APPENDIX H – AGENCY COORDINATION

CP4 DISPOSITION EXAMPLE LETTER TO TESA AGENCIES

CP4 DISPOSITION LETTER TO NON-TESA AGENCY

CP4 COMMENT DISPOSITION DOCUMENT

CP4 COMMENTS FROM TESA AGENCIES

CP4 COMMENTS FROM NON-TESA AGENCIES

CP4 LETTERS TO TESA AGENCIES

CP4 LETTERS TO NON-TESA AGENCIES

CP4 DOCUMENT

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3655

November 18, 2013

<Contact Name>
<Agency Name >
<Office>
<Address 1>
<Address 2>

Subject: TESA Concurrence Point 4
Preferred Alternative and Preliminary Mitigation for State Route 126 (Memorial Boulevard) Improvement Project from East Center Street to Interstate 81
Sullivan County, Tennessee
Environmental Impact Statement (PIN 105467.00)

Dear <Contact Name>,

On September 5, 2013 TDOT requested your concurrence with, and any input you may have on, TESA *Concurrence Point 4: Preferred Alternative and Preliminary Mitigation (CP4)* for the State Route 126 (Memorial Boulevard) Improvement Project in Sullivan County, Tennessee. The documentation was sent to your attention pursuant to the *Tennessee Environmental Streamlining Agreement* (TESA).

Enclosed please find the disposition of CP4 agency comments. If you have any questions or need additional information, please contact me at (615) 253-2463. You may also send me an email at jonnaleigh.stack@tn.gov.

Sincerely,

JonnaLeigh Stack, NEPA Document Manager
Major Projects Office
Environmental Division

cc: Margaret Slater

Enclosures
Attached to this email:
SR 126 (Memorial Boulevard) TESA Concurrence Point 4 Agency Comment Disposition

EXAMPLE

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3655

November 18, 2013

Mr. John G. Campbell
City Manager, City of Kingsport
Chairman, Kingsport MPO Executive Board
Kingsport City Hall
225 West Center Street
Kingsport, TN 37660-4237

RE: Response to TESA Concurrence Point 4 Comments
SR 126 (Memorial Boulevard) Improvement Project, Sullivan County
From East Center Street to Interstate 81
TDOT PIN 105467.00

Dear Mr. Campbell,

The Department appreciates your comments dated October 31, 2013 on the Preferred Alternative and Preliminary Mitigation package that was distributed on September 4, 2013 to signatory agencies of the Tennessee Environmental Streamlining Agreement (TESA) in accordance with the agreement for Concurrence Point 4 (CP4). The Kingsport MPO was a recipient of the package as a NEPA participating agency. The Department has reviewed your comments and provides the following responses at this time.

TDOT responded to citizen concerns and those expressed by the MPO in March of 2012 regarding alternatives presented in the Draft Environmental Impact Statement (DEIS) with the development of Alternative B-Modified following an update to the MPO's Travel Demand Model and traffic projections for the corridor. Considering public input and a reduction in traffic projections, the Department developed Alternative B-Modified to improve safety as a priority, while limiting improvements to only what is needed to accommodate the projected traffic. This strategy was directed at improving safety while minimizing impacts to the environment and community.

Alternative B-Modified was presented to the public on December 11, 2012 at two public hearings and there have been no changes since that date. The Department accepted comments on the information presented at the hearings through January 31, 2013. TDOT selected Alternative B-Modified as the

Preferred Alternative based on the comments received and on the project's approved Purpose and Need, which is primarily to improve safety.

As you noted, the City and County mayors support Alternative B-Modified as presented at the public hearings. As well, most of the public comments received that cited a preference for an alternative, supported Alternative B-Modified, which proposes three lanes along this segment from Harbor Chapel Road to Old Stage Road. While there were many comments in support of extending four travel lanes beyond Harbor Chapel Road, those specifically requesting a four-lane typical section, for any segment of the roadway, were less than those specifically requesting Alternative B-Modified.

Your comments and design recommendations for this section, including the transition near Briarwood Road, will be considered further during the design phase of this project. Care will be given to design of all roadway transitions needed for lane reductions, which must be in accordance with current design policy and standards. As you have suggested, retaining walls will be considered in project design to limit impacts.

The Department looks forward to a continued partnership with the City of Kingsport, Sullivan County, and the Kingsport MPO during development of this project. If you have further questions or comments, please let us know.

Sincerely,

JonnaLeigh Stack
Transportation Coordinator, NEPA Project Manager
Major Projects Office

cc: Lt. Governor Ron Ramsey
John Schroer, TDOT Commissioner
Paul Degges, TDOT Deputy Commissioner
Toks Omishakin, TDOT Environment and Planning Bureau Chief
Jim Ozment, TDOT Environmental Division Director
Steve Allen, TDOT Project Planning Division Director
Gary King, TDOT Design Division Project Manager
William Albright, Kingsport MPO Transportation Planning Manager

1.0 INTRODUCTION

On September 5, 2013 the Tennessee Department of Transportation (TDOT), pursuant to the *Tennessee Environmental Streamlining Agreement* (TESA), distributed copies of the *Concurrence Point 4: Preferred Alternative and Preliminary Mitigation* for the SR 126 (Memorial Boulevard) Corridor Improvement Project in Kingsport, Sullivan County.

The following agencies received the CP4 package.

- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers, Nashville District
- U.S. Environmental Protection Agency
- Federal Highway Administration
- Tennessee Department of Environment and Conservation
- Tennessee Wildlife Resources Agency
- Tennessee Valley Authority
- Tennessee State Historic Preservation Office
- Kingsport Metropolitan Planning Organization

A response with a concurrence, non-concurrence or request for a review extension, along with any comments, was due October 21, 2013. TDOT sent correspondence October 4, 2013 reminding the agencies of the response due date. The 45-day review period was extended due to the federal government shutdown. All comments received are documented in this disposition. Concurrence with TESA *Concurrence Point 4: Preferred Alternative and Preliminary Mitigation* is assumed for any agency not responding in writing by the applicable response due date or not having requested an extension.

2.0 AGENCY CONCURRENCE

Five agencies provided signed concurrence with TESA Concurrence Point 4: Preferred Alternative and Preliminary Mitigation Package.

- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers, Nashville District
- Tennessee Department of Environment and Conservation
- Tennessee Wildlife Resources Agency
- Tennessee Valley Authority

Agencies that did not provide written concurrence/or comment are assumed to concur.

- U.S. Environmental Protection Agency
- Tennessee State Historic Preservation Office

3.0 TESA AGENCY COMMENTS SUMMARY

This section details advisory comments received from TESA agencies regarding *Concurrence Point 4*: *Preferred Alternative and Preliminary Mitigation* and response to those comments.

1. U.S. Fish and Wildlife Service

Comment: According to Table 7.0-2, stream impacts would include alterations to 3,107 linear feet of perennial and intermittent streams. TDOT has committed to constructing the crossings perpendicular to the streams during low flow times to minimize impacts. We additionally recommend that the crossings be constructed with bottomless culverts or a span bridge design to minimize any long-term alterations to stream functions (e.g., fish and other aquatic species passage, sediment transport, movement of woody debris, etc.).

Response: TDOT will consider the design and construction of crossings with bottomless culverts and/or incorporate span bridges where feasible to minimize long-term alterations to stream functions.

Comment: Bat surveys were conducted along the proposed corridor in the summer of 2011 to establish whether the area is utilized as roosting habitat by the Indiana bat. Due to negative survey results for this species, we concurred with TDOT's determination of "not likely to adversely affect" in a letter dated November 9, 2011. Unless new information otherwise indicates Indiana bat use of the area, this survey will be valid until April 1, 2014. Although it is likely that this project would have an insignificant effect on the Indiana bat, we would appreciate consideration given to the removal of trees with a DBH (diameter at breast height) of five inches or greater from October 15 through March 31 to further minimize potential for harm to the Indiana bat.

Response: TDOT will carry forward the environmental commitment in the DEIS to the FEIS for the removal of trees with a DBH (diameter at breast height) of five inches or greater from October 15 through March 31 to further minimize potential for harm to the Indiana bat.

Comment: The capture of two gray bats during survey efforts indicates that this species utilizes the area streams as travel/feeding corridors. Our database indicates that the nearest gray bat cave is Morrell Cave, approximately 10 miles east of the project. We are unaware of any caves that would be impacted by the project and are concerned mainly for water quality along travel/feeding corridors. Best management practices, to include stringent erosion and sediment control measures, should be implemented throughout the project to minimize potential for harm to the gray bat.

Response: The project will be developed in accordance with the TDOT Standard Specifications for Road and Bridge Construction, which addresses sediment and erosion control and siltation.

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

Response: TDOT will reconsider consultation with the U.S. Fish and Wildlife Service if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

2. U.S. Army Corps of Engineers

Comment: Please be advised that when a permit application is submitted, the Corps would evaluate alternatives pursuant to the Section 404(b)(1) Guidelines. The Section 404(b)(1) Guidelines require a determination that the preferred alternative is the Least Environmentally-Damaging Practicable Alternative.

Response: Further impact minimization will be considered during the final design of Alternate B Modified (Preferred Alternative).

Comment: With respect to the preliminary mitigation package, the Corps concurs with the preliminary mitigation measures outlined in the document. However, the threatened and endangered species information should include an effect determination for any listed species in Sullivan County that addresses any potential impacts resulting from the proposed project. While the Indiana bat discussion is valuable, the potential impacts on other listed species should also be provided.

Response: TDOT will again discuss the potential impacts to threatened and endangered species in the FEIS. The DEIS states that, based on reviews of records, surveys, and responses received from federal and state agencies, no threatened and endangered species will be impacted by the proposed project.

Comment: Additionally, the discussion of water quality impacts of the potential alignments included only perennial and intermittent streams. It should be noted that ephemeral streams may also be waters of the U.S. and subject to Section 404 of the CWA permitting requirements. Therefore, any impacts to ephemeral streams should also be included in the stream impact comparison tables. It is recommended that the applicant provide a stream and wetland delineation of the project area to this office for verification prior to the submittal of a permit application.

Response: TDOT will discuss the potential impacts to ephemeral streams in the FEIS. TDOT will include a description of the streams and wetlands within the project area as a part of the permit application process with the USACE.

Comment: Regarding mitigation of stream impacts, it should be clarified that compensatory mitigation may be required for certain Nationwide permits to ensure lost aquatic resource function is replaced. If compensatory mitigation is required, the 2008 Compensatory Mitigation Rule (33 CFR 332) requirements must be satisfied.

Response: TDOT will develop a compensatory mitigation plan as part of the permit application process with the USACE.

Comment: It appears that a Department of the Army (DA) permit would be required for the proposed highway improvement project; therefore, you should submit a permit application, construction plans, a stream and wetland impact summary, a compensatory mitigation proposal, and any additional supporting environmental documentation.

Response: TDOT will submit a complete Department of the Army (DA) permit application package to the USACE for impacts to waters of the U.S.

3. Tennessee Department of Environment and Conservation

Comment: We ask the Department of Transportation minimize all impacts to water resources. Which would include the use of bottomless box culverts where possible and employing natural stream channel design for all stream channels relocated due to the project.

Response: TDOT will consider the design and construction of crossings with bottomless culverts and/or incorporate span bridges where feasible as well as employ natural stream channel design for any relocated streams to minimize long-term alterations to stream functions.

4. Tennessee Wildlife Resources Agency

Comment: In our comments on Concurrence Point 3 for this proposed project that are included in Appendix C of the Concurrence Point 4 "Preferred Alternative and Preliminary Mitigation Package" it states:

> "Comment: On Page 121 in Chapter 3, the title of TABLE 3.5.2: entitled "ANIMALS IDENTIFIED WITHIN SULLIVAN COUNTY BY TWRA (1 OF 2)" should be reworded to read "ANIMALS IDENTIFIED WITHIN SULLIVAN COUNTY BY TWRA AND TDEC (1 OF 2)", since this information was provided to TDOT by TDEC and since TWRA does not have regulatory authority of the Stonefly (*Allocapnia brooksi)*, the Cherokee Clubtail Dragonfly (*Gomphus consanguis*), the Cave Spider (*Nesticus paynei*), and the Diana Fritillary (*Speyeria Diana*). We also request that the state status of "Wildlife-In-Need-Of-

Management" be included in the table for the following species: Tangerine Darter (*Percina aurantiaca*), Blotchside Logperch (*Percina burtoni*), Bald Eagle (*Haliaeetus leucocephalus*), Swainson's Warbler (*Limnothlypis swainsonii*), Common Barn Owl (*Tyto alba*), Hairy-tailed Mole (*Parascalops breweri*), Smoky Shrew (*Sorex fumeus*) and the Meadow Jumping Mouse (*Zapus hudsonius*). The Sharphead Darter (*Etheostoma acuticeps*), the Tennessee Dace (*Phoxinus tennesseensis*) and the Least Weasel (*Mustela nivalis*) have no Tennessee Wildlife Resources Agency state status. The state status for the Longhead Darter (*Percina macrocephala*) is threatened. Response: The suggested changes will be made."

Nowhere in this document do we see that our comments have been incorporated into the Concurrence Point 4 document. The only mention of listed species in the Concurrence Point 4 document is in regard to the federally listed Indiana Bat (*Myotis sodalist*).

Response: TDOT changed the title of TABLE 3.5.2. in the DEIS from "ANIMALS IDENTIFIED WITHIN SULLIVAN COUNTY BY TWRA (1 OF 2)" to "ANIMALS IDENTIFIED WITHIN SULLIVAN COUNTY BY TWRA AND TDEC (1 OF 2)". TDOT included the state status of "Wildlife-In-Need-Of-Management" in Table 3.5.2. of the DEIS for the following species: Tangerine Darter (*Percina aurantiaca*), Blotchside Logperch (*Percina burtoni*), Bald Eagle (*Haliaeetus leucocephalus*), Swainson's Warbler (*Limnothlypis swainsonii*), Common Barn Owl (*Tyto alba*), Hairy-tailed Mole (*Parascalops breweri*), Smoky Shrew (*Sorex fumeus*) and the Meadow Jumping Mouse (*Zapus hudsonius*). TDOT also included the Longhead Darter (*Percina macrocephala*) in the table as threatened.

5. Tennessee Valley Authority

Comment: The Tennessee Valley Authority signed in concurrence with the *Concurrence Point #4: Preferred Alternative and Preliminary Mitigation Package* on October 21, 2013. There were no comments attached to the concurrence form.

Response: Not Applicable

Tennessee Environmental Streamlining Agreement - Concurrence Form

Concurrence Point 4 – Preferred Alternative and Preliminary Mitigation Package

State Route 126 (Memorial Boulevard) Improvement Project
From East Center Street to I-81
Sullivan County, Tennessee
PIN 105467.00

September 4, 2013

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Impact Statement (EIS) for the SR 126 (Memorial Boulevard) Improvement Project from East Center Street to I-81 in Sullivan County, Tennessee. This EIS is being developed by TDOT to document the impacts of the subject project, in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA).*

Enclosed please find the *Concurrence Point (CP) 4* package introducing the Preferred Alternative and Preliminary Mitigation for your review and comment. In accordance with TESA, we are requesting your concurrence on the *CP 4* package by **October 21, 2013**.

Please sign and return this form to JonnaLeigh Stack, NEPA Project Manager at the address below by October 21, 2013.

Tennessee Department of Transportation
Environmental Division
c/o **JonnaLeigh Stack**
505 Deaderick Street, Suite 900
James K Polk Building
Nashville, TN 37243

If you feel all provisions of *TESA Concurrence Point 4, Preferred Alternative and Preliminary Mitigation*, have been satisfied, please acknowledge your concurrence by signing on the appropriate line below.

TESA AGENCY: TENNESSEE WILDLIFE RESOURCES AGENCY

CONCUR: ROBERT TODD (Print Name) Robert Todd (Signature) MANAGER 4 (Title)

DO NOT CONCUR: _____ (Print Name) _____ (Signature) _____ (Title)

DATE: 10-8-2013

PLEASE SEE ATTACHED COMMENTS.

TENNESSEE WILDLIFE RESOURCES AGENCY

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

October 9, 2013

JonnaLeigh Stack
Transportation Coordinator, NEPA Project Manager
TDOT Environmental Division
James K. Polk Building, Suite 900,
505 Deaderick Street
Nashville, TN 37243-0334

Re: Concurrence Point 4 – Preferred Alternative and Preliminary Mitigation Package – State Route 126 (Memorial Boulevard) Improvement Project from East Center Street to I-81, Sullivan County, Tennessee, PIN 105467.00

Dear Ms. Stack:

The Tennessee Wildlife Resource Agency has reviewed the Tennessee Department of Transportation (TDOT) Concurrence Point 4 documents for the State Route 126 (Memorial Boulevard) Improvement Project from East Center Street to I-81 in Sullivan County and concurs on Concurrence Point 4 and supports Alternative B Modified as the Preferred Alternative. We have completed the Concurrence Point 4 Form as requested and it is attached.

The Tennessee Wildlife Resources Agency provides the following comments regarding "Preferred Alternative and Preliminary Mitigation Package" for the proposed State Route 126 (Memorial Boulevard) Improvement Project. In our comments on Concurrence Point 3 for this proposed project that are included in Appendix C of the Concurrence Point 4 "Preferred Alternative and Preliminary Mitigation Package" it states: "***Comment:*** On page 121 in Chapter 3, the title of TABLE 3.5.2: entitled "ANIMALS IDENTIFIED WITHIN SULLIVAN COUNTY BY TWRA (1 OF 2)" should be reworded to read "ANIMALS IDENTIFIED WITHIN SULLIVAN COUNTY BY TWRA AND TDEC (1 OF 2)", since this information was provided to TDOT by TDEC and since TWRA does not have regulatory authority of the Stonefly (*Allocapnia brooksi*), the Cherokee Clubtail Dragonfly (*Gomphus consanguis*), the Cave Spider (*Nesticus paynei*), and the Diana Fritillary (*Speyeria Diana*). We also request that the state status of "Wildlife-In-Need-Of-Management" be included in the table for the following species" Tangerine Darter (*Percina aurantiaca*), Blotchside Logperch (*Percina burtoni*), Bald Eagle (*Haliaeetus leucocephalus*) Swainson's Warbler (*Limnothlypis swainsonii)*, Common Barn Owl (*Tyto alba*), Hairy-tailed Mole (*Parascalops breweri*), Smoky Shrew (*Sorex fumeus*) and the Meadow Jumping Mouse (*Zapus hudsonius*). The Sharphead Darter (*Etheostoma acuticeps*), the Tennessee Dace (*Phoxinus tennesseensis*), and the Least Weasel (*Mustela nivalis*) have no Tennessee Wildlife Resources Agency state status. The state status for the Longhead Darter (*Percina macrocephala*) is threatened. ***Response:*** The suggested changes will be made."

