

**CLAY BRIGHT**  
COMMISSIONER

**BILL LEE**  
GOVERNOR

February 18, 2020

Tennessee Department of Transportation  
Susannah Kniazewycz, Director  
Environmental Division  
James K. Polk Building, Suite 900  
505 Deaderick Street  
Nashville, TN 37243-0334

Subject: Coordination Request for State Route 32 (US-321) Improvement Project from State Route 73 (US-321) at Cosby to north of Wilton Springs Road, Cocke County, Tennessee, TDOT, PIN :101422.00

Dear Ms. Kniazewycz:

The Civil Rights Division's Title VI Program staff reviewed Coordination Request for State Route 32 (US-321) Improvement Project from State Route 73 (US-321) at Cosby to north of Wilton Springs Road, Cocke County, Tennessee, TDOT, PIN : 101422.00.

The CRD office finds the Coordination and Public Involvement Plan thorough and methodological. Planned actions are found to be in accordance with the mandates of Title VI of the 1964 Civil Rights Act, the National Environmental Policy Act of 1969, and 42.U.S.C. 4332(2), and Executive Order 12898.

Thank you for the opportunity to review the Coordination and Public Involvement Plan. Should you have questions or comments, please do not hesitate to contact me at 615-253-1066 or [Cynthia.Howard@TN.GOV](mailto:Cynthia.Howard@TN.GOV).

Best Regards,

  
Cynthia Howard  
Title VI Program Director

CC: Kelsey Finch, Title VI Specialist

Sufficient information is not available to indicate projected emissions from the Cocke County project. However, the proposed project is not expected to adversely impact the local air quality provided adequate measures are employed to control fugitive emissions, and waste is properly disposed.

Other Rules of the Tennessee Department of Environment and Conservation Bureau of Environment/Division of Air Pollution Control that may apply to your project are:

Chapter 1200-03-04 Open Burning  
Chapter 1200-03-08 Fugitive Dust  
Chapter 1200-03-09 Construction and Operating Permits  
Chapter 1200-03-11.02 Hazardous Air Contaminants (Asbestos)

Please contact me at phone number (615) 532-6819 or e-mail [kevin.mclain@tn.gov](mailto:kevin.mclain@tn.gov) should you need further assistance.

Sincerely,



**Kevin McLain** | Environmental Manager  
Division of Air Pollution Control  
William R. Snodgrass Tennessee Tower, 15th Floor  
312 Rosa L. Parks Avenue, Nashville, TN 37243  
p. 615-532-6819  
[kevin.mclain@tn.gov](mailto:kevin.mclain@tn.gov)  
[tn.gov/environment](http://tn.gov/environment)

## Meridith Krebs

---

**From:** Don Brown <DBrown@ETDD.org>  
**Sent:** Monday, January 27, 2020 9:01 AM  
**To:** Meridith Krebs  
**Cc:** Troy J. Ebbert; Ronda J. Sawyer  
**Subject:** [EXTERNAL] RE: State Route 32 (US-321), From State Route 73 at Cosby to North of Wilton Springs Road, Cocke County, TN, PIN #101422.00, Project #15005-1234-04- Initial Coordination Request

**\*\*\* This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. \*\*\***

---

Meridith,

We will be happy to serve as a participating agency.

Thanks,

Don

Don M. Brown  
Transportation Planner  
East Tennessee Development District  
P. O. Box 249  
Alcoa, TN 37701  
(865) 273-6003  
(865) 273-6010 fax  
[dbrown@etdd.org](mailto:dbrown@etdd.org)

---

**From:** Meridith Krebs [mailto:Meridith.Krebs@tn.gov]  
**Sent:** Friday, January 24, 2020 11:28 AM  
**To:** Don Brown <DBrown@ETDD.org>  
**Subject:** State Route 32 (US-321), From State Route 73 at Cosby to North of Wilton Springs Road, Cocke County, TN, PIN #101422.00, Project #15005-1234-04- Initial Coordination Request

Good morning,

Your agency has been identified by the Tennessee Department of Transportation as having an interest in the State Route 32 (US-321) Project in Cocke County, Tennessee.

Attached for your agency's review are the Initial Coordination Request Letter and associated Coordination and Public Involvement Plan for the proposed project. Please note that comments are due back from your agency by **February 24, 2020**.

If your agency requires additional information, please do not hesitate to reach out.

Thank you in advance.

-Meridith Krebs



**Meridith C. Krebs**

Environmental Division/NEPA Special Projects Office

James K. Polk Building, Suite 900

505 Deaderick Street, Nashville, TN 37243

c. 404-386-7282

[meridith.krebs@tn.gov](mailto:meridith.krebs@tn.gov)

[tn.gov/tdot](http://tn.gov/tdot)

## **AUGUST 2012 EARLY COORDINATION**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

September 12, 2012

Mr. Jim Ozment  
Interim Director  
Environmental Division  
Tennessee Department of Transportation  
505 Deaderick Street, Suite 900  
Nashville, TN 37243

RECEIVED  
SEP 17 2012  
TDOT - ENVIRONMENTAL DIVISION

SUBJECT: Participating Agency Request for the Environmental Impact Statement for State Route 32 Corridor Improvement Wilton Springs Road in Cosby, Coke County, Tennessee TDOT # 101422.00

Dear Mr. Ozment:

The U.S. Environmental Protection Agency (EPA) received your letter of August 8, 2012, inviting EPA to become a "participating agency" with the Tennessee Department of Transportation (TDOT) and Federal Highway Administration in the development of the Environmental Impact Statement (EIS) for proposed improvements to State Route 32 Corridor Improvement Wilton Springs Road in Cosby, Coke County, Tennessee TDOT # 101422.00 County, Tennessee. In accordance with this request, we accept your invitation to become a participating agency for this project and will endeavor to participate in project activities in the manner suggested in your letter, subject to resource limitations. EPA's participating agency status and level of involvement does not, however, preclude our independent review and comment responsibilities under Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act, or our authorities under Section 404 of the Clean Water Act. Similarly, our being a participating agency should not imply that EPA will necessarily concur with all aspects of TDOT's EIS.

We appreciate the opportunity to work with TDOT as a participating agency on this important project. Please contact Larry Long, as our primary agency representative for this project, at (404) 562-9460 to discuss this letter or if you have additional questions.

Sincerely,

Heinz J. Mueller, Chief  
NEPA Program Office  
Office of Policy and Management

cc: Federal Highway Administration – Tennessee Division





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

September 17, 2012

Ms. Ann Andrews  
Tennessee Department of Transportation  
Environmental Planning and Permits Division  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243-0334

Subject: Initial Coordination for the development of the State Route 32 (U.S. Highway 321) Corridor Improvement Project from State Route 73 (U.S. Highway 321) to Wilton Springs Road in Cosby; PIN# 101422.00, Cocke County, Tennessee.

Dear Ms. Andrews:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), is initiating National Environmental Policy Act (NEPA) documentation and analysis for the proposed improvements to State Route (SR) 32 (U.S. Highway 321) Corridor Improvement Project from SR 73 (U.S. Highway 321) to Wilton Springs Road in Cosby, Cocke, Tennessee. TDOT proposes to upgrade the existing two-lane roadway to a four-lane facility along a partially new alignment. The design includes a 12-foot continuous center lane with 8-foot shoulders from SR 73 to just north of Orchard Road and a 48-foot median with 12-foot shoulders from north of Orchard Road to Wilton Springs Road. The project would serve to improve traffic efficiency and safety, correct roadway deficiencies, support economic development, and provide for the community vision of a gateway to the Great Smoky Mountains National Park.

TDOT and the FHWA have requested that the U.S. Fish and Wildlife Service (Service) be a participating agency in the development of the Environmental Assessment. Acceptance of this request does not imply that the Service supports the proposal or has any special expertise with respect to the evaluation of the project.

Our records indicate that suitable summer roosting habitat for the federally endangered Indiana bat (*Myotis sodalis*) may be impacted by the proposed project. We request that potential impacts to this species be given adequate consideration through the NEPA process and weighed into the decision for the preferred alignment.

We have reviewed the project summary and the possible role that our agency would have in developing the proposed improvements to SR 32 in Cocke County, Tennessee. We accept the invitation to be a participating agency in the development of this project. Our office will strive to provide timely input, participate in coordination meetings, and comment on all alternatives.

Thank you for the opportunity to take part in this process. If you have any questions regarding our comments, please contact John Griffith of my staff at 931/525-4995 or by email at [john\\_griffith@fws.gov](mailto:john_griffith@fws.gov).

Sincerely,

A handwritten signature in cursive script that reads "Mary E. Jennings". The signature is written in dark ink and is positioned above the printed name and title.

Mary E. Jennings  
Field Supervisor

## **Birch, Valerie**

---

**From:** Ann Andrews  
**Sent:** Wednesday, August 29, 2012 7:21 AM  
**To:** JonnaLeigh Stack  
**Subject:** FW: SR 32 (US 321) Cocke County TN

---

**From:** Lewis, Laura M -FS [mailto:lauralewis@fs.fed.us]  
**Sent:** Tuesday, August 28, 2012 10:22 AM  
**To:** Ann Andrews; Bowerman, Terry -FS; Hubbard, Gary -FS; Medlin, Stephanie -FS  
**Cc:** JonnaLeigh Stack  
**Subject:** SR 32 (US 321) Cocke County TN

Ann,

The U.S. Forest Service has reviewed the materials TDOT provided in correspondence dated August 9, 2012 and based on materials provided, has determined that the Forest Service has no jurisdiction or authority with respect to this project.

For future transmittals, please route all pertinent agency correspondence directly to the local agency deciding official:

Forest Supervisor  
Cherokee National Forest  
2800 Ocoee St. North  
Cleveland, TN 37312

Please contact me if you need additional information.

Thank you, Laura

**Laura M. Lewis**  
**Natural Resources Specialist**  
**Cherokee National Forest**  
**2800 Ocoee St. North**  
**Cleveland, TN 37312**

**Phone:** 423/476-9752  
**FAX:** 423/339-8650  
**Cellular:** 423/464-1929

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Natural Resources Conservation Service  
675 U.S. Courthouse  
801 Broadway  
Nashville, Tennessee 37203

---

August 10, 2012

Ms. Ann Andrews  
Tennessee Department of Transportation  
Suite 900, James K. Polk Bldg.  
505 Deaderick Street  
Nashville, TN 37243-0334

Dear Ms. Andrews:

We received your request for Farmland Protection Policy Act (FPPA) information for the State Route 32 (US 321) Corridor Improvement Project from State Route 73 (US 321) to Wilton Springs Road in Cosby, Cocke County, Tennessee (TDOT PIN 101422.00).

Your request for information related to environmental review is being forwarded to the Tennessee NRCS National Environmental Policy Act (NEPA) Coordinator to review and coordinate with other NRCS specialists for any comments or recommendations they may have pertaining to this project.

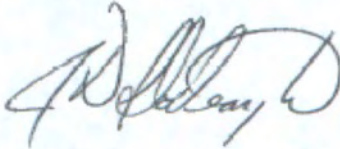
NRCS has responsibility for implementing the Farmland Protection Policy Act (FPPA). The FPPA is intended to minimize the impact that Federal programs have on the conversion of farmland to nonagricultural uses. When locations and all possible alternates have been established for this project, an AD-1006 or CPA-106 form should be initiated by the responsible agency and submitted to this office. NRCS will then supply a farmland conversion impact rating. More information about FPPA can be found at <http://www.tn.nrcs.usda.gov/technical/soils/fppa.html>.

Some other items in your request are outside of the authority of our agency or we do not have the expertise to provide that type of information for your organization.

Our soil survey information can also be found online at <http://websoilsurvey.nrcs.usda.gov>. This website will provide you with all of our most current soil survey data and interpretations including prime farmland and hydric soils.

Please feel free to call me at (615) 277-2550, or e-mail me at [doug.slabaugh@tn.usda.gov](mailto:doug.slabaugh@tn.usda.gov), if you have questions about this request, or if you need assistance with accessing our soils information on the web and any other needs that may arise for Tennessee Soil Survey products or information.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Douglas Slabaugh', with a stylized flourish at the end.

J. DOUGLAS SLABAUGH  
State Soil Scientist

Cc: (w/enclosures)

Carol Chandler, NRCS NEPA Coordinator, Nashville, TN

NRCS:SS:JD Slabaugh::8/10/12





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

→ *Jenna Leigh*  
Memphis Airports District Office  
2862 Business Park Dr, Bldg G  
Memphis, TN 38118-1555  
Phone: 901-322-8180

August 22, 2012

Ms. Ann Andrews  
Environmental Documents Section  
Tennessee Department of Transportation  
Environmental Division  
James K. Polk Building, Suite 900  
505 Deaderick Street  
Nashville, TN 37243

Re: Proposed SR 32 Corridor Improvement Project, Cosby, Cocke County, Tennessee

Dear Ms. Andrews:

We have reviewed the information provided concerning the proposed SR 32 Corridor Improvements Cosby, Cocke County, Tennessee. We do not anticipate any impacts given the project's proximity to the closest airport facility. Please notify this office should the project limits change.

Thank you for the opportunity to comment on this project.

Sincerely,

*Stephen Wilson*

Stephen Wilson  
Community Planner

## Birch, Valerie

---

**From:** JonnaLeigh Stack [JonnaLeigh.Stack@tn.gov]  
**Sent:** Wednesday, September 12, 2012 3:32 PM  
**To:** Birch, Valerie; King, Tyler R.  
**Subject:** FW: State Route (SR) 32 (US 321), Initial Coordination Package  
**Attachments:** SR32\_TDECLetter-education 08082012.pdf

Response – not participating – Dept Educ

jls

*JonnaLeigh Stack, Esq.*

Transportation Coordinator, NEPA Project Manager

TDOT Environmental Division

505 Deaderick St. Ste. 900

Nashville, TN 37243

Main 615-741-3655

Direct 615-253-2463

[jonnaleigh.stack@tn.gov](mailto:jonnaleigh.stack@tn.gov)

<http://www.tdot.state.tn.us/environment>

---

**From:** Ann Andrews  
**Sent:** Wednesday, September 12, 2012 12:19 PM  
**To:** JonnaLeigh Stack  
**Subject:** FW: State Route (SR) 32 (US 321), Initial Coordination Package

---

**From:** Edward Beyman  
**Sent:** Wednesday, September 12, 2012 11:47 AM  
**To:** Ann Andrews  
**Subject:** State Route (SR) 32 (US 321), Initial Coordination Package

Ms. Andrews,

Department of Education does not intend to submit comments concerning the Initial Coordination Package on State Route (SR) 32 (US 321).

The department does not have any facilities contained within the project boundaries, and has no expertise or information relevant to the project.

Regards,

**Edward Beyman**



Safety Coordinator  
[Edward.Beyman@tn.gov](mailto:Edward.Beyman@tn.gov)  
(615) 253-4647  
Twitter: @TNedu  
[Facebook.com/TennesseeEducation](https://www.facebook.com/TennesseeEducation)



**King, Tyler R.**

---

**From:** Mike Atchison [Mike.Atchison@tn.gov]  
**Sent:** Friday, August 10, 2012 6:20 PM  
**To:** King, Tyler R.  
**Cc:** Ann Andrews; JonnaLeigh Stack  
**Subject:** RE: State Route (SR) 32 (US 321), Initial Coordination Package

To whom it may concern:

I am not interested in participating in the formation of the described EA document.

Mike Atchison

---

From: King, Tyler R. [mailto:kingtr@pbworld.com]  
Sent: Wednesday, August 08, 2012 1:47 PM  
To: Mike Atchison  
Cc: Ann Andrews; JonnaLeigh Stack  
Subject: State Route (SR) 32 (US 321), Initial Coordination Package

Attached you will find the Initial Coordination Package for State Route (SR) 32 (US 321) which is being transmitted either to your agency pursuant to the Tennessee Environmental Streamlining Agreement (TESA), or because your agency/organization has been identified as one that may have jurisdiction or a stake in this project.

This package presents a Vicinity Map, Coordination Plan, and a Project Summary. Also attached is a cover letter.

A hard copy of the Package has been sent to you if you have previously requested to receive one in addition to an electronic version.

Valerie Birch, AICP  
Project Manager  
Parsons Brinkerhoff  
On behalf of

JonnaLeigh Stack  
Transportation Coordinator, NEPA Project Manager  
TDOT Environmental Division  
505 Deaderick St Ste. 900  
Nashville, TN 37243  
615-741-3655  
[jonnaleigh.stack@tn.gov](mailto:jonnaleigh.stack@tn.gov)

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**STATE OF TENNESSEE**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
DIVISION OF WATER POLLUTION CONTROL  
7<sup>TH</sup> FLOOR, L&C ANNEX  
401 CHURCH STREET  
NASHVILLE, TENNESSEE 37243-1534

August 9, 2012

Ms. Ann Andrews  
Environmental Division  
Tennessee Department of Transportation  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243-0334

Subject: Coordination Package and Invitation to be a Participating Agency  
Route 32 (US 321) Corridor Improvement Project from State Route 73  
(US321) to Wilton Springs Road  
Cosby, Cocke County, Tennessee  
PIN 101422.00

Dear Ms. Andrews:

We are in receipt of the above referenced material and are hereby advising you that the Tennessee Department of Environment and Conservation does intend to be a participating agency in the development of this project. At this time, we do not have specific comments on the Coordination Plan.

Thank you for the opportunity to participate in the planning of this project.

Sincerely,

A handwritten signature in blue ink that reads "Daniel C. Eagar". The signature is written on a red rectangular background.

Daniel C. Eagar, Manager  
DWR Natural Resources Section



## TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER  
P. O. BOX 40747  
NASHVILLE, TENNESSEE 37204

---

September 18, 2012

Ann Andrews  
State of Tennessee  
Department of Transportation  
Environmental Division  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0334

Re: Coordination Package and Invitation to be a Participating Agency for State Route 32 (US 321) Corridor Improvement Project from State Route 73 (US321) to Wilton Springs Road in Cosby, Cocke County, Tennessee  
TDOT PIN 101422.00

Dear Ms. Andrews:

The Tennessee Wildlife Resource Agency has received and reviewed the information your office provided to us regarding the proposed project listed above. Our current concerns are potential environmental impacts associated with stream and wetland impacts, potential impacts to floodplains, and potential impacts to species under our authority that may occur due to the construction of this project. We therefore request that for all floodplain crossings, stream crossings, and wetland crossings; linear feet and acreages of impacts be illustrated and tabulated for each alternative proposed for consideration in future correspondence that will be forthcoming from your agency once alignments are refined.

We accept the invitation to be a Participating Agency for the proposed State Route 32 (US 321) Corridor Improvement Project from State Route 73 (US321) to Wilton Springs Road in Cosby, Cocke County, Tennessee. We thank you for the opportunity to participate during the coordination process and look forward to working with TDOT personnel in the future to reduce potential impacts to fish and wildlife resources associated with this project.

Sincerely,

Robert M. Todd  
Fish and Wildlife Environmentalist

**The State of Tennessee**

IS AN EQUAL OPPORTUNITY, EQUAL ACCESS, AFFIRMATIVE ACTION EMPLOYER



# Cocke County Partnership

CHAMBER OF COMMERCE • ECONOMIC DEVELOPMENT • TOURISM

433 Prospect Avenue • Newport, TN 37821

August 17, 2012

Ms. Ann Andrews  
State of Tennessee  
Department of Transportation  
Environmental Division  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0334

RE: Initial Coordination Request for State Route 32 (US 321) Corridor Improvement Project from State Route 73 (US 321) to Wilton Springs Road in Cosby, Cocke County, Tennessee  
TDOT PIN 101422.00

Dear Ms. Andrews:

Thank you for including the Cocke County Partnership (CCP) in your list of organizations for comments on the project listed above. We have been very involved with TDOT for the past ten years in discussing and planning for the eventual completion of SR 32/US 321 through Cocke County.

Some of the activities addressed to date have included meetings with TDOT explaining long-range development plans associated with improvements to US 321 in Cocke County. In addition, a regional US 321 task force comprised of representatives from the seven counties that share this section of the roadway was formed to assist and to work with TDOT in the planning of an overall design concept that we all would share. These seven counties have also held legislative updates in Nashville for the state representatives, state senators, TDOT Commissioner and others that have input into the final product. Additionally, there was an application submitted to the Federal Highway Administration for consideration of US 321 as a US Scenic Byway (we were also part of a five county group that successfully secured that designation for the US 25E that connects North Carolina to Virginia through East Tennessee).

The enhancement of this corridor will have significant positive economic impacts for Cocke County. The CCP has worked with our board in developing a strategic plan that takes into account not only this particular project but many others that are currently on the TDOT status report - the adjacency of the SR 32/ US 321 project to other planned projects is part of that strategic plan. We are in total support of this project and its interconnected relationship with planned improvements to US 321 as it reaches north into Greene County and the eventual southern path through Sevier County to the Great Smoky Mountains National Park (GSMNP) and Gatlinburg.



Ms. Ann Andrews  
August 17, 2012  
Page 2

The CCP specifically endorses and recommends Alternative A as the preferred option. We feel it is the more direct option that fits with our strategic plan that considers eventual development of the Cosby area and the Cocke County entrance to GSMNP. The look and feel to US 321 from the intersection with the Foothills Parkway to the GSMNP is of great importance in defining our commitment to the environmentally sensitive area we want to preserve for natural areas.

Our strategic plan focuses on more density in development in the central core of our community and limited and targeted development as it relates to the natural areas of the county. Due to the topography and the fact that the eastern section of Cocke County having the Cherokee National Forest and the GSMNP, our plan focuses on smart growth and limits, as best we can, the mismanagement of our resources.

Finally, the plan suggests that the boundary of the Foothills Parkway to US 321 be the dividing line and be used as a "parkway" that leads from Interstate 40 to the GSMNP. The completion of US 321 from Interstate 40 to Gatlinburg will create the best alternative for getting there in the shortest distance with the most natural driving experience. Over the last ten years a great regional partnership with Gatlinburg, Sevier County, GSMNP, and Cocke County has been built in order to enhance traffic through the corridor, improve economic activity, develop visitor satisfaction and relieve traffic congestion.

Again, we appreciate this opportunity to fully support Alternative A and all other current TDOT projects that are all integral parts of our local strategic plan. Please feel free to contact me should you need additional information or details on any comments.

Thank you very much for support and assistance in this matter.

Sincerely,



Donald Hurst, CEcD  
President

cc: Vincent Pontello, Wildlife Biologist/East TN TDOT Liaison  
Rob Lindbom, Region IV Habitat Biologist  
Bart Carter, Region IV Fisheries Coordinator  
John Gregory, Region IV Manager



## **1998 EARLY COORDINATION**



IN REPLY REFER TO:

# United States Department of the Interior

NATIONAL PARK SERVICE  
Great Smoky Mountains National Park  
107 Park Headquarters Road  
Gatlinburg, Tennessee 37738



D18

August 20, 1998

Mr. Charles E. Bush  
Transportation Manager II  
State of Tennessee, Department of Transportation  
Environmental Planning Office  
Suite 900 James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0334

Dear Mr. Bush:

Thank you for the opportunity to review the preliminary planning for improvements to State Route 32, from State Route 73 in Cosby to Wilton Springs Road in Cocke County, Tennessee. We have no environmental concerns with the project. However, we have several concerns related to the design of the project as it impacts the ingress/egress from the Foothills Parkway. These concerns are as follows:

1. Highway 32 will become a four-lane divided highway with a fifteen-foot divided median strip in the proposed construction. How will that incorporate the access to the Foothills Parkway? In the provided route alignment map, a T-intersection is still shown as the access but this will no longer be viable.
2. A short section of "Old 32" should be built so that its new intersection with "New 32" will be well south of the Foothills Parkway future ramps to "New 32". The project should include a substantially redesigned ramp to the existing Foothills Parkway.
3. The new construction should include a left turn lane in the median of "New 32" for southbound traffic on 32 to turn onto the redesigned/relocated ramp to the existing Foothills Parkway. A deceleration lane for northbound traffic should also be included.
4. We believe the proposed improvements may be close to or on the National Park Service Right of Way in this section. A more detailed design drawing will need to be completed so that a review of this concern can be completed.

*this is south of SR-73  
won't be affected*

5. Traffic flow to the Cosby Campground will be substantially altered both north and south bound due to the proposed realignment. We would like to review any proposed signage changes to redirect this traffic.
6. Any traffic control plan put in place for the duration of the construction period will need to continue to provide access to and from the Parkway. Closure of the Parkway would not be acceptable.

We look forward to being an active participant in the review of design drawings and the actual construction in this area. If you have any further questions, please call Sue McGill, Chief of Maintenance, at 423-436-1236. S

Sincerely,

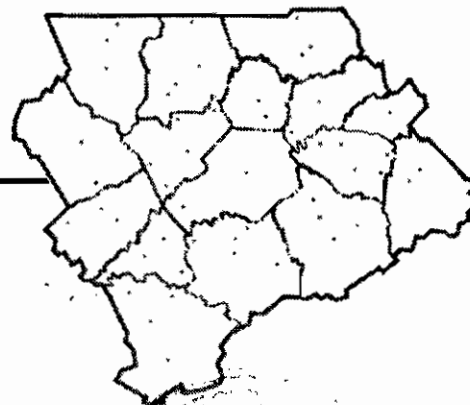
*1236*



Karen P. Wade  
Superintendent

# East Tennessee Development District

5616 Kingston Pike P.O. Box 19806 Knoxville, TN 37939-2806  
PHONE: (423) 584-8553 FAX: (423) 584-5159



August 3, 1998

Mr. Charles E. Bush  
Transportation Manager II  
Tennessee Department of Transportation  
Environmental Planning Office  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0334

Dear Mr. Bush:

SUBJECT: Result of Regional Review  
Tennessee Department of Transportation - State Route 32, From State Route 73  
in Cosby to Wilton Springs Road in Cocke County

The East Tennessee Development District has completed its review of the above mentioned proposal, in its role as a regional clearinghouse to review state and federally-assisted projects.

ETDD's review of this proposal has found no conflicts with the plans or programs of the District or other agencies in the region.

ETDD strongly supports the proposed improvements to SR 32. The improvements have also been recommended by the Executive Committee of the East Tennessee Development District.

ETDD or other reviewing agencies may wish to comment further at a later time.

We appreciate the opportunity to work with you in coordinating projects in the region.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Freeman".

Robert E. Freeman  
Executive Director

REF/tg

COCKE COUNTY HIGHWAY COMMISSION  
Court House, Newport, Tennessee 37821  
Phone: 623-3251  
*Charles Clevenger, Superintendent*

August 04, 1998

RE: State Route 32, From State Route 73 in Cosby to Wilton Springs  
Road in Cocke County, Tennessee

To Whom It May Concern:

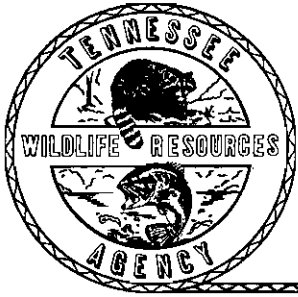
After reviewing the program for the improvement of the above subject, we cannot find any possible problems or conflicts with any projects on which we are now working, or will be undertaking in the future.

If you have any questions, or need any further assistance, please feel free to contact me at (423) 623-5102.

Sincerely,

*Charles Clevenger*

Charles Clevenger  
Cocke County Road Superintendent



## TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER  
P. O. BOX 40747  
NASHVILLE, TENNESSEE 37204

July 10, 1998



Mr. Charles Bush  
Tennessee Department of Transportation  
Environmental Planning Office  
Suite 900 - James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0334

re: SR 32, from SR 73 in Cosby to Wilton Springs Road in Cocke County, TN

Dear Charles:

Proposed improvement for the referenced section of SR 32 could potentially effect Cosby Creek which most of the project alignment would follow. Cosby Creek is an important trout stream stocked by this agency and is considered a high quality fishery. All precautions should be taken to protect the stream from physical alteration and siltation.

Please feel free to coordinate with us early regarding any plans which could effect Cosby Creek or its tributaries. Thank you for this opportunity for early comment.

Sincerely,

Dan Sherry  
Fish & Wildlife Environmentalist

DS/bjs

cc: Mark Fagg  
Bob Ripley  
USFWS, EPA, WPC

**The State of Tennessee**

AN EQUAL OPPORTUNITY EMPLOYER



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

July 24, 1998

Mr. Charles E. Bush  
Environmental Planning Office  
Tennessee Department of Transportation  
Suite 900, James K. Polk Building  
505 Deadrick Street  
Nashville, TN 37243-0334

Dear Mr. Bush:

Thank you for your recent request for scoping information concerning a proposed construction improvement project of State Route 73 in Cosby to Wilton Springs Road in Cocke County, Tennessee. Due to the fact that the proposed construction crosses many trout streams, an environmental assessment is recommended.

Staff from the Knoxville Environmental Assistance Center were contacted for their comments. Due to the fact that these are trout streams in the vicinity of Great Smoky Mountains National Park and Foothills Parkway, measures need to be taken to avoid impacts. Relocation of these streams should not be considered. Please note that Cosby Creek has already been evaluated as a "high quality stream" under Tennessee's Antidegradation Policy.

Our general concerns about similar projects include some or all of the following issues (not listed in priority order):

- That impacts to water resources, included wetlands, are avoided if possible. It appears that a considerable stretch of the road will be in close proximity to Greenbriar Creek. The division is concerned about the width of the median, 48 feet, in this stretch of the road. A narrower median and narrower ditches is preferred. Additionally, the number and size of stream crossings should be minimized. Other streams which could be impacted by road or bridge construction include Camp Creek, Cosby Creek, Bugard Creek, Webb Branch, and Profitt Spring.
- That appropriate erosion and stormwater controls are installed and maintained.
- That appropriate permits are obtained prior to beginning work

That appropriate mitigation be undertaken should impacts to water resources be unavoidable

We appreciate your offer to address these concerns during the EA process. If you have questions concerning my comments, please contact me at 615-532-0699.

Sincerely,

A handwritten signature in black ink, reading "Gregory M. Denton", is written over the typed name.

Gregory M. Denton, Manager  
Planning and Standards Section





STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
10th Floor, L & C Tower  
401 Church Street  
Nashville, Tennessee



July 24, 1998

Mr. Charles E. Bush  
Environmental Planning Office  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243-0334

Re: State Route 32 from State Route 73 to Wilton Springs Road  
Cocke County, Tennessee

Dear Mr. Bush:

The Division of Ground Water Protection regulates all aspects of the subsurface sewage disposal (SSD) program in the State of Tennessee. In this regards, division staff have worked closely with TDOT on those construction projects where it is anticipated that the project will potentially impact existing SSD systems.

Regarding the proposed State Route 32 improvement, the Division of Ground Water Protection does not anticipate that this project will effect or conflict with any of our programs. However, if it becomes apparent that our assistance will be requested on a particular project, we ask that our field staff be given adequate prior notice to allow for scheduling of the additional work load.

If you have any questions or feel that our assistance will be requested on this project, you should contact Mr. Isaac Russell with the Knoxville Environmental Assistance Center at (423) 594-5446.

Sincerely,

A handwritten signature in black ink, which appears to read "Kent D. Taylor", is written over the word "Sincerely,".

Kent D. Taylor  
Director  
Division of Ground Water Protection

KDT/SWM

cc: Isaac Russell, Knoxville Environmental Assistance Center



STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
9th Floor L&C Annex, 401 Church Street  
Nashville, Tennessee 37243-1531

July 23, 1998

Mr. Charles E. Bush  
Department of Transportation  
Environmental Planning Office  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0334



Dear Mr. Bush:

The Division of Air Pollution Control has reviewed your project summary for the proposed improvements to State Route 32, from State Route 73 in Cosby, Tennessee to Wilton springs Road in Cocke County, Tennessee. Since this project is not in a nonattainment or maintenance area, a formal conformity determination is not required. Since this project is in such proximity to the Smokey Mountains, some concern has been expressed in regards to regional haze effects and traffic simulation modelling has been suggested; however this agency is not requiring any specific actions above what would be included in the standard Environmental Assessment, as pursuant to the NEPA process.

We appreciate the chance to comment on this, and we would also appreciate the chance to review the completed Environmental Assessment when it is available.

If you have any questions or comments, please feel free to call me at (615) 532-0554.

Sincerely

A handwritten signature in black ink is located below the word "Sincerely". The signature is stylized and appears to read "John W. Walton".

John W. Walton, P.E.  
Director  
Division of Air Pollution Control

cc: Dodd Galbreath



United States  
Department of  
Agriculture

Natural  
Resources  
Conservation  
Service

Tennessee State Office  
675 US Courthouse  
801 Broadway  
Nashville, TN 37203

August 4, 1998

Charles E. Bush  
Transportation Manager II  
Department of Transportation  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243-0334



Dear Mr. Bush:

Attached is the completed Farmland Conversion Impact Rating for the improvement of State Route 73 in Cocke County and the northern connector route from State Route 67 to State Route 37 in Carter County.

If you have any additional questions please contact me.

A handwritten signature in cursive script, appearing to read "J.W. Ford".  
JAMES W. FORD  
State Conservationist

Enclosure

U.S. Department of Agriculture

# FARMLAND CONVERSION IMPACT RATING

<b>PART I (To be completed by Federal Agency)</b>		Date Of Land Evaluation Request <b>July 98</b>	
Name Of Project	<b>State Route 32</b>	Federal Agency Involved	<b>Federal Highway Administration</b>
Proposed Land Use	<b>Highway Right-of-Way</b>	County And State	<b>Cocke County</b>
<b>PART II (To be completed by SCS)</b>		Date Request Received By SCS	

Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply — do not complete additional parts of this form).		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %			Amount Of Farmland As Defined in FPPA Acres: %	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System			Date Land Evaluation Returned By SCS	

<b>PART III (To be completed by Federal Agency)</b>	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	<b>26</b>			
B. Total Acres To Be Converted Indirectly	<b>10</b>			
C. Total Acres In Site	<b>36</b>			

<b>PART IV (To be completed by SCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland	<b>24</b>			
B. Total Acres Statewide And Local Important Farmland	<b>—</b>			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	<b>24</b>			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	<b>24</b>			

<b>PART V (To be completed by SCS) Land Evaluation Criterion</b>	<b>100</b>			
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)				

<b>PART VI (To be completed by Federal Agency)</b>		Maximum Points			
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))					
1. Area In Nonurban Use		<b>6</b>			
2. Perimeter In Nonurban Use		<b>6</b>			
3. Percent Of Site Being Farmed		<b>5</b>			
4. Protection Provided By State And Local Government		<b>0</b>			
5. Distance From Urban Builtup Area		<b>0</b>			
6. Distance To Urban Support Services		<b>0</b>			
7. Size Of Present Farm Unit Compared To Average		<b>8</b>			
8. Creation Of Nonfarmable Farmland		<b>0</b>			
9. Availability Of Farm Support Services		<b>5</b>			
10. On-Farm Investments		<b>10</b>			
11. Effects Of Conversion On Farm Support Services		<b>0</b>			
12. Compatibility With Existing Agricultural Use		<b>0</b>			
<b>TOTAL SITE ASSESSMENT POINTS</b>	<b>160</b>	<b>40</b>			

<b>PART VII (To be completed by Federal Agency)</b>				
Relative Value Of Farmland (From Part V)	100	<b>100</b>		
Total Site Assessment (From Part VI above or a local site assessment)	160	<b>140</b>		
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>			

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>
Reason For Selection:		



# United States Department of the Interior

## OFFICE OF SURFACE MINING

Reclamation and Enforcement

530 Gay St., S.W., Suite 500

Knoxville, TN 37902

JUL 15 1998

Mr. Charles E. Bush, Transportation Manager II  
Environmental Planning Office  
Tennessee Department of Transportation  
James K. Polk Building, Suite 900  
505 Deaderick Street  
Nashville, Tennessee 37243-0334

Subject: Proposed State Route 32, From State Route 73 in Cosby to Wilton Springs Road  
in Cocke County, Tennessee

Dear Mr. Bush:

In response to your request dated July 7, 1998, the Knoxville Field Office reviewed the map and summary of basic data for the subject proposed highway improvement. The proposed highway improvement is not within the Tennessee coalfields; therefore, it will not have any effect on programs being planned or executed by the Office of Surface Mining.

We appreciate having an opportunity to comment on this proposal.

Sincerely,

*Richard A. Man* (acting for)

Beverly Brock, Supervisor  
Technical Group



**DEPARTMENT OF THE ARMY**  
**NASHVILLE DISTRICT, CORPS OF ENGINEERS**  
**P. O. BOX 1070**  
**NASHVILLE, TENNESSEE 37202-1070**

November 16, 1998

IN REPLY REFER TO  
Regulatory Branch

SUBJECT: File No. 980019290; Proposed Improvements to State Route 32 from State Route 73 in Cosby to Wilton Springs Road, Cocke County, Tennessee

Tennessee Department of Transportation  
ATTN: Charles E. Bush  
Suite 900  
James K. Polk Building  
Nashville, Tennessee 37243-0334

Gentlemen:

This is in response to your recent letter requesting comments with respect to the potential environmental impacts which may occur as a result of the proposed project.

As stated in your project data summary sheet, there are a number of stream crossings for which a Department of the Army Permit may be required. These along with any wetland locations which may be impacted by the project should be submitted to us for our review prior to execution of construction contracts.

Thank you for the opportunity to comment on this matter. If you have any questions, you can contact me at the above address or call (615) 736-5181.

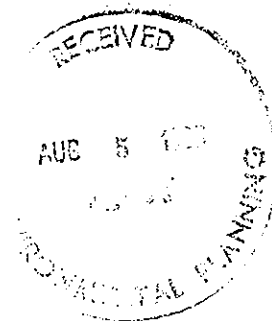
Sincerely,

*E. Ronald Green*

E. Ronald Green  
Project Manager  
Construction-Operation Division



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499  
July 29, 1998



Mr. Charles Bush  
Transportation Manager II  
Environmental Planning Office  
Department of Transportation  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243-0334

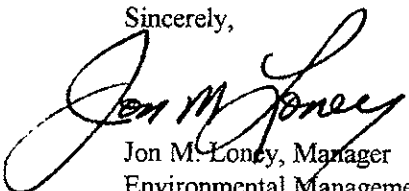
Dear Mr. Bush:

**PROPOSED IMPROVEMENT OF STATE ROUTE 32 (US 321) FROM STATE ROUTE 73 IN  
COSBY TO WILTON SPRINGS ROAD, COSBY CREEK AND TRIBUTARIES, COCKE  
COUNTY, TENNESSEE**

TVA has reviewed information provided in your letter of July 7, 1998, on proposed improvements to State Route 32. Approvals under Section 26a of the TVA Act would be required for the bridges or culverts associated with crossings of Greenbrier Creek, Cosby Creek, Rabbit Branch, Gray Branch, and other tributaries. There may also be some involvement with a TVA transmission line. If a Federal environmental document is to be prepared for this project, we request that Tennessee Department of Transportation and Federal Highway Administration include TVA as a cooperating agency in the National Environmental Policy Act review process. If it is determined that a Federal NEPA review is not to be conducted, please note that environmental information related to wetlands and mitigation, floodplains, National Historic Preservation Act compliance, Endangered Species Act compliance, and other environmental information would greatly facilitate TVA's eventual review and approval of the project.

Should you have any questions, please contact Harold M. Draper at (423) 632-6889 or [hmdraper@tva.gov](mailto:hmdraper@tva.gov).

Sincerely,



Jon M. Loney, Manager  
Environmental Management

cc: Mr. James E. Scapellato  
Federal Highway Administration  
249 Cumberland Bend Drive  
Nashville, Tennessee 37228



## **PUBLIC INVOLVEMENT PLANS**

## **2020 COORDINATION AND PUBLIC INVOLVEMENT PLAN**



Environmental Assessment for  
Proposed Improvements to  
State Route 32 (US-321)  
From State Route 73 at Cosby to North of Wilton Springs Road  
Cocke County, TN  
PIN #101422.00  
Project #15005-1234-04

## COORDINATION AND PUBLIC INVOLVEMENT PLAN

Federal Highway Administration (Tennessee Division)  
and  
Tennessee Department of Transportation

January 2020

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## 1.0 PURPOSE OF COORDINATION AND PUBLIC INVOLVEMENT PLAN

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU), requires that the lead agencies establish a plan for coordinating public and agency participation and comment during the environmental review process. This requirement has been continued through the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act (Public Law 112-141, July 6, 2012) and the Fixing America's Surface Transportation (FAST) Act (Public Law 114-94, December 4, 2015). Since the Federal Highway Administration (FHWA) is expected to provide funding for this project, FHWA serves as the lead federal agency for the project. The Tennessee Department of Transportation (TDOT), as the direct recipient of federal funds for the project, is the joint lead agency.

In addition to the federal requirements of SAFETEA-LU, MAP-21, and the FAST Act, TDOT must meet the requirements of its *Public Involvement Plan: Statewide Transportation Public Participation Guide*. The SR-32 project is classified as a TDOT Level 3 project. The Level 3 classification encompasses projects that require completion of an Environmental Assessment (EA). A Level 3 classification requires the development of a project-specific Public Involvement Plan (PIP) that outlines specific activities to be carried out during the planning process.

An initial Coordination Plan<sup>1</sup> was prepared for the State Route (SR) 32 (US-321) project (hereafter SR-32) and distributed to agencies in August 2012. A PIP was developed for the project in 2010 and revised in April 2012. Since the Coordination Plan and the PIP contain similar information, TDOT has combined the two documents into one document that meets the requirements for both.

This Coordination and Public Involvement Plan is intended to define the process by which TDOT will communicate information about the SR-32 Environmental Assessment (EA) to the lead, cooperating, participating and other agencies, and to the public. The plan also identifies how input from agencies and the public will be solicited and considered. This Coordination and Public Involvement Plan supersedes the August 2012 Coordination Plan and the April 2012 PIP. It does document the coordination that has already occurred, discusses coordination planned through the remainder of the EA process, and provides a current schedule for the major project milestones. This Coordination and Public Involvement Plan will continue to be updated periodically to reflect any changes to the project schedule and other items that typically require updating over the course of the project.

### 1.1 Study Area

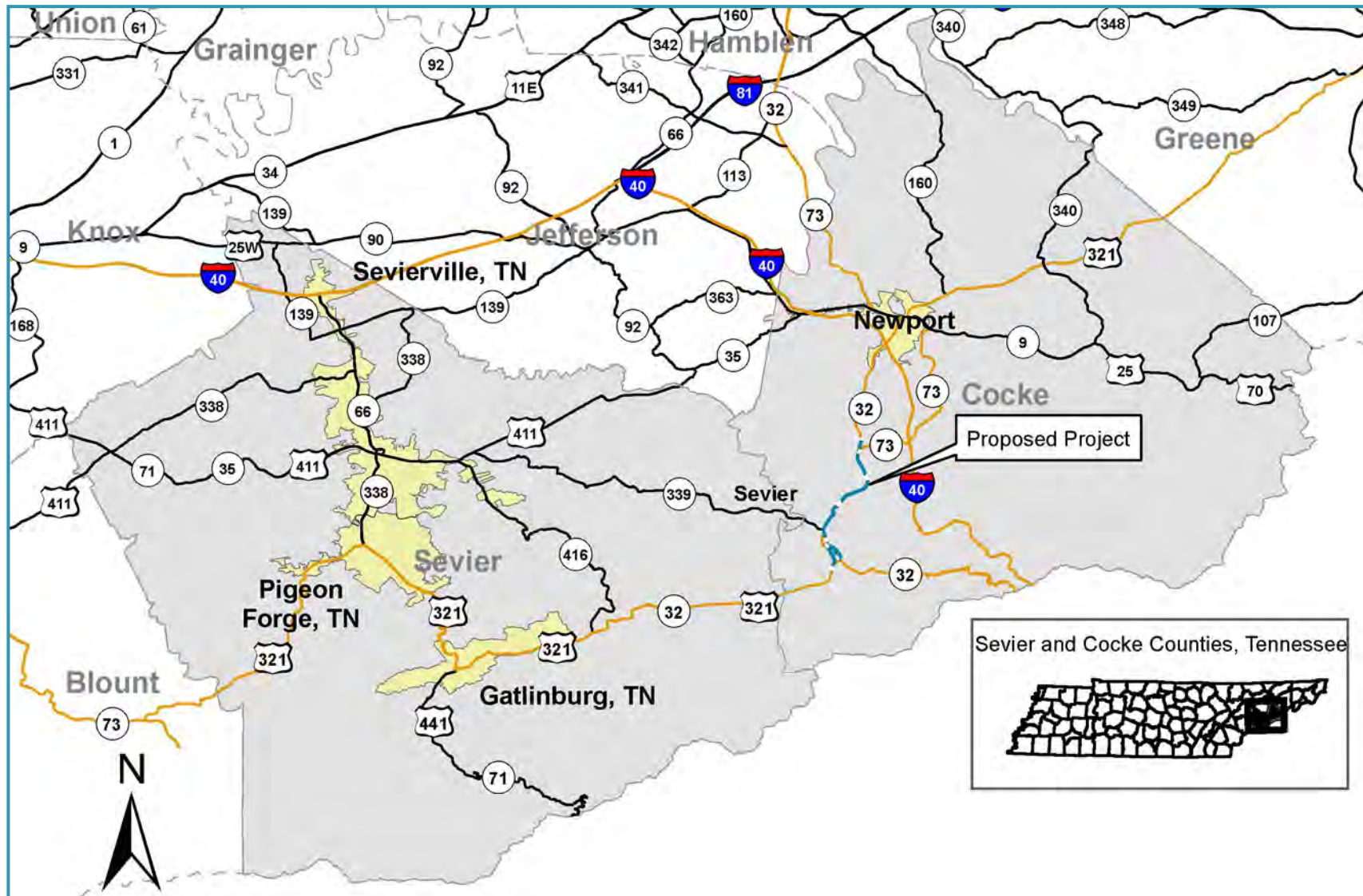
The project area encompasses the community of Cosby, Tennessee, which is located approximately 15 miles southwest of Newport, Tennessee, the county seat of Cocke County. SR-32 is a north/south corridor that runs parallel to Interstate 40 (I-40). The project area connects to Newport via US-321 and Sevier County via SR-73. The regional context of the project is illustrated in **Figure 1**.

The project corridor is located near the Great Smokey Mountain National Park (GSMNP). The GSMNP had over 11 million recreational visits in 2017, which is the highest visitation of any of the 58 national parks. The SR-32 corridor provides access to the park and tourist attractions in the area.

---

<sup>1</sup> While Section 6002 applies only to projects for which an Environmental Impact Statement (EIS) is prepared, it is TDOT's policy to also prepare a Coordination Plan for projects for which an EA is prepared.

Figure 1 Regional Location Map





As growth is expected to continue in the region, it is anticipated that an increased number of tourists would utilize the SR-32 corridor as a gateway route to the park entrance.

The Foothills Parkway, a scenic parkway that is under the National Park Service (NPS) jurisdiction, connects to existing SR-32 near the southern end of the project corridor. Widening of SR-32 would encroach onto the NPS property. Encroachment onto the NPS property would be a transportation use of land protected under Section 4(f) (49 USC 303 and 23 USC 138) and would require a Section 4(f) Evaluation or Section 4(f) De Minimis Determination. The Cherokee National Forest, under jurisdiction of the US Forest Service (USFS), is located near the SR-32 corridor, but no encroachment is anticipated.

Land use in the project corridor consists of predominantly residential and commercial land uses including a mix of restaurants, tourist attractions, retail establishments, and cabin rentals which are interspersed along the entire project corridor. Many of these businesses take advantage of both local and tourist traffic traveling to and from the GSMNP. Institutional land uses are also found in the area. Two public schools, Cosby Elementary School and Cosby High School, which are co-located on the same property, are located along the project corridor approximately 2.4 miles south of Wilton Springs Road. The Smoky Mountain Elementary school is located just south of the SR-73/SR-32 intersection at the project beginning in Cosby.

## 2.0 PROJECT DESCRIPTION

TDOT, in cooperation with FHWA, is proposing to improve SR-32 from SR-73 to the existing four-lane divided section of SR-32 north of Wilton Springs Road in Cocke County, Tennessee. The total project length is approximately 7.1 miles.

### 2.1 Project Background

In 1987, a TDOT Advanced Planning Report (APR) outlined proposed improvements to the SR-32 corridor from SR-73 (also called Hooper Highway) at Cosby to I-40 at Newport (Exit 435). In the late 1980s, TDOT acquired right-of-way (ROW) for a four-lane facility for a section of the project identified in the APR from Wilton Springs Road (also designated as SR-73) to I-40 at Newport (Exit 435) and constructed the two-lane improvements, with plans to construct the additional two-lanes at a later date. The constructed improvements included a five-lane section from just north of Epley Road to I-40 (a distance of about 0.5 miles).

In 2010, a Categorical Exclusion (CE) was approved for the construction of the additional two lanes from Wilton Springs Road to the five-lane section just north of Epley Road. Construction of that section, except for the bridge over Cosby Creek just north of the SR-32/Wilton Springs Road intersection, has since been completed. TDOT is currently proposing improvements to the remaining section of SR-32, from SR-73 at Cosby to the existing four-lane divided section of SR-32 north of Wilton Springs Road, which includes the bridge over Cosby Creek adjacent to the SR-32/Wilton Springs Road intersection. The different sections of the proposed SR-32 corridor from SR-73 at Cosby to I-40 at Newport (Exit 435) discussed above are shown on Figure 2.

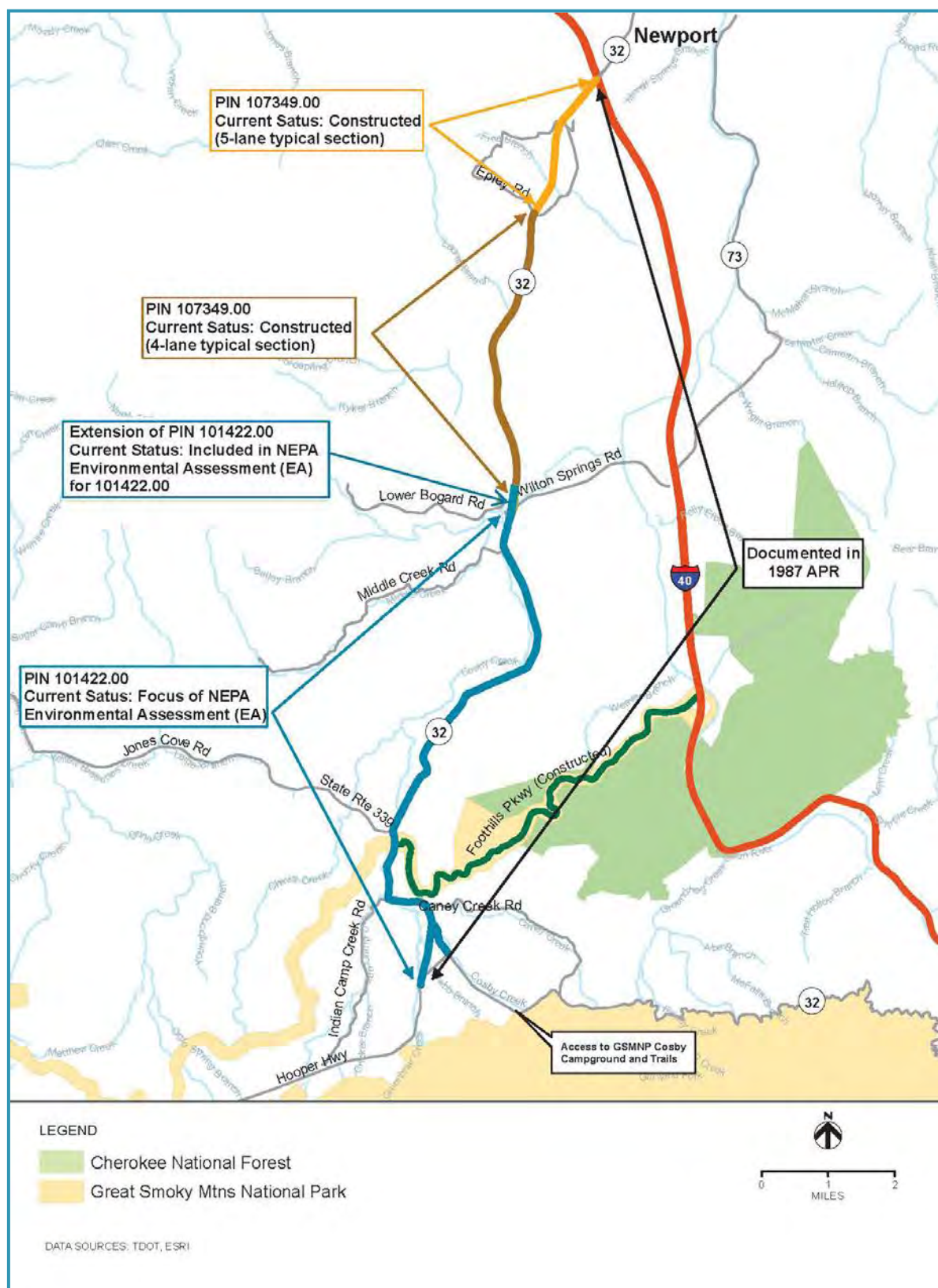
### 2.2 Project Purpose and Need

The needs of the proposed project are:

- *Insufficient connectivity/access to tourist areas*

In addition to serving local traffic in the Newport/Cosby area, SR-32 (US-321) serves as a regional facility, providing access to Pigeon Forge, Gatlinburg, the GSMNP, and other visitor attractions in the region. The main entrance to the GSMNP is located approximately 20 miles west of Cosby, Tennessee.

Figure 2 TDOT Programmed Projects-SR-32



The GSMNP has the highest visitation of any of the US national parks and has experienced record numbers of visitors every year since 2015, with 2019 on track to break another record. The number of annual visitors has grown from 9.35 million in 2013 to 11.42 million in 2018, an increase of a little more than 22 percent.

The SR-32 (US-321) corridor is actively promoted by the Gatlinburg and Pigeon Forge Convention and Visitors Bureau and various private recreational facilities as an alternative route to avoid congestion when traveling to these popular tourist destinations, particularly during the summer and fall seasons, Fourth of July, Thanksgiving, Christmas, and during major events. An example of this is the July 1, 2015 press release by the Gatlinburg Convention and Visitors Bureau entitled *The Many Roads to Gatlinburg: Alternative Routes for Busy Holiday Weekend* which suggests alternative routes for the July 4<sup>th</sup> weekend, one of the busiest weekends of the year in Sevier County. For travelers coming from Virginia, Kentucky, and Asheville, North Carolina, the press release recommends taking SR-32 (US-321) from either Exit 435 (US-321/TN-32) or Exit 443 (Foothills Parkway) and following it into Gatlinburg for a more scenic and enjoyable holiday commute. Some of the other publications also recommend taking SR-32 (US-321) from Exit 440 (Wilton Springs Road).

In addition to being promoted as a way to avoid congestion during peak travel seasons, the SR-32 (US-321) corridor is promoted as a scenic route to these popular tourist destinations.

- **Existing roadway deficiencies**

The SR-32 corridor accommodates many different types of motorists. The unique characteristics of the area attract both out-of-town tourists, unfamiliar with the area, and local residents who travel the corridor daily. Based on 2018 traffic data, the average annual daily traffic (AADT) for the base year (2020) and for the design year (2040) were determined to be 6,790 and 8,140, respectively.

Sections of the existing SR-32 roadway do not meet current minimum roadway design standards. Issues relating to sight distance, horizontal alignment, and vertical alignment are all present along the SR-32 corridor. The lack of shoulders and turn lanes presents a potential safety concern for vehicles turning or seeking refuge in an emergency situation.

Larger vehicles, including buses and recreational motor vehicles, lack additional pavement area to make turns. An example of this occurs at the SR-32 intersection with the Foothills Parkway, a popular recreational destination. SR-32 intersects the Foothills Parkway at a T-intersection that currently lacks turn lanes for vehicles accessing the parkway.

A combination of the roadway deficiencies, the mix of traffic that includes large recreational vehicles, and the lack of adequate passing opportunities currently impacts the operational efficiency of the roadway.

- **Existing operational deficiencies**

Average travel speeds along SR-32 within the project limits are substantially below the posted speed limits of 45 miles per hour (mph). The roadway is used by farm and recreational vehicles and, given the curvy nature of the roadway and poor sight distances, there is a lack of opportunity to pass these vehicles. With minimal to no shoulders, there is no place for them to pull over to allow other vehicles to pass. In addition, a number of curves have posted speed limits of 25 or 35 mph, further slowing down traffic.

- **High Crash Rate**

A review of crash data was performed for SR-32 within the study area (SR-73 to Wilton Springs Road) to determine if there are any sections or locations along the highway with a history of safety issues. Between April 30, 2015 and April 30, 2018, there were a total of 139 crashes within the project limits. These crashes included one fatal crash, and 41 reported person injury crashes, which resulted in one fatality and 88 injuries. Of the 139 crashes, 20 percent were intersection-related. Rear end crashes (35 percent) and crashes involving only a single vehicle (29 percent) made up the majority of the types of crashes. The actual crash rate (A)/Critical Rate (C) ratio is 1.24, which is greater than 1.0 and indicates a safety concern for SR-32 within the project limits.

- **Improve SR-32 consistent with the legislative intent of the “Improving Manufacturing, Public Roads, and Opportunities for a Vibrant Economy” (IMPROVE) Act signed into law July 1, 2017**

One of the main goals of the IMPROVE Act is “providing a safe, reliable, and debt-free transportation network...to ensure the next generation of Tennesseans will have a robust transportation system” (Governor Haslam, 2018). The SR-32 project has been identified as an IMPROVE Act project and would meet the legislative intent of the IMPROVE Act by improving an important infrastructure facility in Cocke County.

- **Support economic development opportunities**

On January 23, 2019 Governor Bill Lee, concerned that despite the fact that “Tennessee’s economic growth and prosperity has reached historic levels, 15 of Tennessee’s rural counties qualify as economically distressed based upon an annual index of unemployment, income, and poverty,” issued Executive Order (EO) No. 1: *An Order Requiring A Statement Of Rural Impact And Recommendations For Better Serving Rural Tennesseans From All Executive Branch Departments*. In an interview on 01/23/2019 in *The Tennessean*, Governor Lee stated that the order is a first step by his administration to move forward with plans to spur improvements in 15 rural distressed counties in Tennessee and that his administration “will place a high emphasis on the development and success of our rural areas...” and that “rural areas will be prioritized across all departments...”

Economically distressed counties are identified by the Appalachian Regional Commission (ARC). Each year, ARC prepares an index of county economic status for every county in the United States. Economic status designations are identified through a composite measure of each county’s three-year average unemployment rate, per capita market income, and poverty rate.

