

FINDING OF NO SIGNIFICANT IMPACT

REHABILITATE NEWFOUND GAP ROAD AND RECONSTRUCT STONE MASONRY GUARDWALLS MILEPOST 0.0 TO MILEPOST 14.5, SEVIER COUNTY, TENNESSEE

ENVIRONMENTAL ASSESSMENT

PROJECTS PRA-GRSM 1A25, 1A26, AND 1A28

GREAT SMOKY MOUNTAINS NATIONAL PARK

BACKGROUND

The National Park Service (NPS), in cooperation with the Federal Highway Administration, Eastern Federal Lands Highway Division (FHWA-EFLHD), proposes to rehabilitate a 14.5-mile section of Newfound Gap Road within Great Smoky Mountains National Park from the Park boundary with Gatlinburg, Tennessee, to the Newfound Gap Overlook Parking Area. Newfound Gap Road is the principal north-south roadway within the Park and the only trans-mountain roadway that completely traverses the Park. It stretches approximately 31 miles from the Park boundary in Gatlinburg, Tennessee, to the Park boundary in Cherokee, North Carolina.

The Park encompasses approximately 521,347 acres (more than 800 square miles) and is the most visited park in the national park system with more than 9 million visitors each year. It is a designated World Heritage Site and International Biosphere Reserve, and it is distinguished by an extraordinary diversity of natural resources, an abundance of cultural resources, and the sanctuary it affords these resources. Some of the activities offered to visitors include birding, camping, hiking, fishing, and historic tours. Newfound Gap Road and other roads within the Park are important resources and, for the majority of Park visitors, the primary means by which they experience the Park.

The Environmental Assessment (EA) addresses the proposal to rehabilitate the 14.5-mile section of Newfound Gap Road on the Tennessee side of the Park. The Park's goal is to provide a safe, long-lasting driving surface for visitors and Park staff. The purpose of the proposed project is to rehabilitate Newfound Gap Road in a manner that protects the resources and values of Great Smoky Mountains National Park and

- improve the overall safety of the road for both Park staff and visitors;
- preserve the culturally significant features and contributing elements of the road and guardwalls;
- enhance visitor use, enjoyment, and historic interpretation of the Park; and
- provide a long-lasting driving surface for visitors and Park staff and improve operational efficiency, reliability, and sustainability by decreasing maintenance required to keep both the road and guardwalls safe for public use.

The EA evaluates two alternatives: the no-action alternative (Alternative A) and the action alternative, Rehabilitation of Newfound Gap Road (the Preferred Alternative or Alternative B). Under the no-action alternative, the Park would continue to implement select repairs to Newfound Gap Road as funding allows. However, the roadway and related features along Newfound Gap Road would continue to deteriorate. The Preferred Alternative will improve the safety of Newfound Gap Road, improve the condition of the road and associated features, and maintain the integrity of the Park resources.

The EA has been prepared in accordance with the *National Environmental Policy Act* of 1969 as amended (NEPA); implementing regulations, 40 CFR 1500–1508; Department of the Interior NEPA Regulations 43 CFR 46; and NPS Director's Order 12 and Handbook, Conservation Planning, Environmental Impact Analysis, and Decision-making. The document was available for public review from March 22, 2010, through April 21, 2010. The EA analyzed a no-action alternative and the Preferred Alternative. Compliance

with Section 106 of the *National Historic Preservation Act* of 1966 (NHPA) was conducted at the same time as the NEPA process.

PREFERRED ALTERNATIVE

Based on the analysis presented in the EA, the NPS and FHWA have selected the Preferred Alternative (action alternative, Alternative B) for implementation. The Preferred Alternative includes the rehabilitation of Newfound Gap Road from milepost 0.0 to milepost 14.5. To minimize road closures and impacts to visitors, implementation of the Preferred Alternative will occur in three phases. The implementation of the Preferred Alternative will improve safety on Newfound Gap Road, improve the condition of the road and associated features, and maintain the integrity of Park resources.

The Preferred Alternative will include the following:

- Rehabilitation of the road surface, including spot repair/reconstruction, milling pavement, and pavement overlay;
- Rehabilitation of road shoulders, where needed, to restore shoulders to the proper height and grade;
- Reconstruction of settled sections of roadway to restore embankment stability;
- Rehabilitation of existing stone masonry guardwalls, including minor repairs, replacement of wall elements in-kind, or rebuilding walls to their original design height;
- Reconstruction of guardwall sections to meet current crashworthiness criteria in areas with a demonstrated safety risk;
- Addition of new guardwall and/or guardrail extensions or transitions in areas with a demonstrated safety risk; and
- Rehabilitation, replacement, or cleaning of drainage structures to improve drainage.

Each phase of the Preferred Alternative will include all or a combination of the above-mentioned components. The three phases of implementation of the Preferred Alternative include:

- Phase I: Rehabilitate approximately 2.0 miles of Newfound Gap Road from the Newfound Gap Overlook Parking Area (milepost 14.5) north to approximate milepost 12.5.
- Phase II: Rehabilitate approximately 6.0 miles of Newfound Gap Road from approximate milepost 12.5 north to the Chimneys Picnic Parking Area (approximate milepost 6.5).
- Phase III: Rehabilitate approximately 6.5 miles of Newfound Gap Road from approximate milepost 6.5 north to the Park boundary at Gatlinburg, Tennessee (milepost 0.0).

Rehabilitation of the entire road surface is planned under the Preferred Alternative, as well as rehabilitation of road shoulders, as needed. In addition, the Park (in consultation with the FHWA-EFLHD) has identified several locations along the 14.5-mile section of the Newfound Gap Road where specific repairs or improvements will be made, as funding permits.

MITIGATION MEASURES OF THE PREFERRED ALTERNATIVE

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. To help ensure the protection of natural and cultural resources and the quality of the visitor experience, the NPS will ensure the following protective measures are implemented as part of the Preferred Alternative. The NPS will implement, as appropriate, monitoring throughout the construction process to help ensure protective measures are properly executed and are achieving their intended results. These mitigation measures are listed in Table 1.

TABLE 1: MITIGATION MEASURES

Resource Area	Mitigation
<p>Water Quality and Quantity</p>	<ul style="list-style-type: none"> • Best management practices including temporary sediment control devices such as filter fabric fences, sediment traps, or check dams, as needed, will be used during culvert replacement. • Stockpiled soil and rock will be covered with semi-permeable matting or plastic or another type of erosion control material to prevent siltation of snow or rain runoff. • Soil disturbance will be minimized, and disturbed areas will be reseeded or revegetated as soon as possible. • Silt fencing in disturbed areas will be retained until stabilization by reseeded or revegetation is complete. • Swales, trenches, or drains will be used to divert stormwater runoff away from disturbed areas. • Construction staging areas will be located away from areas where water would run off to adjacent rivers and streams. • Chemicals, fuels, and other toxic materials will be properly stored, used, and disposed of using best management practices to prevent spills and pollution.
<p>Vegetation Management and Exotic and Invasive Species Control</p>	<ul style="list-style-type: none"> • All construction equipment to be used at the site will be washed before entering the Park. • The Park’s standard seed mix for revegetation activities such as roadside stabilization will be used. • All fill material brought into the Park will be from a Park-approved source. This will help prevent the introduction of exotic and invasive species. • Straw or hay will not be permitted for use of any kind. Only certified weed free biodegradable materials for erosion control measures (no plastic) will be used. • All quarry material will be from a Park-approved source to prevent the introduction of exotic and invasive species. • Protective measures, such as barrier fence, will be used to minimize damage to existing trees. Additionally, the contract will require restitution for any trees that might be damaged through construction activities. • Designated construction staging areas will be established to prevent impacts to vegetated areas. Staging will only be permitted in currently disturbed areas, such as paved or gravel parking areas.
<p>Rare, Threatened, or Endangered Species</p>	<ul style="list-style-type: none"> • The proposed action will occur in known habitat for northern flying squirrel. Although potential habitat exists, the proposed action will not remove trees above the 4,500-foot elevation line, the location of known habitat. The northern flying squirrel requires sizable trees for habitat and finds habitat in large trees with hollow crevices while bats live beneath peeling bark on trees. Although no impacts to this species are expected, to ensure that these habitats are not disturbed, no large trees (greater than 6 inches in diameter) will be removed. • Trees will only be permitted to be removed outside of the Indiana bat roosting period, from August 16 through May 14. • The rock gnome lichen (<i>Gymnoderma lineare</i>) is known to exist in the two areas adjacent to, but outside, the project location (Walker Camp Prong area). Although no work is scheduled to occur that will directly affect the rock gnome lichen, appropriate best management practices will be employed to ensure minimal, if any, effect on the rock gnome lichen. Silt fencing and other appropriate methods of erosion control will be employed to mitigate any potential effect construction may have.