Nowhere in this document do we see that our comments have been incorporated into the Concurrence Point 4 document. The only mention of listed species in the Concurrence Point 4 document is in regard to the federally listed Indiana Bat (Myotis sodalist).

Sincerely,

Robert M. Todd

Robert M. Todd
Fish and Wildlife Environmentalist

cc: Vincent Pontello, Wildlife Biologist/East TN TDOT Liaison
Rob Lindbom, Region IV Habitat Biologist
John Gregory, Region IV Manager
John Griffith, USFWS
Ben Brown, TDEC
Jamie Higgins, EPA
Larry Long, EPA
Amy Robinson, U.S. Army Corps of Engineers, Nashville District
Leigh Ann Tribble, Federal Highway Administration

Tennessee Environmental Streamlining Agreement - Concurrence Form

Concurrence Point 4 – Preferred Alternative and Preliminary Mitigation Package

State Route 126 (Memorial Boulevard) Improvement Project
From East Center Street to I-81
Sullivan County, Tennessee
PIN 105467.00

September 4, 2013

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Impact Statement (EIS) for the SR 126 (Memorial Boulevard) Improvement Project from East Center Street to I-81 in Sullivan County, Tennessee. This EIS is being developed by TDOT to document the impacts of the subject project, in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA).*

Enclosed please find the *Concurrence Point (CP) 4* package introducing the Preferred Alternative and Preliminary Mitigation for your review and comment. In accordance with TESA, we are requesting your concurrence on the *CP 4* package by **October 21, 2013**.

Please sign and return this form to JonnaLeigh Stack, NEPA Project Manager at the address below by October 21, 2013.

Tennessee Department of Transportation
Environmental Division
c/o **JonnaLeigh Stack**
505 Deaderick Street, Suite 900
James K Polk Building
Nashville, TN 37243

If you feel all provisions of *TESA Concurrence Point 4, Preferred Alternative and Preliminary Mitigation*, have been satisfied, please acknowledge your concurrence by signing on the appropriate line below.

TESA AGENCY: TDEC

CONCUR: Benjamin Brown _____ Permit Coordinator
(Print Name) (Signature) (Title)

DO NOT CONCUR: _____ _____ _____
(Print Name) (Signature) (Title)

DATE: 11-4-13

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

November 4, 2013

JonnaLeigh Stack
Transportation Coordinator, NEPA Project Manager
TDOT Environmental Division
James K. Polk Building, Suite 900,
505 Deaderick Street
Nashville, TN 37243-0334

Subject: Concurrence Point 4
State Route 126 (Memorial Boulevard) from East Center Street to I-81
Sullivan County, Tennessee, PIN 105467.00

Dear Ms. Stack:

The Division of Water Resources with the Tennessee Department of Environment & Conservation has reviewed the Concurrence Point 4 documents for State Route 126 in Sullivan County and concurs with the selected alternative, Alternative B Modified.

We have the following comment regarding this concurrence point: We ask the Department of Transportation minimize all impacts to water resources. Which would include the use of bottomless box culverts where possible and employing natural stream channel design for all stream channels relocated due to the project.

Thank you for the opportunity to review this document. If you have any questions regarding this correspondence please contact Mr. Benjamin Brown via email at Benjamin.Brown@tn.gov or by phone at 615.532.0645.

Sincerely,

Jimmy R. Smith,
Manager, Natural Resources Unit

Cc: U.S. Army Corps of Engineers, Nashville Regulatory District
Elizabeth McGuire, U.S. Environmental Protection Agency, Atlanta, GA
Mary Jennings, U.S. Fish and Wildlife Service, Cookeville, TN
Rob Todd, Tennessee Wildlife Resources Agency, Nashville, TN
File copy

Tennessee Environmental Streamlining Agreement - Concurrence Form

Concurrence Point 4 – Preferred Alternative and Preliminary Mitigation Package

State Route 126 (Memorial Boulevard) Improvement Project
From East Center Street to I-81
Sullivan County, Tennessee
PIN 105467.00

September 4, 2013

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Impact Statement (EIS) for the SR 126 (Memorial Boulevard) Improvement Project from East Center Street to I-81 in Sullivan County, Tennessee. This EIS is being developed by TDOT to document the impacts of the subject project, in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA).*

Enclosed please find the *Concurrence Point (CP) 4* package introducing the Preferred Alternative and Preliminary Mitigation for your review and comment. In accordance with TESA, we are requesting your concurrence on the *CP 4* package by **October 21, 2013**.

Please sign and return this form to JonnaLeigh Stack, NEPA Project Manager at the address below by October 21, 2013.

Tennessee Department of Transportation
Environmental Division
c/o **JonnaLeigh Stack**
505 Deaderick Street, Suite 900
James K Polk Building
Nashville, TN 37243

If you feel all provisions of *TESA Concurrence Point 4, Preferred Alternative and Preliminary Mitigation*, have been satisfied, please acknowledge your concurrence by signing on the appropriate line below.

TESA AGENCY: TVA

CONCUR: Ashley Farless _____ NEPA Specialist
(Print Name) (Signature) (Title)

DO NOT CONCUR: _____ _____ _____
(Print Name) (Signature) (Title)

DATE: 10/21/2013

Tennessee Environmental Streamlining Agreement Concurrence Form
Concurrence Point 4
State Route 126 (Memorial Boulevard) Improvement Project From East Center Street to Interstate 81
Sullivan County, Tennessee
PIN 105467.00

October 4, 2013

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Impact Statement (EIS) for the State Route 126 (Memorial Boulevard) Improvement Project from East Center Street to Interstate 81 in Sullivan County, Tennessee. This EIS is being developed by TDOT to document the impacts of the subject project, in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA).* In accordance with TESA, we are requesting your review and concurrence on *Concurrence Point 4, Preferred Alternative and Preliminary Mitigation.*

The *Preferred Alternative and Preliminary Mitigation* package was sent to you on September 5, 2013 for a 45-day review period. Once you have had the opportunity to review the above referenced document, please sign this form. If you feel all provisions of TESA Concurrence Point 4 have been satisfied, please acknowledge concurrence with the adequacy of the State Route 126 (Memorial Boulevard) Improvement Project Preferred Alternative and Preliminary Mitigation. If you feel all provisions of TESA Concurrence Point 4 have not been met, and wish to initiate Issue Resolution per TESA, indicate your nonconcurrence below.

Please sign and return this form to Ms. JonnaLeigh Stack at the address below by October 21, 2013.

If you need additional time to review the material, please send a request by mail to the address provided below.

Sincerely,

JonnaLeigh Stack

JonnaLeigh Stack, NEPA Document Manager
TDOT Environmental Division, Major Projects Office
James K. Polk Building, Suite 900
505 Deaderick Street
Nashville, TN 37243-0334

AGENCY: DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

CONCURRRENCE: [signature]

NONCONCURRENCE: _____

DATE: 11/6/13

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

REPLY TO
ATTENTION OF:

November 6, 2013

Regulatory Branch

SUBJECT: File No. 2009-00048; Concurrence Point #4; Preferred Alternative and Preliminary Mitigation for Proposed Improvements to State Route 126 (Memorial Boulevard) from East Center Street, in Kingsport, to Interstate 81, in Sullivan County, Tennessee [TDOT Pin 105467.00]

Ms. JonnaLeigh Stack
NEPA Document Manager, Major Projects Office
Tennessee Department of Transportation
James K. Polk Building, Suite 900
505 Deaderick Street
Nashville, Tennessee 37243-0334

Dear Ms. Stack:

This is in response to your request for the U.S. Army Corps of Engineers' (Corps) concurrence and input on Concurrence Point #4, Preferred Alternative and Preliminary Mitigation Document, prepared for State Route 126 Improvements in Sullivan County, Tennessee. These comments are provided pursuant to the Tennessee Environmental Streamlining Agreement (TESA). Please refer to File No. 2009-00048 in any future correspondence to this office concerning the subject project.

The Concurrence Point (CP) #4 document provides information concerning the preferred alternative and preliminary mitigation options for the proposed highway improvement. The document evaluated four alternatives for the proposed project. These alternatives included the No-Build alternative, Alternative A, Alternative B, and Alternative B Modified. Review of the environmental and public impacts resulted in a determination that Alternative B Modified is the applicant's preferred alternative. Table 4.2-1, Summary of Project Data and Estimated Impacts, indicates that Alternative B Modified would minimize impacts on historic sites, grave sites, private property, and forest land. Compared to Alternative B, Alternative B Modified would result in similar impacts on stream crossings, floodplains, threatened and endangered species, and farmland. However, potential impacts associated with Alternative B and Alternative B Modified are less than the impacts associated with Alternative A. While the No-Build Alternative would not create any additional environmental impacts, this alternative would not meet the purpose and need of the highway improvement project, as outlined in the CP #1 document. Therefore, this office concurs with the rationale used to select the preferred alternative, Alignment B Modified. Please be advised that when a permit application is submitted, the Corps would evaluate alternatives pursuant to the Section 404(b)(1) Guidelines. The Section 404(b)(1) Guidelines require a determination that the preferred alternative is the Least Environmentally-Damaging Practicable Alternative.

With respect to the preliminary mitigation package, the Corps concurs with the preliminary mitigation measures outlined in the document. However, the threatened and endangered species information should include an effect determination for any listed species in Sullivan County that addresses any potential impacts resulting from the proposed project. While the Indiana bat discussion is valuable, the potential impacts on other listed species should also be provided. Additionally, the discussion of water quality impacts of the potential alignments included only perennial and intermittent streams. It should be noted that ephemeral streams may also be waters of the U.S and subject to Section 404 of the CWA permitting requirements. Therefore, any impacts to ephemeral streams should also be included in the stream impact comparison tables. It is recommended that the applicant provide a stream and wetland delineation of the project area to this office for verification prior to the submittal of a permit application. Regarding mitigation of stream impacts, it should be clarified that compensatory mitigation may be required for certain Nationwide permits to ensure lost aquatic resource function is replaced. If compensatory mitigation is required, the 2008 Compensatory Mitigation Rule (33 CFR 332) requirements must be satisfied.

Thank you for coordinating the CP#4 document with the Corps. As indicated above, the Corps concurs with the rationale used to select the preferred alternative, and the proposed preliminary mitigation measures. It appears that a Department of the Army (DA) permit would be required for the proposed highway improvement project; therefore, you should submit a permit application, construction plans, a stream and wetland impact summary, a compensatory mitigation proposal, and any additional supporting environmental documentation. If we can be of further assistance, or if you have any questions regarding DA permit requirements, please contact Amy Robinson at the above address, telephone number 615-369-7509, or email at amy.m.robinson@usace.army.mil.

Sincerely,

Eric Reusch
Chief, Eastern Regulatory Section
Operations Division

Tennessee Environmental Streamlining Agreement - Concurrence Form

Concurrence Point 4 – Preferred Alternative and Preliminary Mitigation Package

State Route 126 (Memorial Boulevard) Improvement Project
From East Center Street to I-81
Sullivan County, Tennessee
PIN 105467.00

September 4, 2013

The Tennessee Department of Transportation (TDOT) is preparing an Environmental Impact Statement (EIS) for the SR 126 (Memorial Boulevard) Improvement Project from East Center Street to I-81 in Sullivan County, Tennessee. This EIS is being developed by TDOT to document the impacts of the subject project, in accordance with the *National Environmental Policy Act (NEPA)* and the *Tennessee Environmental Streamlining Agreement (TESA).*

Enclosed please find the *Concurrence Point (CP) 4* package introducing the Preferred Alternative and Preliminary Mitigation for your review and comment. In accordance with TESA, we are requesting your concurrence on the *CP 4* package by **October 21, 2013**.

Please sign and return this form to JonnaLeigh Stack, NEPA Project Manager at the address below by October 21, 2013.

Tennessee Department of Transportation
Environmental Division
c/o **JonnaLeigh Stack**
505 Deaderick Street, Suite 900
James K Polk Building
Nashville, TN 37243

If you feel all provisions of *TESA Concurrence Point 4, Preferred Alternative and Preliminary Mitigation*, have been satisfied, please acknowledge your concurrence by signing on the appropriate line below.

TESA AGENCY: U.S. Fish & Wildlife Service

CONCUR: Mary E. Jennings (Print Name) Mary E. Jennings (Signature) Field Supervisor (Title)

DO NOT CONCUR: _____ (Print Name) _____ (Signature) _____ (Title)

DATE: 10/24/13

United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

October 24, 2013

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

Subject: FWS# 13-CPA-0793. Concurrence Point 4. Proposed construction to State Route 126 (Memorial Boulevard), Sullivan County, Tennessee.

Dear Ms. Stack:

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), has initiated National Environmental Policy Act (NEPA) documentation and analysis for the proposed construction to approximately 8.4 miles of State Route 126 between East Center Street and Interstate 81 (I-81) in Sullivan County, Tennessee. The purpose of this project is to improve the existing two-lane roadway, reduce the crash rates, and enhance travel and emergency response times from East Center Street in Kingsport to I-81. TDOT, the City of Kingsport, and local citizens conducted a Context Sensitive Solutions process which documents the majority decisions made by a Community Resource Team regarding design elements, roadway cross sections, and components of the project's purpose and need.

Concurrence Point 4 considered four alternatives under the NEPA process, the No-Build Alternative and three Build Alternatives. The No-Build Alternative would not provide for improvements to the existing roadway aside from standard maintenance activities. TDOT has concluded that the No-Build Alternative does not meet the purpose and need as documented in the approved Environmental Impact Statement. Alternative B Modified was selected as the preferred alternative.

According to Table 7.0-2, stream impacts would include alterations to 3,107 linear feet of perennial and intermittent streams. TDOT has committed to constructing the crossings perpendicular to the streams during low flow times to minimize impacts. We additionally recommend that the crossings be constructed with bottomless culverts or a span bridge design to minimize any long-term alterations to stream functions (e.g., fish and other aquatic species passage, sediment transport, movement of woody debris, etc.).

Bat surveys were conducted along the proposed corridor in the summer of 2011 to establish whether the area is being utilized as roosting habitat by the Indiana bat. Due to negative survey results for this species, we concurred with TDOT's determination of "not likely to adversely affect" in a letter dated November 9, 2011. Unless new information otherwise indicates Indiana bat use of the area, this survey will be valid until April 1, 2014. Although it is likely that this project would have an insignificant effect on the Indiana bat, we would appreciate consideration given to the removal of trees with a DBH (diameter at breast height) of five inches or greater from October 15 through March 31 to further minimize potential for harm to the Indiana bat.

The capture of two gray bats during survey efforts indicates that this species utilizes the area streams as travel/feeding corridors. Our database indicates that the nearest gray bat cave is Morrell Cave, approximately 10 miles east of the project. We are unaware of any caves that would be impacted by the project and are concerned mainly for water quality along travel/feeding corridors. Best management practices, to include stringent erosion and sediment control measures, should be implemented throughout the project to minimize potential for harm to the gray bat.

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

We believe that the provisions of TESA Concurrence Point 4 have been satisfied, and we concur with the *Preferred Alternative and Preliminary Mitigation Package*. The signed TESA Concurrence Point 4 for this project is attached.

Thank you for the opportunity to participate in this process. If you have any questions regarding our comments, please contact John Griffith of my staff at 931/525-4995 or by email at *john_griffith@fws.gov*.

Sincerely,

Mary E. Jennings

Mary E. Jennings
Field Supervisor

Enclosure

CITY OF KINGSPORT, TENNESSEE

October 31, 2013

JonnaLeigh Stack, NEPA Document Manager
TDOT, Major Projects Office
James K. Polk Building, Ste 900
505 Deaderick Street
Nashville, TN 376243

Dear Ms. Stack:

In partnership with the Kingsport MPO and the Tennessee Department of Transportation, the City of Kingsport has reviewed the "Preliminary Mitigation Package" for the State Route 126 project in Kingsport and Sullivan County, and respectfully submits the following for consideration as TDOT moves forward with the project development.

We open by noting the City and Sullivan County Mayors have steadfastly supported TDOT with regards to the "B Modified" approach to SR 126, stating such in a joint City-County letter to Commissioner John Schroer in March of 2013, and in spite of pushback from those desiring a four-lane project all the way to Interstate 81.

However, we now find that the latest "B Modified" plan has further downsized from four lanes to three, the segment from Harbor Chapel Road to the City limits near Old Stage Road.

Please note this Harbor Chapel Road segment is already three lanes (two outbound and one inbound) and, therefore, recommending the meager addition of shoulder and sidewalk offers zero in the way of capacity and only minimal motorist safety improvement.

Before any final cross-section is established through design specifications, Kingsport respectfully requests consideration of the following proposed enhancements to the Harbor Chapel Road to Old Stage Road section.

Foremost, *the community's preferred choice* is an additional travel lane for the segment, as well as a center turn lane to isolate opposing traffic, as already proposed under the Preliminary Mitigation Package for the segment from State Route 93 to Harbor Chapel Road.

In the alternate as a cost savings, the community could accept an additional travel lane and minimal median for this segment, while sidewalks could be safely limited to one side of the road in this segment.

Chokepoints in the section of SR 126 heading east in the vicinity of Tanglewood Road often result in a race track scenario, particularly at peak hours, as the road narrows from two lanes to one and motorists race to beat slower traffic before merging.

A construction proposal for this option would include retaining walls (much-like those on the current SR 36 project) that, along with a minimal median and singular sidewalk, would reduce the right-of-way need and construction slope impact on adjoining properties. This would also minimize environmental impact along this section.

By having four lanes with median separation, carrying capacity would meet current and projected traffic volumes while improving safety through isolation of opposing traffic. We further note current traffic volumes are easily within 10 percent of those on the SR 36 project in Washington County, which will feature similar or greater amenities.

