

FHWA-VT-EIS-85-01-F
Williston and Essex, Vermont
Chittenden County Circumferential Highway Project
I-89 to VT Route 2A
Project NH-PB 033 - 1 (1)

Record of Decision

A. Background

The proposed Chittenden County Circumferential Highway (CCCH) is a four-lane, limited access highway extending approximately 16.7 miles from I-89 in Williston north and west through Essex to VT Route 127 in Colchester. Within most sections of the CCCH, construction will initially consist of two travel lanes, with climbing lanes added, to provide two-way travel within the four-lane right-of-way. In the vicinity of I-89, initial construction will consist of the full four-lane build-out of the CCCH. At other locations, the remaining two lanes will be constructed when future traffic warrants are attained and funding made available.

The Vermont Agency of Transportation advanced the CCCH project under authorization provided in Section 131(f) of the Surface Transportation Assistance Act of 1982. Section 131(f) created a demonstration project extending the Certification Acceptance procedures of 23 USC 117(a) to all project approvals required by Federal law, policy, regulation, or Executive Order. Using the Certification Acceptance procedures, the Vermont Agency of Transportation (VAOT) approved a Final Environmental Impact Statement (FEIS) on August 29, 1986, and issued a Record of Decision on November 5, 1986. The 1986 Record of Decision identified the Selected Alternative as the Yellow-Blue-Yellow Line. The FHWA was designated as the lead Federal agency for the NEPA process in the FEIS.

Subsequent to the 1986 FEIS, the Vermont Agency of Transportation advanced major phases of the project under the Certification Acceptance procedures. Final design and right-of-way acquisition were accomplished from I-89 in Williston to VT Route 2A in Essex (Construction Segments A through F), as well as in other sections of the project. A portion of the CCCH, from VT Route 117 to VT Route 2A (Construction Segments C through F), was constructed and opened to traffic in 1993 as a two-lane roadway with additional passing lanes.

The utilization of Certification Acceptance procedures by the VAOT to obtain Federal approvals for the project was limited to the funds made available for the demonstration project. Since the demonstration project funds were insufficient to complete the project, additional Federal-aid highway funds are proposed to continue its further development. As part of its NEPA requirements for future actions on the CCCH project, FHWA adopted the 1986 FEIS under the provisions of 40 CFR 1506.3.

In addition to its adoption action, FHWA prepared a written reevaluation of CCCH Construction Segments A through F (from I-89 in Williston to VT Route 2A in Essex) to evaluate impacts of the changes, new information, and new circumstances that have occurred since 1986. This reevaluation was prepared as an Environmental Assessment (EA) in accordance with 23 CFR 771.130(c) in order to include a public involvement element. The EA/Reevaluation was first issued on August 9, 2002 and included a 30-day comment period.

On September 18, 2002 President George W. Bush signed Executive Order 13274 on Environmental Stewardship and Transportation Infrastructure Project Reviews. The CCCH project was one of the seven initial projects nationally to be selected as a High Priority Transportation Infrastructure Project.

Based on comments received on the August 9, 2002 document and resultant additional studies, the EA was subsequently revised and reissued on May 9, 2003, with the Environmental Protection Agency acting as a Cooperating Agency. A 30-day public comment period was again provided for the revised document. Additional revisions based on the public comments received on the May 9th document have resulted in a final revised EA/Reevaluation dated August 15, 2003.

B. Decision

This Record of Decision documents the following procedural and project decisions made by FHWA:

- FHWA has adopted the 1986 FEIS under the provisions of 40 CFR 1506.3.
- FHWA has determined that, with respect to the construction of CCCH Segments A – F, the changes that have occurred since 1986 will not result in any new significant impact on the human environment that was not previously evaluated in the FEIS. This determination is based on the August 15, 2003, Revised EA/Reevaluation prepared by the VAOT, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the changes since the 1986 FEIS in the areas of project purpose and need, the affected environment, the Selected Alternative, and the impacts of the proposed project and appropriate mitigation measures. The environmental assessment provides sufficient evidence and analysis for

determining that a new or Supplemental Environmental Impact Statement is not required.

- The Selected Alternative for this portion of the project is the further development of the Yellow-Blue-Yellow Line from I-89 in Williston to VT Route 2A in Essex as described in the 1986 FEIS; and including modifications as described in the August 15, 2003, Revised Environmental Assessment/Reevaluation of the 1986 FEIS, Segments A - F.
- FHWA is withholding a determination regarding additional construction beyond Segments A – F at this time. See Record of Decision, Section D “Reevaluations of the 1986 FEIS”.

C. Alternatives

The 1986 FEIS considered several alternatives including, No Action, Alternative Modes of Transportation, Rebuild Existing Roadways, two Build Alternatives for a new road between Route 127 in Colchester and I-89 in Williston using existing roadways as links, and four Build Alternatives for a new road between Route 127 in Colchester and I-89 in Williston along the Green, Purple, Orange, or Yellow-Blue-Yellow Line.

