



# KENTUCKY TRANSPORTATION CABINET

## CATEGORICAL EXCLUSION

### ENVIRONMENTAL DETERMINATION CHECKLIST

#### 1. PROJECT INFORMATION

SYP Project #: 2-69.10	Route: Interstate 69 (I-69), SIU #5, Eddyville to Henderson, KY	Initiation Date: 9/23/02	County: Lyon, Caldwell, Hopkins, Webster & Henderson
<p>Project Description:</p> <p><b>This CE document requests an administrative action to designate portions of the Wendell H. Ford (Western Kentucky) and Edward T. Breathitt (Pennyriple) Parkways as parts of the federal Dwight D. Eisenhower System of Interstate and Defense Highways, specifically as a section of I-69 in Kentucky.</b></p> <p><b>There are not any specific environmental impacts related to the <u>designation</u> of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved in the future, the appropriate level of NEPA documentation will be prepared for each of those projects.</b></p> <p><b>The environmental commitments section of this CE document also includes: 1) a master plan for this section of I-69 in Kentucky to identify what is going to be redesigned, what improvements should be made, what order of priority they should have, and planning level cost estimates for the improvements; and 2) a list of recommended design exceptions and justification for segments identified along the corridor.</b></p> <p>Project Background:</p> <p>I-69 (Corridor 18) was one of several Priority Corridors first identified by the U.S. Congress as part of the federal Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and continued in subsequent federal transportation legislation. A national feasibility study was completed in 1995 by the Federal Highway Administration, which concluded that the future construction of I-69 from Canada to Mexico was economically feasible. It would consist of an extension of existing I-69, resulting in an I-69 highway which would start at Port Huron, Michigan, on the Canadian border, run through eight states (Michigan, Indiana, Kentucky, Tennessee, Mississippi, Arkansas, Louisiana, and Texas), and end at the Texas/Mexico border.</p> <p>The Corridor 18 Special Issues Study, completed in 1997, identified a Representative Corridor which best serves the purposes of Corridor 18 and yields the most benefits relative to facility costs. In Kentucky, the Representative Corridor is defined as follows:</p> <ul style="list-style-type: none"><li>- The Edward T. Breathitt Parkway from Henderson, Kentucky to the interchange with the Wendell H. Ford Parkway;</li><li>- The Wendell H. Ford Parkway to the interchange with I-24;</li><li>- I-24 to the interchange with the Julian M. Carroll (Purchase) Parkway; and,</li><li>- The Purchase Parkway to the Tennessee state line.</li></ul> <p>More detailed information is attached.</p>		<p>Purpose and Need:</p> <p>The initial national purpose and need for I-69 includes:</p> <ul style="list-style-type: none"><li>- Improving the movement of goods;</li><li>- Enhancing the provision of more job opportunities to local, regional, national, and international communities (support economic development); and</li><li>- Improving system linkage.</li></ul> <p>Consideration has been given to integrating local needs and concerns for the Eddyville to Henderson segment with the national goals of I-69. Preliminary local needs and objectives considered include:</p> <ul style="list-style-type: none"><li>- Maximizing the use of the existing Parkways;</li><li>- Serving and enhancing local industry;</li><li>- Providing an improved facility for addressing increased truck traffic; and</li><li>- Providing a context sensitive solution for I-69.</li></ul> <p>One of the primary justifications for the national I-69 route is its anticipated role in truck freight movement connecting Canada and Mexico and points in-between. Because of this, it has been designated by Congress as a "North American trade route" and a "NAFTA corridor." The latter refers to the increased trade (and truck traffic) expected between Canada, the United States, and/or the countries of Latin America due to the passage of the federal North American Free Trade Act (NAFTA).</p> <p>Previous documentation for this project is considered to be back-up information for this CE document, and is available for reference, as needed:</p> <ul style="list-style-type: none"><li>- National Feasibility Study for Corridor 18 (1995)</li><li>- Corridor 18 Special Issues Study (1997)</li></ul> <p>CD copies of the following documents are included with the submittal of this CE document for reference:</p> <ul style="list-style-type: none"><li>- Environmental Overview along the Ford and Breathitt Parkways (2005)</li><li>- Overview of Existing Conditions along the Ford and Breathitt Parkways (2005)</li><li>- I-69: Eddyville to Henderson Corridor Planning Study Executive Summary (2005)</li></ul>	

Project : \_\_\_\_\_

County: \_\_\_\_\_

Route: \_\_\_\_\_

**Existing Conditions:**

In their present form, the Ford and Breathitt Parkways do not operate in a manner that is appreciably different than they would operate were they to be designed to meet or exceed existing design guidelines for interstate highways. These two Parkways already provide many of the basic design characteristics, or physical features, that are common for interstate highway facilities, such as full control of access, divided cross-sections, two travel lanes in each direction and 70 mile-per-hour design speeds. However, it is the actual dimensions of these physical features (the width of medians, the length and curvature of ramps, the width of bridges, the height of overpasses, etc.) on the Parkways that do not always meet current interstate design standards.