In addition, the City hereby requests adjustment of the transition point where four lanes would narrow to three lanes to approximately 250 feet beyond Briarwood Road near Old Stage Road.

The citizens of Kingsport and Sullivan County have lived with the harsh, indeed calamitous, conditions of this State Route for many, many decades and remain pleased TDOT and the State of Tennessee are moving forward with significant funding to finally improve this sub-standard facility.

At the same time, with the exception of this section, the City is in full agreement with the balance of proposed improvements provided in Modified B, and look forward to fully supporting TDOT in this and other efforts.

Please feel free to contact my office for further discussion on this correspondence at 423-229-9411. Your time and consideration are deeply appreciated.

Sincerely,

John G. Campbell
City Manager
Chair, Kingsport MPO Executive Board
City of Kingsport

cc: Lt. Gov. Ron Ramsey
Commissioner John Schroer, TDOT
Deputy Commissioner Paul Degges, TDOT
Steve Allen, TDOT – Project Planning
Jim Ozmont, TDOT – Environmental
Gary King, TDOT – Project Manager

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3655

September 4, 2013

<Contact Name>
<Agency Name >
<Office>
<Address 1>
<Address 2>

Subject: TESA Concurrence Point 4
Preferred Alternative and Preliminary Mitigation for State Route 126 (Memorial Boulevard) Improvement Project from East Center Street to Interstate 81
Sullivan County, Tennessee
Environmental Impact Statement (PIN 105467.00)

Dear <Contact Name>,

Enclosed please find the Preferred Alternative and Preliminary Mitigation package for State Route 126 (Memorial Boulevard) Improvement Project in Sullivan County, Tennessee, which is being transmitted to your agency pursuant to the *Tennessee Environmental Streamlining Agreement* (TESA). This document comprises the materials required for TESA Concurrence Point 4.

TDOT is requesting your concurrence with, and any input you may have on, the Preferred Alternative and Preliminary Mitigation in this package. Please submit the enclosed form, along with any comments, no later than October 21, 2013. Your comments are requested in writing and should involve a concurrence, a non-concurrence, a request for a review time extension up to 15 days, or a request for formal cessation of concurrence. You may also provide advisory comments based on your statutory or regulatory authority. Unless an extension is requested, TDOT will assume concurrence if your agency does not respond by **October 21, 2013**.

If you have any questions or need additional information, please contact me at (615) 253-2463. You may also send me an email at jonnaleigh.stack@tn.gov.

Sincerely,

JonnaLeigh Stack, NEPA Document Manager
Major Projects Office
Environmental Division

CC: Margaret Slater, Major Projects Office Manager, Environmental Division
Enclosures

Package sent via email with link: ftp://ftp.icaeng.com/SR 126 CP4 Sullivan Co/2013 09 04 SR 126_CP4 Final.pdf

EXAMPLE

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3655

September 5, 2013

Mr. William Albright
Transportation Planning Manager
Kingsport MPO
201 West Market Street
Kingsport, TN 37660

Subject: TESA Concurrence Point 4
Preferred Alternative and Preliminary Mitigation for State Route 126 (Memorial Boulevard) Improvement Project from East Center Street to Interstate 81
Sullivan County, Tennessee
Environmental Impact Statement (PIN 105467.00)

Mr. William Albright,

Your agency is a participating agency for the above referenced project. Pursuant to Section 139 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), participating agencies are responsible for identifying, 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 gathering a permit or other approval that is needed for the project.

TDOT is hereby requesting your input on the Preferred Alternative and Preliminary Mitigation package for State Route 126 (Memorial Boulevard) Improvement Project in Sullivan County, Tennessee.

TDOT is requesting any comments or concerns or additional information you may have on the Purpose and Need. Please submit your comments by October 21, 2013.

Please contact me at (615) 253-2463. You may also send me an email at jonnaleigh.stack@tn.gov with any questions or if you need additional information.

Sincerely,

JonnaLeigh Stack, NEPA Document Manager
Major Projects Office
Environmental Division

CC: Margaret Slater

Enclosures
Package sent via email with link:
ftp://ftp.icaeng.com/SR 126 CP4 Sullivan Co/2013 09 04 SR 126_CP4 Final.pdf

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
SUITE 900 - JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334
(615) 741-3655

September 5, 2013

Ms. Ambre Torbett
Director
Sullivan County Offices of Land Use
Department of Planning and Zoning
3411 Highway 126, Suite 30
Blountville, TN 37617

Subject: TESA Concurrence Point 4
Preferred Alternative and Preliminary Mitigation for State Route 126 (Memorial Boulevard) Improvement Project from East Center Street to Interstate 81
Sullivan County, Tennessee
Environmental Impact Statement (PIN 105467.00)

Ms. Ambre Torbett,

Your agency is a participating agency for the above referenced project. Pursuant to Section 139 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), participating agencies are responsible for identifying, 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 gathering a permit or other approval that is needed for the project.

TDOT is hereby requesting your input on the Preferred Alternative and Preliminary Mitigation package for State Route 126 (Memorial Boulevard) Improvement Project in Sullivan County, Tennessee.

TDOT is requesting any comments or concerns or additional information you may have on the Purpose and Need. Please submit your comments by October 21, 2013.

Please contact me at (615) 253-2463. You may also send me an email at jonnaleigh.stack@tn.gov with any questions or if you need additional information.

Sincerely,

JonnaLeigh Stack, NEPA Document Manager
Major Projects Office
Environmental Division

CC: Margaret Slater

Enclosures
Package sent via email with link:
ftp://ftp.icaeng.com/SR 126 CP4 Sullivan Co/2013 09 04 SR 126_CP4 Final.pdf

TENNESSEE
ENVIRONMENTAL STREAMLINING AGREEMENT

CONCURRENCE POINT 4

Preferred Alternative and Preliminary Mitigation Package

State Route 126 (Memorial Boulevard)
Improvement Project

From East Center Street to Interstate 81
Sullivan County, Tennessee
PIN 105467.00

Prepared by:

Tennessee Department of Transportation Environmental Division

August 2013

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1.0 INTRODUCTION

This report has been prepared by the Tennessee Department of Transportation (TDOT) for the proposed improvement of State Route 126 (SR 126) in Kingsport, Sullivan County, Tennessee. The project is proposed to be constructed using federal-aid funds and is subject to the requirements of the National Environmental Policy Act (NEPA) of 1969.

This report constitutes the Preferred Alternative and Preliminary Mitigation Package required for Concurrence Point 4 under the Tennessee Environmental Streamlining Agreement (TESA) for the Environmental and Regulatory Coordination of Major Transportation Projects.

Pursuant to TESA, this package is being distributed to the project's TESA participating agencies as the final Concurrence Point. Before finalizing the Preferred Alternative and preparing the Final Environmental Impact Statement (FEIS), TDOT is requesting formal concurrence on the selection of Alternative B Modified as the project's Preferred Alternative. In addition, TDOT is requesting formal concurrence on the preliminary mitigation measures outlined in the section beginning on page 23 of this document.

This Concurrence Point 4 package is being distributed to the following TESA participating agencies:

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

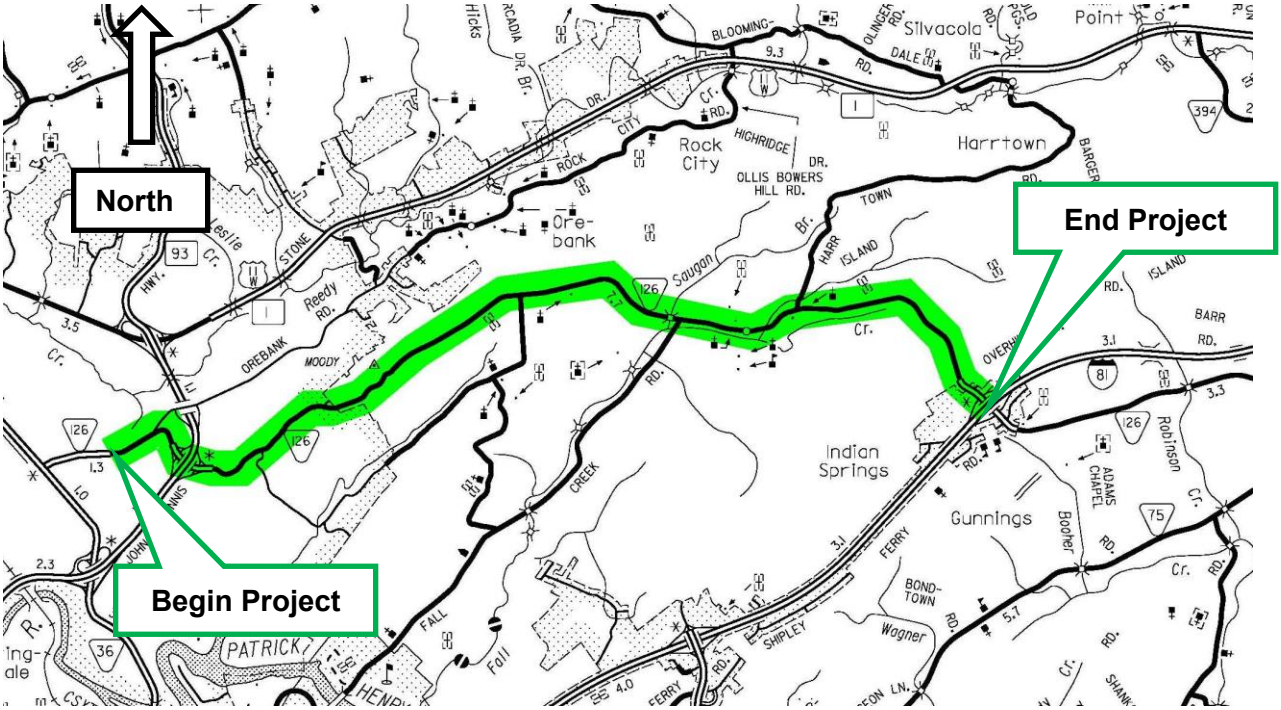
The Concurrence Point 4 package is also being distributed to the Kingsport Metropolitan Planning Organization (Kingsport MPO) and the Sullivan County Planning Department.

1.1 PROJECT BACKGROUND

The Tennessee Department of Transportation, in cooperation with the Federal Highway Administration (FHWA), is proposing to improve SR 126. The limits of the 8.4-mile project extend from East Center Street, within the Kingsport City Limits, east to Interstate 81 (I-81) in Sullivan County, Tennessee. SR 126 is also known as Memorial Boulevard within the study limits (Figure 1.1-1). FHWA approved the Draft Environmental Impact Statement (DEIS) on January 5, 2012.

SR 126 (Memorial Boulevard) is primarily a two-lane facility (one travel lane in each direction) throughout the study corridor. Each travel lane is approximately eleven feet wide. The existing right-of-way varies from approximately sixty feet to three hundred feet in width. The speed limit varies from thirty-five to fifty miles per hour (mph). Many sharp curves and steep grades along the route are signed with supplemental speed plaques advising lower safe travel speeds than the posted speed limit. Many roadside hazards are located in close proximity to the travel lanes. Narrow shoulders are present along the majority of the route. Sidewalks are present along approximately 0.1 mile (1%) of the 8.4-mile-long corridor. Curbs are located sporadically along the route, with the majority of the corridor having roadside ditches.

FIGURE 1.1-1 - GENERAL LOCATION MAP



1.2 PURPOSE AND NEED OF THE PROJECT

The purpose of the project is to provide a safe, efficient route for local traffic between the City of Kingsport and I-81. Improvements should be sensitive to the context of the different land uses along the corridor. Specifically, the improvements along the western half of the project, which is more commercial and residential, should provide improved access to adjacent businesses and homes, and improved pedestrian and bicycle connectivity. The improvements along the eastern half of the project should complement the rural nature of the area.

The needs of the project can be summarized as follows.

- The safety of the route needs to be improved. Crash rates observed along the entire SR 126 (Memorial Boulevard) study corridor exceed the statewide average crash rates for similar roadway segments.

- The width of the roadway generally needs to be improved. Most of the existing roadway is a two-lane roadway that includes 11-foot wide (maximum) lanes with narrow or no shoulders. These conditions create a narrow total roadway width that is unforgiving through the winding and hilly terrain.

- Wider shoulders are a specific safety need. The shoulders along the route are typically no wider than two feet and often not paved. The narrow shoulders, along with other existing geometric deficiencies, contribute to the high crash rates and create a less than desirable route for pedestrians and bicyclists. Wider shoulders would also enable mail delivery vehicles to depart the travel lane which would allow motorists to pass more safely.

- The geometry of the roadway needs to be improved. Numerous horizontal and vertical curves along the route are inadequate for the posted speed limit.

- Improved access management is needed along the commercial areas of the route. The public cited access onto SR 126 (Memorial Boulevard) as a major problem. Difficulty entering or exiting business parking lots was identified as a significant problem because of uncontrolled access to businesses along the roadway. Many of the access points are located near or within substandard curves or hills that limit sight distance for drivers attempting to turn into or out of the businesses.

- Improved response time for emergency vehicles is needed. With improvements, emergency vehicles would be able to respond more efficiently to emergencies within and near the project corridor. Wider shoulders would enable motorists to pull over and allow the emergency vehicles to pass through to their intended destinations. Current conditions along SR 126 (Memorial Boulevard) do not feature many areas for vehicles to pull over.

- Improved access for school buses is needed. Current geometric conditions along SR 126 (Memorial Boulevard) make it difficult for school buses to make turns. Wider paved roadway widths would improve accessibility for the school buses along the corridor.

- Improved traffic operations are needed along the route. Current operations are impeded by left turning vehicles for many residences, businesses, and side roads along the route.

2.0 ALTERNATIVES

2.1 ALTERNATIVES CONSIDERED IN THE DEIS

The No-Build and two Build Alternatives were evaluated in the DEIS. The No-Build Alternative makes no improvement to SR 126 (Memorial Boulevard) other than scheduled maintenance activities.

Build Alternative A improves SR 126 to a four-lane divided facility from the beginning of the project at East Center Street to Cooks Valley Road for a distance of approximately 3.94 miles. This includes a half mile segment from west of Hawthorn Street to Harbor Chapel Road that will utilize a continuous left turn-lane instead of a raised median. The cross-section at Cooks Valley Road transitions to a three-lane facility consisting of one travel lane in each direction separated by a continuous left turn-lane and continues 2.46 miles to Harr Town Road. The cross-section at Harr Town Road transitions to a two-lane roadway and continues to Carolina Pottery Road for a distance of 1.78 miles. The remaining 0.2 miles to the end of the project is existing four-lane to Interstate 81 (I-81).

Build Alternative B is a refinement of Alternative A and utilizes the same proposed typical section. However, the four-lane divided segment ends near Lemay Drive just west of the East Lawn Memorial Park Cemetery (referred to as East Lawn Memorial Gardens Cemetery in the DEIS) for a distance of 3.32 miles. The three-lane facility will begin east of Lemay Drive and continue to Harr Town Road for a distance of 3.08 miles. The two-lane segment from Harr Town Road to the end of the project is the same as Alternative A.

2.2 ALTERNATIVE B MODIFIED (PREFERRED ALTERNATIVE)

Since the approval of the DEIS on January 5, 2012, additional traffic data has been developed by the Kingsport MPO which indicates a reduction in future traffic projections. This new data along with a new Highway Capacity Manual (HCM 2010) prompted TDOT to re-evaluate the design of the alternatives. This led to a reduction in project impacts through development of a modification of Alternative B. Alternative B Modified was presented at the NEPA Public Hearings on December 11, 2012.

The original four-lane concept that extended from East Center Street to east of Lemay Drive for Build Alternative B (DEIS) has been reduced in length. The revised design concept proposes four basic travel lanes from East Center Street to Harbor Chapel Road. From Harbor Chapel to I-81, the concept proposes two basic travel lanes: one in each direction. There is an additional eastbound travel lane from Harbor Chapel to Old Stage Road to accommodate trucks ascending the steep grade. There will be a continuous left-turn lane separating the two travel lanes from Old Stage Road to Harr Town Road. The following information describes each section in more detail.

