

***Paddock & Mastin
Attorneys at Law
360 Roberts Hollow Ln.
Cookeville, Tn. 38501
931-268-2938***

March 26, 2014
Electronically

Marianne Shuler
Tennessee Valley Authority
Cultural Compliance WT 11D
400 W. Summit Hill Drive
Knoxville, TN 37902

Charles P. Nicholson
Tennessee Valley Authority
400 W. Summit Hill Dr., WT 11B
Knoxville, TN 37902

Re Sierra Club comments for both the NEPA and Section 106 Process, TDOT Highway 28, US Hwy 127S from Saw Mill Road to Cleveland Street, road widening project through Cumberland Homesteads National Historic District

Dear Ms. Shuler and Mr. Nicholson,

Attached please find the most recent traffic counts for the above road project according to TDOT. These are from May 2013. This is the traffic data I referred to in my February 28, 2014 letter as being from December 2013. (I apparently misread a map notation as having updated traffic counts as of December 2013).

In any case this data clearly shows that, at three checking stations on State Routes 28 and 68 on all three sides of the Triangle, there has been less traffic in 2013 than there was ten years ago and that has been the trend.

Also attached are the cover sheet and page 15 from the 2003 UT Study referred to in my February letter, stating that the "project design is viewed as too large a road for the need". Tennessee Department of Transportation - 15 Case Study, Project Assessment Final Report U.S. 127 (State Route 28) South of Crossville August 2003 Report for the Commissioner by the Center for Transportation Research, University of Tennessee. I would hope that the entire study has been made a part of both the Section 106 and NEPA records. If it is not already in the record, please let me know and I will scan a copy and send it to you.

Please review the record and these documents and consider that this road widening project is not needed. TVA has the opportunity right now to stop this unnecessary and costly project. There

really is no need for this large a road under NEPA's "Purpose and Need", nor are there "circumstances justify[ing] granting such assistance" under the NPHA §110k anticipatory demolition claim.

Putting more time and effort into mitigating impacts from this road project and attempting to have all parties agree to Memorandum of Agreement when it can be so clearly established this road project is not needed seems contrary to the intent of all the laws involved and a waste of taxpayer money.

Thank you for your consideration of these comments.

Sincerely,

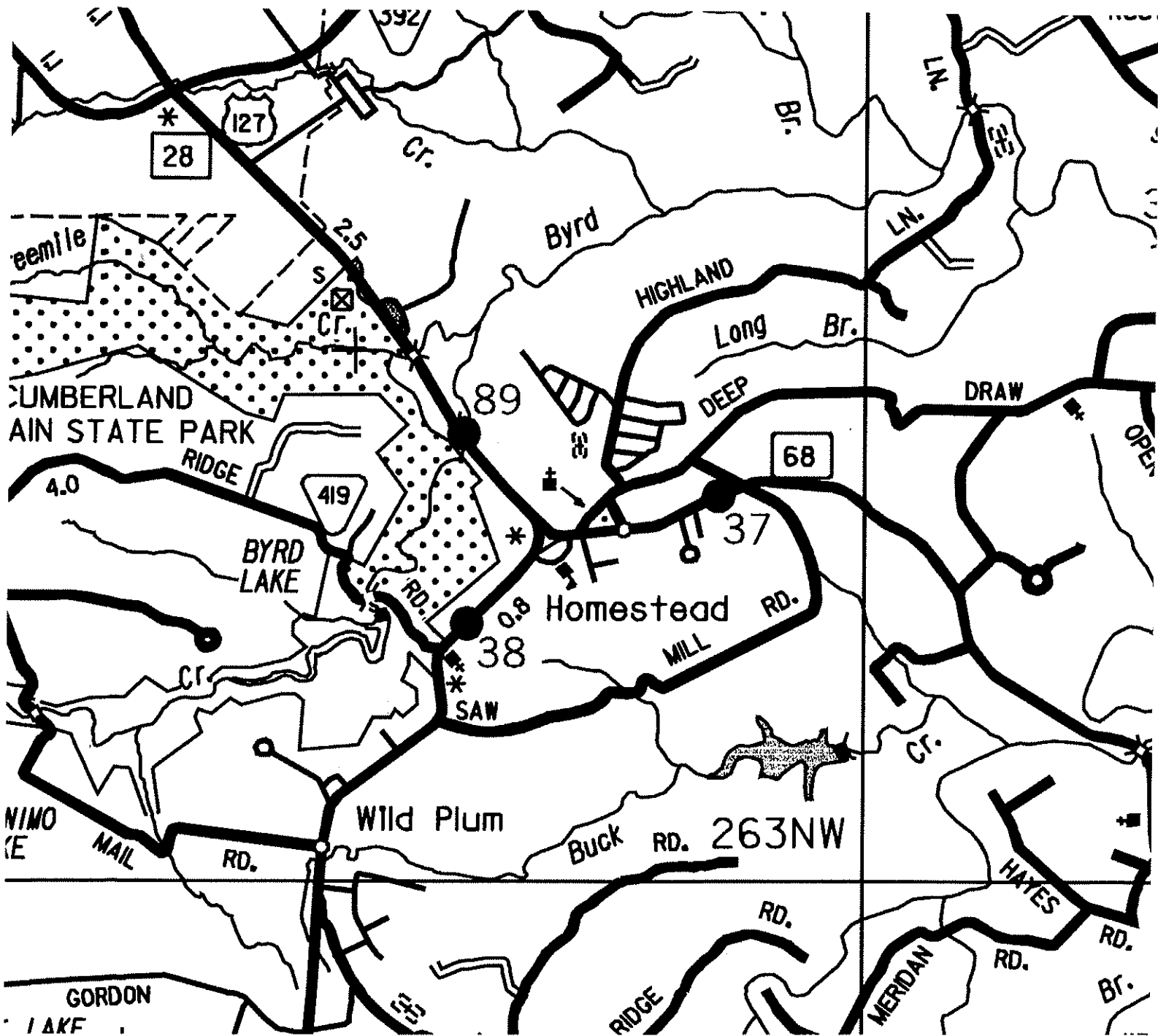
Mary M. Mastin
Attorney at Law

cc:

Khurshid K. Mehta
Senior Attorney, Tennessee Valley Authority

John Schroer, Commissioner
Tennessee Department of Transportation

Lt. Col. John L. Hudson
Nashville District Commander and District Engineer



County: Cumberland

Station Number: 000037

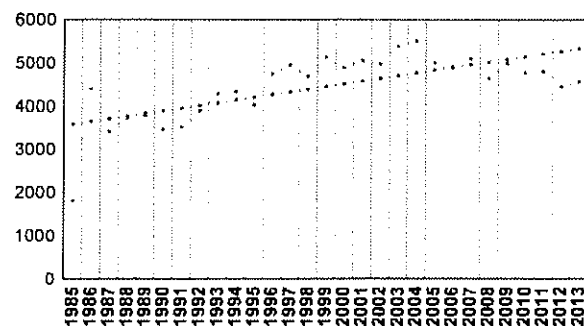
Route: SR068

Station Type: Other Rural

Station Out: NO

Location: NEAR HOMESTEAD

Month	Year	Average Weekday Traffic	Average Daily Traffic	Annual Average Daily	Axle Adjustment Factor	Remarks
07	1985	1,934	1,876	1,801	0.96	
07	1986	4,632	4,586	4,403	0.96	
06	1987	3,543		3,401	0.96	
05	1988	3,876		3,721	0.96	
06	1989	3,939		3,781	0.96	
10	1990	3,608		3,464	0.96	
09	1991	3,698	3,661	3,515	0.96	
02	1992	3,892	4,048	3,886	0.96	
01	1993	3,635	4,471	4,292	0.96	
11	1994	4,520	4,520	4,339	0.96	
11	1995	4,197	4,197	4,029	0.96	
10	1996	5,093	4,940	4,743	0.96	
06	1997	5,427	5,156	4,949	0.96	
07	1998	4,987	4,887	4,692	0.96	
08	1999	5,570	5,347	5,133	0.96	
08	2000	5,297	5,085	4,882	0.96	
07	2001	5,489	5,269	5,058	0.96	
06	2002	5,342	5,182	4,975	0.96	
12	2003	0	0	5,384	0.96	EST
06	2004	0	0	5,512	0.96	EST
10	2005	5,665	5,212	5,003	0.96	
10	2006	5,391	5,121	4,917	0.96	
09	2007	5,369	5,315	5,103	0.96	
09	2008	4,993	4,843	4,649	0.96	
08	2009	5,351	5,190	4,983	0.96	
05	2010	5,072	4,971	4,772	0.96	
07	2011	5,056	5,005	4,805	0.91	
05	2012	4,946	4,897	4,456	0.91	
05	2013	0	0	4,570	0.91	USED CLASS COUNT



County: Cumberland

Station Number: 000038

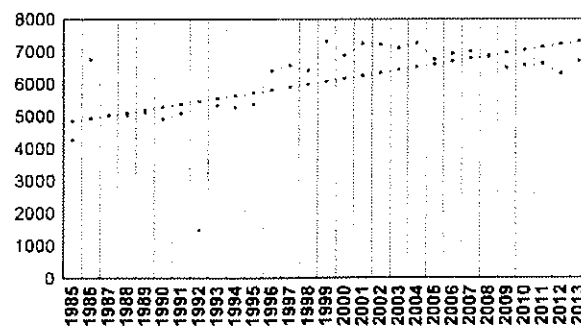
Route: SR028

Station Type: Other Rural

Station Out: NO

Location: HOMESTEAD

Month	Year	Average Weekday Traffic	Average Daily Traffic	Annual Average Daily	Axle Adjustment Factor	Remarks
07	1985	4,574	4,437	4,259	0.96	
07	1986	7,117	7,045	6,763	0.96	LOOKS HIGH
06	1987	5,249		5,039	0.96	
05	1988	5,116		5,014	0.96	
06	1989	5,324		5,111	0.96	
10	1990	5,112		4,907	0.96	
09	1991	5,349	5,296	5,084	0.96	
02	1992	1,386	1,525	1,464	0.96	
01	1993	4,524	5,565	5,342	0.96	
11	1994	5,489	5,489	5,269	0.96	
11	1995	5,596	5,596	5,372	0.96	
10	1996	6,881	6,675	6,408	0.96	
06	1997	7,208	6,848	6,574	0.96	
07	1998	6,816	6,680	6,413	0.96	
08	1999	7,933	7,616	7,311	0.96	
08	2000	7,957	7,161	6,875	0.96	
07	2001	7,869	7,554	7,252	0.96	
07	2002	7,752	7,519	7,218	0.96	
12	2003	0	0	7,104	0.96	EST
06	2004	0	0	7,257	0.96	EST
10	2005	7,481	7,032	6,751	0.96	
10	2006	7,602	7,222	6,933	0.96	
09	2007	7,367	7,293	7,002	0.96	
08	2008	5,939	5,761	6,835	0.96	ACTUAL= 5530
08	2009	7,125	6,769	6,498	0.96	LAST 2 YEARS LOW
05	2010	6,988	6,848	6,574	0.96	
07	2011	6,969	6,899	6,623	0.93	
05	2012	6,863	6,794	6,319	0.93	
05	2013	7,433	7,210	6,705	0.93	



County: Cumberland

Station Number: 000089

Route: SR028

Station Type: Other Rural

Station Out: NO

Location: S.E. OF CROSSVILLE

Month	Year	Average Weekday Traffic	Average Daily Traffic	Annual Average Daily	Axle Adjustment Factor	Remarks
07	1985	8,021	7,780	7,469	0.96	
06	1986	10,757	10,649	10,223	0.96	LOOKS HIGH
06	1987	7,676		7,369	0.96	
05	1988	8,989		8,975	0.96	
06	1989	9,643		9,257	0.96	
10	1990	9,650		9,264	0.96	
09	1991	9,126	9,035	8,673	0.96	
02	1992	9,650	10,036	9,635	0.96	
01	1993	9,244	11,370	10,915	0.96	
11	1994	10,846	10,738	10,308	0.96	
11	1995	11,079	11,079	10,636	0.96	
10	1996	12,369	11,998	11,518	0.96	
06	1997	12,528	11,902	11,426	0.96	
07	1998	11,856	11,619	11,154	0.96	
08	1999	13,087	12,564	12,061	0.96	
08	2000	13,170	11,853	11,379	0.96	
07	2001	12,759	12,249	11,759	0.96	
06	2002	12,630	12,251	11,761	0.96	
12	2003	0	0	12,474	0.96	EST
06	2004	0	0	12,712	0.96	EST
10	2005	12,854	11,826	11,353	0.96	
10	2006	12,319	11,949	11,471	0.96	
09	2007	12,329	12,206	11,717	0.96	
08	2008	10,040	9,739	11,631	0.96	ACTUAL= 9349
08	2009	12,046	11,680	11,680	0.96	USED CLASS COUNT
05	2010	12,212	11,968	11,489	0.96	
07	2011	11,457	11,342	10,889	0.96	
05	2012	0	0	10,880	0.96	USED CLASS COUNT
05	2013	12,509	12,134	11,648	0.96	

Tennessee Department of Transportation 15 Project Case Study

Project Assessment Final Report U.S. 127 (State Route 28) South of Crossville

Prepared for the Commissioner
Tennessee Department of Transportation

by

Center for Transportation Research
University of Tennessee
Knoxville, Tennessee

Dr. Stephen Richards, Team Leader
Dr. David Middendorf
Dr. Fred Wegmann
Dr. Gregory Reed
Dr. Tom Urbanik
Dr. Mary English
Dr. Arun Chatterjee
Dr. John Tidwell

August 2003

Table 1. Summary of Project Assessment Results

Issue Area	Assessment	Comments
Project need adequately established?	S	This 4.7 miles long project received the approval of Crossville Regional Planning Commission. Section II (3.1 miles) of the project was included in the 1986 Better Roads Program passed by Tennessee General Assembly. The need to improve this segment of road has been established but the appropriateness of the design is in question.
Planning process appropriate for need?	S	The planning process has addressed the perceived project needs, and is given a satisfactory assessment; however, the resulting plan has raised issues that are addressed in the appropriate issue areas of this table.
Alternatives appropriate?	U	The project design is viewed as too large a road for the need. Alternatives that are more sensitive to the historic district environment are needed.
Design process appropriate for need?	U	A design public meeting was held in October 1999. However, the active participation of citizens in the design process was not effectively utilized, despite the presence of sensitive areas of importance.
Local planning involvement?	S	Crossville Regional Planning Commission was involved in the local transportation planning process for this project. This is an entirely state funded project, and therefore no federal requirements are applicable. (TDOT organized a public meeting on the design of the improvements that are proposed.)
Public involvement appropriate for decision making?	U	A public meeting on the proposed design was held, but it appears that public concerns were not taken into account adequately.
Adequate environmental, economic, and social assessment?	U	The unsatisfactory assessment is a by-product of the failure of the proposed project design and planning process to adequately accommodate the historical district environment



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902

March 21, 2014

Mary M. Mastin, Esq.
Paddock & Mastin
360 Roberts Hollow Lane
Cookeville, Tennessee 38501

Re: Environmental Reviews for State Route 28 Project

Dear Ms. Mastin:

This responds to your letter to TVA's Chief Executive Officer, William Johnson, concerning the environmental reviews that TVA is conducting in response to a request from the Tennessee Department of Transportation for a permit under Section 26a of the TVA Act for stream crossings associated with the proposed State Route 28 (SR-28) project.

TVA is preparing an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) for its proposed action to issue a Section 26a permit for the stream crossings associated with the SR-28 project. We understand that these crossings would also require a permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. TVA is the lead federal agency for this NEPA review. TVA is also undertaking a review under Section 106 of the National Historic Preservation Act (NHPA) to assess the impact on historic properties from its proposed action to issue a Section 26a permit. For this Section 106 review, TVA intends to prepare a Memorandum of Agreement (MOA) under the regulations of the Advisory Council on Historic Preservation (ACHP) to address the impacts of TVA's proposed action on historic properties.

I understand that you have been providing comments on the potential impacts of the SR-28 project to Mr. Charles Nicholson and Ms. Marianne Shuler, who are TVA's project coordinators for the NEPA review and the Section 106 review, respectively. We wish to apprise you of a couple of other opportunities you will have in the near future to provide comments on the impacts of the SR-28 project. First, TVA will hold a Section 106 consultation meeting to obtain comments on the impacts of its proposed action on historic properties. TVA will, in advance of this consultation meeting, provide the consulting parties a copy of the Draft MOA to facilitate a discussion on seeking ways to avoid, minimize or mitigate impacts to historic properties. You, on behalf of the Tennessee Chapter of the Sierra Club, will be invited as a consulting party to this

Mary M. Mastin, Esq.

Page 2

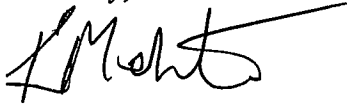
March 21, 2014

meeting. Representatives from the Tennessee State Historic Preservation Office and the Federal Advisory Council on Historic Preservation will also be invited to participate in this consultation meeting. Second, TVA will make the Draft EA, which assesses the impacts of TVA's proposed action on environmental resources, available for public review. The Draft EA will consider the comments in your February 28, 2014 letters to Mr. Johnson, and to Ms. Shuler and Mr. Nicholson.


In your February 28, 2014 letter, you also raise a claim of "anticipatory demolition" under Section 110(k) of the NHPA. TVA is reviewing this claim and will provide the results of its investigation in the Section 106 consultation meeting to be scheduled in future.

Thanks for providing comments on TVA's environmental reviews for the SR-28 project.

Sincerely,



Khurshid K. Mehta
Senior Attorney

 bc: Brenda E. Brickhouse, BR 4A-C
Gloria D. Bright, WT 7C-K
B. J. Hughes, WT 7C-K
Ralph E. Rodgers, WT 6A-K
Wilson Taylor, III, WT 7D-K
T. J. Thompson, WT 7A-K

RECEIVED
5/28/14

**Paddock & Mastin
Attorneys at Law
360 Roberts Hollow Ln.
Cookeville, Tn. 38501
931-268-2938**

February 28, 2014

CEO Bill Johnson
Tennessee Valley Authority
400 West Summit Hill Dr.
Knoxville, TN. 37902

REFERRAL ACTIN ITEM
3/12/14 - TJT

cc: Brenda Brickhouse
Justin Maierhofer
Chip Pardee

Ralph Rodgers - Please handle. E-mail file copy of response to Taquiya Thompson.
Due date: 3/15/14.

Lt. Col. John L. Hudson
Nashville District Commander and District Engineer
U.S. Army Corps of Engineers
Estes Kefauver Federal Building & Courthouse Annex
801 Broadway
Nashville, TN 37203

Wilson Taylor

John Schroer, Commissioner
Tennessee Department of Transportation
James K. Polk Building, Suite 700
505 Deaderick Street
Nashville, TN. 37243-0349

Re: TDOT Highway 28, US Hwy 127S project through Cumberland Homesteads National
Historic District, Cumberland County

Dear Sirs:

I am writing on behalf of the Tennessee Chapter of the Sierra Club to call to your attention that your agency is involved in a consultation process under Section 106 of the National Historic Preservation Act and may be subject to a lawsuit in connection with the above Tennessee Department of Transportation (TDOT) road widening project.

The project requires federal water permits by both TVA and the Army Corps. TVA is the lead federal agency and is conducting both the Section 106 process and the review under the National Environmental Policy Act (NEPA). State water permits under Tennessee Department of Environment and Conservation (TDEC) are also required.

There is also a claim of "anticipatory demolition" under the National Historic Preservation Act (NHPA) Section 110(k):

"...Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee,

permit, license or other assistance to an applicant who, with intent to avoid the requirements of section 106 of this Act, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the [Advisory] Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant."

16 U.S.C. § 470h-2(k)

All agencies involved have determined that there will be an adverse effect under the NHPA on the Cumberland Homesteads National Historic District from the project.

There is a common determination needed under all the laws involved and that is whether there is a need for the project. ("Purpose and Need" under NEPA, "circumstances justify[ing] granting such assistance" under the NHPA §110k, "Economic and social necessity" to degrade an Exceptional Tennessee Water under TDEC's Antidegradation law).

A University of Tennessee study in 2003 found that the "project design is too large a road for the need." Tennessee Department of Transportation - 15 Case Study, Project Assessment Final Report U.S. 127 (State Route 28) South of Crossville August 2003 Report for the Commissioner by the Center for Transportation Research, University of Tennessee, p. 15.

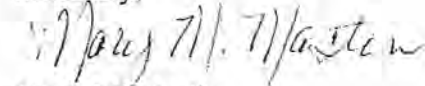
Please be advised that traffic counts conducted in December of 2013 reveal that the traffic on the three segments of this highway involved in the referenced project has actually decreased in the last ten years. TDOT's 2004 projections of traffic growth on these segments are grossly off base.

As a Tennessee citizen opposed to this project on both historic preservation and environmental protection grounds, I was dismayed as I was going through a public records request recently at TDOT to see how much effort and taxpayer money has been spent on a road project for which there is NO need.

Please take what action you can to see that further money is not wasted on this project. (For further recent information on our legal claims, see the attached letter to TVA cultural resources and environmental review staff).

Thank you for your consideration of these comments.

Sincerely,



Mary M. Mastin
Attorney at Law

cc: Robin Hill

***Paddock & Mastin
Attorneys at Law
360 Roberts Hollow Ln.
Cookeville, Tn. 38501
931-268-2938***

February 28, 2014
Electronically - Hard Copy to Follow

Marianne Shuler
Tennessee Valley Authority
Cultural Compliance WT 11D
400 W. Summit Hill Drive
Knoxville, TN 37902

Charles P. Nicholson
Tennessee Valley Authority
400 W. Summit Hill Dr., WT 11B
Knoxville, TN 37902

Re Sierra Club comments for both the NEPA and Section 106 Process, TDOT Highway 28, US Hwy 127S from Saw Mill Road to Cleveland Street, road widening project through Cumberland Homesteads National Historic District

Dear Ms. Shuler and Mr. Nicholson,

I am writing to provide supplemental information on our claim of anticipatory demolition and the Section 106 consulting process, as well as to supplement the record for the NEPA review on the project, which we urge requires a full Environmental Impact Statement as having significant impacts on the human environment. (Are we correct in assuming that the TVA NEPA review will include all the information submitted as part of the Section 106 review?)

As you may be aware, in addition to the FOIA to TVA and appeal of that FOIA, I have recently undertaken a public records review of files at TDOT and the Tennessee Historical Commission (THC) on this project.

It is clear that TDOT not only segmented this road project but also both purchased rights of way, had property condemned and allowed the destruction of the Eldridge House and delayed submitting its federal water permits in an effort to avoid Section 106 and federal NEPA review.

TDOT has claimed that this road project is state funded. However, in the past, but concurrently with this project, federal funds were used for road improvement projects for segments of this same highway to the south and to the north. There is currently a proposal for a federally funded road improvement project of this same highway through the city immediately north of the referenced segment. See Attached #A.

Segmentation of the road project may mean that section 4f of the Transportation Act of 1966 (23 U.S.C. 138 and 49 U.S.C. 303) may be applicable, which has not been thoroughly analyzed and determined, as pointed out previously by us and by attorney Trip Pollard in his 2006 comments on Section 106 for the Southern Environmental Law Center.

Segmentation of this project in order to avoid Section 106 review is an important determinative factor in our anticipatory demolition claim following the attached precedent a few year ago finding a violation of Section 110 k, 16 U.S.C. § 470h-2(k) based on segmentation of the project in order to avoid Section 106 review. See attached letters from the Army Corps and the Advisory Council on Historic Preservation. Att.#'s B and C.

Regarding the timing of submitting applications for water permits, neither the TVA nor Army Corps permits were applied for until after the rights of way purchases in 2005. It appears that the permit applications to the Army Corps and the state Aquatic Resource Alteration (ARAP) permits to the Tennessee Department of Environment and Conservation (TDEC), have been periodically withdrawn and resubmitted. In 2006, the Army Corps wrote TDOT and suggested that they immediately withdraw their current permit application in order to avoid having to do the Section 106 public hearing. Subsequently, the Army Corps wrongfully issued a Nationwide 404 permit before completion of this Section 106 process in and then, in February of 2011, in response to opposition by us, had to withdraw the illegally issued permit.

Federal regulations require compliance with Section 106 “early in the planning stages of the undertaking, when the widest range of alternatives is open for consideration”, 36 C.F.R. §180.3(c) (1995). TDOT’s delay in applying for the required water permits may mean that the “widest range of alternatives” are not available for consideration for this project., with implications not just for the Section 106 review, but also for the NEPA review.

There is no need for this project. Recent TDOT traffic counts (December 2013) show that there is less traffic on the road than there was 10 years ago and that that decrease has been ongoing for several years now. (I will submit further information on this).

You will recall that a University of Tennessee study in 2003 found that the “project design is too large a road for the need.”. Tennessee Department of Transportation - 15 Case Study, Project Assessment Final Report U.S. 127 (State Route 28) South of Crossville August 2003 Report for the Commissioner by the Center for Transportation Research, University of Tennessee, p. 15.

TDOT’s 2004 projections of traffic growth on these segments - between 2 and 4% growth out to 2025 - are wildly exaggerated and grossly off base.

In 2012, Three Mile Creek was determined to be an “Exceptional Tennessee Water”. The TDOT ecologist wrote to TDOT engineers that this will require “bridging and may mean “a substantial delay in the project”. Under TDEC’s Antidegradation Policy, degradation of an Exceptional Tennessee Water requires a showing of “social and economic necessity”, which we believe cannot be done, particularly in light of these most recent traffic counts.

It also appears that new wetlands have been discovered in the past few years, mandating further updated environmental scrutiny. I have not been able to determine if new applications for water permits have been made yet, but would hope that the NEPA review will address all of these environmental issues in their current, updated status.

Finally I wish for the record to be supplemented to include information recently discovered on the age of the oak trees in the Triangle. A team with students from Dr. Henri D. Grissino-Mayer's Laboratory of Tree-Ring Science in the Department of Geography at UT came out to the Homesteads and examined the oaks in the triangle using core samples and tree ring dendochronolgy. They discovered that the germination dates for the trees are as old as 1827, 1863, and 1887 (See Att. D), making them all old mature trees at the time that the Cumberland Homesteads were functioning as a Depression Era federally supported subsistence community - and that one of the trees was already over 100 years old at the time.

Thank you for your consideration of these comments.

Sincerely,

Mary M. Mastin

Mary M. Mastin
Attorney at Law

cc: Robin Hill



**Tennessee Department of Transportation
Communications Office**

Julie Oaks

**615.741.2331 (office)
615.533.7105 (cell)
615.741.9093 (fax)**

August 25, 2010

Governor Bredesen Announces Enhancement Grant for City of Crossville
Grant to Fund Improvements to Main Street Corridor in Downtown Area

NASHVILLE - Governor Phil Bredesen joined TDOT Commissioner Gerald Nicely and state and local leaders today to announce the award of a \$1,067,974 transportation enhancement grant to the city of Crossville for the Crossville Downtown Enhancement Project.

The Crossville Downtown Enhancement Project provides for both pedestrian facilities and for landscaping and scenic beautification. The overall purpose of the project is to create a user-friendly, pedestrian-safe, welcoming, and attractive Main Street corridor. The improvements include installation of more than 2,000 linear feet of new pedestrian walkway on Main Street (U.S. 127, SR-28) from East Adams Street to Neecham Street. The walkway will increase connectivity with retail shops, restaurants, offices, historic buildings and sites, and cultural facilities in the downtown district.

"This project brings a new look to Main Street in Crossville," said Bredesen. "When complete, the project will provide safer transportation alternatives that will increase the sense of community and draw new visitors to the area each year. I am pleased the state is helping with these important improvements."

Senator Charlotte Burks added, "The improved Main Street corridor will add to the quality of life of those who live and work in Crossville, and I am looking forward to seeing it grow as a distinctive destination for retail and restaurants."

The grant is made possible through a federally funded program administered by the Tennessee Department of Transportation.

"Through Transportation Enhancement grants, TDOT has funded approximately \$223 million in non-traditional transportation projects," said Nicely. "Established by Congress in the early 1990's, the program supports activities designed to strengthen the cultural, aesthetic and environmental aspects of the nation's transportation system."

A variety of activities such as the restoration of historic facilities, bike and pedestrian trails, landscaping and other non-traditional transportation projects are eligible for grant funds under the federal program.

###



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

June 8, 2007

Regulatory Branch

SUBJECT: Intentional Adverse Effects Determination pursuant to 36 CFR 800.9(c), Application No. 1999-01471(4)

Mr. John Eddins
Advisory Council on Historic Preservation
1100 Pennsylvania Ave. NW, Suite 809
Washington, D.C. 20004

Dear Mr. Eddins:

This is in reference to Cleveland-Cuyahoga County Port Authority's application to perform maintenance dredging in Cleveland Harbor, Lake Erie, adjacent to the Cleveland Bulk Terminal dock face. The project in question is located at 5400 Whiskey Island, in the City of Cleveland, Cuyahoga County, Ohio. The proposed dredging is considered to be part of the expansion plan for the Cleveland Bulk Terminal (CBT), a property listed in the National Register of Historic Places (NRHP) as the Pennsylvania Railway Ore Dock.

The Corps of Engineers issued a permit to the Cleveland-Cuyahoga County Port Authority to conduct maintenance dredging in a 600' x 25' area along the CBT dock face on May 14, 1999 (Department of the Army Authorization No. 1999-01471(0)). The Corps was later required to revoke the permit as a result of a 2001 U.S. District Court ruling (Committee to Save Cleveland's Huletts v. U.S. Army Corps of Engineers, 163 F. Supp. 2d 776 (N.D. Ohio 2001)). The ruling also required the Corps to consider whether the scope of any new permit sought by the Port Authority implicates Section 110(k) of the National Historic Preservation Act (NHPA).

Section 110(k) of the NHPA prohibits a Federal agency from granting a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid Section 106 of the NHPA, has intentionally significantly adversely affected an historic property to which the grant would relate, or having legal power to prevent it, has allowed such significant adverse effect to occur. Further, when an agency official determines, based on the actions of the applicant, that 110(k) is applicable, circumstances may still justify granting the assistance.

Regulatory Branch

SUBJECT: Intentional Adverse Effects Determination pursuant to 36 CFR 800.9(c), Application No. 1999-01471(4)

Background of the permit application: The original proposal submitted by the Port Authority in 1999, requested authorization to dredge along 2000' of CBT dock face. In a telephone conversation on 6 May 1999 (conversation record attached), the Corps informed the Port Authority that the requested 2000' dredge area extended beyond the previously authorized dredge area, and this new dredging proposal would not be considered maintenance. Further, if the Port Authority wanted to dredge the entire 2000' area, the Corps would consider it part of the CBT expansion, and the proposal would be subject to a NHPA review. In this conversation, the Port Authority responded that they did not need to dredge the entire area, and would be reducing their proposal. The Port Authority subsequently reduced the proposed to a 600' x 25' dredge area in a letter dated 13 May 1999 (attached). At that time, the Corps was satisfied that the reduced project consisted of only maintenance dredging, was not part of the CBT expansion plan, and, therefore, did not consider upland portions of the CBT part of the project area.

The Corps officially stated its position regarding the applicability of the NHPA review for the reduced 600' dredging proposal, and any subsequent dredging actions in a letter to the Port Authority dated 13 May 1999 (attached). This letter stated "...the CBT expansion may be within the permit area for dredging or bulkheading work which is required to expand existing dock access. If the existing, previously authorized dredge area is insufficient to accommodate dockage requirements for the proposed expansion and the removal of the Hulett's or other proposed changes to the site would not occur but for the authorization of the expanded dredging...the upland portion of the CBT would be within the permit area as defined in Appendix C. If the CBT is determined to be within the permit area, any proposed work which would have an effect on the property's status or eligibility for listing on the National Register of Historic Places would require full Section 106 review." Further, the letter stated "However, I have determined that the CBT is not part of the permit area for the maintenance dredging proposal..." The Port Authority acknowledged receipt of this letter and its findings in a letter dated 20 May 1999 (attached).

It is clear that, in 1999, when informed that dredging along the entire 2000' CBT dock face would necessitate a Section 106 NHPA review, the Port Authority elected to modify their proposal to one of 600' maintenance dredging in order to avoid the necessity of this review. After securing authorization to dredge this reduced area, the Port Authority removed the historic structures despite being informed of the circumstances under which future dredging permit applications would require a Section 106 NHPA review. Then, in 2005, the Port Authority submitted an application to dredge along the entire 2000' CBT dock face. Included in this application was a report, referenced above, in which the Port Authority's consultant determined that the currently proposed dredging would have no effect on historic properties partially because the historically significant resources have been removed or destroyed.

Regulatory Branch

SUBJECT: Intentional Adverse Effects Determination pursuant to 36 CFR 800.9(c), Application No. 1999-01471(4)

Applicability of Section 110(k) of the NHPA: In consideration of the information presented within this letter, the Corps has determined that the Port Authority segmented its application to conduct dredging at the CBT with the intent to avoid Section 106 of the NHPA; therefore Section 110(k) of the NHPA is applicable.

Specific events under which the adverse effects occurred: The sequence of events regarding the demolition of the historically contributing resources of the NRHP listed property were outlined in the report titled Cleveland Bulk Terminal, Section 106 Review, dated 12 September 2005 (available at <http://www.lrb.usace.army.mil/regulatory/update.htm>). This report was submitted to the Corps on 21 October 2005 as part of the Port Authority's current application to dredge along 2,000 linear feet of CBT dock face. This report stated that since the CBT was designated by the City of Cleveland as a Cleveland Landmark, the Port Authority applied to the Cleveland Landmarks Commission (CLC) for a certificate of appropriateness to demolish the historic structures and Hulett Ore Unloaders on 10 November 1998.

On December 10, 1998, following public testimony, the CLC disapproved the application for the Certificate of Appropriateness and imposed a six-month waiting period, during which time it worked with the applicant and interested parties to find a means to preserve the property. A subcommittee of the Commission met monthly during the waiting period to take public testimony, review reports, and conduct investigations on the suitability of alternative sites on the lakefront and the river which had been identified from the hearings. The CLC received a mitigation plan from the Port Authority and a modified application.

The CLC approved a resolution on 8 July 1999, and the Port Authority followed with a complimentary resolution on 16 July 1999. These resolutions provided for the dismantling and storage of two Huletts for five years. As part of the mitigation approved by the CLC, Historic American Building Survey/Historic American Engineering Record (HABS/HAER) documentation of the site was completed.

Degree of damage to the integrity of the property: Subsequent to these resolutions, the Huletts and other historic structures were removed, dismantled, or demolished in 1999 and 2000. As part of the expansion plan, the applicant demolished two Hulett Ore Unloaders, dismantled and stored two Hulett Ore Unloaders on site, demolished two shunt engines, transferred two shunt engines to museums, and demolished the machine shop, storage shed, office, shower/lunchroom, and powerhouse. The applicant demolished or removed all historically contributing resources; therefore, the Corps of Engineers has determined that this project has had an adverse effect on the

Regulatory Branch

SUBJECT: Intentional Adverse Effects Determination pursuant to 36 CFR 800.9(c), Application No. 1999-01471(4)

Cleveland Bulk Terminal.

Other views to be considered:

Applicant: In their letter to the Corps dated 2 June 2006, the applicant indicates that the Port Authority did not act with intent to avoid the Section 106 process. They cite their mitigation in compliance with the requirements placed on them by the CLC as well as the fact that they have continued to store the two dismantled Hulett's beyond the five year period specified in the CLC resolution. In a letter dated 11 April 2007, the applicant objected to applicability of Section 110(k) for this undertaking. With this letter, the applicant also submitted a draft Memorandum of Agreement (MOA) to resolve adverse effects to the historic property. This draft MOA provides for the identification and relocation of the historically significant elements of the two remaining Hulett Ore Unloaders

Matthew Zone, City of Cleveland, Councilman, Ward 17: In a letter dated 12 April 2007, Mr. Zone suggested the development of a MOA that would allow the identification and preservation of the key elements of the Hulett Ore Unloaders. Mr. Zone also supports the issuance of a dredging permit to the applicant.

Oglebay Norton Company: In a letter dated 20 April 2007, the Oglebay Norton Company stated their disappointment in the Corps' Section 110(k) determination. However, Oglebay Norton supports the terms and conditions of the draft MOA submitted by the applicant.

The Corps' draft 110(k) determination was sent to all consulting parties for comment via U.S. Postal Service certified mail. Delivery confirmation notices were received by the Corps from all consulting parties; however, only the parties listed above submitted comments within the requested 15 day comment period.

Despite the applicability of Section 110(k), the Corps has determined that the following circumstances may justify granting the Port Authority a permit for this action:

- The Port Authority acted in accordance with the Cleveland Landmarks Commission resolution to inventory and document the historic property prior to and upon removal of the structures.
- The inventory and documentation measures, outlined in the report titled Cleveland Bulk Terminal, Section 106 Review, likely would have been required as part of any

Regulatory Branch

SUBJECT: Intentional Adverse Effects Determination pursuant to 36 CFR 800.9(c), Application No. 1999-01471(4)

Memorandum of Agreement developed by the Corps to resolve adverse effects to the historic property.

- The Port Authority has a significant economic impact on the greater Cleveland area. A study conducted by Cleveland State University (available at <http://www.lrb.usace.army.mil/regulatory/update.htm>; see summary of study attached) stated that Port Authority industry generated 4,768 jobs, \$427 million in spending in Northeast Ohio, \$151.1 million in personal income for Northeast Ohio, and \$63.8 million in local, state, and federal tax revenue.
- The Port Authority has already accomplished several steps in the resolution of adverse effects with documentation and inventory of the historic property.
- Denying the Port Authority a permit to dredge the CBT would create undue economic hardship on the Cleveland area.

Therefore, circumstances justify continuing the Section 106 consultation process and may justify granting a permit once adverse effects to historic properties are resolved and formalized in a Memorandum of Agreement.

In summary, the purpose of this letter is to notify the Council that the Corps finds that, based on the actions of the applicant, the Cleveland-Cuyahoga County Port Authority, Section 110(k) of the NHPA is applicable and that circumstances may justify granting the assistance requested. We request that you provide us with your opinion as to whether circumstances justify granting assistance to the applicant and any possible mitigation of the adverse effects to be included in a Memorandum of Agreement between the Corps, the Council, and the applicant.

Regulatory Branch

SUBJECT: Intentional Adverse Effects Determination pursuant to 36 CFR 800.9(c), Application No. 1999-01471(4)

Questions pertaining to this matter should be directed to Mark Scalabrino at (716) 879-4327, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: mark.w.scalabrino@usace.army.mil

Sincerely,

Thomas C. Switala
Chief, Regulatory Branch

Enclosures



Preserving America's Heritage

August 19, 2010

Ms. Diane Kozlowski
Chief, Regulatory Branch
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

REF: Draft Memorandum of Agreement, Proposed Expansion of the Cleveland Bulk Terminal
Permit Application No. 1999-01471(4)
Whiskey Island, City of Cleveland, Cuyahoga County, Ohio

Dear Ms. Kozlowski:

The Advisory Council on Historic Preservation (ACHP) has received the letter from Mark Scalabrino of the Corps of Engineers, Buffalo District (Corps), dated July 15, 2010, transmitting a draft Memorandum of Agreement (MOA) for the referenced undertaking and its adverse effects to the Pennsylvania Railway Ore Dock (PROD), now referred to as the Cleveland Bulk Terminal (CBT). The Corps is reviewing a permit application for dredging in Cleveland Harbor under Section 10 of the Rivers and Harbors Act and has developed the draft MOA to comply with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR 800).

As you are aware, the ACHP has been consulting with the Corps, the Ohio State Historic Preservation Officer (SHPO) and other consulting parties regarding the disposition of PROD since 1997. In June 2007 the Corps determined that Section 110(k) of the NHPA, which applies to anticipatory demolition, applied to this undertaking because the permit applicant, the Cleveland-Cuyahoga Port Authority (Port Authority), segmented its application to conduct dredging at the CBT with the intent to avoid the Section 106 review. As part of the proposed expansion project, elements of the PROD, including four Hulett Iron Ore Unloaders (Hulett), were demolished or dismantled prior to the completion of an appropriate Section 106 review. Since the Corps concluded that there were "mitigating" circumstances that justified continuing the Section 106 consultation process and that may justify granting a permit once appropriate steps to resolve adverse effects are formalized in an MOA.

By letter of August 6, 2007, we noted that while Section 110(k) allows the federal agency to determine whether it should proceed with the approval of the undertaking, we did not necessarily agree with the Corps' conclusion regarding the CBT permit. We advised the Corps to continue consultation with the consulting parties to negotiate the terms of an MOA that would address the full range of adverse effects that occurred or may occur if the Corps issues the permit. One consultation meeting was subsequently held in October 2007 with no follow-up or communication about the status of analysis of alternatives for mitigation of adverse effects.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

We note that the current draft MOA essentially repeats the mitigation proposed for consideration in 2007. The focus on suggestions proposed by Cleveland City Councilman Matt Zone, which call for preservation of the "most significant" parts of several dismantled Hulettts is the mitigation the Corps has advanced. In addition, the applicant is to fund a comprehensive written history of Whiskey Island to serve as a basis for preservation planning for the general area including the CBT. There is no additional analysis to support these proposals, nor indication that they are supported by the community and preservationists.

The ACHP is pleased that the Section 106 consultation is resumed, but given the protracted delay, the Corps needs to reengage the consulting parties and update us on the range of options to mitigate adverse effects. We appreciate that cost continues to be an issue. However, due consideration must be given to the reconstruction and restoration of one or more of the Hulettts, as proposed by a number of the consulting parties when the Corps suspended consultation. Creative and alternative mitigation measures can still be put forth to address the broader preservation goals of the community and which may be in the public interest.

As presented, the draft MOA is not compelling that recordation is the only viable mitigation. We look forward to consulting with the Corps and moving forward with the Section 106 consultation process. Only after there has been appropriate consultation and involvement of all consulting parties will we be able to submit substantive comments on the MOA. Should you have any questions or wish to discuss this matter further, please contact Dr. John T. Eddins at (202) 606-8553 or by email at jeddins@achp.gov. We look forward to hearing from you soon.

Sincerely,



Reid J. Nelson
Director
Office of Federal Agency Programs

Site Code on Cores: CBL = "Cumberland"											
Tree ID #	Core #	Species	DBH (cm)	Latitude	Longitude	Outer Complete	Inner Complete	Inner Partial	Est. to Pith	Height Adjustment (cm)	Notes
16	A	<i>Quercus stellata</i>	59	N35.90471	W084.98523	2012	1864	1863			
16	B	<i>Quercus stellata</i>	59	N35.90471	W084.98523	2012	1911	1910		26	
17	A	<i>Quercus stellata</i>	66.8	N35.90474	W084.98527	2012	1891	1890		24	
17	B	<i>Quercus stellata</i>	66.8	N35.90474	W084.98527	2012	1888	1887		22.5	
18	A	<i>Quercus stellata</i>	60.5	N35.90483	W084.98528	2012	1826	1825		24.5	
18	B	<i>Quercus stellata</i>	60.5	N35.90483	W084.98528	2012	1830	1829		26.5	

From: [Vicki Vaden](#)
To: [Shuler, Marianne M](#)
Subject: Re: State Route 28 Cumberland County TN-Updated Consulting Parties List
Date: Monday, February 10, 2014 2:04:10 AM

Thanks, Marianne,
It is nice to hear that Dr. Dickinson and Dr. Birdwell will be included in the Section 106 as consulting parties.

I've been meaning to call you to let you know that I am working on putting together a report about the Owen C. Eldridge House that was torn down in the historic district in 2005. The relocating of the historic house was at one time presented to the Citizens Resource Team for the Highway 127S Project as a mitigation measure. Moving the house was also written into the recommendation to TDOT Commissioner, Gerald Nicely, by the TDOT staff and the Palmer Engineering staff. I'm hoping the information will be helpful in the Section 106 process as I cover the condition of the property and contributing structures before the demolition of them. I should have the report finished by the end of this week.

I also will be sending another report on research about the age of the large oak trees in the triangle in front of Homesteads Tower Museum. The ages were determined by a dendrochronology study by University of TN, Knoxville, Dept. of Geology in 2013. The trees have germination dates reaching back as far as 1823. This new data will establish for the record that those trees were part of the triangle landscape at the heart of the planned community from the very beginning of the Cumberland Homesteads Project. I'll try to include that report this week too.

Thanks,
Vicki Vaden - Cumberland Homesteads Tower Assoc. - Crossville
931-456-5699

On Feb 6, 2014, at 11:09 AM, Shuler, Marianne M wrote:

All
We have two additions to the consulting parties list for the State Route 28 Project.
Below is their contact information. If you have any questions please let me know.
Thanks
Marianne

Dr. Calvin Dickinson
Professor of History, Box 5064
Tennessee Tech University
Cookeville, Tennessee 38505

Dr. Michael Birdwell
Professor of History, Box 5064

Tennessee Technological University
Cookeville, Tennessee 38505

From: [Dickinson, Calvin](#)
To: [Shuler, Marianne M](#)
Cc: [Birdwell, Michael](#)
Subject: State Route 28 Project
Date: Tuesday, February 04, 2014 11:53:21 AM

Ms. Shuler:

In response to your invitation Dr. Michael Birdwell and I agreed to act as consulting parties to the State Route 28 Project at Homesteads in Cumberland County. Our work on local history has included writings on Homesteads, and we are very interested in this road project.

As we put together our schedules for this year we wonder if a meeting has been set concerning the road project. If you have any information about the date of a meeting, please inform us as soon as it is convenient.

Thank you.

Calvin Dickinson

From: [Tammy Sellers](#)
To: [Shuler, Marianne M](#)
Subject: RE: Info regarding demolition of buildings (Gov Garage)
Date: Wednesday, January 15, 2014 11:22:57 AM

Marianne,

Happy New Year (a little late). I hope you and your family had a great holiday. We did. It went by way too quickly though.

I wanted to follow up with your question and I discussed it with Region 2 engineers and the former project manager for the project. The following is the engineer's comments:

We removed these building for two reasons, the main being that when the state acquires property with building, signs or any type structures that have to be removed for construction because they are in the way, it is our policy to do it as soon as possible *if* we have time to do it before the project is let to contract. We thought that this project was going to be let to contract years ago so we were getting it cleared- Ann Andrews may be able to give you some of the earlier scheduled letting dates. If we don't have time to do a demolition contract, we will make them an "item of construction" and let the contractor do testing and removal. All of this is exactly for the reasons (second reason) that you mentioned that TVA does, public safety and liability. BUT we were not removing them way early, we had a letting date we were working to have removal completed by.

According to Ann Andrews, the former project manager, at the time TDOT was working toward a letting date of May 2006.

I hope this answers your question and I apologize for taking so long to email you back. I have been told that I will get the rendering today. I'm keeping my fingers crossed (he also told me he would have it to me last Wednesday) but I think he's getting closer to having it finished. If you have any additional questions, please let me know.

Tammy Sellers, DA
Historic Preservation Section
Tennessee Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900 James K. Polk Building
Nashville, TN 37243
615-741-5367

From: Shuler, Marianne M [mailto:mmshuler@tva.gov]
Sent: Thursday, December 19, 2013 2:41 PM

To: Tammy Sellers

Subject: Info regarding demolition of buildings (Gov Garage)

Tammy

(From your memo to Ted Wells dated 6-14-13)

"After purchasing the structures, TDOT determined that the best course of action would be to remove the

buildings rather than have them sitting empty until the proposed project could be completed."

Can you expand on the above statement? We would like to include this additional information in the letter we are preparing. Specifically I am needing a statement as to why these buildings were removed early in the process. TVA has to do this in some cases to minimize the risk to human health and safety since vacant buildings attract crime, including illegal drug activity. Without care and maintenance, abandoned buildings can become safety hazards for anyone that enters due to blight.

Thanks for the info!

Merry Christmas!

Marianne

Marianne Shuler

Archaeologist

TVA -Biological & Cultural Compliance

865-632-2464

From: [Mary Mastin](#)
To: [Shuler, Marianne M](#)
Subject: Re: Questions from Nov 14th, 2013 letter
Date: Sunday, January 12, 2014 4:13:45 PM

Ms. Shuler,

To explain why I wrote that the map submitted by TDOT needs clarification, the context and purpose for the map should be considered. Its purpose was, as I understand it, to designate the buildings considered to be contributing to the Historic District designation. I don't believe it was intended to be an accurate depiction of the District, but was meant to be looked at along with a numbered list of buildings to refer to in order to identify contributing structures. Thus, the map is difficult to comprehend fully without the separate list of numbered buildings.

Noticeably, the drawing does not adequately depict the Triangle next to the Homesteads Tower - and appears to have an incorrect positioning of the Tower (in what would have been the roadway). Compare the **historic photograph** we submitted showing the Tower, with the garage opposite and the Triangle between. Neither the Tower, nor the garage, nor the school behind the Tower, appear to be positioned correctly in this depiction. It's not clear that the Triangle entrance to the State Park, to the south of the Tower Triangle, has been depicted in the drawing. Given these inaccuracies, I'm not sure how many others there may be.

The yellow box with the notation "Homesteads building in Triangle marked as Non-contributing" is, of course, confusing because the Tower Triangle has been the subject of much of the discussion in the Section 106 process - and, without clarification, some may think the reference is to the Tower Triangle rather than to the Non-contributing triangular shaped symbol.

As regards the designation of the Homesteads garage historic building as "non-contributing", this should not be determinative of our claim of anticipatory demolition. There are many instances of renovations of previously altered historic buildings so that those that were previously considered "ineligible" for National Historic Register listing become "eligible". See <http://www.nps.gov/tps/how-to-preserve/briefs.htm>. There certainly would have been the opportunity for the Cumberland Homesteads Tower Association, or others, to renovate the historic garage building so that it could have been considered "contributing", had not TDOT peremptorily destroyed it.

Thank you for the opportunity to explain our letter. Mary Mastin

PS. I just noticed that a draft of my letter (Nov 14, 2013 to Mr Reid and Mr Jones) - with the exhibits - was still in my unsent e-mail box. Did TVA receive all the exhibits? Please confirm. Thanks so much.

Mary M. Mastin
Paddock & Mastin
Attorneys at Law
360 Roberts Hollow LN.
Cookeville, TN. 38501
(931-268-2938 Phone & Fax)
marymastin@twlakes.net

On 1/3/2014 9:19 AM, Shuler, Marianne M wrote:

Mary

In your November 14, 2013 letter you indicated the map (a copy of the official map that was attached to the 1988 National Register Listing of the Cumberland Homesteads National Historic District) TDOT included in its 6-14-13 memo to TVA had "inaccuracies and needs clarification." Can you explain what inaccuracies you are referring too?

Thank you

Marianne

Marianne Shuler
Archaeologist
TVA -Biological & Cultural Compliance
865-632-2464



Tennessee Tech
UNIVERSITY

College of Arts and Sciences • Department of History
Box 5064 • Cookeville, TN 38505-0001 • (931) 372-3332

Jan 3, 2014

Dear Mr Jones,
I accept your invitation
to attend the meeting
as a consulting party
to the proposed MOA
pursuant to 36 CFR
Part 300.6(A)(2)..

Please send the meeting
time and place.

Sincerely
WC Dickinson

From: [Shuler, Marianne M](#)
To: ["Tammy Sellers"](#)
Subject: Info regarding demolition of buildings (Gov Garage)
Date: Thursday, December 19, 2013 3:41:00 PM

Tammy

(From your memo to Ted Wells dated 6-14-13)

"After purchasing the structures, TDOT determined that the best course of action would be to remove the buildings rather than have them sitting empty until the proposed project could be completed."

Can you expand on the above statement? We would like to include this additional information in the letter we are preparing. Specifically I am needing a statement as to why these buildings were removed early in the process. TVA has to do this in some cases to minimize the risk to human health and safety since vacant buildings attract crime, including illegal drug activity. Without care and maintenance, abandoned buildings can become safety hazards for anyone that enters due to blight.

Thanks for the info!

Merry Christmas!

Marianne

Marianne Shuler
Archaeologist
TVA -Biological & Cultural Compliance
865-632-2464



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902

December 18, 2013

Dr. Michael E. Birdwell
Professor of History, Box 5064
Tennessee Technological University
Cookeville, Tennessee 38505

Dear Dr. Birdwell:

TENNESSEE VALLEY AUTHORITY (TVA), REGARDING THE IMPROVEMENTS TO SR-28 (US-127) FROM SR-68 TO CLEVELAND STREET IN CROSSVILLE, CUMBERLAND COUNTY, TENNESSEE

TVA received a 26a permit request in March 2010 from the Tennessee Department of Transportation (TDOT) for proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Tennessee.

The proposed improvements include channel and stream relocations, wetland impacts, new and existing culvert extensions, utility crossings, and redesign of the triangle intersection of State Route 68 and State Route 28. Three of the highway crossings and the triangle intersection are located within the boundary of the Cumberland Homesteads Historic District, which is listed on the National Register of Historic Places.

TVA, in consultation with the State Historic Preservation Officer (SHPO) determined that the proposed improvements would have an adverse effect on the Cumberland Homesteads Historic District. TVA and the SHPO have agreed to prepare a memorandum of agreement (MOA) to mitigate these adverse effects.

In October 2010, TVA notified the Advisory Council on Historic Preservation (Council) of this adverse affect finding. In April 2013, TVA requested the Council to participate in the MOA pursuant to 36 CFR Part 800.6(a)(1) and they accepted on May 1, 2013.

Pursuant to 36 CFR Part 800.6(a)(2), TVA would like to formally invite you to be a consulting party to the proposed MOA. Please respond formally by letter stating whether you accept the invitation.

If you have questions or comments, contact Marianne Shuler by telephone at (865) 632-2464 or by email at mmshuler@tva.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Clinton E. Jones", with a long horizontal flourish extending to the right.

Clinton E. Jones
Senior Manager, Biological & Cultural Compliance
Environmental Permitting Compliance

Dr. Michael E. Birdwell
Page Two
December 18, 2013

cc: David Currey
Tennessee Preservation Trust
209 10th Ave S
Nashville, TN 37203

The Honorable J. H. Graham
Mayor of Crossville
392 North Main Street
Crossville, Tennessee 38555

Mary Mastin
Sierra Club
360 Roberts Hollow Lane
Cookeville, Tennessee 38501

Valerie J. McCormack, Ph.D.
Archaeologist
Project Planning Branch
U.S. Army Corps of Engineers, Nashville District
P.O. Box 1070
Nashville, Tennessee 37202

E. Patrick McIntyre, Jr.
Executive Director
Tennessee Historical Commission
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Elizabeth S. Merritt
National Trust for Historic Preservation
1785 Massachusetts Ave. NW
Washington, DC 20036

Reid Nelson
Director, Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Old Post Office Building
Washington, DC 20004

Donald L. O'Dell
Statewide Organizing for Community eMpowerment
13 Holly Court
Fairfield Glade, TN 38558

Dr. Michael E. Birdwell
Page Three
December 18, 2013

Brian Paddock
Statewide Organizing for Community eMpowerment
360 Roberts Hollow Lane
Cookeville, Tennessee 38501

Tammy Sellers
Historic Preservation Section
Tennessee Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900 James K. Polk Building
Nashville, TN 37243

Nancy Tinker
National Trust for Historic Preservation
456 King Street
Charleston, South Carolina 29403

Vicki S. Vaden
Cumberland Homesteads Tower Association
371 Highway 68
Crossville, TN 38555

INTERNAL COPIES ONLY, NOT TO BE INCLUDED WITH OUTGOING LETTER:

Brenda Brickhouse, BR 4A-C
Chris Cooper, LCB 1A-LCT
Khurshid Mehta, WT 6A-K
Anthony Summit, CSC 1A-JOT
EDMS, WT CA-K



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902

December 18, 2013

W. Calvin Dickinson, Ph.D.
Professor of History, Box 5064
Tennessee Tech University
Cookeville, Tennessee 38505

Dear Dr. Dickinson:

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Sincerely,

A handwritten signature in black ink, appearing to read "Clinton E. Jones".