Resource Area	Mitigation
<p>Cultural Landscapes and Archeological Resources</p>	<ul style="list-style-type: none"> • Impacts to the cultural landscape will be minimized by ensuring that the contributing features of the road are rehabilitated/reconstructed in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes. • Preservation as the preferred treatment for significant landscape features will be emphasized through the retention and repair of original features and materials to the extent practical and replacement of materials in-kind, when necessary. • Work to another area of the project will be halted or redirected in the event that potentially significant deposits or features are discovered during construction until finds can be documented, their significance assessed, and appropriate mitigation strategies developed in consultation with the Tennessee State Historic Preservation Office (SHPO) and the appropriate Tribal Historic Preservation Officer (THPO). • The Park will approve the stone/stone source for the walls before the walls are repaired/reconstructed to ensure they are consistent with the cultural landscape. • Although an attempt will be made to locate and evaluate archeological sites and/or components prior to construction activities, the potential exists that previously unidentified archeological sites, components, and/or human remains could be found during construction activities. In the event that construction activities inadvertently discover a previously unidentified archeological site, component, and/or human remains, all construction work will cease in the immediate area. Any willful destruction of the archeological site, component, and/or human remains can result in the prosecution of individuals under the Archeological Resource Protection Act of 1979, and other statutes that protect the Park's cultural resources. The project director, construction foreman, or designee would immediately notify the Park archeologist. No construction work would continue in this area until the archeological site, component, and/or human remains are evaluated by the NPS to determine if it meets eligibility criteria of the National Register of Historic Places (NRHP). If the archeological site and/or component are considered eligible to the NRHP, the NPS would develop a plan, in consultation with the SHPO/THPO, to protect it or undertake a program of data recovery to mitigate the loss of important archeological data. The inadvertent discovery of human remains is considered below. • The discovery of human remains, funerary objects, and objects of cultural patrimony will be treated in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001). These terms are defined in NAGPRA. In the event that human remains, likely funerary objects, or objects of cultural patrimony are discovered during the excavations, construction work at that location would stop immediately; the area would be secured; and the project director, construction foreman, or their designee would notify the Park archeologist immediately. Consultation with the appropriate SHPO and THPOs and other interested Native American groups would be initiated and a determination as to the disposition of these remains and/or associated funerary objects would be made in consultation with the SHPO/THPOs.

Resource Area	Mitigation
<p>Transportation and Traffic</p>	<ul style="list-style-type: none"> • All construction methods for site-specific design solutions will be evaluated to select the most cost-effective and functional solution that minimizes duration of impact into the roadway. • Public involvement will continue through the design phase to inform local stakeholders of proposed work and to gather local input to factor into proposed traffic management methods. Extensive and ongoing dialogue will be conducted with the neighboring communities, especially if full road closures are scheduled to occur during non-peak months. • Local stakeholder and visitor use/experience impacts will be evaluated during construction. Public traffic would be accommodated when possible to minimize the impacts associated with closing the road to all traffic during construction. • Cost and time impacts to local communities associated with partial road closures versus full road closures and duration of each will be evaluated. • Construction during peak visitor use periods (e.g., weekends, holidays, and in the fall during peak colors) and how avoidance or acceptance could influence duration of construction will be evaluated. Daytime lane closures during peak periods (approximately mid-June to mid-August) will be avoided. • Warning signs and/or flaggers will be used to direct traffic through construction areas, as needed, during construction activities that could disrupt traffic. A safety plan will be developed prior to initiation of construction to ensure the safety of Park visitors, workers, and Park personnel. • Stationary, semi-permanent temporary traffic signals will be used to provide two-way single-lane traffic through work zones. • Internet technology (such as websites) and local media will be used to inform the public of road conditions, closures, and anticipated delays. • Lighting, such as that used during nighttime operations, will be directional and shielded to prevent intrusions into the night sky. • Daily work zones that are reopened to two-lane traffic at the end of each work day will be implemented to the greatest extent feasible. • Complete road closures during off-peak seasons to minimize duration of delays to the public will be implemented to the greatest extent feasible.

OTHER ALTERNATIVES CONSIDERED

Alternatives considered in the assessment should be “reasonable.” According to the Director’s Order 12 Handbook, unreasonable alternatives may be those that are unreasonably expensive, cannot be implemented for technical or logistical reasons, do not meet Park mandates, are inconsistent with carefully considered up-to-date Park statements of purpose and significance or management objectives, or that have severe environmental impacts.

Alternative A – No-action Alternative

Under the no-action alternative, the Park would continue to implement selected repairs to Newfound Gap Road as funding allows. However, the road and related features along Newfound Gap Road would continue to deteriorate. Under the no-action alternative, the NPS would respond to future needs and conditions without major actions or changes in the present course. Maintenance to the road and related features would be conducted where there is specific need for critical and emergency repairs. Regular maintenance would be carried out as funding allows. Frequent patching of cracks and potholes in the paved surfaces of the road and repairs to the existing stone guardwalls would continue, as needed and as funding allows. Because of these

issues, Alternative A would not meet the purpose and need for action, and therefore was not selected as the Preferred Alternative.

ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD

Concrete Core Guardwall Reconstruction

During the initial scoping of this project, the FHWA-EFLHD proposed that any guardwalls in the “clear zone” should be reconstructed with a concrete core. The clear zone is a roadside border area available for safe use by errant vehicles. Altering the original configuration of all the existing guardwalls in the clear zone could impact the historic integrity of the Newfound Gap Road cultural landscape. While use of this option would improve overall safety of certain sections of the road, the potential to impact the overall historic integrity of Newfound Gap Road by changing the original configuration of the guardwalls exists. Because of the potential impacts to cultural resources, the Park determined this would need to be done on a case-by-case basis as opposed to implementing as a programmatic action; accordingly, this option was dismissed from full consideration. The Park noted that all decisions regarding safety improvements and the treatment of the historic guardwalls would be based on a variety of factors, including improvements in motor vehicle safety and laws relating to motor vehicle operations, cultural resource impacts, impacts to views, cost, and construction impacts, among others. This approach would not fully meet the purpose and need of the project, and as a result, was not carried forward for further analysis.