The November 5, 1986, Vermont Agency of Transportation Record of Decision (1986 ROD) stated the decision to advance a new road along the Yellow-Blue-Yellow Line as the Selected Alternative. The 1986 ROD also contained a discussion of all the alternatives considered by the Vermont Agency of Transportation in reaching its decision, and identified the Yellow-Blue-Yellow Line as having the least adverse environmental effects. We concur with their determination and have identified the Yellow-Blue-Yellow Line as the environmentally preferred alternative.

Based on 1) the decisions contained in the 1986 ROD, 2) the consideration of the substantial public investment in the Selected Alternative that has occurred since 1986 (which in CCCH Construction Segments A - F includes much of the final design, all of the right-of-way acquisition, and initial construction of Segments C – F), and 3) the procedural requirements of NEPA since 1986 have been limited to FHWA's reevaluations of the Selected Alternative, which did not require any alternatives analysis; FHWA has concluded that no additional consideration of alternatives is required.

D. Reevaluations of the 1986 FEIS

The impacts of the CCCH project were discussed in the 1986 FEIS in the Chapter 6 narrative and the probable adverse effects of the CCCH were summarized in the 1986 FEIS in Chapter 8. Significant impacts of the CCCH were identified in the 1986 FEIS on pages S-2 to S-3.

The EA/Reevaluation evaluated the changes, new information, and new circumstances, that have occurred since the 1986 FEIS publication, and that are relevant to environmental concerns associated with the 1986 Selected Alternative (the Yellow-Blue- Yellow Line) from I-89 in Williston to VT Route 2A in Essex (Construction Segments A through F). The EA/Reevaluation assessed the continued validity of the project purpose and need, both for the project as a whole as well as for Segments A - F, the changes within the affected environment, changes to the design of the Selected Alternative, and the resulting changes in the impacts of the proposed project and appropriate mitigation measures.

Overall, current assessments of impacts to the human environment are of a similar scale in context and intensity compared to those documented in the FEIS. Impacts to floodplains, noise and air quality impacts, and business and residential relocations have changed little. There are minor decreases in impacts to wetlands and agricultural land that have been achieved through alignment shifts. Since 1986, additional treatment of stormwater discharges has been incorporated into the project in response to regulatory changes, reducing the impacts of CCCH highway runoff.

The Revised EA/Reevaluation included extensive analyses of CCCH induced growth impacts for the entire county using updated methodologies. Based on these studies it is expected that the extent of growth in Chittenden County will change less than 1% due to construction of the CCCH. It is also expected that the CCCH will direct growth to developable areas that experience substantial increases in accessibility because of the CCCH, most notably in areas immediately adjacent to the CCCH interchanges. These determinations are consistent with the induced growth determinations made in the 1986 FEIS, however, overall there is less land area having enhanced access because of the CCCH than that presented in the 1986 FEIS. Other than the I-89/CCCH systems interchange, of the seven interchanges proposed in the 1986 FEIS located in CCCH Construction Segments A – F, two interchanges have been eliminated (to reduce the potential for secondary growth impacts) and four interchanges were built as part of the construction of Segments C – F. Only one interchange remains to be built in Segments A – B.

The proposed project has been extensively reviewed by the Vermont Division for Historic Preservation (VTSHPO) and it has been determined that the project does not impact any historic (above ground) resources protected under Section 106 of the National Historic Preservation Act. Impacts to archaeological resources have been mitigated in accordance with the 1986 Section 106 Memorandum of Agreement. With respect to Segments A-F, the proposed project will not require the use of any resources protected under Section 4(f) of the Department of Transportation Act.

Based on the EA/Reevaluation, FHWA has determined that the changes will not result in any new significant impact on the human environment that was not previously evaluated in the FEIS.

We have further determined, based on our analysis of the EIS and EA/Reevaluation; that 1) CCCH Construction Segments A – F meet the criteria for independent utility and significance; 2) Construction Segments A – F connect logical termini and collectively are of sufficient length to address environmental matters on a broad scope; and 3) Given the initial construction of CCCH Segments C-F in 1993; further construction within Segments A - F will not additionally restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

Specifically, the selection of the Yellow-Blue-Yellow Line in CCCH Construction Segments A – F does not restrict the future consideration of alternatives, including the No-Build Alternative, for the CCCH between VT Route 2A in Essex and the project terminus (VT Route 127) in Colchester. While no decision is being made by FHWA beyond Segment F, CCCH Construction Segments G - J have been reevaluated by FHWA to a sufficient level of detail to determine that changes in the project and its impacts since 1986 appear to be of a similar scale as those identified for Construction Segments A - F. However, based on its analysis, FHWA believes that additional environmental evaluation should be completed on Construction Segments G - J, and, thus, FHWA is withholding a determination regarding additional construction beyond Segments A – F at this time. FHWA has committed to additional environmental studies with public involvement prior to making a decision on the selection of an alternative beyond Construction Segment F.