Clinton E. Jones
Senior Manager, Biological & Cultural Compliance
Environmental Permits and Compliance

W. Calvin Dickinson, Ph.D.
Page Two
December 18, 2013

cc: David Currey
Tennessee Preservation Trust
209 10th Ave S
Nashville, TN 37203

The Honorable J. H. Graham
Mayor of Crossville
392 North Main Street
Crossville, Tennessee 38555

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Sierra Club
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Project Planning Branch
U.S. Army Corps of Engineers, Nashville District
P.O. Box 1070
Nashville, Tennessee 37202

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Tennessee Historical Commission
2941 Lebanon Road
Nashville, Tennessee 37243-0442

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1785 Massachusetts Ave. NW
Washington, DC 20036

Reid Nelson
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Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Old Post Office Building
Washington, DC 20004

Donald L. O'Dell
Statewide Organizing for Community eMpowerment
13 Holly Court
Fairfield Glade, TN 38558

W. Calvin Dickinson, Ph.D.
Page Three
December 18, 2013

Brian Paddock
Statewide Organizing for Community eMpowerment
360 Roberts Hollow Lane
Cookeville, Tennessee 38501

Tammy Sellers
Historic Preservation Section
Tennessee Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900 James K. Polk Building
Nashville, TN 37243

Nancy Tinker
National Trust for Historic Preservation
456 King Street
Charleston, South Carolina 29403

Vicki S. Vaden
Cumberland Homesteads Tower Association
371 Highway 68
Crossville, TN 38555

INTERNAL COPIES ONLY, NOT TO BE INCLUDED WITH OUTGOING LETTERS:

Brenda Brickhouse, BR 4A-C
Chris Cooper, LCB 1A-LCT
Khurshid Mehta, WT 6A-K
Anthony Summit, CSC 1A-JOT
EDMS, WT CA-K

From: [Tammy Sellers](#)
To: [Shuler, Marianne M](#)
Subject: State Route 28 Illegal Sign Notification
Date: Wednesday, December 11, 2013 3:37:56 PM
Attachments: [Region 2 Letterhead- Illegal sign.pdf](#)

Mariannne,

I wanted to give you just a brief follow-up about the illegal sign notification. Region 2 provided me with a sample copy that is commonly sent out on TDOT projects. It isn't for the particular sign in question but it gives you an idea of what TDOT typically sends out.

I also double-checked with right-of-way, sign owners are allowed to simply set their signs back further onto private property rather than completely take them down. If the amount of right-of-way is small, it would be possible for a sign to stay in about the same place just a little further from state-owned land.

You may not need or want this additional information but I asked right-of-way because I'm not familiar with all of TDOT's policies so I thought you might like to know too.

Tammy Sellers, DA
Historic Preservation Section
Tennessee Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900 James K. Polk Building
Nashville, TN 37243
615-741-5367

From: [Tammy Sellers](#)
To: [Shuler, Marianne M](#)
Subject: RE: SR28-Information
Date: Tuesday, December 10, 2013 2:18:32 PM
Attachments: [Email Communication for Bank, 2005.pdf](#)
[Letter Rains Progressive Saving Bank Homestead 041505.pdf](#)
[SHPO Letter 4-7-05.pdf](#)

Marianne,

I was drafting a response to you on the sign removal so I'll answer both emails with this one.

I talked with people in the Region 2 Right-of-Way office. They checked back through their records and it appears the entrance sign in question was located partially within TDOT's right-of-way which would make it an illegal sign. The normal operating procedure is to send an illegal sign notice out to the owner and ask them to remove it from TDOT's right-of-way. Based on the email you provided, it appears that this is what they were describing.

I have attached three pieces of correspondence regarding the Eldridge House and Progressive Savings Bank.

- April 7, 2005—letter from the TN-SHPO stating that razing a contributing structure is an adverse effect and they must coordinate with the Advisory Council.
- April 15, 2005—letter from the Progressive Savings Bank explaining that Section 106 does not apply.
- May 18, 2005—email correspondence between Martha Carver and Joe Garrison. In that email Joe explains why Section 106 does not apply in this instance.

If you have any additional questions, please let me know. I asked for the rendering last week and he assured me that he would have it by the middle of this week. As soon as I get it, I will send you a copy. Thanks.

Tammy Sellers, DA
Historic Preservation Section
Tennessee Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900 James K. Polk Building
Nashville, TN 37243
615-741-5367

From: Shuler, Marianne M [mailto:mmshuler@tn.gov]
Sent: Tuesday, December 10, 2013 7:48 AM
To: Tammy Sellers
Subject: SR28-Information

Tammy

In your Documentation of Effect Report you mention that in April of 2005 the SHPO received a letter from Progressive Savings bank stating they were not a federal bank and thus not under Section 106. Do you have a copy of this letter you could email me? Also, mentioned is an email from Martha to Joe on May 18, 2005 regarding Section 106 requirements for the bank and the SHPO

responded they did not have to comply with Section 106. Can you send me copies of that email correspondence?

Thanks

Marianne

Marianne Shuler
Archaeologist
TVA -Biological & Cultural Compliance
865-632-2464

From: [Birdwell, Michael](#)
To: [Shuler, Marianne M](#)
Subject: Re: TDOT SR 28 Cumberland Homesteads Historic District
Date: Tuesday, December 03, 2013 12:51:44 PM
Attachments: [Birdwell CV.docx](#)

Ms Shuler,

The Homestead Historical Association issued me a personal request to assist them in this matter. I am a Professor of History at Tennessee Technological University and have conducted thousands of hours of research and written extensively about the region.

I have attached my curriculum vita to demonstrate my expertise in Upper Cumberland history. I do hope you will consider including me in this project.

Dr. Michael E. Birdwell
Professor of History, Box 5064
Tennessee Technological University
Cookeville, Tennessee 38505
(931) 372-3356

From: <Shuler>, Marianne M <mmshuler@tva.gov>
Date: Tuesday, December 3, 2013 11:36 AM
To: Michael Birdwell <birdie@tntech.edu>
Subject: TDOT SR 28 Cumberland Homesteads Historic District

Mr. Birdwell

Thank you for your letter dated November 7, 2013 requesting that "you be included among the consultants working on behalf of the Cumberland Homesteads." The survey/documentation for the Homesteads has already been conducted for this project. Can you clarify if you are requesting to be a consulting party to the Section 106 process? Thank you for your interest in this project.

Thanks
Marianne

Marianne Shuler
Archaeologist
TVA -Biological & Cultural Compliance
865-632-2464

From: [Tammy Sellers](#)
To: [Shuler, Marianne M](#)
Subject: State Route 28 Information
Date: Tuesday, November 26, 2013 3:19:04 PM
Attachments: [1994 Advance Planning Report.pdf](#)
[ROW Acquisition Table showing Eldridge Property.pdf](#)
[SR28 ROW Plans Showing Eldridge Property.pdf](#)
[2001 Right-of-Way Plans at Eldridge House.pdf](#)

Hi Marianne,

I've attached the Advanced Planning Report (APR) for the proposed improvements to State Route 28. This 1994 study is the document on which subsequent studies are based.

The Eldridge House was Tract No. 99 on the right-of-way plans. TDOT purchased 0.0050 acres of land from the northwest corner of parcel. Negotiations started in April 2004 and the deed was signed on July 19, 2004. I have attached the ROW acquisition table with the Eldridge property highlighted in yellow, the 2001 Right-of-Way plans that shows the Eldridge House, and the 2011 updated plans that shows the Eldridge property with the Progressive Savings Bank.

I am still waiting to see the rendering. As soon as I get it, I will send it to you. If you have any additional questions, please let me know.

Tammy Sellers, DA
Historic Preservation Section
Tennessee Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900 James K. Polk Building
Nashville, TN 37243
615-741-5367

From: [Mandy Dearman](#)
To: [Shuler, Marianne M](#)
Subject: State Route 28 project
Date: Friday, November 22, 2013 12:51:25 PM

Marianne M. Shuler
mmshuler@TVA.gov

Dear Ms. Shuler:

As a former board member of Homesteads Tower Association, and longtime Producing Director of Cumberland County Playhouse, I request an invitation to be a "consulting party" at upcoming meetings regarding the State Route 28 project, and its impending expansion and passage through the Cumberland Homesteads National Historic District near Crossville in Cumberland County.

The organization I serve, Cumberland County Playhouse (CCP), is designated among our state's "Top 50 Tourism Attractions" by The Tennessee Department of Tourist Development. It is also our state's only rurally based "Major Cultural Institution" as Designated by the Tennessee Arts Commission.

At age 18, I helped my parents and grandmother and hundreds of area resident develop the Playhouse beginning 50 years ago this fall, and worked here between college and grad school years in CCP's first four seasons, 1965-1969. After my education and teaching college in the Northeast, my Tennessee wife and I returned to my mother's ancestral family hometown of Crossville in 1976, where we have been ever since.

During the decades, we have helped develop tourism as our county and state's largest industry, and have helped the Playhouse grow to serve over 130,000 annual visits from more than 90 Tennessee counties, all 50 states, and many countries. We have seen our county grow to be one of the rural South's leading destinations for retirement relocation, and to generate \$100 million in tourism dollars, largest in the Cumberlands.

In the 1930's, my great grandfather S.C. Bishop and his wife Eva Cline (who arrived here as a girl in 1870 on a wagon), owned and edited the Crossville Chronicle (still publishing today), which closely and thoroughly documented the creation, growth and success of the Cumberland Homesteads. To Papa Bishop, a rock-ribbed Republican who was always especially objective about projects and programs of Democrats, the Homesteads broke the back of the Depression in our county, along with federal programs which built our airport, the State Park, and gave birth to the quarried stone industry, which thrives today. With the park in the Homesteads, and national Homesteads newspaper coverage, the project helped begin turning a small crossroads near Crossville into a destination.

Now, that very crossroads- the Homesteads Triangle- is threatened by a highway, the State Route 28 project. Now, with tourism the lifeblood of our state and county, state government seems determined to undermine the heritage and attractions which helped nurture visitor ship. Now, in a threatening economy, state government plans to destroy and diminish features and assets which draw visitors and new residents, building both our local economy, and our quality of life. Why?

Surely the distinctive triangle could remain, despite loss of Cumberland General Store, and our beautiful Homesteads Fire House, and acreage bounding historic Homesteads School.

Please notify me of upcoming meetings for which "consulting party" comments have been reopened. I am attaching a copy of my 2005 letter to former Gov. Bredesen, on this subject.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim".

Jim Crabtree
Producing Director

From: [Shuler, Marianne M](#)
To: ["Tammy Sellers"](#)
Subject: Information SR28
Date: Tuesday, November 19, 2013 12:05:00 PM

Tammy

I have a few more things that I think you might be able to help me with.

- Date TDOT first proposed the widening of SR 28 through the Homesteads? Do you have a document stating this?
- Can you send me a map/aerial or photo depicting the location of where TDOT's ROW take is in comparison to the location of where the Eldridge House was located?

If you have any questions just let me know.

Thanks

Marianne

Marianne Shuler
Archaeologist
TVA -Biological & Cultural Compliance
865-632-2464

PADDOCK & MASTIN
Attorneys at Law
360 Roberts Hollow Ln.
Cookeville, TN. 38501
931-268-2938

November 14, 2013

Reid Nelson
Director, Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Old Post Office Building
Washington, DC 20004

Clinton E. Jones
Senior Manager Biological and Cultural Compliance
Environment and Permitting Compliance
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902

Re: Proposed Improvements to Tennessee State Route 28 (Us 127) from State Route 68 to
Cleveland Street, Cumberland Homestead, Crossville, Cumberland County, Tennessee

Gentlemen:

We ask that you please supplement the record on the claim of anticipatory demolition raised by both the Sierra Club and the National Trust for Historic Preservation as consulting parties in the Section 106 process on the above project.

We were surprised to learn that the Advisory Council, TVA, TDOT and the SHPO have apparently been corresponding regarding a Memorandum of Agreement on this project without notice to all consulting parties and prior to a determination of the claim of anticipatory demolition or even a response to the parties who raised this claim. As stated in our October 28, 2013 letter to Marianne Shuler at TVA, we are very concerned that our claim of anticipatory demolition has not been responded to in conformity with the letter and spirit of the National Historic Preservation Act and regulations.

Regarding the anticipatory demolition claim, we wish to address two of the items included in TDOT's memorandum of June 14, 2013 to Edward "Ted" Wells, TVA Archaeologist.

We are attaching to be included in the record the official map attached to the 1988 National Register Listing of the Cumberland Homesteads National Historic District, with the stamp, LISTED SEP 30 1988, on the first section (A). (Attachment 1) The map TDOT included in its memo (attached under the section of the memo referring to Structure #4 Cumberland Homesteads Building, which we referred to in our anticipatory demolition claim as the original

Homesteads garage) has some inaccuracies and needs clarification. The yellow box with the notation "Noncontributing building in Triangle", in particular, is confusing.

The original Homesteads garage, opposite the Homesteads Triangle and Tower, is evident from the attached photograph taken in the 1950's from the Homesteads Tower, showing the Triangle and the crab orchard stone faced garage opposite it. We ask that this photograph be included in the record and considered in the anticipatory demolition claim. (See Attachment 2)

We object to TDOT's (Ms Sellar's) reference to an "opinion" by Randy Williams. It is clear that the "opinion" of Mr. Williams was based on the 1990 letter of Mr. Bearrs at the National Park Service that the entire District would not be eligible for designation as a National Historic Landmark as nominated, and that Mr. Williams, though requested to prepare a nomination for designation of the Homesteads Tower as a National Historic Landmark, did not in fact prepare that application. Mr. Williams' offhand remark that he agreed with that 1990 opinion appears to be justification to himself not to put in the effort to prepare an application for the Tower, which is, of course, not the same as an application for designation of the entire District.

We offer to be included in the record the attached letter from E. Patrick McIntyre, Jr., Executive Director of the Tennessee Historical Commission, then Executive Director of the Tennessee Preservation Trust, stating his opinion that "The Cumberland Homesteads is a highly significant 1930's-era Federally planned community". Mr McIntyre goes on to state that "The triangle junction in front of the Homesteads Tower, a well-known museum and area landmark, is a character defining part of the landscape as originally laid out." (See Attachment 3)

Mr McIntyre noted the Eldridge House loss with "sadness and surprise". He acknowledged it as a recognized candidate for preservation and stated his hope that its loss would be compensated for the Cumberland Homesteads community in a positive way.

As to the Eldridge House value, we submit the attached photographs showing the condition of the original Homestead home before TDOT demolition. (See Attachments 4 -10). (All pictures taken by Vicki Vaden in 2005). The first 6 pictures show that the house, both inside and out, was in very good shape and the seventh picture shows the strategically important location just after the sign demarcating the District. Also attached is a picture of the Eldridge House Barn, which was a contributing structure in the National Register Listing and which was also destroyed.

Thank you for your cooperation in supplementing the record with these documents.

Sincerely,



Mary M. Mastin

Attorney at Law

Tn. Chapter Sierra Club

cc (electronic): Marianne Shuler, TVA
Charles P. Nicholson, TVA



3078
55'
3076
3075
3074
3073
3072
35°52'30"
85°00'TVA 109-NE
IGRASS

Cumberland Homesteads Historic District
Crossville Vicinity, Cumberland County, TN
A: 16/679260/3971700
B: 16/679260/3971700
C: 16/675950/3976450
D: 16/683120/3971700

SEP 30 1968

LISTED

Crossville County
109-NE

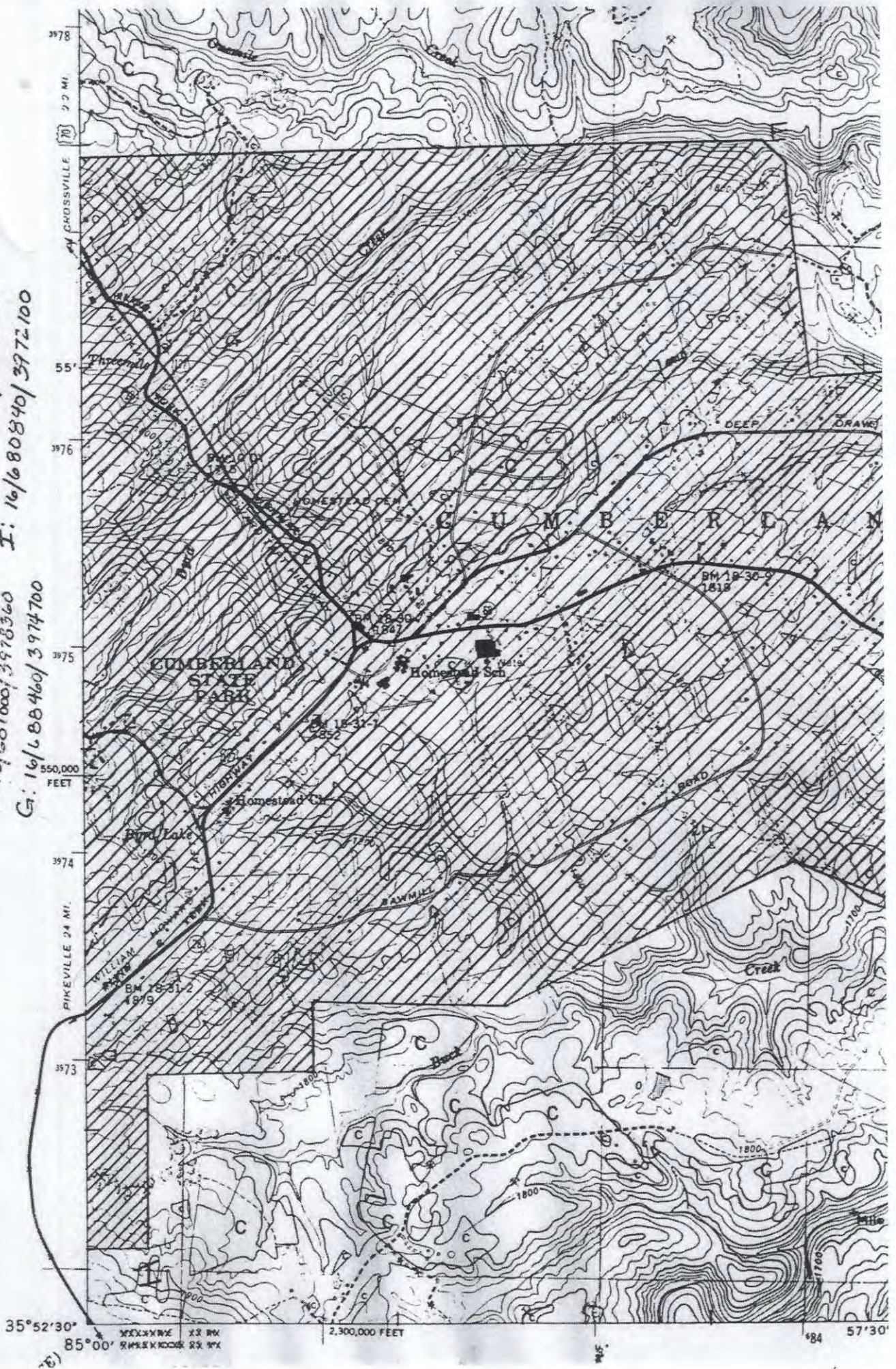
INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1963
PIKEVILLE 23 MI. V

ROAD CLASSIFICATION

1 MILE

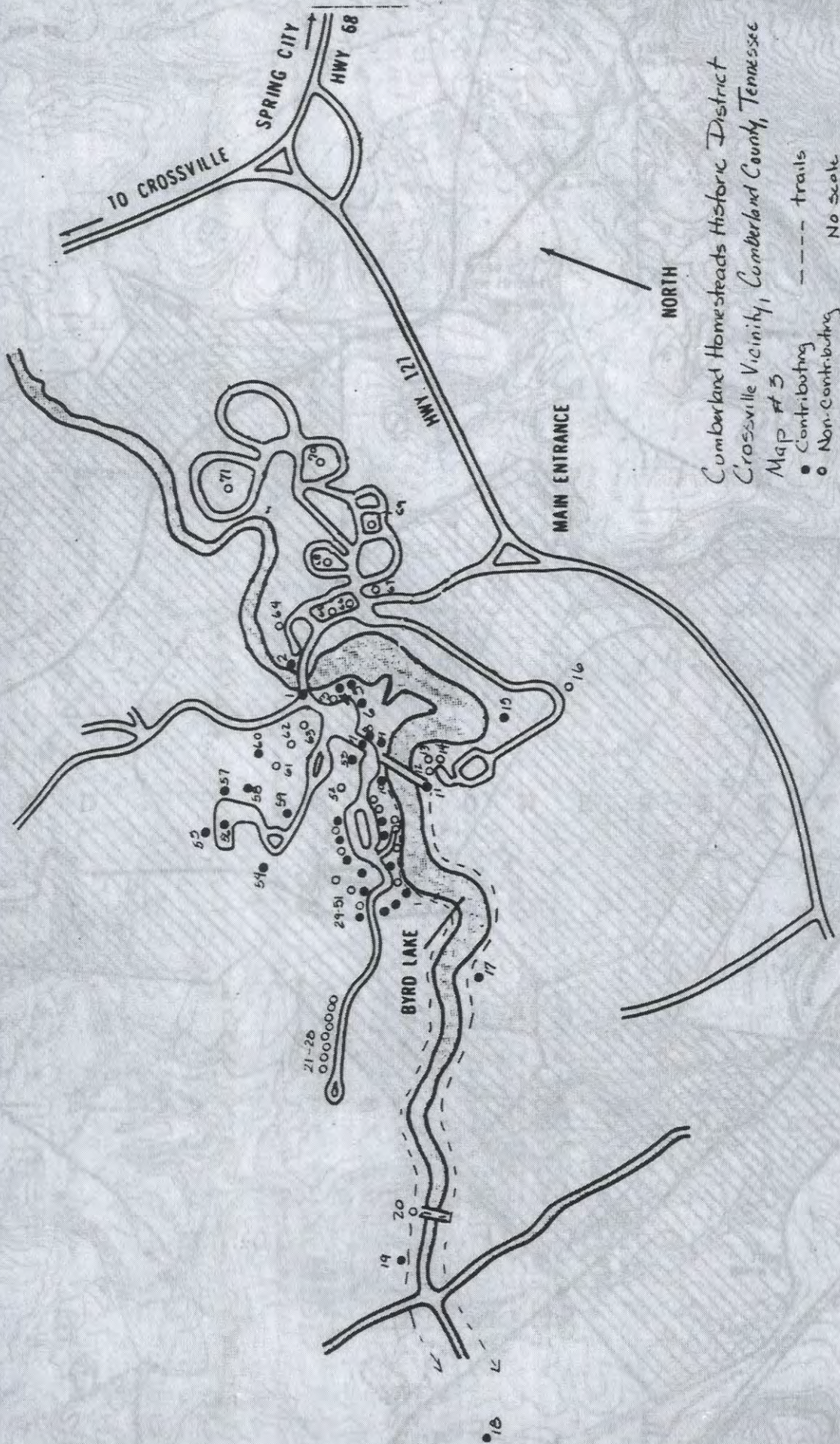
Cumberland: Homesteads Historic District
 Crossville Vicinity, Cumberland County, TN
 E: 16/683710/3977900 H: 16/684640/3973300
 F: 16/681000/3978360 I: 16/680840/3972100
 G: 16/688460/3974700

Dorton Quad
 117 NW





CUMBERLAND MOUNTAIN STATE PARK



Cumberland Homesteads Historic District
 Crossville Vicinity, Cumberland County, Tennessee
 Map # 3
 • Contributing
 ○ Non-contributing
 --- trails
 No scale

Triangle View from Tower in the
early 1950's



**Tennessee
Preservation
Trust**



Promoting Preservation
in the 21st Century

P. O. Box 24373
Nashville, TN 37202

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Nashville

August 18, 2005

Mr. Gerald F. Nicely, Director
Tennessee Department of Transportation
James K. Polk Building
505 Deaderick Street, Suite 700
Nashville, TN 37243

Dear Mr. Nicely:

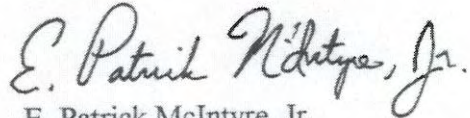
I am writing you today in regards to the Cumberland Homesteads Historic District, and the planned redesign of the intersection at US 127 and SR 68. The Tennessee Preservation Trust is a statewide, membership-based non-profit organization dedicated to preserving Tennessee's historic buildings and sites. In 2004, we named the Cumberland Homesteads to our "*Ten in Tennessee*" list, an annual roster of the state's most endangered historic places. The Cumberland Homesteads is a highly significant 1930's-era Federally planned community. In addition, the Historic District is located within the proposed Cumberland Plateau National Heritage Area. I know firsthand from attending the Governor's Forum on Land and Water Conservation at Montgomery Bell State Park last February that he is very committed to protecting the special irreplaceable character of the Plateau.

The triangle junction in front of the Homestead Tower, a well-known museum and area landmark, is a character-defining part of the landscape as laid out originally. Recently, the Commissioners of Cumberland County approved a resolution which showed support for the project to redesign the intersection, but emphasized the importance of keeping this original triangle intact, and preserving as much of the historic community as possible.

The Tennessee Preservation Trust offers its strongest support to this resolution. We ask that the Tennessee Department of Transportation continue to work with citizens of the Cumberland Homesteads in order to find a solution to this problem that will save the triangle, and thereby preserve the unique history of the Cumberland Homesteads Historic District. The recent loss of the Eldridge House, thought by many to be a candidate for relocation and preservation, was noted by this office with sadness and surprise. I do hope that the loss will be balanced by some positive developments for the people of the Cumberland Homesteads community.

Thank you for your time and consideration regarding this important Tennessee historic community. If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in dark ink, reading "E. Patrick McIntyre, Jr." in a cursive script.

E. Patrick McIntyre, Jr.
Executive Director

Cc: Nancy Tinker
Herbert Harper
Mary Mastin
Ed Cole

EPM/jrf

















College of Arts and Sciences • *Department of History*
Box 5064 • Cookeville, TN 38505-0001 • (931) 372-3332

November 7, 2013

Marianne Shuler
Tennessee Valley Authority
Biological & Cultural Compliance
400 West Summit Hill Dr.
Knoxville, TN 37902

Dear Ms. Shuler,

I am writing concerning the Cumberland Homesteads. I wish to be included among the consultants working on behalf of the Cumberland Homesteads. As a professional historian, I have had a great deal of interaction with the Cumberland Homesteads, Cumberland Mountain State Park, and other sites throughout the Upper Cumberland.

All the best,

A handwritten signature in cursive script that reads 'Michael E. Birdwell'.

Michael E. Birdwell, Ph.D.
Professor of History

PADDOCK & MASTIN
Attorneys at Law
360 Roberts Hollow Ln.
Cookeville, TN. 38501
931-268-2938

October 28, 2013
Electronically - Hard Copy to Follow

Marianne Shuler
Tennessee Valley Authority
Cultural Compliance WT 11D
400 W. Summit Hill Drive
Knoxville, TN 37902

RE: State Route 28 (US 127), South of Sawmill Road (SR-68) to Hayes Street (Cleveland Street), Crossville, Cumberland County, Tennessee

Dear Ms Shuler,

The Tennessee Chapter of the Sierra Club wishes to state our concerns about how TVA has handled the Section 106 process on this project to date.

We are very concerned that there has apparently been a lot of activity on the project without the involvement of, or even notification to, all consulting parties.

Specifically, in our December 2011 comment letters following the section 106 meeting in October of 2011, both the Sierra Club and the National Trust for Historic Preservation raised the issue of "anticipatory demolition" of historic properties and asked for an investigation and involvement by the Advisory Council on Historic Preservation under section 110 of the National Historic Preservation Act. We asked that we be notified of any contacts to the Advisory Council and that we be provided copies of the request for the investigation under Section 110 and any response. We have received no communication from TVA until the e-mails on October 22, 2013 regarding the October 22, 2013 invitation to the City of Crossville to become a consulting party and the e-mail regarding updating the contact list for the consulting parties.

As to those last two items, we object to the addition of the City of Crossville as a consulting party at this late date. We note, however, that you invited us to ask other interested persons to ask to be consulting parties in the Section 106 process. We would hope that you would allow a period of time for other additional consulting parties to accept that invitation.

We suggest that as neither the City, nor any other additional consulting party, was present for the day long consulting party meeting in Knoxville October 6, 2011 and did not hear all the verbal presentations, nor were they there to have give and take in a consulting party meeting, it is

incumbent on TVA to hold another consulting party meeting and allow all parties to state their positions again and hear the responses. All participants should be provided a new and complete history of the project to date.

In addition, we are concerned that it appears there has not been a consistent list as to who are Section 106 consulting parties and that the hard copy letter and following e-mail October 22, 2013 regarding the invitation to the City of Crossville was not sent to all consulting parties. It would seem easy enough to find the contact list of all participating consulting parties as your e-mail of October 20, 2011 contained the October 6 meeting minutes listing all consulting parties and also had an attachment with the handwritten list of participants at that October meeting.

Finally, we are very concerned that the request for investigation of anticipatory demolition and referral to the Advisory Council appears not to have been taken seriously and that the “investigation” has in fact been compromised. Please be advised that we believe there may well be a violation of Section 110 of the NHPA. Certainly it appears that the section 106 process has not been conducted with the free flow of information and consultation by all parties intended by the regulations.

Sincerely,

Mary M. Mastin
Attorney at Law



Tennessee Tech
UNIVERSITY

College of Arts and Sciences • *Department of History*
Box 5064 • Cookeville, TN 38505-0001 • (931) 372-3332

October 25, 2013

Tennessee Valley Authority
Attn: Marianne Shuler, Archaeologist
400 W. Summit Hill Dr.
Knoxville, TN 37902

Ms. Shuler:

I am a historian on the faculty at Tennessee Technological University. I have been here for more than forty years, specializing in Tennessee history. I have published about twenty books, mostly on the subject of the state's history.

Responding to a request by Vickie Vaden and Mary Mastin, I wish to be listed as a volunteer historical consultant concerning the TDOT construction plans for the highway triangle at Homesteads in Cumberland County.

Thank you for considering my request.

Sincerely,

A handwritten signature in blue ink that reads 'Calvin Dickinson'.

W. Calvin Dickinson, Ph.D.

cdickinson@tntech.edu

CITY OF CROSSVILLE

392 NORTH MAIN STREET
CROSSVILLE, TENNESSEE 38555~4232
TEL (931) 484~5113
FAX (931) 484~7713

October 22, 2013

OFFICE OF THE
MAYOR

Clinton E. Jones
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902

Dear Mr. Jones:

Thank you for your kind invitation as I consider it an honor and a privilege to represent the City of Crossville as Mayor during aforementioned meeting notice.

I may be presumptuous in that the list of individuals that would be involved as a consulting party to the proposed MOA would be better served by inviting the following individuals:

Dr. Charles Tollett,
President, Homestead Tower Association
931-484-7887
ctollett@frontiernet.net
82 Volunteer Court
Crossville, TN 38555

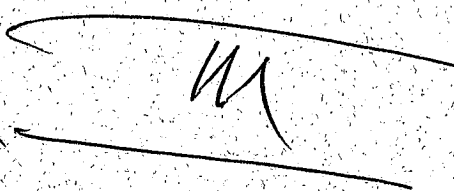
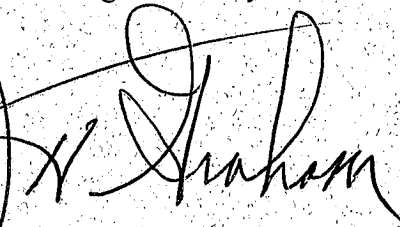
Mayor Kenneth Carey
Cumberland County
931-484-6165
mayorcarey@cumberlandcountyttn.gov
Two North Main Street Suite 203
Crossville, TN 38555

Dennis Gregg
Obed Watershed Association
931-484-9033
185 Hood Drive
Crossville, TN 38555

The City of Crossville will go on record by stating that we will help in any way we can so as to remediate or mediate any understanding which may be reached during this process as I remain,

Respectfully,

J.H. Graham, III
Mayor
City of Crossville





Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902

October 22, 2013

The Honorable J.H. Graham
Mayor of Crossville
392 North Main Street
Crossville, Tennessee 38555

Dear Honorable Graham:

TENNESSEE VALLEY AUTHORITY (TVA), REGARDING THE IMPROVEMENTS TO SR-28 (US-127)
FROM SR-8 TO CLEVELAND STREET IN CROSSVILLE, CUMBERLAND COUNTY, TENNESSEE

TVA received a 26a permit request in March 2010 from the Tennessee Department of Transportation (TDOT) for proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Tennessee.

The proposed improvements include channel and stream relocations, wetland impacts, new and existing culvert extensions, utility crossings, and redesign of the triangle intersection of State Route 68 and State Route 28. Three of the highway crossings and the triangle intersection are located within the boundary of the Cumberland Homesteads Historic District, which is listed on the National Register of Historic Places.

TVA, in consultation with the State Historic Preservation Officer (SHPO) determined that the proposed improvements would have an adverse effect on the Cumberland Homesteads Historic District. TVA and the SHPO have agreed to prepare a memorandum of agreement (MOA) to mitigate these adverse effects.

In October 2010, TVA notified the Advisory Council on Historic Preservation (Council) of this adverse affect finding. In April 2013, TVA requested the Council to participate in the MOA pursuant to 36 CFR Part 800.6(a)(1) and they accepted on May 1, 2013.

Pursuant to 36 CFR Part 800.6(a)(2), TVA would like to formally invite you to be a consulting party to the proposed MOA. Please respond formally by letter stating whether you accept the invitation.

If you have questions or comments, contact Marianne Shuler by telephone at (865) 632-2464 or by email at mmshuler@tva.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Clinton E. Jones", with a stylized flourish at the end.

Clinton E. Jones
Sr. Manager, Biological and Cultural Compliance

cc: Jean Cheely
Save Our Cumberland Mountains-Cumberland County Chapter
426 Lantana Road
Crossville, Tennessee 38555

Ann League
Save Our Cumberland Mountains-Cumberland County Chapter
C/O SOCM
2507 Mineral Springs Avenue Suite D
Knoxville, Tennessee 37917

Mary Mastin
Sierra Club
3340 Perimeter Hill Dr.
Nashville, Tennessee 37211

Valerie McCormack
Army Corp of Engineers
P.O. Box 1070
Nashville, Tennessee 37202

E. Patrick McIntyre, Jr.
Executive Director
Tennessee Historical Commission
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Reid Nelson
Director, Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Old Post Office Building
Washington, DC 20004

Tammy Sellers
Historic Preservation Section
Tennessee Department of Transportation
Environmental Division
505 Deaderick Street
Suite 900 James K. Polk Building
Nashville, TN 37243

Nancy Tinker
National Trust for Historic Preservation
456 King Street
Charleston, South Carolina 29403

INTERNAL COPIES ONLY, NOT TO BE INCLUDED WITH OUTGOING LETTER:

Brenda Brickhouse, BR 4A-C
Chris Cooper, LCB 1A-LCT
Khurshid Mehta, WT 6A-K
Chuck Nicholson, WT11D-K
Anthony Summit, CSC 1A-JOT
EDMS, WT CA-K



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

TO: Marianne Shuler
Tennessee Valley Authority

FROM: Tammy Sellers
TDOT Historic Preservation Manager

DATE: October 15, 2013

RE: Questions Regarding the State Route 28 and State Route 68 Triangle Intersection Emailed on July 24, 2013

In order to provide you with the most accurate answers to your questions, I worked with TDOT engineers designing the proposed improvements to State Route 28. The designer provided answers to both your questions and Dr. McCullough's that were included in your email. I have attached the current set of design plans at the triangle intersection. I will forward a rendering showing proposed landscaping options at the triangle as soon as it has been completed.

For clarity I will respond to each of the questions as they were provided to me.

1. Dimensions (and total number of spots) of the proposed parking area for the tower museum.

The existing parking lot at the Tower Museum has 10 parking spaces, and also it has a parking lot area of (3.4 meters x 37 meters) or an area of 133.55 m².

The proposed parking lot area has a total of 14 parking spaces (13 parking spaces and 1 Handicap parking space), and it has a parking lot area of (5.64 meters x 40 meters) or an area of 226.403 m².

2. Dimensions of the existing triangle.

The existing triangle measures 90 meters x 90 meters x 100 meters.

3. Dimensions of the proposed triangle.

The proposed triangle measures 90 meters x 128 meters x 182 meters.

First, the memo seems to say that the reconfigured triangle will be reduced by 41%. Why is this necessary? The triangle is an important space within the historic district. Can't its current size be retained, even if it is reconfigured?

As you can see from the dimensions listed above, the triangle will be larger than the existing triangle and that 59% of the existing grassy triangle will be within the larger proposed grassy triangle. In order to accommodate the widened state routes and keep the new triangle from physically impacting the tower

museum, the proposed triangle was shifted away from the historic water tower. This is the reason that more of the existing grassy triangle could not be included in the proposed new triangle design.

Second, the aerial shot shows trees in the triangle, but the sketchy rendering shows only grass (and two shades of grass at that?) Will any trees be (re)planted?

The designer determined that three of the existing six trees that are in the triangle today can be saved and used in the proposed triangle. TDOT has also offered to plant new trees as part of the mitigation for the adverse effect to the historic district.

Third, mitigation measures discussed among the consulting parties included appropriate curbs, guardrails, light posts, and wooden posts, but the rendering shows nothing. Is this accurate?

The rendering was prepared in 2003 or 2004, prior to the enhancement committee recommending possible mitigation measures. The current design plans (attached) show the incorporation of the mitigation measures. An up-to-date rendering is being prepared to show the proposed triangle with these mitigation measures.

Fourth, the rendering shows swales/water channels along each side of the new triangle, yet the existing triangle seems flat. Why this change? Is it necessary?

The existing triangle does have swales and drainage on the outer edge near the roadway. The designer was able to flatten out the proposed triangle and this is indicated on the attached design plans.

Fifth, the stark black color of the asphalt in the rendering does not help in visualizing what the final project will look like, and in this case it looks awful. Can't TDOT produce a rendering with a more weathered, grey color for the road?

A new rendering showing the proposed mitigation measures is being prepared.

While some of these details will be worked out in the near future, I think TDOT needs to produce a more realistic rendering of what the new triangle area will look like so that the consulting parties have an idea of what will happen there.

I have attempted to answer each of the questions included in the email to me in July. I apologize for the length of time it has taken to gather the information. If you have any additional questions, please feel free to contact me.

This engineering plan view illustrates the proposed layout for State Routes 68 and 28, showing property boundaries, easements, and stationing. The map includes the following details:

- Properties and Owners:** ELMER C. CHOATE AND WIFE MILDRED (45), JOHN J. KLUENDER & WIFE, DELLA (43), DAVID L. TRUE AND WIFE SUE (42), LUTHER HODGE AND WIFE CORA (49), WHITE DANIEL, ETUX (48), and TYAN C. MOONEYHAM AND WIFE ELIZABETH JOSEPH CRUMP (47).
- City of Crossville:** Located near station 16+000, showing a playground, trails, and various structures like trailers and sheds.
- Highway Details:** S.R. 68 and S.R. 28 are shown with stationing from 0+000 to 16+360. The map includes right-of-way (R.O.W.) lines, centerlines, and various easements (e.g., drainage, construction, access control).
- Infrastructure:** Features include a concrete water tank, a 1-bl. bus, a 1-bl. barn, a 1-f. car, and a 1-f. garage.
- Notes:** "NOTE: WATER LINES HAVE 0.75 m OF COVER" and "NOTE: GAS LINES HAVE 0.75 m OF COVER".
- Tables:** Data tables for R.O.W. and Construction Centerline S.R. 68, and Construction Centerline S.R. 28.
- Scale:** 1:500.

Station	PI	N	E	Δ	R	L	T	SE	Design Speed	Trans. Length
16+127.603	16+127.603	174.835.7050	691.812.6272	24° 32' 13" (RT)	300.000	128.475	65.237	SE	220.000	209.197

Station	PI	N	E	Δ	R	L	T	SE	Design Speed	Trans. Length
16+127.603	16+127.603	174.835.7050	691.812.6272	24° 32' 13" (RT)	300.000	128.475	65.237	SE	220.000	209.197

Station	PI	N	E	Δ	R	L	T	SE	Design Speed	Trans. Length
16+285.406	16+285.406	174.848.9973	691.713.8335	78° 43' 41" (LT)	275.000	377.867	225.598	SE	220.000	209.197

PROP. DRAINAGE EASEMENT

STA. 16+245.28 SR28 CONST.
STA. 0+565.56 SR68 CONST.
N 174842.0971
E 691633.3369

STA. 16+281.33 SR28 R.O.W.
STA. 16+311.54 SR68 R.O.W.
N 174877.7260
E 691631.4970

PASTURE
16+300

16+300

29

BUFORD AND JOHN HOWARD STUBBS

PROP. DRAINAGE EASEMENT

PROP. R.O.W.

END 375mm CONC. PIPE

SEE SHEET NO. 11

STA. 16+360

SEALED BY

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

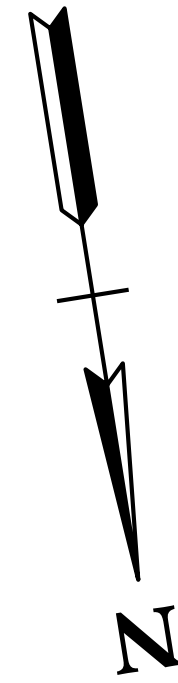
PRESENT LAYOUT

STA. 16+000 TO STA. 16+360
S.R. 68
SCALE: 1:500

PRESENT
LAYOUT

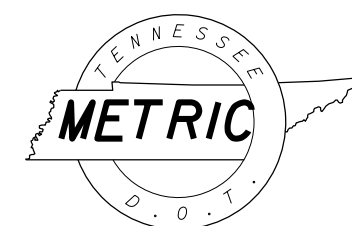
STA. 16+000 TO STA. 16+360
S.R 68
SCALE: 1:500

TYPE	YEAR	PROJECT NO.	SHEET NO.
ROW	2001	18006-2210-04	10B
CONST.	2011	18006-3214-04	10B



```
CONSTRUCTION CENTERLINE S.R.28
PI 16+285.406
N 174.848.9973
E 691.713.8335
Δ 78° 43' 41" (LT)
R 275.000
L 377.867
T 225.598
SE
DESIGN SPEED
TRANS. LENGTH
```

SEALED BY

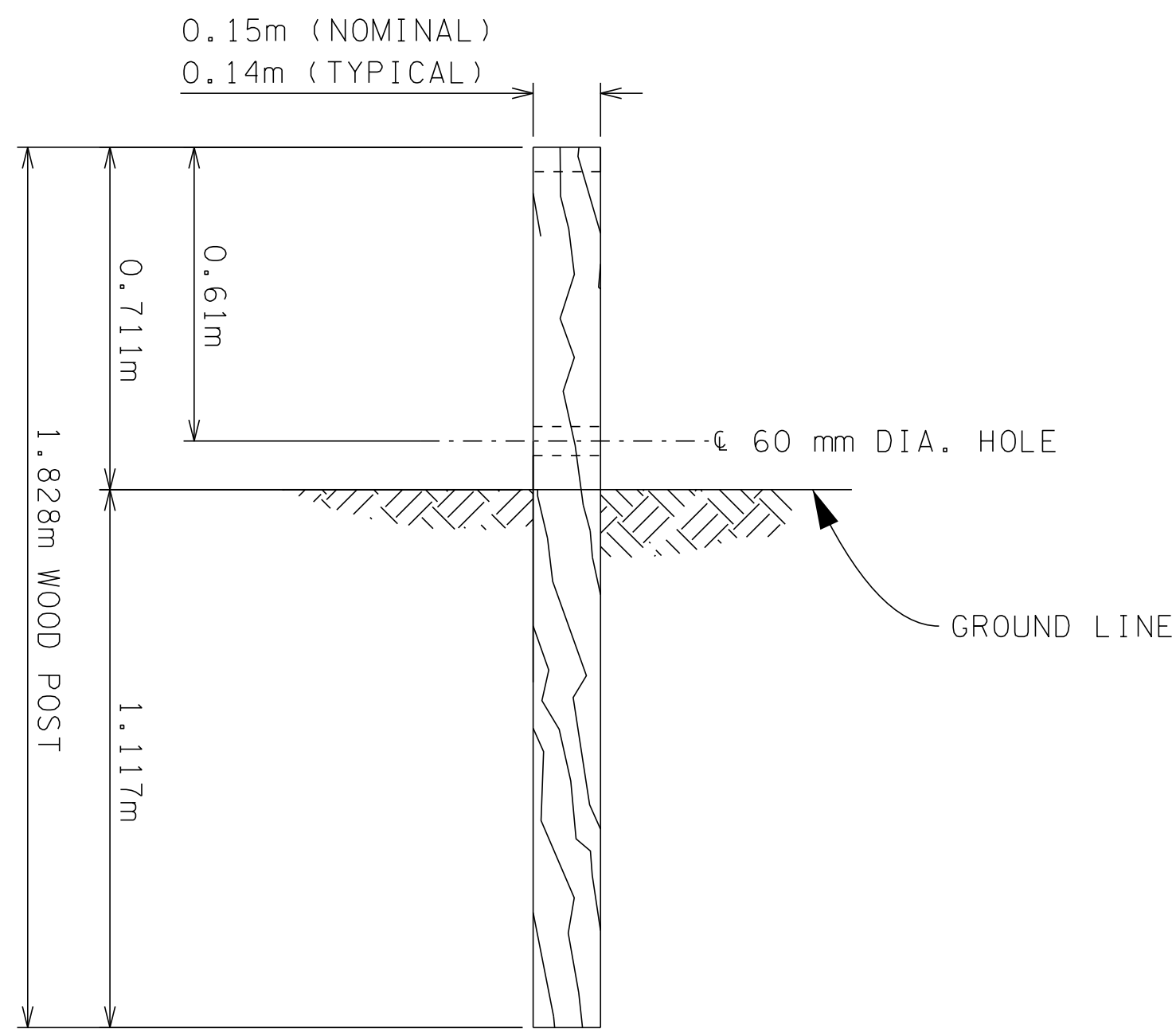


PROPOSED LAYOUT

STA. 16+000 TO STA. 16+360
S.R 68
SCALE: 1:500

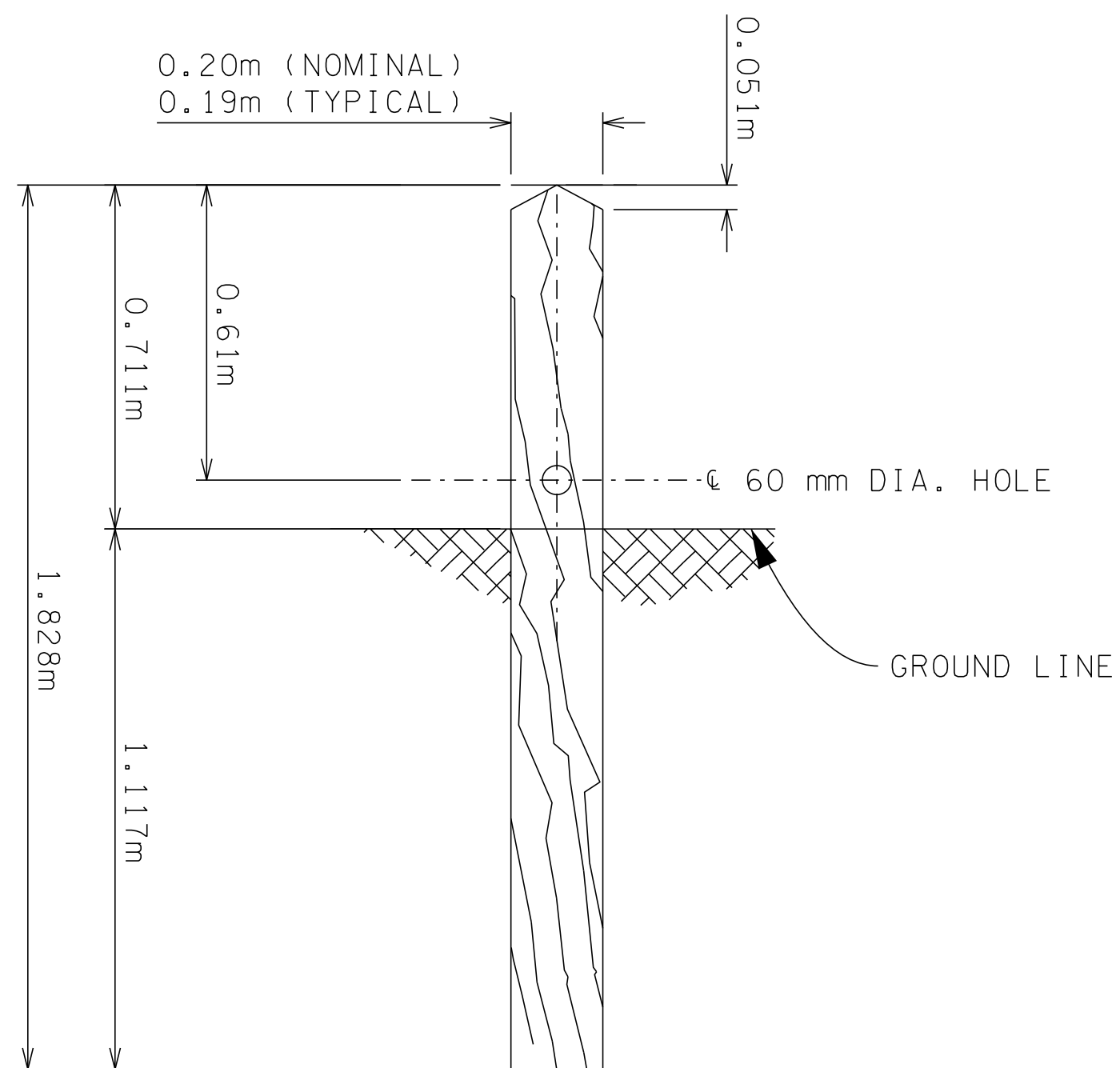
TYPE	YEAR	PROJECT NO.	SHEET NO.
CONST.	2011	18006-3214-04	10B(1)

REV XX-XX-13- UPDATED DETAIL.



SIDE VIEW

TRAFFIC FLOW PERPENDICULAR TO VIEW

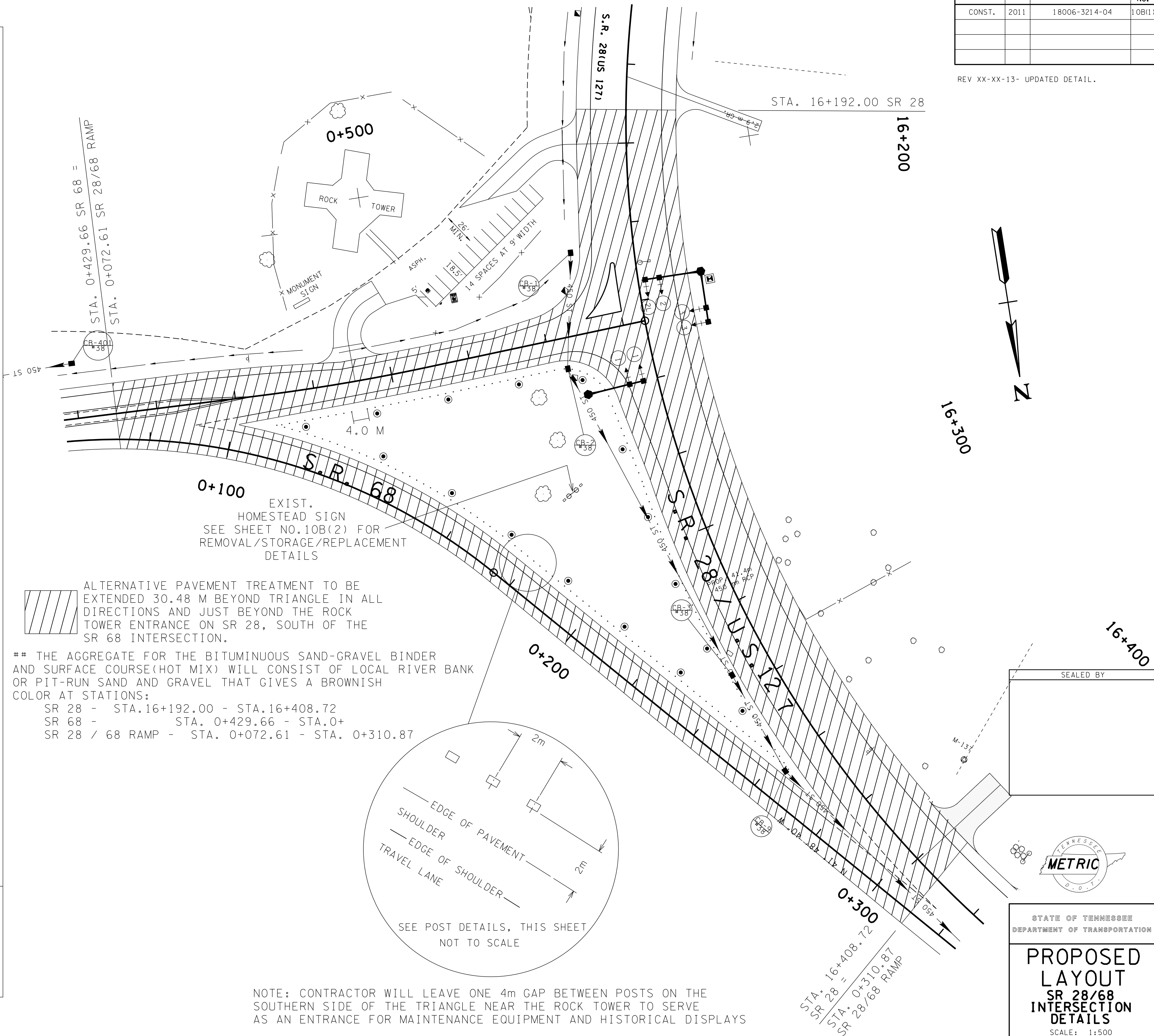



FRONT VIEW
TRAFFIC FLOW PARALLEL TO VIEW

POST DETAIL

NOTE- POSTS TO BE PAINTED WHITE. ALL COST
ASSOCIATED WITH PAINTING POSTS TO BE INCLUDED
IN ITEM NO. 705-02.06.

