

February 8, 2008

Mr. Roberto Fonseca-Martinez  
Attention: Mr. John Simkins  
Federal Highway Administration – Virginia Division  
400 North, 8<sup>th</sup> Street  
Suite 750  
Richmond, Virginia 23219-4825

**RE: Written Re-evaluation  
Coalfields Expressway (CFX)  
Section III (A), Hawks Nest  
State Project Numbers: R000-961-101, PE101 (14810)  
0121-961-101, PE101 (64145)  
0121-013-772, PE101 (85126)**

Dear Mr. Fonseca-Martinez:

The Federal Highway Administration (FHWA) – Virginia Division signed the Final Environmental Impact Statement (FEIS) prepared by the Virginia Department of Transportation (VDOT) for the Coalfields Expressway (CFX) project on September 12, 2001. The FEIS evaluated a project window from U.S. Route 23 near Pound, Virginia to the West Virginia State line, east of Slate, Virginia (See Exhibit 1). Since that time, changes have been proposed and FHWA requested the Department prepare a written re-evaluation to determine the significance of the new impacts resulting from the proposed changes. This re-evaluation examines proposed changes for construction of an approximate 2 mile section of CFX that includes Segments 204 and 239 of the FEIS. This section extends from the approved Route 460 Connector alignment to State Route 614 in Buchanan County and is referred to as Hawks Nest (See Exhibit 2 and 3).

The Hawks Nest project connects logical termini via the approved Route 460 Connector alignment to the north and State Route 614 to the east. This 2 mile section is of sufficient length to address environmental matters on a broad scope; in addition, the Hawks Nest project will provide a serviceable facility regardless of whether or not future CFX sections are constructed. The proposed roadway would provide a connection to the Virginia and Kentucky Route 460 projects and State Route 614. The FHWA concurred

with the preparation of a written re-evaluation for the Hawks Nest project with termini from the approved Route 460 Connector alignment to State Route 614 on December 26, 2007.

The changes proposed for the 2 mile section include modifications to the corridor location, increase in design speed, and changes to fill slope geometrics. These changes resulted in a slight deviation of the proposed alignment from the selected Alternative F1 corridor (See Exhibit 3). The re-evaluation examines these modifications and identifies environmental impacts associated with the project that have changed since the approval of the FEIS.

## **PROJECT HISTORY**

The CFX is a planned four-lane, multi-state, limited access facility on new alignment. As proposed, it will extend 116 miles from Pound, Virginia, east to Beckley, West Virginia. The FHWA – West Virginia Division signed the FEIS for West Virginia’s portion of the CFX in November 1999 and issued a Record of Decision (ROD) on January 12, 2000. The FEIS for Virginia’s portion was signed on September 12, 2001 and a ROD issued on November 13, 2001. The FHWA – Virginia Division selected Alternative F1 as the preferred corridor in their November 2001 ROD.

In Virginia, the CFX will extend approximately 50 miles, from U.S. Route 23 near Pound, Virginia, to the West Virginia State line, east of Slate, Virginia. This facility will improve access into and through, Buchanan, Dickenson, and Wise Counties, an area of Southwest Virginia historically known for its coal mining.

In 1999, the Virginia General Assembly passed three resolutions in support of CFX and then in August 2000, Virginia’s Commonwealth Transportation Board adopted Alternative F1 as the preferred alignment. The CFX will provide a safe, modern, and efficient highway through Southwest Virginia and is also expected to stimulate the economy for a region experiencing high unemployment and a declining population. It is expected that the entire multi-state Appalachian region should see an increase in commerce and tourism as a result of the CFX. The new road will link Interstates 64 and 77 in West Virginia with interstates in Kentucky and Tennessee via U.S. Route 23. Also, the CFX will provide a link with Virginia’s Route 460 Connector and Kentucky’s Route 460 projects.

Under provisions of Virginia’s Public-Private Transportation Act (PPTA), VDOT entered into a comprehensive agreement in January 2002 with Brown & Root Services (KBR), to design and build the CFX as a public-private partnership. KBR completed preliminary design and engineering for CFX Section A in 2005. In June of 2005, FHWA rescinded its further support of VDOT’s SEP-14 Work Plan to advance the project under the PPTA contract with KBR.

In December 2005, VDOT, along with its private sector partner KBR, moved to advance the CFX project with Alpha Natural Resources, LLC (Alpha) and Pioneer Group, Inc. (Pioneer),

two coal companies from southwestern Virginia. In January 2006, Alpha and Pioneer entered into an agreement with VDOT to assume KBR's obligations to further develop the CFX. Under the January 2006 assignment, Alpha and Pioneer would coordinate with VDOT to develop concepts and negotiate an agreement to advance the project utilizing a similar process as recently approved by FHWA on the King Coal Highway which extends approximately 93 miles from Williamson, West Virginia to Bluefield, West Virginia.

