



Appendix K

SR-66 Agency Coordination
Technical Memorandum

STATE ROUTE

From State Route 34 (US-11E, Andrew Johnson Highway) in Bulls Gap to
Near Speedwell Road/Old Highway 66, Hawkins County, Tennessee

PIN 107579.00, Federal Project #: STP-66(38)

Appendix K: SR-66 Agency Coordination Technical Memorandum

April 2025

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*Please note that copies of the appendices listed above are available for download via the <https://tinyurl.com/SR-66Hawkins> or by scanning the QR code and have not been printed. If you would like to receive a printed version of the appendix material, please call 1-800-546-0949 or email at TDOT.Comments@tn.gov.



1. Introduction

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), proposes to widen and realign State Route (SR) 66, from the intersection with SR-34 (US-11E, Andrew Johnson Highway) in the Town of Bulls Gap to near the intersection with Speedwell Road/Old Highway 66, in Hawkins County.

Because the proposed project involves the use of federal funds, the project is subject to the requirements of the [National Environmental Policy Act \(NEPA\)](#).¹ TDOT and FHWA are preparing an Environmental Assessment (EA) in accordance with the NEPA to identify and evaluate the environmental effects of the proposed project and to identify measures to minimize harm.

2. Alternatives Under Consideration

A No-Build Alternative and one Build Alternative are being evaluated in the EA. Each alternative is described in the subsequent text below.

2.1. No-Build Alternative

The No-Build Alternative has been retained for detailed study and serves as a benchmark for comparison against the Build Alternative. The No-Build Alternative would retain the existing state route and roadway configuration throughout the SR-66 project area except for those modifications to the roadway network that have been programmed and approved for implementation, as identified in [TDOT's 25-Year Long Range Transportation Policy Plan](#),² [State Transportation Improvement Program \(STIP\)](#),³ and the [TDOT 10-Year Project Plan](#)⁴ and would allow for routine maintenance and safety upgrades.

¹ <https://www.govinfo.gov/content/pkg/COMPS-10352/pdf/COMPS-10352.pdf>

² <https://www.tn.gov/tdot/long-range-planning-home/25-year-transportation-policy-plan.html>

³ <https://www.tn.gov/tdot/program-development-and-administration-home/program-development-and-administration-state-programs.html>

⁴ <https://www.tn.gov/tdot/build-with-us.html>

2.2. Build Alternative

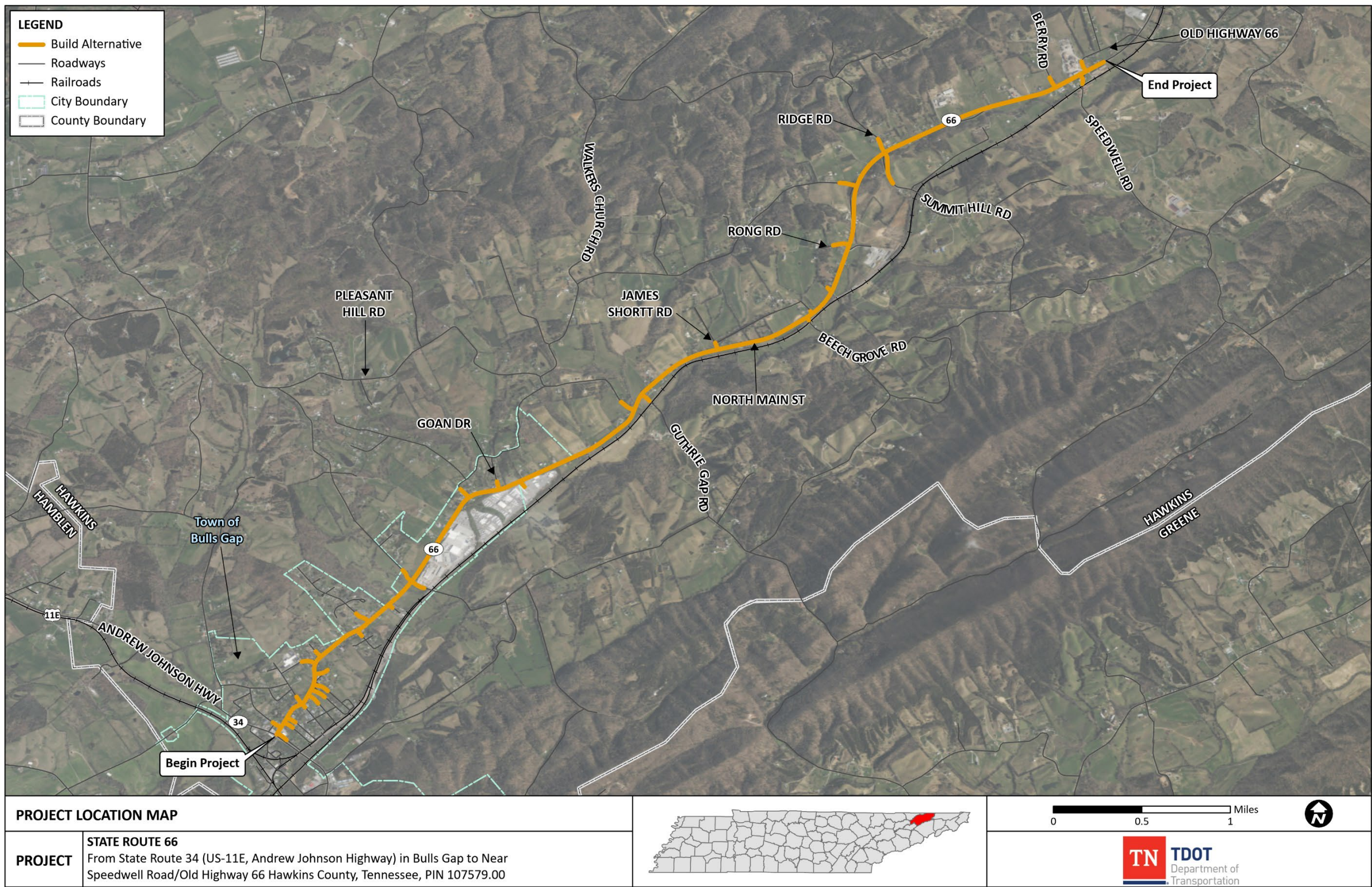
According to the Right-of-Way Plans (dated August 9, 2024),⁵ which serve as the basis of the EA, the Build Alternative would generally follow the existing SR-66 roadway alignment, except in locations where minor alignment shifts are needed to correct roadway geometric deficiencies. The Build Alternative would also widen the existing two-lane roadway configuration (which currently consists of one 10-foot-wide lane in each direction) to include the following (see **Figure 1**):

- Two 12-foot travel lanes (one travel lane in each direction) and paved shoulders four- to ten-feet in width.
- An intermittent 12-foot-wide two-way left-turn lane from SR-34 (US-11E, Andrew Johnson Highway) to north of Goan Drive and from north of Berry Road to near Speedwell Road/Old Highway 66.
- Five-foot wide sidewalks from SR-34 (US-11E, Andrew Johnson Highway) to north of Goan Drive.
- Intermittent curb and gutter.
- Guardrail, as required.

Once completed, the Build Alternative would provide a consistent typical section along SR-66 from SR-34 (US-11E, Andrew Johnson Highway) to the county seat of Rogersville, as well as provide a link from Rogersville to Interstate 81 (I-81). The total proposed project length is approximately 5.70 miles.

⁵ Please see **Appendix C** of the EA for a copy of the Right-of-Way Plans (dated August 9, 2024).

Figure 1: Project Location Map



3. Focus of this Technical Memorandum

This technical memorandum documents the agency coordination activities that have occurred through December 2024 for the proposed SR-66 project.

4. Agency Coordination

The NEPA requires, to the fullest extent possible, that the policies, regulations, and laws of the Federal Government be interpreted and administered in accordance with its environmental protection goals. Environmental reviews involve an interdisciplinary and interagency process. The lead Federal agency works cooperatively with other Federal and state agencies during the environmental review process. This coordinated review process includes input from the public, as well as from other agencies, to guarantee that all environmental protections, as well as all other issues are addressed.

[23 U.S. Code \(USC\) § 139](#)⁶ defines the role of Lead Agencies, Cooperating Agencies, and Participating Agencies.⁷ The purpose of the environmental streamlining provisions is to coordinate Federal agency involvement in major highway projects under the NEPA process and to address concerns relating to delays in implementing projects, unnecessary duplication of effort, and added costs often associated with the conventional process for reviewing and approving surface transportation projects.

4.1. Lead Agencies

Since FHWA funds will be utilized for this project, FHWA serves as the Lead Federal Agency for the project. TDOT, as the entity responsible for development and construction of the proposed project and as a direct recipient of federal funds for the project, is the joint Lead Agency.

⁶ <https://www.law.cornell.edu/uscode/text/23/139>

⁷ As also defined in [23 CFR § 771.107](#), participating agencies are Federal, State, local, or federally recognized Indian Tribal governmental unit that may have an interest in the proposed project and has accepted an invitation to be a participating agency or, in the case of a Federal agency, has not declined the invitation in accordance with [23 USC § 139 \(d\)\(3\)](#).

4.2. Cooperating Agencies and Participating Agencies

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

- Providing meaningful and early input on the project's purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in alternatives analysis.
- Identifying any issues of concern regarding the project's potential environmental and/or socioeconomic impacts.

4.2.1. Cooperating Agencies

[23 USC § 139](#)⁸ requires that those federal and non-federal agencies that may have an interest in the project be invited to be Cooperating Agencies for an EIS or an EA. A federal agency with special expertise may be invited by the Lead Agency to become a Cooperating Agency.

Because the proposed project has the likelihood to impact stream and wetlands and require a [Section 404 permit](#),⁹ the United States Army Corps of Engineers (USACE) Nashville District has been invited to be a Cooperating Agency for the proposed SR-66 project. The USACE accepted their invitation to be a Cooperating Agency on November 7, 2024.¹⁰ If new information reveals the need to request another agency to serve as a Cooperating Agency, TDOT will issue that agency an invitation.

4.2.2. Participating Agencies

As per [23 CFR § 771.107](#),¹¹ Participating Agencies are federal, state, local, or federally-recognized Native American 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\(d\)\(3\)](#).¹² 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, would promptly extend an invitation to that agency to be a Participating Agency. TDOT and FHWA would consider whether this new information affects any previous decisions on the project.

⁸ <https://www.law.cornell.edu/uscode/text/23/139>

⁹ <https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>

¹⁰ See **Appendix A** for a copy of the USACE (dated November 7, 2024) acceptance letter.

¹¹ <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-H/part-771/section-771.107>

¹² <https://www.govinfo.gov/content/pkg/USCODE-2021-title23/pdf/USCODE-2021-title23-chap1-sec139.pdf>

4.3. Non-Participating Agencies/Non-Governmental Agencies/Private Entities/Local Agencies/Local Organizations

Non-participating agencies/non-governmental organizations (NGOs), private entities, and federal, state, and local officials cannot serve as Participating Agencies but are a part of the agency coordination process. They are sent an early coordination package (see **Section 6**) requesting their input on the project.

5. Project Initiation

On September 13, 2024, TDOT provided written notification to FHWA of its intent to initiate to develop an EA for the proposed SR-66 project to comply with NEPA. FHWA provided written concurrence with this approach via letter dated September 17, 2024. This written concurrence serves as the official start to the NEPA process for the proposed SR-66 project.

Refer to **Attachment 1** for a copy of TDOT's September 13, 2024 Letter of Intent to FHWA and for a copy of FHWA's September 17, 2024 Concurrence Letter.

6. Early Coordination

The early coordination process is a valuable tool in determining the scope of issues to be addressed and in identifying and focusing on the proposed project's important issues. This process normally entails the exchange of information with appropriate Federal, State and Local agencies, and the public from inception of the proposed project to preparation of the environmental document.

This section of this technical memorandum has been prepared by TDOT to document the early coordination process completed for the proposed SR-66 project. The intent of this section of the technical memorandum is to provide a description of the early coordination process with relevant agencies and stakeholders and to provide a summary of any comments received as a result of this effort.

6.1. Early Coordination Packages

Early coordination packages were developed for transmittal to agencies, organizations, and government officials asking for input and comments regarding the proposed SR-66 project. The early coordination package consisted of a transmittal letter, a project location map, and a copy of the SR-66 Coordination and Public Involvement Plan (see **Section 6.2** for additional details). The transmittal letter requested that recipients review the enclosed materials and provide input/comments on the proposed project.

Additionally, in accordance with [23 USC § 139](https://www.law.cornell.edu/uscode/text/23/139),¹³ the transmittal letter invited Federal, State, and Local agencies with an interest in the project to serve as Participating Agencies for the project. The USACE was invited to become a Cooperating Agency, and they accepted this invitation on November 7, 2024.¹⁴

¹³ <https://www.law.cornell.edu/uscode/text/23/139>

¹⁴ See **Appendix A** for a copy of the USACE (Nashville District) acceptance letter.

6.2. Coordination and Public Involvement Plan

A project-specific Coordination and Public Involvement Plan (CPIP) was developed by TDOT in October 2024 to define the process by which information about the proposed SR-66 project would be communicated to the Lead, Cooperating, Participating and other agencies, as well as the public, and how input from agencies and the public would be solicited and considered. As discussed in **Section 6.1**, a copy of the October 2024 CPIP was distributed as part of the early coordination package sent to agencies, organizations, and government officials for their review and comment. The October 2024 CPIP was updated in March 2025 to reflect an error in the number of agencies that were coordinated with during the October 2024 early coordination efforts. See **Appendix B** for a copy of the October 2024 CPIP as well as the updated March 2025 CPIP.

6.3. Distribution and Input Received from Interested Agencies, Individuals, Organizations, Entities, and/or Government Officials

On October 11, 2024, early coordination packages were transmitted to approximately 96¹⁵ agencies, organizations, and government officials. TDOT requested that recipients of the early coordination package provide responses and input regarding the proposed project on or by November 11, 2024. Copies of the early coordination transmittal letter, project location map, and the October 2024 CPIP and March 2025 CPIP are included in **Appendix B**.

Agencies, individuals, or organizations receiving the October 11, 2024 early coordination package as well as any responses or comments received are listed in **Table 1**.

¹⁵ The October 2024 CPIP incorrectly stated that 102 agencies, officials, and organizations received the October 2024 Early Coordination Package. Additionally, the October 2024 CPIP noted that in some instances, the October 2024 Early Coordination Package was distributed to multiple individuals at a single agency. In total, the October 2024 CPIP noted 49 agencies received the October 2024 Early Coordination Package. However, after further review, only 41 agencies (96 individuals total) received the October 2024 Early Coordination Package. Please note that consultation as participating agencies with the eight Native American Tribes (see **Table 1**) was not undertaken as part of the October 2024 early coordination process. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (<https://www.achp.gov/protecting-historic-properties>), Native American Tribes are considered Section 106 Consulting Parties and will be contacted accordingly.

6.4. Tennessee Environmental Streamlining Agreement

The [Tennessee Environmental Streamlining Agreement \(TESA\)](#)¹⁶ was developed to establish a coordinated planning and project development process for Tennessee's transportation projects, and to ensure agency, and Metropolitan Planning Organization (MPO) and Rural Planning Organization (RPO), participation and involvement early and throughout the project development process.

As outlined in TESA, TDOT and the FHWA, in consultation with other TESA signatory agencies, retain the ability to decide whether a project does not warrant involvement in the TESA process.

For the proposed SR-66 project, the following TESA agencies were identified:

- USACE - Nashville District
- U.S. Department of the Interior, U. S. Fish and Wildlife Service (USFWS)
- Tennessee Department of Environment and Conservation (TDEC)
- Tennessee Historical Commission/State Historic Preservation Office (TN-SHPO)
- Tennessee Valley Authority (TVA)
- Tennessee Wildlife Resource Agency (TWRA)

During preparation of the early coordination packages, in October 2024, TDOT and the FHWA determined that the proposed SR-66 project did not warrant involvement in the TESA process due to anticipated minimal adverse impacts to the resources that are under the jurisdiction of the agencies that are parties to TESA.

This decision was communicated to the TESA agencies via the early coordination transmittal letter dated October 11, 2024. See **Appendix A** for a copy of this letter.

All TESA agencies were requested to provide input on TDOT's decision to not apply the TESA process to the proposed project during the early coordination comment period. No comments were received from the TESA agencies requesting that TDOT apply the TESA process to the proposed SR-66 project during the early coordination comment period.

¹⁶ <https://www.tn.gov/content/dam/tn/tdot/environmental/TennesseeEnvironmentalStreamliningAgreement.pdf>

Table 1: Early Coordination Distribution List and Response Summary

Agency Name	Comment Received from Agency, Individual, Organization, Entity, or Official	TDOT Response to Comment
Lead Agencies		
Federal Highway Administration, Tennessee Division Office	No response received.	No response necessary.
Cooperating Agencies		
U.S. Army Corps of Engineers, Nashville District, Regulatory Division	<p>(1) Response Dated November 1, 2024: Requested that Craig Carrington be replaced by William E. Worrall and Travis Wiley as the contact for the USACE Nashville District.</p> <p>(2) Response Dated November 7, 2024: Accepted invitation to be a Cooperating and Participating Agency. Responded with the following text:</p> <p><i>“This letter is in response to your invitation (received October 11, 2024) to be a Cooperating Agency and Participating Agency for the subject project in Hawkins County, Tennessee. This project has been assigned File Number LRN-2024-00842. Please refer to this number in all communication concerning this matter.</i></p> <p><i>The U.S. Army Corps of Engineers, Nashville District (USACE) accepts the invitation to serve with TDOT and FHWA as a both a cooperating agency for this project, in accordance with 40 CFR 1501.8 of the Council on Environmental Quality’s (CEQ) Regulations for Implementing the Procedural Provision of the National Environmental Policy Act (NEPA) and as a Participating Agency in accordance with Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in the development of the Environmental Assessment for this project. USACE will work with TDOT and the FHWA to ensure effective and efficient processing of this proposal.</i></p> <p><i>USACE also reviewed the Project Coordination Plan dated October 2024 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. USACE comments are listed below.”</i></p> <p>(3) <i>“Section 5.8 (Item G) of the TESA Agreement, requires the “narrative describing the rationale why each of the proposed alternatives is being carried into the draft environmental document for further analysis, including the identification of those alternatives that were considered for inclusion but were later eliminated along with the rationale of why they were eliminated. Section 2.1 of the Project Coordination Plan makes reference to a Transportation Planning Report conducted in 2006 (2006 TPR) and the 2007 -2009 Multi-modal Work Program which provided initial funding for the project’s</i></p> <p><i>(continued below)</i></p>	<p>(1) TDOT has made this change to the SR-66 Agency Coordination List. All future coordination will be addressed to Mr. William E. Worrall and Mr. Travis Wiley.</p> <p>(2) No response necessary.</p> <p>(3) Please see Chapter 2, Section 2.1 of the Environmental Assessment for a detailed summary of the range of alternatives under consideration and the development of those alternatives/options over the life cycle of the proposed SR-66 project.</p> <p>(4) Please see Appendix H: Natural Resources Technical Memorandum for a discussion of aquatic features (streams and wetlands) as well as anticipated impacts to those features. These impacts are also summarized in Chapter 3, Section 3.1.1 of the Environmental Assessment.</p> <p>(5) Additional information regarding the development of alternatives/options and a discussion of which alternatives are being carried forward for has been included in Chapter 2, Section 2.1 of the EA. Additionally, the final environmental document will also include details and reasons for the selection of a preferred alternative.</p> <p>(6) The Council on Environmental Quality (CEQ) has issued an interim final rule rescinding its National Environmental Policy Act (NEPA) regulations implementing the National Environmental Policy Act (NEPA) (40 CFR Parts 1500-1508), effective April 11, 2025.¹⁷ As such, an indirect and cumulative effects analysis was not undertaken for this project.</p>

¹⁷ <https://www.federalregister.gov/documents/2025/02/25/2025-03014/removal-of-national-environmental-policy-act-implementing-regulations>

Agency Name	Comment Received from Agency, Individual, Organization, Entity, or Official	TDOT Response to Comment
	<p>(continued from above)</p> <p>planning, environmental and preliminary engineering studies. The 2006 TPR apparently considered four options (Options A, B, C and the No-Build Option) as proposed improvements along SR-66. The USACE requests that the range of multimodal solutions and screening criteria considered in the 2006 TPR be described in more detail to explain why none of these solutions/alternatives were carried forward as reasonable build alternatives for evaluation in the upcoming Environmental Assessment (EA). USACE also requests that a map showing the alignment of Options A, B and C be included as part of the alternatives analysis.”</p> <p>(4) “Section 4 (Summary of Environmental Concerns) of the Project Coordination Plan listed several environmental considerations including a mention of aquatic resources that could be jurisdictional under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. USACE recommends identification of potential waters of the U.S. (streams, wetlands, etc.) and a listing of the area/linear feet of those resources (e.g. linear feet of streams and acreage of wetlands) in the earliest stages of the NEPA process and to ensure that avoidance and minimization of impacts to waters of the U.S. is considered in the project alternatives analysis as the process moves forward.”</p> <p>(5) <u>Section 404 (b) (1) Guidelines:</u> When moving forward with the next phase of alternatives analysis, the USACE suggests that documentation is provided to help facilitate completion of the 404(b)(1) guidelines (40 CFR 230) analysis during the permitting phase. 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. The USACE suggests that you provide a detailed analysis of any on-site and off-site alternatives considered that would accomplish the project purpose while avoiding and minimizing impacts to waters of the U.S. The alternatives analysis should discuss all relevant factors that influence or constrain the location, size, or other characteristics of the project, such as presence of waters of the U.S., cultural resources sites, endangered species, or other relevant constraints. Please identify all criteria and weighting factors used to evaluate and rate on-site and off-site alternatives, provide an evaluation of the practicability and environmentally damaging effects for each alternative, describe/justify the geographic boundaries used to determine potentially suitable alternative sites, and quantify the anticipated impacts to waters of the U.S. at each alternative site. Each alternative should be evaluated with the same level of detail and using the same methodology, including avoidance and minimization measures to reduce impacts to waters of the U.S.</p> <p>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. (continued below)</p>	

Agency Name	Comment Received from Agency, Individual, Organization, Entity, or Official	TDOT Response to Comment
	<p>(continued from above)</p> <p><i>For more guidance on developing an alternatives analysis that satisfies the requirements of the 404(b)(1) guidelines, please see the attached documents “Information for Preparing an Alternatives Analysis under Section 404” dated June 2014 and the American Association of State Highway and Transportation Officials (AASHTO) “Applying the Section 404(b)(1) Guidelines in Transportation Project Decision-Making”. Incorporation and evaluation of alternatives in sufficient detail to document compliance with the 404(b)(1) Guidelines at this stage of the review will help minimize review time and project hurdles during the permitting phase.”</i></p> <p>(6) <u>Cumulative Effects</u>: Section 5.8 (Item I) of the TESA Agreement, requires the document submitted for review under CP2, where substantial impacts are anticipated, should include “a refined study approach, including the spatial and temporal limits of any indirect/cumulative impact analyses.”</p> <p><i>When moving forward with the next phase of alternatives analysis, the USACE suggests that documentation is provided to help facilitate completion a cumulative effects determination, in regard to impacts on the aquatic environment. The USACE must consider the cumulative effects associated with the proposed project on the aquatic environment in order to evaluate it under Section 404(b)(1) Guidelines.</i></p> <p><i>The determination of cumulative effects assessment (CE) for an appropriately sized watershed should, at a minimum, include the following information:</i></p> <p><i>a. Identify relevant past, present, and reasonably foreseeable future activities:</i></p> <p><i>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.</i></p> <p><i>ii. Estimate the acreage of watershed that will be directly or indirectly affected by future activities, such as other TDOT projects. This information should be appropriately depicted on a CE map.</i></p> <p><i>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.</i></p> <p><i>b. Describe the project-related effects on the aquatic environment:</i></p> <p><i>i. Using data collected within the watershed, describe how the proposed project, in addition to past and reasonably foreseeable future activities, such as other TDOT projects, would be expected to affect aquatic resources within the Hydrologic Unit Code (HUC) 8 watershed. The discussion should be specific, and should include summary tables for impacts to waters of the U.S. Consider and describe the direct and indirect effects, as well as evaluate what cumulative effects might occur because of other actions, including those actions outside the USACE regulatory jurisdiction.</i></p> <p>(continued below)</p>	