SEE STD. DWG. S-GR-28 FOR ADDITIONAL DETAILS





AREA TO BE SCARIFIED
AND OBLITERATED

DESIGN SPEED
TRANS. LENGTH

DESIGN SPEED
TRANS. LENGTH

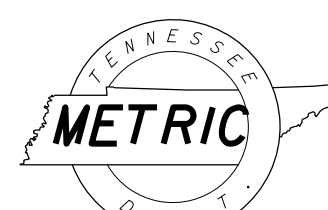
CONSTRUCTION CENTERLINE RAMP

PI 1+10.699 5
N 674.891 2522
E 691.723 8915
Δ 46° 18' 04" (RT)
R 150.000
L 121.216
T 64.137
SE

R.O.W. CENTERLINE S.R.28
 P1 16+288.912
 N 174,868.4200
 E 691,684.8800
 Δs 71° 24' 38" (LT)
 θs 8° 27' 51"
 Δc 54° 28' 57" (LT)
 Rc 220.000
 Lc 209.197
 Ts 191.168
 Ls 65.000
 SE
 DESIGN SPEED
 TRANS. LENGTH

```
CONSTRUCTION CENTERLINE S.R.28
PI 16+285.406
N 174,848.9973
E 691,713.8335
Δ 78° 43' 41" (LT)
R 275.000
L 377.867
T 225.598
SE
DESIGN SPEED
TRANS. LENGTH
```

SEALD BY



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

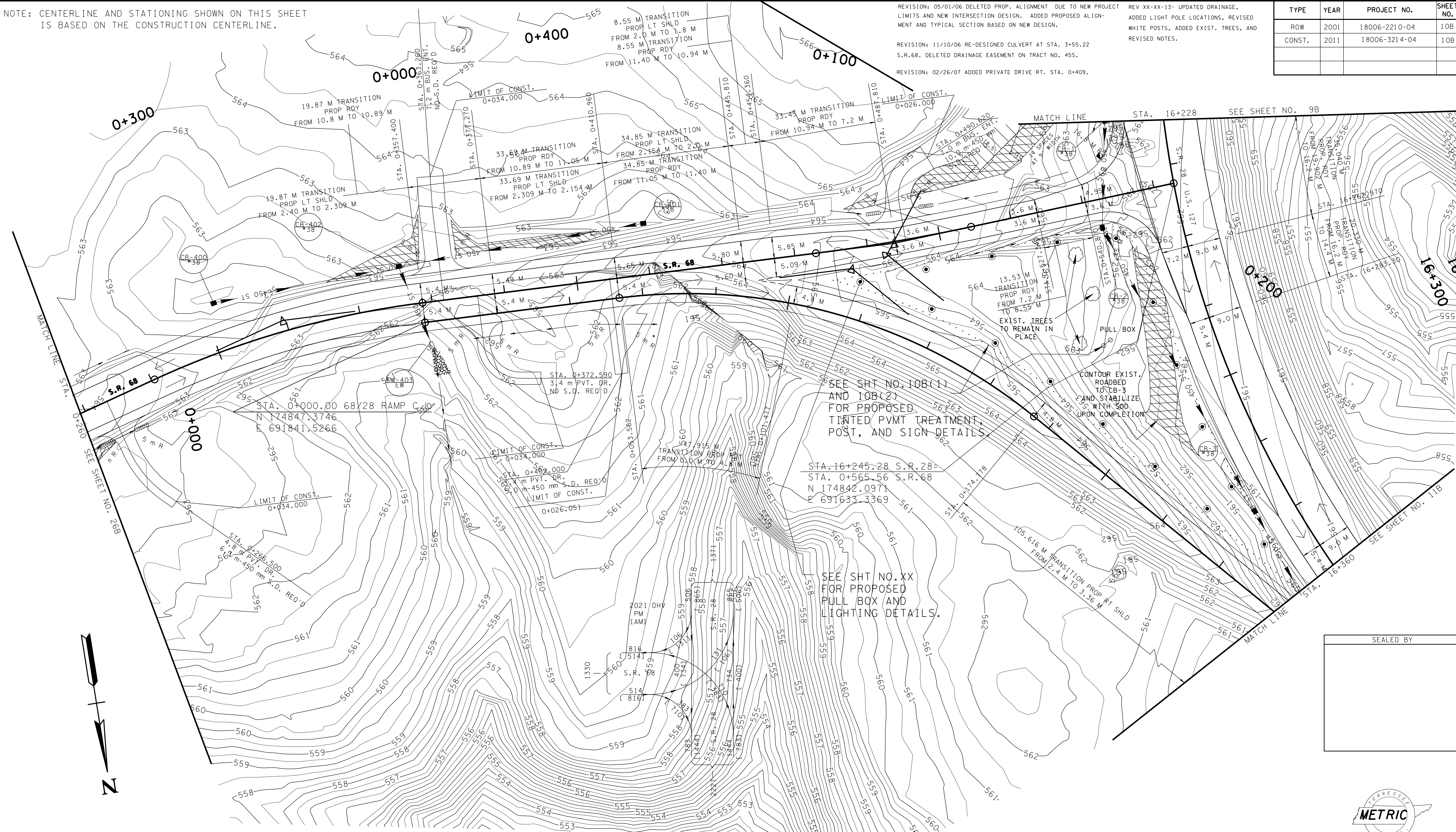
PRESENT LAYOUT

STA. 16+000 TO STA. 16+360
S.R 68
SCALE: 1:500

REVISION: 05/01/06 MODIFIED PROP. R.O.W. DUE TO NEW
INTERSECTION DESIGN AND NEW PROJECT LIMITS.
REVISION: 11/10/06 RE-DESIGNED CULVERT AT STA. 3+55.22
S.R. 68. DELETED DRAINAGE EASEMENT ON TRACT NO. 45S.
REVISION: 02/26/07 CHANGED PROPOSED R.O.W. TO CONST.
AND DRAINAGE EASEMENT FOR TRACT NO. 26. ADDED PRIVATE
DRIVE RT. STA. 0+409. CONSTRUCTION EASEMENT ON TRACT
NO. 46S AND MONUMENT SIGN AND NOTE ON TRACT. NO. 26.
REV xx-xx-13-UPDATED PROP DRAINAGE
AND REVISED DITCHES

TYPE	YEAR	PROJECT NO.	SHEET NO.
R. O. W.	2001	18006-2210-04	10
CONST.	2010	18006-3214-04	10

NOTE: CENTERLINE AND STATIONING SHOWN ON THIS SHEET IS BASED ON THE CONSTRUCTION CENTERLINE.



TYPE	YEAR	PROJECT NO.	SHEET NO.
ROW	2001	18006-2210-04	10B
CONST.	2011	18006-3214-04	10B

REVISION: 05/01/06 DELETED PROP. ALIGNMENT DUE TO NEW PROJECT LIMITS AND NEW INTERSECTION DESIGN. ADDED PROPOSED ALIGNMENT AND TYPICAL SECTION BASED ON NEW DESIGN.

REVISION: 11/10/06 RE-DESIGNED CULVERT AT STA. 3+55.22 S.R.68. DELETED DRAINAGE EASEMENT ON TRACT NO. 455.

REVISION: 02/26/07 ADDED PRIVATE DRIVE RT. STA. 0+409.

REV XX-XX-13- UPDATED DRAINAGE, ADDED LIGHT POLE LOCATIONS, REVISED WHITE POSTS, ADDED EXIST. TREES, AND REVISED NOTES.

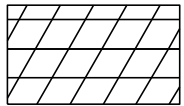
CONSTRUCTION CENTERLINE S.R.68
PI 3+19.437
N 174,840.7070
E 691,879.8913
Δ 17° 32' 17" (RT)
R 250.000
L 76.524
T 38.564
SE
DESIGN SPEED
TRANS. LENGTH

CONSTRUCTION CENTERLINE S.R.68
PI 4+87.366
N 174,846.2594
E 691,711.4510
Δ 4° 56' 17" (LT)
R 500.000
L 43.093
T 21.560
SE
DESIGN SPEED
TRANS. LENGTH

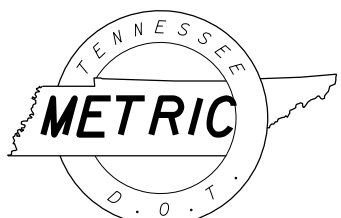
CONSTRUCTION CENTERLINE S.R.28
PI 16+285.406
N 174,848.9973
E 691,713.8335
Δ 78° 43' 41" (LT)
R 275.000
L 377.867
T 225.598
SE
DESIGN SPEED
TRANS. LENGTH

CONSTRUCTION CENTERLINE RAMP
PI 0+117.699
N 174,851.2522
E 691,723.8915
Δ 46° 18' 04" (RT)
R 150.000
L 121.216
T 64.137
SE
DESIGN SPEED
TRANS. LENGTH

CONSTRUCTION CENTERLINE S.R.28
PI 16+285.406
N 174,848.9973
E 691,713.8335
Δ 78° 43' 41" (LT)
R 275.000
L 377.867
T 225.598
SE
DESIGN SPEED
TRANS. LENGTH



AREA TO BE SCARIFIED
AND OBLITERATED



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

PROPOSED LAYOUT

STA. 16+000 TO STA. 16+360
S.R 68
SCALE: 1:500



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

TO: Edward "Ted" Wells
TVA Archaeologist, Biological and Cultural Compliance

FROM: Tammy Sellers
TDOT Historic Preservation Supervisor

DATE: June 14, 2013

RE: Additional information on the intersection at State Route 28 and
State Route 68, Cumberland County, Tennessee

Per our telephone conversation on Monday, June 10, 2013, I have compiled the information you requested.

- I have attached a pdf copy of the 1990 letter from the National Park Service to the State Historic Preservation Office regarding the National Historic Landmark status of the Cumberland Homesteads Historic District. Additionally, I have attached a copy of a 2007 email from the Historic Preservation Planner at the Upper Cumberland Development District to a National Trust representative re-stating the opinion of the National Park Service that the Homestead Tower does not qualify as a National Historic Landmark.
- I contacted the TDOT Design Manager for this project. He stated that according to the current set of plans, 59% of the existing triangle will be included in the proposed triangle. Although the majority of the existing triangle will be used, it will be re-configured in order to accommodate the improvements.
- I have attached a copy of the latest rendering of the triangle intersection along with an aerial photograph showing the triangle as it looks today. I will note that none of the proposed enhancement/mitigation measures are included in the rendering so the new triangle will not look like the rendering when construction is complete.
- There were six buildings and one mobile home at the triangle intersection that TDOT purchased in 2005 as part of the right-of-way process. Photographs and structural information on each of the buildings is also enclosed.

Thank you for the opportunity to provide you with additional information. If there is anything I can do to help, please feel free to contact me.

1990 National Park Service Letter
2007 Email Regarding National Historic Landmark Status



IN REPLY REFER TO:

H34(418)

United States Department of the Interior

NATIONAL PARK SERVICE

P.O. BOX 37127
WASHINGTON, D.C. 20013-7127

TAKE
PRIDE IN
AMERICA

Ms. Elizabeth A. Straw
Historic Preservation Specialist
Tennessee Historical Commission
Department of Conservation
701 Broadway
Nashville, Tennessee 37243-0442



Dear Ms. Straw:

I would like to apologize for a tardy response to your submission of September 13. Your artfully prepared National Register form for the Cumberland Homesteads was a real pleasure to review.

Despite our praise for the quality of the form, in which we found only a few formal deficiencies--a small number of typos and the citing of National Register, rather than National Historic Landmark, criteria at the opening of Section 8--we do have questions about context, significance, and integrity that lead us to believe that the National Park System Advisory Board is not likely to recommend National Historic Landmark designation. I am sharing our analysis with you in some detail because I believe that it will be helpful to you in understanding our reasoning.

A critical question is whether the six "stranded communities" homesteads were a significant element in the multi-faceted homestead programs (a total of some 99 projects) and which of these programs, singly or collectively, were nationally important aspects of the New Deal housing initiatives. There is also a prospect that some properties might qualify for other attributes or associations, but we did not find material suggestive of such significance in the Cumberland Homesteads nomination.

The form presents the history of the homesteads program in some detail, but tends to suggest vague or negative answers to the above questions. There is no clear case for the homesteads programs' high significance either overall or for any or all of its individual components. In the vast panoply of New Deal housing initiatives, it is not self-evident that the homesteads were more than a relatively minor experiment. Cumberland Homesteads seems to be only a regional type within that framework.

If the judgment can be made that it is important to illustrate all major aspects of New Deal housing experimentation, then either representative or outstanding examples chosen from the long list of sites would make sense. In the absence of a careful site-related review of these programs overall it is premature to suggest such a conclusion.

The most favorable case would be one that cited Cumberland Homesteads as a rare or sole intact survivor, but comparison with the few other communities on which data is available does not sustain such a claim.

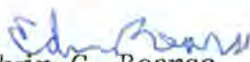
Arthurdale, W. Va.; Phoenix Homesteads, Ariz.; and Jersey Homesteads, New Jersey, are three homestead communities listed in the National Register. Arthurdale, as the "pet" homestead project of Mrs. Roosevelt, received a significant amount of both favorable and adverse publicity. It may merit recognition as the lightning rod for attention to the homestead programs overall. Jersey Homesteads, because of its strong Jewish ethnic associations, "bauhaus" architecture, and association with Ben Shahn presents a plausible case in those areas of significance. Phoenix Homesteads, like Cumberland Homesteads, appears to be difficult to justify as anything more than a regional type.

The historic integrity of Cumberland Homesteads is another issue that concerns us. The form notes that the Homesteads originally embraced 27,802 acres. The boundary justification purports to be based on original boundaries but includes only 10,250 acres, relying on the exclusion of two portions not developed until after the 1930s and recent subdivisions in the area.

This rationale would be more convincing if the discrepancy between the two acreages were not so large. The questions that arise are whether what remains is sufficiently complete to be an accurate representative of the original and whether other such communities are more intact. (The three properties reviewed above have more tightly defended boundaries.) Given the very limited time range during which these communities were established, a slightly younger, but more intact community could present a stronger case.

I regret that we conclude that Cumberland Homesteads does not, on the basis of your study, appear to be a likely candidate for Landmark designation. I wish to reiterate, however, my praise for the quality of the effort displayed in what is one of the most finely crafted National Register forms that it has been our pleasure to review.

Sincerely,


Edwin C. Bearss
Chief Historian

Tammy Sellers - Homestead Tower

From: "Randy Williams" <rwilliams@ucdd.org>
To: "Nancy Tinker" <Nancy_Tinker@nthp.org>
Date: 6/26/2007 3:10 PM
Subject: Homestead Tower
CC: "Claudette Stager" <Claudette.Stager@state.tn.us>

Hello Nancy,

I finally talked to Jody Cook at the NPS in Atlanta about the Homesteads request. She told me in a nutshell, that the Homestead Tower does not qualify for National Landmark status, a judgment with which I concur. Jody based this judgment on the 1990 letter concerning Landmark ineligibility for the Homesteads District which was issued by the Washington office of the NPS. I think Claudette has a copy of this letter, and Jody is faxing me a copy for my records. Anyway, this seems to be a dead issue. The folks at the Homesteads can fill out an Executive Summary Form, but I don't think it would do them any good. There simply isn't a case to be made for national significance of the tower.

Contact me if you need further information or clarification of any of these points. Thanks.

Randy

***Triangle Rendering without Enhancements/Mitigation
Current Aerial Photograph of the Triangle***



2013 Aerial Map of the Triangle Intersection (courtesy of Google Maps)

Alternate "D" Modified



Structures Purchased by TDOT, 2005

Buildings at the Intersection of State Route 28 and State Route 68

Overview of the buildings that were purchased and removed by TDOT (photograph taken 2002 by TDOT historians)



A small commercial center that included six buildings sprang up at the intersection of State Route 28 and State Route 68. Five of the six buildings and the mobile home post-date the National Register listed Cumberland Homesteads period of significance (1934 to 1941). One building was an original Homestead building but it was identified in the National Register nomination as non-contributing due to alterations (see the enclosed Contributing/Non-Contributing map).

TDOT's Right-of-Way Division purchased these structures in 2005. After purchasing the structures, TDOT determined that the best course of action would be to remove the buildings rather than have them sitting empty until the proposed project could be completed.

It should be noted that the TN-SHPO's National Register coordinator participated in the Citizen's Resource Team (as well as the Enhancement Team). She was fully aware that the design would result in the demolition of these buildings and did not raise any issues about their historic significance or National Register eligibility. She also reviewed and commented on the Section 106 report.

Structure #1: Commercial building



According to TDOT's Right-of-Way Division's information sheet, this building was built circa 1945 as a commercial structure. In addition to the commercial building, a circa 1979 mobile home was situated on the parcel behind the commercial building.

This structure was a one-story concrete block building with a flat roof and a faux mansard roof on the facade. A triple, wooden door was located in the center of the façade with two large plate glass windows flanking it. One of the windows was broken and covered with paper. Two faux brick columns were decorative features on each end of the façade. The basement of the structure was partially finished as an apartment.

Structure #2: Commercial building



This is a mid-twentieth century, one-story structure with a flat roof that served as a commercial building that housed several different types of stores. According to signs in and around the building, it had been a Mastercraft parts store and Homestead Antiques. The facade has an integral roof, covered in standing seam metal and supported by plain, wood columns. The concrete block structure had a stone veneer on the façade. Underneath the integral porch, a central entry door was surrounded by three large, single pane display windows.

Structure #3: Warehouse



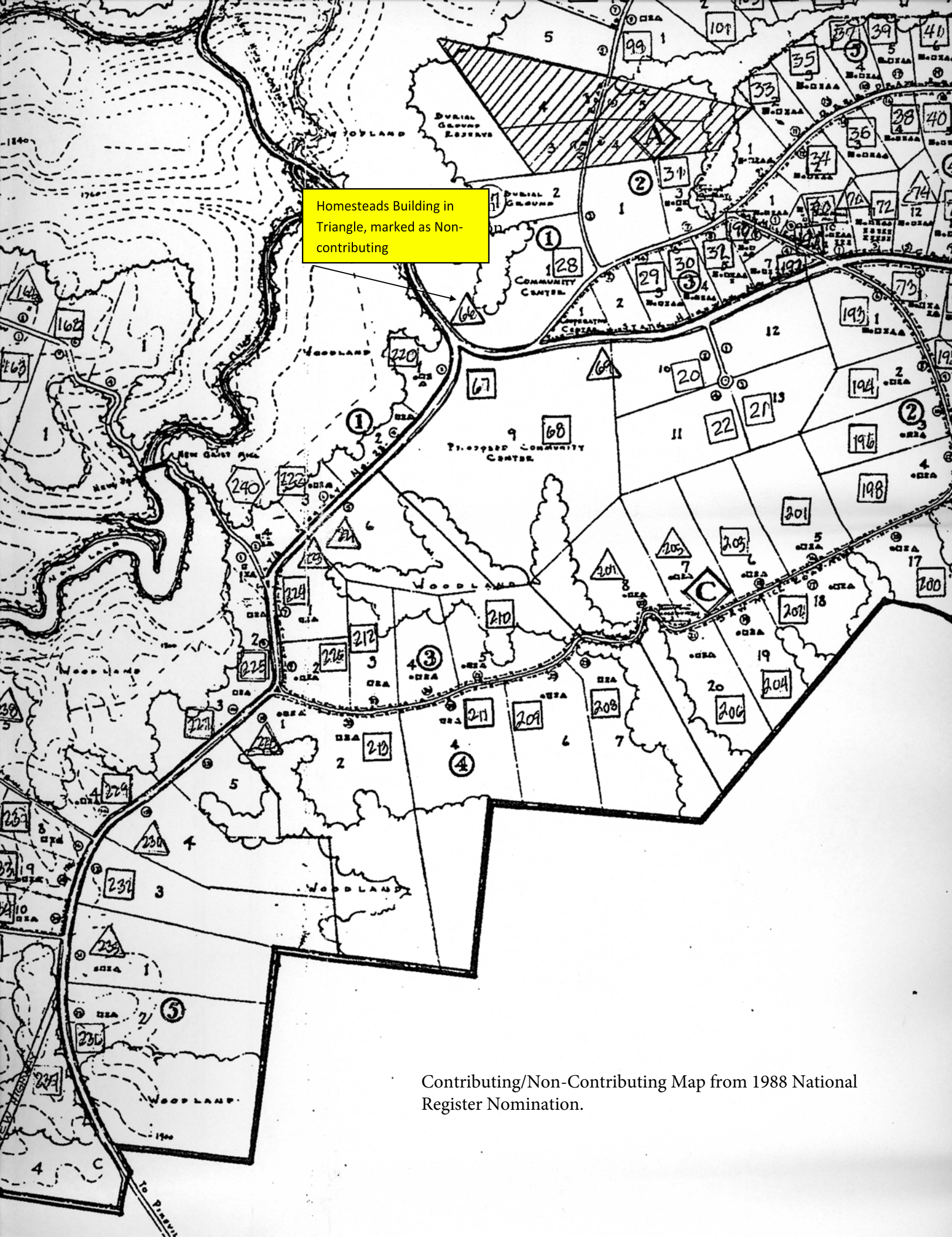
According to TDOT's Right-of-Way appraisal this one-story metal storage building was built circa 1998. It housed approximately 3,788 square feet of unfinished storage space. The metal panel exterior had a centrally located, storage door for loading and unloading warehouse items. The building sat on a concrete slab that was set back from State Route 28 with a large area of pavement for parking adjacent to the road.

Structure #4: Masonry Building—Cumberland Homesteads Building



According to the National Register nomination for the Cumberland Homesteads Historic District, this structure was listed as a “government garage.” It dated from the period of significance for the Cumberland Homesteads but had been altered and had additions and was considered a non-contributing structure in the 1988 National Register nomination.

The one-story structure has a masonry veneer of Crab Orchard stone that was typical of structures within the Homesteads historic district. The side gable roof is covered in asphalt shingles with an overhanging roof on the façade. The roof is supported by modern wooden posts with decorative spindles at the roof line. The façade has a variety of large, single pane windows and doors spaced throughout. According to TDOT's Right-of-Way Division, the building was divided into three units with concrete slab and asphalt tile floors. The interior walls were covered in drywall and the ceiling was covered in textured drywall with modern fluorescent lighting throughout.



Homesteads Building in Triangle, marked as Non-contributing

Contributing/Non-Contributing Map from 1988 National Register Nomination.

Cumberland Homesteads Historic District
 Crossville vicinity, Cumberland County, TN
 Map #1

- District Boundary
- Cumberland Mountain State Park Boundary
- Contributing Homesteads, principal buildings
- △ Non-Contributing Homesteads, principal buildings
- Cemetery
- ⬡ Park (See Map #3)
- xxxx Road Not Constructed
- ▨ Non-Contributing Landscape Features



Structure # 5: The Cumberland General Store



According to an assessment by TDOT's Right-of-Way Division, the Cumberland General Store was built circa 1955 but had additions and alterations from circa 1990. The main retail space was a two-story flat roofed

concrete block building. The second story exterior was sheathed in synthetic siding. The façade of the store had a brick veneer and was made to look like an old-fashioned general store with a shed-roof porch covered in wooden shingles indicating the entrance to the store.

The first floor retail space included concrete slab floors with walls covered in drywall and wood paneling with exposed wood joists. Fluorescent lighting was found throughout the store with ceiling fans for cooling the store. Additionally on the first floor was a commercial kitchen that had been recently installed. The second floor of the building was partitioned into five rooms but remained unfinished. One room had been recently renovated for office space.

Structure # 6: Service Garage

According to TDOT's Right-of-Way Division's information sheet, this building was built circa 1960. It served as a service garage.

This mid-twentieth century concrete block building was a one-story structure with a double bay garage doors in one section. A large, single pane window is adjacent to the front door. An addition with a faux mansard roof is attached the concrete block structure.



Milford Wayne Donaldson
Chairman

Clement A. Price
Deputy Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

May 1, 2013

Mr. William D. Johnson
President and Chief Executive Officer
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902

REF: 26a permit request for improvements to SR 28 (US 127), Crossville,
Cumberland County, Tennessee

Dear Mr. Johnson:

The Tennessee Valley Authority has requested that the Advisory Council on Historic Preservation (ACHP) participate in consultation to seek ways to avoid, reduce or mitigate adverse effects to historic properties within the Cumberland Homesteads Historic District caused by the referenced undertaking. Pursuant to the Criteria for Council Involvement in Reviewing Individual Section 106 Cases (Appendix A to our regulations, 36 CFR Part 800) we believe the criteria are met for our participation in this undertaking. Proposed channel and stream relocations, culvert extensions, utility crossings and redesign of the iconic triangle intersection at State Routes 28 and 68 have the potential to adversely affect the setting of these important historic properties, and may present questions of policy or interpretation. Accordingly, we will participate in consultation with TVA on this undertaking.

By copy of this letter we are also notifying Mr. Clinton Jones, Senior Manager for Environmental and Permitting Compliance at TVA, of our decision to participate in consultation.

Our participation will be handled by Dr. Tom McCulloch, who can be reached at 202-606-8554 or at tmcculloch@achp.gov. We look forward to working with TVA on this important project.

Sincerely,



John M. Fowler
Executive Director

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902

April 18, 2013

Reid Nelson
Director, Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Old Post Office Building
Washington, DC 20004

Dear Mr. Nelson:

PROPOSED IMPROVMENTS TO TENNESSEE STATE ROUTE 28 (US 127) FROM STATE ROUTE 68 TO CLEVELAND STREET, CUMBERLAND HOMESTEAD, CROSSVILLE, CUMBERLAND COUNTY, TENNESSEE

The Tennessee Valley Authority (TVA) received a 26a permit request in March 2010 from the Tennessee Department of Transportation (TDOT) for proposed improvements to State Route 28 (US 127) from State Route 68 to Cleveland Street in Crossville, Tennessee. The project area is located in Cumberland County, Tennessee. The proposed improvements include channel and stream relocations, wetland impacts, new and existing culvert extensions, utility crossings and redesign of the triangle intersection of State Route 68 and State Route 28. Three of the crossings and the triangle intersection are within the boundary of the Cumberland Homesteads Historic District (District) which is listed in the National Register of Historic Places (NRHP).

TDOT began their review of impacts on historic properties in 1994 by conducting a field review of the proposed project area. In 1996, TDOT prepared a report to document the findings from the 1994 field review which concluded that the Cumberland Homesteads Historic District (District) would be adversely affected by the proposed project (enclosed Architectural report). The report stated that, "The district retains its identity as a farm community and its integrity of plan. New construction in the community does not detract from the district's overall plan and feeling." While the project is state funded and no federal agency was involved at the time, TDOT, in consultation with the SHPO, applied the Criteria of Effect found in 36 CFR 800 and determined that the District would be affected by physical destruction, change of character, and visual effects to the property. During TDOT's public review process, several consulting parties and members of the public expressed their displeasure with the proposed project (enclosed Documentation of Effect report).

In 2000-2003, TDOT worked with the consulting parties to address their concerns. Also during this time, a study was conducted by the University of Tennessee Center for Transportation Research to improve planning and management of transportation projects in the state at the request of TDOT (attached UT report). U.S. 127 (State Route 28) was included in this assessment and UT made the following recommendations regarding this project:

- The project design is viewed as too large a road for the need.
- The active participation of citizens in the design process was not used effectively.
- The public concerns were not adequately taken into account.
- The proposed project design and planning process failed to adequately accommodate the historical district environment.

As a result of these efforts, TDOT modified a section of the proposed project and focused on the design modifications for the triangle intersection at State Route 28 and State Route 68. TDOT developed a Citizens Resource Team (CRT) to address the public concerns. This team met with TDOT multiple times to develop a plan for the intersection that was safer for the public and better complimented the historic setting of the District. As a result of the CRT meetings, Alternative D-modified (pg. 4 Historical/Architectural Assessment) was recommended. The CRT also recommended that an "Enhancement Committee" be established to decide on aesthetic treatments for the project. In addition, the CRT also recommended TDOT work with a local bank that was proposing to demolish a Homestead House (the "Eldridge House") in order to build a new branch office building within the District. TDOT was unable to meet this request and the house was demolished before it could be relocated.

A reconnaissance survey was completed in 2004 by Parsons Brinkerhoff for TDOT that re-evaluated the National Register-listed properties included in the District (appendix E in Documentation of Effect). While it appears that this was done as a case study for TDOT's overall process for re-evaluating National Register properties, it resulted in a change in TDOT's findings for this project. TDOT prepared a documentation of effect report in 2005 (enclosed). In this report, TDOT changed its adverse affect recommendation and determined that the District would only be adversely affected by physical destruction and removal from its historic location. The report stated that the District would no longer be adversely affected by change of character and visual effects to the property (which were included in their 1996 determination of effect). TDOT stated "with the introduction of urban/suburban development and the alternations to original Homestead Houses along the State Route 28 (U.S 127) corridor, the setting no longer contributes to the National Register significance of the historic district."

TVA assumed lead agency status for the project in 2010, after receiving the permit request. The agency has reviewed the documentation provided by TDOT and has determined, in consultation with the TNSHPO, that the District would be adversely affected by the proposed project. Several consultation meetings have been conducted with the consulting parties who have expressed concern regarding TDOT's findings and supporting documentation. TVA has reviewed the Documentation of Effect and has the following concerns:

- Some of the figures in the report depict contradictory information. For example, on page 13, Figure 6 depicts an area that reportedly retains no integrity. However, on page 14, Figure 7 depicts areas that "retain nice clusters of Homestead houses." One of these clusters falls within the area that reportedly retains no integrity on Figure 6.

- Figure 6 also included the triangle intersection in the “area retaining no integrity.” Both TDOT and the SHPO have stated that this map has inaccurately included the triangle intersection and that the triangle intersection retains its integrity.
- No map is included to document the locations of modern development within the APE or photographs to justify a finding that areas within the District no longer retain integrity.
- It is unclear, based on the documentation provided, which areas within the APE retain integrity and, if present, how they will be adversely affected. This information will be the basis for determining an appropriate mitigation strategy.

In addition to concerns with the Documentation of Effect, TVA needs clarification regarding the discrepancies raised by consulting parties of possible anticipatory demolition of the Eldridge House. Specifically TVA needs to know the condition of the Eldridge House prior to its razing. Also, considering the project would need federal permits and the original District nomination was from 1988, TVA would like to request that TDOT provide any available pre-demolition documentation for buildings and structures once located adjacent to the triangle intersection (e.g., location of general store).

Based on these concerns, it is TVA's position that additional data/documentation is needed before any appropriate mitigation can be recommended. Specifically, TVA would like TDOT to amend the report to include figure corrections and the documentation requested above.

Pursuant to 36 CFR § 800.6, TVA is requesting that the Advisory Council on Historic Preservation participate in the consultation for this undertaking. For your review, we have enclosed on CD: copies of the architectural reports, consultation letters, public comment letters, and response letters from TDOT addressing the public comments.

Should you have questions or comments, please contact Marianne Shuler at (865) 632-2464 or email at mmshuler@tva.gov or Ted Wells at (865) 632-2259 or by email at ewwells@tva.gov.

Sincerely,



Clinton E. Jones
Senior Manager
Biological and Cultural Compliance
Environment and Permitting Compliance

EWV:CSD
Enclosures

Reid Nelson
Page Three
April 18, 2013

cc (Enclosures):

Martha Carver
TN Department of Transportation
James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243

Valerie McCormack
Army Corp of Engineers
P.O. Box 1070
Nashville, Tennessee 37202

E. Patrick McIntyre, Jr.
Executive Director
Tennessee Historical Commission
2941 Lebanon Pike
Nashville, Tennessee 37243-0442

INTERNAL COPIES ONLY, NOT TO BE INCLUDED WITH OUTGOING LETTER:

Brenda E. Brickhouse, BR 4A-C
Khurshid K. Mehta, WT 6A-K
Anthony D. Summit, CSC 1A-JOT
EDMS, WT CA-K

***Paddock & Mastin
Attorneys at Law
360 Roberts Hollow Ln.
Cookeville, Tn. 38501
931-268-2938***

March 29, 2012
Electronically - Had Copy to Follow

Marianne Shuler
Tennessee Valley Authority
Cultural Compliance WT 11D
400 W. Summit Hill Drive
Knoxville, TN 37902

Re: 106 Process, TDOT Highway 127S
(HWY 28) project through Cumberland Homesteads National Historic District

Dear Ms. Shuler,

It has come to our attention that TDOT has put out an RFP for a new historical assessment or resurvey of the Historic District in connection with the above project..

We ask that this new historical assessment or resurvey request incorporate the comments made by consulting parties in the section 106 process regarding the need for the historic purpose of the Homestead community to be taken into consideration in any re-survey or re-assessment.

We were frankly surprised that this RFP was released outside the section 106 process and in light of the consulting parties' request for National Advisory Council participation and investigation of our claim of anticipatory demolition, for which we have not yet received an acknowledgment.

We repeat our request that the section 106 meeting minutes include Ms. Vaden's comments that the nature of the Homesteads Project always included economic development and that this design and history were not taken into account in TDOT's previous assessment. We respectfully request that any reassessment take into account the history of economic development as a goal of the Homesteads project

Thank you for your consideration of this request. We would appreciate a response.

Mary M. Mastin
Attorney at Law

cc:

Robert (Robin) Hill, Chair Tn. Chapter Sierra Club Transportation Committee
Charles P. Nicholson, PhD., Manager, TVA NEPA Compliance

From: Vicki Vaden [vsvaden@gmail.com]
Sent: Saturday, March 10, 2012 12:14 PM
To: Shuler, Marianne M
Subject: 106 Comments - Demarcation of Cumberland Homesteads District
Attachments: eld road view.JPG

Dear Marianne,

Thank you for allowing us the needed time to submit additional information for the Section 106 review.

In 2004, the TDOT Right of Way Division mandated the removal of the "Welcome to the Cumberland Homesteads National Historic District" sign that was located at the northern boundary of the district. We were notified when the ROW personnel taped an envelope containing the notice to the outdoor sign located at the first historic farm upon entering the historic district, the Eldridge property. I gave the notice to our TDOT Project Manager, Ann Andrews during a conversation following our next CRT meeting. When I expressed our concern that it seemed premature to require the sign to be removed when the design for the project was not final and the permits had not been issued for construction, she said she would check into the matter and see if there could be an extension to the deadline or waiver.

Because we never received word from TDOT that we could disregard the notice, we complied with TDOT's letter to remove the sign. We were afraid not to because the letter stated that TDOT would remove the sign and charge us for its removal and storage if we did not comply. This has left the historic district without demarcation on the northern end since 2005. This sign was highly visible and was very important to the district as this is the route the majority of visitors travel into the historic district if coming from one of the three Crossville exits on I-40 or from the city of Crossville. (See attached photo)

Since the removal of the sign, visitors must travel approximately three miles into the center of the historic district before seeing any informative signage about the area having historic significance. This has diminished the recognition of the district's size and importance to the public, has negatively affected tourism/economics and undermined historic preservation within the district.

The negative impacts are a direct result of TDOT pushing forward with the project prematurely. The Section 106 review was no where near completion when these TDOT decisions were made and implemented and the historic community has

suffered losses as a result. The damages that have already occurred to the Cumberland Homesteads will need to be considered by TVA when evaluating the project and considering mitigation. TDOT has talked about replacing the sign and we have submitted a suggestion on what we would like to be installed, but simply replacing the sign many years later will not make up for our losses

Thank You for the opportunity to submit these comments for the Section 106 Review documents.
Vicki S. Vaden, CHTA



**Paddock & Mastin
Attorneys at Law
360 Roberts Hollow Ln.
Cookeville, Tn. 38501
931-268-2938**

December 4, 2011
Electronically - Hard Copy to Follow

Marianne Shuler
Tennessee Valley Authority
Cultural Compliance WT 11D
400 W. Summit Hill Drive
Knoxville, TN 37902

Re Sierra Club comments for the 106 Process, TDOT Highway 127S
(HWY 28) project through Cumberland Homesteads National Historic District

Dear Ms. Shuler,

Thank you for sending the minutes from the October meeting and for allowing us the opportunity to submit these comments on behalf of the Sierra Club.

We understand that Betsy Merritt of the National Preservation Trust forwarded you some edits/comments on the minutes and asked for copies of the exhibits that were posted on the walls at the October meeting.

In that regard, we were disappointed that the wall displays did not include large drawings of the different alternatives discussed by the Citizens' Review Team (CRT). We had expected that they would be on display both at the October section 106 meeting, and also at the January 2011 meeting in Crossville. We repeat our request for a public meeting in Crossville where these drawings can be displayed for the public. At a minimum, we should have them on display for a future 106 meeting, preferably in Crossville, so that they can be discussed as a part of the section 106 consultation.

We note that there was some discussion at the October meeting, prompted by Ms. Merritt regarding figure 11 on p. 43 of the TDOT "Historical/Archaeological Assessment" (also found at Figure 6, p. 13 of the consultant's "Preliminary Re-Evaluation of the National Register-Listed Cumberland Homesteads Historic District"). We understood the clarification by Mr. Garrison and Ms. Carver to be that the red boundary in figure 11, p. 43 should not have included the triangle as the triangle retains historical integrity. It's not clear that the statement in the minutes ("The triangle does contribute to the integrity") is an accurate recap of what they said, though it does indicate that they do not agree with TDOT's finding of no adverse effect under TDOT's listed 36 C.F.R.500.9 adverse effect criteria (iii) and (iv) (see discussion below).

Requests to Supplement the Record

I just came across a packet of materials, drawings etc. that Ms Vaden gave me back in 2003. She says she has lost her copy of this packet. I believe it contains some of the documents she has said she was going to forward to you. I have copied these on a disc and will put that in the mail to you separately.

We ask that the section 106 meeting minutes include Ms. Vaden's comments about the area described as having no integrity by the consultants TDOT hired to re-evaluate the historic district and her statements that the nature of the Homesteads Project always included economic development and that this design and history was not taken into account in TDOT's assessment.

We also ask that the attached Resettlement Administration drawing from the Library of Congress be made a part of the 106 record. ([http://www.loc.gov/pictures/item/fsa1998018929/PP/Attachment 1](http://www.loc.gov/pictures/item/fsa1998018929/PP/Attachment%201)). Also found at p. 46 of TDOT "Historical/Archaeological Assessment". It is clear from this historic drawing that the Triangle at the Homesteads Tower, shown here as the community center, is the focal point and central integral part of the Homesteads community design.

We are attaching our 2006 letter to TDOT on the section 106 process here and repeat the requests in that letter. Attachment 2. In that letter, we stated we agreed with TDOT's findings of adverse effects under the first two 36 C.F.R. §§ 800.5 and .9 criteria listed by TDOT as (i) and (ii) and that the proposed changes will diminish the integrity of the Cumberland Homesteads National Register Historic District. We disagree with the finding of no adverse effect on TDOT's listed criteria: "(iii) Change of the character of the property's use or physical features within the property's setting that contribute to its historic significance; and (iv) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's historic significant historic features."

It appears now that TDOT and SHPO officials recognize on the record the Triangle as contributing to the integrity of the property's historic significance, there is now no support for TDOT's findings of no adverse effect under their criteria listed as (iii) and (iv).

Request for a Reassessment Taking Into Account the History of Economic Development as a Goal of the Homesteads Project

TDOT's decisions on their listed criteria (iii) and (iv) were based on their contract consultant Parsonss Brinckerhoff reconnaissance survey which, in our opinion, was flawed. We do not believe that the reconnaissance survey adequately took into consideration the history and nature of the Homesteads project. As TDOT acknowledges, this "windshield survey" was not an "in-depth evaluation". p. 2., "Preliminary Re-Evaluation of the National Register-Listed Cumberland Homesteads Historic District",

We are instructed that “Some historic districts have a unified historic and/or architectural development. It is important to recognize that integral does not mean that a district must have homogenous resources. Districts can also include diverse resources that represent the area’s development over time. A commercial or residential area, for example, may form a unified whole, but have resources built in a variety of styles over a long period of time.” U.S. Department of the Interior, National Register Criteria VIII, Properties in Historic Districts.

We believe there needs to be a reassessment taking into account the fact that economic development was contemplated in the original purpose of the Homesteads project. Certainly the red boundary designating an area which supposedly has no historic integrity in figure 11, p. 43 of TDOT’s Historical/ Archaeological Assessment needs to be redrawn to make clear that it does not include the Triangle.

We note TDOT’s own description of the Homesteads project recognizes that “Cumberland Homesteads Historic District was listed in the National Register of Historic Places in 1988 under Criterion A for its **significance in social history, community planning and development** and agriculture and under Criterion C for its architectural significance.” TDOT Historical/ Archaeological Assessment, p. 37 (Emphasis added).

The language from the Cumberland Homesteads National Register of Historic Places listing also emphasizes this important aspect:

“The Cumberland Homesteads Historic District is an excellent example of a subsistence farm community built during the New Deal.¹ The district is important for its role in **community planning and development, social movements of the thirties involving cooperatives**, community living and self-help movements; and as an important example of small worker’s houses. The district retains its identity as a farm community through its integrity of plan, landscape features and the farm homesteads. New construction in the community does not detract the district’s overall feeling and plan.

New construction, both residential and commercial has occurred on some of the original homesteads tracts. However, for the most part, this has not detracted from the original plan of the community and the majority of open rural area has been retained. Modern subdivisions have been constructed within the boundaries of the community which has included the addition of new roads. This development does not detract from the original plan of the Cumberland Homesteads Historic District. Most changes have occurred in areas that were originally undeveloped, or on the main roads in the community and at the

¹ “Due in part to the influence of Tennessee Valley Authority chairman and cooperative living proponent Arthur Morgan, the Division of Subsistence Homesteads accepted the Cumberland County proposal in January 1934.” Wikipedia
http://en.wikipedia.org/wiki/Cumberland_Homesteads

outer boundaries of the area. The landscape features of the community have remained relatively unchanged. The majority of the community remains as open farmland with only minor changes to the road patterns, the farm field and timberland.

...

The stranded² communities were the only homestead communities settled by destitute relief clients where no opportunity for employment existed. The homesteads, designed only for part-time farming, were dependent upon some form of industrial employment to provide economic security for the homesteaders. **Cumberland Homesteads, like the other stranded communities, hoped to attract industry to their community.** (section 8 page 4)

...

Cumberland Homesteads, a planned community, in Cumberland County, Tennessee is representative of this important, albeit relatively small, relief program under the New Deal. Cumberland Homesteads originally consisted of 251 Farm Homesteads located on 27,802 acres (of which 1,300 acres were park). Started under the Division of Subsistence Homesteads, Cumberland Homesteads was one of the first homestead colonies built in the nation. The stranded homestead communities, based on an ideal of placing needy, yet worthy, families on small subsistence farms in a "back-to-the-land" movement, provided the families with a house, five or more acres on which to grow vegetables, and raise a cow, pig and chickens. In addition to providing farms for homesteaders, the colonies

² The Cumberland Homesteads was established as a Subsistence Farm Community in 1934 by the Division of Subsistence Homesteads. . . In May 1933, the National Industrial Recovery Act established the Division of Subsistence Homesteads. The program was aimed at providing housing opportunities for either the under - or unemployed who were willing to work hard to form new communities based on a cooperative form of government and a back-to-the-land philosophy. . . . On October 14, 1933, the division announced they would concentrate on three types of homestead communities. These included communities for part-time farmers located near industrial employment, communities of resettled farmers from submarginal land, and communities for stranded miners. . . The Division of Subsistence Homesteads established thirty-four homestead communities in 1933. Four of the communities, including Cumberland Homesteads, Tennessee, were stranded communities. Cumberland Homesteads, a Resettlement Community of the Depression, by Liz Straw, Tennessee Historical Commission.

http://www.nps.gov/history/history/online_books/sero/appalaia/scc8.htm

were designed to include several community buildings including schools, administration building, and **cooperative buildings such as the loom house, store and factories."** (section 8 page 5)

Like the majority of colonies, Cumberland Homesteads was placed on primarily undeveloped land and was conceived as a cohesive community from the beginning. Homes were built along winding roads that extended out from a community center. Located near the center of the project were the elementary school and high school, administrative offices, and several cooperative buildings. **An essential item missing from the stranded communities was a viable source of employment.** While homesteaders were employed during the early years of construction, there was no long-term employment available after the colony was built and the majority of farm parcels were too small to provide the means for earning a living from the land. Although there were several attempts at cooperative farming and running a cooperative cannery, as well as, an attempt to bring outside industries in the area, all attempts at Cumberland Homesteads failed. As a result of early employment problems in the stranded communities, the thrust of the homesteading program shifted towards industrial communities and farm communities, both of which offered the promise of long term employment. The successes and failures that occurred in Cumberland Homesteads and the other stranded communities assisted the Federal government in establishing new goals and directions for their resettlement communities and the redistribution of farm population." (Emphasis added).

In this current time of severe national economic recession, we believe the importance to our national history of this project is very important as a historical model of a planned community as a way the federal government attempted to address the Great Depression. This is much more important in our mind - and worthy of preservation - than how many homes/buildings in the District retain their architectural integrity

The historical drawing from the Library of Congress referred to above has several unidentified structures (we don't know what the other buildings are in the concept drawing but they aren't houses), at the center of the community adjacent to the triangle intersection that may represent the planners' anticipated growth for this area. (See three sets of buildings in the lower left corner and along the left side of the photo, Attachment 1, circled in the attached photo, Attachment 4). This seems reasonable since economic growth was one of the goals of the project for this "stranded community".

In Ms. Vaden's comments at the section 106 meeting, she spoke of the significance of community planning to the history of the Cumberland Homesteads, which included the state park and the large woodland that had not changed over the years and also the government's economic development initiatives to attract private industry to the community in order to create jobs for Homesteaders. She also explained how the government's reduction of the number of the farms from 350 to 250 resulted in fewer, more sparsely placed farmsteads on the northern part of the

historic district along the proposed route. She did not believe TDOT's consultants thoroughly considered these factors in their report and we agree.

Please see the attached aerial photo of the triangle. (Attachment 3). All the buildings on the left (north) side of the highway are now gone through TDOT's right of way process or otherwise. One of these buildings was a historic property, the Homesteads garage, as noted in the photo.

Since the Cumberland General Store and other nonhistoric structures at the intersection have been demolished, the Historic District is closer now to what was there when the Homesteads Project ended. The reconnaissance survey is out-dated and that area needs to be re-surveyed. Possible alternatives need to be reconsidered, taking into account that this area is now vacant. By tearing down the buildings adjacent to the Triangle, TDOT has already negatively affected the district by removing some of the economic development that the original planners possibly anticipated to be built by private industry. The Cumberland General Store was known internationally. It was a major tourism draw. Loss of these potential tourism dollars has already negatively affected the District. Loss of the triangle and integrity of the design could result a further economic loss.

As Mr. Robert (Robin) Hill noted in his comments for the Sierra Club at the 106 meeting in October. "Any time you improve a road you bring with it environmental issues and development changes not anticipated. These change the character of the area when roads are "improved".

The Secretary of the Interior's Section 110 Guidelines for Federal Agency Historic Preservation Programs pursuant to the National Historic Preservation Act recognize that:

(c) Full consideration of historic properties includes consideration of all kinds of effects on those properties: direct effects, indirect or secondary effects, and cumulative effects. Effects may be visual, audible, or atmospheric. **Beyond the effects from physical alteration of the resource, itself, effects on historic properties may result from changes in such things as local or regional traffic patterns, land use, and living patterns.** (Emphasis added).

This road widening project may very well have the unintended consequence of reducing economic growth in the area because it decreases the historic integrity, and therefore the tourist draw, of the National Historic District.

Request for Review of All Alternatives

We repeat our request on page 4 of our 2006 letter (Attachment 2) regarding the County Commission's July 15, 2005 Resolution and recommendation that the plan as modified with the amendment should attempt to move the new road lanes through the intersection at the Triangle further to the west on the far side of the Tower. Doing so would not take any buildings.

A close review of the alternatives presented to the CRT shows that Alternative C essentially does this. When this drawing is looked at together with the aerial photo (Attachment 3) showing the Triangle and buildings that have been removed, it looks as if this alternative could be accomplished more easily now since those buildings have been removed. It certainly is worth a discussion within the section 106 process.

In January 2005, saving the historic Eldridge House, an historic Homestead home, slated for demolition by a local bank was discussed in the CRT process as a mitigation or enhancement measure. pp. 23-24 of TDOT's "Historical/Archaeological Assessment". In February 2005 TDOT apparently had a consultant assess the cost for moving the House and TDOT staff presented the idea to the TDOT Commissioner. At the March 2005 CRT meeting, TDOT staff apparently informed the CRT that relocating the Eldridge House could be considered either as a part of the Alternative (apparently Alternative D) or separately.

In April of 2005 the SHPO apparently received a letter from the Progressive Savings Bank stating that they did not have to comply with section 106 as they were not a federal bank. The letter informed the SHPO that the bank intended groundbreaking to occur in six weeks. On May 17, the undersigned wrote the TDOT Commissioner urging rapid action on saving the Eldridge House. On May 18, 2005, Martha Carver of TDOT e-mailed Joe Garrison SHPO to ask about whether federal permits were required for the bank and Mr. Garrison replied that since it was a savings and loan, no federal permits were required.³ Demolition of the Eldridge House occurred in July of 2005, leading both the National and the Tennessee Preservation Trusts to express dismay. pp. 24-26 TDOT "Historical/Archaeological Assessment".

The attached photos show some suggestions from Ms Vaden as to how the Eldridge House might be utilized as a visitor center once moved. Attachments 5-10.

Community members were counting on TDOT to preserve the Eldridge House,, and that failure detracts from any CRT "approval" (minimal though the approval vote was) of Modified Alternative D. Modified Alternative D would have a significant adverse effect on the Historic District, by taking a large portion of, and very nearly destroying the Historic Triangle, a major contributor to the integrity of the Historic District. (As recognized by the CRT, Alternative D "Reduces/destroys" the Triangle, p. 18, TDOT Historical/Archaeological Assessment. The modified version still destroys the current and historical Triangle by diminishing its size, changing its shape and location and possibly the location of the Tower Museum's parking.)

There Is No Need for this Big a Road Project - No Build Should Be the Preferred Alternative

³ We do not understand authority for this advice. Section 106 apparently applies to a bank because of Federal Deposit Insurance Corporation (FDIC) insurance. Federal Savings and Loan Insurance Corporation (FSLIC) provides federal deposit insurance for S&L's similar to what the FDIC provides for commercial banks.

In any event, TVA through the section 106 and NEPA process should discuss every alternative, including the "NO Action" or "NO Build" alternative, which TDOT never allowed to be considered by the public at the June 2004 meeting at the Cumberland State Park or in the CRT process.

The Sierra Club strongly believes that there is no need for this large a road project. The UT study found that the road as designed was too big for the need. TDOT's traffic projections did not foresee nor take into account lessened vehicle use for the past few years and projected into the future. Any safety issues could be taken care of with the addition of a traffic light at the intersection of highways 68 and 127S (28).

At the January 2005 CRT meeting, TDOT's documentation reflects "Steve Allen presented the changes in the traffic forecast that indicated an error in previous forecasts. The correct traffic forecasting data showed a 25% reduction in current traffic counts which reduced traffic forecasts for 2025 by 39%. p. 23, November 2005 TDOT Architectural Assessment and Documentation of Effect Report pursuant to 36 CFR 800, for the proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee, Project # 18006-1209-04 PIN# v 101044-00.

We understand that at this meeting Mr. Allen stated that based on this corrected forecast there would be no need for road improvements until 2019. Federal Highway Administration data show a reduction in vehicle miles traveled since 2005 when this 39% error was noted. See Attached FHA Volume Traffic Trends data for September 2011. (Attachment 11). So the need has diminished even further and, based on future projections of less motor vehicle use, there is no need at all for this road widening.

We are informed that the Triangle functions well and traffic flows smoothly and TDOT's expressed safety concerns are not justified.⁴ TDOT should not be relying on incorrect and outdated traffic information to justify this road project. At a minimum, TDOT should conduct new traffic counts.

TVA should find No Action as the preferred alternative. As we proceed through the section 106 process, we should go through each of the alternatives considered by the CRT, some of which (as in Alternative C discussed above) do much more to preserve the historic triangle than the CRT's supposed preferred alternative (modified D). In addition, it's our understanding that both Ms. Vaden for the Tower Association and the Homesteads Elementary School submitted alternative design proposals to TDOT, but these were not presented to the CRT. See Ms. Vaden's rejected proposal, attached as Attachment 12. We would like to see these and other submitted proposals and have the opportunity to consult about their suitability and have them be a part of the section 106 record.

⁴ Mr. Robert (Robin) Hill, a retired engineer and chair of the Tennessee Chapter of the Sierra Club's Transportation committee, who accompanied me as Sierra Club consulting party representative to the 106 meeting, informs me that a couple months ago he spent several hours (1:30 - 4:30 pm) at the Homesteads Tower, observing the traffic and that the Triangle intersection appeared to be working fine.

(We understand that Ms. Vaden's proposal was rejected because it contained fewer than 5 lanes through the triangle. As the current preferred alternative now contains fewer than 5 lanes, it is time to take a serious look at Ms. Vaden's proposal.)

Role of TDOT and the SHPO

We would like know whether minutes or transcripts of the CRT meetings are, or have been made, a part of the record for the section 106 process. There should also be a transcript from a public hearing held at the Cumberland State Park in June 2004 which should be included in the 106 record.

This transcript should make clear that, early on, TDOT consistently dodged questions from the public about whether there would be any federal involvement or federal environmental review. They have all along insisted the project was state funded, misleading the public about the need for a federal NEPA review and delaying applications for federal permits, which would have initiated the section 106 process earlier.

TDOT was very heavy handed throughout this process, moving forward with right of way purchases many years before the required environmental permit, NEPA and NHPA reviews were completed, or under way. Because federal regulations require compliance with Section 106 "early in the planning stages of the undertaking, when the widest range of alternatives is open for consideration", 36 C.F.R. §180.3(c) (1995), TDOT's CRT process cannot substitute for a thorough review under section 106 of "the widest range of alternatives".

Further, TDOT's rushed right of way purchases leading to the destruction of the the buildings on the north side of the Triangle, one of which included a Homesteads Historic Building, as seen in Attachment 3, and TDOT's failure to save the Eldridge House, when it led CRT members to believe it could be preserved, together with TDOT's apparent attempt to avoid section 106 involvement, raise questions of "intentional adverse effects by applicants" or "anticipatory demolition". Section 110(k) of the National Historic Preservation Act, 16 U.S.C. §§ 470 (NHPA).⁵ Under 36 CFR §800.9(c), TVA and the Army Corps must deny the requested federal permits, unless the national Advisory Council on Historic Preservation determines otherwise.

We believe this project warrants Advisory Council involvement in the section 106 process and ask to be advised of TVA's notification to the Advisory Council of this pending process. We would appreciate copies of TVA's correspondence with the Advisory Council and the opportunity to participate in consultation with the Advisory Council.

⁵ Section 110(k) was adopted in 1992 to discourage "anticipatory demolition" by prohibiting Federal agencies from providing grants, loans, permits, or other assistance to any applicant who intentionally destroys a historic property in order to avoid compliance with Section 106 of NHPA, unless the agency consulted with the Council to determine whether such assistance was nevertheless justified.

Conclusion

We ask that this section 106 process clarify that the Tennessee Historical Commission now recognizes adverse impacts from this road project to a National Historic District, even though the Tennessee Historical Commission in its 1997 cover letter to TDOT failed to identify resources within the project area eligible for listing in the National Register of Historic Places and gave its opinion that it "has no objection to the implementation of this project".

We look forward to further consultation under the section 106 process. We do have additional concerns about the environmental impacts of the road project as a whole, including water and wildlife habitat impacts, and will address these separately, to be considered under the NEPA review.

The Sierra Club asks TVA, a Depression Era project, to honor the legacy of its sister Depression Era project, the Cumberland Homesteads, created in no small part because of TVA's first Director, Arthur Morgan, and not allow this road project to go forward. TVA (and the Army Corps) should deny federal permits because of anticipatory demolition. TVA, as the lead federal agency, should find significant adverse impacts from this unneeded road project to the National Historic District and the Tower and the Triangle under both section 106 of the NHPA but also under the National Environmental Policy Act (NEPA).

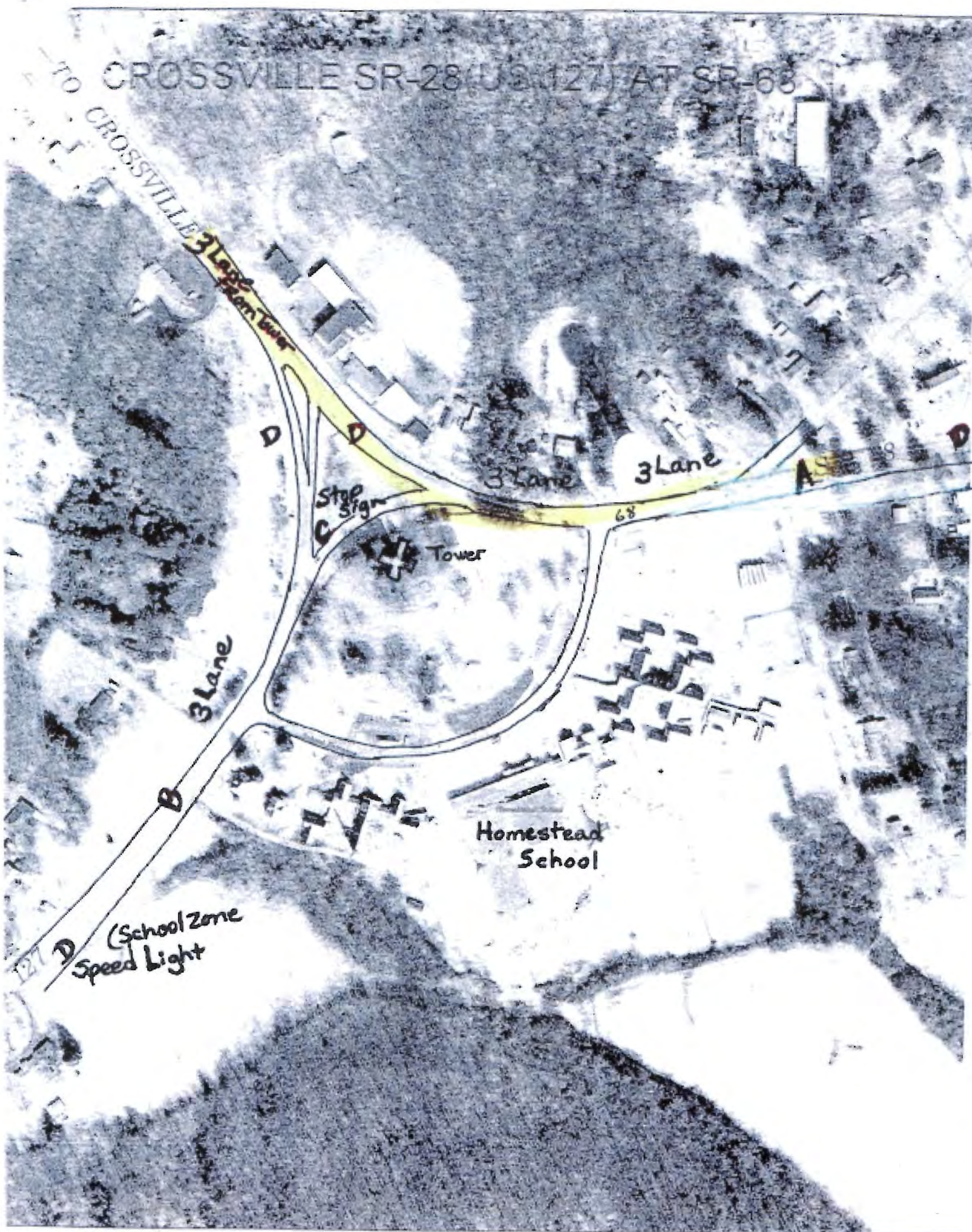
Sincerely



Mary M. Mastin
Attorney at Law

cc:

Robert (Robin) Hill, Chair Tn. Chapter Sierra Club Transportation Committee
Charles P. Nicholson, PhD., Manager, TVA NEPA Compliance
Brad Bishop, U.S. Army Corps
Valerie McCormack, U.S. Army Corps





Homestead Elementary

3889 HWY 127 South
Crossville, TN 38555
Phone: (931) 456-8344
Fax: (931) 788-2554
Aarona VanWinkle, Principal

May 5, 2004

To Whom It May Concern:

We at Homestead Elementary appreciate the opportunity to address the traffic problem at both the entrance and exit of our school. The congestion has long been a problem for all involved.