Adding Additional Turn Lanes and Parking Areas

During development of the alternatives, the NPS considered adding turn lanes at the Chimneys Picnic Area and Alum Cave Trailhead Parking Area, as well as the expansion of parking areas at the Chimney Tops Trailhead and Alum Cave Trailhead. Public comment during scoping also suggested adding turn lanes to the Sugarlands Nature Trail and Huskey Gap Trail parking areas. The addition of turn lanes and the expansion of parking areas were dismissed from further consideration because the NPS determined that these actions would not meet the purpose of and need for action. Specifically, because these actions could impact the character-defining features of Newfound Gap Road, they did not meet the purpose of preserving culturally significant features and contributing elements of the road, nor did they address the safety needs. Because these actions would not meet the purpose and need, they were not carried forward for further analysis.

Non-construction Measures

Traffic signals and lighting, speed reduction options, impact attenuators, and fencing were considered and evaluated, but were dismissed, due to their lack of feasibility and potential adverse impacts to the natural and cultural landscape along Newfound Gap Road. Non-structural techniques were not proposed because of potential safety hazards and maintenance costs. Additionally, raised rumble strips create obstructions for snowplows and tend to become maintenance burdens. Imbedded pavement reflectors or milled rumble strips can become ineffective when filled with debris.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The environmentally preferred alternative is defined by the Council on Environmental Quality (CEQ) as the alternative that would promote the national environmental policy as expressed in NEPA, Section 101. The environmentally preferred alternative is the alternative that best

1. Fulfills the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Ensures for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

3. Attains the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
4. Preserves important historic, cultural, and natural aspects of our national heritage and maintains, wherever possible, an environment that supports diversity and variety of individual choice;
5. Achieves a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
6. Enhances the quality of renewable resources and approaches the maximum attainable recycling of depletable resources.

The environmentally preferred alternative is ultimately the proposed improvement(s) that will cause the least amount of damage to the biological and physical environment, and will most adequately protect, preserve, and enhance historic, cultural, and natural resources. After completion of the EA, the NPS identified Alternative B as the environmentally preferred alternative because it best meets the definition established by CEQ. Alternative B will restore and preserve the historic character of Newfound Gap Road and its related features by removing the non-historic "W" beam steel guardrail rail and, where necessary, repairing or replacing important character-defining features such as stone curbing, walkways, and stone guardwalls in a manner that preserves the historic character of the road. This alternative will also improve public safety by repairing and stabilizing the road and it will improve the efficiency of Park operations by reducing the need for future road and guardwall maintenance. In addition, the overall experience of Park visitors will be enhanced as road conditions are improved and the historic character of the road and guardwalls is maintained.

Alternative A, the no-action alternative, was not selected as the environmentally preferred alternative because it would not meet criterion 2 and criterion 3. Under Alternative A, roadway improvements would not occur and the NPS would not provide for safe, healthful, productive, and aesthetically and culturally pleasing surroundings. Under this alternative, health and safety would also likely be impacted. Likewise, by not repairing and maintaining the characteristics of the road that make it historic, including guardwalls, the NPS would not meet criterion 4 because the no-action alternative would not maintain the cultural aspects of this Park. Further, as deteriorated roadway conditions would impact those traveling on the road, the no-action alternative would not meet criterion 5 because it would not permit high standards of living. For these reasons, Alternative A was not chosen as the environmentally preferred alternative.

THE PREFERRED ALTERNATIVE AND SIGNIFICANCE CRITERIA

As defined in 40 CFR 1508.27 from the CEQ regulations that implement the provisions of NEPA, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.

The rehabilitation of Newfound Gap Road and the reconstruction of stone masonry guardwalls will benefit all those using this thoroughfare to enjoy or traverse the Park, with beneficial impacts to visitor use and experience once construction has been completed. If the Preferred Alternative is not implemented, the condition of the existing roadway will continue to deteriorate and compromise visitor and Park staff safety, as well as impact visitor use and experience and transportation.

The Preferred Alternative will improve traffic operations, visitor use, and safety. Traffic movements may be slowed during construction resulting in short-term minor to moderate adverse impacts during rehabilitation of road surface, rehabilitation of road shoulders, reconstruction of guardwall sections, and addition of new guardwalls and/or guardwall extensions. Mitigation measures such as extensive consultation and coordination with the community, limiting the length of the lane closures, and discontinuing daytime construction during peak periods will be implemented to ensure these short-term adverse impacts do not

exceed a moderate level. After construction is complete, long-term beneficial impacts will be experienced from the improved roadway conditions and from minimization of spot repairs on the road, which will improve the safety of the road.

The Preferred Alternative will also result in some tangible socioeconomic benefits for the surrounding community and the Park. However, construction activities will temporarily alter the socioeconomic landscape by affecting continuity, travel patterns, and accessibility to the Park. Construction will result in short-term minor to moderate adverse impacts from travel delays during construction. In the short-term, such effects may adversely impact Park facilities and services, social groups looking to use Park resources, and the local economy. In the long-term, the Preferred Alternative will improve vehicular movements, pedestrian access, and public safety.

During construction activities, particulates affecting air quality will increase due to the increase in the number of idling vehicles waiting in a traffic delay and material haul trucks coming to and from project sites. There will also be an increase in construction-related dust from equipment and earth moving activities. Once in operation, there will be no further adverse impacts to air quality associated with the road improvements. Long-term beneficial effects to air quality will result as the need for spot repair, and associated idling during repairs, will be reduced. Noise levels will also increase during construction activities but will return to existing levels once the Preferred Alternative is in operation.

Impacts to the Park's wetlands, soils, geology, or land use will all be less than minor. Soundscapes will not be adversely affected by the construction or operation of the Preferred Alternative.

The degree to which the action affects public health or safety.

Impacts to visitor and employee safety within the Park resulting from the Preferred Alternative will be long-term negligible adverse during construction activities and long-term beneficial once construction activities have been completed because current safety concerns will be addressed. Actions associated with the Preferred Alternative will result in long-term beneficial impacts to visitor and employee safety from improvements made to the road surface that create a safer traveling experience. No significant impacts to public health or safety will result from the Preferred Alternative.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Rehabilitation efforts will not affect wetlands in the project area. While the riverine wetland is close to the road at times, construction activities will never directly come in contact with the West Prong of the Little Pigeon River. Mitigation measures will be implemented to ensure that runoff and other construction activities do not adversely impact wetlands. While mitigation measures will be implemented, some contaminants could still potentially enter the water flow. The correction of drainage deficiencies will reduce contaminants from running off into adjacent wetland areas. A stream armoring component of this project will occur in the Upper Walker Prong tributary, involving the placement of large rocks to armor the stream banks and reduce erosion of the stream banks in this area. The total anticipated area of disturbance for stream armoring will be an area of approximately 50 feet long by 20 feet wide (1,000 square feet), or 0.02 acre. This project can be classified as a restoration project under 0.25 acre and, as such, will be exempt from the requirement for a Statement of Findings, as required under Director's Order 77-1, Section 4.2.1(h).

For the West Prong of the Little Pigeon River, which flows through the project area, mitigation measures have been designed to avoid potential adverse environmental impacts to the river. Before construction activities begin, construction staging areas will be located in several designated areas throughout the Park, which will be sited to minimally impact the Park's natural, biological, and cultural resources. Under the road rehabilitation/construction of Newfound Gap Road, water quality is likely to experience short-term negligible to minor adverse effects and long-term benefits after drainage issues are corrected.

The EA was written in compliance with Section 106 of the NHPA. Effects to Newfound Gap's cultural landscape resulting from the various activities of the Preferred Alternative will range from long-term beneficial effects for the rehabilitation of existing guardwalls to long-term minor to moderate adverse impacts for the rehabilitation of road surface, rehabilitation of road shoulders, the reconstruction of guardwall sections, and the addition of new guardwalls and/or guardwall extensions. Cumulative impacts will remain long-term minor to moderate adverse. Adverse impacts will be mitigated by a program of context-sensitive design that will include the use of material similar in appearance to the existing historical features for any reconstruction and repair activities and by minimizing new design elements such as transitions and extensions from the existing guardwalls.