**Traffic Volume:**

Current: 9,900-26,400 vpd

Design Year (2030): 19,100-50,500 vpd

Project Length: 80.3 miles

Ford Parkway Begin MP: 0.0 End MP: 38.33

Breathitt Parkway Begin MP: 34.271 End MP: 76.258

I-69 would extend from I-24 near Eddyville in Lyon County, following the Wendell H. Ford Parkway to its interchange with the Edward T. Breathitt Parkway. Then it would follow the Breathitt Parkway to Henderson, Kentucky.

**Note: If project length is > 1 mile and on a new alignment, project may not be eligible for CE Level 1 and DEA and FHWA must be consulted.**

Number of alternative(s) considered including "No Build":

☐ 1 ☐ 2 ☐ 3 ☒ 4 - *Attach all design alternates*

See Section 3. ALTERNATIVES SUMMARY

**2. ENVIRONMENTAL DETERMINATION**
☒ Categorical Exclusion- Level 3 (Attach all project correspondence and documentation)
**APPROVAL SIGNATURES**
 \_\_\_\_\_  
**District Environmental Coordinator**

 \_\_\_\_\_  
**Date**

 \_\_\_\_\_  
**Project Manager**

 \_\_\_\_\_  
**Date**
☐ *All project commitments/mitigation and identified required future work have been entered into the CAP*

 \_\_\_\_\_  
**Division of Environmental Analysis**  
 (required for Level 2)

 \_\_\_\_\_  
**Date**

 \_\_\_\_\_  
**Federal Highway Administration**  
 (required for Level 3)

 \_\_\_\_\_  
**Date**

**3. ALTERNATIVES SUMMARY*****Describe all alternatives that were evaluated, their impacts and the reason(s) for elimination or selection.***

Through the *Overview of Existing Conditions along the Ford and Breathitt Parkways (2005)*, four options for the I-69 corridor were considered:

- No Build Alternate (Alternative 1) – KYTC could elect to participate no further in the development of I-69, thus, leaving a gap in the nationally designated I-69 route. While this may cause some concern, there would still be connections to the existing Julian M. Carroll Parkway at the Tennessee border and the Edward T. Breathitt Parkway at the Indiana border. Therefore, the existing Parkways would probably still serve to carry I-69 traffic through the state of Kentucky.
- Minor Upgrades and Spot Safety Improvements to the Parkways (Alternative 2) – This alternate would address key safety and operational concerns but obtain design exceptions or approval of design flexibility for a number of circumstances where the Parkways do not meet current AASHTO guidelines.
- Partial Reconstruction and Widening of the Parkways (Alternative 3) – This alternate would enable the Parkways to meet most AASHTO guidelines but attempt to maintain improvements within the right-of-way by making extensive use of median barriers and guardrail along the parkways.
- Full Reconstruction and Widening of the Parkways (Alternative 4) – This alternate would enable the Parkways to meet full AASHTO guidelines by obtaining additional right-of-way along the Parkways to allow for widening and reconstruction.

Please see the attached discussion on Alternatives Recommendations at the end of this document for further information.

**4. COMMENTS AND COORDINATION**

*Attach all letters, meeting minutes and copies of any newspaper advertisements.*

1. Will the project have public, local government and resource agency outreach?

**YES****NO**

*Identify type of outreach used:*

Meeting(s) ☒ Date(s): September 23-October 1, 2002

Newspaper Adv. ☒ Newspaper Name Various

Date(s): Prior to Meetings

Meeting(s) with local government and affected property owners ☒ Date(s): July 16-18, 2002

2. Was there public or agency controversy on the project? *If "Yes", explain in #*



3. Resolution of all public, resource agency, and property owners concerns is incomplete? *If "Yes" explain plans for resolution in #4 below.*