Based on these indicators, each county is then categorized as distressed, at-risk, transitional, competitive or attainment. Distressed counties rank among the 10 percent most economically distressed counties in the nation. Cocke County has been identified by ARC as a distressed county. The poverty rate (2013 to 2017) was 25.0 percent, which was 171.4 percent of the US average for the same time period.

The purpose of the project has been identified as the following:

- **Improve connections/access to high tourism areas within the region**

Improvements to SR-32 (US-321) would facilitate an efficient connection for local traffic traveling within the Cosby/Newport area and provide a reliable, efficient route for people traveling to Pigeon Forge, Gatlinburg, the GSMNP, and other visitor attractions in the area, particularly as popular tourist routes in the area experience increasing congestion.

- **Improve roadway to meet current design standards**

Improvements to SR-32 (US-321) would correct sight distance, horizontal and vertical deficiencies and the lack of shoulders.

- *Improve traffic operational efficiency*  
In order to improve traffic operational efficiency, the project must correct existing operational deficiencies, such as the inability of traffic to reach and/or maintain the posted speed limit of 45 mph.
- *Reduce crashes*  
As mentioned previously, an analysis of the crash data indicates a potential safety concern along SR-32 within the project limits. Improvements to SR-32 would achieve a minimum 20 percent overall reduction in crashes.
- *Meet the intent of the “Improving Manufacturing, Public Roads, and Opportunities for a Vibrant Economy” (IMPROVE) Act legislation*  
The proposed project would meet the legislative intent of the IMPROVE Act by improving an important infrastructure facility in Cocke County.
- *Enhance economic development opportunities*  
The proposed project could support economic development anticipated in the project corridor. An economic study is currently under development to document current economic conditions and anticipated future economic conditions within the project area. A plan has been developed for a Cosby Festival and Event Site on SR-32 just north of the SR-73 (Hooper Highway)/SR-32 intersection. Plans for the site were presented at the East Tennessee Foundation board meeting in July 2018. The foundation is currently in a capital campaign to develop the property as a community center/visitor center with a festival/event area. It is anticipated that the center could attract visitors to the area, particularly those visiting the Foothills Parkway and the GSMNP.

Additionally, TDOT has had several discussions with the Cocke County Partnership concerning potential developments in the project area. The Cocke County Partnership consists of the Newport/Cocke County Economic Development Commission, the Newport/Cocke County Chamber of Commerce, and the Newport/Cocke County Tourism Council. In a discussion on 11/28/2018, the president of the Cocke County Partnership discussed two potential developments near the project area that would encompass approximately 5,700 acres and would be recreational/tourist based in nature. The developments would use SR-339, SR-32 and I-40 Exit 440 as access points. The Cocke County Partnership also mentioned a cabin rental project that was under development on SR-73 that would have direct access from SR-32.

## 2.3 Potential Build Alternatives

The National Environmental Policy Act (NEPA) studies for the SR-32 project from SR-73 at Cosby to Wilton Springs Road were initiated in 1998. Since that time, three potential build alternatives have been developed for the project (Figure 3):

- Western Alternative
- Eastern Alternative
- Alternative Following Existing SR-32



### 2.3.1 Potential Build Alternatives

#### Western Alternative

The Western Alternative would begin on SR-73 just south of Stonebrook Drive and continue north on new location west of Stonebrook Drive for approximately 1.4 miles before crossing existing SR-32. After crossing existing SR-32, the alternative continues north on new location to just north of SR-339 (Jones Cove Road), where it then follows the existing SR-32 alignment, except where it straightens out several curves, to north of Middle Creek Road where it again travels on new location to align with existing SR-32 at the SR-32/Wilton Springs Road intersection. The alternative continues through the intersection to connect with the existing four-lane divided section of SR-32 north of the bridge over Cosby Creek. The replacement of the bridge was initially identified as a separate IMPROVE Act project but has since been combined with the SR-32 project.

The Western Alternative would result in the realignment of the entrance to the Foothills Parkway. Coordination with the NPS has been on-going. The NPS has reviewed the current plans for the realigned entrance and has found them acceptable, with appropriate mitigation.

#### Eastern Alternative

The Eastern Alternative would begin just west of the SR-73/SR-32 intersection continuing through the intersection on new location, crossing Cosby Creek and then basically continuing in a northerly direction approximately 3,000 feet before crossing Caney Creek Road. After crossing Caney Creek Road, the Eastern Alternative continues northward on new location for a distance of approximately 2,500 feet before following the same alignment as the Western Alternative. Between Caney Creek Road and the point where it follows the same alignment as the Western Alternative, the Eastern Alternative crosses existing SR-32 and Cosby Creek twice.

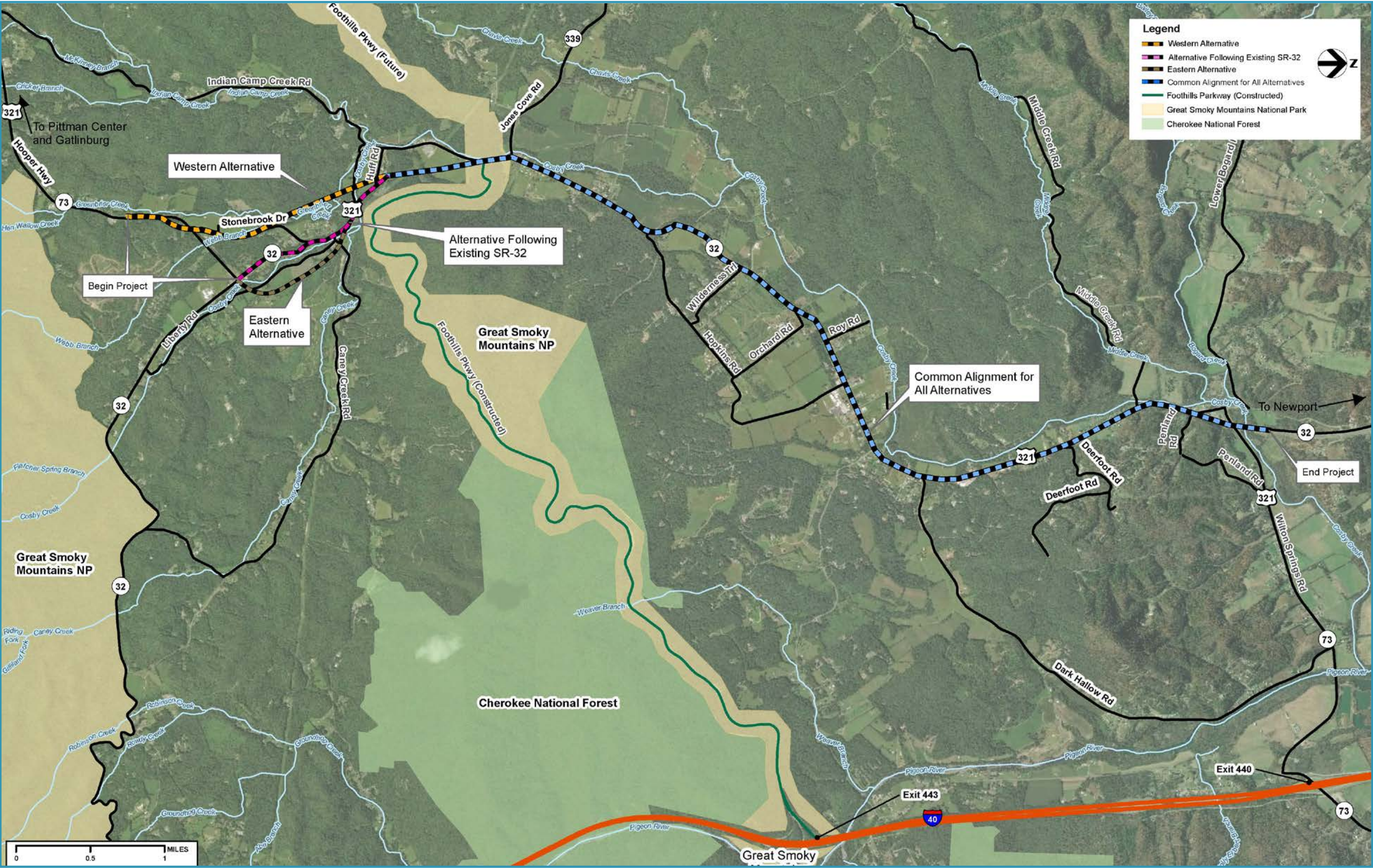
#### Alternative Following Existing SR-32

This alternative would begin just west of the SR-73/SR-32 intersection and reconfigure the existing intersection. Currently, vehicles accessing SR-32 from SR-73 have to stop at the intersection and turn left to go north on SR-32. The T-intersection would be reconfigured so that traffic travelling from SR-73 to SR-32 northbound, or from SR-32 to SR-73 southbound, would become the through traffic, and traffic travelling to or from SR-32 south of the original intersections would have a stop condition.

Just north of the reconfigured intersection, the Alternative Following Existing SR-32 would follow existing SR-32 to just north of Caney Creek Road where it would diverge slightly to straighten out the curve, cross existing SR-32 and Cosby Creek, and continue in a northwesterly direction on new location. Approximately 1,000 feet north of where it crosses existing SR-32, the Alternative Following Existing SR-32 would follow the same alignment as the Western Alternative.



Figure 3 Potential Build Alternatives (1998-2018)





### 2.3.2 Proposed Roadway Typical Sections

#### Western Alternative and Alternative Following Existing SR-32

Both of these potential alternatives are proposed to be constructed in two separate construction phases from the southern terminus to Penland Road. TDOT is proposing to acquire enough right-of-way for Phase 1 Construction (Interim Build) to accommodate the construction of Phase 2 (Full Build). Phased construction is not proposed for the section of these potential alternatives from Penland Road to the project terminus at the four-lane divided section of SR-32 north of Wilton Springs Road. The proposed typical sections for both potential alternatives for Phase 1 Construction (Interim Build) and Phase 2 Construction (Full Build) are described in **Table 1**. The proposed typical sections for Phase 2 Construction (Full Build) describe the completed typical section, which includes the improvements from Phase 1 Construction (Interim Build).

#### Eastern Alternative

This potential alternative is being recommended for removal from further consideration based on input received from regulatory agencies and the public, potential impacts to an Exceptional Tennessee Water (ETW) (Cosby Creek), and potential impacts to a greater number of archaeological sites that are considered potentially eligible for listing on the National Register of Historic Places (NRHP).

As a result, no construction phasing scenario has been developed for this alternative. The proposed typical sections for this alternative are described in **Table 2**.



Table 1 Proposed Typical Roadway Sections: Western Alternative and Alternative Following Existing SR-32

Alternative	Location	Phase 1 Construction (Interim Build)	Phase 2 Construction (Full Build)
Western Alternative	<ul style="list-style-type: none"> <li>SR-73 to North of Existing SR-32 (near Huff Road)</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>10-foot shoulders</li> <li>150-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	<ul style="list-style-type: none"> <li>Two 12-foot travel lanes in each direction</li> <li>12-foot two-way center turn lane</li> <li>12-foot shoulders</li> <li>150-foot minimum ROW (acquired in Phase 1)</li> </ul>
Alternative Following Existing SR-32	<ul style="list-style-type: none"> <li>SR-73 to South of Stonebrook Drive</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>12-foot two-way center turn lane</li> <li>8-foot shoulders</li> <li>104-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	<ul style="list-style-type: none"> <li>Two 12-foot travel lanes in each direction</li> <li>12-foot two-way center turn lane</li> <li>Curb and gutter</li> <li>104-foot minimum ROW (acquired in Phase 1)</li> </ul>
	<ul style="list-style-type: none"> <li>South of Stonebrook Drive to North of Caney Creek Road</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>12-foot two-way center turn lane</li> <li>8-foot shoulders</li> <li>Retaining wall on west side of road</li> <li>106 – 128-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	<ul style="list-style-type: none"> <li>Two 12-foot travel lanes in each direction</li> <li>12-foot two-way center turn lane</li> <li>Curb and gutter</li> <li>Retaining wall on west side of road</li> <li>106 – 128-foot minimum ROW (acquired in Phase 1)</li> </ul>
	<ul style="list-style-type: none"> <li>North of Caney Creek Road to North of Existing SR-32 (near Huff Road)</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>10-foot shoulders</li> <li>150-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	<ul style="list-style-type: none"> <li>Two 12-foot travel lanes in each direction</li> <li>12-foot two-way center turn lane</li> <li>12-foot shoulders</li> <li>150-foot minimum ROW (acquired in Phase 1)</li> </ul>

Table 1 Proposed Typical Roadway Sections: Western Alternative and Alternative Following Existing SR-32 (con't)

Alternative	Location	Phase 1 Construction (Interim Build)	Phase 2 Construction (Full Build)
Western Alternative and Alternative Following Existing SR-32	<ul style="list-style-type: none"> <li>North of Existing SR-32 (near Huff Road) to South of Foothills Parkway</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>One 12-foot passing lane</li> <li>8-foot shoulders</li> <li>150-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	<ul style="list-style-type: none"> <li>Two 12-foot travel lanes in each direction</li> <li>12-foot two-way center turn lane</li> <li>12-foot shoulders</li> <li>150-foot minimum ROW (acquired in Phase 1)</li> </ul>
	<ul style="list-style-type: none"> <li>South of Foothills Parkway to SR-339</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>12-foot two-way center turn lane</li> <li>8-foot shoulders</li> <li>150-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	
	<ul style="list-style-type: none"> <li>SR-339 to North of Hopkins Road</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>10-foot shoulders</li> <li>150-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	
	<ul style="list-style-type: none"> <li>North of Hopkins Road South to Wilderness Trail</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>One 12-foot passing lane</li> <li>8-foot shoulders</li> <li>150-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	
	<ul style="list-style-type: none"> <li>Wilderness Trail to Roy Road</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>10-foot shoulders</li> <li>150-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	
	<ul style="list-style-type: none"> <li>Roy Road to Penland Road</li> </ul>	<ul style="list-style-type: none"> <li>One 12-foot travel lane in each direction</li> <li>12-foot two-way center turn lane</li> <li>8-foot shoulders</li> <li>104-foot minimum ROW (to accommodate Phase 2 Construction)</li> </ul>	<ul style="list-style-type: none"> <li>Two 12-foot travel lanes in each direction</li> <li>12-foot two-way center turn lane</li> <li>5-foot sidewalks on both sides of the roadway</li> <li>Curb and gutter</li> <li>104-foot minimum ROW (acquired in Phase 1)</li> </ul>
	<ul style="list-style-type: none"> <li>Penland Road to North of Wilton Springs Road</li> </ul>	<ul style="list-style-type: none"> <li>No phased construction proposed for this section</li> <li>Two 12-foot travel lanes in each direction</li> <li>12-foot two-way center turn lane</li> <li>12-foot shoulders</li> <li>150-foot minimum ROW</li> </ul>	

Table 2 Proposed Typical Roadway Sections: Eastern Alternative

Alternative	Location	Typical Section
Eastern Alternative	<ul style="list-style-type: none"> <li>Approximately 1,050 feet south of the SR-73/SR-32 intersection to approximately 1,050 feet north of the SR-73/SR-32 intersection</li> </ul>	<ul style="list-style-type: none"> <li>Two 12-foot travel lanes in each direction</li> <li>12-foot two-way center turn lane</li> <li>10-foot shoulders</li> <li>5-foot sidewalks on both sides of the roadway</li> <li>Curb and gutter</li> <li>104-foot minimum ROW</li> </ul>
	<ul style="list-style-type: none"> <li>Approximately 1,050 feet north of the SR-73/SR-32 intersection to Roy Road</li> </ul>	<ul style="list-style-type: none"> <li>Two 12-foot travel lanes in each direction</li> <li>48-foot depressed median</li> <li>6-foot inside shoulders</li> <li>12-foot outside shoulders</li> <li>300-foot ROW</li> </ul>
	<ul style="list-style-type: none"> <li>Roy Road to Wilton Springs Road</li> </ul>	<ul style="list-style-type: none"> <li>Two 12-foot travel lanes in each direction</li> <li>12-foot two-way center turn lane</li> <li>10-foot shoulders</li> <li>5-foot sidewalks on both sides of the roadway</li> <li>Curb and gutter</li> <li>104-foot minimum ROW</li> </ul>

## 2.4 No-Build Alternative

The No-Build Alternative would not improve SR-32 and serves as a baseline against which to compare other build alternatives against. However, the No-Build Alternative would include projects in the study area that are identified in the Statewide Transportation Improvement Program (STIP). Currently, no projects located near the project area are included in the 2017-2020 STIP.

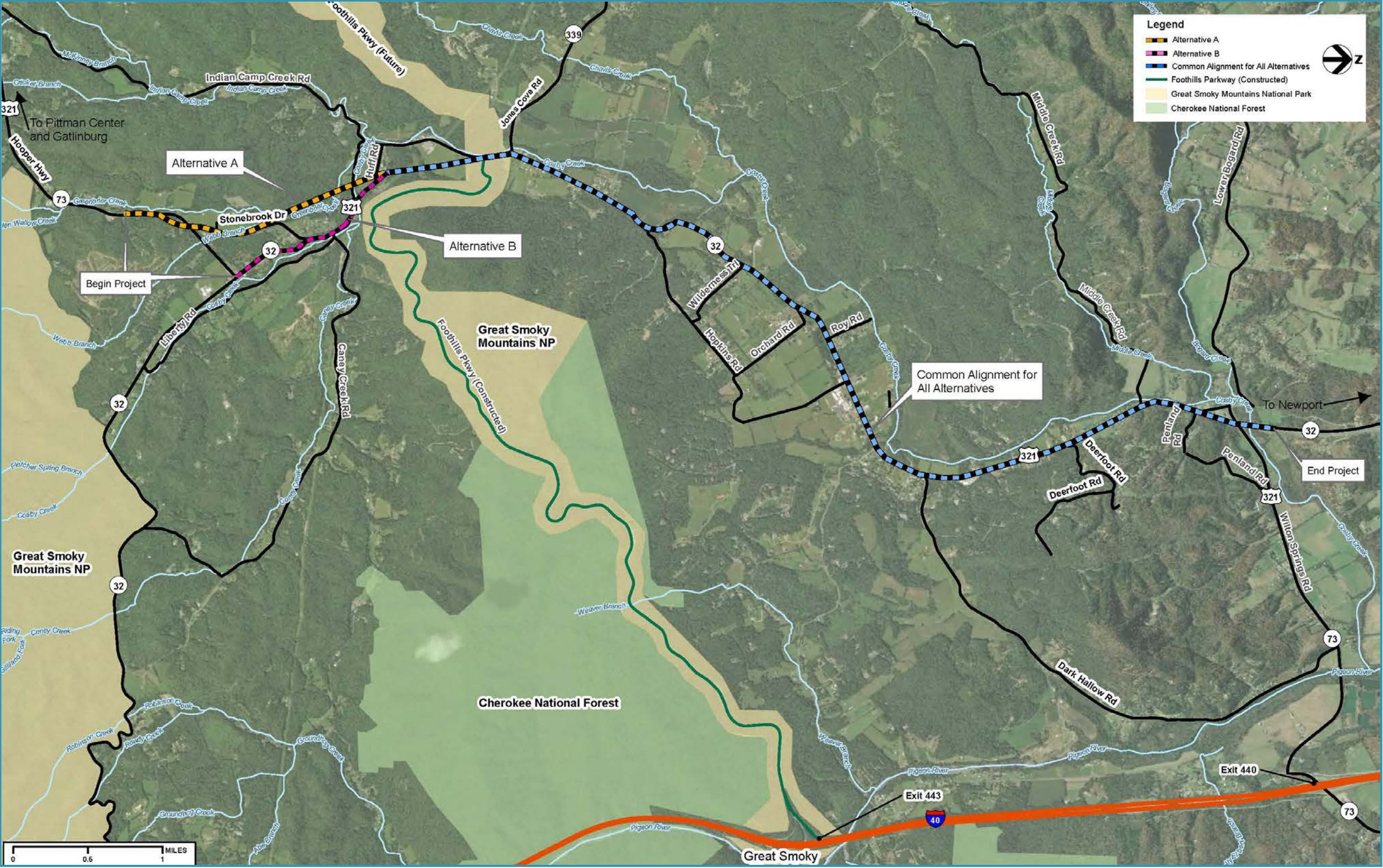
## 2.5 Alternatives Proposed To Be Carried Forward Into The EA

TDOT proposes to carry forward two proposed Build Alternatives for detailed study in the EA: the Western Alternative (hereafter Alternative A) and the Alternative Following Existing SR-32 (hereafter Alternative B) (Figure 4). The No-Build Alternative will also be carried forward, primarily as a baseline against which to compare the two proposed build alternatives.

TDOT proposes to remove the Eastern Alternative from consideration for detailed study in the EA. This decision has been based on the impacts associated with the social and natural environment. The proposed removal of the Eastern Alternative from further consideration is based on input received from the Tennessee Environmental Streamlining Agreement (TESA) agencies and the public, potential impacts to an ETW (Cosby Creek), and potential impacts to a greater number of archaeological sites that are considered potentially eligible for listing on the NRHP. The decision to remove the Eastern Alternative will be finalized at the close of the TESA Concurrence Point 2 (CP2) process (Expected Winter 2020) (see Section 5.3 for more information on the TESA process).



Figure 4 Proposed Build Alternatives to be Carried Forward Into EA





### 3.0 SUMMARY OF ENVIRONMENTAL CONCERNS

The information presented below is for informational purposes only and is preliminary in nature. Detailed environmental technical studies will be completed and presented in the EA.

#### Land Use and Displacements

Acquiring additional right-of-way on existing roadways or construction of a new road on new location may displace residences, but the project would be planned to minimize displacements. A Conceptual Stage Relocation Plan (CSRP) will be prepared and those relocated will be fully assisted through procedures provided in the *Federal Uniform Relocation Assistance and Land Acquisition Policies Act of 1970*, as amended, and the *Tennessee Uniform Relocation Assistance Act of 1972*.

#### Social and Economic Factors

This project will be developed consistent with *Executive Order 12898, Environmental Justice*, which requires federal agencies to develop a strategy for its programs, policies and activities to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment.

#### Air Quality

Cocke County is in an area that has been designated as in attainment for all criteria pollutants.

#### Noise

Noise studies will be conducted and the results of these studies will be analyzed to determine the impact of the project on noise sensitive receptors.

#### Cultural Resources

Architectural and historic resources in the SR-32 project area will be investigated. Potentially historic properties or districts will be investigated for registration or eligibility in the NRHP.

Phase I Archaeological Surveys will be conducted within the project area. Any identified archaeological sites will be investigated for listing or eligibility for listing in the NHRP.

TDOT will consult with Tennessee State Historic Preservation Office and Native American Tribes as required.

#### Ecological Impacts

Detailed terrestrial and aquatic studies will be conducted to ascertain the project's impact on ecological resources. The ecological studies will identify streams, wet weather conveyances, springs, seeps and farm ponds in the study area. The determination as to whether these waters are designated as State and/or of the U.S. waters will be confirmed by the Tennessee Department of Environment and Conservation (TDEC) and the U.S. Army Corps of Engineers (USACE).

Wetlands will be identified during the field reconnaissance. The total wetland impact of the proposed project will be determined. In an effort to minimize sedimentation and runoff impacts, erosion and sediment control plans will be included in the project construction plans. TDOT will implement its *Standard Specifications for Road and Bridge Construction*, which includes erosion and sediment control standards for use during construction. The State of Tennessee sets water quality criteria for waters of the State; these standards must be met during the construction of the highway improvement.

Information will be sought from TDEC, US Fish and Wildlife Service (USFWS) and the Tennessee Wildlife Resources Agency (TWRA) regarding whether federally or state listed plants or animals are known to occur within the project area.

### Floodplains

The construction of the project could require the crossing of streams in the area. The location and design of the project will consider impacts on the floodplains in the area and will be constructed in accordance with *Executive Order 11988, Floodplain Management*, and all local and federal regulations. The project will be designed and constructed to avoid and/or minimize harm to the environment. During design and construction, all applicable provisions of the Tennessee *Standard Specifications for Road and Bridge Construction* will be observed to minimize construction impacts.

### Farmland

The study area includes active agriculture lands and farms. In accordance with 7 CFR, Part 658 of the *National Farmland Protection Policy Act*, criteria will be applied to determine effects to farmland. This will be coordinated with the Natural Resources Conservation Agency (NRCS).

### Hazardous Materials

An environmental site assessment of the study area will be conducted to identify known or potential hazardous material sites. In the event that hazardous materials are encountered within the proposed right-of-way, their disposition shall be subject to the applicable sections of the *Federal Resource Conservation and Recovery Act (RCRA)*, as amended; and the *Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)*, as amended; and the *Tennessee Hazardous Waste Management Act of 1983*.

### Indirect and Cumulative Impacts

In addition to identifying the direct effects of the project alternatives, the environmental evaluation will consider the indirect impacts resulting from the project. These indirect effects would occur later in time or farther removed in distance; they may include growth-inducing effects or other effects related to changes in the pattern of land use, population density, or growth rate, and related effects on air, water, and ecosystems. The evaluation will also consider cumulative impacts on the study area's resources that would result from this project in combination with other past, present and reasonably foreseeable future actions by public and private entities.

### Construction Impacts

In order to minimize as many possible detrimental effects as is practicable, the construction contractor will be required to comply with all applicable rules and provisions of the Tennessee Department of Transportation's *Standard Specifications for Road and Bridge Construction*. These provisions implement the requirements of the Federal Highway Administration's *Federal-Aid Policy Guide: Chapter 1, Subchapter G, Part 650, Subpart B*.

## 4.0 PROJECT TEAM

The SR-32 project team consists of:

- TDOT
- FHWA
- Cooperating Agencies –NPS, Tennessee Valley Authority (TVA), and the USACE have been invited to be Cooperating Agencies for this project
- Staff of the HDR project team - the engineering/planning consultant firm responsible for preparing the environmental document

Table 3 lists the project contacts.

**Table 3 Project Contacts**

NAME	ROLE	ADDRESS	TELEPHONE/EMAIL
Erick Hunt-Hawkins	TDOT Project Manager	TDOT, Environmental Division 505 Deaderick Street Suite 900 J.K. Polk Building Nashville, TN 37243	615-253-5163 Erick.Hunt-Hawkins@tn.gov
Valerie Birch, AICP	Consultant Project Manager	HDR Engineering, Inc. 750 Old Hickory Blvd., Building 1, Suite 200 Brentwood, TN 37027	629-228-7516 Valerie.Birch@hdrinc.com

## 5.0 AGENCY COORDINATION

A description of the types of agency participation is presented below.

### Lead Agencies

Since FHWA funds are being utilized for this project, FHWA serves as the lead federal agency for the project. TDOT, as the direct recipient of Federal funds for the project, is the joint lead agency.

### Cooperating Agencies and Participating Agencies

The Cooperating and Participating Agencies for this project have roles and responsibilities that include, but are not limited to:

- Participating in the NEPA process at the earliest possible time, especially with regard to the development of the purpose and need statement, range of alternatives, and methodologies;
- Identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. Participating agencies are also allowed to participate in the issue resolution process; and
- Providing meaningful and timely input on unresolved issues.

### Cooperating Agencies

FHWA's regulations (40 CFR 1501.6, and 23 CFR 771.111(d)) require that those federal agencies with jurisdiction by law (with permitting or land transfer authority) be invited to be Cooperating Agencies for an EIS or an EA. Federal agency with special expertise may be invited by the Lead Agency to become Cooperating Agencies. Because this project would involve NPS property in the vicinity of Foothills Parkway, the NPS was invited to be a Cooperating Agency for this project. Because this project has the potential to impact Cosby Creek, an ETW, and require a Section 404 permit and a Section 26 permit, the USACE and the TVA are also being invited to be Cooperating Agencies for this project. If new information reveals the need to request another agency to serve as a Cooperating Agency, TDOT will issue that agency an invitation.

### Participating Agencies

As per 23 CFR 771.107(h), Participating Agencies are federal, state, local, or federally-recognized Indian tribal governmental units that may have an interest in the project; have been formally invited to be Participating Agencies; and have accepted an invitation to be a Participating Agency, or in the case of a federal agency, have not declined the invitation in accordance with 23 USC 139(d)(3). The category of Participating Agency is more broadly defined than the definition of Cooperating Agency, so a Cooperating Agency is also considered a Participating Agency.

Although the roles and responsibilities of Cooperating and Participating Agencies are similar, Cooperating Agencies have a higher degree of authority, responsibility, and involvement in the environmental review process.

If, during the progress of the project, new information indicates that an agency not previously requested to be a Participating Agency has a relevant interest in the project, then TDOT, in consultation with FHWA, will promptly extend an invitation to that agency to be a Participating Agency. TDOT and FHWA will consider whether this new information affects any previous decisions on the project.

### Non-Governmental Organizations (NGOs), Private Entities, and Local Officials

Non-governmental organizations (NGOs), private entities, and local officials cannot serve as Participating Agencies, but are part of public involvement. They are sent a Coordination Package requesting their input on the project.

## 5.1 Initial Coordination

The initial coordination/scoping process was initiated in order to obtain comments and input from agencies and the public to help determine potential environmental issues to be examined as part of the EA process.

When the project was first initiated in 1998, TDOT sent letters and information (project summary and project location map) to agencies, officials and organizations they believed would have an interest in the project. Input received during this process was used to help shape the project purpose and need and potential alternatives to be evaluated.

Due to the passage of time and provisions included in SAFETEA-LU (2005), TDOT prepared a Coordination Package which was distributed to approximately 51 agencies, officials, and organizations on August 8, 2012. The package included a transmittal letter, a Coordination Plan, a Project Data Summary, and a Project Location Map. The Project Data Summary identified the preliminary purpose and need for the project, potential alternatives to be considered, and examples of environmental concerns that would be considered throughout the course of the EA process. Where applicable, the transmittal letters for the coordination packages included invitations to be Cooperating or Participating Agencies for the project.

In consideration of the passage of time and changes to the proposed project, a Coordination and Public Involvement Plan, which combines and updates the previous Coordination Plan, PIP, and Project Data Summary has been prepared. This updated Coordination and Public Plan will be transmitted to Cooperating Agencies, Participating Agencies, NGOs and local officials and supercedes the 2012 Coordination Package. Agencies invited to be Cooperating Agencies for this project are shown in **Table 4**. Agencies invited to be Participating Agencies for this project are shown in **Table 5**. NGOs and local officials that have been sent a copy of the Coordination Package and asked for their input are shown in **Table 6**.

The Federal Emergency Management Agency (FEMA) and the US Geological Survey (USGS) Office of Environmental Affairs have requested not to be included as Participating Agencies for TDOT projects. A Coordination Package was distributed to these agencies asking for their input. TDOT's Division of Civil Rights was also sent a Coordination Package and asked for their input.

**Table 4 Cooperating Agencies**

- US Army Corps of Engineers, Nashville District
- Tennessee Valley Authority
- US Department of the Interior
  - National Park Service, Great Smoky Mountains National Park



**Table 5 Participating Agencies**

Federal Agencies	
<ul style="list-style-type: none"> <li>• US Army Corps of Engineers, Nashville District</li> <li>• Tennessee Valley Authority</li> <li>• US Department of the Interior <ul style="list-style-type: none"> <li>○ National Park Service, Great Smoky Mountains National Park</li> <li>○ National Park Service, Planning and Compliance Division</li> <li>○ US Fish and Wildlife Service</li> <li>○ Office of Environmental Policy and Compliance</li> <li>○ US Geologic Survey, Water Resources Division</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• US Department of Agriculture <ul style="list-style-type: none"> <li>○ Natural Resources Conservation Service</li> <li>○ Natural Resources Conservation Service, Water Resources Division</li> </ul> </li> <li>• US Environmental Protection Agency</li> </ul>
State Agencies	
<ul style="list-style-type: none"> <li>• Tennessee Department of Environment and Conservation <ul style="list-style-type: none"> <li>○ Division of Remediation</li> <li>○ Division of Air Pollution Control</li> <li>○ Division of Natural Areas</li> <li>○ Division of Solid Waste</li> <li>○ Division of Underground Storage Tanks</li> <li>○ Division of Water Resources</li> <li>○ Tennessee Geologic Survey</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Tennessee Wildlife Resources Agency</li> <li>• Tennessee Historical Commission</li> <li>• Tennessee Department of Agriculture</li> <li>• Tennessee Department of Education</li> <li>• Tennessee Department of Economic and Community Development</li> <li>• East Tennessee South Rural Planning Organization</li> </ul>

**Table 6 NGOs and Local Officials Sent a Coordination Package**

<ul style="list-style-type: none"> <li>• Cocke County Highway Department</li> <li>• Cocke County Mayor's Office</li> <li>• Cocke County Partnership</li> <li>• East Tennessee Development District</li> <li>• Tennessee Trails Association</li> </ul>	<ul style="list-style-type: none"> <li>• Sierra Club</li> <li>• The Nature Conservancy</li> <li>• Tennessee Wildlife Federation</li> <li>• Tennessee Environmental Council</li> </ul>
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If new information reveals the need to request another agency or organization to serve as a consulting party, TDOT will issue that agency an invitation.

## 5.2 Section 106 Coordination

Section 106 of the National Historic Preservation Act requires the federal agency or its designee (in this case TDOT) to identify the appropriate parties that need to be involved in the process of identifying effects of a proposed project to historic resources and working through the process with such parties. This "involvement" is referred to as "consultation."

As part of the Section 106 requirements, TDOT is consulting with parties that have interests in archaeological issues. On April 4, 2019, eight Native American Tribes were invited to request status as a

Section 106 consulting party. As of May 22, 2019, no responses to the request had been received. This consultation is an update of previous consultation that occurred in March 2010 and July 2013.

The Native American Tribes that were identified to have interests within Cocke County are:

- The Cherokee Nation
- Eastern Band of Cherokee Indians
- Eastern Shawnee Tribe of Oklahoma
- Muscogee (Creek) Nation
- Shawnee Tribe
- United Keetoowah Band of Cherokee Indians
- Thlopthlocco Tribal Town
- Absentee Shawnee Tribe

### 5.3 Tennessee Environmental Streamlining Agreement

TDOT has developed TESA to establish a coordinated planning and project development process for transportation projects in Tennessee in order to ensure agency, Metropolitan Planning Organization (MPO), and Rural Planning Organization (RPO)<sup>2</sup> participation and involvement early and throughout the project development process. The following agencies are signatories to the overall TESA:

- Tennessee Department of Transportation
- Federal Highway Administration
- US Army Corps of Engineers-Nashville and Memphis Districts
- US Fish and Wildlife Service
- Tennessee Valley Authority
- Tennessee Department of Environment and Conservation
- Tennessee Wildlife Resource Agency

Conditional signatories have signed the overall TESA and agreed to participate in the TESA process under certain conditions and in a limited capacity. The following agencies are conditional signatories to the overall TESA:

- Tennessee State Historic Preservation Office
- US Department of Homeland Security (DHS), US Coast Guard For this project, the East Tennessee RPO and the NPS have been invited to participate in the TESA process.

TESA establishes a single decision-making process to identify and address agency issues at four key points (referred to as concurrence points), during the planning and NEPA process:

- Purpose and Need and Study Area (Concurrence Point #1)
- Project Alternatives to be Evaluated in the Environmental Document (Concurrence Point #2)
- Preliminary Draft Environmental Document and Preliminary Mitigation (Concurrence Point #3)
- Draft Final Mitigation (Concurrence Point #4)

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<sup>2</sup> MPOs and RPOs are not signatories to the overall TESA but are invited to contribute to the TESA process when a project affects their jurisdiction. MPOs and RPOs may receive the concurrence packages at Concurrence Point 1 and Concurrence Point 2 (or combined Concurrence Point 1 and 2) and are requested to provide comments but do not receive concurrence packages at Concurrence Point 3 or Concurrence Point 4.

Under the TESA process, TESA agencies receive each of the four concurrence packages and are requested to provide comments, as well as concurrence or nonconcurrence, focused on their specific jurisdiction by law or special expertise.

The TESA concurrence points are described in the following sections.

#### Concurrence Point 1 (CP1) - Purpose and Need and Study Area

In August 2013, TDOT prepared and forwarded to the TESA agencies a Purpose and Need and Study Area package asking for concurrence. The CP1 package included a history of the project; project description; definition of the study area; purpose and need; a summary of public and agency input received to date; and a description of the screening criteria for assessing the alternatives. TESA agencies were given 45 days from receipt of the CP1 package to review and provide a response. A reminder was sent to the TESA agencies 15 days before the 45-day deadline. Due to a temporary government agency shut down during the review period, the original deadline was extended by 15 days to October 31, 2013. All of the TESA agencies concurred with CP1 for the SR-32 project. Six of the agencies signed and returned their concurrence signature page. No response was received from the SHPO, so in accordance with Section 4.3 of TESA, concurrence was assumed.

#### Concurrence Point 2 (CP2) - Project Alternatives to be Evaluated in the Environmental Document

As discussed in Section 2.6 *Alternatives to be Carried Forward Into the EA*, TDOT is currently proposing to study two Build Alternatives:

- Alternative A (Formerly the Western Alignment)
- Alternative B (Formerly the Alignment Along Existing SR-32)

A TESA Agency Field Review was held on June 14, 2018 and a public meeting was held on August 9, 2018 to provide an update regarding the project alternatives and project status and obtain additional input from the public and agencies. On November 26, 2019, TDOT transmitted the CP2 package discussing the alternatives to be evaluated in the EA and the methodologies to be used in evaluating the various environmental issues of concern to the TESA agencies. The TESA agencies were asked to concur with TDOT's assessment. TESA agencies have 45 days to review and provide a response. The comment period ended January 10, 2020. A reminder was sent to the TESA agencies on December 19, 2019, 15 days before the 45-day deadline. The RPO and the NPS were provided opportunity to review and comment on the alternatives to be studied in the EA but were not asked to provide concurrence. Responses were received from four of the TESA agencies and the NPS. No response was received from TVA or the SHPO.

#### Concurrence Point 3 (CP3) - Preliminary Draft Environmental Document and Preliminary Mitigation

Based on the comments received on the CP1 and CP2 packages and the subsequent detailed investigation of alternatives and analysis of impacts, TDOT will prepare a draft of the EA document, and will provide the draft to the TESA agencies for their concurrence (CP3). TESA agencies will have 45 days from receipt of the draft EA to review and provide a response. A reminder will be sent to the TESA agencies 15 days before the 45-day deadline.

Other interested parties and the general public will be provided the opportunity to review and comment on the EA when the document is published and officially made available for comment. A Public Hearing will be held during the EA availability period.

#### Concurrence Point 4 (CP4) - Draft Final Mitigation

CP4 occurs after approval of the final environmental document but prior to the permitting process. TDOT will prepare a draft final mitigation package (CP4) and distribute to the TESA Agencies for their review and concurrence. TESA agencies will have 45 days from receipt of the package to review and provide a response. A reminder will be sent to the TESA agencies 15 days before the 45-day deadline.

In addition to the four concurrence points, the TESA process includes two coordination points, which are discussed below.

#### Coordination Point A - Analysis of Project Alternatives

The purpose of Coordination Point A is to ensure continued communication and coordination with the TESA agencies and provides an update on the project status. The update may be communicated to TESA agencies at a regularly scheduled TESA meeting or via email. Concurrence is not requested. To date, project updates for the SR-32 project have been presented to the TESA agencies during the following TESA regular meetings:

- August 10, 2010
- May 10, 2018
- February 21, 2019

#### Coordination Point B - Preferred Alternative

After the identification of the Preferred Alternative, TDOT will provide an update on the status of the project to the TESA agencies in the form of a coordination package. The Coordination Point B package will include a narrative describing the Preferred Alternative, reasons for the choosing the Preferred Alternative, a summary of public and agency comments received during the public comment period, and a summary of comment responses. The purpose of Coordination Point B package is to provide information to the TESA agencies. Concurrence is not requested.

### 5.4 Other Opportunities for Agency Involvement

The database of agencies developed as part of the early coordination efforts will be maintained and updated throughout the EA process. Those agencies that respond during coordination/scoping and those that participate in public meetings and/or provided input/comment during the preparation of the EA will receive notification of the availability of the EA for review and comments.

## 6.0 PUBLIC INVOLVEMENT

Effective communication is essential to the success of the SR-32 project. Communication and outreach methods planned for the project are described below. As the project progresses, public involvement efforts will be assessed periodically to determine if the methods of communication in use are effective or if adjustments are needed.

### 6.1 Project Database

A project database has been developed for use in distributing information to stakeholders and other interested parties. The initial database was developed utilizing information obtained from TDOT Region 1 staff and from sign-in sheets from previous public information meetings held for the project. The database will be expanded and updated as the project moves forward. Names can be added to the database by contacting Erick Hunt-Hawkins, TDOT Environmental Supervisor, at [Erick.Hunt-Hawkins@tn.gov](mailto:Erick.Hunt-Hawkins@tn.gov) or 615-253-5163.

### 6.2 Identification of Special Outreach Groups/Areas

Populations in the project area requiring special outreach to ensure they have access to information and the opportunity to make comments, regardless of their race, religion, age, income or disability will be identified. Identification of these populations will include using Census data and information obtained from groups or organizations known to have knowledge of these populations.

### 6.3 Media Relations

Local newspapers will be identified for use in disseminating information about the project. Minority media outlets will be included as appropriate. Notices and reminders of project meetings will be sent to these media outlets in advance of public meetings.

At a minimum, notices of public meetings/hearings will be placed in the *Newport Plain Talk*.

### 6.4 Public Information Meetings

To date, three public meetings have been held for this project. The first was held on June 29, 2010, the second was held on March 15, 2012, and the third was held on August 9, 2018. At these meetings public input was gathered regarding the purpose and need of the project, the proposed alignments and specific environmental concerns. In each case stakeholders were given the opportunity to have comments included in the official public record for the project. The input from these meetings along with input from the environmental resource agencies has led to the development of the alternatives currently under study. As the project continues, additional opportunities for public input will be provided and information gathered will be used to ultimately identify a Preferred Alternative.

Comment forms, a question and answer session, and a court reporter will be available at all public meetings to encourage participants to provide their comments on the project.

Comments may be provided in writing or electronically. All comments will be reviewed and considered. Input will be incorporated as appropriate.

### 6.5 Notice of Availability

A Notice of Availability of the EA document will be published in the local paper, the *Newport Plain Talk*. The notice will identify where the EA will be available for public review, how the public can provide input, and who to contact with comments or for additional information. Copies of the EA will be available for public inspection at the following locations:

Cosby Community Library  
3292 Cosby Highway  
Cosby, TN 37722

Stokely Memorial Library  
383 East Broadway  
Newport, TN 37821

### 6.6 Public Hearing

Once FHWA approves the EA document and the EA is made available for public and agency review, TDOT will hold a public hearing to receive comments on the findings presented in the EA and on the project. Input from the public hearing and comment period will be used by TDOT as input in the decision-making process for selection of the Preferred Alternative and potential mitigation measures.

One public hearing will be scheduled and held in the project area. The hearing will be advertised in the local newspaper, the *Newport Plain Talk*. Flyers advertising the hearing will be mailed to organizations and individuals in the project database.

## 7.0 PROJECT SCHEDULE

Table 7 provides the anticipated schedule for the completion of the EA. As the project moves forward, this schedule will be evaluated and revised/updated as appropriate to address new information obtained that may warrant additional work effort or coordination time.

Table 7 Anticipated Project Schedule

Milestone	Time Frame
Public Meeting	June 2010 - Completed
Public Meeting	March 2012 - Completed
TESA Agency Field Review	September 2012 - Completed
TESA Concurrence Point #1 -Purpose & Need/Study Area	October 2013 - Completed
TESA Agency Field Review	June 14, 2018 - Completed
Public Meeting	August 9, 2018 - Completed
TESA Concurrence Point #2 – Alternatives to be Studied	January 10, 2020 - Completed
Prepare Draft EA	November 2019 - Summer 2020
TESA Concurrence Point #3 - Draft EA	Fall 2020
Notice of Availability/Circulate EA/Public Comment Period	Fall 2020
Hold Public Hearing	Fall 2020
Selection of Preferred Alternative	Winter 2020
Prepare Final Environmental Document	Winter 2020 - Spring 2021
Approval of Final Environmental Document	Spring 2021- Summer 2021

## **AUGUST 2012 PUBLIC INVOLVEMENT PLAN**

Environmental Assessment for Proposed Improvement of State  
Route 32 (US 321) from State Route 73 to Wilton Springs Road in  
Cosby, Cocke County, TN  
P.I.N. **101422.00**  
Project # 15005-1234-04

COORDINATION PLAN FOR AGENCY AND PUBLIC INVOLVEMENT



Federal Highway Administration (Tennessee Division)  
and  
Tennessee Department of Transportation

August 2012



# COORDINATION PLAN

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Appendix: List of Agencies and Organizations Receiving Coordination Packages

# COORDINATION PLAN

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## 1.0 Purpose of Coordination Plan

This Coordination Plan is intended to define the process by which the Tennessee Department of Transportation (TDOT) will communicate information about the State Route (SR) 32 (US 321) Environmental Assessment (EA) to the lead, cooperating, participating and other agencies, and to the public. The plan also identifies how input from agencies and the public will be solicited and considered.

Since the Federal Highway Administration (FHWA) is expected to provide funding for this project, FHWA serves as the lead federal agency for the project. TDOT, as the direct recipient of Federal funds for the project, is the joint lead agency.

In accordance with TDOT's 2007 Public Involvement Plan, this project requires a Level Three Public Involvement Process; a level of participation designed for projects that would require an EA to be completed. This plan also outlines the process by which the required level of public involvement will be accomplished.

This Coordination Plan will:

- Identify the coordination efforts with agencies and the public;
- Identify cooperating and participating agencies to be involved in agency coordination;
- Establish the timing for and form of agency involvement in defining the project's purpose and need and study area, the range of alternatives to be investigated, and methodologies, as well as in reviewing the EA and the selection of the preferred alternative and mitigation strategies;
- Establish the timing for and form of public opportunities to be involved in defining the project's purpose and need and study area and the range of alternatives to be investigated, providing input on issues of concern and environmental features, and commenting on the findings presented in the EA; and
- Describe the communication methods that will be implemented to inform the community about the project.

This Coordination Plan will be updated periodically to reflect any changes to the project schedule and other items that typically require updating over the course of the project.

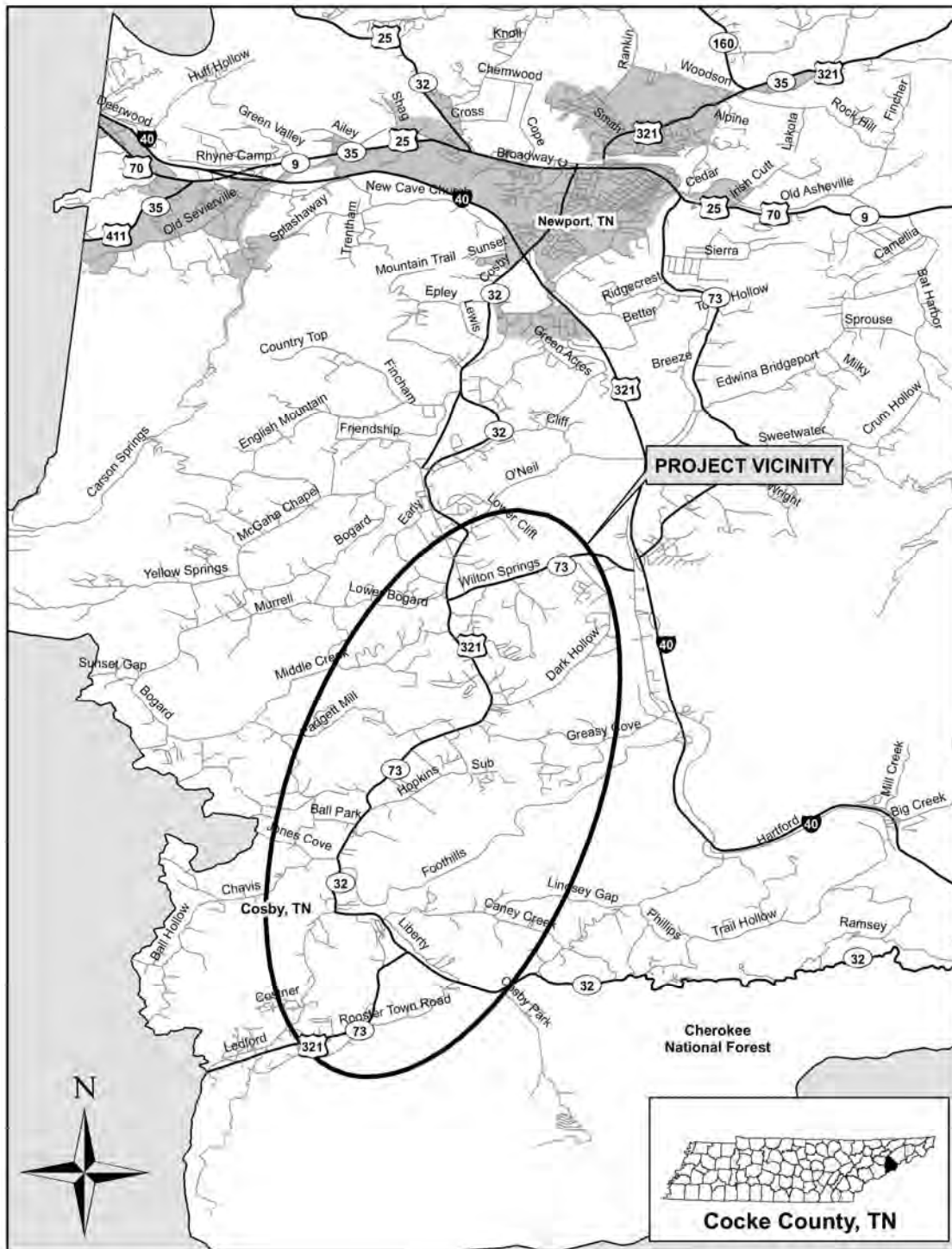
## 2.0 Project Background

TDOT proposes to widen SR 32 (US 321) from SR 73 (US 321) to Wilton Springs Road in the city of Cosby, Cocke County, Tennessee (see Figure 1). The proposed project would widen the existing two-lane roadway to four-lanes. The total project length is approximately 6.5 miles. Two typical sections are to be utilized. From SR 73 to just north of Orchard Road, the proposed project will widen SR 32 to a four lane roadway divided by a 48 foot median with 12 foot shoulders. From just north of Orchard Road to Wilton Springs Road, the proposed project will widen SR 32 to four 12 foot lanes with a continuous 12 foot center turn lane with 8 foot shoulders. Some of the proposed improvements will occur on new location.

The proposed project would also cross the Foothills Parkway, which is administered by the National Park Service (NPS). As currently proposed, the project would cross the Foothills Parkway east of the existing SR 32/Foothills Parkway intersection, on NPS land, and would result in the realignment of the current Foothills Parkway in this area.

# COORDINATION PLAN

Figure 1: Project Location



# COORDINATION PLAN

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Public meetings for this project were held in June 2010 and March 2012. Alternatives to be evaluated are expected to include: No-Build and two Build Alternatives. The alternatives to be investigated in the EA will be further refined based on input from agencies and the public during the coordination/scoping period and subsequent agency and public involvement opportunities.

## 3.0 Agency and Public Coordination

The coordination/scoping process was initiated in order to obtain comments and input from agencies and the public to help determine the purpose and need for the project, alternatives to be evaluated and the issues that will be examined as part of the EA process.

## 3.1 Coordination Package

TDOT has prepared a Coordination Package to be distributed to approximately 51 agencies, officials, and organizations. The package includes a transmittal letter, this coordination plan, a project summary, and a project vicinity/location map. The project summary identifies the preliminary purpose and need for the project, potential alternatives to be considered, and examples of environmental concerns that will be considered throughout the course of the EA process.

Five groups of agencies and organizations received coordination packages:

- Cooperating Agencies;
- Participating Agencies;
- Non-Participating Agencies and Organizations;
- Local Agencies and Organizations;
- Section 106 Consulting Parties.

### 3.1.1 Cooperating Agencies

Cooperating Agencies are those governmental agencies specifically requested by the lead agency to participate during the environmental evaluation process for the project. FHWA National Environmental Policy Act (NEPA) regulations (23 CFR 771.111(d)) require that those federal agencies with jurisdiction by law (with permitting or land transfer authority) be invited to be Cooperating Agencies for an EA. The agency invited to be a Cooperating Agency for this project is the NPS. This Cooperating Agency is also invited to be a participating agency. If new information reveals the need to request another agency to serve as a Cooperating Agency, TDOT will issue that agency an invitation.

### 3.1.2 Participating Agencies

Section 6002 of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act- A Legacy for Users (SAFETEA-LU)* created a new category of agencies to participate in the environmental review process of Environmental Impact Statements (EISs) and Environmental Assessments (EAs). These are federal and non-federal governmental agencies that may have an interest in the project because of their jurisdictional authority, special expertise and/or statewide interest. These participating agencies are formally invited to participate in the environmental review of the project. In addition to the NPS, 33 other federal, state and regional agencies/divisions are being asked to be participating agencies for this project. A complete list of the agencies receiving this package is included in the Appendix.

# COORDINATION PLAN

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If, during the progress of the project, new information indicates that an agency not previously requested to be a Participating Agency does indeed have authority, jurisdiction, acknowledged expertise or information relevant to the project, then TDOT, in consultation with FHWA, will promptly extend an invitation to that agency to be a Participating Agency. TDOT and FHWA will consider whether this new information affects any previous decisions on the project.

## 3.1.3 Non-Participating Agencies and Organizations

Coordination Package recipients include 10 Non-Participating agencies. Federal and state agencies, and organizations with statewide interests fall within this group. A complete list of the agencies receiving this package is included in the Appendix.

## 3.1.4 Local Agencies and Organizations

Eight local agencies and organizations with interests in this proposed project will also receive a Coordination Package. A complete list of these agencies and organizations is also included in the Appendix.

## 3.1.5 Section 106 Coordination

The National Historic Preservation Act requires the federal agency or its designee (in this case TDOT) to identify the appropriate parties that need to be involved in the process of identifying effects of a proposed project to historic resources and working through the process with such parties. This "involvement" is referred to as "consultation."

As part of the requirements, TDOT is consulting with parties that have interests in archaeological issues. Five Native American Tribes were invited to request status as a Section 106 consulting party. The Native American Tribes that were identified to have interests within Cocke County are:

- Eastern Band of Cherokee Indians
- The Cherokee Nation
- Eastern Shawnee Tribe of Oklahoma
- Shawnee Tribe
- United Keetoowah Band of Cherokee Indians

If new information reveals the need to request another agency or organization to serve as a consulting party, TDOT will issue that agency an invitation.

# COORDINATION PLAN

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## 4.0 Agency Coordination

The participating agencies for this project have roles and responsibilities that include, but are not limited to:

- Participating in the NEPA process at the earliest possible time, especially with regard to the development of the purpose and need statement, range of alternatives, and methodologies;
- Identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. Participating agencies are also allowed to participate in the issue resolution process; and
- Providing meaningful and timely input on unresolved issues.

## 4.1 Tennessee Environmental Streamlining Agreement Concurrence Points

TDOT has developed the Tennessee Environmental Streamlining Agreement (referred to as TESA or the Agreement) for the Environmental and Regulatory Coordination of Major Transportation Projects. In addition to TDOT and FHWA, signatories to the TESA include eight federal agencies and authorities, three state agencies, and 13 Metropolitan Planning Organizations in the state. Signatory agencies are not required to participate in every project; they will participate only in those specific projects that affect their area of jurisdiction, expertise, or interest. Signatory agencies that would be affected by this project are: the U.S. Army Corps of Engineers Nashville District (USACE); Tennessee Valley Authority (TVA); U.S. Fish and Wildlife Service (USFWS); Environmental Protection Agency Region 4 (EPA); Tennessee Department of Environment and Conservation (TDEC); and the Tennessee Wildlife Resources Agency (TWRA).

The Agreement establishes a single decision-making process to identify and address agency issues at four key points (referred to as concurrence points), during the planning and NEPA process. The agencies listed above will be participating in the concurrence points at the following four major milestones in the environmental review process for the SR 32 (US 321) EA:

1. Purpose and Need and Study Area;
2. Project Alternatives to be Evaluated in the EA and Methodologies for Conducting Evaluation;
3. Adequacy of the EA; and
4. Designation of Preferred Alternative and Preliminary Mitigation.

### 4.1.1 Combined Concurrence Point 1 and 2- Purpose and Need / Project Alternatives to be Evaluated

Public meetings were held on June 2010 and March 2012. Comments received during the scoping period of these meetings were used to develop and refine the purpose and need for the project and the proposed project alternatives. The project was also presented at the August 2010 TESA bimonthly meeting. After an agency field review, TDOT will prepare and forward to the TESA agencies a combined purpose and need and project alternatives to be evaluated package. The package will include a history of the project, this coordination plan, a summary of public and agency input received to date, and a description of the proposed build alternative.

Non-TESA participating agencies will be provided the opportunity to review and comment on the purpose and need and alternatives to be evaluated package, but they will not be asked to concur. TESA agencies will have 45 days from receipt of the package to review and provide a response. A reminder will be sent to the TESA agencies 15 days before the 45 day deadline.

# COORDINATION PLAN

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## 4.1.2 Concurrence Point 3- Draft EA Document

Based on the comments received on the combined Concurrence Points 1 and 2 packages, and the subsequent detailed investigation of alternatives and analysis of impacts, TDOT will prepare and forward the Draft EA document to the TESA agencies for their concurrence and to other non-TESA participating agencies for their review and comment.

Non-participating agencies will be provided the opportunity to review and comment on the EA when the document is published and distributed to the public for comment. TESA agencies will have 45 days from receipt of the Draft EA to review and provide a response. A reminder will be sent to the TESA agencies 15 days before the 45 day deadline.

## 4.1.3 Concurrence Point 4- Preferred Alternative and Preliminary Mitigation

Based on the comments received on Concurrence Point 3, along with TDOT and FHWA's consideration of any issues, concerns and/or opportunities identified during the public hearings and comment period for the EA, TDOT will prepare a Preferred Alternative and Preliminary Mitigation Package. TESA agencies will be asked to concur with the concurrence point document. Non-TESA participating agencies will be asked to provide input and/or comments on any issues or concerns related to the project; they will not be asked to concur. TESA agencies will have 45 days from receipt of the package to review and provide a response. A reminder will be sent to the TESA agencies 15 days before the 45 day deadline.