Agency Name	Comment Received from Agency, Individual, Organization, Entity, or Official	TDOT Response to Comment
	<p><i>(continued from above)</i></p> <p><i>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.</i></p> <p><i>iii. Estimate the surface acreage of the watershed that is predicted to be impacted as a result of the proposed project in combination with other reasonably foreseeable future activities, such as other TDOT projects. This information should be appropriately depicted on a CE map.</i></p>	
Participating Agencies		
Tennessee Valley Authority, Environmental Compliance and Operations	No response received.	No response necessary.
Appalachian Regional Commission	No response received.	No response necessary.
U.S. Department of Interior <div>(1) U.S. Fish and Wildlife Service (2) Office of Environmental Policy and Compliance (3) Office of Surface Mining Reclamation and Enforcement</div>	<p><i>U.S. Fish and Wildlife Service</i></p> <p>(1) Response Date November 1, 2024: The TDOT and the FHWA have determined that the project does not warrant involvement in the Tennessee Environmental Streamlining Agreement (TESA) process due to anticipated minimal adverse impacts. However, you have requested that our office be a participating agency in the development of the Environmental Assessment. We have reviewed the Coordination and Public Involvement Plan provided and accept the invitation to be a participating agency in the development of this project. 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 office will strive to provide timely input, participate in coordination meetings, and comment on the design elements.</p> <p><i>Office of Environmental Policy and Compliance</i></p> <p>(2) Response Dated October 11, 2024: The Office of the Secretary within the Department of the Interior does not have direct jurisdiction for project proposals and all requests for Cooperating or Participating Agency should be sent to the relevant Interior bureau or office that would have the expertise or relevant information for your proposal. The Department does coordinate reviews of certain environmental review documents, such as environmental impact statements and Section 4(f) evaluations.</p>	<p><i>U.S. Fish and Wildlife Service</i></p> <p>(1) No response necessary.</p> <p><i>Office of Environmental Policy and Compliance</i></p> <p>(2) TDOT has coordinated with the appropriate U.S. Department of Interior bureaus/offices such as the U.S. Fish and Wildlife Service and the Office of Surface Mining and Reclamation and Enforcement.</p> <p><i>Office of Surface Mining and Reclamation and Enforcement</i></p> <p>(3) On October 23, 2024, the early coordination package was forwarded to Mr. Mike Castle and Mr. Corey Miller per Mr. Bill Winter’s request. Mr. Corey Miller and Mr. Mike Castle responded on October 23, 2024, which stated that Mr. Corey Miller would follow-up. No further responses were received. No further action from TDOT required.</p>

Agency Name	Comment Received from Agency, Individual, Organization, Entity, or Official	TDOT Response to Comment
	<p><i>Office of Surface Mining and Reclamation and Enforcement</i></p> <p>(3) Response Dated October 11, 2024: Requested that Bill Winters be replaced with Mike Castle and Corey Miller as the contact for the Office of Surface Mining Reclamation and Enforcement for all future correspondence.</p> <p>Response Dated October 23, 2024: Corey Milley specified that he will follow up.</p> <p>Response Dated October 23, 2024: Michael Castle requested Corey Miller be the direct point of contact for this project and future projects.</p>	
U.S. Department of Agriculture (1) Natural Resources Conservation Service (2) Tennessee Rural Development State Office	<p>(1) Response Dated October 11, 2024: Response indicated Brooke Lucas no longer works on NRCS-TN Soils staff.</p> <p>(2) Tennessee Rural Development State Office – No response received.</p>	<p>(1) No response necessary. However, as part of the prime farmland analysis for the EA and to meet the requirements of the Farmland Policy Protection Act, TDOT further coordinated with the Natural Resource Conservation Service on November 1, 2024, regarding the proposed SR-66 project. Please see Appendix D: Land Use, Farmland, and Transportation Infrastructure Technical Memorandum for a record of this coordination.</p> <p>(2) No response necessary.</p>
Federal Energy Regulatory Commission, Division of Gas	No response received.	No response necessary.
U.S. Environmental Protection Agency, NEPA Programs Office	No response received.	No response necessary.
Advisory Council on Historic Preservation	No response received.	No response necessary.
Tennessee Department of Environment and Conservation	(1) Response Dated October 29, 2024: By replying to this email, I am hereby accepting the role of ‘Participating Agency’ on behalf of the Tennessee Department of Environment and Conservation (TDEC). TDEC’s comments on the Coordination and Public Involvement Plan will be attached in a subsequent email prior to November 11, 2024.	(1) No response necessary.
Tennessee Wildlife Resources Agency	No response received.	No response necessary.
Tennessee Historical Commission	No response received.	No response necessary.
Tennessee Department of Economic and Community Development	No response received.	No response necessary.

Agency Name	Comment Received from Agency, Individual, Organization, Entity, or Official	TDOT Response to Comment
Tennessee Department of Agriculture	No response received.	No response necessary.
Tennessee Department of Education	No response received.	No response necessary.
Tennessee Department of Tourist Development, Rural Tourism and Outreach	No response received.	No response necessary.
Tennessee Department of Labor and Workforce Development	(1) Response Dated October 16, 2024: Please accept this email as acknowledgement of Tennessee Department of Labor and Workforce Developments willingness to participate as a state agency partner on this project. Per your request, we will send comments on or before November 8th.	(1) No response necessary. No further comments received on or before the November 8, 2024 deadline.
Tennessee Department of Human Services, Family Assistance, Hawkins County Office	No response received.	No response necessary.
First Tennessee Rural Planning Organization	No response received.	No response necessary.
Absentee-Shawnee Tribe of Indians in Oklahoma ³⁰	No response received.	<p>Section 106 (Native American Consultation) Coordination was sent to five Native American tribes on August 10, 2012 and eight Native American tribes on November 7, 2019, October 23, 2023, and September 18, 2024. Responses were received from the Cherokee Nation, the United Keetoowah Band of Cherokee Indians in Oklahoma, the Eastern Shawnee Tribe of Oklahoma, and the Shawnee Tribe. None of the tribes indicated that the Build Alternative would result in adverse impacts; however, they did request to be contacted in the event of an inadvertent archaeological finding. Additionally, the Cherokee Nation requested to be a consulting party. Cultural resources reports were sent to the Cherokee Nation on January 9, 2020, and again on January 27, 2025.</p> <p>Please see Appendix G: Cultural and Section 4(f)/Section 6(f) Resources Technical Memorandum for more details.</p>
Cherokee Nation ¹⁸	No response received.	
Eastern Band of Cherokee Indians ³⁰	No response received.	
Eastern Shawnee Tribe of Oklahoma ³⁰	No response received.	
Muscogee (Creek) Nation ³⁰	No response received.	
Shawnee Tribe ³⁰	No response received.	
Thlopthlocco Tribal Town ³⁰	No response received.	

¹⁸ Please note that consultation as participating agencies with the eight Native American Tribes was not undertaken as part of the October 2024 early coordination process. Pursuant to Section 106 of the NHPA (<https://www.achp.gov/protecting-historic-properties>), Native American Tribes are considered Section 106 Consulting Parties and will be contacted accordingly.

Agency Name	Comment Received from Agency, Individual, Organization, Entity, or Official	TDOT Response to Comment
United Keetoowah Band of Cherokee Indians in Oklahoma ³⁰	No response received.	
Non-Participating Agencies/Non-Governmental Agencies/Private Entities/Local Agencies/Local Organizations		
Federal Emergency Management Agency	No response received.	No response necessary.
Federal Railroad Administration, Office of Program Delivery	No response received.	No response necessary.
U.S. Department of the Interior, U.S. Geological Survey, Office of Environmental Affairs	No response received.	No response necessary.
U.S. Department of Energy, Loan Program Office	No response received.	No response necessary.
First Tennessee Development District	No response received.	No response necessary.
Tennessee Trails Association, East Tennessee Chapter	No response received.	No response necessary.
Sierra Club ¹⁹ (1) Community-Based Conservation Committee (2) Harvey Broome Group	No response received.	No response necessary.
Southern Environmental Law Center	No response received.	No response necessary.
The Nature Conservancy	No response received.	No response necessary.
Tennessee Wildlife Federation	No response received.	No response necessary.
Tennessee Environmental Council	No response received.	No response necessary.

¹⁹ Please note that the October 2024 CPIP incorrectly counted the Sierra Club twice in the overall count of agencies coordinated with. The March 2025 CPIP was revised to correctly represent the Sierra Club as a single agency with two individuals from the Sierra Club receiving the October 2024 Early Coordination Package. See the March 2025 CPIP, located in **Appendix B**, for more details.

Agency Name	Comment Received from Agency, Individual, Organization, Entity, or Official	TDOT Response to Comment
Rogersville / Hawkins County Chamber of Commerce	No response received.	No response necessary.
Hawkins County (1) Road Superintendent (2) Sheriff's Office (3) Industrial Development Board	No response received.	No response necessary.
National Association of Advancement of Colored People (NAACP), Knoxville Branch	No response received.	No response necessary.
Bulls Gap Volunteer Fire Department	No response received.	No response necessary.
Rotary Club of Rogersville	No response received.	No response necessary.
Kingsport Office of Small Business Development & Entrepreneurship (KOSBE)	No response received.	No response necessary.
Federal, State and Local Officials		
Hawkins County (1) County Mayor (2) County Commissioners	No response received.	No response necessary.
City of Church Hill, Mayor	No response received.	No response necessary.
Town of Bulls Gap (1) Mayor (2) Vice Mayor (3) Alderman	No response received.	No response necessary.
City of Kingsport (1) Mayor (2) Vice Mayor (3) Alderman	No response received.	No response necessary.

Agency Name	Comment Received from Agency, Individual, Organization, Entity, or Official	TDOT Response to Comment
City of Mount Carmel (1) Mayor (2) Vice Mayor (3) Alderman	No response received.	No response necessary.
Town of Rogersville (1) Mayor (2) Alderman	No response received.	No response necessary.
City of Surgoinsville (1) Mayor (2) Vice Mayor (3) Alderman	No response received.	No response necessary.
State Officials (1) Representative Gary Hicks (2) Senator Jon Lundberg (3) District Attorney Dan Armstrong	No response received.	No response necessary.
Federal Officials (1) Senator Marsha Blackburn (2) Senator Bill Hagerty (3) Representative Diana Harshbarger	No response received.	No response necessary.



Attachment 1

Letter of Intent and Class of Action
Determination

(Dated September 13, 2024)
and FHWA Concurrence Letter
(Dated September 17, 2024)



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

BUREAU OF ENVIRONMENT & PLANNING

SUITE 700, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-5376

BUTCH ELEY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

September 13, 2024

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

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

Re: State Route 66, Hawkins County, Tennessee, Project # STP-66(38), PIN 107579.00

Dear Mr. DuBose:

The Tennessee Department of Transportation (TDOT) hereby provides notice of our intent to initiate the National Environmental Policy Act (NEPA) process for the above referenced project. The project requires the use of federal funds; therefore, the project is subject to the requirements of NEPA. Though TDOT does not anticipate that the proposed improvements will have significant effects, the proposed project is currently anticipated to warrant 66 relocations, some of which would occur in areas that contain environmental justice populations. As this could constitute an "unusual circumstance" pursuant to 23 CFR 771.117 (a) and (b), TDOT plans to develop an Environmental Assessment (EA) to comply with NEPA.

The proposed project would include the widening and realignment of State Route (SR) 66 from the intersection with SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to north of the intersection with Speedwell Road/Old Highway 66. Specifically, the proposed project would include widening the existing two 10-foot travel lanes (one-lane in each direction) as follows:

1. From the intersection with SR-34 (US-11E, Andrew Johnson Highway) to north of Goan Drive:
Two 12-foot travel lanes (one-lane in each direction), one 12-foot two-way left-turn lane, four-foot shoulders, two-foot curb and gutter, and five-foot sidewalks.

2. From north of Goan Drive to north of Pleasant Hill Road: Two 12-foot travel lanes (one-lane in each direction), six-foot shoulders, two-foot curb and gutter, and seven-foot utility strips.
3. From north of Pleasant Hill Road to north of Guthrie Gap Road: Two 12-foot travel lanes (one-lane in each direction), 10-foot shoulders, two-foot curb and gutter, and seven-foot utility strips.
4. From north of Guthrie Gap Road to north of James Shortt Road and from south of Rong Road to approximately 420 feet south of Summit Hill Road/Ridge Road and from approximately 175 feet south of Summit Hill Road/Ridge Road to north of Berry Road and from north of Speedwell Road/Old Highway 66 to the end of the project: Two 12-foot travel lanes (one-lane in each direction), 10-foot shoulders, guardrail as required.
5. From north of James Shortt Road to south of Beech Grove Road and from north of Beech Grove Road to south of Rong Road: Two 12-foot travel lanes (one-lane in each direction), six-foot shoulders, guardrail as required.
6. From north of Berry Road to north of Speedwell Road/Old Highway 66: Two 12-foot travel lanes (one-lane in each direction), one 12-foot two-way left-turn lane, 10-foot shoulders, guardrail as required.
7. From south of Beech Grove Road to north of Beech Grove Road: Two 12-foot travel lanes (one-lane in each direction), six-foot shoulders, with two-foot curb and gutter and a seven-foot utility strip on the left side, and guardrail as required on the right side.
8. From approximately 420 feet south of Summit Hill Road/Ridge Road to approximately 175 feet south of Summit Hill Road/Ridge Road: Two 12-foot travel lanes (one-lane in each direction), 10-foot shoulders, with guardrail on the left side, and two-foot curb and gutter on the right side.

The proposed design also includes several minor horizontal and vertical alignment changes, primarily in the section of the project located in Bulls Gap, intended to meet current highway design and safety standards. The proposed improvements would total approximately 5.70 miles in length.

Once completed, the proposed project would provide a consistent cross-section along SR-66 from SR-34 (US-11E, Andrew Johnson Highway) to the county seat of Rogersville, as well as provide a link from Rogersville to Interstate 81.

TDOT anticipates a U. S. Army Corps of Engineers – Section 404 Permit will be required for this project.

Sincerely,



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

cc: Sharon Schutz, Environmental Division Director



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

Tennessee Division

September 17, 2024

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

In Reply Refer To:
HPD-TN

Mr. Erick Hunt-Hawkins
NEPA Team Lead, TDOT Environmental Division
James K. Polk Building, 9th Floor
505 Deaderick Street
Nashville, TN 37243

Subject: Environmental Assessment Initiation – State Route 66, Hawkins County, Tennessee,
Project # STP-66(38), PIN 107579.00

Dear Mr. Hunt-Hawkins:

Thank you for your letter dated September 13th, 2024, requesting the Federal Highway Administration's (FHWA) concurrence with the proposed National Environmental Policy Act (NEPA) class of action for the project referenced in the subject line.

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

Initial analysis of this project has not yet established the significance of the environmental impact. Should significant impacts be determined throughout the NEPA decision-making process, FHWA reserves the right to amend this class of action.

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

Sincerely,

CARUS FRANKLIN
DUBOSE

Digitally signed by CARUS
FRANKLIN DUBOSE
Date: 2024.09.17 11:37:59
-05'00'

Frank DuBose
Environmental Protection Specialist

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



Appendix A

October 2024 Early
Coordination
Materials



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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

BUTCH ELELY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

To: Craig D. Carrington, U.S. Army Corps of Engineers, Nashville District

From: Erick Hunt-Hawkins, NEPA Team Lead, Tennessee Department of Transportation,
Environmental Division, Environmental Quality and NEPA Section

Date: October 10, 2024

Subject: Coordination Request for State Route 66, from State Route 34 in Bulls Gap to North of
Speedwell Road/Old Highway 66, Hawkins County, Tennessee, Project # 37005-1237-14,
PIN 107579.00

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), has initiated an Environmental Assessment (EA) for proposed widening and realignment of State Route (SR) 66 from the intersection with SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to north of its intersection with Speedwell Road/Old Highway 66 in Hawkins County, Tennessee (see attached Project Location Map). The proposed improvements would total approximately 5.70 miles in length.

The proposed project is needed to improve the traffic operational efficiency of the roadway, provide improved system linkage, and improve inadequate geometric deficiencies along SR-66. This section of the existing SR-66 roadway lacks adequate travel lane width, shoulder width, and vertical and horizontal alignments. The deficient travel lane width and negligible shoulders do not match the design standard along the remainder of the SR-66 corridor to Rogersville. The horizontal and vertical alignments are currently deficient, resulting in a decrease in sight distance.

Your agency has been identified as an agency that may have an interest in the project because of its jurisdictional authority, special expertise, and regional interest. With this letter, TDOT is extending your agency an invitation to become both a *Cooperating Agency* (in accordance with Title 40 of the Code of Federal Regulations (CFR) 1501.8 of the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provision of the National Environmental Policy Act (NEPA)) and 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 EA for this project. This designation does not imply that your agency supports the project but rather is a request for coordination and comment on the proposal.

Your agency is also a signatory to the Tennessee Environmental Streamlining Agreement (TESA), an inter-agency agreement that incorporates and builds upon the requirements of Section 6002 of the SAFETEA-LU relevant to the development of EA and Environmental Impact Statement (EIS) "classes of action" as defined in the FHWA's NEPA regulations (23 CFR 771.115).

As outlined in the TESA, TDOT and the FHWA, in consultation with other signatory agencies, retain the ability to decide whether a project does not warrant involvement in the TESA process due to minimal adverse impacts.

TDOT and the FHWA have determined that this project does not warrant involvement in the TESA process due to anticipated minimal adverse impacts. Development of the EA will include coordination and outreach in accordance with FHWA NEPA regulatory requirements and, therefore, the decision that this project does not warrant involvement in the TESA process due to anticipated minimal adverse impacts should not diminish your agency's role in the development of the project.

Pursuant to Section 6002 of the SAFETEA-LU, Participating Agencies are responsible for assisting 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.

We suggest that your agency's role in the development of the project should include the following activities as they relate to your area of expertise:

- 1) Providing meaningful and early input on the project's purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in alternatives analysis.
- 2) Identifying any issues of concern regarding the project's potential environmental and/or socioeconomic impacts.

Please respond to me in writing via letter or email with an acceptance or denial of this invitation by 11/11/2024. If your agency chooses not to be designated as a Participating Agency for this project, your response should state your reason for declining the invitation. Pursuant to Section 6002 of SAFETEA-LU, any federal agency that chooses to decline the invitation must specifically state that your agency:

- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; or
- Does not intend to submit comments on the project.

By this memo, TDOT is also requesting that you review the enclosed material and provide comments on potential environmental impacts and the Coordination and Public Involvement Plan by 11/11/2024.

If you have any questions or would like to discuss in more detail the project or your agency's roles and responsibilities during the preparation of this EA, please contact me at 615.253.5163 or Erick.Hunt-Hawkins@tn.gov.

Once the EA has been approved, a Notice of Availability (NOA) will be distributed to your agency via email. The NOA will include a link to a digital copy of the EA unless otherwise requested.

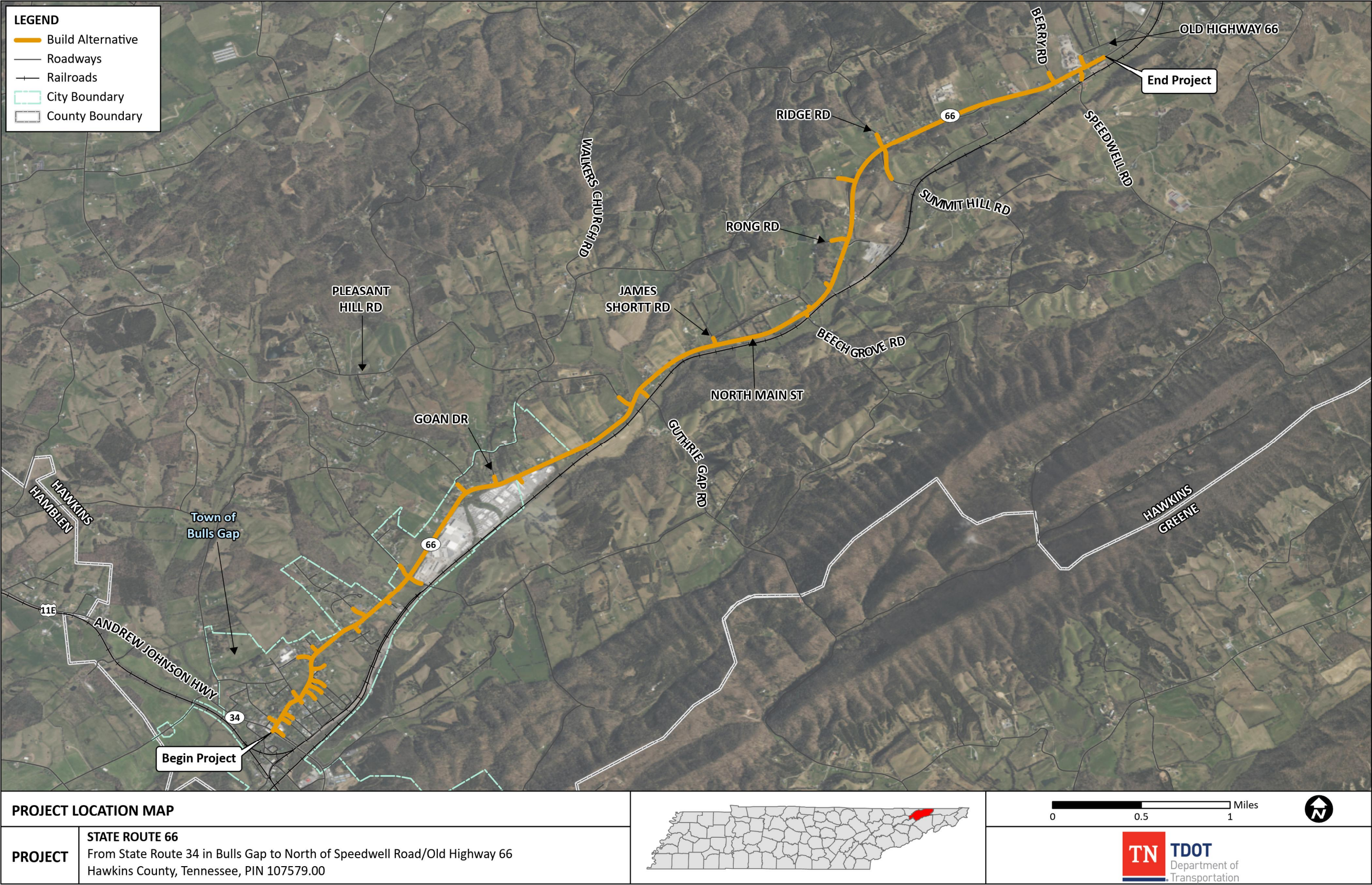
Thank you for your cooperation and interest in this project.

Attachments:

Project Location Map

Coordination and Public Involvement Plan

Project Location Map





**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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

BUTCH ELEY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

To: John Griffith, U.S. Department of the Interior, U.S. Fish and Wildlife Service
Elizabeth Smith, Tennessee Valley Authority, Environmental Compliance and Operations

From: Erick Hunt-Hawkins, NEPA Team Lead, Tennessee Department of Transportation,
Environmental Division, Environmental Quality and NEPA Section

Date: October 10, 2024

Subject: Coordination Request for State Route 66, from State Route 34 in Bulls Gap to North of
Speedwell Road/Old Highway 66, Hawkins County, Tennessee, Project # 37005-1237-14,
PIN 107579.00

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), has initiated an Environmental Assessment (EA) for proposed widening and realignment of State Route (SR) 66 from the intersection with SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to north of its intersection with Speedwell Road/Old Highway 66 in Hawkins County, Tennessee (see attached Project Location Map). The proposed improvements would total approximately 5.70 miles in length.

The proposed project is needed to improve the traffic operational efficiency of the roadway, provide improved system linkage, and improve inadequate geometric deficiencies along SR-66. This section of the existing SR-66 roadway lacks adequate travel lane width, shoulder width, and vertical and horizontal alignments. The deficient travel lane width and negligible shoulders do not match the design standard along the remainder of the SR-66 corridor to Rogersville. The horizontal and vertical alignments are currently deficient, resulting in a decrease in sight distance.

Your agency has been identified as an agency that may have an interest in the project. With this letter, TDOT is extending your agency an invitation to become 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 EA for this project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Your agency is also a signatory to the Tennessee Environmental Streamlining Agreement (TESA), an inter-agency agreement that incorporates and builds upon the requirements of Section 6002 of the SAFETEA-LU relevant to the development of EA and Environmental Impact Statement (EIS) "classes of action" as defined in the FHWA's NEPA regulations (23 CFR 771.115).

As outlined in the TESA, TDOT and the FHWA, in consultation with other signatory agencies, retain the ability to decide whether a project does not warrant involvement in the TESA process due to minimal adverse impacts.

TDOT and the FHWA have determined that the proposed project does not warrant involvement in the TESA process due to anticipated minimal adverse impacts. Development of the EA will include coordination and outreach in accordance with FHWA NEPA regulatory requirements and, therefore, the decision that this project does not warrant

involvement in the TESA process due to anticipated minimal adverse impacts should not diminish your agency's role in the development of the project.