Impacts to archeological resources within the Park resulting from the proposed improvements to Newfound Gap Road under the Preferred Alternative will be short and long-term minor adverse as there are no known resources in this area. Mitigation measures will be established for unexpected discoveries. Cumulative impacts to archeological resources will be long-term minor adverse.

Consultation with the State Historic Preservation Officer (SHPO) occurred in compliance with Section 106 of the NHPA. In a letter dated November 4, 2009, the Tennessee SHPO stated that the proposed action (the Preferred Alternative) will "Not Adversely Effect Any Property That is Eligible for Listing in the National Register of Historic Places." This correspondence is provided in Attachment 1 of this Finding Of No Significant Impact (FONSI).

There are no prime or unique farmlands or marine or estuarine resources located within the Park. Therefore, there will be no adverse impacts to such resources as a result of construction activities or the operation of the Preferred Alternative.

The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The implementation of the Preferred Alternative will not result in adverse or controversial effects to the human environment. Impacts on surrounding communities from the various activities proposed under the Preferred Alternative will be short-term minor to moderate adverse due to delays from construction activities. Once construction activities have been completed, however, there will be long-term beneficial effects in surrounding communities resulting from the Preferred Alternative.

A total of nine correspondences (which includes letters or emails) were received during the EA public comment period. These nine correspondences contained a total of 10 comments, which did not voice opposition to the Preferred Alternative; therefore, it is anticipated that controversy surrounding this project will be minimal.

The degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.

Access and overall safety of public service functions will improve as a result of the Preferred Alternative. However, there will be some temporary lane closures during construction activities. There are no identified risks associated with the Preferred Alternative that are unique or unknown. Additionally, no effects associated with the Preferred Alternative that are highly uncertain were identified during the analysis for the EA or identified during the public review of the EA.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Preferred Alternative does not establish a precedent for any future actions that may have significant effects, nor does it represent decisions about future considerations. The purpose of this action is to address safety and environmental concerns associated with the rehabilitation of Newfound Gap Road.

Safety improvements to the existing road are needed to retain the current functionality of the road. These actions are site specific and independent of other actions within the Park.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The EA concluded that past, present, and future activities when coupled with the rehabilitation of Newfound Gap Road and reconstruction of stone masonry guardwalls will result in short- and long-term negligible to minor cumulative impacts to wildlife, vegetation, and threatened and endangered species; short-term negligible and long-term beneficial impacts to wetlands and water quality; short-term minor adverse cumulative impacts to air quality; long-term minor to moderate adverse cumulative impacts to cultural landscapes; and long-term minor adverse cumulative impacts to archeological resources.

Cumulative effects to visitor experience and recreation, public health and safety, and Park operations will be long-term and beneficial. No significant adverse cumulative effects were identified.

The degree to which the action may adversely affect items listed or eligible for listing in the National Register of Historic Places (NRHP), or other significant scientific, cultural, or historic resources.

In November 2009, consultation with the SHPO occurred in compliance with Section 106 of the NHPA. In a letter dated November 4, 2009, the Tennessee SHPO determined that the Preferred Alternative (Alternative B) as it is currently proposed will “Not Adversely Effect Any Property That is Eligible for Listing in the National Register of Historic Places.” Correspondence between the Park and the Tennessee SHPO fulfilling the requirements set forth by the Advisory Council on Historic Preservation’s regulations for initiating the Section 106 process (36 CFR 800.3) are found in Attachment 1 of this FONSI.

No impacts to archeological resources within the Park are anticipated as a result of the construction of the Preferred Alternative. Mitigation measures will be established for unexpected discoveries as discussed above in Table 1.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

To facilitate compliance with the Endangered Species Act, the Park sent a letter in December 2007 to the United States Fish and Wildlife Service (USFWS) regarding the potential for any federally or state-listed species that could be affected by the proposed rehabilitation of Newfound Gap Road. The USFWS responded on January 25, 2008, stating their concerns about the presence of known federally endangered species occurring on sites within 3 miles of certain sections of the project area. These species include the Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*), spreading avens (*Geum radiatum*), and the spruce-fir moss spider. Because these species have the potential to be located within the project area, this topic was evaluated further in the EA.

The EA determined that the Preferred Alternative will not require the removal of trees above the 4,500-foot elevation and therefore, flying squirrel habitat will not be disturbed. To ensure safe habitat for bat species, construction activities will occur primarily during the winter months when Indiana bats are not occupying trees within the Park. Additionally, any tree removals will only be permitted to occur from August 16 through May 14, which is outside of the Indiana bat roosting season.

As a result of road rehabilitation and construction activities on Newfound Gap Road, short-term negligible adverse impacts will occur to threatened and endangered species within the project area although sensitive habitat will be avoided. There will be no long-term adverse impacts to these species because no habitat will be lost.

The findings of the EA were provided to the USFWS for their concurrence under Section 7 of the Endangered Species Act. In a letter dated April 20, 2010, the USFWS stated that they concur with the NPS

finding of “not likely to adversely affect” for the Carolina northern flying squirrel, spreading avens, and the spruce fir moss spider, based on the assurances in the biological assessment. The USFWS further stated that, at this time, the requirements of Section 7 of the Endangered Species Act of 1973, as amended, have been fulfilled. This correspondence is provided in Attachment 1 of this FONSI.

Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The Preferred Alternative will not violate any federal, state, or local environmental protection laws.

IMPAIRMENT AND UNACCEPTABLE IMPACTS

Sections 1.5 and 8.12 of NPS *Management Policies 2006* underscore the fact that not all uses are allowable or appropriate in national park units. The proposed use was screened to determine consistency with applicable laws, executive orders, regulations, and policies; consistency with existing plans for public use and resource management; actual and potential effects to park resources; total costs to the NPS; and whether the public interest will be served.

In addition to determining the environmental consequences of the alternatives under consideration, the NPS *Management Policies 2006* and Director’s Order 12 require analysis of potential effects to determine if actions would impair park resources and values. In assessing impairments in the NEPA analysis for this project, NPS takes into account the fact that, if an impairment were likely to occur, such impacts would be considered major or significant under the CEQ regulations. This is because the context and intensity of the impact would be sufficient to render what would normally be a minor or moderate impact to be major or significant. Taking this into consideration, NPS guidance indicates that “not all major or significant impacts under a NEPA analysis are impairments.” However, all impairments to NPS resources and values would constitute a major or significant impact under NEPA. If an impact results in impairment, the action should be modified to lessen the impact level. If the impairment cannot be avoided by modifying the proposed action, that action cannot be selected for implementation.

The fundamental purpose of the NPS as established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. These laws give the NPS the management discretion to allow impacts to park resources and values (when necessary and appropriate) to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. To the greatest extent practicable, NPS managers must always seek ways to avoid or minimize adverse impacts to park resources and values.

The impairment prohibited by the Organic Act and the General Authorities Act is an impact – in the professional judgment of the responsible NPS manager – that harms the integrity of park resources or values. This includes the opportunities that otherwise would be present for the enjoyment of those resources or values. Whether an impact meets this definition depends on the particular resources and values that would be affected including the severity, duration, and timing of the impact; the direct and indirect and cumulative effects of the impact in question; and other impacts. An impact to any park resource or value may constitute impairment, but an impact would more likely constitute impairment if it has a major or severe adverse effect upon a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; and
- identified as a goal in the park general management plan or other relevant NPS planning documents.