## 4.1.4 Other Opportunities for Agency Involvement

Those agencies that are not "Participating Agencies" as defined in SAFETEA-LU will also have opportunities to provide input and comments on the project as it moves forward. The database of agencies developed as part of the coordination efforts will be maintained and updated throughout the EA process. Those agencies that responded to the coordination/scoping and those that participated in public meetings and/or provided input/comment during the preparation of the EA will receive notification of the availability of the EA.

Comments may be received at any point during the development of the EA analysis.

## 5.0 Opportunities for Public Input

As required by NEPA and by TDOT's Public Involvement Plan, a project specific plan for public input has been developed and is documented in this overall coordination plan. This plan describes strategies for encouraging public input and describes the opportunities to be provided to the public to encourage early and ongoing involvement in the project development process.

## 5.1 Public Participation

### 5.1.1 Database of Names

TDOT's Environmental Division maintains a coordination list that includes the names of federal, state and other agencies (such as regional planning agencies) and local governments that TDOT will coordinate with for this project. The list also includes private entities (i.e. non-governmental agencies) that have requested to be included in the coordination process.

All those on the list will be sent copies of the coordination package, and will be sent notices of public meetings, copies of project mailings, and notice of the availability of the approved EA for review and comment. As appropriate, persons, organizations, and agencies on this list will also receive other correspondence related to the project.

# COORDINATION PLAN

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The database will be expanded as the project moves forward. Names of persons and organizations attending public meetings or requesting additional information will be added.

## 5.1.2 Identification of Special Outreach Areas

Populations in the project area requiring special outreach to ensure they have access to information and the opportunity to make comments, regardless of their race, religion, age, income or disability will be identified. Identification of these populations will include using Census data or information obtained from groups or organizations known to have knowledge of these populations.

## 5.1.3 Media Relations

Local newspapers will be identified for use in disseminating information about the project. Minority media outlets will be included. Notices and reminders of project meetings will be sent to these media outlets in advance of public meetings.

At a minimum, notices of public meetings/hearings will be placed in the *Newport Plain Talk*.

## 5.1.4 Comment Forms

Comment forms, a question and answer session, and a court reporter will be available at all public meetings to encourage participants to provide their comments on the project.

Comments may be provided in writing or electronically. Comments will be accepted at any time during the EA process. All comments will be reviewed and considered. Input will be incorporated as appropriate.

## 5.1.5 Notice of Availability

A notice of availability of the EA document will be published in the local paper. The notice will identify where the EA will be available for public review, how the public can provide input, and who to contact with comments or for additional information. Copies of the EA will be available for public inspection at the Cosby Community Library, the Cocke County Partnership Chamber of Commerce, the TDOT Region 1 office in Knoxville, and the TDOT Environmental Division in Nashville,

## 5.2 Public Informational Meeting

Two public meeting have been held for this project. The first was held on June 29, 2010 and the second was held on March 15, 2012. At both meetings public input was gathered on the location of the proposed improvements. In each case stakeholders were given the opportunity to have comments included in the official public record for the project. These comments were then compiled and included with other data in determining a proposed alignment.

## 5.3 Public Hearing

Once FHWA approves the EA document for public and agency review, TDOT will hold a public hearing to receive comments from the public on the official findings presented in the EA and on the project. Input from the public hearing and public comment period will be used by TDOT as input in the decision making process for selection of the preferred alternative and preliminary mitigation measures.

One public hearing will be scheduled and held in the project area. The hearing will be advertised in the local newspaper. Flyers advertising the hearing will be mailed to organizations and individuals on the database list.



# COORDINATION PLAN

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## 6.0 Project Schedule

Table 1 represents the anticipated schedule for the completion of the EA. This schedule will be revised/updated as the project moves forward and closer to the approval of the final environmental document and new information is revealed that may result in schedule adjustment.

Table 1 Tentative Project Schedule

Milestone	Time Frame
TESA Concurrence Points 1 (Purpose & Need) and 2 (Alternatives)	December 2012
TESA Concurrence Point 3, Draft EA	March 2013
Notice of Availability/Circulate EA and Public Comment Period	May and June 2013
Selection of Preferred Alternative	July 2013
TESA Concurrent Point 4, Preferred Alternative and Preliminary Mitigation	November 2013
Approval of Final Environmental Document	February 2014

# COORDINATION PLAN

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## APPENDIX

APPENDIX

LIST OF AGENCIES AND ORGANIZATIONS RECEIVING INTIAL COORDINATION PACKAGES

Name	Organization	Division	Address	Address 2	City	State	Zip
Cooperating Agencies							
National Park Service	U.S. Department of the Interior	National Park Service, Planning and Compliance Division	1924 Building	100 Alabama Street	Atlanta	GA	30303
Participating Agencies - Federal							
District Chief	U.S. Department of the Interior	U.S. Geologic Survey, Water Resources Division	640 Grassmere Park, Suite 100		Nashville	TN	37211
Mr. Tim Dieringer, Director	U.S. Department of the Interior	Office of Surface Mining	630 Gay Street, S.W., Suite 500		Knoxville	TN	37902
Environmental Documents Review Section	Advisory Council on Historic Preservation		The Old Post Office Building, Suite 809	1100 Pennsylvania Ave, NW	Washington	DC	20004
Ms. Mary E. Jennings <i>*TESA Signatory</i>	U.S. Department of the Interior	U.S. Fish and Wildlife Service	446 Neal Street		Cookeville	TN	38501
Mr. Dale Ditmanson	U.S. Department of the Interior	Great Smoky Mountains National Park	107 Park Headquarters Road		Gatlinburg	TN	37738
Ms. Imelda Wegwerth	U.S. Department of the Interior	Great Smoky Mountains National Park	107 Park Headquarters Road		Gatlinburg	TN	37738
Ms. Amy M. Robinson	U.S. Army Corps of Engineers <i>*TESA Signatory</i>	Regulatory Branch (CELRN-OP-F)	3701 Bell Road		Nashville	TN	37214-2660
Wetland Reserve Program	U.S. Department of Agriculture	Natural Resource Conservation Service	U.S. Courthouse, Room 675	801 Broadway	Nashville	TN	37203
Mr. Charles P. Nicholson	Tennessee Valley Authority <i>*TESA Signatory</i>	Environmental Policy and Planning	400 West Summit Hill Drive, Suite WT8C		Knoxville	TN	37902-1499
Mr. Heinz J. Mueller, Chief	U.S. Environmental Protection Agency <i>*TESA Signatory</i>	Environmental Assessment Office, EIS Review Section	61 Forsyth Street, SW		Atlanta	GA	30303
Mr. Larry Long	U.S. Environmental Protection Agency <i>Region 4 *TESA Signatory</i>	NEPA, Office of Policy and Management	Atlanta Federal Center	61 Forsyth Street	Atlanta	GA	30303
Mr. Thomas M. Hunter	Appalachian Regional Commission		1666 Connecticut Avenue, NW		Washington	DC	20235
Mr. Stephen Wilson	Federal Aviation Administration	Memphis Airport District Office	2862 Business Park Drive, Bldg G		Memphis	TN	38118-1555
Mr. Phillip J. Braden	Federal Aviation Administration	Memphis Airport District Office	2862 Business Park Drive, Bldg G		Memphis	TN	38118-1555
Mr. Kevin Brown	U.S. Department of Agriculture	Natural Resource Conservation Service	U.S. Courthouse, Room 675	801 Broadway	Nashville	TN	37203
Mr. Tom Chappell	U.S. Department of Agriculture	Regional Engineer - Forest Service	1720 Peachtree Road, NW		Atlanta	GA	30309
Participating Agencies - State							
General Mail Box	Tennessee Department of Environment and Conservation						
Mr. Dan Eager	Tennessee Department of Environment and Conservation		L & C Tower, 7th Floor	401 Church Street	Nashville	TN	37243-1534
Mr. Robert Todd	Tennessee Wildlife Resource Agency <i>*TESA Signatory</i>		Ellington Agricultural Center	440 Hogan Road	Nashville	TN	37220
Mr. E. Patrick McIntyre	Tennessee Historical Commission <i>*TESA Signatory</i>	State Historic Preservation Office, Executive Director	Clover Bottom Mansion	2941 Lebanon Road	Nashville	TN	37243
Mr. Richard Tune	Tennessee Historical Commission	State Historic Preservation Office	Clover Bottom Mansion	2941 Lebanon Road	Nashville	TN	37243
John McClurkan	Tennessee Department of Agriculture	Water Resources Division		440 Hogan Road	Nashville	TN	37204
Ms. Deborah Boshears-Davis	Tennessee Department of Education		Andrew Johnson Tower, 6th Floor	710 James Robertson Parkway	Nashville	TN	37243
Ms. Liza Joffrion	Tennessee Department of Transportation	Public Transportation, Waterways, and Rail Division	James K. Polk Building, 18th Floor	505 Deaderick Street	Nashville	TN	37243
Ms. Cammie Davenport Woodle	Tennessee Department of Transportation	Civil Rights Division	James K. Polk Building, Suite 1800	505 Deaderick Street	Nashville	TN	37243
Mr. Barry Stephens	Tennessee Department of Environment and Conservation	Division of Air Pollution Control	L & C Annex, 9th floor	401 Church Street	Nashville	TN	37243-1531
Mr. Alan Schwendimann	Tennessee Department of Environment and Conservation	Division of Water Supply	L&C Tower, 6th Floor	401 Church Street	Nashville	TN	37243-1549
Mr. Britton Dotson	Tennessee Department of Environment and Conservation	Division of Ground Water Protection	L&C Tower, 10th Floor	401 Church Street	Nashville	TN	37243-1540
Mr. Patrick J. Flood	Tennessee Department of Environment and Conservation	Division of Solid and Hazardous Waste Management	L&C Tower, 5th Floor	401 Church Street	Nashville	TN	37243-1535
Mr. Roger McCoy	Tennessee Department of Environment and Conservation	Tennessee Division of Natural Areas	7th Floor L&C Annex	401 Church Street	Nashville	TN	37243-0447
Mr. William B. Orellana	Tennessee Department of Transportation	Tennessee Aeronautics Division	607 Hangar Lane, Building 4219		Nashville	TN	37217
Commissioner Robert Martineau	Tennessee Department of Environment and Conservation		L & C Tower, 20th Floor	401 Church Street	Nashville	TN	37243-0454
Mr. Michael Atchison	Tennessee Department of Economic and Community Development	TDECD NEPA Contact	W.R. Snodgrass Tower, 11th Floor	312 8th Avenue North	Nashville	TN	37243

APPENDIX

	Tennessee Housing Development Agency		318 Nancy Lynn Lane, Suite 9		Knoxville	TN	37919
Non-Participating Agencies							
	Tennessee Trails Association		P.O. Box 41446		Nashville	TN	37204
	Tennessee Chapter of the Sierra Club		2021 21st Ave. South, Suite 436		Nashville	TN	37212
Ms. Liz Dixon	Sierra Club		10417 Victoria Drive, #C		Knoxville	TN	37922
Ms. Gabby Call	The Nature Conservancy		2021 21st Ave. South, Suite C-400		Nashville	TN	37212
Mr. Michael Butler	Tennessee Wildlife Federation		300 Orlando Avenue, Suite 200		Nashville	TN	37209
Mr. John McFadden	Tennessee Environmental Council		One Vantage Way, Suite D-105		Nashville	TN	37212
Ms. Judy Takats, Program Director	World Wildlife Fund	Southeast Rivers and Streams Projects	2021 21st Avenue South, Suite 200		Nashville	TN	37212
	U.S. Geologic Survey	Office of Environmental Affairs	USGS National Center, MS-423	12201 Sunrise Valley Drive	Reston	VA	20192
Mr. Rodney F. Weiher, Ph.D. Coordinator	National Oceanic and Atmospheric Administration		SSMCS, Room 15618	1315 East-West Highway	Silver Spring	MD	20910
Mr. William R. Straw	Federal Emergency Management Agency		3003 Chamblee Tucker Road		Atlanta	GA	30341-4148
Mr. Dan Schreder	Cocke County Partnership Chamber of Commerce		433-B Prospect Avenue		Newport	TN	37821
Mr. Don Hurst, CEcD, President	Cocke County Partnership		433-B Prospect Avenue		Newport	TN	37821
Ms. Linda Lewanski, Director	Cocke County Partnership Tourism		433-B Prospect Avenue		Newport	TN	37821
Mr. Kenneth Ford	Cocke County Highway Department		820 Lower Quarry Road		Newport	TN	37821
Mr. Terry Bobrowski	East Tennessee Development District		P.O. Box 249		Alcoa	TN	37701-0249
Mayor Vaughn Moore	Cocke County Mayor		360 East Main Street		Newport	TN	37821
Mr. Bill Williamson	Cocke County Legislative Body, District 5		180 S. Hwy. 32		Cosby	TN	37722
Mr. Tom Sutton	Cocke County Legislative Body, District 5		115 Greasy Cove Road		Cosby	TN	37722
Mr. Chuck Smithpeters	Road Commission District 5		820 Lower Quarry Road		Newport	TN	37821

**TENNESSEE ENVIRONMENTAL STREAMLING AGREEMENT COORDINATION TESA**

# DISPOSITION OF AGENCY COMMENTS

## TENNESSEE ENVIRONMENTAL STREAMLINING AGREEMENT CONCURRENCE POINT 1

### PURPOSE AND NEED AND STUDY AREA

FOR  
STATE ROUTE 32 (US 321)  
CORRIDOR IMPROVEMENT PROJECT  
FROM STATE ROUTE 73 (US 321) TO WILTON SPRINGS ROAD  
COCKE COUNTY, TENNESSEE

PREPARED BY:  
TENNESSEE DEPARTMENT OF TRANSPORTATION



JANUARY 2014

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## 1.0 INTRODUCTION

On August 30, 2013, the Tennessee Department of Transportation (TDOT), pursuant to the Tennessee Environmental Streamlining Agreement (TESA), transmitted a copy of Concurrence Point (CP) 1, the *Purpose and Need and Study Area*, to the following TESA agencies.

- U.S. Army Corps of Engineers, Nashville District (USACE-Nashville)
- Tennessee Valley Authority (TVA)
- U.S. Fish and Wildlife Service (USFWS)
- Environmental Protection Agency, Region 4 (EPA)
- Tennessee Department of Environment and Conservation (TDEC)
- Tennessee Wildlife Resources Agency (TWRA)
- State Historic Preservation Office (Tennessee SHPO)

In addition to the above TESA participating agencies, TDOT also distributed CP1 to the National Park Service (NPS), a federal participating agency on this project. The Federal Highway Administration (FHWA) also received a copy of CP1 and copies of the letters distributed to the TESA agencies.

The *Purpose and Need and Study Area* package included materials and information required for TESA CP1. TDOT requested that TESA agencies indicate concurrence or non-concurrence and provide any advisory comments by October 15, 2013. Due to the federal government shutdown TDOT extended the concurrence point review period 15 days, to October 30, 2013.

TDOT distributed a follow-up letter reminding the TESA agencies to respond by October 15, 2013, which was sent by email on September 23, 2013.

## 2.0 TESA AGENCY CONCURRENCE

All of the TESA agencies concurred with CP1 for the SR 32 (US 321) Corridor Improvement Project.



Six TESA agencies signed and returned their concurrence signature page.

- USACE- Nashville
- TVA
- USFWS
- EPA
- TDEC
- TWRA

TDOT did not receive a response to CP1 from the SHPO. Per TESA Section 4.3, unless an agency requests an extension or requests cessation from formal concurrence, TDOT assumes concurrence by those agencies not responding within the established review period.

### 3.0 TESA AGENCY COMMENTS AND DISPOSITION

This section provides the comments received from TESA agencies regarding CP1.

#### **1. TDEC, Division of Water Resources (Date of comments: September 25, 2013)**

**Comment:** *Water Quality:* All water features located within Great Smoky Mountains National Park would be considered exceptional Tennessee waters and would be subject to the division's Anti-degradation Rule (1200-4-3-.06).

**Response:** Comment noted. TDOT will adhere to the Anti-degradation requirements.

**Comment:** *Improve Roadway Deficiencies:* This section should explain what portions of the roadway are deficient. The paragraph states "Issues involving sight distance, horizontal alignment, and vertical alignment are all present along the SR 32 corridor" but does not quantify, provide spatial reference to any of these instances, or establish that this road has more or less deficiencies than any other road in the state. Data should be added for comparison to establish there is a need to increase vehicle safety.

**Response:** The specific number of and location of roadway deficiencies is not always available at this phase of the project, though it is included in the Purpose and Need whenever possible. More detailed deficiency information will be available and shared as the project progresses. How the deficiencies for a given road project impact, traffic and safety are addressed in the traffic and safety study and the NEPA document.

**Comment:** *Increase Vehicle Safety:* Data on crash rates are presented for the project area; however, no conclusions can be drawn from the data presented without comparison to statewide averages, the recently completed five lane segment, or a similar five lane segment. Add data for comparison to establish need for increasing vehicle safety if a study has been done to support this reference and cite the document.

**Response:** TDOT concurs that a request for state crash rates for comparative purposes is reasonable. A crash rate analysis will be prepared utilizing the most recent crash data available and data on the statewide average crash rates in order to identify existing safety problems. This information will be included in the traffic and safety report and the NEPA document.

**Comment:** *Support Economic Development:* Paragraph opens with “The area may benefit from an increase in economic development with the improvement of the corridor.” However, this is not substantiated with data. Provide data to support these statements.

**Response:** Local economic development information comes to TDOT through communication and coordination with local leaders, MPOs, and area development plans. During discussions with local officials, the project was identified as needed to enhance economic development. The Cocke County Partnership has plans to develop a visitor center complex at the intersection of SR 73 (US 321/Hooper Highway) and SR 32. TDOT will conduct further coordination with local leadership, the Knoxville Regional Transportation Planning Organization, and the Cocke County Partnership’s Economic Development office as the project progresses.

**Comment:** We concur with the broad transportation-related core purposes presented in Section 5 *Alternative Screening Criteria for Meeting Purpose and Need*, but believe Section 3 could be improved to better illustrate project need by providing supporting data. The division asks that additional information be provided to support Section 3.

**Response:** TDOT will provide additional data in the environmental document supporting technical studies.

**2. U.S. Army Corps of Engineers (Date of comments: October 11, 2013)**

**Comment:** TDOT provided the following project purpose: “The purpose of the proposed project is to provide a safe and efficient corridor that enhances the opportunity for economic development and provides sufficient capacity as a gateway to the Great Smoky Mountains National Park.” The project purpose does not provide a restrictive enough geographical location for the project to be able to properly evaluate practicable alternatives under the 404(b)(1) guidelines. A “gateway to the Great Smoky Mountains National Park” could occur over a large geographical area. The Corps suggests adding additional geographical boundaries and providing the justification for the geographical limits of potential alternatives. In addition, for the purposes of an alternatives analysis, “economic development” would likely be considered a secondary benefit not included in the overall project purpose statement. The Corps is not aware of any master development plan for the area that supports the need of a new road for economic development. The Corps suggests the removal of economic development from the purpose unless the applicant can provide additional information that supports economic development as a fundamental purpose for the new road.

**Response:** TDOT acknowledges that a gateway can occur over a large geographical area. For the SR 32 project, the term gateway refers to the local community’s vision of integrating the SR 32 project in Cosby so that it could help define an entrance to the Great Smoky Mountains National Park in that area and further enhance tourism. TDOT will further define the “gateway to the Great Smoky Mountains National Park” as the project moves forward, which will be documented in the environmental document.

Local officials identified during discussions with TDOT that they have identified project as needed to enhance economic development. The Cocke County Partnership’s Economic Development Office has plans to develop a visitor center complex at the intersection of SR 73 (US 321/Hooper Highway) and SR 32. TDOT will consider removing economic development from the Purpose and Need. Economic development may be more appropriately identified as a project goal as the project progresses and TDOT continues local coordination.

**Comment:** The Corps requests further clarification on the logical termini of the proposed project. The logical termini are defined by the following statement provided in the supplement package: “SR 32 project begins at SR 73 and ends at SR 32/Wilton Springs Road. Both are state routes and major roadways in the area.” It seems that TDOT ended the project at Wilton Springs Road because the road has been improved or is in the process of being improved north of Wilton Springs Road. However, the starting point of the proposed project is not clear. If TDOT needs to improve traffic flow to Gatlinburg, should TDOT start the project in Gatlinburg?

Is State Hwy 73 west of the starting point less congested and currently meeting design standards? Additional justification regarding the logical termini will be required to evaluate alternatives and ensure the project is a single and complete project with independent utility.

**Response:** TDOT will work closely with FHWA to ensure that the project has logical termini and independent utility.

**Comment:** Regarding the need for the project, the Corps requests that TDOT provide additional traffic/safety data and analysis to include information on the number of car accidents from 2007 to 2009. How does this crash data compare to other roads with similar traffic usage? The information provided should clearly identify the existing safety and traffic flow problems as compared to other similar roadways.

**Response:** TDOT will prepare a crash rate analysis utilizing the most recent crash data available and data on the statewide average crash rates in order to identify existing safety problems.

**3. Tennessee Wildlife Resources Agency (Date of comments: October 11, 2013)**

**Comment:** TWRA stocks Cosby Creek with trout for in-state and visiting fishermen the entire length of the project. We request that consideration be given to include parking pull-offs to provide safe stream access for the fishermen. These pull-offs could also be used for RVs that are experiencing mechanical issues traveling to or from the Great Smoky Mountains.

**Response:** TDOT will consider including parking pull-offs to provide safe stream access where possible.

**4. U.S. Department of Interior, U.S. Fish and Wildlife Service (Date of comments: October 22, 2013)**

**Comment:** Available imagery suggests that suitable summer roosting habitat for the federally endangered Indiana bat (*Myotis sodalist*) likely exists within the study area. We request that TDOT design alternatives, to the extent possible, to avoid and/or minimize removal of such habitat.

We have reviewed the Purpose and Need Package and concur that it is adequate and that TDOT should proceed to Concurrence Point 2, Project Alternatives to be Evaluated in the Environmental Document. The signed TESA Concurrence Point 1 for this project is attached.

**Response:** TDOT will conduct a study for the Indiana bat and will design alternatives, to the extent possible, to avoid and/or minimize removal of the habitat.

4.0 NON-TESA PARTICIPATING AGENCY  
COMMENTS AND DISPOSITION

The National Park Service responded to TDOT's request to submit comments on the proposed project.

Note: The responses below were developed during a conference call among TDOT, NPS regional office, and NPS Smoky Mountains National Park office.

**1. U.S. Department of the Interior, National Park Service, Great Smoky Mountains National Park (Date of comments: December 9, 2013)**

**Comment:** The NPS continues to be interested in this project specifically as it relates to the realignment of SR 32 onto the Foothills Parkway right of way. It should be stated in the Purpose and Need that this EA will also serve as the compliance required for the General Agreement and Highway Easement Deed which will have to be developed and prepared for new construction within the Foothills Parkway right of way and for the construction and maintenance of SR 32 on the Parkway right of way. The federal action that may be taken by the National Park Service is to grant a Highway Easement Deed to TDOT.

**Response:** TDOT will include this information in the Purpose and Need chapter and coordinate with NPS their NEPA document requirements.

**Comment:** Page 5, Section 3.0, Project Purpose and Need: The way these statements are written implies that this project is being accomplished for the Great Smoky Mountains National Park. We recommend changing to “Great Smoky Mountains Gateway Communities.”

**Response:** Where appropriate in the environmental documentation the term “Great Smoky Mountains Gateway Communities” will be used. However, references to the Great Smoky Mountain National Park will be utilized where appropriate.

**Comment:** Page 10, Section 3.0, Project Purpose and Need, Objective, Gateway to the Great Smoky Mountains National Park: These statements made here are a little misleading. This project does not go all the way to a main park entrance. These improvements to SR 32 are just a short section of the entire route that leads to the park proper.

**Response:** TDOT will include a clarification statement in the environmental document, which states that the SR 32 project ends at SR 73 (US 321) and does not end at the main entrance to the park.

**Comment:** Page 12, Section 5.0, Alternative Screening for Meeting Purpose and Need: The way it is written “Creating a sufficient gateway to the Great Smoky Mountains National Park.” This sounds as if the project is being done at the request of the Park.

**Response:** TDOT will revise the sentence in the environmental document to clarify that it is the community’s goal to have a gateway to the park. Following meetings with both the public and local officials, comments were received which stated that the public/local officials would like to see the project corridor be developed into a gateway to the Great Smoky Mountain National Park similar to what is seen in Sevier County.

**Comment:** Page 12, Section 5.0, Alternative Screening Criteria for Meeting Purpose and Need: Add the objective to “minimize impacts and improve the Foothills Parkway connection with SR 32.”

**Response:** TDOT will analyze environmental impacts and potential minimization measures for each alternative in the environmental document. Impacts to the Foothills Parkway will be included in this analysis.

# State Route (SR) 32 (US-231)

From SR-73 to North of Wilton Springs Road

Cocke County, TN

Summary of Agency Comments on  
TESA Concurrence Point 2 Package  
Alternatives to be Evaluated

Prepared By:  
Tennessee Department of Transportation,  
Environmental Division



April 2020



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## Attachments

Attachment A: Agency Responses

Attachment B: Logical Termini Illustration

## 1.0 Introduction

On November 26, 2019, the Tennessee Department of Transportation (TDOT), pursuant to the Tennessee Environmental Streamlining Agreement (TESA), transmitted a copy of Concurrence Point 2 (CP2) *Alternatives to be Evaluated* for State Route (SR) 32 from SR-73 to north of Wilton Springs Road, Cocke County, Tennessee to the following TESA agencies:

- US Army Corps of Engineers, Nashville District (USACE)
- US Fish and Wildlife Service (USFWS)
- Tennessee Valley Authority (TVA)
- Tennessee Department of Environment and Conservation (TDEC)
- Tennessee Wildlife Resources Agency (TWRA)
- Tennessee Historical Commission (TN-SHPO)

In addition to the above TESA agencies, the TESA CP2 package was also distributed to the National Park Service (NPS)-Great Smoky Mountains National Park and the East Tennessee South Rural Planning Organization (RPO) for their review and comment.

The *Alternatives to be Evaluated* package included materials and information required for TESA CP2. TDOT requested that TESA agencies indicate concurrence or non-concurrence and provide any advisory comments by January 10, 2020. On December 19, 2019, TDOT distributed a follow-up reminder via email to the TESA agencies reminding them to respond by January 10, 2020.

## 2.0 TESA Agency Concurrence

Three TESA agencies signed and returned their concurrence signature page indicating that they concurred with the alternatives to be evaluated:

- USFWS
- TWRA
- USACE

TDOT did not receive a response on TESA CP2 from either TVA or the TN-SHPO. TDEC responded with comments but did not return the TESA CP2 concurrence signature page. Follow-up emails from TDOT requesting the completed concurrence form were sent to TDEC on 01/16/2020 and 01/24/2020 and no response was received. Per TESA Section 4.3, unless an agency requests an extension or requests to be removed from the formal concurrence process (cessation of formal concurrence), TDOT assumes concurrence by those agencies not responding within the established review period.

While the NPS is not a TESA agency, they were provided an opportunity to comment. As no response was received within the review period, a secondary reminder email was sent to the NPS-Great Smoky Mountains National Park on January 24, 2020. No further response from the NPS was received. In addition, TDOT did not receive a response from the RPO.

### 3.0 TESA Agency Comments and Disposition

This section presents the advisory comments received from the TESA agencies.

TESA AGENCY COMMENTS		
Agency	Comment	Response
US Fish and Wildlife Agency	<p>"A mist netting survey was performed during the period of June 8 and June 23, 2015, at 11 sites along the project corridor. Efforts resulted in the capture of 110 bats, including 49 federally endangered gray bats (<i>Myotis grisescens</i>). Due to negative survey results for the federally endangered Indiana bat (<i>Myotis sodalis</i>) and threatened northern long-eared bat (<i>Myotis septentrionalis</i>), we concurred with TDOT's determination of "not likely to adversely affect" for these species in a letter dated November 16, 2015. This survey will be valid until April 1, 2021.</p> <p>According to our database, the nearest gray bat cave is Rattling Pit Cave, approximately 6.8 miles north of the project terminus. We currently have no records of gray bat caves within the project area and are mainly concerned that water quality is maintained along potential travel/feeding corridors. Best management practices should be sufficient to minimize potential for harm to the gray bat.</p> <p>We are unaware of any other federally listed or proposed species that would be impacted by the project. Therefore, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act (Act) of 1973, as amended, are fulfilled for all species that currently receive protection under the Act. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.</p> <p>We have reviewed the <i>Alternatives to be Evaluated in the Environmental Document</i> and concur that it is adequate and that TDOT should proceed to Concurrence Point 3, <i>Preliminary Environmental Assessment</i>."</p>	Comment noted. TDOT will re-coordinate with USFWS as necessary.
Tennessee Wildlife Resources Agency	<p>"The Tennessee Wildlife Resources Agency has reviewed the information that was provided regarding Concurrence Point 2-Alternatives to be Evaluated in the Environmental Document for State Route 32 in Cocke County, Tennessee under the Tennessee Environmental Streamlining Agreement and we concur on Concurrence Point 2. It is our understanding that the Eastern Alternative is proposed for removal, which we support due to potential impacts to Cosby Creek (Exceptional Tennessee Waters). It is also our understanding that three alternatives will be moved forward in the environmental assessment phase: Alternative A, Alternative B, and the No-Build Alternative."</p>	Comment noted.

TESA AGENCY COMMENTS		
Agency	Comment	Response
US Army Corps of Engineers, Nashville District	<p>"The U.S. Army Corps of Engineers, Nashville District (USACE) has reviewed the <i>Alternatives to be Evaluated Package</i> and has made a determination of concurrence, provided the comments listed below are adequately addressed. The USACE has provided these comments to ensure adequate information is provided to demonstrate compliance with Section 404 of the Clean Water Act.</p> <p>1. <u>Logical Termini</u>:</p> <p>Section 2.0 of the package summarizes agency comments received in 2013, including the following comment from USACE:</p> <p><i>"Request clarification on logical termini. Seems TDOT ended the project at Wilton Springs Road because SR-32 has been/is being improved north of Wilton Springs Road; however, project starting point is not clear. If the need is to improve traffic flow to Gatlinburg, should the project start in Gatlinburg: Is State Hwy 73 west of the starting point less congested and currently meeting design standards? Additional logical termini justification is required to evaluate alternatives/ensure a single and complete project with independent utility."</i></p> <p>The previous USACE comment does not appear to be addressed in CP-2; please address relevant portions of this comment. The June 14, 2018 Field Review Summary, provides some additional detail on this topic related to additional segmentation of the project; however, the documents do not appear to clearly explain the basis or detailed discussion of why the beginning and end points for the corridor demonstrate logical termini. The USACE requests a discussion be added to the documents to clearly explain how these determinations were made in regards to logical termini for the entire NEPA project corridor.</p>	<p>1. <u>Logical Termini</u></p> <p>The proposed project, as noted in the Purpose and Need section of the CP2 package, serves an identified need to upgrade SR-32 in the project area based primarily on existing roadway deficiencies, operational deficiencies, and high crash rates.</p> <p>The following bullets describe the proposed tie-in locations near SR-73 under both Build Alternatives.</p> <ul style="list-style-type: none"> <li>Western Alternative (Alternative A) - Portions of the existing roadbed would be scarified under this alternative near the re-designed intersection of SR-32/SR-73 near Stonebrook Drive. Areas of existing SR-32 that would not be scarified would revert to a local road with the intent of vehicles traveling to Sevier County to remain on newly constructed SR-32 through the re-designed intersection with SR-73/Stonebrook Drive. The tie-in location for the western end of the Western Alternative (Alternative A) was also chosen due to the topography of the project area as well to reduce the number of expected residential relocations associated with the Stonebrook Subdivision.</li> <li>Alternative Following Existing SR-32 (Alternative B) - The tie-in location for this alternative removes the existing SR-73/SR-32 intersection and improves the movement of traffic from SR-32 to SR-73 through the re-design of the intersection. In addition, the existing roadway curvature north of the SR-32/SR-73 intersection would be improved under Alternative B.</li> </ul>

TESA AGENCY COMMENTS		
<i>Agency</i>	<i>Comment</i>	<i>Response</i>
		<p>Graphics illustrating the existing and proposed conditions are included in Attachment B.</p> <p>Both Build Alternatives have independent utility. Neither would depend on other transportation improvements in the area in order to function and they would not require other projects in order to meet the project's purpose and need.</p> <p>Logical termini will be addressed in more detail in the Environmental Assessment (EA) that is currently under development and distributed to the agencies as TESA CP3.</p>
US Army Corps of Engineers, Nashville District	<p>2. <u>Apparent Elimination of Western Alternative from Staff Review:</u></p> <p>During the June 14, 2018 interagency pre-meeting and field review, the proposed Western Alternative received little to no attention; the discussion appeared to emphasize the preference for the Alternative Following Existing SR-32. Additionally the Western Alignment was not included within the interagency field review. It appeared that the proposed Western Alignment had already been effectively eliminated from internal TDOT staff review. In order to demonstrate compliance with the 404(b)(1) Guidelines, USACE requests that each alternative that moves forward is analyzed with the same depth and methodology.</p>	<p>2. <u>Apparent Elimination of Western Alternative from Staff Review</u></p> <p>The Western Alternative (Alternative A) was reviewed in the field by the TESA agencies on August 25, 2012. The June 14, 2018 agency field review focused on the Alternative Following Existing SR-32 (Alternative B) since that alternative was recently identified during completion of the Expedited Project Delivery (EPD) review. TDOT is currently documenting the potential project impacts of both the Western Alternative (Alternative A) and the Alternative Following Existing SR-32 (Alternative B). Both are being analyzed with the same depth and methodology. The potential impacts of both alternatives will be documented in the EA that is currently under development and will be distributed to the agencies as TESA CP3.</p>

	TESA AGENCY COMMENTS	
Agency	Comment	Response
US Army Corps of Engineers, Nashville District	<p>3. <u>Rationale for Elimination of Eastern Alternative:</u></p> <p>The Alternatives to be Evaluated Package includes a brief discussion of the rationale for eliminating the Eastern Alternative. This discussion is limited to:</p> <p><i>"This potential alternative is being recommended for removal from further consideration based on input received from the TESA agencies and the public, potential impacts to an Exceptional Tennessee Water (ETW)(Cosby Creek), and potential impacts to a greater number of archaeological sites that are considered potentially eligible for listing on the National Register of Historic Places (NRHP)."</i></p> <p>On July 19, 2019, a meeting was held with management of the FHWA, TDOT, and USACE to discuss synchronization of environmental reviews for TDOT projects. The approved meeting minutes discussed the following agency action item, in which TDOT committed to implement:</p> <p><i>"EAs to include detailed discussion of alternatives that were eliminated early in the NEPA process. Include description of the alternatives, and rationale for removing these alternatives. Goal is to satisfy 404(b)1 within NEPA document."</i></p> <p>The USACE requests that additional, more detailed discussion is provided regarding rationale for eliminating the Eastern Alignment. Please also include additional discussion regarding potential impacts to aquatic resources.</p>	<p>3. <u>Rationale for Elimination of Eastern Alternative</u></p> <p>More detailed discussion regarding the rationale for eliminating the Eastern Alignment, including quantification of potential impacts, will be included in the EA that is currently under development and will be distributed to the agencies as TESA CP3.</p>



TESA AGENCY COMMENTS		
<i>Agency</i>	<i>Comment</i>	<i>Response</i>
US Army Corps of Engineers, Nashville District	<p>4. <u>Preliminary Environmental Impacts:</u></p> <p>Table 7 includes a table of preliminary environmental impacts. The table indicates that each of the three alternatives is expected to impact a total of 0.62 acres of wetland. It appears unlikely that each alternative would impact the same exact acreage of wetland. Additionally, during the June 14, 2018 field review, multiple wetlands appeared to be present at the site. Additionally, the USACE investigated an apparent wetland across the road from "Kyle Carver Orchards". Delineation flagging was present; indicating that TDOT may have already reviewed this area. However, during the meeting, TDOT indicated that no field-based aquatic resource review had been completed along any of the proposed alignments. At the conclusion of the field review, USACE, TDEC, and the USFWS voiced concerns over the current TDOT procedures in which preliminary and detailed aquatic resource evaluations and delineations occur late in the TESA process, near the permitting phase. Without delineation data, it is not possible to provide meaningful review of the proposed alternatives, as necessary to document compliance with the 404(b)(1) Guidelines. The USACE requests the following: a) please incorporated any prior TDOT aquatic resource delineation data into the alternatives analysis documents, b) please update Table 7 as necessary utilizing available data, and c) please describe the methodology for how wetland acreage was estimated for each alternative. Online resources such as National Wetland Inventory (NWI) maps, NRCS soil maps, National Hydrography Data sets (NHD), etc. could be used as resources to estimate aquatic resource impacts.</p>	<p>4. <u>Preliminary Environmental Impacts:</u></p> <p>The wetlands shown in Figure 6 of the CP2 package were identified based on a desktop review and are located along the portion of the proposed alignment that was common to all three proposed Build Alternatives.</p> <p>TDOT prepared an Environmental Boundaries Report (EBR) for the Alternative Following Existing SR-32 (Alternative B) in November 2018. The EBR identified seven perennial streams, five ephemeral streams, and one spring within the project limits. TDOT is currently in the process of preparing an Ecology Report for both the Western Alternative (Alternative A) and the Alternative Following Existing SR-32 (Alternative B). Field work for the Ecology Report was completed in January 2020. The Ecology Report will include impact calculations for both streams and wetlands and this information will be included within TESA CP3.</p> <p>.In addition to the Ecology Report, other technical studies and impact analyses are being conducted for the project including floodplains, noise, air quality, community impacts, environmental justice, hazardous materials, farmlands, visual effects, archaeology, historic structures, etc. This information will also be included as part of TESA CP3.</p>

TESA AGENCY COMMENTS		
Agency	Comment	Response
US Army Corps of Engineers, Nashville District	<p>5. <u>Alternatives Analysis: Clean Water Act Section 404(b)(1) Guidelines:</u></p> <p>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 analysis. 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 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.</p> <p>For your information, 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 alternative analysis.</p> <p>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 Alternative Analysis under Section 404" dated June 2014 and AASHTO's "Applying 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.</p>	<p>5. <u>Alternatives Analysis: Clean Water Act Section 404(b)(1) Guidelines:</u></p> <p>Additional information regarding the development of alternatives and a discussion of which alternatives are being carried forward for detailed analysis will be included in the EA and distributed to the TESA Agencies as CP3. The final environmental document will also include details and reasons for the selection of a preferred alternative.</p>

TESA AGENCY COMMENTS		
Agency	Comment	Response
US Army Corps of Engineers, Nashville District	<p>6. <u>Cumulative Effects:</u></p> <p>When moving forward with the next phase of the alternatives analysis, the USACE suggests that documentation is provided to help facilitate completion [of] a cumulative effects analysis, in regards to impacts on the aquatic environment. The USACE must consider the cumulative effects associated with the proposed project on the aquatic and human environment in order to evaluate it under the National Environmental Policy Act (NEPA) and the Section 404(b)(1) Guidelines. The Council on Environmental Quality (CEQ) regulations implementing the NEPA requires Federal agencies to analyze the cumulative effects of federal actions on the environment. Cumulative effects on the human environment are defined by CEQ regulations as "impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions (40 CFR 1508.7).</p> <p>When analyzing the cumulative effects of a proposed project, USACE follows the guidance provided by the Council on Environmental Quality document "Considering Cumulative Effects under the National Environmental Policy Act" (CEQ 1997). This guidance provides an eleven-step process for identifying and evaluating cumulative effects under NEPA. These eleven steps are grouped into three general phases including: Scoping, Describing the Affected Environment, and Determining the Environmental Consequences [.]</p> <p>The cumulative effects assessment (CEA) for an appropriately sized watershed should, at a minimum, include the following information:</p> <ol style="list-style-type: none"> <li>a. Identify relevant past, present, and reasonably foreseeable future activities: <ol style="list-style-type: none"> <li>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.</li> <li>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 CEA map.</li> <li>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.</li> </ol> </li> </ol>	<p>6. <u>Cumulative Effects:</u></p> <p>TDOT recognizes that "other statutory or regulatory mandates include secondary, indirect, and/or cumulative impact requirements. ... These terms have different meanings and procedural expectations, with respect to other regulations and their subject resources, from those of the overall NEPA process."</p> <p><a href="https://www.environment.fhwa.dot.gov/nepa/QAimpact.aspx">https://www.environment.fhwa.dot.gov/nepa/QAimpact.aspx</a></p> <p>TDOT will address cumulative effects following the 1997 CEQ guidelines and the American Association of State Highway Transportation Officials (AASHTO) Practitioner Handbook #12 <i>Assessing Indirect Effects and Cumulative Impacts Under NEPA</i> in a manner consistent with FHWA Technical Advisory T6640.8A and the agency's environmental regulations at 23 CFR 771.</p>

TESA AGENCY COMMENTS		
Agency	Comment	Response
US Army Corps of Engineers, Nashville District	<p>b. Describe the project-related effects on the aquatic and human environment:</p> <p>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) 12 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 outside the USACE regulatory jurisdiction.</p> <p>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.</p> <p>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 CEA map.</p>	
Tennessee Department of Environment and Conservation	<p>"Alternatives should not be removed without evaluating impacts to state and federal jurisdictional water features. Wetland and stream features were located during the field review and had not yet been delineated at that time. Any impacts to waters of the state will be subject to an alternative analysis and permit review."</p>	<p>Several TESA agencies concurred with removal of the Eastern Alternative from further consideration, and no TESA agency provided a non-concurrence for the recommendation in the CP2 package to remove the Eastern Alternative from further consideration. As a result, the Eastern Alternative will not be carried forward into the EA. However, more detailed discussion regarding the rationale for eliminating the Eastern Alignment, including quantification of preliminary potential impacts under the Eastern Alignment, will be included in the EA that is currently under development and will be distributed to the agencies as TESA CP3.</p>

## Attachments

## Attachment A: Agency Responses



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Tennessee ES Office  
446 Neal Street  
Cookeville, Tennessee 38501



December 19, 2019

Mr. Erick Hunt-Hawkins  
TDOT Environmental Division  
NEPA Special Projects Office Environmental Technical Office  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, Tennessee 37243

Subject: FWS# 20-I-0428. Concurrence Point 2. Proposed State Route 32 (U.S. Highway 321) improvements from State Route 73 (U.S. Highway 321) to Wilton Springs Road; PIN 101422.00, P.E. Number: 15005-1234-04, Cocke County, Tennessee.

Dear Mr. Hunt-Hawkins:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), is initiating National Environmental Policy Act (NEPA) documentation and analysis for the proposed State Route (SR) 32 improvements from SR 73 to Wilton Springs Road in Cocke County, Tennessee. The purpose of this project is to provide an efficient system linkage between the Gatlinburg/Great Smoky Mountains National Park/Interstate 40 areas, bring the roadway up to current design standards, and improve roadway capacity.

The *Alternatives to be Evaluated in the Environmental Document* was prepared by TDOT to discuss the various build alternatives under consideration, in accordance with the National Environmental Policy Act (NEPA) and the Tennessee Environmental Streamlining Agreement (TESA). TDOT is proposing to carry three alternatives forward (Western Alternative- renamed Alternative A, Alternative Following Existing SR 32- renamed Alternative B, and the No-Build Alternative) to the Environmental Assessment phase. The Eastern Alternative is proposed for removal from further consideration due to: potential impacts to Cosby Creek (Exceptional TN Waters), potential impacts to cultural resources, and public and resource agency concerns.

A mist netting survey was performed during the period of June 8 and June 23, 2015, at 11 sites along the project corridor. Efforts resulted in the capture of 110 bats, including 49 federally endangered gray bats (*Myotis grisescens*). Due to negative survey results for the federally endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis*



*septentrionalis*), we concurred with TDOT's determinations of "not likely to adversely affect" for these species in a letter dated November 16, 2015. This survey will be valid until April 1, 2021.

According to our database, the nearest gray bat cave is Rattling Pit Cave, approximately 6.8 miles north of the project terminus. We currently have no records of gray bat caves within the project area and are mainly concerned that water quality is maintained along potential travel/feeding corridors. Best management practices should be sufficient to minimize potential for harm to the gray bat.

We are unaware of any other federally listed or proposed species that would be impacted by the project. Therefore, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act (Act) of 1973, as amended, are fulfilled for all species that currently receive protection under the Act. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

We have reviewed the *Alternatives to be Evaluated in the Environmental Document* and **concur** that it is adequate and that TDOT should proceed to Concurrence Point 3, *Preliminary Draft Environmental Assessment*. The signed TESA Concurrence Point 2 for this project is attached.

Thank you for the opportunity to review this document. If you have any questions regarding our comments, please contact John Griffith at 931/525-4995 or by email at [john\\_griffith@fws.gov](mailto:john_griffith@fws.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Virgil E. Andrews, Jr.", with a stylized flourish at the end.

Virgil Lee Andrews, Jr.  
Field Supervisor



STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

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

CLAY BRIGHT  
COMMISSIONER

BILL LEE  
GOVERNOR

November 26, 2019

RE: Tennessee Environmental Streamlining Agreement Concurrence Signature Form  
Concurrence Point 2  
Alternatives to be Evaluated in the Environmental Document  
SR-32, Cocke County, Tennessee  
PIN 101422.00

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for SR-32 in Cocke County, Tennessee. This EA is being developed by TDOT to document the impacts of the subject project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement for the Environmental and Regulatory Coordination of Transportation Projects (TESA)*. In accordance with TESA, we are requesting your review and concurrence on Concurrence Point 2 (CP2), *Alternatives to be Evaluated in the Environmental Document*.

The *Alternatives to be Evaluated in the Environmental Document* document was sent to you on November 26, 2019 for a 45-day review period. Once you have had the opportunity to review the document, please sign this form. In signing this document, you are indicating your concurrence on the alternatives to be evaluated in the EA.

Please sign and return this form to Mr. Erick Hunt-Hawkins at the address below by **January 10, 2020**. TDOT will issue a reminder to all agencies at least 14 calendar days prior to the requested return date. TDOT will assume concurrence from all TESA Participating Agencies that do not respond by **January 10, 2020**.

Mr. Erick Hunt-Hawkins  
TDOT Environmental Division, NEPA Special Projects Office  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, TN 37243-0334  
Erick.Hunt-Hawkins@tn.gov

If you feel all provisions of TESA CP2 have been satisfied, please acknowledge your agency's concurrence with the alternatives to be evaluated with your signature below.

TESA AGENCY: U.S. Fish & Wildlife Service

TESA CONTACT: Robert E. Sykes Acting Field Supervisor  
Print Name Title

CONCUR: Robert E. Sykes 12/19/19  
Signature Date



## TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER  
5107 EDMONDSON PIKE  
NASHVILLE, TENNESSEE 37211

January 7, 2020

Erick Hunt-Hawkins  
TDOT Environmental Division, NEPA Special Projects Office  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, TN 37243-0334

Re: State Route 32 – Concurrence Point 2 – Alternatives to be Evaluated

Dear Mr. Hunt-Hawkins:

The Tennessee Wildlife Resources Agency has reviewed information that was provided regarding Concurrence Point 2 - . Alternatives to be Evaluated in the Environmental Document for State Route 32 in Cocke County, Tennessee under the Tennessee Environmental Streamlining Agreement and we concur on Concurrence Point 2. It is our understanding that the Eastern Alternative is proposed for removal, which we support due to potential impacts to Cosby Creek (Exceptional Tennessee Waters). It is also our understanding that three alternatives will be moved forward in the environmental assessment phase; Alternative A, Alternative B, and the No-Build Alternative.

Sincerely,

*Robert M. Todd*

Robert M. Todd  
Assistant Chief of the Environmental Services Division

cc: Vincent Pontello, TWRA Liaison to Federal Highway Admin. & TDOT  
John Griffith, USFWS  
Meridith Krebs, TDOT

**The State of Tennessee**

AN EQUAL OPPORTUNITY, EQUAL ACCESS, AFFIRMATIVE ACTION EMPLOYER





STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

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

CLAY BRIGHT  
COMMISSIONER

BILL LEE  
GOVERNOR

November 26, 2019

RE: Tennessee Environmental Streamlining Agreement Concurrence Signature Form  
Concurrence Point 2  
Alternatives to be Evaluated in the Environmental Document  
SR-32, Cocke County, Tennessee  
PIN 101422.00

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for SR-32 in Cocke County, Tennessee. This EA is being developed by TDOT to document the impacts of the subject project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement for the Environmental and Regulatory Coordination of Transportation Projects (TESA)*. In accordance with TESA, we are requesting your review and concurrence on Concurrence Point 2 (CP2), *Alternatives to be Evaluated in the Environmental Document*.

The *Alternatives to be Evaluated in the Environmental Document* document was sent to you on November 26, 2019 for a 45-day review period. Once you have had the opportunity to review the document, please sign this form. In signing this document, you are indicating your concurrence on the alternatives to be evaluated in the EA.

Please sign and return this form to Mr. Erick Hunt-Hawkins at the address below by **January 10, 2020**. TDOT will issue a reminder to all agencies at least 14 calendar days prior to the requested return date. TDOT will assume concurrence from all TESA Participating Agencies that do not respond by **January 10, 2020**.

Mr. Erick Hunt-Hawkins  
TDOT Environmental Division, NEPA Special Projects Office  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, TN 37243-0334  
Erick.Hunt-Hawkins@tn.gov

If you feel all provisions of TESA CP2 have been satisfied, please acknowledge your agency's concurrence with the alternatives to be evaluated with your signature below.

TESA AGENCY: TENNESSEE WILDLIFE RESOURCES AGENCY

TESA CONTACT: ROBERT TODD ASSISTANT CHIEF OF ENVIRONMENTAL  
Print Name Title SERVICES DIVISION

CONCUR: Robert Todd 1-7-2020  
Signature Date



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

January 10, 2020

SUBJECT: LRN-2018-00601; TDOT PIN 101422.00; Agency Concurrence for TESA Concurrence Point 2

ATTN: Mr. Erick Hunt-Hawkins  
Tennessee Department of Transportation  
505 Deaderick ST, STE 900, J.K. Polk BLDG  
Nashville, TN 37243

Dear Mr. Hunt-Hawkins:

This letter is in response to your request for agency comments as part of Concurrence Point 2, addressing the *Alternatives to be Evaluated*, for SR-32 from SR-73 to north of Wilton Springs Road, located in Cocke County, Tennessee. This project has been assigned File Number LRN-2018-00601. Please refer to this number in all communication concerning this matter.

The U.S. Army Corps of Engineers, Nashville District (USACE) has reviewed the *Alternatives to be Evaluated Package* and has made a determination of concurrence, provided the comments listed below are adequately addressed. USACE has provided these comments to ensure adequate information is provided to demonstrate compliance with Section 404 of the Clean Water Act.

1. Logical Termini:

Section 2.0 of the package summarizes agency comments received in 2013, including the following comment from the USACE:

*"Request clarification on logical termini. Seems TDOT ended the project at Wilton Springs Road because SR-32 has been/is being improved north of Wilton Springs Road; however, project starting point is not clear. If the need is to improve traffic flow to Gatlinburg, should project start in Gatlinburg? Is State Hwy 73 west of the starting point less congested and currently meeting design standards? Additional logical termini justification is required to evaluate alternatives/ensure a single and complete project with independent utility."*

The previous USACE comment does not appear to be addressed in CP-2; please address relevant portions of this comment. The June 14, 2018 Field Review Summary, provides some additional detail on this topic related to additional segmentation of the project; however, the documents do not appear to clearly explain the basis or detailed discussion of why the beginning and end points for the

corridor demonstrate logical termini. The USACE requests a discussion be added to the documents to clearly explain how these determinations were made in regards to logical termini for the entire NEPA project corridor.

2. Apparent Elimination of Western Alternative from Staff Review:

During the June 14, 2018 interagency pre-meeting and field review, the proposed Western Alternative received little to no attention; the discussion appeared to emphasize the preference for the Alternative Following Existing SR-32. Additionally the Western Alignment was not included within the interagency field review. It appeared that the proposed Western Alignment had already been effectively eliminated from internal TDOT staff review. In order to demonstrate compliance with the 404(b)(1) Guidelines, USACE requests that each alternative that moves forward is analyzed with the same depth and methodology.

3. Rationale for Elimination of Eastern Alignment:

The Alternatives to be Evaluated Package includes a brief discussion of rationale for eliminating the Eastern Alternative. This discussion is limited to:

*"This potential alternative is being recommended for removal from further consideration based on input received from the TESA agencies and the public, potential impacts to an Exceptional Tennessee Water (ETW) (Cosby Creek), and potential impacts to a greater number of archaeological sites that are considered potentially eligible for listing on the National Register of Historic Places (NRHP)."*

On July 10, 2019, a meeting was held with management of the FHWA, TDOT, and USACE to discuss synchronization of environmental reviews for TDOT projects. The approved meeting minutes discussed the following agency action item, in which TDOT committed to implement:

*"EAs to include detailed discussion of alternatives that were eliminated early in the NEPA process. Include description of the alternatives, and rationale for removing these alternatives. Goal is to satisfy 404(b)1 within the NEPA document."*

The USACE requests that additional, more detailed discussion is provided regarding rationale for eliminating the Eastern Alignment. Please also include additional discussion regarding potential impacts to aquatic resources.

4. Preliminary Environmental Impacts:

Table 7 includes a table of preliminary environmental impacts. The table indicates that each of the three alternatives is expected to impact a total of 0.62 acres of wetland. It appears unlikely that each alternative would impact the same exact acreage of wetland. Additionally, during the June 14, 2018 field review, multiple wetlands appeared to be present at the site. Additionally, the USACE investigated an apparent wetland across the road from "Kyle Carver Orchards". Delineation flagging was present; indicating that TDOT may have already reviewed this area. However, during the meeting, TDOT indicated that no field-based aquatic resource review had been completed along any of the proposed alignments. At the conclusion of the field review, USACE, TDEC, and the USFWS voiced concerns over the current TDOT procedures in which preliminary and detailed aquatic resource evaluations and delineations occur late in the TESA process, near the permitting phase. Without delineation data, it is not possible to provide meaningful review of the proposed alternatives, as necessary to document compliance with the 404(b)(1) Guidelines. The USACE requests the following: a) please incorporate any prior TDOT aquatic resource delineation data into the alternatives analysis documents, b) please update Table 7 as necessary utilizing available data, and c) please describe methodology for how wetland acreage was estimated for each alternative. Online resources such as National Wetland Inventory (NWI) maps, NRCS soil maps, National Hydrography Data sets (NHD), etc. could be used as resources to estimate aquatic resource impacts.

5. Alternatives Analysis: Clean Water Act 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 analysis. 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 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 your information, 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 AASHTO's *"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.

#### 6. Cumulative Effects:

When moving forward with the next phase of alternatives analysis, the USACE suggests that documentation is provided to help facilitate completion a cumulative effects analysis, in regards to impacts on the aquatic environment. The USACE must consider the cumulative effects associated with the proposed project on the aquatic and human environment in order to evaluate it under the National Environmental Policy Act (NEPA) and the Section 404(b)(1) Guidelines. The Council on Environmental Quality (CEQ) regulations implementing the NEPA requires Federal agencies to analyze the cumulative effects of federal actions on the environment. Cumulative effects on the human environment are defined by CEQ regulations as "impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions" (40 CFR 1508.7).



When analyzing the cumulative effects of a proposed project, USACE follows the guidance provided by the Council on Environmental Quality document "Considering Cumulative Effects under the National Environmental Policy Act" (CEQ 1997). This guidance provides an eleven-step process for identifying and evaluating cumulative effects under NEPA. These eleven steps are grouped into three general phases including: Scoping, Describing the Affected Environment, and Determining the Environmental Consequences

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

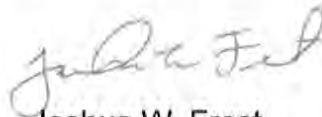
- a. Identify relevant past, present, and reasonably foreseeable future activities:
  - i. Consider and describe how past activities have historically affected and will continue to detrimentally affect the aquatic resources of concern for the proposed project. Consider other present actions, such as 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 CEA 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 and human 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) 12 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 CEA map.

We appreciate your consideration of our comments, and look forward to working on this project. If you have any questions, please contact Mr. William Worrall, Transportation Program Manager, by telephone at 615-369-7513, or via email at [william.e.worrall@usace.army.mil](mailto:william.e.worrall@usace.army.mil)

Sincerely,



Joshua W. Frost  
Chief, Technical Services Branch  
Regulatory Division



STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

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

CLAY BRIGHT  
COMMISSIONER

BILL LEE  
GOVERNOR

November 26, 2019

RE: Tennessee Environmental Streamlining Agreement Concurrence Signature Form  
Concurrence Point 2  
Alternatives to be Evaluated in the Environmental Document  
SR-32, Cocke County, Tennessee  
PIN 101422.00

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for SR-32 in Cocke County, Tennessee. This EA is being developed by TDOT to document the impacts of the subject project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement for the Environmental and Regulatory Coordination of Transportation Projects (TESA)*. In accordance with TESA, we are requesting your review and concurrence on Concurrence Point 2 (CP2), *Alternatives to be Evaluated in the Environmental Document*.

The *Alternatives to be Evaluated in the Environmental Document* document was sent to you on November 26, 2019 for a 45-day review period. Once you have had the opportunity to review the document, please sign this form. In signing this document, you are indicating your concurrence on the alternatives to be evaluated in the EA.

Please sign and return this form to Mr. Erick Hunt-Hawkins at the address below by **January 10, 2020**. TDOT will issue a reminder to all agencies at least 14 calendar days prior to the requested return date. TDOT will assume concurrence from all TESA Participating Agencies that do not respond by **January 10, 2020**.

Mr. Erick Hunt-Hawkins  
TDOT Environmental Division, NEPA Special Projects Office  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, TN 37243-0334  
Erick.Hunt-Hawkins@tn.gov

If you feel all provisions of TESA CP2 have been satisfied, please acknowledge your agency's concurrence with the alternatives to be evaluated with your signature below.

TESA AGENCY: U.S. Army Corps of Engineers

TESA CONTACT: Joshua Frost  
Print Name

Chief, Technical Services Branch  
Title

CONCUR: [Signature]  
Signature

10 JAN 2020  
Date

## 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)<sup>i</sup> and the National Environmental Policy Act (NEPA)<sup>ii</sup>. 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
<b>Availability</b>	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
<b>Cost</b>	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
<b>Existing Technology</b>	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
<b>Logistics</b>	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*

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

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

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<sup>i</sup> 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

<sup>ii</sup> 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>.