Pursuant to Section 6002 of the SAFETEA-LU, Participating Agencies are responsible for assisting 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.

We suggest that your agency's role in the development of the project should include the following activities as they relate to your area of expertise:

- 1) Providing meaningful and early input on the project's purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in alternatives analysis.
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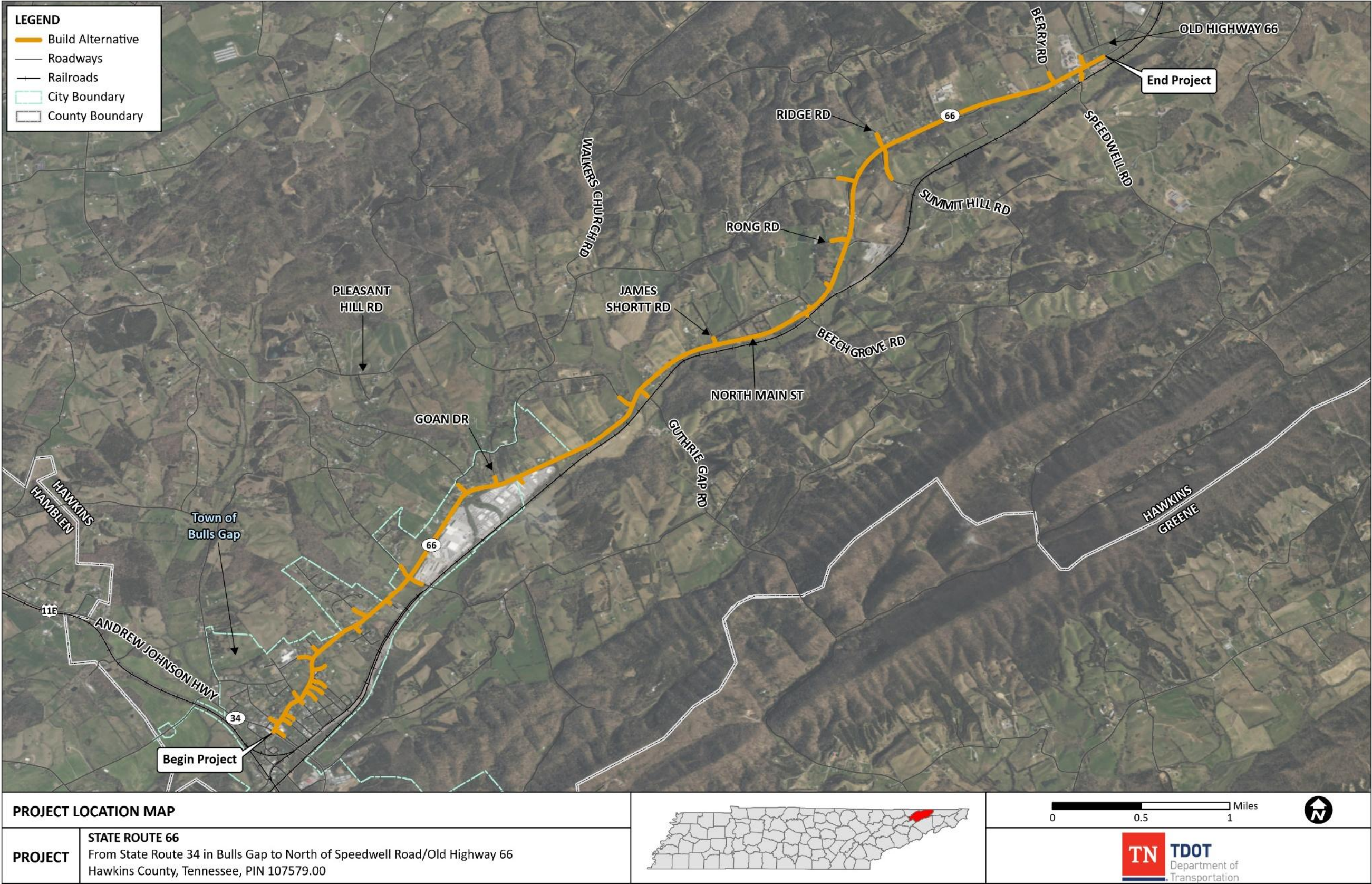
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Project Location Map

Coordination and Public Involvement Plan

Project Location Map





**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

ENVIRONMENTAL DIVISION
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(615) 741-3655

BUTCH ELEY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

To: Thomas J. Smith, Appalachian Regional Commission
Carol Braegelmann, U.S. Department of the Interior, Office of Environmental Policy and Compliance
Bill Winters, U.S. Department of the Interior, Office of Surface Mining Reclamation and Enforcement
Aaron Friend, U.S. Department of Agriculture, Natural Resources Conservation Service
Arlisa Armstrong, U.S. Department of Agriculture, Tennessee Rural Development State Office
Joanne Wachholder, Federal Energy Regulatory Commission, Division of Gas
Ntale Kajumba, U.S. Environmental Protection Agency, NEPA Programs Office
Mandy Ranslow, Advisory Council on Historic Preservation

From: Erick Hunt-Hawkins, NEPA Team Lead, Tennessee Department of Transportation, Environmental Division, Environmental Quality and NEPA Section

Date: October 10, 2024

Subject: Coordination Request for State Route 66, from State Route 34 in Bulls Gap to North of Speedwell Road/Old Highway 66, Hawkins County, Tennessee, Project # 37005-1237-14, PIN 107579.00

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Your agency has been identified as an agency that may have an interest in the project. With this letter, TDOT is extending your agency an invitation to become 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 EA for this project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

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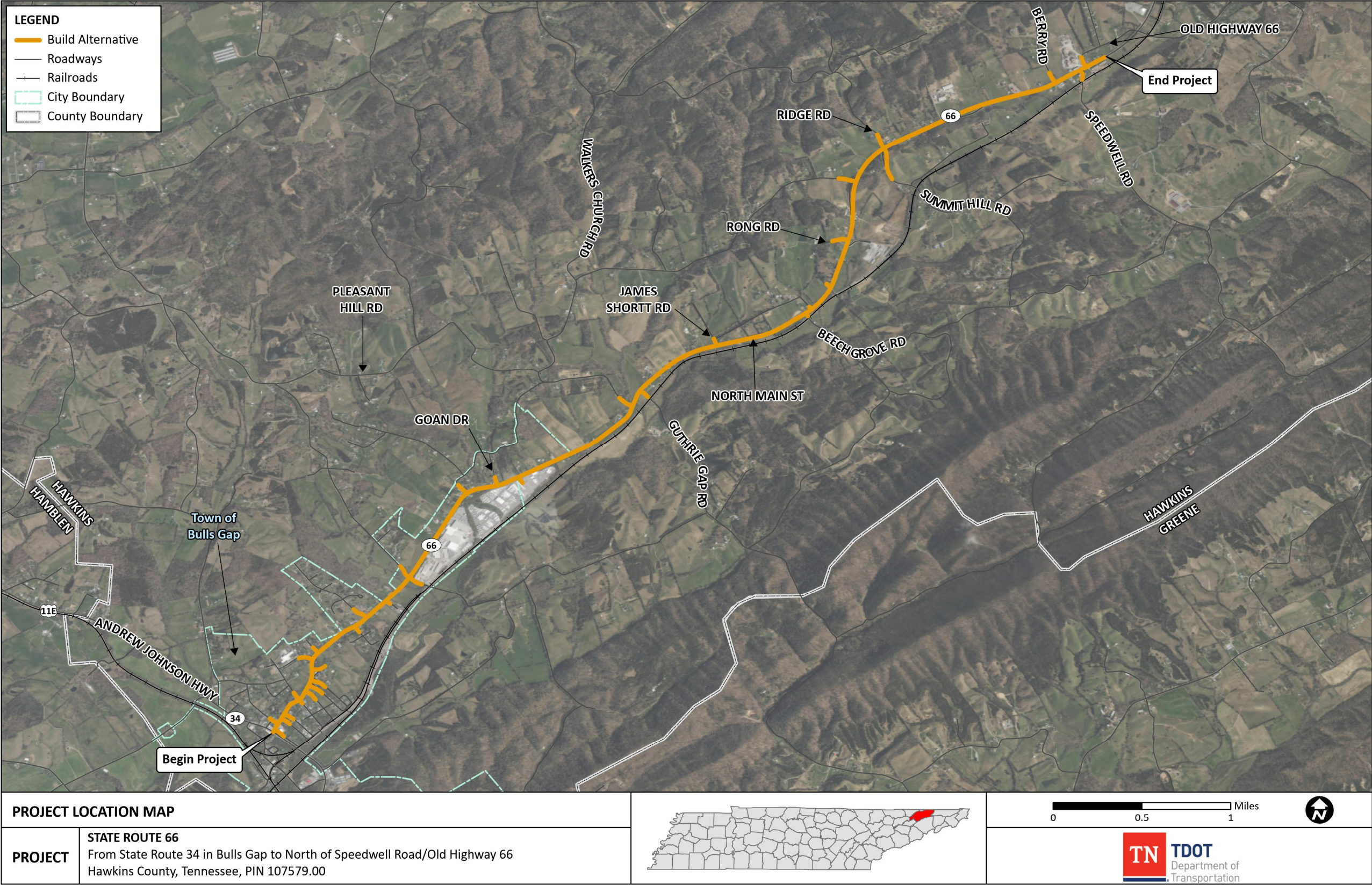
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Project Location Map





**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

ENVIRONMENTAL DIVISION
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(615) 741-3655

BUTCH ELEY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

To: Emma Bartolo, Tennessee Department of Environment and Conservation
Vincent Pontello, Tennessee Wildlife Resources Agency
E. Patrick McIntyre, Tennessee Historical Commission

From: Erick Hunt-Hawkins, NEPA Team Lead, Tennessee Department of Transportation,
Environmental Division, Environmental Quality and NEPA Section

Date: October 10, 2024

Subject: Coordination Request for State Route 66, from State Route 34 in Bulls Gap to North of
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In order for your agency to be designated as a Participating Agency for this project, you must respond in writing with an acceptance of this invitation via letter or email by 11/11/2024. If your agency chooses not to be a Participating Agency for this project, your response should state your reason for declining the invitation.

By this memo, TDOT is also requesting that you review the enclosed material and provide comments on potential environmental impacts and the Coordination and Public Involvement Plan by 11/11/2024.

If you have any questions or would like to discuss in more detail the project or your agency's roles and responsibilities during the preparation of this EA, please contact me at 615.253.5163 or Erick.Hunt-Hawkins@tn.gov.

Once the EA has been approved, a Notice of Availability (NOA) will be distributed to your agency via email. The NOA will include a link to a digital copy of the EA unless otherwise requested.

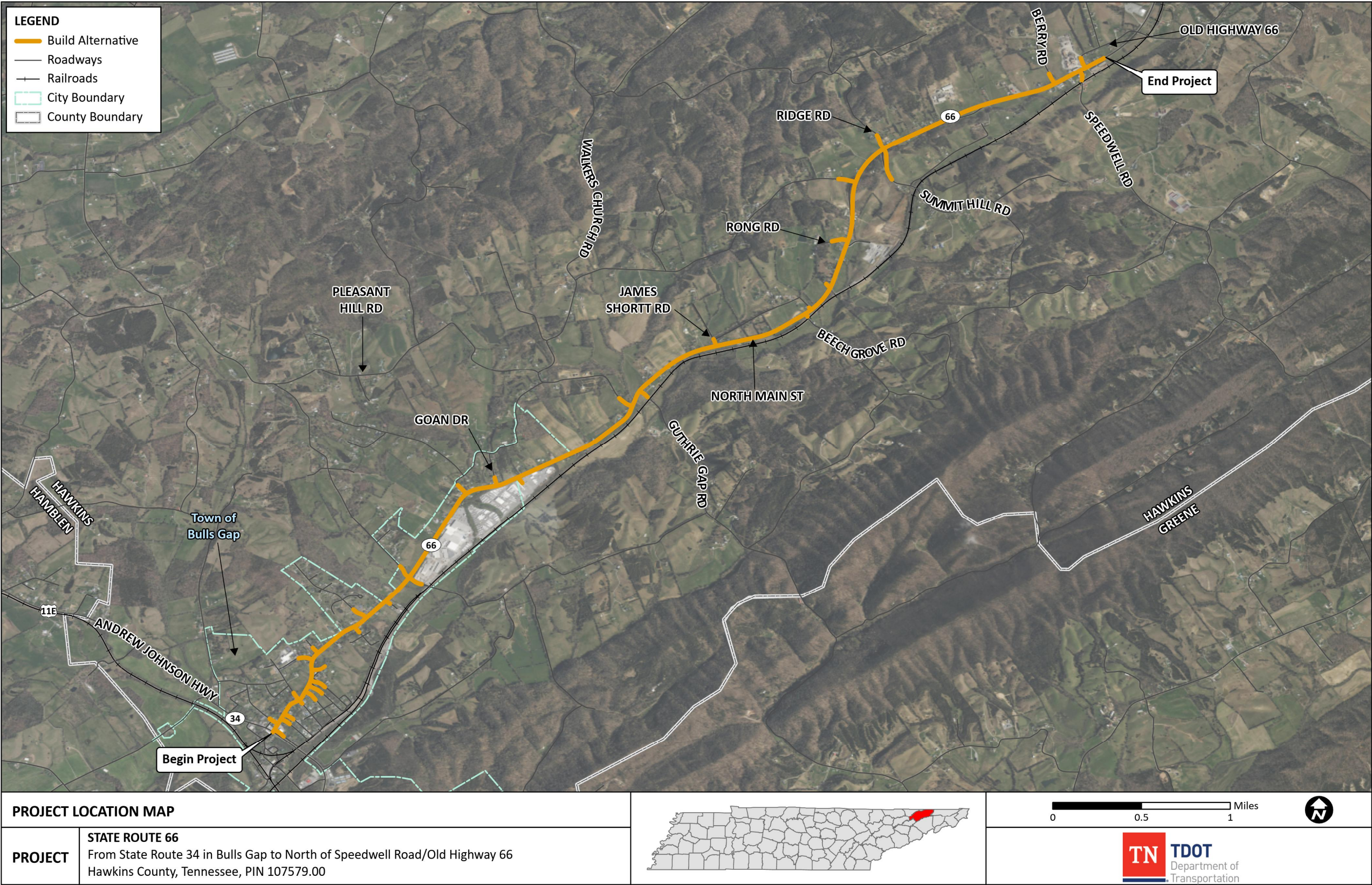
Thank you for your cooperation and interest in this project.

Attachments:

Project Location Map

Coordination and Public Involvement Plan

Project Location Map





**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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

BUTCH ELEY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

To: Jamie Stitt, Tennessee Department of Economic and Community Development
Jeff Aiken, Tennessee Department of Agriculture
Melanie Beauchamp, Tennessee Department of Tourist Development,
Deniece Thomas, Tennessee Department of Labor and Workforce Development
Christy Fox-Gibson, Tennessee Department of Human Services, Family Assistance
Lizzette Reynolds, Tennessee Department of Education
Chase Milner, First Tennessee Rural Planning Organization

From: Erick Hunt-Hawkins, NEPA Team Lead, Tennessee Department of Transportation,
Environmental Division, Environmental Quality and NEPA Section

Date: October 10, 2024

Subject: Coordination Request for State Route 66, from State Route 34 in Bulls Gap to North of
Speedwell Road/Old Highway 66, Hawkins County, Tennessee, Project # 37005-1237-14,
PIN 107579.00

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), has initiated an Environmental Assessment (EA) for proposed widening and realignment of State Route (SR) 66 from the intersection with SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to north of its intersection with Speedwell Road/Old Highway 66 in Hawkins County, Tennessee (see attached Project Location Map). The proposed improvements would total approximately 5.70 miles in length.

The proposed project is needed to improve the traffic operational efficiency of the roadway, provide improved system linkage, and improve inadequate geometric deficiencies along SR-66. This section of the existing SR-66 roadway lacks adequate travel lane width, shoulder width, and vertical and horizontal alignments. The deficient travel lane width and negligible shoulders do not match the design standard along the remainder of the SR-66 corridor to Rogersville. The horizontal and vertical alignments are currently deficient, resulting in a decrease in sight distance.

Your agency has been identified as an agency that may have an interest in the project. With this letter, TDOT is extending your agency an invitation to become 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 EA for this project. This designation does not imply that your agency either supports the proposal or has any special expertise with respect to evaluation of the project.

Pursuant to Section 6002 of the SAFETEA-LU, Participating Agencies are responsible for assisting 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.

We suggest that your agency's role in the development of the project should include the following activities as they relate to your area of expertise:

- 1) Providing meaningful and early input on the project's purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in alternatives analysis.
- 2) Identifying any issues of concern regarding the project's potential environmental and/or socioeconomic impacts.

In order for your agency to be designated as a Participating Agency for this project, you must respond in writing with an acceptance of this invitation via letter or email by 11/11/2024. If your agency chooses not to be a Participating Agency for this project, your response should state your reason for declining the invitation.

By this memo, TDOT is also requesting that you review the enclosed material and provide comments on potential environmental impacts and the Coordination and Public Involvement Plan by 11/11/2024.

If you have any questions or would like to discuss in more detail the project or your agency's roles and responsibilities during the preparation of this EA, please contact me at 615.253.5163 or Erick.Hunt-Hawkins@tn.gov.

Once the EA has been approved, a Notice of Availability (NOA) will be distributed to your agency via email. The NOA will include a link to a digital copy of the EA unless otherwise requested.

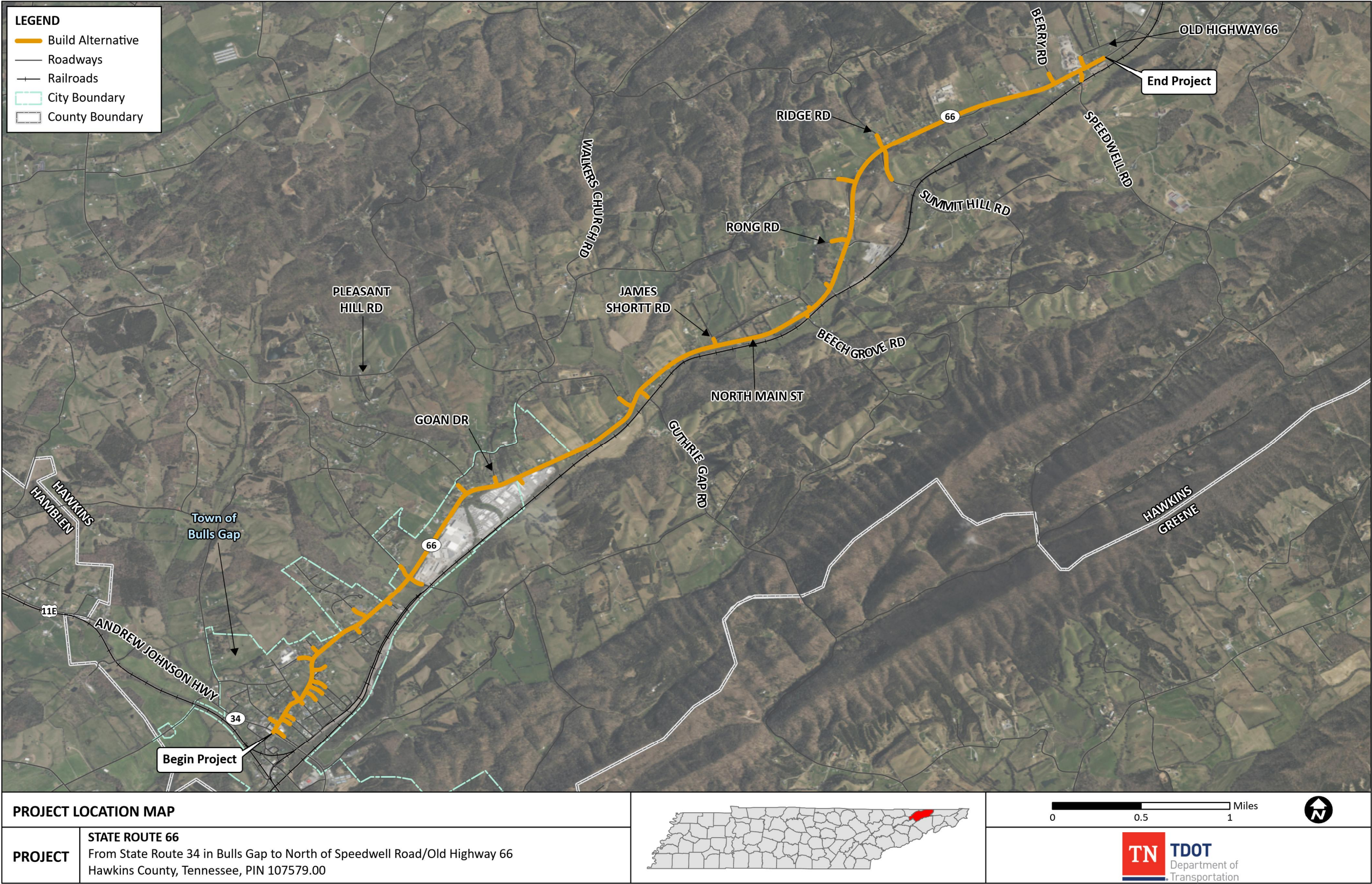
Thank you for your cooperation and interest in this project.

Attachments:

Project Location Map

Coordination and Public Involvement Plan

Project Location Map





**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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

BUTCH ELEY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

To: Interested Individuals/Government Offices/Non-Governmental Organizations

From: Erick Hunt-Hawkins, NEPA Team Lead, Tennessee Department of Transportation,
Environmental Division, Environmental Quality and NEPA Section

Date: October 10, 2024

Subject: Coordination Request for State Route 66, from State Route 34 in Bulls Gap to North of
Speedwell Road/Old Highway 66, Hawkins County, Tennessee, Project # 37005-1237-14,
PIN 107579.00

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), has initiated an Environmental Assessment (EA) for proposed widening and realignment of State Route (SR) 66 from the intersection with SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to north of its intersection with Speedwell Road/Old Highway 66 in Hawkins County, Tennessee (see attached Project Location Map). The proposed improvements would total approximately 5.70 miles in length.

The proposed project is needed to improve the traffic operational efficiency of the roadway, provide improved system linkage, and improve inadequate geometric deficiencies along SR-66. This section of the existing SR-66 roadway lacks adequate travel lane width, shoulder width, and vertical and horizontal alignments. The deficient travel lane width and negligible shoulders do not match the design standard along the remainder of the SR-66 corridor to Rogersville. The horizontal and vertical alignments are currently deficient, resulting in a decrease in sight distance.

The EA will assess a wide range of concerns including impacts on the social, economic, and natural environment. Your input will assist us in the preparation of this environmental document.

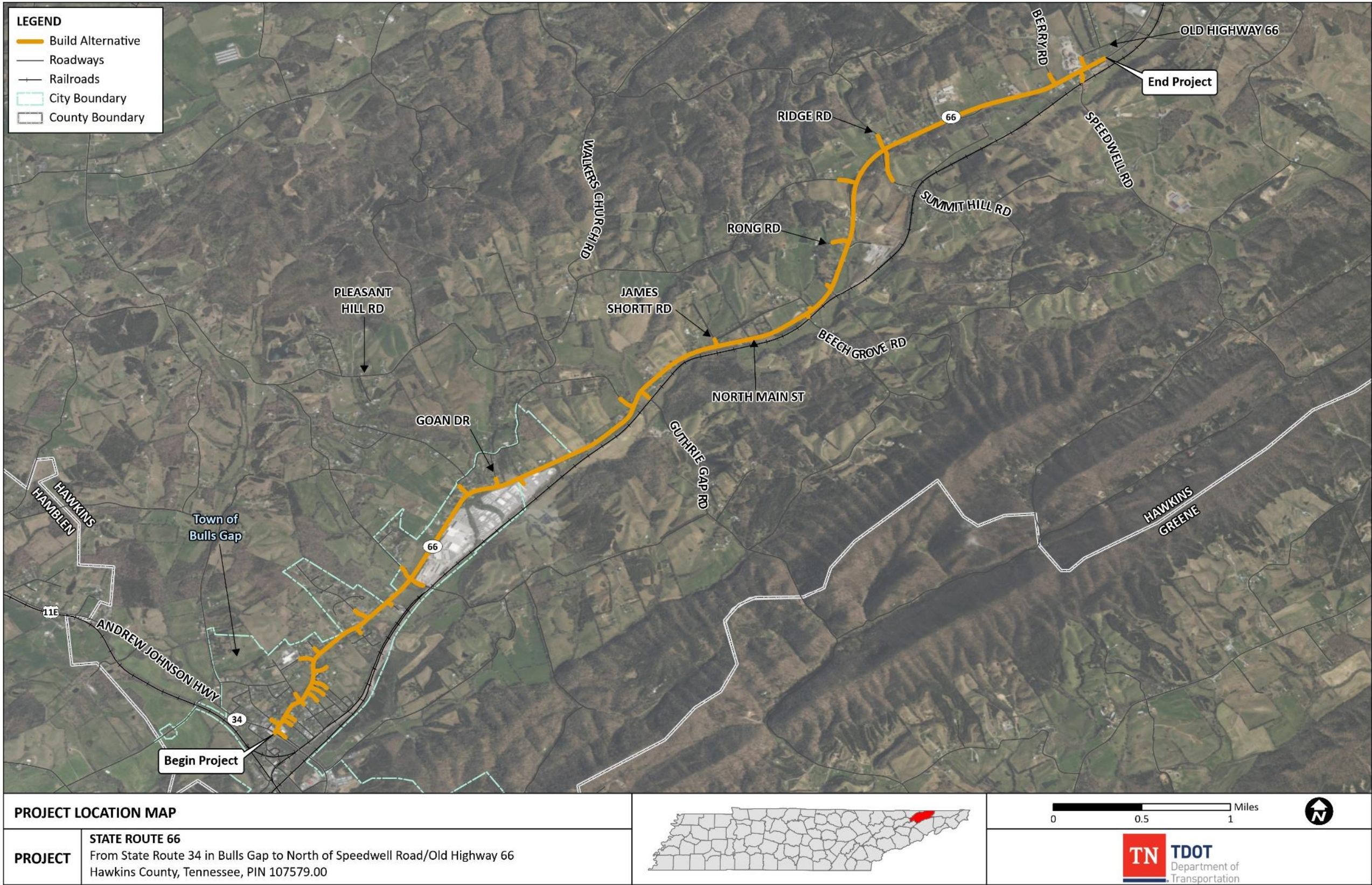
TDOT would like to know if the proposed project would have any effect, either favorable or adverse, on any programs being planned or executed in your area. If there are areas that you feel require special consideration, TDOT will coordinate with you to try to avoid or minimize possible adverse effects or conflicts with any of your proposed programs. TDOT requests that you review the enclosed material and provide us with your comments via letter or email by 11/11/2024.