The first segment of the four-lane section, beginning at East Center Street and extending to west of Hawthorne Street, will have two, eleven-foot lanes in each direction separated by a twelve-foot raised grass median. It will also have four-foot shoulders to accommodate bicyclist and sidewalks for pedestrians on both sides of the roadway. Details such as delineation of bike lanes and sidewalk width will be determined in accordance with TDOT policies and standards during the design phase. (Figure 2.1-1)

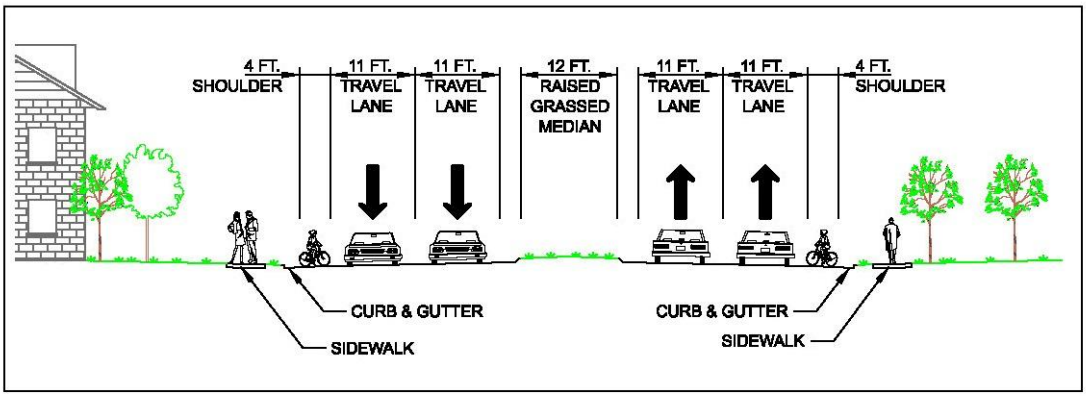


FIGURE 2.1-1 - FROM EAST CENTER STREET TO WEST OF HAWTHORNE STREET

West of Hawthorne Street the grass median will transition to a two-way left center turn-lane and continue to Harbor Chapel Road. All other features will remain the same. (Figure 2.1-2)

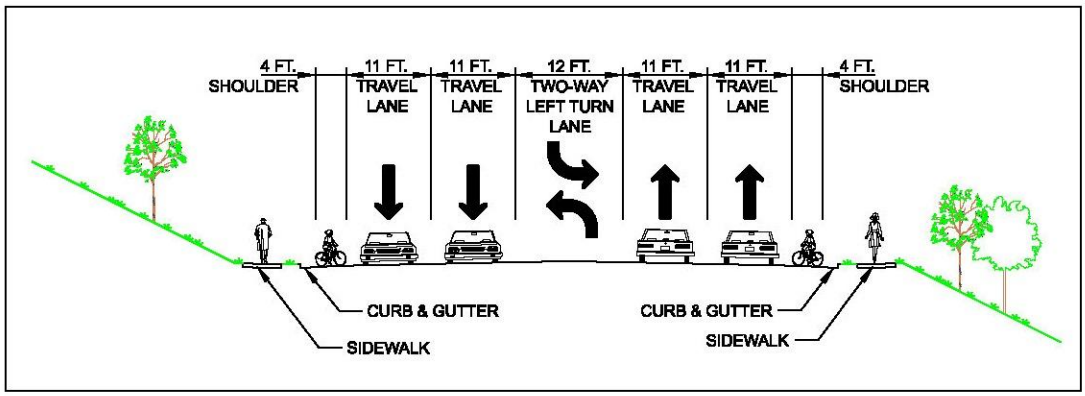


FIGURE 2.1-2 - WEST OF HAWTHORNE STREET TO HARBOR CHAPEL ROAD

At Harbor Chapel Road the roadway cross-section is reduced from the four-lane section of Alternative B (DEIS) to a three-lane roadway consisting of one lane in each direction and a twelve-foot eastbound truck climbing lane. Sidewalks and six-foot paved shoulders to accommodate bicyclist are proposed for both sides of the roadway. Details such as delineation of bike lanes sidewalk width will be determined in accordance with TDOT policies and standards during the design phase. This three-lane roadway will continue to west of Old Stage Road. (Figure 2.1-3)

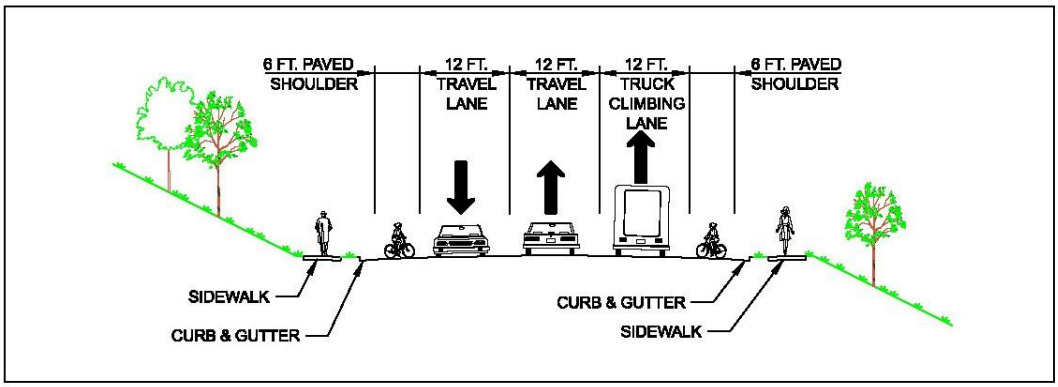


FIGURE 2.1-3 - FROM HARBOR CHAPEL ROAD TO WEST OF OLD STAGE ROAD

The three-lane roadway will transition near Old Stage Road to a two-lane roadway (one-lane in each direction) separated by a two-way center left turn-lane, which continues to Harr Town Road. Sidewalks for pedestrians and six-foot paved shoulders to accommodate bicyclist are proposed for both sides of the roadway. Details such as delineation of bike lanes sidewalk width will be determined in accordance with TDOT policies and standards during the design phase. (Figure 2.1-4)

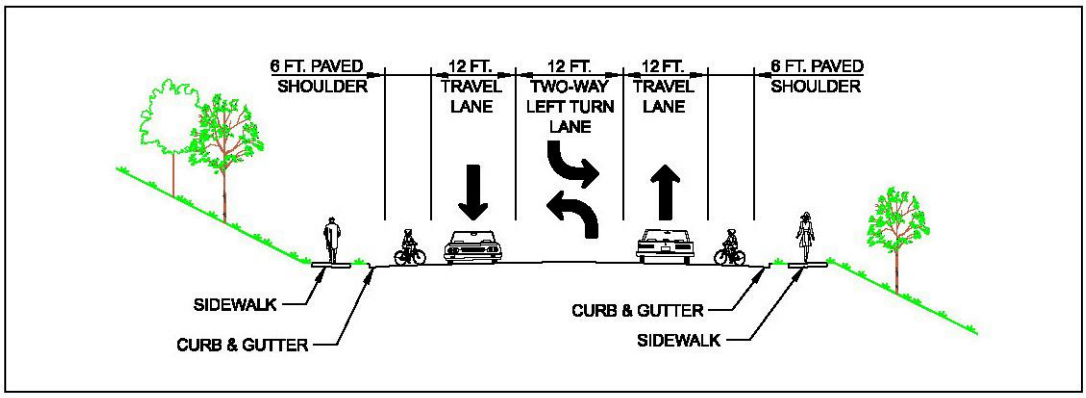


FIGURE 2.1-4 - FROM WEST OF OLD STAGE ROAD TO HARR TOWN ROAD

The proposed three-lane cross-section is compressed as it passes between Yancey's Tavern and the East Lawn Memorial Gardens Cemetery. This design concept avoids taking property from the National Register Listed Yancey's Tavern and avoids displacing any known grave sites. The compressed section (Figure 2.1-5) begins east of Lemay Drive and ends at the intersection of Cooks Valley Road and Eatons Station Road (See Figure 7.0-1).

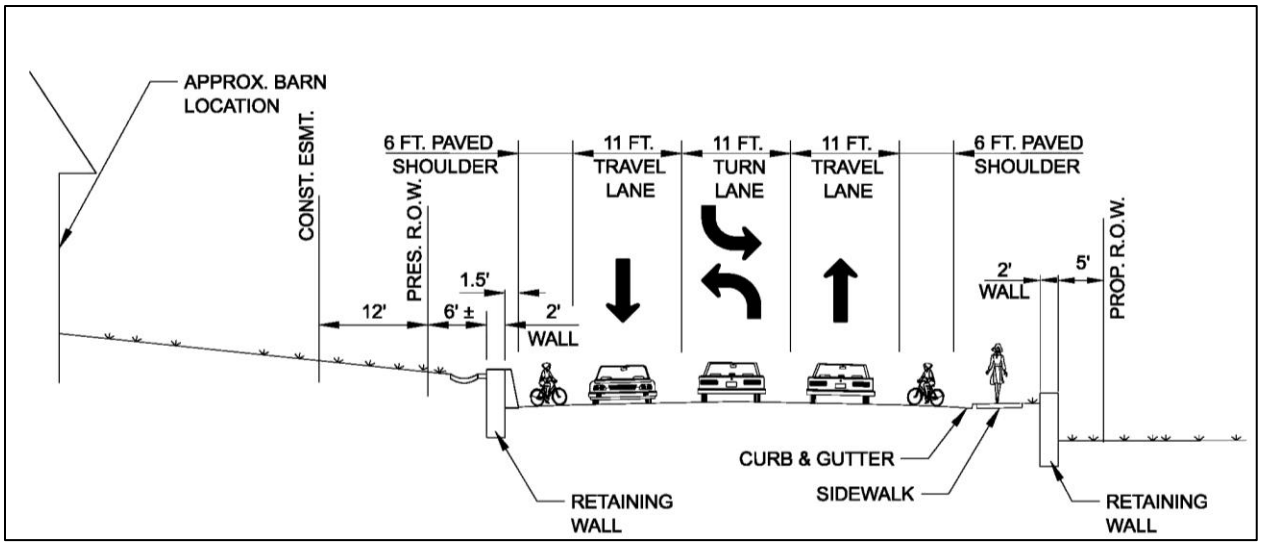


FIGURE 2.1-5 - COMPRESSED TYPICAL SECTION AT YANCEY'S TAVERN AND EAST LAWN MEMORIAL PARK CEMETERY

At Harr Town Road the roadway cross-section transitions to a two-lane roadway with ten-foot shoulders and continues to Carolina Pottery Road. (Figure 2.1-6)

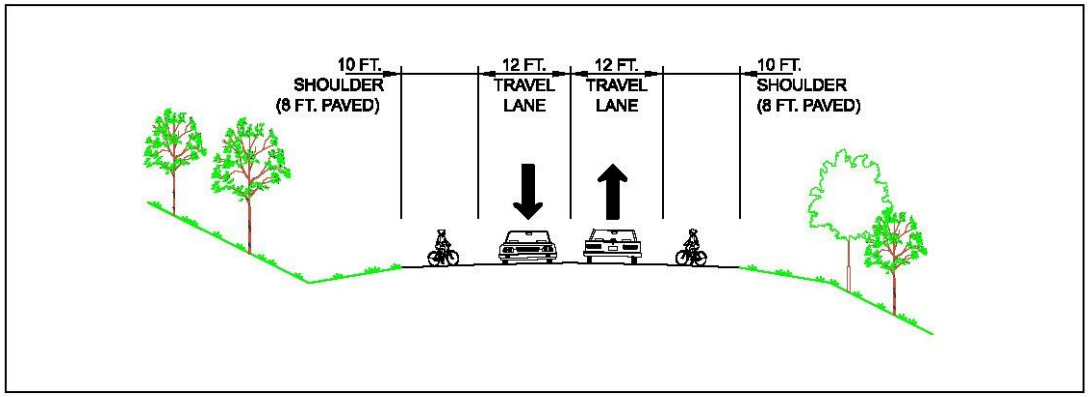


FIGURE 2.1-6 - FROM HARR TOWN ROAD TO CAROLINA POTTERY ROAD

The roadway transitions at Carolina Pottery Road to a four-lane divided highway with a twelve-foot raised grass median with paved shoulders and continues to I-81, the ending point for this project. (Figure 2.1-7)

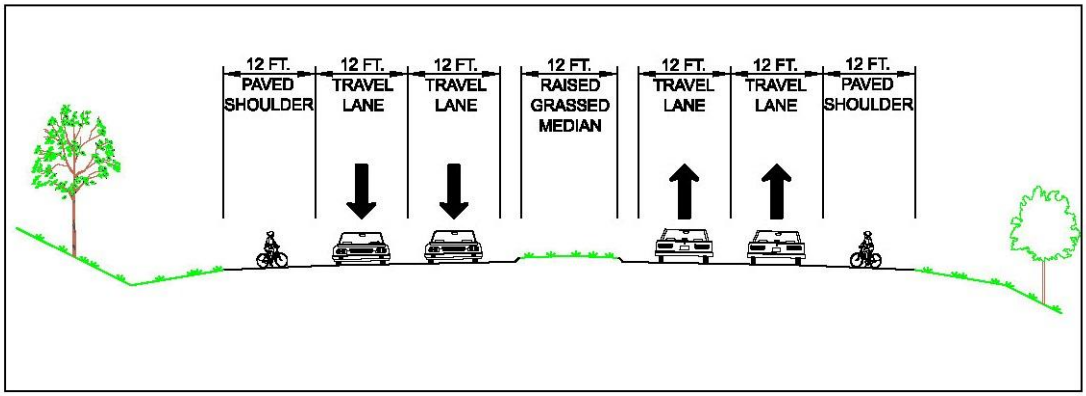


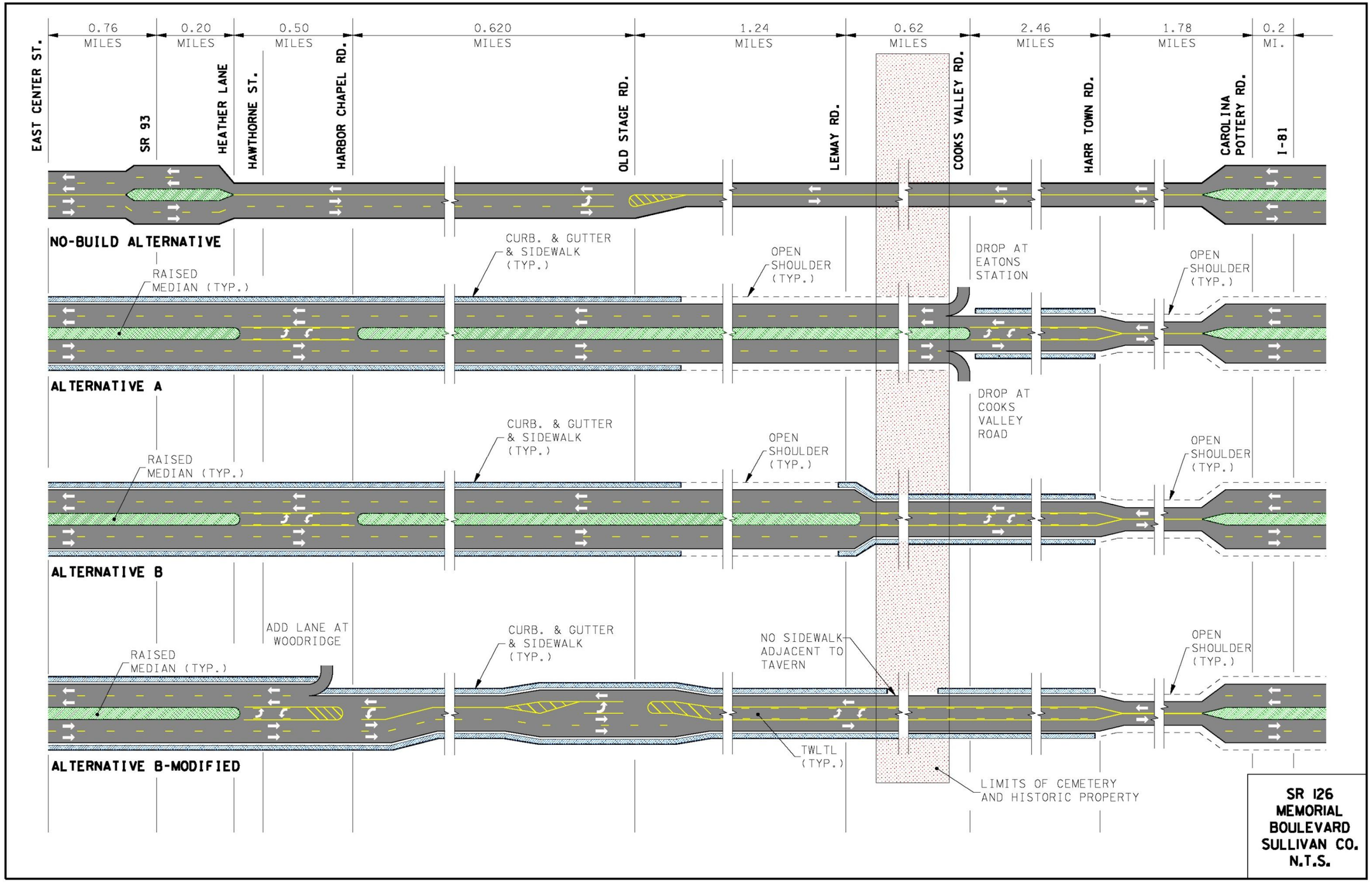
FIGURE 2.1-7 - FROM WEST OF CAROLINA POTTERY TO I-81

This modified design concept improves the existing traffic operations otherwise not addressed with the No-Build Alternative. The modified design reduces the footprint of the roadway, reduces the cost and number of displacements, and provides safety improvements similar to Alternatives A and B as presented in the DEIS. The No-Build Alternative and all three build alternatives were presented at the two NEPA Public Hearings held at two locations along the corridor on December 11, 2012.

2.3 COMPARISON OF BUILD ALTERNATIVE CROSS-SECTION

Figure 2.3-1 illustrates the proposed lane configurations for each Build Alternative and the existing conditions.

FIGURE 2.3-1 - COMPARISON OF BUILD ALTERNATIVE CROSS-SECTION



3.0 PUBLIC INVOLVEMENT

3.1 PUBLIC HEARING AND BACKGROUND

Two NEPA Public Hearings were held on December 11, 2012. The first occurred at 11:00 AM at the Kingsport Civic Center and the second at 6:00 PM at the Sullivan County High School. Both hearings were well attended with 172 signing in at the first and 128 signing in at the second for a total of 300.

TDOT presented the results of the Alternatives studied in the DEIS along with a modification to Alternative B, which was referred to as Alternative B Modified. Alternative B Modified was developed in response to comments received from the community in the spring of 2012 following the circulation of the approved DEIS to the public for review.

Each person attending the Public Hearing was given a general information handout and instructions as to how they could comment on the project (by card left at hearing; to court reporter; or by mail). A notice advertising the Public Hearing was published in local newspapers approximately one month prior to the Public Hearing. At each hearing, TDOT presented the alternatives studied and answered questions. TDOT project staff and the engineering consultant were available to discuss issues with individual citizens. There was broad based support of the project from residents and local officials, who generally agree that SR 126 should be improved primarily to address safety deficiencies. However, there are differing opinions regarding a preferred alternative.

Prior to and during the public hearing comment period, TDOT received over 200 responses in the form of letters, comment cards, and e-mails regarding the project. Each response was reviewed carefully and comments recorded and summarized. Comments were considered substantive if they questioned with reasonable basis the accuracy of the information presented or the accuracy of the analysis. During the highly publicized and participative process, several issues were raised that will be considered in preparation of the Final Environmental Impact Statement (FEIS). The major issues are listed below.

3.2 MAJOR ISSUES EXPRESSED BY THE COMMUNITY

- Safety and speed
- 4-lane vs. 3-lane cross section limits
- Minimize impact to the environment and property
- Avoid grave relocations
- Avoid Yancey's Tavern
- Questioned proposed sidewalks in rural areas
- Wide shoulders for safety vs. narrow shoulders to lower impacts
- No continuous left turn-lane (requires Right-of-Way and will be used to pass)
- No grass median (requires ROW and maintenance)
- Concern for closing side streets and loss of access
- Improved sight distance and alignment are needed
- Guardrail is needed
- Stop lights at major intersections are needed
- Need a 4-lane throughout for economic growth and future travel demand
- Reduce speed limit and enforce the law
- Process is taking too long
- Rumble strips work, but create noise

Safety improvements cited by many include straightening the alignment to remove dangerous curves and substandard roadway grades that limit sight distances. The lack of shoulders was a consistent issue raised in regard to safety. Side road and driveway profiles were noted as well. There were requests made for traffic signals at major intersections and installation of guardrail. Some citizens noted the need for more law enforcement and lower speed limits to improve the safety in addition to, or in lieu of the planned improvements.

