

FINDING OF NO SIGNIFICANT IMPACT
And
Section 4(f) *De Minimis* Finding

STATE ROUTE 374
From State Route 149 at River Road to
SR 76/US 79 (Dover Road)
Montgomery County, Tennessee

Submitted Pursuant to the
National Environmental Policy Act of 1969
42 USC 4332(2)(c)

Lead Agencies:

US Department of Transportation
Federal Highway Administration, Tennessee Division
and
Tennessee Department of Transportation
Environmental Division

Cooperating Agencies:

US Army Corps of Engineers, Nashville District

June 2020

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by the

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Federal Highway Administration, Tennessee Division

and

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Cooperating Agency:

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The Federal Highway Administration (FHWA) has determined that this project will not have any significant impact on the human environment. This Finding of No Significant Impact is based on the approved Environmental Assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the Environmental Assessment approved on January 2, 2019. This Finding of No Significant Impact should not be reviewed independently of the approved Environmental Assessment.

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APPENDICES

(Hard copies of the FONSI contain an Appendix CD on the back cover. Digital copies have an Appendix PDF file.)

Appendix A: Environmental Assessment (Approved January 2, 2019)

Appendix B: Clarksville Metropolitan Planning Area *2045 Air Quality Conformity Analysis (Tennessee Portion)*, January 2019

Appendix C: Relevant pages from the Clarksville Urbanized Area MPO TIP Amendment, 2017-2020 State Transportation Improvement Program and Metropolitan Transportation Plan

Appendix D: Section 106 Coordination and June 18, 2020 Archaeological Memorandum of Agreement

Appendix E: Public Involvement and Agency Coordination

Appendix F: Final Section 4(f) De Minimis Determination

LIST OF ACRONYMS

ACSTBG	Advance Construction Surface Transportation Block Grant	NPDES	National Pollutant Discharge Elimination System
ARAP	Aquatic Resource Alteration Permit	NRHP	National Register of Historic Places
BMPs	Best Management Practices	ROW	Right-of-way
CFR	Code of Federal Regulations	SR	State Route
CLOMR	Conditional Letter of Map Revision	S-STBG	State-Surface Transportation Block Grant
CUAMPO	Clarksville Urbanized Area Metropolitan Planning Organization	STIP	State Transportation Improvement Program
CWA	Clean Water Act	TDEC	Tennessee Department of Environment and Conservation
EA	Environmental Assessment	TESA	Tennessee Environmental Streamlining Agreement
EJ	Environmental Justice	TDOA	Tennessee Division of Archaeology
FEMA	Federal Emergency Management Agency	TDOT	Tennessee Department of Transportation
FHWA	Federal Highway Administration	TIP	Transportation Improvement Program
FIRM	Flood Insurance Rate Map	TN-SHPO	Tennessee State Historic Preservation Office
FONSI	Finding of No Significant Impact	TVA	Tennessee Valley Authority
FY	Fiscal Year	TWRA	Tennessee Wildlife Resources Agency
LOMR	Letter of Map Revision	USACE	United States Army Corps of Engineers
MPH	Miles per Hour	USCG	United States Coast Guard
MOA	Memorandum of Agreement	USFWS	United States Fish and Wildlife Service
MOU	Memorandum of Understanding	WPC	Water Pollution Control
NAAQS	National Ambient Air Quality Standards		
NEPA	National Environmental Policy Act		
NFIR	National Flood Insurance Regulations		

Environmental Commitments

☒ Commitments are involved on the project.

List of Environmental Commitments

- TDOT will complete the following mitigation measures at the USACE's Smith Branch Recreation Area as described in the Section 4(f) *de minimis* Determination:

Section 4(f) Resources

1. Pave the road leading to the boat ramp parking lot: The connector road to the parking lot will be realigned, graded and repaved to fit the intended use based on design standards for low volume local roads.
2. Pave the boat ramp parking lot to accommodate 75 spaces for passenger vehicles with boat trailers: The current boat ramp parking lot accommodates approximately 40 vehicles with boat trailers. The parking lot will be expanded to accommodate 75 vehicles with boat trailers. The expanded parking lot will be paved and striped. The USACE believes that the existing lot could be expanded to the southwest into an area that will likely be disturbed by construction (e.g., staging area and/or haul road, cutting trees). The actual design of the boat ramp parking lot expansion will be refined as final design of the project is completed.
3. Double the size of the boat ramp to accommodate two boats: The existing single boat ramp will be improved to accommodate two boats in accordance with the USACE's standard specification for boat ramps.
4. Install guardrail around the expanded boat ramp parking lot: The USACE has had numerous issues with off-road vehicles accessing the recreation area's nature trails from the parking lot. Guardrail will be installed around the improved boat ramp parking lot.
5. Facility Access: Main access to the recreation area would be from the proposed intersection of SR 374 and Manning Gate Road. Appropriate turn lanes will be provided at the SR 374/Manning Gate Road intersection and wayfinding signs will be provided to direct vehicles to the Smith Branch Recreation Area via Manning Gate Road and Smith Branch Road.
6. Utilities: TDOT will provide an electrical stub-out at the bridge to be used by USACE to set up and connect service for lighting the parking lot.