If you have any questions, please contact me at 615.253.5163 or Erick.Hunk-Hawkins@tn.gov.

Thank you for your cooperation and interest in this project.

Attachments:
Project Location Map
Coordination and Public Involvement Plan

Project Location Map





**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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

BUTCH ELEY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

To: Federal, State, and Local Officials

From: Erick Hunt-Hawkins, NEPA Team Lead, Tennessee Department of Transportation,
Environmental Division, Environmental Quality and NEPA Section

Date: October 10, 2024

Subject: Coordination Request for State Route 66, from State Route 34 in Bulls Gap to North of
Speedwell Road/Old Highway 66, Hawkins County, Tennessee, Project # 37005-1237-14,
PIN 107579.00

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The EA will assess a wide range of concerns including impacts on the social, economic, and natural environment. Your input will assist us in the preparation of this environmental document.

TDOT would like to know if the proposed project would have any effect, either favorable or adverse, on any programs being planned or executed in your area. If there are areas that you feel require special consideration, TDOT will coordinate with you to try to avoid or minimize possible adverse effects or conflicts with any of your proposed programs. TDOT requests that you review the enclosed material and provide us with your comments via letter or email by 11/11/2024.

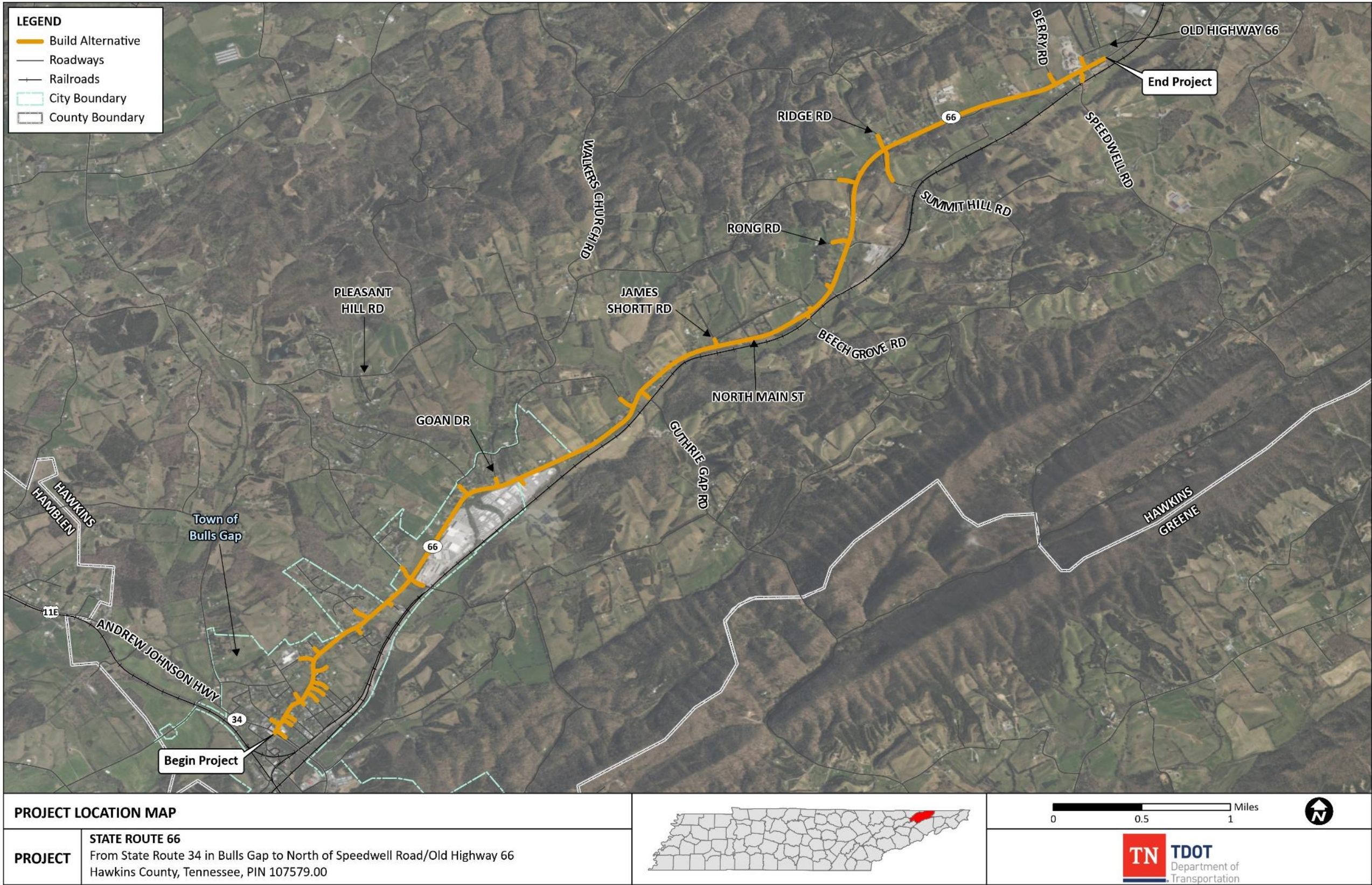
If you have any questions, please contact us please contact me at 615.253.5163 or Erick.Hunt-Hawkins@tn.gov.

Thank you for your cooperation and interest in this project.

Attachments:

Project Location Map
Coordination and Public Involvement Plan

Project Location Map



From: Meridith Krebs <Meridith.Krebs@tn.gov>
Sent: Tuesday, October 15, 2024 11:04 AM
To: Eaton, Mae
Subject: FW: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

Follow Up Flag: Follow up
Flag Status: Flagged



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Winters, Bill R. <bwinters@osmre.gov>
Sent: Friday, October 11, 2024 2:01 PM
To: Meridith Krebs <Meridith.Krebs@tn.gov>; dcj@arc.gov; Braegelmann, Carol <carol_braegelmann@ios.doi.gov>; aaron.friend <aaron.friend@usda.gov>; Lucas, Brooke - FPAC-NRCS, Nashville, TN <Brooke.Lucas2@usda.gov>; Arlisa.Armstrong@usda.gov; Joanne Wachholder <joanne.wachholder@ferc.gov>; Kajumba.ntale@epa.gov; mranslow@achp.gov
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Castle, Michael C <mcastle@osmre.gov>; Miller, Corey T. <ctmiller@osmre.gov>
Subject: RE: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

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Hi Meridith,

I no longer work for the OSMRE in the Knoxville Office.

Please send all future correspondence to Mike Castle and Corey Miller (cc'd on this email).

Thanks.

From: Meridith Krebs <Meridith.Krebs@tn.gov>

Sent: Friday, October 11, 2024 12:04 PM

To: dcia@arc.gov; Braegelmann, Carol <carol_braegelmann@ios.doi.gov>; Winters, Bill R. <bwinters@osmre.gov>; aaron.friend <aaron.friend@usda.gov>; Lucas, Brooke - FPAC-NRCS, Nashville, TN <Brooke.Lucas2@usda.gov>; Arlisa.Armstrong@usda.gov; Joanne Wachholder <joanne.wachholder@ferc.gov>; Kajumba.ntale@epa.gov; mranslow@achp.gov

Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>

Subject: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request
Federal Participating

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To Whom it May Concern:

On behalf of Erick Hunt-Hawkins, we are sending you an Early Coordination Transmittal Memorandum and Public/Agency Coordination Plan for the SR-66 Project in Hawkins County, Tennessee, as you or your agency has been identified by the Tennessee Department of Transportation as having an interest in this project. We kindly ask that comments be returned by **11/11/2024**. Please don't hesitate to reach out if you or your agency require any additional information.

Thank you and we look forward to hearing back from you.

-Meridith Krebs on behalf of Erick Hunt-Hawkins



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office

James K. Polk Building, Suite 900

505 Deaderick Street, Nashville, TN 37243

615.564.2874

meridith.krebs@tn.gov

tn.gov/tdot

From: Meridith Krebs <Meridith.Krebs@tn.gov>
Sent: Tuesday, October 15, 2024 11:04 AM
To: Eaton, Mae
Subject: FW: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

Follow Up Flag: Follow up
Flag Status: Flagged



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Braegelmann, Carol <carol_braegelmann@ios.doi.gov>
Sent: Friday, October 11, 2024 11:27 AM
To: Meridith Krebs <Meridith.Krebs@tn.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Cc: Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>
Subject: Re: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

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Meridith Krebs and Erick Hunt-Hawkins,

The Office of the Secretary within the Department of the Interior does not have direct jurisdiction for project proposals and all requests for cooperating or participating agency should be sent to the relevant Interior bureau or office that would have the expertise or relevant information for your proposal. The Department does coordinate reviews of certain environmental review documents, such as environmental impact statements and Section 4(f) evaluations.

For more information on when and who to contact for our role in environmental reviews, see <https://www.doi.gov/sites/doi.gov/files/doi-external-environmental-review-feb-2022.pdf>. Additional bureau contacts can be found at <https://www.doi.gov/nepa/nepa-contacts>.

NEPA Contacts | U.S. Department of the Interior

NEPA Contacts

www.doi.gov

From: Meridith Krebs <Meridith.Krebs@tn.gov>

Sent: Friday, October 11, 2024 12:03 PM

To: dc@arc.gov <dc@arc.gov>; Braegelmann, Carol <carol_braegelmann@ios.doi.gov>; Winters, Bill R. <bwinters@osmre.gov>; aaron.friend <aaron.friend@usda.gov>; Lucas, Brooke - FPAC-NRCS, Nashville, TN <Brooke.Lucas2@usda.gov>; Arlisa.Armstrong@usda.gov <Arlisa.Armstrong@usda.gov>; Joanne Wachholder <joanne.wachholder@ferc.gov>; Kajumba.ntale@epa.gov <kajumba.ntale@epa.gov>; mranslow@achp.gov <mranslow@achp.gov>

Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>

Subject: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request
Federal Participating

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To Whom it May Concern:

On behalf of Erick Hunt-Hawkins, we are sending you an Early Coordination Transmittal Memorandum and Public/Agency Coordination Plan for the SR-66 Project in Hawkins County, Tennessee, as you or your agency has been identified by the Tennessee Department of Transportation as having an interest in this project. We kindly ask that comments be returned by **11/11/2024**. Please don't hesitate to reach out if you or your agency require any additional information.

Thank you and we look forward to hearing back from you.

-Meridith Krebs on behalf of Erick Hunt-Hawkins



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office

James K. Polk Building, Suite 900

505 Deaderick Street, Nashville, TN 37243

615.564.2874

meridith.krebs@tn.gov

tn.gov/tdot

From: Meridith Krebs <Meridith.Krebs@tn.gov>
Sent: Tuesday, October 15, 2024 11:04 AM
To: Eaton, Mae
Subject: FW: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

Follow Up Flag: Follow up
Flag Status: Flagged



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Lucas, Brooke - FPAC-NRCS, IA <Brooke.Lucas2@usda.gov>
Sent: Friday, October 11, 2024 1:08 PM
To: Meridith Krebs <Meridith.Krebs@tn.gov>
Subject: [EXTERNAL] RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

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Hi Meridith,

I hope you're doing well! Just wanted to let you know that I've transferred to Iowa, so I'm no longer on NRCS-TN Soils staff.

Thank you,

Brooke Lucas

Administrative Support Specialist | Training Administrator
Management and Strategy - Iowa



Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

210 Walnut Street, Room 693, Des Moines, IA, 50309-2180

Email: Brooke.Lucas2@usda.gov | Phone: (515) 323-2252

Other: MS Teams

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From: Meridith Krebs <Meridith.Krebs@tn.gov>

Sent: Friday, October 11, 2024 11:04 AM

To: dcj@arc.gov; Carol braegelmann@ios.doi.gov; bwinters@osmre.gov; Friend, Aaron - FPAC-NRCS, TN <aaron.friend@usda.gov>; Lucas, Brooke - FPAC-NRCS, IA <Brooke.Lucas2@usda.gov>; Armstrong, Arlisa - RD, TN <arlisa.armstrong@usda.gov>; Joanne Wachholder <joanne.wachholder@ferc.gov>; Kajumba.ntale@epa.gov; mranslow@achp.gov

Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>

Subject: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

To Whom it May Concern:

On behalf of Erick Hunt-Hawkins, we are sending you an Early Coordination Transmittal Memorandum and Public/Agency Coordination Plan for the SR-66 Project in Hawkins County, Tennessee, as you or your agency has been identified by the Tennessee Department of Transportation as having an interest in this project. We kindly ask that comments be returned by **11/11/2024**. Please don't hesitate to reach out if you or your agency require any additional information.

Thank you and we look forward to hearing back from you.

-Meridith Krebs on behalf of Erick Hunt-Hawkins



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office

James K. Polk Building, Suite 900

505 Deaderick Street, Nashville, TN 37243

615.564.2874

meridith.krebs@tn.gov

tn.gov/tdot

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From: Meridith Krebs <Meridith.Krebs@tn.gov>
Sent: Friday, October 18, 2024 8:42 AM
To: Eaton, Mae; Krebs, Meridith
Subject: FW: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request State Participating

Follow Up Flag: Follow up
Flag Status: Flagged



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Dewayne Scott <Dewayne.Scott@tn.gov>
Sent: Wednesday, October 16, 2024 10:54 AM
To: Meridith Krebs <Meridith.Krebs@tn.gov>
Cc: Deniece Thomas <Deniece.Thomas@tn.gov>; Ryan Allen <Ryan.Allen@tn.gov>
Subject: RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request State Participating

Good morning Ms. Krebs,

Please accept this email as acknowledgement of Tennessee Department of Labor and Workforce Developments willingness to participate as a state agency partner on this project. Per your request, we will send comments on or before November 8th.

Dewayne Scott, Deputy Commissioner



Dewayne Scott | Deputy Commissioner
220 French Landing Drive
State Office, 4th Floor, Bldg Side A
Nashville, TN 37243
p. 615-741-2712 c. 615-418-0693
Dewayne.Scott@tn.gov

www.tn.gov/workforce

To Whom it May Concern:

On behalf of Erick Hunt-Hawkins, we are sending you an Early Coordination Transmittal Memorandum and Public/Agency Coordination Plan for the SR-66 Project in Hawkins County, Tennessee, as you or your agency has been identified by the Tennessee Department of Transportation as having an interest in this project. We kindly ask that comments be returned by **11/11/2024**. Please don't hesitate to reach out if you or your agency require any additional information.

Thank you and we look forward to hearing back from you.

-Meridith Krebs on behalf of Erick Hunt-Hawkins



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office

James K. Polk Building, Suite 900

505 Deaderick Street, Nashville, TN 37243

615.564.2874

meridith.krebs@tn.gov

tn.gov/tdot

From: Meridith Krebs <Meridith.Krebs@tn.gov>
Sent: Friday, October 25, 2024 11:41 AM
To: Krebs, Meridith; Eaton, Mae
Subject: FW: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

Follow Up Flag: Follow up
Flag Status: Flagged



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Miller, Corey T. <ctmiller@osmre.gov>
Sent: Wednesday, October 23, 2024 10:13 AM
To: Castle, Michael C <mcastle@osmre.gov>; Meridith Krebs <Meridith.Krebs@tn.gov>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>
Subject: RE: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

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Mike, Mrs. Krebs:

I will follow up on this.

Corey Miller, Prog Support Br.

U.S. Department of the Interior,
Interior Regions 1&2 (Appalachian Regions)
Office of Surface Mining Reclamation & Enforcement
2675 Regency Road
Lexington, KY 40503

Work Phone: (859) 205-6716

Mobile: (606) 224-9033
email: ctmiller@osmre.gov

From: Castle, Michael C <mcastle@osmre.gov>
Sent: Wednesday, October 23, 2024 11:09 AM
To: Meridith Krebs <Meridith.Krebs@tn.gov>; Miller, Corey T. <ctmiller@osmre.gov>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Rachel Head <Rachel.Head@tn.gov>;
Tammy Sellers <Tammy.Sellers@tn.gov>
Subject: RE: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

Thanks Meridith. For this project and future projects, Corey Miller will be your direct point of contact. Corey please review the request and provide comments by the 11/11/2024 due date.
Mike

From: Meridith Krebs <Meridith.Krebs@tn.gov>
Sent: Wednesday, October 23, 2024 10:33 AM
To: Castle, Michael C <mcastle@osmre.gov>; Miller, Corey T. <ctmiller@osmre.gov>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Rachel Head <Rachel.Head@tn.gov>;
Tammy Sellers <Tammy.Sellers@tn.gov>
Subject: FW: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

Good afternoon! We had previously sent the attached to Mr. Bill Winters, but he responded and said that you are now the appropriate contacts for this type of request. Please see attached.

Thank you.

-Meridith



Meridith C. Krebs
Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Winters, Bill R. <bwinters@osmre.gov>
Sent: Friday, October 11, 2024 2:01 PM
To: Meridith Krebs <Meridith.Krebs@tn.gov>; dcj@arc.gov; Braegelmann, Carol <carol_braegelmann@ios.doi.gov>; aaron.friend <aaron.friend@usda.gov>; Lucas, Brooke - FPAC-NRCS, Nashville, TN <Brooke.Lucas2@usda.gov>; Arlisa.Armstrong@usda.gov; Joanne Wachholder <joanne.wachholder@ferc.gov>; Kajumba.ntale@epa.gov; mranslow@achp.gov
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>;

From: Meridith Krebs <Meridith.Krebs@tn.gov>
Sent: Friday, October 25, 2024 11:42 AM
To: Krebs, Meridith; Eaton, Mae
Subject: FW: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

Follow Up Flag: Follow up
Flag Status: Flagged



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Castle, Michael C <mcastle@osmre.gov>
Sent: Wednesday, October 23, 2024 10:09 AM
To: Meridith Krebs <Meridith.Krebs@tn.gov>; Miller, Corey T. <ctmiller@osmre.gov>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>
Subject: RE: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

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Thanks Meridith. For this project and future projects, Corey Miller will be your direct point of contact. Corey please review the request and provide comments by the 11/11/2024 due date.
Mike

From: Meridith Krebs <Meridith.Krebs@tn.gov>
Sent: Wednesday, October 23, 2024 10:33 AM
To: Castle, Michael C <mcastle@osmre.gov>; Miller, Corey T. <ctmiller@osmre.gov>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>
Subject: FW: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

Good afternoon! We had previously sent the attached to Mr. Bill Winters, but he responded and said that you are now the appropriate contacts for this type of request. Please see attached.

Thank you.

-Meridith



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Winters, Bill R. <bwinters@osmre.gov>

Sent: Friday, October 11, 2024 2:01 PM

To: Meridith Krebs <Meridith.Krebs@tn.gov>; dc@arc.gov; Braegelmann, Carol <carol_braegelmann@ios.doi.gov>; aaron.friend <aaron.friend@usda.gov>; Lucas, Brooke - FPAC-NRCS, Nashville, TN <Brooke.Lucas2@usda.gov>; Arlisa.Armstrong@usda.gov; Joanne Wachholder <joanne.wachholder@ferc.gov>; Kajumba.ntale@epa.gov; mranslow@achp.gov

Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Castle, Michael C <mcastle@osmre.gov>; Miller, Corey T. <ctmiller@osmre.gov>

Subject: RE: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

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Hi Meridith,

I no longer work for the OSMRE in the Knoxville Office.

Please send all future correspondence to Mike Castle and Corey Miller (cc'd on this email).

Thanks.

From: Meridith Krebs <Meridith.Krebs@tn.gov>

Sent: Friday, October 11, 2024 12:04 PM

To: dc@arc.gov; Braegelmann, Carol <carol_braegelmann@ios.doi.gov>; Winters, Bill R.

<bwinters@osmre.gov>; aaron.friend <aaron.friend@usda.gov>; Lucas, Brooke - FPAC-NRCS, Nashville, TN <Brooke.Lucas2@usda.gov>; Arlisa.Armstrong@usda.gov; Joanne Wachholder <joanne.wachholder@ferc.gov>; Kajumba.ntale@epa.gov; mranslow@achp.gov
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>
Subject: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request
Federal Participating

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To Whom it May Concern:

On behalf of Erick Hunt-Hawkins, we are sending you an Early Coordination Transmittal Memorandum and Public/Agency Coordination Plan for the SR-66 Project in Hawkins County, Tennessee, as you or your agency has been identified by the Tennessee Department of Transportation as having an interest in this project. We kindly ask that comments be returned by **11/11/2024**. Please don't hesitate to reach out if you or your agency require any additional information.

Thank you and we look forward to hearing back from you.

-Meridith Krebs on behalf of Erick Hunt-Hawkins



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
James K. Polk Building, Suite 900
505 Deaderick Street, Nashville, TN 37243
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: [Meridith Krebs](#)
To: [Emma Bartolo](#); [Erick Hunt-Hawkins](#)
Cc: [Krebs, Meridith](#); [Eaton, Mae](#)
Subject: RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request State Participating
Date: Wednesday, October 30, 2024 12:42:15 PM
Attachments: [image001.png](#)
[image002.png](#)

Thank you very much! We will make a note of this on our end.

-Meridith



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Emma Bartolo <Emma.Bartolo@tn.gov>
Sent: Tuesday, October 29, 2024 1:35 PM
To: Meridith Krebs <Meridith.Krebs@tn.gov>; Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>
Subject: RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request State Participating

Good afternoon,

By replying to this email, I am hereby accepting the role of 'Participating Agency' on behalf of the Tennessee Department of Environment and Conservation (TDEC). TDEC's comments on the Coordination and Public Involvement Plan will be attached in a subsequent email prior to 11/11/2024.

Thank you!

Emma Bartolo



Emma Bartolo | Policy Analyst
Office of Policy & Planning
Davy Crockett Tower, 5th Floor
500 James Robertson Parkway
Nashville, TN 37243
c. 432-480-2250
emma.bartolo@tn.gov

From: Meridith Krebs <Meridith.Krebs@tn.gov>

Sent: Friday, October 11, 2024 12:02 PM

To: Emma Bartolo <Emma.Bartolo@tn.gov>; Vincent Pontello <Vincent.Pontello@tn.gov>; Patrick McIntyre <Patrick.McIntyre@tn.gov>

Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>

Subject: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request State Participating

To Whom it May Concern:

On behalf of Erick Hunt-Hawkins, we are sending you an Early Coordination Transmittal Memorandum and Public/Agency Coordination Plan for the SR-66 Project in Hawkins County, Tennessee, as you or your agency has been identified by the Tennessee Department of Transportation as having an interest in this project. We kindly ask that comments be returned by **11/11/2024**. Please don't hesitate to reach out if you or your agency require any additional information.

Thank you and we look forward to hearing back from you.