Impairment determinations are not made for visitor use and enjoyment, health and safety, socioeconomics, or park operations and management because impairment findings relate to park resources and values and these impact areas are not generally considered to be park resources or values. Impairment determinations are not made for visitor use and experience because, according to the Organic Act, enjoyment cannot be impaired in the same way an action can impair park resources and values.

For those resource areas included in the impairment analysis, any negligible to minor adverse impacts will be short-term and will not continue once construction of the proposed action is complete. Resource areas included in the impairment analysis will experience no long-term adverse impacts or will actually benefit from the operation of the proposed action and will not result in impairment or unacceptable impacts.

PUBLIC INVOLVEMENT

Public scoping efforts for the planning process focused on the means or processes to be used to include the public, the major interest groups, and local public entities. Based on past experience, Park staff places a high priority on meeting the intent of public involvement in the NEPA process and giving the public an opportunity to comment on proposed actions.

To notify interested parties of the public scoping meetings, the NPS sent 180 scoping letters to Park neighbors and organizations inviting people to attend the meetings, describing the proposed rehabilitation of Newfound Gap Road, and soliciting public comments on the proposed action. Press releases – providing the same information as the public scoping letter – were published in the following six local and regional newspapers:

- The Mountain Press (Sevierville)
- The Daily Times (Maryville)
- The Knoxville News Sentinel
- The Asheville Citizens Times
- The Cherokee One Feather
- The Smoky Mountain Times (Bryson City)

The public scoping letters were mailed two weeks prior to the meetings, and the press releases were published one week before the meetings. Information regarding these meetings was also posted on the NPS Planning, Environment, and Public Comment (PEPC) website.

Because the proposed action will directly affect travel between Gatlinburg, Tennessee, and Cherokee, North Carolina, two public meetings were held to ensure the public participation from both of the potentially affected communities. The first meeting was held on Tuesday, January 15, 2008, at the Garden Plaza Hotel in Gatlinburg, Tennessee. The second meeting was held on Thursday, January 17, 2008, at the Holiday Inn in Cherokee, North Carolina. The public scoping comment period was open from January 15, 2008, through February 20, 2008.

At each meeting, participants were asked to sign in and were provided a comment sheet to complete during the course of the open house or at their leisure. Six participants signed in at the public scoping meeting in

Gatlinburg, and eight participants signed in at the public scoping meeting in Cherokee. Each public scoping meeting was held as an open-house format where meeting participants could look at display boards and interact with Park staff individually. The displays illustrated the purpose and significance of the Park, how roads are defined by the NPS, the project area, the purpose and need, the NEPA process, and how to comment on the proposed action.

The public meetings included numerous methods for the community to provide comments. A table was at the meetings with comment sheets that could be filled out and returned. If the attendee chose not to fill out the comment sheet at the meeting, a return address was provided on the sheet to mail back to the Park. Those attending the meeting were also informed about additional opportunities to comment on the project including directing comments to the NPS PEPC website.

Three public comments were received during the public scoping comment period. Comments included new rehabilitation options and opposition to the proposed project.

Public comments were solicited on the EA from March 22, 2010, to April 21, 2010. During this time, the EA was posted and accessible to the public on the PEPC website. Notice of the EA availability and comment period was also made through a notice mailed to 157 people, with hard copies of the EA mailed to 29 agencies, libraries, and other stakeholders. Further notice of the EA availability was made through press releases in the following papers:

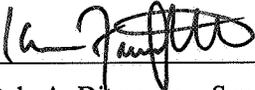
- Mountain Press (Sevierville, TN)
- Daily Times (Maryville, TN)
- Knoxville News Sentinel (Knoxville, TN)
- Asheville Citizens Times (Asheville, NC)
- Cherokee One Feather (Cherokee, NC)
- Smoky Mountain News (Waynesville, NC)

During this time, nine correspondences were received that contained 10 individual comments. These comments voiced support for the project, with a few suggesting that the scope of the project include passing lanes and turn-offs. In addition, correspondence was received from the Eastern Band of the Cherokee Indians stating their concurrence that there are no known archaeological resources important to the Cherokee People within the proposed project area (see Attachment 1). Public comments on the EA were analyzed and all substantive comments responded to. The Comment Response Report for this EA is provided in Attachment 2.

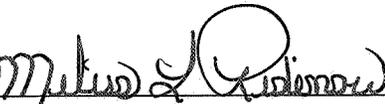
CONCLUSION

As described above, the Preferred Alternative does not exceed significance thresholds requiring the preparation of an Environmental Impact Statement. The Preferred Alternative will not have significant adverse impacts on either the natural or human environments. Short-term impacts that will result during construction activities associated with the Preferred Alternative will be minimal. Appropriate mitigation measures will be designed and implemented as necessary to help off-set adverse impacts experienced during construction activities. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified during preparation of the EA. Lastly, the construction and operation of the Preferred Alternative will not violate any federal, state, or local environmental protection laws.

Based on the foregoing, it has been determined that an Environmental Impact Statement is not required for this project and thus will not be prepared.

Recommended:  6/10/10
Dale A. Ditmanson, Superintendent Date

Recommended:  6/15/10
Laurin R. Lineman, Date
Acting Planning and Programming Engineer, EFLHD

Approved:  15 Jun 10
Karen A. Schmidt Date
Director of Program Administration, EFLHD

Approved:  6-22-10
David Vela, Regional Director, Southeast Region Date

Attachment 1:
Agency Correspondence



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

November 4, 2009

2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

Mr. Dale A. Ditmanson
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, Tennessee, 37738

RE: RPS, NEWFOUND GAP ROAD REHABILITATION, UNINCORPORATED, SEVIER COUNTY

Dear Mr. Ditmanson:

In response to your request, received on Friday, October 23, 2009, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at <http://www.tennessee.gov/environment/hist/federal/sect106.shtml>

Considering available information, we find that the project as currently proposed will NOT ADVERSELY AFFECT ANY PROPERTY THAT IS ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. Therefore, this office has no objection to the implementation of this project. Please direct questions and comments to Joe Garrison (615) 532-1550-103.
We appreciate your cooperation.

Sincerely,

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

EPM/jyg



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

April 20, 2010

Mr. Dale A. Ditmanson
Superintendent
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, Tennessee 37738

Subject: Environmental Assessment for the rehabilitation of Newfound Gap Road, Great Smoky Mountains National Park, Sevier County, Tennessee.

Dear Mr. Ditmanson:

Thank you for the Environmental Assessment (EA) dated March 2010, regarding the proposal to rehabilitate a 14.5-mile section of Newfound Gap Road from the park entrance near Gatlinburg to the Newfound Gap Overlook parking area. Proposed activities include milling and overlaying asphalt on Newfound Gap Road, rehabilitation and/or construction of stone masonry guardwalls, reconstruction of road shoulders and settled sections, resetting stone curbs, and repair of drainage structures. Personnel of the U.S. Fish and Wildlife Service have reviewed the subject proposal and offer the following comments.

In a letter dated January 25, 2008, the Service provided your office with several federally listed species which are known to occur within three miles of the proposed project area. These species are the federally endangered Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*), spreading avens (*Geum radiatum*), and the spruce fir moss spider (*Microhexura montivaga*). We requested that the EA address the potential for adverse affects to these species.

We have reviewed the information provided and concur with your determination of "not likely to adversely affect" for the Carolina northern flying squirrel, spreading avens, and the spruce fir moss spider. Our concurrence is based on assurances provided in the biological assessment. The Park Service has committed to follow established guidelines designed to protect known habitat for the Carolina northern flying squirrel. In addition, a qualified botanist conducted surveys within the proposed project area that resulted in no observations of federally listed plants. Impacts to the spruce-fir moss spider are not expected due to the proposed road rehabilitation not extending outside of the existing corridor. Therefore, 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 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.