While most agree that safety is a primary concern, one group favors limiting improvements to only those necessary to improve safety with only secondary concern for improving operational performance. This group generally favors Alternative B Modified, which provides for three lanes for most of the route east of Harbor Chapel. Some portion of this group would prefer to limit the project further and only provide shoulders and turn lanes at intersections that are warranted. This group is opposed to improving the roadway beyond what is needed for safety at the expense of environmental and community impacts. Most cited concerns for the natural beauty of Chestnut Ridge, the historic value of Yancey's Tavern, and the community resource of East Memorial Park Cemetery. They point to negatively trending traffic data and two count stations to support their position.

Another sizeable group favors improving operational performance through the Design Year (2035) with additional through lanes in addition to improvements needed for safety. Their preference is that a four-lane alternative with raised median and turn lanes, where needed, be used to I-81, or at least Harr Town Road. They acknowledge the importance of limiting impact to the environment and favor the use of retaining walls where necessary to achieve that goal. They are concerned that the project would not sufficiently meet the long term needs of the growing communities on the east end of the project without extending the four-lane sections to those limits. They claim TDOT committed to a Level of Service (LOS) D as a minimum standard for improvements in the Design Year.

The limits of the proposed four-lane typical section has become a focal point for comments from both groups described above. DEIS alternatives end the four-lane cross section near Lemay Drive or Cooks Valley Road. Alternative B Modified ends the four-lane section at Harbor Chapel Road. Those supporting additional lanes would prefer four lanes be carried to I-81, but to Cooks Valley Road at a minimum. Various comments made by those in favor of a four-lane cross section, as well as those in opposition are summarized below.

3.3 COMMENTS REGARDING A FOUR-LANE TYPICAL SECTION

Typical comments received in support of a four-lane cross section from east of Lemay Drive to Cooks Valley Road and for consideration to extend it to I-81 are:

- Will support economic development
- Will provide congestion relief to and beyond the design year
- Projected LOS for a three-lane section is unacceptable
- If we do not four-lane now, it will never happen
- It will cost more to widen again in the future
- The high school is a significant traffic generator and warrants the additional lanes
- Retaining walls can be used with a compressed section at the Tavern and Cemetery (note: this is true, but shoulder widths will have to be reduced to two feet, the median reduced, and sidewalks removed)
- Provides a LOS D or better in the design year for the rural section, which is seen as a minimum standard by the group supporting a four-lane section.

Typical comments received in opposition of a four-lane cross section from Lemay Drive to Cooks Valley Road and for consideration to extend it to I-81 are:

- Four-lane section will adversely impact Yancey's Tavern and East Lawn Memorial Park Cemetery
- Four-lane section will impact more properties and require more residential displacements
- Four-lane section will change the rural character of the corridor
- Four-lane section will encourage speeding, thus offsetting safety gains
- Four-lane section will impact environment more in general
- Four-lane section will cost more
- Traffic projections do not warrant the additional lanes. The projections have been questioned claiming the growth factors are too high and that travel demand is actually reducing over time

3.4 PUBLIC COMMENTS AND DISPOSITIONS

There were 202 comments received in the time period between the publishing of the approved DEIS (January 5, 2012) and the end of the Public Hearing Comment Period (Jan. 31, 2013). Of those, 165 comments were received during the Public Hearing Comment Period. All comments received are summarized in Appendix B. All comments were considered in selection of the Preferred Alternative. There were many repeat comments by the same households. When the comments are condensed by household, there were 136 households represented by comments.

In addition to the number of lanes issue described in Section 3.3, the following is a representative sample of comments received with the associated disposition of TDOT.

TABLE 3.4-1 - COMMENT SUMMARY FROM 2012 PUBLIC HEARING

Comment	Disposition
Thirty-two comments were submitted opposing the disturbance of graves at the East Lawn Memorial Park Cemetery.	TDOT has developed a preliminary design scheme that avoids impacting known grave sites and will continue to evaluate alternatives to avoid relocating any grave sites.
A number of comments were submitted opposing any impacts to Yancey's Tavern, a National Register listed property.	TDOT has developed Alternative B Modified that avoids taking property from Yancey's Tavern. The State Historic Preservation Office (TN-SHPO) has concurred in a "No Adverse Effect" finding on the latest proposed design. TDOT will continue to evaluate any potential impacts to Yancey's Traven.
Thirty comments were received regarding side road and driveway access and possible street closings. Issues with sight distance and oncoming traffic were mentioned.	TDOT will, in the final design of the roadway, evaluate each side road connection for safety and access. Some side roads will be realigned others that have unsafe sight distance or unsatisfactory grades will be closed and connected to other existing roadways.

Comment	Disposition
Fifteen comments were submitted regarding the need for sidewalks and bike lanes along sections of the proposed roadway.	TDOT in the final design of the roadway will provide adequate sidewalks and shoulders for pedestrians and bicyclists. Sidewalks will be provided in appropriate areas where pedestrian traffic warrants. Shoulders will be provided along the entire route. The adequate width of the shoulder will be determined during final design to meet approved design standards.
Thirteen comments were submitted regarding the adding of shoulders and guardrail to improve safety of the roadway.	TDOT in the final design will include shoulders based on current design standards and guardrail in appropriate areas along the roadway to improve safety for the traveling public.
Three comments were submitted opposing the continuous center left turn-lane and cited speeders using this turn-lane as a passing lane.	TDOT in the final design will evaluate possible turning lanes and safety concerns. If a continuous turn-lane is required, appropriate roadway signs and markings will be posted in accordance with current design standards.
Five commenters opposed the raised median. They felt it would be a maintenance issue and requires more right-of-way.	TDOT in the final design of the project will apply acceptable design criteria in evaluating the safest median design required along the roadway.
Ten comments were submitted regarding the use of retaining walls to reduce right-of-way requirements, improve safety and sight distances.	TDOT is evaluating the use of retaining walls in the design of the project to reduce right of way impacts where appropriate for safety and cost effective.
Five comments were submitted questioning the traffic projections. Requested recalculating traffic data using expanded socio-economic data and trend lines.	The current traffic projections used in this study are a function of the 2012 Kingsport MPO Model, which is a travel demand model, and existing traffic counts.
Eighteen comments were submitted regarding minimizing impacts to the environment. There were concerns over the physical and visual impact to Chestnut Ridge, as well as the Holly Springs area, Yancey's Tavern, Memorial Park and the loss of trees and other vegetation.	TDOT will design the project to minimize as many environmental impacts as reasonable and feasible. TDOT will use the best construction methods possible to reduce the physical and visual impacts. Retaining walls and native vegetation will be used wherever practicable to reduce physical and visual impacts.

Comment	Disposition
Five comments were submitted favoring the No-Build Alternative, cited driver behavior as the cause of most accidents.	Comments are noted.
Several commenters stated the project is needed for future economic development in the project area.	Comments are noted.
Four comments were submitted requesting the project stay on the existing alignment and only add shoulders and guardrail.	Comments are noted.
Five comments were submitted regarding impacts to private property. Specifically, regarding the process to identify property impacts, compensation and acquiring the property. One commenter questioned property lines as well as, ownership of certain tracts of land shown on the layouts.	TDOT will pay a fair market value for all properties impacted by displacement / relocation and right-of-way requirements, and provide sufficient notice of intent to acquire the property to minimize any harm. The relocation of displaced households, businesses, and any other affected property will be administered in accordance with the provisions and procedures of the, Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646) and the Tennessee Uniform Relocation Assistance Act of 1972. All damages will be considered during the ROW negotiation and acquisition process. Before final right-of-way plans are completed, a title search will be conducted as surveyors check for specific items such as fences, circle drives, underground storage tanks, and building types and add them to the final ROW plans as appropriate. Where possible, the designer will reevaluate ROW plans based on new information. Any damages will be considered during the right-of-way process.
A number of comments were submitted regarding the installation of traffic signals and adding guardrail at major intersections to slow drivers down and improve safety,	TDOT in the final design of the project will evaluate intersections and include traffic signals where warranted along the roadway to promote safe and efficient traffic operations.

4.0 SELECTION OF PREFERRED ALTERNATIVE

TDOT reviewed the comments received at the public hearing and during the official comment period. All comments were read and considered in TDOT's alternative decision-making process. This information was compiled with data related to each alternative used to evaluate alternatives and select a preferred alternative.

4.1 ADVANTAGES AND DISADVANTAGES OF ALTERNATIVES

Each Build Alternative: follows the existing alignment; improves safety by realigning or closing approaches on intersecting roads (as appropriate); provides shoulders and turn lanes to improve safety; provides sidewalks and widened shoulders to accommodate bicyclist and pedestrians (where feasible); and improves traffic operations.

The following table summarizes the advantages and disadvantages of each alternative as considered for selection of a preferred alternative.

TABLE 4.1-1 - ADVANTAGES AND DISADVANTAGES OF ALTERNATIVES

ADVANTAGES OF PROJECT ALTERNATIVES		
ALTERNATIVE A *CRT Recommended Concept*	**ALTERNATIVE B** *Modification to Alternative A*	**ALTERNATIVE B MODIFIED** *Based on updated MPO model*
• Accommodates higher traffic volumes from Harbor Chapel to Cooks Valley Road.	• Accommodates higher traffic volumes from Harbor Chapel to east of Lemay Drive. • Requires less displacements than Alternative A • Less costly than Alternative A	• Least impact to ROW, (fewer displacements), Yancey's Tavern, East Lawn Memorial Park Cemetery, and the environment in general • Least costly • No Adverse Historic Effect to Yancey's Tavern and no additional study required • Received favorably at the Public Hearing.
DISADVANTAGES OF PROJECT ALTERNATIVES		
ALTERNATIVE A *CRT Recommended Concept*	**ALTERNATIVE B** *Modification to Alternative A*	**ALTERNATIVE B MODIFIED** *Based on updated MPO model*
• Greatest impact to right-of-way and graves. Requires the most displacements. • Adverse Visual Impact to Yancey's Tavern and requires Memorandum of Agreement. • Highest cost	• Significant impact to ROW and graves. Requires more displacements than Alternative B Modified. • Adverse Visual Impact to Yancey's Tavern and requires Memorandum of Agreement. • Higher cost than Alternative B Modified.	• Less capacity for future traffic than a four-lane section from Harbor Chapel to Cooks Valley Road. • Least desirable for maintenance of traffic and constructability.

4.2 SUMMARY OF PROJECT DATA & ESTIMATED IMPACTS

The following table summarizes project data contained in the DEIS for Alternatives A and B along with corresponding information compiled for Alternative B Modified. Like the alternatives proposed in the DEIS, Alternative B Modified provides an improvement to traffic operations in comparison to the No-Build Alternative. The revised design reduces the cost and number of residential displacements, avoids Yancey's Tavern and avoids displacing all known grave sites, while offering the same level of safety improvements as Alternatives A and B.

TABLE 4.2-1 SUMMARY OF PROJECT DATA & ESTIMATED IMPACTS FOR SR 126 (MEMORIAL BOULEVARD)

Item	No-Build	Alternative A	Alternative B	Alterative B Modified
Estimated Right-of-Way Acquisition (Acres)[1]	0	239	121	100
Residential Displacements	0	241	162	104
Business Displacements	0	43	30	24
Non-Profit Displacements (Volunteer Fire Station)	0	1	1	1
Air Quality/Noise Impacts Requiring Mitigation	0	0	0	0
Archaeological Sites Impacted	0	0	0	0
Historic Sites Adversely Impacted	0	1	1	0
Section 4(f) Properties Impacted	0	0	0	0
Gravesites Impacted	0	350	90	0
Wetlands Impacted (Acres)	0	0	0	0
Stream Crossings (Linear Feet)	0	4863	3107	3107
Floodplains Impacts (Acres)	0	4	3.2	3.2
Forest Land Acquired (Acres)[2]	0	75	54.8	50+
Threatened/Endangered Species Impacts	0	0	0	0
Hazardous Material Sites Impacted (Parcels)	0	2	3	3
Farmland Impacted (Acres)	0	15	5	5
Total Estimated Project Cost	$ -	$120,316,000	$99,565,000	$97,000,000

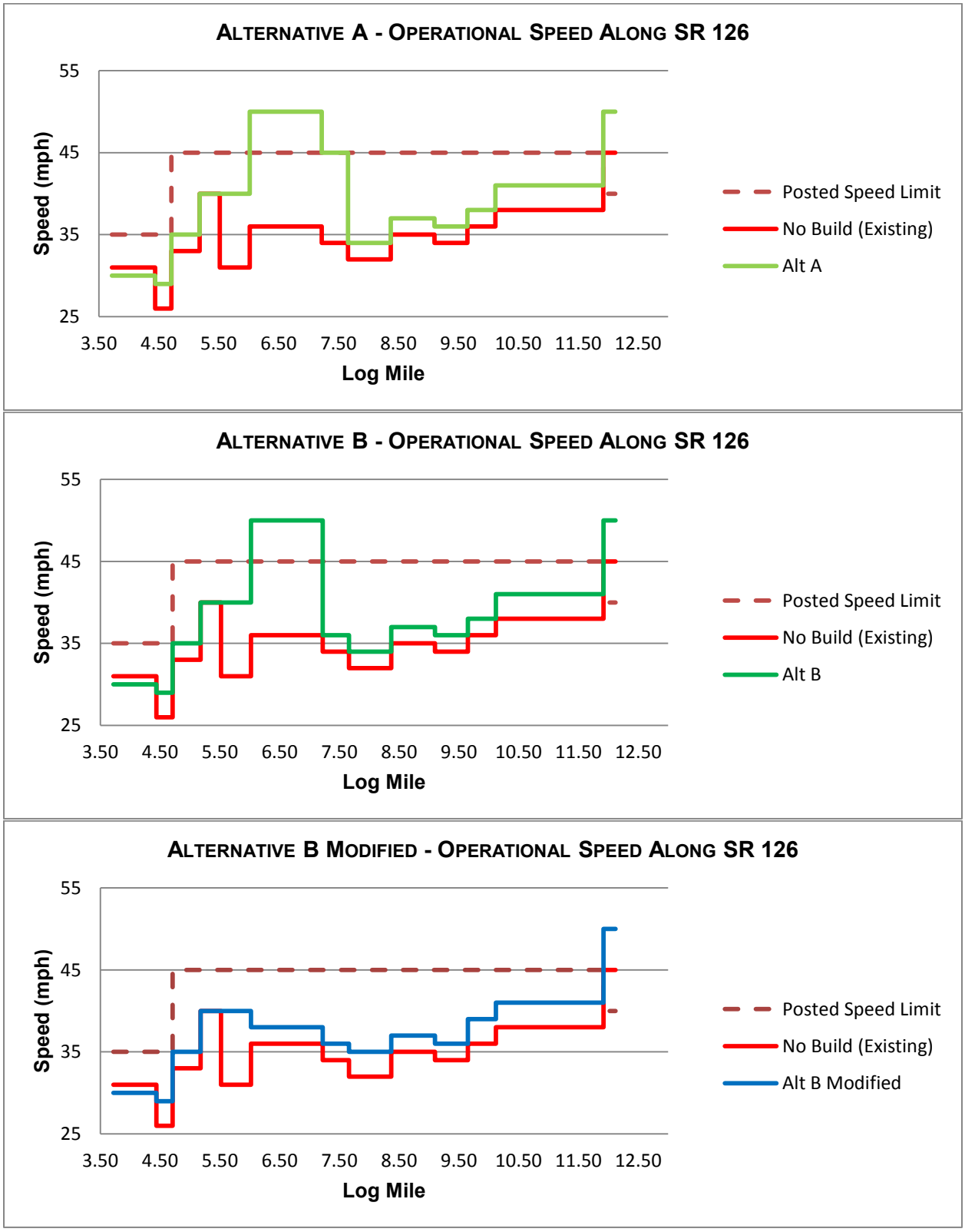
1. The estimated ROW width is reported and based upon the typical width needed for each typical section. Actual proposed ROW widths will vary throughout the project based upon the use of retaining walls, slope easements, total versus partial property acquisitions, uneconomic remnants, etc.
2. Includes all forest land impacted within the estimated construction limits, which may be within slope easements and outside of the ROW limits.

4.3 TRAFFIC ANALYSIS SUMMARY

A traffic analysis was performed for the design year (2037) traffic for each Build Alternative. Based on the analysis, each Build Alternative will improve traffic operations along the corridor and meet the purpose and need of the project. Build Alternative B Modified was developed to consider reductions in traffic volumes that were associated with the most recent travel demand model developed by the Kingsport MPO. The addition of a continuous two-way left turn-lane through the existing two-lane section of the corridor (east of Harbor Chapel Road) allows this alternative to reduce delay associated with left turning vehicles without the additional impact of a four-lane section.

The following figure compares the anticipated operational speed of each alternative along the route. The information is the result of traffic analysis performed on design year traffic with the 2010 HCM.

FIGURE 4.3-1 - OPERATIONAL SPEED ALONG SR 126



4.4 CRASH DATA

Based on 2007-2009 Crash Data, crash rates exceed the Statewide Average Crash Rates for similar roadway sections from Hillcrest Road to Old Stage Road (1.43 mi.), from Cooks Valley Road to Harr Town Road (2.45 mi.), and at the intersection with Overhill Road. All Build Alternatives improve the safety of the roadway with increased shoulder widths, improved geometry, and access management.