-Meridith Krebs on behalf of Erick Hunt-Hawkins



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
James K. Polk Building, Suite 900
505 Deaderick Street, Nashville, TN 37243
615.564.2874

meridith.krebs@tn.gov
tn.gov/tdot

From: [Meridith Krebs](#)
To: [Eaton, Mae](#); [Krebs, Meridith](#)
Subject: FW: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating
Date: Tuesday, November 5, 2024 1:33:53 PM
Attachments: [image001.png](#)
[20241011_2025-0012372 SR-66 from SR-34 to N of Speedwell Rd Coordination and Public Involvement Plan; Hawkins Co. signed.pdf](#)



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Griffith, John <john_griffith@fws.gov>
Sent: Friday, November 1, 2024 4:08 PM
To: Meridith Krebs <Meridith.Krebs@tn.gov>; Esmith14@tva.gov
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Sikula, Nicole R <nicole_sikula@fws.gov>
Subject: Re: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

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Meridith,

Please see our acceptance to be a participating agency in the development of this project. Thanks!

John Griffith

Transportation Biologist

U.S. Fish and Wildlife Service

Tennessee Field Office

931-444-1393 (office)

931-261-3755 (cell)

From: Meredith Krebs <Meridith.Krebs@tn.gov>

Sent: Friday, October 11, 2024 11:02 AM

To: Griffith, John <john_griffith@fws.gov>; Esmith14@tn.gov <esmith14@tn.gov>

Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>

Subject: [EXTERNAL] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Federal Participating

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To Whom it May Concern:

On behalf of Erick Hunt-Hawkins, we are sending you an Early Coordination Transmittal Memorandum and Public/Agency Coordination Plan for the SR-66 Project in Hawkins County, Tennessee, as you or your agency has been identified by the Tennessee Department of Transportation as having an interest in this project. We kindly ask that comments be returned by **11/11/2024**. Please don't hesitate to reach out if you or your agency require any additional information.

Thank you and we look forward to hearing back from you.

-Meredith Krebs on behalf of Erick Hunt-Hawkins



Meredith C. Krebs

Environmental Division/NEPA Special Projects Office
James K. Polk Building, Suite 900
505 Deaderick Street, Nashville, TN 37243
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



November 1, 2024

Ms. Meridith Krebs
TDOT Environmental Division
NEPA Special Projects Office Environmental Technical Office
505 Deaderick Street, Suite 900
James K Polk Building
Nashville, Tennessee 37243

Subject: FWS# 2025-0012372. Coordination and Public Involvement Plan for the State Route 66 Widening and Realignment from the Intersection with State Route 34 (U.S. Highway 11E, Andrew Johnson Highway) in Bulls Gap to North of its Intersection with Speedwell Road/Old Highway 66; PIN 107579.00, P.E. 37005-1237-14, Hawkins County, Tennessee.

Dear Ms. Krebs:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), has initiated an Environmental Assessment for the proposed State Route (SR-) 66 widening and realignment for approximately 5.7 miles from the intersection with SR-34 in Bulls Gap to north of its intersection with Speedwell Road and Old Highway 66 in Hawkins County, Tennessee. The proposed project is needed to improve the traffic operational efficiency of the roadway, provide improved system linkage, and improve inadequate geometric deficiencies along SR-66. This section of SR-66 does not meet current design standards for travel lane widths and shoulders that are present along the remainder of the SR-66 corridor to Rogersville. In addition, there are vertical and horizontal alignment deficiencies that result in limited sight distance.

The TDOT and the FHWA have determined that the project does not warrant involvement in the Tennessee Environmental Streamlining Agreement (TESA) process due to anticipated minimal adverse impacts. However, you have requested that our office be a participating agency in the development of the Environmental Assessment. We have reviewed the Coordination and Public Involvement Plan provided and accept the invitation to be a participating agency in the development of this project. 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 office will strive to provide timely input, participate in coordination meetings, and comment on the design elements.

If you have any questions regarding our comments, please contact John Griffith at 931/525-4995 or by email at john_griffith@fws.gov.

Sincerely,

**DANIEL
ELBERT**

Digitally signed by

DANIEL ELBERT

Date: 2024.11.01

15:53:03 -05'00'

Field Supervisor

xc: Erick Hunt-Hawkins, TDOT, Nashville, TN

From: [Meridith Krebs](#)
To: [Eaton, Mae](#); [Krebs, Meridith](#)
Subject: FW: [EXTERNAL] RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request
Cooperating Agencies
Date: Tuesday, November 5, 2024 1:33:46 PM
Attachments: [image001.png](#)



Meridith C. Krebs
Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Worrall, William E CIV USARMY CELRN (USA) <William.E.Worrall@usace.army.mil>
Sent: Friday, November 1, 2024 4:28 PM
To: Meridith Krebs <Meridith.Krebs@tn.gov>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>
Subject: [EXTERNAL] RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Cooperating Agencies

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Greetings Meridith,

We the below correspondence forwarded from someone in another office of USACE.

For all TDOT NEPA/TESA correspondence to the USACE Nashville District, please have myself and Travis Wiley as POCs on the correspondence.

Thank you,

William E. Worrall, P.E.
Chief, Technical Services Branch
Regulatory Division

U.S. Army Corps of Engineers
Nashville District

615-369-7513 (office)
615-693-0206 (mobile)

From: Meredith Krebs <Meridith.Krebs@tn.gov>

Sent: Friday, October 11, 2024 11:02 AM

To: Carrington, Craig D CIV USARMY CELRN (USA) <Craig.D.Carrington@usace.army.mil>

Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>;
Rachel Head <Rachel.Head@tn.gov>

Subject: [Non-DoD Source] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Cooperating Agencies

To Whom it May Concern:

On behalf of Erick Hunt-Hawkins, we are sending you an Early Coordination Transmittal Memorandum and Public/Agency Coordination Plan for the SR-66 Project in Hawkins County, Tennessee, as you or your agency has been identified by the Tennessee Department of Transportation as having an interest in this project. We kindly ask that comments be returned by **11/11/2024**. Please don't hesitate to reach out if you or your agency require any additional information.

Thank you and we look forward to hearing back from you.

-Meredith Krebs on behalf of Erick Hunt-Hawkins



Meredith C. Krebs

Environmental Division/NEPA Special Projects Office
James K. Polk Building, Suite 900
505 Deaderick Street, Nashville, TN 37243
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: [Meridith Krebs](#)
To: [Krebs, Meridith](#); [Eaton, Mae](#)
Subject: FW: [EXTERNAL] RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request
Cooperating Agencies
Date: Wednesday, November 13, 2024 11:26:23 AM
Attachments: [image001.png](#)
[SR66- Cooperating Agency Letter; USACE Nashville District.pdf](#)



Meridith C. Krebs
Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>
Sent: Thursday, November 7, 2024 7:22 PM
To: Meridith Krebs <Meridith.Krebs@tn.gov>; Worrall, William E CIV USARMY CELRN (USA) <William.E.Worrall@usace.army.mil>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>
Subject: RE: [EXTERNAL] RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Cooperating Agencies

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Ms. Krebs-

Thank you for inviting us to be a cooperating agency in this process. Please see our comments in the attached letter.

Feel free to contact me if you would like to discuss further.

Travis Wiley
Transportation Program Manager
Regulatory Division, Nashville District
U.S. Army Corps of Engineers
501 Adesa Pkwy, Suite B250

Lenoir City, TN 37771
(865) 393-0971

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From: Meredith Krebs <Meridith.Krebs@tn.gov>
Sent: Thursday, November 07, 2024 11:32 AM
To: Worrall, William E CIV USARMY CELRN (USA) <William.E.Worrall@usace.army.mil>; Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>
Subject: [Non-DoD Source] RE: [EXTERNAL] RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Cooperating Agencies

Mr. Worrall and Mr. Wiley,

Thank you for your response. Please see the attached documents. We will reach out to you both for future TDOT NEPA correspondence.



Meridith C. Krebs
Environmental Division/NEPA Special Projects Office
615.564.2874
meridith.krebs@tn.gov
tn.gov/tdot

From: Worrall, William E CIV USARMY CELRN (USA) <William.E.Worrall@usace.army.mil>
Sent: Friday, November 1, 2024 4:28 PM
To: Meredith Krebs <Meridith.Krebs@tn.gov>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>; Wiley, Travis A CIV USARMY CELRN (USA) <Travis.A.Wiley@usace.army.mil>
Subject: [EXTERNAL] RE: SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Cooperating Agencies

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Greetings Meridith,

We the below correspondence forwarded from someone in another office of USACE.

For all TDOT NEPA/TESA correspondence to the USACE Nashville District, please have myself and Travis Wiley as POCs on the correspondence.

Thank you,

William E. Worrall, P.E.
Chief, Technical Services Branch
Regulatory Division
U.S. Army Corps of Engineers
Nashville District

615-369-7513 (office)
615-693-0206 (mobile)

From: Meridith Krebs <Meridith.Krebs@tn.gov>
Sent: Friday, October 11, 2024 11:02 AM
To: Carrington, Craig D CIV USARMY CELRN (USA) <Craig.D.Carrington@usace.army.mil>
Cc: Erick Hunt-Hawkins <Erick.Hunt-Hawkins@tn.gov>; Tammy Sellers <Tammy.Sellers@tn.gov>; Rachel Head <Rachel.Head@tn.gov>
Subject: [Non-DoD Source] SR-66, Hawkins County, Tennessee, PIN 107579.00 – Early Coordination Request Cooperating Agencies

To Whom it May Concern:

On behalf of Erick Hunt-Hawkins, we are sending you an Early Coordination Transmittal Memorandum and Public/Agency Coordination Plan for the SR-66 Project in Hawkins County, Tennessee, as you or your agency has been identified by the Tennessee Department of Transportation as having an interest in this project. We kindly ask that comments be returned by **11/11/2024**. Please don't hesitate to reach out if you or your agency require any additional information.

Thank you and we look forward to hearing back from you.

-Meridith Krebs on behalf of Erick Hunt-Hawkins



Meridith C. Krebs

Environmental Division/NEPA Special Projects Office

James K. Polk Building, Suite 900

505 Deaderick Street, Nashville, TN 37243

615.564.2874

meridith.krebs@tn.gov

tn.gov/tdot



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

November 7, 2024

SUBJECT: LRN-2024-00842; TDOT PIN 107579.00; State Route (SR) 66, from SR 34 in Bulls Gap to North of Speedwell Road/Old Highway 66, Cooperating Agency Acceptance; Hawkins County, Tennessee

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

Dear Ms. Hunt-Hawkins,

This letter is in response to your invitation (received October 11, 2024) to be a Cooperating Agency and Participating Agency for the subject project in Hawkins County, Tennessee. This project has been assigned File Number LRN-2024-00842. Please refer to this number in all communication concerning this matter.

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

USACE also reviewed the Project Coordination Plan dated October 2024 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. USACE comments are listed below.

Section 5.8 (Item G) of the TESA Agreement, requires the "narrative describing the rationale why each of the proposed alternatives is being carried into the draft environmental document for further analysis, including the identification of those alternatives that were considered for inclusion but were later eliminated along with the rationale of why they were eliminated." Section 2.1 of the Project Coordination Plan makes reference to a Transportation Planning Report conducted in 2006 (2006 TPR) and the 2007 -2009 Multi-modal Work Program which provided initial funding for the

project's planning, environmental and preliminary engineering studies. The 2006 TPR apparently considered four options (Options A, B, C and the No-Build Option) as proposed improvements along SR-66. The USACE requests that the range of multimodal solutions and screening criteria considered in the 2006 TPR be described in more detail to explain why none of these solutions/alternatives were carried forward as reasonable build alternatives for evaluation in the upcoming Environmental Assessment (EA). USACE also requests that a map showing the alignment of Options A, B and C be included as part of the alternatives analysis.

Section 4 (Summary of Environmental Concerns) of the Project Coordination Plan listed several environmental considerations including a mention of aquatic resources that could be jurisdictional under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. USACE recommends identification of potential waters of the U.S. (streams, wetlands, etc.) and a listing of the area/linear feet of those resources (e.g. linear feet of streams and acreage of wetlands) in the earliest stages of the NEPA process and to ensure that avoidance and minimization of impacts to waters of the U.S. is considered in the project alternatives analysis as the process moves forward.

Section 404 (b) (1) Guidelines

When moving forward with the next phase of alternatives analysis, the USACE suggests that documentation is provided to help facilitate completion of the 404(b)(1) guidelines (40 CFR 230) analysis during the permitting phase. According to the 404(b)(1) guidelines "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." **The 404(b)(1) guidelines require a determination that the applicant's preferred alternative is the least environmentally damaging practicable alternative (LEDPA), considering cost, logistics, and existing technology in light of the overall project purpose.** The USACE suggests that you provide a detailed analysis of any on-site and off-site alternatives considered that would accomplish the project purpose while avoiding and minimizing impacts to waters of the U.S. The alternatives analysis should discuss all relevant factors that influence or constrain the location, size, or other characteristics of the project, such as presence of waters of the U.S., cultural resources sites, endangered species, or other relevant constraints. Please identify all criteria and weighting factors used to evaluate and rate on-site and off-site alternatives, provide an evaluation of the practicability and environmentally damaging effects for each alternative, describe/justify the geographic boundaries used to determine potentially suitable alternative sites, and quantify the anticipated impacts to waters of the U.S. at each alternative site. Each alternative should be evaluated with the same level of detail and using the same methodology, including avoidance and minimization measures to reduce impacts to waters of the U.S.

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

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

Cumulative Effects:

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

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

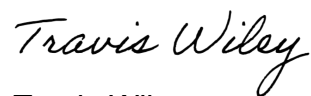
The determination of cumulative effects assessment (CE) for an appropriately sized watershed should, at a minimum, include the following information:

- a. Identify relevant past, present, and reasonably foreseeable future activities:
 - i. Consider and describe how past activities have historically affected and will continue to detrimentally affect the aquatic resources of concern for the proposed project. Consider other present actions, such as other TDOT projects, that may be detrimentally affecting the aquatic resources of concern.

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

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

Sincerely,



Travis Wiley
Transportation Program Manager
Regulatory Division

Attachments

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

Information for Preparing an Alternatives Analysis Under Section 404

June 2014

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

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

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

Step 1: Define Purpose and Need

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

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

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

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

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

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

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

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

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

Step 2: Identify Alternatives

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

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

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

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

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

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

Step 3: Describe and Analyze Alternatives for Practicability

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

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

1. General site information:

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

2. The practicability of each alternative:

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

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

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

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

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

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

Example Alternative Comparison Matrix for Practicability

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

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

Step 4: Identify the Least Environmentally Damaging Practicable Alternative

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

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

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

Example Environmental Factor Matrix

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

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

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

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

AASHTO PRACTITIONER'S HANDBOOK

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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.”¹

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

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

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

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

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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.⁶ The Corps' regulations include a list of 21 criteria that the Corps must consider when making a public interest determination. One required element is a finding that the proposed activity complies with the guidelines.

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

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

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

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

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

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

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

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

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

⁶ 33 CFR 320.4(a).

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

The Section 404(b)(1) Guidelines

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

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

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

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

Where Is the LEDPA Requirement?

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

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

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

8 40 CFR § 230.10(a).

9 40 CFR § 230.10(b).

10 40 CFR § 230.10(c).

11 40 CFR § 230.10(d).

12 40 CFR § 230.10(a).

13 40 CFR § 230.10(a)(2).

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

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

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

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

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

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

14 40 CFR § 230.3(b).

15 40 CFR § 230.3(m).

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

17 40 CFR § 230.10(a)(3).

18 40 CFR § 230.10.

19 40 CFR § 1502.13.

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

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

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

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

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

²³ See 40 CFR § 230.11(h).

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

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

²⁶ See 33 CFR § 325.2(b)(2).

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

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

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

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

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

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

²⁸ 33 CFR 325.1(b).

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

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

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

Key Issues to Consider

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

If the transportation planning process is still under way:

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

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

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

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

³⁰ 49 USC 24201.

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

Project Initiation and Scoping

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

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

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

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

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

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

Defining the Project Purpose

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

Early Identification and Evaluation of Aquatic Resources

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

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

Developing and Screening Alternatives

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

Detailed Study of Alternatives

Wetlands Identification and Functional Assessments

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

Water Quality Characterizations and Assessments

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

Engineering for the Detailed-Study Alternatives

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

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

Choosing a Preferred Alternative

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

Avoidance, Minimization, and Compensatory Mitigation

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

Practical Tips

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

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

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

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

32 23 USC §§ 135(f)(2), 134(i)(5).

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

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

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

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

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

2 | Project Initiation and Scoping

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

33 23 USC §§ 134(i)(2)(D), 135(f)(4).

34 Ibid.

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

36 23 USC § 139(j).

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

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

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

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

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

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

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

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

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

3 | Defining the Project Purpose

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

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

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

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

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

³⁹ 40 CFR § 230.10(a)(2).

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

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

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

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

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

4 | Identifying and Evaluating Aquatic Resources

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

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

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

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

5 | Developing and Screening Alternatives

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

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

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

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

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

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

6 | Detailed Study of Alternatives

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 | Avoidance, Minimization, and Compensatory Mitigation

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

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

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

9 | Dispute Resolution Procedures

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

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

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

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

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

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

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

Appendix A—Text of 40 CFR § 230.10

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

§230.10 Restrictions on Discharge

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

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

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

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

Reference Materials

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

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

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

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

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

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

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

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

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

Purpose and Need in NEPA Documents

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

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

Executive Orders on Wetlands and Floodplains

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

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

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

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

Additional References

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

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

ADDITIONAL RESOURCES

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

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

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

Comments on the Practitioner's Handbooks may be submitted to:
Center for Environmental Excellence by AASHTO
444 North Capitol Street, NW, Suite 249 Washington, DC 20001
Telephone: 202-624-5800
Email: environment@aaashto.org
Web site: <http://environment.transportation.org>





Appendix B

Agency Coordination and Public Involvement Plan



Environmental Assessment for
State Route 66
From State Route 34 in Bulls Gap to
North of Speedwell Road/Old Highway 66,
Hawkins County, TN
PIN #: 107579.00
Project #: STP-66(38)

COORDINATION AND PUBLIC INVOLVEMENT PLAN

Federal Highway Administration, Tennessee Division
and
Tennessee Department of Transportation

October 2024

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1.0 Purpose of the Coordination and Public Involvement Plan

[Title 23 of the U.S. Code \(USC\) 139\(g\)](#)¹ requires the lead agencies associated with the development of an Environmental Impact Statement (EIS), with optional use for an Environmental Assessment (EA), to establish a plan for coordinating public and agency participation and comment during the environmental review process. While the Tennessee Department of Transportation (TDOT) has chosen to not follow the entire [23 USC 139](#)² process for this EA, TDOT has opted to prepare a coordination plan and schedule and to designate Cooperating and Participating Agencies from that optional process. Since the Federal Highway Administration (FHWA) is providing funding for this project, FHWA serves as the lead federal agency for the project. TDOT will serve as the joint lead agency.

TDOT must meet the requirements of its [Public Involvement Plan: A Statewide Transportation Public Participation Guide](#).³ The State Route (SR) 66 from SR-34 in Bulls Gap to North of Speedwell Road/Old Highway 66 project in Hawkins County, hereinafter SR-66 project, is classified as a TDOT Level 3 project. The Level 3 classification encompasses projects that require completion of an 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. Because the Coordination Plan⁴ and the PIP contain similar information, TDOT has combined the two documents into this 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-66 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, discusses coordination planned throughout 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

Hawkins County is located in northeast Tennessee near the Virginia state line (see Figure 1). The county is divided into two almost equal sections by the Holston River, which traverses the county's entire length. Hawkins County is approximately 487 square miles in size and consists of valleys dotted with farms and pastureland to the foothills of the Appalachians. The county seat is Rogersville, which was founded by Joseph Rogers in 1789. Rogersville was the last Tennessee town founded under the government of North Carolina.

Hawkins County is accessible via four-lane United States Highway (US) 11W (SR-1) and connects with US-25E (SR-32), fifteen miles southwest of Rogersville. Nearby, Interstate 81 (I-81) parallels US-11W in adjacent Greene County. Bulls Gap, located at the southern end of Hawkins County, was settled in 1794. The town was named for the famous gunsmith, John Bull, who made his home in the gap of the mountains. Today, the town is governed by a Board of Mayor and Aldermen with the town center located at the intersection of US-11E (SR-34, Andrew Johnson Highway) and SR-66.

¹ <https://www.govinfo.gov/content/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec139.htm>

² <https://www.govinfo.gov/content/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec139.htm>

³ <https://www.tn.gov/content/dam/tn/tdot/documents/government-how-do-i-documents/pip.pdf>

⁴ While Section 6002 applies only to projects for which an Environmental Impact Statement (EIS) is prepared, it is TDOT's standard practice to also prepare a Coordination Plan for projects for which an EA is prepared.

2.0 Project Description

The proposed project would include the widening and realignment of existing SR-66 from the intersection with SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to north of the intersection with Speedwell Road/Old Highway 66. The proposed improvements would total approximately 5.70 miles in length.

2.1 Project Background

In 2006, TDOT completed a [Transportation Planning Report \(TPR\)](#)⁵ which analyzed existing and projected traffic data and determined the feasibility of proposed improvements along SR-66 from SR-34 (US-11E) in Bulls Gap to the Otes Community in Hawkins County. The TPR evaluated improving approximately 5.3 miles of the existing two-lane road to an upgraded two-lane facility which would match the roadway lane and shoulder width geometrics (two 12-foot lanes with 8-foot to 12-foot shoulders) of the section of SR-66 from the Otes Community to Rogersville.

Based on the 2006 TPR, the *TDOT 2007-2009 Multi-Modal Work Program* identified this section of SR-66 as a substandard rural highway and provided the initial funding for the proposed project's planning, environmental, and preliminary engineering studies and processes. Four options (including the No-Build Option) were considered in the 2006 TPR as proposed improvements along SR-66. Option B would shift the alignment west of the existing SR-66 for approximately three miles and Option C would shift the alignment east of the existing SR-66 approximately three miles. Option A proposed all improvements be concentrated along the existing SR-66 corridor. Option A was selected as the Build Alternative to be carried forward for environmental review.

Subsequently, TDOT began development of a D-List Categorical Exclusion (CE) to document the potential impacts associated with the proposed improvements. However, due to the anticipated number of relocations associated with the proposed project, in 2024, it was determined by FHWA and TDOT to move the project forward as an EA.

3.0 Project Purpose and Need

The preliminary purpose and need have been identified below.⁶

3.1.1 Need

The proposed project is needed due to existing traffic operational inefficiencies, insufficient system linkage, and geometric deficiencies along SR-66.

This section of the existing SR-66 roadway lacks adequate travel lane width, shoulder width, and vertical and horizontal alignments. The deficient travel lane width and negligible shoulders do not match TDOT's current design standard along the remainder of the SR-66 corridor to Rogersville. The horizontal and vertical alignments are currently deficient, resulting in a decrease in sight distance.