In January 2007, Alpha, Pioneer, and VDOT entered into a First Amendment to the Assignment and Assumption Agreement for preliminary development activities to explore the feasibility of using revenue from marketable coal reserves to offset total cost of the CFX. Over the course of 2007, VDOT received three deliverables from Alpha and Pioneer in accordance with the First Amendment. Those deliverables contained data and information pertaining to: proposed horizontal and vertical alignments; approximate construction limits; approximate drainage limits; approximate erosion and sediment control structure limits; and approximate proposed right-of-way limits.

## **HAWKS NEST PROPOSAL**

In December 2007, the VDOT received a draft proposal from Alpha to construct an approximate 2 mile section of CFX to subgrade in association with their Hawks Nest Surface Mine operation. Alpha's proposal presents a noted cost savings to VDOT by taking advantage of a current and proposed mining operation previously authorized by the Virginia Division of Mined Land Reclamation (VDMLR) and the U.S. Army Corp of Engineers (USACE). Alpha proposes to secure a Post Mining Land Use (PMLU) change to their existing VDMLR permit to allow for construction of the CFX roadway bench instead of reclaiming the mined area to approximate original contours (AOC). It is important to note that regardless of whether or not VDOT accepts the proposal, the environment within the Hawks Nest area will be impacted by the previously authorized surface mine operation.

## **PROJECT DESCRIPTION**

For the purposes of this re-evaluation, the VDOT studied changes in environmental impacts for the CFX Hawks Nest project from the Route 460 Connector to State Route 614 in Buchanan County. The Hawks Nest project lies predominately within the Buchanan County Industrial Access Connector (BCIAC) of the selected Alternative F1 (See Exhibit 2). The BCIAC is comprised of Segments 204F1, 239, and 237 in the FEIS; specifically, the Hawks Nest project corresponds to Segments 204 and 239.

The western terminus of Hawks Nest corresponds to Segment 204 and in association with Segment F1 connects to the approved Route 460 Connector location to the north. The eastern terminus corresponds to Segment 239 and connects to State Route 614 in Buchanan County. The VDOT proposes to construct a 150 feet wide roadway bench to subgrade based upon a 60 miles per hour design speed with 2.3:1 fill slopes and 1:1 cut slopes. Subsequent to the subgrade construction of the roadway bench; the VDOT will complete the roadway with finish-grade work, base-stone, paving, striping, and guardrail to provide a serviceable facility.

## **PROJECT CHANGES**

The Hawks Nest written re-evaluation focuses on the changes in the project, its surroundings and impacts, and any new issues identified since the final EIS was approved. The changes warranting this re-evaluation are as listed below.

- **Changes to Corridor Location**

The Hawks Nest corridor location differs slightly from the selected Alternative F1 in order to realize a coal-synergy opportunity of an existing mining operation and to realize a significant reduction in the cost to construct this CFX section.
- **Increase in Design Speed**

The design speed was 50 miles per hour in the FEIS; however, as the project preliminary design developed after the FEIS there was a desire by VDOT, FHWA and the Appalachian Regional Commission (ARC) to match the design speed used to develop the CFX in Virginia to the 60 miles per hour design speed used for US Route 460 in Kentucky and the CFX in West Virginia. A design speed of 60 miles per hour would allow the facility to be posted at 55 miles per hour. This design change creates a larger curve radius and a larger construction footprint.
- **Changes to Fill Slope Geometrics**

Fill slope requirements were decreased from a 1.5:1 maximum slope to a 2.3:1 maximum slope for the Hawks Nest project. The fill slopes were decreased based upon the maximum slope possibly required to provide adequate roadway stability in the project area absent detailed geotechnical data. The result of this design change creates initially a larger construction footprint; however, final roadway design will incorporate the findings of a geotechnical investigation and VDOT anticipates that the fill slope design can be steepened in order to minimize right-of-way impacts.
- **Changes in Corridor Width**

The environmental analysis for the FEIS was based upon a uniform corridor width of 750 feet and assumed all construction activities would occur within that area; however, the VDOT proposal to construct Hawks Nest is based upon a higher level of design detail than what was available for the FEIS. This re-evaluation is based upon projected right-of-way limits minimally necessary to maintain the roadway including cut/fill slope limits which exceed the original corridor width in some instances (See Exhibit 3).

The NEPA Re-evaluation Form (EQ-203) documents the environmental studies conducted and summarizes the changes that have occurred in the project. The EQ-203 form is attached as Exhibit 4.

## CONCLUSION

The VDOT evaluated the environmental impacts associated with the CFX, Section III (A), Hawks Nest project and determined the design changes will result in no additional significant impacts. The Department recommends no supplement to the EIS is necessary.