Cultural Resources

Phase III Data Recovery will be conducted at one NRHP-eligible archaeological site in accordance with a Memorandum of Agreement (MOA) between the FHWA, TN-SHPO, TDOT, TDOA, and the USACE dated June 18, 2020. The Phase III Data Recovery will be conducted prior to commencement of any ground-disturbing activities in the area.

1. INTRODUCTION

The Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), proposes to construct a partial access-controlled multi-lane facility from State Route (SR) 149 to SR 76/US 79 (Dover Road), which would extend existing SR 374 for approximately 7.2 miles. Improvements are also proposed for SR 149 from River Road to approximately 1,700 feet west of Cumberland Heights Road, a distance of approximately one mile. The proposed project is located outside of the city limits and west of Clarksville in Montgomery County, Tennessee.

The proposed project would be constructed in part with funding from the FHWA, and is therefore subject to the requirements of the National Environmental Policy Act (NEPA). The Environmental Assessment (EA) was prepared to comply with the requirements of the federal NEPA of 1969 (42 United States Code [USC] 4321) and was developed in accordance with the Tennessee Environmental Streamlining Agreement (TESA). The EA was approved on January 2, 2019 (see Appendix A).

2. PURPOSE AND NEED

The purpose of the proposed project is to enhance corridor linkages within the Clarksville area and improve mobility around Clarksville.

The proposed project is intended to address the following transportation needs that have been identified through coordination with local officials, agencies and the public:

- Improved system linkage;
- Transportation demand;
- Improved operational efficiency; and
- Improved safety.

3. SUMMARY OF ALTERNATIVES

Two Alternatives, a No Build Alternative and one Build Alternative, were studied in detail in the EA.

3.1. No Build Alternative

The No Build Alternative provided a baseline for comparing against the Build Alternative.

The No Build Alternative would not extend SR 374 beyond its existing terminus at SR 76/US 79 (Dover Road) and assumes that the existing roadway network within the study corridor would remain unchanged, except for one project that is included in the Clarksville Urbanized Area Metropolitan Planning Organization (CUAMPO) 2040 *Metropolitan Transportation Plan* (TDOT Project No. 63023-1236-14). That project, which has been let for construction, includes widening SR 149 from River Road to SR 13

(Cumberland Drive) and widening SR 13 (Cumberland Drive) from SR 149 to Zinc Plant Road.

The No Build Alternative would not result in any residential relocations, ecology impacts, archaeological impacts, impacts to Smith Branch Recreation Area, community impacts, or construction impacts. However, this alternative would not meet the project's purpose and need.

3.2. Build Alternative

The Build Alternative would include the widening of SR 149 from River Road to approximately 1,700 feet west of Cumberland Heights Road and the extension of SR 374 on new location from SR-149, approximately 1,700 feet west of Cumberland Heights Road, to SR 76/US 79 (Dover Road).

The design features of the Build Alternative are discussed below.

3.2.1. SR 149

SR 149 would be widened from two lanes to four 12-foot travel lanes with a 12-foot center turn lane and 12-foot paved shoulders at River Road. On the east end, it would tie into the soon to be widened section of SR 149 (TDOT Project No. 63023-1236-14, mentioned above, which is anticipated to be completed before this project is constructed). On the west end, SR 149 would transition back to one travel lane in each direction approximately 1,700 west of Cumberland Heights Road. No access control is proposed along SR 149. The design speed along SR 149 would be 40 miles per hour (mph).