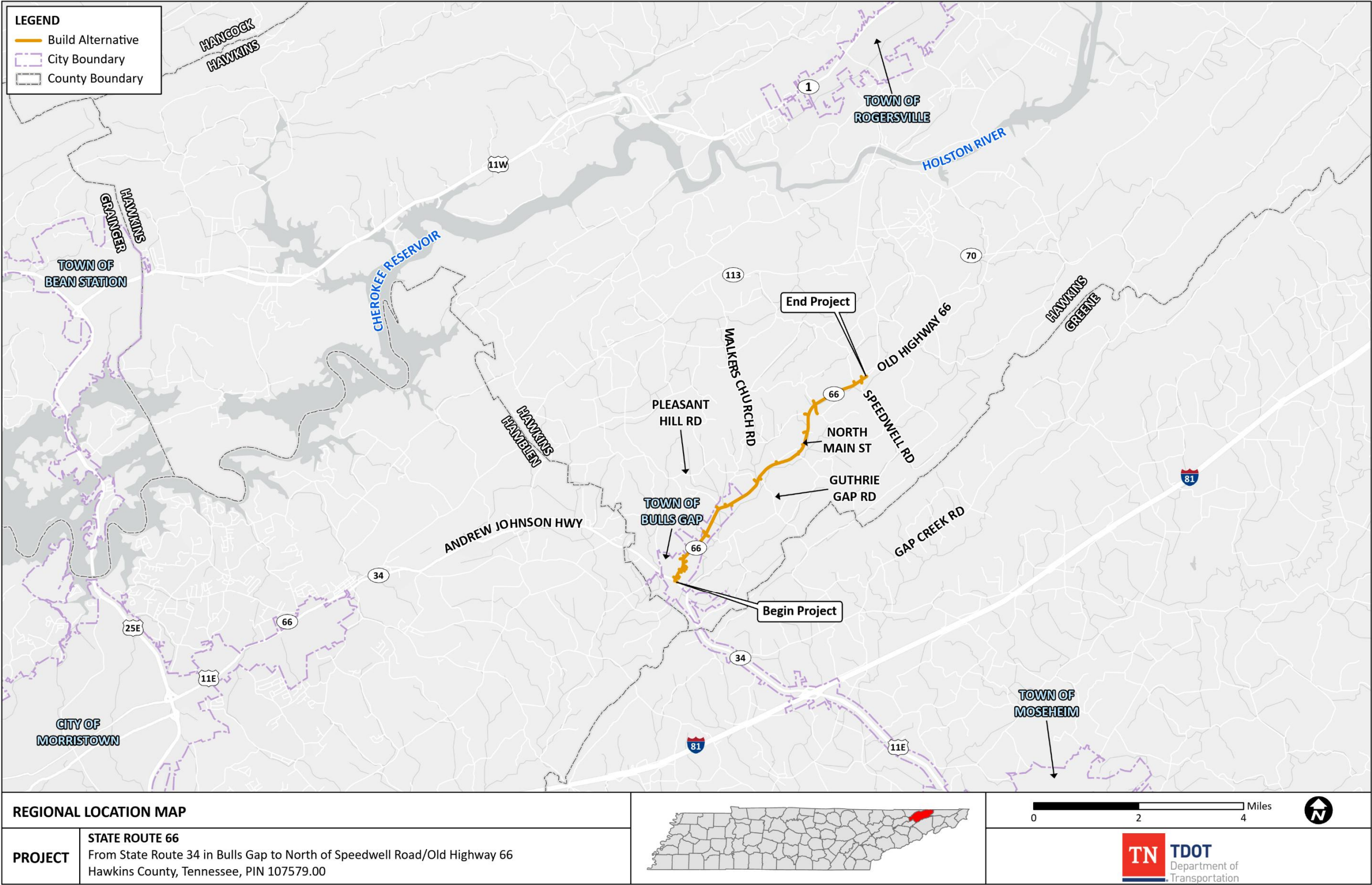
3.1.2 Purpose

The purpose of the proposed project is to improve system linkage, improve traffic operational efficiency, and correct geometric deficiencies to meet current TDOT design standards.

⁵<https://www.tn.gov/content/dam/tn/tdot/documents/government-how-do-i-documents/Studies/StatewidePlanning/studies-HawkinsSR66BullsGaptoLM5.3NearOtes-TPR.pdf>

⁶ Please note that the purpose and need could be refined through public and agency coordination efforts as well as results of the traffic and safety analysis currently underway.

Figure 1: Regional Location Map



3.2 Alternatives

A No-Build Alternative and one Build Alternative are being evaluated in the EA. Each alternative is described in the subsequent text below.

3.2.1 No-Build Alternative

In accordance with the implementing regulations for NEPA ([40 C.F.R. § 1502.14\(d\)](#)),⁷ the No-Build Alternative has been retained for detailed study and serves as a benchmark for comparison with the Build Alternative. The No-Build Alternative would retain the existing state route and roadway configuration throughout the project area except for those modifications to the roadway network that have been programmed and approved for implementation, as identified in [TDOT's 25-Year Long Range Transportation Policy Plan](#),⁸ [State Transportation Improvement Program \(STIP\)](#),⁹ and the [TDOT 10-Year Project Plan](#)¹⁰ and would allow for routine maintenance and safety upgrades.

3.2.2 Build Alternative

The Build Alternative includes the widening of the existing two-lane roadway (which currently consists of one 10-foot-wide lane in each direction) and would include construction of the following (see Figure 2):

- Two 12-foot travel lanes (one in each direction) and paved shoulders four- to ten-feet in width.
- An intermittent 12-foot-wide two-way left-turn lane (TWLTL).
- Five-foot wide sidewalks near the project beginning.
- Intermittent curb and gutter.
- Guardrail, as required.
- Minor horizontal and vertical alignment changes, primarily located in Bulls Gap, intended to meet current highway design and safety standards.

Once completed, the Build Alternative would provide a consistent typical section along SR-66 from SR-34 (US-11E, Andrew Johnson Highway) to the county seat of Rogersville, as well as provide a link from Rogersville to I-81. The total project length is approximately 5.70 miles.

3.3 Alternatives Proposed to be Carried Forward Into the EA

TDOT proposes to carry forward the No-Build Alternative as well as the Build Alternative for analysis in the EA.

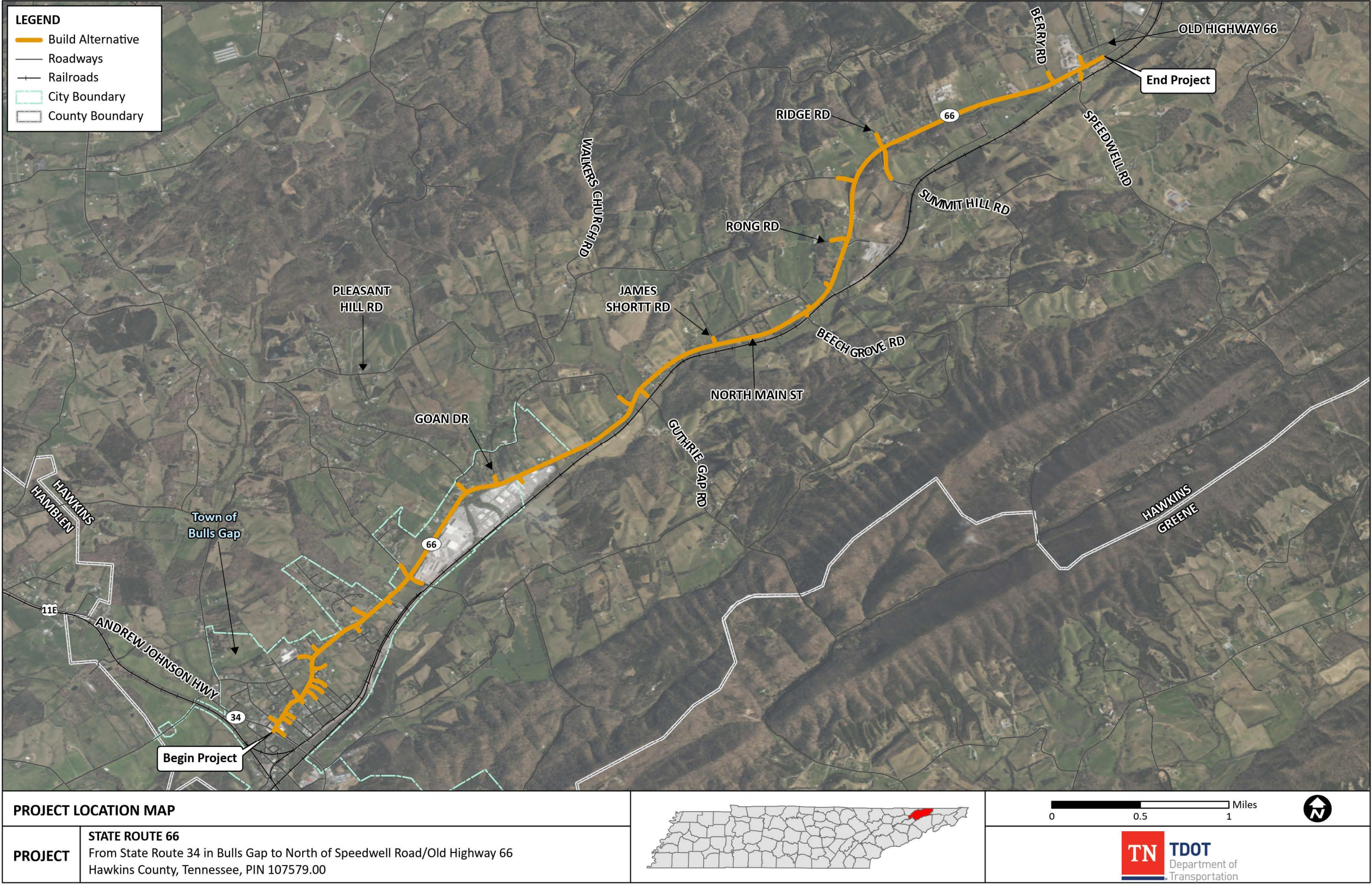
⁷ <https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A/part-1502/section-1502.14>

⁸ <https://www.tn.gov/tdot/long-range-planning-home/25-year-transportation-policy-plan.html>

⁹ <https://www.tn.gov/tdot/program-development-and-administration-home/program-development-and-administration-state-programs.html>

¹⁰ <https://www.tn.gov/tdot/build-with-us.html>

Figure 2: Build Alternative



4.0 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.

4.1 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. Preliminary relocation information will be provided in the EA. Those individuals or businesses identified as being relocated will be fully assisted through procedures provided in the [Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#),¹¹ as amended, and the Tennessee [Uniform Relocation Assistance Act of 1972](#).¹²

4.2 Social and Economic Factors

The proposed project will be developed consistent with [Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#),¹³ which requires federal agencies to develop a strategy for their 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.

4.3 Air Quality

Hawkins County has been designated as in attainment for all criteria pollutants. An air quality analysis will be completed as part of the EA.

4.4 Noise

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

4.5 Cultural Resources

Individual above-ground resources and historic districts within the proposed project area will be investigated to determine if they are listed in or eligible for listing in the National Register of Historic Places (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 NRHP.

TDOT will consult with Tennessee State Historic Preservation Office (TN-SHPO) and federally recognized Native American Tribes as required.

4.6 Ecological Impacts

Detailed terrestrial and aquatic studies will be conducted to ascertain the proposed project's potential impact on ecological resources. The ecological studies will identify streams, wet weather conveyances, springs, seeps, ponds, and wetlands in the study area.

¹¹ <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter61&edition=prelim>

¹² https://www.lawserver.com/law/state/tennessee/tn-code/tennessee_code_title_13_chapter_11

¹³ <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

The determination as to whether these waters are designated as State and/or U.S. waters will be confirmed by the Tennessee Department of Environment and Conservation (TDEC) and the U.S. Army Corps of Engineers (USACE).

The State of Tennessee sets water quality criteria for waters of the State; these standards must be met during the construction of the proposed highway improvement.

TDOT would implement its [Standard Specifications for Road and Bridge Construction](#),¹⁴ which includes erosion and sediment control standards for use during construction.

In an effort to minimize sedimentation and runoff impacts, erosion and sediment control plans will be included in the project construction plans.

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

4.7 Floodplains

The construction of the proposed 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 would be constructed in accordance with [Executive Order 11988](#),¹⁵ Floodplain Management, and all local and federal regulations. The project would 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](#)¹⁶ would be observed to minimize construction impacts.

4.8 Farmland

The study area includes active agriculture lands and farms. In accordance with the [Farmland Protection Policy Act regulations \(7 CFR, Part 658\)](#),¹⁷ a prime farmland impact analysis will be completed for the proposed project and coordinated with the Natural Resource Conservation Service (NRCS).

4.9 Hazardous Materials

An environmental site assessment of the proposed project 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 \(RCRA\)](#),¹⁸ as amended; and the [Comprehensive Environmental Response, Compensation and Liability Act \(CERCLA\)](#),¹⁹ as amended; and the [Tennessee Hazardous Waste Management Act of 1983](#).²⁰

¹⁴ https://www.tn.gov/content/dam/tn/tdot/construction/2021-standard-specifications/January_1_2021_Standard_Specifications.pdf

¹⁵ <https://www.archives.gov/federal-register/codification/executive-order/11988.html>

¹⁶ https://www.tn.gov/content/dam/tn/tdot/construction/2021-standard-specifications/January_1_2021_Standard_Specifications.pdf

¹⁷ <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-VI/subchapter-F/part-658>

¹⁸ <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>

¹⁹ <https://www.epa.gov/superfund/superfund-cercla-overview#:~:text=The%20Comprehensive%20Environmental%20Response%2C%20Compensation%2C%20and%20Liability%20Act%20of%201980,waste%20at%20these%20sites%3B%20and>

²⁰ <https://law.justia.com/codes/tennessee/2016/title-68/environmental-protection/chapter-212/part-2>

4.10 Indirect and Cumulative Impacts

In addition to identifying the direct effects of the project alternatives, the environmental evaluation would 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 would also consider cumulative impacts on the study area's resources that would result from the proposed project in combination with other past, present, and reasonably foreseeable future actions by public and private entities.

4.11 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](#).²¹ These provisions implement the requirements of the [Federal Highway Administration's Federal-Aid Policy Guide: Chapter 1, Subchapter G, Part 650, Subpart B](#).²²

5.0 Project Team

The SR-66 project team consists of:

- TDOT
- FHWA
- Cooperating Agencies
- Staff of the Kimley-Horn Project Team
 - The engineering/planning consultant firm responsible for preparing the environmental document.

The project contacts are listed below.

TDOT NEPA Project Manager:	Consultant NEPA Project Manager:
Erick Hunt-Hawkins, NEPA Team Lead Environmental Quality and NEPA Section TDOT, Environmental Division 505 Deaderick Street, Suite 900 James K. Polk Building Nashville, Tennessee 37243 Phone: 615-253-5163 Email: erick.hunt-hawkins@tn.gov	Meredith Krebs Kimley-Horn, Inc. 10 Lea Avenue, Suite 400 Nashville, Tennessee 37210 Phone: 615-564-2874 Email: meredith.krebs@kimley-horn.com

²¹ https://www.tn.gov/content/dam/tn/tdot/construction/2021-standard-specifications/January_1_2021_Standard_Specifications.pdf

²² <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-G/part-650/subpart-B>

6.0 Agency Coordination

6.1 Types of Agency Participation

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

6.1.1 Lead Agencies

Since FHWA funds will be utilized for this project, FHWA serves as the lead federal agency for the project. TDOT, as the entity responsible for development and construction of the proposed project and as a potential direct recipient of federal funds for the project, is the joint lead agency.

6.1.2 Cooperating Agencies and Participating Agencies

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

- Providing meaningful and early input on the project's purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in alternatives analysis.
- Identifying any issues of concern regarding the project's potential environmental and/or socioeconomic impacts.

Cooperating Agencies

The White House Council on Environmental Quality (CEQ) and FHWA NEPA regulations ([40 CFR 1501.8 and 23 CFR 771.111\(d\)](#))²³ 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. A federal agency with special expertise may be invited by the Lead Agency to become a Cooperating Agency.

Because the proposed project has the likelihood to impact stream and wetlands and require a [Section 404 permit](#),²⁴ the USACE (Nashville District) is being invited to be a Cooperating Agency 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](#),²⁵ Participating Agencies are federal, state, local, or federally-recognized Native American 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\(d\)\(3\)](#).²⁶ 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.

²³ <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-H/part-771/section-771.111>

²⁴ <https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>

²⁵ <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-H/part-771/section-771.107>

²⁶ <https://www.govinfo.gov/content/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec139.htm>

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, Private Entities, and Federal, State, and Local Officials

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

6.2 Early Coordination

TDOT has prepared an Early Coordination Package, which includes an Early Coordination Request Letter and this Coordination and Public Involvement Plan which identifies how input from agencies and the public will be solicited and considered, discusses coordination planned throughout the EA process, and provides a current schedule (including comment/review timeframes) for the major project milestones. Where applicable, the Early Coordination Package will include invitations to be Cooperating or Participating Agencies for the project. In total, an Early Coordination Package will be distributed to approximately 102²⁷ agencies, officials, and organizations in October 2024.

Agencies invited to be Cooperating Agencies or Participating Agencies as well as NGOs, and federal, state, and local officials that will be sent a copy of the Early Coordination Package and asked for their input are shown in Table 1. 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 to comment.

²⁷ Table 1 lists approximately 49 agencies; however, approximately 102 Early Coordination Packages will be distributed. In some instances, the Early Coordination Package will be distributed to multiple individuals at a single agency.

Table 1: Early Coordination Agency List					
Agency Name	Lead Agency	Cooperating Agency	Participating Agencies	Non-Governmental Agencies/Private Entities/Local Agencies/Local Organizations	Federal, State and Local Officials
Federal Highway Administration • Tennessee Division Office	X				
U.S. Army Corps of Engineers • Nashville District, Regulatory Branch		X			
Tennessee Valley Authority • Environmental Compliance and Operations			X		
Appalachian Regional Commission			X		
U.S. Department of Interior • U.S. Fish and Wildlife Service • Office of Environmental Policy and Compliance • Office of Surface Mining and Reclamation and Enforcement			X		
U.S. Department of Agriculture • Natural Resources Conservation Service • Rural Development State Office			X		
Federal Energy Regulatory Commission • Division of Gas			X		
U.S. Environmental Protection Agency • NEPA Programs Office			X		
Advisory Council on Historic Preservation			X		
Tennessee Department of Environment and Conservation			X		
Tennessee Wildlife Resources Agency			X		
Tennessee Historical Commission			X		
Tennessee Department of Economic and Community Development			X		
Tennessee Department of Agriculture			X		
Tennessee Department of Education			X		
Tennessee Department of Tourist Development • Rural Tourism & Outreach			X		
Tennessee Department of Labor and Workforce Development			X		

Table 1: Early Coordination Agency List					
Agency Name	Lead Agency	Cooperating Agency	Participating Agencies	Non-Governmental Agencies/Private Entities/Local Agencies/Local Organizations	Federal, State and Local Officials
Tennessee Department of Human Services, Family Assistance • Hawkins County Office			X		
First Tennessee Rural Planning Organization			X		
Cherokee Nation			X		
Eastern Band of Cherokee Indians			X		
Muscogee (Creek) Nation			X		
Shawnee Tribe			X		
Thlopthlocco Tribal Town			X		
United Keetoowah Band of Cherokee Indians in Oklahoma			X		
Federal Emergency Management Agency				X	
Federal Railroad Administration • Office of Program Delivery				X	
U.S. Department of the Interior • U.S. Geological Survey, Office of Environmental Affairs				X	
U.S. Department of Energy • Loan Program Office				X	
First Tennessee Development District				X	
Hawkins County Community-Based Conservation Committee Chair;				X	
Tennessee Trails Association • East Tennessee Chapter				X	
Sierra Club • Harvey Broome Group				X	
Southern Environmental Law Center				X	
The Nature Conservancy				X	
Tennessee Wildlife Federation				X	
Tennessee Environmental Council				X	
Rogersville / Hawkins County Chamber of Commerce				X	
Hawkins County • Road Superintendent • Sheriff's Office • Industrial Development Board				X	
National Association of Advancement of Colored People (NAACP) • Knoxville Branch				X	
Bulls Gap Volunteer Fire Department				X	
Rotary Club of Rogersville				X	

Table 1: Early Coordination Agency List					
Agency Name	Lead Agency	Cooperating Agency	Participating Agencies	Non-Governmental Agencies/Private Entities/Local Agencies/Local Organizations	Federal, State and Local Officials
Kingsport Office of Small Business Development & Entrepreneurship				X	
Hawkins County <ul style="list-style-type: none"> County Mayor County Commissioners 					X
City of Church Hill <ul style="list-style-type: none"> Mayor 					X
Town of Bulls Gap <ul style="list-style-type: none"> Mayor Vice Mayor Aldermen 					X
City of Kingsport <ul style="list-style-type: none"> Mayor Vice Mayor Aldermen 					X
City of Mount Carmel <ul style="list-style-type: none"> Mayor Vice Mayor Aldermen 					X
City of Rogersville <ul style="list-style-type: none"> Mayor Aldermen 					X
City of Surgoinsville <ul style="list-style-type: none"> Mayor Vice Mayor Aldermen 					X
State Officials <ul style="list-style-type: none"> Representative Gary Hicks Senator John Lundberg 					X
Tennessee District Attorney General <ul style="list-style-type: none"> District 3 					X
U.S. Senators for Tennessee <ul style="list-style-type: none"> Senator Marsha Blackburn Senator Bill Hagerty 					X
U.S. House of Representatives for Tennessee <ul style="list-style-type: none"> Representative Diana Harshbarger 					X

6.3 Native American Consultation

[Section 106 of the National Historic Preservation Act](#)²⁸ requires the lead 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 Section 106 process with such parties. This involvement is referred to as “consultation.”

During the development of the EA and in accordance with the Section 106 requirements, TDOT will consult with parties that have interests in archaeological issues. The Native American Tribes that were identified to have interests within Hawkins County are:

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

7.0 Opportunities for Agencies to Provide Input

FHWA and TDOT will provide opportunities for input on the EA from the Cooperating and Participating Agencies, as well as other agencies, interested stakeholders, and the public, in accordance with [23 CFR 771.119\(b\)](#)²⁹ and using the optional Cooperating/Participating Agency concept from [23 USC 139\(d\)](#),³⁰ as well as the [TDOT Public Involvement Plan](#).³¹ These opportunities will occur at various points throughout the EA process. These general coordination points are listed below and the schedule for these coordination points are outlined in Section 9.0.

7.1 Early Coordination

The Early Coordination Request Letter and associated Coordination and Public Involvement Plan for the SR-66 project will be distributed to Cooperating Agencies, Participating Agencies, NGOs, and Federal, State, and Local Officials via email or distributed by the U.S. Postal Service (USPS). Agencies, officials, and organizations will be given 30 days to review and provide comments. See Section 6.2 regarding agencies that will receive the Early Coordination Package.

7.2 Notice of Availability

Once the EA has been approved, a [Notice of Availability \(NOA\)](#)³² will be distributed to the Cooperating and Participating Agencies, as well as officials and organizations via email. The NOA will include a link to a digital copy of the EA, unless otherwise requested.

²⁸ <https://www.achp.gov/protecting-historic-properties>

²⁹ <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-H/part-771/section-771.119>

³⁰ <https://www.govinfo.gov/content/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec139.htm>

³¹ <https://www.tn.gov/content/dam/tn/tdot/documents/government-how-do-i-documents/pip.pdf>

³² [https://www.ecfr.gov/current/title-1/chapter-VI/part-601#p-601.3\(Notice%20of%20Availability%20or%20NOA\)](https://www.ecfr.gov/current/title-1/chapter-VI/part-601#p-601.3(Notice%20of%20Availability%20or%20NOA))

7.3 Final Environmental Document

Once the final environmental document has been approved, it will be distributed to the Cooperating and Participating Agencies, as well as NGOs and federal/state/local officials via email with a link to a digital copy of the final environmental document, unless otherwise requested.

7.4 Other Opportunities for Agency Involvement

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

8.0 Public Involvement

Effective communication is essential to the success of the SR-66 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.

8.1 Project Database

A project database will be developed for use in distributing information to stakeholders and other interested parties. The initial database will be developed utilizing GIS parcel information and will include all parcels owners within 250 feet of the centerline of the Build Alternative. 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 Quality and NEPA Section, NEPA Team Lead, at (615) 253-5163 or by email at Erick.Hunt-Hawkins@tn.gov.

8.2 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 U.S. Census data and information obtained from groups or organizations known to have knowledge of these populations.

8.3 Media Relations

Local newspapers and social media 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 in the local newspaper, [*The Rogersville Review*](#).³³

³³ <https://www.therogersvillereview.com/>

8.4 Project Website

TDOT has developed a project website, which will provide the public with an overview of the project to include the project's purpose and need, schedule, preliminary environmental impact information, public involvement opportunities and proposed design features. The project website is available at: <https://www.tn.gov/tdot/projects/projects-region-1/state-route-66.html> or <https://tinyurl.com/SR-66Hawkins>.

8.5 Public Meeting

TDOT is anticipated to hold one public meeting to receive comments from the public on the draft purpose and need and the range of alternatives under consideration. Input from the public meeting and public comment period will be used by TDOT to inform the analysis completed as part of the EA. Comments or questions received during the public meeting would be documented by the TDOT project team and included in the EA.

8.6 Community Briefings

The TDOT project team intends to participate in several community briefings within Hawkins County. As part of TDOT's attendance at the community briefings, the project team will be available to answer questions related to the NEPA process. Comments or questions received through TDOT's attendance at the community briefings would be documented by the TDOT project team and included in the EA.

8.7 Neighborhood Pop-Up Events

If TDOT or FHWA determines necessary, a series of neighborhood pop-up events could be held in Hawkins County prior to the public hearing.

The neighborhood pop-ups would be anticipated to take place at community gathering locations such as community centers, senior living communities, grocery stores, coffee shops, City/County buildings, or parks and are intended to gather feedback and comments about the project. The locations, dates, and times of the pop-up events would be posted in advance to the TDOT project website.

As part of the neighborhood pop-up events, the project team could also distribute a public information flyer and comment card. Comments or questions received through the neighborhood pop-up events would be documented by the TDOT project team and included in the final environmental document.

8.8 Toll-Free Comment/Question Phone Line

TDOT has established a 1-800 phone number (1-800-546-0949 (toll-free)) to capture public comments and questions about the proposed project. Comments or questions received through the 1-800 phone number would be documented by the TDOT project team and included in the EA and final environmental document.