Center for Environmental Excellence by AASHTO



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.”<sup>1</sup>

**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.<sup>2</sup>

**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.<sup>3</sup> 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.”<sup>4</sup> 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.<sup>5</sup> 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

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- 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.<sup>6</sup> 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."<sup>7</sup>

**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.

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<sup>6</sup> 33 CFR 320.4(a).

<sup>7</sup> 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.”<sup>8</sup>
- **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....”<sup>9</sup>
- **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.”<sup>10</sup>
- **Minimizing Adverse Impacts.** The project must include “appropriate and practicable steps to minimize potential adverse impacts of the discharge on the aquatic ecosystem.”<sup>11</sup>

**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.<sup>12</sup>

**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.”<sup>13</sup> 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).

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.”<sup>14</sup>
- **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.”<sup>15</sup> 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.<sup>16</sup>

**Presumption of Availability for Non-Water-Dependent Projects.** The guidelines create a presumption that practicable avoidance alternatives are available for non-water-dependent projects.<sup>17</sup> 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.”<sup>18</sup> 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.”<sup>19</sup> 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.<sup>20</sup> 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.”<sup>21</sup> 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

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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.<sup>22</sup> The guidelines require the Corps to consider the project's "secondary effects" on waters of the United States.<sup>23</sup> 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.<sup>24</sup> 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."<sup>25</sup> The Corps' Section 404(b)(1) Guidelines regulations implement this requirement through a multi-step process.<sup>26</sup> 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

<sup>22</sup> 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.

<sup>23</sup> See 40 CFR § 230.11(h).

<sup>24</sup> The Corps' permitting regulations include procedures for Section 106 compliance. See 33 CFR Part 325, Appendix C.

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

<sup>26</sup> 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.<sup>27</sup> 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.<sup>28</sup> 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

<sup>27</sup> 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.

<sup>28</sup> 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.<sup>29</sup>

- **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.”<sup>30</sup> 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?

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

<sup>30</sup> 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***

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### *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***

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- 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***

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- 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***

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- 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***

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#### *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?

- 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***

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- 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***

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- 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.”<sup>31</sup>

**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.”<sup>32</sup> 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

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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.”<sup>33</sup> This discussion must be developed “in consultation with Federal, state, and tribal wildlife, land management, and regulatory agencies.”<sup>34</sup> 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.<sup>35</sup>

**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.”<sup>36</sup> 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

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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.<sup>37</sup> 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.<sup>38</sup> 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

<sup>37</sup> 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).

<sup>38</sup> 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.”<sup>39</sup> 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.”<sup>40</sup> 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.”<sup>41</sup> 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.<sup>42</sup> 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.”<sup>43</sup>

**“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.

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<sup>39</sup> 40 CFR § 230.10(a)(2).

<sup>40</sup> 33 CFR Part 325, App. B, Section 9(b)(4).

<sup>41</sup> 33 CFR Part 325, App. B, Section 9(b)(4).

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

<sup>43</sup> 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.<sup>44</sup>

**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.

<sup>44</sup> 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.<sup>45</sup>

## 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

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<sup>45</sup> *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.<sup>46</sup> 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.

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<sup>46</sup> *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.<sup>47</sup>

## 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.”<sup>48</sup> 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.<sup>49</sup>

**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

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<sup>47</sup> 33 CFR § 320.4(a) (emphasis added).

<sup>48</sup> 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.

<sup>49</sup> 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**

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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.

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## 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:  
Center for Environmental Excellence by AASHTO  
444 North Capitol Street, NW, Suite 249 Washington, DC 20001  
Telephone: 202-624-5800  
Email: [environment@aaashto.org](mailto:environment@aaashto.org)  
Web site: <http://environment.transportation.org>



## Meridith Krebs

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**From:** Adam T. Kelly  
**Sent:** Friday, January 10, 2020 1:35 PM  
**To:** Meridith Krebs  
**Subject:** RE: SR-32 (US 321), From SR-73 in Cosby to Wilton Springs Road, PIN 101422.00- TESA Concurrence Point 2 Package For Your Review and Comment

Meredith,

TDEC submits the following comments:

Alternatives should not be removed without evaluating impacts to state and federal jurisdictional water features. Wetland and stream features were located during the field review and had not yet been delineated at that time. Any impacts to waters of the state will be subject to an alternatives analysis and permit review.

Thank you for the opportunity to comment at this time.



Adam Kelly, Environmental Scientist III  
[Division of Water Resources](#)  
William R. Snodgrass TN Tower, 11<sup>th</sup> Floor  
312 Rosa L Parks Ave, Nashville, TN 37243  
Office: 615-253-5348  
Email: [Adam.T.Kelly@tn.gov](mailto:Adam.T.Kelly@tn.gov)

Tell us how we're doing! Please take 5-10 minutes to complete [TDEC's Customer Service Survey](#)

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**From:** Meridith Krebs  
**Sent:** Tuesday, November 26, 2019 3:27 PM  
**To:** Fottrell, Gary (FHWA); William.E.Worrall@usace.army.mil; WDWHITE0@TVA.GOV; tesa@fws.gov; TDEC TESA; Rob Todd; Patrick McIntyre  
**Cc:** Erick Hunt-Hawkins; Holly Cantrell; Patrick Garner  
**Subject:** SR-32 (US 321), From SR-73 in Cosby to Wilton Springs Road, PIN 101422.00- TESA Concurrence Point 2 Package For Your Review and Comment

Good afternoon! Attached please find *Concurrence Point 2 (CP2) Alternatives to be Evaluated Package*, which is being transmitted to your agency pursuant to the *Tennessee Environmental Streamlining Agreement (TESA)*. Please note that if you decide to print the attached TESA CP2 Package, we would suggest printing the maps at the 11x17 paper size.

TDOT is requesting any input you may have on the TESA CP2 package. Please submit your comments on the attached concurrence form no later than **January 10, 2020**. Your comments are requested in writing and should involve a concurrence, a non-concurrence, or a request for an extension of review time. You may also provide advisory comments based on your statutory or regulatory authority. Unless an extension is requested, TDOT will assume concurrence if your agency does not respond by **January 10, 2020**.

In addition, due to the length of time that has passed, a revised initial agency coordination package will be sent to your agency in the coming weeks for the SR-32 project. Please treat the initial agency coordination package as a separate submittal from the TESA CP2 Package.

TDOT would like to thank you and your agency for your continued assistance with the proposed SR-32 project. TDOT welcomes your agency's involvement and appreciates your continued efforts in providing input and suggestions.

If you have any questions or comments, please contact Erick Hunt-Hawkins at 615-253-5163 or [Erick.Hunt-Hawkins@tn.gov](mailto:Erick.Hunt-Hawkins@tn.gov).

Thank you,  
Meridith



**Meridith C. Krebs**

Environmental Division/NEPA Special Projects Office  
James K. Polk Building, Suite 900  
505 Deaderick Street, Nashville, TN 37243  
c. 404-386-7282  
[meridith.krebs@tn.gov](mailto:meridith.krebs@tn.gov)  
[tn.gov/tdot](http://tn.gov/tdot)

## Attachment B: Logical Termini Illustration







# State Route (SR) 32 (US-231)

From SR-73 to North of Wilton Springs Road

Cocke County, TN

Summary of Agency Comments on  
TESA Concurrence Point 3 Package  
Alternatives to be Evaluated

Prepared By:  
Tennessee Department of Transportation,  
Environmental Division



February 2022



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## Attachments

Attachment A: Agency Responses

## 1.0 Introduction

On November 5, 2021, the Tennessee Department of Transportation (TDOT), pursuant to the Tennessee Environmental Streamlining Agreement (TESA), transmitted a copy of Concurrence Point 3 (CP3) *Preliminary Draft Environmental Assessment and Preliminary Mitigation* for State Route (SR) 32 from SR-73 to north of Wilton Springs Road, Cocke County, Tennessee to the following TESA agencies:

- US Army Corps of Engineers, Nashville District (USACE)
- US Fish and Wildlife Service (USFWS)
- Tennessee Valley Authority (TVA)
- Tennessee Department of Environment and Conservation (TDEC)
- Tennessee Wildlife Resources Agency (TWRA)
- Tennessee Historical Commission (TN-SHPO)

In addition to the above TESA agencies, the TESA CP3 package was also distributed to the National Park Service (NPS)-Great Smoky Mountains National Park, a federal Cooperating Agency, for their review and comment.

The *Preliminary Draft Environmental Assessment and Preliminary Mitigation* package included materials and information required for TESA CP3. TDOT requested that TESA agencies indicate concurrence or non-concurrence and provide any advisory comments by December 20, 2021. On December 6, 2021, TDOT distributed a follow-up reminder via email to the TESA agencies reminding them to respond by December 20, 2021. A request for a 15-day time extension was requested by a TESA agency and subsequently granted, extending the comment period through January 4, 2022. The NPS requested a time extension to January 15, 2022, which was granted.

## 2.0 TESA Agency Concurrence

Four TESA agencies signed and returned their concurrence signature page indicating that they concurred with the alternatives to be evaluated (Attachment A):

- TDEC
- TWRA
- USACE
- USFWS

TDOT did not receive a response on TESA CP3 from TVA or the TN-SHPO. Per TESA Section 4.3, unless an agency requests an extension or requests to be removed from the formal concurrence process (cessation of formal concurrence), TDOT assumes concurrence by those agencies not responding within the established review period.

The NPS provided comments on January 13, 2022.

## 3.0 TESA Agency Comments and Disposition

This section presents the advisory comments received from the TESA agencies and a disposition of those comments.

TESA AGENCY COMMENTS		
Agency/Date of Response	Comment	Response
US Fish and Wildlife Service 12/10/2021	<p>"A mist netting survey was performed during the period of July 15 through August 6, 2020, at 11 sites that could be utilized as travel corridors or foraging areas by bats. Efforts resulted in the capture of 211 bats, including 132 gray bats. Visual surveys of the SR-32 Bridge over Cosby Creek near the SR-73 junction at the north end of the project (Bridge 1) resulted in observations of 106 gray bats roosting during the daytime and approximately 1,000 gray bats utilizing the structure for night roosting. The SR-32 Bridge over Cosby Creek near Indian Camp Creek Road was also visually surveyed for roosting bats, but none were observed. Based on negative mist netting results for the federally endangered Indiana bat (<i>Myotis sodalis</i>) and threatened northern long-eared bat (<i>Myotis septentrionalis</i>), we concurred with TDOT's determinations of "not likely to adversely affect" for these species in a letter dated October 29, 2020. The results of this survey will be valid until April 1, 2026.</p> <p>Survey results provide ample evidence that gray bats utilize Cosby Creek and its tributaries as travel/feeding corridors and Bridge 1 as a summer roosting structure. Upon review of our database, the nearest gray bat cave is Rattling Pit Cave, approximately 6.6 miles north of the project area. We are not aware of any cave or karst features within the project limits. Because TDOT has committed to implement a construction prohibition on Bridge 1 during the period of April 1 through July 31, which would be protective of summer roosting bats, we additionally concur with the determination of "not likely to adversely affect" for the gray bat. If this commitment cannot be maintained due to project scheduling timelines, TDOT has agreed to re-coordinate with our office for potential impacts to the gray bat.</p> <p>Our database does not indicate that any other federally listed or proposed species could be impacted by the project. Therefore, based on the best information available at this time, we believe that the requirements of the Endangered Species Act (ESA) are fulfilled for all species that currently receive protection under the ESA. Obligations under section 7 of the ESA should be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.</p> <p>We have reviewed the Preliminary Draft Environmental Assessment and Preliminary Mitigation and concur that it is adequate and that TDOT should proceed to Concurrence Point 4, Draft Final Mitigation."</p>	Comment noted. TDOT will re-coordinate with USFWS as necessary.

TESA AGENCY COMMENTS		
Agency/Date of Response	Comment	Response
US Army Corps of Engineers, Nashville District 01/04/2022	<p>"The U.S. Army Corps of Engineers, Nashville District (USACE) has reviewed the Preliminary Draft Environmental Assessment and Preliminary Mitigation (EA) and has made a determination of concurrence, provided the comments listed below are adequately addressed. USACE has provided these comments to ensure adequate information is provided to demonstrate compliance with Section 404 of the Clean Water Act.</p> <p>1. <u>Alternatives Analysis: Clean Water Act Section 404(b)(1) Guidelines:</u></p> <p>Based on the preliminary data provided, this project may require a Section 404 Individual Permit. In order to help facilitate and expedite Section 404 permitting, the USACE requests additional documentation be provided within the Environmental Assessment, in order to address the mandates of the 404(b)(1) guidelines. According to the 404(b)(1) guidelines <u>"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."</u> 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. An individual permit cannot be issued unless the requirements of the 404(b)(1) guidelines are satisfied.</p> <p>The draft EA appears to indicate that Alternative A and Alternative B are both practicable alternatives considering cost, logistics, and existing technology in light of the overall project purpose. Table 3-30 [in the draft EA] summarizes potential stream impacts for both alternatives, measured in linear feet. The table indicates that Alternative A is expected to impact substantially more linear feet of stream (3,443 linear feet perennial, 1,940 linear feet ephemeral) than Alternative B (1,676 linear feet perennial, 1,704 linear feet ephemeral). Table 3-31 summarizes wetland impacts. Wetland impacts are comparable for both alternatives, but are slightly higher for Alternative B (0.72 acre) than Alternative A (0.63 acre).</p> <p>When determining the "preferred alternative", please keep in mind that Section 404 Individual Permit procedures require that <u>"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."</u> In order to satisfy this requirement for Individual Permits, please address the concerns in one of the two paragraphs below, whichever paragraph is relevant:</p>	<p>1. TDOT is not identifying a Preferred Alternative at this time. The Preferred Alternative will be identified in the final environmental document. The final environmental document will include details and reasons for the selection of the Preferred Alternative.</p>

TESA AGENCY COMMENTS		
Agency/Date of Response	Comment	Response
	<p>a. Should TDOT select an alternative ("preferred alternative") with the least adverse impact on the aquatic ecosystem, then the 404(b)(1) guidelines may be satisfied. In such case, the USACE requests that TDOT provide additional discussion within the EA to further demonstrate that the selected alternative includes the least adverse impact on the aquatic ecosystem. Such summary narrative could include quantity of impacts, quality of the impacted resources, importance of the impacted resources to the local/regional area, status as "Exceptional Tennessee Waters", etc. The above information may be utilized to demonstrate that the selected alternative includes the least impact on the aquatic ecosystem. The USACE requests that such additional documentation and conclusions be incorporated into the EA or FONSI narrative where possible, utilizing available information, such as information found within the Ecology report.</p> <p>b. Should TDOT select an alternative ("preferred alternative") that does not present the least adverse impact on the aquatic ecosystem, then TDOT would be required to demonstrate that either 1) the other practicable alternative (the non-selected alternative with less impacts) has "<u>other significant adverse environmental consequences</u>" or 2) that the other alternative (the non-selected alternative with less impacts) is not practicable. If this is the case, the USACE requests the EA or FONSI be updated to include substantial documentation and support for such finding that the other alternative (alternative with less adverse aquatic impacts) would present 1) "<u>other significant adverse environmental consequences</u>" or 2) is not practicable.</p> <p>Under this scenario, such documentation would be required, in order for an Individual Permit to be issued. Upon a brief review of the draft EA, USACE was not able to locate information demonstrating that either Alternative A or Alternative B included other significant environmental consequences or were not practicable.</p> <p>For more guidance on developing an alternatives analysis that satisfies the requirements of the 404(b)(1) guidelines, please see the attached AASHTO document "<i>Applying the Section 404(b)(1) Guidelines in Transportation Project Decision-Making</i>". 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.</p>	

TESA AGENCY COMMENTS		
Agency	Comment	Response
US Army Corps of Engineers, Nashville District 01/04/2022	<p>2. <u>Elimination of Eastern Alternative:</u> Part 2.1 of the EA discusses the “Eastern Alternative”, which was eliminated from further review for various reasons.</p> <p>a. The narrative indicates: “the TESA agencies expressed concern regarding the multiple stream crossings, particularly crossings of Cosby Creek, an ETW.” Within the EA, please provide a citation to the location of the September 2012 agency comments related to the stream crossings and crossings of Cosby Creek.</p> <p>b. The narrative indicates: “based on the results of the preliminary environmental screening survey, concurrence received from the TESA agencies, and public input, TDOT removed the Eastern Alternative from further consideration for detailed study in this EA.” The USACE requests that citations be added to the EA to direct the reader to the locations of the relevant TESA agency comments and public comments that also contributed to the elimination of the Eastern Alternative.</p> <p>3. <u>Stream Impact Quantification:</u> Table 3-30 summarizes potential stream impacts for the alternatives, measured in linear feet. The USACE quantifies stream impacts in terms of linear feet and acreage. For example, the thresholds for Section 404 permitting are dependent on acreage of impacts, even for stream. The USACE requests that future documentation include stream impacts measured in both linear feet and in acreage.”</p>	<p>2. Section 2.5.1 of the preliminary draft of the EA (CP3) discusses the Eastern Alternative.</p> <p>a. A copy of the summary of the 2012 TESA agency field review has been added to Appendix P and a reference to the summary has been added to Section 2.5.1 in the EA.</p> <p>b. Coordination with the TESA agencies and summaries of public comments are included in Appendix P. A reference to Appendix P will be added to the EA.</p> <p>Note: In the 2012 field review, the Eastern Alternative was referred to as Alternative B. In CP2 three potential build alternatives were presented: the Western Alternative (referenced as Alternative A in 2012), the Eastern Alternative (referenced as Alternative B in 2012) and the Alternative Following Existing SR-32 (alternative did not exist in 2012).</p> <p>The Western Alternative (referenced as Alternative A in the EA) and the Alternative Following Existing SR-32 (referenced as Alternative B in the EA) were both carried forward in the EA.</p> <p>3. Acreages of stream impacts has been added to tables S-1, 3-30, and 3-46 in the EA.</p>

TESA AGENCY COMMENTS		
Agency	Comment	Response
Tennessee Department of Environment and Conservation 12/20/2021	<p>"TDEC has reviewed the TESA CP3 Package and has the following comments regarding the proposed action:</p> <p><b>Air Resources</b></p> <p>There is a number missing in the Impacts column of Table S-1 for Alternatives A and B in the Air Quality section: the bullet states "Potential decrease in global CO2 emissions in 2040 of __ percent". This omission also occurs in Table 3-46. TDEC encourages TDOT to update both tables in the Final EA.</p> <p>The first sentence in the second paragraph of Section 3.7.3 is not entirely correct ("To date, no national standards have been established regarding GHGs, nor has EPA established criteria or thresholds for ambient GHG emissions pursuant to its authority to establish motor vehicle emission standards for CO2 under the Clean Air Act"). While no National Ambient Air Quality Standards have been established for greenhouse gases (GHGs), source-specific federal standards have been established for motor vehicles and some other source categories. TDEC recommends that the Final EA reflect this understanding of source-specific federal GHG emission standards.</p> <p><b>Cultural Resources</b></p> <p>The proposed project could disturb significant archaeological resources. Any potential effects to cultural resources must be addressed through consultation between TDOT and the State Historic Preservation Society (SHPO).</p>	<p><b>Air Resources</b></p> <p>Table S-1 and Table 3-46 have been updated to include the missing number.</p> <p>Section 3.7.3 in the EA has been revised to reflect EPA's established emissions standards for motor vehicles. A discussion has also been added noting the recently adopted final rulemaking (Docket ID No. EPA-HQ-OAR-2021-0208, Federal Register Vol. 86, No. 248 published on December 30, 2021).</p> <p><b>Cultural Resources</b></p> <p>Consultation with the TN-SHPO for this project is on-going for archaeological resources and will be completed prior to publication of the final environmental document. A copy of the record of coordination to date between TDOT and the TN-SHPO can be found in Appendix I of the EA.</p>



TESA AGENCY COMMENTS		
<i>Agency</i>	<i>Comment</i>	<i>Response</i>
Tennessee Department of Environment and Conservation 12/20/2021	<p><b>Water Resources</b></p> <p>TDEC acknowledges that both Alternative A and Alternative B would result in impacts to Cosby Creek, Tributaries to Cosby Creek and associated wetlands. These features have been identified in the provided Ecology report. Linear footage of streams, wet weather conveyances and wetland acreage in the Environmental Technical Study Area (ETSA) and Right-of-Way Limits Study Area (ROW) for both alternatives have been provided. TDEC requests wetland delineation sheets, hydrologic determination sheets, that proposed impact areas and extents be identified, and Tennessee Stream Quantification Tool workbooks be provided as soon as possible so that TDEC may concur with the environmental boundaries and determine the functional value loss of streams and wetlands associated with both alternatives. TDEC looks forward to reviewing these requested materials.</p> <p>Additionally, because this project will disturb significantly more than one acre of land, an individual Construction Stormwater Permit (CGP) will be required. TDEC encourages TDOT to reflect this consideration in the Final EA."</p>	<p>The wetland delineation sheets and hydrologic determination sheets are included in Appendix D of the Ecology Report which is included in Appendix K of the EA. The Tennessee Stream Quantification Tool workbooks will be completed closer to permitting.</p> <p>The EA has been updated to include the requirement of an individual Construction Stormwater Permit (CGP). See Other Required Federal Actions in the EA summary and Section 3.20 Environmental Permits in the body of the EA.</p>

## 4.0 National Park Service Comments and Disposition

This section presents the advisory comments received from the NPS and a disposition of those comments.

NATIONAL PARK SERVICE COMMENTS (Received 1/13/2022)	
Comment	Response
<p>"In order for the EA to serve as the National Environmental Policy Act (NEPA) compliance document required by the NPS, the document should include the following:</p> <ol style="list-style-type: none"> <li>1. The action for the NPS is to issue a Special Use Permit and Highway Easement Deed for the construction and operation, respectively, of State Route 32. We recommend that the EA state this in the Purpose and Need section.</li> <li>2. A description of the existing resources within the boundary of the Foothills Parkway potentially affected should be identified as NPS resources in the EA: <ol style="list-style-type: none"> <li>a. The forest or vegetation types (including the acreage of each) affected.</li> <li>b. A description of any delineated wetlands and floodplains on NPS lands as defined by NPS Procedural Manuals #77-1: Wetland Protection and #77-2: Floodplain Management. Please note that if the proposed action would cause temporary or permanent impacts to wetlands or floodplains, preparation of a statement of findings may be required to demonstrate compliance with NPS policies as outlined in the Procedural Manuals.</li> <li>c. A brief reference to the assessment of cultural resources and Appendix I, stating that no eligible archeological sites are located on NPS land within the project area and concurrence from the State Historic Preservation Office that no historic properties are adversely affected.</li> </ol> </li> <li>3. A description of park-specific mitigation/resource protection measures that will be included in the project plans, including: <ol style="list-style-type: none"> <li>a. Draft stormwater pollution prevention and the re-vegetation plans, to be submitted to NPS for review prior to construction.</li> <li>b. Removal of trees greater than or equal to 5 inches diameter at breast height would take place between November 15 and March 31 to avoid impacts to roosting bats and nesting birds.</li> <li>c. Use of park-only approved seed mixes for revegetation.</li> <li>d. Imported materials such as gravel and soil shall be from park-approved sources to avoid the introduction of non-native invasive plants.</li> <li>e. Earthmoving equipment shall be free of non-native invasive plants.</li> </ol> </li> <li>4. The NPS requests an electronic copy of any cultural or natural resource spatial data and surveys conducted on NPS land for our records."</li> </ol>	<ol style="list-style-type: none"> <li>1. The NPS action has been added to Section 1.7 in the EA.</li> <li>2. A description of existing resources within the boundary of the Foothills Parkway affected by the project has been added to Section 3.11.3 in the EA.</li> <li>3. The items listed under comment 3 have been added as environmental commitments in the EA.</li> <li>4. An electronic copy of cultural or natural resource spatial data and surveys has been provided to the NPS.</li> </ol>

## Attachments

## Attachment A: Agency Responses



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Tennessee Ecological Services Field Office  
446 Neal Street  
Cookeville, Tennessee 38501  
(931) 528-6481



December 10, 2021

Mr. Erick Hunt-Hawkins  
TDOT Environmental Division  
NEPA Special Projects Office Environmental Technical Office  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, Tennessee 37243

Subject: FWS# 22-CPA-0090. Concurrence Point 3. Proposed State Route 32 (U.S. Highway 321) improvements from State Route 73 (U.S. Highway 321) to Wilton Springs Road; PIN 101422.00, P.E. Number: 15005-1234-04, Cocke County, Tennessee.

Dear Mr. Hunt-Hawkins:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration, is initiating National Environmental Policy Act (NEPA) documentation and analysis for the proposed State Route (SR) 32 improvements for approximately 7.1 miles from SR 73 to Wilton Springs Road in Cocke County, Tennessee. The purpose of this project is to provide an efficient system linkage between the Gatlinburg/Great Smoky Mountains National Park/Interstate 40 areas, bring the roadway up to current design standards, and improve roadway capacity.

The *Preliminary Draft Environmental Assessment and Preliminary Mitigation* was prepared by TDOT to discuss the various alternatives under consideration, in accordance with the NEPA and the Tennessee Environmental Streamlining Agreement (TESA). TDOT is proposing to carry Two Build Alternatives forward (Alternative A and Alternative B) and a No-Build Alternative for a baseline comparison against the other project alternatives. Either Build Alternative would be constructed in two phases from the southern terminus to Penland Road. TDOT would acquire sufficient right-of-way for Phase 1 Construction (Interim Build) to accommodate the eventual Phase 2 Construction (Full Build). The section from Penland Road to the northern project terminus at the 4-lane divided section of SR-32 north of Wilton Springs Road would be constructed in a single phase during the Interim Build.

A mist netting survey was performed during the period of July 15 through August 6, 2020, at 11 sites that could be utilized as travel corridors or foraging areas by bats. Efforts resulted in the

capture of 211 bats, including 132 gray bats. Visual surveys of the SR-32 Bridge over Cosby Creek near the SR-73 junction at the north end of the project (Bridge 1) resulted in observations of 106 gray bats roosting during the daytime and approximately 1,000 gray bats utilizing the structure for night roosting. The SR-32 Bridge over Cosby Creek near Indian Camp Creek Road was also visually surveyed for roosting bats, but none were observed. Based on negative mist netting results for the federally endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*), we concurred with TDOT's determinations of "not likely to adversely affect" for these species in a letter dated October 29, 2020. The results of this survey will be valid until April 1, 2026.

Survey results provide ample evidence that gray bats utilize Cosby Creek and its tributaries as travel/feeding corridors and Bridge 1 as a summer roosting structure. Upon review of our database, the nearest gray bat cave is Rattling Pit Cave, approximately 6.6 miles north of the project area. We are not aware of any cave or karst features within the project limits. Because TDOT has committed to implement a construction prohibition on Bridge 1 during the period of April 1 through July 31, which would be protective of summer roosting bats, we additionally concur with the determination of "not likely to adversely affect" for the gray bat. If this commitment cannot be maintained due to project scheduling timelines, TDOT has agreed to re-coordinate with our office for potential impacts to the gray bat.

Our database does not indicate that any other federally listed or proposed species could be impacted by the project. Therefore, based on the best information available at this time, we believe that the requirements of the Endangered Species Act (ESA) are fulfilled for all species that currently receive protection under the ESA. Obligations under section 7 of the ESA should be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

We have reviewed the *Preliminary Draft Environmental Assessment and Preliminary Mitigation* and concur that it is adequate and that TDOT should proceed to Concurrence Point 4, *Draft Final Mitigation*. The signed TESA Concurrence Point 3 for this project is included below.

Thank you for the opportunity to review this document. If you have any questions regarding our comments, please contact John Griffith at 931/525-4995 or by email at [john\\_griffith@fws.gov](mailto:john_griffith@fws.gov).

Sincerely,

DANIEL  
ELBERT

Digitally signed by  
DANIEL ELBERT  
Date: 2021.12.10  
16:42:04 -06'00'

Field Supervisor

FWS# 22-CPA-0090  
Page 2 of 2



**Tennessee Environmental Streamlining Agreement, Concurrence Point # 3  
Preliminary Draft Environmental Assessment and Preliminary Mitigation  
Agency Concurrence Form  
SR-32, Cocke County, Tennessee, PIN 101422.00**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for SR-32 in Cocke County, Tennessee. This EA is being developed by TDOT to document the impacts of the subject project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement for the Environmental and Regulatory Coordination of Transportation Projects (TESA)*. In accordance with TESA, we are requesting your review and concurrence on Concurrence Point 3, *Preliminary Draft Environmental Assessment and Preliminary Mitigation*.

The *Preliminary Draft Environmental Assessment and Preliminary Mitigation* document was sent to you on November 5, 2021 for a 45-day review period. Once you have had the opportunity to review the document, please sign this form. In signing this document, you are indicating your concurrence with the adequacy of the SR-32 *Preliminary Draft Environmental Assessment and Preliminary Mitigation*.

Please sign and return this form to Erick Hunt-Hawkins at the address below by **December 20, 2021**. TDOT will issue a reminder to all agencies at least 14 calendar days prior to the requested return date. TDOT will assume concurrence from all TESA Participating Agencies that do not respond by **December 20, 2021**.

Erick Hunt-Hawkins  
TDOT Environmental Division  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, TN 37243-0334  
[Erick.Hunt-Hawkins@tn.gov](mailto:Erick.Hunt-Hawkins@tn.gov)

If you believe this information does not contain all necessary information pertaining to CP3, please notify TDOT within 15 days. TDOT will provide an updated package to all TESA Participating Agencies.

If you feel all provisions of TESA CP3 have been satisfied, please acknowledge your agency's concurrence with the adequacy of SR-32 *Preliminary Draft Environmental Assessment and Preliminary Mitigation* with your signature below.

TESA AGENCY:	U.S. Fish and Wildlife Service	
TESA CONTACT:	Daniel Elbert, Field Office Supervisor, Tennessee Ecological Services Field Office	
CONCUR:	Print Name <b>DANIEL ELBERT</b>	Title Digitally signed by DANIEL ELBERT Date: 2021.12.10 16:49:23 -06'00'
	Signature	Date





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

January 4, 2021

SUBJECT: LRN-2018-00601; TDOT PIN 101422.00; Agency Concurrence for TESA Concurrence Point 3

ATTN: Mr. Erick Hunt-Hawkins  
Tennessee Department of Transportation  
505 Deaderick ST, STE 900, J.K. Polk BLDG  
Nashville, TN 37243

Dear Mr. Hunt-Hawkins:

This letter is in response to your request for agency comments as part of Concurrence Point 3, addressing the *Preliminary Draft Environmental Assessment and Preliminary Mitigation*, for SR-32 from SR-73 to north of Wilton Springs Road, located in Cocke County, Tennessee. This project has been assigned File Number LRN-2018-00601. Please refer to this number in all communication concerning this matter.

The U.S. Army Corps of Engineers, Nashville District (USACE) has reviewed the *Preliminary Draft Environmental Assessment and Preliminary Mitigation* (EA) and has made a determination of concurrence, provided the comments listed below are adequately addressed. USACE has provided these comments to ensure adequate information is provided to demonstrate compliance with Section 404 of the Clean Water Act.

1. Alternatives Analysis: Clean Water Act Section 404(b)(1) Guidelines:

Based on the preliminary data provided, this project may require a Section 404 Individual Permit. In order to help facilitate and expedite Section 404 permitting, the USACE requests additional documentation be provided within the Environmental Assessment, in order to address the mandates of the 404(b)(1) guidelines. 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. An individual permit cannot be issued unless the requirements of the 404(b)(1) guidelines are satisfied.

Note: Date is listed incorrectly as 01/04/2021. It should be 01/04/2022. Date on the concurrence form is correct.

- 2 -

The draft EA appears to indicate that Alternative A and Alternative B are both practicable alternatives considering cost, logistics, and existing technology in light of the overall project purpose. Table 3-30 summarizes potential stream impacts for both alternatives, measured in linear feet. The table indicates that Alternative A is expected to impact substantially more linear feet of stream (3,443 linear feet perennial, 1,940 linear feet ephemeral) than Alternative B (1,676 linear feet perennial, 1,704 linear feet ephemeral). Table 3-31 summarizes wetland impacts. Wetland impacts are comparable for both alternatives, but are slightly higher for Alternative B (0.72 acre) than Alternative A (0.63 acre).

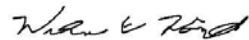
When determining the "preferred alternative", please keep in mind that Section 404 Individual Permit procedures require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." In order to satisfy this requirement for Individual Permits, please address the concerns in one of the two paragraphs below, whichever paragraph is relevant:

- a. Should TDOT select an alternative ("preferred alternative") with the least adverse impact on the aquatic ecosystem, then the 404(b)(1) guidelines may be satisfied. In such case, the USACE requests that TDOT provide additional discussion within the EA to further demonstrate that the selected alternative includes the least adverse impact on the aquatic ecosystem. Such summary narrative could include quantity of impacts, quality of the impacted resources, importance of the impacted resources to the local/regional area, status as "Exceptional Tennessee Waters", etc. The above information may be utilized to demonstrate that the selected alternative includes the least impact on the aquatic ecosystem. The USACE requests that such additional documentation and conclusions be incorporated into the EA or FONSI narrative where possible, utilizing available information, such as information found within the Ecology report.
- b. Should TDOT select an alternative ("preferred alternative") that does not present the least adverse impact on the aquatic ecosystem, then TDOT would be required to demonstrate that either 1) the other practicable alternative (the non-selected alternative with less impacts) has "other significant adverse environmental consequences" or 2) that the other alternative (the non-selected alternative with less impacts) is not practicable. If this is the case, the USACE requests the EA or FONSI be updated to include substantial documentation and support for such finding that the other alternative (alternative with less adverse aquatic impacts) would present 1) "other significant adverse environmental consequences" or 2) is not practicable.

- 4 -

We appreciate your consideration of our comments, and look forward to working on this project. If you have any questions, please contact me by telephone at 615-369-7513, or via email at [william.e.worrall@usace.army.mil](mailto:william.e.worrall@usace.army.mil)

Sincerely,



William E. Worrall  
Transportation Program Manager  
Regulatory Division

**Tennessee Environmental Streamlining Agreement, Concurrence Point # 3**  
**Preliminary Draft Environmental Assessment and Preliminary Mitigation**  
**Agency Concurrence Form**  
**SR-32, Cocke County, Tennessee, PIN 101422.00**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for SR-32 in Cocke County, Tennessee. This EA is being developed by TDOT to document the impacts of the subject project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement for the Environmental and Regulatory Coordination of Transportation Projects (TESA)*. In accordance with TESA, we are requesting your review and concurrence on Concurrence Point 3, *Preliminary Draft Environmental Assessment and Preliminary Mitigation*.

The *Preliminary Draft Environmental Assessment and Preliminary Mitigation* document was sent to you on November 5, 2021 for a 45-day review period. Once you have had the opportunity to review the document, please sign this form. In signing this document, you are indicating your concurrence with the adequacy of the SR-32 *Preliminary Draft Environmental Assessment and Preliminary Mitigation*.

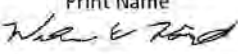
Please sign and return this form to Erick Hunt-Hawkins at the address below by **December 20, 2021**. TDOT will issue a reminder to all agencies at least 14 calendar days prior to the requested return date. TDOT will assume concurrence from all TESA Participating Agencies that do not respond by **December 20, 2021**.

Erick Hunt-Hawkins  
TDOT Environmental Division  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, TN 37243-0334  
[Erick.Hunt-Hawkins@tn.gov](mailto:Erick.Hunt-Hawkins@tn.gov)

If you believe this information does not contain all necessary information pertaining to CP3, please notify TDOT within 15 days. TDOT will provide an updated package to all TESA Participating Agencies.

If you feel all provisions of TESA CP3 have been satisfied, please acknowledge your agency's concurrence with the adequacy of SR-32 *Preliminary Draft Environmental Assessment and Preliminary Mitigation* with your signature below.

TESA AGENCY: U.S. Army Corps of Engineers, Nashville District

TESA CONTACT:	Worrall, William E.	Transportation Program Manager
	Print Name	Title
CONCUR:		4 Jan 2022
	Signature	Date



# 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>.



Center for Environmental Excellence by AASHTO

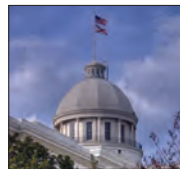


American Association of State Highway and Transportation Officials

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This material is based upon work supported by the Federal Highway Administration under Cooperative Agreement No. DTFH61-07-H-00019. Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the Author(s) and do not necessarily reflect the view of the Federal Highway Administration.

# 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."<sup>1</sup>

**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.<sup>2</sup>

**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.<sup>3</sup> 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."<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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."<sup>7</sup>

**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.

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<sup>6</sup> 33 CFR 320.4(a).

<sup>7</sup> 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.”<sup>8</sup>
- **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....”<sup>9</sup>
- **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.”<sup>10</sup>
- **Minimizing Adverse Impacts.** The project must include “appropriate and practicable steps to minimize potential adverse impacts of the discharge on the aquatic ecosystem.”<sup>11</sup>

**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.<sup>12</sup>

**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.”<sup>13</sup> 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).

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.”<sup>14</sup>
- **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.”<sup>15</sup> 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.<sup>16</sup>

**Presumption of Availability for Non-Water-Dependent Projects.** The guidelines create a presumption that practicable avoidance alternatives are available for non-water-dependent projects.<sup>17</sup> 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.”<sup>18</sup> 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.”<sup>19</sup> 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.<sup>20</sup> 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.”<sup>21</sup> 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

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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.<sup>22</sup> The guidelines require the Corps to consider the project's "secondary effects" on waters of the United States.<sup>23</sup> 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.<sup>24</sup> 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."<sup>25</sup> The Corps' Section 404(b)(1) Guidelines regulations implement this requirement through a multi-step process.<sup>26</sup> 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

<sup>22</sup> 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.

<sup>23</sup> See 40 CFR § 230.11(h).

<sup>24</sup> The Corps' permitting regulations include procedures for Section 106 compliance. See 33 CFR Part 325, Appendix C.

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

<sup>26</sup> 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.<sup>27</sup> 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.<sup>28</sup> 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

<sup>27</sup> 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.

<sup>28</sup> 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.<sup>29</sup>

- **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.”<sup>30</sup> 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?

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

<sup>30</sup> 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***

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### *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***

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- 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***

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- 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***

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- 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***

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#### *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?

- 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***

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- 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***

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- 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.”<sup>31</sup>

**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.”<sup>32</sup> 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

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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.”<sup>33</sup> This discussion must be developed “in consultation with Federal, state, and tribal wildlife, land management, and regulatory agencies.”<sup>34</sup> 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.<sup>35</sup>

**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.”<sup>36</sup> 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

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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.<sup>37</sup> 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.<sup>38</sup> 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

<sup>37</sup> 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).

<sup>38</sup> 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.”<sup>39</sup> 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.”<sup>40</sup> 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.”<sup>41</sup> 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.<sup>42</sup> 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.”<sup>43</sup>

**“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.

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<sup>39</sup> 40 CFR § 230.10(a)(2).

<sup>40</sup> 33 CFR Part 325, App. B, Section 9(b)(4).

<sup>41</sup> 33 CFR Part 325, App. B, Section 9(b)(4).

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

<sup>43</sup> 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.<sup>44</sup>

**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.

<sup>44</sup> 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.<sup>45</sup>

## 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

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<sup>45</sup> *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.<sup>46</sup> 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.

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<sup>46</sup> *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.<sup>47</sup>

## 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.”<sup>48</sup> 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.<sup>49</sup>

**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

<sup>47</sup> 33 CFR § 320.4(a) (emphasis added).

<sup>48</sup> 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.

<sup>49</sup> 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**

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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.

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## 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:  
Center for Environmental Excellence by AASHTO  
444 North Capitol Street, NW, Suite 249 Washington, DC 20001  
Telephone: 202-624-5800  
Email: [environment@aaashto.org](mailto:environment@aaashto.org)  
Web site: <http://environment.transportation.org>





STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
NASHVILLE, TENNESSEE 37243-0435

DAVID W. SALYERS, P.E.  
COMMISSIONER

BILL LEE  
GOVERNOR

December 20, 2021

**Via Electronic Mail to Erick.Hunt-Hawkins@tn.gov**

Erick Hunt-Hawkins  
TDOT Environmental Division  
505 Deaderick Street, Suite 900  
James K. Polk Building  
Nashville, TN 37243-0334

Dear Mr. Hunt-Hawkins:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Department of Transportation (TDOT) *Concurrence Point 3 (CP3) Preliminary Draft Environmental Assessment and Preliminary Mitigation Package* (Draft EA), which has been transmitted to TDEC pursuant to the *Tennessee Environmental Streamlining Agreement* (TESA). TDOT, in cooperation with the Federal Highway Administration (FHWA), is proposing to improve State Route (SR) 32 (US-321) from SR-73 to the existing 4-lane divided section of SR-32 (US-321) north of Wilton Springs Road in Cocke County, Tennessee. The proposed project is approximately 7.1 miles in length. Stated purposes for the proposed project include improving connections/access to high tourism areas within the region, improving the roadway to meet current design standards, improving traffic operational efficiency, reducing crashes, meeting the intent of the "Improving Manufacturing, Public Roads, and Opportunities for a Vibrant Economy" (IMPROVE) Act legislation, and enhancing economic development opportunities in the region. Alternatives studied in the Draft EA include:

- **No-Build Alternative.** The No-Build Alternative would not improve SR-32 and serves as a baseline with which to compare the other build alternatives against.
- **Alternative A (formerly Western Alternative).** Alternative A would begin on SR-73 just south of Stonebrook Drive and continue north on new location west of Stonebrook Drive for approximately 1.4 miles before crossing existing SR-32. After crossing existing SR-32, the alternative continues north on new location to just north of SR-339 (Jones Cove Road), where it then follows the existing SR-32 alignment, except where it straightens out several curves, to north of Middle Creek Road where it again travels on new location to align with existing SR-32 at the SR-32/Wilton Springs Road intersection. The alternative continues through the intersection to connect with the existing 4-lane divided section of SR-32 north of the bridge over Cosby Creek. The replacement of the bridge is an IMPROVE Act project. Alternative A would result in the realignment of the entrance to the Foothills Parkway. Coordination with the National Park Service (NPS) has been ongoing.<sup>1</sup>
- **Alternative B (formerly Alternative Following Existing SR-32).** Alternative B would begin just west of the SR-73/SR-32 intersection and reconfigure the existing intersection. Currently, vehicles accessing SR-32 from SR-73 must stop at the intersection and turn left to go north on SR-32. The T-intersection

<sup>1</sup> The NPS has reviewed the current plans for the realigned entrance and has found them acceptable, with appropriate mitigation.

would be reconfigured so that traffic travelling from SR-73 to SR-32 northbound, or from SR-32 to SR-73 southbound, would become the through traffic, and traffic travelling to or from SR-32 south of the original intersections would have a stop condition. Just north of the reconfigured intersection, Alternative B would follow existing SR-32 to just north of Caney Creek Road where it would diverge slightly to straighten out the curve, cross existing SR-32 and Cosby Creek, and continue in a northwesterly direction on new location. Approximately 1,000 feet north of where it crosses existing SR-32, Alternative B would follow the same alignment as Alternative A to the northern project terminus. Alternative B would include the same realignment of the entrance to the Foothills Parkway as Alternative A.

TDEC is the environmental and natural resource regulatory agency in Tennessee with delegated responsibility from the U.S. Environmental Protection Agency (EPA) to regulate sources of air pollution; solid and hazardous waste; radiological health issues; underground storage tanks; and water resources. TDEC has reviewed the TESA CP3 Package and has the following comments regarding the proposed action:

#### **Air Resources**

There is a number missing in the Impacts column of Table S-1 for Alternatives A and B in the Air Quality section: the bullet states "Potential decrease in global CO<sub>2</sub> emissions in 2040 of \_\_ percent". This omission also occurs in Table 3-46. TDEC encourages TDOT to update both tables in the Final EA.

The first sentence in the second paragraph of Section 3.7.3 is not entirely correct ("To date, no national standards have been established regarding GHGs, nor has EPA established criteria or thresholds for ambient GHG emissions pursuant to its authority to establish motor vehicle emission standards for CO<sub>2</sub> under the Clean Air Act"). While no National Ambient Air Quality Standards have been established for greenhouse gases (GHGs), source-specific federal standards have been established for motor vehicles and some other source categories. TDEC recommends that the Final EA reflect this understanding of source-specific federal GHG emission standards.

#### **Cultural Resources**

The proposed project could disturb significant archaeological resources. Any potential effects to cultural resources must be addressed through consultation between TDOT and the State Historic Preservation Society (SHPO).<sup>2</sup>

#### **Water Resources**

TDEC acknowledges that both Alternative A and Alternative B would result in impacts to Cosby Creek, Tributaries to Cosby Creek and associated wetlands. These features have been identified in the provided Ecology report. Linear footage of streams, wet weather conveyances and wetland acreage in the Environmental Technical Study Area (ETSA) and Right-of-Way Limits Study Area (ROW) for both alternatives have been provided. TDEC requests wetland delineation sheets, hydrologic determination sheets, that proposed impact areas and extents be identified, and Tennessee Stream Quantification Tool workbooks be provided as soon as possible so that TDEC may concur with the environmental boundaries and determine the functional value loss of streams and wetlands associated with both alternatives. TDEC looks forward to reviewing these requested materials.

Additionally, because this project will disturb significantly more than one acre of land, an individual Construction Stormwater Permit (CGP) will be required. TDEC encourages TDOT to reflect this consideration in the Final EA.

<sup>2</sup> For more information or questions, please contact State Programs Archaeologist, Daniel Brock at [Daniel.Brock@tn.gov](mailto:Daniel.Brock@tn.gov) or (615) 687-4778.

TDEC appreciates the opportunity to comment on this TESA CP3 Package. Please note that these comments are not indicative of approval or disapproval of the proposed action, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



Matthew Taylor  
Senior Policy Analyst, Office of Policy and Sustainable Practices  
Tennessee Department of Environment and Conservation  
[Matthew.K.Taylor@tn.gov](mailto:Matthew.K.Taylor@tn.gov)  
(615) 979-2449

cc: Benjamin Almassi, TDEC, DSWM  
Daniel Brock, TDEC, DoA  
Bryan Davidson, TDEC, OPSP  
Lacey Hardin, TDEC, DAPC  
Adam Kelly, TDEC, DWR  
Tom Moss, TDEC, DWR



**Tennessee Environmental Streamlining Agreement, Concurrence Point # 3  
Preliminary Draft Environmental Assessment and Preliminary Mitigation  
Agency Concurrence Form  
SR-32, Cocke County, Tennessee, PIN 101422.00**

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Assessment (EA) for SR-32 in Cocke County, Tennessee. This EA is being developed by TDOT to document the impacts of the subject project in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement for the Environmental and Regulatory Coordination of Transportation Projects (TESA)*. In accordance with TESA, we are requesting your review and concurrence on Concurrence Point 3, *Preliminary Draft Environmental Assessment and Preliminary Mitigation*.

The *Preliminary Draft Environmental Assessment and Preliminary Mitigation* document was sent to you on November 5, 2021 for a 45-day review period. Once you have had the opportunity to review the document, please sign this form. In signing this document, you are indicating your concurrence with the adequacy of the SR-32 *Preliminary Draft Environmental Assessment and Preliminary Mitigation*.

Please sign and return this form to Erick Hunt-Hawkins at the address below by **December 20, 2021**. TDOT will issue a reminder to all agencies at least 14 calendar days prior to the requested return date. TDOT will assume concurrence from all TESA Participating Agencies that do not respond by **December 20, 2021**.

Erick Hunt-Hawkins  
TDOT Environmental Division  
505 Deaderick Street, Suite 900  
James K Polk Building  
Nashville, TN 37243-0334  
[Erick.Hunt-Hawkins@tn.gov](mailto:Erick.Hunt-Hawkins@tn.gov)

If you believe this information does not contain all necessary information pertaining to CP3, please notify TDOT within 15 days. TDOT will provide an updated package to all TESA Participating Agencies.

If you feel all provisions of TESA CP3 have been satisfied, please acknowledge your agency's concurrence with the adequacy of SR-32 *Preliminary Draft Environmental Assessment and Preliminary Mitigation* with your signature below.

TESA AGENCY: Tennessee Department of Environment and Conservation

TESA CONTACT:	Matthew Taylor	Senior Policy Analyst
	Print Name	Title
CONCUR:		12/20/2021
	Signature	Date

**Tennessee Environmental Streamlining Agreement, Concurrence Point # 3  
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If you feel all provisions of TESA CP3 have been satisfied, please acknowledge your agency's concurrence with the adequacy of SR-32 *Preliminary Draft Environmental Assessment and Preliminary Mitigation* with your signature below.

TESA AGENCY: Tennessee Wildlife Resources Agency

TESA CONTACT: Vincent Pontello Assistant Chief - TWRA Biodiversity Division, Aquatics Section

Print Name

Title

CONCUR:

Signature

12/9/2021

Date



# United States Department of the Interior



NATIONAL PARK SERVICE  
Great Smoky Mountains National Park  
Park Headquarters Building  
107 Park Headquarters Road  
Gatlinburg, TN 37738

IN REPLY REFER TO:

1.A.1  
GRSM\_FY22\_004

Ms. Meredith C. Krebs  
Project Manager  
TDOT Environmental Division/Major Project Office  
James K. Polk Building, Suite 900  
505 Deaderick Street  
Nashville, Tennessee 37243

January 13, 2022

Re: Comments on Federal Highway Administration (FHWA) and Tennessee Department of Transportation (TDOT), Environmental Assessment and Draft Section 4(f) De Minimis Use State Route 32 (US 321), From State Route 73 at Cosby to North of Wilton Springs Road, Cocke County, Tennessee (PIN 101422.00)

Dear Ms. Krebs:

As requested, the National Park Service (NPS) has reviewed the Environmental Assessment (EA) and Draft Section 4(f) De Minimis Use State Route 32 in Cocke County, Tennessee. The TDOT proposes to re-align the portion of State Route 32 south of the existing Foothills Parkway (parkway) intersection, improving the horizontal/vertical and geometric alignment of the road to meet current roadway design standards. All the Build Alternatives include the realignment of the current terminus of the completed eastern section of the parkway at State Route 32 in Cosby. The proposed re-alignment would therefore affect the parkway, part of Great Smoky Mountains National Park. More specifically, the proposed re-alignment and relocation would shift the road prism within parkway property to the east and widen the existing corridor to accommodate additional lanes, requiring an additional 4.08 acres of NPS land for the proposed build alternative. As a cooperating agency on the EA, we welcome this opportunity to comment on the preliminary document.

The following commitments regarding the parkway are included in the draft Determination of Section 4(f) De Minimis Use Evaluation:

- Vegetation will only be cleared from the easement to accommodate the initial interim build construction of the three-lane typical section; additional clearing will not be completed until necessary to construct the full build construction to a five-lane typical section.
- If, during subsequent project development phases, the design associated with the intersection of State Route 32 and the Foothills Parkway is modified from what was proposed in the draft Determination of Section 4(f) De Minimis Use Evaluation, the TDOT Environmental Division and park are to be notified immediately in writing.
- Access to the parkway will be maintained during construction.

Interior Region 2 • South Atlantic–Gulf

Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi  
North Carolina, Puerto Rico, South Carolina, Tennessee, U.S. Virgin Islands

## Preliminary Draft EA Comments

In order for the EA to serve as the National Environmental Policy Act (NEPA) compliance document required by NPS, the document should include the following:

1. The action for the NPS is to issue a Special Use Permit and Highway Easement Deed for the construction and operation, respectively, of State Route 32. We recommend that the EA state this in the Purpose and Need section.
2. A description of the existing resources within the boundary of the Foothills Parkway potentially affected should be identified as NPS resources in the EA:
  - a. The forest or vegetation types (including acreage of each) affected.
  - b. A description of any delineated wetlands and floodplains on NPS lands as defined by NPS Procedural Manuals #77-1: Wetland Protection and #77-2: Floodplain Management. Please note that if the proposed action would cause temporary or permanent impacts to wetlands or floodplains, preparation of a statement of findings may be required to demonstrate compliance with NPS policies and outlined in the Procedural Manuals.
  - c. A brief reference to the assessment of cultural resources and Appendix I, stating that no eligible archeological sites are located on NPS land within the project area and concurrence from the State Historic Preservation Office that no historic properties are adversely affected.
3. A description of park-specific mitigation/resource protection measures that will be included in project plans, including:
  - a. Draft stormwater pollution prevention and the re-vegetation plans, to be submitted to NPS for review prior to construction.
  - b. Removal of trees greater than or equal to 5 inches diameter at breast height would take place between November 15 and March 31 to avoid impacts to roosting bats and nesting birds.
  - c. Use of only park-approved seed mixes for revegetation.
  - d. Imported materials such as gravel and soil shall be from park-approved sources to avoid the introduction of non-native invasive plants.
  - e. Earthmoving equipment shall be free of non-native invasive plants.
4. The NPS requests an electronic copy of any cultural or natural resource spatial data and surveys conducted on NPS land for our records.

We look forward to continuing to work together with FHWA and TDOT on this important project, and thank you for the cooperation thus far. We welcome the opportunity to discuss any of these comments further. If you have questions or need additional information, please contact Dr. Lisa McInnis, Chief, Resource Management and Science at (865) 436-1245 or by email at [lisa\\_mcinnis@nps.gov](mailto:lisa_mcinnis@nps.gov).

Sincerely,



Alan Sumeriski  
Acting Superintendent

Cc: Anita Barnett, Environmental Protection Specialist, Planning and Compliance Division  
National Park Service, Department of the Interior, South Atlantic Gulf Region 2 (electronic only)



**SR 32 Improvements**  
**From SR 73 To Wilton Springs Road, Cocke County, Tennessee**  
**Tuesday, September 25, 2012**  
**Field Review Summary**

## Meeting Participants

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Interested Citizens		

## Meeting Purpose

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The purpose of the meeting was to re-introduce the project to the resource agencies, conduct a project field review, and identify potential environmental issues with regard to the proposed project.

## Pre-Meeting

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The pre-meeting was held from 10:00 to 11:00 am EDT at the Office of the County Mayor, in Newport, TN. Attendees were given time to introduce themselves and the agency/organization they represented. Valerie Birch, the consultant project manager, provided a brief project history and overview and walked the attendees through the functional plans for alternatives under consideration (Alternatives A and B).

Agencies were asked to identify specific environmental interests associated with the proposed alternatives that they would like to inspect during the field review.

### ***Key questions/comments:***

#### **Foothills Parkway**

Imelda Wegwerth, with the National Park Service (NPS), stated that the Great Smoky Mountains National Park is in agreement with the current proposal (combined A and B) for the Foothills Parkway tie-in. Because of the encroachment into the Park, a Section 4(f) evaluation will be required. The proposed project would cross the Foothills Parkway, which is under NPS jurisdiction, in the area of the current ramp to the Foothills Parkway. National Park Service land is on both sides of SR 32 in this area. There are no avoidance alternatives to

encroachment into the park lands. The existing ramp is steep and safety is a concern. The existing ramp would be scarified and returned to original contours. TDOT coordinated with the NPS to develop an alternative that addresses NPS concerns in this area.

Imelda requested that the proposed continuation of the Foothills Parkway over SR 32 be shown correctly on the plans. She also requested that the plans clearly show the boundaries of the federal lands. With regard to potential resource impacts, the NPS would like to see stream impacts for the Foothills Parkway portion of the project broken out into the amount of impacts and the type of impacts. Imelda noted that the sooner the NPS receives copies of the technical studies, the better the agency could coordinate impacts. Valerie agreed to send the NPS copies of the technical studies as soon as they were completed; she agreed to send a draft copy of the ecology report as soon as it was ready.

TDOT is preparing a draft de minimus determination to discuss with NPS for the area of encroachment.

Alan Longmire noted that there is a 1920's house site on the park lands and told Imelda that he would need to coordinate with her on that since it was on NPS property and some of their requirements are different.

#### **Indiana Bat Survey**

A bat survey was not conducted during this past season (June 1- August 15). There is habitat in the study area, so a survey is necessary. The bat study will be scheduled for the June – August 2013 season. After discussion, John Griffin with USFWS suggested that the draft environmental document acknowledge the presence of bat habitat, and commit that the survey will be conducted prior to the final environmental document. Section 7 coordination must be concluded before FHWA can approve the final environmental document.

#### **Community Support for Alternatives**

Sherry Butler with the Cocke County Partnership stated that the community stance is to support Alternative A over Alternative B. They have plans to develop a welcome center and village near the SR 73/SR 32 intersection and feel that Alternative B would adversely affect that proposal. When asked who constituted "the community", Mrs. Butler stated that it included city and county officials.

A concerned citizen voiced his concerns about Alternative B, because of the crossing of trout streams and the fact that alternative B would acquire his property (rental cabin complex). He said that there were buildings on the property that were over 200 years old and stone walls that dated back to the 1800s.

Valerie Birch stated that, based on prior public meeting comments, there is community support for each alternative (A and B).

#### **Stream Impacts**

Randall Phillips with TDEC voiced concerns about the potential stream impacts. He observed that a narrower footprint would have less stream impacts. He also stated that if streams had to be relocated, the stream quality was lower than an undisturbed stream. Mike McIntosh with USACE asked whether information was yet available on the quality and types of streams.

Vince Pontello with TWRA indicated that he will check to see if streams are stocked with trout or if the trout are naturally occurring. In the later case, a stream is automatically considered a TN Exceptional Water. TWRA will also be looking at stormwater impacts from the operation of the road. Based on the information available, the determination on which route was more environmentally friendly could not be determined.



Randal Phillips noted that not only length of impacts, but also stream quality needed to be reviewed in determining impacts. He asked if the type of impact could be identified in the document -i.e., culvert vs. bridge vs. stream relocation. This would provide more useful information than just the length of the impact.

### **Pyrite**

The question of whether or not pyrite has been found in the area was raised. Randall mentioned that pyrite is everywhere in this area. Valerie stated that TDOT is currently preparing a preliminary geotechnical study for the project.

### **Threatened and Endangered Species**

Vince indicated that the state-listed species in this area are primarily forest species and will have to be considered. He will provide TDOT with a list of species.

### **Additional Alternative**

During the pre-meeting other potential alternatives and considerations were identified by participants.