Best management practices (BMPs) should be utilized throughout the entire construction project to minimize runoff of sediment and other contaminants into streams. All sediment structures should be inspected and cleaned regularly to ensure the maximum level of sediment control. If structures fail or are found to be inadequate, work should cease and not resume until appropriate corrective measures have been taken. Provided BMPs are properly implemented, we would have no objection to the proposed construction.

Thank you for the opportunity to review this project. If you have any questions regarding our comments, please contact John Griffith of my staff at 931/528-6481 (ext. 228) or by email at john_griffith@fws.gov.

Sincerely,



Mary E. Jennings
Field Supervisor



Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
P.O. Box 455
Cherokee, NC 28719
Ph: 828-554-6852 Fax 828-488-2462

DATE: May 5, 2010

TO: US Dept of the Interior
Great Smoky Mountain National Park
Attn: Dale A. Ditmanson
Superintendent
107 Park Headquarters Rd.
Gatlinburg, TN 37738

PROJECT(s): Environmental Assessment for Rehabilitation of Newfound Gap Road and Reconstruction of Stone Masonry Guardwalls, Milepost 0.0 to 14.5, Sevier County, TN.

The Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians (EBCI THPO) would like to thank you for the opportunity to comment on this proposed section 106 activity under §36 C.F.R. 800.

The EBCI THPO concurs with the archeologist's recommendations that there are no known archaeological resources important to the Cherokee People within the proposed APE. The EBCI THPO defers the remainder of the 20th century park related aspects to the Tennessee State Historic Preservation Office (TN SHPO). As such, the EBCI THPO believes that the proposed projects may proceed as planned. In the event that project plans change, or cultural resources or human remains are discovered, all work should cease, and this office should be contacted to continue government to government consultation as defined under Section 106 of the National Historic Preservation Act of 1966, as amended.

If we can be of further service, or if you have any comments or questions, please feel free to contact me at (828) 554-6852.

Sincerely,

Tyler Howe
Tribal Historical Preservation Specialist
Eastern Band of Cherokee Indians

Attachment 2:
Public Comment Response
Report



Environmental Assessment

Rehabilitate Newfound Gap Road and Reconstruct Stone Masonry Guardwalls
Milepost 0.0 to Milepost 14.5, Sevier County, Tennessee
Projects PRA-GRSM 1A25, 1A26 and 1A28

Comment/Response Report

May 2010

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INTRODUCTION AND GUIDE

INTRODUCTION

In March 2010, Great Smoky Mountains National Park released the Environmental Assessment (EA) for the rehabilitation of Newfound Gap Road from Milepost 0.0 to Milepost 14.5 for public review and comment. The EA was available locally at the park and on the National Park Service (NPS) Planning, Environment and Public Comment (PEPC) website (<http://parkplanning.nps.gov/grsm>). In addition, EAs were mailed to a list of park stakeholders and interested parties. The public was invited to submit comments on the EA and the findings in the EA from March 22, 2010 through April 21, 2010.

During the public comment period, nine pieces of correspondence were entered into the Planning, Environment, and Public Comment (PEPC) system, either from direct entry by the commenter, or uploading of hard copy letters. These nine correspondences contained 10 comments.

THE COMMENT ANALYSIS PROCESS

Comment analysis is a process used to compile and correlate similar public comments into a format that can be used by decision makers and the NPS Interdisciplinary Team (IDT). Comment analysis assists the team in organizing, clarifying, and addressing technical information pursuant to *National Environmental Policy Act* (NEPA) regulations. It also aids in identifying the topics and issues to be evaluated and considered throughout the planning process.

The process includes five main components:

- developing a coding structure
- employing a comment database for comment management
- reading and coding of public comments
- interpreting and analyzing the comments to identify issues and themes
- preparing a comment summary

A coding structure was developed to help sort comments into logical groups by topics and issues. The coding structure was derived from an analysis of the range of topics discussed during internal NPS scoping, past planning documents, and the comments themselves. The coding structure was designed to capture all comment content rather than to restrict or exclude any ideas.

The NPS PEPC database was used for management of the comments. The database stores the full text of all correspondence and allows each comment to be coded by topic and issue. Outputs from the database include the total number of correspondences and comments received, sorting and reporting of comments by a particular topic or issue, and demographic information for the sources of the comments.

Analysis of the public comments involved the assignment of the codes to statements made by the public in their letters and web-submitted forms. All comments were read and analyzed, including those of a technical nature; opinions, feelings, and preferences of one element or one potential alternative over another; and comments of a personal or philosophical nature.

Although the analysis process attempts to capture the full range of public concerns, this content analysis report should be used with caution. Comments from people who chose to respond do not necessarily represent the sentiments of the entire public. Furthermore, this was not a vote-counting process, and the emphasis was on the content of the comment rather than the number of times a comment was received.

Report

DEFINITION OF TERMS

Primary terms used in the document are defined below.

Correspondence: A correspondence is the entire document received from a commenter. It can be in the form of a letter, email, written comment form, note card, open house transcript, or petition.

Comment: A comment is a portion of the text within a correspondence that addresses a single subject. It could include such information as an expression of support or opposition to the use of a potential management tool, additional data regarding the existing condition, or an opinion debating the adequacy of an analysis.

Code: A grouping centered on a common subject. The codes were developed during the scoping process and were used to track major subjects.

Concern: Concerns are statements that summarize the issues identified by each code. Each code was further characterized by concern statements to provide a better focus on the content of comments. Both codes used required multiple concern statements. In cases where no comments were received on an issue, the issue was not identified or discussed in this report.

Quotes: Representative quotes that have been taken directly from the text of the public's comments and further clarify the concern statements. Quotes have not been edited for grammar.

All public comments on the EA were considered to be important as useful guidance and public input, but only substantive comments are responded to below.

GUIDE TO THIS DOCUMENT

This report is organized as follows:

Content Analysis Report: This is the basic report produced from PEPC that provides information on the numbers and types of comments received, organized by code. The first section of the report provides a summary of the number of comments that were coded under each topic. The second section provides general demographic information, such as the states where commenters live, the number of letters received from different categories of organizations, etc.

Comment/Response Report: This report summarizes the substantive comments received during the public review. These comments are organized by codes and further organized into concern statements. Below each concern statement are representative quotes, which have been taken directly from the text of the public's comments and further clarify the concern statements. Each of the concern statements contains a response that addresses the commenter's questions or concerns.

Appendix 1: Correspondence Index of Commenters: This provides a listing of all groups and individuals that submitted comments, arranged and grouped by the following organization types as defined by PEPC (and in this order): businesses; churches and religious groups; civic groups; conservation/preservation groups; federal government; NPS employees; non-governmental groups; recreational groups; state government; town or city government; tribal government; unaffiliated individuals; university/professional society. Each piece of correspondence was assigned a unique identification number upon entry into PEPC. This number can be used to assist the public in identifying the way NPS addressed their comments.

Appendix 2: Index By Organization Type: This list identifies all of the codes that were assigned to each individual piece of correspondence and is arranged by organization type. Individual commenters are also included in this report and are identified as Unaffiliated Individuals.

Report

Appendix 3: Index by Code: This lists which commenters or authors (identified by PEPC organization type) commented on which topics, as identified by the codes used in this analysis. The report is organized by code, and under each code is a list of the authors who submitted comments that fell under that code, and their correspondence numbers. Those correspondences identified as N/A represent unaffiliated individuals.

Appendix 4: Non-Substantive Comment Report: This report lists all the comments on the EA that were determined to be non-substantive.