8.9 Project Comment Email Address

TDOT has established an email address (TDOT.Comments@tn.gov) to capture public comments and questions about the proposed project. Comments or questions received through the TN.Gov email address would be documented by the TDOT project team and included in the EA and final environmental document.

8.10 Notice of Availability Published in Local Newspapers

Once FHWA approves the EA document, an NOA of the EA document will be posted to the project website and published in the local newspaper, [The Rogersville Review](https://www.therogersvillereview.com/).³⁴ 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:

- Hawkins County Courthouse
150 East Washington Street
Rogersville, TN 37857
- Bulls Gap Town Hall
139 South Main Street
Bulls Gap, TN 37711
- H.B. Stamps Memorial Library
407 East Main Street, Suite 1
Rogersville, TN 37857

8.11 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 considered by TDOT in the decision-making process for selection of the Preferred Alternative and potential mitigation measures. This information will be documented in the final environmental document.

The public hearing will be held in the project area and, if warranted, will also include virtual components. The hearing will be advertised in the local newspaper, [The Rogersville Review](https://www.therogersvillereview.com/).³⁵

9.0 Project Schedule

Table 2: 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.

Comment periods for the public or participating agencies will not exceed 30 days unless a different comment period is established by the study team, Lead Agency, and all Participating Agencies.

³⁴ <https://www.therogersvillereview.com/>

³⁵ <https://www.therogersvillereview.com/>

Table 2: Anticipated Project Schedule*	
Milestone	Timeframe**
Initiate Early Coordination	Quarter 3 of 2024
Conduct Technical Studies	Quarter 4 of 2024
Public Meeting	Quarter 4 of 2024
Notice of Availability / Environmental Assessment Approval	Quarter 1 of 2025
Neighborhood Pop-Up Events in Hawkins County	Quarter 2 of 2025
Hold NEPA Public Hearing	Quarter 2 of 2025
Approval of Final Environmental Document / Selection of Preferred Alternative***	Quarter 3 of 2025
Right-of-Way Acquisition Phase	To Be Determined.
Construction Phase	To Be Determined.
<p>*Quarter 1 – January through March Quarter 2 – April through June Quarter 3 – July through September Quarter 4 – October through December **Forecasted dates are subject to change. ***Once the final environmental document is approved by the Federal Highway Administration, the Planning and Environmental Phase is complete.</p>	



**Environmental Assessment for
State Route 66
From State Route 34 (US-11E, Andrew Johnson Highway) in Bulls Gap to
Near of Speedwell Road/Old Highway 66,
Hawkins County, TN
PIN #: 107579.00
Federal Project #: STP-66(38)**

**COORDINATION AND
PUBLIC INVOLVEMENT PLAN**

Federal Highway Administration, Tennessee Division
and
Tennessee Department of Transportation

October 2024; Updated March 2025

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1.0 Purpose of the Coordination and Public Involvement Plan

[Title 23 of the U.S. Code \(USC\) 139\(g\)](#)¹ requires the lead agencies associated with the development of an Environmental Impact Statement (EIS), with optional use for an Environmental Assessment (EA), to establish a plan for coordinating public and agency participation and comment during the environmental review process. While the Tennessee Department of Transportation (TDOT) has chosen to not follow the entire [23 USC 139](#)² process for this EA, TDOT has opted to prepare a coordination plan and schedule and to designate Cooperating and Participating Agencies from that optional process. Since the Federal Highway Administration (FHWA) is providing funding for this project, FHWA serves as the lead federal agency for the project. TDOT will serve as the joint lead agency.

TDOT must meet the requirements of its [Public Involvement Plan: A Statewide Transportation Public Participation Guide](#).³ The State Route (SR) 66 from SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to North of Speedwell Road/Old Highway 66 project in Hawkins County, hereinafter SR-66 project, is classified as a TDOT Level 3 project. The Level 3 classification encompasses projects that require completion of an 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. Because the Coordination Plan⁴ and the PIP contain similar information, TDOT has combined the two documents into this 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-66 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, discusses coordination planned throughout 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

Hawkins County is located in northeast Tennessee and is divided by the Holston River, which traverses the county's entire length (see **Figure 1**). Hawkins County is approximately 487 square miles in size and consists of valleys dotted with farms and pastureland to the foothills of the Appalachians. The county seat is Rogersville, which was founded by Joseph Rogers in 1789. Rogersville was the last Tennessee town founded under the government of North Carolina.

Hawkins County is accessible via four-lane United States Highway (US) 11W (SR-1) and connects with US-25E (SR-32) fifteen miles southwest of Rogersville. Nearby, Interstate 81 (I-81) parallels US-11W in adjacent Greene County. Bulls Gap, located at the southern end of Hawkins County, was settled in 1794. The town was named for the famous gunsmith, John Bull, who made his home in the gap of the mountains. Today, the town is governed by a Board of Mayor and Aldermen with the town center located at the intersection of SR-34 (US-11E, Andrew Johnson Highway) and SR-66.

¹ <https://www.govinfo.gov/content/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec139.htm>

² <https://www.govinfo.gov/content/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec139.htm>

³ <https://www.tn.gov/content/dam/tn/tdot/documents/government-how-do-i-documents/pip.pdf>

⁴ While Section 6002 applies only to projects for which an EIS is prepared, it is TDOT's standard practice to also prepare a Coordination Plan for projects for which an EA is prepared.

2.0 Project Description

The proposed project would include the widening and realignment of existing SR-66 from the intersection with SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to north of the intersection with Speedwell Road/Old Highway 66. The proposed improvements would total approximately 5.7 miles in length.

2.1 Project Background

In 2006, TDOT completed a [Transportation Planning Report \(TPR\)](#)⁵ which analyzed existing and projected traffic data and determined the feasibility of proposed improvements along an approximately 5.3-mile⁶ segment of SR-66 from SR-34 (US-11E, Andrew Johnson Highway) in the Town of Bulls Gap to the Otes Community⁷ in Hawkins County. The TPR evaluated modifying the existing two-lane road to an upgraded two-lane facility which would match the roadway lane and shoulder width geometrics (two 12-foot lanes with eight- to 12-foot shoulders) of the section of SR-66 from the Otes Community to the Town of Rogersville. As part of the [2006 TPR](#), four options were considered: Option A, Option B, Option C, and the No-Build Option. The [2006 TPR](#) recommended that one of the build options (Option A, Option B, or Option C) be implemented, but did not clearly specify a preference and stated the decision for which option to implement would be based on concurrence from the community and upon further review of both environmental and design data.

Based on the [2006 TPR](#), the TDOT 2007-2009 Multi-Modal Work Program⁸ identified the section of SR-66 from SR-34 (US-11E, Andrew Johnson Highway) in the Town of Bulls Gap to the Otes Community as a substandard rural highway and provided the initial funding for the proposed project's planning, environmental, and preliminary engineering studies.

Following completion of the [2006 TPR](#), a set of Right-of-Way Plans (dated 10/02/2019) were developed for the section of SR-66 from SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to north⁹ of Speedwell Road/Old Highway 66. TDOT prepared a D-List Categorical Exclusion (CE) based on the Right-of-Way Plans (dated 10/02/2019) to document the potential impacts associated with the proposed improvements, which was approved by the FHWA on May 6, 2020.

Following the completion of the 2020 D-List CE, TDOT and FHWA determined that due to the anticipated number of relocations, the proposed project no longer qualifies as a D-List CE. Therefore, the proposed project is now being evaluated as an EA.

⁵ <https://www.tn.gov/content/dam/tn/tdot/documents/government-how-do-i-documents/Studies/StatewidePlanning/studies-HawkinsSR66BullsGapToLM5.3NearOtes-TPR.pdf>

⁶ Since the development of the 2006 TPR, the total proposed project length has increased to approximately 5.70 miles. Refer to the Right-of-Way Plans (dated August 9, 2024), included in Appendix C, for more details.

⁷ Since the development of the 2006 TPR, the proposed project termini have been modified to "From SR-34 (US-11E, Andrew Johnson Highway) in Bulls Gap to North of Speedwell Road/Old Highway 66. Refer to the Right-of-Way Plans (dated August 9, 2024), included in Appendix C, for more details.

⁸ Please note that this document is not available online.

⁹ Please note that the Right-of-Way Plans (dated October 2, 2019) incorrectly listed the termini as "South of Speedwell Road/Old Highway 66". However, the proposed project, as currently proposed, would end north of Speedwell Road/Old Highway 66.

3.0 Project Purpose and Need

The preliminary purpose and need have been identified below.¹⁰

3.1 Need

The need for the proposed project has been preliminarily identified as the following:

- Existing Roadway Geometric Deficiencies;
- Insufficient System Linkage;
- Need for Route Redundancy; and
- Improve SR-66 Consistent with the Legislative Intent of the “Improving Manufacturing, Public Roads, and Opportunities for a Vibrant Economy” (IMPROVE) Act.

3.2 Purpose

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

- Improve Roadway Geometric Deficiencies;
- Improve System Linkage;
- Support Route Redundancy; and
- Meet the Legislative Intent of the IMPROVE Act.

4.0 Alternatives

A No-Build Alternative and one Build Alternative are being evaluated in the EA. Each alternative is described in the subsequent text below.

4.1 No-Build Alternative

The No-Build Alternative has been retained for detailed study and serves as a benchmark for comparison against the Build Alternative. The No-Build Alternative would retain the existing state route and roadway configuration throughout the project area except for those modifications to the roadway network that have been programmed and approved for implementation, as identified in [TDOT’s 25-Year Long Range Transportation Policy Plan](#),¹¹ [State Transportation Improvement Program \(STIP\)](#),¹² and the [TDOT 10-Year Project Plan](#)¹³ and would allow for routine maintenance and safety upgrades.

¹⁰ Please note that the purpose and need was adjusted following the transmittal of October 2024 CPIP to agencies and stakeholders during the early coordination process. The purpose and need could be further refined through ongoing public and agency coordination efforts as well as results of the traffic and safety analysis currently underway.

¹¹ <https://www.tn.gov/tdot/long-range-planning-home/25-year-transportation-policy-plan.html>

¹² <https://www.tn.gov/tdot/program-development-and-administration-home/program-development-and-administration-state-programs.html>

¹³ <https://www.tn.gov/tdot/build-with-us.html>

4.2 Build Alternative

According to the Right-of-Way Plans (dated August 9, 2024), which serve as the basis of this EA, the Build Alternative would generally follow the existing SR-66 roadway alignment, except in locations where minor alignment shifts are needed to correct roadway geometric deficiencies. The Build Alternative would also widen the existing two-lane roadway configuration (which currently consists of one 10-foot-wide lane in each direction) to include the following (see **Figure 2**):

- Two 12-foot travel lanes (one travel lane in each direction) and paved shoulders four- to ten-feet in width.
- An intermittent 12-foot-wide two-way left-turn lane from SR-34 (US-11E, Andrew Johnson Highway) to north of Goan Drive and from north of Berry Road to north of Speedwell Road/Old Highway 66.
- Five-foot wide sidewalks from SR-34 (US-11E, Andrew Johnson Highway) to north of Goan Drive.
- Intermittent curb and gutter.
- Guardrail, as required.

Once completed, the Build Alternative would provide a consistent typical section along SR-66 from SR-34 (US-11E, Andrew Johnson Highway) to the county seat of Rogersville, as well as provide a link from Rogersville to I-81. The total proposed project length is approximately 5.70 miles.

Figure 1: Project Vicinity Map

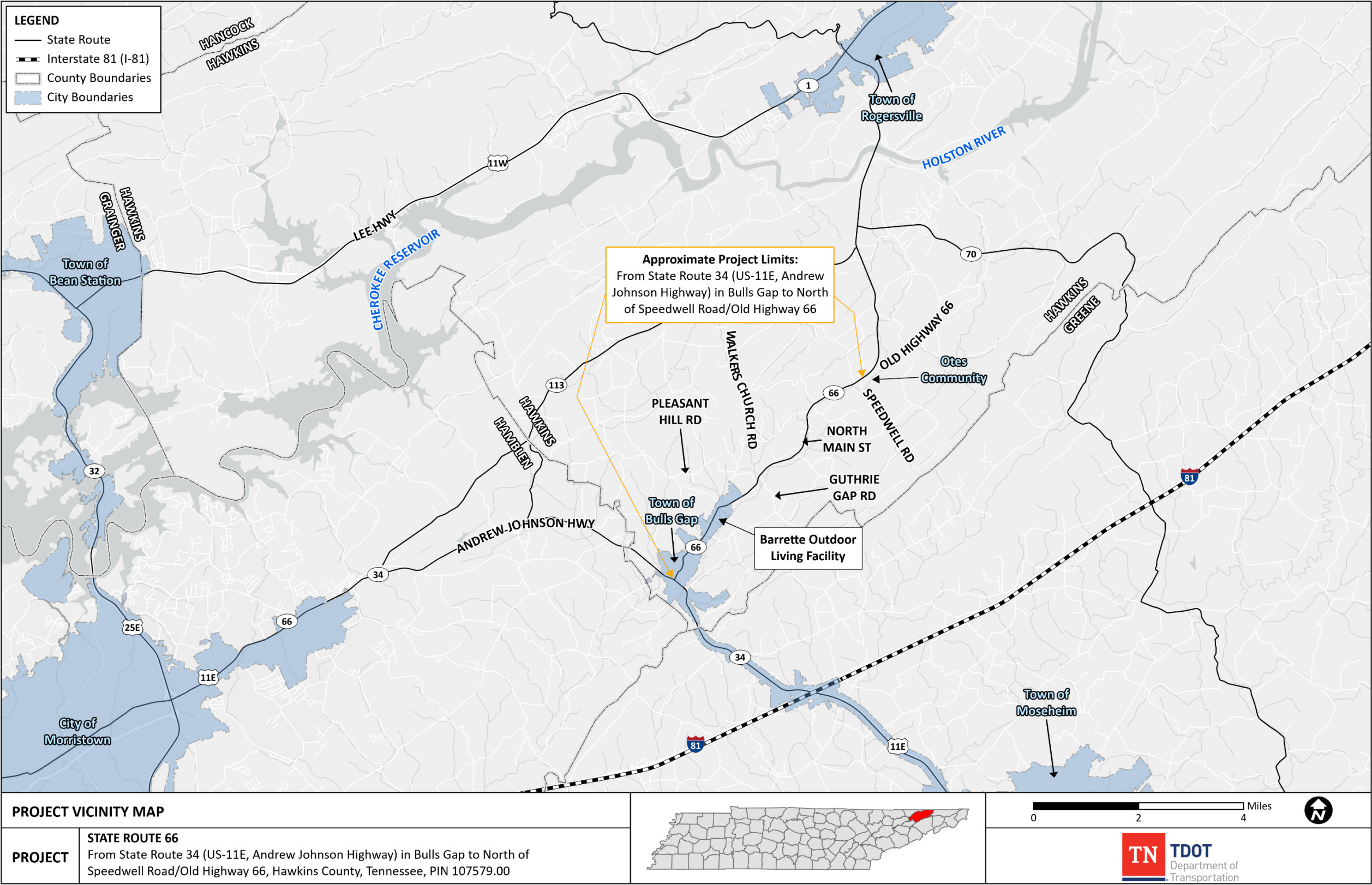
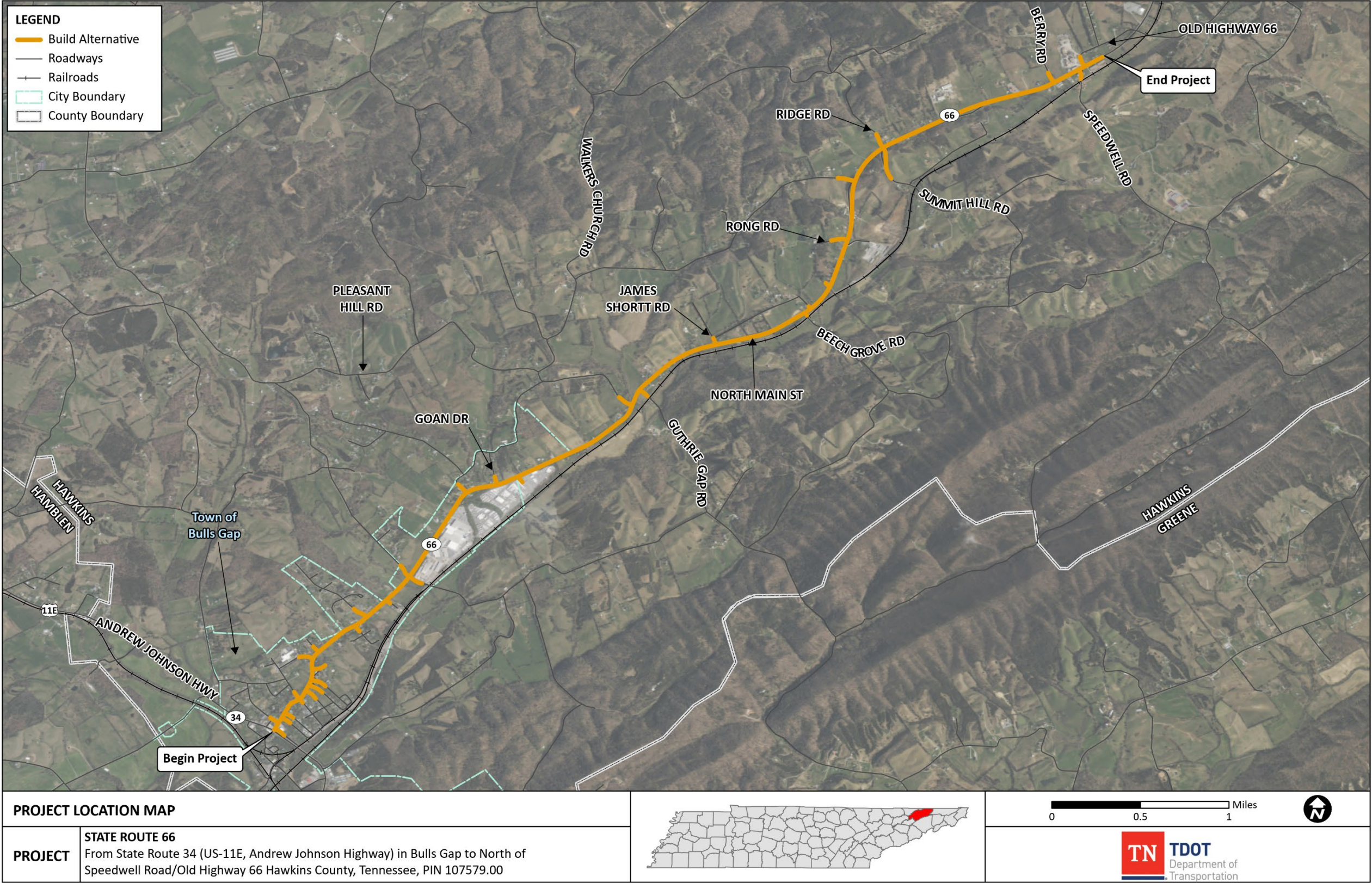


Figure 2: Build Alternative



5.0 Alternatives Proposed to be Carried Forward Into the EA

TDOT proposes to carry forward the No-Build Alternative as well as the Build Alternative for analysis in the EA.

6.0 Summary of Environmental Concerns

The information presented below is for informational purposes only and is preliminary in nature based on the environmental technical studies currently being undertaken within the SR-66 project area. The preliminary results are presented below.

Proposed mitigation and minimization measures are not discussed as the intent of this section is to disclose preliminary impact determinations only.

6.1 Relocations

There are 65 potential relocations (51 single-family residences, seven mobile homes, and seven businesses) within the limits of the Build Alternative. In the event of displacements and/or relocations, there may be issues finding suitable replacement housing for any potential residential relocations. An examination of the Hawkins County residential real estate market near the SR-66 project area indicates an inadequate supply of available residential property to satisfy the relocation requirements of the 58 potential residential relocations. There is a larger inventory of homes in Rogersville (13 miles to the north), Morristown (13 miles to the southwest), and Greeneville (17 miles to the southeast).

Those individuals or businesses identified as being relocated will be fully assisted through procedures provided in the [Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#),¹⁴ as amended, [Uniform Relocation Assistance Act of 1972, implementing federal regulations, Tennessee Code Annotated \(TCA\) 13-11-101 through 119](#),¹⁵ [The State of Tennessee Relocation Assistance Brochure](#),¹⁶ and [Chapter IX of the State of Tennessee Department of Transportation Right-of-Way Manual](#).¹⁷

See **Appendix E: Community Impact Assessment, Relocations, and Economic Resources Technical Memorandum** of the EA for additional details.

6.2 Air Quality

Hawkins County has been designated as in attainment for all criteria pollutants. The project qualifies as a “Project with Low Potential Mobile Source Air Toxic (MSAT) Effects” and is not predicted to create adverse MSAT effects. The Build Alternative may cause temporary generation of construction-related pollutant emissions.

See **Appendix F: Air Quality and Noise Technical Memorandum** of the EA for additional details.

¹⁴ <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter61&edition=prelim>

¹⁵ https://www.lawserver.com/law/state/tennessee/tn-code/tennessee_code_title_13_chapter_11

¹⁶ https://www.tn.gov/content/dam/tn/tdot/right-of-way-division/brochures/New_Residential_09-26-18.pdf

¹⁷ https://www.tn.gov/content/dam/tn/tdot/right-of-way-division/ROW_Procedures_Manual.pdf

6.3 Noise

Five noise analysis areas (NAA) were identified within the limits of the Build Alternative.

The Build Alternative is predicted to impact the following residences by generating Design Year (2048) noise levels of 66 A-weighted sound level decibels (dBA) or higher:

- One residence in NAA 2; and
- Four residences in NAA 5.

In total, the Build Alternative is anticipated to impact 5 Activity Category B (Residential) noise receivers in NAAs 2 and 5. However, the Build Alternative is not predicted to cause a substantial increase in existing noise levels or exceed the FHWA Noise Abatement Criteria.

Noise barriers are not considered feasible for the five impacted residences because they would eliminate or restrict the ability to access SR-66. As a result, noise barriers are not feasible because they would limit access from the impacted properties and adjacent properties.

See **Appendix F: Air Quality and Noise Technical Memorandum** of the EA for additional details.

6.4 Cultural Resources

6.4.1 Historic Preservation

As part of the 2024 Updated Historic Architecture Assessment and Effects Assessment, 118 historic architectural resources were identified within the Area of Potential Effects (APE)¹⁸ of the Build Alternative, 46 of which were previously identified in the 2013 Historic/Architectural Assessment and Documentation of Effect. Shadowland Farm and Berry Farm, which were previously identified as part of the 2013 Historic/Architectural Assessment and Documentation of Effect, were determined to be eligible for listing on the National Register of Historic Places (NRHP). However, taking into account the proposed minimization/mitigation measures, it was determined that the Build Alternative would have no adverse effect to the NRHP eligible Shadowland Farm and Berry Farm.

Newton Farm, which was previously identified as eligible for listing on the NRHP as part of the 2013 Historic/Architectural Assessment and Documentation of Effect, was determined to be no longer eligible for listing in the NRHP. None of the additional historic architectural resources identified in the April 2024 Updated Historic Architecture Assessment and Effects Assessment were determined by TDOT to be eligible for listing on the NRHP.

The Tennessee State Historic Preservation Office (TN-SHPO), in letters dated January 22, 2013, December 30, 2015, December 5, 2019, and May 2, 2024, stated that the Build Alternative would not result in an adverse effect to any NRHP listed or eligible historic architectural resources.

See **Appendix G: Cultural and Section 4(f)/Section 6(f) Resources Technical Memorandum** of the EA for additional details.

¹⁸ The APE for the SR-66 project, which was evaluated for historic architectural resources, included the entirety of all parcels intersected by or immediately adjacent to the proposed project area, which, given the nature of the project, encompasses all properties that may be affected by the Build Alternative.

6.4.2 Archaeology

As part of the January 2025 Addendum: Phase I Archaeological Survey, four archaeological sites and three historic isolated finds¹⁹ were identified within the APE²⁰ of the Build Alternative.

None of the aforementioned archaeological sites were found to be eligible for the NRHP. Therefore, the Build Alternative would have no effect to NRHP listed or eligible archaeological resources.

The TN-SHPO, in letters dated May 29, 2012 and January 23, 2025, stated that the Build Alternative contains no archaeological resources eligible for listing in the NRHP.

See **Appendix G: Cultural and Section 4(f)/Section 6(f) Resources Technical Memorandum** of the EA for additional details.

6.5 Ecological Impacts

6.5.1 Aquatic Resources and Wetlands

According to the Aquatic Resource and Wetland Impact Table included within the December 2024 Environmental Boundaries Report (EBR),²¹ 22 perennial streams (approximately 2,340 linear feet), six intermittent streams (approximately 1,235 linear feet), four wet weather conveyances (approximately 185 linear feet), nine ponds (0.33 acres), and 16 wetlands (approximately 0.539 acres) are located within the limits of the Build Alternative.