4. *Describe any unresolved issues:*

**5. ENVIRONMENTAL COMMITMENTS, MITIGATION, REQUIRED FUTURE ACTIONS AND OTHER COMMENTS**

1. Does the project have environmental commitments, mitigation measures, additional environmental investigations, studies or approvals still to be completed? *If "Yes", DEC should advise Project Manager for consideration of CAP entry in Oracle.*

**YES****NO**

2. Identify all issues:

- There are not any specific environmental commitments or mitigation required for the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky.
- As individual sections of the parkways noted above are proposed for improvement, the appropriate level of NEPA documentation will be prepared.
- A master plan for this section of I-69 in Kentucky will be developed to identify what is going to be redesigned, what improvements should be made, what order of priority they should have, and planning level cost estimates for the improvements. Public involvement meetings will be held to share the master plan information with the local communities.
- A list of recommended design exceptions and justification for segments identified along the corridor will be developed.

**6. ENVIRONMENTAL CONDITIONS AND CONSEQUENCES****A. Right-of-Way Impacts**

	<b>YES</b>	<b>NO</b>
1. Does the project require the acquisition of right-of-way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Business or residential relocations required. No. of relocations: Residential _____ Business: _____ *	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suitable relocation areas available: Residential _____ Business: _____ Describe in A.7		
3. Full or partial property acquisition required. Estimated acreage: Fee Simple _____ Easement: _____ *	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Property transfer from a State or Federal agency required. List agency(ies) in A. 7 below	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Last resort housing required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Cemetery affected by project	<input type="checkbox"/>	<input checked="" type="checkbox"/>
* If total acreage >10 acres or total relocations are >5 –consult with DEA		
* If total acreage is >25 acres or total relocations are >10 DEA consults with FHWA		

**7. Describe Impacts/Comments:**

There are not any specific impacts related to the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.

**B. Economic Impacts:**

	<b>YES</b>	<b>NO</b>
1. The project will have economic impacts on the regional and/or local economy, such as effects on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The project will affect established businesses or business districts.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**3. Describe Impacts/Benefits:**

Included in the national goals for I-69 is that the new interstate corridor will provide more job opportunities for local communities resulting in positive economic benefits to communities along the corridor. Improved travel efficiencies and designation as a NAFTA Trade Corridor will enhance economic development in the counties along I-69. Local agencies noted this potential in their comment letters and in the public meetings which were held.

**C. Social Impacts:**

	<b>YES</b>	<b>NO</b>
1. The project will affect neighborhoods or community cohesion for the various social groups.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. The project will affect travel patterns and accessibility (e.g., vehicular, commuter, bicycle, or pedestrian).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. The project will affect school districts, churches, businesses, police and fire protection, etc. Include the direct impacts and the indirect impacts that may result from the displacement of households and businesses.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. The project will affect publicly owned public park, recreation area, or wildlife or waterfowl refuge. If "Yes", Section 4(f) must be completed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Was Land and Water Conservation Fund Act funding used for any purpose at the publicly owned public park, recreation area, or wildlife or waterfowl refuge? If "Yes", Section 6(f) must be completed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. The project will impact the elderly, handicapped, non-drivers, transit-dependent, minority and ethnic groups, or the economically disadvantaged.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. The project will significantly or disproportionately impact minorities or disadvantaged persons (E.O. 12898).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8. Describe Impacts/Benefits:</b> There are not any specific impacts related to the <u>designation</u> of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.		
<b><u>D. Local Land Use and Transportation Plan:</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>
1. Project consistent with local land use plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Project consistent with local transportation plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Project would induce adverse secondary and cumulative effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. Describe Impacts:</b> There are not any specific impacts related to the <u>designation</u> of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.		
<b><u>E. Historic Resources</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>
1. Are NRHP listed eligible/potentially eligible sites/districts present within the project viewshed? <i>If "No", document means for assessing ages of structures within project viewshed or attach memorandum from DEA historian documenting no historic properties affected.</i> <i>If "Yes", indicate level of impact:</i> <input type="checkbox"/> - "No Effect" (attach SHPO concurrence letter or DEA Historian memo) <input type="checkbox"/> - "No Adverse Effect" (attach SHPO concurrence letter) <input type="checkbox"/> - "Adverse Effect" (attach SHPO concurrence letter)-Section 4(f) may need to be completed.* Memorandum of Agreement is required? SHPO signature date:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>* If Individual 4(f) required, project is not eligible for CE Level 1 or 2</i>		
<b>2. Describe historic resource impacts:</b> There are not any specific impacts related to the <u>designation</u> of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.		
<b><u>F. Archaeological Resources:</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>
1. Does project involve the acquisition or easement of new right of way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are any new right-of-way areas undisturbed? <i>If "No" state basis for conclusion in box F.9.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Are known archaeological resources affected by the project (per OSA database)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is there potential for archaeological resources within the project? <i>If "Yes", to #2 or #3, consult with DEA District archaeologist for survey.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. The project will impact archaeological resources. <i>If "Yes", list site number(s) that can not be avoided:</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Project : \_\_\_\_\_