We would like for the Resource Team to consider the following suggestions.

- (A) A three lane on Hwy 68 at least to the church allowing a turning lane for north bound school traffic and turning lane for Deep Draw - through traffic would continue - also allowing Hwy 68 to turn on to Hwy 127 South.
- (B) A three lane on Hwy 127 South at least past the fire station
- (C) A stop sign for traffic from Hwy 68 to merge with Hwy 127 South.
- School zone signs:
 - One after split on Hwy 127 South
 - One after the split on Hwy 68
 - One by the Antique Shop for those coming from Hwy 68
 - One on Hwy 127 for those coming toward the school
- (D) Speed zones should be posted on each of the roads.

You will find a diagram enclosed of our request.

The Homestead Community is a valuable asset to have as a historical environment for our county. We would like to preserve the historical setting as much as possible. However, we all feel that the safety of the students and adults are our major concern.

Thank you for allowing us the opportunity to contribute.

Sincerely,

Aarona Vanwinkle, Principal

Jileen Merriam PTO President

444.5373

Design Request to Toot
with attached diagram -

Request Disregarded



Att. 1

September 29, 2006

Electronically - Hard Copy to Follow

Tammy Allison Sellers
Historic Preservation Supervisor
Tennessee Department of Transportation
James K. Polk Bldg.
505 Deaderick St.
Nashville, TN. 37243-0334

Re: Section 106 Comments - "Historical/Architectural Assessment and Documentation of Effect Report Pursuant to 36 C.F.R 800" - State Route 28, (U.S. Hwy.127) South of Sawmill Rd. to Cleveland Street in Crossville, Cumberland County

Dear Ms. Sellers:

Please accept these comments on behalf of the Upper Cumberland Group of the Sierra Club. We appreciate the opportunity to comment on the section 106 process and the grant of an extension of time to comment.

The Sierra Club is very concerned about this road project's adverse impacts to the Cumberland Homesteads Historic District, Tennessee's largest National Register Historic District and recognized as a signature historic district, integral to the currently sought National Heritage Area designation for the Cumberland Plateau. The Sierra Club is also very concerned about impacts to the fragile environment of the Plateau from the rapidly expanding growth in the Crossville area and the increased growth that this widened highway will bring.

The Sierra Club asks to be considered a consulting party.

We ask that the "Historical/Architectural Assessment and Documentation of Effect Report Pursuant to 36 C.F.R 800" be revised and that it include the information listed later in this letter.

First, we wish to point out that federal regulations require compliance with Section 106 "early in the planning stages of the undertaking, when the widest range of alternatives is open for consideration". 36 C.F.R. §180.3(c) (1995).

The planning process for this road construction project has been a long and convoluted one. TDOT's Section 106 Documentation outlines some of the history of this process. However, the recent notices of the Section 106 process are, so far as we can tell, the first time that Section 106 has been mentioned to the public and those involved in the process.

We do not believe that the CSS or Citizens Resource Team process and the alternatives which it produced can replace the public involvement for Section 106 and other federal law requirements. A review of the transcript of the June 24, 2004 Public Meeting, pp. 26-27 reveals that the public had many questions regarding interplay with federal environmental and historic preservation law requirements that were not sufficiently answered.

Further, the CRT process for this project is suspect in that it was not used for the entire project, but only for the intersection, even though Team members asked that the entire project be assessed through the Context Sensitive Solutions process. CRT members were told repeatedly that their concerns about negative impacts upon the historic and natural environments along the project's roadway section were outside the bounds of the charge given to the team and that these concerns would not be discussed.

Previous complaints that the CRT process did not include an adequately wide range of interests and that no environmental organizations were included remain unaddressed. (In this regard we object to TDOT's description of the CRT as representing a "wide range" of interests.)

When the alternatives were voted on by the CRT, we are informed that the vote among local members of the CRT for modified D alternative was only 8-7. Further, saving and moving an original Homestead home, the Eldridge house, set for demolition, was a part of the Modified D alternative when voted on. This mitigation measure must be replaced with other effective mitigation measures acceptable to the community and Historic District.

The 106 documentation should reflect these concerns.

The Sierra Club questions TDOT's projections of increased traffic as unrealistic. The likelihood of continued petroleum use twenty years into the future is suspect and ought to be recognized.

The Cumberland Plateau, and the City of Crossville in particular, has a severe water supply problem. The Army Corps of Engineers is currently undertaking an EIS to study suggestions for the city to deal with its water supply problems. Continued increased growth as projected is simply not sustainable for the fragile environment of the Cumberland Plateau.

We ask that reference to the Army Corps' study be included in the Section 106 Documentation. United States Army Corps of Engineers Cumberland County Regional Water Supply Study, Preliminary Engineering Report, December 1998, pp. 7-6 "Following a moderate growth trend, the community would have an inadequate supply of water by Year 2025, . . . it is the responsibility of the County residents to either curtail the current residential and commercial growth of the community or acknowledge the need for an additional water supply."

The Sierra Club questions the accuracy of the numbers of traffic accidents used to justify safety concerns at the intersection of US 127 S and Highway 68. We are of the opinion that the five lanes of highway, particularly through the crucial intersection at the heart of the Homesteads, opposite the Tower, are too large for the need and are certainly a visual intrusion on the character and nature of the Historic District.

We ask that the Section 106 Documentation ("Historical/Architectural Assessment and Documentation of Effect Report Pursuant to 36 C.F.R 800") be amended to include the following information:

- Although TDOT's documentation repeatedly states that this project is state funded only, no specifics as to how the project is funded only with state money is provided. We ask that the documentation include that information, as well as information regarding the federal funding of "improvements" to US 127 North of Crossville and US 127 south of Crossville, around the Dunlap area (intersection with Hwy 111). An explanation of how the state decides which segments of the same highway get funded with either state or federal money would be helpful.

An explanation of how the state deals with budgetary restraints for a highway project that is in the planning stages over a period of years would be helpful. Specifically, the undersigned asked Commissioner Nicely at the announcement of the UT study at Cumberland Mountain State Park whether it was not likely that considering the state's budget problems, if it was not likely that this project that had previously been considered to be state-funded only would not eventually have to be funded with federal money. The undersigned understood the Commission to say that that was so.

The discussion of the applicability of 4(f) should be expanded and revisited to determine if 4(f) review may be needed.

- The entire UT Study should be included, with specific citation to the Study's finding that the "project design is too large a road for the need.". Tennessee Department of Transportation - 15 Case Study, Project Assessment Final Report U.S. 127 (State Route 28) South of Crossville August 2003 Report for the Commissioner by the Center for Transportation Research, University of Tennessee, p. 15.
- TDOT traffic studies for U.S. 127 requested by the communities south of Crossville that determined that road improvement - or highway widening - for 127 between Crossville and Pikeville was not warranted. (See transcript of June 24, 2004 Public Meeting, pp. 126-127, Statement of Wesley Hughen TDOT Region II Design regarding questioning of design change from 5 lanes to 2 lanes south of Homesteads Tower intersection). We ask that the entire transcript of the public hearing be included, as well as the traffic studies mentioned by Mr. Hughen, apparently at the request of Doc Medline, of the project management office.
- The Statement that the historic Tower intersection was a part of Better Roads Project

should be deleted; it was not.

- Information supporting TDOT's opinion that the historic Tower intersection is not safe should be set forth in the Report
- TDOT should reconsider its statement on p. 29 that growth would occur regardless of this project. Experience has shown this kind of road widening will lead to growth. The evidence is that Crossville has had unsustainable growth in recent years and faces water supply problems if there are not some limits to future growth.
- The entire wording of the Cumberland County Commission resolution to support the Resource Team's recommendation, including the Amendment, which was prompted by the fact that saving the Eldridge House, a key component of the plan approved by the Resource Team was no longer possible, which reads:

BE IT THEREFORE FURTHER RESOLVED, that the below signed local elected officials recognize the Cumberland Homesteads National Register Historic District as an important and irreplaceable historical, cultural and tourism resource of Cumberland County, Tennessee and the United States of America and express appreciation to the Tennessee Department of Transportation for their commitment to continue to preserve the triangle and minimize footprint of proposed design wherever possible, as stated, in the 127 South Resource Team Final Recommendation Report.

We ask that the Report also include the following information regarding the County Commission's vote, which information was contained in my August 22, 2005 letter to Commissioner Nicely:

"After the Commission's near unanimous vote to approve the resolution with this amendment and before County Mayor Brock Hill relayed the Commission's vote to TDOT officials present at the meeting, there was further discussion. There was a strong suggestion from community members that the plan as modified with the amendment should attempt to move the new road lanes through the intersection at the Triangle further to the west on the far side of the Tower. Doing so would not take any buildings. As Mayor Hill conveyed the Commission's Resolution, with Amendment to TDOT officials, he specifically asked that TDOT consider this suggestion. TDOT's Ed Cole seemed to assent to this request."

The Sierra Club agrees with TDOT's findings of adverse effects under the first two criteria (i and ii) and that the proposed changes will diminish the integrity of the Cumberland Homesteads National Register Historic District

We disagree with the finding of no adverse effect on:

- (iii) Change of the character of the property's use or physical features within the property's setting that contribute to its historic significance; and

(iv) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's historic significant historic features.

Certainly the destruction of the historic Tower Triangle and introduction of five lanes changes the property's use and visually diminishes significant historic features. We would remind TDOT that there are special requirements for protecting National Historic Landmarks. It is our understanding that National Historic Landmark status is currently being sought for the Tower. Further, the Tower Triangle serves as a gateway to the City of Crossville and is integral to the proposed Cumberland Plateau National Heritage Area.

An impact may exceed the significance threshold depending on the degree to which it affects ' the unique characteristics of the geographic area such as proximity to historic or cultural resources . . or districts listed on the National Historic Register'. 40 C.F.R. § 1508.27(b)(3)(8) (1995).

If there is no widening of 127 S south of the 68 intersection because the traffic studies do not warrant it, why would the historic intersection have to be widened to five lanes, irrevocably destroying the visual characteristics of the Homesteads' most recognizable landmark?

We object to TDOT's insinuation that because the Triangle was not listed as contributing with National Register, its destruction is not significant. This is not determinative under section 106, which treats listed and eligible for listing properties the same.

The Tower as the focal point of the intersection is considered a local landmark and the heart of the Cumberland Homesteads community. Destruction and alteration of characteristics of the Triangle most definitely will have an adverse visual impact on the Tower.

We object to the tenor of the entire section which attempts to paint the Homesteads District as having changed so much that it no longer retains its historic integrity. (e.g. the characterization of figure 11 on p. 43 as an "area which has no integrity").

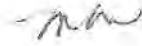
We ask for Council involvement in the Section 106 process because this project includes "adverse effects on properties that possess a national level of significance or on properties of unusual or noteworthy importance or are a rare property type; or adverse effects to large numbers of historic properties, such as impacts to multiple properties within a historic district" Appendix A to Part 800 Criteria for Council Involvement in reviewing Individual Section 106 Cases. Also this project "Has the potential for presenting procedural problems. . . likely to be involved in litigation".

If we are not accepted as a consulting party, we ask to be provided a copy of any memorandum of agreement, when it is completed and if no memorandum of agreement is completed for this project, we ask to be so advised before submission to the Advisory Council.

We ask that the Section 106 document be corrected and revised before being sent to Advisory Council for comments/input.

Finally, we would suggest that throughout the Section 106 process there be coordination with the NEPA study of the entire project. 36 C.F.R. § 800.3 (b).

Sincerely,

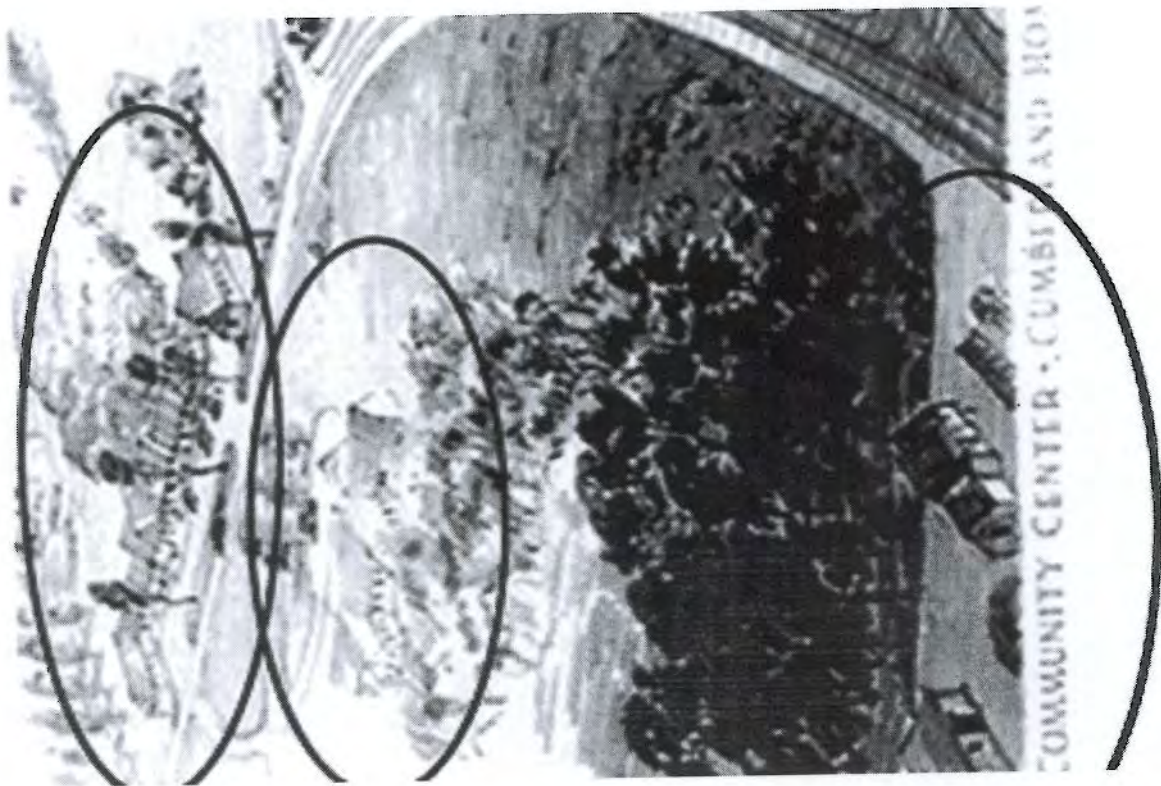


Mary M. Mastin
Conservation Chair, Upper Cumberland Group
Sierra Club

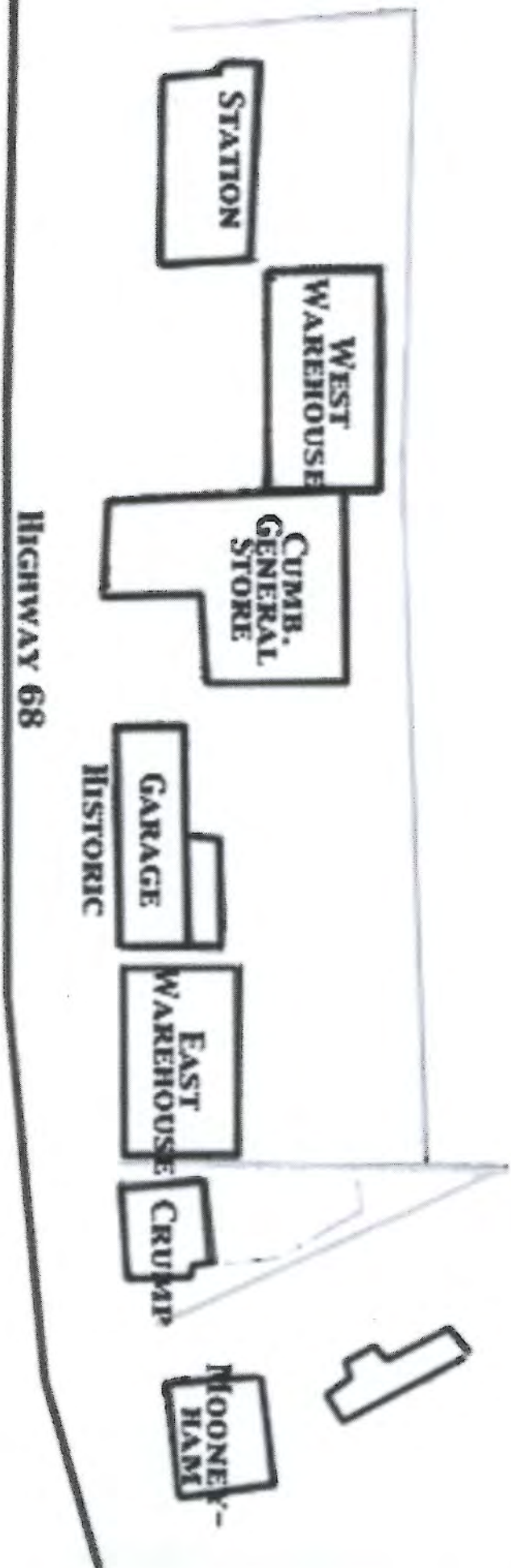
**Buildings that TDOT purchased
for ROW and demolished:**

- Homesteads Antiques &
Ivan & Lucile Mooneyham Residence
located behind store
(elderly couple mistreated by TDOT
that I told you about)
- Originally Homesteads Restaurant
last use by Crump's Antiques
- Warehouse B (Cumb. General Store)
- Historic Homesteads Maintenance Garage
(non-contributing due to remodels and last
used for storage for Cumb. General Store)
- Cumberland General Store &
Warehouse A
- Originally Hodge's Gas Station
last used for storage for
Cumb. General Store
(only the corner of the building seen here)

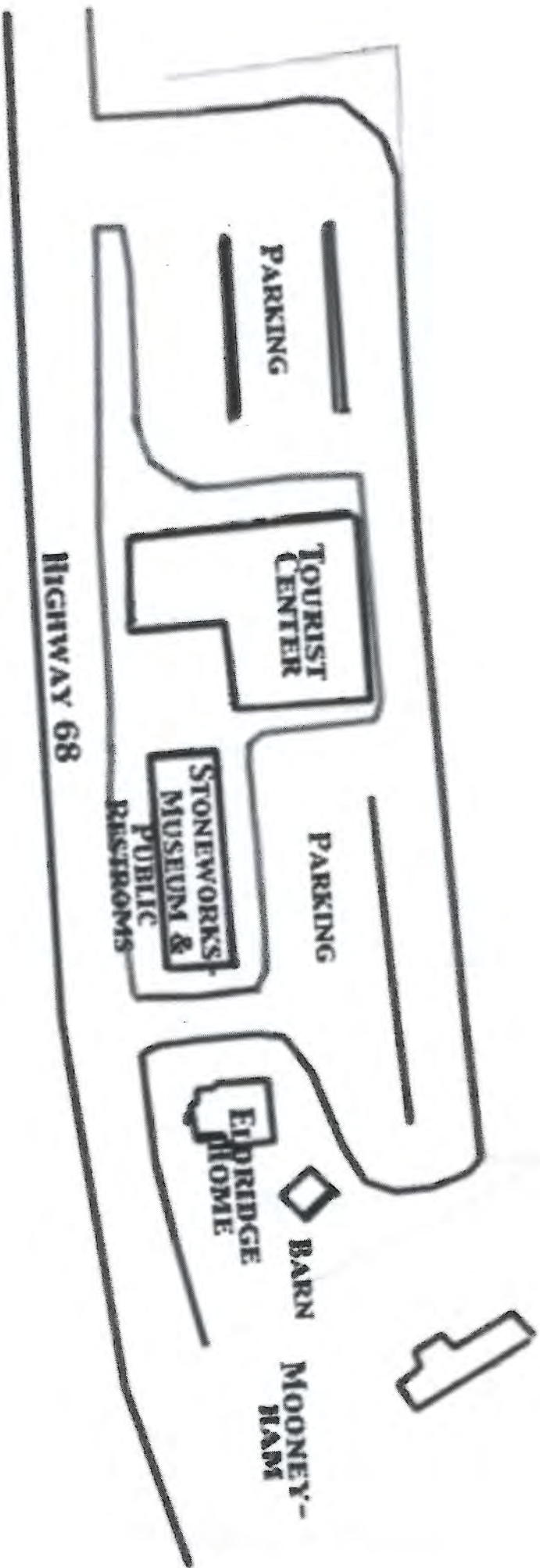




- Att. 4



Alt. 5



Att. 6

CUMBERLAND HOMESTEADS NATIONAL HISTORIC DISTRICT

THE SHOWPLACE OF THE NEW DEAL
NORTH VIEW FROM THE HOMESTEADS TOWER MUSEUM OBSERVATION PLATFORM



Courtesy, 2004 Eastern Dialect Society

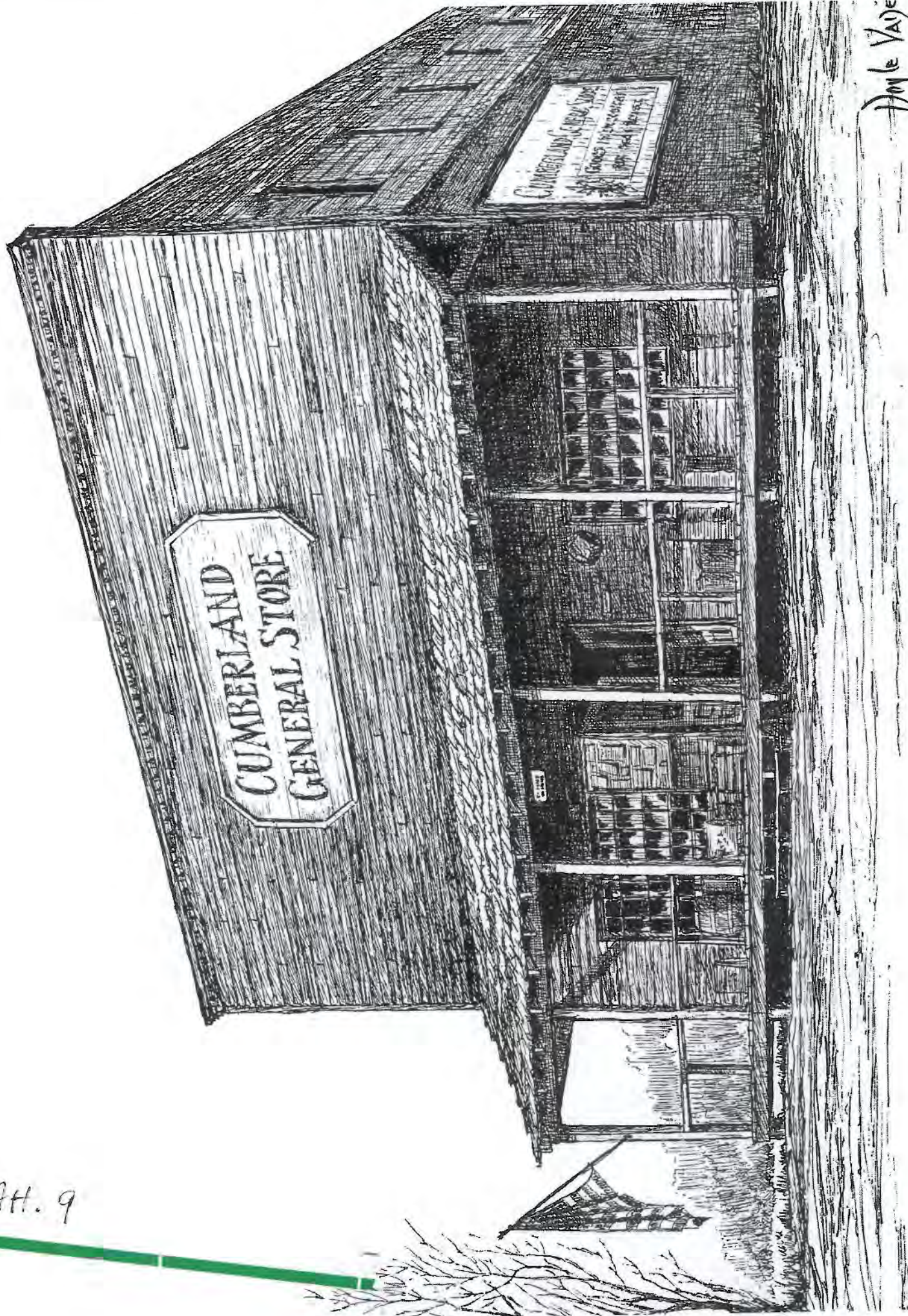
Cumberland Homestead National Historic District *Shoreplace of the New Deal*



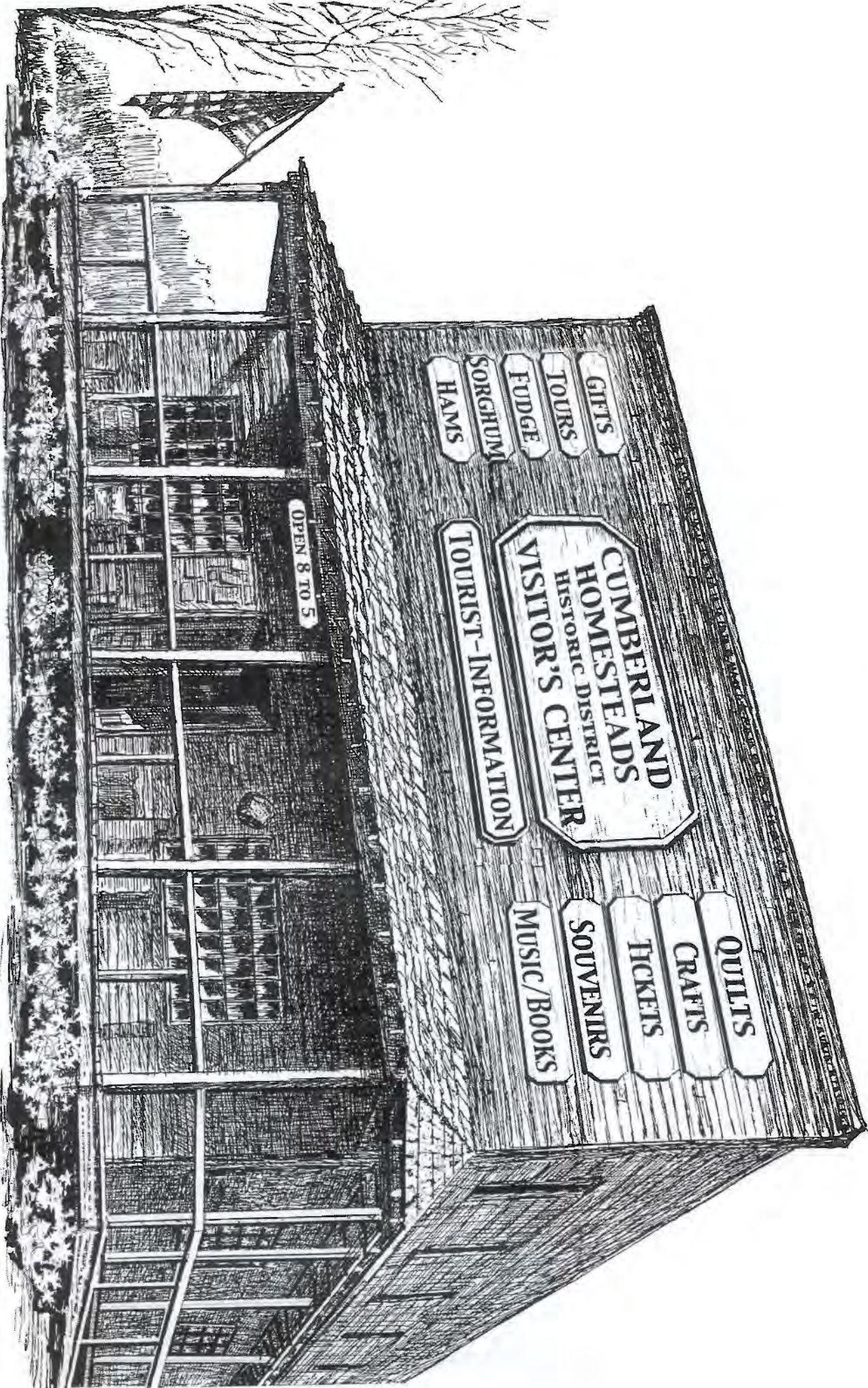
View from Homesteads Tower

Copyright 2009 Eastlake Design Studio

- AH. 9



Doyle Vande



Plt. 10

Doyle Vandy



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

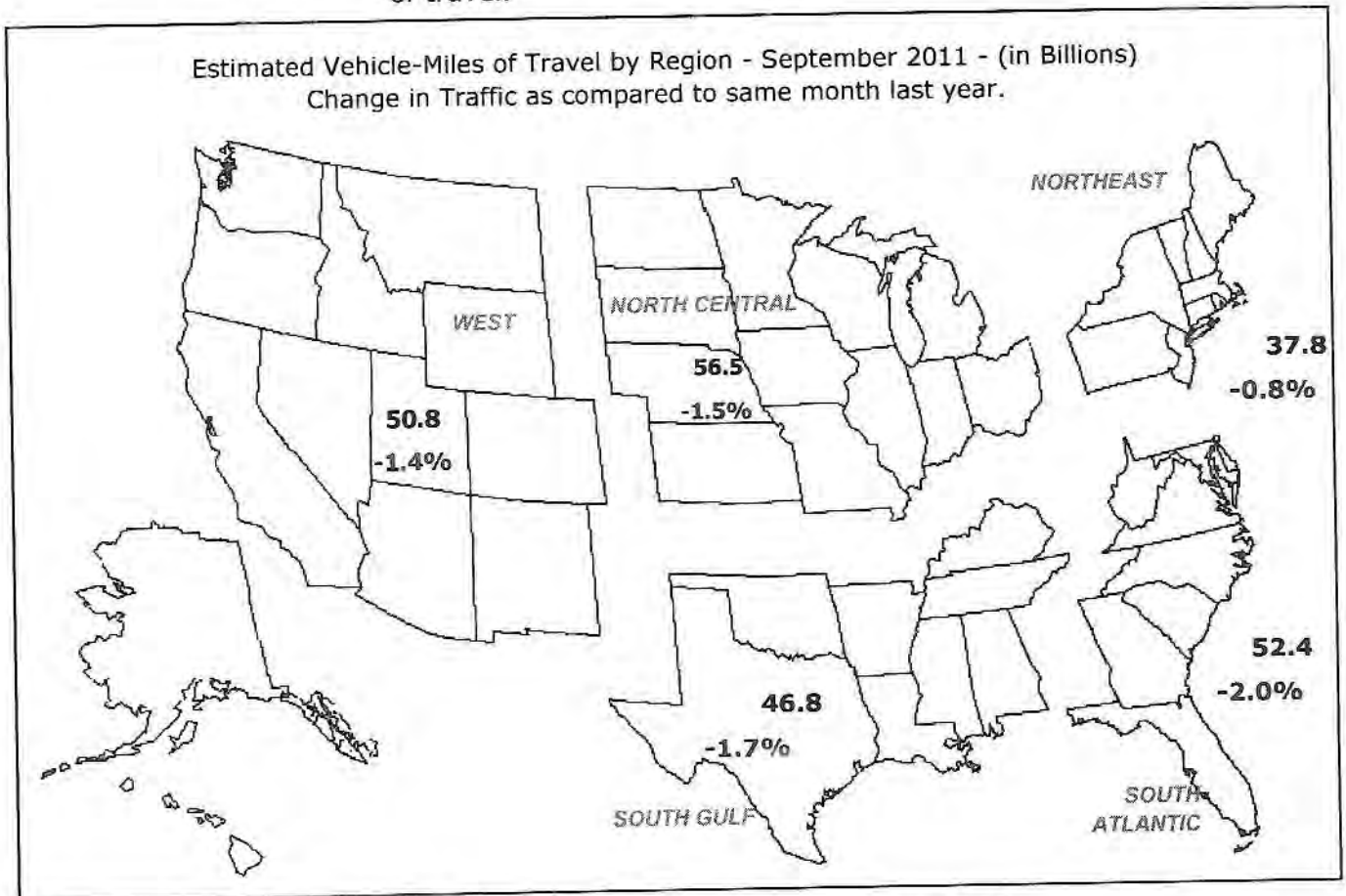
Office of Highway
Policy Information

TRAFFIC VOLUME TRENDS

September 2011

Travel on all roads and streets changed by **-1.5%**
(-3.7 billion vehicle miles) for September 2011 as
compared with September 2010. Travel for the
month is estimated to be 244.2 billion vehicle miles.

Cumulative Travel for 2011 changed by **-1.3%**
(-29.8 billion vehicle miles). The Cumulative
estimate for the year is 2,222.5 billion vehicle miles
of travel.



Note: All data for this month are preliminary. Revised values for the previous month are shown in Tables 1 and 2.

All vehicle-miles of travel computed with 2009 Table VM-2 as a base.

Compiled with data on hand as of November 10, 2011.

Some historical data were revised based on HPMS and amended TVT data as of December 2009.

For information on total licensed drivers in the U.S. visit <http://www.fhwa.dot.gov/policy/ohpi/hss/hsspubs.htm>.

Select the year of interest then Section III (Driver Licensing).

For information on total registered motor vehicles in the U.S., visit <http://www.fhwa.dot.gov/policy/ohpi/hss/hsspubs.htm>

Select the year of interest and Section II (Motor Vehicles).

- Att. 11

Traffic Volume Trends - September 2011

Based on preliminary reports from the State Highway Agencies, travel during September 2011 on all roads and streets in the nation changed by **-1.5 percent** (-3.7 billion vehicle miles) resulting in estimated travel for the month at **244.2**** billion vehicle-miles.

This total includes **82.0** billion vehicle-miles on rural roads and **162.3** billion vehicle-miles on urban roads and streets.

Cumulative Travel changed by **-1.3 percent** (-29.8 billion vehicle miles).

The larger changes to rural and urban travel are primarily because of the expansion in urban boundaries reflected in the 2000 census. Travel estimates for 2004 and beyond will also reflect this adjustment.

Travel for the current month, the cumulative yearly total, as well as the moving 12-month total on all roads and streets is shown below. Similar totals for each year since 1986 are also included.

Travel in Millions of Vehicle Miles

All Roads and Streets

Year	September	Year to Date	Moving 12-Month
1986	155,462	1,381,366	1,818,409
1987	164,184	1,446,236	1,903,111
1988	171,072	1,522,352	2,000,444
1989	177,326	1,587,193	2,090,426
1990	178,415	1,624,682	2,144,530
1991	183,594	1,641,294	2,164,112
1992	190,908	1,693,936	2,224,857
1993	193,765	1,729,762	2,282,978
1994	200,511	1,771,563	2,338,506
1995	203,866	1,828,558	2,414,582
1996	207,604	1,865,442	2,459,660
1997	213,547	1,929,411	2,546,170
1998	219,461	1,969,360	2,600,322
1999	224,306	2,002,507	2,658,510
2000	227,953	2,069,685	2,746,637
2001	226,194	2,094,134	2,771,972
2002	233,493	2,143,988	2,845,465
2003	237,280	2,163,058	2,874,578
2004	243,399	2,223,057	2,950,222
2005	242,232	2,247,182	2,988,914
2006	245,671	2,260,824	3,003,072
2007	246,155	2,281,337	3,034,884
2008	238,811	2,238,886	2,988,673
2009	244,036	2,240,789	2,978,431
2010	247,945	2,252,319	2,989,125
2011	244,244	2,222,500	2,970,155

Traffic Volume Trends is a monthly report based on hourly traffic count data. These data, collected at approximately 4,000 continuous traffic counting locations nationwide, are used to determine the percent change in traffic for the current month compared to the same month in the previous year. This percent change is applied to the travel for the same month of the previous year to obtain an estimate of travel for the current month. Because of the limited sample sizes, caution should be used with these estimates. The Highway Performance Monitoring System provides more accurate information on an annual basis.

** System entries may not add to give "All Systems" total due to rounding for Page 2 to 8.

Table - 1. Estimated Individual Monthly Motor Vehicle Travel in the United States**

System	Month											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2010 Individual Monthly Vehicle-Miles of Travel in Billions												
Rural Interstate	17.6	16.4	20.0	21.0	21.8	21.9	23.9	23.1	20.3	21.3	19.9	19.7
Rural Other Arterial	26.5	25.7	31.3	31.5	32.9	33.6	36.0	35.0	32.0	33.0	30.0	29.2
Other Rural	26.5	25.1	31.0	31.6	32.5	33.4	34.4	33.5	31.1	32.5	28.8	28.1
Urban Interstate	36.1	34.4	40.6	40.6	41.5	42.5	41.3	42.1	39.9	41.2	40.0	39.9
Urban Other Arterial	80.6	77.5	91.2	90.8	90.2	90.8	91.8	93.0	85.9	91.7	86.1	88.0
Other Urban	35.7	33.7	39.9	41.2	40.1	40.8	41.1	41.0	38.7	40.2	38.4	39.6
All Systems	223.0	212.8	253.9	256.6	259.0	262.9	268.5	267.6	247.9	260.0	243.1	244.6
2011 Individual Monthly Vehicle-Miles of Travel in Billions												
Rural Interstate	17.6	16.6	19.9	20.5	21.2	21.4	23.4	22.4	20.1			
Rural Other Arterial	26.8	26.0	30.6	30.5	32.1	33.0	35.1	34.2	31.5			
Other Rural	26.6	25.2	30.4	30.5	31.6	32.7	33.4	32.7	30.3			
Urban Interstate	36.3	34.6	40.6	40.2	41.3	42.4	40.5	41.6	39.7			
Urban Other Arterial	80.9	77.5	89.9	88.9	88.7	89.8	89.5	91.5	84.6			
Other Urban	35.8	34.2	39.5	40.2	39.6	40.1	39.9	40.4	38.0			
All Systems	224.2	214.1	250.9	250.9	254.4	259.4	261.7	262.7	244.2			
* Percent Change In Individual Monthly Travel 2010 vs. 2011												
Rural Interstate	0.3	0.8	-0.7	-2.2	-2.6	-2.2	-2.3	-2.8	-0.9			
Rural Other Arterial	1.4	0.9	-2.1	-3.3	-2.6	-1.6	-2.6	-2.3	-1.6			
Other Rural	0.4	0.4	-1.9	-3.5	-2.9	-2.0	-3.0	-2.3	-2.4			
Urban Interstate	0.5	0.7	0.0	-1.0	-0.6	-0.1	-1.9	-1.3	-0.6			
Urban Other Arterial	0.5	0.0	-1.4	-2.0	-1.7	-1.1	-2.6	-1.6	-1.4			
Other Urban	0.5	1.5	-0.8	-2.3	-1.3	-1.8	-2.9	-1.5	-2.0			
All Systems	0.6	0.6	-1.2	-2.2	-1.8	-1.3	-2.5	-1.8	-1.5			

Table - 2. Estimated Cumulative Monthly Motor Vehicle Travel in the United States**

System	Month											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2010 Cumulative Monthly Vehicle-Miles of Travel in Billions												
Rural Interstate	17.6	34.0	54.0	75.0	96.8	118.7	142.6	165.7	186.0	207.3	227.1	246.8
Rural Other Arterial	26.5	52.2	83.4	115.0	147.9	181.5	217.5	252.5	284.5	317.5	347.4	376.7
Other Rural	26.5	51.6	82.5	114.1	146.6	180.0	214.4	247.9	278.9	311.5	340.3	368.4
Urban Interstate	36.1	70.5	111.1	151.7	193.2	235.6	276.9	319.0	359.0	400.2	440.2	480.1
Urban Other Arterial	80.6	158.1	249.3	340.0	430.3	521.1	612.9	705.9	791.8	883.5	969.6	1057.7
Other Urban	35.7	69.4	109.3	150.5	190.6	231.4	272.4	313.4	352.1	392.4	430.8	470.4
All Systems	223.0	435.8	689.7	946.3	1205.3	1468.2	1736.7	2004.4	2252.3	2512.3	2755.4	3000.0
2011 Cumulative Monthly Vehicle-Miles of Travel in Billions												
Rural Interstate	17.6	34.2	54.1	74.6	95.8	117.2	140.6	163.0	183.1			
Rural Other Arterial	26.8	52.8	83.4	113.9	146.0	179.0	214.1	248.2	279.8			
Other Rural	26.6	51.8	82.2	112.6	144.2	176.9	210.3	243.0	273.3			
Urban Interstate	36.3	70.9	111.5	151.7	193.0	235.4	275.9	317.5	357.2			
Urban Other Arterial	80.9	158.4	248.4	337.3	426.0	515.8	605.3	696.8	781.4			
Other Urban	35.8	70.1	109.6	149.8	189.4	229.5	269.4	309.7	347.7			
All Systems	224.2	438.3	689.2	940.0	1194.4	1453.8	1715.5	1978.3	2222.5			
* Percent Change In Cumulative Monthly Travel 2010 vs. 2011												
Rural Interstate	0.3	0.5	0.1	-0.5	-1.0	-1.2	-1.4	-1.6	-1.5			
Rural Other Arterial	1.4	1.2	-0.1	-0.9	-1.3	-1.4	-1.6	-1.7	-1.7			
Other Rural	0.4	0.4	-0.5	-1.3	-1.6	-1.7	-1.9	-2.0	-2.0			
Urban Interstate	0.5	0.6	0.4	0.0	-0.1	-0.1	-0.4	-0.5	-0.5			
Urban Other Arterial	0.5	0.2	-0.4	-0.8	-1.0	-1.0	-1.2	-1.3	-1.3			
Other Urban	0.5	0.9	0.3	-0.4	-0.6	-0.8	-1.1	-1.2	-1.3			
All Systems	0.6	0.6	-0.1	-0.7	-0.9	-1.0	-1.2	-1.3	-1.3			

*Percent change is based on vehicle travel in millions of miles.

Table - 3. Changes on Rural Arterial Roads by Region and State**

Region and State	September				August			
	Number of Stations	Vehicle-Miles (Millions)		Percent Change	Number of Stations	Vehicle-Miles (Millions)		Percent Change
		2011 (Preliminary)	2010			2011 (Revised)	2010	
Northeast								
Connecticut	6	169	177	-4.5	5	171	187	-8.5
Maine	67	501	511	-2.0	67	523	547	-4.3
Massachusetts	9	219	221	-1.1	10	224	238	-5.9
New Hampshire	29	314	318	-1.5	30	359	380	-5.6
New Jersey	21	425	431	-1.4	21	391	401	-2.5
New York	49	1,215	1,256	-3.3	49	1,483	1,555	-4.7
Pennsylvania	20	2,069	2,084	-0.7	19	2,284	2,298	-0.6
Rhode Island	-	89	89	-1.0	-	71	73	-2.9
Vermont	34	252	253	-0.4	36	281	295	-5.0
Subtotal		5,253	5,340	-1.6		5,787	5,974	-3.1
South Atlantic								
Delaware	24	153	155	-1.4	24	157	165	-4.8
District of Columbia	-	0	0	0.0	-	0	0	0.0
Florida	108	1,815	1,861	-2.5	108	1,899	1,971	-3.7
Georgia	70	1,638	1,660	-1.3	79	1,751	1,800	-2.7
Maryland	26	790	813	-2.9	24	852	896	-4.9
North Carolina	14	1,520	1,548	-1.8	15	1,586	1,687	-6.0
South Carolina	68	1,308	1,324	-1.2	71	1,390	1,459	-4.7
Virginia	240	1,668	1,700	-1.9	244	1,870	1,913	-2.3
West Virginia	-	594	602	-1.3	-	616	632	-2.5
Subtotal		9,486	9,663	-1.8		10,121	10,523	-3.8
North Central								
Illinois	-	1,439	1,458	-1.3	-	1,569	1,610	-2.5
Indiana	26	1,240	1,250	-0.9	29	1,277	1,309	-2.5
Iowa	66	1,155	1,152	0.2	81	1,227	1,240	-1.1
Kansas	61	855	865	-1.2	61	879	902	-2.6
Michigan	59	1,623	1,684	-3.6	54	1,840	1,916	-4.0
Minnesota	34	1,396	1,415	-1.3	33	1,552	1,565	-0.8
Missouri	74	1,704	1,766	-3.5	77	1,781	1,850	-3.7
Nebraska	35	755	754	0.1	34	790	807	-2.1
North Dakota	27	386	358	7.8	27	414	397	4.3
Ohio	46	1,734	1,769	-1.9	48	1,852	1,886	-1.8
South Dakota	26	416	433	-3.8	21	455	493	-7.7
Wisconsin	60	1,688	1,671	1.0	77	1,832	1,868	-1.9
Subtotal		14,391	14,575	-1.3		15,468	15,843	-2.4
South Gulf								
Alabama	21	1,269	1,314	-3.4	33	1,450	1,472	-1.5
Arkansas	27	916	937	-2.2	26	1,057	1,103	-4.1
Kentucky	25	1,346	1,376	-2.2	25	1,431	1,444	-0.9
Louisiana	6	716	732	-2.2	9	1,092	1,140	-4.3
Mississippi	-	1,090	1,105	-1.4	35	1,111	1,157	-4.0
Oklahoma	44	1,175	1,182	-0.6	47	1,314	1,342	-2.1
Tennessee	12	1,708	1,709	0.0	9	1,810	1,776	1.9
Texas	110	3,887	3,880	0.2	112	4,131	4,201	-1.7
Subtotal		12,107	12,235	-1.0		13,396	13,635	-1.8
West								
Alaska	30	119	122	-2.4	32	138	142	-2.7
Arizona	-	924	935	-1.2	-	935	960	-2.5
California	43	3,279	3,327	-1.4	10	3,904	4,038	-3.3
Colorado	73	899	908	-1.1	71	990	1,016	-2.6
Hawaii	6	109	111	-1.8	6	110	113	-2.0
Idaho	86	488	496	-1.6	85	554	564	-1.8
Montana	55	547	541	1.1	54	689	686	0.4
Nevada	35	335	341	-1.7	31	379	386	-1.8
New Mexico	-	775	785	-1.2	-	824	846	-2.5
Oregon	98	988	992	-0.5	103	1,102	1,122	-1.8
Utah	44	506	522	-3.1	44	558	572	-2.5
Washington	1	982	985	-0.3	57	1,107	1,104	0.2
Wyoming	-	456	462	-1.2	-	517	530	-2.5
Subtotal		10,407	10,527	-1.1		11,807	12,079	-2.3
TOTALS	2,015	51,644	52,340	-1.3	2,133	56,579	58,054	-2.5

Note: Where Number of Stations are shown as dashes, the values for the Vehicle-Miles and Percent Change are derived from the estimated VMT based on data from surrounding States or the nationwide average VMT.

Table - 4. Changes on Urban Arterial Roads by Region and State**

Region and State	September				August			
	Number of Stations	Vehicle-Miles (Millions)		Percent Change	Number of Stations	Vehicle-Miles (Millions)		Percent Change
		2011 (Preliminary)	2010			2011 (Revised)	2010	
Northeast								
Connecticut	23	1,913	1,927	-0.8	22	1,959	2,045	-4.2
Maine	7	223	220	1.1	7	224	227	-1.0
Massachusetts	54	3,230	3,230	0.0	57	3,537	3,645	-3.0
New Hampshire	26	450	459	-2.0	22	496	510	-2.8
New Jersey	74	4,567	4,590	-0.5	76	4,302	4,423	-2.7
New York	86	6,457	6,567	-1.7	85	6,440	6,790	-5.2
Pennsylvania	11	4,472	4,432	0.9	14	4,609	4,643	-0.7
Rhode Island	42	786	795	-1.1	39	628	646	-2.9
Vermont	14	106	106	-0.4	15	114	116	-1.7
Subtotal		22,204	22,326	-0.5		22,309	23,045	-3.2
South Atlantic								
Delaware	15	395	388	1.8	17	420	425	-1.2
District of Columbia	-	229	232	-1.3	-	254	257	-1.3
Florida	136	8,496	8,574	-0.9	136	8,805	8,889	-0.9
Georgia	107	3,974	4,024	-1.2	106	4,347	4,371	-0.5
Maryland	38	2,612	2,647	-1.3	38	3,159	3,225	-2.0
North Carolina	18	3,578	3,639	-1.7	19	3,954	4,023	-1.7
South Carolina	37	1,593	1,598	-0.3	38	1,599	1,623	-1.5
Virginia	298	3,333	3,457	-3.6	294	3,581	3,695	-3.1
West Virginia	-	531	538	-1.3	-	559	566	-1.3
Subtotal		24,741	25,097	-1.4		26,678	27,074	-1.5
North Central								
Illinois	-	5,213	5,277	-1.2	-	5,216	5,283	-1.3
Indiana	26	2,376	2,360	0.7	30	2,545	2,533	0.5
Iowa	33	798	814	-2.0	33	826	836	-1.1
Kansas	13	897	945	-5.1	16	975	1,007	-3.2
Michigan	47	4,386	4,385	0.0	46	4,607	4,621	-0.3
Minnesota	26	2,208	2,167	1.9	26	2,394	2,297	4.2
Missouri	59	2,392	2,456	-2.6	60	2,506	2,578	-2.8
Nebraska	12	552	587	-6.0	11	587	624	-5.9
North Dakota	8	141	137	2.9	7	148	145	2.2
Ohio	83	4,501	4,531	-0.7	83	4,790	4,839	-1.0
South Dakota	8	229	237	-3.5	9	240	255	-6.0
Wisconsin	58	2,223	2,227	-0.2	61	2,418	2,436	-0.7
Subtotal		25,916	26,123	-0.8		27,252	27,454	-0.7
South Gulf								
Alabama	12	1,462	1,518	-3.7	22	1,569	1,601	-2.0
Arkansas	11	879	905	-2.9	10	963	1,010	-4.6
Kentucky	6	1,358	1,386	-2.0	5	1,482	1,487	-0.4
Louisiana	2	1,560	1,664	-6.2	2	1,755	1,821	-3.6
Mississippi	-	938	950	-1.3	20	978	1,002	-2.4
Oklahoma	22	1,640	1,718	-4.5	22	1,745	1,794	-2.8
Tennessee	7	2,696	2,745	-1.8	6	2,678	2,735	-2.1
Texas	86	11,440	11,481	-0.4	87	11,728	11,869	-1.2
Subtotal		21,973	22,367	-1.8		22,898	23,319	-1.8
West								
Alaska	34	171	174	-2.1	35	185	189	-2.1
Arizona	-	2,545	2,575	-1.2	-	2,331	2,360	-1.2
California	39	16,744	16,943	-1.2	33	20,642	20,772	-0.6
Colorado	22	2,150	2,193	-2.0	23	2,371	2,400	-1.2
Hawaii	28	514	513	0.3	25	369	364	1.2
Idaho	57	401	403	-0.3	53	436	434	0.4
Montana	5	179	175	2.1	5	234	229	2.1
Nevada	26	947	937	1.2	30	962	940	2.3
New Mexico	-	677	687	-1.4	-	673	682	-1.3
Oregon	33	1,201	1,212	-0.9	30	1,307	1,316	-0.7
Utah	42	1,075	1,084	-0.9	41	1,237	1,245	-0.7
Washington	2	2,757	2,860	-3.6	44	3,047	3,138	-2.9
Wyoming	-	137	138	-1.4	-	148	150	-1.3
Subtotal		29,498	29,894	-1.3		33,942	34,219	-0.8
TOTALS	1,793	124,332	125,807	-1.2	1,860	133,079	135,111	-1.5

Note: Where Number of Stations are shown as dashes, the values for the Vehicle-Miles and Percent Change are derived from the estimated VMT based on data from surrounding States or the nationwide average VMT.

Table - 5. Changes on ALL* Estimated Roads by Region and State**

Region and State	September				August			
	Number of Stations	Vehicle-Miles (Millions)		Percent Change	Number of Stations	Vehicle-Miles (Millions)		Percent Change
		2011 (Preliminary)	2010			2011 (Revised)	2010	
Northeast								
Connecticut	30	2,670	2,697	-1.0	28	2,758	2,885	-4.4
Maine	104	1,240	1,240	0.0	104	1,273	1,299	-2.0
Massachusetts	63	4,360	4,362	0.0	67	4,739	4,892	-3.1
New Hampshire	58	1,071	1,094	-2.1	56	1,192	1,247	-4.4
New Jersey	99	6,393	6,541	-2.3	102	6,013	6,235	-3.6
New York	154	11,332	11,408	-0.7	152	11,882	12,309	-3.5
Pennsylvania	37	8,990	9,001	-0.1	40	9,696	9,761	-0.7
Rhode Island	42	1,052	1,063	-1.0	39	826	851	-2.9
Vermont	63	671	672	-0.2	67	732	759	-3.6
Subtotal		37,779	38,078	-0.8		39,111	40,238	-2.8
South Atlantic								
Delaware	64	819	818	0.1	69	863	888	-2.8
District of Columbia	-	324	329	-1.7	-	350	356	-1.6
Florida	251	15,420	15,614	-1.2	251	16,198	16,290	-0.6
Georgia	217	8,397	8,601	-2.4	226	8,804	9,016	-2.4
Maryland	66	4,352	4,433	-1.8	63	5,071	5,213	-2.7
North Carolina	54	10,877	11,154	-2.5	57	11,071	11,427	-3.1
South Carolina	113	3,995	4,058	-1.5	117	4,119	4,257	-3.2
Virginia	551	6,621	6,816	-2.9	551	7,151	7,311	-2.2
West Virginia	-	1,558	1,586	-1.8	-	1,679	1,715	-2.1
Subtotal		52,363	53,409	-2.0		55,306	56,473	-2.1
North Central								
Illinois	-	8,966	9,114	-1.6	-	9,402	9,569	-1.7
Indiana	64	6,276	6,316	-0.6	70	6,778	6,847	-1.0
Iowa	123	2,761	2,787	-0.9	134	2,798	2,829	-1.1
Kansas	83	2,339	2,434	-3.9	86	2,583	2,681	-3.7
Michigan	108	7,862	7,996	-1.7	101	8,460	8,678	-2.5
Minnesota	69	4,883	4,864	0.4	68	5,296	5,158	2.7
Missouri	143	5,974	6,198	-3.6	147	6,175	6,422	-3.8
Nebraska	57	1,711	1,733	-1.2	55	1,842	1,888	-2.4
North Dakota	39	742	708	4.8	37	831	830	0.2
Ohio	142	9,223	9,378	-1.7	145	9,614	9,778	-1.7
South Dakota	41	832	868	-4.1	37	926	984	-5.8
Wisconsin	120	4,903	4,918	-0.3	144	5,444	5,509	-1.2
Subtotal		56,472	57,314	-1.5		60,149	61,173	-1.7
South Gulf								
Alabama	35	4,365	4,514	-3.3	60	4,971	4,978	-0.1
Arkansas	43	2,564	2,643	-3.0	41	2,836	2,983	-4.9
Kentucky	41	3,920	4,037	-2.9	38	4,202	4,239	-0.9
Louisiana	14	3,250	3,417	-4.9	19	4,002	4,133	-3.2
Mississippi	-	3,313	3,381	-2.0	60	3,369	3,474	-3.0
Oklahoma	79	4,108	4,236	-3.0	82	4,458	4,578	-2.6
Tennessee	20	5,881	5,963	-1.4	16	6,093	6,123	-0.5
Texas	230	19,386	19,414	-0.1	234	20,072	20,379	-1.5
Subtotal		46,787	47,605	-1.7		50,003	50,887	-1.7
West								
Alaska	69	428	435	-1.7	75	479	492	-2.6
Arizona	-	4,666	4,743	-1.6	-	4,437	4,518	-1.8
California	82	23,749	24,040	-1.2	43	29,175	29,491	-1.1
Colorado	96	3,873	3,949	-1.9	95	4,243	4,323	-1.9
Hawaii	34	1,009	1,010	-0.1	31	785	781	0.5
Idaho	152	1,368	1,375	-0.5	148	1,502	1,516	-0.9
Montana	70	1,038	1,015	2.2	68	1,332	1,310	1.7
Nevada	73	1,667	1,669	-0.1	73	1,749	1,734	0.9
New Mexico	-	2,066	2,104	-1.8	-	2,212	2,256	-2.0
Oregon	139	2,968	2,989	-0.7	141	3,338	3,373	-1.0
Utah	92	2,220	2,260	-1.8	91	2,525	2,557	-1.2
Washington	3	4,926	5,066	-2.8	104	5,444	5,546	-1.8
Wyoming	-	864	881	-1.9	-	959	981	-2.2
Subtotal		50,842	51,536	-1.3		58,180	58,878	-1.2
TOTALS	4,227	244,244	247,945	-1.5	4,432	262,749	267,648	-1.8

Note: Where Number of Stations are shown as dashes, the values for the Vehicle-Miles and Percent Change are derived from the estimated VMT based on data from surrounding States or the nationwide average VMT. * All Estimated roads include travel from Table 3 and 4 plus remaining roads.