TABLE 4.4-1 - STATEWIDE AVERAGE CRASH RATES

Statewide Average Crash Rates for Interstates and State Routes (2006-2008)	
Highway Type	Total Crash Rate[1]
4+ Lane Divided	2.0112
3-Lane	2.3870
2-Lane	2.4188
5-Lane	2.6518
4+ Lane Undivided	3.3920
[1] Total crash rates are crashes per million vehicle miles	

With respect to the roadway segment between Yancey's Tavern and the East Lawn Memorial Park Cemetery, additional consideration was given to public comments requesting a four-lane undivided section in lieu of the three-lane section presented for Alternative B and Alternative B Modified and the four-lane divided section presented for Alternative A. However, Statewide Average Crash Rates for Interstates and State Routes for the years 2006-2008 published by TDOT indicate that four-lane undivided highways (4+ Lane Undivided) have a total crash rate of 3.3920 crashes per million vehicle miles versus three-lane highways at 2.3870 crashes per million vehicle miles (See Table 4.4-1). This indicates that four-lane undivided highways have a 42% higher crash rate than three-lane highways statewide. A four-lane divided section has a statistical advantage in safety to both, but has already been determined to adversely impact the historic Yancey's Tavern or require a significant number of grave relocations.

4.5 COMMUNITY FEEDBACK

Community feedback was an important consideration for the selection of the Preferred Alternative. As previously stated, two NEPA Public Hearings were held on December 11, 2012 with a total of 300 in attendance and 165 comments received during the comment period. Comments were also received prior to the Public Hearing for a total of 202 comments representing 136 households. All comments are summarized in Appendix B and discussed in Section 3 of this document.

While most agree that safety is a primary concern, two distinct groups evolved as a result of the public hearings. One group favors limiting improvements to only those necessary to improve safety with only secondary concern for improving operational performance. This group generally favors Alternative B Modified, which provides for three lanes for most of the route east of Harbor Chapel Road.

Another sizeable group favors improving operational performance through the Design Year (2037) with additional through lanes in addition to improvements needed for safety. Their preference is that a four-lane alternative, with raised median and turn lanes where needed, be used to I-81 or at least to Harr Town Road.

When tabulated by household, there were more comments in support of limiting the impact to the community to only what is needed to improve safety compared to those in support of providing additional capacity by approximately a 2:1 ratio.

5.0 PREFERRED ALTERNATIVE SELECTION SUMMARY

A Preferred Alternative was selected after the review of social, ecological, and cultural impacts as well as the consideration of public and agency comments. After careful consideration, Alternative B Modified was selected because it best meets the purpose and need of the project. It improves safety while minimizing impacts to the environment and the community. Alternative B Modified was the only alternative that did not have an adverse visual effect to Yancey's Tavern or impact East Lawn Memorial Park Cemetery. It also has a lower total number of residential and business displacements and is supported by the Mayor of Kingsport and the Mayor of Sullivan County.

- **Alternative B Modified was selected as the Preferred Alternative for the following reasons:**
    - Fewer displacements of residences and businesses.
    - Avoids displacing any known grave sites at the East Lawn Memorial Park Cemetery.
    - Will not adversely affect Yancey's Tavern, a National Register of Historic Places listed property.
    - Safety improvement is the primary purpose and need of project. Alternative B Modified meets the approved purpose and need of the project with the least amount of environmental impacts and cost.
    - Supported by the Honorable Mayor Dennis Phillips of Kingsport and the Honorable Mayor Steve Godsey of Sullivan County. (See Appendix A.)

6.0 DEIS AGENCY COMMENTS AND RESPONSES

The following agency comment was provided to TDOT after the DEIS was made available for review (January 2012).

UNITED STATES DEPARTMENT OF THE INTERIOR OFFICE OF THE SECRETARY,
OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE
Date of Comment June 19, 2013

Comment: The Department of Interior (Department) has reviewed the DEIS for SR 126 Improvement Project. We have no comments at this time.

Response: No response required

7.0 MITIGATION SUMMARY

The following summarizes the proposed mitigation for meeting general requirements of TDOT projects.

- **Standard Specification.** This project will be developed in accordance with *TDOT's Standard Specifications for Road and Bridge Construction*, which addresses sediment and erosion control and siltation; channelization; floodplains; construction impacts; utility relocations; and traffic maintenance and detours.

- **Archaeological Resources.**
  Four archaeological sites are located in the project area (40SL412, 40SL413, 40SL419, and 40SL421). The proposed Build Alternatives have been modified to avoid impacting these sites. However, if archaeological materials are uncovered during construction, all construction work in the area of the find will cease. The Tennessee Division of Archaeology (615-741-1588) and the recognized Native American Tribes previously coordinated with will be immediately contacted so a representative of their office may have the opportunity to examine and evaluate the materials. Any sites identified during construction of the proposed project will be monitored during construction activities to ensure that the areas are avoided and not utilized as equipment staging areas or otherwise impacted by the construction of the project.

  Pursuant to TCA 11-6-107(d), if human remains are identified, construction work must be halted, and the state archaeologist, the county coroner and local law enforcement must be contacted immediately. In addition, a representative of Native American Tribes will be notified in the event they wish to be present.

- **Relocation Assistance.** To minimize the unavoidable effects of the ROW acquisition and displacement of people and businesses, TDOT will implement a ROW and relocation program in accordance with the Tennessee Uniform Relocation Assistance Act of 1972 and the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646). Relocation resources will be available without discrimination to all displaced residences and businesses.

- **Reduction in Relocations.** As the project moves forward into design, TDOT will look for ways to reduce the number of residential relocations based on available design solutions. One example of a potential design solution that will be considered is the use of retaining walls to reduce the width of ROW necessary to accommodate normal side slopes.

Project-specific mitigation measures are as follows.

Hazardous Materials
The following three (3) sites were identified by TDEC in comments to Concurrence Point 3 (September 19, 2011) and will be evaluated as potential hazardous waste sites prior to submittal of the Final EIS.

- English Cabinets (5236 Memorial Boulevard, Kingsport, TN)
- People's Food Store (3104 Memorial Boulevard, Kingsport, TN)
- Richard Chadbourne Property (5340 Memorial Boulevard, Kingsport, TN)

A Phase II Environmental Site Investigation will be performed prior to right-of-way acquisition on the following three (3) parcels identified in the Phase I Hazardous Materials Survey Report.

- Fuel and Convenience Store (4001 Memorial Boulevard, Kingsport, TN)
- Dry Cleaning Service (3200 Memorial Boulevard, Kingsport, TN)
- Fuel and Convenience Store (5121 Memorial Boulevard)

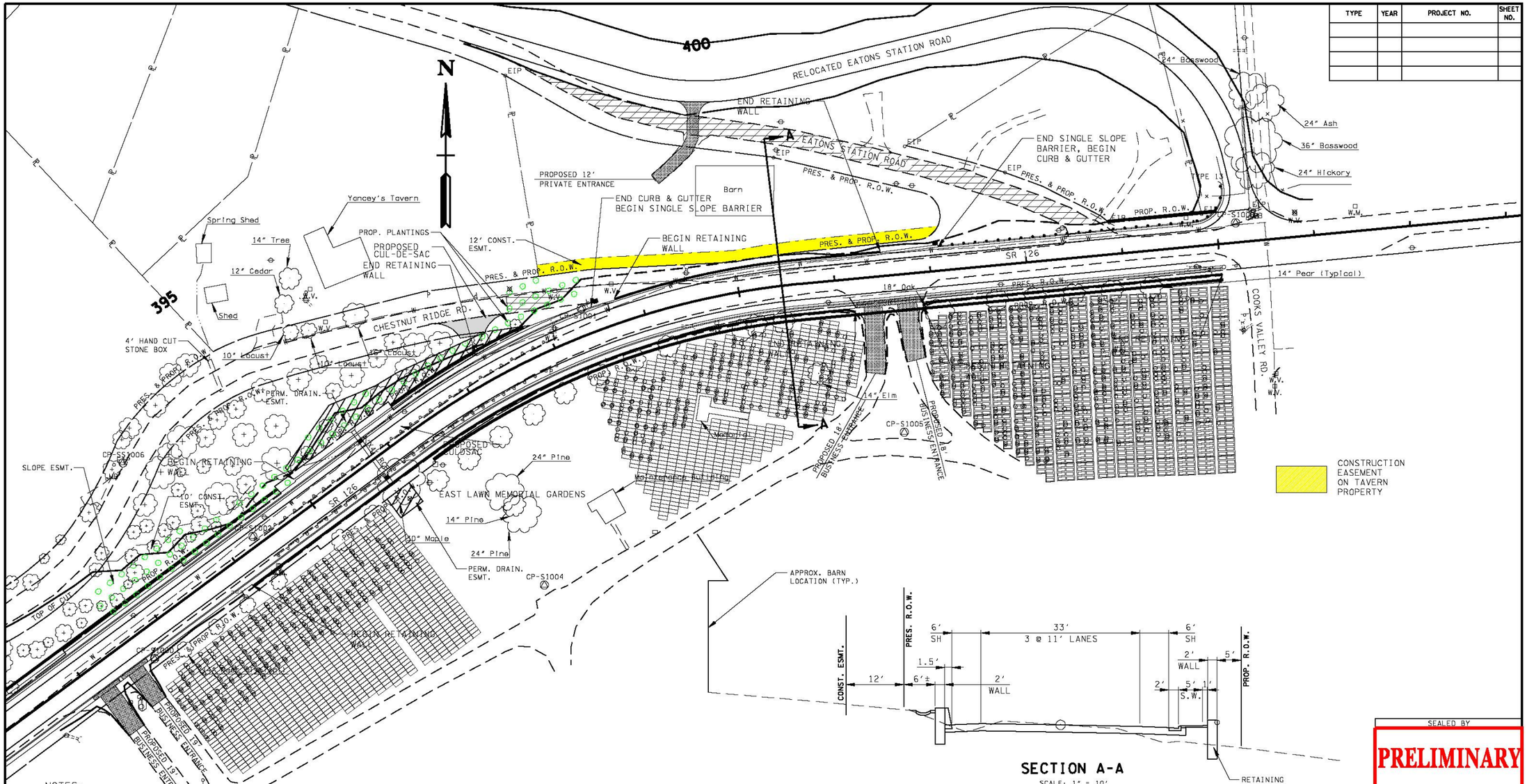
Historic Resources – Yancey's Tavern

In an effort to minimize impacts to Yancey's Tavern, a property listed on the National Register of Historic Places, a mitigation plan was developed. On June 3, 2013 TDOT submitted to TN-SHPO an Addendum Documentation of Effects report for the proposed improvement to SR 126 in Sullivan County outlining proposed mitigation measures. The TN-SHPO responded on June 11, 2013 (see Appendix D) that the project as currently proposed would not adversely affect Yancey's Tavern. See Figure 7.0-1 for an area view of the Tavern and Cemetery and Figure 7.0-2 for details associated with Alternative B Modified. The following design commitments will be carried out in association with Alternative B Modified:

- The proposed project will shift the right-of-way from Yancey's Tavern to the south onto the East Lawn Memorial Park and Cemetery, but will not be shifted so far to the south that known occupied graves would need to be relocated.
- Only a temporary construction easement will be needed within the National Register boundary of Yancey's Tavern and that construction easement would be returned to the current grade and appearance after construction is completed.
- TDOT is proposing an aesthetic treatment to the retaining wall that will be compatible with the historic landscape and will be minimalist in its design. TDOT will consult with the TN-SHPO and consulting parties in designing the retaining wall in order to get their review and comments on the proposed design feature.
- The cross-section is reduced by the removal of the sidewalk on the northern side of State Route 126. (See Typical Section Figure 7.0-2)
- In order to re-screen the area in front of Yancey's Tavern, TDOT is proposing a detailed landscaping plan that will be created in consultation with the TN-SHPO and consulting parties to provide appropriate plantings for the area.
- Landscaping and aesthetic details will be presented to the TN-SHPO and consulting parties for review and comment.
- Chestnut Ridge Road will end slightly to the southeast of the tavern itself and a branch turn-around will be provided at the dead end to give travelers the opportunity to turn around. Having a branch turn-around rather than a cul-de-sac will give the dead end a more rural feel rather than the suburban feel of a bulb-out cul-de-sac.
- The branch turn-around will require some of the mature trees to the southwest of Yancey's Tavern to be removed; however, TDOT will develop a detailed landscaping plan, in conjunction with the TN-SHPO and consulting parties, that will replace the vegetation that will need to be removed with the branch, turn-around design.

FIGURE 7.0-1 - PROJECT LOCATION MAP AT YANCEY'S TAVERN

FIGURE 7.0-2 - FUNCTIONAL DESIGN FOR ALTERNATIVE B MODIFIED (PREFERRED ALTERNATIVE)



TYPE	YEAR	PROJECT NO.	SHEET NO.

SECTION A-A
SCALE: 1" = 10'

NOTES:

1 PROPOSED IMPROVEMENTS ARE BASED ON LIMITED DESIGN ONLY TO DETERMINE IMPACTS TO THE CEMETERY AND TAVERN PROPERTIES.

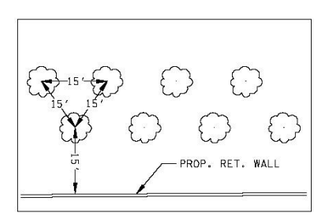
2 CONSTRUCTION LIMITS ARE APPROXIMATE FROM LIMITED DESIGN EFFORT. CONSTRUCTION LIMITS ARE SUBJECT TO CHANGE WITH COMPLETE SURVEY AND DESIGN TASKS INCLUDING DESIGN OF DRAINAGE, EROSION CONTROL, PERMITTING, MAINTENANCE OF TRAFFIC AND PRIVATE DRIVES.

3 HORIZONTAL AND VERTICAL ALIGNMENTS ARE BASED ON MINIMIZING IMPACT TO THE CEMETERY AND TAVERN PROPERTIES. INEFFICIENCIES MAY EXIST WITH DESIGN OF ADJACENT ROADWAY SECTIONS IN ORDER TO TIE TO THE DEPICTED DESIGN FOR THIS LOCATION.

4 EXISTING INFORMATION IS BASED ON LIMITED TOPOGRAPHIC SURVEY AND AVAILABLE AERIAL PHOTOGRAPHY. EXISTING RIGHT-OF-WAY BASED ON ARCHIVED CONSTRUCTION PLANS AND MAY VARY. GRAVE LOCATIONS BASED ON SURVEY OF VISIBLE HEADSTONES AND SCHEMATIC PROVIDED BY CEMETERY.

5 NO GEOTECHNICAL DATA WAS CONSIDERED.

6 RELOCATION OF EATONS STATION ROAD CONCEPTUAL ONLY AND BASED ON A 25 MPH DESIGN SPEED AT INTERSECTION.



TYPICAL TREE PLANTING DETAIL
(SPECIES TO BE DETERMINED)

SEALED BY

PRELIMINARY PLANS

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

3 LANE CONCEPTUAL LAYOUT

SCALE: 1"= 50'

Threatened and Endangered Species
The USFWS has concurred on November 17, 2011 (See Appendix E) with a "not likely to adversely affect" finding concerning the federally endangered Indiana Bat (*Myotis sodalis*). Although it is not likely that the project would have an effect on the Indiana Bat, USFWS requested that consideration be given to the removal of trees with a diameter at breast height of five inches or greater only from October 15 through March 31 to further minimize the potential for harm to the species.

Water Quality
Five (5) streams were identified within the project corridor. Three (3) are perennial streams: Sougans Branch, Fall Creek, and an unnamed tributary of Sougans Branch. Two (2) streams are intermittent streams: An unnamed tributary of Fall Creek and an unnamed tributary of Reedy Creek. None of the five (5) have been listed as Tennessee Exceptional Waters within the project impact area, and none were impaired to the degree that they have been placed upon the Tennessee 2008 303(d) List of impaired streams published by TDEC Division of Water Pollution Control. Habitat quality of each of the streams was investigated, and all five (5) streams scored in the below-average range. Tables 7.0-1 and 7.0-2 below identify the location of these streams.

TABLE 7.0-1 - LINEAR FEET OF STREAM IMPACT BY IMPACT TYPE, SR 126, SULLIVAN COUNTY, TENNESSEE FOR ALTERNATIVE A, ALTERNATIVE B AND ALTERNATIVE B MODIFIED (PREFERRED)

Item	Total Linear Feet Impacted	Culverts/Pipes (ft)	Crossing / Bridge (ft)	Relocation (ft)
Alternative A	4,863	1,278	NA	3,585
Alternative B	3,107	846	NA	2,261
Alternative B Modified	3,107	846	NA	2,261

TABLE 7.0-2 - COMPARISONS OF STREAM IMPACTS IN LINEAR FEET FOR ALTERNATIVE A, ALTERNATIVE B AND ALTERNATIVE B MODIFIED (PREFERRED)

Streams Impacted	Drainage Area (acres)	Flow Regime	Alternative A: Linear Feet Impacted	Alternative B: Linear Feet Impacted	Alternative B Modified: Linear Feet Impacted
U.T Reedy Creek	113	Intermittent	428	174	174
U.T. Fall Creek	53	Intermittent	192	92	92
U.T. Sougan Branch	439	Perennial	2,506	1,868	1,868
Sougan Branch	1,574	Perennial	93	99	99
Fall Creek	2,032	Perennial	1,644	874	874
			Total: 4,863	**Total: 3,107**	**Total: 3,107**

To protect water quality and aquatic species the stream crossings will be designed perpendicular to the direction of flow. The construction of culverts will be staged during the drier times of the year when stream flows have been reduced. The culverts will not be constructed immediately following rain events. Locations of these structures will be determined during final design and prior to submission of federal and state permit applications.

Where culverts penetrate the existing embankment, they will be lengthened so that the existing drainage function would be preserved. Additional culvert improvements will be made during final design, if necessary, based on a hydraulic capacity analysis. Culverts will also be wide enough to pass high flows and should be placed so as not to restrict the movement of aquatic vertebrates within the streams.

Mitigation is required for all stream impacts which do not meet requirements for general TDEC Division of Water Aquatic Resources Alterations permits (ARAP) and for certain Nationwide Section 404 permits (U.S. Army Corps of Engineers; TDOT 2004).

Unavoidable impacts to Waters of the U.S. could still occur after all appropriate avoidance and minimization measures have been taken. Compensatory mitigation is likely to be required to offset any unavoidable impacts to waters of the State/US. TDOT will implement the current sanctioned stream mitigation compensation, as necessary, at the time of obtaining permits.

Appendix A
City and County Mayors' Letter of Support

40050

From the Offices of:

Dennis R. Phillips	Steve Godsey
Mayor	Mayor
City of Kingsport	Sullivan County

March 21, 2013

The Honorable John Schroer
Commissioner
Tennessee Department of Transportation
505 Deaderick Street
J K Polk Building, Ste 700
Nashville, TN 37243-0349

Dear Commissioner Schroer:

As the duly elected Mayors of Kingsport and Sullivan County, we write to you today to applaud your department's steadfast efforts to make an improved State Route 126/Memorial Boulevard a reality.