CONTENT ANALYSIS REPORT

Table 1: Comment Distribution by Code

Code	Description	Number of Comments	Percentage of Total Comments
AL4000	Alternatives: New Alternatives Or Elements	3	30%
AL6010	Alternatives: Support Rehabilitate Newfound Gap Road (Alternative B)	3	30%
CC1000	Consultation and Coordination: General Comments	4	40%
TOTAL # of Comments within the Correspondence		10	100%

Table 2: Correspondence Distribution by Correspondence Type

Type	Number of Correspondences
Web Form	4
Letter	5
Total	9

Table 3: Correspondence Signature Count by Organization Type

Organization Type	Number of Correspondences
Federal Government	2
State Government	1
Tribal Government	1
Recreation Groups	1
Unaffiliated Individual	4
Total	9

Table 4: Correspondence Distribution by State

State	Percentage	Number of Correspondences
AL	11%	1
NC	22%	2
TN	67%	6
Total		9

Table 5: Correspondence Distribution by Country

Country	Percentage	Number of Correspondences
United States of America	100%	9
Total		9

COMMENT/RESPONSE SUMMARY

Rehabilitate Newfound Gap Road and Reconstruct Stone Masonry Guardwalls Milepost 0.0 to Milepost 14.5, Sevier County, Tennessee Projects PRA-GRSM 1A25, 1A26 and 1A28

Report Date: 05/03/2010

AL4000 - Alternatives: New Alternatives Or Elements

Concern ID: 23966

CONCERN STATEMENT: Commenters requested that the NPS consider adding additional pull-offs and/or passing zones as part of the Preferred Alternative.

Representative Quote(s): **Corr. ID:** 3 **Organization:** Not Specified

Comment ID: 130789 **Organization Type:** Unaffiliated Individual

Representative Quote: There are no (perhaps a couple in NC) passing zones or required pullout places for slow traffic. I would love to see some passing areas and slow-vehicle pull outs added to the revised road. I would also like to see signs that indicate vehicles with more than five vehicles behind them MUST pull out for those behind to pass under penalty of a ticket.

Corr. ID: 4 **Organization:** Not Specified

Comment ID: 130788 **Organization Type:** Unaffiliated Individual

Representative Quote: If there is any possibility to put in more pull offs for slow moving vehicles and an occasional passing lane where possible that could improve the traffic flow somewhat. We look forward to a better road to access some of the most beautiful scenery in the world! Of course, a few added view point pull offs would be a bonus! Thanks for a wonderful park!

Response:

While additional pull-offs and passing lanes may enhance the visitor experience along Newfound Gap Road and could contribute to visitor safety, the NPS determined that these types of improvements would not meet the stated purpose and need for action. Newfound Gap Road is a scenic highway, not designed for rapid travel but for visitors to enjoy the Park at low to moderate speeds. Signage currently exists that advise slower vehicles to use pullouts and to let others pass and this signage will be evaluated as part of the rehabilitation projects to determine if a more effective message is feasible and/or necessary.

In addition, additional pull-offs and passing lanes could impact the character-defining features of Newfound Gap Road, they did not meet the purpose of preserving culturally significant features and contributing elements of the road. The addition of pull-offs and passing lanes would add elements to the road that are not part of the original design. Depending on the width, construction of passing lanes and pull-offs could also result in the loss of associated vegetation, existing topography, as well as structures that are set back from the road, such as culvert headwalls, all of which are character-defining features of the Newfound Gap Road cultural landscape. The EA evaluated the rehabilitation of road

shoulders, which could have similar impacts (refer to page 73 of the EA), however, due to the extent of disturbance from rehabilitation of road shoulders, impacts were determined to be minor. The addition of pull-offs or passing lanes would require a larger area to implement, with an associated increase in potential impacts that were determined not to meet the purpose of preserving the culturally significant features and contributing elements of the road and guardwalls. Further, the addition of pull-offs and passing lanes would not assist the NPS in meeting the needs of this action, including addressing road deterioration, addressing impacts to the historic character of the road, or addressing the increasing cost of maintenances. Because these actions would not meet the purpose and need, they were not included as part of the Preferred Alternative.

Since additional pull-offs and passing zones were not considered, the associated signs recommended by a commenter were also not considered.

Concern ID: 23967

CONCERN STATEMENT: One commenter requested that the NPS provide improved snow and ice removal on Newfound Gap Road.

Representative Quote(s): **Corr. ID:** 1 **Organization:** Not Specified

Comment ID: 130791 **Organization Type:** Unaffiliated Individual

Representative Quote: I would offer one suggestion that is probably not in scope but I'd like to see a change anyway.

I made several attempts to use the road this winter and was either turned back or delayed for long periods because of snow/ice conditions.

I could really appreciate better snow/ice removal on this road and others. This may mean purchasing better equipment or hiring more personnel to clear the roads. Of course this winter was a worse case scenario and I DO appreciate the efforts to clear the roads.

Response: As noted by the commenter, snow and ice removal is an operational issue outside the scope of this EA, therefore, the Preferred Alternative will not be revised to include elements related to snow and ice removal.

CC1000 - Consultation and Coordination: General Comments

Concern ID: 23968

CONCERN STATEMENT: Agencies that reviewed the EA stated that they agreed with the EA findings, including the finding of "no adverse effect" under Section 7 of the Endangered Species Act. The Eastern Band of the Cherokee Indians also concurred that no known archaeological resources of importance to the Cherokee People are present. The U.S. Fish and Wildlife Service (USFWS) further requested that the NPS use Best Management Practices to minimize stormwater runoff.

Representative Quote(s): **Corr. ID:** 5 **Organization:** State of Tennessee Department of Transportation

Comment ID: 130786 **Organization Type:** State Government

Representative Quote: Thank you for the opportunity to comment on the Environmental Assessment concerning the rehabilitation of the Newfound Gap Road in the Great Smoky Mountains National Park. At this time, the Tennessee Department of

Quote(s):

Comment ID: 133742 **Organization Type:** Federal Government

Representative Quote: Generally, the Newfound Gap Roadway crosses several streams which are likely waters of the United States and work impacting such waters may require Department of the Army (DA) authorization. Activities such as bridge piers, bank stabilization, drainage structures, culvert replacement, rehabilitation, or modification, etc. may require a DA Permit under the authority of Section 404 of the Clean Waters Act (33 USC 1344) when there are discharges of fill material into such waters. This authority covers work impacting West Prong Little Pigeon River, its tributaries including certain ephemeral streams, and certain wetlands.

We are available to meet and discuss our permitting requirements with you, and we would be interested in participating in any on-site inspections in an effort to better identify or confirm waters subject to our regulatory jurisdiction.

Response:

The NPS appreciates the comments from the USACE and will ensure as this project moves forward that coordination occurs and the necessary permits are obtained.

APPENDIX 1. CORRESPONDENCE INDEX

Correspondence ID	Author	Organization	Form Letter
1	Bryant, Beckman	Unaffiliated Individual	No
2	Edwards, Michael	Unaffiliated Individual	No
3	Kept Private	Unaffiliated Individual	No
4	Kept Private	Unaffiliated Individual	No
5	Nicely, Gerald F	State Government	No
6	Flemming, Ed	Recreational Groups	No
7	Jennings, Mary	Federal Government	No

APPENDIX 2. INDEX BY ORGANIZATION TYPE

Index by Organization Type (05/05/2010)

Federal Government

US Fish and Wildlife Service - 7; CC1000 - Consultation and Coordination: General Comments.

Recreational Groups

Smoky Mountains Hiking Club - 6; AL6010 - Alternatives: Support Rehabilitate Newfound Gap Road (Alternative B).

State Government

State of Tennessee Department of Transportation - 5; CC1000 - Consultation and Coordination: General Comments.