County:\_\_\_\_\_

Route: \_\_\_\_\_

Alternative: \_\_\_\_\_

6. Are there sites recommended for Phase II work? ( <i>attach SHPO concurrence letter</i> ) <i>If “Yes”, list site number(s):</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Are NRHP eligible/potentially eligible sites affected by the project? <i>If “Yes”, indicate level of impact; If “No”, attach SHPO concurrence letter:</i> <input type="checkbox"/> - “No Adverse Effect” ( <i>attach SHPO concurrence letter</i> ) <input type="checkbox"/> - “Adverse Effect” ( <i>attach SHPO concurrence letter</i> )- <i>Section 4(f) must be completed if preservation in-place is required.*</i> Memorandum of Agreement required? SHPO signature date: _____ FHWA signature date: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is Native American Consultation (NAC) required? <i>If “No”, explain why in F.9 below; If “Yes”, document dates of consultation below and describe the outcome in F.9 below.</i> Dates NAC conducted: Phase I _____ ; Phase II _____ ; Data Rec. Plan _____ ; Phase III _____ <i>* If Individual 4(f) required, project is not eligible for CE Level 1 or 2</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Describe archaeological resource impacts: There are not any specific impacts related to the <u>designation</u> of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.		
<b><u>G. SECTION 4(f)</u></b>		
1. Are 4(f) properties affected by the project? <i>If “Yes”, notify DEA EPM who will consult with FHWA to determine applicability of Section 4(f).</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is the project adjacent to a 4(f) resource? <i>If “Yes”, DEA EPM consult with the FHWA Area Engineer to determine applicability of “constructive use.”</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Avoidance of 4(f) properties is not prudent and feasible? <i>Only determined in consultation with FHWA</i> Programmatic Section 4(f) <input type="checkbox"/> Full Section 4(f) Statement <input type="checkbox"/> <i>If an Individual 4(f) Statement is required, the project cannot be completed as a CE Level 1 or 2 document. However, if the impacts can be satisfied by completing a Programmatic 4(f) Statement, DEA and FHWA may approve the P4 (f) and the CE can be completed as a CE Level 1 or 2 project.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Describe process followed and consultation to resolve 4(f) issue: There are not any specific impacts related to the <u>designation</u> of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.		
<b><u>H. SECTION 6(f)</u></b>		
1. Are 6(f) properties affected by the project? <i>If “Yes”, consult with DEA and FHWA to determine applicability of Section 6(f). *</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Has discussion been initiated with the Department of Local Government and the agency having responsibility for the administration of the publicly owned park, recreation area, or wildlife or waterfowl refuge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will a Memorandum of Agreement be required? Final Signature Date: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>* Project may only be processed as a CE Level 3 if Section 6(f) applies.</i>		