Please contact me with any questions you might have regarding this information.

Sincerely,

Doris K. Bush  
Bristol District Environmental Manager

Exhibits

DB/gby

CC: Mr. Earl Robb  
Mr. Jim Givens  
Mr. Jeff Powell, P.E.

FHWA concurs with the findings of this written re-evaluation.

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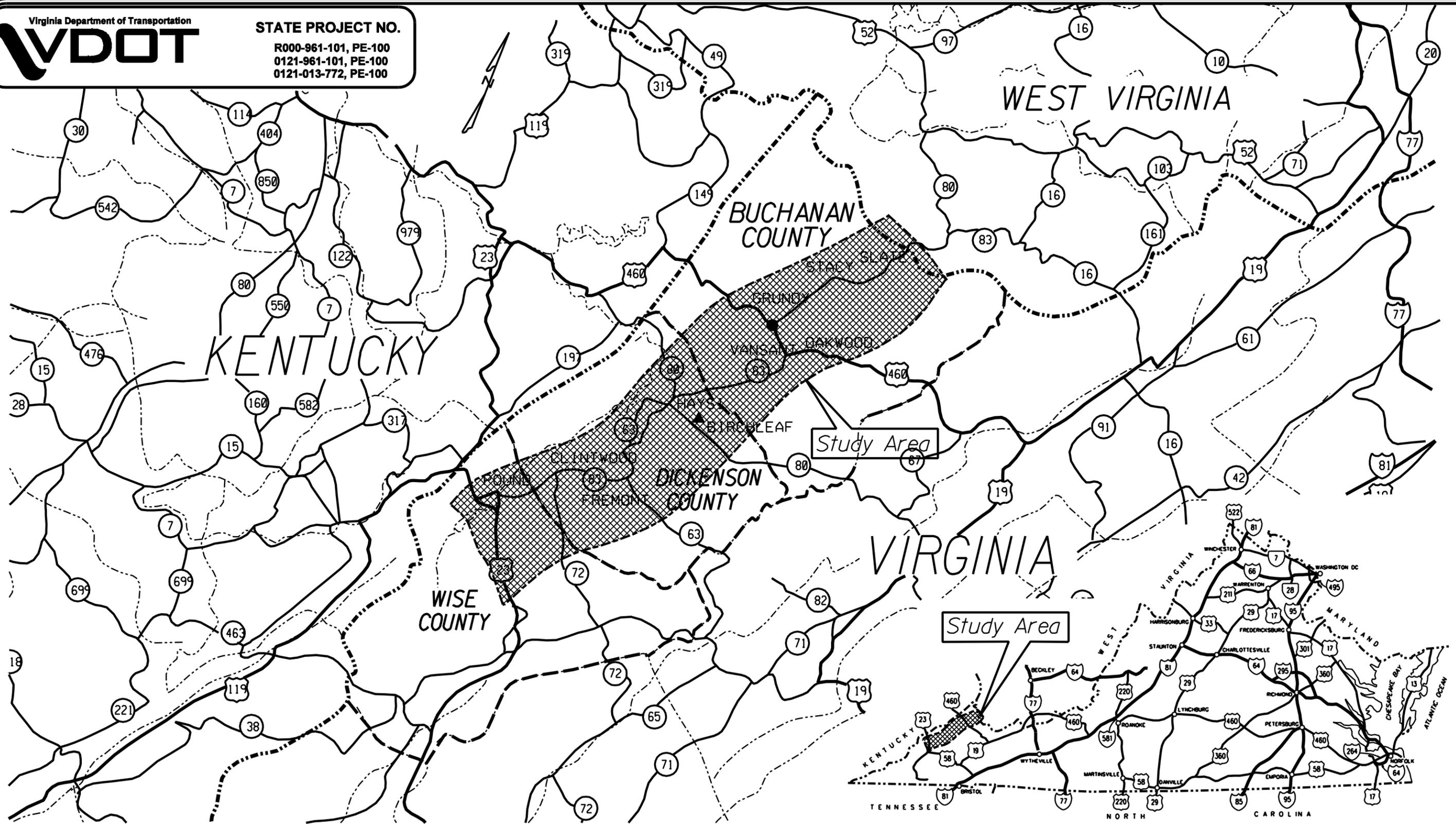
Date

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FHWA Division Administrator

# **EXHIBITS**





**LEGEND**

- PROJECT STUDY AREA
- STATE LINE
- COUNTY LINE
- ⬡ US HIGHWAY
- STATE ROAD
- ▲ PROPOSED HAYSI DAM LOCATION
- PROPOSED GRUNDY FLOOD CONTROL PROJECT