Unaffiliated Individual

Knoxville Chamber of Commerce - 2; AL6010 - Alternatives: Support Rehabilitate Newfound Gap Road (Alternative B).

N/A - 1; AL4000 - Alternatives: New Alternatives Or Elements. 3; AL4000 - Alternatives: New Alternatives Or Elements. 4;

AL4000 - Alternatives: New Alternatives Or Elements.

AL6010 - Alternatives: Support Rehabilitate Newfound Gap Road (Alternative B).

APPENDIX 3. INDEX BY CODE

Index By Code (05/03/2010)

The below details what codes were assigned to each comment. The numbers below the code indicate what correspondence number contained a comment with the stated code.

AL4000 - Alternatives: New Alternatives Or Elements

N/A - 1 , 3 , 4

AL6010 - Alternatives: Support Rehabilitate Newfound Gap Road (Alternative B)

Knoxville Chamber of Commerce - 2

Smoky Mountains Hiking Club - 6

N/A - 4

CC1000 - Consultation and Coordination: General Comments

State of Tennessee Department of Transportation - 5

US Fish and Wildlife Service - 7

APPENDIX 4. NON-SUBSTANTIVE COMMENT REPORT

(05/03/2010)

AL6010 Alternatives: Support Rehabilitate Newfound Gap Road (Alternative B) (Non-Substantive)

Correspondence Id: 2 **Comment Id:** 130790 **Coder's Initials:** LORI_GUTMAN

Comment Text: One of the premier federal government agencies for design and construction has historically and remains the National Park Service. For years NPS has had to maintain stewardship of their parks with diminishing resources. And they have done so while maintaining high standards and values. I commend the NPS for seeking public input. I also whole heartily support whatever final decision they make. The quality of life in East Tennessee and the nation has been immeasurably attributed to The Great Smoky Mountain National Park and the Knoxville Chamber supports their every effort to continue their mission.

Organization: Knoxville Chamber of Commerce

Commenter: michael edwards **Page:** **Paragraph:**

Kept Private: No

Correspondence Id: 4 **Comment Id:** 130787 **Coder's Initials:** LORI_GUTMAN

Comment Text: We strongly support the rehabilitation of the Tennessee side of the Newfound Gap Road and hope that the ambiance of the area with the stone retaining walls will be maintained. This has been a favorite drive of our family since the 1970's (when we lived in Ohio) and now have our grandchildren loving this area's beauty!

Organization:

Commenter: Kept Private **Page:** **Paragraph:**

Kept Private: Yes

Correspondence Id: 6 **Comment Id:** 130785 **Coder's Initials:** LORI_GUTMAN

Comment Text: Many of us are well aware of the need to rehabilitate Newfound Gap Road and reconstruct the broken or otherwise damaged stone guardwalls since we frequently use this road for access to trailheads for our hiking program and AT work trips. For this reason and for the benefit the thousands of visitors that come to the Smokies and use this road, we support the NPS preferred alternative.

Organization: Smoky Mountains Hiking Club

Commenter: Ed Flemming **Page:** **Paragraph:**

Kept Private: No

Attachment 3:

Errata Sheets

GREAT SMOKY MOUNTIANS NATIONAL PARK
REHABILITATE NEWFOUND GAP ROAD AND RECONSTRUCT STONE
MASONRY GUARDWALLS MILEPOST 0.0 TO MILEPOST 14.5
ENVIRONMENTAL ASSESSMENT

ERRATA

The following changes have been made to the Environmental Assessment titled *Rehabilitate Newfound Gap Road and Reconstruct Stone Masonry Guardwalls Milepost 0.0 to Milepost 14.5* for Great Smoky Mountains National Park (the Park) (March 2010) to correct minor statements of fact and update information. Additions to the text are identified by underlines and deletions are marked by ~~strikeout~~ unless otherwise noted.

ALTERNATIVES

1. MITIGATION MEASURES OF THE ACTION ALTERNATIVE, PAGES 25 AND 26

Mitigation measures were clarified and the following change was made:

Vegetation Management and Exotic and Invasive Species Control

- Wash all construction equipment to be used at the site before entering the Park.
- Use the Park's standard seed mix for revegetation activities such as roadside stabilization.
- Ensure that all fill material brought into the Park is from a Park-approved source. This mitigation measure would help prevent the introduction of exotic and invasive species.
- ~~Do not use straw for erosion control measures. Use artificial, biodegradable materials for erosion control measures (no plastic).~~
- Straw or hay will not be permitted for use of any kind. Only certified weed-free biodegradable materials for erosion control measures (no plastic) will be used instead.
- Ensure that all quarry material is from a Park-approved source to prevent the introduction of exotic and invasive species.
- Protective measures, such as barrier fence, will be used to minimize damage to existing trees. The road rehabilitation. Additionally, the contract will restore any trees damaged by heavy equipment require restitution for any trees that might be damaged through the construction activities.
- Establish a designated construction staging area to prevent impacts to vegetated areas. Staging would only be permitted in currently disturbed areas, such as paved or gravel parking areas.

Rare, Threatened, or Endangered Species

Early consultation has occurred with the USFWS regarding the proposed action (see Appendix A). This EA will be a part of the continuation of this informal consultation with the USFWS regarding rare, threatened,

and endangered species. In addition to this consultation, the following mitigation measures would occur related to the proposed action:

- The proposed action would occur in known habitat for northern flying squirrel. Although potential habitat exists, the proposed action would not remove trees above the 4,500-foot elevation line, which is where the known habitat occurs. The northern flying squirrel requires sizable trees for habitat; flying squirrels find habitat in large trees with hollow crevices, and bats live beneath peeling bark on trees. Although no impacts to this species are expected, to ensure that these habitats are not disturbed, no large trees (greater than six inches in diameter) would be removed.
- Trees will only be permitted to be removed outside of the Indiana bat roosting period, from August 16 through May 14.
- The rock gnome lichen (*Gymnoderma lineare*) is known to exist in the two areas adjacent to, but outside, the project location (Walker Camp Prong area). Although no work is scheduled to occur which would directly affect the rock gnome lichen, appropriate best management practices would be employed to ensure minimal, if any, effect on the rock gnome lichen. Silt fencing and other appropriate methods of erosion control would be employed to mitigate any potential effect construction may have.

ENVIRONMENTAL CONSEQUENCES

2. NATURAL RESOURCES – IMPACTS OF ALTERNATIVE B: REHABILITATION OF NEWFOUND GAP ROAD, PAGE 64:

The following changes were made to clarify the consultation that occurred with the U.S. Fish and Wildlife Service (USFWS). The USFWS was provided with a copy of the EA for review and concurrence under Section 7 of the Endangered Species Act. Based on their determination of concurrence (see Attachment 1) a finding of “not likely to adversely affect” is appropriate and further consultation is not required:

~~Prior to road rehabilitation construction, the Park would re-initiate consultation with the USFWS and re-survey the project area to ensure no federally listed species were present.~~ As a result of road rehabilitation/construction on Newfound Gap Road, short-term negligible adverse impacts would occur to threatened and endangered species within the project area since sensitive habitat would be avoided, and there would be no long-term adverse impacts to these species as no habitat would be lost.

The findings of the EA were provided to the USFWS for their concurrence under Section 7 of the Endangered Species Act. In a letter dated April 20, 2010, the USFWS stated that they concur with the NPS finding of “not likely to adversely affect” for the Carolina northern flying squirrel, spreading avens, and the spruce fir moss spider, based on the assurances in the biological assessment. The USFWS further stated that, at this time, the requirements of Section 7 of the Endangered Species Act of 1973, as amended, have been fulfilled. This correspondence is provided in Attachment 1 of the FONSI.