- New alternative west of Alternative A. - Mayor Moore and two concerned citizens brought up the idea of a new alternative (A-1) west of Alternative A and the Stonebrook neighborhood (sheet 5). This would go up-slope to avoid Stonebrook and the creek. It would straighten the alignment going north from the project beginning. Mayor Moore indicated this alternative had been discussed with Paul Degges at TDOT after the last public meeting. Randall Phillips noted that there are a number of headwater streams in this area. Mike McIntosh observed that the USACE may take jurisdiction over some of the ephemeral streams.
- Reduce the footprint of the proposed road. - It was suggested that a five lane section be considered in other areas to pull in the ROW width. It was noted that an urban section (with curb and gutter) would result in a reduced speed limit, which may be a benefit for local businesses. The proposed narrowed typical section would have to meet the stated Purpose and Need for the project in order to be considered. FHWA noted that additional typical sections should be looked at based on comments expressed by agencies at the meeting.
- Improve/widen the existing road. Some of the suggestions included spot improvements, a three-lane section, and a super two-lane section. Further study should be done to see if improvements could be made to the existing road for the section from the beginning of the project at SR 73 to where Alternative A and B join together. It was noted that there are some limiting constraints in that section since the roadway is bounded by a stream on one side and a bluff on the other.

This was an area for which the field review participants requested a closer look.

### **Bypassing Businesses**

The question was raised regarding whether or not Alternative B bypassed businesses. Valerie Birch explained that Alternative B, as proposed, brought the proposed alignment closer to the businesses and brings the route through the existing intersection of SR 32 and SR 73. Alternative A shifts the alignment west of an existing ridge, blocking a view of the businesses.

### **Other Issues Raised**

- Archaeological sites. - An Archaeological Phase I study is in progress. There is a large area north of SR 32 near Dark Hollow Road that is being investigated. The project would take part of a cemetery on the east side of SR 32 but, based on ground penetrating radar that was conducted several years ago, no graves would be taken with proposed alignment.
- Because of the new Rural Medical Clinic, there may need to be a shift at the northern end of the project.

- A question was raised as to whether the existing section of SR 32 in front of the Rural Medical Center would be removed. The section will remain in place since there are residences and businesses that will still require access.

## **Field Review**

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The field review was conducted from 11:00 am to 2:30 PM EDT.

### ***Key Comments:***

#### **Foothills Parkway**

Imelda requested that TDOT make sure the elevations are the same as previously provided for the future Foothills Parkway mainline crossing over SR 32 (on east side).

#### **Alternative B**

Participants raised concerns about multiple stream crossings and community impacts.

#### **Streams**

Cosby Creek (the beginning of Alternative B) should be evaluated to determine if it is an Exceptional Tennessee Water (ETW). It looks like it might be.

#### **Reduction of Footprint/Possibility of Spot Improvements**

Much discussion was generated regarding the proposed project from SR 73 to just south of the Foothills Parkway (sheets 3-12 of the functional plans). This seems to be the area of the project where most of the impacts occur, particularly stream impacts. Several possibilities for reducing stream impacts were identified, including:

- Reduction of project footprint  
Questions to be explored include:
  - Is a four-lane divided highway justified?
  - Would a lower speed limit be feasible?
  - Would improvements to existing SR 32, such as a “super two-lane” or a three-lane section, work in the area from the intersection of SR 73/SR 32 north to just south of Foothills Parkway?
  - Could the footprint be reduced along the entire length of the project?
  - Could the cross sections transition from a super two-lane or three-lane to a five-lane rural section (near the Foothills Parkway) to a lane-lane curb and gutter section (Roy Road to Wilton Springs Road)?
- Spot Improvements  
The question was raised if it would be possible to just do spot improvements in the section between the intersection of SR 73/SR 32 north to just south of Foothills Parkway.

#### **Project Segmentation**

Concern was expressed that, since SR 73/US 321 would eventually be improved between Gatlinburg and this project, having the proposed four-lane sections start on SR 73 at Dew Drop Way is restricting consideration of alternatives for the future project.

#### **Sense of Place/Project Context/Character**

The project setting/character was mentioned as something that should also be considered when developing/analyzing the alternatives. Participants noted that the reason a number of people travel to the area

is for the natural and cultural setting and that should not be damaged. As one person said, “if the people are coming to see the Smokies, don’t destroy the pathway to the Smokies.”

## **Field Review Wrap-Up**

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Following the field inspection and lunch, most of the participants reassembled at the County Mayor’s office conference room to summarize the findings and discuss next steps.

### ***Summary:***

#### **Additional Alternatives**

The participants asked that TDOT consider additional alternatives:

- Spot Improvements in the area where Alternatives A and B are separate
- Reduced footprint of the road (narrowing to a five lane rural section rather than four-lane divided)
- Alternative A-1 (new proposal by County Mayor and others in the community). - A contingency of officials from Cocke County met with Paul Degges after the last public meeting for the project, to express opposition to Alternative B and suggested that TDOT study a new option west of the original alignment near the Stonebrook neighborhood. [TDOT Planning and Environmental Divisions were not aware of this communication.]

#### **Speed Limit**

The participants asked about the possibility of reducing the speed limit for the project. Valerie mentioned that, based on comments received at the public meetings for the project, many in the community would like to see the speed limit reduced so people wouldn’t speed through the project area. This relates to the community’s desire for SR 32 to become a “Gateway to the Smoky Mountains.”

#### **Stream Impacts**

TDEC and TWRA would like to know what the stream impacts will be (span, culvert or relocation). TDOT or TDEC should assess unassessed streams (habitat list and squish survey) to determine if any meet the requirements for Exceptional Tennessee Waters designation.

#### **Pyrite**

Look at probability of acid producing rock.

#### **National Park Service Involvement**

Imelda stated that NPS resources staff will need to do their own survey, and would prefer to have the construction limits flagged when they do their review.

#### **Purpose and Need**

Some comments suggested that people in the community see the SR 32 improvements as an opportunity to build a parkway-like road (such as the parkway section between Gatlinburg and Sevierville). This will be considered when preparing the Purpose and Need.

#### **Next Steps**

- Prepare and distribute notes/sign-in sheet from this meeting.
- TDOT and FHWA meet to discuss options/possibility of a narrower footprint and/or spot improvements and whether or not the current alternatives restrict consideration of alternatives for the future project.

- The agencies should send their comments on the meeting notes and their comments and suggestions for the project to JonnaLeigh Stack. JonnaLeigh will forward these to Valerie Birch.
- Once the agencies have provided their comments and suggestions for potential ways to minimize impacts, the various alternatives identified/discussed during the field review and any others that could potentially meet purpose and need while reducing impacts will be explored to determine which appear to be feasible and constructible.
- After additional alternatives/options are explored, TDOT will provide the agencies with a data summary of the preliminary findings and request comments. This may include a face-to-face meeting and/or an additional field review.
- Parsons Brinckerhoff, on behalf of TDOT, will follow up with Vince Pontello to learn the results of his investigation of whether or not streams are stocked with trout fish.
- Vince Pontello will provide TDOT with state-listed species.
- Parsons Brinckerhoff, on behalf of TDOT, will follow up with TWRA regarding the information they require while addressing stormwater impacts for the operation of the road.



State Route (SR) 32 Improvements  
From SR 73 To Wilton Springs Road  
PIN 101422.00, Cocke County, Tennessee  
Thursday, June 14, 2018  
TESA Agency Field Review Summary

## Meeting Participants

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## Meeting Purpose

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The purpose of the meeting was to re-introduce the project to the resource agencies, conduct a project field review of proposed alternatives, and identify potential environmental issues with regard to the proposed project in advance of the TESA Concurrence Point #2 package.

## Pre-Meeting

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The pre-meeting was held from 1:00 to 2:00 pm EDT at TDOT's Maintenance Office, in Newport, TN. Attendees were given time to introduce themselves and the agency/organization they represented. Valerie Birch, the consultant project manager, provided a handout of the SR 32 project update PowerPoint presentation that was shown at the May 9, 2018 TESA bi-monthly meeting. The handout gives a brief history of the SR 32 project to date and describes currently proposed alternatives and the proposed project phasing. She also provided copies of the functional plans.

In addition to the handout, Ms. Birch gave a brief overview of the project and provided a review of the functional plans for alternatives under consideration (Alternative 1-Western Alignment and Alternative 2-Alignment Along Existing).

Alternative 1 is the same western alignment that was proposed previously and reviewed during the September 25, 2012 TESA agency field review. Alternative 2 basically follows existing SR 32 and was developed based on public and agency concerns about a previous eastern alignment (since dismissed) and the findings of the 2016 Expedited Project Delivery (EPD) review conducted by TDOT's Strategic Transportation Investments Division (STID). Both alternatives follow a common alignment from south of the Foothills Parkway to the project terminus at Wilton Springs Road. The alignment at the Foothills Parkway has not changed.

Ms. Birch noted that the previous eastern alignment, east of existing SR 32 in Cosby, was reviewed by the TESA agencies during the September 25, 2012 agency field review but subsequently dismissed due to agency concerns about two crossings of Cosby Creek (Exceptional Tennessee Waters (ETW)) and public concerns.

A phased approach to project delivery was also recommended by STID. Two phases are currently being proposed for both Alternatives: interim build and full build. The interim build would consist of:

- Two travel lanes with shoulders and climbing/passing lanes, as needed.
- Would be constructed within 5-lane right-of-way.
- Two travel lanes and a center turn lane would be constructed from the project beginning to near Caney Creek Road and in the vicinity of Cosby School.
- A 5-lane section would be constructed near the project terminus at Wilton Springs Road.

FHWA has requested that TDOT include an environmental commitment in the environmental document if TDOT intends to purchase ROW for a 5-lane section, but is proposing to build something less than that in an interim stage. The commitment should reference when the "full build" would be constructed.

For the full build phase, the two and three lane sections would be widened to five lanes.

Agencies were asked to identify specific environmental interests associated with the proposed alternatives that they would like to inspect during the field review.

***Key questions/comments:***

***Is the typical section a super 2-lane for the interim build and, if so, could it handle the projected traffic volumes?***

TDOT responded that for the interim build, the beginning of the project would have two travel lanes and a center turn lane (3-lane typical section) and would transition to a super 2-lane with passing lanes near the Foothills Parkway. Mr. Gilbert noted that through Cosby where there is a rock face there would be cuts. TDOT is currently anticipating a retaining wall in this area. The design is also contingent on the geotechnical report. If the rock is stable, a retaining wall may not be needed. The widening in this area could still potentially impact the Stonebrook Village subdivision, which sits atop the rock wall.

The average annual daily traffic (AADT) at the time of the EPD report was 6,420 in base year 2014 and 7,700 in design year 2034. New traffic data from 2016 projects 6,790 AADT in base year 2020 and 8,140 AADT in 2040. A super 2-lane could handle the projected volumes. In addition to regular traffic, recreational vehicles and farm equipment use the road. Currently, there are few places where passing is possible, therefore backups occur.



A new traffic study is underway to analyze level of service (LOS) and potentially to analyze travel times. In addition, an economic study is underway to determine existing economic conditions and examine potential future trends. The results will help determine whether the traffic projections might need to be adjusted.

An updated crash analysis is also underway.

***Why was the project on hold for so long?***

At the time that this project was going through EPD review, a number of other projects were also being reviewed so it took time to process them.

***What about project phasing, logical termini, and the risk that only part of the project gets built?***

TDOT responded that project phasing helps with funding. The project is also in the IMPROVE Act. The project in its entirety has logical termini. While the NEPA document covers the whole project, projects are typically divided into smaller design segments for construction purposes once the project moves forward after NEPA. After the NEPA document is approved, reevaluations for the entire project, with a focus on the segment moving forward, are conducted at project milestones. Thus, logical termini for the individual segments is not an issue.

FHWA noted that when TDOT does a NEPA document, they are committing to build the entire project that is the subject of the document, otherwise it shouldn't be studied. FHWA could also ask for reimbursement of Federal funding if the project isn't constructed. In an MPO area, the entire proposed project should be in the long-range plan and at least one segment should be in the Transportation Improvement Program (TIP). For projects outside MPO areas, at least one segment should be in the State Transportation Improvement Program (STIP).

***Is constructability going to be an issue on the Cosby end of the project?***

TDOT responded that the area looks tight. Constructability will need to be addressed in the NEPA document. FHWA noted that potential detours will need to be discussed at the August 9, 2018 (tentative date) public information meeting.

TDOT noted that both alternatives that are the subject of this field review will be presented at the public information meeting.

***Will there be any issues transporting students to schools?***

There is one school immediately adjacent to the project beginning at Cosby. Bus routes will be reviewed and any potential impacts will be discussed in the NEPA document.

***Archaeology***

TDOT is avoiding one known site of concern but there are two more that appear impossible to avoid. The site at the northern terminus is large. TDOT could have potentially avoided the site if the new medical center hadn't been constructed. A Phase 2 study will be needed. If the site is determined eligible for listing on the National Register of Historic Places (NRHP), a memorandum of agreement (MOA) would be required. If a MOA is required, the process, from initiation of the Phase 2 study through execution of the MOA could take 2-3 years. The final NEPA document could not be approved without a completed Phase 2 study.

### ***Exceptional Tennessee Waters***

TDEC noted that it looks like Cosby Creek and its tributaries are ETWs. TDEC noted that it appeared that there were five proposed crossings of Cosby Creek from project beginning to end. **NOTE:** Based on a subsequent review of the functional plans, Alternative 1 (Western Alignment) appears to have two crossings of Cosby Creek (sheets 2B and 3B) and Alternative 2 (Alignment Along Existing) appears to have one crossing of Cosby Creek (sheet 3A). The dashed crossing on sheet 4 (“work to be completed by others”) is for a future Foothills Parkway project, and not part of the project that is the subject of this field review. The National Park Service (NPS) has acquired the right-of-way for that proposed project but the project hasn’t been programmed and is likely pretty far in the future.

The crossing shown on sheet 15 is part of a SR 32 project that began at the Wilton Springs Road/SR 32 intersection and ended at I-40. That bridge replacement has not yet occurred and is not part of the project that is the subject of this field review.

TWRA noted that Cosby Creek is also a stocked trout stream.

TWRA has previously asked if pull-offs could be part of the project design at the Cosby end of the project. They could be used by fishermen and also by others.

### ***Bridge/Culvert Design***

USACE asked when preliminary bridge/culvert design occurs. TDOT replied that, while that level of detail might be available during the NEPA process for smaller projects that are processed with Categorical Exclusions (CE), for the larger projects, like SR 32, that require Environmental Assessments (EA) or Environmental Impact Statements (EIS), preliminary design normally occurs later in the process after the NEPA document. Environmental impacts for these projects are usually based on functional plans, and are generally worst-case scenarios. After the project has an approved NEPA document it goes through preliminary design and right-of-way, where the design is further refined.

### ***Wetland Delineation***

USACE asked when in the project process does wetland delineation occur. TDOT responded that for the larger projects such as SR 32, wetlands are delineated but Jurisdictional Determinations (JDs) do not occur until closer to permitting. Estimated impacts, based on the project footprint presented in the functional plans, will be documented in the TESA Concurrence Point #3 Package (Preliminary Draft Environmental Document and Preliminary Mitigation). The acreage impacts presented at this point are often overstated due to the nature of the functional plans. A high level ecology report will be included in the technical appendix of the NEPA document.

The TESA Concurrence Point #2 Package (Project Alternatives to be Evaluated in the Environmental Document) will contain a very high level discussion of known potential impacts based on desktop information.

The Environmental Boundaries Reports (EBR) provide more detail and are prepared later in the process for the larger projects (near permitting). The smaller projects that are cleared with CEs typically do have EBRs during the NEPA phase of project development.

### ***Species of Concern***

TDEC asked about listed species. TWRA responded that their main concern was sport fishing and that Cosby Creek was a stocked trout stream. When asked if there were other aquatic species of concern, TWRA replied that they would need to check.

USFWS noted that, based on what was currently in their database, it did not appear that the Indiana or Northern Long-Eared bats were species of concern but that they would confirm this as the project moved forward.

### ***Environmental Justice (EJ)***

FHWA asked TDOT if they had explored shifting the alignment slightly (sheet 5) to move it away from the mobile homes since their septic lines would likely be impacted and result in acquisitions. FHWA also asked if TDOT could explore softening the curve on sheet 11. NPS asked if the shift would affect the Foothills Parkway. TDOT responded that it probably wouldn't affect the Foothills Parkway. The general right-of-way width is 150 feet. It is slightly wider at the Foothills Parkway to accommodate the turn lanes. It is approximately 75 feet on either side of the centerline plus an additional 12-feet to accommodate the turn lanes. The NPS asked if TDOT would be asking for an easement. While this wasn't answered definitively, it is anticipated that TDOT would ask for an easement. **NOTE:** TDOT's project files included correspondence from the NPS (12/18/98, 1/5/99, 5/26/2000, and 7/19/2010) outlining the right-of-way process. According to the correspondence from the NPS, "an easement can be permitted for the purposes of having and maintaining State Route 32." The NPS will prepare a General Agreement between the Park and TDOT for any new construction within the Foothills Parkway right-of-way. It is TDOT's responsibility to prepare a Highway Easement Deed for the construction and maintenance of SR 32 on the Foothill Parkway right-of-way.

It was also mentioned that after the previous TESA field review in 2012 the potential impacts to the Foothills Parkway were determined to fall under a Section 4(f) De Minimis Determination, with some stipulations. **NOTE:** A review of the project files shows that the Section 4(f) discussions with the NPS began prior to the September 25, 2012 TESA field review. An email dated 8/14/12 from the NPS states "It appears that we will be okay with a 4(f) de Minimis, but there are some stipulations that we would like to include..."

### ***Environmental Commitments***

TWRA noted that the agencies could start requesting environmental commitments at this stage. TDOT agreed.

## **Field Review**

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The field review was conducted from 2:00 am to 3:30 PM EDT. Attendees divided into two groups and traveled the project in two vans. The vans stopped at three locations along the project corridor to view areas of interest to the agencies: 1) the intersection of SR 73 and SR 32, 2) Liberty Road, and 3) the medical center on Wilton Springs Road. The vans also drove through the Stonebrook Village subdivision.

### ***Key Points Discussed During the Field Review:***

TDEC and the USACE both mentioned concern that they would not have sufficient information to make meaningful comments on the TESA CP2 Package or provide comments on the field review. TDOT noted that, generally, the field review is not an official solicitation for agency comments. It is more of an introduction to the project and the project area and an open forum for discussing potential issues and concerns about proposed project alternatives. USFWS and TWRA also noted that for other projects alternatives have been dismissed or

even added based on discussions that occurred during field reviews. TDOT provided a high level discussion on the TESA steps and basic expectations for the TESA agencies.

- Concurrence Point #1: Purpose and Need and Study Area. TESA agencies provide concurrence or non-concurrence on the proposed project's purpose and need and the project study area. TESA agencies may also provide advisory comments/input on environmental issues/concerns.
- TESA Agency Field Review: Occurs prior to distribution of the TESA CP2 package. As mentioned above, provides agencies with an opportunity to view the project and openly discuss any concerns they might have, things they like about the proposed alternatives, potential modifications that could improve the project, etc. For example, during this field review for SR 32, FHWA asked TDOT to check if the alignment could be shifted slightly to lessen potential impacts on some potential EJ resources. It does not mean that the shift can necessarily be made, but notes an area of concern.
- Concurrence Point #2: Project Alternatives to be Evaluated in the Environmental Document. TESA agencies provide concurrence or non-concurrence on the alternatives to be carried forward into the environmental document for further study. The data available at this point in the process is generally high level, often desktop level screening information.
- Concurrence Point #3: Preliminary Draft Environmental Document and Preliminary Mitigation. TESA agencies provide concurrence or non-concurrence on the adequacy of the preliminary draft NEPA document. The information in the draft NEPA document will include the findings of the various environmental technical studies conducted for the project. For the larger projects requiring EAs or EISs, the impact analysis is usually based on functional or conceptual plans. Therefore, the impacts presented are often worst-case since the project footprint is further refined as the project moves into final design. For most of these larger projects, design details such as culvert lengths and bridge design are often not yet known. The mitigation discussed at this point in the process will be preliminary and of a level of detail commensurate with the level of information available in the preliminary NEPA document.
- Concurrence Point #4: Draft Final Mitigation. This package will have more detail than that provided in TESA CP3 and occurs after the completion of the final environmental document, closer to permit application.

TDOT noted that training on the TESA process and the responsibilities of the agencies is already being discussed for presentation at one of the upcoming TESA meetings.

## Next Steps

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- TDOT to prepare and distribute CP2- July/August 2018.
- TDOT will explore a minor shift in the vicinity of the mobile homes-June/August 2018. Any shift cannot impact the proposed alignment in the vicinity of the Foothills Parkway.
- Public Information Meeting- Tentatively scheduled for August 9, 2018. The agencies will be notified once the meeting date and location are confirmed.
- TWRA will investigate whether Cosby Creek and any tributaries have populations of wild trout and provide that information to TDOT.

## **PUBLIC INFORMATION MEETINGS**

STATE ROUTE 32/US 321 IMPROVEMENTS  
FROM SR 73 IN COSBY TO WILTON SPRINGS ROAD  
COCKE COUNTY, TN

SUMMARY OF PUBLIC COMMENTS

FROM THE PUBLIC MEETING & COMMENT PERIOD,  
JUNE 29, 2010 THROUGH JULY 20, 2010

NOVEMBER 2010

PREPARED FOR:  
TENNESSEE DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION, TENNESSEE DIVISION

PREPARED BY:  
PARSONS BRINCKERHOFF  
NASHVILLE, TN



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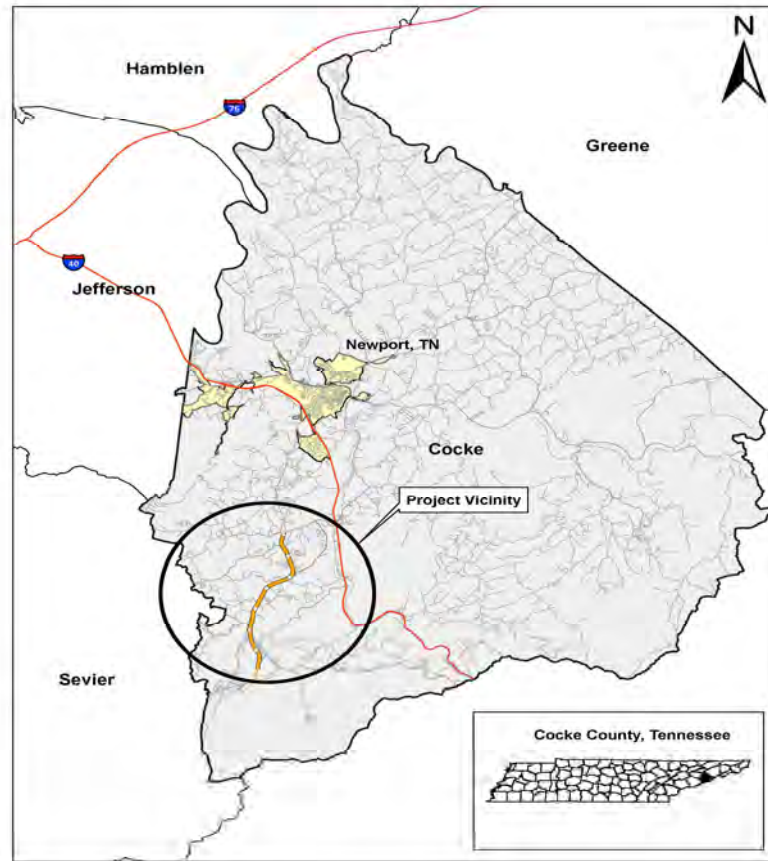
## 1.0 INTRODUCTION

The Tennessee Department of Transportation (TDOT) and the Federal Highway Administration (FHWA), are preparing an Environmental Assessment (EA) for State Route 32/US 321 from State Route (SR) 73 in Cosby to Wilton Springs Road in Cocke County, Tennessee. The purpose of the project is to improve efficiency of traffic operations and increase capacity. The purpose of this project also includes improved safety for vehicles and to improve roadway deficiencies. This project began in 1998 as an alternative west of current build alternative in location of Foothills Parkway. The alignment has since been shifted to avoid Cosby Creek and archeological resources. In 2009, TDOT determined the need for updated technical studies as the project moves forward in the environmental review process. This project vicinity is illustrated in **Figure 1** below.

A Public Meeting was held at the Cosby High School on Tuesday, June 29, 2010 from 5:00 to 7:00 PM. TDOT held this meeting to gather information from the public about the purposed purpose and need of the project and the proposed alternatives to be considered in the environmental review process.

This report provides a description of the Public Meeting and summarizes the comments received at the Public Meeting and during the official comment period, which extended through July 20, 2010.

Figure 1 Project Vicinity Map



## 2.0 PUBLIC MEETING

### 2.1 Notification

In order to publicize the Public Meeting, a public notice was published in *The Newport Plain Talk*. A public notice was also posted on TDOT's project website. Notification postcards were also passed out to all local business within the project area. A copy of the meeting postcard is included in the **Appendix**.

### 2.2 Description of Public Meeting

A Public Meeting was held in Cosby, Tennessee on Tuesday, June 29, 2010 from 5:00 to 7:00 PM at Cosby High School. The purpose of the meeting was to gather information from the public about the purpose and need of the project and the proposed alternatives to be considered in the environmental review process. Approximately 49 people attended the meeting.

At the beginning of the meeting, participants were asked to sign-in and pick up a meeting handout. The four-page handout provided details on the background of the project, the environmental review process, the purpose of environmental document, what environmental assessment is, alternatives that must be studied, why we are here, and the project's next step. The handout also included a comment form for participants to use to record their comments about the project. Participants had the option of returning the comment form before leaving the meeting, or mailing the comment form and/or letter to TDOT by July 20, 2010. Copies of the meeting handout and comment form are included in the **Appendix**.

During the first portion of the Public Meeting, a presentation was given describing the project and environmental review process. A question and answer session immediately followed the presentation, which gave participants a chance to respond and have their questions answered by representatives from TDOT and the project's consultant team. Several maps were posted around the room to illustrate the project area's context and the potential alternative corridors that are being considered. A court reporter was also available during the meeting for participants to have the opportunity to have comments recorded orally.

## **2.3 Summary of Public Comments**

In order for the comments to be included in this scoping report, TDOT asked that complete comment forms and letters be submitted by July 20, 2010. All comment forms postmarked by July 20<sup>th</sup> are considered part of this public scoping report. Comments will continue to be accepted and considered throughout the course of the project.

A variety of options was available to encourage public input during the scoping process. The public provided input through the following means:

- Informal comments provided during question and answer session;
- Written Comments – comment forms and letters.

During the official scoping period (June 29, 2010 through July 20, 2010), total public comments were received through the various formats listed above. Due to the variety of ways to respond, some individuals commented in multiple formats.

### **2.3.1 Informal Comments Provided at the Public Meeting**

During the public meeting held on June 29, 2010, members of the public were encouraged to express their comments or concerns and to ask questions about the project during the question and answer portion of the meeting. Participants were also encouraged to make verbal comments to the court reporter. Fourteen

people's comments were recorded during the question and answer portion of the meeting.

The following summarizes major points made by the public during the question and answer portion of the public meeting on June 29, 2010:

- Why does TDOT want this project?
- What kind of timetable are we looking at?
- This has been in the books and has been hanging over our heads for some time; make a decision.
- This is not progress, destruction of our environment.
- Would be taking traffic away from local businesses.
- Prefer improvements to existing roadways or a less impacting scenic byway like Blueridge Parkway.
- Need a turn land in front of Cosby High School, too dangerous.
- Would like to see bike lanes and greenways.
- Businesses would prosper from new road.
- We need progress, I'm for the road.

### **2.3.2 Official Comment to the Court Reporter**

During the public meeting held on June 29, 2010, no statements were given to the court reporter regarding the SR-32 (US-321) project.

### **2.3.3 Public Comment Forms**

The public provided written comments by filling out the project comment card provided by TDOT. Public comment cards were distributed by TDOT at the public meeting and could be downloaded electronically from TDOT's project website.

By the close of the comment period (received or postmarked by July 20, 2010), TDOT had received 20 completed comment forms. Ten completed comment cards came from concerned citizens, 11 came from landowners, six came from affected business owners, and 14 came from residents.

The comment form asked the respondents to provide input on the following:

- 1) Likes and dislikes of the two alternatives (No-Build Alternative and Build Alternative);

- 2) Issues and concerns with the project;
- 3) What are the transportation needs of the area;
- 4) What describes your primary interest in the project; and
- 5) If you dislike the proposed alternatives, what do you think would solve the transportation issues that have been identified as part of the purpose and need for the project?

**2.3.3.1** *Comment Card Question- What do you like/dislike about the No-Build Alternative versus the Build Alternative?*

Five participants commented in favor of the Build Alternative and five comments were received in favor of the No-Build Alternative. In addition, nine comments were made in regards to other alternatives such as improving existing roadway or creating a less invasive scenic byway.

Below is a summary of the responses received:

- Let's stop disrupting people's lives, businesses, wildlife, natural beauty, and environment.
- Road will destroy the "quaintness" and detract from its aesthetic value.
- Do not want to see five-lane road.
- You will put local business out of business.
- No Build will not fix any of the problems with the road.
- It is necessary, let us move forward.
- Safety is priority.
- Existing businesses need more traffic to generate more money.
- Will allow for more efficient, safer flow of traffic, especially during the peak tourist times or bad weather.
- I want to see progress but still preserve the beauty of Cosby.
- Add bike lane and walking trail.
- Prefer a scenic byway.
- Build a turn lane at Cosby High School.
- Road needs to be widened, it is heavily traveled by locals and tourists.
- Straighten curves and provide through lanes.



**2.3.3.2**     *Comment Card Question- What issues or concerns do you have about the project?*

Eleven participants commented that they were concerned about environmental impacts, fourteen participants were concerned with existing development, eight participants were concerned with impacts to agricultural land, six participants were concerned with historical and/or archaeological resources, six participants were concerned with parkland, and seven participants selected “Other” concerns.

The following bulleted list is a summary of the public’s issues or concerns with the SR-32 (US-321) project:

- Impacts to existing businesses.
- Community cohesion.
- Safety.
- Waste of money.
- Cause more congestion.

**2.3.3.3**     *Comment Card Question- What do you see the transportation needs of the area?*

Participants were also asked what transportation needs they believed would benefit the study area (Meet current passenger and freight transportation demands, improve safety, improve traffic operational efficiency, improve access for future development, and other).

In total, 19 responses were received for this question on the comment card. Seven of the respondents selected meet current passenger and freight transportation demands, fourteen selected improve safety, twelve selected improve traffic operational efficiency, nine selected improve access for future development, and six selected “Other.”

A response to the questions is summarized below:

- Would like to see bike trails and greenways.
- Use money to help people not contractors.
- Improve traffic flow during peak hours.
- Preservation of beauty and natural resources as means to economic development.
- Construction will cause traffic problems.
- Improve existing roads.

**2.3.3.4** *Comment Card Question- If you dislike the proposed alternatives, what do you think would solve the transportation issues that have been identified as part of the purpose and need for the project?*

*Their responses are summarized below:*

- I support the build alternative.
- We need this project, the environmental impacts can be mitigated.
- Should not relocate residences.
- A scenic parkway would create incentive to preserve landscapes and community, while also creating opportunities for economic development based on preservation.
- Improve existing road, make it safe.
- Widen shoulders of road, semi's can barely stay on the road.

**2.3.4 Official Comments in Letters**

TDOT has received four letters and no emails were received during the official comment period. A summary of the letter's key themes is found below:

- Benefits to this project include safety, increase business, and increase desirability of existing homes along Old 321.
- I do not approve of this project, will divide my property in two.
- The project would take lots from Stonebrook Village, impact the Valentine Creek, and loose local businesses.
- Opposed for following reasons: waste of money, bypass local businesses, destroy homes, take farmland, and increase air and water pollution.
- Would like to see existing roads improved by straightening curves, widening shoulders, adding turn lanes, and improving signage.

## APPENDIX

NOTICE OF PUBLIC MEETING

The Tennessee Department of Transportation will conduct a Public Information Meeting on the 29<sup>th</sup> Day of June, 2010, at the Cosby High School located on 3318 Cosby Highway, Cosby, Tennessee 37722. The objective of this meeting is to discuss the proposed improvements on State Route (SR) 32 (US-321) from SR-73 to Wilton Springs Road in Cocke County, Tennessee.

This meeting will be held from 5:00 p.m. – 7:00 p.m. in order to provide the public an opportunity to participate in the project development process. A brief presentation will be followed by a question and answer period. The public is invited to provide comments during the meeting and will be given the opportunity to make their opinions known concerning the purpose and need of the project as well as the alternatives being evaluated for the improvements. Representatives of the Department will be available to provide information on various aspects of the project. Anyone with questions regarding this meeting may contact:

Mr. Tom Love, Environmental Manager  
Tennessee Department of Transportation  
TDOT Environmental Division  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0334

Phone: 615-741-5364  
Email: Tom.Love@tn.gov

Persons with a disability, who require aids or services to participate at the meeting, may contact Ms. Margaret Mahler no less than ten (10) days prior to the date of the meeting:

Ms. Margaret Mahler  
ADA and Safety Coordinator  
Tennessee Department of Transportation  
Suite 400, J.K. Polk Bldg.  
Nashville, TN 37243

Email: Margaret.Z.Mahler@tn.gov  
615-741-4984 (phone)  
615-532-5988 (fax)  
615-253-8311 (TTY Relay)

A court reporter will be available to receive oral statements to be included in the official project transcript. In addition, comment sheets will be available for those who prefer to make written statements. Written statements and other exhibits in place of, or in addition to these, to be included in the transcript may be submitted within twenty-one (21) days after the meeting date to the following address:

Public Information Meeting Comments  
Tennessee Department of Transportation  
Suite 700, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0332

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## **PUBLIC MEETING**

### **State Route (SR) 32 (US-321) Improvements**

SR-73 in Cosby to Wilton Springs Road  
in Cocke County, Tennessee

TDOT PIN # 101422.00

**June 29, 2010**

5:00 p.m. to 7:00 p.m.  
Cosby High School  
3318 Cosby Highway  
Cosby, TN 37722

TDOT Environmental Manager  
Tom Love  
(615) 741-5364  
Tom.Love@tn.gov



***Tennessee Department of Transportation***

## **WELCOME!**

Thank you for attending the Public Meeting for the State Route (SR) 32 (US-321) Improvements Environmental Assessment (EA). This handout package contains information about the project to help you become better acquainted with the proposed improvements.

You are invited to listen to the project presentation and view the project location maps. The purpose of tonight's meeting is to gather information from the public about the purpose and need for the project and the proposed alternatives to be considered in the environmental review process. Tennessee Department of Transportation representatives are available to answer questions throughout the meeting. Representatives can be identified by the nametag they are wearing. Please take the time to discuss the project with them.

A court reporter is available for those persons who desire to make a statement about the project and want that statement included in the official transcript of this meeting. If you wish to make a statement, please see the representative at the court reporter's table.

Included with this package is a questionnaire for you to fill out. Please take a moment fill it out so that we know why you think the project is needed. The completed questionnaires may be deposited in the box by the door. If you do not wish to make a statement at this time, or if you arrive home and think of something you wish you had told the court reporter, you may submit written comments to:

Project Comments  
Tennessee Department of Transportation  
Suite 700, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243

**Written comments must be postmarked by July 20, 2010.**

Thank you for attending and participating in this meeting. Your comments are important to us.



### PROJECT DESCRIPTION

The Tennessee Department of Transportation (TDOT) proposes to widen State Route (SR) 32 (US-321) from SR-73 in Cosby to Wilton Springs Road in Cocke County, Tennessee. The proposed project will widen the existing two-lane roadway to four lanes. The total project length is approximately 6.5 miles.

Two typical sections will be utilized. From SR-73 to just north of Orchard Road, the proposed project will widen SR-32 to a four-lane roadway divided by a 48-foot median with 12-foot shoulders. From just north of Orchard Road to Wilton Springs Road, the proposed project will widen SR-32 to four 12-foot lanes with a continuous 12-foot center turn lane with 8-foot shoulders. Some of the improvements will occur on new location.

The proposed project will also cross the Foothills Parkway, which is administered by the National Park Service (NPS). As currently proposed, the project will cross the Foothills Parkway east of the existing SR-32/Foothills Parkway intersection, on NPS land, and would result in the realignment of the current Foothills Parkway in this area.



2

### WHY DOES THE PROJECT HAVE TO GO THROUGH THE ENVIRONMENTAL REVIEW PROCESS?

The National Environmental Policy Act (NEPA) requires that projects receiving federal funding or requiring federal actions (e.g., permits) undergo an environmental review process.

The project cannot proceed until this requirement has been successfully completed.

### WHAT IS THE PURPOSE OF THE ENVIRONMENTAL DOCUMENT?

The purpose of the environmental document is to:

- Fulfill NEPA requirements
- Disclose effects of the project at a stage in the development process where decision making can still be shaped by the environmental analysis and by the comments of agency and public reviewers.

### WHAT IS AN ENVIRONMENTAL ASSESSMENT?

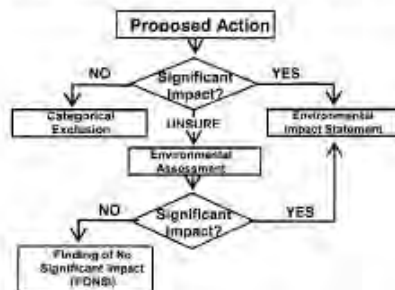
An Environmental Assessment (EA) is prepared if it is unknown whether or not a project has the potential to significantly impact environmental resources. If the EA identifies potential significant impacts then an Environmental Impact Statement (EIS) must be prepared.

Issues that must be addressed in the EA documents are:

- Noise
- Air Quality
- Historic and Archaeological Resources
- Traffic and Safety
- Ecology/Natural Resources
- Floodplains
- Hazardous Materials Sites
- Soils and Geology
- Land Use
- Social and Community Impacts
- Economic and Business Impacts

- Environmental Justice
- Farmland
- Visual Impacts
- Parks and Recreational Resources
- Section 4(f) and Section 6(f) Resources
- Pedestrian and Bicycle Considerations
- Indirect and Cumulative Impacts
- Construction Impacts

The major differences between an EA and an EIS are the level of detail, required study alternatives, and the procedural process.



### WHAT ALTERNATIVES MUST BE STUDIED IN AN EA?

Alternatives that will be studied in an EA include:

- No-Build Alternative
- Build Alternative

#### The No-Build Alternative

The No-Build Alternative:

- Examines what would happen if the new roadway was not constructed; and
- Serves as a baseline to compare the build alternative against.

#### Build Alternative

The Build Alternative will widen SR-32 (US-321) between SR-73 in Cosby and Wilton Springs Road.

### WHY ARE WE HERE TONIGHT?

TDOT is currently proceeding with the EA process for this project. The purpose of this meeting is to provide the public with an update on the project and gather public input on the purpose and need of the project and the project alternatives to be studied.

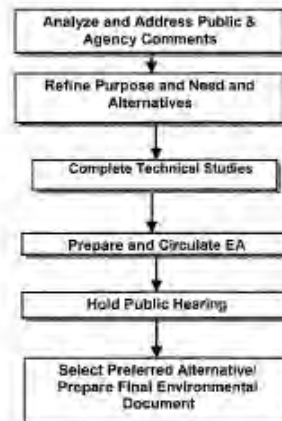
The purpose and need for a project can include, but is not limited to improving efficiency of traffic operations, improving safety for vehicles, improving roadway deficiencies, and increasing capacity along the roadway.

TDOT representatives are here tonight to listen to what you have to say about the purpose and need and the project alternatives.

### WHAT ARE THE NEXT STEPS?

The information that you provide will be used to further refine the purpose and need statement and the alternative(s) to be studied for the project.

### NEXT STEPS



### YOUR COMMENTS ARE IMPORTANT TO TDOT

Representatives of TDOT are available to answer questions you may have regarding this project. You are encouraged to make a formal

comment that will be incorporated into the official project summary in one of three ways:

- 1) Make an oral statement to the court reporter.
- 2) Submit your written comments tonight before you leave.
- 3) Mail your comments to the Department (postmarked by July 20, 2010) to:

Tennessee Department of  
Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

**\* Please make sure to include your name and/or address on your submitted comment form or letter in order to be included in the official record.**

**WHEN WILL THE NEXT PUBLIC MEETING BE HELD?**

A public hearing will be held once the EA has been approved and circulated to the public and federal, state, and local agencies.

**FOR MORE INFORMATION**

Call or email the TDOT Environmental Manager:  
Tom Love at (615) 741-5364 or  
[Tom.Love@tn.gov](mailto:Tom.Love@tn.gov)

TDOT is an EEO/Affirmative Action Employer and does not discriminate on the basis of race, age, sex, religion, color, disability or national origin.

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
County of Residence: \_\_\_\_\_  
Phone Number (optional): \_\_\_\_\_  
E-mail Address (optional): \_\_\_\_\_ (Check here if you would like to receive e-mail notices ☐)  
Would you like to receive future mailings about the project? YES ☐ NO ☐

\*Please make sure to include your name and/or address on your submitted comment form in order to be included in the official record.

**For additional project information:**

Contact Tom Love, TDOT Environmental Division at 615-741-5364 or by email at Tom.Love@tn.gov

Fold at this line second

Project Comments  
Tennessee Department of Transportation  
Suite 700, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0332

Return Comments Postmarked by July 20, 2010 to:

**Public Information Meeting Comments  
Tennessee Department of Transportation  
Suite 700, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0332**

Fold at this line first

**If you dislike the proposed alternatives, what do you think would solve the transportation issues that have been identified as part of the purpose and need for the project?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* TDOT is an EEO/Affirmative Action Employer and does not discriminate on the basis of race, age, sex, religion, color, disability or national origin.

**State Route (SR) 32 (US-321) Improvements  
Between SR-73 in Cosby to Wilton Springs Road in  
Cocke County, Tennessee  
Public Comment Form**

The Tennessee Department of Transportation (TDOT) has started work on an Environment Assessment (EA) that will explore the widening of State Route 32 (US-321) between Interstate SR-73 and Wilton Springs Road and the environmental impacts associated with the construction of the proposed project. Public comment is being solicited to identify areas of concern regarding this project. TDOT needs your assistance and input about the project. Please take a moment to answer the following questions. Please return comment form postmarked no later than **July 20, 2010**.

**What do you like and dislike about:**

**No-Build Alternative**

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**Build Alternative- Widening of State Route 32 (US-321) between SR-73 and Wilton Springs Road.**

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**What issues and concerns do you have about the project? (Check all that apply)**

- ☐ Impacts to the Environment (streams, wetlands, soils, species)
- ☐ Impacts to Existing Development (homes, businesses)
- ☐ Impacts to Agricultural Lands
- ☐ Impacts to Historic and/or Archaeological Resources
- ☐ Impacts to Parkland
- ☐ Other \_\_\_\_\_

**What do you see as the transportation needs of the area?**

Meet current passenger and freight transportation demands \_\_\_\_\_

Improved Safety \_\_\_\_\_

Improved Traffic Operational Efficiency \_\_\_\_\_

Improved access for future development \_\_\_\_\_

Other \_\_\_\_\_

**Which describes your primary interest in the project?**

- ☐ Affected resident
- ☐ Affected business
- ☐ Affected landowner
- ☐ Concerned citizen

STATE ROUTE 32/US 321 IMPROVEMENTS  
FROM SR 73 IN COSBY TO WILTON SPRINGS ROAD  
COCKE COUNTY, TN

SUMMARY OF PUBLIC COMMENTS

FROM THE PUBLIC MEETING & COMMENT PERIOD,  
MARCH 15, 2012 THROUGH APRIL 5, 2012

PREPARED FOR:  
TENNESSEE DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION, TENNESSEE DIVISION

PREPARED BY:  
PARSONS BRINCKERHOFF  
NASHVILLE, TN



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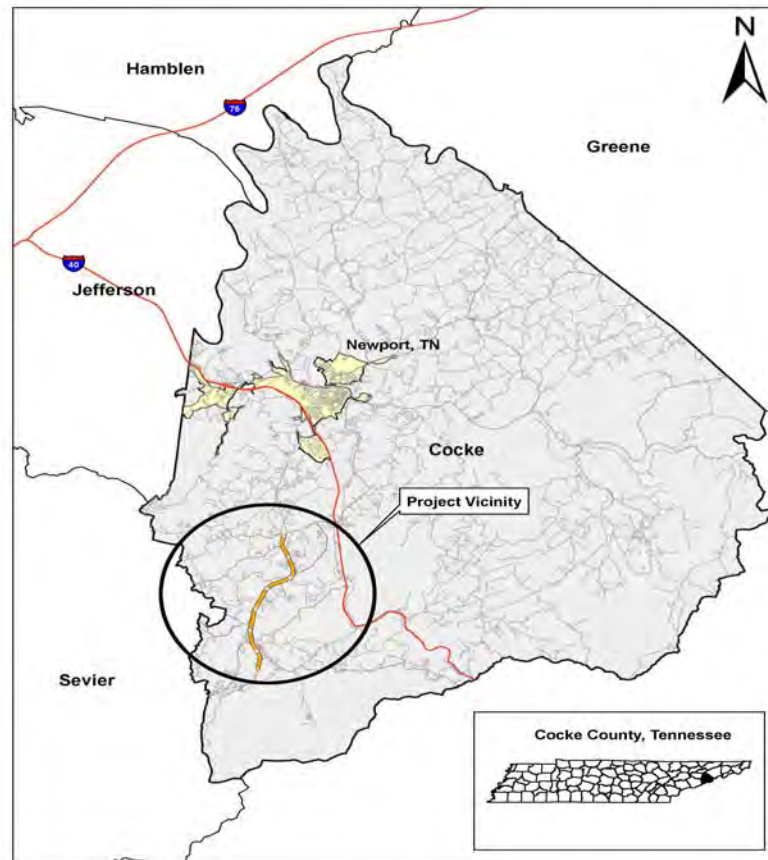
## 1.0 INTRODUCTION

The Tennessee Department of Transportation (TDOT) and the Federal Highway Administration (FHWA), are preparing an Environmental Assessment (EA) for State Route 32/US 321 from State Route (SR) 73 in Cosby to Wilton Springs Road in Cocke County, Tennessee. The purpose of the project is to improve efficiency of traffic operations and increase capacity. The purpose of this project also includes improved safety for vehicles and improvements to address roadway deficiencies. This project began in 1998 as an alternative west of current build alternative in location of Foothills Parkway. The alignment has since been shifted to avoid Cosby Creek and archeological resources. In 2009, TDOT determined the need for updated technical studies as the project moved forward in the environmental review process. The project vicinity is illustrated in **Figure 1**.

A Public Meeting was held at the Cosby High School on Thursday, March 15, 2012 from 5:30 PM to 7:30 PM. TDOT held this meeting to discuss the proposed improvements to SR 32 (US-321) from SR-73 to Wilton Springs Road and inform stakeholders on updates to the project.

This report provides a description of the Public Meeting and summarizes the comments received at the Public Meeting and during the official comment period, which extended through April 5, 2012.

Figure 1 Project Vicinity Map



## 2.0 PUBLIC MEETING

### 2.1 Notification

In order to publicize the public meeting, a public notice was published in *The Newport Plain Talk* (Thursday) March 1, 2012. A public notice was also posted on TDOT's project website. Notification postcards were also hand-delivered to all businesses within the project area. A copy of the meeting postcard is included in the **Appendix**.

### 2.2 Description of Public Meeting

A public meeting was held in Cosby, Tennessee on Thursday, March 15, 2012 from 5:30 PM to 7:30 PM at Cosby High School. The purpose of the meeting was to discuss the proposed improvements to SR 32 (US 321) from SR 73 to Wilton Springs Road and inform stakeholders about updates to the project.

At the beginning of the meeting, participants were asked to sign-in and pick up a meeting handout. The six-page handout provided information on the public meeting format as well as a summary of the project purpose and need, a description of the project's design features, potential environmental impacts of the project, and the next steps in the project development process. It also explained how to provide comments to TDOT. Participants had the option of returning the comment form before leaving the meeting, or mailing the comment form to TDOT by April 5, 2012. The public could also email a comment or send a comment via letter to TDOT by April 5, 2012. Copies of the meeting handout and comment form are included in the **Appendix**.

During the first portion of the meeting, the public viewed project displays and were given an opportunity to speak with the TDOT project team. A presentation immediately followed that provided updated information on the proposed SR 32(US 321) Improvement Project, including recent modifications based on stakeholder input. After the presentation, attendees had another opportunity to view displays and talk with the TDOT project team. A court reporter was also available during the meeting to provide participants with an opportunity to have their comments recorded orally.

Ninety-seven participants signed the sign-in sheet for the meeting.

## **2.3 Summary of Public Comments**

In order for the comments to be included in this scoping report, TDOT asked that complete comment forms and letters be postmarked or emailed by April 5, 2012. All comment forms and letters postmarked by April 5, 2012 are summarized in this public scoping report. Additional comments will continue to be accepted and considered throughout the course of the project.

A variety of options were available to encourage public input during the public meeting and comment period. The public provided input through the following means:

- Informal Comments – during question and answer session
- Oral Comments – provided to the court reporter
- Written Comments – comment forms and letters

During the official scoping period (March 15, 2012 through April 5, 2012) a total of eighteen public comments were received through the various formats listed above. Due to the variety of ways to respond, some individuals commented in multiple formats.

### **2.3.1 Comments provided during the Question and Answer Session**

During the public meeting held on March 15, 2012, members of the public were encouraged to express their comments or concerns and to ask questions about the project during the question and answer portion of the meeting. Comments from ten (10) people were recorded during the question and answer portion of the meeting.

The following summarizes major points made by the public during the question and answer portion of the public meeting on March 15, 2012:

1	Noise effect of new highway
2	Is the four lane road going to be limited access in certain locations?
3	Concern for wetlands
4	Will there be dynamite during construction?
5	Will you replace my well if you damage it up during construction?
6	If they do have to take some of our property, how much notice do they give us and will they pay us for it?
7	Concern for road going through Liberty Church.
8	Is there flexibility on adjusting the road?
9	What is the timing of this project and what does this mean in terms of what I tell the church?
10	Where is the highway going?
11	Businesses along the current corridor would be bypassed if new road is built and people will not know they are there.
12	I own a motel
13	Widening the road will impact my yard how much of my yard will you take?
14	I have a campground mobile home park and I need to do some maintenance on the swimming pool for this year. Is it going to be five years before we get anything going, or do I need to go ahead and do the five years work?
15	Why don't you stay on the right hand of the main road and just go on with the main road?
16	According to the maps, you're showing one entrance into Stonebrook after you get done with all of this.
17	Could you explain noise assessment a little deeper?
18	Very pleased to see the initial alignment of the road as being a five lane at that point so that people could turn into my place coming either direction.
19	Visitors like the quiet, out of the way places. They come up here to see the scenic beauty.

### 2.3.2 Official Comments to the Court Reporter

During the public meeting held on March 15, 2012, two statements were given to the court reporter regarding the SR-32 (US-321) project during the public information meeting.

Commenter: Bill Meurman

Okay. My name is Bill Merman. I'm at 3283 Cosby Highway. I have a small business. I sell some produce in the summertime, rather limited customers. So I was very pleased to see the initial alignment of the road as being a five lane at that point so that people could turn into my place coming either direction, and that's the only comment I wanted to make.

Commenter: Wilma Webb

Yes. My name is Wilma Webb. My address is 2765 Cosby Highway. We actually own Janice's Diner there at that address. And my comment is I work in Gatlinburg with a tourist industry. I work for a resort. Our Great Smokey Mountain National Park has nine point something million visitors per year. I have not heard one of them say, "I want to get on that busy highway and just go somewhere." They like the quiet, out of the way places. They come up here to see the scenic beauty. They don't want the hustle, bustle. And I am really afraid that if we get too big, then that's really going to hurt the entrances that we have in Cocke County going to the Great Smokey Mountains National Park. Thank You.

### 2.3.3 Public Comment Forms

The public provided written comments by filling out the project comment card provided by TDOT. Public comment cards were distributed by TDOT at the public meeting and could be downloaded electronically from TDOT's project website. A copy of the comment form is provided in the Appendix.

The comment form asked the respondents to provide input on the following:

- 1) Primary interest in the project;
- 2) The preferred alternative;
- 3) What are the issues and concerns;
- 4) Should there be any changes to the project; and
- 5) Respond to survey about hearing process

#### 2.3.3.1 Comment Card Question - Which describes your primary interest in the project?

Seventeen participants responded to this question. Many identified as having multiple interests in the project. Most identified with being concerned citizens and affected landowners. Nine completed comment cards came from concerned citizens, nine came from landowners, three came from affected business owners, and two came from residents. One participant identified as being all four: concerned citizen; affected resident; affected landowner and affected business.

Interest	Total
Concerned Citizen	9
Affected Resident	2
Affected Landowner	9
Affected Business	3

\*Respondents could check more than one interest.



### 2.3.3.2 Comment Card Question - The alternative you prefer and why?

Fourteen participants commented that they were concerned about the environmental impacts, safety, local businesses, property impacts(?), Cosby Hill, and traffic. Some additional alternatives that were mentioned included the No Build or the original plan. The following table provides a summary of the comments related to the alternative question.

Alternative You Prefer	Total
No Build	6
Original Plan	2

\*Respondents were allowed to comment on more than one topic

There were also additional responses that were not directly related to this specific question. The following bulleted list is a summary of additional public issues or concerns identified for the SR-32 (US-321) project:

- Impacts to existing businesses
- Wetlands
- Safety
- Traffic
- Property
- Cosby Hill is a community asset
- Scenery
- Noise

### 2.3.3.3 Comment Card Question - What issues and concerns you have about the project?

In total seventeen responses were received for this question on the comment card. Although the responses vary, the repeating concerns include; consider original plan, safety, start of construction, acquisition of land, proximity to medical services and loss of businesses. In addition, there were five comments that stated the project was not needed.

<b>Concerns</b>	<b>Totals</b>
Original Project Design Creates Negative Impacts	1
Taking of Land, Homes and Businesses	6
Living Along Busy Highway	1
Access to Road	1
Do Not Need This Project	5
Impact on Businesses	2
Start Date	1

\*Respondents were allowed to comment on more than one topic

Additional responses to this question are summarized below:

- Original project would negatively impact Stonebrook and local merchants
- Dangerous for school buses making a left turn
- Concerned about approval for septic
- Taking of a family farm
- Do not need this project
- Right of way proximity to rural medical services
- When will the project start

#### 2.3.3.4 Comment Card Question - Any changes you would make to the project?

A total of nine (9) responses were received for this question on the comment card.

<b>Recommended Changes</b>	<b>Total</b>
Use Original Route	3
Widen Present Road	2
Straighten Curve on Cosby Highway	1
(Blank Comments) N/A	8

\*Respondents were allowed to comment on more than one topic

Additional responses to this question are summarized below:

- Don't take our life use original route or widen present road.
- We prefer the 1<sup>st</sup> proposal
- Either plan would take property I own.
- Don't do it
- Straighten out bad curve on Cosby highway
- Stick with original plan

#### 2.3.3.5 *Comment Card Question - Additional Comments?*

A total of one response was received for this question on the comment card, as summarized below:

- No one has visited the property. The route presented is based on aerial photos that are old. Wife had property taken by the Great Smoky Mountain National Park and now the state wants to take land without notification.

#### 2.3.4 **Official Comments in Letters**

TDOT received a total of one letter and no emails during the official comment period. A summary of the letter's key themes is summarized below:

- Father's home was taken due to the first road built in the 1930's during the Depression.
- I cannot understand why the present road cannot be widened.
- Property has already been taken from me I believe once is enough.
- I believe I will lose more property than any other owner.
- I think the people or Cosby are being held hostage by the state.
- I would like very much for the proposed highway to be changed.

## APPENDIX

## NOTICE OF PUBLIC MEETING

The Tennessee Department of Transportation will conduct a Public Information Meeting on March 15, 2012 at the Cosby High School located on 3318 Cosby Highway, Cosby, Tennessee 37722. The objective of this meeting is to discuss the proposed improvements on State Route (SR) 32 (US-321) from SR-73 to Wilton Springs Road in Cocke County, Tennessee.

This meeting will be held from 5:30 p.m. – 7:30 p.m. in order to provide the public an opportunity to participate in the project development process. A brief presentation will be followed by a question and answer period. The public is invited to provide comments during the meeting and will be given the opportunity to make their opinions known concerning the alternatives being evaluated for the improvements. Representatives of the Department will be available to provide information on various aspects of the project. Anyone with questions regarding this meeting may contact:

Ms. JonnaLeigh Stack, NEPA Project Manager  
Tennessee Department of Transportation  
TDOT Environmental Division  
Suite 900, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0334  
615-253-2463  
[jonnaleigh.stack@tn.gov](mailto:jonnaleigh.stack@tn.gov)

Persons with a disability, who require aids or services to participate at the meeting, may contact Ms. Margaret Mahler no less than ten (10) days prior to the date of the meeting:

Ms. Margaret Mahler  
ADA and Safety Coordinator  
Tennessee Department of Transportation  
Suite 400, J.K. Polk Bldg.  
Nashville, TN 37243

Email: [Margaret.Z.Mahler@stn.gov](mailto:Margaret.Z.Mahler@stn.gov)  
615-741-4984 (phone)  
615-532-5988 (fax)  
615-253-8311 (TTY Relay)

A court reporter will be available to receive oral statements to be included in the official project transcript. In addition, comment sheets will be available for those who prefer to make written statements. Written statements and other exhibits in place of, or in addition to these, to be included in the transcript may be submitted within twenty-one (21) days after the meeting date to the following address:

Public Information Meeting Comments  
Tennessee Department of Transportation  
Suite 700, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0332

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**SR 32 (US 321)**

# Public Meeting Information

Tennessee Department of Transportation  
Communications Office  
CRO Officer  
(615) 741-7336(office)

## When & Where

5:30 P.M. to 7:30 P.M. Thursday, March 15, 2012  
Cosby High School  
3318 Cosby Highway, Cosby, TN 37722  
See Location Map attached

## Learn about the SR 32 (US 321)

Between 1998 and the present TDOT has evaluated alternatives to improve SR 32 (US 321). Alternatives have been modified in response to public and resource agency input, and environmental constraints.