Table - 6. Estimated Rural Vehicle Miles (Millions) and Percent Change from Same Period Previous Year**

Year - 2010														
Rural Interstate			Rural Other Arterial			Other Rural			Total Rural			All Systems		
		%			%			%			%			%
Jan	17,588	-0.1	Jan	26,472	-2.1	Jan	26,524	-1.5	Jan	70,584	-1.4	Jan	222,952	-1.7
Feb	16,440	-1.5	Feb	25,724	-2.6	Feb	25,051	-3.7	Feb	67,214	-2.8	Feb	212,849	-2.9
Mar	20,009	3.2	Mar	31,252	3.2	Mar	30,975	2.6	Mar	82,236	3.0	Mar	253,863	2.2
Q1	54,037	0.7	Q1	83,448	-0.4	Q1	82,549	-0.7	Q1	220,034	-0.2	Q1	689,664	-0.7
Apr	20,980	3.0	Apr	31,524	2.1	Apr	31,571	1.7	Apr	84,076	2.2	Apr	256,640	1.3
May	21,781	1.0	May	32,895	0.0	May	32,492	-0.2	May	87,168	0.1	May	258,991	-0.2
Jun	21,862	2.8	Jun	33,596	1.4	Jun	33,375	0.9	Jun	88,832	1.5	Jun	262,889	1.1
Q2	64,622	2.2	Q2	98,015	1.1	Q2	97,438	0.8	Q2	260,075	1.3	Q2	778,520	0.7
1st Half	118,659	1.5	1st Half	181,463	0.4	1st Half	179,987	0.1	1st Half	480,110	0.6	1st Half	1,468,184	0.1
Jul	23,944	2.7	Jul	36,014	1.2	Jul	34,404	1.0	Jul	94,362	1.5	Jul	268,542	0.7
Aug	23,075	2.4	Aug	34,981	1.6	Aug	33,500	1.4	Aug	91,556	1.8	Aug	267,648	1.8
Sep	20,301	2.8	Sep	32,041	1.8	Sep	31,057	1.1	Sep	83,399	1.8	Sep	247,945	1.6
Q3	67,321	2.6	Q3	103,037	1.5	Q3	98,960	1.2	Q3	269,318	1.7	Q3	784,135	1.4
Oct	21,274	3.9	Oct	32,969	3.2	Oct	32,539	3.0	Oct	86,781	3.3	Oct	260,004	2.1
Nov	19,873	1.8	Nov	29,966	1.4	Nov	28,779	0.8	Nov	78,618	1.3	Nov	243,085	1.4
Dec	19,674	1.4	Dec	29,245	1.3	Dec	28,100	0.0	Dec	77,019	0.9	Dec	244,566	0.8
Q4	60,821	2.4	Q4	92,180	2.0	Q4	89,417	1.3	Q4	242,418	1.9	Q4	747,655	1.5
2nd Half	128,141	2.5	2nd Half	195,216	1.8	2nd Half	188,378	1.3	2nd Half	511,736	1.8	2nd Half	1,531,790	1.4
Year	246,801	2.0	Year	376,679	1.1	Year	368,365	0.7	Year	991,845	1.2	Year	2,999,974	0.8

Year - 2011														
Rural Interstate %			Rural Other Arterial %			Other Rural %			Total Rural %			All Systems %		
Jan	17,637	0.3	Jan	26,843	1.4	Jan	26,628	0.4	Jan	71,108	0.7	Jan	224,195	0.6
Feb	16,575	0.8	Feb	25,964	0.9	Feb	25,158	0.4	Feb	67,696	0.7	Feb	214,056	0.6
Mar	19,875	-0.7	Mar	30,599	-2.1	Mar	30,390	-1.9	Mar	80,864	-1.7	Mar	250,915	-1.2
Q1	54,087	0.1	Q1	83,406	-0.1	Q1	82,176	-0.5	Q1	219,669	-0.2	Q1	689,166	-0.1
Apr	20,524	-2.2	Apr	30,493	-3.3	Apr	30,472	-3.5	Apr	81,489	-3.1	Apr	250,871	-2.2
May	21,210	-2.6	May	32,052	-2.6	May	31,556	-2.9	May	84,819	-2.7	May	254,363	-1.8
Jun	21,389	-2.2	Jun	33,047	-1.6	Jun	32,692	-2.0	Jun	87,127	-1.9	Jun	259,399	-1.3
Q2	63,123	-2.3	Q2	95,592	-2.5	Q2	94,720	-2.8	Q2	253,435	-2.6	Q2	764,633	-1.8
1st Half	117,210	-1.2	1st Half	178,998	-1.4	1st Half	176,896	-1.7	1st Half	473,104	-1.5	1st Half	1,453,799	-1.0
Jul	23,391	-2.3	Jul	35,083	-2.6	Jul	33,380	-3.0	Jul	91,854	-2.7	Jul	261,708	-2.5
Aug	22,419	-2.8	Aug	34,160	-2.3	Aug	32,732	-2.3	Aug	89,311	-2.5	Aug	262,749	-1.8
Sep	20,111	-0.9	Sep	31,532	-1.6	Sep	30,307	-2.4	Sep	81,950	-1.7	Sep	244,244	-1.5
Q3	65,921	-2.1	Q3	100,775	-2.2	Q3	96,418	-2.6	Q3	263,114	-2.3	Q3	768,701	-2.0
Oct			Oct			Oct			Oct			Oct		
Nov			Nov			Nov			Nov			Nov		
Dec			Dec			Dec			Dec			Dec		
Q4		0.0	Q4		0.0	Q4		0.0	Q4		0.0	Q4		0.0
2nd Half	65,921	-2.1	2nd Half	100,775	-2.2	2nd Half	96,418	-2.6	2nd Half	263,114	-2.3	2nd Half	768,701	-2.0
Year	183,131	-1.5	Year	279,773	-1.7	Year	273,314	-2.0	Year	736,218	-1.8	Year	2,222,500	-1.3

Table - 7. Estimated Urban Vehicle Miles (Millions) and Percent Change from Same Period Previous Year**

Year - 2010														
Urban Interstate %			Urban Other Arterial %			Other Urban %			Total Urban %			All Systems %		
Jan	36,127	-1.1	Jan	80,571	-1.9	Jan	35,670	-2.5	Jan	152,368	-1.9	Jan	222,952	-1.7
Feb	34,392	-2.3	Feb	77,499	-2.5	Feb	33,744	-4.6	Feb	145,635	-2.9	Feb	212,849	-2.9
Mar	40,566	2.3	Mar	91,181	2.1	Mar	39,881	0.9	Mar	171,627	1.9	Mar	253,863	2.2
Q1	111,084	-0.3	Q1	249,251	-0.7	Q1	109,294	-2.0	Q1	469,629	-0.9	Q1	689,664	-0.7
Apr	40,610	1.2	Apr	90,792	1.0	Apr	41,162	0.5	Apr	172,564	0.9	Apr	256,640	1.3
May	41,486	0.0	May	90,229	-0.2	May	40,109	-1.0	May	171,824	-0.4	May	258,991	-0.2
Jun	42,468	1.0	Jun	90,797	0.9	Jun	40,792	0.4	Jun	174,057	0.8	Jun	262,889	1.1
Q2	124,563	0.7	Q2	271,818	0.6	Q2	122,064	0.0	Q2	518,445	0.5	Q2	778,520	0.7
1st Half	235,647	0.3	1st Half	521,069	0.0	1st Half	231,358	-1.0	1st Half	988,074	-0.2	1st Half	1,468,184	0.1
Jul	41,267	0.7	Jul	91,846	0.4	Jul	41,066	-0.2	Jul	174,180	0.3	Jul	268,542	0.7
Aug	42,118	2.5	Aug	92,994	1.8	Aug	40,980	1.1	Aug	176,092	1.8	Aug	267,648	1.8
Sep	39,949	2.1	Sep	85,856	1.4	Sep	38,741	1.2	Sep	164,546	1.5	Sep	247,945	1.6
Q3	123,333	1.8	Q3	270,697	1.2	Q3	120,787	0.7	Q3	514,818	1.2	Q3	784,135	1.4
Oct	41,239	2.2	Oct	91,739	1.1	Oct	40,245	2.0	Oct	173,223	1.6	Oct	260,004	2.1
Nov	39,955	2.3	Nov	86,114	1.1	Nov	38,398	1.6	Nov	164,467	1.5	Nov	243,085	1.4
Dec	39,902	1.5	Dec	88,034	0.7	Dec	39,612	0.2	Dec	167,547	0.8	Dec	244,566	0.8
Q4	121,096	2.0	Q4	265,887	1.0	Q4	118,254	1.3	Q4	505,237	1.3	Q4	747,655	1.5
2nd Half	244,429	1.9	2nd Half	536,585	1.1	2nd Half	239,041	1.0	2nd Half	1,020,055	1.2	2nd Half	1,531,790	1.4
Year	480,077	1.1	Year	1,057,653	0.5	Year	470,399	0.0	Year	2,008,129	0.5	Year	2,999,974	0.8

Year - 2011														
Urban Interstate %			Urban Other Arterial %			Other Urban %			Total Urban %		All Systems %			
Jan	36,314	0.5	Jan	80,940	0.5	Jan	35,833	0.5	Jan	153,087	0.5	Jan	224,195	0.6
Feb	34,632	0.7	Feb	77,493	0.0	Feb	34,235	1.5	Feb	146,360	0.5	Feb	214,056	0.6
Mar	40,579	0.0	Mar	89,923	-1.4	Mar	39,549	-0.8	Mar	170,051	-0.9	Mar	250,915	-1.2
Q1	111,525	0.4	Q1	248,355	-0.4	Q1	109,617	0.3	Q1	469,498	0.0	Q1	689,166	-0.1
Apr	40,223	-1.0	Apr	88,939	-2.0	Apr	40,219	-2.3	Apr	169,382	-1.8	Apr	250,871	-2.2
May	41,252	-0.6	May	88,704	-1.7	May	39,588	-1.3	May	169,544	-1.3	May	254,363	-1.8
Jun	42,422	-0.1	Jun	89,790	-1.1	Jun	40,058	-1.8	Jun	172,271	-1.0	Jun	259,399	-1.3
Q2	123,898	-0.5	Q2	267,434	-1.6	Q2	119,866	-1.8	Q2	511,198	-1.4	Q2	764,633	-1.8
1st Half	235,422	-0.1	1st Half	515,789	-1.0	1st Half	229,483	-0.8	1st Half	980,695	-0.7	1st Half	1,453,799	-1.0
Jul	40,483	-1.9	Jul	89,487	-2.6	Jul	39,884	-2.9	Jul	169,855	-2.5	Jul	261,708	-2.5
Aug	41,576	-1.3	Aug	91,501	-1.6	Aug	40,360	-1.5	Aug	173,438	-1.5	Aug	262,749	-1.8
Sep	39,701	-0.6	Sep	84,628	-1.4	Sep	37,965	-2.0	Sep	162,294	-1.4	Sep	244,244	-1.5
Q3	121,761	-1.3	Q3	265,617	-1.9	Q3	118,209	-2.1	Q3	505,587	-1.8	Q3	768,701	-2.0
Oct			Oct			Oct			Oct			Oct		
Nov			Nov			Nov			Nov			Nov		
Dec			Dec			Dec			Dec			Dec		
Q4		0.0	Q4		0.0	Q4		0.0	Q4		0.0	Q4		0.0
2nd Half	121,761	-1.3	2nd Half	265,617	-1.9	2nd Half	118,209	-2.1	2nd Half	505,587	-1.8	2nd Half	768,701	-2.0
Year	357,183	-0.5	Year	781,406	-1.3	Year	347,693	-1.3	Year	1,486,282	-1.1	Year	2,222,500	-1.3

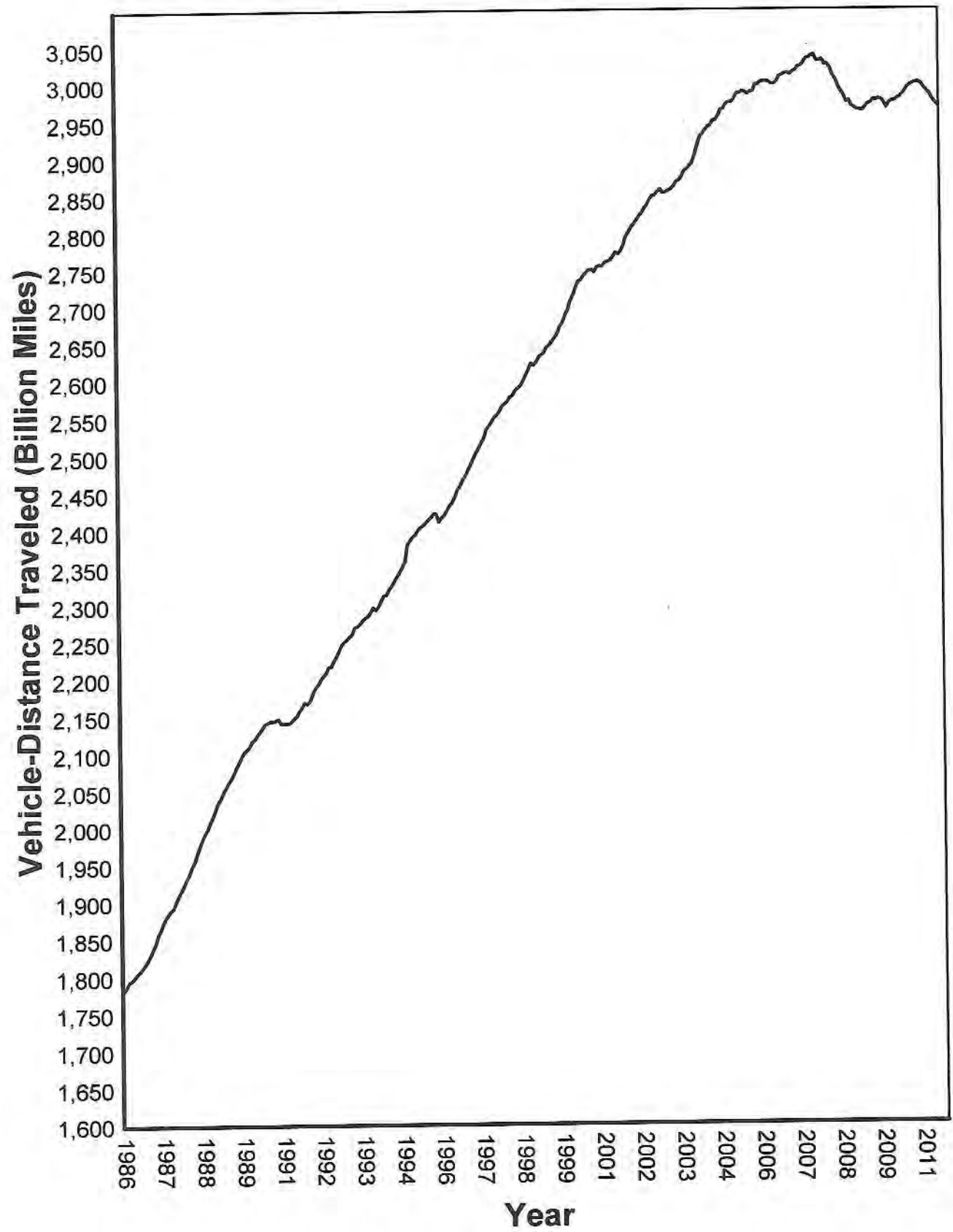
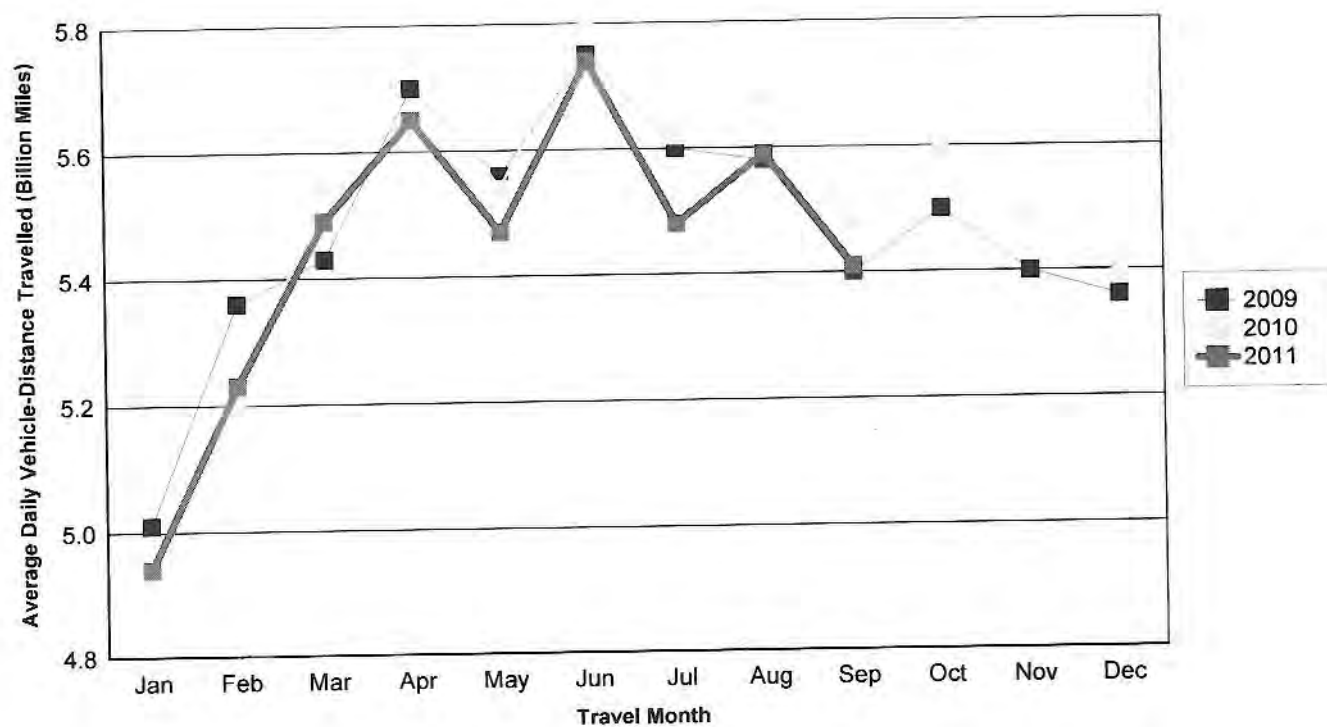
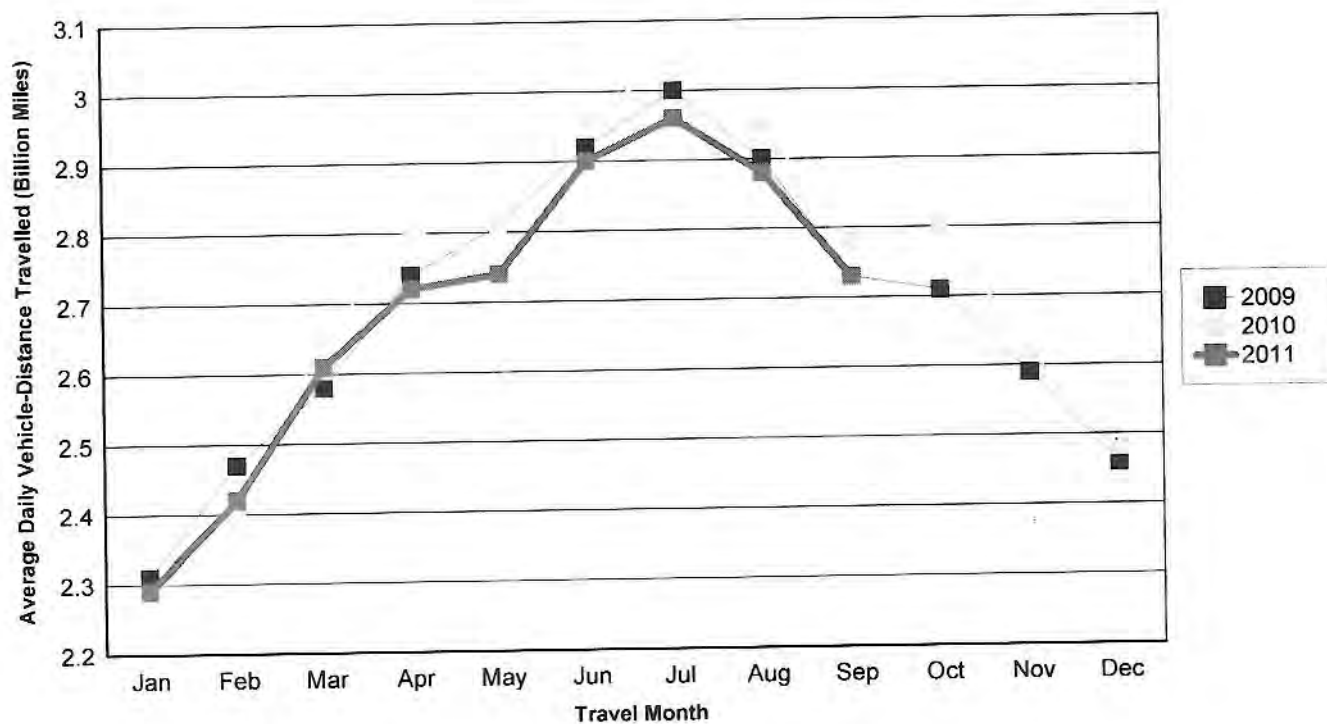
Figure - 1. Moving 12-Month Total on ALL Roads

Figure - 2. Travel on U.S. Highways by Month**Urban Highways****Rural Highways**



I turned in this drawing to TDOT at the first CRT meeting as a possible solution for intersection of US 127S and SR 68. They did not try it out because it was not a 5-lane plan.

AH. 12

2 CROSSVILLE SR-28 (US 127) AT SR-68

TO CROSSVILLE SR-28 (US 127) AT SR-68

3 Lane

Stop Sign

Tower

Homestead School

3 Lane

68

School Zone Speed Light



Homestead Elementary

3889 HWY 127 South
Crossville, TN 38555
Phone: (931) 456-8344
Fax: (931) 788-2554
Aarona VanWinkle, Principal

May 5, 2004

To Whom It May Concern:

We at Homestead Elementary appreciate the opportunity to address the traffic problem at both the entrance and exit of our school. The congestion has long been a problem for all involved.

We would like for the Resource Team to consider the following suggestions.

- (A) A three lane on Hwy 68 at least to the church allowing a turning lane for north bound school traffic and turning lane for Deep Draw - through traffic would continue - also allowing Hwy 68 to turn on to Hwy 127 South.
- (B) A three lane on Hwy 127 South at least past the fire station
- (C) A stop sign for traffic from Hwy 68 to merge with Hwy 127 South.
- School zone signs:
 - One after split on Hwy 127 South
 - One after the split on Hwy 68
 - One by the Antique Shop for those coming from Hwy 68
 - One on Hwy 127 for those coming toward the school
- (D) Speed zones should be posted on each of the roads.

You will find a diagram enclosed of our request.

The Homestead Community is a valuable asset to have as a historical environment for our county. We would like to preserve the historical setting as much as possible. However, we all feel that the safety of the students and adults are our major concern.

Thank you for allowing us the opportunity to contribute.

Sincerely,

Aarona VanWinkle, Principal

Jelene Messer PTO President

944.5375

Design Request to TDOT
with attached diagram -

Request Disregarded

December 6, 2011

Marianne Shuler
Tennessee Valley Authority
Cultural Compliance WT 11D
400 W. Summit Hill Drive
Knoxville, TN 37902



RE: State Route 28 (US 127), South of Sawmill Road (SR-68) to Hayes Street
(Cleveland Street), Crossville, Cumberland County, Tennessee

Dear Ms. Shuler:

The National Trust for Historic Preservation is providing the following comments to the Tennessee Valley Authority (TVA) pursuant to Section 106 of the National Historic Preservation Act regarding the proposed widening of US Highway 127/State Route 28 from State Route 68 to Hayes Street/Cleveland Street in Crossville, Tennessee. This project will clearly have direct adverse effects on the Cumberland Homesteads Historic District, a National Register-listed district whose boundaries encompass approximately 11,400 acres. Listed on the National Register in 1988, Cumberland Homesteads remains Tennessee's largest National Register Historic District. As currently proposed, this project will include widening the existing two-lane roadbed of State Route 28 from two lanes to four lanes, constructing a continuous turn lane, and building shoulders with curbs, gutters, and sidewalks.

The National Trust has been actively engaged in Section 106 consultation on behalf of Cumberland Homesteads since early 2003. In that time, we have filed several sets of comments and have attended numerous meetings. Most recently, we participated by telephone in the Section 106 meeting held on October 6, 2011. Despite years of engagement by the National Trust and other consulting parties, the impacts of this proposal have yet to be adequately considered, and readily available alternatives that could greatly reduce adverse impacts have not yet been adequately evaluated.

- **The nature and magnitude of the adverse effects need to be resolved.**

We understand that both the Tennessee Department of Transportation (TDOT) and the Tennessee State Historic Preservation Office (TN-SHPO) have agreed that construction will have an adverse effect on the Cumberland Homesteads. However, the nature and magnitude of the adverse effects have not been resolved. The TVA and TDOT have acknowledged adverse effects only under criteria (i) and (ii) of the Section 106 regulations (physical destruction, damage, and alteration), 36 C.F.R. § 800.5(a)(2)(i)-(ii), whereas many of the consulting parties have long taken the position that adverse effects will also occur under criteria (iv) and (v), *id.* § 800.5(a)(2)(iv)-(v),¹ as well as cumulative adverse effects. *id.* § 800.5(a)(1).

¹ These criteria include: (iv) "Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;" and (v) "Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features."

The current Tennessee Valley Authority (TVA) public notices include links to a TDOT document dated November 2005, entitled *Historical/Architectural Assessment and Documentation of Effect Report Pursuant to 36 CFR 800* (TDOT Report). On pages 42-45 of this report, TDOT offers the determination that the proposed project will not result in adverse effects to the historic district under criteria (iv) and (v). The National Trust maintains its long-standing disagreement with these proposed determinations pursuant to 36 CFR § 800.5(c). In our view, the project *would* change the character of the uses and features within the setting of the historic district that contribute to its significance, and the visual impacts of the proposed project *would* diminish the integrity of the historic district and its significant features. *Id.* § 800.5(a)(2)(iv)-(v). The project as proposed would introduce urban features inappropriate to the historic district's rural character, and would destroy an historic grassy triangular junction original to the Homestead's landscape. The TDOT Report also fails to evaluate the cumulative impacts of the proposed project, including induced development, which may occur later in time but would be a reasonably foreseeable effect of the project. These impacts must be considered under Section 106. *Id.* § 800.5(a)(1).

This is not just an academic disagreement, because it is directly relevant to the scope of the Section 106 consultation, in terms of *which* adverse effects need to be avoided, minimized, and mitigated. The Section 106 regulations require the TVA either to revise and broaden its adverse effect determinations in response to the consulting parties' objections, or to involve the Advisory Council on Historic Preservation (ACHP) in resolving the dispute. *Id.* § 800.5(c)(2).

- **Additional evaluation is needed regarding disagreements about the integrity of the historic district.**

Designed in 1933 by noted TVA architect William Macy Stanton, Cumberland Homesteads was intended to be a cohesively planned cooperative, whose components parts included not only farmsteads and supporting outbuildings, but a central core containing schools, offices, other cooperative buildings, and a State Park. The Triangle, which has been the focus of much of the consultation, was the largest and most important of the 14 extant triangles located within the district. The Triangle speaks not only to the community's original landscape design, but contributes to a rare extant subsistence farming community developed during the era of the New Deal. The National Trust recognizes that development is occurring in Cumberland County. Despite this fact, much of the Homesteads' rural character survives, and its National Register integrity and defining features remain intact.

Figure 11 on Page 43 of the TDOT Report shows a red outline of an area within the historic district that supposedly "retains no integrity." This area improperly includes the Triangle at the intersection of US 127 and SR 68, even though this assumption is not supported by the study prepared by Parsons Brinckerhoff in December 2004. We appreciate that both TDOT and the SHPO readily agreed at the October 6, 2011

meeting that the Triangle *does* in fact contribute to the integrity of the historic district, and that including the Triangle within the area of “no integrity” in the map on p.43 of the 2005 TDOT Report was an error. That error needs to be corrected.

In addition, however, we believe that the entire area represented as retaining “no integrity” in the TDOT Report needs to be reevaluated. In our view, the assumptions behind this loss-of-integrity finding are not necessarily appropriate. It is important to keep in mind that “[t]he passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible.” 36 C.F.R. § 800.4(c)(1). As was discussed at the October 6 meeting, additional historical context information needs to be considered based on the fact that economic development was one of the fundamental goals of the Homesteads project. Historic districts often “include diverse resources that represent the area’s development over time.” *Department of the Interior, National Register Criteria VIII, Properties in Historic Districts*. We recommend that the issue regarding what area—if any—has lost its integrity within the Cumberland Homesteads Historic District be referred to the Keeper of the National Register, pursuant to 36 C.F.R. Part 63, for a definitive resolution.

Again, the outcome of this issue regarding a supposed loss of integrity within the historic district could significantly change the scope of the Section 106 consultation.

- **The purpose and need for the project does not appear to be substantiated.**

The comment letter from the Sierra Club dated December 4, 2011 provides a useful summary of the flaws in the traffic data on which the purpose and need for this project was based. (Sierra Club letter at p.8.) Back in January 2005, TDOT acknowledged that the project had been developed based on assumptions about traffic projections that TDOT had discovered were erroneous. The 2005 traffic levels turned out to be 25 percent lower than assumed, which translated into a 39 percent reduction in future traffic projections for 2025. (See TDOT Report, p.23.) Moreover, since that time, Federal Highway Administration data show an even further reduction in vehicle miles traveled (VMT). (Sierra Club letter at p.8.) This data raises serious questions about whether the magnitude of the proposed road expansion and redesign of the Triangle intersection is warranted, especially given the severity of the adverse effects. TDOT should be required to prepare an updated traffic study. In our view, the Section 106 consultation needs to give serious consideration to the No Build alternative, or at the very least, to a dramatically scaled back proposal, as a way to avoid and minimize adverse effects on historic properties.

- **Additional alternatives need to be evaluated to avoid and minimize harm to the historic district.**

The National Trust is concerned that adequate efforts have not been made to avoid, minimize, and mitigate the adverse effects of the project. Additional consultation is

needed to seek alternatives and ways to modify the project in an effort to attain that goal, by substantially reducing the scale and intrusiveness of the expansion. We encourage TDOT and the TVA to devise an approach that enhances historic resources while managing transportation growth in a much more sustainable and context-sensitive way. Potential mitigation could include working with the Homesteads Tower Association to seek historic overlay designation for those elements of the Homesteads open to the general public. Additional recommendations include careful coordination of aesthetic and landscape treatments for the entire project.

- **We request that the TVA investigate whether anticipatory demolition has occurred.**

The Sierra Club's December 4 comments also raise the concern as to whether "anticipatory demolition" has occurred, as a result of the destruction of the historic Eldridge House in July 2005, and/or TDOT's extensive acquisition of right-of-way without completing Section 106 consultation, and its demolition of properties, including historic properties. (See Sierra Club letter at pp. 7, 9.)

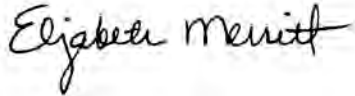
Section 110(k) of the National Historic Preservation Act prohibits federal agencies (such as the TVA) from granting any permit or other assistance to an applicant (such as TDOT) who has "intentionally significantly adversely affected a historic property" to which the permit would relate, if TDOT "inten[ded] to avoid the requirements of Section 106," or if TDOT "allowed such significant adverse effect to occur," despite "having legal power to prevent it," 16 U.S.C. § 470h-2(k); 36 C.F.R. § 800.9(c)(1), as in the case of the historic Eldridge House, whose demolition was carried out by Progressive Savings Bank, while the consulting parties were pressing TDOT to relocate the house as part of the mitigation plan for the project. (See TDOT Report, at pp. 23-26.)

We request that the TVA review and investigate the circumstances surrounding the demolition of the Eldridge House, and the properties acquired and demolished by TDOT, in order to determine whether the circumstances of "anticipatory demolition" are applicable here. We encourage you to confer with the ACHP in conducting this review. If the TVA concludes that the criteria of Section 110(k) are applicable here, TVA must consult with the ACHP in determining whether special circumstances justify authorizing the permit notwithstanding the adverse effects that have already occurred. *Id.* § 800.9(c)(2).

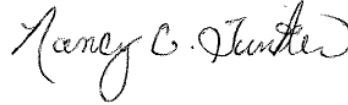
Thank you for considering the comments of the National Trust for Historic preservation. We look forward to continuing the Section 106 consultation for this project.

Ms. Marianne Shuler, TVA
December 6, 2011
Page 5

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel



Nancy C. Tinker
Senior Field Officer
Charleston Field Office

cc: Tom McCulloch, ACHP
Charlene Vaughn, ACHP
Reid Nelson, ACHP
A. Eric Howard, Federal Preservation Officer, TVA
Patrick McIntyre, TN-SHPO
Joseph Garrison, Deputy SHPO
Martha Carver, TDOT
Vicki S. Vaden, Cumberland Homesteads Tower Ass'n
Mary M. Mastin, Esq.



jcheely@usit.net
(931)484-8079

November 30, 2011

Marianne Shuler
Tennessee Valley Authority
Cultural Compliance WT 11D
400 W. Summit Hill Drive
Knoxville, TN 37902
Shuler, Marianne M<mmsluler@tva.gov

Dear Ms. Shuler,

Thank you for sending the minutes from the October meeting to SOCM representatives Brian Paddock and Stacey Mitchell. In the future, as Ms Mitchell is no longer with SOCM, I would appreciate it if you would add me as the second SOCM representative for the 106 process.

SOCM would like to take this opportunity to repeat our request that TVA hold another public meeting in the Crossville community and bring displays that show the alternatives considered for this road project.

We also request that the reconnaissance survey which TDOT contracted in 2005 be re-done or revised and that the historic integrity of the triangle opposite the Tower be recognized and adequately protected. The community planning and economic development reasons for the creation of the Homesteads project needs to be recognized in any review.

As Ms. Mitchell suggested at the October meeting, we think that the Historic District and Homesteads community project is a wonderful teaching example as a local cultural resource and tourism draw. We think the Alliance for the Cumberland Plateau which is working on developing the cultural, historic and tourism resources for the entire Cumberland Plateau region should well be consulted in this 106 process.

We continue to believe that this road project is too big for the traffic needs and may have a very real adverse effect on the nature and character of the Historic District.

Thank you for your consideration of these comments and the opportunity to participate in the section 106 process.

Sincerely,
Jean Cheely, chairperson
SOCM, Cumberland Chapter



Cumberland Homesteads Tower Association

96 Highway 68 • Crossville, Tennessee 38555 • (931)456-9663

Cumberland Homesteads National Historic District

Marianne Shuler
Tennessee Valley Authority
Cultural Compliance WT 11D
400 W. Summit Hill Drive
Knoxville, TN 37902

Subject: Section 106 Meeting, October 6, 2011 - Comments about meeting minutes.

Dear Ms Shuler,

Thank you for sharing the minutes from the October meeting with consulting parties and for allowing comments.

We were pleased that the minutes gave a good summary of the discussions during the meeting. There were 3 items we ask to be either amended in the minutes or noted for future reference:

- 1) On page one under the first bullet for Jayne Henderson's presentation, the minutes correctly give the date that Jayne said the historic district was listed in the National Register as 1998 but the actual date was 1988. The minutes need not be amended for this, but for accuracy of the record we mention it.
- 2) Also on page one under the second bullet for Jayne Henderson's presentation, the minutes do not mention that Jayne also listed school traffic as one of the purposes or needs for the highway project. We ask that school traffic be added to the minutes in this summary statement. We are providing comments about problems with Ms Henderson's entire statement regarding the purpose and need for the project on page two of this letter.
- 3) During the meeting, CHTA representative, Ms Vaden explained issues that our organization objects to in the Reconnaissance Survey that outlined the area along the proposed route as having no historic significance. We ask that there be a mention of this added to the minutes. The issues included the state park and woodland adjacent to the park not suffering loss of historic integrity and the fact that only a few farmsteads were built along the route north of the triangle intersection because the government reduced the number of homesteads from 350 to 250 and this was one of the last areas of the community to be developed. She also stated that the significance of the historic district is not solely dependant upon its extant architecture but that our National Register listing includes community planning and development, social movements of the thirties involving cooperatives, and self-help relief movements and that creating jobs for the Homesteaders by attracting industry to the community was an important goal of the original project.
- 4)

We are currently organizing other comments for the Section 106 Review and hope to have them sent in this week.

Sincerely,

Vicki S. Vaden, CHTA

Comments about Ms Henderson's description of the purpose and need of the U.S. 127 South Highway Project:

Because someone might mistakenly assume that this project has been evaluated for need, we believe it is important to challenge the unsubstantiated statement made about the need for the project by Jayne Henderson at the October meeting.

During Ms Henderson's presentation she stated that school traffic, visibility and safety were the purposes and needs for this project. While it is true that the CRT discussed these issues while evaluating alternatives for the triangle intersection during the CSS process, we know of no documentation that states that any of these issues singularly, nor in combination, have been established as needs for the project.

Contrary to Ms Henderson's statement, TDOT attributed the results of the University of TN Transportation Research Study for a determination for the need for the project on page 3 of their Historical/Architectural Assessment and Documentation of Effect Report of November 2005, stating, *"Also as a result of the UT study, it was determined that the need and purpose for the project from Cleveland Street to State Route 68 was warranted . . ."*

We objected to that statement in our September 2006 letter to TDOT:

"The entire (UT) study should be added to the report and references crediting the UT Study as establishing the need for the 127S project and misinterpretation of the purpose of the UT Study should be corrected. UT was not contracted to determine the need and purpose for any of the 15 projects they studied. . . Although they found enough support for starting the process for improving one section of the 127S project, they went on to say, 'The project design is viewed as too large a road for the need.'"

In addition, UT researchers referenced the distinction between Section I and Section II of the project. The project is divided into two sections, Section I involves the modification of the triangle intersection. This section was an add-on to the project and UT made it clear in their report that this section lacked supporting documentation and purpose. "Thus, it appears that Section I, the portion of the project involving the Y-intersection with SR 68, was not part of the original project as described in the Accelerated Primary Highway Plan. No documentation indicating when or why Section I was added to the project has been found or made available.""

To our knowledge TDOT has not corrected their statement about the need for the project since our 2006 request. Instead, we heard about "new needs" from Ms Henderson at the October 2011 meeting.

It is not reasonable to believe that school traffic issues had anything to do with this project's need since the triangle intersection was an "add-on" to the original project. Surely if the school's traffic was a purpose or need for the project, the triangle intersection would have been a part of the project from the beginning and the UT researchers would have found this in TDOT's documentation.

In 1986, this highway project was tied to a piece of legislation, a gasoline tax, that had hundreds of other road projects attached to it by legislators from across the state. It is our understanding that our state representatives simply asked for an improvement project for the SR 28 route south of Crossville.

TDOT never conducted a "Roadway Needs Assessment" nor a "Safety Audit" for this project, and we believe there should be a clearly-defined, data-supported need for this project if it will likely cause irreversible adverse impacts to the Cumberland Homesteads Historic District. We have asked TDOT to conduct these standard evaluations repeatedly and as recently as July 8, 2010, in a letter to TDOT Project Manager, Gary King: *"To our knowledge, a Roadway Safety Audit nor a Roadway Needs Assessment have ever been conducted on this project. These both should have been done long ago before the design of the project began. These assessments are still needed and we request (again) that they be done before moving forward with project."* Mr. King has not answered this latest request.

TVA should note that TDOT designed the maximum-scaled cross-section design for the project without evaluating the need for the project and long before UT studied it. While public outcry at the public meeting held at the Cumberland Mountain State Park resulted in a new traffic count analysis and eventually resulted in reducing the number of lanes at the triangle intersection, the roadway section of the project was off the table for discussion. That section is where most of the water and wetland permits are needed before the project can move forward. The design in this section remains at maximum width within the historic district north of the triangle intersection, without substantiation of need.



JSB
RECEIVED
8/30/11

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

August 18, 2011

Ms. Kim Pilarski
TVA Cultural Compliance
400 West Summit Hill Drive
Knoxville, TN 37902-1499

RE: Consulting Party Meeting Regarding the Proposed Improvements to State Route 28
(U.S. 127) from State Route 68 to Cleveland Street in Crossville, Cumberland County,
Tennessee

Dear Ms. Pilarski:

Thank you for accepting the Tennessee Department of Transportation's (TDOT) request to be a consulting party in the Section 106 process for the above-referenced project. Historic Preservation Staff will be attending the consultation meeting on October 6, 2011. Additionally, a consultant for TDOT will be presenting the information you requested in the agenda.

If we can be of any assistance, please feel free to contact Tammy Sellers or me.

Sincerely,

A handwritten signature in cursive script that reads "Martha Carver".

Martha Carver
Historic Preservation Manager



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

August 5, 2011

Ms. Vicki Vaden
Cumberland Homesteads Tower Association
96 Highway 68
Crossville, Tennessee 38555

Dear Ms. Vaden:

**TENNESSEE VALLEY AUTHORITY (TVA), CONSULTATION MEETING REGARDING THE
IMPROVEMENTS TO SR-28 (US-127) FROM SR-68 TO CLEVELAND STREET IN
CROSSVILLE, CUMBERLAND COUNTY, TENNESSEE**

TVA received a 26a permit request in March 2010 from the Tennessee Department of Transportation (TDOT) for proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Tennessee.

The proposed improvements include channel and stream relocations, wetland impacts, new and existing culvert extensions, utility crossings, and redesign of the triangle intersection of State Route 68 and State Route 28. Three of the highway crossings and the triangle intersection are located within the boundary of the Cumberland Homesteads Historic District, which is listed on the National Register of Historic Places.

TVA in consultation with the State Historic Preservation Officer (SHPO) determined that the proposed improvements would have an adverse effect on the Cumberland Homesteads Historic District. TVA and the SHPO have agreed to prepare a memorandum of agreement (MOA) to mitigate these adverse effects.

In October 2010, TVA notified the Advisory Council on Historic Preservation (Council) of this adverse affect finding and invited them to participate in the MOA pursuant to 36 CFR Part 800.6(a)(1). The Council has elected not to participate at this time.

Pursuant to 36 CFR Part 800.6(a)(2), TVA has accepted your request to be a consulting party to the proposed MOA. TVA will hold a consultation meeting at TVA headquarters in Knoxville, Tennessee, on October 6, 2011, at 1:00 p.m. (EST). Attendance will be limited to those invited to be consulting parties for this undertaking. You may send up to two representatives from your organization to participate in this meeting.

Enclosed are the directions, map, and proposed agenda for the meeting. Please respond no later than September 12, 2011, if you plan to attend or if you have any suggestions or comments regarding the proposed agenda.

Ms. Vicki Vaden
Page 2
August 5, 2011

If you have questions or comments, contact Marianne Shuler in Knoxville, Tennessee, at (865) 632-2464 or by email at mmshuler@tva.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Pilarski". The signature is fluid and cursive, with the first name "Kim" and last name "Pilarski" clearly distinguishable.

Kim Pilarski
Acting Manager
Cultural Compliance

MS:PLS
Enclosures

cc: Ms. Valerie McCormack
Army Corp of Engineers
P.O. Box 1070
Nashville, Tennessee 37202

Cynthia M. Anderson, LP 5D-C
Brenda E. Brickhouse, LP 5U-C
Susan J. Kelly, LP 5U-C
Khurshid K. Mehta, WT 6A-K
Anthony D. Summit, CSC 1A-JOT
EDMS, WT 11D-K (Enclosures)

**IDENTICAL LETTER AND ENCLOSURES SENT TO THE FOLLOWING LIST OF NAMES ON
AUGUST 5, 2011:**

Ms. Jean Cheely
Save Our Cumberland Mountains-Cumberland
County Chapter
426 Lantana Road
Crossville, Tennessee 38555

cc: Ms. Ann League
Save Our Cumberland Mountains-Cumberland
County Chapter
C/O SOCM
2507 Mineral Springs Avenue Suite D
Knoxville, Tennessee 37917

Ms. Mary Mastin
Sierra Club
3340 Perimeter Hill Drive
Nashville, Tennessee 37211

Ms. Nancy Tinker
National Trust for Historic Preservation
456 King Street
Charleston, South Carolina 29403



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

August 5, 2011

Mr. E. Patrick McIntyre, Jr.
Executive Director
Tennessee Historical Commission
2941 Lebanon Pike
Nashville, Tennessee 37243-0442

Dear Mr. McIntyre:

**TENNESSEE VALLEY AUTHORITY (TVA), CONSULTATION MEETING REGARDING THE
IMPROVEMENTS TO SR-28 (US-127) FROM SR-68 TO CLEVELAND STREET IN
CROSSVILLE, CUMBERLAND COUNTY, TENNESSEE**

Pursuant to previous consultation with your office, TVA is reviewing a 26a permit request from the Tennessee Department of Transportation (TDOT) for proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Tennessee.

TVA, in consultation with your office, has determined that the proposed improvements would have an adverse effect on the Cumberland Homesteads Historic District, which is listed on the National Register of Historic Places. TVA, in consultation with your office, has agreed to prepare a memorandum of agreement (MOA) to mitigate these adverse effects.

TVA will hold a consultation meeting at TVA headquarters in Knoxville, Tennessee, on October 6, 2011, at 1:00 p.m. (EST). Pursuant to 36 CFR Part 800.6(a)(2), TVA has accepted the requests of the National Trust for Historic Preservation, the Sierra Club, Save our Cumberland Mountains, and the Cumberland Homesteads Tower Association be a consulting parties to the proposed MOA.

In October 2010, TVA notified the Advisory Council on Historic Preservation (Council) of this adverse affect finding and invited them to participate in the MOA pursuant to 36 CFR Part 800.6(a)(1). The Council has elected not to participate at this time.

Enclosed are the directions, map, and proposed agenda for the meeting. Please respond no later than September 12, 2011, if you plan to attend or if you have any suggestions or comments regarding the proposed agenda.

Mr. E. Patrick McIntyre, Jr.
Page 2
August 5, 2011

If you have questions or comments, contact Marianne Shuler in Knoxville, Tennessee, at (865) 632-2464 or by email at mmshuler@tva.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Pilarski". The signature is fluid and cursive, with the first name "Kim" and last name "Pilarski" clearly distinguishable.

Kim Pilarski
Acting Manager
Cultural Compliance

MS:PLS

Enclosures

cc: Ms. Valerie McCormack
U.S. Army Corp of Engineers
P.O. Box 1070
Nashville, Tennessee 37202

Cynthia M. Anderson, LP 5D-C
Brenda E. Brickhouse, LP 5U-C
Susan J. Kelly, LP 5U-C
Khurshid K. Mehta, WT 6A-K
Anthony D. Summit, CSC 1A-JOT
EDMS, WT 11D-K (Enclosures)



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

August 5, 2011

Ms. Martha Carver
Tennessee Department of Transportation
James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243

Dear Ms. Carver:

**TENNESSEE VALLEY AUTHORITY (TVA), CONSULTATION MEETING REGARDING THE
IMPROVEMENTS TO SR-28 (US-127) FROM SR-68 TO CLEVELAND STREET IN
CROSSVILLE, CUMBERLAND COUNTY, TENNESSEE**

Pursuant to previous consultation with your office, TVA is reviewing a 26a permit request from the Tennessee Department of Transportation (TDOT) for proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Tennessee.

TVA in consultation with the State Historic Preservation Officer (SHPO) determined that the proposed improvements would have an adverse effect on the Cumberland Homesteads Historic District, which is listed on the National Register of Historic Places. TVA and the SHPO have agreed to prepare a memorandum of agreement (MOA) to mitigate these adverse effects.

Pursuant to 36 CFR Part 800.6(a)(2), TVA has accepted your request to be a consulting party to the proposed MOA. TVA has also accepted the requests of the National Trust for Historic Preservation, the Sierra Club, Save our Cumberland Mountains, and the Cumberland Homesteads Tower Association be a consulting parties to the proposed MOA. TVA will hold a consultation meeting at TVA headquarters in Knoxville, Tennessee, on October 6, 2011, at 1:00 p.m. (EST). Attendance will be limited to those invited to be consulting parties for this undertaking.

In October 2010, TVA notified the Advisory Council on Historic Preservation (Council) of this adverse affect finding and invited them to participate in the MOA pursuant to 36 CFR Part 800.6(a)(1). The Council has elected not to participate at this time.

Enclosed are the directions, map, and proposed agenda for the meeting. Please respond no later than September 12, 2011, if you plan to attend or if you have any suggestions or comments regarding the proposed agenda.

Ms. Martha Carver
Page 2
August 5, 2011

If you have questions or comments, please contact Marianne Shuler in Knoxville, Tennessee, at (865) 632-2464 or by email at mmshuler@tva.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Pilarski". The signature is fluid and cursive, with the first name "Kim" and last name "Pilarski" clearly distinguishable.

Kim Pilarski
Acting Manager
Cultural Compliance

MS:PLS
Enclosures

cc: Ms. Valerie McCormack
U.S. Army Corp of Engineers
P.O. Box 1070
Nashville, Tennessee 37202

Cynthia M. Anderson, LP 5D-C
Brenda E. Brickhouse, LP 5U-C
Susan J. Kelly, LP 5U-C
Khurshid K. Mehta, WT 6A-K
Anthony D. Summit, CSC 1A-JOT
EDMS, WT 11D-K (Enclosures)



Preserving America's Heritage

October 12, 2010

Mr. A. Eric Howard
Federal Preservation Officer
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902

***Ref: Proposed Improvements to SR 28 (U.S. 127)
Crossville, Cumberland County, Tennessee***

Dear Mr. Howard:

On October 6, 2010, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced project on properties listed on and eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Kentucky SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the opportunity to review this undertaking. If you have any questions, please contact Tom McCulloch at 202-606-8554, or via email at tmcculloch@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

October 1, 2010

Those listed:

FINDING OF ADVERSE EFFECT, PROPOSED IMPROVEMENTS TO TENNESSEE STATE ROUTE 28 (U.S. 127) FROM STATE ROUTE 68 TO CLEVELAND STREET, CUMBERLAND HOMESTEAD, CITY OF CROSSVILLE, CUMBERLAND COUNTY, TENNESSEE

The Tennessee Valley Authority (TVA) received a 26a permit request in March 2010 from the Tennessee Department of Transportation (TDOT) for proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Tennessee. The project was originally considered by the Federal Highway Administration (FHWA) and TDOT conducted Section 106 consultation. FHWA re-evaluated the project and terminated funding in 2006. TDOT has decided to proceed with the project using state funds.

The project area is located in Cumberland County, Tennessee. The proposed improvements include channel and stream relocations, wetland impacts, new and existing culvert extensions, utility crossings, and redesign of the triangle intersection of State Route 68 and State Route 28. Three of the highway crossings and the triangle intersection are within the boundary of the Cumberland Homesteads Historic District (District) which is listed in the National Register of Historic Places (NRHP).

TVA, in consultation with the Tennessee State Historic Preservation Officer (TN SHPO), has determined the area of potential effects for this undertaking to be the proposed 3.7 miles of improvement along State Route 28 from State Route 68 to Cleveland Street in Crossville, Tennessee. TVA has received the cultural resources investigation documentation from TDOT, and TVA, in consultation with the TN SHPO, finds that the proposed improvements will have an adverse effect on the District. TVA proposes to develop a memorandum of agreement (MOA) to address the adverse effects to the District.

Enclosed on a compact disc are the project plans, the archaeological and architectural reports, consultation letters with the TN SHPO and tribes, public comment letters, and response letters from TDOT addressing public comments.

TVA is consulting with the following federally recognized Indian tribes regarding properties within the proposed project's APE that may be of religious and cultural significance to them and eligible for listing in the NRHP: Cherokee Nation, Eastern Band of Cherokee Indians, United Keetoowah Band of Cherokee Indians in Oklahoma, Muscogee (Creek) Nation of Oklahoma, Alabama-Quassarte Tribal Town, Kialegee Tribal Town, Thlopthlocco Tribal Town, Eastern Shawnee Tribe of Oklahoma, Shawnee Tribe, and the Seminole Tribe of Florida.

By this letter, TVA is providing notification of these findings and is seeking your comments regarding this undertaking and any properties that may be of religious and cultural significance and may be eligible for the NRHP. TVA also invites you to participate in the development of the MOA.

Those listed
Page 2
October 1, 2010

If you have any questions, please contact me by telephone at (865) 632-6461 or by email at pbezzell@tva.gov. If you have any comments on the proposed undertaking, or if you would like to participate in the MOA, please respond within 30 days of receipt of this letter.

Sincerely,

A handwritten signature in black ink that reads "Pat Bernard Ezzell". The signature is written in a cursive, flowing style.

Pat Bernard Ezzell
Native American Liaison and Corporate Historian
Federal Determinations
WT 11D-K

MS:EEP:PBE:IKS

Enclosure

cc: Cynthia M. Anderson, LP 5D-C
Brenda E. Brickhouse, LP 5U-C
Susan J. Kelly, LP 5U-C
Khurshid K. Mehta, WT 6A-K
Anthony D. Summit, CSC 1A-JOT
EDMS, WT 11D-K

THOSE LISTED:

Dr. Richard Allen
Policy Analyst
Cherokee Nation
Post Office Box 948
Tahlequah, Oklahoma 74465

Ms. Augustine Asbury
Cultural Preservation Coordinator
Alabama Quassarte Tribal Town
Post Office Box 187
Wetumka, Oklahoma 74883

Mr. Charles Coleman
NAGPRA Representative
Thlopthlocco Tribal Town
Route 1, Box 190-A
Weleetka, Oklahoma 74880

Ms. Robin DuShane
Cultural Preservation Director
Eastern Shawnee Tribe of Oklahoma
127 West Oneida
Seneca, Missouri 64865

Mr. Henry Harjo
Environmental Director
Kialegee Tribal Town
Post Office Box 332
Wetumka, Oklahoma 74883

Mr. Tyler Howe
Historic Preservation Specialist
Eastern Band of the Cherokee Indians
Post Office Box 455
Cherokee, North Carolina 28719

cc: Mr. Russ Townsend
Tribal Historic Preservation Officer
Eastern Band of the Cherokee Indians
Post Office Box 455
Cherokee, North Carolina 28719

Mr. Ted Isham
Manager
Cultural Preservation
Muscogee (Creek) Nation
Post Office Box 580
Okmulgee, Oklahoma 74447

Ms. Lisa C. LaRue
Director, Language, History and Culture &
Acting Tribal Historic Preservation Officer
United Keetoowah Band
of Cherokee Indians in Oklahoma
Post Office Box 746
Tahlequah, Oklahoma 74464

Ms. Jennifer Pietarila
Archaeological Data Analyst
Seminole Tribe of Florida
Ah-Tah-Thi-Ki Museum
HC-61 Box 21-A
Clewiston, Florida 33440

cc: Ms. Anne Mullins
Project Coordinator
Seminole Tribe of Florida
Ah-Tah-Thi-Ki Museum
HC-61, Box 21-A
Clewiston, Florida 33440

cc: Mr. Willard Steele
Tribal Historic Preservation Officer
Seminole Tribe of Florida
Ah-Tah-Thi-Ki Museum
HC-61, Box 21-A
Clewiston, Florida 33440

Mr. Emman Spain
Cultural Preservation Department
Muscogee (Creek) Nation
Post Office Box 580
Okmulgee, Oklahoma 74447

Mr. Ron Sparkman
Chairman
Shawnee Tribe
Post Office Box 189
Miami, Oklahoma 74355

cc: Ms. Kim Jumper (w/Enclosures)
Tribal Historic Preservation Officer
Shawnee Tribe
Post Office Box 189
Miami, Oklahoma 74355

Chief Glenna J. Wallace
Eastern Shawnee Tribe of Oklahoma
127 West Oneida
Seneca, Missouri 64865

Mr. Elliot York
Archaeological Data Analyst
Seminole Tribe of Florida
Ah-Tah-Thi-Ki Museum
HC-61, Box 21-A
Clewiston, Florida 33440



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

October 1, 2010

Mr. Reid Nelson
Director, Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Old Post Office Building
Washington, DC 20004

Dear Mr. Nelson:

FINDING OF ADVERSE EFFECT, PROPOSED IMPROVEMENTS TO TENNESSEE STATE ROUTE 28 (U.S. 127) FROM STATE ROUTE 68 TO CLEVELAND STREET, CUMBERLAND HOMESTEAD, CITY OF CROSSVILLE, CUMBERLAND COUNTY, TENNESSEE

The Tennessee Valley Authority (TVA) received a 26a permit request in March 2010 from the Tennessee Department of Transportation (TDOT) for proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Tennessee. The project was originally considered by the Federal Highway Administration (FHWA) and TDOT initiated consultation. FHWA re-evaluated the project and terminated funding in 2006. TDOT has decided to proceed with the project using State funds.