<p>4. Describe process followed and consultation to resolve 6(f) issue:</p> <p>There are not any specific impacts related to the <u>designation</u> of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.</p>		
<p><b><u>I. Noise Impact (23 CFR Part 772):</u></b></p> <p>1. There are noise sensitive receivers/land uses adjacent to the proposed project (e.g. residences, businesses, schools, parks, etc.).</p> <p>2. Indicate if any of the following are applicable, which would necessitate a noise analysis:</p> <p style="margin-left: 20px;"> <input type="checkbox"/> New roadway on new alignment; <input type="checkbox"/> Addition of one or more through travel lanes;  <input type="checkbox"/> Significant change in vehicle mix or traffic speed; <input type="checkbox"/> Significant change in horizontal or vertical alignment; or <input type="checkbox"/> A change in roadway character that substantially reduces the shielding effect of landforms or noise barriers.         </p> <p>3. Noise analysis demonstrates that noise impacts exceed the KYTC Noise Abatement Criteria Policy. <i>If "Yes", a significant impact may be associated with this project. Consultation with DEA is required.</i></p> <p>4. There are feasible and reasonable measures that can reduce impacts. <i>If "Yes", discuss in I.5 below</i></p>	<p><b><u>YES</u></b></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><b><u>NO</u></b></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>
<p>5. Describe noise impact and abatement measures (if applicable):</p> <p>There are not any specific impacts related to the <u>designation</u> of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.</p>		
<p><b><u>J. Air Quality Impacts</u></b></p> <p>1. The project is located in an air quality nonattainment or maintenance area</p> <p>2. The project is listed in an approved STIP and/or TIP. <i>If not in STIP, notify DEA SME</i>            STIP Page # _____ TIP Page # _____</p> <p>3. The project adds through lane capacity or signalized intersections. <i>If "Yes" analysis may be required. Clearance memo from DEA SME is required and must be attached.</i></p> <p>4. Are CO concentrations expected to exceed the 1-hour NAAQS of 35 ppm and 8-hour NAAQS of 9.0 ppm. <i>If "Yes", the project will result in a significant air quality impact and DEA must notify FHWA.</i></p> <p style="color: red;"><i>If the project is listed in the current STIP and #3 is "No", then #4 can be also checked as "No" without further analysis.</i></p>	<p><b><u>YES</u></b></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><b><u>NO</u></b></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>
<p>5. Impacts/Comments:</p> <p>There are not any specific impacts related to the <u>designation</u> of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.</p>		
<p><b><u>K. Hazardous Materials:</u></b></p> <p>1. Known or potentially contaminated sites (service stations, landfills, automotive repair, junkyard, structures with asbestos, etc.) along the project corridor.</p> <p>2. Is ROW required from, or extensive excavation required adjacent to a potentially contaminated site? <i>If "Yes" Phase II testing is required and should be completed prior to ROW authorization request. Deferral must be approved by FHWA.</i></p> <p>3. Phase II analysis indicated the existing and/or proposed ROW is contaminated. <i>Extent and estimated remediation cost to be provided by DEA SME to Div. of ROW and Project Team.</i></p>	<p><b><u>YES</u></b></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><b><u>NO</u></b></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>



4. Do bridges or other structures being demolished contain asbestos material? <i>If "Yes", 10 day notice required and abatement may be necessary*</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Additional investigations or remediation required? <i>If "Yes" discuss future actions and schedule for addressing in box K.6 and Section 5 (Commitments).</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>* If more than minor amounts, project may not be eligible for CE Level 1 and DEA must be consulted.</i>		

6. Discuss significance of any "Yes" marked in 1-5 and any deferred necessary activities (deferrals also discussed in Section 5):

There are not any specific impacts related to the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.

<b><u>L. Threatened and Endangered Species (T&amp;E):</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>
1. USFWS, KSNPC and KDFWR web sites identify potential for T&E species	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Federally listed T&E potentially present in vicinity ( <i>Attach USFWS letter</i> ) <i>Contact DEA Biologist for habitat determination.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Field evaluation indicates Federally listed T&E potentially present in vicinity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Biological Assessment required: <input type="checkbox"/> Completed (attach USFWS letter) <input type="checkbox"/> To be completed before ROW funding ( <i>CAP entry recommended</i> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Project may adversely affect federally listed T&E (formal consultation required)*	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>* If the project is likely to affect a Federally listed T&amp;E species it is not eligible for CE Level 1 or 2 and DEA and FHWA must be consulted.</i>		

6. Describe T&E species concerns/protective measures:

There are not any specific impacts related to the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.

<b><u>M. Wetlands Impacts:</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>
1. Project involves wetlands as defined by the U.S. Army Corps of Engineers. ("Yes", <i>resource coordination required</i> ; "No", <i>go to section N</i> ).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Finding and limits determined by: _____		
2. The project will impact wetlands    Estimated acreage: : ( _____ ) *	<input type="checkbox"/>	<input type="checkbox"/>
3. The project will require the dredging or filling of wetlands: Estimated fill quantities: _____ Cubic Yards    Estimated Dredge quantities: _____ Cubic Yards	<input type="checkbox"/>	<input type="checkbox"/>
4. Are USACE/DOW permits required: <i>If "Yes", complete the Q. Permits and Authorizations section</i>	<input type="checkbox"/>	<input type="checkbox"/>
5. Wetlands Finding:		
a. Has the Project Team evaluated all practicable alternatives and measures to the proposed construction in wetlands?	<input type="checkbox"/>	<input type="checkbox"/>
b. Has the Project Team complied with the Wetlands Finding Agreement? <i>If "No", the project can not be approved as a CE</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>* If &gt;0.1 acres NWP required and mitigation may be required; If &gt; 0.5 acres IP and mitigation will be required; If &gt; 5.0 acres, may not be eligible for Level 2 (consult with FHWA).</i>		



