

State Agencies/State Elected Officials

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Agency of Natural Resources

November 20, 2007

Kenneth Robie
Project Manager
Vermont Agency of Transportation
One National Life Drive, Drawer 33
Montpelier VT 05633-5001

Regarding: Agency of Natural Resources Comments on Draft Environmental Impact Statement
FHWA-VT-EIS-07-02-D Circ-Williston Transportation Project

By E-Mail, Hard Copy to Follow

Dear Mr. Robie:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Circ-Williston Transportation Project. The following comments are submitted on behalf of the Vermont Agency of Natural Resources.

Water Quality Division (Department of Environmental Conservation)

Overall the DEIS addresses previous issues raised by Aquatic Biologists with the Division regarding existing conditions of the streams.

Remaining issues are:

DEIS Appendices\Appendix H Geology Soils and Water Resources Technical Report Chapter 4

1-Toler Analysis results

As requested the tables summarizing the results table 4-23,25,27, now includes
1-an estimated, (or calculated from VTDEC data) background mean annual Chloride concentration.

2- the tolar analysis predicted increase in mean annual Chloride Concentration.

3- resulting mean annual Chloride concentration for each of the Alternatives = 1+2 above.





We are interested in why the values reported in the previous Dec 2006 Tech Tables 4-10,15,20 report for the Tolar Analysis are so dramatically different than that reported in the present DEIS, especially for the Unnamed Tributary of Muddy Brook. For example, In the previous report for the Unnamed Tributary of Muddy Brook the Tolar value Alternative 3 table 4-10 **was 41.9 mg/l**, in the present table 4-25 it is only **0.2mg/l**. We are interested in the discrepancy, and would like to know if the formula and values used in the Tolar analysis are available for each of the alternatives. This should certainly be addressed in more detail when the final alternative is selected.

The above analysis is a good way to predict a ballpark increase in baseflow concentration of Chloride. It would be desirable to predict what the concentration would be during a snowmelt runoff event in order to compare to the EPA acute criteria. This would be especially useful for the Unnamed Tributary of Muddy Brook where chloride is already above the chronic and near the acute.

3- Pollutant loading results - Simple Method

Loading results are reported as Net change in lbs/yr, and percent change from existing land use conditions. As with the Toler analysis for Chloride above, these values are not converted into a predicted instream concentration that can be compared to VT Water Quality standards that exist for Nitrate, and the metals Copper and Zinc. This would be a very useful in assessing the potential water quality impacts to the streams in question.

These issues should be addressed in the selection of the final alternative.

Wildlife resources -

One small technical point is misspelling of a mussel in the Winooski in Chapter 3, p 3-9 eastern elliptio scientific name is *Elliptio complanata* or *Elliptio* sp, not *Ellyptio* sp
DEIS Appendices\Appendix F Biological Resources Technical Report

River Management Comments (Department of Environmental Conservation)

In general, the policy of the Federal Highway Administration (FHWA) as listed by 23 CFR 650.101-117 is to meet the requirements of Federal Executive Order 11988 (44 CFR 9.1-18). Of particular concern for the River Management Program of the Vermont Department of Environmental Conservation is the need to document several FHWA policy requirements.

We understand that these issues will be addressed in the FEIS, depending on the selected alternative. We raise them now to identify the potential issues.



In particular:

1. 23 CFR 650.111.c: Location studies shall include discussion of the following items, commensurate with the significance of the risk or environmental impact, for all alternatives containing encroachments and for those actions which would support base flood-plain development...
 3. The support of probable incompatible flood-plain development
 4. The measures to minimize flood-plain impacts associated with the action, and
 5. The measures to restore and preserve the natural and beneficial flood-plain values impacted by the action.
- d. Location studies shall include evaluation and discussion of the practicability of alternatives to any significant encroachments or any support of incompatible flood-plain development

Within the DEIS Chapter 11 and Appendix H, the only proposed restoration mitigation measures that are listed are stormwater treatment design measures as outlined by the Vermont Stormwater Management Manual. Although the stormwater treatment design measures may help to reduce the amount of new runoff that will result from the increase in newly added impervious surface, there are no proposals on how to restore floodplain values that will be lost with any new encroachments into the floodplain.