*Project Vicinity*

EXHIBIT 1

*Coalfields Expressway*

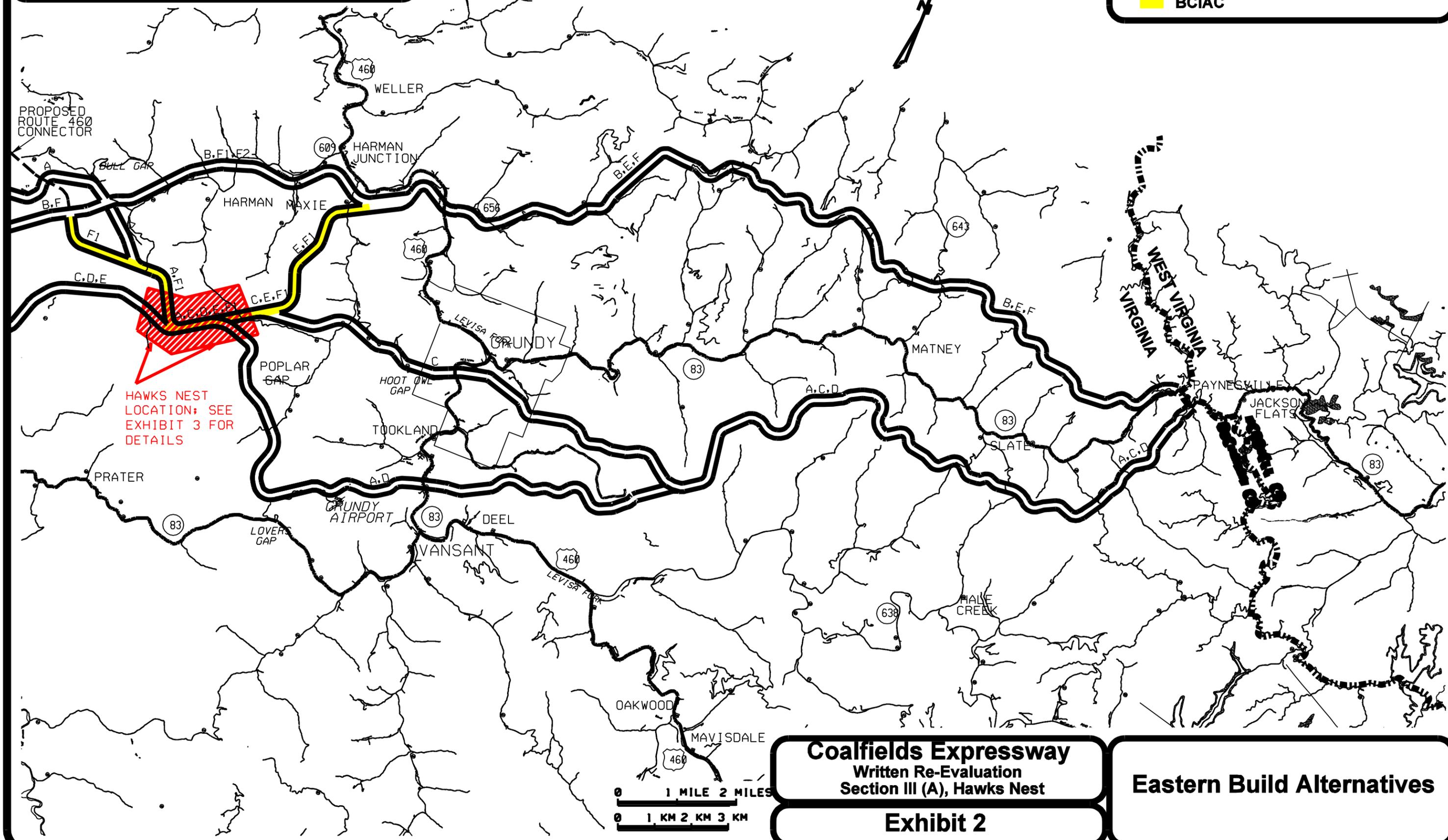
*Written Re-Evaluation  
 Section III (A), Hawks Nest*