While this project has suffered delays throughout previous administrations, we wanted to let the Department of Transportation and the administration of Gov. Bill Haslam know we fully support TDOT's proposed Modified Plan B option for State Route 126.

We offer this support recognizing there are varying opinions on exactly what type of road should be built. But everyone is in agreement that improvements are desperately needed. As leaders of the County and City, we also recognize that in times of tight construction budgets, it is more important that a project commence ... or risk the project being orphaned yet again.

With that in mind, we urge the Department to move forward with all possible speed in moving from the environmental phase to right-of-way acquisition and construction. The Department and local legislators, including Lieutenant Governor Ron Ramsey, have spent countless hours and dollars in good faith with tremendous input trying to develop a viable project that pleases as many stakeholders as possible.

Those efforts are commendable, and we request the project be moved forward as soon as possible. We look forward to continuing conversations about how best to address phasing of the project, as we fully realize this is a sizeable project that will required several phases to fund. Please let us know anything else we might do to assist you and your Department in achieving this goal.

We thank you in advance for your time and consideration in this matter.

Sincerely,

Dennis R. Phillips
Mayor
City of Kingsport

Steve Godsey
Mayor
Sullivan County

RR/TS/DRP/SG/jlc

MAR 28 2013

Appendix B
Summary of Public Hearing Comments

Summary of Public Hearing Comments

Letters

Name	Comment Summary
Ellen Sims	Supports B Modified - Long Island Chapter, National Society Daughters of American Revolution, (NSDAR). Concerned about both visual and physical impact of SR 126 on Yancey's Tavern and along Chestnut Ridge. Afford maximum protection to Tavern and East Lawn Cemetery. Minimize foot print of road. Spend tax dollars efficiently. Questioned if sidewalks and curb and gutter were necessary in the Tavern area.
Rann Vaulx	Supports B Modified - Cost effective, context sensitive solution for project. Concerned about Adverse Visual impact to Yancy's Tavern. Wants to receive any information on retaining walls and wants to remain engaged in the project.
Jolly Hill	Supports B Modified - Support for retaining wall without a Trinity Lane connector. Oppose version without retaining wall. (Impacts Pyle Cemetery)
Kimberly Davis	Supports No-Build - Prefers Alt. B with 3-lane road **if** No-Build is not selected. "No-Build" - Does not see supporting studies on web site. Concerns about noise study and suggests noise study not done correctly. Suggests Noise Barrier above Preston Hills. Opposed to connecting Trinity Lane to Greenspring Circle. Sidewalks seem needlessly excessive. A divided highway with grass median is overkill. Give further consideration to public transportation.
Ann Seeger	Supports Project, Opposes 4-lane - Concerned about the impact a 4-lane divided highway will have on the Indian Springs Community. A 4-lane will increase traffic speeds which will add to the tragedies that have already occurred. Please make highway safer and intact not divided by a 4-lane.
Diane Somers	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
Henry Somers	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
Joseph Smith	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
Anne Laura Smith	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
Arved Harding	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
Jerry Teague	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
Doug Russam	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
William Kelly	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
Bob Wallace	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
John J. Hurt	Supports 4-lane - Use minimal 4-lane from Chestnut Ridge Rd. to Cooks Valley Rd. Use retaining walls between cemetery and historical property without disturbing graves.
Scott George	Support 4-lane - Critical to safety. A 3-lane is not adequate. Do project right way now and it will carry us well into the future.
Ervin Holman	Supports most of the proposed changes to SR 126 - Opposed to closing one end of Graveltop Rd. Several needs for the roadway have been noted: Improved access for school buses; Improve mail delivery; Improve response time for emergencies; Improved road geometry. Closing one end of Graveltop Rd, school buses will require a longer trip up and down the street. Mail delivery will take longer. Response time for emergency vehicles will take longer. When an accident occurs on SR 126 there will be no alternate route for vehicles.

Summary of Public Hearing Comments

Keith Johnson	Supports 4-lane - Lives in Indian Springs Community. Now is the time to get this safe improvement on the agenda.
Juliet Hyatt	Not in favor of 4-lane - Takes to much land, historic site should be protected. Need improved 2-lane from Old Stage to I-81. Need wider shoulders, reflective paint edging lanes, guardrails, occasional turn lanes, pull offs for emergency vehicles and realignment of side roads.
Thomas Floyd & Jenny Gillespie	Supports No-Build - Concerns regarding lower property value and thinks, retaining wall takes a lot of backyard. Makes my driveway a public road. (Green Springs connector to Trinity Lane) Plans not clear whether Trinity Lane is left opened or closed. Prefer Trinity be kept as a dead end.
Blanche Fillers	Opposes 4-lane - Need better stripping and signing of lanes in transition areas. No need for bike lanes, need wider lanes and shoulders. 4-lane would only encourage students leaving school to speed and cause more accidents.
Allan & Carol Newland	Supports 4-lane - Residents in Indian Springs over whelmingly voiced their support for 4-lane, eliminating sidewalks and bike lanes on section between cemetery and Tavern. Please provide road that stimulates growth and provides easier access.
Keith Johnson	Supports Project - No preference, just wants the road improved.
Jolly Hill	Concerned about Trinity Lane Connector. Wants clarification on whether Trinity Lane is to be closed or left open before project is designed.
Terry Larkin	Project adds no value from Center St. to Old Stage Rd. The high cost is overkill. Rather see improvement from Old Stage Rd to Interstate which is greatly needed.
Paul Castille	Concerned previous work on John B. Dennis exit ramp made it worse. Change it back to what it was.
Rep. Tony Shipley	Supports 4-lane - 4-lane with sidewalks, bike lanes and 12' grass median is excessive. Suggest minimal 4-lane no grassy median only a center barrier to seperate lanes, no sidewalk, no bike lanes and possibly no curb and gutter. 4-lane should be further compressed between cemetery and Tavern. Wants to know the difference in feet of a minimum 4-lane as described and Modified B.
Fix 126 right.com	Supports 4-lane (See Letters)
Diane Somers	Supports 4-lane (See Letter)
Judy Murray	Opposes 4-lane (See Letter)
Arthur Ellis	Concerned about the impact the road would have on the landscape and scenic beauty of the area.

Summary of Public Hearing Comments

Emails and Fix126.com

Name	Comment
Cathy Dunn	Oppose 4-lane - 4-lane is to expensive, will increase speed, will depreciated historic and cultural attributes of region suggest camera to catch speeders (generate revenue). Add turn lanes in area that need it.
Kurt Larkin	Stated that he has not seen the road as congested as shown in the (Level of Service example) photos. Would like to know when work will begin and how long the project will last.
Paul Castille	TDOT already made John B. Demnis exit ramp worse, need to change it back.
Al Price	Stated that he owns land on SR 126 at Shuler Dr. Wants to know if the project will affect his land.
John Hurt	For 4-lane - Accidents will continue if 4-lane not built. Drivers speed and talk on cell phones and do not pay attention. Road is to crooked in places and to narrow in others. How much longer do we have to endure this.
John Trent	No Build - Do not waste anymore money, traffic enforcement is what is needed.
Chad Austin	(Shoulders) - Any incidents on this road are caused by inattentive drivers, fatalities are not caused by road but by the drivers. Wider shoulders is what's needed. If the project is built it will lead to increased speeds.
Sue Nichols	No Stated Prefence - Need safer highway as soon as possible. Existing road is dangerous (curves, single lanes)
John Pollak	Not sure 4-lane will work due to topography, but turn lanes will alleviate a lot of problems, since TN has no turn signal requirements.
Allan Newland	Favors 4-lane - Due to lack of improvements of SR 126 has resulted in loss of businesses. Improved safety main concern, but improved business conditions should be considered.
Randal English	3-lanes - Business owner involved in two accidents trying to enter property. Curve in road restricts vision, hard to see on-coming traffic. Need 3-lanes and lowering of speed limit.
Fix 126	Summary Feedback email - For 4-lane; Concerns safety and future development
Keith Johnston	Wants road improved in the immediate future Lives in Indian Springs Community
Delores York	(Shoulders) - This road is dangerous, we need shoulders to help drivers not familiar with this winding road.
Jerry Case	Concerned about dangerous intersection at Fall Creek Rd. and SR 126. Suggest traffic light to control traffic through the intersection.
Jennifer Krull	No Build - Suggest leaving road alone and cut back some slope bank to improve site distance. (Not a fan of Ms. Sommers)
John Townsend	4-lane all the way - It will serve future needs and will be much safer than the "other way". Do not put in 2, 3, and 4-lane option.
Jan Nichols	4-lane - 4-lanes with less curves and more visibility and safer highway all around.
Keith Elton	The only problem with this road is distracted drivers. Deaths are caused by reckless drivers. 4-lanes will lead to increased traffic and higher speeds. Suggest using money to hire more THP to enforce speed and educate drivers.
Crystal Dots	We need to do something NOW. Road is to dangerous, people speed, pass school buses. It is difficult to get out of driveway at times.
Phillip Bridges	4-lanes - Fix the road right the first time or you always have a dangerous road
Larry Landis	(Shoulders) Careless drivers on road causes accidents. Road needs shoulders.
Willis Wagner	Wants the road improved as soon as we can.
John W. Dotson	Opposed to moving graves - Please find a way to improve the road without disturbing cemetery.
Janrose Dotson Hall	Opposed to moving graves - Speeders need to slow down and given tickets or take their driving rights away. Do not disturb graves.

Summary of Public Hearing Comments

Vickie Jones	Oppose grave removal - Does not feel widening the road is the answer. Control texting and phone use while driving would be a huge help. Do not move any graves.
Arnold Dixon	Favor 2-lanes with a 3-lane for turning. If road is not patrolled by officers or cameras fatalities will still occur.
Lesley Kilgore	Enforce the speed limit, need shoulders and street lights, bike lanes and walking lanes are a waste of money. Do not impact cemetery or Yancy's Tavern. Adding 3-4 lanes and back to 2 will cause more reckless driving (people trying to pass)
Scott Williams	More asphalt means more upkeep and funding - Determine where most accidents occur and concentrate on making those areas safe. Wider roads usually mean increased speed, distraction from cell phone use that lead to more accidents.
Lisa Burchell	Roadway needs better lighting all the way to I-81. Need red lights at intersections, poor visibility makes it hard to get on and off highway. 3-laning or 4-laning would only increase truck traffic and speeding. THP and local police should patrol area more often to discourage speeding.
Dr. La-Verne & Lois Ready	Concerned about noise associated with new highway. What type of barriers are being considered.
Patricia Richards Dellinger	Opposed to moving graves.
Angela Tipton	Opposed to moving graves.

Summary of Public Hearing Comments

Kingsport Civic Center

Name	Comment
Ernest Brookman	Stated no preference - Would like to see more coordination between City and TDOT on the alignment of the road. Need to fix Kite Street. Recognized construction limitations.
Ellen Sims	Generally Supports Project - Representing Long Island Chapter of the National Society Daughters of American Revolution. Concerned about visual and physical impact of the proposed project on Yancy's Tavern and along Chestnut Ridge. Blasting and Road construction will change the landscape causing a negative impact both physical and visually to Yancy's Tavern and associated properties. NSDAR is concerned about safety and building a road efficiently and effectively and respecting the communities values. Do not over build.
Nathan Vaughn	(Former Rep.) Recognized the work of the CSS team and is concerned TDOT is looking at an option not sanctioned by the CSS group and using different selection process. He is concerned about traffic counts not accurately reflecting the volumes on SR 126. Wants the project to reflect the values of the community.
Tim Bledsoe	No Alt. Prefence - Concerned about moving family graves. Opposed to moving graves. Move the Tavern.
Tom Gatti	Oppose 4-lane - Opposed to 4-lane cutting through Chestnut Ridge and Indian Springs. B modified takes care of some safety issues, will have visual problems and road connecting issues. Not in favor of straight road it tempts people to drive faster. Ask if sidewalks had to be ADA compliant.
Judy Murray	Served on CSS team that came up with original alternatives and feels the spirit of CSS is being honored. She felt TDOT was listening to the community.
Wendy Gordon	Generally Supports Project - Thanked TDOT for the work on this project.
Tony Grills	Concerned about compensation of property that maybe used for roadway as well as zoning and tax issues. He was referred to the ROW representative present at the meeting. Also questioned how removing asbestos would be paid for, the owner or TDOT. Also asked about statue of limitations mentioned in EIS.
Frank Castleberry	Favors 4-lane - Concerned Indian Springs will be shortchanged in a 4-lane is not constructed. Limits future growth. More the Tavern back up the hill and build a parking lot.
Mr. Vaulx	Opposed to moving graves. Concerned that the historic site (Yancy's Tavern) is going to be on a retaining wall over looking a multi-lane highway and that will be an adverse visual impact. He further state an MOA would be required to complete the requirements of Section 106, of the National Historic Preservation Act. Favors leaving 2-lane and shoulders, ruble strip and turn lean into Cooks Valley Rd. Wants a safe road.
Charlotte Ellis	Would like to see community and its assets protected as well as having a safe road. (Rural Indian Springs). Protect Chestnut Ridge, historic sites and cemetery.
Kathleen Beine	Concerned about safety issues, beauty and historic preservation. Concerned about 4-lane widening through Chestnut Ridge. The road needs to be improved. Concerned about miles and miles of 5-lane road and increased accidents. Concerned about sidewalks and bike lanes adding to the highway impact on the landscape.
Mark Bowery	Favors taking the 4-lane to 3-lane to 2-lane and the 4-lane would go all the way to Cooks Valley. Use design options to avoid Yancy's and Cemetery.
Dorothy Houser	She has lived in her home 87 years and does not want to move. Do anything you can to keep this from happening.
Eugene DeBaker	Opposes closing Holiday Hills Rd. out of her subdivision. There needs to be another alternative or stop lights.
Betty Tribble	Take my house to save a life.
Mark Tribble	(Speaking on behalf of his mother Betty) - She is an elderly widow and all alternatives impact her. Concerned about run-off caused by the roadway and flooding. Take my mothers home for her safety. Blind spot when you pull out of the driveway.

Summary of Public Hearing Comments

Chris Lacey	Concerned about sight distance problems pulling out of his business onto SR 126. Previous work on the road has impacted his property causing a drop off that is dangerous for his customers. Would like the access fixed to his property, as well as the sight distance improved at his business.
Susan Nodal	(Local) - Concerned about planned median in front of her property prohibiting her from turning left out of her driveway, forcing her to use the dangerous Orebank Rd intersection. This is the only viable access to our property. Request that two historic stone pillars be relocated up into her yard. An access point in the median would also serve a business next door.
Dan Cheek	B Modified - (Former member of CSS team) I originally supported a 4-lane roadway, but now feel a less invasive plan is needed. A 4-lane would destroy Indian Springs. The B modified plan it is very much consistent with what our team came up with.
Scott George	4-lane - 4-lane is needed fix it now, fit it correctly. Safety is the biggest concern; no shoulders, no recovery area exist.
Dewey Harless	Feels we are only building part of what is needed. Quit making 2-lane bottlenecks. Build 4-lane, don't need sidewalks, curbs and gutters is sufficient. I's rather have a safe road even though it impacts my property.

Summary of Public Hearing Comments

Sullivan Co. High School

Name	Comment
Scott Mendenhall	Questioned why project was taking so long. Believes if road had already been improved, his wife may still be living today. Pointed out that it has been 10 years since the project began and wants to know how the Department is going to speed up the process. Plan B should be eliminated and A could be a little bit more improvement on that part.
Charlotte Dade	Five concerns; safety, historical, environmental, aesthetical and personal. Certainly improvements need to be made a 4 or 5-lane roadway is not necessary. Modified B concerned about preserving heritage for future generations. Aesthetic quality of Chestnut Ridge is important. Do not want to destroy beauty of area. Our property has historical valve (Exchange Places). Wants to know what will happen to the springs and the serenity of the woods behind her home. We want to save lives and hope the plans make continued improvements and consider the historical, aesthetical and environmental issues.
Cathy Dean	Favors B Modified - Opposed to moving graves.
Danny Moody	Opposed to 3-lane roadway; for 4-lane people using turn-lane do not know where to yield to anybody.
Erwin Holman	Concerned about closing off Gravel Top Rd. access point. It will increase response time for emergency vehicles, increase mail delivery route. School buses will have to use cul-de-sac at end of road. It will close off a detour route around SR 126 when accident occurs or bad weather closes roadway. Fix geometry of road and leave both entrances open.
Tim McCoy	Modified B - Modified B addresses our concerns and still gives us a nice safe road.
Paul Bodenweiser	Modified B - Modified B is far and away the smartest one rumble strips have made a difference, we need to improve the lines of sight, add guardrail, and shoulders.
Henry Somers	Safety is a huge issue; CSS team after 2 years of study recommended 4-lane to Cooks Valley Rd. We need a bare bones, minimum 4-lane to accommodate future traffic. We need to eliminate the grassy medium, sidewalks, and curb and gutter. Basic 4-lane will be very similar to 3-lane with sidewalk. Nobody wants a big cut, future traffic will need extra lanes. A 4-lane from East Center St. is possible and is needed for safe travel. There is 47' from white-line to white-line at Yancy's Tavern, we know a minimum 4-lane can be done. We need interim improvements we can't wait another 8-10 years.
Vance Ramsey	Modified B - Lines on section of SR 126 that has seen many accidents. Believe drivers not the road caused accidents (Speed, drinking). The road needs improving, straighten curves, and shoulders, need turn lanes at major intersection. Oppose 4-lane do not want to destroy scenic value of Chestnut Ridge or destroy the communities of Sunnyside, Birdwell Height and Indian Springs. Do not want to remove graves. Made reference to petition with over 1200 signatures opposing 4-lane and whether or not TDOT had a copy.
Kerney Timmons	Modified B - is reasonable avoids cemetery and historical property. Likes a 4-lane and 3-lane. Leave the sidewalk off the 3-lane and make it 4-lane. The lanes are to narrow, rumble strip has kept me on my side of the roadway.
Donna McCoy	Modified B - Son was killed on highway, opposed to 4-lanes, 2-lanes in each directions raises the possibility of more accidents. It will allow people to drive faster. Concerned about increase in truck traffic.
Thomas Moore	Concerned about driveway connections, poor sight distance is a hazard. Requested TDOT to fix his driveway (no action by State) wants the roadway (Fall Creek) either up to SR 126 or cut back down to improve site distance make the road safe take out curves and bumps in the road to improve the line of sight.
Kathy Dunn	Disagrees with 4-lane, straight through because it will simple increase speed. Grass medians will be a maintenance issue MPO and State traffic numbers don't agree, let get calculation right. Not willing to see ridiculous speeding for a continuous 4-lane.