3.2.2. SR 374

From a point approximately 1,700 feet west of Cumberland Heights Road to the proposed SR 76/US 79 (Dover Road)/SR 374 (Paul B. Huff Memorial Parkway) interchange, the typical section for the Build Alternative consists of two 12-foot travel lanes in each direction with a 48-foot median, 12-foot outside shoulders, and 6-foot inside shoulders. A new signalized intersection would be constructed where the new location roadway intersects SR 149. A new bridge would be constructed over the Memphis Line of the R.J. Corman Railroad. A new bridge would also be constructed over the Cumberland River, spanning portions of the Smith Branch Recreation Area and much of the floodplain on both sides of the river.

Access along the new location roadway would be partially access-controlled, with at-grade intersections at local roads. The design speed for this new location section of SR 374 is anticipated to be 60 mph.

The Build Alternative meets the purpose and need of the project.

4. SELECTED ALTERNATIVE - BUILD ALTERNATIVE

TDOT has identified the Build Alternative (Figure 1) as the Selected Alternative for the following reasons:

- Meets the purpose and need for the project by:
 - Improving system linkage,
 - Accommodating future transportation demand, and
 - Improving operational efficiency;
- Has support of local officials and local elected officials;
- Is consistent with local and regional planning efforts; and
- Is consistent with future land use plans developed by the City of Clarksville and Montgomery County.

5. UPDATED/SUPPLEMENTAL INFORMATION

5.1. Environmental Justice

The proposed project has been developed in accordance with Executive Order 12898, *Federal Actions to Address Environmental Justice (EJ) in Minority and Low-Income Populations*, which requires each federal agency to develop a strategy for its programs, policies and activities to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment.

The EA was sent to the TDOT Civil Rights Office for review on February 26, 2019. The TDOT Civil Rights Office responded with comments on April 11, 2019. The comments concerned EJ populations within the study corridor. The comments and responses are included in Appendix E.

EJ populations (both low-income and minority) exist within the study corridor. It has been determined that none of the minority or low-income populations within the census block groups exceed the county average by 10 percent or more or are greater than 50 percent of the total population in accordance with the National Cooperative Highway Research Program Report 532, *Effective Methods for Environmental Justice Assessment*.

5.2. Air Quality-Transportation Conformity

Montgomery County became subject to transportation conformity for the 1997 Ozone NAAQS on February 16, 2019 (after FHWA's approval of the EA) as the result of a U.S. Court of Appeals for the D.C. Circuit court decision. On April 23, 2018, FHWA issued Interim Guidance on Conformity Requirements for the 1997 Ozone NAAQS that provided direction on planning and project development actions for FHWA projects. This guidance was superseded by EPA's guidance in November 2018. EPA's guidance indicates that conformity would apply to "new" non-exempt projects.

FHWA approved the EA for the project in January 2019 and the project was in Clarksville's previous TIP and 2040 *Metropolitan Transportation Plan* (MTP). Therefore, the project is not new. However, the project was proposed as a two-lane facility rather than a four-lane facility in the FY 2017-2020 TIP and the MTP (adopted February 20, 2014, amended January 19, 2017).

Since that time, the project description has been corrected, the *Air Quality Conformity Analysis (Tennessee Portion)* has been approved (January 2019), and the 2040 MTP has been updated (2045 MTP, January 2019). Since the 2045 MTP has been approved and the TIP and STIP pages amended to reflect the correct typical section, the project conforms with the State Implementation Plan (SIP). The CUAMPO *2045 Air Quality Conformity Analysis (Tennessee Portion)* is included in Appendix B. The relevant pages from the updated CUAMPO TIP, STIP and MTP are included in Appendix C.

5.3. Floodplains

Where possible, impacts to the floodplains have been minimized by perpendicular crossings. As the Selected Alternative is refined during preliminary and final design, further minimization measures such as offset basins will be evaluated to further minimize the impacts. Appropriate minimization measures will be implemented to reduce the direct impacts to the 100-year floodplains.

5.4. Archaeology

The EA noted that the TN-SHPO, in a letter dated February 26, 2016, concurred that archaeological site 40MT911 was potentially eligible for listing in the National Register of Historic Places (NRHP) and recommended that the site should be avoided or should be subjected to Phase II archaeological testing and assessment. Since the site could not be avoided, a Phase II study was conducted. Based on the results of the Phase II study, the TN-SHPO concurred that archaeological site 40MT911 is eligible for listing in the NRHP under Criterion D and that the project as currently proposed will adversely affect the eligible property (Appendix D).