- National Park Service requested avoidance of Cosby Creek
- Avoidance of archaeological resources
- Minimize residential and business impacts

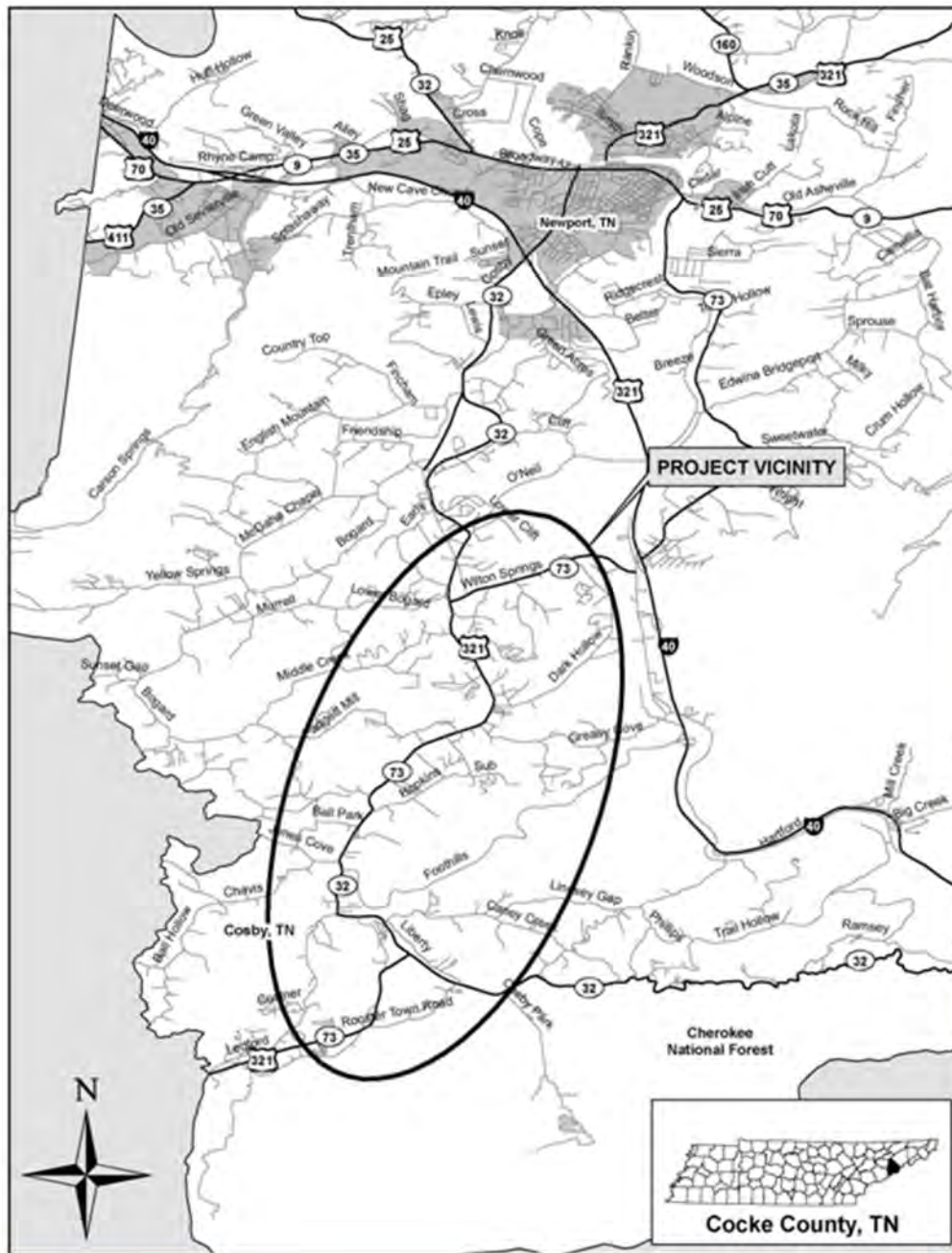
## Ask Questions

Following a project presentation by TDOT representatives, there will be a brief question and answer opportunity for the public.

## Need Assistance?

Persons with disabilities that require aids or services to participate at the meeting should contact TDOT at 615-741-4984.





# SR 32 (US 321)

State Route 32 (US 321) Project Vicinity Map  
From State Route 73 to Wilton Springs Road







**PUBLIC MEETING**  
**State Route 32**  
**Presenting updates to the SR 32**  
**Improvement Project**

**Thursday, March 15, 2012**  
**5:30 P.M. to 7:30 P.M.**  
**Cosby High School**  
**3318 Cosby Highway**  
**Cosby, TN 37722**

**This meeting will discuss the proposed improvements to SR 32 (US 321) from SR 73 to Wilton Springs Road and inform stakeholders on updates to the project. TDOT representatives will be available to receive stakeholder feedback on the proposed improvements.**

**Contact:**  
**JonnaLeigh Stack**  
**TDOT, Environmental Division**  
**505 Deaderick Street, Suite 900**  
**Nashville, TN**  
**JonnaLeigh.Stack@tn.gov**  
**(615) 253-2463**

### **Announcement of Public Meeting**

The Tennessee Department of Transportation will conduct a Public Meeting to provide updated information on the State Route 32/US-321 widening project in Cocke County, Tennessee. At the meeting, representatives will discuss recent modifications to the project based on stakeholder comments.

**Thursday, March 15, 2012  
5:30PM to 7:30 PM  
Cosby High School  
3318 Cosby Highway  
Cosby, Tennessee 37722**

During the meeting, there will be a short informal presentation beginning at 6:00 p.m. and a brief question and answer period. The public is invited to ask questions and make comments during the meeting. Representatives of the Department will be available to answer questions concerning the project.

Anyone with questions regarding the Public Meeting should contact Mrs. Jonnaleigh Stack at 615-253-2463 or by email at Jonnaleigh.Stack@tn.gov.

Persons having a disability that requires aids or services to participate at the meeting may contact Ms. Margaret Mahler by telephone at (615) 741-4984, fax (615) 253-1477, TTY Relay (800) 848-0298 or e-mail Margaret.Z.Mahler@tn.gov no less than ten (10) days prior to the date of the meeting.

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ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

FOLD HERE

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

PLACE  
STAMP  
HERE

You must staple or tape shut at top before mailing.

Corridor Comment Card  
www.tennessee.gov/tdot

**Project Description:**

SR 32 (US 321) Corridor Improvement Project  
From SR 73 in Cosby to Wilton Springs Road,  
Cosby, Cocke County, Tennessee

Date: March 15, 2012

Project #: PE 15005-1234-04

County: Cocke

**PLEASE PRINT**

Name \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (include area code): \_\_\_\_\_

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

We are interested in your comments about the proposed project. Please indicate:

The alternative you prefer and why \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What issues and concerns you have about the project \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Any changes you would make to the project \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Hearing Process Criteria:**

	<u>Best</u>						<u>Worst</u>				
Organization of Materials	5	4	3	2	1	Information Presented	5	4	3	2	1
Length of Meeting	5	4	3	2	1	People Presenting	5	4	3	2	1
Time of Meeting	5	4	3	2	1	Knowledge of Staff	5	4	3	2	1
Convenience of Location	5	4	3	2	1	Courtesy of Staff	5	4	3	2	1
Facility Accommodations	5	4	3	2	1	Visual Aids	5	4	3	2	1

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DT-1702

MORE COMMENT SPACE ON BACK.



## **PUBLIC MEETING**

**State Route 32 (U.S. Highway 321) Improvements  
State Route 73 in Cosby to Wilton Springs Road,  
Cosby, Cocke County, Tennessee**

### **Corridor Improvement Project**

**March 15, 2012**

**5:30 P.M. to 7:30 P.M.**

**Cosby High School**

**3318 Cosby Highway**

**Cosby, Tennessee 37722**

Between 1998 and the present TDOT has evaluated alternatives to improve SR 32 (US 321). Alternatives have been modified in response to public and resource agency input, and environmental constraints.

The most recent alternative modification are presented at this meeting.

**Contact: JonnaLeigh Stack  
TDOT NEPA Project Manager  
(615) 741-3655  
Jonnaleigh.stack@tn.gov**

## WELCOME!

Thank you for attending the public meeting for State Route 32 (SR 32) (U.S. Highway 321 (US 321)) Improvements Environmental Assessment (EA). This handout package provides information on the public meeting format as well as a summary of the project purpose and need, a description of the project's design features, potential environmental impacts of the project, and the next steps in the project development process. It also explains how to provide the Tennessee Department of Transportation (TDOT) your comments.

Below is the agenda for this evening.

**5:30 – 6:00 PM** – View displays and talk with TDOT Project Team

**6:00 – 6:30 PM** – Presentation to provide updated information on the Proposed SR 32 (US 321) Improvement Project including recent modifications based on stakeholder input

**6:30 – 7:30 PM** – View displays and talk with TDOT Project Team

During the first 30 minutes of the meeting, you will be able to view displays illustrating the alternative that is being evaluated in the SR 32 (US 321) Environmental Assessment (EA). After you sign in and receive the project handout, you are encouraged to view the displays and speak with representatives from the TDOT Project Team.

At 6:00 PM, the project presentation with update information will begin. Following the presentation, there is a Comment/Question Session. In the interest of time, TDOT Project Team members will provide a brief response to your question or comment.

If you would like a more in-depth response than time offers during the Comment/Question Session, or want to discuss a topic, please talk with a Project Team member either before the formal Comment/Question Session, or after the Session with TDOT Project Team members will again be available to talk with you individually.

The public meeting will conclude at 7:30 PM.



SR 32 (US 321)



### WHY ARE WE HERE TONIGHT?

TDOT is currently proceeding with the EA process for this project. The purpose of this meeting is to provide the public with an update on the project and gather public input on the proposed project alternatives currently under study.

### PARTICIPATE IN THE DECISION MAKING PROCESS

You will have several opportunities to make known your comments about both projects and have them included in the official transcript:

- A court reporter will record the meeting's formal Comment/Question session and will be available during the entire public meeting to record your individual oral comments.
- A comment form is included in this handout for your use. You may deposit your completed form in the box by the door before you leave the public meeting or you may submit written comments to:

Project Comments  
Tennessee Department of  
Transportation  
Suite 700, James K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243

Or by email to:  
TDOT.Comments@tn.gov

\* Written comments must be postmarked no later than **April 5, 2012** (include your name and address) in order to be included in the official transcript of this public meeting.

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SR 32 (US 321)



## SR-32 (US-321) PROJECT DESCRIPTION

TDOT proposes to widen SR-32 (US-321) from SR-73 in Cosby to Wilton Springs Road in Cocke County, Tennessee. The proposed project would widen the existing two-lane roadway to four lanes. The total project length is approximately 6.5 miles.

Two typical sections would be utilized. From SR-73 to just north of Orchard Road, the proposed project will widen SR-32 to a four-lane roadway divided by a 48-foot median with 12 foot shoulders. From just north of Orchard Road to Wilton Springs Road, the proposed project will widen SR-32 to four 12-foot lanes with a continuous 12-foot center turn lane with 8-foot shoulders. Some of the improvements would occur on new location.

The proposed project would also cross the Foothills Parkway, which is administered by the National Park Service (NPS). As currently proposed, the project would cross the Foothills Parkway east of the existing SR-32/Foothills Parkway intersection, on NPS land, and would result in the realignment of the current Foothills Parkway in this area.



**SR 32 (US 321)**

### **WHY DOES THE PROJECT HAVE TO GO THROUGH THE ENVIRONMENTAL REVIEW PROCESS?**

The National Environmental Policy Act (NEPA) requires that projects receiving federal funding or requiring federal actions (e.g. permits) undergo an environmental review process.

The project cannot proceed until this requirement has been successfully completed.

### **WHAT IS THE PURPOSE OF THE ENVIRONMENTAL DOCUMENT?**

The purpose of the proposed project is to:

- Fulfill NEPA requirements;
- Disclose effects of the project at a stage in the development process where decision making can still be shaped by the environmental analysis and by the comments of agency and public reviewers.

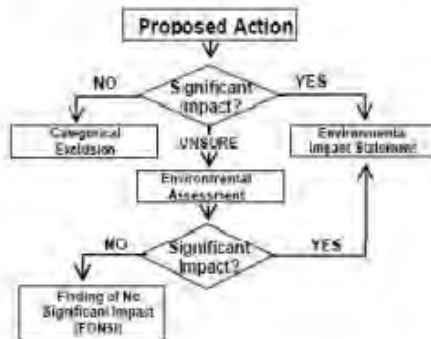
### **WHAT IS AN ENVIRONMENTAL ASSESSMENT?**

An Environmental Assessment (EA) is prepared if it is unknown whether or not a project has the potential to significantly impact environmental resources. If the EA identifies potential significant impacts then an Environmental Impact Statement (EIS) must be prepared. Issues that must be addressed in the EA documents are:

Noise	Social and Community Impacts
Air Quality	Economic and Business Impacts
Historic and Archaeological Resources	Environmental Justice
Traffic and Safety	Farmland
Resources	Visual Impacts
Floodplains	Parks and Recreational Resources
Hazardous Materials Sites	Section 4(f) and Section 6(f) Resources
Soils and Geology	Pedestrian and Bicycle Considerations
Land Use	Construction Impacts

## **SR 32 (US 321)**

The major differences between an EA and an EIS are the level of detail, required study alternatives, and the procedural process.



#### WHAT ALTERNATIVES MUST BE STUDIED IN AN EA?

Alternatives that will be studied in an EA include:

- No-Build Alternative
- Build Alternative

##### No-Build Alternative

The No-Build Alternative:

- Examines what would happen if the new roadway was not constructed; and
- Serves as a baseline to compare the Build Alternative against.

##### Build Alternative

The Build Alternative would widen SR 32 (US 321) between SR 73 in Cosby and Wilton Springs Road.

TDOT representatives are here tonight to listen to what you have to say about the purpose and need and the project alternatives.

#### WHAT ARE THE NEXT STEPS?

The information that you provide will be used to further refine the purpose and need statement and the alternative(s) to be studied for the project.



#### WHEN WILL THE NEXT PUBLIC MEETING BE HELD?

A public hearing will be held once the EA has been approved and circulated to the public and federal, state, and local agencies.

## SR 32 (US 321)

State Route (SR) 32 (US 321) Improvements  
From SR 73 in Cosby to Wilton Springs Road  
Cosby, Cocke County, TN

**SUMMARY OF NEPA PUBLIC INFORMATION MEETING**

From the Public Meeting and Comment Period,  
August 9, 2018 through August 30, 2018

October 2018



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Appendix: Public Meeting Materials

## 1.0 INTRODUCTION

This Comment Summary has been prepared by the Tennessee Department of Transportation (TDOT) for responses received at the public information meeting for the proposed State Route (SR) 32 (US 321) improvements. The public meeting was held August 9, 2018 from 5:00 to 7:00 PM at the Army National Guard Armory Building in Newport, Tennessee. The proposed project is described below in Section 1.1. The project is proposed to be assisted with funding from the Federal Highway Administration (FHWA) and is subject to the requirements of the National Environmental Policy Act (NEPA).

### 1.1 Project Description

TDOT proposes to widen SR 32 from SR 73 in Cosby to Wilton Springs Road in Cocke County, Tennessee. The total project length is approximately seven miles. Since the initial discussions regarding this project began in 1998, several alternatives and configurations have been considered. From SR 73 to the Foothills Parkway, alternatives have been studied to the west of existing SR 32, to the east of SR 32, and most recently along SR 32.

**Western Alternative** – The Western Alternative is the original alternative that was proposed in 1998 when the project began. The Western Alternative started on SR 73 west of the SR 73/SR 32 intersection and traveled on new location west of existing SR 32 to near the Foothills Parkway, where it then generally followed existing SR 32 to the project end at Wilton Springs Road. From 1998 to 2005, based on input received from the public and coordination with the National Park Service (NPS), minor shifts in the alignment of the proposed alternative were made. In 2009, environmental technical studies were updated.

**Eastern Alternative** – In 2010, a public meeting was held and agency coordination took place. Based on input received from the public and the resource agencies, TDOT proposed an additional build alternative, the Eastern Alternative, which traveled on new location to the east of existing SR 32 from SR 73 to just south of the Foothills Parkway. From the Foothills Parkway north to Wilton Springs Road, the Eastern Alternative followed the same path as the Western Alternative.

The proposed typical section for both the Western and the Eastern Alternatives consisted of two travel lanes in each direction with a 48-foot median from the project beginning to near Orchard Road where the typical section transitioned to two travel lanes in each direction with a two-way center turn lane, which continued to Wilton Springs Road.

**Alternative Following Existing SR 32** – In 2012, TDOT initiated an EPD review of the project to identify feasible, cost effective improvement options that would provide improved safety and mobility. Based on recommendations in the EPD Technical Report, agency coordination, and public input from previous public meetings, TDOT developed an additional alternative that would generally follow existing SR 32 throughout the project area.

The three proposed alternatives discussed above are shown in Figure 1.



Figure 1 Proposed Project Alternatives





In addition to developing an alternative along existing SR 32, the EPD Technical Report proposed constructing the project in two phases, as described below:

**Phase I Construction (Interim Build)** - Phase I Construction (Interim Build) applies to the portion of the project from the southern terminus at SR 73 to Penland Road. The Interim Build involves constructing a two-lane roadway with a two-way center turn lane or passing lane, as appropriate, within the five-lane right-of-way needed for Phase 2 Construction (Full Build). Phase I Construction (Interim Build) consists of one 12-foot travel lane in each direction with a 12-foot two-way center turn lane or passing lane (as appropriate). Shoulder widths would vary from four to ten feet.

**Phase 2 Construction (Full Build)** - Phase 2 Construction (Full Build) includes construction of two additional travel lanes, resulting in two travel lanes in each direction with a two-way center turn lane from SR 73 to Penland Road.

Phased construction is not proposed for the section of the project from Penland Road to Wilton Springs Road. Construction in this section of the project would include the full build of two 12-foot lanes in each direction with a 12-foot two-way center turn lane and four-foot shoulders.

TDOT is currently proposing to move three alternatives forward to the EA phase:

- Western Alternative – renamed Alternative A
- Alternative Following Existing SR 32 – renamed Alternative B
- No Build Alternative – The No Build Alternative, which would entail no improvements being made to SR 32, will be included in the environmental studies to serve as a basis for comparison of the impacts of Build Alternatives A and B.

TDOT is proposing to drop the Eastern Alternative from further consideration due to its potential impacts to Cosby Creek, public concern expressed at the 2012 public meeting, and resource agency concerns. The two Build Alternatives proposed to move forward to the EA phase are shown in Figure 2

## **1.2 Summary of Comments and Dispositions**

This report provides: (a) a general description of the public information meeting and summarizes the comments received at the hearing itself and during the official comment period, which extended through August 30, 2018 and (b) disposition for these public comments.

Figure 2 Alternatives Proposed to Be Moved Forward



## 2.0 PUBLIC INFORMATION MEETING

### 2.1 Notification

In order to publicize the public information meeting, a public notice was published in *The Newport Plain Talk* on Thursday, July 26, 2018. A copy of the public notice is included in the appendix.

Public notification postcards were also mailed to property owners along the project. In total, over 400 postcards advertising the public meeting were mailed to the public. A copy of the postcard is included in the appendix.

The notice was also posted on TDOT's Public Hearings and Meetings web page at: <https://www.tn.gov/tdot/transportation-quick-links/upcoming-events.2018-08.html>.

### 2.2 Description of the Public Information Meeting

The public information meeting for the State Route (SR) 32 (US 321) Improvements was held from 5:00 to 7:00 PM at the Army National Guard Armory Building, 7055 Amory Road, Newport, TN on August 9, 2018. Two hundred-eleven people signed the sign-in sheets. Thirteen representatives from TDOT and their consultants were present to assist the public at the meeting. Public officials present at the meeting included Representative Jeremy Faison.

At the beginning of the meeting, attendees were asked to sign-in and pick-up a public information meeting handout. The handout contained information regarding the agenda for the meeting, project history, a project description, a description of the project's purpose and need, proposed alternatives, a brief overview of the NEPA process and next steps. The handout also included a comment card for attendees to use to record their comments about the project. Attendees had the option of returning the comment card before leaving the meeting or mailing the comment card and/or letters to TDOT postmarked by August 30, 2018. Copies of the handout and comment card are included in the appendix.

Several displays of the proposed Build Alternative were available for viewing. TDOT staff and consultant team members were available throughout the meeting to answer questions and provide information to members of the public.

After providing attendees time to review the handouts and displays, a PowerPoint presentation was given that briefly discussed the project background, proposed alternatives, proposed phased construction, and the next steps in the project. A copy of the PowerPoint presentation is included in the appendix.

A question and answer session immediately followed the presentation, giving attendees a chance to respond and have their questions answered by representatives from TDOT and the project's consultant team. A court reporter was also available during the meeting to provide participants with the opportunity to have their comments recorded orally, and to record all questions and answers provided during the formal question and answer session.

Copies of the meeting handout, comment card, displays, and presentation were also available on TDOT's website following the meeting: <https://www.tn.gov/tdot/transportation-quick-links/upcoming-events/2018/8/9/cocke-county-public-meeting-on-sr-32--us-321-.html>.

## 2.3 Summary of Public Comments

In order for the comments to be included in this summary, TDOT asked that completed comment cards, letters and e-mails be submitted by August 30, 2018. All comment cards postmarked by August 30, 2018 are considered a part of the official transcript.

A variety of options were available to encourage public input during the comment period. The public provided input through the following means:

- Informal comments given by the public during the question and answer portion of the public meeting;
- Official oral comments to the court reporter; and
- Written comments – comment cards, letters and e-mails.

During the official comment period (August 9, 2018 through August 30, 2018), 35 comment cards, one email and one letter were received, which represented comments from 42 people. In addition, one petition signed by 53 people was received. The petition did not state whether the signatories were in favor or opposed to the No-Build Alternative or Alternative A, but did state opposition to Alternative B.

### 2.3.1 Informal Comments Provided at the Public Meeting

During the meeting, members of the public were encouraged to express their comments or concerns and to ask questions about the projects during the question and answer portion of the hearing. Two people gave comments during the question and answer portion of the meeting, however, due to the poor acoustics, only the comments of one person were recorded by the Court Reporter.

Table 1 summarizes major points made by the public during this session.

**Table 1 Comments Provided During Public Information Meeting Question Answer Session**

Comment	Response
What is the schedule, the proposed timetable for this project, the upcoming events?	The project is currently in the NEPA environmental review phase. TDOT budgets projects in three phases: preliminary engineering, right-of-way, and construction. The NEPA phase of the project must be completed and approved prior to the right-of-way phase.

### 2.3.2 Official Comments to the Court Reporter

There were no official comments to the Court Reporter.

### 2.3.3 Public Comment Forms

The public provided written comments by filling out a comment card distributed by TDOT at the public information meeting. By the close of the comment period (received or postmarked by August 30, 2018), TDOT had received 35 comment cards representing 41 people (some comment cards represented more than one family member).



The comment form asked the respondents to provide input regarding their primary interest in the project (concerned citizen, affected resident, affected landowner, affected business) and issues and concerns about the project (impacts to environment, existing development, agricultural lands, historic and/or archaeological resources, parkland, other). Table 2 and Table 3 show how respondents to these questions.

**Table 2 Primary Interest in the Project**

Primary Interest	Number of Responses
Concerned Citizen	12
Affected Resident	20
Affected Landowner	20
Affected Business	1

**Table 3 Issues and Concerns**

Issues and Concerns	Number of Responses
Impacts to the Environment	32
Impacts to Existing Development	35
Impacts to Agricultural Lands	12
Impacts to Historic and/or Archaeological Resources	21
Impacts to Parkland	16
Other	2

In addition, the comment form also asked respondents to comment on their likes and dislikes about the No-Build Alternative, Alternative A (Western Alternative), and Alternative B (Alternative along Existing SR 32) and changes they would make to the project. Of the 41 people responding via comment card, 25 commented in favor of the No-Build Alternative, 10 commented in favor of Alternative A (Western Alternative), one commented in favor of Alternative B (Alternative along Existing SR 32) and five did not state a preference. Table 4 contains a summary of comments received about the proposed alternatives. Table 5 contains a summary of the comments received regarding changes respondents would make to the proposed project.

**Table 4 Responses to the Question “What You Like and Dislike About the Project Alternatives”**

Comment	Response
No Build is the best idea. The beauty of these mountains-the creeks and streams-the winding roads cannot be improved upon just so more traffic can replace it. Surely there is better use of the money. Don't do it. Why destroy the reason we're here? Why destroy so much to get so little?	Comment noted.
Leave as is, mountain roads are winding, that's why we live in mountains. Do not like taking people's homes. Take land, not homes. Keep roads the way they are.	Comment noted.
Forget about Alternative B and No Build. Alternative A is the only one that makes sense. It's shorter, less businesses affected, less damage to streams.	Comment noted.
Alternative A: The only way. Rule out Alternative B and No Build. Alternative A only one that makes any sense. It's shorter and affects less homes and businesses.	Comment noted.
This highway would hurt the integrity of both the scenic view and a very well established development like Stonebrook. Stonebrook has been a very well established HOA development since 1972.	Comment noted.
No Build Alternative probably not an option as not doing anything would continue to create a bottleneck.  Alternative A is the preferred option. This route will create the least amount of effects on rivers and residents. Alternative A Western Alternative is the best way to go.  Do not support Alternative B.	Comment noted.
No Build Alternative: Like the fact that no land will be damaged or residents losing property. I don't like bottle neck of traffic getting to Gatlinburg.  Alternative A: Best option. This plan disturbs the land and Cosby Creek as little as possible. This is the best plan for citizens! Alternate A is the best solution for our community, our land, and our citizens.  Alternative B: Don't like the effect on environment so close to Cosby Creek. Not the best option for residents.  Local residents should be selected for jobs-"if qualified" to support the local economy.	Comment noted.

Comment	Response
<p>No Build Alternative: I like this solution best until an alternative that doesn't destroy a neighborhood is found.</p> <p>Alternative A: This would go through my house. My husband and I purchased this place 30 years ago as a retirement home. He has now passed. I will be 80 years old this November and I don't want to lose my home.</p> <p>Alternative B: This will also go through homes in my neighborhood. I don't want my neighbors to lose their homes either.</p> <p>Issues/Concerns: My husband believed there are underground streams on this property and a university came by and marked out a large portion of our yard and said there are wetlands. The two creeks that run through our property are full of wildlife and help to preserve the natural ecosystem of the area. I am concerned there will be an additional detriment to the environment and damage to this water source. Along with many others, I love living in Stonebrook community and being surrounded by woods and nature. It is an integral part of enjoying the Smoky Mountains. My husband and I worked hard for many years to be able to purchase it, maintain it and pay our taxes dutifully. My husband is gone. Please, please don't take my home away from me!</p>	<p>Comment noted.</p> <p>Technical studies are currently being conducted. Environmental impacts will be presented in the Environmental Assessment. Should a Build Alternative be selected, the project will be designed to minimize impacts to the greatest extent practicable. Mitigation measures will also be implemented.</p>
<p>No Build Alternative: This is the best option until a better plan can be determined.</p> <p>Alternative A: This is a really bad choice. It will run through my retirement home. It will damage and destroy the beauty of the Stonebrook community.</p> <p>Alternative B: This is also a bad option because it also cuts into our neighborhood and hurts Stonebrook's property values.</p> <p>Neither of the Build Alternatives should be allowed to move forward. I especially do not want to lose my home and that of my elderly mother. My parents worked hard to make this a beautiful retirement home and blend into the natural diversity that is part of this wonderful part of Tennessee. I too had looked forward to retiring and becoming a full time resident of the Cosby area. But apparently the State is not interested in supporting its retirement communities-as evidenced by proposing roads through these areas.</p>	<p>Comment noted.</p>
<p>We understand in both Alternatives A and B the plan would remain the same at our end of the project.</p>	<p>Comment noted.</p>
<p>Concerned about impacts to Stonebrook Community.</p>	<p>Comment noted.</p>
<p>Alternative B: Leave this existing road as is.</p>	<p>Comment noted.</p>



Comment	Response
Concerned about noise levels of traffic, future revenue stream to Stonebrook HOA.	A noise study is being conducted for the project. The results of the study will be presented in the Environmental Assessment.
<p>No Build Alternative: Least expensive. Present route is scenic and serves the volume of traffic without encouraging speeding. Least disruptive.</p> <p>Alternative A: A solution in search of a problem. This would be destructive of homes and at least one neighborhood. Route would destroy several homes in the Stonebrook Village retirement community along with other residents' scenic views. This could be mitigated by shifting part of the route 300-400 feet to the west, which would affect farmland and fallow land instead.</p> <p>Alternative B: Still destructive of homes and a dubious spending of public money. Detractive of scenic beauty.</p>	Comment noted.
<p>No Build Alternative: First choice.</p> <p>Issues/Concerns: Disturbs the very core of our community-natural woodlands, Little Creek. We have a waterfall that Little Creek flows into, which flows into Cosby Creek. The peaceful, natural beauty, wildlife as well as financial impact to a small HOA. Stonebrook has been here since 1972. Those of us have lived here because of the beauty that will be destroyed with this project. Homes are lost, that pay dues. We are a small HOA, just a loss of finances alone will jeopardize our financial stability. Stonebrook is the first of its kind in Cocke County. It is a beautiful community with responsible homeowners who pay taxes-please think long and hard.</p>	Comment noted.
<p>Alternative A: Best Alternative.</p> <p>Alternative B: Would have the most negative impact on streams coming out of National Park/would obstruct views from Stonebrook Village.</p>	Comment noted.
<p>No Build Alternative: Least impact to existing landowners.</p> <p>Alternative A: Straighter transition to existing Route 73.</p>	Comment noted.

Comment	Response
<p>No Build Alternative: This leaves Cocke County beautiful and maintains our residence in Cocke County. There are options that could be explored that do not affect Stonebrook.</p> <p>Alternative A: The worst possible option. This would disrupt our community so drastically that it would ruin the reason we moved to Cocke County.</p> <p>Alternative B: I'm fine with this if you left our community alone and did not remove any of our neighborhood.</p> <p>Issues/Concerns: Stonebrook is historic, first community of its kind in Cocke County.</p>	<p>Comment noted.</p>
<p>No Build Alternative: This is the only project I like. We don't have a problem with traffic and the new road will affect our community negatively.</p> <p>Alternative A: The worst. This would destroy our neighborhood's private park and cut through the oldest neighborhood in Cosby.</p> <p>Alternative B: Awful. This would also directly affect our neighborhood. Find another route. Better yet leave the road alone.</p>	<p>Comment noted.</p>
<p>No Build Alternative: If our options are 4 lane or nothing, I guess nothing is better but I would rather see an alternative that would just be installing turn lanes and passing as needed. No 4 lane.</p> <p>Alternatives A and B: Neither of these impact me much but it seems Alternative B would be less invasive to those who are impacted.</p> <p>Issues/Concerns: Impact to the feel and quaintness of Cosby.</p> <p>My concerns are:</p> <ol style="list-style-type: none"> <li>1) Noise-traffic will be travelling faster and will increase in volume if a four-lane is built. I moved to Cosby for the peace and quiet and don't want to lose that.</li> <li>2) Safety-I live on a dead end road and have no alternative other than pulling out onto 32. With the speed limit at 45 on the 2-lane highway it is difficult enough as traffic is going 55-60. With a four-lane traffic will be going 65-70 as it does on the section closer to Newport.</li> <li>3) Scenic environment and culture- the 4-lane to Newport and 411 section to Chestnut Hill are so sterile and bland. I enjoy driving the section through Cosby much more.</li> <li>4) Local businesses-the only two stores near me are A &amp; M Market and Dollar General both of which are impacted by the plan for a 4-lane highway. If both decide to close, our only option would be to drive to Newport. I would hate to lose our local stores.</li> </ol>	<p>Comment noted.</p>

Comment	Response
Seems to be eliminating some very sharp curves. Why are SRs 73 and 32 especially 73 not clearly marked along with US 321?	Comment noted.
No Build Alternative: Will not affect property value, will not affect tranquility of neighborhood and will not affect roads and access to home and property. Alternative A: Will cause loss of property and value, will cause loss of income for Stonebrook subdivision and will cause noise and distraction to home. Alternative B: Will cause loss of property and value, will cause loss of income for Stonebrook subdivision (HOA) and will cause noise and distraction to home. Issues/concerns: Loss of property and property value, noise and loss of privacy.	Comment noted.
I see no benefit for Cosby here. Issues/Concerns: The people that go back generations on land.	Comment noted.
Alternative A: Less impact on the environment.	Comment noted.
No Build Alternative: Live in a beautiful area of Cosby in a HOA. Creeks, waterfalls, properties should not be impacted.	Comment noted.
No Build: Love it. Alternative A: Next best. Alternative B: No way.	Comment noted.
Alternative A: Shorter distance and less residential impact-prefer this alternative.	Comment noted.
No Build: Preferable-much less destruction to environment. Four-lane highway would create more noise/dust pollution and loss of idyllic scenery to Stonebrook Estates and Cosby. Alternative A: Undesirable but best of Alternative A and B, if proposed road were moved 300 feet or more west, causing less damage to Stonebrook taking it through unused farmland. Alternative B: Unacceptable. Would ravage neighborhood causing loss of many retiree's homes and resettlement, wrecking many years of expectations. I built my home here 34 years ago and would be devastated to lose the beauty and peace. Issues/Concerns: Waterfall on Stonebrook property.	Comment noted.

Comment	Response
<p>The proposed path of "Alternative A" places a road going straight thorough our house. We purchased our home over 10 years ago while feeling delighted that we found this heaven in the farmlands in Tennessee.</p> <p>Our community is made up of 3 HOA villages containing single family, condominiums, and townhouses that are part of Stonebrook Village. The loss of our house would be devastating to both our family and our neighbors as well as Creekwoods contribution to Stonebrook HOA income that will disappear if Alternative A is selected.</p> <p>The point of this entire road proposal is to enhance speed of travel to Gatlinburg. This where the visitor already cannot be accommodated because of the poor traffic conditions at the access to the GSMNP. If a 4-lane road is installed traffic will be slowing down or stopped as they arrive at the Pittman Center. The problem of what to do with the large numbers of visitors arriving in Pigeon Forge and Gatlinburg is the problem and a faster way to arrive there is not the answer to their problem.</p> <p>Highway 321 is a scenic rural road that should remain as it is today.</p>	<p>Comment noted.</p>
<p>Concerned about having to take four families' homes.</p>	<p>Comment noted.</p>
<p>No Build: Would be acceptable/preferred.</p> <p>Alternative A: Makes no sense to destroy more of the land and beauty when a roadway currently exists.</p> <p>Alternative B: Best alternative to use existing roadway, just take out sharp curves and widen.</p>	<p>Comment noted.</p>
<p>No Build. Do not need more traffic and congestion through our neighborhood.</p>	<p>Comment noted.</p>

**Table 5 Responses to the Question “Changes You Would Make to the Project”**

Comment	Response
Please find an alternative that doesn't destroy Stonebrook, our homes and our community.	Comment noted.
The possible right-of-way (ROW) lines look like a little sliver of property where our actual shop is and our home is located would still be ours and just beyond ROW lines. That is much appreciated! If that ROW line was even slightly moved a bit further away from our actual business, it would give us a little breathing room between us and the line. Not asking for much change for our situation, just a few more yards between us and that line would/could make a big difference to us.	Should a Build Alternative be selected, the project will be designed to minimize impacts to the greatest extent practicable.
Move Alternative A further west so it doesn't impact Stonebrook which has been in place since 1974. People have bought their retirement properties there for the beauty and quietness.	Comment noted.
Alternative A: Move 200-300 feet west into the forest more.	Comment noted.
Alternative A: Move ROW 400 feet west of proposed route. Alternative B: Leave as is.	Comment noted.
Alternative A: Shift 300 - 400 feet to the west. How does this help campers trying to reach Cosby Campground?	Comment noted. If Alternative A were selected, a new intersection at SR 73 (US 321) and SR 32 is proposed. Travelers could turn east on to existing SR 73 and access the campground as usual. Under Alternative A, existing SR 32 in that area would be left in place and travelers could also use that route to access Cosby Campground.
Reopen the plan that goes across Caney Creek on Liberty. Alternative A: Move half mile west-across Schultz Hill and go through horse farm-no homes anywhere.	Comment noted.
Go further west near Indian Camp Creek Road.	Comment noted.

Comment	Response
<p>If Alternative A is selected, eliminate connector between existing SR 32 and new SR 32 beside electric substation. Utilize proposed connector between old and new SR 32 near Stonebrook. Connector beside substation destroys permitted house site at 4032 Cosby Highway.</p> <p>Eliminate proposed dead end section of old SR 32 at 4022 Cosby Highway. Move end-of-road barrier on SR 32 to south end of 4022 Cosby Highway owner's property line. Relocated barrier would be roughly midway between currently proposed barrier and substation. 4022 property owner will provide access road to house.</p>	<p>Comment noted.</p> <p>If a Build Alternative is selected, the design would be further refined as the project moved through the design process.</p>
While some homes may be affected, this would destroy the lives of several people in our community and destroy our community itself. Please explore alternate routes. Don't destroy our community!	Comment noted.
You want to expand a road that does not need to be expanded. You would be destroying our neighborhood. Please leave the road the way it is.	Comment noted.
Improve the existing roadway with passing lanes and turn lanes where needed and discard any plans for a 4 lane highway.	Comment noted.
Take as few homes and businesses as possible.	Comment noted.
Abandon Alternatives A and B and complete Foothills Parkway which has been in process for 30+ years.	Comment noted.
I think people travel through Cosby-and a lot say because of the mom and pop stores and restaurants. They can take their time to pass through. There are plenty of Interstates to get to the mountains. Just leave Cosby the gateway it is.	Comment noted.
Build the full build initially. Thinking ahead, it seems that full build initially solves problems later on.	Comment noted.
Don't do any more to the existing highway.	Comment noted.
Eliminate the fireworks store.	Comment noted.
Complete sooner.	Comment noted.

Comment	Response
If money must be spent on this dubious project, I feel the least costly solution is shifting small portion of proposed highway 300 or 400 feet west near Stonebrook Estates to avoid destruction of homes and well established neighborhood by going through mostly abandoned farmland.	Comment noted.
Alternative A: Move new road on the other side of the stream, away from Stonebrook Townhouses.	Comment noted.
Move road construction more west and not destroy our community. We purchased for our retirement for the quiet and advantage of a community. Do not need more traffic in our area to get to Gatlinburg only for sake of tourists.	Comment noted.
Go in back of property and leave house alone. Can't afford to move. We've lived here 8 years and love area but I know people don't care.	Comment noted.



### 2.3.4 Official Comments in Letters or Emails

One letter and one email were received during the official comment period. In addition to the letter and email, one petition with 54 signatures was received. The comments received in the letter, email and petition are summarized in Table X below.

Source	Comment	Response
Letter	<p>No Alternative B</p> <p>We are the 3rd most destitute county in Tennessee. There are no activities for children. There are three children that swim, plays and fish in the creek. The homeowner gives them fishing lessons and guidance. This is also where I fish.</p> <p>Alternative B strips away our prime area to promote eco-tourism. Alternative B strips away our quaint mountain atmosphere, in view of the Great Smoky Mountains National Park. Alternative B removes land from a future visitor center which will promote the Great Smoky Mountains National Park and other nature related features this, too, is in view of the Great Smoky Mountains National Park. Alternative B is extremely destructive and strips away many environmental opportunities now and in our future.</p>	Comment noted.
Email	<p>As a citizen of the County, I am concerned about the current project SR 32. Looking at the routes on the map seems we have a Route A or Route B. I am receiving feedback from constituents and concerned citizens that Route B would be very close to the creek and are concerned that in time this will be harmful to the habitat in which the creek provides. We see car accidents daily and it would be terrible for them to pile up in the creek along the roadside. When the recent SR 32 meeting was happening an accident occurred just miles from the armory where the meeting was taking place. A car wound up in the creek due to not knowing the roads and the road being so close to the creek. There is concern that Route B would make this more likely. Not only that, Route A seems like the more logical plan. Less devastation to businesses and homes and a straighter path.</p>	<p>Comment noted.</p> <p>According to the information in the TDOT database, the car accident on August 8, 2018 involved an intoxicated driver.</p>

Source	Comment	Response
Petition	Petition NO, Alternate B, SR 32: Everyone attending the TDOT meeting August 9, 2018 heard or witnessed the life flight land. On SR 32 a head-on collision killed one and one car went into Cosby Creek. Cosby Creek is our cleanest water coming out of the Great Smoky Mountains National Park. TWRA stocks Rainbow Trout by the GSMNP entrance, Liberty Rd., Caney Creek Rd. and Indian Camp Rd. nine times a year for fishing opportunities and fishing license sales.	Comment noted.

**APPENDIX**

**PUBLIC MEETING MATERIALS**

## **Public Meeting Notice**

# TN PRESS SERVICE

## Clipping Bureau

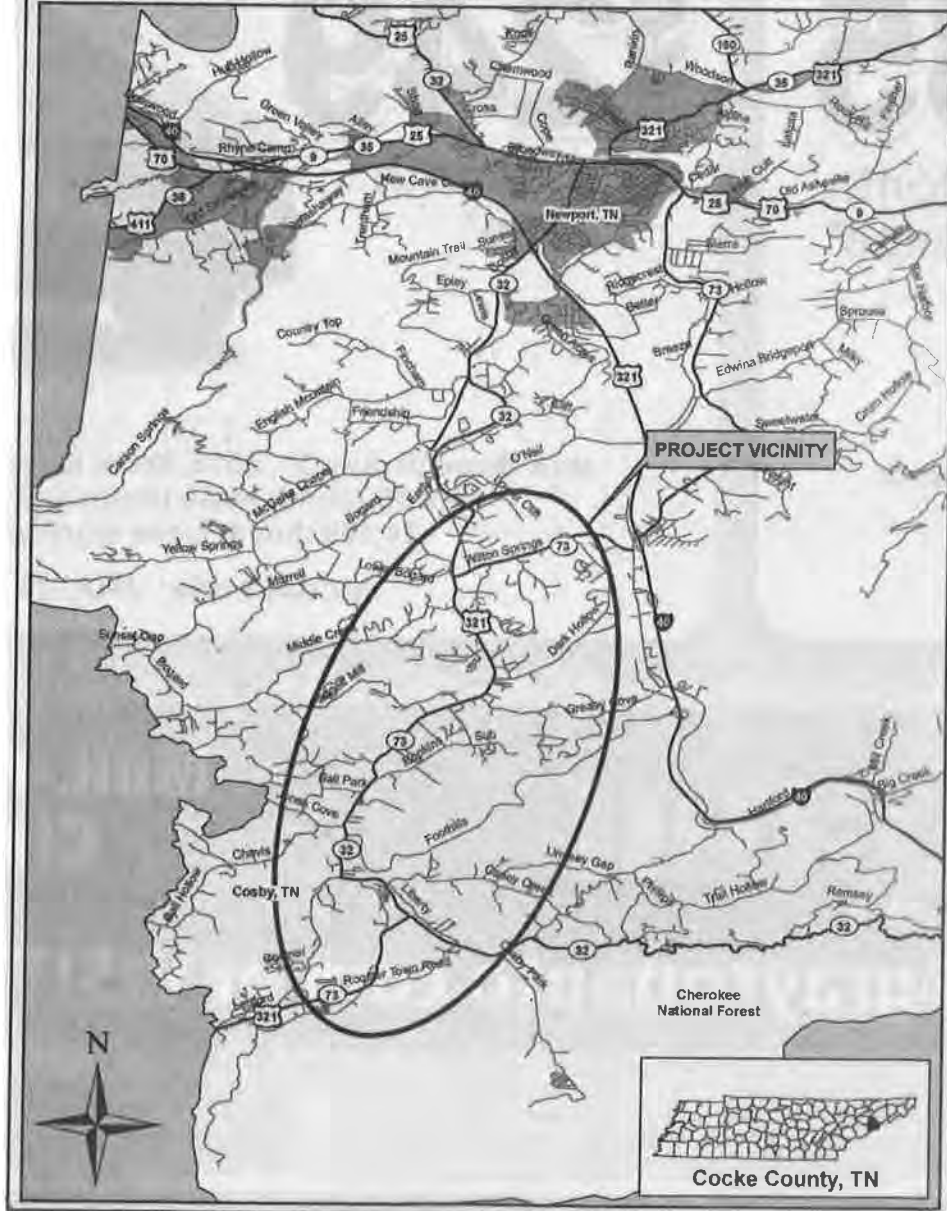
(865) 584-5761 [newsclips@tnpress.com](mailto:newsclips@tnpress.com)

Reader 0010 Thu, Jul 26, 2018

Newport, TN  
Newport - The Newport Plain Talk  
Circulation 5,932

### NOTICE OF PUBLIC MEETING

The Tennessee Department of Transportation (TDOT) will host a public informational meeting on August 9, 2018 to gather public input on the proposed SR-32 (US 321) improvements, from SR-73 in Cosby to Wilton Springs Road, Cocke County. The meeting will be held from 5:00 p.m. until 7:00 p.m. at the following location: Army National Guard, Armory Building, 7055 Armory Road, Newport, TN 37821. A brief presentation will be given at 5:30 pm and will be followed by a question and answer session and an opportunity to view displays and speak with TDOT staff. TDOT is evaluating alternatives to improve the SR-32 corridor between SR-73 in Cosby and Wilton Springs Road. The purpose of this meeting is to provide an update on the project status, show the proposed alternatives currently under consideration, and obtain additional input from the public regarding the alternatives. TDOT representatives will be available to discuss and provide information regarding the project. Anyone with questions regarding the meeting should contact: Holly Cantrell, TDOT Major Projects Office, James K. Polk Building, Suite 900, 505 Deaderick Street, Nashville, TN 37243-0334, (615) 532-5869, [Holly.Cantrell@tn.gov](mailto:Holly.Cantrell@tn.gov). Persons with a disability, who require aids or services to participate at the meeting, may contact Ms. Margaret Mahler no less than 10 days prior to the date of the meeting: Ms. Margaret Mahler, ADA Compliance, Tennessee Department of Transportation, Suite 400, James K. Polk Building, 505 Deaderick Street, Nashville, TN 37243; or by e-mail: [Margaret.Z.Mahler@tn.gov](mailto:Margaret.Z.Mahler@tn.gov), 615/741-4984 (phone), 615/532-5995 (fax), 615/253-8311 TTY Relay. All comments received at the meeting or within the 21 day comment period will be included in the official meeting transcript. A court reporter will be available to receive oral statements to be included in the project transcript. In addition, comment cards will be available for those who prefer to make written statements. Written statements and other exhibits to be included in the project transcript may be submitted at the meeting or within 21 days after the meeting date to the following address: Project Comments, Attn: SR-32 (Cosby to Wilton Springs Road), Tennessee Department of Transportation, Suite 700, James K. Polk Building, 505 Deaderick Street, Nashville, TN 37243-0332, [TDOT.comments@tn.gov](mailto:TDOT.comments@tn.gov). TDOT is an Equal Opportunity Employer and does not discriminate on the basis of race, age, sex, religion, color, disability or national origin.



## **Public Meeting Notification Postcard**

# **Announcement of Public Meeting**

**State Route (SR) 32 (US-321) Widening between SR-73 and Wilton Springs Road in  
Cocke County, Tennessee**

Thursday, August 9, 2018  
5:00 to 7:00 PM  
Army National Guard  
Armory Building  
7055 Armory Road  
Newport, TN 37821

**This meeting is being held to provide the public with an update on the project and gather public input on the proposed project alternatives to be studied in the environmental review process.**

Persons having a disability that requires aids or services to participate at the meeting may contact Ms. Margaret Mahler by telephone at (615) 741-4984, fax (615) 532-5995, TTY Relay (615) 253-8311 or e-mail [Margaret.Z.Mahler@tn.gov](mailto:Margaret.Z.Mahler@tn.gov) no less than ten (10) days prior to the date of the meeting.

Anyone with questions regarding the Public Meeting should contact Holly Cantrell, TDOT Major Projects Office, at 615-532-5869 or by email at [Holly.Cantrell@tn.gov](mailto:Holly.Cantrell@tn.gov)

TDOT is an equal opportunity employer and does not discriminate on the basis of race, age, sex, religion, color, disability or national origin.





Holly Cantrell, Manager  
Tennessee Department of Transportation  
Major Projects Office  
505 Deaderick Street  
Nashville, TN 37243-0334

## **Sign-In Sheets**

**TENNESSEE DEPARTMENT OF TRANSPORTATION**  
 Public Meeting for State Route 32 (US-321)  
 From State Route 73 at Cosby to Wilton Springs Road, Cocke County, TN



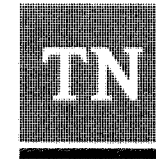
**TDOT**  
 Department of  
 Transportation

August 9, 2018

Sign In (Please Print)

Name	Address	Phone	Email
Christine Ledford			ledfordc@comcast
William Cebrak	3910 Cosby Hwy	2063046473	
PAUL VALENTINE	1611 MTN RANCH RD	423-248-8088	
ENNIS Gentry	3611 Cosby Tenn	865-322-0513	
DEAN SHULTS	214 PENLAND Rd	(423) 623-4143	cdean.clcbbie@gmail.com
Jackie Jenkins	1049 Bullard Dr.	423-608-1377	—
Judy Sutton	3284 Cosby Hwy Cosby, TN	423-721-1776	finer@bellsouth.net
Lauren Kroening	139 Victor Rd Cosby	239-272-6370	lajilc12@aol.com
Diana Steinfeld	2491 Green Rd	423 487 400	hicksnursery@gmail.com
William Hicks	"	"	"
Anthony Taylor	4134 Cosby Hwy	865-661-0274	aK Taylor68@gmail.com
Cody Taylor	4134 Cosby Hwy	612-545-5247	cody-taylor2@hotmail.com

**TENNESSEE DEPARTMENT OF TRANSPORTATION**  
 Public Meeting for State Route 32 (US-321)  
 From State Route 73 at Cosby to Wilton Springs Road, Cocke County, TN



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August 9, 2018

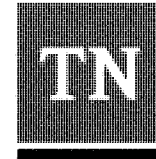
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Name	Address	Phone	Email
Matthew S McGaha	5044 Deep Rd	(423) 237-5713	S.McGaha@comcast.net
<i>MALY</i> * William + Gayle Ewing	<del>3023</del> Cosby Hwy	423-487-2900	Bewin91019@aol.com
Vernon Daltner	149 Tice Rd	423-487-3885	VDALTNER@COMCAST.NET
Scott Rowe	3026 Cosby Hwy	423-415-9188	Srowe29934@yahood
Randall Arrowood	1656 Shale Rd.	423-623-8017	_____
Leann Gooderham	2919 & 2917 Cosby Hwy.	423-608-4179	leann.Gooderham@hotmail.com
Holly Sutton	210 South Highway	423-248-4003	_____
Harry Gray	1014 Huff Rd. Cosby	423-487-3769	HARRYGRAY02@COMCAST.NET
Linda Gray	1014 Huff Rd Cosby	423-487-3769	
Scott Layman	736 Carson Springs Rd Newport	865-322-0535	
Jonathan Layman	132 Windsong Dr Parrottsville	865-322-0538	
Kathy Edwards	128 Roy Rd Cosby	423-487-2834	
Royce Jarek	3577 GRASSY HARTER	423-721-0622	

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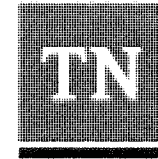
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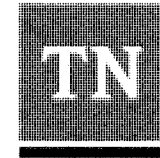
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Name	Address	Phone	Email
Mandy Milcott	1048 Huff Rd. Cosby	423-608-5254	
Darrell Rickford	5050 Rd Cosby	423 487 7521	
Lesa Hembree	1979 Dark Hollow Rd. Cosby	865-322-1065	
Willis Joe Ottinger	562 Highway 73	423-237-1736	
Kelly Williamson	1230 Sunset Gap Rd	865-322-0740	
Eskil Well	1405 Brithens way	865-427-2377-2355	
Crystal Cameron	3811 Was Rd Cosby	423-254-4262	
Dennis Surber	3815 Cosby Hwy	423-487-3825	
Sheryl Webb	4529 Hooper Hwy	865. 228. 8103	
Sim Richardson	3099 - Mica Way	864-551-0109	
Karen Giles	172 Green Forest Rd	423/248-7151	
SHANNON YAGSTON	123 (GREENWOOD) Circle <sup>COSBY</sup> way	423-248-5984	
Jack Thrall	119 Crestwood Cr. way	865-212-6101	
Maxine Culler	3020 Cosby Hwy.	423-487-5798	

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Name	Address	Phone	Email
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SCOTTIE HOOPER	3066 Cosby Hwy	423-608-9020	SCHOOPER@comcast.net
DAN BRIGHT	330 Hopkins Rd Cosby	487-2216 423-721-1105	southernbull114@gmail.com
David Tracey	221 Caney Creek Rd Cosby	231-564-7387	CaneyCreekKabin@yahoo.com
Sue Ann Tracey	221 Caney Creek Rd Cosby	231-564-4510	CaneyCreekKabin@yahoo.com
Gaynell Thomas	PO Box 842 Newport 37822	423-613-5241	tnmtnflower1@gmail.com
DONALD LARUE	336 Sequoyah Dr. 37821	423-237-1000	DLARGE@knox.net
David Dregg	4085 Cosby Hwy Cosby TN 37722	423-487-2454	CDGREGG@comcast.net
Andrea Divisio	220 Cow Hollow Rd 37722		
Steve Large	4022 Cosby Highway Cosby TN 37722	803-262-3072	WS.LARGE@hotmail.com
Tom Anderson	269 Sub Rd 37722	423-532-7044	
Sam & Paula Parker	1873 Gabriels Crk Rd Mars Hill, N.C. 28754	828-206-5533	PARKER 4 BOCCA@yahoo.com
Trudy Hughes	4381 Cosby Rd Cosby	865-368-8886	thughe@etf.org
Alice Wood	114 Ballpark Rd	423-487-5687	

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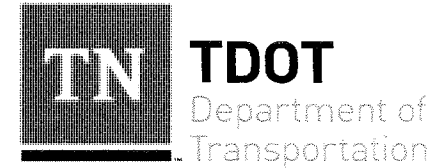


August 9, 2018

Sign In (Please Print)

Name	Address	Phone	Email
Carol Baker S	2901 Cosby	487-2371	
Marlene Cosby	3035 Cosby Hwy Cosby TN	487 5734	
Mary Ann Wilton	1018 Huff Rd Cosby, TN	423-237-4897	
Kelly Hooper	3066 Cosby Hwy, Cosby	423-608-3558	hooper.kelly1021@gmail.com
Trudie K Valerie Ghebbes	4230 Monte Vista Way, Cosby	313-236-8183	valerieghebbes2001@aol.com
Shirley Bizub	4304-M-Little Creek Way	423-248-5821	
Bobbie Kinderman	1429 Old Parrottsville Hwy Parrottsville, TN 37843	423-237-5197	bobbie.linderman@yahoo.com
Candy Brown	3260 Cosby Hwy	423-487-5125	jbrown2099@comcast.net
Ron Allen	4022 Cosby Hwy	423-608-8718	
Robert Henderson	3537 Rockledge	425-748-5036	
Terry Antley	1877 Classic Rd Newport	423.532.7577	TERRYANTLEY@COMCAST.NET
Tammy Stuetz	1900 Woodland Way Newport	423.237.4144	tammy08stuetz@gmail.com
Iva Cogdill	104 Ball Park Rd Cosby	423-487-3251	
Ben Hicks	245 WILTON SPRINGS Rd.	423-623-9741	

**TENNESSEE DEPARTMENT OF TRANSPORTATION**  
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August 9, 2018

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Name	Address	Phone	Email
Sharon Lounsberry	3803 W. S. Rd Cosby 37722	423 608 0508	sharon16427@gmail.com
Jell Loeffler	3815 W. S. Rd Cosby, 37722	423-532-7528	jell+loeffler52@gmail.com
Marty Rollins	3816 W. S. Rd Cosby 37722	423-721-3432	
Crystal Ottiguer	P.O. Box 61 Cosby 37722	423-721-0029	ottiguer@cockercounty.net
Donald Isley	3561 Bogard Rd Cosby 37722	424 608 4785	
Leroy Overholt	3060 Cosby Hwy	423-237-4210	
Ken Terry	4160 CHAVIS	423 237 4743	
Dan Smith	4260 Monte Vista Way <sup>Cosby</sup>	865-441-0369	STINGER62@GMAIL.COM
Hazel Jenkins	3129 Cosby TN. 37722	865-223-1899	
Lowella Keller			
Tina Wilson	1016 Huff Rd Cosby TN 37722	423 237-5044	
Mark R. [Signature]	700 Alisterfield Rd	423-620-0826	
STEPHEN ELDRIDGE	120 BIG TREE Rd. Cosby	423-532-7337	SCESSE at [unclear] NE SCESSE at [unclear] NE
CYNTHIA M. HART	1420 S. Hwy 32 Cosby	423-487-0484	
Lou + Mary Anne Rudolph	185 Hollow Rd Cosby	423 487 2064	rudolph.ma@att.net

**TENNESSEE DEPARTMENT OF TRANSPORTATION**  
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August 9, 2018

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Name	Address	Phone	Email
Orlie Wood, Jr	COSBY 114 BALL PARK RD TN 37722	423-487-5687	
June/Bob Shults	156 Orchard Rd Cosby	423-237-4736	
Mayie McCue	121 BALL PARK RD COSBY		
Jeannie Hurst	7535 Gynever Dr Knoxville 37931		jhangelmom@gmail.com
Jana Johnson	3015 Cosby Hwy Cosby TN 37722	423-487-5443	
Steve + Diane Proffitt	3573 Cosby Hwy Cosby	678-6623833	
Allan Barbour	134 Crestwood Cir. Cosby	423-237-2915	
Dennis & Sherry Payne	4290 Monte Vista Cosby	423-487-2304	
Susanna Webb	1101 Tussock Rd Newport	423-721-0820	susanna.webb@gmail.com
Dee Ann Allen	181 Running Bear Rd Cosby	321-508-8535	smittyallen1959@gmail.com
Tammy Benson	165 Stonebrook DR Cosby	423-721-8388	
Deborah Baldwin	195 Stonebrook Dr Cosby	423-487-4225	
Jack Baldwin	195 Stonebrook Dr Cosby	423-487-4275	jlbtpd@live.com
Arter Buddy Ball	3233 Bluebell Rd Cosh	423-721-0809	buddythebrewmaster@gmail.com