STATE PROJECT NO.  
 R000-961-101, PE-100  
 0121-961-101, PE-100  
 0121-013-772, PE-100

**Legend**

-  CONNECTOR ROADS
-  BCIAC

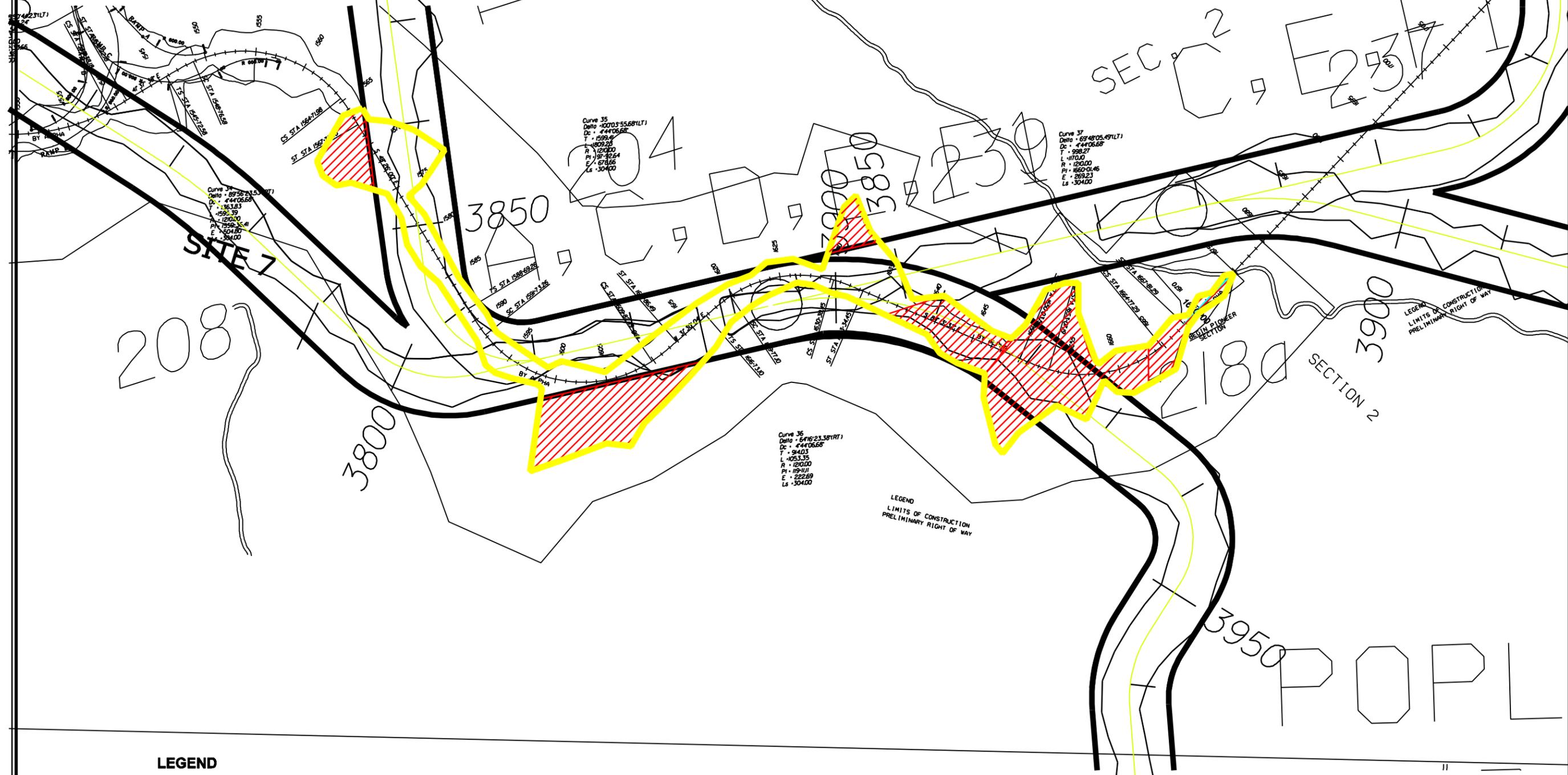


**Coalfields Expressway**  
 Written Re-Evaluation  
 Section III (A), Hawks Nest  
**Exhibit 2**

**Eastern Build Alternatives**



STATE PROJECT NO.  
 R000-961-101, PE-100  
 0121-961-101, PE-100  
 0121-013-772, PE-100



**LEGEND**

Study Areas

Hawks Nest Project

Hawks Nest Details

EXHIBIT 3

Coalfields Expressway  
 Written Re-Evaluation  
 Section III (A), Hawks Nest

## EXHIBIT 4

### Reevaluation: Coalfields Expressway, Section III (A), Hawks Nest

#### Issues Evaluation Checklist

Issue or Area of Concern	New Resources Present	Method of Review	Have the Impacts Changed	Comment
<b>Transportation</b>				
Traffic Volumes/Patterns/Time	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	VDOT Transportation & Mobility Planning staff updated ADT to reflect a proposed Design Year of 2030	No	The 2030 Design Year traffic was projected to be 12,800 ADT reflecting a 0.008% increase in traffic as compared to the 2025 Design Year traffic. This minimal increase is anticipated to have no significant impact on the environment.
Public Transportation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A			
Highways	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A			
Transportation Plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A			
Freight	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A			