The project area is located in Cumberland County, Tennessee. The proposed improvements include channel and stream relocations, wetland impacts, new and existing culvert extensions, utility crossings and redesign of the triangle intersection of State Route 68 and State Route 28. Three of the highway crossings and the triangle intersection are within the boundary of the Cumberland Homesteads Historic District (District), which is listed in the National Register of Historic Places. The Cumberland Homesteads Community was founded in 1934 as a part of Franklin D. Roosevelt's New Deal. The community is known for its architectural style of the houses, outbuildings, and public buildings. The Cumberland Homesteads Community is the largest of the communities built by the Division of Subsistence Homesteads in the nation.

TVA, in consultation with the Tennessee State Historic Preservation Officer (TN SHPO), has determined that the area of potential effects for this undertaking to be the proposed 3.7 miles of improvement along State Route 28 from State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee. TVA has received the archaeological and architectural assessments conducted from TDOT. On June 12, 2006, TVA, in consultation with the TN SHPO, determined that the proposed improvements, removal of the current triangle intersection and the resulting replacement of the intersection with a new triangle on a different alignment, will have an adverse effect on the District.

Pursuant to 36 CFR Part 800, TVA is notifying your office of this adverse effect finding. A memorandum of agreement is being prepared to address adverse effects to the District.

Mr. Reid Nelson
Page 2
October 1, 2010

Enclosed are copies of the project plans, the archaeological and architectural reports, consultation letters with the TN SHPO and tribes, public comment letters, and response letters from TDOT addressing public comments.

Please advise if the Council wishes to participate in the consultation for this project. If you have questions or comments, please contact me by telephone at (865) 632-2457 or by email at aehoward@tva.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Howard". The signature is fluid and cursive, with the first name "Eric" and last name "Howard" clearly distinguishable.

A. Eric Howard
Federal Preservation Officer
Manager (Acting), Cultural Compliance
WT 11D-K

MS:EEP:IKS

Enclosures

cc: Cynthia M. Anderson, LP 5D-C
Brenda E. Brickhouse, LP 5U-C
Susan J. Kelly, LP 5U-C
Khurshid K. Mehta, WT 6A-K
Anthony D. Summit, CSC 1A-JOT
EDMS, WT 11D-K



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

October 1, 2010

Mr. E. Patrick McIntyre, Jr.
Executive Director
Tennessee Historical Commission
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Dear Mr. McIntyre:

**FINDING OF ADVERSE EFFECT, PROPOSED IMPROVEMENTS TO TENNESSEE
STATE ROUTE 28 (U.S. 127) FROM STATE ROUTE 68 TO CLEVELAND STREET,
CUMBERLAND HOMESTEAD, CITY OF CROSSVILLE, CUMBERLAND COUNTY,
TENNESSEE**

The Tennessee Valley Authority (TVA) received a 26a permit request in March 2010 from the Tennessee Department of Transportation (TDOT) for proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Tennessee. The project was originally considered by the Federal Highway Administration (FHWA) and TDOT initiated consultation. FHWA re-evaluated the project and terminated funding in 2006. TDOT has decided to proceed with the project using State funds.

The project area is located in Cumberland County, Tennessee. The proposed improvements include channel and stream relocations, wetland impacts, new and existing culvert extensions, utility crossings, and redesign of the triangle intersection of State Route 68 and State Route 28. Three of the highway crossings and the triangle intersection are within the boundary of the Cumberland Homesteads Historic District (District), which is listed in the National Register of Historic Places.

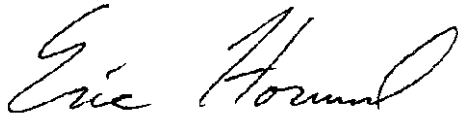
Previously in 2006, TVA, in consultation with your office, determined that the area of potential effects for this undertaking to be the proposed 3.7 miles of improvement along State Route 28 from State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee. Further, TVA, in consultation with your office, has determined that the proposed improvements will have an adverse effect on the District. Enclosed is a copy of your letter dated June 12, 2006. In follow-up discussions TVA and your office agreed that a Memorandum of Agreement will be required to address the adverse effects.

Pursuant to 36 CFR Part 800.6(a)(1), TVA is notifying the Advisory Council on Historic Preservation of this adverse effect finding and that a Memorandum of Agreement is being prepared to address adverse effects to the District. In addition, TVA is reinitiating consultation with your office regarding the project.

Mr. E. Patrick McIntyre, Jr.
Page 2
October 1, 2010

If you have questions or comments, please contact Marianne Shuler by telephone at (865) 632-2464 or by email at mmshuler@tva.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Howard".

A. Eric Howard
Federal Preservation Officer
Manager (Acting), Cultural Compliance
WT 11D-K

MS:EEP:IKS

Enclosure

cc: Cynthia M. Anderson, LP 5D-C
Brenda E. Brickhouse, LP 5U-C
Susan J. Kelly, LP 5U-C
Khurshid K. Mehta, WT 6A-K
Anthony D. Summit, CSC 1A-JOT
EDMS, WT 11D-K



Cumberland Homesteads Tower Association

96 Highway 68 • Crossville, Tennessee 38555 • (931) 456-9663
www.cumberlandhomesteads.org

State of Tennessee Department of Transportation
Project Management Division,
Attn: Gary King
Suite 600, James K. Polk Building
505 Deaderick Street, Nashville, Tennessee 37243

August 17, 2010

Subject: Enhancements Public Information Meeting, July 27, 2010 - TDOT Project #18006-3210-04

Dear Mr. King,

As per your request on July 16, 2010, C.H.T.A. submits the following comments on the list of seven enhancement features the Department proposes for the 127-S highway project (listed in the order of highest priority):

1. **Replacing District Signage** lost due to the project. Approved (details enclosed)
2. **Landscaping** of areas in the Triangle and the Homesteads Tower parking area. Approved (details enclosed)
3. **Brown Weathered Steel Guard Rails** throughout the project. Approved
4. **Replacing Wooden Posts** around the Triangle perimeter. Approved
5. **Period Style Lighting and Signals** Approved (details enclosed)
6. **Tinted Asphalt** Approved (details enclosed)
7. **Homesteads Brochures** Approved (details enclosed)

In addition to the comments above we submit the following requests concerning the project as a whole:

- A. We request that an alternate design for junction of 127-S and SR 68 be used that would keep as much of the original triangle intact as possible.
- B. We request that Interstate Directional Signage be added to the replacement signage for the district.
- C. We request that the cross-section design between the intersection of Brookhaven Drive and the triangle intersection be reduced in scale to better fit into the historic environment. (suggested design enclosed)
- D. We request that bridges instead of culverts be used on crossings at Byrd's Creek and Three Mile Creek to maintain the current riparian environment for connectivity of wildlife moving in and out of the Cumberland Mountain State Park and to better handle flooding that occasionally occurs in those areas.

We also would like to be kept up to date on the Memorandum of Agreement and Section 106 developments and request that a NEPA-type public hearing be held on the project to allow the public to comment on the entire project, including Section II.

Thank you for allowing C.H.T.A. to comment on the project. The project remains a great concern to us and we appreciate every opportunity to have input into the decisions being made that will impact the historic district.

Sincerely,

Vicki S. Vaden

Vicki S. Vaden
President

Enclosures

Cc – Jayne Henderson, Palmer Engineering
Patrick McIntyre, TN Historic Commission
Nancy Tinker, National Trust for Historic Preservation
Trip Pollard, Southern Environmental Law Center



Details for Enhancement Features:

1) Replacing District Signage lost due to the project.

The welcome sign within the triangle should be constructed of native Crab Orchard Stone using shaped stone (quarried) instead of fieldstone in a style to match as close as possible the masonry used on the Tower. Minimal maintenance could be achieved if the wooden parts of the sign could be made of brown resin. The design we suggest is pictured below. We were unable to supply a detailed diagram or drawing of the sign in the time allotted for these comments but would be willing to supply one if the Department will allow us to do so. The sign should have the wording routed on both sides. Wording for the sign is under review and may need to be amended, so please consider this graphic a rough draft.

It is difficult for us to give specific details on the suggested placement of the sign until we have the finished plan for the intersection. We believe the sign should be placed where it will line up as squarely as possible with the Homesteads Tower in the background, so that photos taken of the front of the Tower would have the sign centered in the foreground. The Homesteads Tower is the most photographed landmark in our area and photo views should be taken into account, as well as, the highest visibility possible for traffic, when determining the exact location of the sign.



The second sign that needs replacing is at the north boundary of the historic district. The original sign that was in front of the Eldridge House has already been taken down and it will need to be relocated to a more appropriate setting. We have a verbal agreement to locate the replacement sign on the Denton property on the east side of the highway near Malver Drive. An easement for the sign for this location will be secured with the property owner. This sign will use the same materials as the triangle sign and will be viewed from both sides at this location. The design below should be very close to the actual dimensions and design (including wording, except reversed Welcome & Thanks for Visiting). A more detailed drawing can be supplied if needed.



2) Landscaping in the area of the Triangle and the Homesteads Tower parking area.

Suggested planting species: Scarlet Oak, White Dogwood, Sugar Maple, Red Bud, Hemlock, Sweet Gum, Red Maple, Blue Beech, Hickory, Pin Oak, Red Oak, Turkey Oak

We would like to submit a landscaping plan when the design for the intersection is completed.

Mulch to be medium or dark brown in color - used sparingly where needed around plantings and sign to make mowing easier.

Fencing to be farm type design that Palmer Engineering suggested if fencing is required along the ROW where the Cumberland General Store was removed.

5) Period Style Lighting and Signals

We suggest using the tallest and simplest light posts and for the fixtures to be one of the following designs in either Bronze or Black:

Holophane Radial Wave, Vienna, or Lyon (all 3 shown on page 18 of the Holophane catalog supplied to us by TDOT) We do not, however, like how the fixtures look on the posts in the catalog on page 18 because the vertical post extends several feet above the horizontal arms. We also found an alternative style that might be more suitable; the photos below are of fixtures currently being used around the Cumberland County Complex property in Crossville. If the City of Crossville is going to be maintaining the fixtures at the triangle, this style might be easier for them to work with because they are already using them. We do not know the manufacturer, but perhaps the photos below will help in identification. The posts do not have the high extension above the horizontal arms and they seem to be in better keeping with the 1930-1940's.



We didn't get to review any designs for the traffic signals for the triangle intersection, but would hope that they, as well as, other utility poles and lines can be kept to the farthest points from the triangle (towards Charlotte's Interiors side) in order not to create unsightly obstacles for folks photographing the Homesteads Tower.

6) Tinted Asphalt

The idea of using tinted asphalt was discussed with the CRT team in the beginning as a way of giving a visual distinction to the historic district as a whole. The current plan has the tinted pavement to be limited to the area on the three sides of the triangle. We suggest that this area be extended to the project terminus on SR 68, to the terminus on 127-S south of the triangle and to the Brookhaven Drive intersection on the north side towards Crossville.

7) Homesteads Brochures

A design for the Homesteads would be printed in full color on 11" X 8.5", two sides and tri-folded.

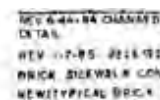
We are sorry we haven't put together the specifics that we would like to see included in the brochure yet. We will try to send a draft brochure by the end of this week.

Page 4

Details for additional comments from page one.

A) We request that an alternate design for junction of 127-S and SR 68 be used that would keep as much of the original triangle intact as possible. This would eliminate the need for replacing signage and landscaping in the triangle and fulfill the promise that Commissioner Nicely made in his press release on Oct. 23, 2003 to keep the triangle intact; ***"An alternate of the SR-28/SR68 intersection layout should be developed that would leave the existing triangular area within the Y-shaped intersection intact."***

C) We request that the cross-section design between the intersection of Brookhaven Drive and the triangle intersection be reduced in scale to better fit into the historic environment as the UT Center for Transportation Research Report recommended. Below is a TDOT drawing for a section of Highway 321 near Maryville College in Blount County, Tennessee. We would like for the Department to consider adopting a similar design for our historic district, with the exception of using tinted walkways instead of the brick sidewalks that were used in Maryville (if sidewalks are built). Mountable curbs would allow vehicles to move off the highway in case of emergency. Reducing the footprint would reduce the amount of storm water discharge.





**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
PROJECT MANAGEMENT DIVISION**
SUITE 600, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243

July 16, 2010

Upper Cumberland Group of the Sierra Club
Attn: Mary Mastin
360 Roberts Hollow Lane
Cookeville, Tennessee 38501

Subject: Invitation to Enhancements Public Information Meeting
Enhancements to SR 28 (US 127), from SR 68 to Cumberland Street in Crossville
Cumberland County, Tennessee
TDOT PIN 101044.00, TDOT Project # 18006-3210-04

Dear Ms. Mastin:

On behalf of the Tennessee Department of Transportation, Environmental Division, your agency is invited to participate in a Public Information Meeting for the above referenced project on **Tuesday, July 27, 2010, beginning at 5:00 PM CST and ending at 7:00 PM**. The meeting will be held at the **Art Circle Library located at 3 East Street in Crossville, Tennessee 38555**, where we will have on display the enhancement features that will be included in the construction of this project. These enhancement features were recommended by the citizens resource team and were approved by the TDOT Commissioner.

The enclosed package provides a copy of the displays that will be on display at the meeting. There are seven (7) individual enhancement features that are being included in the construction of this project.

Please contact me at 615.741-4777, or at gary.king@tn.gov should you have any questions, comments or need additional information.

Regards,

Gary King
Gary King
Project Manager

Enclosures



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
PROJECT MANAGEMENT DIVISION**
SUITE 600, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0334

July 16, 2010

Ms. Yvonne Seperich
Save Our Cumberland Mountains—
Cumberland County Chapter
C/O SOCM Main Office
P.O. Box 479
Lake City, TN 37769

Subject: Invitation to Enhancements Public Information Meeting
SR 28 (US 127), from SR 68 to Cumberland Street in Crossville
Cumberland County, Tennessee
TDOT PIN 101044.00, TDOT Project # 18006-3210-04

Dear Ms. Seperich:

On behalf of the Tennessee Department of Transportation, Environmental Division, your agency is invited to participate in a Public Information Meeting for the above referenced project on **Tuesday, July 27, 2010, beginning at 5:00 PM CST and ending at 7:00 PM.** The meeting will be held at the **Art Circle Library located at 3 East Street in Crossville, Tennessee 38555,** where we will have on display the enhancement features that will be included in the construction of this project. These enhancement features were recommended by the citizens based resource team and were approved by the TDOT Commissioner.

The enclosed package provides a copy of the displays that will be on display at the meeting. There are seven (7) individual enhancement features that are being included in the construction of this project.

Please contact me at 615.741-4777, or at gary.king@tn.gov should you have any questions, comments or need additional information.

Regards,

A handwritten signature in black ink that reads "Gary King".

Gary King
Project Manager

Enclosures



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
PROJECT MANAGEMENT DIVISION**
SUITE 600, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243

July 16, 2010

Cumberland Homesteads Tower Association
Attn: Vicki Vaden
96 Highway 68
Crossville, TN 38555

Subject: Invitation to Enhancements Public Information Meeting
Enhancements to SR 28 (US 127), from SR 68 to Cumberland Street in Crossville
Cumberland County, Tennessee
TDOT PIN 101044.00, TDOT Project # 18006-3210-04

Dear Ms. Vaden:

On behalf of the Tennessee Department of Transportation, Environmental Division, your agency is invited to participate in a Public Information Meeting for the above referenced project on **Tuesday, July 27, 2010, beginning at 5:00 PM CST and ending at 7:00 PM.** The meeting will be held at the **Art Circle Library located at 3 East Street in Crossville, Tennessee 38555**, where we will have on display the enhancement features that will be included in the construction of this project. These enhancement features were recommended by the citizens resource team and were approved by the TDOT Commissioner.

The enclosed package provides a copy of the displays that will be on display at the meeting. There are seven (7) individual enhancement features that are being included in the construction of this project.

Please contact me at 615.741-4777, or at gary.king@tn.gov should you have any questions, comments or need additional information.

Regards,

A handwritten signature in black ink that reads "Gary King".

Gary King
Project Manager

Enclosures



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
PROJECT MANAGEMENT DIVISION**
SUITE 600, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243

July 16, 2010

Mr. John B. Hildreth
Director, Southern Office
National Trust for Historic Preservation
456 King Street
Charleston, SC 29403

Subject: Invitation to Enhancements Public Information Meeting
Enhancements to SR 28 (US 127), from SR 68 to Cumberland Street in Crossville
Cumberland County, Tennessee
TDOT PIN 101044.00, TDOT Project # 18006-3210-04

Dear Mr. Hildreth:

On behalf of the Tennessee Department of Transportation, Environmental Division, your agency is invited to participate in a Public Information Meeting for the above referenced project on **Tuesday, July 27, 2010, beginning at 5:00 PM CST and ending at 7:00 PM.** The meeting will be held at the **Art Circle Library located at 3 East Street in Crossville, Tennessee 38555,** where we will have on display the enhancement features that will be included in the construction of this project. These enhancement features were recommended by the citizens resource team and were approved by the TDOT Commissioner.

The enclosed package provides a copy of the displays that will be on display at the meeting. There are seven (7) individual enhancement features that are being included in the construction of this project.

Please contact me at 615.741-4777, or at gary.king@tn.gov should you have any questions, comments or need additional information.

Regards,

Gary King
Project Manager

Enclosures



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401

May 24, 2006

Dr. Joe Garrison
Tennessee Historical Commission
Clover Bottom Mansion
2941 Lebanon Pike
Nashville, Tennessee 37243-0442

TDOT, IMPROVEMENTS TO SR 28 (US 127) FROM SR 68 TO CLEVELAND STREET,
CUMBERLAND HOMESTEAD, CROSSVILLE, CUMBERLAND COUNTY

Dear Dr. Garrison:

The Tennessee Valley Authority (TVA) has received a permit request from the Tennessee Department of Transportation (TDOT) regarding several stream crossings along the proposed improvements along State Route 28 (US 127). Three of these crossings are within the boundary of the Cumberland Homesteads Historic District (District). Based on these multiple approvals, TVA Cultural Resources considers the area of potential effects (APE) to be the entire project area along SR 28 from SR 68 to Cleveland Street in Crossville, Cumberland County.

Your office should have documentation regarding this project from prior consultation from TDOT. If you require additional information please contact our office. TVA Cultural Resources has received the Historic/Architectural Assessment and Documentation of Effects Report conducted by TDOT and accepts the documentation. In this assessment, TDOT, after numerous meetings and consultation procedures, considers that the project will have an adverse effect on the District.

Our office has reviewed the documentation and concurs with the findings that this project will have an adverse effect on historic properties. Pursuant to the requirements of Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR Part 800.4, TVA Cultural Resources office is requesting your concurrence on these findings.

Dr. Joe Garrison
Page 2
May 24, 2006

TVA Cultural Resources will be working with the TDOT to minimize effects to the District. A Memorandum of Agreement (MOA) will be drafted in consultation with all consulting parties to address treatment plans and adverse effects that the project may have on the District.

If you have any questions or comments please contact me or Eric Howard at (865) 632-2457 or e-mail aehoward@tva.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bennett Graham", with a long horizontal flourish extending to the right.

J. Bennett Graham
Manager
Cultural Resources

cc: Tammy Sellers
Department of Transportation
Environmental Division
505 Deadrick Street
Suite 900, James K. Polk Building
Nashville, Tennessee 37243-0349

6/15 AEH



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

June 12, 2006

Mr. J. Bennett Graham
Tennessee Valley Authority
400 West Summit Hill Dr.
Knoxville, Tennessee, 37902-1499

RE: TVA, SR-28 IMPVTS./SR-68 TO CLEVELAND, CROSSVILLE, CUMBERLAND COUNTY

Dear Mr. Graham:

In response to your request, received on Thursday, May 25, 2006, 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 also find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at www.state.tn.us/cnvironment/hist/sect106.shtm.

Considering available information, we find, after applying the Criteria of Adverse Effect codified at 36 CFR Part 800, that the project as currently proposed will **ADVERSELY AFFECT PROPERTIES THAT ARE ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**. You should now, through TVA, inform the Advisory Council on Historic Preservation of this adverse effect determination and begin immediate consultation with our office. Please enclose a copy of this determination in your notification to the Council as delineated at 36 CFR Part 800. Until you have received a final comment on this project from this office and the Council, you have not completed the Section 106 review process. Please direct questions and comments to Joe Garrison (615) 532-1550-103. We appreciate your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg



S O U T H E R N
O F F I C E



NATIONAL TRUST
for HISTORIC PRESERVATION

August 10, 2006

Tammy Allison Sellers
State of Tennessee
Department of Transportation
Environmental Division
500 Deaderick Street
Suite 900, James K. Polk Building
Nashville, TN 37243-0349

Re: Architectural Assessment and Documentation of Effect for the proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street, Crossville, Cumberland County, Tennessee

Dear Ms. Sellers:

Thank you for opportunity to comment on the improvements proposed for the US 127S triangle intersection located at State Route 68 in Crossville, Tennessee. The National Trust acknowledges TDOT's concern for potential negative impacts resulting from highway construction and commends the agency for having utilized a Context Sensitive Solutions strategy, as well as organizing a local Citizen's Resource Team. Pursuant to 36 CFR 800.5, TDOT applied the Criteria of Effect as found in 36 CFR 800.9 and has determined interchange improvement will diminish the integrity of the Cumberland Homesteads National Register Historic District. The National Trust concurs with this opinion, and welcomes opportunity to comment on this undertaking.

As currently proposed, Alternative D-Modified consists of four traffic lanes, a continuous turn lane, shoulders with curb-and-gutter and utility strips within a 104-foot right-of-way. Additionally, the proposed project will irrevocably alter the triangular intersection where State Route 28 and State Route 68 meet.

Protecting the Irreplaceable



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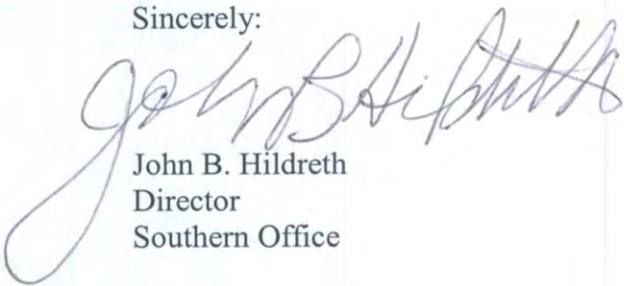
Tammy Allison Sellers
August 10, 2006
Page 2

The National Trust recognizes the rapid pace of development occurring in Cumberland County, and acknowledges the degree of residential, commercial, and industrial growth encroaching upon the Homesteads. We recognize however, that much of the Homesteads rural character survives and that many defining features remain intact. The National Trust respectfully reminds TDOT that the US 127S intersection at State Route 68 serves as a gateway to the Town of Crossville and that the Homesteads retains potential to become a signature component within the Cumberland Plateau National Heritage Area.

The National Trust respectfully requests TDOT devise an approach that enhances historic resources while managing transportation growth in a sustainable and sensitive way. Potential mitigation measures could include working with the Homesteads Tower Association in seeking historic overlay designation for those elements of the Homesteads open to the general public. Additional recommendations include careful coordination of aesthetic and landscape treatments for the realigned triangle and adjoining tracts once construction is complete. We encourage TDOT to pursue grassed shoulders at the triangle, period signage and lighting, and appropriately landscaped parking for the Tower Association's museum.

As always, I thank you for your time and the kind consideration given these remarks.

Sincerely:

A handwritten signature in dark ink, appearing to read "John B. Hildreth". The signature is fluid and cursive, with a large loop at the end of the last name.

John B. Hildreth
Director
Southern Office

cc: Claudette Stager
Joseph Garrison
Vicki Matthews
Patrick McIntyre

Environmental Division of the
Tennessee Department of Transportation
Ms Tammy Allison Sellers
Historic Preservation Supervisor
505 Deadrick Street
Suite 900, James K. Polk Building
Nashville, Tennessee 37243-0349

September 14, 2006

Subject – Proposed highway improvement project for U.S. 127 South – Cumberland County, Tennessee and Section 106
Review of Effects of project upon the Cumberland Homesteads National Historic District.

Dear Ms Sellers,

The Cumberland County Chapter of Save Our Cumberland Mountains (SOCM) would like to be a consulting party in the Section 106 process initiated on the proposed improvement project for route U.S. 127 South and submits the following comments:

The Cumberland County SOCM Chapter has followed the development of this transportation project since 2000 when local members of our chapter became concerned with the potential adverse effects the reconstruction project could have on environmental, cultural and historic resources within the Cumberland Homesteads Historic District. The chapter adopted goals relating to these issues and formed a committee to monitor the process TDOT used to make project decisions and to advise the chapter on participation opportunities for public involvement in the process.

Our chapter members have attended the UT and TDOT public meetings, the Citizens Resource Team meetings and met with TDOT Chief of Environment, Ed Cole and staff on May 11, 2005 concerning the project. A letter was sent from our chapter to Commissioner Nicely on May 16, 2005 expressing our concerns that the analysis for the redesign of the U.S. 127 and S.R. 68 intersection had not adequately considered alternatives that could significantly reduce negative impacts and go much further toward meeting the goal of preserving the existing historic triangle. We also pointed out that there had not been an official public meeting on the Alternative D Modified Design that the department was pursuing for the intersection and that we strongly felt that there was a need for more public involvement to address remaining issues.

Further outlined in the letter were specific modifications to the Alternative D Modified the chapter requested that TDOT attempt to do to minimize impact on the historic nature of the intersection, if a decision was made by the department to advance that plan. The following are the requests that we made:

- Not remove the mature trees in the triangle intersection
- Not take the grounds of the historic Homesteads School
- Minimize the footprint of the road including keep the corridor as narrow as possible and not make major changes to the vertical alignment.
- Preserve the Cumberland Store and not take adjacent buildings on the northeast side of the intersection
- Not eliminate access to these buildings
- Not take the Cumberland Homesteads Fire Hall

Upon review of the documents from your office, (Architectural Assessment and Documentation of Effect and Reconnaissance Survey) we found no reference to our concerns and ask that you include the May 16, 2005 letter to Commissioner Nicely, as well as, this letter to the Section 106 materials made available to consulting parties.

The chapter has approved the following comments concerning issues that should be resolved before the Department of Transportation moves forward with the Section 106 process:

Section 1

- A) **Project Documentation Concerns** -The above mentioned reports do not give a complete description of the project as explained in Section 2 and should be amended and distributed to all consulting parties before the Section 106 process moves forward.
- B) **Public Participation Issues** –Some concerns raised by the public that have not been adequately addressed are;
 - a) Negative impacts to the historic setting of the Cumberland Homesteads due to the scale of the project footprint
 - b) The possible cumulative negative impacts upon the historic district from project-spurred commercial growth
 - c) Environmental impacts upon two streams
 - d) Alternative designs for the 127S intersection with State Route 68 that would leave the historic triangle intact have not been vetted
 - e) Negative impacts to heritage tourism within the historic district due to inappropriate scale of facility and possible cumulative impacts of project-spurred growth
 - f) Possible negative impacts to the National Heritage Corridor being planned to highlight unique natural, cultural and historic resources on the Cumberland Plateau
 - g) Possible negative impacts to contributing historic sites within view of the proposed project have not been assessed

Section 3 explains additional needed corrections and additions to the above-mentioned reports

- C) **Mitigation Issues** – Section 4 describes a serious problem in the report concerning the representation of mitigation measures discussed with the Citizens Resource Team at Meeting V.
- D) **Reconnaissance Survey Methodology** – Section 5 describes our concerns about the inadequacy of the survey.

Section 2

DOCUMENTATION CONCERNS

1) **Safety Issues**

The Architectural Assessment and Documentation of Effect report (hereafter, called TDOT report) on page 3 states, *"according to TDOT information, the triangle intersection no longer functions safely or efficiently"*. The statement lacks support of documentation of how this was determined. Our members that use the intersection daily have not experienced the failure of efficient and safe functionality of the intersection.

On page 16 of the same report, the statement, *"A state trooper with the TN Highway Patrol spoke and described the accidents that have occurred at the intersection."* lacks meaningful context of the testimony the officer gave about safety at the intersection and should be amended to reflect the important information given to the CRT on March 24, 2004. State Trooper Ed Barnwell stated that he had not worked a serious accident at the intersection since 1979 and that the accidents that did occur at the intersection usually only resulted in minor damage to vehicles. He suggested that the sight distance would be greatly improved for motorists traveling northbound on 127S who are waiting to turn left at the stop sign, if the hump on Highway 68 could be scraped down. He also recommended a turning lane for Highway 68. When Trooper Barnwell was asked if motorists had a problem traveling the wrong direction on lanes around the triangle, he stated that was not a problem.

We believe Trooper Barnwell's testimony mirrors the majority of public opinion about the intersection's safety. The suggestions he made are reasonable ideas for improving safety at the intersection and have been suggested throughout the project development by local residents.

2) University of Tennessee Center for Transportation Research Study

While the independent study performed by UT is mentioned several times in the report titled Architectural Assessment and Documentation of Effect, the evaluation summary given by the UT researchers is not included. The entire study should be added to the report and references (listed below) crediting the UT Study as establishing the need for the 127S project and misinterpretation of the purpose of the UT Study should be corrected.

TDOT report page 3 – *"In 2002, this project became one of the 15 projects that the University of Tennessee Center for Transportation Research studied to determine if these projects as proposed were necessary."*

TDOT report page 3 – *"Also as a result of the UT study, it was determined that the need and purpose for the project from Cleveland Street to State Route 68 was warranted;"*

TDOT report page 13 – *"At a press conference at Cumberland Mountain State Park on 24 October 2003, Commissioner Gerald Nicely announced that the need for the project had been firmly established by the UT study."*

UT was not given the task of determining the need and purpose for any of the 15 projects they studied. The UT Researchers described their study as; determining if the reasons for starting the project were adequately supported. Although they found enough support for starting the process for improving one section of the 127S project, they went on to say, *"The project design is viewed as too large a road for the need."*

UT Study page 2 *"it is the intent of this report to identify remaining project issues and suggest improved practices, both to be considered by the Department."*

UT Study page 4 *"It was not the intent of the Case Study, or individual project assessments, to re-do the planning and decision-making for any one or all of the included projects. Rather, it was the goal of the Case Study and individual project assessments to evaluate the overall planning and decision-making "process(es)" undertaken to date, and to determine if deficiencies or omissions existed in these "process(es)". Based on these "process" assessments, the two objectives of the Case Study were accomplished. That is: (1) to provide TDOT with impartial recommendations on whether selected highway projects should continue as presently scheduled or whether additional action(s) should be undertaken; and (2) to provide input for TDOT to identify areas for improvement of its highway project planning and business practices."*

It is our belief that UT researchers had serious concerns about the scale of the design that TDOT planned for the U.S. 127S. The UT researchers boldly stated, *"The project design is viewed as too large a road for the need."* and recommended that TDOT *"reconsider the cross-section design"*. It is also important to note that UT's concerns about the inappropriate scale of the project were reached prior to the release of corrected traffic counts that revealed that the previous counts had been erroneously inflated by 39% in the project design year. The TDOT report does not accurately reflect the purpose or conclusions of the UT Study.

UT Study page 12

"The need to improve the existing highway is established, but the main concerns are on design considerations, namely the adverse perceptions or opinions:

- The adverse impact of proposed design features on Cumberland Homesteads National Historic District.*
- The incompatible nature of a five-lane cross-section with the environment of the historic district, and the need for five-lane capacity.*
- The effect of the design of the intersection with SR 68 on the wooded triangular area with historic value."*

It is also important to note the distinction noted by UT researchers between Section I and Section II of the project. The project is divided into two sections, Section I involves the modification of the triangle intersection. This section was an add-on to the project and UT made it clear in their report that this section lacked supporting documentation and purpose.

UT Study page 10

Project History

"Thus, it appears that Section I, the portion of the project involving the Y-intersection with SR 68, was not part of the original project as described in the Accelerated Primary Highway Plan. No documentation indicating when or why Section I was added to the project has been found or made available."

UT researchers assessed TDOT on seven issues and indicated whether the project planning and decision-making processes were **satisfactory** or **unsatisfactory** on each issue. TDOT received 4 unsatisfactory and 3 satisfactory findings. (See Attached Details of UT Assessment)

Section 3

Public Participation Issues

- 1) Documentation of the public meeting held at the Cumberland Mountain State Park on October 14, 1999 and summary of public comments received at that meeting is missing from the TDOT report and should be added to the history of the project.
- 2) The TDOT report inaccurately describes the Citizens Resource Team members (page 3). *"19 elected officials and local residents represented different interests that would be affected by the proposed intersection improvements."*
The team was made up of:
 - 6 members from the Cumberland Homesteads (one member did not attend any meetings)
 - 9 members from other communities in the county
 - 4 members from out of town
- 3) There is no mention in the TDOT report of an April 29, 2004 letter sent to Commissioner Nicely from CRT member, Vicki Matthews, requesting that the 127S Citizens Resource Team be allowed to address the whole project with Context Sensitive Solutions instead of limiting this process to the triangle intersection only.
- 4) There is no mention in the TDOT report of Commissioner Nicely's May 12, 2004 reply to the above request, explaining TDOT's commitment to consider requests of the CRT:
"The department does not currently have plans to use a Citizens Resource Team for the roadway portion of the project; however, we are committed to consider requests generated by the Resource Team. If the Resource Team comes to consensus with a recommendation to re-evaluate the roadway project, the department would certainly address the Team's concerns."
- 5) There is no mention in the TDOT report of a Recommendation sent to Commissioner Nicely on June 24, 2004 signed by 10 members of the 127S CRT stating,
"The following members of the 127-S Citizens Resource Team recommend that the Context Sensitive Design Solutions process be used on the currently proposed design of the roadway portions of Highways 127-S and State Route 68, that lie within the Cumberland Homesteads Historic District, in order to adequately allow public input into the planning of these improvements. Because no public input was involved in these specific area of the project, issues such as: cross-section design, bridges, guardrails, drainage, utilities and negative impacts to the historic district, residents quality of life and tourism should be addressed."
- 6) There is no mention in the TDOT report of Commissioner Nicely's August 16, 2004 letter denying the above-mentioned CRT Recommendation.

- 7) There is no mention in the TDOT report of the request for a public meeting where the public could view the revised Alternate D Plan and the new Modified D Plan and the subsequent handling of the request by TDOT Project Manager Ann Andrews in February of 2005.
- 8) On page 24 of the TDOT report the statement, "*the CRT prepared an Executive Summary to be given to Commissioner Nicely for his review*" is not a true representation of the writing of the CRT recommendation.
- The CRT did not write the recommendation, TDOT and/or the facilitators wrote it. The CRT members were only allowed to correct misspelled words and make a couple of very minor alterations to the prepared document.
- 9) Letters of Dissent written by CRT members who refused to sign the recommendation that explained problems with the Alternative Modified D plan and concerns about negative impacts upon historic resources were not included in the TDOT report, preventing consulting parties from obtaining an objective view of the adequateness of public involvement in the Context Sensitive Solutions process used on the project.

Section 4

Mitigation Issues

- 1) On page 23 of the TDOT report, the description of the January 20, 2005 CRT Meeting V needs corrections concerning information presented by the facilitators to the 127S CRT as enhancements, amenities and mitigation in a PowerPoint presentation. Also, the description of TDOT's consideration of the relocation of the Eldridge House as an enhancement instead of a possible mitigation measure is not an accurate depiction of what TDOT related to CRT members.

On page 3 of the CRT Meeting V Notes prepared by TDOT and distributed to CRT members and the public on the TDOT website (until recently removed), a PowerPoint presentation is correctly described:

"Jayne Fiegel next showed a PowerPoint presentation on possible enhancements and amenities that can be used as mitigation measures on any recommended alternative. Included were native treatments for sidewalks and bike paths, shoulder treatments, light and signal pole treatments and fencing options.

Mitigation possibilities discussed were:

*Parking for the Tower Museum
Relocating the Eldridge House
Preparing a driving tour
Photo documentation of the existing community"*

On page 23 of the TDOT report a similar, yet different description is given to Section 106 consulting parties:

"Palmer Engineering presented traffic simulations using the three D alternatives and a PowerPoint on the possible enhancements and amenities that could be used as mitigation measures on any of the proposed alternatives. The CRT discussed possible mitigation measures, including:

*Parking for the Tower Museum
Preparing a driving tour
Photo documentation of the existing community*

Relocating the historic Eldridge House within the district was discussed as a possible enhancement. Due to the issues associated with relocating a historic building, TDOT did not consider this proposal as mitigation but instead as an effort to work with the locals to preserve a historic structure and enhance the outcome of TDOT's proposed project."

The PowerPoint given to the CRT on January 20, 2005 was available for downloading on TDOT's website until recently. Slide 9 of the PowerPoint is a title page reading, "Alternative Mitigation", Slide 10 is "Provide Museum Parking", Slide 11 is "Parking Enhancements" and Slide 12 is "Historic Eldridge House".

The removal of the relocation of the historic Eldridge House from the list of mitigation possibilities discussed with the CRT, combined with the addition of the comment that TDOT never considered relocating the house as mitigation, could be perceived as an attempt to mislead consulting parties, other agency officials and the public reviewing this project in the Section 106 process. This would violate professional standards on many levels and could adversely affect the confidence of the public in the integrity of the government. This data should be corrected and re-sent to all consulting parties before the Section 106 process moves forward.

Section 5

Reconnaissance Survey Methodology

Our last concern has to do with the purpose and findings of the Reconnaissance Survey contained in the report and the use of this document as a case study to develop TDOT policy for re-evaluating historic resources in the future. A high degree of importance should be placed on any methodology of assessment used for establishing policy. We question the adequacy of a windshield survey for re-evaluation of National Register listed and eligible historic resources in general and particularly for contributing sites and structures along the 127S corridor within the Cumberland Homesteads National Register Historic District. We need not look any further than this single use, to see the problems that might result if this method is used further.

TDOT used the windshield survey in its Documentation of Effect in the Section 106 process to conclude no adverse impacts under both Criterion iii and Criterion iv.

We do not believe TDOT should use this case study for establishing guidelines. There are several areas of the survey that lack cohesion such as; a variation of questionable stated purposes. One of the stated purposes was to assess changes in the historic district since it was listed on the National Register in 1988 but instead, the survey described changes that have occurred in the district since the early 1940's.

The conclusion of the survey and map of the section of the district described as retaining "no historic integrity" are controversial. The Cumberland Homesteads is not an isolated snapshot in time, nor was it ever meant to be. It is an evolving community that was carefully planned to accommodate the future needs of its residents. The drawing from the Library of Congress, used as a title page for the windshield survey, shows several structures at the center of the community adjacent to the triangle intersection and could be considered an indication of the anticipated growth planners had for this area. Different periods of community development are represented by some of the additional buildings along the route that have become integral parts of the community. The area of the route bordering the Cumberland Mountain State Park and the planned woodland have not changed since the 1930's with the exception of a few parcels being developed where TDOT straightened the old highway years ago. This area and the area around the Tower Museum should be looked at again for their representation of the planning of the community that remains intact.

Before any resolution of adverse effects is determined, a full assessment is warranted for all contributing structures and sites along the proposed route of U.S. 127S that will be impacted by the reconstruction project. Many of these have undergone no assessment for potential adverse impacts and were not part of the Context Sensitive Solutions process used for the intersection of 127S & State Route 68. The most important focal point of the entire community, the Homestead Tower, its historic landscape including the largest of the district's unique triangle roadway features that currently contribute to the feeling of the Homesteads could be lost forever if these considerations are not made.

Thank you for the opportunity to express our ongoing concerns about this important project.

Regards,

Yvonne Seperich, Chair
Save Our Cumberland Mountains -Cumberland County Chapter
C/O SOCM Main Office
P.O. Box 479
Lake City, TN 37769



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION**

505 DEADERICK STREET
SUITE 900, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
615-741-3653

September 18, 2006

Ms. Yvonne Seperich
Save Our Cumberland Mountains—
Cumberland County Chapter
C/O SOCM Main Office
P.O. Box 479
Lake City, TN 37769

Re: Section 106 Comments for the proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee

Ms. Seperich,

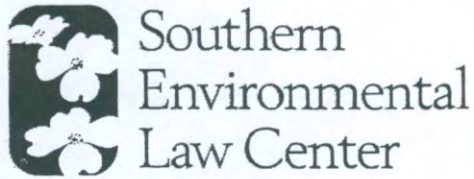
I received your comments on behalf of Save Our Cumberland Mountains—Cumberland County Chapter via email on September 14, 2006. It is re-assuring to know that there are people committed to historic preservation in Cumberland County.

I am working with other people within the Department in order to fully address your organization's issues and concerns about the proposed project. I will provide a detailed response to you as quickly as possible. Thank you for your interest in this project.

Sincerely,

Tammy Allison Sellers
Historic Preservation Supervisor

Cc: Ann Andrews
Martha Carver
Doug Delaney
Tony Renfro



**P.O. Box 3267
Sewanee, TN 37375
(931) 598-0808
FAX: (931) 598-0713
SouthernEnvironment.org**

September 18, 2006

Ms. Tammy Allison Sellers
Tennessee Department of Transportation
Environmental Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0334

Re: Comments on Review of Impacts of Proposed Improvements to U.S. Highway
127/State Route 28 from State Route 68 to Cleveland Street in Crossville

Dear Ms. Sellers:

The Southern Environmental Law Center would like to provide the following comments on the review of impacts of proposed improvements to U.S. Highway 127/State Route 28 from State Route 68 to Cleveland Street in Crossville. These comments focus primarily upon the "Historical/Architectural Assessment and Documentation of Effect Report Pursuant to 36 CFR 800" (hereafter, the "Report") that you prepared.

SELCL works in Tennessee and five other states to promote transportation and land use decisions that protect our environment, health, and quality of life. We have been involved with the proposed improvements to U.S. Highway 127/State Route 28 for several years, working with staff members at TDOT and concerned citizens and organizations. As Commissioner Nicely and many others have recognized, the Cumberland Homesteads is a unique, irreplaceable resource. It is listed on the National Register of Historic Places and is a major tourist attraction, and this project would impact the heart of this historic district. We appreciate the work that has been done to develop and assess this proposed project, including preparation of the Report. However, we believe that the Report needs to be revised, that additional review of this project is required, and that additional steps should be undertaken to reduce the adverse impacts of this project.

Statement of Determination; Project Review

The title of the Report states that it is being prepared pursuant to 36 CFR 800, and the Statement of Determination references these regulations and Section 106 of the National Historic Preservation Act of 1966, as amended, as well as the duties of TDOT, FHWA, and federal permitting agencies under these provisions. Although the Statement indicates that this is a state

funded project, Section 106 applies because of the federal permits the project will require.¹ The Statement should be amended to clarify this point.

Moreover, it seems clear that an analysis of this project should also be conducted pursuant to the National Environmental Policy Act for precisely the same reason – the permits the project requires from federal agencies. Yet we are not aware of any NEPA analysis that has been conducted; we are only aware of a few cursory environmental documents from 1997. Accordingly, we request that an analysis of this project be conducted pursuant to NEPA.

It may be that a Section 4(f) analysis is required as well. The Report dismisses this possibility (p. 40), but we currently do not have sufficient information to determine whether this conclusion is accurate. The discussion of Section 4(f) should be expanded and the determination of whether 4(f) analysis is required should be revisited.

Project Description

There are some statements in the summary description of the project that should be corrected and others that should be elaborated upon further, including:

- The statement that the project was part of the 1986 Better Roads Program (Report, p. 3) is only partially accurate; the improvements to the historic triangle at the intersection of SR-28/SR-68 were not part of this program, as the UT study noted.
- The statement that “as a result of the UT study, it was determined that the need and purpose for the project from Cleveland Street to State Route 68 was warranted” (Report, p. 3) should be revised. The UT study concluded that the need for improvements had been established – but the Report should provide a more complete picture by mentioning that it also concluded that the “project design is viewed as too large a road for the need” and noted concerns over adverse impacts; it did not determine the purpose and need for the project.
- The statement that according to TDOT information, the intersection at State Route 28 and State Route 68 no longer functions safely or efficiently should be clarified and supported. The safety information and anecdotal evidence we have heard suggests that there are some problems, but these problems should be specified and we believe that the improvements proposed are more extensive than necessary to address the problems that do exist.

Project History

We appreciate your efforts to summarize the history of this proposal. Other groups and individuals are more familiar with many of the particulars of this project, and hopefully they will comment on this section. Some of the corrections or modifications needed include:

- The first sentence of this section repeats the statement that the proposed project was part of the 1986 Better Roads Program (Report, p. 6). Again, this statement is partially accurate; improvements to the triangle were not part of this program.

¹ We understand that this project will require permits from the U.S. Army Corps of Engineers and the Tennessee Valley Authority (*see, e.g., Report, pp. 11-12*).

- This section references a letter from Martha Carver stating that a five-lane roadway such as that currently proposed would take substantially less right-of-way from the historic district than a four-lane divided highway. (Report, p. 8). It would be helpful if the history contained a better explanation of this conclusion. In addition, I would appreciate it if you could provide me with a copy of this letter and any evidence supporting this conclusion. The Report states that the typical section of the proposed road expansion will have a 104 foot right-of-way, with 84 foot right-of-way required in one section (Project Description, p. 3). It does not state the size of the four lane alternative examined by TDOT, but there are four lane divided highways with a smaller footprint than this.
- The accident statistics on p. 12 seem out of line with other data we have heard regarding the safety record at the triangle. Is this data still considered accurate? If so, what is the source of this data? It is our understanding that this data is not consistent with the safety presentation referenced on p. 16. It would be helpful to specify accident rates for the different points of the triangle intersection.
- Another key element of Commissioner Nicely's announcement regarding the project should be included in the Report: "An alternate of the SR-28/SR-68 intersection layout should be developed that would leave the existing triangular area within the Y-shaped intersection intact."
- It would be helpful to summarize the findings of the UT report in the Project History section. This report is mentioned in several places but it is not summarized. Among other things, the conclusion that "project design is viewed as too large a road for the need" should be mentioned.
- A decision by the TDOT team that the CRT would only deal with the triangle intersection is mentioned on p. 14. Yet there is no mention of the subsequent request from the CRT that it be permitted to examine design alternatives for the entire project, nor does it mention the decision by Commissioner Nicely to limit their review solely to the triangle. These events should be added to provide a more complete picture of the history of this project.
- The summary on p. 24 of my March 15, 2005 letter to Ann Andrews omits most of the key points raised. That letter highlighted the historic resources threatened by the project and pointed out that the triangle alternatives on the table would harm valuable resources and not meet the Commissioner's commitment to "leave the existing triangular area within the Y-shaped intersection intact." It also contained a more specific critique of Alternative D-Modified than is reflected in the history, and noted that given the significant reductions in estimated traffic levels at the triangle, the widening and alteration called for in the proposed designs appear to be much greater than warranted. The letter suggested that adding traffic signals and limited widening should be sufficient to handle the projected traffic volume, resolve existing traffic conflicts, and address concerns about sight distances, and suggested additional specific steps to reduce impacts on the triangle. Your summary also states that the letter pointed out problems with expanding 127S to five lanes and urged reconsideration of the project. It would help complete the project history to identify some of the potential problems with the proposed five lane design. As my letter states, evidence from around the country increasingly shows that such a design tends to promote proliferation of

left turn movements, creating conflicts that can significantly reduce a road's carrying capacity and increase the number of crashes. If additional lanes are needed, which looks doubtful given the revised traffic figures, a boulevard would be safer, more attractive, and increase the road's carrying capacity. The Report mentions safety issues at the triangle a number of times, yet is silent on safety issues the five lane design raises. Finally, the letter noted that the proposal to channel water bodies into culverts is likely to damage waterways and would not be in keeping with the area's historic qualities, and suggested specific design changes that could avoid or minimize the damage widening 127S will cause.

- The Project History does not mention a letter I sent to Commissioner Nicely on May 12, 2005. This letter noted that there had been improvements in the design of the triangle portion of the project, but expressed concerns that the analysis and proposed recommendation to expand and re-design the triangle had not adequately considered alternatives that could significantly improve the project and go further toward meeting the Commissioner's announced goal of preserving the existing historic triangle, and that the resource team was incorrectly told that there were no other alternatives. The analysis of intersection alternatives found that even if no widening were to take place, installing a traffic signal at one point of the triangle (the northwestern portion closest to Crossville) would improve LOS to an acceptable level (it would remain at LOS C in 2025). However, from conversations with TDOT staff and the consultant, it appears that no examination was made of the LOS that would result from signalizing this point as well as selected widening and addition of turn lanes. Nor was any analysis done of the resulting LOS if a signal is installed at a second point of the intersection. We suggested that adding one or more traffic signals, adjusting the timing of these signals, and providing some widening and turn lanes should be sufficient to handle the projected traffic volume, resolve the existing traffic conflicts, and address concerns that have been raised about sight distances. We also restated some of the potential design changes that could avoid or minimize damage caused by the project that were outlined in the earlier letter to Ann Andrews.

Environment and Land Use

The Report contains one paragraph in a brief section on Environment and Land Use on page 29 that addresses the land use impacts of the project. The paragraph acknowledges that the project would stimulate development, but says "this development would occur regardless of implementation of the proposed improvement, but probably at a more gradual pace" and that "[a]ny growth resulting from implementation of the proposed project should be adequately controlled by local government agencies." No citation or evidence is given to support these sweeping conclusions. Experience in Tennessee and throughout the country has shown the major impacts road projects can have in shaping the pace, type, and scale of development. The substantial road widening proposed here is likely to significantly impact development, and TDOT cannot simply wash its hands of the adverse impacts its project would cause by saying the locality will control any problems. This section should be completely rewritten and expanded, acknowledging the likely land use impacts the project would cause.

Finding of Adverse Impact

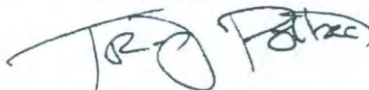
We agree with the conclusion that the proposed project will have an adverse effect on the district (e.g., pp. 32, 40). However, the Report downplays the impacts of the project by saying that the area around the project "contains substantial residential and commercial use" (p. 29), is "a section of the historic district that has been privately developed" (p. 30), that the district is "in a rapidly developing rural area that is characterized by modern residential housing and subdivisions and commercial buildings" (p. 42), etc. We agree that this area is being changed, and that growth can undermine the historic features of the district. We believe that the Report goes too far, however, in the area it contends retains no integrity and its conclusion that the proposed project would not adversely impact the district under criterion (iii) (p. 44) since the widening and certainly the changes to the triangle would change the character of the property's use and features that contribute to its significance. We also note that the area claimed to retain no integrity contains one of the areas Figure 7 in the survey attached as Appendix E indicates contains "nice clusters of Homestead houses." We also believe that the Report errs in concluding that there is no adverse impact under criterion (iv) – introduction of visual, atmospheric, or audible elements that diminish the integrity of significant historic features. Among other things, the conclusion refers only to audible or atmospheric elements, overlooking the visual changes five-laning and altering the triangle will have, and the only basis for its conclusion on audible or atmospheric elements is a rather cursory 1997 study.

Resolution of Adverse Effects

We applaud TDOT for the progress that has been made in redesigning the triangle to reduce the adverse impacts of the project. However, the proposed changes to the triangle and widening of 127S will still have major adverse effects that can and should be further reduced. We urge TDOT to revise this Report, to conduct additional review of this project and reexamine the need for this project in light of the revised traffic projections (contrary to the statement on p. 48, the need for this project has not been firmly established), and to adopt further design changes to reduce the project's adverse impact. This could still become a model project demonstrating TDOT's commitment to context sensitive solutions.

I appreciate your consideration of these concerns and suggestions, and I would be glad to discuss these issues with you further.

Sincerely,



Trip Pollard
Senior Attorney
Director, Land and Community Project

cc: Doug Delaney, Environmental Division Director
Ann Andrews, Project Manager



Cumberland Homesteads Tower Association

96 Highway 68 • Crossville, Tennessee 38555 • (931)456-9663

Cumberland Homesteads National Historic District

Showplace of the New Deal

Tennessee Department of Transportation
Environmental Division
Tammy Allison Sellers
505 Deadrick St., Suite 900
James K. Polk Building
Nashville, TN 37243-0349

September 29, 2006

Subject: Cumberland County, Tennessee -Section 106 Review of U.S. 127S Project in the Cumberland Homesteads National Historic District

Dear Ms. Sellers,

Thank you for sending the Architectural Assessment and Documentation of Effect and Reconnaissance Survey and for extending our deadline for comments to provide the needed time to review the additional documents we requested after the initial report was received.

We ask to become a consulting party in the Section 106 process as our organization has over 400 active members interested in the historic preservation of the Cumberland Homesteads Historic District. We operate two public museums within the historic Homesteads and have great concerns that the drastic alterations the current proposed plan for the reconstruction of U.S. 127S will adversely affect the historic integrity of a unique historic resource of national significance.

We also ask that our comments be given to other consulting parties and that the Council become involved with evaluations and resolutions associated with the Section 106.

You should also know that our organization has asked the SHPO to assist us in gaining the status of National Landmark designation for the Cumberland Homesteads Tower, as well as, updating the initial listing of the historic district to specifically include the existing triangular road junctions, cul-de-sacs and the Homesteads Cemetery. Whereas, we are in a county that has no zoning, we are unable to obtain historic overlay zoning but we are investigating other protective measures through requests to the National Trust for Historic Preservation and the Tennessee Historic Commission.

There are several items that were either omitted or misrepresented in the reports sent to interested parties for comments and it is our desire to work with you to fill in these gaps and give consulting parties a clearer understanding of these issues by detailing the some of the problems below. It is our belief that without additions of the information and the revision/corrections requested, the Section 106 will have little credibility as an objective process.

The following information is missing from the report:

- 1) Documentation of the public meeting held at the Cumberland Mountain State Park on October 14, 1999 and summary of public comments received at that meeting
- 2) April 29, 2004 letter sent to Commissioner Nicely from one of our representatives on the Citizens Resource Team requesting that the team be allowed to address the whole project with Context Sensitive Solutions instead of limiting this process to the triangle intersection only.

- 3) Commissioner Nicely's May 12, 2004 reply to the above request, explaining TDOT's commitment to consider requests of the CRT:
"The department does not currently have plans to use a Citizens Resource Team for the roadway portion of the project; however, we are committed to consider requests generated by the Resource Team. If the Resource Team comes to consensus with a recommendation to re-evaluate the roadway project, the department would certainly address the Team's concerns."
- 4) Recommendation sent to Commissioner Nicely on June 24, 2004 signed by 10 members of the 127S CRT stating,
"The following members of the 127-S Citizens Resource Team recommend that the Context Sensitive Design Solutions process be used on the currently proposed design of the roadway portions of Highways 127-S and State Route 68, that lie within the Cumberland Homesteads Historic District, in order to adequately allow public input into the planning of these improvements. Because no public input was involved in these specific area of the project, issues such as: cross-section design, bridges, guardrails, drainage, utilities and negative impacts to the historic district, residents quality of life and tourism should be addressed."
- 5) Commissioner Nicely's August 16, 2004 letter denying the above-mentioned CRT Recommendation
- 6) Requests for a public meeting so the public could see and comment on the revised Alternate D Plan and the new Modified D Plan in February of 2005
- 7) Letters of Dissent written by CRT members who refused to sign the recommendation that explained problems with the Alternative Modified D plan and their concerns about negative impacts upon historic and natural resources
- 8) Request that the UT Study be given to CRT members that was turned down

The public has raised issues that have not been adequately addressed to date, including:

- A) Negative impacts to the historic setting of the Cumberland Homesteads due the scale of the project footprint
- B) The possible cumulative negative impacts upon the historic district from project-spurred growth
- C) Environmental impacts upon two streams
- D) Submitted alternative designs for the 127S/68 intersection that left the historic triangle intact were not tried
- E) Negative impacts to heritage tourism within the historic district due to inappropriate scale of five-lane construction
- F) Possible negative impacts to the National Heritage Corridor being planned to highlight unique natural, cultural and historic resources on the Cumberland Plateau
- G) Possible negative impacts to contributing historic sites within view of the proposed project have not been assessed

We do not agree with the following statements from the report:

"the triangle intersection no longer functions safely or efficiently"

"Also as a result of the UT study, it was determined that the need and purpose for the project from Cleveland Street to State Route 68 was warranted;"

"the CRT prepared an Executive Summary to be given to Commissioner Nicely for his review"

"19 elected officials and local residents represented different interests that would be affected by the proposed intersection improvements."