In addition, there is no language in either Chapter 11 or Appendix H that discusses or evaluates the support of incompatible floodplain development. This evaluation is required, as outlined in 23 CFR 650.111.c.3 and 23 CFR 650.111.d.

Other concerns regarding the DEIS:

1. FEMA has mapped a regulatory Floodway on the Winooski River which is not delineated on figure 11.4-1 or 3-20. The Winooski River regulatory Floodway will need to be accurately delineated in order to determine if there will be any encroachment in the Floodway (resulting in the requirement of a CLOMR, see #3 below)
2. In areas located within the FEMA National Flood Insurance Program (NFIP) SFHA where a regulatory Floodway has been adopted, any proposed development will require a Hydrologic and Hydraulic analysis to demonstrate that there will not be any increase (0.00') in Base Flood Elevations (BFEs) as result of any new development within the FEMA regulatory Floodway. Development within a SFHA refers to any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
3. A Conditional Letter of Map Revision (CLOMR) will need to be issued by FEMA before the start of any construction located within a FEMA SFHA if it is found that: a) development located in areas within an adopted regulatory Floodway will increased BFEs by more than 0.00 feet, or b) if the delineation of any FEMA Special Flood Hazard Area would change due to the proposed activities. If a CLOMR is necessary, a Letter of Map Revision (LOMR) will need to be issued by FEMA at the completion of construction based upon the as-built conditions of the development located within the SFHA.
4. Information is needed regarding where FEH floodway encroachments occur and whether there is or is not existing infrastructure at that location. The River Management Program may look to have all stream crossings span both the FEMA and VANR Floodway to minimize the effects of development within the floodplain.



Wetlands Comments (Department of Environmental Conservation)

The Wetlands Program notes the discussion of wetlands impacts and mitigation at 11-59 et. seq. of the DEIS. The Program concurs that, depending on the selection of the Preferred Alternative, additional mitigation will be required. The Program (in conjunction with the Department of Fish and Wildlife, as noted below) requests the opportunity to work with VTrans to specify the amount and nature of mitigation that will be necessary for the Preferred Alternative.

Heritage Program Comments (Department of Fish and Wildlife)

- The discussion of impacts to rare plants and bryophytes is included in Section 11.8.3 under the heading of “Affected Environment”. Such a general heading makes it difficult (especially considering the size of the DEIS) to find this information. The Program suggests a heading such as Rare Species or Rare Plants.
- In Appendix F, the Biological Resourced Technical Report Section 4.6.5 Mitigation for Vegetation and Vegetative Communities the DEIS suggests that mitigation for the impacts to state rare plants and bryophytes will entail “transplanting the rough avens beyond the construction limits”. The Program suggests that this suggestion be changed to “may include, but not be limited to transplanting”, as it may be desirable to collect and plant seeds or collect and propagate seeds to transplant seedlings. Also there is no mention of mitigation for possible impacts to rare bryophytes.
- The Program notes that the 2nd bryophyte report submitted by Dorothy Allard in 2007 is neither referenced nor included in the DEIS. The initial report is included in Appendix K of Appendix F. In the second report Ms. Allard notes that 3 rare, bryophyte species were located only within the impact area of a widened Rte 2A bridge and were not located farther downstream. One of these species is not known from any other location in the northeastern U.S. or eastern Canada.
- The Program suggests that a recommendation be added concerning the need for mitigation for any state rare bryophytes that are impacted.

Division of Wildlife Concerns (Department of Fish and Wildlife)

The Department notes that the DEIS addresses the need to mitigate for impacted or lost wildlife functions. The evaluation of potential mitigation measures for wetlands should include consideration of the wildlife functions that the wetlands provide. Wetland restoration or creation of wetlands should strive to replace wildlife functions.

The Department notes that the DEIS addresses impacts to, or loss of breeding population, of wood frogs, and addresses possible mitigation.

For all wildlife impacts, including wetlands, the Department of Fish and Wildlife requests the opportunity to work with VTrans to address mitigation needs for impacts.



Thank you again for the opportunity to comment.