**6. Describe Wetlands Impact:**

There are not any specific impacts related to the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.

**N. Floodplains Impacts (23 CFR Part 650, Subpart A):****YES****NO**

1. Project encroaches onto the 100-year floodplain.

☐☒

2. Is FEMA No-Impact Certification, Letter of Map Revision (LOMAR) or Conditional Letter of Map Revision (CLOMAR) required? *If "Yes", coordinate with District Drainage Engineer or Drainage Section, Div. of Highway Design and complete the Permits and Authorizations section. Attach all coordination/consultation with SME, FEMA, USACOE, DOW, and other appropriate agencies*

☐☒**3. Describe Floodplain Impacts:**

There are not any specific impacts related to the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.

**O. Surface Water and Water Quality Impacts:****YES****NO**

1. Project affects a surface water(s) as defined in 401 KAR 5:002 or 33CFR, Part 328.3? *Identify stream, lake, etc. and describe project impact in box O.6 below.*

☐☒

2. Project would involve impacts to public or private drinking sources?

☐☒

3. Project will require a channel change? Estimated linear feet: \_\_\_\_\_\*

☐☒

4. Erosion control measures: Standard ☐ Extraordinary ☐ *If extraordinary, explain in detail measures to be taken and reasons therefore in O.6 below*

☐☒

5. Is river or stream involvement proposed? *Indicated type below check all that apply*

☐☒

Bridge ☐ Culvert ☐ Embankment Fill ☐ Relocation ☐ Diversion ☐ Low Water Crossing ☐

Disturbance: Temporary ☐ Permanent ☐

*\* If stream impact is > 500 linear feet an Individual USACE permit is required; project may not be eligible for CE Level 1 and DEA must be consulted. If >200 linear feet, an Individual Water Quality Certification is required.*

**6. Describe surface water and water quality impacts:**

There are not any specific impacts related to the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.

**P. Special Use Waters****YES****NO**

1. Are there any State-listed Special Use Waters in the project vicinity? *If "Yes", request assistance from DEA SME*

☐☒

2. Federally listed Wild and Scenic Rivers are within the project limits?

☐☒

3. If "Yes", to question 2, will there be direct or indirect impacts to the resource? *If "Yes", request assistance from DEA SME*

☐☒

4. If "Yes" to question 3, will the project require 4(f) documentation and approval?

☐☒

*If an Individual 4(f) Statement is required, the project cannot be completed as a CE Level 1 or 2 document. However, if the impacts can be satisfied by completing a Programmatic 4(f) Statement, DEA and FHWA may approve the P4 (f) and the CE can be completed as a CE Level 1 or 2 project.*

**5. Describe impacts and significance:**

There are not any specific impacts related to the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.

**Q. Permits and Authorizations:**

	<b><u>Cmplt*</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>
1. Will this project affect a Waters of the U.S. requiring a nationwide USACE Section 404 permit? <i>If "Yes", then coordination with DEA is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will this project affect a Waters of the U.S. requiring an individual USACE Section 404 permit? <i>If "Yes", then coordination with DEA is required. May preclude processing as a Level 1 if combined with other project and impact factors (see Agreement Table 1)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will this project require an individual KDOW Water Quality Certification? <i>If "Yes", then coordination with DEA is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will this project affect navigable Waters of the U.S. as defined by USACE and require a Section 10 permit? <i>If "Yes", then coordination with DEA is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Will this project affect a navigable water body requiring a Coast Guard, Section 9 permit? <i>If "Yes", then coordination with Div. of Bridges is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Will project require a FEMA No-Impact Certification, Letter of Map Revision (LOMAR) or Conditional Letter of Map Revision (CLOMAR)? <i>If "Yes", coordinate with District Drainage Engineer or Drainage Section, Div. of Highway Design.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Will this project require a KPDES Stormwater permit for construction? <i>If "Yes", coordinate with Div. of Design, PS&amp;E section.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Other. <i>If "Yes", list.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
* Cmplt = Complete; Enter permit date in box provided at end of question.			