<b>Land Use</b>				
Land Use Conversion	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing mine permit and on-site field review.	No	Due to the extreme topography, the study area has remained rural, consisting mostly of undeveloped forestland. A major purpose of this project is to aid the economic development efforts of the localities in the project area. The findings are consistent with the FEIS and there is no change.
Development	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A			
Consistent with Area's Comprehensive Plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Recent VDOT staff discussions with Local Planning Authority	No	Local Planning Authorities endorsed the Coalfields Expressway project and incorporated it into their comprehensive plans for economic development.
<b>Populations &amp; Services</b>				
Populations	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff comparison of FEIS with recent population data	No	Buchanan County populations continue to report declines.
Emergency Services	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	

<b>Relocation Impacts</b>				
Potential Relocations	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Alpha letter of current right-of-way status and VDOT R/W Division report dated 1/14/08	No	There are no relocations within the Hawks Nest project and is consistent with the FEIS for these segments (204 and 239). There is no change.
Environmental Justice Populations	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Alpha letter of current right-of-way status and VDOT R/W Division report dated 1/14/08	No	There are no relocations within the Hawks Nest project and is consistent with the FEIS for these segments (204 and 239). There is no change.

## Economic Impacts

Business Relocations	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Alpha letter of current right-of-way status and VDOT R/W Division report dated 1/14/08	No	There are no relocations within the Hawks Nest project and is consistent with the FEIS for these segments (204 and 239).
Construction & Operations Employment	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of local unemployment rates.	No	Positive impacts resulting from increase in need for equipment operators.
<b>Visual &amp; Aesthetics</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing mine permits, orthophotographs and on-site field review	No	The Hawks Nest project is consistent with the findings of the FEIS and there is no change.

<b>Farmlands</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing mine permit and resource agency data supported by on-site field review.	No	The steeply sloping topography limits the use of land in the project area for farming. As discussed in the FEIS, the NRCS reviewed the study area and determined that it did not contain prime farmlands. Also, there are no Agricultural or Forestal Districts located in the Hawks Nest project area.
<b>Noise &amp; Vibration</b>				
Noise Criteria	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT updated Noise Impact Analysis Technical Report, dated January 2008	Yes	No sites are predicted to be noise impacted as a result of approaching or exceeding the Noise Abatement Criteria (NAC) under the build condition; however, two single family dwellings (R6 and R7) are predicted to experience impact as a result of exceeding the substantial increase criteria, due to their proximity to the build roadway (See Exhibit 5). The option of placing a barrier along the Hawks Nest mainline near its intersection with State Route 614 will be explored during the final design stages.
Existing Noise Conditions	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT updated Noise Impact Analysis Technical Report, dated January 2008	No	No change predicted.

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<b>Air Quality</b>				
Existing Conditions	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT updated Air Quality Analysis report dated January 2008	No	Proposed project will not cause or contribute to a violation of national ambient air quality standards as established by the US Environmental Protection Agency
Regional Compliance with the PM Standards	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT updated Air Quality Analysis report dated January 2008	No	Since this project is located in an attainment area for PM Standards, regional and project level conformity requirements do not apply
Regional Compliance with the Ozone Standards	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT updated Air Quality Analysis report dated January 2008	No	Since this project is located in an attainment area for ozone, regional and project level conformity requirements do not apply

Air Toxic Analysis	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT updated Air Quality Analysis report dated January 2008	No	Project not expected to be a major source of air pollution.

**Ecosystems**

Native Wildlife	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of the FEIS, existing mine permit, and DGIF List of Native Fauna	No	The Hawks Nest project is consistent with the findings of the FEIS and there is no change.
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Existing Vegetation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of existing mine permit, USGS quadrangle maps, orthophotographs and on-site field review	Yes	The alignment modifications will impact approximately 53 acres of different forestland that were not evaluated in the FEIS. The majority of the additional forest land impacts are associated with the head of hollow fills needed to support the roadbed and are located within the permitted surface mine. The impacts associated with these fills will be temporary in nature due to the re-vegetation requirements of the Coal Surface Mining Regulations. Due to the temporary nature of the impact and the fact that the project area is predominantly forested, these impacts should not create a significant impact to wildlife populations or affect the area's forested resources.
Rare, Threatened & Endangered Species	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of natural resource agency databases and existing mine permit T/E clearances	No	The active mining operation was coordinated with DEQ, DGIF, and US Fish and Wildlife Service (FWS) prior to obtaining authorization to begin mining activities. In order to supplement the threatened and endangered (T&E) species clearance associated with the mine permitting process, VDOT conducted a search within a 2 mile radius of the Hawks Nest project area of the DGIF Wildlife Information and Mapping Service and the DCR – Natural Heritage Resources databases. The search reported no T&E species within the project area.