Mitigation - Eldridge House

The report's claim that the relocation of the historic Eldridge House was not on the list of mitigation possibilities discussed with the CRT at Meeting V is inaccurate. The added comment in the report stating that TDOT never considered relocating the house as mitigation could be perceived as an attempt to mislead consulting parties, other agency officials and the public reviewing this project in the Section 106 process.

Also, contrary to the report's insinuation that TDOT lacked knowledge of the demolition plans for the Eldridge house, TDOT was well aware that Progressive Savings Bank planned to raze the house to make room for the construction of their new branch in March 2005 from the first conversation between TDOT Project Manager, Ann Andrews and our representative, Vicki Matthews in Dec. 2004. The March 2005 demolition date was openly discussed at the February 2005 TDOT tour of the historic home with the bank's president, Steve Rains. Mr. Rains also agreed at that meeting to let the house sit on the house mover's rig at the side of his property for a period up to two years in order to give TDOT ample time to prepare a relocation site. This would have allowed the bank to proceed with their construction on schedule while saving the structure. Our inquiry to the house mover that had already inspected the house prior to the tour, revealed that neither TDOT nor the facilitators ever called to discuss moving the house. Several urgent messages were also given to TDOT in May of 2005 concerning the pending demolition (more than 60 days before the house was razed). The bank delayed razing the house until July 19, 2004, by then it had become evident to all that TDOT was not going to move the house.

Tammy Sellers of the TDOT Environmental Division answered our recent request for the "relocation schedule" for the house described in the Section 106 document in an email on August 14, 2006:

"Page 4 of the document states 'the bank's construction schedule did not coincide with TDOT's relocation schedule' regarding the Eldridge House, this is simply a tactful phrase I used to say the bank razed the house before TDOT could respond."

Because the Eldridge House relocation was a third of the Recommendation the CRT sent to Commissioner Nicely, this data should be corrected and re-sent to all consulting parties before the Section 106 process moves forward.

University of Tennessee Center for Transportation Research Study

While the independent study performed by UT is mentioned several times in the report the evaluation summary given by the UT researchers is not included. The entire study should be added to the report and references crediting the UT Study as establishing the need for the 127S project and misinterpretation of the purpose of the UT Study should be corrected.

UT was not contracted to determine the need and purpose for any of the 15 projects they studied. The UT Researchers described their study as; determining if the reasons for starting the project were adequately supported. Although they found enough support for starting the process for improving one section of the 127S project, they went on to say,

"The project design is viewed as too large a road for the need."

UT also recommended that TDOT "reconsider the cross-section design." It is also important to note that UT's concerns about the inappropriate scale of the project were reached prior to the release of corrected traffic counts that revealed that the previous counts had been erroneously inflated by 39% in the project design year.

In addition, UT researchers referenced the distinction between Section I and Section II of the project. The project is divided into two sections, Section I involves the modification of the triangle intersection. This section was an add-on to the project and UT made it clear in their report that this section lacked supporting documentation and purpose.

UT Study page 10 Project History

"Thus, it appears that Section I, the portion of the project involving the Y-intersection with SR 68, was not part of the original project as described in the Accelerated Primary Highway Plan. No documentation indicating when or why Section I was added to the project has been found or made available."

The Triangles

The significance of the triangle adjacent to the Homesteads Tower has been well documented as the planned heart of the Homesteads community by the concept drawing available at the Library of Congress and a similar drawing published in the Chattanooga News, Chattanooga, Tennessee, November 28, 1936.

Visitors to the museum regularly walk out into the triangle in order to get far enough back to take photographs of the Tower. The Tower is one of the most photographed landmarks in the Upper Cumberland region and the surrounding landscape and triangle setting contributes greatly to the site. The proposed plan calls for the historic triangle that follows the lay of the land and contains the mature trees, to be bulldozed from the current gentle hill and a new triangular shaped medium to be created in a different location that will be a depression with no trees other than those that will not exceed 4 inches in diameter at maturity. The historic landscape will be drastically altered.

Our research indicates that, "Properties listed in the National Register (and under section 106 eligible properties receive the same consideration) should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting and general environment." We believe there are feasible alternatives to the current plan that would preserve the triangle at the intersection of U.S. 127S and S.R. 68.

The district's triangles are described on page 8 of the Reconnaissance Survey:

"The district has two very interesting planned roadway features that are not commonly found in rural areas: cul de sacs and "Y" intersections. While "Y" intersections are found sporadically in rural area elsewhere, the "Y" intersections at Cumberland Homesteads are different. They were part of the original community plan and are found throughout the district."

We have a photograph of the triangle taken in the early 1950's that show the mature oaks much as they are today, and therefore do not agree with the statement that these trees were added to the setting. We also disagree with the statement that parking was not original to the area in front of the museum. Parking has been a part of the landscape since the 1930's.

Reconnaissance Survey

We question the purpose and findings of the Reconnaissance Survey contained in the report and the use of this document as a case study to develop TDOT policy for re-evaluating historic resources in the future. Any methodology of assessment used for establishing policy should be without controversy. The use of a windshield survey is not adequate for re-evaluation of National Register listed and eligible historic resources in general and particularly for contributing sites and structures along the 127S corridor within the Cumberland Homesteads National Register Historic District, an extremely large and complex planned development with inter-related criteria of historic significance.

TDOT used the contracted survey in its Documentation of Effect in the Section 106 process to conclude no adverse impacts under both Criterion iii and Criterion iv. We do not believe these two findings are accurate.

Further, the section of the district described in the survey as retaining "no historic integrity" should be re-evaluated. The Cumberland Homesteads should be considered a continuing landscape that also represents its original planning and layout of roads. The area along the 127S corridor has changed very little since the 1988 listing of the district. Our records show the building of only a few new structures since 1988 and two of the most significant historical losses in this area, since that date, were the destruction of the Eldridge House and barn (both contributing structures) which can be directly attributed to the proposed highway project (project-spurred commercial growth). The area of the route bordering the Cumberland Mountain State Park and the planned woodland have not changed since the 1930's with the exception of a few parcels being developed where TDOT straightened the old highway years ago. This area and the area around the Tower Museum should be looked at again for their representation of the planning of the community that remains intact.

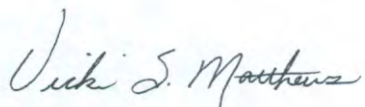
While subdivisions and alterations to land use have occurred, we question the validity of the assessment that all integrity has been lost. From the U.S. Department of the Interior National Register Criteria VIII Properties in Historic Districts "For example, some historic districts have a unified historic and/or architectural development. It is important to recognize that integral does not mean that a district must have homogenous resources. Districts can also include diverse resources that represent the area's development over time. A commercial or residential area, for example, may form a unified whole, but have resources built in a variety of styles over a long period of time."

The drawing from the Library of Congress has several unidentified structures at the center of the community adjacent to the triangle intersection that may represent the planners' anticipated growth for this area. Different periods of community development are represented by some of the additional buildings along the route that have become integral parts of the community.

In conclusion, while we agree that the route will adversely impact the historic district under Criteria I and ii, we disagree with TDOT's conclusion of no adverse impact under Criteria iii and iv. Any resolution of adverse effects will require an in-depth assessment for all contributing structures and sites along the proposed route of U.S. 127S. Many of these have undergone no assessment for potential adverse impacts and were not part of the Context Sensitive Solutions process used for the intersection of 127S & State Route 68.

Thank you for the opportunity to participate in the Section 106 process. We have several other concerns not detailed in this letter and hope to address these ongoing issues with the department in the future. We remain hopeful that our organization's input will ultimately reduce the negative impacts of this highway project.

Sincerely,

A handwritten signature in cursive script that reads "Vicki S. Matthews". The signature is written in dark ink and is positioned above the typed name.

Vicki S. Matthews, Chair
127S Highway Committee



SIERRA
CLUB

FOUNDED 1892

September 29, 2006

Electronically - Hard Copy to Follow

Tammy Allison Sellers
Historic Preservation Supervisor
Tennessee Department of Transportation
James K. Polk Bldg.
505 Deaderick St.
Nashville, TN. 37243-0334

Re: Section 106 Comments - "Historical/Architectural Assessment and Documentation of Effect Report Pursuant to 36 C.F.R 800" - State Route 28, (U.S. Hwy.127) South of Sawmill Rd. to Cleveland Street in Crossville, Cumberland County

Dear Ms. Sellers:

Please accept these comments on behalf of the Upper Cumberland Group of the Sierra Club. We appreciate the opportunity to comment on the section 106 process and the grant of an extension of time to comment.

The Sierra Club is very concerned about this road project's adverse impacts to the Cumberland Homesteads Historic District, Tennessee's largest National Register Historic District and recognized as a signature historic district, integral to the currently sought National Heritage Area designation for the Cumberland Plateau. The Sierra Club is also very concerned about impacts to the fragile environment of the Plateau from the rapidly expanding growth in the Crossville area and the increased growth that this widened highway will bring.

The Sierra Club asks to be considered a consulting party.

We ask that the "Historical/Architectural Assessment and Documentation of Effect Report Pursuant to 36 C.F.R 800" be revised and that it include the information listed later in this letter.

First, we wish to point out that federal regulations require compliance with Section 106 "early in the planning stages of the undertaking, when the widest range of alternatives is open for consideration". 36 C.F.R. §180.3(c) (1995).



The planning process for this road construction project has been a long and convoluted one. TDOT's Section 106 Documentation outlines some of the history of this process. However, the recent notices of the Section 106 process are, so far as we can tell, the first time that Section 106 has been mentioned to the public and those involved in the process.

We do not believe that the CSS or Citizens Resource Team process and the alternatives which it produced can replace the public involvement for Section 106 and other federal law requirements. A review of the transcript of the June 24, 2004 Public Meeting, pp. 26-27 reveals that the public had many questions regarding interplay with federal environmental and historic preservation law requirements that were not sufficiently answered.

Further, the CRT process for this project is suspect in that it was not used for the entire project, but only for the intersection, even though Team members asked that the entire project be assessed through the Context Sensitive Solutions process. CRT members were told repeatedly that their concerns about negative impacts upon the historic and natural environments along the project's roadway section were outside the bounds of the charge given to the team and that these concerns would not be discussed.

Previous complaints that the CRT process did not include an adequately wide range of interests and that no environmental organizations were included remain unaddressed. (In this regard we object to TDOT's description of the CRT as representing a "wide range" of interests.)

When the alternatives were voted on by the CRT, we are informed that the vote among local members of the CRT for modified D alternative was only 8-7. Further, saving and moving an original Homestead home, the Eldridge house, set for demolition, was a part of the Modified D alternative when voted on. This mitigation measure must be replaced with other effective mitigation measures acceptable to the community and Historic District.

The 106 documentation should reflect these concerns.

The Sierra Club questions TDOT's projections of increased traffic as unrealistic. The likelihood of continued petroleum use twenty years into the future is suspect and ought to be recognized.

The Cumberland Plateau, and the City of Crossville in particular, has a severe water supply problem. The Army Corps of Engineers is currently undertaking an EIS to study suggestions for the city to deal with its water supply problems. Continued increased growth as projected is simply not sustainable for the fragile environment of the Cumberland Plateau.

We ask that reference to the Army Corps' study be included in the Section 106 Documentation. United States Army Corps of Engineers Cumberland County Regional Water Supply Study, Preliminary Engineering Report, December 1998, pp. 7-6 "Following a moderate growth trend, the community would have an inadequate supply of water by Year 2025, . . . it is the responsibility of the County residents to either curtail the current residential and commercial growth of the community or acknowledge the need for an additional water supply."

The Sierra Club questions the accuracy of the numbers of traffic accidents used to justify safety concerns at the intersection of US 127 S and Highway 68. We are of the opinion that the five lanes of highway, particularly through the crucial intersection at the heart of the Homesteads, opposite the Tower, are too large for the need and are certainly a visual intrusion on the character and nature of the Historic District.

We ask that the Section 106 Documentation ("Historical/Architectural Assessment and Documentation of Effect Report Pursuant to 36 C.F.R 800") be amended to include the following information:

- Although TDOT's documentation repeatedly states that this project is state funded only, no specifics as to how the project is funded only with state money is provided. We ask that the documentation include that information, as well as information regarding the federal funding of "improvements" to US 127 North of Crossville and US 127 south of Crossville, around the Dunlap area (intersection with Hwy 111). An explanation of how the state decides which segments of the same highway get funded with either state or federal money would be helpful.

An explanation of how the state deals with budgetary restraints for a highway project that is in the planning stages over a period of years would be helpful. Specifically, the undersigned asked Commissioner Nicely at the announcement of the UT study at Cumberland Mountain State Park whether it was not likely that considering the state's budget problems, if it was not likely that this project that had previously been considered to be state-funded only would not eventually have to be funded with federal money. The undersigned understood the Commission to say that that was so.

The discussion of the applicability of 4(f) should be expanded and revisited to determine if 4(f) review may be needed.

- The entire UT Study should be included, with specific citation to the Study's finding that the "project design is too large a road for the need." Tennessee Department of Transportation - 15 Case Study, Project Assessment Final Report U.S. 127 (State Route 28) South of Crossville August 2003 Report for the Commissioner by the Center for Transportation Research, University of Tennessee, p. 15.
- TDOT traffic studies for U.S. 127 requested by the communities south of Crossville that determined that road improvement - or highway widening - for 127 between Crossville and Pikeville was not warranted. (See transcript of June 24, 2004 Public Meeting, pp. 126-127, Statement of Wesley Hughen TDOT Region II Design regarding questioning of design change from 5 lanes to 2 lanes south of Homesteads Tower intersection). We ask that the entire transcript of the public hearing be included, as well as the traffic studies mentioned by Mr. Hughen, apparently at the request of Doc Medline, of the project management office.
- The Statement that the historic Tower intersection was a part of Better Roads Project

should be deleted; it was not.

- Information supporting TDOT's opinion that the historic Tower intersection is not safe should be set forth in the Report
- TDOT should reconsider its statement on p. 29 that growth would occur regardless of this project. Experience has shown this kind of road widening will lead to growth. The evidence is that Crossville has had unsustainable growth in recent years and faces water supply problems if there are not some limits to future growth.
- The entire wording of the Cumberland County Commission resolution to support the Resource Team's recommendation, including the Amendment, which was prompted by the fact that saving the Eldridge House, a key component of the plan approved by the Resource Team was no longer possible, which reads:

BE IT THEREFORE FURTHER RESOLVED, that the below signed local elected officials recognize the Cumberland Homesteads National Register Historic District as an important and irreplaceable historical, cultural and tourism resource of Cumberland County, Tennessee and the United States of America and express appreciation to the Tennessee Department of Transportation for their commitment to continue to preserve the triangle and minimize footprint of proposed design wherever possible, as stated, in the 127 South Resource Team Final Recommendation Report.

We ask that the Report also include the following information regarding the County Commission's vote, which information was contained in my August 22, 2005 letter to Commissioner Nicely:

"After the Commission's near unanimous vote to approve the resolution with this amendment and before County Mayor Brock Hill relayed the Commission's vote to TDOT officials present at the meeting, there was further discussion. There was a strong suggestion from community members that the plan as modified with the amendment should attempt to move the new road lanes through the intersection at the Triangle further to the west on the far side of the Tower. Doing so would not take any buildings. As Mayor Hill conveyed the Commission's Resolution, with Amendment to TDOT officials, he specifically asked that TDOT consider this suggestion. TDOT's Ed Cole seemed to assent to this request."

The Sierra Club agrees with TDOT's findings of adverse effects under the first two criteria (i and ii) and that the proposed changes will diminish the integrity of the Cumberland Homesteads National Register Historic District

We disagree with the finding of no adverse effect on:

- (iii) Change of the character of the property's use or physical features within the property's setting that contribute to its historic significance; and

(iv) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's historic significant historic features.

Certainly the destruction of the historic Tower Triangle and introduction of five lanes changes the property's use and visually diminishes significant historic features. We would remind TDOT that there are special requirements for protecting National Historic Landmarks. It is our understanding that National Historic Landmark status is currently being sought for the Tower. Further, the Tower Triangle serves as a gateway to the City of Crossville and is integral to the proposed Cumberland Plateau National Heritage Area.

An impact may exceed the significance threshold depending on the degree to which it affects ' the unique characteristics of the geographic area such as proximity to historic or cultural resources . . or districts listed on the National Historic Register'. 40 C.F.R. § 1508.27(b)(3)(8) (1995).

If there is no widening of 127 S south of the 68 intersection because the traffic studies do not warrant it, why would the historic intersection have to be widened to five lanes, irrevocably destroying the visual characteristics of the Homesteads' most recognizable landmark?

We object to TDOT's insinuation that because the Triangle was not listed as contributing with National Register, its destruction is not significant. This is not determinative under section 106, which treats listed and eligible for listing properties the same.

The Tower as the focal point of the intersection is considered a local landmark and the heart of the Cumberland Homesteads community. Destruction and alteration of characteristics of the Triangle most definitely will have an adverse visual impact on the Tower.

We object to the tenor of the entire section which attempts to paint the Homesteads District as having changed so much that it no longer retains its historic integrity. (e.g. the characterization of figure 11 on p. 43 as an "area which has no integrity").

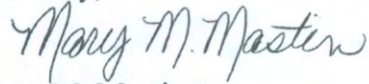
We ask for Council involvement in the Section 106 process because this project includes "adverse effects on properties that possess a national level of significance or on properties of unusual or noteworthy importance or are a rare property type; or adverse effects to large numbers of historic properties, such as impacts to multiple properties within a historic district" Appendix A to Part 800 Criteria for Council Involvement in reviewing Individual Section 106 Cases. Also this project "Has the potential for presenting procedural problems. . . likely to be involved in litigation".

If we are not accepted as a consulting party, we ask to be provided a copy of any memorandum of agreement, when it is completed and if no memorandum of agreement is completed for this project, we ask to be so advised before submission to the Advisory Council.

We ask that the Section 106 document be corrected and revised before being sent to Advisory Council for comments/input.

Finally, we would suggest that throughout the Section 106 process there be coordination with the NEPA study of the entire project. 36 C.F.R. § 800.3 (b).

Sincerely,

A handwritten signature in cursive script that reads "Mary M. Mastin".

Mary M. Mastin
Conservation Chair, Upper Cumberland Group
Sierra Club



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION**

505 DEADERICK STREET
SUITE 900, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
615-741-3653

October 2, 2006

Upper Cumberland Group of the Sierra Club
Attn: Mary Mastin
360 Roberts Hollow Lane
Cookeville, Tennessee 38501

Re: Section 106 Comments for the proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee

Ms. Mastin,

I received your comments on behalf of Upper Cumberland Group of the Sierra Club via email on September 29, 2006.

I am working with other people within the Department in order to fully address your organization's issues and concerns about the proposed project. I will provide a detailed response to you as quickly as possible. Thank you for your interest in this project.

Sincerely,

Tammy Allison Sellers

Tammy Allison Sellers
Historic Preservation Supervisor

Cc: Ann Andrews
Martha Carver
Doug Delaney
Tony Renfro



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NASHVILLE, TENNESSEE 37243-0349
615-741-3653

October 2, 2006

Cumberland Homesteads Tower Association
Attn: Vicki Matthews
96 Highway 68
Crossville, TN 38555

Re: Section 106 Comments for the proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee

Ms. Matthews,

I received your comments on behalf of Cumberland Homesteads Tower Association via email on September 29, 2006.

I am working with other people within the Department in order to fully address your organization's issues and concerns about the proposed project. I will provide a detailed response to you as quickly as possible. Thank you for your interest in this project.

Sincerely,

Tammy Allison Sellers

Tammy Allison Sellers
Historic Preservation Supervisor

Cc: Ann Andrews
Martha Carver
Doug Delaney
Tony Renfro



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SUITE 900, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
615-741-3653

October 17, 2006

Mr. Eric Howard
Tennessee Valley Authority
400 West Summitt Hill Drive
Knoxville, TN 37902

Re: Section 106 Comments for the proposed improvements to State Route 28 (U.S. 127) from
State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee

Mr. Howard,

Pursuant to 36 CFR 800, TDOT mailed the above referenced project to the Tennessee State Historic Preservation Office and the public on July 10, 2006. Due to the requests of groups representing historic interests, TDOT extended the public commenting period to 75 days. This extended commenting period ended on September 29, 2006.

On July 13, 2006 the TN-SHPO issued a letter that concurred with TDOT's adverse effect determination, a copy of which is enclosed. During the public commenting period, TDOT received five comment letters, copies of each are enclosed. Three organizations, Save Our Cumberland Mountains (SOCM), the Sierra Club, and Cumberland Homesteads Tower Association, asked to be consulting parties and the National Trust for Historic Preservation asked to be one several years ago. As the agency official, per 36 CFR 800, it is TVA's and the Corps of Engineer's prerogative to accept or not accept them as consulting parties. Would you please respond to each of the organizations concerning their consulting party status and copy TDOT on your correspondence?

Given the wide-range of comments, I am working with others within TDOT to properly address the issues raised in these letters. I will send copies to TVA and the Corps after compiling the appropriate information. If you have any questions or comments, please feel free to contact me.

Sincerely,

Tammy Allison Sellers

Tammy Allison Sellers
Historic Preservation Supervisor

cc: Ann Andrews
Doug Delaney
Tony Renfro
Harold Draper, TVA
Ruben Hernandez, Corps of Engineers



**STATE OF TENNESSEE
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ENVIRONMENTAL DIVISION**

505 DEADERICK STREET
SUITE 900, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
615-741-3653

October 19, 2006

Mr. Herbert Harper
Tennessee Historical Commission
Clover Bottom Mansion
2941 Lebanon Road
Nashville, TN 37243-0442

SUBJECT: Architectural Assessment and Documentation of Effect for the
proposed improvements to State Route 28 (U.S. 127) from State
Route 68 to Cleveland Street in Crossville, Cumberland County,
Tennessee
Project #: 18006-1209-04 PIN #: 101044.00

Dear Mr. Harper:

In anticipation of federal permits for the above-referenced, state-funded project, TDOT circulated an Architectural Assessment and Documentation of Effect report on July 10, 2006. Due to the requests of groups representing historic interests, TDOT extended the public commenting period to 75 days. This extended commenting period ended on September 29, 2006.

TDOT has received five letters from interested groups that have questions or comments regarding the historic document. Several of these questions require guidance and clarification from the Tennessee Historical Commission.

- Effects Assessment: The Architectural Assessment concluded that the proposed project would take land from within the National Register boundary resulting in an adverse effect to the Cumberland Homesteads Historic District. Public comments disagree with TDOT's assessment and argue that the proposed project would alter the setting and have visual impacts to the historic district. As stated in the document, it is TDOT's opinion that the rural, agricultural setting along State Route 28 has been altered through the introduction of modern commercial and residential

development. Please provide additional comments regarding effects and the setting along the project corridor.

- Project History: Four letters were inadvertently left out of the project history summary. As additional information to you, these letters are included as enclosures.
- Re-circulation: Due to the above-referenced issues, three of the groups have asked that the Architectural Assessment be re-circulated to the public for an additional commenting period. In your opinion, does TDOT need to re-circulate this report?

As the original document concluded, the proposed project would adversely impact the Cumberland Homesteads historic district. Resulting from this conclusion, TDOT will be working with the Tennessee Valley Authority and the U.S. Army Corps of Engineers in anticipation of Section 106 involvement during the permitting stages of the project to mitigate the adverse impacts to the historic district.

Please provide guidance on how to fully address the concerns raised by the public. I have enclosed a copy of the July 2006 report, public comment letters, and the four letters referenced above.

Thank you for your help in this matter.

Sincerely,



Martha Carver
Historic Preservation Manager

Enclosure

cc: Ann Andrews
Doug Delaney



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ENVIRONMENTAL DIVISION**

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NASHVILLE, TENNESSEE 37243-0349
615-741-3653

December 15, 2006

Upper Cumberland Group of the Sierra Club
Attn: Mary Mastin
360 Roberts Hollow Lane
Cookeville, Tennessee 38501

Re: Section 106 Comments for the proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee

Members of the Upper Cumberland Group of the Sierra Club,

Thank you for your interest in historic preservation in Cumberland County. Under 36 CFR 800, only the federal agency official has the authority to grant consulting party status. It is anticipated that this project will have federal permits from the Tennessee Valley Authority (TVA) and the U.S. Army Corps of Engineers (Corps), which are co-lead agencies that determine who has consulting party status. TDOT has forwarded your request to TVA and the Corps for response on this issue. It is my understanding that the federal agencies will be responding directly to your organization regarding your consulting party status.

The funding for the proposed project along U.S. 127 (State Route 28) was authorized by the state legislature in 1986. Although the 1986 Better Roads Act did not specifically mention the triangle intersection of U.S. 127 and State Route 68, it is TDOT's accepted practice that road projects should have logical termini. "Logical termini" means that road projects should not end abruptly but should follow through and taper back into the existing roadway making adjustments easier for the motoring public and meeting driver expectations.

Since Section 106 of the National Historic Preservation Act of 1966 only applies to projects with a federal action, the original historic report was prepared in compliance with Public Law 699 which is Tennessee's state preservation law. On June 3, 1996, TDOT sent the Tennessee Historical Commission (THC) an architectural assessment for improvements to State Route 28 (U.S. 127) from approximately 0.16 km (0.1 mile) south of Saw Mill Road to Cleveland Street. This document met and exceeded the

requirements for Public Law 699 which requires that TDOT consult with the THC prior to demolishing, altering, or transferring any historic properties. Although Public Law 699 requires TDOT to only address direct impacts to a historic resource, TDOT historians went beyond the state law and used as a guideline the Criteria of Effect according to 36 CFR 800 of the National Historic Preservation Act of 1966.

The need for the Historic Architecture report that complies with Section 106 of the National Historic Preservation Act of 1966 resulted from federal permits that are anticipated for the proposed project. The federal permits will be issued by the Tennessee Valley Authority and the U.S. Army Corps of Engineers, who are the co-lead agencies under the Section 106 process. As you are aware, it is the federal agency's responsibility to prepare both the Section 106 document and the NEPA document. In a letter dated May 24, 2006, TVA authorized TDOT historians to prepare and submit the Section 106 document to the Tennessee Historical Commission on behalf of their agency. According to 36 CFR 800.2 (d) (3), the agency official, which in this case is TVA and the Corps, "may use the agency's procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of this part, if they provide adequate opportunities for public involvement consistent with this subpart." Section 106 does not require public meetings, only that the public be given the opportunity to comment on the proposed project.

The Citizen's Resource Team was made up of stakeholders of the transportation system which includes the triangle intersection of U.S. 127 and State Route 68, not simply residents of Cumberland Homesteads. Page thirteen of the Documentation of Effect Report went into greater detail on the process that brought the CRT team together. As you know, U.S. 127 is a highly traveled north-south connector road that is used by people simply passing through the area as well as residents of Crossville and Cumberland Homesteads. The representatives listed below were asked to be part of the CRT team through recommendations from local government officials, the State Senator, State Representative, and U.S. Representative, the director of the Upper Cumberland Development District, and Ms. Vicki Matthews, Chairperson of the Cumberland Homesteads Tower Association. Based upon the recommendations of these local leaders, TDOT asked the following people to participate on the team. The following list describes the CRT member's relationship to the roadway project.

Thomas Looney:	Citizen of Cumberland County
Charlotte Stevens:	Citizen of Cumberland County and owner of a business near the triangle intersection of U.S. 127 and State Route 68 in Cumberland Homesteads
Gary Hood:	Citizen of Cumberland County and representative for Hood Funeral Home located at the northern end of the historic district
Meredith Mullen:	Citizen of Cumberland County and representative of the Cumberland Mountain State Park
Claudette Stager:	Representative for historic interests as the National Register Coordinator for the Tennessee Historical Commission (THC)

Shirley Parris:	Citizen of Cumberland County, representative of the Cumberland County School Board and principal of the elementary school in Cumberland Homesteads
Steve Bosland:	Citizen of Cumberland County as one of the many retired users of the roadway since Crossville has become a large retirement community
Doug Little:	Citizen of Cumberland County and member of the Homesteads United Methodist Church located just south of the triangle intersection of U.S. 127 and State Route 68
Carl Olsen:	Representative from the U.S. Army Corps of Engineers—one of the federal permitting agencies for this project
Vicki Matthews:	Citizen of Cumberland County and representative for the Cumberland Homesteads Tower Association
Helen Inman:	Citizen of Cumberland County and representative for the Cumberland Homesteads Tower Association
Conrad Welch:	(replaced Ellis Kirby) Citizen of Cumberland County and representative for the Cumberland Medical Center which is located just north of the historic district
Joe Crump:	Citizen of Cumberland County and representative for the City of Crossville
Harold Draper:	Representative for the Tennessee Valley Authority—one of the federal permitting agencies for the proposed project
Nita Boring:	Citizen of Cumberland County and president of the Cumberland County Historical and Genealogical Society
John Walton:	Representative of the freight industry which has a large amount of truck movements through the triangle intersection of U.S. 127 and State Route 68
Richard Campbell:	Citizen of Cumberland County and representative of the City of Crossville
J.H. Graham:	Citizen of Cumberland County and mayor of Crossville
John Marvin:	Citizen of Cumberland County

Regarding mitigation issues, TDOT historians and THC staff were concerned that the wording in the consultant's presentation was misleading to some people and the Documentation of Effect Report was an effort to clarify the issue. After a discussion with the THC, it was determined that moving the historic Eldridge House should not be considered "historic mitigation" for the project because moving a historic house itself is an adverse effect. Mitigating one adverse effect by creating another adverse effect is never desirable. Under National Register Criteria, moving a historic structure from its original location renders it ineligible for the National Register, which in this specific case would have rendered the property non-contributing to the historic district. In addition, the proposed relocation sight Ms. Vicki Matthews proposed would likely have further adversely impacted the historic district through the introduction of an ineligible domestic structure into a section of the historic district that was planned to be the commercial area of the Homestead. The additional alterations Ms. Matthews proposed had the potential to further damage the Eldridge

House and the district as a whole. It is unfortunate that certain CRT members were unclear of the semantics involved in saving the historic structure. The use of the word "enhancement" was an effort on TDOT's part to be responsive to public request to save the historic house without invoking further adverse impacts to the historic district under Section 106. Ideally, the whole point of mitigation is to lessen the impacts rather than create new ones.

As you pointed out, the enhancements recommended during the CSS process is not a substitute for compliance under Section 106 of the National Historic Preservation Act. Although not considered mitigation under Section 106, TDOT compiled information on moving the house and had a verbal agreement with the Progressive Savings Bank to share in the cost in order to save the Eldridge House. During this time, bank personnel discovered that it did not have to comply with Section 106 and chose not to preserve the historic structure. The report stated that TDOT continues to work with an Enhancement Committee of local citizens and users of the roadway to mitigate the adverse impacts. If you have any additional suggestions on mitigation for the proposed project, please feel free to send them to me and they will be considered along with other mitigation proposals.

Several of the issues described on page 2 of the September 29, 2006 letter do not fall under the requirements of Section 106, for example the water supply of Crossville. In addition, the information you provided on the official wording of the Cumberland County Commission resolution in support of the proposed project will be added to our files and forwarded to the federal permitting agencies along all other public comments.

It is the opinion of TDOT that the Historic Architecture and Documentation of Effect Report adequately addressed impacts under Section 106 and concluded the proposed project adversely impacts the Cumberland Homesteads Historic District. The Tennessee Historical Commission reviewed TDOT's effects assessment and in a letter dated, July 13, 2006, concurred with TDOT's findings. On October 19, 2006, TDOT re-submitted the Documentation of Effect Report, along with public comment letters, to the THC in order to address several of the concerns raised by the public. The THC issued a letter, dated October 25, 2006, that re-states their concurrence with TDOT's original adverse effect determination including the lack of historic setting along the U.S. 127 North (State Route 28). The letter concluded that the original Documentation of Effect Report does not need to be amended and re-circulated to the public. Enclosed are copies of the October 19 and October 25 letters. However, copies of your September 29, 2006 letter will be included in the packet of information that will be provided to the co-lead federal agencies and the Advisory Council on Historic Preservation pursuant to 36 CFR 800.

Section 4(f) of the Department of Transportation Act (DOT) of 1966 contains substantive provisions that "apply only to agencies within the U.S. DOT." TDOT is a state agency and does not fall under the jurisdiction of the U.S. DOT. The only federal actions in this proposed project are permits from TVA and the Corps and neither of these agencies falls under the jurisdiction of the U.S. DOT, therefore Section 4(f) does not apply to this project.

References to the UT study were merely background information describing why TDOT was re-evaluating the design of the intersection. The report clearly stated that due to the UT study findings, TDOT began the Context Sensitive Solutions (CSS) process for the design of the triangle intersection of U.S. 127 and State Route 68 that would better reflect the needs of local residents and users of the roadway. The Project Assessment, written by the Center for Transportation Research at UT, states that "the proposed project (Section II) was identified in the 1986 Tennessee Better Roads Program, adopted by the General Assembly. The need to improve the existing highway is established, but the main concerns are on design considerations. . . ." The clarifications you pointed out will be added to our files and will be provided to TVA and the Corps of Engineers for their review.

The residential and commercial development one encounters along U.S. 127 from Crossville indicates the rapid suburbanization the historic district is experiencing. The consultant who performed the case study Reconnaissance Study had difficulty documenting the location of Homestead Houses plotted on both the 1930s plan and the 1988 National Register map. These difficulties indicate the problems faced when assessing the integrity of the historic district. The Reconnaissance Survey reiterates the problems historians face when assessing large historic districts that are considered eligible for the National Register under Criterion A. The findings in this report were closely coordinated with the THC who agreed with the consultant's findings.

In addition, a historic preservation consultant prepared a report in 2004 for the Crossville Housing Authority for the construction of a "New Homesteads" neighborhood within the National Register Boundary of the Cumberland Homesteads Historic District. In that report, the consultant concluded that the construction of a new subdivision of 30 houses within the historic district would not adversely impact the district because the setting on U.S. 127 north of Crossville has been compromised by the introduction of modern development. The consultant met with interested historic groups and other citizens, which may have included members of your organization, to explain the project and the no adverse effect determination. To date, the Crossville Housing Authority has received no opposition to the new subdivision from local historic groups and the consultant received no comment letters from local historic groups disagreeing with his conclusion that the setting along U.S. 127 (State Route 28) is no longer historic. The historic consultant evaluated the same area along U.S. 127 north that TDOT did for the Historic Architecture Report and the conclusion was the same for both projects. It is difficult to understand how the same historic groups were involved with both projects and none have disagreed with the 2004 consultant project that came to the same conclusion as the TDOT project.

It is the opinion of TDOT that the Documentation of Effect Report appropriately concluded that "the original homestead properties located along the U.S. 127 (State Route 28) corridor are sparsely situated and have often been removed, subdivided, or incorporated into new development. In many instances, the original homestead houses have been severely altered through efforts to modernize the modest dwellings with large additions and interior alterations that make them more livable by

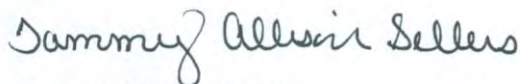
late-twentieth-century standards." The Tennessee Historical Commission concurred with TDOT's findings.

According to 36 CFR 800.6, the federal agency will notify the Advisory Council on Historic Preservation of any adverse effects to historic properties. In addition to the Historic Architecture and Documentation of Effect Report, all comments from the public will be forwarded to the federal agencies and the Advisory Council for their review.

As stated previously in this letter, on October 19, 2006, TDOT re-submitted the Documentation of Effect Report, along with public comment letters, to the THC in order to address several of the concerns raised by the public. The THC issued a letter, dated October 25, 2006, that re-states their concurrence with TDOT's original adverse effect determination including the lack of historic setting along the State Route 28. The letter concluded that the original Documentation of Effect Report does not need to be amended and re-circulated to the public.

Again, thank you for your comments. I would reiterate that this is an opportunity to comment on historic issues. While your letter has focused on the nuances of effects, you did not include any suggestions for mitigation. Under 36 CFR 800, the report states that the proposed project would adversely impact the Cumberland Homesteads Historic District and conveys background on the project. As a result of this adverse effect determination, it is anticipated that TVA and the Corps will execute a Memorandum of Agreement stipulating mitigation measures that will address the adverse impacts to the historic district. The need for mitigation is based on the overall adverse effect determination not on the individual points indicated in the document. We welcome any suggestions you may wish to make regarding mitigation for the adverse impacts. In the next few months, TDOT will work with the Enhancement Committee and compile their comments along with any received from the interested groups regarding mitigation and forward them to the federal permitting agencies in order to proceed with the Section 106 process.

In closing,



Tammy Allison Sellers
Historic Preservation Supervisor

cc: Ann Andrews
Martha Carver
Doug Delaney
Eric Howard, TVA
Harold Draper, TVA
Ruben Hernandez, Corps
Richard Tune, THC



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION**
505 DEADERICK STREET
SUITE 900, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
615-741-3653

December 15, 2006

Cumberland Homesteads Tower Association
Attn: Vicki Matthews
96 Highway 68
Crossville, TN 38555

Re: Section 106 Comments for the proposed improvements to State Route 28
(U.S. 127) from State Route 68 to Cleveland Street in Crossville,
Cumberland County, Tennessee

Tower Association Members,

Thank you for your interest in historic preservation in Cumberland County. Under 36 CFR 800, only the federal agency official has the authority to grant consulting party status. It is anticipated that this project will have federal permits from the Tennessee Valley Authority (TVA) and the U.S. Army Corps of Engineers (Corps), which are co-lead agencies that determine who has consulting party status. TDOT has forwarded your September 29, 2006 letter to TVA and the Corps for response on this issue. It is my understanding that the federal agencies will respond directly to your organization regarding your consulting party status.

According to 36 CFR 800.6, the federal agency will notify the Advisory Council on Historic Preservation of any adverse effects to historic properties. In addition to the Historic Architecture and Documentation of Effect Report, all comments from the public will be forwarded to the federal agencies and the Advisory Council for their review.

You referenced several letters that your organization sent to TDOT officials. As you are aware, TDOT is a large organization with several different divisions. TDOT historians were not copied in the letters; therefore, I did not have copies in our files. When referencing historic issues on a particular project, it is always helpful to copy the Historic Preservation Section or, at the very least, the Environmental Division. I would note that correspondence on this project in my

files alone dates to 1994. I made a good-faith effort to summarize a lengthy process with voluminous correspondence. While some specific letters may not have been referenced, I believe that the report does convey that a segment of the public opposes the project. If there is any additional correspondence you wish to have included in our submission to the federal agencies, please send them directly to me.

Copies of the UT Study along with TDOT press releases were placed on TDOT's website in October 2003. This information was provided to the Citizen's Resource Team (CRT) in the early stages of the CSS process. These documents remain on the website and can be reached at www.tdot.state.tn.us.

On June 24, 2004, a public information meeting was held in Crossville to provide the public with the opportunity to comment on four design concepts developed by the CRT for the intersection of U.S. Route 127 and State Route 68. These four design concepts had been honed from the CRT's concept drawings that each member submitted. As you will remember, several concepts overlapped and TDOT engineers consolidated them and provided the team with more detailed design concepts. In the CRT review process, the CRT further refined the list down to the four concepts presented to the public. At the July 28, 2004 CRT meeting, the citizens team requested further refinement of one of the concepts that had been presented to the public. Since no new concepts were developed, there was no need for a second public meeting. The CRT ultimately made a recommendation to carry the concept forward. TDOT is currently working with a citizens Enhancement Committee to recommend additional design and aesthetic features to the project, and generate additional ideas to enhance the historic district. It is currently planned that this new information will be presented at a public information meeting.

Several of the issues raised on page 2 of your September 29, 2006 letter do not fall under the requirements of Section 106, for example "environmental impacts to two streams" and "possible negative impacts to the National Heritage Corridor." However I have forwarded your letter to TVA and the Corps of Engineers as they are the co-lead federal agencies and they will be addressing all environmental concerns.

It is the opinion of TDOT that the Historic Architecture and Documentation of Effect Report adequately addressed impacts under Section 106 and concluded the proposed project adversely impacts the Cumberland Homesteads Historic District. The Tennessee Historical Commission reviewed TDOT's effects assessment and in a letter dated, July 13, 2006, concurred with TDOT's findings. On October 19, 2006, TDOT re-submitted the Documentation of Effect Report, along with public comment letters, to the Tennessee Historical Commission (THC) in order to address several of the concerns raised by the public. The THC issued a letter, dated October 25, 2006, that re-states their concurrence with

TDOT's original adverse effect determination including the lack of historic setting along the State Route 28. The letter concluded that the original Documentation of Effect Report does not need to be amended and re-circulated to the public. Enclosed are copies of the July 13 and October 25 letters.

Regarding mitigation issues, TDOT historians and THC staff were concerned that the wording in the consultant's presentation was misleading to some people and the Documentation of Effect Report was an effort to clarify the issue. After a discussion with the THC, it was determined that moving the historic Eldridge House should not be considered "historic mitigation" for the project because moving a historic house itself is an adverse effect. Mitigating one adverse effect by creating another adverse effect is never desirable. Under National Register Criteria, moving a historic structure from its original location renders it ineligible for the National Register, which in this specific case would have rendered the property non-contributing to the historic district. In addition, the proposed relocation site would likely have further adversely impacted the historic district through the introduction of an ineligible domestic structure into a section of the historic district that was planned to be the commercial area of the Homestead. The additional alterations proposed had the potential to further damage the Eldridge House and the district as a whole. It is unfortunate that certain CRT members were unclear of the semantics involved in saving the historic structure. The use of the word "enhancement" was an effort on TDOT's part to be responsive to public request to save the historic house without invoking further adverse impacts to the historic district under Section 106. Ideally, the whole point of mitigation is to lessen the impacts rather than create new ones.

Again the enhancements recommended during the CSS process is not a substitute for compliance under Section 106 of the National Historic Preservation Act. Although not considered mitigation under Section 106, TDOT compiled information on moving the house and had a verbal agreement with the Progressive Savings Bank to share in the cost in order to save the Eldridge House. During this time, bank personnel discovered that it did not have to comply with Section 106 and chose not to preserve the historic structure. To my knowledge Ann Andrews, project manager at TDOT, was not informed of the demolition plan until the day before the bank razed the house, not giving TDOT personnel time to coordinate efforts to save the house. In fact, TDOT historians learned the house had been razed through a newspaper article that came out the next day, giving us no opportunity to help preserve the house. It is unfortunate that local residents and CRT members who knew of the Eldridge House's impending demise did not enlist the help of preservation professionals before the bank razed the structure.

References to the UT study were merely background information describing why TDOT was re-evaluating the design of the intersection. The report clearly stated that due to the UT study findings, TDOT began the Context Sensitive Solutions

(CSS) process for the design of the triangle intersection of U.S. 127 and State Route 68 that would better reflect the needs of local residents and users of the roadway. The Project Assessment, written by the Center for Transportation Research at UT, states that "the proposed project (Section II) was identified in the 1986 Tennessee Better Roads Program, adopted by the General Assembly. The need to improve the existing highway is established, but the main concerns are on design considerations. . . ." The clarifications you pointed out will be added to our files and will be provided to TVA and the Corps of Engineers for their review. The comments regarding the triangle on page 4 of the September 29, 2006 letter will be added to TDOT's project file and will be forwarded to the federal agencies and to the Advisory Council along with other public comment letters.

The Reconnaissance Survey mentioned in the Documentation of Effect Report and included in an appendix was simply a case study. TDOT often encounters historic districts that were listed in the National Register decades prior to the proposed road project, and Cumberland Homesteads became a case study due to its large size and the extensive changes it has experienced since it was listed in 1988. The consultant's efforts to document the location of Homestead Houses plotted on both the 1930s plan and the 1988 National Register map indicate the problems faced when assessing the integrity of the historic district. The residential and commercial development one encounters along U.S. 127 from Crossville indicates the rapid suburbanization the historic district is experiencing. The Reconnaissance Survey simply reiterates the problems historians face when assessing large historic districts that are considered eligible for the National Register under Criterion A. The findings in this report were closely coordinated with the THC who agreed with the consultant's findings.

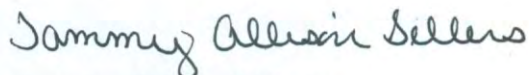
In addition, a historic preservation consultant prepared a report in 2004 for the Crossville Housing Authority for the construction of a "New Homesteads" neighborhood within the National Register Boundary of the Cumberland Homesteads Historic District. In that report, the consultant concluded that the construction of a new subdivision of 30 houses within the historic district would not adversely impact the district because the setting on U.S. 127 north of Crossville has been compromised by the introduction of modern development. The consultant met with interested historic groups and other citizens, which included members of your organization, to explain the project and the no adverse effect determination. To date, the Crossville Housing Authority has received no opposition to the new subdivision from local historic groups and the consultant received no comment letters from local historic groups disagreeing with his conclusion that the setting along U.S. 127 (State Route 28) is no longer historic. The historic consultant evaluated the same area along U.S. 127 north that TDOT did for the Historic Architecture Report and the conclusion was the same for both projects. It is difficult to understand how the same historic groups were involved

with both projects and none have disagreed with the 2004 consultant project that came to the same conclusion as the TDOT project.

With or without the Reconnaissance Survey, the Documentation of Effect Report would have concluded that "the original homestead properties located along the U.S. 127 (State Route 28) corridor are sparsely situated and have often been removed, subdivided, or incorporated into new development. In many instances, the original homestead houses have been severely altered through efforts to modernize the modest dwellings with large additions and interior alterations that make them more livable by late-twentieth-century standards." The Tennessee Historical Commission concurred with TDOT's findings.

Again, thank you for your comments. I would reiterate that this is an opportunity to comment on historic issues. While your letter has focused on the nuances of effects and the omission of certain letters, you did not include any suggestions for mitigation. Under 36 CFR 800, the report states that the proposed project would adversely impact the Cumberland Homesteads Historic District and conveys background on the project. As a result of this adverse effect determination, it is anticipated that TVA and the Corps will execute a Memorandum of Agreement stipulating mitigation measures that will address the adverse impacts to the historic district. The need for mitigation is based on the overall adverse effect determination not on the individual points indicated in the document. We welcome any suggestions you may wish to make regarding mitigation for the adverse impacts. In the next few months, TDOT will work with the Enhancement Committee and compile their comments along with any received from the interested groups regarding mitigation and forward them to the federal permitting agencies in order to proceed with the Section 106 process.

In closing,



Tammy Allison Sellers
Historic Preservation Supervisor

cc: Ann Andrews
Martha Carver
Doug Delaney
Eric Howard, TVA
Harold Draper, TVA
Ruben Hernandez, Corps
Richard Tune, THC



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION**

505 DEADERICK STREET
SUITE 900, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
615-741-3653

December 15, 2006

Ms. Yvonne Seperich
Save Our Cumberland Mountains—
Cumberland County Chapter
C/O SOCM Main Office
P.O. Box 479
Lake City, TN 37769

Re: Section 106 Comments for the proposed improvements to State Route 28
(U.S. 127) from State Route 68 to Cleveland Street in Crossville, Cumberland
County, Tennessee

Ms. Seperich,

Thank you for your interest in historic preservation in Cumberland County. Under 36 CFR 800, only the federal agency official has the authority to grant consulting party status. It is anticipated that this project will have federal permits from the Tennessee Valley Authority (TVA) and the U.S. Army Corps of Engineers (Corps), which are co-lead agencies that determine who has consulting party status. TDOT has forwarded your request to TVA and the Corps for response on this issue. It is my understanding that the federal agencies will be responding directly to your organization regarding your consulting party status.

You referenced several meetings and letters that your organization held with TDOT officials. As you are aware, TDOT is a large organization with several different divisions. TDOT historians were not invited to the meetings or copied in the letters; therefore, I did not have copies in our files. When referencing historic issues on a particular project, it is always helpful to copy the Historic Preservation Section or, at the very least, the Environmental Division. Your additional information will be included with all other public comments and will be forwarded to the federal permitting agencies in anticipation of 36 CFR 800 of the National Historic Preservation Act.

I would note that correspondence on this project in my files alone dates to 1994. I made a good-faith effort to summarize a lengthy process with voluminous

correspondence. While some specific letters may not have been referenced, I believe that the report does convey that a segment of the public opposes the project. If there is any additional correspondence you wish to have included in our submission to the federal agencies, please send them directly to me.

Many of the "Public Participation Issues" described under Section 1 of the September 14, 2006 letter do not fall under the requirements of Section 106, for example "environmental impacts to two streams." However I have forwarded your letter to TVA and the Corps of Engineers, as they are the co-lead federal agencies they will be addressing all environmental concerns. It is the opinion of TDOT that the Historic Architecture and Documentation of Effect Report adequately addressed impacts under Section 106 and concluded the proposed project adversely impacts the Cumberland Homesteads Historic District. As a result, TDOT has designed and will continue to design the project in order to minimize intrusions to the historic district. Your concerns regarding the effects assessment will be added to our files and forwarded to the federal permitting agencies. In addition, the report stated that TDOT continues to work with an Enhancement Committee of local citizens and users of the roadway to mitigate the adverse impacts. If you have any additional suggestions on mitigation for the proposed project, please feel free to send them to me and they will be considered along with other mitigation proposals.

The summary of the project description was based upon information from TDOT's Planning and Design Divisions. Although the 1986 Better Roads Act did not specifically mention the triangle intersection of U.S. 127 and State Route 68, it is TDOT's accepted practice that road projects should have logical termini. "Logical termini" means that road projects should not end abruptly but should follow through and taper back into the existing roadway making adjustments easier for the motoring public and meeting driver expectations.

The summary of the accident information provided to the Citizens Resource Team (CRT) on March 24, 2004 was based upon the meeting minutes provided by Palmer Engineering. Your memory of the state trooper's presentation will be added to our files and forwarded to the federal permitting agencies.

References to the UT study were merely background information describing why TDOT was re-evaluating the design of the intersection. The report clearly stated that due to the UT study findings, TDOT began the Context Sensitive Solutions (CSS) process for the design of the triangle intersection of U.S. 127 and State Route 68 that would better reflect the needs of local residents and users of the roadway. The Project Assessment, written by the Center for Transportation Research at UT, states that "the proposed project (Section II) was identified in the 1986 Tennessee Better Roads Program, adopted by the General Assembly. The need to improve the existing highway is established, but the main concerns are on design considerations. . . ." The clarifications you pointed out will be added to our files and will be provided to TVA and the Corps of Engineers for their review.

On June 24, 2004, a public information meeting was held in Crossville to provide the public the opportunity to view and comment on four design concepts developed by

the CRT for the intersection of U.S. Route 127 and State Route 68. At the July 28, 2004 CRT meeting, the citizens team requested further refinement of one of the concepts. Since no new concepts were developed, there was no need for a second public meeting. The CRT ultimately made a recommendation to carry the concept forward. TDOT is currently working with a citizens Enhancement Committee to recommend additional design and aesthetic features to the project, and generate additional ideas to enhance the historic district. It is currently planned that this new information will be presented at a public information meeting.

The Citizen's Resource Team was made up of stakeholders of the transportation system which includes the triangle intersection of U.S. 127 and State Route 68, not simply residents of Cumberland Homesteads. Page thirteen of the Documentation of Effect Report went into greater detail on the process that brought the CRT team together. As you know, U.S. 127 is a highly traveled north-south connector road that is used by people simply passing through the area as well as residents of Crossville and Cumberland Homesteads. The representatives listed below were asked to be part of the CRT team through recommendations from local government officials, the State Senator, State Representative, and U.S. Representative, the director of the Upper Cumberland Development District, and Ms. Vicki Matthews, Chairperson of the Cumberland Homesteads Tower Association. Based upon the recommendations of these local leaders, TDOT asked the following people to participate on the team. The following list describes the CRT member's relationship to the roadway project.

Thomas Looney:	Citizen of Cumberland County
Charlotte Stevens:	Citizen of Cumberland County and owner of a business near the triangle intersection of U.S. 127 and State Route 68 in Cumberland Homesteads
Gary Hood:	Citizen of Cumberland County and representative for Hood Funeral Home located at the northern end of the historic district
Meredith Mullen:	Citizen of Cumberland County and representative of the Cumberland Mountain State Park
Claudette Stager:	Representative for historic interests as the National Register Coordinator for the Tennessee Historical Commission (THC)
Shirley Parris:	Citizen of Cumberland County, representative of the Cumberland County School Board and principal of the elementary school in Cumberland Homesteads
Steve Bosland:	Citizen of Cumberland County as one of the many retired users of the roadway since Crossville has become a large retirement community
Doug Little:	Citizen of Cumberland County and member of the Homesteads United Methodist Church located just south of the triangle intersection of U.S. 127 and State Route 68
Carl Olsen:	Representative from the U.S. Army Corps of Engineers—one of the federal permitting agencies for this project
Vicki Matthews:	Citizen of Cumberland County and representative for the Cumberland Homesteads Tower Association
Helen Inman:	Citizen of Cumberland County and representative for the Cumberland Homesteads Tower Association

Conrad Welch: (replaced Ellis Kirby) Citizen of Cumberland County and representative for the Cumberland Medical Center which is located just north of the historic district

Joe Crump: Citizen of Cumberland County and representative for the City of Crossville

Harold Draper: Representative for the Tennessee Valley Authority—one of the federal permitting agencies for the proposed project

Nita Boring: Citizen of Cumberland County and president of the Cumberland County Historical and Genealogical Society

John Walton: Representative of the freight industry which has a large amount of truck movements through the triangle intersection of U.S. 127 and State Route 68

Richard Campbell: Citizen of Cumberland County and representative of the City of Crossville

J.H. Graham: Citizen of Cumberland County and mayor of Crossville

John Marvin: Citizen of Cumberland County

As I mentioned previously in this letter, if the Historic Preservation Section is not specifically copied in correspondence to others within the department, we are often unaware of it. The correspondence in question will be added to our file and included with other public comments and forwarded to the federal permitting agencies, consulting parties, and the Advisory Council on Historic Preservation under 36 CFR 800 of the National Historic Preservation Act.

According to 36 CFR 800.2 (d) (3), the agency official, which in this case is TVA and the Corps, "may use the agency's procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of this part, if they provide adequate opportunities for public involvement consistent with this subpart." Section 106 does not require public meetings, only that the public be given the opportunity to comment on the proposed project. As you stated previously in your September 14, 2006 letter, members of your organization were present at each CRT meeting. The CRT meetings were open to the public, provided the attendees with information on the project, and gave them an opportunity to add their input into the CSS process. However, I would like to re-iterate that the Context Sensitive Solutions process is an additional layer of public participation that is meant only to supplement other opportunities for the public to comment. As with Section 106, NEPA is implemented by the federal agencies involved in the project, TVA and the Corps may or may not feel a public meeting is warranted.

It is true that Palmer Engineering presented the layout and basic wording of the Executive Summary. However, Palmer drafted the Executive Summary based on previous CRT meetings and comments leading up to the final meeting. I realize that you, personally, were not at the meeting and have based your comments on second-hand information. To characterize the process as allowing the team members "to correct misspelled words and make a couple of very minor alterations" is a

misrepresentation of what actually happened. The consultants went over the recommendations point by point and provided the CRT members with the opportunity to make changes to the wording and context of the recommendation. Several team members took advantage of the opportunity and requested changes in the document. The consultant and TDOT complied with the requested changes and the majority of the CRT team members signed the document. The signatures of the majority of the team members indicate satisfaction in the wording of the document.