Summary of Public Hearing Comments

Don Cole	Family member in East Lawn Cemetery, Alt. A & B upset me. Road needs to be improved. Alcohol, drugs and telephones distract drivers. I can live with Alternative B.
Gene Bledsoe	Concerned about traffic lights and wants to know if there will be red lights at intersection. Concerned about the 3-lanes merging to 2-lane near Lacy's Insurance and wants to know if there will be better merging with the project. Questioned recent traffic analysis showing a reduction in traffic. Concerned about property value between being above the road or below the road. Last meeting at Sunnyside, they shot down the 4-lane nobody wants a truck route between Center St. and I-81. Wants to know when project will begin. Its been ten years in the making.
Wendy Niebruegge	I like the rumble strips, I think we can make improvements by adding shoulders and cutting out banks to improve sight distance. Realigning driveways. Can make improvements without 4-laning entire route.
Joe Smith	Lets make sure we are building a road to handle the traffic, do no under build the road.
Jim Fuller	The road is unforgiving and has resulted in fatalities. Do what you have to get between Tavern and cemetery, lets make a safe road.
Kenneth Pate	The existing road is narrow and dangerous, people speed to get around you. We need 4-lane all the way. The best option it would be a much safer road.
Allan Newland	In favor of 4-lane, lack of improvements on SR 126 have resulted in a loss of businesses. It will not be built all at once but need to get started and 4-lane all the way to Cooks Valley Rd.
Jay Schlag	Concerned about traffic during construction and the impact it will have on other local roads. Travel the road frequently it is not a dangerous road drivers on it are dangerous.
Wendy Gordon	People want a safer road and assume a 4-lane divided road is safer. Non limited access 4-lane are not safer. More fatalities happen there than do on 2-lanes.
Dave Dots	4-lane, no sidewalks - I am in favor of Alt. A (4-lane) but think we can do away with sidewalks. Install traffic lights at major intersection to slow down truck traffic (Cooks Valley, Lemay, Stage Coach, Briarwood, Island, Harr Town, Overhill, and Carolina Pottery). We need to look at the growth in the next 30 to 40 years. We need a 4-lane and straightening the road as much as possible.
Mr. Vaulx	For Modified B - Owner of Yancy's Tavern; you can buy and demolish National Register property you just can't use federal funds to do it. Your not supposed to adversely impact an historic site. I like missing the cemetery, but don't overbuild the road. I favor the Modified B
Rena Robinette	Not in favor of road widening if it going to impact the cemetery. The previously proposed Stone Dr. to the Airport would alleviate some of the traffic on SR 126 and should be reconsidered.
Betty Feathers	Thank you for lowering the speed limit to 45 mph.
Scott Mendenhall	Favor 4-lane all the way because of accidents.
Keith Elton	Suggest instead of closing Shuler Ave. and SR 126 close Shuler Ave. at the other end where it comes off Cooks Valley Rd. Shuler DR. and Lemay and Peers St. are overwhelmed now with traffic coming off Cooks Valley Rd. SR 126 is a perfectly good road. The problem is drivers not paying attention.
Tom Floyd	(Trinity Lane Connector) - On Alt. B Modified it is no clear to me why the Trinity Lane connector is taking land off my property.
Erwin Holman	Want to make sure I continue to have access to SR 126 (Gravel Top Rd.).
Fred Johnson	Make the road for the living not the dead.

Appendix C
Concurrence Point 3
Agency Comments and Responses

CONCURRENCE POINT 3 AGENCY COMMENTS AND RESPONSES

The following comments were received from TESA participating agencies in response to the Concurrence Point 3 Package. Responses were distributed on October 19, 2011.

U.S. ARMY CORPS OF ENGINEERS, NASHVILLE DISTRICT
Date of Comment September 9, 2011

Comment: We have reviewed the draft EIS document and concur with the information in the Preliminary DEIS. Also, enclosed is a signed concurrence document form.

Response: N/A

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Date of Comment September 19, 2011

Division of Air Pollution Control
Comment: This project is in an area designated as attainment/unclassified for the National Ambient Air Quality Standards (NAAQS); therefore, a transportation conformity determination is not required.

Response: A statement to this effect will be included in the Air Quality Section of the DEIS.

Comment: The agency's other interests concern the control of fugitive dust and equipment exhaust emissions during the construction phase, and the assurance that any structures requiring demolition are asbestos free, as per the requirements of Chapter 1200-3-11, Hazardous Materials. The open burning regulations have changed dramatically. Before burning any wood waste, please refer to Chapter 12-3-4, Open Burning Rules. We also suggest contacting other regulatory agencies.

Response: TDOT will adhere to the most recent applicable Federal and State rules and regulations as they relate to Hazardous Materials and open burning and will include the applicable citations in the construction contract.

Division of Solid Waste Management
Comment: English Cabinets located at 5236 Memorial Blvd., is a possible area of interest that has not been addressed.

Response: English Cabinets will be evaluated as a potential hazardous waste site prior to submittal of the Final EIS.

Division of Underground Storage Tanks
Comment: The DEIS does not list the Division of Underground Storage Tanks (DUST) as having responded to CP 1 and CP 2. *(Note: No DUST comments were received in association with CP1 and CP2. DUST comments received in response to CP3 have been addressed in the DEIS.)*

Response: DUST comments have been received and are being investigated.

Comment: A new underground storage tank (UST) facility, People's Food Store Facility ID #1-820631, located at 3104 Memorial Blvd,; Kingsport, TN 37660, has become active since CP 1 and CP 2 were reviewed.

Response: People's Food Store will be evaluated as a potential hazardous waste site prior to submittal of the Final EIS.

Comment: CP 3 does not address the following UST facilities included in the review of CP 1 and CP 2:

Former Amoco Station (ID #1-820435), 3101 Memorial Blvd., Kingsport, TN 37664: Tanks Permanently out of Service (POS).

Former Garden Basket Convenience Center (ID #1-820144), 3177 Memorial Blvd., Kingsport, TN 37660: Tanks POS; Contamination case closed 2/2/2011.

Former Chevron Facility #49739 (ID #1-820538), 3801 Memorial Blvd., Kingsport, TN 37660: Tanks POS; Contamination case closed 7/20/2011.

Former Cherokee Food Store #13 (ID #1-820029), 5703 Memorial Blvd., Kingsport, TN 37660: Tanks POS; Contamination case close 5/17/2009.

Sunbridge Care and Rehabilitation (ID #1-820516), Dba Hillside Manor 3641 Memorial Blvd., Kingsport, TN 37664.

Richard Chadbourne property (ID #1-829003), 5340 Memorial Blvd., Kingsport, TN 37660

Response: All of the UST listed facilities are among the 111 sites investigated in the Phase I Survey but the Richard Chadbourne Site. They were not identified within the 1000-foot study corridor as impacted and were not recommended for further review. A copy of the Phase I Site Assessment is on file at TDOT.

The Richard Chadbourne Site was not on the original UST site list and will be evaluated prior to the FEIS. It is however, currently listed as Permanently Out of Service (POS).

Division of Water Pollution Control
Comment: An impaired stream (Booher Creek) is near the intersection of SR 126 and I-81. The cause of the impairment is Escherichia coli due to livestock grazing in the riparian or shoreline zones. There are no known Exceptional Tennessee Waters (ETW) within the project study area. Streams may be assessed during the permitting process if the proposed activity is determined to be degradation. If these streams are found to be ETW or impaired due to habitat alteration, in-system mitigation may be required.

Response: The impact to Booher Creek will be evaluated prior to submittal of the FEIS.

TENNESSEE WILDLIFE RESOURCES AGENCY
Date of Comment September 23, 2011

Comment: On page vii, Section S.4.6 entitled "Protected Species" of the summary section, the following statement is made: "The proposed project will not impact any federally listed, threatened, or endangered species or critical habitat". It is our understanding that bat surveys have not been completed to determine potential impact to the Indiana bat. It is our opinion that the sentence should be reworded to read: "The proposed project is not likely to affect any federally listed, threatened, or endangered species or critical habitat."

Response: The requested revision will be made.

Comment: On page xi, Section S.9.1, entitled "Water Quality Impact Minimization/Mitigation", the statement is made: "Best Management Practices will include but not limited to:" and then lists some broad practices. We would like to see more specific language regarding compensatory stream mitigation for impacts to these resources; such as "Stream mitigation will be compliant with the 'Stream Mitigation Guidelines for the State of Tennessee' by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, Natural Resources Section and regulations of the U.S. Army Corps of Engineers.

Response: This section has been removed at the request of FHWA. The greensheets now only reflect project specific Environmental Commitments, and not requirements that pertain to all construction projects and are handled in the permitting process.

Comment: On page 117 in Chapter 3, Section 3.5.3, entitled "Federally Listed and Proposed Threatened and Endangered Species", it lists the Bald Eagle (*Haliaeetus leucocephalus*) as a federally threatened species, which is inaccurate. Bald eagles are state listed as "Wildlife-In-Need-Of-Management."

Response: The status of the Bald Eagle will be corrected.

Comment: On page 117 in Chapter 3, Section 3.5.4, entitled "State Listed Species", it is stated: "Efforts have been made to identify Federal and State-listed species in the project impact area." It is our opinion that a description of the "efforts" should be included in this section of the final Environmental Impact Statement for this proposed project.

Response: This is addressed in the separate Ecological Study and will be summarized in this section.

Comment: On page 121 in Chapter 3, the title of TABLE 3.5.2: entitled "ANIMALS IDENTIFIED WITHIN SULLIVAN COUNTY BY TWRA (1 OF 2)" should be reworded to read "ANIMALS IDENTIFIED WITHIN SULLIVAN COUNTY BY TWRA AND TDEC (1 OF 2)", since this information was provided to TDOT by TDEC and since TWRA does not have regulatory authority of the Stonefly (*Allocapnia brooksi*), the Cherokee Clubtail Dragonfly (*Gomphus consanguis*), the Cave Spider (*Nesticus paynei*), and the Diana Fritillary (*Speyeria Diana*). We also request that the state status of "Wildlife-In-Need-Of-Management" be included in the table for the following species" Tangerine Darter

(*Percina aurantiaca*), Blotchside Logperch (*Percina burtoni*), Bald Eagle (*Haliaeetus leucocephalus*) Swainson's Warbler (*Limnothlypis swainsonii)*, Common Barn Owl (*Tyto alba*), Hairy-tailed Mole (*Parascalops breweri*), Smoky Shrew (*Sorex fumeus*) and the Meadow Jumping Mouse (*Zapus hudsonius*). The Sharphead Darter (*Etheostoma acuticeps*), the Tennessee Dace (*Phoxinus tennesseensis*), and the Least Weasel (*Mustela nivalis*) have no Tennessee Wildlife Resources Agency state status. The state status for the Longhead Darter (*Percina macrocephala*) is threatened.

Response: The suggested changes will be made.

Comment: On page 139 in Chapter 4, Section 4.0.1 Terrestrial Ecology, second paragraph, second to last sentence, the statement is made "As habitats are encroached upon most wildlife will adjust to changes in their environment. Displaced wildlife species will move to similar habitats in nearby areas for refuge. The proposed project will have a minor impact on local mammals and birds." It is the opinion of the Tennessee Wildlife Resources Agency that as available habitat is reduced due to the construction of this road project, the carrying capacity and/or necessary specie niche requirements may not be met resulting in loss of local wildlife. We would also prefer to see the statement, "The proposed project will result in minimal loss of wildlife habitat and local wildlife populations." Instead of the statement "The proposed project will have a minor impact on local mammals and birds." that currently exists in the document.

Response: The suggested revision will be made.

U.S. FISH AND WILDLIFE SERVICE
Date of comment September 21, 2011

Comment: Our office concurred with the adequacy of a bat study proposal for this project dated July 14, 2011. Although the study was likely completed during the 2011 survey season, we have yet to see the results and have not provided our concurrence on TDOT's effect determination for the Indiana Bat (*Myotis sodalis*). We withhold our Section 7 comments until this species has been properly coordinated.

Response: The Bat Study was sent to FHWA on 10/21/11 for their review and submittal to USFWS. TDOT will include USFWS Section 7 comments when received in the NEPA document and take appropriate action as necessary. (*Note: Since CP3, USFWS on November 17, 2011 concurred with TDOT's finding of "not likely to adversely affect" the Indiana Bat.*)

Comment: We note that Section 4.9.2, Mitigation Measures for Impacted Streams, estimates costs for stream mitigation based on "the U.S. Army Corps of Engineers ratio of 1.5:1 linear feet." Currently, there is no sanctioned stream banking instrument in Tennessee and the only approved State in-lieu fee program is the Tennessee Stream Mitigation Program. They require a 1:1 mitigation ratio at $200/linear foot for all stream loss if total impacts to a stream exceed 200 linear feet. Furthermore, all linear feet of riprap must be mitigated at a 0.75:1 ratio or $150/linear foot if the riprapped channel extends beyond 50 linear feet. We recommend that the currently sanctioned ratios and values be applied to estimate stream mitigation costs for this project and that the EIS reflect this correction.

Response: TDOT will implement the current sanctioned ratios and values. Section 4.9.2 will be revised.

Comment: In a May 26, 2005 public meeting, a petition was presented to the project management team to make improvements to but maintain the highway as a 2-lane facility (DEIS, p. 196). This petition included 1,124 individual signatures concerned with the potential for increase and severity of traffic accidents with a 4-lane facility design and for impact to the community from destruction of homes and businesses. For all intents and purposes, Alternative B is the only build alternative under review as it is a refined Alternative A (Section 2.1, last paragraph). Even with the inclusion of a 3-lane section, this project would result in substantial numbers of residential and business displacements which, according to section 4.4.2, the local market is not capable of supporting. Furthermore, grave relocations would be necessary with either alternative (Table A) and would be viewed unfavorably by the community. Given these constraints, constructing along a new alignment might be a better option.

Response: During the Context Sensitive Solutions (CSS) process, a Community Resource Team consisting of local citizens and the local planning organization was organized to assist TDOT with the development of alternatives to be evaluated in the DEIS. The alternatives in the DEIS, as well as the cross-sections were based on recommendations by the Community Resource Team. A new location alternative was not suggested by the team.

Appendix D
June 11, 2013
SHPO Response Letter for Yancey's Tavern

SR-126

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

June 11, 2013

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

RE: FHWA, EFFECT DETERMINATION, ALTERNATIVE B MODIFIED/SR-126 IMPVTS./PIN# 105467.00, KINGSPORT, SULLIVAN COUNTY

Dear Ms. Carver:

Pursuant to your request, received on Wednesday, June 5, 2013, this office has reviewed documentation concerning the above-referenced undertaking. This review is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739)

Based on the information provided, we find that the project area contains a cultural resource eligible for listing in the National Register of Historic Places: Yancey's Tavern. We further find that the project as currently proposed will not adversely affect this resource. Unless project plans change, this office has no objection to the implementation of this project. Should project plans change, please contact this office to determine what additional action, if any, is necessary.

I wish to take this opportunity to commend your on-going good work and that of Ms. Tammy Sellers in bringing this case to successful completion of Section 106 review. You both deserve great credit in melding the mission of your agency with that of historic preservation. Often, this is a difficult task, and you both accomplished it with remarkable diligence and fortitude. As Tennessee SHPO, I want you both to know how much I appreciate it.

Sincerely,

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

EPM/jyg

Appendix E
November 17, 2011
USFWS Letter regarding the Indiana Bat

United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

November 17, 2011

Ms. Leigh Ann Tribble
Federal Highway Administration
Tennessee Division Office
404 BNA Drive, Suite 508
Nashville, Tennessee 37217

Subject: FWS #12-CPA-0072. Proposed construction to State Route 126 (Memorial Boulevard) from Center Street to Interstate 81; PIN# 105467.00, P.E. 82085-1225-14, Sullivan County, Tennessee.

Dear Ms. Tribble:

Thank you for your letter dated October 26, 2011, transmitting acoustic and mist netting survey results for the proposed construction to State Route 126 from Center Street to Interstate 81 in Sullivan County, Tennessee. At the request of our office, surveys were conducted along the proposed corridor to determine if the area is being utilized as summer roosting habitat by the federally endangered Indiana bat (*Myotis sodalis*). Personnel of the U.S. Fish and Wildlife Service have reviewed the information provided and offer the following comments.

Joint mist netting and acoustical studies were performed from August 3 through August 10, 2011, at six sites determined to contain suitable habitat for the Indiana bat. The acoustical study resulted in the recording of 883 bat calls, of which none were identified as Indiana bats. The mist netting efforts resulted in the capture of 26 bats, of which two individuals were federally endangered gray bats *(Myotis grisescens)*. The Tennessee Division Office agrees with the determination made by the Tennessee Department of Transportation (TDOT) that the project is "not likely to adversely affect" the Indiana bat because none were observed during surveys.

Due to negative Indiana bat surveys, we concur with TDOT's finding of "not likely to adversely affect" for the Indiana bat. Although it is likely that this project would have an insignificant effect on the Indiana bat, we would appreciate consideration given to the removal of trees with a DBH (diameter at breast height) of five inches or greater from October 15 through March 31 to further minimize potential for harm to the Indiana bat. Based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under the Act must be reconsidered if (1) new information reveals impacts

of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

The capture of two gray bats during survey efforts would indicate that this species utilizes the area streams as travel/feeding corridors. Our database indicates that the nearest gray bat cave is Morrell Cave, approximately 10 miles east of the project. We are unaware of any caves that would be impacted by the project and are concerned mainly for water quality along travel/feeding corridors. Best management practices, to include stringent erosion and sediment control measures, should be implemented throughout the project to minimize potential for harm to the gray bat.

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

Sincerely,

Mary E. Jennings
Field Supervisor