In a Section 106 Memorandum of Agreement (MOA) dated June 18, 2020, the FHWA and TDOT committed to mitigation through Phase III Data Recovery as coordinated with the TN-SHPO and Native American tribes. Where required, Phase III Data Recovery investigations will be performed once specific impact locations have been identified prior to commencement of any ground-disturbing activities. The Section 106 MOA is included in Appendix D.

6. CONSISTENCY WITH PLANS

The proposed project is consistent with state, regional, and local planning efforts. The project is included in the CUAMPO *FY 2017-FY 2020 Transportation Improvement Program* (TIP), the *2017-2020 State Transportation Improvement Program* (STIP), and

the 2045 MTP. The 2045 MTP updates the 2040 MTP. Copies of the TIP, STIP, and 2045 MTP pages are included in Appendix C.

7. SUMMARY OF ENVIRONMENTAL CONSEQUENCES

The primary beneficial effects of the proposed project include:

- Improved system linkage;
- Capability to meet future transportation demand; and
- Improved operational efficiency.

The primary adverse effects of the proposed project include:

- Displacement of a single-family residence;
- Loss of approximately 311 acres of forested and old-field or agricultural habitat;
- Impacts to approximately 1.46 acres of wetland (1.42 acres permanent, 0.04 acre temporary);
- Impacts to approximately 1,000 linear feet of perennial streams, 3,875 linear feet of intermittent streams, and 6,665 linear feet of wet weather conveyances/ephemeral streams;
- Impacts to six man-made farm ponds totaling approximately 1.04 acres;
- Impacts to approximately 11.37 acres of the 100-year floodplain associated with the Cumberland River, Sally Willis Branch, and an un-named stream and approximately 15.07 acres of floodway associated with the Cumberland River;
- Temporary construction impacts (fugitive dust, siltation, construction noise, etc.);
- Impacts to a NRHP eligible archaeological site; and
- *De minimis* impact to Smith Branch Recreation Area.

Ecology, hazardous materials, air, historic architecture, archaeology, noise, and traffic studies have been conducted for this project. The technical reports are on file with the TDOT Environmental Division. The findings of each of these studies were summarized in the approved EA.

8. PERMITS NEEDED

The acquisition of permits would occur prior to initiating construction activities, pursuant to Section 69-3-108(a) of the *Tennessee Water Quality Control Act of 1977* and other state and federal laws and regulations. The following permits are likely to be required:

- US Army Corps of Engineers (USACE) *Clean Water Act* (CWA) Section 404 Permit: Required for construction that involves the placement of dredge and fill material in waters of the US. Section 404 Permits would be required by the USACE prior to construction.

- USACE Section 10 Permit: Required to construct any structure in or over any navigable water of the United States.
- USACE Easement and Consent to Easement: Required for use of Civil Works lands and waters operated by the USACE.
- US Coast Guard (USCG) Section 9 Permit: Required to construct any structure in or over any navigable water of the United States.
- Tennessee Valley Authority (TVA) Section 26a Permit: Required for crossing of the Cumberland River. Section 26a of the *Tennessee Valley Act of 1933* (as amended) prohibits the construction, operation, or maintenance of any structure affecting navigation, flood control on public lands or reservations across, along, or in the Tennessee River or any of its tributaries until plans for such activities have been reviewed and approved by the TVA.
- Tennessee Department of Environment and Conservation (TDEC) Aquatic Resource Alteration Permit (ARAP): Required for any alterations of state waters, including wetlands that do not require a Federal Section 404 Permit. ARAPs are issued by TDEC, Division of Water Pollution Control (WPC).
- TDEC Section 401 Water Quality Certification: Must be obtained from the TDEC, Division of WPC, before any activity that may result in pollution discharge into waters of the US can be permitted by a federal agency.
- TDEC National Pollutant Discharge Elimination System (NPDES) Stormwater Construction Permit: Required for grubbing, clearing, grading, or excavation of one or more acres of land. NPDES Permits are issued by TDEC, Division of WPC.
- TDEC Class V Underground Injection Control Permit: Required to discharge shallow nonhazardous wastes into a subsurface system other than city sewers or modifies karst features.

TDOT will undertake further coordination with the regulatory agencies once final design plans have been developed, but before preparing mitigation plans and submitting permit applications for the project. Permit requirements and mitigation plans will be based on these discussions.

9. PUBLIC HEARING SUMMARY

The EA for the SR 374 project was approved on January 2, 2019. Copies of the approved EA were made available for public review at the Clarksville-Montgomery County Public Library located at 350 Pageant Lane, Suite 501, Clarksville, TN 37040 beginning on February 15, 2019 and at TDOT's Major Projects Office located at Suite 900, James K. Polk Building, 505 Deaderick Street, Nashville, TN 37243 beginning on February 11, 2019. The approved EA was also made available on TDOT's project website on February 11, 2019. The official comment period extended through April 11, 2019.