**9. Describe any significant permit conditions as well as schedules and responsible parties for securing pending permits:**

There are not any specific impacts related to the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation and/or permit applications will be prepared for each of those projects.

**R. Construction Impacts**

Discuss potential impacts of construction activities pertaining to water quality, stream diversion, air quality, detours and delays of traffic, businesses, noise, etc:

There are not any specific impacts related to the designation of the Edward T. Breathitt and Wendell H. Ford Parkways as sections of I-69 in Kentucky. As individual sections of the Parkways and related interchanges are improved, the appropriate level of NEPA documentation will be prepared for each of those projects.

**S. Additional Alternative Comments:**

The I-69 Corridor (Corridor 18) consists of an extension of existing I-69 from Port Huron, Michigan, to the Texas/Mexico border. With a total length of over 1600 miles, the added sections of I-69 will undoubtedly require a construction time period of many years. This length precludes development of the full corridor as a single construction project. Further, the types of work to be undertaken vary from location to location and include widening, reconstruction, relocation, and development of an entirely new facility.

The practical approach is to undertake a series of projects that all fit into and are consistent with the overall purpose and need for I-69. In order to approach this in a realistic manner, the entire corridor must be broken into viable sections, each of which can be constructed in a reasonable time frame by the state or states involved. Each of these sections is referred to as a Section of Independent Utility, or an SIU. A given Section of Independent Utility may be in place for several years before an adjacent section is completed and open to traffic, hence the concept of having independent utility. The process of defining these sections involves identifying or framing a highway project that meets a number of principles and criteria.

The particular SIU focused on in this study is the section that spans between Henderson, Kentucky, and Eddyville, Kentucky. This project would provide a connecting link in the multi state I-69 corridor, as well as improve traffic flow between Henderson and Eddyville, and enhance economic development in this portion of Western Kentucky. (Please see attached ALTERNATIVES RECOMMENDATIONS for additional comments).

**ALTERNATIVES RECOMMENDATIONS**

- Major construction of an Interstate 69 route on a new alignment is recommended for dismissal from further consideration because it would not ultimately meet the purpose and need for the project. Further, routing I-69 along the Ford and Breathitt Parkways is perhaps the most context-sensitive solution possible. In particular, using the two existing Parkways as I-69 would minimize any negative impacts resulting from the construction of a new facility on new alignment, thus, providing the ultimate “minimal impact” alternative.
- It is also recommended that Alternates 3 and 4, the other major reconstruction alternates, be dismissed from further consideration in future phases of project development. Given that I-69 would be routed along the existing Parkways, avoiding or minimizing major reconstruction activities along the Parkways would further support context-sensitive design principles. Any major reconstruction would require additional right-of-way and would result in potential negative impacts. Maximizing the use of the existing right-of-way and existing infrastructure will also result in the least potential impact on the environment, the community, and local owners of homes and businesses.
- It is recommended that the No Build Alternative be dismissed from further consideration, given that it does not meet (1) the Federally legislated mandate for developing this high priority corridor and (2) the Purpose and Need for the project. This option also does not address deficiencies along the existing Parkways.
- The Ford Parkway and Breathitt Parkway adequately meet AASHTO guidelines for most of the design elements along each of these routes. There are only a few elements and/or locations where deficiencies may exist. In some cases, these are only minor and could be accepted as design exceptions. However, there are a few deficiencies that should be addressed in the near future, particularly those that deal with public safety. In the long term, the two Parkways could be upgraded over time to better meet design guidelines.
- A review of operational and safety issues support the premise that the two Parkways present no major problems along most of their lengths at present, with only a few locations exhibiting potential safety problems, based on crash history, and only one location with a potential level of service deficiency.
- Many of the deficiencies identified on the existing Parkways could be considered acceptable under the principle of design flexibility. Flexibility is allowed in AASHTO guidelines if flexible design options are supported by engineering studies. In recent years, flexibility and context-sensitive solutions have actually been encouraged due to growing public concern about the community and environmental impacts of major highway projects.
- Precedents already exist at locations along many interstate highways throughout the United States where expressways currently operate safely and effectively with design conditions that do not meet current AASHTO guidelines for interstate facilities.
- Using the existing Parkways as I-69 addresses another current “context-sensitive” issue, i.e., financial feasibility, since Alternate 2 along the existing Parkways offers the lowest cost solution at a time when all levels of government must consider that taxpayers’ funds are being used more effectively. While this may not be a traditional context-sensitive issue, the fiscal context should be considered a major factor in making a decision about this project.
- Economic considerations cannot justify investing over a billion dollars for a new interstate highway or from a half-billion to a billion dollars to upgrade the Parkways without a significant improvement in operational or safety benefits for motorists. This is especially true when minor improvements can be made to the existing Parkways under Alternate 2 to address operational and safety problems for a fraction of the cost of the other alternates.
- It is recommended that Alternative 2, the Minor Upgrades and Spot Safety Improvements Alternative proceed into future phases of project development, as needed.
- If a decision is made to implement I-69 Alternate 2 along the Ford and Breathitt Parkways, a program of improvements to upgrade the Parkways could be developed. This program could be phased-in over time in a fiscally-responsible manner as funds are available and as operational conditions warrant, rather than implementing improvements that do not appear to be needed now or in the immediate future.
- Early public involvement for the I-69 project seems to indicate that the strongest local and regional support is for routing I-69 along the existing Parkways, rather than constructing a new facility elsewhere. There also appears to be strong public support for making this designation at the earliest possible date.

