The 2000 Settlement Agreement (SA) required that WVDOH and FHWA evaluate a reasonable range of alternatives including at least one new alternative that avoided the Blackwater Industrial Complex Archaeological and Historic District as well as the 1996 Original Preferred Alternative (OPA) in a Supplemental EIS.

For the 2003 Supplemental Draft EIS, WVDOH developed 11 avoidance alternative alignments, and carried forward the five (5) northern alternatives shown in this figure, 1D East, 1D West, 1E East, 1E West, and 1G. Alternative 2 was also developed as an alternative to the OPA to avoid known populations of WV northern flying squirrel.

After consideration of comments from the SA established Community Advisory Group and the resource agencies, WVDOH created a Revised OPA (ROPA) by adding a Truck Bypass, the Tucker County High School Connector, and a bifurcation at Middle Run.

The US Environmental Protection Agency (EPA) and US Fish and Wildlife Service concurred with the selection of the ROPA as the Preferred Alternative, and the Town Council of Davis passed a Resolution in favor of selecting the ROPA.

With the passage of the Davis Resolution, the SA allowed FHWA and WVDOH to discontinue consideration of the avoidance alternatives and proceed without preparing a Supplemental Final EIS (SFEIS). However, while WVDOH and FHWA opted to discontinue consideration of avoidance alternatives, they prepared the SFEIS in 2007 solely to: document the changes to the OPA that resulted in the ROPA; document selecting the ROPA as the Preferred Alternative; and complete the NEPA process.