Yours very truly

Stephen B. Sease
Division of Regulatory Management and Act 250 Review

cc. Deputy Secretary John Sayles
Justin Johnson, Acting Commissioner, Department of Environmental Conservation
John Austin, Acting Wildlife Division Director
Steve Fiske, Aquatic Biologist
Alan Quackenbush, State Wetlands Coordinator
Rebecca Pfeiffer, River Management Program

From: Tom Connors [mailto:Tconnors@vhfa.org]
Sent: Thursday, October 04, 2007 12:47 PM
To: Robie, Ken
Subject: Circ Highway Comments I Vote YES

Dear Mr. Robie,

I understand you are accepting comments regarding the Circ Highway Project. Unfortunately, I don't have a lot of time to write a detailed email. However, I would like to express my concerns about the delay of the project. I would like to preface by saying that I consider myself an "environmentalist" in that I am concerned about the future of the environment and take a very active role in trying to clean it up or prevent future damage than we have already done. I have been on the Board of ReCycle North for many years and actively serve as Board Vice President. I am also a member of the Vermont Green Building Network. I personally try very hard to minimize the amount of material I dump in the landfill and recently bought a vehicle that increased my gas mileage by 10 miles per gallon.

Having said all that, it concerns me very much that we continue to build housing along what I would refer to as the Route 15 Corridor without having the proper infrastructure in place. The need for an adequate highway system grows every day and the number of new houses and neighborhoods continue to grow in areas like Essex, Jericho, Underhill, Cambridge, Westford, Jeffersonville, etc. Because housing is so expensive in towns closer to Burlington, people need to move farther away to be able to afford housing. However, they continue to work in or near Burlington. There are only a few ways to get to Burlington which causes traffic to continue to grow as a problem.

In order to support the Vermont economy and to support housing in the "suburbs" of Burlington, the Circ Highway really needs to be built. We have wasted a lot of money over-analyzing this problem. It's time to act.

Thanks for your consideration.

Tom Connors
Chief Financial Officer
Vermont Housing Finance Agency
(802) 652-3436
tconnors@vhfa.org

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DESIGN

House Appropriations
Room 42
pdhunt@leg.state.vt.us



Rep. Peter D. Hunt
38 Prospect Street
Essex Junction, VT.
1-802-878-8406

STATE OF VERMONT
HOUSE OF REPRESENTATIVES
115 STATE STREET
MONTPELIER, VT
05633-5201

Mr. Kenneth Robie
VTrans Project Manager
1 National Life Drive
Montpelier, Vermont 05633-5001

Dear Mr. Robie,

As a current Vermont State *Legislator*, past President of the Village of Essex Junction and a former Trustee of the Village of Essex Junction, I have been involved and followed the development of the Circ Highway for over twenty years. Therefore, I believe I bring a unique perspective to this project.

During the mid-1980's, when the original plan was developed and approved, there was considerable cooperation between the towns of Essex, Williston, Colchester, and the Village of Essex Junction. I can remember the talks with Williston, in particular, over cooperative efforts in regards to the development of the Taft's Corners area.

It was noted, at that time, that there would be a significant growth in traffic as the "Big Box" stores came on line but that studies had shown that this traffic would be handled by the proposed highway.

Well, as you know, we got the growth in traffic and the creation of thousands of jobs, but we didn't get the highway. As a result, the roads of Essex, Essex Junction, Colchester and Williston have become clogged with traffic that the highway was to solve.

The Five Corners area in Essex Junction has become an intolerable mess of mile long lines of standing traffic, often extending to Essex Center and Taft's Corners, which are in opposite directions.

I know that you have limited time to address these letters so I will cut to the chase.

After careful study of the recent Circ Highway study, it is evident that the only approach to correcting our current traffic situation is alternative 16a of the current DEIS study.

This route:

-most effectively handles the traffic that passes through our communities, unnecessarily.

-eliminates the long lines of standing traffic that pollute our air

-gets the big trucks off our local roads.

-stops the "cut through traffic" in our neighborhoods.

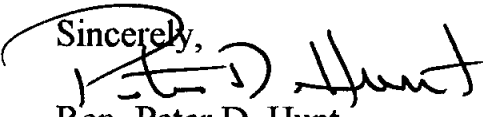
-provides the much needed crossing over the Winooski River.

-and once again, allows local traffic to freely move to our schools and businesses.