**ATTACHMENT FOR SECTION L.2. Threatened and Endangered Species (T&E):****United States Department of the Interior****FISH AND WILDLIFE SERVICE**

446 Neal Street  
Cookeville, TN 38501

March 20, 2002

Michael E. Kenawell  
T.H.E. Engineers, Inc.  
131 Prosperous Place, Suite 15  
Lexington, Kentucky 40509

Dear Mr. Kenawell:

Thank you for your letter and enclosures of February 15, 2002, concerning the proposed reconstruction of portions of the Pennyrite Parkway and Western Kentucky Parkway in Henderson, Webster, Hopkins, Caldwell, and Lyon Counties, Kentucky. The reconstructed stretch of highway would be renamed Interstate 69. Fish and Wildlife Service personnel have reviewed the information submitted and offer the following comments.

According to our records, the following threatened and endangered species are known to occur in the affected counties, and may occur in the project impact area:

Indiana bat - Myotis sodalis  
Gray bat - Myotis grisescens  
American burying beetle - Nicrophorus americanus  
Bald eagle - Haliaeetus leucocephalus  
Price's potato-bean - Apios priceana

You should assess potential impacts and determine if the proposed project may affect these species. A finding of "may affect" could require initiation of formal consultation. We would appreciate a copy of any survey report on these species done for this project, as well as your determination of effect.

The copperbelly water snake (Nerodia erythrogaster neglecta) was proposed for listing as threatened under the Endangered Species Act. However, listing of the copperbelly water snake has been at least temporarily avoided in Kentucky through the implementation of a Copperbelly Water Snake Conservation Plan. The Plan involves maintenance of existing wetlands and adjacent wooded

Project : \_\_\_\_\_

County: \_\_\_\_\_

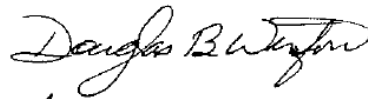
Route: \_\_\_\_\_

Alternative: \_\_\_\_\_

floodplains and uplands. Further, the plan calls for restoration of wetlands and wooded corridors that link these important habitats. With cooperation between various development and natural resource interests, future listing of the copperbelly water snake as threatened will hopefully be precluded. Even though the copperbelly water snake is no longer proposed for federal listing, it is known to occur in the vicinity of the proposed project and we would appreciate your cooperation in implementing conservation measures that benefit this rare snake.

Thank you for the opportunity to comment on this proposal. Please contact Timothy Merritt (telephone 931/528-6481, ext. 211) of my staff if you have questions regarding the information provided in this letter.

Sincerely,



*for* Lee A. Barclay, Ph.D.  
Field Supervisor



Project : \_\_\_\_\_

County: \_\_\_\_\_

Route: \_\_\_\_\_

Alternative: \_\_\_\_\_

Attach CD copies of:

- Environmental Overview along the Ford and Breathitt Parkways (2005)
- Overview of Existing Conditions along the Ford and Breathitt Parkways (2005)
- I-69: Eddyville to Henderson Corridor Planning Study Executive Summary (2005)