<p>Critical Habitat</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>VDOT staff review of natural resource agency databases and existing mine permit T/E clearances</p>	<p>No</p>	<p>There is no critical habitat within the Hawks Nest project area.</p>
<p>Wildlife and Waterfowl Refuges</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>VDOT staff review of the FEIS and natural resource agency databases</p>	<p>No</p>	<p>There are no wildlife or waterfowl refuges within the Hawks Nest project area.</p>

## Water Resources

Surface Waters	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>VDOT staff conducted a comprehensive review of existing Section 404 Permits from the U.S. Army Corps of Engineers and on-site field review.</p>	Yes	<p>The FEIS documented 0.9 mile of stream impacts for Segments 204 and 239. These impacts were determined based on topographic map reviews rather than field observations. An evaluation of the existing Section 404 permits has established a total of 0.63 mile of stream impacts for head of hollow fills within the proposed Hawks Nest right-of-way footprint. The impacts associated with these fills will occur even if VDOT does not accept the proposal because they are needed for placement of excess material generated from the surface mining operation. Since these impacts are associated with an approved surface mining operation, all impacts to waters of the US and mitigation for the impacts are authorized by the US Army Corps of Engineers under a Nationwide 21 Permit, No. 04-K0014. Therefore, no additional surface water impacts will occur as a result of a PMLU change to allow construction of the roadbed.</p>
Dredging Requirements	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Public Water Supply	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<p>VDOT staff review of FEIS</p>	No	<p>None reported within the project area.</p>

## Aquatic Resources

Fish	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, existing mine permits, and natural resource agency databases	No	The findings are consistent with the FEIS and there is no change.
Submerged Aquatic Vegetation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, existing mine permits, and natural resource agency databases	No	The findings are consistent with the FEIS and there is no change.
Benthos	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, existing mine permits, and natural resource databases	No	The findings are consistent with the FEIS and there is no change.
Other Flora and Fauna	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, existing mine permits, and natural resource databases	No	The findings are consistent with the FEIS and there is no change.

<b>Floodplains</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, new orthophotographs , and FEMA FIRM maps	No	The Hawks Nest project is not located within the 100-year floodplain.
<b>Wetlands</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, new orthophotographs , and existing mine permits	No	There will be no wetland impacts resulting from the Hawks Nest project.
<b>Energy</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of the FEIS	No	The findings are consistent with the FEIS and there is no change.
<b>Hazardous Waste Sites</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, existing mine permits, and updated Hazmat staff report	No	The VDOT Hazmat staff conducted a database search for listed CERCLIS, RCRIS, and ERNS sites. Based upon their review of reported information, there is minimal potential for hazardous materials sites within the project area. Potential hazardous materials concerns associated with surface mine operations are regulated by DMME and addressed in the existing VDMLR permit.

<b>Coastal Barriers &amp; Coastal Zone</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Review of FEIS and new orthophotographs	No	
<b>Public Parklands</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, new orthophotographs, and CEDAR GIS Integrator	No	There are no public parks located within the Hawks Nest project area.

## Historic & Archaeological Resources

Architectural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT Cultural Resource staff review of existing mine permit documentation and updated effect determination with DHR coordination	No	The Hawks Nest project will have no-effect on historic properties and does not alter the existing effect determination for the overall CFX project dating back to 2001. DHR concurrence January 16, 2008.
Terrestrial Archaeological Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT Cultural Resource staff review of existing mine permit documentation and updated effect determination with DHR coordination	No	The Hawks Nest project will have no-effect on historic properties and does not alter the existing effect determination for the overall CFX project dating back to 2001. DHR concurrence January 16, 2008.
Underwater Cultural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	

## Secondary & Cumulative Impacts

Socioeconomic Impacts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS	No	The Hawks Nest project is consistent with the findings of the FEIS and there is no change.
Natural Resource Impacts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS	No	The Hawks Nest project is consistent with the findings of the FEIS and there is no change.

## Construction Impacts

Air Quality	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT updated Air Quality Analysis report dated January 2008	No	Temporary impacts for construction.
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Noise	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT updated Noise Impact Analysis Technical Report, Dated January 2008	No	Construction activities may cause fluctuations in noise levels. During the construction phase of the project, all reasonable measures will be taken to minimize noise impacts from these activities and will be in accordance with VDOT's Road & Bridge Specifications.
Water Quality	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing Section 404 Permits from the U.S. Army Corps of Engineers and on-site field review.	No	As discussed previously, there will be no net increase in surface water impacts resulting from the Hawks Nest project. Surface water impacts associated with the mining permit will be utilized for the road construction.
Maintenance & Control of Traffic	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS and Hawks Nest proposal	No	Traffic control measures, if required, will be in accordance with the manual on Uniform Traffic Control and Virginia's Work Area Protection Manual.
Health & Safety	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS and Hawks Nest proposal	No	Health and Safety compliance will conform to the requirements of DMME during construction of the roadbed. VDOT will comply with applicable federal, state, and local laws when completing the roadway to a serviceable facility.