Therefore, I am recommending that 16a is the only alternative and that I will vehemently oppose any other alternative. While some of the alternatives provide bits and pieces of relief, none is as effective as alternative 16a

I sincerely appreciate your attention to this matter and I await your response

Sincerely,


Rep. Peter D. Hunt
Essex Junction

Cc: Sec. Lunderville



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DESIGN

**STATE OF VERMONT
HOUSE OF REPRESENTATIVES
115 STATE STREET
MONTPELIER, VT
05633-5201**

November 19, 2007

Mr. Kenneth Robie
VTrans Project Manager
1 National Life Drive
Montpelier, VT 05633-5001

Dear Mr. Robie,

On behalf of the members of the Vermont Legislature who represent the towns of Essex, Essex Junction and Colchester, I am writing to express our concern with the majority of the ten build alternatives presented in the Circ-Williston Draft Environmental Impact Statement.

Over the years, as we meet our constituents, the one over-arching request from the residents of our communities is completion of the Circ Highway in the footprint of the original historical A-B section. Additionally, while not addressed in the current DEIS, we also support the continuation of the highway through Colchester.

In examining the DEIS, we do not support alternatives 2, 3, 22, 16b, 17, 18, 19, and 23. Our preference is 16a with the inclusion of the bridge over the Winooski River. This is the alternative that most closely follows the original path of sections A and B of the Circ.

As indicated in the DEIS, alternative 16a will address the concerns of constituents in regards to auto and pedestrian safety and congestion, and will help decrease the truck traffic on our local roads, especially in the Five Corners area. The wear and tear on our local roads caused by the truck traffic is of major concern to us. Our constituents seek relief from the pass-through traffic on Routes 2A, 15, 117 and Five Corners to bring destination traffic to our businesses.

Our local selectboards have written to the Vermont Agency of Transportation expressing their concern with the many alternatives in the DEIS. We wholeheartedly agree with our municipal boards and reiterate our support for a Chittenden County Circumferential Highway as offered in alternative 16a.

As Vermont legislators, we will be actively working towards approval of sections A and B of the Circ as well as working to achieve funding for the road.

Sincerely,

A handwritten signature in cursive script that reads "Linda Myers".

Rep. Linda Myers for
Rep. Debbie Evans,
Rep. Martha Heath,
Rep. Peter Hunt,
Rep. Tim Jerman,
Rep. Patrick Brennan,
Rep. James Condon,
Rep. John Zenie



**STATE OF VERMONT
HOUSE OF REPRESENTATIVES**

STATE HOUSE
115 STATE STREET
MONTPELIER, VT
05633-5201

October 9, 2007

Kenneth R. Sikora
Environmental Program Manager
Federal Administration Region 1
PO Box 568
Montpelier, VT 05601

Mr. Sikora,

I am writing because I am unable to attend the public hearing on the proposed Chittenden County circumferential highway but wanted to share some thoughts with you on behalf of many in Burlington and throughout the state.

It has recently resurfaced in public discussion that Vermont faces a crisis maintaining our existing bridges and roadways. According to the administration we cannot possibly meet the challenges we have today without a significant increase in funding. I have to believe even the most ardent Circ supporter agrees we shouldn't put our existing infrastructure at risk building new roads. Counties all across the state are struggling with upkeep and would welcome some of the \$80 million earmarked for the Circ.

Just like families make tough choices when their budget tightens, I believe the state has to seriously examine our priorities for the next twenty years. In that light it is obvious our ability to move all across the state trumps any desire for faster passage through the suburbs of Chittenden County. A family, when faced with budgetary challenges, wouldn't opt for a new Cadillac. Likewise, the state should forgo the luxury of a circumferential highway in Chittenden County.

As we consider transportation spending over the next few decades it is important that we get out in front of the coming changes to the way we move around. Many in Vermont recognize the impact of our transportation choices on our natural environment. They are looking to state leaders to design an infrastructure that gives people options besides the single-occupancy car. Any new construction must facilitate public transit, car-pooling options, alternative energy vehicles and so on. Building the Circ, as currently outlined, is like investing millions in floppy disks. It represents a huge investment in yesterday's solution when we should focus on tomorrow's answer.

Nobody knows exactly what transportation will look like in 25 years, but we do know it will change. We know that oil is finite and many believe our atmosphere cannot handle another 50 years of the automobile as we know it. We also know, without question, that the state will need to be involved in the solutions we craft. Let's maintain our existing roads and bridges and save money for innovative new projects once we have a clearer picture of a solution that will last us responsibly into the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Pearson".

Christopher Pearson
State Representative