**TENNESSEE DEPARTMENT OF TRANSPORTATION**  
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August 9, 2018

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Name	Address	Phone	Email
Diane Savard	660 Padgett Mill Cosby	423-608-8163	dmariesavard@gmail
Howard Henderson	3131 COSBY HWY COSBY	423 608 0776	HENDERSON62@100.com
Chris Askew	2760 Cosby Hwy	423-237-4246	tax-jen@aolmail.com
Linda Dunn	3020 Cove Valley Hwy Cosby	423 487 8910	
Everett <sup>For Bernice</sup> Dunn	3020 Cove Valley Hwy Cosby	423-487-290	
David Dyer	3034 Cosby Hwy	909-289-4423	dave4d@verizon.net
Mary Brantner	3313 Cosby Hwy	423-237-0914	MKPULLEY1@aol.com
Mary Threl	119 Crestwood Cosby	865-717-4584	
Bill + Donna Gorman	131 Crestwood Cosby	770-324-8796	billgorman@comcast.net
David H. Valentine	3700 Lockwood Rd Kingsport <sup>37660</sup> TN	423-863-7848	David.wanda@charter.net
Jackie Garner	4504 Hooper Hwy Cosby	423-237-1626	JGARVER1965@gmail.com
MARK GARVER	4504 Hooper Hwy Cosby	423-237-5489	
Ethel Sue Clark	3271 COSBY CREEK RD	423-920-2293	somewheresue@yahoo.com
Lisa Justice	488 CANEY CREE RD	407-813-8489	LRSPJ@AOL.COM



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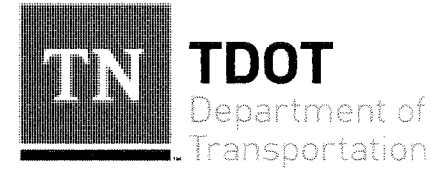
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August 9, 2018

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Name	Address	Phone	Email
Jonathan Lewis	16411 Shale Rd Newport	423 415 9880	lewis512@gmail.com
Cynthia R. Evans	2766 Cosby Hwy	423-623-7856	BNCVTN@comcast.net
Joseph Waldman	4131 Cosby Hwy	423 329 1925	PapaBear555@us4.com
Janet Hunsberger	4131 Cosby Hwy	423 329 0223	alshandmade@yahoo.com
Augustina Schwartz	121 Crestwood Cir Way Cosby TN	865-368-2890	
Jerome Schwartz	"	865-322-0045	JWS2890@AOL.com
Sharon L Wood	130 Crestwood Circle Way	423-487-4363	WoodSL130@Comcast.net
John I Wood, Jr	"	"	"
Jeffrey Frey	124 Crestwood Circle Way	615-210-0787	jeffrey_frey@yahoo.com
Joe Proffitt	362 Cambridge Dr	423-237-1520	joe.proffittjr@gmail.com
Linda Proffitt	"	423 237 2039	lproffitt37521@gmail.com
Cathy M. Fattor	121 Hopkins Rd, Cosby TN 37222	865-654-2279	cathy.ms@comcast.net
Tommye Souter	"	423-487-3539	S-S Farms@Comcast.net
Dawni Cadwall	469 Cawey Creek Rd Cosby	423 522 7631	—

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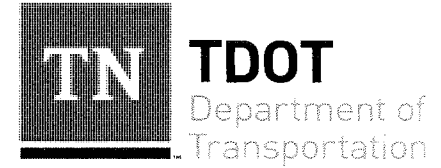


August 9, 2018

Sign In (Please Print)

Name	Address	Phone	Email
Jean Williamson	COSBY	4343	
Mike R	B.S-N Road		
GARY THOMPSON	4315 CREEKWOOD WAY		gfrank1@msn.com
Robert Frederick Ksen	133 CRESTWOOD CIRCLE		Kadon12010@live.com
Valerie Baxter	810 PHILLIPS RD COSBY		
PAULIE SPRINGER		NEWPORT	
Shannon D Parks	144 Hwy 160 Newport TN 37821		shannondparks@shannondparks.com
Heather McGaha	5041 Deep Road Cosby TN 37722		
Rachel Styles	4304 Little Creek Way Cosby		RachelStyles22@yahoo.com
Mark Yeager	2618 Cosby Hwy Cosby TN		harleyandkee@gmail.com
Alison Vaind Lorge	757 FAME CREEK ROAD Sylvan NC 28779	828 293 3463	
JD Lorge	"	" "	
Robert Raymond Lorge	"	" "	
Haskell Ruth Lorge	1620 COSBY HWY New 423-623-7082		

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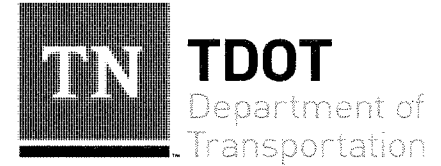


August 9, 2018

Sign In (Please Print)

Name	Address	Phone	Email
John Bane	539 PARKVIEW DR BLVD. 24064	540-354-8981	
Lloyd & Dianne Gubbe	131 Ardell Gray 37722	423-487-3213	
Thomas Adams	3276 Cosby Hwy 37122	423-237-0619	
JIM KETCHAM	139 VIKTOR RD COSBY	423-608-0934	
Leon F. Bryant	737 Hwassee St	423 237-2924	
Patricia Maynard	3001 Cove Valley Way Cosby		
Sandra Jenkins	816 Video Way Newport		
Danny Jenkins	816 Video Way Newport	423 721-2082	
Richard Henderson	472 Franklin Way Cosby	317-900-0775	
Bambi Butler	3803 Cosby Hwy Cosby		Bambi2288@gmail.com
Phyllis Gentry	3611 Cosby Hwy Cosby	423 248 8811	emmisgentry@comcast.net
Ruby Sutton	3284 Cosby Hwy Cosby	423-487-2801	
David & Sharon Williamson	132 Pilgrim Cir Cosby	423-237-0909	williamson101pmsn.com
Chie Williamson	<del>130</del> Spring Way Cosby	423-487-5540	—

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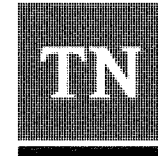


August 9, 2018

Sign In (Please Print)

Name	Address	Phone	Email
Bill Justice	488 Caney Creek Rd	407-873-8763	juilly43@aol.
MARIE Wood	362 Lennox Rd Newport	423-623-2501	
Darius Wilson	3814 WAS RD	423-608-5664	
Grona Shaemake	750 Marrestown, TN 37814	423 587-1412	
ED RONDO	3380 ROCKY RIDGE RD	423-487-4498	
Freddy James	2304 Bogard Rd	423-623-4207	
David Cody	3037 Cosby Hwy	865-322-1528	dcody@hotmail.com
Lumara Lee	193 Padgett Mill Rd. Cosby	423-608-0424	Lumara@comcast.net
Mary Henbree	1979 Dark Hollow Rd Cosby	423-465-5251	mustanglisa.mary@yahoo.com
Joan Yegor	2818 Cosby Hwy	423-237-7130	
LENNY VARASTASIS	123 CRESTWOOD CIRCLE COSBY	423-248-5984	LSINCORPORATED@aol.com
Jennifer Brook Walton	3676 Cosby Hwy	864 906 1412	bavoced@gmail.com
June Shultz Sherrell	122 Almond Rd Cosby	423 608 0793	
Lori Pierce	3915 Cosby Hwy	386-785-9840	msburch2005@yahoo.com

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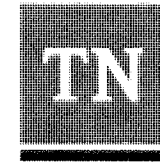
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Name	Address	Phone	Email
Dan + Diana Loftus	3458 Grand Country Dr Cosby	423-721-6696	dfloftus1@gmail.com
Lillian Colon	4317 Ceele Road Way Cosby TN 37722		
Helmi Clemens	3994 Cosby Hwy Cosby 37722	423-532-7070	
Eludra Daley	3892 Cosby Ln Cosby Hwy	615-318-9732	FredaHaley10@comcast.net
Boyzelle D.	4374 Trail Hollow Rd Cosby TN	423 465 2317	Big Orange Fan77@gmail.com
Charlotte Leibrock	1445 Hwy 73, Newport 37821	423 237 0340	charlotteleibrock@hotmail.com
Chris Gregg	234 Stonebrook Dr	865-322-2952	chris.gregg@CockeCountyTn.com
Kate Oliver	915 S Ridge Way Cosby 37722	423-608-6629	onlykateo@gmail.com
JEFF OLIVER	" " "	"	heontsitters@gmail.com
Lowell Sutton	540 Breeze DR Newport	423 623 5005	N/A
Danny + Janice Vercek	140 Spring Way, Cosby	423-532-7220	danandjan140@comcast.net
Charles + Richard Savidge	4191 Mtn Level Way Cosby TN	317 385 0069	ras@savidgeconsulting.com
Linda Hewansh	<del>2076</del> 433 B Prospect Ave	423-608-3029	lhewansh@CockeCountyTn.com
Suzanne Breihan	3545 Cosby Hwy	865-679 6970	SuzWisdom@gmail.com

# TDOT SIGN-IN

TENNESSEE DEPARTMENT OF TRANSPORTATION  
Public Meeting for State Route 32 (US-321)  
From State Route 73 at Cosby to Wilton Springs Road, Cocke County, TN



**TDOT**  
Department of  
Transportation

August 9, 2018

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Name	Address	Phone	Email
MERIDITH KREBS	TDOT MAJOR PROJECTS	615-741-3653	MERIDITH.KREBS@TN.GOV
Valerie Birch	TDOT Major Projects	615-741-3653	valerie.birch@tn.gov
Emma Reinbold	TDOT Proj. Dev.	865-594-2442	emma.reinbold@tn.gov
Julie Aldrich	TDOT Proj. Dev.	865-594-0772	Julie.Aldrich@tn.gov
Randy Plummer	TDOT PROJ DEV	865-594-2442	randy.plummer@tn.gov
Christie Brown	TDOT Reg 1 Proj Dev	865-594-2442	christie.brown@tn.gov
Stacy Weaver	TDOT Reg 1 Proj Dev	865-594-2442	stacy.weaver@tn.gov
John K. Barrett	TDOT Reg 1 Proj Dev	865-594-2494	John.Barrett@tn.gov
Mark Nagi	TDOT Comm. Relations	865-594-0161	mark.nagi@tn.gov
Kyle Horner	RBCA	865-947-5996	KHORNER@RBCA.COM
Seth Butte	Newport Plan Talk	423-625-4648	Seth.Butte@newportplan.com
Michelle Christian	TDOT Long Range Planning	865-594-0211	Michelle.A.Christian@tn.gov
Madison Teague	TDOT Reg. 1 Proj. Devel. Environmental	865-594-4518	Madison.Teague@tn.gov

## **Public Meeting Handout**



## AGENDA

- 5:00-5:30 pm Sign in/Review Handout/  
View Displays
- 5:30-5:45 pm PowerPoint Presentation
- 5:45-6:15 pm Question and Answer Session
- 6:15-7:00 pm Visit displays, ask questions of  
project team, and/or speak  
with court reporter

## TENNESSEE DEPARTMENT OF TRANSPORTATION PUBLIC INFORMATION MEETING

**August 9, 2018  
5:00 – 7:00 p.m.  
National Guard Armory Building**

**STATE ROUTE 32 (US 321)**

**From State Route 73 in Cosby  
to Wilton Springs Road  
Cocke County, TN**

## WELCOME

The Tennessee Department of Transportation (TDOT) welcomes you to this public meeting and thanks you for your participation. TDOT is currently proceeding with the development of an Environmental Assessment (EA) for this project. The purpose of tonight's meeting is to provide an update regarding the project and gather public input on the proposed project alternatives currently being studied.

You will have an opportunity to ask questions and comment on the proposed alternatives and their impacts.

The meeting will include a short presentation, followed by an opportunity to ask questions. TDOT representatives will be present throughout the evening to discuss the proposed State Route (SR) 32 project with you and answer any questions that you may have. They can be identified by their name tags.

This handout provides information on the public meeting format as well as a description of the project's design features, potential environmental impacts of the project, and the next steps in the project development process. It also explains how to provide your comments to TDOT.

## PROJECT DESCRIPTION

TDOT proposes to widen SR 32 from SR 73 in Cosby to Wilton Springs Road in Cocke County, Tennessee. The total project length is approximately seven miles.

## PROJECT HISTORY

Studies for the SR 32 project were initiated in 1998. The following summarizes the historical timeline in the development of alternatives for this project:

- 1998 – Western Alternative proposed.
- 1998-2005 – In response to public input and coordination with the National Park Service (NPS), minor shifts in alignment of Western Alternative.
- 2009 – Environmental technical studies updated.
- 2010 – Eastern Alternative proposed in response to public and agency input.
- 2012 - Expedited Project Delivery (EPD) review initiated to identify feasible, cost effective improvement options that would provide improved safety and mobility.
- 2016 – EPD Technical Report recommended developing an alternative generally following existing SR 32 from southern to northern terminus, and suggested Phased construction.
- 2018 – TDOT is holding a meeting August 9<sup>th</sup> to solicit public input, and requesting concurrence from resource agencies on alternatives to move forward into the EA.



## PROJECT ALTERNATIVES

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Since the initial discussions regarding this project began in 1998, several alternatives and configurations have been considered. From SR 73 to the Foothills Parkway, alternatives have been studied to the west of existing SR 32, to the east of SR 32, and most recently along SR 32.

**Western Alternative** – The Western Alternative is the original alternative that was proposed in 1998 when the project began. The Western Alternative started on SR 73 west of the SR 73/SR 32 intersection and traveled on new location west of existing SR 32 to near the Foothills Parkway, where it then generally followed existing SR 32 to the project end at Wilton Springs Road. From 1998 to 2005, based on input received from the public and coordination with the National Park Service (NPS), minor shifts in the alignment of the proposed alternative were made. In 2009, the environmental technical studies were updated.

**Eastern Alternative** – In 2010, a public meeting was held and resource agency coordination took place. Based on input received from the public and the resource agencies, TDOT proposed an additional build alternative, the Eastern Alternative, which traveled on new location to the east of existing SR 32 from SR 73 to just south of the Foothills Parkway. From the Foothills Parkway north to Wilton Springs Road, the Eastern Alternative followed the same path as the Western Alternative.

The proposed typical section for both the Western and the Eastern Alternatives consisted of two travel lanes in each direction with a 48-foot median from the project beginning to near Orchard Road where the typical section transitioned to two travel lanes in each direction with a two-way center turn lane, which continued to Wilton Springs Road.

**Alternative Following Existing SR 32** – In 2012, TDOT initiated an EPD review of the project to identify feasible, cost effective improvement options that would provide improved safety and mobility. Based on recommendations in the EPD Technical Report, resource agency coordination, and public input from previous public meetings, TDOT developed an additional build alternative that would generally follow existing SR 32 throughout the project area.

**No-Build Alternative** - The No-Build Alternative, which would entail no improvements being made to SR 32, will be included in the environmental studies to serve as a basis for comparison of the impacts of the build alternatives.

TDOT is currently proposing to move three alternatives forward to the EA phase:

- **Western Alternative** – Renamed **Alternative A**
- **Alternative Following Existing SR 32** – Renamed **Alternative B**
- **No-Build Alternative**

TDOT is proposing to dismiss the Eastern Alternative from further consideration due to its potential impacts to Cosby Creek, public concern expressed at the 2012 Public Meeting, and resource agency concerns.

## Construction Phasing

---

In addition to developing an additional build alternative along existing SR 32, the EPD Technical Report proposed constructing the project in two separate construction phases, as described below:

**Phase 1 Construction (Interim Build)** - Phase 1 Construction (Interim Build) applies to the portion of the project from the southern terminus at SR 73 to Penland Road. The Interim Build involves constructing a two-lane roadway with a two-way center turn lane or passing lane, as appropriate, within the five-lane right-of-way needed for Phase 2 Construction (Full Build). Phase 1 Construction (Interim Build) consists of one 12-foot travel lane in each direction with a 12-foot two-way center turn lane or passing lane (as appropriate). Shoulder widths would vary from four to ten feet.

**Phase 2 Construction (Full Build)** - Phase 2 Construction (Full Build) includes construction of two additional travel lanes, resulting in two travel lanes in each direction with a two-way center turn lane from SR 73 to Penland Road.

Phased construction is not proposed for the section of the project from Penland Road to Wilton Springs Road. Construction in this section of the project would include full build of two 12-foot lanes in each direction with a 12-foot two-way center turn lane and four-foot shoulders.

## PROJECT PURPOSE AND NEED

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The project transportation **needs** include:

- Improve existing system linkages
- Improve roadway deficiencies
- Improve efficiency of traffic operations
- Increase vehicle safety
- Meet the intent of the IMPROVE Act

Additionally, the following objectives are part of the proposed project:

- Support economic development
- Enhance the route as a gateway to the Great Smokey Mountain National Park

The **purpose of the proposed project** is to provide a safe and efficient corridor that enhances the opportunity for economic development and provides sufficient capacity as a gateway to Great Smokey Mountains National Park.

## ABOUT THE NEPA PROCESS

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The National Environmental Policy Act (NEPA) requires that projects receiving federal funding or requiring federal actions (e.g. permits) undergo an assessment of their effects on the natural, cultural and socioeconomic environment prior to the federal agency making a decision on the project (e.g. alternative selection, permit issuance).

The project cannot proceed until this requirement has been successfully completed.

This meeting is part of the NEPA environmental review process. TDOT is preparing an EA for the project. The purpose of the EA is to:

- Fulfill NEPA requirements;
- Disclose effects of the project at a stage in the development process where decision making can still be shaped by the environmental analysis and by the comments of resource agency and public reviewers.

---

### FOR ADDITIONAL INFORMATION, PLEASE CONTACT:

HOLLY CANTRELL, MANAGER

TDOT MAJOR PROJECTS OFFICE

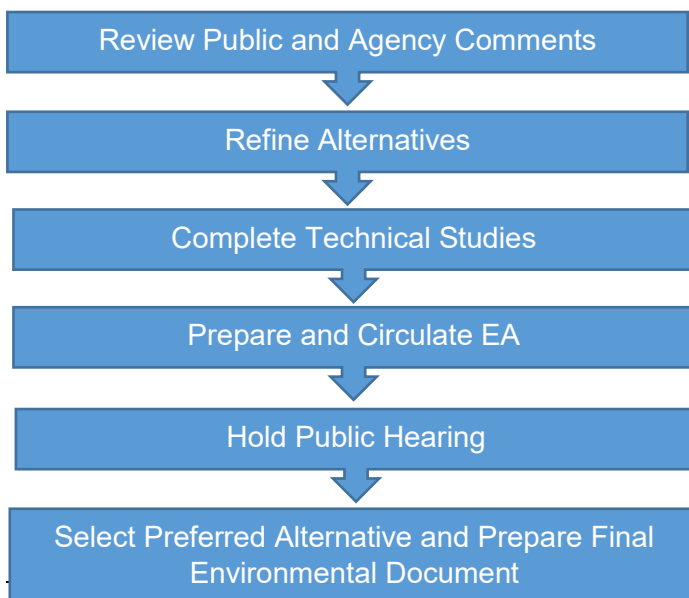
615-532-5869

[hollly.cantrell@tn.gov](mailto:hollly.cantrell@tn.gov)

---

## NEXT STEPS

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## YOUR COMMENTS ARE IMPORTANT

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You are encouraged to provide comments and input on the project. Your input will become part of the project's official public record. Please use the comment card to make a written statement, and leave it with a representative from TDOT at the registration desk. If you do not wish to make a statement at this time, you may submit written comments, postmarked no later than **August 30, 2018** (21 days from the date of this public meeting) to:

Public Meeting Comments  
Attn: State Route 32 Project  
Tennessee Department of Transportation  
Suite 700, James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0332

Public comments concerning this project can also be submitted to: [TDOT.Comments@tn.gov](mailto:TDOT.Comments@tn.gov). Be sure to include the project name - SR 32.

A court reporter is available for those persons who desire to make a statement about the project and have the statement included in the official transcript of this meeting. If you wish to make a statement, please see the representative at the court reporter's table.





## **Comment Card**

**Project Description:**  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name \_\_\_\_\_ E-mail: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone (include area code): \_\_\_\_\_

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): \_\_\_\_\_
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

**What issues and concerns do you have about the project? Check all that apply:**

- \_\_\_\_\_ Impacts to the Environment (streams wetlands, soils, species)  
\_\_\_\_\_ Impacts to Existing Development (homes, businesses, community facilities)  
\_\_\_\_\_ Impacts to Agricultural Lands  
\_\_\_\_\_ Impacts to Historic and/or Archaeological Resources  
\_\_\_\_\_ Impacts to Parkland  
\_\_\_\_\_ Other \_\_\_\_\_

Please describe changes you would make to the project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	<u>Best</u>				<u>Worst</u>
Organization of Materials	5	4	3	2	1
Length of Meeting	5	4	3	2	1
Time of Meeting	5	4	3	2	1
Convenience of Location	5	4	3	2	1
Facility Accommodations	5	4	3	2	1

	<u>Best</u>				<u>Worst</u>
Information Presented	5	4	3	2	1
People Presenting	5	4	3	2	1
Knowledge of Staff	5	4	3	2	1
Courtesy of Staff	5	4	3	2	1
Visual Aids	5	4	3	2	1

For any score lower than three (3), please provide an explanation. \_\_\_\_\_  
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You must staple or tape shut at top before mailing.



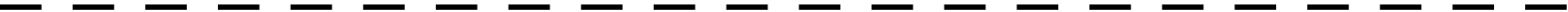
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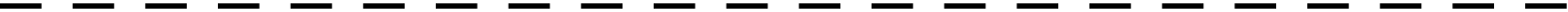
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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



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## **Public Meeting Presentation**



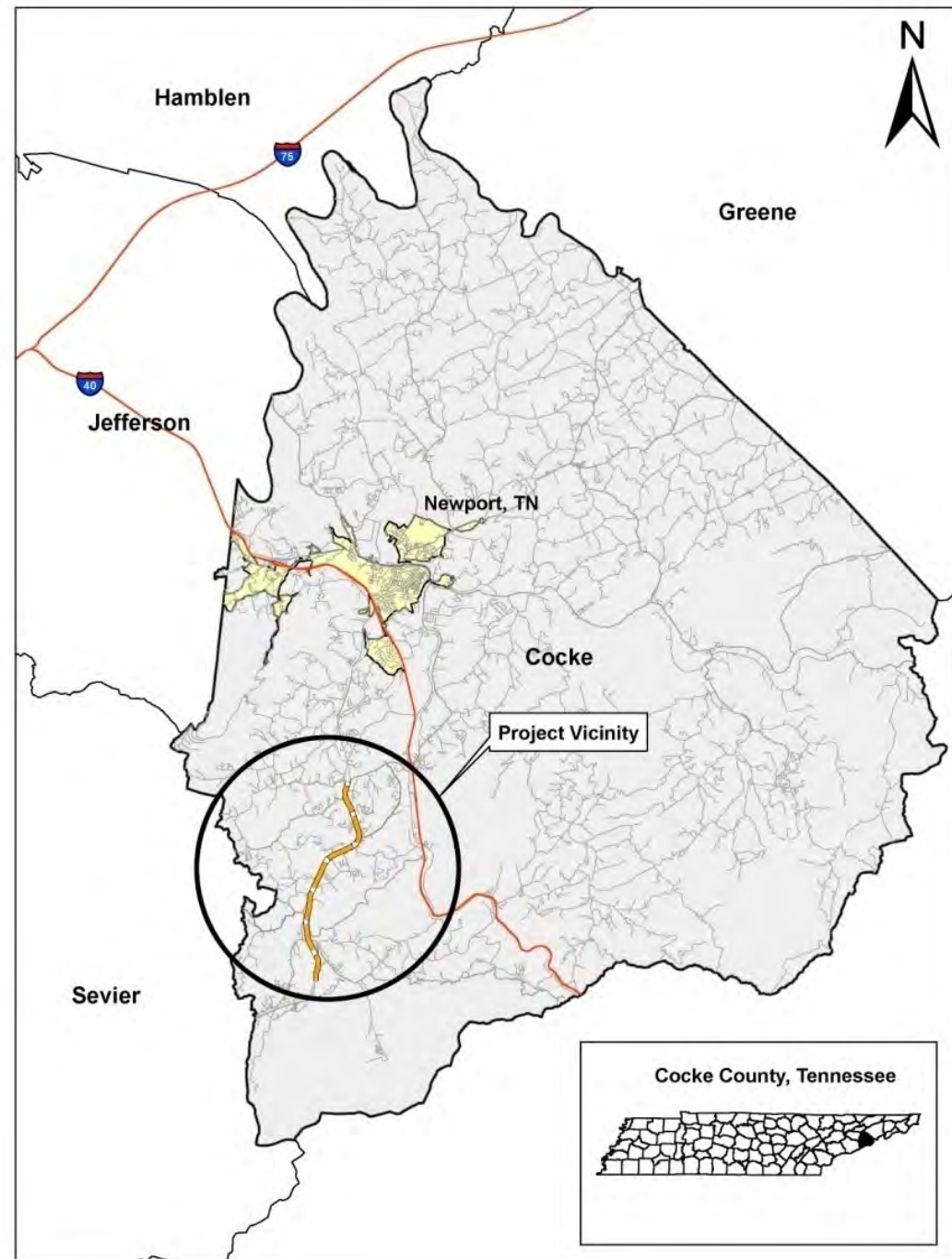
# State Route 32 (US 321) Improvements

From State Route 73 at Cosby to Wilton  
Springs Road, Cocke County



Project Update

# Project Location



# Meeting Purpose

- **Share updated information on the proposed State Route (SR) 32 Improvement Project**
- **Incorporate public input on the proposed alternatives**
- **Meet the intent and requirements of the National Environmental Policy Act of 1969 (NEPA)**
- **Answer your questions**

# Project Background

## Two Proposed Build Alternatives:

- Western Alternative (1998)
- Eastern Alternative (2011)

## Two Previous Public Meetings:

- June 29, 2010
  - Discussion of the Western Alternative and No-Build Alternative
- March 15, 2012
  - Discussion of the Eastern Alternative, Western Alternative and No-Build Alternative

# Project Background (cont.)

## **TDOT Expedited Project Delivery (EPD) Review (2012)**

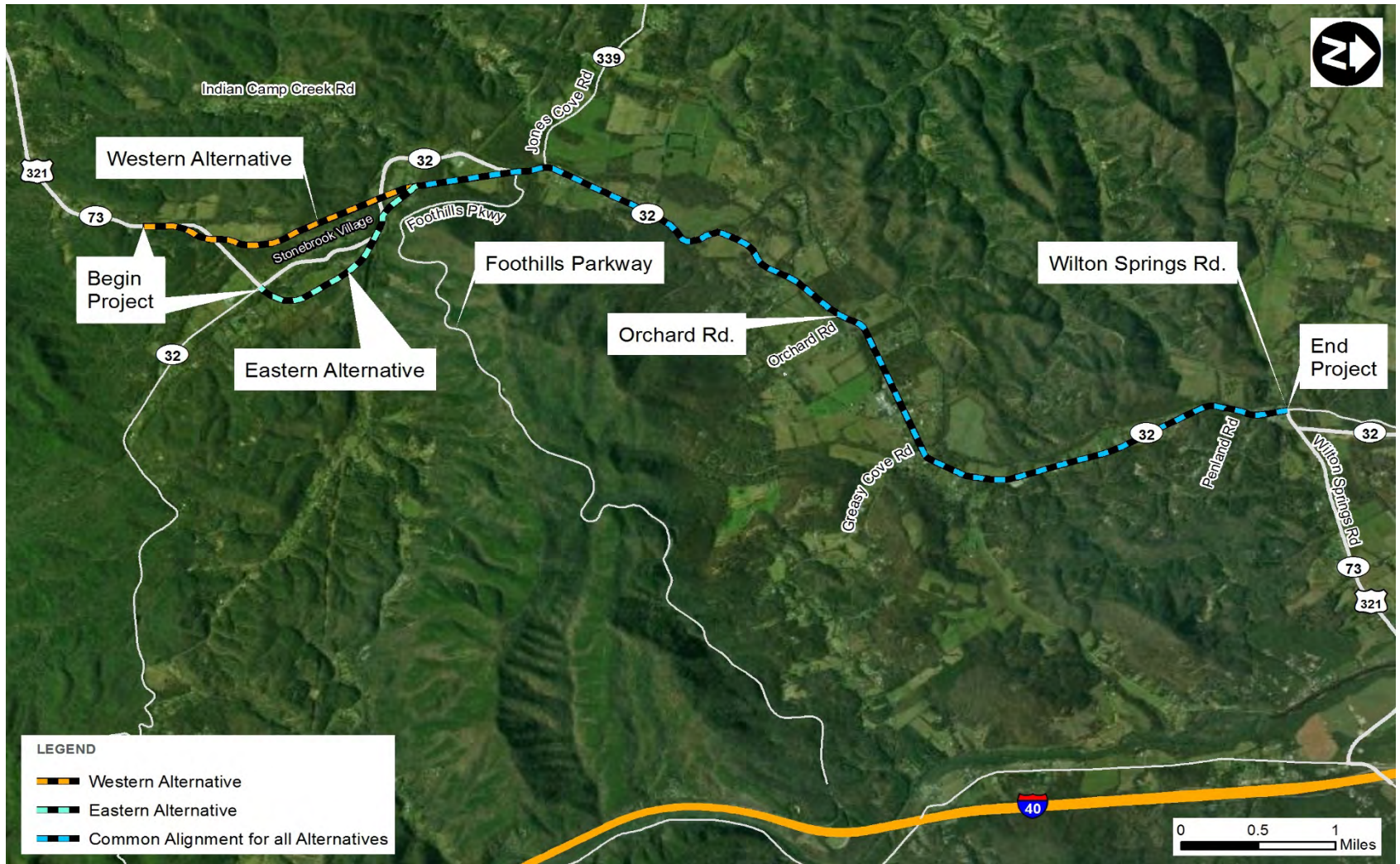
- Review of the project to identify feasible, cost effective improvement options that would provide improved safety and mobility

## **Finding of the EPD Review (Technical Report - 2016)**

- Proposed development of a new Build Alternative generally following existing SR 32 for entire length of project
- Proposed phased construction



# Proposed Build Alternatives (1998-2011)



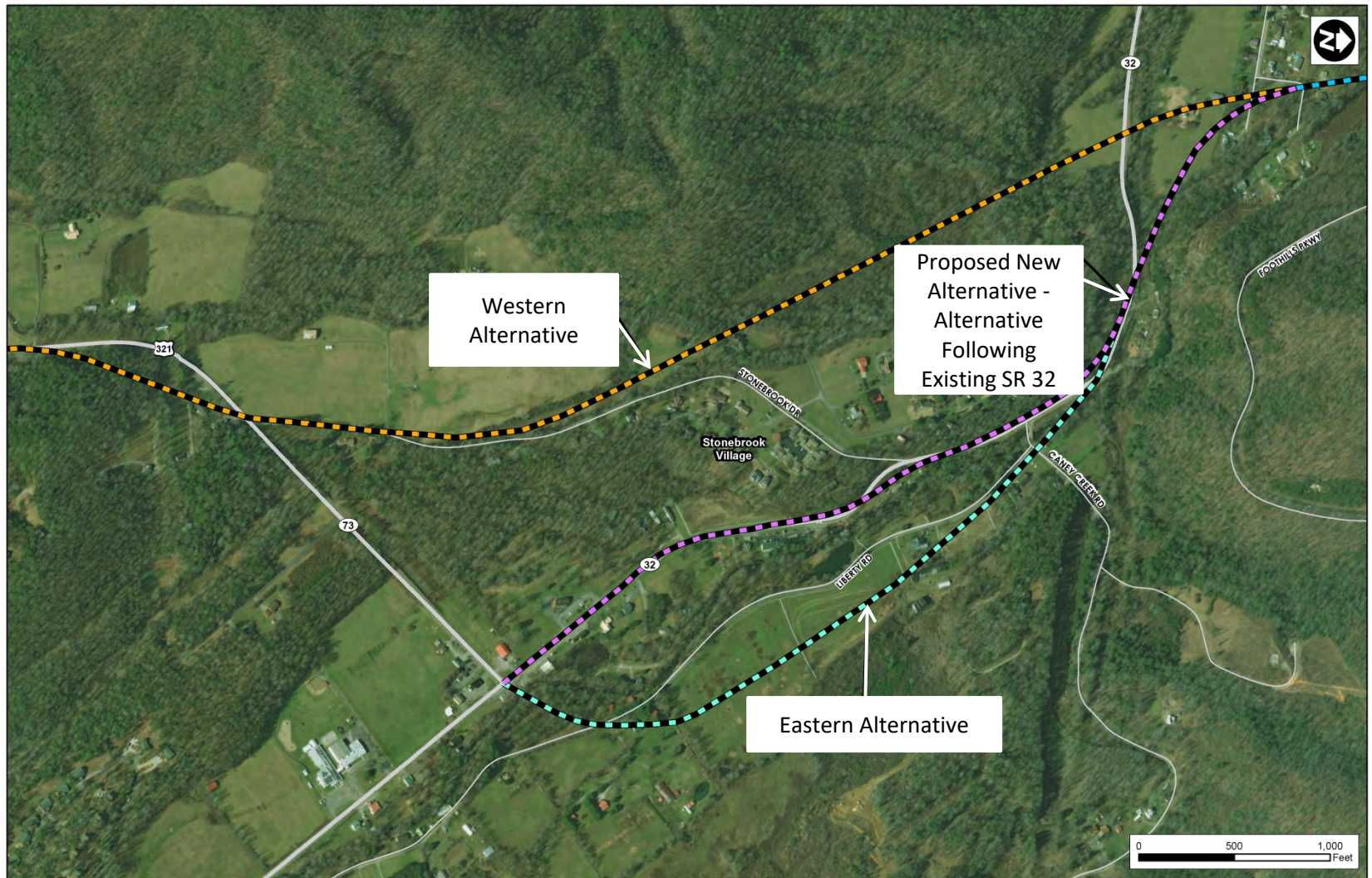


# Proposed New Build Alternative





# Proposed Alternatives



# Proposed Phased Construction

## From southern terminus at SR 73 to Penland Road

- ***Phase 1 Construction (Interim Build)***
  - One 12-foot travel lane in each direction
  - 12-foot two-way center turn lane or passing lane, as appropriate
  - Within 5-lane right-of-way
- ***Phase 2 Construction (Full Build)***
  - Two 12-foot travel lanes in each direction
  - 12-foot two-way center turn lane

## From Penland Road to Wilton Springs Road

- ***No Construction Phasing (Full Build; No Interim Build)***
  - Two 12-foot travel lanes in each direction
  - 12-foot two-way center turn lane

# Alternatives Proposed To Move Forward

**TDOT is proposing to move three alternatives forward to the Environmental Assessment phase:**

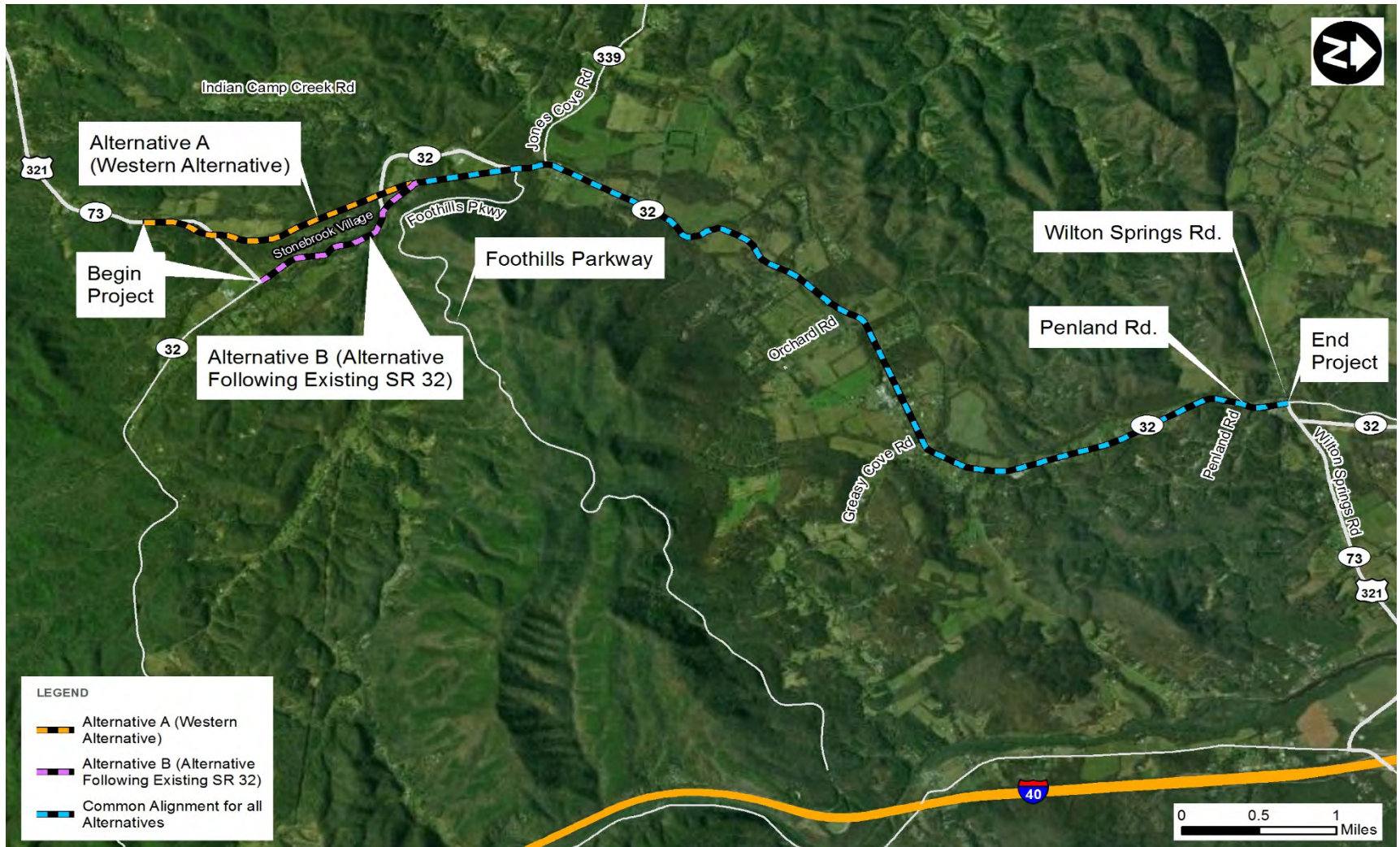
- **Western Alternative-Renamed Alternative A**
- **Alternative Following Existing SR 32-Renamed Alternative B**
- **No-Build Alternative**

**TDOT is proposing to drop the Eastern Alternative from further consideration due to:**

- **Potential impacts to Cosby Creek (Exceptional TN Waters)**
- **Potential impacts to cultural resources**
- **Public concern expressed at 2012 Public Meeting**
- **Resource agency concerns**



# Alternatives Proposed To Move Forward



# Next Steps

**Review Public and Agency Comments**



**Refine Alternatives**



**Complete Technical Studies**



**Prepare and Circulate EA**



**Hold Public Hearing**



**Select Preferred Alternative and Prepare  
Final Environmental Document**



# Providing Your Input

- Drop comment cards in the box at the registration table
- Provide comments to the court reporter
- Mail comment cards/written comments to TDOT at:  
Public Meeting Comments  
Attn: State Route 32 Project  
Tennessee Department of Transportation  
Suite 700, James K Polk Building  
505 Deaderick Street  
Nashville, TN 37243
- Send an email to:  
TDOT.Comments@tn.gov
- Provide your comments by **August 30, 2018**

# For More Information

**Mrs. Holly Cantrell**  
**Manager**  
**TDOT Major Projects Office**  
**615-532-5869**  
**[Holly.Cantrell@tn.gov](mailto:Holly.Cantrell@tn.gov)**

# Questions?



## **Public Meeting Transcript**

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TDOT PROJECT NO. SR-32  
(COSBY TO WILTON SPRINGS ROAD)  
COCKE COUNTY, TENNESSEE

PUBLIC MEETING HELD ON AUGUST 9, 2018



ORIGINAL

**Barringer Court Reporting**  
P.O. Box 8035, Gray, TN - 423-477-7844

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PRELIMINARIES

MR. NAGI: We will begin our presentation in about five minutes. So if you are looking at the plans on the right side of the room on your left, please try and find a place to seat. We don't have a lot of seats remaining, but there are a few spots. Once again, our presentation will begin in about five minutes. Thank you.

(OFF THE RECORD)

MR. NAGI: We will begin our presentation here in just a couple of minutes. So if you are taking a look at the plans, if you could find a place over here, so you can take a look at the presentation with us. There is still a few seats remaining, not a lot, even on the bleachers or on both sides, here. So once again, we are going to begin our presentation in just a couple of minutes. Please stop looking at the plans, and we will get started here in just a second.

Well, good evening, every one. And once again, thank you very much for coming out even though it's hot in here, but hopefully it is going to cool



1 off in just a little bit. My name is Mark Nagi. I  
2 am Relations Officer for TDOT Region 1, based here in  
3 East Tennessee. We are here tonight at the Armory  
4 National Guard Armory building in Newport to discuss  
5 the proposed State Route 32, US 321, improvements  
6 from State Route 73 in Cosby to Wilton Springs Road.

7 The purpose of this meeting is to provide  
8 an update on the project's status, show the proposed  
9 alternatives currently under consideration, and to  
10 obtain additional public input regarding those  
11 alternatives.

12 Joining us tonight from the Tennessee  
13 Department of Transportation are from our Project  
14 Development Division, Dexter Justis, John Barrett,  
15 Christie Brown, Stacy Weaver, Andy Padgett, Julie  
16 Aldrich, Randy Plummer, and Emma Reinbold.

17 From TDOT's Environmental office Michael  
18 Palmer, Madison Tagues and Keven Brown.

19 From our consultant HDR is Valerie Birch.  
20 From our consultant Kimley Horn is Meredith Krebs.

21 Once again, this is a TDOT Public  
22 Informational Meeting. If you'd like to make a  
23 comment on the record, we do have a court reporter  
24 present. She is in the front of the room right here.  
25 She is going to record all the public comments during

**Barringer Court Reporting**  
P.O. Box 8035, Gray, TN - 423-477-7844

1 the meeting. She is also able to take your comments  
2 down on a one on one basis, if that is something that  
3 you would prefer.

4 Also, as you walked in and signed in,  
5 you've noticed we have sheets of paper and pens up  
6 front. You can write down your comments and hand  
7 those to us tonight, or if you wanted to take those  
8 home, think about it, you have 21 days from today to  
9 have those comments mailed back to us, to make sure  
10 that they get officially on the record.

11 Coming up in just a couple of minutes, we  
12 are going to have a brief presentation. After the  
13 presentation, we are going to set aside some time.  
14 If you'd like to make a public comment with any  
15 general questions you have about this project. If  
16 you have a question specifically about your own  
17 property, we ask that you do that with the  
18 representatives after the public question and answer  
19 session. But once again, we are happy to answer any  
20 questions that you may have.

21 Before we go any further, I know that we  
22 have the Newport Plain Talk, the Morristown Citizen  
23 Tribune, WNPC Radio and WLIK Radio. Are there any  
24 other members of the media that I did not mention,  
25 that are here tonight? Okay. Also, I know that

1 Representative Jeremy Faison is here and  
2 Representative, where are you in the building?  
3 Representative, would you like to say something  
4 before we get started?

5 REPRESENTATIVE FAISON: Good evening. It  
6 is so good to see this group of wonderful Cocke  
7 County people here and thank you, TDOT, thank you  
8 Mark, for coming. I wanted to let you know going into  
9 this, this is, this is a project that you paid for.  
10 And if there is 300 people in here tonight, there is  
11 300 different ideas of the best way to do this  
12 project. And this is part of the way our government  
13 works, and it's encouraging to me to see each one of  
14 you show up, and I want you to know after TDOT is  
15 gone, and if you still have questions or  
16 frustrations, feel free to reach out to me. I'll do  
17 what I can to make sure you get the right answers.  
18 God bless you. Glad you are here. Thanks for being  
19 here, Mark.

20 MR. NAGI: Thank you, Representative. Are  
21 there any other, I know there is some other elected  
22 officials here. If you are an elected official,  
23 please stand and state your name and the office that  
24 you hold. Okay. Well, with all that being said,  
25 I'll now turn things over to Valerie Birch from our

1 consultant HDR who will have a short presentation.  
2 After the presentation, we will be available until  
3 7:00 o'clock to answer any questions you may have in  
4 a one on one setting with TDOT representatives set up  
5 around the building. Once again, after the  
6 presentation, we will have time set aside for a  
7 public question and answer session, if you have any  
8 general questions about the project as well. With  
9 that said, I'll turn things over to Valerie. Here  
10 you go.

11  
12 PRESENTATION BY MS. BIRCH:

13  
14 MS. BIRCH: Again, thank you all for coming  
15 out. It's great to see this turn out. I understand  
16 that we ran out of hand-outs and comment cards, so I  
17 want to let everybody know that they will be  
18 available on line on Monday. So just go to the TDOT  
19 web site, and you will be able to get them that way.  
20 And also it's been a while, so I am going to go a bit  
21 through the history a little bit. So we are coming  
22 out to talk to you now. I think you will have other  
23 opportunities for input. This is not the last  
24 opportunity of that. We are still sort of wanting  
25 to, you know, hear what everybody has to say, get

1 updates, you know, on where this project has been.  
2 Because I imagine a number of you were here in 2010  
3 and 2012 when we showed alternatives at that point.

4 So I am just going to go over some history  
5 and give you an update. And again, sorry that it's  
6 so hot in here. I'll try to be quick so you can cool  
7 off a little bit.

8 First is the project location, I am sure  
9 most of you are familiar where, with the project. It  
10 goes from Hooper Highway on the south end all the way  
11 up to Wilton Springs Road, currently a two lane kind  
12 of windy in some places, and as Mark said, you know,  
13 we want to share some information, what's going on  
14 currently with the project. And we want to hear your  
15 input, we want to hear what you think about the two  
16 proposed alternatives. What we are basically showing  
17 on it emphasizes it's not two that are being proposed  
18 at the same time. We have two separate alternatives.  
19 In the beginning they are two separate, and then they  
20 are common, and I'll talk about that a little bit  
21 more later, but we do have two separate alternatives.  
22 So we want to hear what you think about those, and  
23 any suggestions, whatever.

24 And also, we are here to meet the intent of  
25 the National Environmental Policy Act of 1969, or

1 NEPA. They are expecting, you know, if there is any  
2 kind of federal funds, you have to go through this  
3 Environmental process. So that's the stage we are in  
4 right now, doing environmental studies because it's  
5 tied to getting federal funds, it's tied to getting  
6 federal permits.

7 And then we are here to answer questions,  
8 as Mark said. So a little bit about the project  
9 background for those of you who might not have heard  
10 it before or don't remember. Two proposed built  
11 alternatives in the past, 1998 we had the western  
12 alternative that went west of the existing 32 down by  
13 Hooper Highway on the west side of Stonebrook. That  
14 one has been around since about 1998.

15 On the eastern alternative that ran on the  
16 other side of existing 32 in that same area, came  
17 down by the Post Office, crossed Cosby Creek, that  
18 was shown to the public back in 2012, and it was in  
19 response to some comments that were heard in the 2010  
20 public meetings. So in 2010 the presentation was  
21 about that western original alternative, and the no  
22 built. The no built means that you are just not  
23 going to do anything, except normal maintenance. It's  
24 an alternative we are required to look at. It  
25 basically serves as a baseline to compare impacts to,

1       okay. So it's always going to be in the study.

2               And then in 2012 we came back, and that's  
3       where the eastern alternative had come in, to show  
4       that to the public. So you have the western, which  
5       was shown in 2010, and it's on the print, on the maps  
6       that you all were looking at earlier. You have the  
7       eastern alternative, and then you have the no built.  
8       Okay. So those are what we've looked at in 2012.

9               Then the project kind of went on hold. You  
10      know, the State didn't really have a lot of money.  
11      So they were looking at, they were reviewing a bunch  
12      of projects statewide, not just here. It was all  
13      across the state, to try to figure out what they  
14      could do with what they had, with the funding.

15              So what came out of that review process was  
16      the alternative, second alternative that you guys are  
17      looking at tonight that goes up existing Cosby,  
18      existing 32 down by the Post Office and that area.  
19      And then once you get past that, near the sub-  
20      station, both of those are the same, okay. So that  
21      came out of this study, and then also what has come  
22      out of it is a proposed phasing. So proposing like  
23      two lanes, two to three lanes with a five lane right  
24      of way, and then as traffic warrants it, eventually a  
25      full built, a five of five lanes. So, and you can't



1 really see this in this light. But this is what you  
2 will see on the big maps in the back.

3 These are the two alternatives that were  
4 studied, and you will see the eastern alignment that  
5 went, that crossed Cosby Creek twice. Then the new  
6 one, the new build alternative that goes up existing,  
7 that eastern alternative that was presented in 2012  
8 is now off the table. It crossed Cosby Creek twice.  
9 It's an exceptional Tennessee water. The resource  
10 agencies had a lot of trouble with it. The public  
11 had a lot of trouble with it. So it's been  
12 dismissed. There is cultural resource issues along  
13 that alternative. So there is a lot of environmental  
14 impact. So that one has been taken off the table.  
15 At least we are asking, I mean, we have to still get  
16 the agency buy-in, but we are thinking it's going to  
17 come off the table.

18 So again, I've talked a little bit about  
19 what they are calling phased construction, sort of  
20 what like what you saw on the other end of 32, from  
21 Wilton Springs north toward Newport. So you are  
22 looking at phase 1, what we call an interim build,  
23 with one 12 foot travel lane in each direction. And  
24 this is up to Penland Road, and then it's basically  
25 like a three lane. So you have a center turn lane

1 within a five lane right of way. And then phase 2,  
2 in the same area, up to Penland from 73, from Hooper  
3 Highway up to Penland Road it will be two twelve foot  
4 lanes in each direction with a center turn lane, so a  
5 five lane right of way.

6 LADY: We can't hear you.

7 MS. BIRCH: Sorry about that. So is that  
8 any better? Sorry. So that would, that phasing was  
9 from Hooper Highway to Penland Road. From Penland  
10 Road to Wilton Springs Road, that very short piece at  
11 the very end near Wilton Springs Road, that is how  
12 it's been proposed as a five lane. So even if the  
13 construction phasing were to occur, that would start  
14 out as a five lane. That one would start out as a  
15 three lane and go to a five lane. It's a very short  
16 segment down by Wilton Springs Road.

17 So, and then the rest of it from, it would  
18 be like two lane from McCroy Road back down to Hooper  
19 Highway. For the interim build, you are looking at  
20 two lanes. So what TDOT calls a super two. So two  
21 twelve foot lanes with ten to 12 foot shoulders and  
22 passing lanes where it's needed. Okay. And then  
23 three lanes from (Inaudible) Road out to Penland  
24 would be the interim build, okay. So the five lane  
25 would be in the future, but they would build a five

1 lane right of way in the beginning. If that's what  
2 the studies show needs to happen.

3 So what we have done, so in the past we  
4 have referred to these as western alternative  
5 tentative of the existing road. Eastern alternative  
6 with simple crossings going out. The western  
7 alternative is alternative A. So what you are  
8 looking at tonight, alternative A is the one that  
9 goes on the west side of Stonebrook, and then  
10 alternative B is the one that goes up the existing  
11 road, okay. So when you are looking at, when you are  
12 making your comments and stuff, and if you have any  
13 questions, just ask somebody. If you are not sure  
14 which alternative you are looking at, or which one  
15 you are concerned about, just ask. But of the  
16 existing it will be alternative B.

17 So those are two alternatives that are  
18 proposed. Not both of them, but two separate  
19 alternatives. What TDOT would like is for you to  
20 provide input on which of the two you like, or don't  
21 like. What are your concerns about the alternatives.  
22 Are there things out there that we should know about,  
23 any kind of resources, you know. We want, we want to  
24 know what you know about this area.

25 And then the next step, like we had

1 mentioned before, we are still pretty much in the  
2 beginning of this. We are in the environmental  
3 phase. So we are going to look at the public  
4 comments. We are getting comments from all the  
5 federal agencies that are involved, the state  
6 agencies that are involved. We are going to look at  
7 all this, see if we need to do any more refining at  
8 this particular point in time. We are not going to  
9 decide on any functional, conceptional level. We  
10 will refine our alternatives if necessary, we are  
11 going to finish technical studies. So looking at  
12 ecology, looking at noise, looking at all these  
13 different types of potential impact. Then we are  
14 going to prepare the environmental, it's called the  
15 environmental assessment which is required by the  
16 Federal Highway Administration for this project. You  
17 will have the opportunity to come out and look at  
18 that. And then there will be another public hearing.  
19 You will know about the impacts at that point in  
20 time. We have not completed the technical studies at  
21 this point in time. So we can't really tell you what  
22 the impacts are. We are still studying them, so we  
23 will know, we will know the impacts and we will get  
24 to the environmental assessment document. Hold the  
25 public hearing. Then an alternative will be

1       selected, okay. Once the alternative is selected and  
2       the final environmental document is finished, then it  
3       goes into design. And then, so, you know, it's a  
4       very lengthy process.

5               So tonight, you know, we want you to please  
6       fill out the comment cards. Either drop them in the  
7       box or mail them back, go on line on Monday, print  
8       down some, but get the comments back, and you can  
9       mail them. Provide your comments to the court  
10      reporter or get transcripts of those once they are  
11      done. You can send e-mails to TDOT comments at  
12      TN.gov. You can send us comments that way, but we  
13      need comments by August 30th, postmarked by August  
14      30th. And then, for more information, you can  
15      contact Carla Cantrell. She is the manager of the  
16      TDOT major projects office, she is managing this  
17      project, the environmental piece of this project for  
18      TDOT. And feel free to call her or e-mail her. She  
19      is here tonight, too.

20             And with that, that's the end of my  
21      presentation.

22             MR. NAGI: Okay, Valerie, thank you very  
23      much. We are going to give you the next 15 or 20  
24      minutes or so to make sure that you get a chance to  
25      look at the plans, if you haven't looked at them. Or

1 if you want to ask a question specifically about a  
2 specific property, you can ask a staff member one on  
3 one. But I want to make sure there is enough time  
4 that if folks have any general questions about the  
5 project that they want to ask right now, Tim is in  
6 the front of the room. He has a wireless microphone,  
7 and if you'll just raise your hand, he will bring the  
8 microphone to you. Once again, that is if you have  
9 any general questions about the project. So if you  
10 have those, raise you hand. And Sir, if you can,  
11 please state your name and your address so that we  
12 have that correctly.

13  
14 QUESTION AND ANSWER SESSION

15  
16 MR. LOFTUS: Hallo, my name is Dan Loftus.  
17 My question is...

18 MR. NAGI: What is your address, Sir?

19 MR. LOFTUS: Sir?

20 MR. NAGI: What is your address?

21 MR. LOFTUS: 3458 Grand Country Drive.

22 Mr. Nagi: Thank you.

23 MR. LOFTUS: My question is, what is the  
24 schedule, what's the proposed timetable for this  
25 project, the upcoming events?

1                   MR. NAGI: Sir, if I heard you correctly,  
2                   your question was what is the proposed timetable for  
3                   this project, the upcoming events. Valerie, just a  
4                   few minutes ago, if you noticed, had a flow chart  
5                   back in the....in this mandatory environmental  
6                   process...TDOT, we budget transportation projects in  
7                   three phases. First phase is the preliminary  
8                   engineering phase of development. That includes this  
9                   mandatory environmental review....and  
10                  ordinary....right now. If you go back to that...that  
11                  was up there a few minutes ago, alright. So the next  
12                  step is this mandatory environmental review which is  
13                  part of the... After tonight, these comments, we  
14                  will take all these comments....and we will also meet  
15                  with the regional agencies as well....does that  
16                  answer your question?

17  
18                  THIS CONCLUDES ALL MATTERS DISCUSSED IN THIS MEETING.  
19  
20  
21  
22  
23  
24  
25



REPORTER'S CERTIFICATE

State of Tennessee  
County of Washington

I, Debbie Ramey, LCR #710, Licensed Reporter and Notary Public in and for the State of Tennessee, do hereby certify that the TDOT Public Meeting held on August 8, 2018 was reported by me for Barringer Court Reporting by electronic digital recordings and handwritten notes, and for a true and accurate record of said Public Meeting to be transcribed by typists, said transcription to be printed and forwarded to the proper attorney.

I further certify that I am not related to or interested in the financial outcome of this case.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting and owner of Barringer Court Reporting as evidenced by the LCR number and expiration date following my name below.

In witness whereof I have set my hand and affixed my seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
C.D. Neal, LCR 426  
Expiration date: 9/30/20  
Notary Public and  
Licensed Court Reporter

My commission expires: 9/30/20

**Barringer Court Reporting**  
P.O. Box 8035, Gray, TN - 423-477-7844

## **Completed Comment Cards**

PLEASE PRINT

Name ALLAN & Phyllis Barbour E-mail: \_\_\_\_\_  
Address: 134 Crestwood Cir.  
City: Cosby State: Tenn. Zip: 37722  
Phone (include area code): 423-237-2915

Which describes your primary interest in the project? Concerned Citizen ☒ Affected Resident ☒  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

We are interested in your comments about the proposed project.

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: This is the best idea - The beauty of these mountains - the creeks & streams - the winding roads cannot be improved upon. Just so more & more traffic can replace it.
2. Alternative A (Western Alternative): \_\_\_\_\_
3. Alternative B (Alternative Along Existing SR 32): Surely there is better use of the money.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☒ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☒ Impacts to Parkland  
Other see above

Please describe changes you would make to the project:

Don't do it. Why destroy the reason we're here?

Why destroy so much to get so little?

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

Meeting Process Criteria:

	Best				Worst		Best				Worst
Organization of Materials	5	4	3	2	1	Information Presented	5	4	3	2	1
Length of Meeting	5	4	3	2	1	People Presenting	5	4	3	2	1
Time of Meeting	5	4	3	2	1	Knowledge of Staff	5	4	3	2	1
Convenience of Location	5	4	3	2	1	Courtesy of Staff	5	4	3	2	1
Facility Accommodations	5	4	3	2	1	Visual Aids	5	4	3	2	1

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

Not enough seating  
many people could  
not understand what  
was being said over  
the P A system.

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



16 AUG 2018 PM 4 L

NASHVILLE TN 372

Mr. Allan Barbour  
134 Crestwood Circle Way  
Cosby, TN 37722-2537



ASPCA

You must staple or tape shut at top before mailing.



Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name: Shirley Bizub E-mail: shbiz61@yahoo.com  
Address: 4304 - M - Little Creek Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 423-248-5821

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: LEAVE AS IS, MOUNTAIN ROADS ARE WINDY, THAT'S WHY WE LIVE IN MOUNTAINS
2. Alternative A (Western Alternative): I DO NOT LIKE TAKING PEOPLE HOMES
3. Alternative B (Alternative Along Existing SR 32): I DO NOT WANT TO TAKE SOMEONES HOMES, TAKE LAND NOT HOMES

What issues and concerns do you have about the project? Check all that apply:

- ☐ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: TAKE LAND NOT HOMES

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best			Worst	
Organization of Materials	5	4	3	(2)	1
Length of Meeting	5	4	(3)	2	1
Time of Meeting	5	4	(3)	2	1
Convenience of Location	5	4	(3)	2	1
Facility Accommodations	5	4	3	(2)	1

	Best			Worst	
Information Presented	5	4	(3)	2	1
People Presenting	5	(4)	3	2	1
Knowledge of Staff	5	(4)	3	2	1
Courtesy of Staff	5	(4)	3	2	1
Visual Aids	5	4	3	(2)	1

more detail -

For any score lower than three (3), please provide an explanation.

RAW OUT OF HAND CUTS, NO AIR CONDITIONING

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

Keep Roads the way they are please,

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



15 AUG 2008 PM 3 L

KNOXVILLE TN 377

You must staple or tape shut at top before mailing.

Shirley B. Bird  
4304-M-L-Hle Creek way  
Cosby TN 37722

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name DAN Bright E-mail: southernbull4@gmail.com  
Address: 330 Hopkins Rd  
City: Cosby State: TN Zip: 37722  
Phone (include area code): \_\_\_\_\_

Which describes your primary interest in the project? Concerned Citizen ☒ Affected Resident \_\_\_\_\_  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): Best All round
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)
- ☒ Impacts to Existing Development (homes, businesses, community facilities)
- \_\_\_\_\_ Impacts to Agricultural Lands
- ☒ Impacts to Historic and/or Archaeological Resources
- \_\_\_\_\_ Impacts to Parkland
- \_\_\_\_\_ Other \_\_\_\_\_

Please describe changes you would make to the project: Forget about B and no build

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst
Organization of Materials	5	4	3	2	1
Length of Meeting	5	4	3	2	1
Time of Meeting	5	4	3	2	1
Convenience of Location	5	4	3	2	1
Facility Accommodations	5	4	3	2	1

	Best				Worst
Information Presented	5	4	3	2	1
People Presenting	5	4	3	2	1
Knowledge of Staff	5	4	3	2	1
Courtesy of Staff	5	4	3	2	1
Visual Aids	5	4	3	2	1

For any score lower than three (3), please provide an explanation. Words were garbled and could not be understood fully due to intcom and Building



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

Alt. A is only one that makes sense shorter less  
Businesses affected less damage to streams

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0382

Lynn M Bright  
330 Hopkins Rd  
Cosby, TN 37722-2918



14 AUG 2018 PM 2 L

KNOXVILLE TN 377

Comment Card  
www.tennessee.gov/tdot

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Lynn M. Bright E-mail: \_\_\_\_\_  
Address: 330 Hopkins Rd  
City: Cosby State: TN Zip: 37722  
Phone (include area code): \_\_\_\_\_

Which describes your primary interest in the project? Concerned Citizen ☒ Affected Resident \_\_\_\_\_  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): only way no brainer
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)
- ☒ Impacts to Existing Development (homes, businesses, community facilities)
- \_\_\_\_\_ Impacts to Agricultural Lands
- ☒ Impacts to Historic and/or Archaeological Resources
- \_\_\_\_\_ Impacts to Parkland
- \_\_\_\_\_ Other \_\_\_\_\_

Please describe changes you would make to the project: rule out totally alt. B  
and no build

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

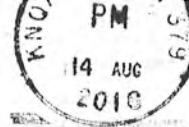
**Meeting Process Criteria:**

	<u>Best</u>				<u>Worst</u>				<u>Best</u>				<u>Worst</u>
Organization of Materials	5	4	3	2	1	Information Presented	5	4	3	2	1		
Length of Meeting	5	4	3	2	1	People Presenting	5	4	3	2	1		
Time of Meeting	5	4	3	2	1	Knowledge of Staff	5	4	3	2	1		
Convenience of Location	5	4	3	2	1	Courtesy of Staff	5	4	3	2	1		
Facility Accommodations	5	4	3	2	1	Visual Aids	5	4	3	2	1		

For any score lower than three (3), please provide an explanation. Sound was AWFUL  
garbled hard to understand



Dan Bright  
330 Hopkins Rd  
Cosby, TN 37722-2918



Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street

Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

FOLD HERE



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

alt A only one that makes any sense shorter &  
affects less homes + businesses

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name WALTER W. BRYSIAK E-mail: BRYSIAKWALT@Gmail.com  
Address: 4280 Monte Vista Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 704-300-7001

Which describes your primary interest in the project? Concerned Citizen ☒ Affected Resident ☒  
Affected Landowner ☐ Affected Business ☐ Name of Business

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: This Highway would hurt the integrity of both the scenic view AND a very well established development like Stonebrook
2. Alternative A (Western Alternative):
3. Alternative B (Alternative Along Existing SR 32):

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☒ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other Stonebrook has been a very well established HMA development since 1972

Please describe changes you would make to the project: Trim trees along existing SR 32 on old 321 to help see better around curves.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst		Best				Worst
Organization of Materials	5	(4)	3	2	1	Information Presented	5	(4)	3	2	1
Length of Meeting	5	(4)	3	2	1	People Presenting	5	(4)	3	2	1
Time of Meeting	5	(4)	3	2	1	Knowledge of Staff	5	(4)	3	2	1
Convenience of Location	5	(4)	3	2	1	Courtesy of Staff	5	(4)	3	2	1
Facility Accommodations	5	(4)	3	2	1	Visual Aids	5	(4)	3	2	1

For any score lower than three (3), please provide an explanation.

You must staple or tape shut at top before mailing.

Bryant,  
4280 Monte Vista Way  
Cosby Ln 37822

KNOXVILLE TN 377  
27 AUG 2018 PM 3 L



Tennessee Department of Transportation

Project Comments

505 Deaderick Street

Suite 700, James K. Polk Building

37243-0332 Nashville, Tennessee 37243-0332

FOLD HERE

Project #: PE 15005-1234-04  
(for internal sorting)

ADDITIONAL COMMENTS:

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Bryon M. Curtis E-mail: \_\_\_\_\_  
Address: 3460 Spring Branch Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): \_\_\_\_\_

Which describes your primary interest in the project? Concerned Citizen X Affected Resident X  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: Probably not an option as not doing anything would continue to create a bottleneck
2. Alternative A (Western Alternative): This is the preferred option. This route will create the least amount of effects on Rivers + Residents
3. Alternative B (Alternative Along Existing SR 32): Do not support this option

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

Alternative A  
Western Alternative is the  
Best way to go!

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

Curtis  
3460 Spring Branch Way  
Cosby, TN 37722

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KNOWVILLE TN 377  
29 AUG 2018 PM 3 L





**PLEASE PRINT**

Name SARAH Parker Curtis E-mail: Parkers4ut@yahoo.com  
Address: 3460 Spring Branch Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 865-441-1779

Which describes your primary interest in the project? Concerned Citizen ☒ Affected Resident ☒  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: I like the fact that no land will be damaged or residents losing property. I don't like bottle neck of traffic getting to G-Burg.  
\* 2. Alternative A (Western Alternative): Best option! this plan disturbs the land & Cosby creek as little as possible. This is the Best plan for citizens.  
3. Alternative B (Alternative Along Existing SR 32): Don't like the effect on environment so close to Cosby creek. Not the best option residents

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland

☒ Other local residents should be selected for jobs - "if qualified" support local economy

Please describe changes you would make to the project: \_\_\_\_\_

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best			Worst	
Organization of Materials	5	4	3	②	1
Length of Meeting	5	4	3	②	1
Time of Meeting	5	④	3	2	1
Convenience of Location	5	④	3	2	1
Facility Accommodations	5	4	3	2	①

Very Hot! not enough seating!

	Best			Worst	
Information Presented	5	4	③	2	1
People Presenting	5	4	③	2	1
Knowledge of Staff	5	4	3	②	1
Courtesy of Staff	5	4	③	2	1
Visual Aids	5	④	3	2	1

For any score lower than three (3), please provide an explanation. Not enough handouts to go around. Meeting was Hot and not enough seating for elderly. Meeting was not very controlled or organized. Could not hear presenter



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

Alternative A - is the  
Best Solution for our  
Community, our land & our  
Citizens

FOLD HERE

MEMPHIS TN 377

ALSO 30MB PM 2 L



Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



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Curtis  
3460 Spring Branch Way  
Cosby, TN 37022

## Project Description:

SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018

Project #: PE 15005-1234-04

County: Cocke

## PLEASE PRINT

Name SANDRA EPPERSON

E-mail: \_\_\_\_\_

Address: 130 STONEBROOK DRIVE

City: COSBY

State: TN

Zip: 37722

Phone (include area code): 423-987-2028

Which describes your primary interest in the project?

Affected Landowner ☒

Affected Business \_\_\_\_\_

Concerned Citizen \_\_\_\_\_

Affected Resident ☒

Name of Business \_\_\_\_\_

## We are interested in your comments about the proposed project.

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: I like this solution best until an alternative that doesn't destroy a neighborhood is found.

2. Alternative A (Western Alternative): Please see attached page for comments on Alternative A. →

3. Alternative B (Alternative Along Existing SR 32): This will also go through homes in my neighborhood. I don't want my neighbors to lose their homes either.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☒ Impacts to Parkland  
☒ Other Comments on attached page. →

Please describe changes you would make to the project:

Please find an alternative that doesn't destroy Stonebrook, our homes and our community.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

## Meeting Process Criteria:

	Best				Worst
Organization of Materials	5	4	3	2	①
Length of Meeting	5	4	3	2	1
Time of Meeting	5	4	3	2	①
Convenience of Location	5	4	3	2	1
Facility Accommodations	5	4	3	2	1

	Best				Worst
Information Presented	5	4	3	2	①
People Presenting	5	4	3	2	1
Knowledge of Staff	5	4	3	2	1
Courtesy of Staff	5	4	3	2	1
Visual Aids	5	4	3	2	1

For any score lower than three (3), please provide an explanation. Some homeowners received letters advising them of the meeting. I did not receive any notice and were not advised that my home was being affected by this →

DT-1702

MORE COMMENT SPACE ON BACK

(Return comments postmarked by AUGUST 30, 2018.)

(Continued next page)

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

PLACE  
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## Alternative A

This would go through my house. My husband and I purchased this place 30 years ago as a retirement home. He has now passed. I will be 80 years old this November, and I don't want to lose my home.

## Issues and Concerns (other)

My husband believed there are underground streams on this property and a university <sup>came</sup> by and marked out a large portion of our yard and said they are "wetlands". The two creeks that run through our property are full of wildlife and help to preserve the natural ecosystem of the area. I am concerned there will be an additional detriment to the environment and damaging this water source. Along with many others, I love living in Stonebrook Community and being surrounded by woods and nature. It is an integral part of enjoying the Smoky Mountains. My husband and I worked hard for many years to be able to purchase it, maintain it and pay our taxes dutifully. My husband is gone. Please, please don't take my home away from me!

## Meeting Process Criteria Explanation

(continued from previous page)

proposed action. In the following up with the numbers to call, we discovered that the primary contact was out of the office for a large portion of the time allowed to comment. I think TDOT has done a TERRIBLE job of notifying the community and affected homeowners. The notice timeframe has been <sup>too</sup> insufficiently short, and availability of the designated contacts has been insufficient as well. The comment time should be extended.

(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332  
37243-0332

Ms. Sandra J. Epperson  
130 Stonebrook Dr.  
Cosby TN 37722

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KNOXVILLE TN 377  
30 AUG 2018 PM 3 L

**Comment Card**

[www.tennessee.gov/tdot](http://www.tennessee.gov/tdot)

**Date:** August 9, 2018

**Project #:** PE 15005-1234-04

**County:** Cocke

**Project Description:** SR 32 Corridor Improvement Project, From SR 73 in Cosby to Wilton Springs Road, Cocke County, Tennessee

**PLEASE PRINT**

**Name** \_D. MARK EPPERSON\_\_\_\_\_ **E-mail** \_UGADAWGA@GMAIL.COM\_\_\_\_\_

**Address:** 130 STONEBROOK DRIVE\_\_\_\_\_ **City:** COSBY\_\_\_\_\_ **State:** TN\_\_\_\_\_ **Zip:** 37722\_\_\_\_\_

**Phone (include area code):** 423-987-9696\_\_\_\_\_

**Which describes your primary interest in the project?** Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner ☒ Affected Business \_\_\_\_\_ **Name of Business** \_\_\_\_\_

**We are interested in your comments about the proposed project.**

**Please indicate what you like and dislike about the project Alternatives:**

1. **No Build Alternative:** \_This is the best option until a better plan can be determined.
2. **Alternative A (Western Alternative):** This is a really bad choice. It will run through my retirement home. It will damage and destroy the beauty of the Stonebrook community.
3. **Alternative B (Alternative Along Existing SR 32):** This is also a bad option because it also cuts into our neighborhood and hurts Stonebrook's property values

**What issues and concerns do you have about the project? Check all that apply:**

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☒ Impacts to Parkland  
☒ Other\_\_\_\_\_This area includes wetlands that need to be protected. We don't need a four lane highway running beside a wetland area either.

**Please describe changes you would make to the project:**\_\_\_\_\_ Neither of the build alternatives should be allowed to move forward. I especially do not want to loose my home and that of my elderly mother. My parents worked hard to make this a beautiful retirement home and blend into the natural diversity that is a part of this wonderful part



of Tennessee. I too had looked forward to retiring and becoming a full time resident of the Cosby area. But apparently the State is not interested in supporting it's retirement communities - as evidenced by proposing roads through these area.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	<u>Best</u>				<u>Worst</u>		<u>Best</u>				<u>Worst</u>
Organization of Materials	5	4	3	2	1	Information Presented	5	4	3	2	1
Length of Meeting	5	4	3	2	1	People Presenting	5	4	3	2	1
Time of Meeting	5	4	3	2	1	Knowledge of Staff	5	4	3	2	1
Convenience of Location	5	4	3	2	1	Courtesy of Staff	5	4	3	2	1
Facility Accommodations	5	4	3	2	1	Visual Aids	5	4	3	2	1

**For any score lower than three (3), please provide an explanation.** We heard that a few homeowners received letters advising them of the meeting and the potential loss of their property. We did not receive ANY notice and were NOT advised that our home was being affected by this proposed action. In following up with the numbers to call in the documentation we found on the website, we discovered that the primary contact, Holly Cantrell, was out of the office for a large portion of the time that has been allowed to comment. I think TDOT has done a TERRIBLE job of notifying the community and the affected home owners. And we feel the notice timeframe has been too short. Availability of the designated contacts has been insufficient. The comment time should be extended.

**DT-1702 MORE COMMENT SPACE ON BACK**

(Return comments postmarked by **AUGUST 30, 2018.**)

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Cynthia R. Evans E-mail: bacn+n@comcast.net  
Address: 2766 Cosby Hwy.  
City: COSBY State: TN Zip: 37722  
Phone (include area code): 423-623-2856

Which describes your primary interest in the project? Concerned Citizen ☒ Affected Resident ☒  
Affected Landowner ☒ Affected Business ☒ Name of Business SANTA CRUZ WOODWORKS

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_

2. Alternative A (Western Alternative): WE UNDERSTAND BOTH ALTERNATIVES A & B, THE PLAN WOULD REMAIN THE SAME AT OUR END OF THIS PROJECT. REMARKS BELOW

3. Alternative B (Alternative Along Existing SR 32): 11

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☒ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☒ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: THE POSSIBLE ROW LINES LOOK LIKE OUR LITTLE SLIVER OF PROPERTY WHERE OUR ACTUAL SHOP IS & OUR HOME IS LOCATED. — WOULD STILL BE OURS & JUST BEYOND ROW LINES — THAT IS MUCH APPRECIATED! IF THAT ROW LINE WAS EVEN SLIGHTLY MOVED A BIT FURTHER AWAY FROM OUR

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	<u>Best</u>				<u>Worst</u>		<u>Best</u>				<u>Worst</u>
Organization of Materials	5	4	3	2	1	Information Presented	5	4	3	2	1
Length of Meeting	5	4	3	2	1	People Presenting	5	4	3	2	1
Time of Meeting	5	4	3	2	1	Knowledge of Staff	5	4	3	2	1
Convenience of Location	5	4	3	2	1	Courtesy of Staff	5	4	3	2	1
Facility Accommodations	5	4	3	2	1	Visual Aids	5	4	3	2	1

EXCELLENT STAFF

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

ACTUAL BUILDINGS, IT WOULD GIVE US A LITTLE BREATHING ROOM  
BETWEEN US & THE LINE - NOT ASKING FOR MUCH CHANGE AT  
ALL - BUT WOULD MAKE A HUGE CHANGE FOR OUR SITUATION.  
THE FELLOWS AT THE MEETING TOLD US THE LINES ARE NOT  
GUARANTEED & MAY WELL CHANGE BY A LITTLE OR ALOT. RIGHT NOW,  
I THINK OUR STRUCTURES ARE JUST BARELY SAVED (THANK YOU!),  
BUT JUST A FEW MORE YARDS BETWEEN US & THAT  
LINE WOULD & COULD MAKE A BIG DIFFERENCE TO US.

Just Asking

THANK YOU ALL,  
C. R. Gwin

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
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15 AUG 2018 PM 2 L

KNOXVILLE TN 377

Santa Cruz Woodworks  
2766 Cosby Hwy  
Cosby TN 37722

CYNTHIA R. EVANS - ROBERT EVANS

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Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Jeffrey Frey E-mail: jeffrey\_frey@yahoo.com  
Address: 124 Crestwood Circle Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 618-210-0787

Which describes your primary interest in the project? ☒ Concerned Citizen ☐ Affected Resident  
☐ Affected Landowner ☐ Affected Business Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): Move it further west.
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☒ Other Impact to Stonebrook Community

Please describe changes you would make to the project: Move Alternative A further west so it doesn't impact Stonebrook, which has been in place since 1974. People have bought their retirement properties there. So the beautiful quiet area.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. couldn't hear anything, sound system was bad.

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

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Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name IGNATIUS GHATTAS E-mail: IGGYGHATTAS@YAHOO.COM  
Address: 4230 MONTE VISTA WAY (STONEBROOK SUB)  
City: COSBY State: TN Zip: 37722  
Phone (include area code): 313-268-3913

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): MOVE ALT A 300 FEET TO THE WEST EXISTING
3. Alternative B (Alternative Along Existing SR 32): LEAVE THIS ^ ROAD AS IS.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
\_\_\_\_ Impacts to Agricultural Lands  
\_\_\_\_ Impacts to Historic and/or Archaeological Resources  
\_\_\_\_ Impacts to Parkland  
\_\_\_\_ Other \_\_\_\_\_

Please describe changes you would make to the project: MOVE THIS ROAD WEST INTO THE FOREST MORE. 200-300 FT. ALT A RD

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
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Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Valerie Colodas E-mail: valeriecolodas@aol.com  
Address: 4230 Monte Vista Lane  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 313-236-8183

Which describes your primary interest in the project? Concerned Citizen ☒ Affected Resident ☐  
Affected Landowner ☐ Affected Business ☐ Name of Business

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): MOVE ROAD 400 feet west of  
proposed route
3. Alternative B (Alternative Along Existing SR 32): leave as is

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☒ Other Noise level of traffic, future revenue stream to

Please describe changes you would make to the project: Shovelbrook HOA

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

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Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Clifford O. Goodlett E-mail: \_\_\_\_\_  
Address: 302 Tyne Blvd.  
City: Old Hickory State: TN Zip: 37138-1225  
Phone (include area code): 615-754-2976

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: Least expensive. Present route is scenic and preserves the volume of traffic without encouraging speeding. Least disruptive.
2. Alternative A (Western Alternative): A solution in search of a problem. This would be destructive of homes and at least one neighborhood. (See map)
3. Alternative B (Alternative Along Existing SR 32): Still destructive of homes and a dubious spending of public money. Destructive of scenic beauty.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☒ Impacts to Agricultural Lands  
\_\_\_\_ Impacts to Historic and/or Archaeological Resources  
\_\_\_\_ Impacts to Parkland  
\_\_\_\_ Other \_\_\_\_\_

Please describe changes you would make to the project: See back. Also, how does this help campers trying to reach the national park's Cosby Campground?

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best						Worst				
Organization of Materials	5	4	3	2	1	Information Presented	5	4	3	2	1
Length of Meeting	5	4	3	2	1	People Presenting	5	4	3	2	1
Time of Meeting	5	4	3	2	1	Knowledge of Staff	5	4	3	2	1
Convenience of Location	5	4	3	2	1	Courtesy of Staff	5	4	3	2	1
Facility Accommodations	5	4	3	2	1	Visual Aids	5	4	3	2	1

For any score lower than three (3), please provide an explanation. Information came from others who attended.

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

(2. continued)

Route would destroy several homes in the Stanbressch Village retirement community along with other residents' scenic views. This could be mitigated by shifting part of the route 300-400 feet to the west. This would affect farmland and fallow land instead.

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Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Donna Gorman E-mail: billgorman@comcast.net  
Address: 131 Crestwood Circle Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 770-324-8796

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: first choice
2. Alternative A (Western Alternative): move 1/2 mile west - cross over Shultz Hill + go thru horse farm - NO homes anywhere
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)
- ☒ Impacts to Existing Development (homes, businesses, community facilities)
- ☐ Impacts to Agricultural Lands
- ☐ Impacts to Historic and/or Archaeological Resources
- ☐ Impacts to Parkland
- ☒ Other disturbs the very core of our community - natural woodlands, little creek →

Please describe changes you would make to the project: \_\_\_\_\_

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	(2)	1		Information Presented	5	4	(3)	2	1	
Length of Meeting	5	(4)	3	2	1		People Presenting	5	4	3	(2)	1	
Time of Meeting	5	(4)	3	2	1		Knowledge of Staff	5	4	(3)	2	1	
Convenience of Location	5	(4)	3	2	1		Courtesy of Staff	5	(4)	3	2	1	
Facility Accommodations	5	4	3	2	(1)		Visual Aids	5	4	3	2	(1)	

For any score lower than three (3), please provide an explanation. No air conditioning, acoustics made hearing impossible, not enough chairs, maps for people to take home, unable to read overhead,

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

We have a water fall that little Creek flows<sup>(for internal sorting)</sup> into which flows into Cosby Creek. The peaceful, natural beauty, wild life as well as financial impact to a small HOA Stonebrook has been here since 1972. Those of us have lived here because of the beauty that will be destroyed with this project. Homes are lost, that pay dues. We are a small HOA just a loss of finances alone will jepordize our financial sutability. We feel you should reopen the plan that goes across Caney Creek on liberty - less populated with full time homes, more open land. Stonebrook is the first of it's kind in Cocke County, It is a beautiful community with responsible homeowners who pay taxes - please think long & hard. Thank You

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Project Comments  
505 Deaderick Street  
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Nashville, Tennessee 37243-0332



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Donna Sforman  
181 Crestwood Circle Way  
Cosby, TN 37722

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Jason Kirby E-mail: JKIRBY423@ICLOUD.COM  
Address: 4304-B Little Creek Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 865-272-2162

Which describes your primary interest in the project? Concerned Citizen ☐ Affected Resident ☐  
Affected Landowner ☒ Affected Business ☐ Name of Business

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): ☒ Best Alternative
3. Alternative B (Alternative Along Existing SR 32): Would have the most negative impact on streams coming out of National Park/Would obstruct views from

What issues and concerns do you have about the project? Check all that apply: Stonebrook Village  
☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☒ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: Go further west,  
near Indian Camp Creek Road

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. Was not at mtg.



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

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**PLEASE PRINT**

Name Steve Large E-mail: us.large@hotmail.com  
Address: P O Box 397  
City: New Ellenton State: SC Zip: 29809  
Phone (include area code): 803-262-3072 cell, 803-725-3177 office

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: Least impact to existing Landowners
2. Alternative A (Western Alternative): Straighter transition to existing route 73
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☐ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: If Alternative A is selected, eliminate connector between existing SR32 and new SR32 beside <sup>elect</sup>substation. Utilize proposed connector between old and new SR32 near Stonebrook. Connector beside substation destroys permitted house site at 4032 Cosby Highway.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst		Best				Worst
Organization of Materials	5	(4)	3	2	1	Information Presented	5	(4)	3	2	1
Length of Meeting	5	(4)	3	2	1	People Presenting	5	(4)	3	2	1
Time of Meeting	(5)	4	3	2	1	Knowledge of Staff	(5)	4	3	2	1
Convenience of Location	(5)	4	3	2	1	Courtesy of Staff	(5)	4	3	2	1
Facility Accommodations	5	4	(3)	2	1	Visual Aids	5	4	(3)	2	1

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0352

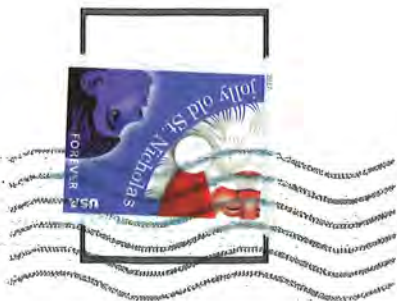
New Ellenton, SC 29809

PO Box 397

Steve Large

You must staple or tape shut at top before mailing.

AUGUSTA GA 309  
20 AUG 2018 PM 1 T





**PLEASE PRINT**

Name Steve Large E-mail: ws.large@hotmail.com  
Address: PO Box 397  
City: New Ellenton State: SC Zip: 29809  
Phone (include area code): 803-262-3072 cell, 803-725-3177 office

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: Least impact to landowners
2. Alternative A (Western Alternative): Straighter transition to route SR 73
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☐ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: Eliminate proposed dead end section of old SR-32 at 4022 Cosby Highway. Move end-of-road barrier on old SR32 to south end of 4022 Cosby Hwy owner's property line. Relocated barrier would be roughly midway between currently proposed barrier and substation. 4022 property owner will provide access road to house.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst		Best				Worst
Organization of Materials	5	(4)	3	2	1	Information Presented	5	(4)	3	2	1
Length of Meeting	5	(4)	3	2	1	People Presenting	5	(4)	3	2	1
Time of Meeting	(5)	4	3	2	1	Knowledge of Staff	(5)	4	3	2	1
Convenience of Location	(5)	4	3	2	1	Courtesy of Staff	(5)	4	3	2	1
Facility Accommodations	5	4	(3)	2	1	Visual Aids	5	4	(3)	2	1

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0932

New Ellenton, SC 29809

P O Box 397

Steve Large

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20 AUG 2018 PM 2 T

AUGUST 16 2018





Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Logan Lemmond E-mail: Logan-Lemmond@live.com  
Address: 4244 Monte Vista Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 865-696-7617

Which describes your primary interest in the project? Concerned Citizen ☒ Affected Resident ☒  
Affected Landowner ☒ Affected Business ☐ Name of Business

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: This leaves cocke county beautiful and maintains our residence in Cocke County. There are options that could be explored that do NOT affect Stonebrook.
2. Alternative A (Western Alternative): The worst possible option. This would disrupt our community so drastically that it would ruin the reason we moved to Cocke County.
3. Alternative B (Alternative Along Existing SR 32): ~~the worst~~ I'm fine with this if you left our community alone and did not remove any of our neighborhood.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)
- ☒ Impacts to Existing Development (homes, businesses, community facilities)
- ☐ Impacts to Agricultural Lands
- ☒ Impacts to Historic and/or Archaeological Resources (Stonebrook is historic, first community of its kind in Cocke Co.)
- ☒ Impacts to Parkland
- ☒ Other

Please describe changes you would make to the project: while some homes may be affected and that is between you and that individual homeowner, this would destroy the lives of several people in our community and destroy our community itself. Please explore alternate routes.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. Don't destroy our community!!!

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



30 JUL 2018 PM 4:1

KNOXVILLE TN 379

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Logan Leonard  
Haley MonteVistalway  
Cody, TN 37022



Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Kimberly Lemmond E-mail: kimmie0284@hotmail.com  
Address: 4244 Monte Vista Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 865-696-0547

Which describes your primary interest in the project? ☒ Concerned Citizen ☒ Affected Resident  
☒ Affected Landowner ☐ Affected Business ☐ Name of Business

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: This is the only project I like. We don't have a problem with traffic and the new road will affect our community negatively.
2. Alternative A (Western Alternative): THE WORST!! This would destroy our neighborhood's private park and cut through the oldest neighborhood in Cosby.
3. Alternative B (Alternative Along Existing SR 32): Awful!! This would also directly affect our neighborhood. Find another route, better yet leave the road alone.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☒ Impacts to Parkland  
☐ Other

Please describe changes you would make to the project: You're wanting to expand a road that does not need to be expanded. You would be destroying our neighborhood. Please leave the road the way it is.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. Couldn't hear the presentation, was very long.

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



NOV 18 2018 PM 4:1

KNOXVILLE TN 379

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Kimberly Downum  
Gay Monte Vista Way  
Cody, TN 37022



**PLEASE PRINT**

Name Andrea Liviskie E-mail: \_\_\_\_\_  
Address: 220 Cove Hollow Road  
City: Cosby State: TN Zip: 37722  
Phone (include area code): \_\_\_\_\_

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: If our options are 4 lane or nothing, I guess nothing is better but I would  
rather see an alternative that would just be installing turn lanes and passing lanes  
as needed. No 4 lane.
2. Alternative A (Western Alternative): \_\_\_\_\_  
neither of these impact me much
3. Alternative B (Alternative Along Existing SR 32): but it seems alternative B would  
be less invasive to those who are

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☒ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☒ Impacts to Parkland  
☒ Other impact to the feel and quaintness of Cosby

Please describe changes you would make to the project:

Improve the existing roadway with passing lanes and turn lanes where  
needed and discard any plans for a 4 lane highway.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst		Best				Worst
Organization of Materials	5	(4)	3	2	1		Information Presented	5	4	(3)	2 1
Length of Meeting	5	4	(3)	2	1		People Presenting	5	4	(3)	2 1
Time of Meeting	5	4	(3)	2	1		Knowledge of Staff	5	4	3	(2) 1
Convenience of Location	5	4	(3)	2	1		Courtesy of Staff	5	4	3	2 1
Facility Accommodations	5	4	3	(2)	1		Visual Aids	5	4	(3)	2 1

It was Uncomfortably hot!  
Hard to hear

For any score lower than three (3), please provide an explanation. Room was hot and it was  
hard to hear. Most of the staff was kind and courteous but  
one gentleman made me feel that my concerns were not valid.

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

My concerns are:

- 1) noise - traffic will be traveling faster and will increase in volume if a four lane is built. I moved to Cosby for the peace and quiet and don't want to lose that.
- 2) safety - I live on a dead end road and have no alternative other than pulling out onto 32. With the speed limit at 45 on the 2 lane highway it is difficult enough as traffic is going 55-60. With a four lane, traffic will be going 65-70 as it does on the section closer to Newport.
- 3) scenic environment and culture - the 4 lane to Newport and 411 section to Chestnut hill are so sterile and bland. I enjoy driving the section through Cosby much more.
- 4) local businesses -- the only two stores near me are ASM market and Dollar General. Both of which are impacted by the plan for a 4 lane highway. If both decide to close, our only option would be to drive to Newport. I would hate to lose our local stores

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



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Liviskie  
300 Cave Hollow Rd  
Cosby TN 37722

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Daniel Loftus E-mail: dfl Loftus1@gmail.com  
Address: 3458 Grand Country Dr  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 423-721-6696

Which describes your primary interest in the project? Concerned Citizen X Affected Resident \_\_\_\_\_  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): \_\_\_\_\_
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☐ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: \_\_\_\_\_

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1	1	Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation.

- Very difficult to hear due to echos in meeting facility  
- Suggest larger screen + use of laser pointer

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

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PLACE  
STAMP  
HERE



Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Sharon Lounsbury E-mail: sharonlb27@gmail.com  
Address: 3803 Wags Rd  
City: Cosby State: Tn Zip: 32722  
Phone (include area code): 423 608 0305

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): \_\_\_\_\_
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)
- ☒ Impacts to Existing Development (homes, businesses, community facilities)
- ☐ Impacts to Agricultural Lands
- ☒ Impacts to Historic and/or Archaeological Resources
- ☒ Impacts to Parkland
- ☐ Other \_\_\_\_\_

Please describe changes you would make to the project: seems to be eliminating  
some very sharp curves - as few homes + businesses  
as possible.  
why is SR's 73 + 32 especially 73 not clearly marked

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst		Best				Worst
Organization of Materials	5	4	3	2	1	Information Presented	5	4	3	2	1
Length of Meeting	5	4	3	2	1	People Presenting	5	4	3	2	1
Time of Meeting	5	4	3	2	1	Knowledge of Staff	5	4	3	2	1
Convenience of Location	5	4	3	2	1	Courtesy of Staff	5	4	3	2	1
Facility Accommodations	5	4	3	2	1	Visual Aids	5	4	3	2	1

For any score lower than three (3), please provide an explanation.

no air conditioning



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

Ms Sharon Lounsbey  
3803 Was Rd  
Cosby, TN 37722



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KNOXVILLE TN 377  
14 JUL 2018 PM 4 L



**PLEASE PRINT**

Name Kenneth & Sandra Mantooth E-mail: mantooth7974@bellsouth.net  
Address: 4304 J Little Creekwood Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 423-284-5699

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: Will not effect property value, will not effect tranquility of neighborhood and will not effect roads and access to home & property.
2. Alternative A (Western Alternative): will cause loss of property and value, will cause loss of income for Stonebrook Sub. & will cause noise & distraction to home.
3. Alternative B (Alternative Along Existing SR 32): will cause loss of property & value, will cause loss of income for Stonebrook Sub. (HOAs) & will cause noise & distraction to home.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☒ Impacts to Parkland  
☒ Other loss of property & property value, noise & loss of privacy.

Please describe changes you would make to the project: ABANDON ALTERNATIVES A & B AND complete Foot Hills Parkway which has been in process for 30+ years.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

Kenneth Mantooth  
4304 J Little Creek wood way  
Cosby, TN 37722

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CHATTANOOGA  
TN 374 2 T  
29 AUG 2018 PM

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Marilyn McCarter E-mail: \_\_\_\_\_  
Address: 1048 Huff Rd.  
City: Cosby Tn. State: Tn. Zip: 37722  
Phone (include area code): \_\_\_\_\_

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): \_\_\_\_\_
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)
- ☒ Impacts to Existing Development (homes, businesses, community facilities)
- ☒ Impacts to Agricultural Lands
- ☒ Impacts to Historic and/or Archaeological Resources
- ☒ Impacts to Parkland
- ☒ Other The people that go back generations on land and I see no benefit for Cosby Here

Please describe changes you would make to the project: I thank people Travel thru Cosby - and a lot say Because of the mom + Pops Stores + Rest. They can take their time to pass thru. There are plenty of Interstates to get to the Mtns. Just leave Cosby The gate way it is. Thank you Marilyn

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst				
Organization of Materials	5	4	(3)	2	1					
Length of Meeting	5	4	(3)	2	1					
Time of Meeting	5	(4)	3	2	1					
Convenience of Location	(5)	4	3	2	1					
Facility Accommodations	5	4	(3)	2	1					

	Best					Worst				
Information Presented	5	4	(3)	2	1					
People Presenting	5	4	(3)	2	1					
Knowledge of Staff	5	(4)	3	2	1					
Courtesy of Staff	(5)	4	3	2	1					
Visual Aids	(5)	4	3	2	1					

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

The interstates could sure use some fresh Black top.

FOLD HERE

ATTN: State Route 32 project  
Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



MEMPHIS TN 377  
14 AUG 2016 PM 4 L

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Mandy McCall  
1048 Hull Rd.  
Cosby In. 37122

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name SAMUEL E PARKER E-mail: PARKER4BOCCA@Yahoo.Com  
Address: 1873 Gabriels Park Rd  
City: MARS Hill State: N.C. Zip: 28754  
Phone (include area code): 828 206-5553

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner X Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): - LESS IMPACT ON ENVIRONMENT
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☐ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: INITIAL Full Build

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst		Best				Worst
Organization of Materials	5	4	3	2	1	Information Presented	5	4	3	2	1
Length of Meeting	5	4	3	2	1	People Presenting	5	4	3	2	1
Time of Meeting	5	4	3	2	1	Knowledge of Staff	5	4	3	2	1
Convenience of Location	5	4	3	2	1	Courtesy of Staff	5	4	3	2	1
Facility Accommodations	5	4	3	2	1	Visual Aids	5	4	3	2	1

For any score lower than three (3), please provide an explanation. \_\_\_\_\_



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

Thinking Ahead, it seems that full build initially solves problem later on.

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



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Parker

1973 Gabriels Ck.

Mars Hill, NC 28754



## Project Description:

SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018Project #: PE 15005-1234-04County: Cocke**PLEASE PRINT**

Name Dennis and Sherry Payne E-mail: sherrypayne09@comcast.net  
Address: 4290 Monte Vista Way  
City: Cosby State: Tn. Zip: 37722  
Phone (include area code): 423-487-2304

Which describes your primary interest in the project?

Concerned Citizen ☐Affected Resident ☐Affected Landowner ☒Affected Business ☐Name of Business 

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: live in a beautiful area of Cosby in a HOA that should not impact creeks, waterfall, properties
2. Alternative A (Western Alternative):
3. Alternative B (Alternative Along Existing SR 32):

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☒ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other

Please describe changes you would make to the project: Don't do any more to existing highway!

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst		Best				Worst
Organization of Materials	5	(4)	3	2	1	Information Presented	5	4	3	(2)	1
Length of Meeting	5	4	(3)	2	1	People Presenting	5	4	3	(2)	1
Time of Meeting	5	(4)	3	2	1	Knowledge of Staff	5	4	3	(2)	1
Convenience of Location	5	(4)	3	2	1	Courtesy of Staff	5	4	(3)	2	1
Facility Accommodations	5	4	3	2	(1)	Visual Aids	5	4	(3)	2	1

For any score lower than three (3), please provide an explanation. Could not hear clearly due to venue and crowd noise.

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

Please leave all incorporated properties  
under Stonebrook Village Inc, not impacted.  
This HOA has existed since 1974. We pay  
individual property taxes as well as taxes  
as a community.

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



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Dennis and Sherry Payne  
4990 Monte Vista Way  
Cosby, TN 37722

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name TEROME SCHWARTZ E-mail: \_\_\_\_\_  
Address: 127 CRESTWOOD CIRCLE WAY  
City: COSBY State: TN Zip: 37722  
Phone (include area code): \_\_\_\_\_

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: LOVE IT
2. Alternative A (Western Alternative): NEXT BEST
3. Alternative B (Alternative Along Existing SR 32): NO WAY

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)
- ☒ Impacts to Existing Development (homes, businesses, community facilities)
- ☐ Impacts to Agricultural Lands
- ☐ Impacts to Historic and/or Archaeological Resources
- ☐ Impacts to Parkland
- ☐ Other \_\_\_\_\_

Please describe changes you would make to the project: BE SURE TO ELIMINATE COMPLETELY THE FIREWORKS STORE !!

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:** BASED ON PREVIOUS 321 PROJECT, WHAT IS A REAL TIME ESTIMATE

	<u>Best</u>					<u>Worst</u>		<u>Best</u>					<u>Worst</u>
Organization of Materials	5	4	3	(2)	1		Information Presented	5	4	(3)	2	1	
Length of Meeting	5	4	3	(2)	1		People Presenting	5	4	(3)	2	1	
Time of Meeting	5	4	3	(2)	1		Knowledge of Staff	5	(4)	3	2	1	
Convenience of Location	5	4	(3)	2	1		Courtesy of Staff	5	(4)	3	2	1	
Facility Accommodations	5	4	3	(2)	1		Visual Aids	5	4	3	2	(1)	

VENUE WAS HORRIBLE... COULD NOT HEAR; COULD NOT SEE !!

For any score lower than three (3), please provide an explanation. LAST PROJECT FROM THE TIME OF THE FIRST SURVEY UNTIL CONSTRUCTION STARTED SEEMED LIKE AN ETERNITY !!

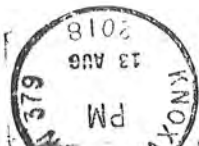
ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

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Project Comments  
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Nashville, Tennessee 37243-0332



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Mr. Jerry Schwartz  
127 Crestwood Circle Way  
Cosby, TN 37722



Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Pete Story E-mail: story@fwlakes.net  
Address: ~~4304 K Little Creek Way~~  
City: Cosby State: TN Zip: 37722  
Phone (include area code): (931) 239-2178

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): shorter distance & less residential impact - prefer this alternative
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☐ Impacts to the Environment (streams wetlands, soils, species)  
☐ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: Completed sooner

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332



372430332

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Story  
4304-K Little Greek Way  
Cosby, TN 37022

**PLEASE PRINT**

Name Mrs. Mary L. Swift E-mail: \_\_\_\_\_  
Address: 4234 Monte Vista Way, Stonebrook Estates  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 615-446-2927

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
and Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

- ✓ 1. No Build Alternative: PREFERABLE - much less destruction to environment - 4-lane highway would create more noise / dust pollution and loss of idyllic scenery to Stonebrook Estates and Cosby community.  
2. Alternative A (Western Alternative): Unacceptable for reasons above. would ravage Stonebrook, causing loss of many retirees' homes and resettlement, wrecking years of expectations and plans. I built my home there 34 years ago and would be devastated to lose the beauty and peace this would cause.  
3. Alternative B (Alternative Along Existing SR 32): Undesirable but best of 2 alternatives, IF proposed road were moved 300 ft or more West, causing less damage to Stonebrook, taking it through unused farmland.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: If money must be spent on this dubious project, I feel the least costly and disruptive solution is shifting small portion of proposed highway 300 ft or 400 ft. west near Stonebrook Estates to avoid destruction of homes and well established neighborhood through mostly abandoned farmland.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. \_\_\_\_\_



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

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Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-3882



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M. L. Swift

4934 Monte Vista Way

Cosby, TN 37722

Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Mrs. Mary Lu Swift E-mail: \_\_\_\_\_  
Address: 4234 Monte Vista Way - Stonebrook Estates  
City: Cosby, TN State: TN Zip: 37722  
Phone (include area code): 615-446-2927

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: Preferable - much less destruction to environment - 4-lane highway would create more noise/dust pollution and loss of idyllic scenery to Stonebrook Est. and Cosby.
2. Alternative A (Western Alternative): Undesirable, but best of 2<sup>nd</sup> & 3<sup>rd</sup> alternatives, if proposed road were moved 300ft or more West, causing less damage to Stonebrook, taking it through unused farmland.
3. Alternative B (Alternative Along Existing SR 32): Unacceptable (refer to #1) would ravage neighborhood, causing loss of many retiree's homes and re-settlement, wrecking many years of expectations. I built my home there 34 yrs ago and would be devastated to lose the beauty and peace this would cause.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archeological Resources  
☒ Impacts to Parkland (waterfall on Stonebrook property?)  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: If money must be wasted on this dubious and unnecessary project, I feel the least costly and disruptive solution would be to shift a small portion of the road close to Stonebrook 300ft to 400ft West, routing through mostly abandoned farmland, and causing the least damage to homes, beauty, and serenity of Stonebrook neighborhood.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

Meeting Process Criteria: N/A

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
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Nashville, Tennessee 37243-0332



23 JUN 2018 PM 6 L

NASHVILLE TN 370

M.L. Swift  
4230 Monk Vista Way - Stonebrook  
Cody, TN 37722

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Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Gary F. Thompson E-mail: gfrankt@msn.com  
Address: 4315 Creekwood Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): (423) (465-890)

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: See attached
2. Alternative A (Western Alternative): \_\_\_\_\_
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☒ Impacts to Agricultural Lands  
☒ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: The proposed path of "Alternative A" places a road going straight through our house. We purchased our home over 10 yrs. ago while feeling delighted that we found this heaven in the farmlands in TN. Our community is made up of 3 HOA villages containing single family, condominiums and

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. Could not hear the presenter.



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

townhouses that are part of Stonebrook Village. The loss of our house would be devastating to both our family and our neighbors as well as Creekswood's contribution to Stonebrook HOA income that will disappear if "Alt A" is selected. The point of this entire road proposal is to enhance speed of travel to Gatlinburg. This is where the visitor already cannot be accommodated because of the poor traffic conditions at the access of the GSMNP. If a 4 lane road is installed there will be traffic slowing down or stopped as they arrived at Piltman Center. The problem of what to do with the large numbers of visitors arriving in Pigeon Forge and Gatlinburg is the problem and a faster way to arrive there is not the answer to their problem.  
Hwy 321 is a scenic rural road that should remain as it is today

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Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
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Nashville, Tennessee 37243-0887



KNOXVILLE  
TN 377  
30 AUG '18  
PM 3 L

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Mrs. Jay Thompson  
4315 Creekswood Way  
Cosby, TN 37722

The proposed path of "Alternative A" places a road going straight through our house. We purchased our home over 10 years ago while feeling delighted that we found this heaven in the farmlands of Tennessee.

Our community is made up of three HOA villages containing single family, condominiums and townhouses that are a part of Stonebrook Village. The loss of our house would be devastating to both our family and our neighbors as well as Creekwoods contribution to Stonebrook HOA income that will disappear if Alt A is selected.

The point of this entire road proposal is to enhance speed of travel to Gatlinburg. This is where the visitor already cannot be accommodated because of the poor traffic conditions at the access to the Great Smoky Mountains National Park.

If a four lane road is installed there will be traffic slowing down or stopped as they arrive at Pittman Center. The problem of what to do with the large numbers of visitors arriving in Pigeon Forge and Gatlinburg is the problem and a faster way to arrive there is not the answer to their problem.

Hwy 321 is a scenic rural road that should remain as it is today.

Submitted by:

Gary Thompson &  
Lillian Colon Castillo  
4315 Creekwood Way  
Cosby, Tennessee 37722



Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name MARY THRALL E-mail: jnthrall4254@gmail.com  
Address: 119 CRESTWOOD CIR.  
City: COSBY State: TN. Zip: 37722  
Phone (include area code): 865-712-4504 OR 865-712-6101

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
Affected Landowner \_\_\_\_\_ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): MOVING NEW ROAD ON THE OTHER SIDE OF THE STREAM, AWAY FROM STONEAROCK TOWNHOUSES.
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☐ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☒ Other HAVING TO TAKE 4 FAMILIES HOMES.

Please describe changes you would make to the project: SEE ABOVE - ALTERNATIVE A

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst		Best				Worst
Organization of Materials	5	4	3	2	1	Information Presented	5	4	3	2	1
Length of Meeting	5	4	3	2	1	People Presenting	5	4	3	2	1
Time of Meeting	5	4	3	2	1	Knowledge of Staff	5	4	3	2	1
Convenience of Location	5	4	3	2	1	Courtesy of Staff	5	4	3	2	1
Facility Accommodations	5	4	3	2	1	Visual Aids (COULD NOT SEE FROM BREACHERS)	5	4	3	2	1

For any score lower than three (3), please provide an explanation. UNABLE TO HEAR ANY OF THE SPEAKERS DUE TO THE NOISE LEVEL, ALSO VERY HOT, NO A/C. NOT A GOOD LOCALE.



ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

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Ms. Mary Thrall  
119 Crestwood Circle Way  
Cosby, TN 37722



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KNOXVILLE TN 377  
21 AUG 2018 PM 3 L



Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Sheryl Webb E-mail: sherylxwebb@gmail.com  
Address: 4529 Hooper Hwy  
City: Cosby State: TN Zip: 37722  
Phone (include area code): (865) 228-8103

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident ☒  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: would be acceptable/preferred
2. Alternative A (Western Alternative): Makes no sense to destroy more of the land + beauty when ~~there~~ a roadway currently exists.
3. Alternative B (Alternative Along Existing SR 32): Best alternative to use existing roadway + just take out sharp curves + widen.

What issues and concerns do you have about the project? Check all that apply:

- ☒ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☒ Impacts to Agricultural Lands  
\_\_\_\_ Impacts to Historic and/or Archaeological Resources  
\_\_\_\_ Impacts to Parkland  
\_\_\_\_ Other \_\_\_\_\_

Please describe changes you would make to the project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best				Worst					Best				Worst			
Organization of Materials	5	④	3	2	1				Information Presented	5	④	3	2	1			
Length of Meeting	5	④	3	2	1				People Presenting	5	④	3	2	1			
Time of Meeting	5	④	3	2	1				Knowledge of Staff	⑤	4	3	2	1			
Convenience of Location	⑤	4	3	2	1				Courtesy of Staff	⑤	4	3	2	1			
Facility Accommodations	5	④	3	2	1				Visual Aids	5	④	3	2	1			

For any score lower than three (3), please provide an explanation. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

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Tennessee Department of Transportation  
Project Comments  
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37243-0332  
Nashville, Tennessee 37243-0332



27 AUG 2018 PM 4 L

KNOXVILLE TN 377

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Sheryl Webb

4529 Hopper Hwy

Cosby, TN 37422

**Project Description:**  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name Mary Ann Wilson E-mail: \_\_\_\_\_  
Address: 1018 Huff Rd  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 423-237-4897

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: \_\_\_\_\_
2. Alternative A (Western Alternative): \_\_\_\_\_
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

**What issues and concerns do you have about the project? Check all that apply:**

- ☐ Impacts to the Environment (streams wetlands, soils, species)
- ☐ Impacts to Existing Development (homes, businesses, community facilities)
- ☐ Impacts to Agricultural Lands
- ☐ Impacts to Historic and/or Archaeological Resources
- ☐ Impacts to Parkland
- ☐ Other \_\_\_\_\_

**Please describe changes you would make to the project:** \_\_\_\_\_

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. \_\_\_\_\_

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04

(for internal sorting)

*Please send copies of this <sup>+ maps</sup> project to my address,*

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

PLACE  
STAMP  
HERE

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Project Description:  
SR 32 Corridor Improvement  
Project, From SR 73 in Cosby to  
Wilton Springs Road, Cocke  
County, Tennessee

Date: August 9, 2018  
Project #: PE 15005-1234-04  
County: Cocke

**PLEASE PRINT**

Name SHARON John Wood E-mail: WoodSL730@Comcast.NET  
Address: 138 CR ESTWOOD Circle Way  
City: Cosby State: TN Zip: 37722  
Phone (include area code): 423-487-4363

Which describes your primary interest in the project? Concerned Citizen \_\_\_\_\_ Affected Resident \_\_\_\_\_  
Affected Landowner ☒ Affected Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**We are interested in your comments about the proposed project.**

Please indicate what you like and dislike about the project Alternatives:

1. No Build Alternative: Do not need more traffic and congestion, and through our neighborhood.
2. Alternative A (Western Alternative): \_\_\_\_\_
3. Alternative B (Alternative Along Existing SR 32): \_\_\_\_\_

What issues and concerns do you have about the project? Check all that apply:

- ☐ Impacts to the Environment (streams wetlands, soils, species)  
☒ Impacts to Existing Development (homes, businesses, community facilities)  
☐ Impacts to Agricultural Lands  
☐ Impacts to Historic and/or Archaeological Resources  
☐ Impacts to Parkland  
☐ Other \_\_\_\_\_

Please describe changes you would make to the project: Move Road Construction more west and not destroy our community. We purchased for our retirement for the quiet and advantage of a community. Do not need more traffic in our area to get to Cosby for the sake of tourists.

Please give us your assessment of our public involvement process. Rate us from 1 to 5, with 1 the worst and 5 the best.

**Meeting Process Criteria:**

	Best					Worst		Best					Worst
Organization of Materials	5	4	3	2	1		Information Presented	5	4	3	2	1	
Length of Meeting	5	4	3	2	1		People Presenting	5	4	3	2	1	
Time of Meeting	5	4	3	2	1		Knowledge of Staff	5	4	3	2	1	
Convenience of Location	5	4	3	2	1		Courtesy of Staff	5	4	3	2	1	
Facility Accommodations	5	4	3	2	1		Visual Aids	5	4	3	2	1	

For any score lower than three (3), please provide an explanation. No Air Conditioning - Very Unpleasant Experience

ADDITIONAL COMMENTS:

Project #: PE 15005-1234-04  
(for internal sorting)

FOLD HERE

Tennessee Department of Transportation  
Project Comments  
505 Deaderick Street  
Suite 700, James K. Polk Building  
Nashville, Tennessee 37243-0332

PLACE  
STAMP  
HERE

You must staple or tape shut at top before mailing.



## **Emails, Letters, Petitions**

## Chelsea Bell

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**From:** Jonathon's Laws <lawsj1201@gmail.com>  
**Sent:** Wednesday, August 29, 2018 10:22 PM  
**To:** TDOT Comments  
**Subject:** Sr 32

As a citizen of the County I am concerned about the current project sr 32. Looking at the routes on the map seems we have a Route A or Route B. I am reciving feedback from constituents and concerned citizens that route B would be very close to the creek and are concerned that in time this will be harmful to the habitat in which the creek provides. We see car accidents daily and it would be terrible for them to pile up in the creek along the roadside. When the recent sr 32 meeting was happening a accident occurred just miles from the armory where the meeting was taking place. A car wound up in the creek due to not knowing the roads and the road being so close to the creek. There is concern that Route B would make this more likely. Not only that Route A seems like the more logical plan. Less devastation to businesses and homes and a straighter path.

Thanks

J.L.



Cynthia Hart  
1420 S. Highway 32  
Cosby, TN 37722

## NO Alternative B - SR 32

We are the 3rd most destitute county in TN. There are no activities for children. There are 3 children which swims, plays & fishes in the creek. The home owner gives them fishing lessons and guidance. This is also where I fish.

Alternative B strips away our prime area to promote eco tourism. Alternative B strips away our quaint mountain atmosphere, in view of the Great Smoky Mountains National Park. Alternative B removes land from a future visitor center which will promote the Great Smoky Mountains National Park and other nature related features, this too is in view of the Great Smoky Mountains National Park. Alternative B is extremely destructive and strips away many environmental opportunities now and in our future.

The petition would have been more but my health shortened my time to see more people.

Sincerely, CYNTHIA M. HART  
Cynthia M. Hart - 1420 S. Hwy 32, Cosby 37722

# Petition: NO, Alternate B, SR 32

Everyone attending the TDOT meeting August 9, 2018 heard or witnessed the life flight land. On SR32 a head-on collision killed one and one car went into Cosby Creek. Cosby Creek is our cleanest water coming out of the Great Smoky Mountains National Park. TWRA stocks Rainbow Trout by the GSMNP entrance, Liberty Rd, Caney Creek Rd, and Indian Camp Rd nine times a year for fishing opportunities and fishing license sales.

Name	Address	Signature		
Wayne S. Phillips	451 Caney Crk Rd Cosby	Wayne S. Phillips		
Johnnie Phillips	451 Caney Crk Rd Cosby	Johnnie Phillips		
Deanna Chapman	4169 Caney Creek Rd Cosby	Deanna Chapman		
Elizabeth Chapman	Stuck	Elizabeth Chapman		
Rebecca Erd	3115 Hwy 32 Cosby	Rebecca Erd		
Owner Cosby Rd	OWN Camp ground			
Rabbi Evans	4373 Cosby Hwy	Rabbi Evans		
Sue Ann Tracy	221 Caney Creek Rd	Sue Ann Tracy		
Sarah Danner	Dead hollow Rd	Sarah Danner		
Dawn Phillips	1019 Hwy Rd	Dawn Phillips		
Samuel Cooper	3925 Cosby Hwy	Samuel Cooper		
Marlene McCarthy	2929 Cosby Hwy	Marlene McCarthy		
Andrew Hackett	3929 Cosby Hwy	Andrew Hackett		
Herbert Bridgford	3131 Cosby Hwy	Herbert Bridgford		
Sarah E. Lloyd	3119 Hwy 32	Sarah E. Lloyd		
Coral Bell	602 Easter Way	Coral Bell		
S. R. Murray	420 Trail Hill Rd	S. R. Murray		
JAMES R. DUNNAN	4350 Cosby Hwy Cosby TN 37722	JAMES R. DUNNAN		
	357 CANEY CR. Rd. COSBY, TN 37722			

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Name	Address	Signature		
Shirley Halligan	4153 Possum H. Rd. Cosby	Shirley Halligan		
Robert Gallagher	4253 Possum Hollow Rd. Cosby	Robert Gallagher		
Sally Clark	270 S. Hwy 32 Cosby	Sally Clark		
Lou Ann Sims	2055 Cosby Hwy	Lou Ann Sims		
Michael C. Moore	4406 Liberty Ad. Cosby	Michael C. Moore		
Brenna Kileich	236 S. Hwy 32 Cosby	Brenna Kileich		
Frances S. Maynard	1266 S. Hwy 32 Cosby	Frances S. Maynard		
James R. Cantello	1266 S. Hwy 32 Cosby	James R. Cantello		
Lynette Frooms	850 S. Hwy 32 Cosby	Lynette Frooms		
Charles L. Grooms	850 S. Hwy 32 Cosby	Charles L. Grooms		
Glenn T. Jenkins	4326 Cosby Hwy	Glenn T. Jenkins		
Doris J. Sims	4396 Cosby Hwy	Doris J. Sims		
Lola M. Valentine	4320 Cosby Hwy	Lola M. Valentine		
LARRY V. TELLUP JR	256 S. Hwy 32	Larry V. Tellup Jr.		
Bobby Cooper	215 Hwy 32	Bobby Cooper		
Egredia Haley	3892 Cosby Ln.	Egredia Haley		
Walter Bysiak	4188 Mockingbird Ln.	Walter Bysiak		

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Name	Address	Signature		
Thomas Watkins	4281 Monte Vista Way Cosby Tn. 37232	Thomas Watkins		
Chae Finkler	4277 Monte Vista Way			
Doris J. Jenkins	4247 Monte Way, Cosby	Doris J. Jenkins		
John J. Jenkins	4247 Monte Way, Cosby	John J. Jenkins		
David T. Gacy	271 Caney Creek Rd			
Tim Thomas	4871 Hooper Hwy			
Cosby Realty				
Drake Malone DeLuca	4713 Mary Way	Drake Malone DeLuca		
Cosby Real Estate				
Norma Jane Brewer	123 Ardell Way	Norma Jane Brewer		
Harold G. Brewer	123 Ardell Way	Harold G. Brewer		
Diane M. Dibble	131 Ardell Way	Diane M. Dibble		
Lloyd Dibble	131 Ardell Way	Lloyd Dibble		
Susan L. Gonzales	805 Hwy 432	Susan L. Gonzales		
Dale Gonzales	180 Hwy 432	Dale Gonzales		
Paul M. Smith	111 Caney Creek Rd	Paul M. Smith		
Randall Lee Benson	544 Caney Creek Rd	Randall Lee Benson		
Wendy Geraldine Guntz	544 Caney Creek Rd	Wendy Geraldine Guntz		

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[illegible]