Pollution Control	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS and Hawks Nest proposal	No	The project will comply with applicable federal, state, and local laws.
<b>Section 4(f) Evaluation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, new orthophotographs , and CEDAR GIS Integrator	No	There are no public parks, recreational areas, wildlife or waterfowl refuges or Section 106 resources within the Hawks Nest project area.

## Permits

Compliance with E.O. 11990	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing Section 404 Permits from the U.S. Army Corps of Engineers and on-site field review.	No	There will be no wetland impacts resulting from the Hawks Nest project.
Section 404 Permits	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing Section 404 Permits from the U.S. Army Corps of Engineers and on-site field review.	No	As discussed previously, there will be no net increase in WOUS impacts resulting from the Hawks Nest project. Project activities are authorized by the US Army Corps of Engineers under a Nationwide Permit #21 (04-K0014) and solely associated with the mining operation.

Section 10 Permits	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Virginia Water Protection Permit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing Section 404 Permits from the U.S. Army Corps of Engineers and on-site field review.	No	Section 401 certification is provided by the DEQ for the Nationwide Permit #21.
Subaqueous Bed Permit	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Coast Guard Permit	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Compliance with the ESA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of natural resource agency databases and existing mine permit T/E clearances	No	As previously discussed, existing mining permits provided T/E coordination and clearance with no T/E species within the project area. VDOT's review of natural resource agencies databases confirmed no T/E species within a 2-mile radius of the project area.
Compliance with Section 106 of the NHPA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT Cultural Resource staff review of existing mine permit documentation and updated effect determination with DHR coordination	No	The Hawks Nest project will have no-effect on historic properties and does not alter the existing effect determination for the overall CFX project dating back to 2001. DHR concurrence January 16, 2008.

Compliance with Section 4(f) of the 1966 DOT Act	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff reviewed the FEIS, existing mine permits, databases, and conducted field reviews	No	There are no public parks, recreational areas, wildlife or waterfowl refuges or Section 106 resources within the Hawks Nest project area.
Compliance with E.O. 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Alpha letter of current right-of-way status and VDOT R/W Division report dated 1/14/08	No	There are no relocations within the Hawks Nest project and is consistent with the FEIS for these segments (204 and 239).
Consistency with CZMA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Compliance with E.O. 11988	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff review of FEIS, new orthophotographs , and FEMA FIRM maps	No	The Hawks Nest project is not located within the 100-year floodplain.

Compliance with FPPA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing mine permit and resource agency data supported by on-site field review.	No	The steeply sloping topography limits the use of land in the project area for farming. As discussed in the FEIS, the NRCS reviewed the study area and determined that it did not contain prime farmlands. Also, there are no Agricultural or Forestal Districts located in the Hawks Nest project area.
Compliance with E&S Laws	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing mine permits	No	ESC compliance is a component of the existing mining permit for Hawks Nest and enforced by DMME. The PMLU change and associated mine permit revision will incorporate ESC measures for the roadbed construction. VDOT will comply with DCR's ESC laws and regulations, VDOT's Annual Submittal, and VDOT's Erosion and Sediment Control & Stormwater Management Program Manual when completing the roadway to a serviceable facility.

Compliance with SWMA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	VDOT staff conducted a comprehensive review of existing mine permits	No	SWM compliance is component of the existing mining permit for Hawks Nest and enforced by DMME. The PMLU change and associated mine permit revision will incorporate SWM measures for the roadbed construction. VDOT will comply with Virginia's stormwater management laws and regulations and VDOT's Erosion and Sediment Control & Stormwater Management Program Manual when completing the roadway to a serviceable facility.

## Mitigation Measures

Relocations	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Farmlands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Noise	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		Yes	Two sites (R6 and R7) are predicted to experience impact as a result of exceeding the substantial increase criteria, due to their proximity to the build roadway. The option of placing a barrier along the Hawks Nest mainline near its intersection with State Route 614 will be explored during the final design stages.
Rare, Threatened & Endangered Species	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Floodplains	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Wetlands	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Water Quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Aquatic Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Hazardous Waste Sites	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Construction Impacts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Air Quality	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Maintenance & Control of Traffic			No	
Health & Safety	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	
Pollution Control	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		No	

The Federal Highway Administration concurs with the Virginia Department of Transportation's opinion that: because there have been no changes to the proposed project and because there is no new information or circumstances relative to environmental concerns that would result in significant environmental impacts not already evaluated in the FEIS, additional NEPA documentation is not needed.



# Exhibit 5

Noise Sensitive Study Sites  
CFX Section III (A), Hawks Nest