At this time, the determinations as to which are waters of the State and/or of the U.S. have not been confirmed by TDEC or the USACE. The determination as to which features are waters of the State and/or U.S. will occur during later project development phases (permitting).

See **Appendix H: Natural Resources Technical Memorandum** of the EA for additional details.

6.5.2 Water Quality

One 303(d) listed stream, Whitehorn Creek, is found within the limits of the Build Alternative. The following existing impairments have been identified for Whitehorn Creek:

- Alteration in stream-side or littoral vegetative covers, due to grazing in riparian or shoreline zones and crop production (non-irrigated);
- Dissolved oxygen due to grazing in riparian or shoreline zones and crop production (non-irrigated);
- *Escherichia coli* (*E. coli*) due to grazing in riparian or shoreline zones; and
- Sedimentation/siltation due to grazing in riparian or shoreline zones and crop production (non-irrigated).

Water quality may be impacted as a result of the Build Alternative.

See **Appendix H: Natural Resources Technical Memorandum** of the EA for additional details.

¹⁹ One additional historic isolated find was identified as part of the May 2012 Phase I Archaeological Survey but was not identified as part of the January 2025 Addendum: Phase I Archaeological Survey.

²⁰ The APE for the SR-66 project, which was evaluated for archaeological resources, included the limits of the existing and proposed right-of-way and easements associated with the Build Alternative.

²¹ Please note that the NEPA (Aquatic Resource and Wetland) Impact Table included within the December 2024 EBR was prepared based on a prior set of Right-of-Way Plans (dated March 12, 2019). This is inconsistent with all other technical memorandums, which were developed based on the Right-of-Way Plans (dated August 9, 2024). The focus of this EA remains the Right-of-Way Plans (dated August 9, 2024).

6.5.3 Threatened and Endangered Species

Per the U.S. Fish and Wildlife Service (USFWS) coordination letter, dated December 18, 2024, there are no federally listed or proposed species that would be impacted by the Build Alternative and Section 7 clearance of the [Endangered Species Act of 1973](#)²² has been received. The USFWS also requested that standard construction best management practices (BMPs) be implemented to avoid and minimize impacts to the SR-66 project area streams and aquatic species.

Per the Tennessee Wildlife Resources Agency (TWRA) coordination letter, dated December 13, 2019, implementation of standard BMPs would satisfy the needs of TWRA. The TWRA also requested that a site visit should be conducted by qualified TDOT personnel to ensure erosion control measures are followed.

Based on a review of the Tennessee Department of Environment and Conservation (TDEC) Rare Species Data Viewer, dated December 11, 2019, one state-listed species (Tennessee trillium (*Trillium tennesseeense*)) was identified within one-mile of the Build Alternative. In addition, two²³ state-listed rare species (Tennessee trillium (*Trillium tennesseeense*) and American barberry (*Berberis canadensis*)) were identified within a one- to four-mile radius of the Build Alternative. One federally-listed rare species (Cumberland monkeyface (*Quadrula intermedia*)) was identified within a one- to four-mile radius of the Build Alternative.

As indicated in the December 2024 EBR, the Build Alternative is covered under the 2023 Memorandum of Agreement (MOA) between TDOT, FHWA, and TDEC Division of Natural Areas (DNA); therefore, coordination with the TDEC DNA was not completed.

See **Appendix H: Natural Resources Technical Memorandum of the EA** for additional details.

6.5.4 Wild and Scenic Rivers

No rivers listed on the National Wild and Scenic River System (NWSRS) are located within the limits of the Build Alternative. Therefore, the Build Alternative would not impact any wild and scenic rivers.

See **Appendix H: Natural Resources Technical Memorandum of the EA** for additional details.

6.5.5 Geology

Soils within the SR-66 project area are primarily silt loam (Hamblen, Leadvale, Litz, Needmore, Sequoia, Taft, and Whitesburg series) or shaly silty clay loam (Dandridge series), as described in the [USDA Web Soil Survey](#),²⁴ accessed on October 8, 2024. According to the [USDA Web Soil Survey](#), slopes within the SR-66 project area range from zero to 60 percent, and portions of the project area are eroded and occasionally flooded.

Construction of the Build Alternative may result in impacts to geology, such as impacts to drainage and ground and slope instability.

See **Appendix H: Natural Resources Technical Memorandum of the EA** for additional details.

²² <https://uscode.house.gov/view.xhtml?path=/prelim@title16/chapter35&edition=prelim>

²³ Please note that the Tennessee trillium was identified within both a one-mile radius and four-mile radius of the Build Alternative.

²⁴ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

6.6 Floodplains

Portions of the Build Alternative are located in or near a Federal Emergency Management Agency (FEMA) defined floodplain; however, there is no detailed study.

Specifically, approximately 2.36 acres of the 100-year floodplain associated with Whitehorn Creek, including McPherson Branch and Moore Branch, are located within the limits of the Build Alternative. Whitehorn Creek is one of many tributary streams to the Nolichucky River, which is located south of the project area.

See **Appendix H: Natural Resources Technical Memorandum** of the EA for additional details.

6.7 Farmland

Approximately 27.1 acres of prime, unique, and/or statewide or locally important farmland is found within the limits of the Build Alternative and would be converted to a transportation use. Overall, this is approximately 0.52 percent of the total amount of prime, unique, and/or statewide or locally important farmland acreage found within Hawkins County.

The Natural Resources Conservation Service (NRCS), in a letter, dated November 8, 2024, stated that the Build Alternative contains prime, unique, and/or statewide or locally important farmland. The Build Alternative received a Farmland Conversion Impact Rating of 109.7 points. Sites receiving a rating of less than 160 points are not given further consideration for protection and no additional sites need to be evaluated. On December 11, 2024, TDOT provided NRCS with the completed Farmland Conversion Impact Rating Form. Therefore, at this time, the requirements of the Farmland Policy Protection Act (FPPA) have been fulfilled for the Build Alternative.

See **Appendix D: Land Use, Farmland, and Transportation Infrastructure Technical Memorandum** of the EA for additional details.

6.8 Hazardous Materials

The May 2012 Phase I Preliminary Assessment Study concluded that there are four potential hazardous material sites within the limits of the Build Alternative. All four sites were noted as having a “low” potential for encountering hazardous materials.

The October 2024 Hazardous Materials Database Review was completed to document an updated federal and state database search of potential hazardous material sites. Based on the October 2024 Hazardous Materials Database Review, ten potential hazardous material sites were found within the limits of the Build Alternative.²⁵ Two of the ten potential hazardous materials sites identified in the October 2024 Hazardous Materials Database Review were previously identified in the May 2012 Preliminary Assessment Study. Additionally, the remaining two potential hazardous materials sites identified in the May 2012 Preliminary Assessment Study are aboveground storage tanks (ASTs) and as such are not included with the results of the October 2024 Hazardous Materials Database Review since their location is not included in publicly accessible databases; however, for the purposes of this analysis the ASTs are still assumed to be in the SR-66 project area.

See **Appendix J: Hazardous Materials Technical Memorandum** of the EA for additional details.

²⁵ Please note the October 2024 Hazardous Materials Database Review was limited to desktop research only. No field work efforts occurred, and no formal update to the May 2012 Phase I Preliminary Assessment Study was prepared.

6.9 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](#).²⁶ These provisions implement the requirements of the [FHWA's Federal-Aid Policy Guide: Chapter 1, Subchapter G, Part 650, Subpart B](#).²⁷

See **Chapter 3** of the EA for additional information related to construction impacts.

7.0 Project Team

The SR-66 project team consists of:

- TDOT
- FHWA
- Cooperating Agencies
- Staff of the Kimley-Horn Project Team- The engineering/planning consultant firm responsible for preparing the environmental document.

The project contacts are listed below:

TDOT NEPA Project Manager:	Consultant NEPA Project Manager:
<p>Erick Hunt-Hawkins, NEPA Team Lead Environmental Quality and NEPA Section TDOT, Environmental Division 505 Deaderick Street, Suite 900 James K. Polk Building Nashville, Tennessee 37243</p> <p>Phone: 615-253-5163 Email: erick.hunt-hawkins@tn.gov</p>	<p>Meridith Krebs Kimley-Horn, Inc. 10 Lea Avenue, Suite 400 Nashville, Tennessee 37210</p> <p>Phone: 615-564-2874 Email: meredith.krebs@kimley-horn.com</p>

8.0 Agency Coordination

8.1 Types of Agency Participation

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

8.1.1 Lead Agencies

Since FHWA funds will be utilized for this project, FHWA serves as the lead federal agency for the project. TDOT, as the entity responsible for development and construction of the proposed project and as a potential direct recipient of federal funds for the project, is the joint lead agency.

²⁶ https://www.tn.gov/content/dam/tn/tdot/construction/2021-standard-specifications/January_1_2021_Standard_Specifications.pdf

²⁷ <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-G/part-650/subpart-B>

8.1.2 Cooperating Agencies and Participating Agencies

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

- Providing meaningful and early input on the project's purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in alternatives analysis.
- Identifying any issues of concern regarding the project's potential environmental and/or socioeconomic impacts.

Cooperating Agencies

[23 USC § 139](#)²⁸ requires that those federal and non-federal agencies that may have an interest in the project be invited to be Cooperating Agencies for an EIS or an EA. A federal agency with special expertise may be invited by the Lead Agency to become a Cooperating Agency.

Because the proposed project has the likelihood to impact stream and wetlands and require a [Section 404 permit](#),²⁹ the United States Army Corps of Engineers (USACE) Nashville District has been invited to be a Cooperating Agency for the SR-66 project. The USACE accepted their invitation to be a Cooperating Agency on November 7, 2024³⁰. 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](#),³¹ Participating Agencies are federal, state, local, or federally-recognized Native American 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\(d\)\(3\)](#).³² 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, Private Entities, and Federal, State, and Local Officials

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

²⁸ <https://www.law.cornell.edu/uscode/text/23/139>

²⁹ <https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>

³⁰ See **Appendix A** for a copy of the USACE (dated November 7, 2024) acceptance letter.

³¹ <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-H/part-771/section-771.107>

³² <https://www.govinfo.gov/content/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec139.htm>

8.2 Early Coordination

TDOT has prepared an Early Coordination Package, which includes an Early Coordination Request Letter and this Coordination and Public Involvement Plan which identifies how input from agencies and the public will be solicited and considered, discusses coordination planned throughout the EA process, and provides a current schedule (including comment/review timeframes) for the major project milestones. Where applicable, the Early Coordination Package included invitations to be Cooperating or Participating Agencies for the project. In total, an Early Coordination Package was distributed to approximately 97³³ agencies, officials, and organizations in October 2024.

Agencies invited to be Cooperating Agencies or Participating Agencies as well as NGOs, and federal, state, and local officials that were sent a copy of the Early Coordination Package and asked for their input are shown in **Table 1**. 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 to comment. Feedback from the early coordination efforts can be found in the Agency Coordination Technical Memorandum, located in **Appendix L** of the EA.

8.3 Native American Consultation

Native American Consultation (NAC) is completed per [Section 106 of the National Historic Preservation Act](#),³⁴ which requires tribal consultation be completed in all steps of the process when a federal agency project or effort may affect historic properties that are either located on tribal lands, or when any Native American tribe or Native Hawaiian organization attaches religious or cultural significance to the historic property, regardless of the property's location. When such undertaking occurs on tribal land, the federal agency must notify appropriate Native American tribes of the undertaking and give those tribal groups the opportunity to consult, should they wish to do so.

During the development of the EA and in accordance with the Section 106 requirements, TDOT will consult with parties that have interests in archaeological issues. The Native American Tribes that were identified to have interests within Hawkins County are:

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

³³ The October 2024 CPIP incorrectly stated that 102 agencies, officials, and organizations received the October 2024 Early Coordination Package. Additionally, the October 2024 CPIP noted that in some instances, the October 2024 Early Coordination Package was distributed to multiple individuals at a single agency. In total, the October 2024 CPIP noted 49 agencies received the October 2024 Early Coordination Package. However, after further review, only 41 agencies (96 individuals total) received the October 2024 Early Coordination Package. Please note that consultation as participating agencies with the eight Native American Tribes (see **Table 1**) was not undertaken as part of the October 2024 Early Coordination process. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (<https://www.achp.gov/protecting-historic-properties>), Native American Tribes are considered Section 106 Consulting Parties and will be contacted accordingly.

³⁴ <https://www.achp.gov/protecting-historic-properties>

Table 1: Early Coordination Agency List

Agency Name	Lead Agency	Cooperating Agency	Participating Agencies	Non-Governmental Agencies/Private Entities/Local Agencies/Local Organizations	Federal, State and Local Officials
Federal Highway Administration, Tennessee Division Office	X				
U.S. Army Corps of Engineers, Nashville District, Regulatory Division		X			
Tennessee Valley Authority, Environmental Compliance and Operations			X		
Appalachian Regional Commission			X		
U.S. Department of Interior ³⁵ <ul style="list-style-type: none"> U.S. Fish and Wildlife Service Office of Environmental Policy and Compliance Office of Surface Mining and Reclamation and Enforcement U.S. Geological Survey, Office of Environmental Affairs 			X	X	
U.S. Department of Agriculture <ul style="list-style-type: none"> Natural Resources Conservation Service Tennessee Rural Development State Office 			X		
Federal Energy Regulatory Commission, Division of Gas			X		
U.S. Environmental Protection Agency, NEPA Programs Office			X		
Advisory Council on Historic Preservation			X		
Tennessee Department of Environment and Conservation			X		
Tennessee Wildlife Resources Agency			X		
Tennessee Historical Commission			X		
Tennessee Department of Economic and Community Development			X		
Tennessee Department of Agriculture			X		
Tennessee Department of Education			X		

³⁵ The U.S. Department of Interior, U.S. Geological Service, Office of Environmental Affairs has requested to be a Non-Participating Agency on all TDOT projects. All other Divisions with the U.S. Department of the Interior are considered Participating Agencies.

Agency Name	Lead Agency	Cooperating Agency	Participating Agencies	Non-Governmental Agencies/Private Entities/Local Agencies/Local Organizations	Federal, State and Local Officials
Tennessee Department of Tourist Development, Rural Tourism and Outreach			X		
Tennessee Department of Labor and Workforce Development			X		
Tennessee Department of Human Services, Family Assistance, Hawkins County Office			X		
First Tennessee Rural Planning Organization			X		
Absentee-Shawnee Tribe of Indians in Oklahoma ³⁷			X		
Cherokee Nation ³⁶			X		
Eastern Band of Cherokee Indians ³⁷			X		
Eastern Shawnee Tribe of Oklahoma ³⁷			X		
Muscogee (Creek) Nation ³⁷			X		
Shawnee Tribe ³⁷			X		
Thlopthlocco Tribal Town ³⁷			X		
United Keetoowah Band of Cherokee Indians in Oklahoma ³⁷			X		
Federal Emergency Management Agency				X	
Federal Railroad Administration, Office of Program Delivery				X	
U.S. Department of Energy, Loan Program Office				X	
First Tennessee Development District				X	
Tennessee Trails Association, East Tennessee Chapter				X	
Sierra Club <ul style="list-style-type: none"> Community-Based Conservation Committee Harvey Broome Group 				X	
Southern Environmental Law Center				X	
The Nature Conservancy				X	
Tennessee Wildlife Federation				X	
Tennessee Environmental Council				X	
Rogersville / Hawkins County Chamber of Commerce				X	

³⁶ Please note that consultation as participating agencies with the eight Native American Tribes was not undertaken as part of the October 2024 Early Coordination process. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) (<https://www.achp.gov/protecting-historic-properties>), Native American Tribes are considered Section 106 Consulting Parties and will be contacted accordingly.

Agency Name	Lead Agency	Cooperating Agency	Participating Agencies	Non-Governmental Agencies/Private Entities/Local Agencies/Local Organizations	Federal, State and Local Officials
National Association of Advancement of Colored People (NAACP), Knoxville Branch				X	
Rotary Club of Rogersville				X	
Kingsport Office of Small Business Development & Entrepreneurship (KOSBE)				X	
Hawkins County <ul style="list-style-type: none"> Road Superintendent Sheriff’s Office Industrial Development Board County Mayor County Commissioners 				X	X
City of Church Hill <ul style="list-style-type: none"> Mayor 					X
Town of Bulls Gap <ul style="list-style-type: none"> Mayor Vice Mayor Aldermen Bulls Gap Volunteer Fire Department 				X	X
City of Kingsport <ul style="list-style-type: none"> Mayor Vice Mayor Aldermen 					X
City of Mount Carmel <ul style="list-style-type: none"> Mayor Vice Mayor Aldermen 					X
Town of Rogersville <ul style="list-style-type: none"> Mayor Aldermen 					X
City of Surgoinsville <ul style="list-style-type: none"> Mayor Vice Mayor Aldermen 					X
State Officials <ul style="list-style-type: none"> Representative Gary Hicks Senator Jon Lundberg District Attorney Dan Armstrong 					X
Federal Officials <ul style="list-style-type: none"> Senator Marsha Blackburn Senator Bill Hagerty Representative Diana Harshbarger 					X

9.0 Opportunities for Agencies to Provide Input

FHWA and TDOT will provide opportunities for input on the EA from the Cooperating and Participating Agencies, as well as other agencies, interested stakeholders, and the public, in accordance with [23 CFR 771.119\(b\)](#)³⁷ and using the optional Cooperating/Participating Agency concept from [23 USC 139\(d\)](#),³⁸ as well as the [TDOT Public Involvement Plan](#).³⁹ These opportunities will occur at various points throughout the EA process. These general coordination points are listed below and the schedule for these coordination points are outlined in **Section 11.0**.

9.1 Early Coordination

The Early Coordination Request Letter and associated Coordination and Public Involvement Plan for the SR-66 project was distributed to Cooperating Agencies, Participating Agencies, NGOs, and Federal, State, and Local Officials via email or distributed by the U.S. Postal Service (USPS) in October 2024. Agencies, officials, and organizations were given 30 days to review and provide comments. See **Section 8.2** regarding agencies that received the October 2024 Early Coordination Package.

9.2 Notice of Availability

Once the EA has been approved, a [Notice of Availability \(NOA\)](#)⁴⁰ will be distributed to the Cooperating and Participating Agencies, as well as officials and organizations via email. The NOA will include a link to a digital copy of the EA, unless otherwise requested.

9.3 Final Environmental Document

Once the final environmental document has been approved, it will be distributed to the Cooperating and Participating Agencies, as well as NGOs and federal/state/local officials via email with a link to a digital copy of the final environmental document, unless otherwise requested.

9.4 Other Opportunities for Agency Involvement

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

10.0 Public Involvement

Effective communication is essential to the success of the SR-66 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.

³⁷ <https://www.ecfr.gov/current/title-23/chapter-I/subchapter-H/part-771/section-771.119>

³⁸ <https://www.govinfo.gov/content/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec139.htm>

³⁹ <https://www.tn.gov/content/dam/tn/tdot/documents/government-how-do-i-documents/pip.pdf>

⁴⁰ [https://www.ecfr.gov/current/title-1/chapter-VI/part-601#p-601.3\(Notice%20of%20Availability%20or%20NOA\)](https://www.ecfr.gov/current/title-1/chapter-VI/part-601#p-601.3(Notice%20of%20Availability%20or%20NOA))

10.1 Project Stakeholder Database

A project stakeholder database was developed for use in distributing information to stakeholders and other interested parties related to the November 12, 2024 Public Meeting. The initial project stakeholder database was developed utilizing GIS parcel information from the [Tennessee Property Assessors Website](#)⁴¹ for Hawkins County and includes all parcels owners within 250 feet of the centerline of the Build Alternative. Names can be added to the database by contacting Erick Hunt-Hawkins, TDOT Environmental Quality and NEPA Section, NEPA Team Lead, at (615) 253-5163 or by email at Erick.Hunt-Hawkins@tn.gov.

10.2 Identification of Special Outreach Groups or Areas

Prior to initiating any public engagement efforts for the SR-66 EA, TDOT utilized U.S. Census data as well reviewed several other on-line databases to identify any special outreach groups or areas of concern within the SR-66 project area.

TDOT's analysis showed that Hawkins County has a lower percent of households with limited English proficiency than the statewide percentage and Hawkins County has a lower percent of households with access to broadband internet when compared to the State of Tennessee. Therefore, the use of virtual meetings or email correspondence was thought to be ineffective method of communication and should only be used as a secondary means to distribute information about the proposed project. Additionally, due to most individuals speaking English as their primary language, public meeting materials were not translated to alternate languages.

Therefore, 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 have not been identified.

See **Appendix E:** Community Impact Assessment, Relocations, and Economic Resources Technical Memorandum of the EA for additional details.

10.3 Media Relations

Local newspapers and social media 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 in the local newspaper, [The Rogersville Review](#).⁴²

10.4 Project Website

TDOT has developed a project website, which will provide the public with an overview of the project to include the project's purpose and need, schedule, preliminary environmental impact information, public involvement opportunities and proposed design features. The project website is available at: <https://www.tn.gov/tdot/projects/projects-region-1/state-route-66.html> or <https://tinyurl.com/SR-66Hawkins>.

⁴¹ <https://assessment.cot.tn.gov/tpad/>

⁴² <https://www.therogersvillereview.com/>

10.5 Public Meeting

TDOT held one public meeting on November 12, 2024 to receive comments from the public on the draft purpose and need and the range of alternatives under consideration for the proposed SR-66 project. Input from the public meeting and public comment period were used by TDOT to inform the analysis completed as part of the EA. Comments or questions received during the public meeting have been documented by the TDOT project team and included in both the EA and the Public Engagement Summary, which can be found in **Appendix M** of the EA.

10.6 Community Briefings

At the request of the local community, the TDOT project team could participate in several community briefings within Hawkins County. As part of TDOT's attendance at the community briefings, the project team will be available to answer questions related to the NEPA process. Comments or questions received through TDOT's attendance at the community briefings would be documented by the TDOT project team and included in both the EA and the Public Engagement Summary, which can be found in **Appendix M** of the EA.

10.7 Toll-Free Comment/Question Phone Line

TDOT has established a 1-800 phone number (1-800-546-0949 (toll-free)) to capture public comments and questions about the proposed project. Comments or questions received through the 1-800 phone number would be documented by the TDOT project team and included in the EA, final environmental document as well as the Public Engagement Summary, which can be found in **Appendix M** of the EA.

10.8 Project Comment Email Address

TDOT has established an email address (TDOT.Comments@tn.gov) to capture public comments and questions about the proposed project. Comments or questions received through the TN.Gov email address would be documented by the TDOT project team and included in the EA, final environmental document as well as the Public Engagement Summary, which can be found in **Appendix M** of the EA.

10.9 Notice of Availability Published in Local Newspapers

Once FHWA approves the EA document, an NOA of the EA document will be posted to the project website and published in the local newspaper, [The Rogersville Review](https://www.therogersvillereview.com/).⁴³ 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:

- H B Stamps Memorial Library (407 E Main St, Rogersville, Hawkins County, TN 37857)
- Bulls Gap City Hall (139 S Main St, Bulls Gap, Hawkins County, TN 37711)
- Hawkins County Courthouse (100 E Main St, Rogersville, Hawkins County, TN 37857)
- TDOT District 17 Morristown Office (1825 State St, Morristown, Hamblen County, TN 37814)

⁴³ <https://www.therogersvillereview.com/>

10.10 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 considered by TDOT in the decision-making process for selection of the Preferred Alternative and potential mitigation measures. This information will be documented in the final environmental document.

The public hearing will be held in the project area and, if warranted, will also include virtual components. The hearing will be advertised in the local newspaper, [The Rogersville Review](#).⁴⁴

11.0 Project Schedule

Table 2 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.

Comment periods for the public or participating agencies will not exceed 21 days unless a different comment period is established by the project team, Lead Agency, and all Participating Agencies.

Table 2: Anticipated Project Schedule

Anticipated Project Schedule*	
Milestone	Timeframe**
Initiate Early Coordination	Quarter 3 of 2024
Conduct Technical Studies	Quarter 4 of 2024
Public Meeting	Quarter 4 of 2024
Notice of Availability / Environmental Assessment Approval	Quarter 1 of 2025
Hold NEPA Public Hearing	Quarter 2 of 2025
Approval of Final Environmental Document / Selection of Preferred Alternative***	Quarter 3 of 2025
Right-of-Way Acquisition Phase	To Be Determined.
Construction Phase	To Be Determined.
<i>*Quarter 1 – January through March Quarter 2 – April through June Quarter 3 – July through September Quarter 4 – October through December **Forecasted dates are subject to change. ***Once the final environmental document is approved by the FHWA, the Planning and Environmental Phase is complete.</i>	

⁴⁴ <https://www.therogersvillereview.com/>



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