The Historic Preservation Section was not copied on the letter of dissent you describe, but if you will send me a copy of the dissent letter, I will add it to our project file and provide the information along with other public comments to the federal permitting agencies in anticipation of Section 106 of the National Historic Preservation Act.

Regarding mitigation issues, TDOT historians were concerned that the wording in the consultant's presentation was misleading to some people and the Documentation of Effect Report was an effort to clarify the issue. After a discussion with the THC, it was determined that moving the historic Eldridge House should not be considered "historic mitigation" for the project because moving a historic house itself is an adverse effect. Mitigating one adverse effect by creating another adverse effect is never desirable. Under National Register Criteria, moving a historic structure from its original location renders it ineligible for the National Register, which in this specific case would have rendered the property non-contributing to the historic district. In addition, the proposed relocation site Ms. Vicki Matthews proposed would likely have further adversely impacted the historic district through the introduction of an ineligible domestic structure into a section of the historic district that was planned to be the commercial area of the Homestead. The additional alterations Ms. Matthews proposed had the potential to further damage the Eldridge House and the district as a whole. It is unfortunate that certain CRT members were unclear of the semantics involved in saving the historic structure. The use of the word "enhancement" was an effort on TDOT's part to be responsive to public request to save the historic house without invoking further adverse impacts to the historic district under Section 106. Ideally, the whole point of mitigation is to lessen the impacts rather than create new ones.

Again the enhancements recommended during the CSS process is not a substitute for compliance under Section 106 of the National Historic Preservation Act. Although not considered mitigation under Section 106, TDOT compiled information on moving the house and had a verbal agreement with the Progressive Savings Bank to share in the cost in order to save the Eldridge House. During this time, bank personnel discovered that it did not have to comply with Section 106 and chose not to preserve the historic structure. To my knowledge Ann Andrews, project manager at TDOT, was notified the day before the bank razed the house, not giving TDOT personnel time to coordinate efforts to save the house. In fact, TDOT historians learned the house had been razed through a newspaper article that came out the

next day, giving us no opportunity to help preserve the house. It is unfortunate that local residents and CRT members who knew of the Eldridge House's impending demise did not enlist the help of preservation professionals before the bank razed the structure. Further, since Ms. Matthews proposed moving the Eldridge House, it was our understanding that she would actively coordinate those efforts on behalf of Cumberland Homesteads interests.

The Reconnaissance Survey mentioned in the Documentation of Effect Report and included in an appendix was simply a case study. TDOT often encounters historic districts that were listed in the National Register decades prior to the proposed road project, and Cumberland Homesteads became a case study due to its large size and the extensive changes it has experienced since it was listed in 1988. The consultant's efforts to document the location of Homestead Houses plotted on both the 1930s plan and the 1988 National Register map indicate the problems faced when assessing the integrity of the historic district. The residential and commercial development one encounters along U.S. 127 from Crossville indicates the rapid suburbanization the historic district is experiencing. The Reconnaissance Survey simply reiterates the problems historians face when assessing large historic districts that are considered eligible for the National Register under Criterion A. The findings in this report were closely coordinated with the THC who agreed with the consultant's findings.

In addition, a historic preservation consultant prepared a report in 2004 for the Crossville Housing Authority for the construction of a "New Homesteads" neighborhood within the National Register Boundary of the Cumberland Homesteads Historic District. In that report, the consultant concluded that the construction of a new subdivision of 30 houses within the historic district would not adversely impact the district because the setting on U.S. 127 north of Crossville has been compromised by the introduction of modern development. The consultant met with interested historic groups and other citizens, which included members of your organization, to explain the project and the no adverse effect determination. To date, the Crossville Housing Authority has received no opposition to the new subdivision from local historic groups and the consultant received no comment letters from local historic groups disagreeing with his conclusion that the setting along State Route 28 is no longer historic. The historic consultant evaluated the same area along U.S. 127 North (State Route 28) that TDOT did for the Historic Architecture Report and the conclusion was the same for both projects. It is difficult to understand how the same historic groups were involved with both projects and none have disagreed with the 2004 consultant project that came to the same conclusion as the TDOT project.

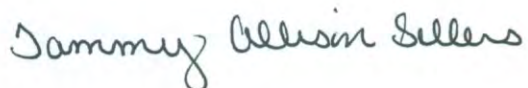
With or without the Reconnaissance Survey, the Documentation of Effect Report would have concluded that "the original homestead properties located along the State Route 28 (U.S. 127) corridor are sparsely situated and have often been removed, subdivided, or incorporated into new development. In many instances, the original homestead houses have been severely altered through efforts to modernize the modest dwellings with large additions and interior alterations that make them

more livable by late-twentieth-century standards." The THC concurred with TDOT's findings.

The Tennessee Historical Commission reviewed TDOT's effects assessment and in a letter dated, July 13, 2006, concurred with TDOT's findings. On October 19, 2006, TDOT re-submitted the Documentation of Effect Report, along with public comment letters, to the THC in order to address several of the concerns raised by the public. The THC issued a letter, dated October 25, 2006, that re-states their concurrence with TDOT's original adverse effect determination including the lack of historic setting along the State Route 28. The letter concluded that the original Documentation of Effect Report does not need to be amended and re-circulated to the public. Enclosed are copies of the July 13 and October 25 letters.

Again, thank you for your comments. I would reiterate that this is an opportunity to comment on historic issues. While your letter has focused on the nuances of effects and the omission of certain letters, you did not include any suggestions for mitigation. Under 36 CFR 800, the report states that the proposed project would adversely impact the Cumberland Homesteads Historic District and conveys background on the project. As a result of this adverse effect determination, it is anticipated that TVA and the Corps will execute a Memorandum of Agreement stipulating mitigation measures that will address the adverse impacts to the historic district. The need for mitigation is based on the overall adverse effect determination not on the individual points indicated in the document. We welcome any suggestions you may wish to make regarding mitigation for the adverse impacts. In the next few months, TDOT will work with the Enhancement Committee and compile their comments along with any received from the interested groups regarding mitigation and forward them to the federal permitting agencies in order to proceed with the Section 106 process.

In closing,



Tammy Allison Sellers
Historic Preservation Supervisor

cc: Ann Andrews
Martha Carver
Doug Delaney
Eric Howard, TVA
Harold Draper, TVA
Ruben Hernandez, Corps
Richard Tune, THC



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION**

505 DEADERICK STREET
SUITE 900, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
615-741-3653

December 15, 2006

Mr. Trip Pollard
Southern Environmental Law Center
P.O. Box 3267
Sewanee, TN 37375

Re: Section 106 Comments for the proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee

Mr. Pollard,

Thank you for the comments regarding the U.S. 127 (State Route 28) project. We appreciate the work that your organization does to ensure that Tennessee communities make smart land use decisions.

As the Documentation of Effect Report and your letter points out, this project is state-funded. However, it is anticipated that federal permits from the Tennessee Valley Authority (TVA) and the U.S. Army Corps of Engineers (Corps) will trigger the Section 106 process. The mention of FHWA in the summary paragraph may appear misleading but the report reiterates throughout the documentation that the only federal actions will be permits from TVA and the Corps.

As you are aware, it is the federal agency's responsibility to prepare both the Section 106 document and the NEPA document. In a letter dated May 24, 2006, TVA authorized TDOT historians to prepare and submit the Section 106 document to the Tennessee Historical Commission on behalf of their agency. It is my understanding that TVA and the Corps will also prepare the NEPA document in accordance with federal law and to my knowledge, the NEPA document has not been prepared.

Section 4(f) of the Department of Transportation Act (DOT) of 1966 contains substantive provisions that "apply only to agencies within the U.S. DOT." TDOT is a state agency and does not fall under the jurisdiction of the U.S. DOT. The only federal actions in this proposed project are permits from TVA and the Corps and neither of these agencies falls under the jurisdiction of the U.S. DOT, therefore Section 4(f) does not apply to this project.

The project description was a concise summary based on information from TDOT's Planning and Design Divisions. It is anticipated that a more detailed project description will be provided in the NEPA document.

The project history is a summary of almost twenty years of communications that the Historic Preservation Section had compiled regarding this project. It is not a complete account of project information that others within the department keep in their files. As you know, TDOT is a large organization with several divisions. If the Historic Preservation Section, or at the very least the Environmental Division, was not copied on the letter, that letter will not be in our files. While some specific letters may not have been referenced, I believe that the report does convey that a segment of the public opposes the project. I will add the letter in question to our project files and forward the additional information to the federal permitting agencies in anticipation of Section 106 of the National Historic Preservation Act.

On June 3, 1996, TDOT sent the Tennessee Historical Commission (THC) an architectural assessment for improvements to State Route 28 (U.S. 127) from approximately 0.16 km (0.1 mile) south of Saw Mill Road to Cleveland Street. This document met and exceeded the requirements for Public Law 699 which requires that TDOT consult with the THC prior to demolishing, altering, or transferring any historic properties. Although Public Law 699 requires TDOT to only address direct impacts to a historic resource, TDOT historians went beyond the state law and used as a guideline the Criteria of Effect according to 36 CFR 800 of the National Historic Preservation Act of 1966.

As a result of TDOT's efforts to preserve the historic district, even though, not required to by state law, TDOT met with representatives from the THC to address the impacts to the historic district. During a field review on September 19, 1994, the THC staff identified areas of concern. The THC staff was concerned with the incorporation of land from the historic district into a new transportation facility. In the early planning stages, TDOT proposed a five-lane rural facility within two hundred feet of right-of-way. The THC staff preferred a narrower, four-lane with a center turn lane, urban curb-and-gutter section of roadway in order to lessen the right-of-way take to one hundred four feet in the historic district. In a letter dated, June 6, 1996, the executive director of the THC concurred with TDOT's adverse effect determination and wrote "we concur that your agency has designed the project in such a manner as to minimize this adverse effect."

The additional information you mentioned about the summary of the project history and the information you provided regarding environment and land use, along with the letters you mentioned, will be added to our files and forwarded to the federal permitting agencies along with other public comments I have received regarding this project.

A draft of the report was submitted to the TVA and the Corps of Engineers in order to incorporate their comments into the final report before mailing it to the THC and the public for comments. In a letter dated May 24, 2006, the TVA Cultural Resources Manager wrote Dr. Joe Garrison at the THC with comments on the Documentation of Effect Report. The letter stated "our office has reviewed the documentation and concurs with the findings that this project will have an adverse effect on historic properties. Pursuant to the requirements of Section 106 of the National Historic Preservation Act

and its implementing regulations at 36 CFR Part 800.4, TVA Cultural Resources office is requesting your concurrence on these findings."

On July 10, 2006, TDOT mailed a copy of the report to the executive director of the THC asking him to review and comment on the document. In a letter dated, July 13, 2006, the THC concurred with TDOT's adverse effect determination as it was written in the document. Additionally, TDOT mailed copies of public comment letters along with the Documentation of Effect Report to the THC on October 19, 2006 asking them to review their original concurrence in light of the comments from the public. In a letter dated October 25, 2006, the THC again stated that the proposed project would be an adverse effect to the historic district by taking land from the historic district. The letter also stated that the THC concurred with TDOT's conclusion that the historic setting along State Route 28 has been compromised by modern intrusions. Copies of the letter are enclosed.

As a result of the adverse effect to the historic district, the federal permitting agencies will work with TDOT, the THC, and interested local residents to address the adverse impacts to the historic district as part of 36 CFR 800. An Enhancement Committee was formed after the recommendations of the Citizens Resource Team (CRT) were approved by Commissioner Nicely. That committee continues to meet in order to enhance the triangle intersection of U.S. 127 and State Route 68 intersection that local citizens have adamantly stated was the centerpiece of the historic district. Some of the Enhancement Committee's ideas could be incorporated by TVA and the Corps into their mitigation plan under Section 106.

Again, thank you for your comments. They will be included, along with other public comments, in a packet of information that will be sent to the federal permitting agencies. I would reiterate that this is an opportunity to comment on historic issues. We welcome any suggestions you may wish to make regarding mitigation for the adverse impacts. In the next few months, TDOT intends to work with the Enhancement Committee and compile their comments along with any received from the interested groups regarding mitigation, forward them to the federal permitting agencies, and proceed with the Section 106 process.

Sincerely,



Tammy Allison Sellers
Historic Preservation Supervisor

cc: Ann Andrews
Martha Carver
Doug Delaney
Tony Renfro
Harold Draper, TVA
Eric Howard, TVA
Ruben Hernandez, Corps
Richard Tune, THC



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL DIVISION
505 DEADERICK STREET
SUITE 900, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243-0349
615-741-3653**

December 15, 2006

Mr. Eric Howard
Tennessee Valley Authority
400 West Summitt Hill Drive
Knoxville, TN 37902

Re: Section 106 Comments for the proposed improvements to State Route 28 (U.S. 127) from State Route 68 to Cleveland Street in Crossville, Cumberland County, Tennessee

Mr. Howard,

In anticipation of 36 CFR 800, TDOT mailed the above referenced project to the Tennessee Historical Commission (THC) and the public on July 10, 2006. On July 13, 2006 the THC issued a letter that concurred with TDOT's adverse effect determination. Additionally on October 19, 2006, TDOT re-submitted the original Documentation of Effect Report to the THC in light of public comments. The THC issued a letter, dated October 25, 2006, that re-states their concurrence with TDOT's original adverse effect determination including the lack of historic setting along the State Route 28. The letter concluded that it was their opinion that the original Documentation of Effect Report did not need to be amended and re-circulated to the public. Enclosed are copies of the July 13 and October 25 letters.

As you know, TDOT received five public comment letters regarding the Documentation of Effect Report. These letters were forwarded to you on October 17, 2006. Enclosed you will find response letters from TDOT that address the issues raised by the public. In addition, I have enclosed copies of the letters that the public referenced that were not a part of the "project history" in the original Documentation of Effect Report. Pursuant to 36 CFR 800.6, will you send the appropriate documentation to the Advisory Council on Historic Preservation notifying them of the adverse effect to the National Register listed Cumberland Homesteads Historic District.

Pursuant to 36 CFR 800.6, please send this material via registered mail to document our compliance and provide me with a copy of your cover letter for our records. Thank you for your assistance in this matter.

Sincerely,

Tammy Allison Sellers
Historic Preservation Supervisor

cc: Harold Draper, TVA
Ruben Hernandez, Corps of Engineers
Ann Andrews
Doug Delaney

August 16, 2004

Ms. Vicki Matthews
Cumberland Homesteads Tower Assoc., Inc.
96 Highway 68
Crossville, TN 38555

Dear Ms. Matthews:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

The need for an improved roadway between Cleveland Street and State Route 68 has already been established. The department realizes the value of the historic district and will modify the design where appropriate and practical, based on the proposed plans. The project is currently in the right-of-way phase of development and the earliest letting date for construction is in the summer of 2005.

Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

August 16, 2004

Ms. Helen Inman
1712 Saw Mill Road
Crossville, TN 38555

Dear Ms. Inman:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

The need for an improved roadway between Cleveland Street and State Route 68 has already been established. The department realizes the value of the historic district and will modify the design where appropriate and practical, based on the proposed plans. The project is currently in the right-of-way phase of development and the earliest letting date for construction is in the summer of 2005.

Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

August 16, 2004

Ms. Charlotte K. Stevens
3684 Highway 127 South
Crossville, TN 38572

Dear Ms. Stevens:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

The need for an improved roadway between Cleveland Street and State Route 68 has already been established. The department realizes the value of the historic district and will modify the design where appropriate and practical, based on the proposed plans. The project is currently in the right-of-way phase of development and the earliest letting date for construction is in the summer of 2005.

Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

August 16, 2004

Mr. Garry Hood
P. O. Box 1111
Crossville, TN 38557

Dear Mr. Hood:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

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Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

August 16, 2004

Ms. Nita Boring
Cumberland County Historic and
Genealogical Society
20 South Main Street
Crossville, TN 38555

Dear Ms. Boring:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

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Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

August 16, 2004

Ms. Claudette Stager
Tennessee Historical Commission
2941 Lebanon Road
Nashville, TN 37243

Dear Ms. Stager:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

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Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

August 16, 2004

Mr. Conrad Welch
Cumberland Medical Center
21 South Main Street
Crossville, TN 38555-5031

Dear Mr. Welch:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

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Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

August 16, 2004

Mr. John Marvin
327 Village Way
Crossville, TN 38555

Dear Mr. Marvin:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

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Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

August 16, 2004

Ms. Meredith Mullen
24 Office Drive
Crossville, TN 38555

Dear Ms. Mullen:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

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Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

August 16, 2004

Ms. Shirley Parris
580 Gordon Road
Crossville, TN 38572

Dear Ms. Parris:

Thank you for your recent recommendation to extend the limits of the Context Sensitive Solutions process to the US-127 South roadway project. The department appreciates the time and hard work that all members of the Citizens' Resource Team have committed to the CSS process at the intersection of State Route 68.

Last year, I announced that the US-127S Citizens' Resource Team would be charged with the design of the intersection with State Route 68, with emphasis on preserving the historic features. I am looking forward to receiving the team's recommendation, as that will be an important part of the department's decision-making process.

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Thank you for expressing your concerns. Please continue your valuable work with TDOT Project Manager, Mrs. Ann Andrews on the intersection project.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: 127S Resource Team Members
Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

#3274

(all the following will receive attachments)

**Bc: Mr. Paul Degges
Mr. Dennis Cook
Ms. Judy Steele
Mr. Chris Christianson
Mr. Jimmy Moore
Mr. Chuck Rychen
Mr. Ralph Barnes
Ms. Julie Lamb
Ms. Michelle Griggs, W/Original Attach.**

H 2620



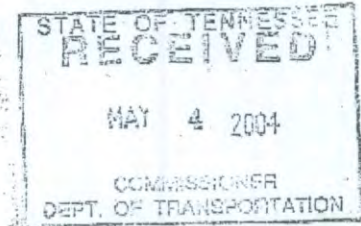
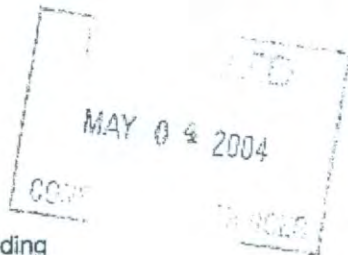
Cumberland Homesteads Tower Association, Inc.

Highway 127-S Committee - 371 Highway 68 - Crossville, TN 38555

Phone (931) 456-5699 Email vs matt@citlink.net

April 29, 2004

Tennessee Department of Transportation
Commissioner, Gerald Nicely
505 Deaderick Street, Suite 700, James K. Polk Building
Nashville, Tennessee 37243-0349



Dear Commissioner Nicely,

We were honored that you chose the backdrop of the Cumberland Mountain State Park last October to make your announcements of the fate of the region's pending highway projects. The park is an important part of our historic district and was built for the original Homestead families as their recreation area with the help of the CCC and the WPA. The dam and seven-arch bridge is the largest masonry project ever built by the CCC. WWI hero, Alvin C. York, was project superintendent until he left in 1940 to advise on the filming of the movie "Sergeant York". We hope you enjoyed the historic surroundings and understand why we feel so protective of our district. The Cumberland Homesteads National Historic District is not only the largest historic district in the state, it also has recently been nominated as One of the 10 Most Endangered Historic Sites in Tennessee due to the current 127-S highway project.

We greatly appreciate the creative actions that you have taken in response to our concerns about the negative impacts this project will have upon our district by:

- A) Suspending the project while it was studied by the UT Center for Transportation Research.
- B) Establishing the Resource Team that is currently working on revising the intersection design of 127S using the Context Sensitive Solutions process.

We believe the CSS process is a very sound and balanced approach to reaching consensus on project design and will prove to be a productive venue for future projects throughout the state. We also believe its continued use will accelerate improved relations between the public and TDOT.

We also wish to relate that Ann Andrews is regarded as an excellent choice as our project manager. She is well respected among the resource team members. She and her capable staff have established a good foundation for the team to build upon. Likewise, Palmer Engineering is equally, up to the task, and is guiding us, with ease, through the CSS process.

Along with the improvements that have been made with the project there has arose a couple of setbacks to the progress. We have two critical issues in regard to our current situation:

- 1) The cross-section design or scale of the overall highway project continues to be a major concern of our community and the historic preservation organizations that support us. We want a project suited to the historic environment that will fulfill TDOT's new motto of "**Building Better Communities Not Just Roads.**" The resource team should be allowed to address public concerns on the whole project instead of limiting our work to the historic triangle intersection of Highways 127-S and 68. While it is true, that our group has focused much of our attention to that extremely sensitive area, we are also highly concerned about the rest of the district and how the highway project will impact it negatively.

The UT Researchers substantiated our concerns about the inappropriate scale of the project and stated that the "**road is too big for the need**". UT advised re-engaging the community to address the concerns over the proposed design and negative impacts. They specifically recommended that both the cross-section design and the intersection of SR 68 be reconsidered with the CSS process by stating that the project; "**would be a good candidate for application of a 'Context Sensitive Design' process, to reconsider the cross-section design and treatment of the SR 68, and to minimize impacts on the historic district.**"

Request: We ask that you allow the team to address the whole project with the CSS process.

- 2) The 2004-2006 STIP describes 25-miles of five-lane highway widening on 127S from Pikeville to the intersection with SR 68. The announcement sent shockwaves throughout our community. This is in direct conflict with the promises you made during your visit in October 2003, when you told us, **"Section 1 widening from SR 28 (127-S) /SR 68 intersection to south of Sawmill Rd. should be eliminated. Minimal lane transitions are suggested only beyond the intersection at the historic tower. This would eliminate roadway widening in the southern portion of the project."**

Request - The highway south of the triangle does not need to be widened at all - the traffic counts do not justify it. We ask that TDOT follow the announcement that you made in October about the area south of the intersection of SR 68 and that any improvements on Highway 127-S within the Cumberland Homesteads Historic District proceed with Context Sensitive Design Solutions process.

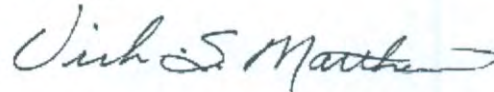
As you can imagine, both of these issues have frustrated many in our community. There has been a definite setback in the progress of improving public relations towards TDOT because of this unfortunate situation. The comments we are hearing from our neighbors about TDOT are reminiscent of the general public's opinions expressed before the days of your leadership: "Sounds like the same ole, same ole TDOT" or "The UT Study and the Resource Team have just been a waste of time and taxes" or "They are just going to cram that 5-lane down our throats, aren't they?" or "We were fools to believe that they care what we want".

We think there is a good opportunity to resolve these problems and repair the broken trust with the public. We can move forward from here on a positive note if we will reaffirm our commitment to work together in a true team spirit to achieve excellence on the project design.

We fully understand that some of our politicians are applying tremendous pressure to expedite the project. Their greatest fear is losing the project and the economic development they hope it will bring. We have repeatedly expressed to them that it is not our intention to delay or stop the project if it can be fine-tuned not to impose negative impacts upon the historic district.

We hope that you will find our concerns reasonable and our criticisms constructive. We look forward to hearing from you on these matters.

Sincerely,



Vicki S. Matthews, Chairperson

Cc - Ed Cole, TDOT Chief Environmental Planning
Ann Andrews, TDOT Project Manager
Lindsey Briggs, P.E. Palmer Engineering
Mary Mastin, Attorney
Patrick McIntyre, TN Preservation Trust
Nancy Tinker, National Trust
Claudette Stager, TN Historic Commission
Jeff Barrie, Citizens for TDOT Reform

May 12, 2004

Ms. Vicki Matthews
Chairperson
Cumberland Homesteads Tower Assoc., Inc.
Highway 127 – South Committee
371 Highway 68
Crossville, TN 38555

Dear Ms. Matthews:

Thank you for your letter of April 29, 2004 regarding the Tennessee Department of Transportation's (TDOT) implementation of the Context Sensitive Solutions process at the intersection of US-127 with State Route 68 in Cumberland County.

Last year, I announced that the intersection of US-127 with SR-68 in Cumberland County would be studied as a Context Sensitive Solutions project. The Citizens Resource Team members were identified as project stakeholders to address the issues and make recommendations for the intersection. I appreciate your service on the Citizens Resource Team and the commitment you have made to work with TDOT to develop an intersection design that will be safe and sensitive to the historic district.

The department does not currently have plans to use a Citizens Resource Team for the roadway portion of the project; however, we are committed to consider requests generated by the Resource Team. If the Resource Team comes to consensus with a recommendation to re-evaluate the roadway project, the department would certainly address the Team's concerns.

You also asked about the status of US-127 from Pikeville to SR-68 in Crossville. The project is listed in the 2004-2005 STIP for environmental studies. This phase of study is a very preliminary review of existing environmental conditions and constraints. If the project is developed further, the department will remain sensitive to the historic value of the route.

Thank you again for your input on this project. Mrs. Ann Andrews is the Project Manager for the US-27 intersection and may be reached at 615-741-5360 if you have any questions.

Sincerely,

Gerald F. Nicely
Commissioner

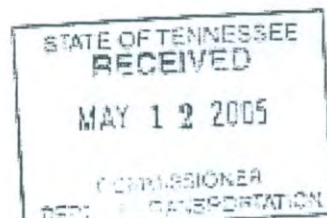
GFN:AA:aa

Cc: Mr. Ed Cole, W/Attach.
Mrs. Ann Andrews, W/Attach.

#2620

(all the following will receive attachments)

**Bc: Mr. Paul Degges
Mr. Dennis Cook
Ms. Judy Steele
Mr. Chris Christianson
Mr. Chuck Rychen
Mr. Ralph Barnes
Ms. Julie Lamb
Ms. Michelle Griggs, W/Original Attach.**



May 12, 2005

#5142

Tennessee Office
P.O. Box 1257
Sewanee, TN 37375
931-598-0808
Fax 931-598-0713
tpollard@seclva.org

Virginia Office
201 West Main Street, Suite 14
Charlottesville, VA 22902-5065
434-977-4090
Fax 434-977-1483
seclva@seclva.org

The Honorable Gerald F. Nicely, Commissioner
Tennessee Department of Transportation
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0349

Re: U.S. Highway 127/State Route 68 - Cumberland Homesteads

Dear Commissioner Nicely:

I applaud the significant progress you and your staff have made toward achieving the goals you set when you became Commissioner, including increasing public participation in transportation decision making, and reducing the adverse impacts of transportation projects on our communities and our environment. Among other things, your decision to conduct an independent examination of 15 contentious road proposals and subsequent decision to create a process to look for more context sensitive solutions (CSS) for a number of these projects are landmark decisions that have begun to greatly improve Tennessee's transportation program. I am glad to serve as a member of TDOT's Environmental Advisory Council and Long Range Transportation Plan Statewide Steering Committee, and I look forward to continuing to work with TDOT on a range of issues, including further development of its CSS policy and approach.

As you well know, the CSS process is continuing to evolve. The recent report on Progress, Practices, and Lessons Learned with CSS, for example, recognizes that the level and extent to which the CSS approach is being used on different projects varies, and that there are a number of areas where changes are needed as TDOT moves ahead to improve projects and project development.

I am writing to bring a critical issue to your attention. I am very concerned that the proposed analysis and recommendation for the potential expansion and re-design of the US 127 and SR 68 intersection at the Cumberland Homesteads Historic District has not adequately considered alternatives that could significantly improve this project and go much further toward meeting the goal you announced of preserving the existing historic triangle. I urge you to obtain additional information on potential design alternatives before making any decision on this project, and to take advantage of opportunities to provide a safe, effective alternative that can save taxpayer funds and cause less damage to natural and historic resources.

I appreciate all of the work that TDOT, the consultants with Palmer Engineering, and the resource team have done to improve this proposed project, and the information they have provided to me. The process that has been followed has produced an alternative recommended to you by the resource team (Alternative D-Modified) that appears to be the best alternative

Carolina Office: 200 West Franklin St., Suite 330 • Chapel Hill, NC 27516-2520 • 919-967-1450
Deep South Office: The Candler Building • 127 Peachtree St., Suite 605 • Atlanta, GA 30303-1800 • 404-521-9900

advanced yet for this portion of the project. Overall, it seems to represent a significant improvement from some of the earlier alternatives. In addition, as Dennis Cook and Ann Andrews have noted, a number of opportunities remain to further improve this design and reduce the adverse impacts it will cause, and the resource team has called for preserving the existing triangle and minimizing the footprint of any new project as much as possible.

Despite the progress that has been made in improving the design of this project, considerable damage would nonetheless result from building Alternative D-Modified.

As you and many others have recognized, the Cumberland Homesteads is a unique, irreplaceable resource. It is listed on the National Register of Historic Places and is a major tourist attraction, and the triangle lies at the heart of this historic district. Even with the improvements contained in Alternative D-Modified, the original triangle area will be altered significantly. This does not meet your goal in deciding to proceed with a modified plan for this project that "An alternate of the SR-28/SR-68 intersection layout should be developed that would leave the existing triangular area within the Y-shaped intersection intact." Alternative D-Modified may leave more of the triangle intact, but it does not leave the existing area intact. Not only would new asphalt split the triangle, but the trees would be removed and the remaining unpaved area would be appreciably lower than the surrounding road, further diminishing its presence and altering the setting of the district.

As the project reaches a critical decision point, it is important to take a step back and assess the current design proposals in light of the adverse impacts they will cause, the problems the University of Tennessee Center for Transportation Research highlighted with the earlier project design, and the availability of additional alternatives to further reduce adverse impacts.

Among other things, UT noted that the original project design "is viewed as too large a road for the need. Alternatives that are more sensitive to the historic district environment are needed." Unfortunately, in the final analysis, the same description could be applied to the Alternative D-Modified design.

Particularly in light of the recent significant reductions in the estimated current and projected traffic levels at the triangle, the dramatic expansion and alteration called for in the proposed designs appear to be much greater than is warranted.

The fundamental problem, I believe, is that a promising line of alternatives was taken off of the table too soon, and was not developed or studied further; as a result, the resource team was incorrectly told that there were no other alternatives.

The analysis that was conducted of several alternatives for the intersection found that even if no widening were to take place, installing a traffic signal at one point of the triangle (the northwestern portion closest to Crossville) would improve LOS to an acceptable level (it would remain at LOS C in 2025). However, from my conversations with TDOT staff and the consultant, it appears that no examination was made of the LOS that would result from signalizing this point as well as selected widening and addition of turn lanes. Nor was any analysis done of the resulting LOS if a signal is installed at a second point of the intersection.

Dennis mentioned that a second light was not studied because it would have to be too close to the first light; yet there are examples throughout the state of intersections closer together than the two points of the triangle, and signal timing can overcome potential backup problems caused by lights being located close together.

In short, adding one or more traffic signals, adjusting the timing of these signals, and providing some widening and turn lanes should be sufficient to handle the projected traffic volume, resolve the existing traffic conflicts, and address concerns that have been raised about sight distances.

Potential design changes that could avoid or minimize damage caused by the project thus include:

- retaining the original footprint of the triangle by eliminating the rerouting of any existing roadway;
- reducing the number and length of additional lanes;
- installing a signal at the northwestern point of the intersection; and installing a signal at an additional point of the intersection at a later date, if necessary.
- fitting any additions to or modifications of the roads to existing topography; and
- aesthetic changes to enhance the design

It is important to note that these changes would provide significant cost savings to the state, since this project is to be funded entirely by state taxpayers. In addition, by reducing the damage to the historic district and fitting better with the character of an area that provides an important gateway to the Cumberland region, these changes would also be more consistent with Governor Brodesen's Cumberland Initiative.

I want to reiterate that the design for this project has improved, and I appreciate the efforts of your staff, the consultants, and the resource team to make this happen. Nonetheless, I urge you, the TDOT team, and the consultants to revisit the need for such a large project and to develop other alternatives that can significantly reduce both the cost and the damage this project will cause.

I appreciate your consideration of these concerns and suggestions, and I would be glad to meet with you and/or members of your staff to discuss these issues more fully.

Sincerely,



Trip Pollard

Land and Community Project Leader

cc: Ed Cole
Dennis Cook
Ann Andrews
Ralph Barnes
Steve Allen

May 18, 2005

Mr. Trip Pollard
Land and Community Project Leader
Southern Environmental Law Center
P. O. Box 3267
Sewanee, TN 37375

RE: US-127 South
Cumberland County

Dear Mr. Pollard:

Thank you for your letter of May 12, 2005. A year ago, I appointed a Citizens Resource Team to work with my staff to explore alternatives for a design concept at the intersection of US 127 South and State Route 68 in Cumberland County. A Context Sensitive Solutions process provided the format for the generation and consideration of alternatives, and, ultimately, to a team recommendation to the department. The process offered continuous opportunities to share information, explore options, gain public input, and make sound recommendations. I believe the team members approached this difficult task with a serious commitment to making the best possible recommendation to the department.

I have received the recommendation made by the Citizens Resource Team. I am in the process of reviewing all of the project information, public input, and the team recommendations. I am also working with my staff to balance the safety and operational needs of the project with the historic context of the Cumberland Homesteads District. I will make a decision on next steps for the project in the near future. If you have any questions regarding this project, please contact Mrs. Ann Andrews, Project Manager, at 615-741-5360.

Please let me know if I may be of further assistance to you.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA

Cc: Mrs. Ann Andrews, W/Attach.

#5142

(all the following will receive attachments)

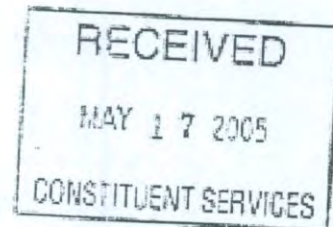
**Bc: Mr. Paul Degges
Mr. Ed Cole
Mr. Dennis Cook
Mr. N.E. Christianson
Ms. Judy Steele
Mr. Chuck Rychen
Mr. Steve Allen
Mr. Ralph Barnes
Ms. Michelle Griggs, W/Original Attach.**

#5153

May 16, 2005

371 Highway 68
Crossville, TN 38555

The Honorable Gerald F. Nicely, Commissioner
Tennessee Department of Transportation
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0349



Re: U.S. Highway 127/State Route 68 - Cumberland Homesteads

Dear Commissioner Nicely:

Thank you for the consideration you have given to the Cumberland Homesteads Community in the past regarding the development of the U.S. Highway 127 project. Without the creative measures you have taken, I feel sure that our community would already have been irreversibly altered with the reconstruction of the route.

This has not been an easy project for TDOT or the community. The historic district is a highly sensitive landscape to fit an appropriate/safe highway project through and the residents, descendants and annual tourists are highly sensitive to any alterations that would take away from the "sense of place" that they love.

As you know, I serve on the 127S Citizens Resource Team as a representative of Cumberland Homesteads Tower Association and was unable to support the Modified D Alternate that the team recommended for the intersection of S.R. 68 and U.S. 127. There are several issues about the design that continue to concern the stakeholders that I represent. Most of these concerns revolve around specific peripheral damages caused at the intersection by right-of-way takes, but this is not the only thing that has the public upset. They are not satisfied that the department has adequately considered their concerns about the scale of the overall project. To them it is a matter of common sense: Many think the project is being over-planned. They would like to see a parkway-type highway more conducive to tourism development, less urban looking, less likely to encourage increased trucking through the community, less likely to bring an influx of inappropriate commercial development into the historic district. They know that the University of Tennessee Center for Transportation Research said that the project plan is too big for the need and they know that since UT's evaluation, the traffic counts have been corrected and significantly lowered. It doesn't make sense to them that the issue of scale remains off the table for discussion. If the scale could be reduced to better fit the actual forecasted needs it would also better suit the historic landscape and the negative impacts would be minimized.

Governor Bredesen has made a commitment to a major tourism development project for the region that will involve the participation of the National Park Service and the U.S. Department of the Interior. The Cumberland Plateau Heritage Corridor will feature many of the region's natural and historic resources. The Cumberland Homesteads and Cumberland Mountain State Park are both expected to be showcase attractions. Crossville will be considered a gateway community to the corridor from Interstate 40. The scenic charm of the community and the natural beauty of the park must be protected and it might be wise to coordinate the planning and development of this highway project with the planning of the Heritage Corridor because of the importance of this initiative on tourism for the State.

I had two opportunities last week to meet with Ed Cole and staff. You have very dedicated, creative and resourceful leaders working diligently to integrate new department-wide policies concerning public involvement. I very much appreciate their willingness to discuss this ongoing process and the problems surrounding this project in particular.

The CSS (Context Sensitive Solutions) principles that the department is in the process of adopting is a proven problem-solving process. The hard work the department is doing to implement CSS coupled with the Long-Range Transportation Planning will ultimately benefit everyone that lives in Tennessee or travels through our great state. I commend you and the staff at TDOT for the commitment you have made to make these monumental improvements.

continued

Transition periods are notoriously difficult because of the time and effort it takes to learn, evaluate and adopt new processes. I hope you will remember something that I said to you at our state park when you made your announcements about the 127S project. I told you that I thought you had a task equal to jumping on a train in motion and trying to wrestle it onto a different track. I believe the train is struggling between the two tracks at the moment and the front end is now heading in a new direction. I want to encourage you to stay on the course you have chosen for the department to better involve the public in project planning. I trust the struggles will soon subside as the rest of the train finds its way over to the new track.

The 127S project is somewhat caught in the transition struggle as the CSS process is being learned and evaluated. I outlined my personal concerns about the 127S CSS process, in my letter of dissent that I requested to be forwarded to you along with the team recommendation. Many of the problems we experienced as a team are discussed at length in the CSS Progress, Practices and Lessons Learned Executive Summary. I am writing to ask that as you make decisions about the direction this project should go from this point, that you consider an idea that might expeditiously solve our problems. Please consider involving a seasoned veteran of the CSS process such as Ms. Oldham of Oldham Historic Properties, Inc. as an independent advisor/consultant/mediator to help get this project "on track".

I suggest Ms. Oldham because she has already been involved in the evaluation of the first eight CSS projects and participated with Parsons Brinckerhoff in preparing the CSS Lessons Learned Summary for the department. She is already up to speed on the current status of CSS development and is respected as an experienced trainer of CSS principles. She is also a historic preservationist and would be well suited to understand all aspects of this highway project.

Thank you for considering this request.

Sincerely,
Vicki Matthews
(931) 456-5699

Copy - Ed Cole

From: Gerald Nicely
To: Griggs, Michelle
Date: 5/16/2005 2:49:17 PM
Subject: Fwd: Highway 127S - Cumberland County

Please enter into our response system.

>>> Vicki S. Matthews <vsmatt@citilink.net> 5/16/2005 1:59:37 PM >>>
Please find attached letter below:

CC: Andrews, Ann; Cole, Ed; Martin, Angie.P

May 20, 2005

Ms. Vicki Matthews
371 Highway 68
Crossville, TN 38555

Dear Ms. Matthews:

Thank you for your letter of May 16, 2005 communicating your thoughts and concerns on the proposed improvement at the intersection of US-127 South and State Route 68 in Cumberland County. Thank you also for serving on the Citizens Resource Team. I appreciate your hard work and that of the other CRT members over the past year studying alternatives and making recommendations to the department.

I have received the recommendation made by the team. I am reviewing all of the project information, public input, and the team recommendations. Throughout the development of this project, my staff has looked for ways to minimize the footprint of the intersection and the impacts to adjacent properties. I will make a decision on the project which combines safety and operational improvements with an historic sensitivity to the Cumberland Homesteads District. I will share a copy of your letter with Mrs. Ann Andrews, the Project Manager for the project. If you have any questions, she may be reached at 615-741-5360.

Please let me know if I may be of further assistance to you.

Sincerely,

Gerald F. Nicely
Commissioner

GFN:AA:aa

Cc: Mrs. Ann Andrews, W/Attach.

#5153

(all the following will receive attachments)

**Bc: Mr. Paul Degges
Mr. Ed Cole
Mr. Dennis Cook
Mr. N.E. Christianson
Ms. Judy Steele
Mr. Doug Delaney
Mr. Jim Moore
Mr. Chuck Rychen
Mr. Ralph Barnes
Ms. Michelle Griggs, W/Original Attach.**

After a slow and deliberate review of the proposed Highway Modifications, I feel that Alternate D is the better choice for the project.

Alternate D provides an improved traffic flow, as it removes the need to cross traffic when going from highway 68 north to highway 127 south (that is the present traffic condition which will not be corrected). Other advantages to the selection of Alternate D permits the retention of the Old Country Store and the Eldridge House both of which are well known historical landmarks for the Cumberland Plateau and Crossville. The Old Country Store is advertised and known as far away as the Florida panhandle and many visitors come to Cumberland County from out of state to shop at the Old Country Store (to get items not otherwise available to them, many are return visitors) as well as to visit other attractions in the area. The Eldridge House is one of the oldest Homestead houses and with the Homestead Towers has a much more significant historical value than the Triangle. With the retention of the Old Country Store, The Eldridge House, and the Towers visitors could then visit three significant landmarks in close proximity (a significant tourist and visitor draw, especially with the State Park just down the road.)

Alternate D surely would remove the Triangle but if the State would consider replacing the Triangle with a Historic Marker identifying the Triangle location that should be enough to satisfy most older Homestead residents.

If Alternate D Modified is used, the above advantages will be lost while the current traffic flow condition will not be resolved. The significance of the Triangle seems important to residents today but will soon lose its luster when they finally realize the loss of the Old Country Store, the Eldridge House, visitors to the area and businesses, unresolved traffic flow, and other now unforeseen losses.

These are my opinions based upon a long and detailed look at the alternatives presented and trying to be unemotional about the changes.

Thank you for the opportunity to express my opinions.

Nita M. Boring

Check "To" and "Cc" fields
to ensure proper routing
and delivery to all the recipients

Cumberland Homesteads Tower Association

A Non-Profit Organization Dedicated to the Preservation of the Cumberland Homesteads National Historic District

96 Highway 68, Crossville, TN 38555

Phone (931) 456-9663

March 23, 2005

To: 127S Resource Team Members
TDOT
Palmer Engineering

The Cumberland Homesteads Tower Association Board of Directors and CRT members Vicki Matthews and Helen Inman wish to express our appreciation for your service on the Context Sensitive Solutions Process implemented on the U.S. 127-S and S.R. 68 intersection.

Those of you that attended the CRT meeting on March 17, 2005 were given a brief oral summary of the public input that we gathered from citizens that attended an informal "Showing of Revised Plans" held at the Tower Museum on Tuesday, March 15, 2005. As promised, written results have been compiled and follow below.

The original surveys will be given to our Project Manager, Ann Andrews. We respectfully request that these surveys and the survey summary be made part of the official record for the 127S Improvement Project and also that some mention of the oral summary given at the CRT March 17th meeting be added to the VI Meeting Notes.

Four Resource Team members attended the showing and approximately 56 members of the public attended.

The exhibit consisted of Alternate D and Alternate D Modified plans and visualizations provided by both the Design Department of TDOT and Palmer Engineering. Also shown was a visualization display prepared by Vicki Matthews for the possible moving of the Eldridge house to the site opposite the Tower Museum on Highway 68. Additionally, in a separate room (so it would not be confused with the two revised plans) a display of the four plans - Alternates A, B, C and D - shown at the Public Hearing on June 24, 2005 with a summary of the results of that public hearing described in CRT Meeting IV Notes was shown.

The survey results on the following pages were taken from the surveys filled out at the meeting or received over the following week.

We hope that you will find the results both informative and helpful as we have in discerning the public's wishes concerning the intersection of 127S and 68.

Again, we thank you for your participation in the CSSS process.

Best Wishes
C.H.T.A.

Cc: Ed Cole, Dennis Cook

PUBLIC SURVEY SUMMARY
Revised Plans for U.S. 127S/SR 68
March 15, 2005

Percentages based on how many answered each question. Actual number of responses in parentheses.)

Please check all that apply below:

- 1) If only given the following two choices, which do you prefer?

Alternate D 0% (0) Alternate D Modified 91% (42)
*Additional write-in answers to above question: Neither 4% (2) Original D 4% (2)

- 2) The plan I prefer:

Is Good 0% (0) Needs Improvement 61% (30) Is Bad 39% (19)

- 3) On the plan you prefer, would you like to see better preservation of the historic setting of the Triangle, Tower & School Grounds?

Yes 100% (54) No 0% (0)

- 4) Would you prefer to see alternative plans that leave the triangle intact?

Yes 100% (53) No 0% (0)

- 5) Previous traffic data was flawed and has been updated. The new data shows 25% less traffic in 2005 and forecasts for 2025 have been lowered by 39%.
TDOT says this does not change the need for the project or the need for 5-lanes on 127-S.

Do you believe the project is necessary? Yes 10% (5) No 86% (43)
*Additional write-in answers to above question: Yes 3-lanes 2% (1) Yes w/reservations 2% (1)

Do you believe 5-lanes are needed on 127S? Yes 6% (3) No 93% (50)
*Additional write-in answers to above question: Yes 3-lanes 2% (1)

Comments to be given to Resource Team:

Written comments on following pages.

Name and Address:

Please let's do ALL we can to save the Triangle and to save our land that goes back for many generations. My heart is broken not only for me but our community.

The Triangle should be preserved as much as possible (including trees). There should be no fence which limits access. Fire Hall should not be destroyed. Do not like the raised roadway. Both plans will destroy the character of the area.

Dear Team, Please do not sign off on these plans. You can do better!

Save Trees – Save Firehall – Save Playground – use rock walls

If necessary, a few traffic delays aren't serious. Long distance drivers can stay on the interstate. This area is so important to local history. Preserve it!

The Homesteads deserves the utmost preservation efforts throughout the entire project. This is too valuable an asset to our county and state to be so carelessly disrupted. The triangle is much too important to be destroyed. The trees need to be saved also. Surely with all the designs methods available today – a more conservative plan can be developed. Stop the rush and do an acceptable design that will compliment Homesteads and do TDOT proud!

Let me get this right, flawed data, nearly 40% less traffic, still 5-lanes? Must be new math!

The oaks in the Triangle must be preserved!

I do not believe 5 lanes are needed on 127S, nor do I think the triangle should be destroyed and the oak trees cut down.

It makes me sick to see the triangle look like an exit ramp on I-40. If you sign off on these, the Homesteads will just become a memory.

Why is the team not standing firm on this? The triangle should be saved. I hope the paper reports who was willing to sell out.

There has been no problem with traffic flow or accidents in this area, and TDOT's plan to radically change only spends a lot of public money unnecessarily while destroying one of our premiere historic sites. The Governor has made "noise" about changing TDOT to make it more responsive to citizen input. This has not happened. When will TDOT actually pay attention to what people REALLY want and need, rather than what politicians and paving contractors want?

Sounds fishy to me. Why not? (Reference to flawed traffic data: TDOT says this does not change the need for the project or the need for 5-lanes on 127S.)

Save the historic triangle with the trees. These trees are original to the tract and add greatly to the authenticity of the historic setting. The Homesteads is too important to let fall to the whims of a few wanting personal gain.

I think a traffic light is all that is needed.

I would like to see no change

The Homesteads Community is protected by a national historical society's guidelines, is it not! To preserve this beautiful community and its attraction to tourists as well as locals, we must be careful of any changes which will affect it.

The desire to gain better access to our newest golf course might be better served by looking at maps of the Lake Tansi and some of the Pigeon Ridge Road side roads – even from south of the Historic Homestead District.

We must preserve our history – this is just too beautiful to destroy.

This is an unnecessary use of taxpayer funds for this project. If the state wants to spend money on roads, fix Lantana Rd. and Hwy 127-N north of I-40.

Definitely not (5-lanes needed)

Leave 68 as is – just widen 127 S. Leave triangle alone.

Read my lips – no new triangle! We are tired of this – you are not listening! You wouldn't do this in the middle of your neighborhood

Again and again we tell you folks, TOO MUCH ROAD, NOT ENOUGH CONCERN FOR HISTORY AND WANTS OF PEOPLE WHO LIVE HERE! DON'T DESTROY FOREVER OUR BEAUTIFUL COMMUNITY!

Widen roads that need it. Leave this historical jewel alone

Choose Alternate Route (By Pass)

Save the triangle

Save the Triangle & historic integrity of the Lower & School

I believe none of this is needed. Just leave the road & community alone

This current situation has worked for many years. Why fix something that isn't broken. The money would be better spent on the current Lantana Road or on 127-N which has a severe traffic problem. People living on the two roads take chances everyday just getting from home to 127N or the same on Lantana Road. Please reconsider this plan and use money for more roads that are necessary. Thank you.

Not really – at this time (project necessary)

Surely some plan can be devised to allow for road improvements to handle increase traffic without destroying a historically significant area. Hopefully we won't have to give up something that deserves preservation and call it progress.

Move 127 west than T on 68

Move 127 so it T's on 68 west of the triangle

Use the "D" modified by widen the ROW Hwy 68 a little & do away with the merge ramp on to 127. If there are plans to fence or guardrail this ramp it will be disrupting for businesses along this ROW. Pull ROW away from Fire Hall & save it.

Zoom through the rest of the world, but keep this Historic area as a scenic drive. Just like a state park. Think of Blue Ridge – slow.

Doesn't matter what I think.

We don't need 5 lanes 3 is sufficient. One lane going each way & one turn lane. It is ridiculous to have the people who have to turn left onto Deep Draw Rd. off of 68 to go out of their way to go home. Roadbed doesn't need to be made higher – this will be dangerous.

Waste of money to build this road. Traffic counts does not support this project. 127N of Crossville to I-40 is not even 5 lanes. Why build 5 lanes into a residential area? What happened to the promise to leave the triangle alone?

I think its need to be more historic sensitive. Need another meeting. I like the picture Vicke did with the Eldridge Hs.

The triangle and trees should be preserved. Destruction of any historical area is thoughtless. Let's not be remiss in protection of Homestead! TDOT needs to use common sense. The new data certainly does not support any of these proposals.

Have public hearing

Please reconsider this project! There are so many other highways across our country that need to be updated. Not only to save an historical district, but why tear up our community for the betterment of housing developments. We don't need sidewalks & streetlight that will only help people price their property higher. There are three new developments on 127. I feel this highway project is only to help those developments.

This intersection needs work – but it can be done in a way that does not destroy the historic setting. I don't believe five lanes are needed.

I think it works just fine as it is. I do not want to see our historical setting disturbed. There are other parts of the county that need this attention such as Lantana Road & 127N. The 127 & 68 split works just fine. Thank you

No control access fence. No removal of Fire Hall. Replanting of trees along roadway. All slopes be at grades that can be mowed with Commercial mowers. Traffic Light be state property & maintained.

Keep all of the triangle! The least disturbance in the tower vicinity is best. How massive does this project have to be?

The triangle should be preserved. Proposed fence would limit access for property owners. Need to save fire hall. An idea to turn General Store into a Visitor's Center & museum and move Eldridge house to area sounds great. Would add value to Homestead Tower

At the announcement of the UT Review results, Com'r Nicely promised that the triangle would be saved and that 127S from the triangle to the state park would not be widened. The historic district should have better preservation. There is no need for all the turn lanes through the triangle. TDOT should work to mitigate the harmful effects of the road project on the historic district by building up the triangle and areas opposite it – on the north and the Tower for an impressive entrance to the Homesteads.

Thank you for working to improve the design at the intersection. It is important that the team first make changes needed to save the triangle including the trees, before any plan moves into the aesthetics stage. Horizontal and vertical alignments must be right first. Careful attention to details such as pavement widths, storm water discharge, elevations of pavement resculpting of the historic landscape will all be critical to the final look of the road. Planting a few trees will not be enough to correct mistakes on the design. It is your duty as representatives of the community and as stewards of a national historic treasure to stay the course until the design is right. (CRT Member)

It's funny that 5 lanes on 127 stops approx. at the golf course. Reckon our state wheels could get there quicker. Looks like you people are hell bent on destroying the triangle. What will you gain?

Take your time and make sure you are asking TDOT to do the correct thing. Be sure you are helping to steer their direction, not vice-versa.

Cumberland Homesteads Tower Association, Inc.

96 Highway 68
Crossville, TN 38555

Phone
(931) 456-9663

Hwys.
68 & 127

To: Ann Andrews
TDOT
fax no. 615-741-9673

from: Helen Dorman
President, CHTA

Cumberland Homesteads Tower Association, Inc.96 Highway 68
Crossville, TN 38555Phone
(931) 456-9663Hwys.
68 & 127

March 30, 2005

Ms Ann Andrews
State of Tennessee DOT
Suite 600, James K. Polk Bldg
Nashville TN 37243

Re: US 127S @ 5268

Dear Ann,

Please accept this as a vote against either
alternate D or D modified as presented to the Preserve
Team at our last meeting.

Because the Homesteads Community is losing
not only our original Triangle but also our
fire hall and part of the school campus. It could
never be for either plan.

As this is the heart of our Historic Community
and the only one still intact on behalf of Cumberland
Homesteads Tower Association, I respectfully ask
that you please give no more time to make a
final decision.

Please include this in your report

Sincerely,

Helen Darnen, President
CHTA

R. Doug Little
385 Florida Avenue
Crossville, TN 38572

FOR THE RECORD

March 18, 2005

Ms. Ann Andrews, Project Manager
State of Tennessee
Department of Transportation
Project Management Office
Suite 600, James K. Polk Building
Nashville, Tennessee 37243

Subject: Highway 127/68 Intersection Project
Citizens Resource Team (CRT) Recommendation

Dear Ms. Andrews:

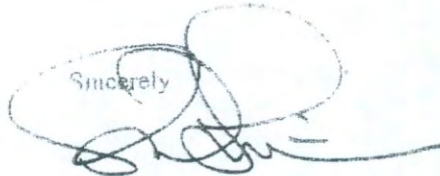
Yesterday we as a team made our recommendation to you (TDOT) relative to the subject highway project. After a year of meetings with you and our constituents, we (CRT), made our recommendation to approve the "Alternate D-Modified" concept as presented. I signed the recommendation with stipulations that I am including in this letter for the record.

- "Alternate D", I am satisfied is the safest, cheapest, not as harsh to the public and environment, and will provide the best solution to the "triangle" concern.
- In addition I do not believe the inclusion of the Eldridge House relocation should be part of this project. As someone submitted in yesterdays meeting the relocation could be financed through a grant or other program more suited for that type of project

I was glad to be a part of this planning effort and would like to thank TDOT, Palmer Engineering and fellow team members and citizens for their participation. I hope this process "catches on" and becomes standard in all TDOT projects. As we all should now be aware the community involvement in planning and design benefits all

Thank you for the opportunity

Sincerely



R. Doug Little, Team Member

✓ Cc: Homestead United Methodist Church

Tennessee Department of Transportation
Ann Andrews, Project Manager
Project Management Office
Suite 600, James K. Polk Building
Nashville, TN 37243

March 30, 2005

Dissenting Opinion

Dear Ms. Andrews,

As a member of the Highway 127S Citizens Resource Team, I could not support the recommendation for Alternate D Modified on March 17, 2005 for the following reasons:

- 1) Important details of the plan were unavailable to the Citizens Resource Team:
 - a) site specific elevation drawings or models
 - b) site specific cross section diagrams
 - c) site specific storm water conveyance information
- 2) Unanswered questions about:
 - a) alternate designs submitted that were never vetted
 - b) reduction of travel lane/shoulder widths
 - c) restricted right-of-ways to protect adjoining properties (avoid taking fire hall, school campus, commercial buildings and all trees in triangle)
 - d) alternative means to maintain desired level of service, i.e. design speed adjustments
 - e) alternative sidewalk/walking path treatments and their effects on drainage and required slopes
 - f) retaining walls to reduce right-of-way
 - g) sight distance concerns
 - h) utilities
 - i) control access fencing exceptions
 - j) possibility of converting project to 3-R project or enhancement project
- 3) Public does not support plan.
 - a) 100% surveyed said they would prefer to see better preservation of the historic setting.
 - b) 100% surveyed said they would prefer to see alternate plans that leave the triangle intact.

In conclusion; The 127S Citizens Resource Team, TDOT and the consultants are moving in the right direction but the Alternate D Modified plan has yet to meet the goals set by the CRT and Commissioner Nicely's public announcement in 2003 of saving the historic triangle setting. I am pleased that the CRT recommended a continued effort to discuss alternatives that will further reduce negative impacts at the intersection. I remain committed to work with the team to achieve our stated goals. In addition to efforts to minimize the damage that would be caused by Alternative D Modified, I urge serious consideration of additional alternative design options that would save the existing triangle school campus community fire hall and the commercial buildings on the north side of the triangle. I respectfully suggest that the team explore flexibilities currently available within AASHTO guidelines that better meet our goals. This intersection is too important historically and to the community to simply try to force-fit aesthetic design treatments as add-ons to the project to "pretty-up" a design that is unacceptable.

I request that this letter of dissent accompany the recommendation document of Alternate D Modified by the 127S Citizens Resource Team to Commissioner Gerald Nicely.

Sincerely,

Patrick Matthews
Cumberland Homesteads Tower Association
127S Highway Committee Chair