A Public Hearing was held for the SR 374 project on March 21, 2019 from 5:00 to 7:00 PM at the Wilma Rudolph Events Center in Clarksville, Tennessee. The purpose of the Public Hearing was to present the findings of the EA, explain the next steps in the project development process and provide the public an opportunity to comment on the approved EA prior to preparation of the final environmental document. Approximately 83 people attended the hearing. The official comment record shows a total of 19 individuals provided input in the various formats available. Of the 19 people who provided input, 4 commented in favor of the Build Alternative, 4 commented in favor of the No Build Alternative and 11 did not state a preference. Comments were also received regarding traffic, safety, timeline, phasing of construction, property impacts, community impacts, funding, noise, connectivity, natural environment and farmland. A detailed summary of the Public Hearing is provided in Appendix E, including comments received at the hearing, comments received during the official comment period, and dispositions of these public comments.

10. COMMENTS ON THE ENVIRONMENTAL ASSESSMENT

Copies of the EA were distributed to 29 federal, state, regional, local agencies, and other interested parties. The USACE, CUAMPO and TDOT Civil Rights Division responded with comments. The USACE comments concerned alternatives evaluated to avoid impacts to the Smith Branch Recreation Area, the required construction permits and the Standing Operating Procedure for processing major out-grants. The CUAMPO's comments expressed support and agreement with the EA and the Draft Section 4(f) *de minimis* environmental document. TDOT Civil Rights Division's comments concerned Environmental Justice populations within the study corridor. The comments and responses are included in Appendix E.

11. PROJECT-SPECIFIC ENVIRONMENTAL COMMITMENTS

Project-specific environmental commitments are outlined below.

11.1. Cultural Resources

Phase III Data Recovery will be conducted at one NRHP-eligible archaeological site in accordance with a MOA between the FHWA, TN-SHPO, TDOT, TDOA, and the USACE, dated June 18, 2020. The Phase III Data Recovery will be conducted prior to commencement of any ground-disturbing activities in the area.

While not a project-specific commitment, it is recommended that Special Notes be added to the construction plans at a historic cemetery located beyond but near the proposed right-of-way of the Selected Alternative. The Special Notes will label the area as a *Sensitive Environmental Area*.

11.2. Section 4(f) Resource – Smith Branch Recreation Area

TDOT will complete the following mitigation measures to minimize impacts to the USACE’s Smith Branch Recreation Area as described in the Section 4(f) *de minimis* Determination included in Appendix F:

1. Pave the road leading to the boat ramp parking lot: The connector road to the parking lot will be realigned, graded and repaved to fit the intended use based on design standards for low volume local roads.
2. Pave the boat ramp parking lot to accommodate 75 spaces for passenger vehicles with boat trailers: The current boat ramp parking lot accommodates approximately 40 vehicles with boat trailers. The parking lot will be expanded to accommodate 75 vehicles with boat trailers. The expanded parking lot will be paved and striped. The USACE believes that the existing lot could be expanded to the southwest into an area that will likely be disturbed by construction (e.g., staging area and/or haul road, cutting trees). The actual design of the boat ramp parking lot expansion will be refined as final design of the project is completed.
3. Double the size of the boat ramp to accommodate two boats: The existing single boat ramp will be improved to accommodate two boats in accordance with the USACE’s standard specification for boat ramps.
4. Install guardrail around the expanded boat ramp parking lot: The USACE has had numerous issues with off-road vehicles accessing the recreation area’s nature trails from the parking lot. Guardrail will be installed around the improved boat ramp parking lot.
5. Facility Access: Main access to the recreation area would be from the proposed intersection of SR 374 and Manning Gate Road. Appropriate turn lanes will be provided at the SR 374/Manning Gate Road intersection and wayfinding signs will be provided to direct vehicles to the Smith Branch Recreation Area via Manning Gate Road and Smith Branch Road.
6. Utilities: TDOT will provide an electrical stub-out at the bridge to be used by USACE to set up and connect service for lighting the parking lot.

12. STATUTE OF LIMITATIONS ON FILING CLAIMS

A Federal agency may publish a notice in the Federal Register, pursuant to 23 U.S.C. §139(l), indicating that one or more Federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.