E. Measures to Avoid and Minimize Harm

All practicable measures to minimize harm have been adopted for the selected alternative. Subsequent to the 1986 FEIS, numerous refinements have been made to this end in CCCH Construction Segments A – F:

- In order to reduce the potential for secondary growth impacts to agricultural land, the at-grade intersection between the CCCH and U.S. 2 proposed in the FEIS has been eliminated. The intersection will now be grade-separated, with U.S. 2 elevated over the CCCH, and with no interchange provided.
- In order to reduce the potential for secondary growth impacts to agricultural land, the at-grade intersection between the CCCH and Mountain View Road proposed in the FEIS has been eliminated. The intersection will now be grade-separated, with the CCCH elevated over Mountain View Road, and with no interchange provided.

- Entrance and exit ramps at Exit 10 (Essex Way) were shifted closer to the mainline alignment in order to minimize the construction footprint and reduce project impacts to the surrounding area.
- Entrance and exit ramps at Exit 9 (VT Route 15) were shifted closer to the mainline alignment in order to minimize the construction footprint and reduce project impacts to the surrounding area.
- The CCCH alignment has been shifted slightly south between stations 462 and 501 in order to minimize project impacts to adjacent wetland areas.
- The CCCH alignment has been shifted slightly north between stations 435 and 462 in order to reduce project impacts on an adjacent historic structure.
- The interchange between the CCCH and VT Route 2A has been shifted slightly north in order to reduce project impacts on an adjacent historic structure.
- The Susie Wilson Connector Road has been shifted to the east in order to minimize project impacts to adjacent commercial areas.

F. Mitigation Measures

Additional efforts to reduce impacts are assured to be implemented as detailed in the list of commitments in Chapter 9 of the 1986 FEIS. The commitments that apply to Construction Segments A-F are repeated below, along with the current status of each to identify those that have been completed, and those whose implementation are ongoing.

Land Use

- Access will be maintained to the winter sandpit and the Williston Landfill at a reasonable grade. Replacement land will be obtained for the portion of the town's future landfill area, which will be lost to the CCCH. This replacement land will be in the proximity of the existing landfill if possible.

Status – Accomplished; the Vermont Agency of Transportation, the Chittenden Solid Waste District and the Town of Williston entered into a three party agreement to provide for access, removal of material and a study to evaluate other areas to provide replacement land.

- The proposed Susie Wilson Connector Road will be placed on the Five-Year Transportation Program.

Status – Accomplished; the Susie Wilson Connector Road, located near Station 440, was constructed and opened to traffic as part of the initial construction of Segments C through F in 1993.

Parklands

- A preblasting survey will be conducted to develop a plan using controlled blasting techniques to minimize potential alteration of wetland areas.

Status – Accomplished; this area is located in Segment F, which has been constructed.

- During construction, efforts will be made to reduce disturbance of vegetation to a minimum

Status – Ongoing compliance; accomplished for Segments C-F, and will be accomplished for all remaining CCCH construction.

- The Special Provisions section of the contract will require positive identification of the construction limits and require the contractor to remain within the right-of-way and/or construction easement.

Status – Ongoing compliance; Vermont Agency of Transportation Standard Specifications, requiring right-of-way compliance, have been utilized for Segments C-F, and will be utilized for all remaining CCCH construction.

- Erosion control measures will be established and maintained by the resident engineer in accordance with the Vermont Agency of Transportation Standard Specifications.

Status – Ongoing compliance; Vermont Agency of Transportation Standard Specifications, requiring erosion control compliance, have been utilized for Segments C-F, and will be utilized for all remaining CCCH construction.

Historical Sites and Structures

- The Durochia House will be relocated. An attempt will be made to find and acquire a suitable site for relocation in the vicinity of Butlers Corners.

Status – Accomplished; the Durochia house was located adjacent to Segment E. The Durochia house has been relocated to 16 Center Road in Essex.

Archaeological Resources

- Archaeological resources will be identified and impacts mitigated in accordance with the Memorandum of Agreement (MOA) among the Vermont

Agency of Transportation, the Vermont State Historic Preservation Officer, the Chittenden County Circumferential Highway District and the Advisory Council on Historic Preservation.

Status – Ongoing compliance; all archaeological investigations, analyses and data recovery for Segments A-F have complied with the MOA. All remaining CCCH archaeological actions will be conducted in accordance with the SHPO MOA.

Energy

- No mitigation required.

Pedestrians and Bicycles

- At CCCH intersections all existing sidewalks and bikeways on existing roads will be retained.

Status - Ongoing compliance, accomplished for Segments C-F. Within Segments A – B, the Vermont Agency of Transportation permitted the Town of Williston to develop a bike path across the CCCH alignment. Concurrent with the construction of CCCH Segments A - B, the bike path will be temporarily closed and a permanent grade-separated bike path will be constructed by the Town of Williston at the current location. Existing sidewalks and bikeways, at CCCH interchanges, will be retained.

Visual Impacts

- Adverse visual impacts will be mitigated by screening with pine or willow trees as determined appropriate during design.

Status - Ongoing compliance; a visual analysis has been accomplished for the CCCH, which included minimization and mitigation procedures. Appropriate visual screening techniques have been utilized for Segment C-F, and will be utilized in all remaining CCCH construction.

Relocation

- Relocation assistance will be provided to any person or business displaced by the CCCH in accordance with the policies of the Vermont Agency of Transportation. The acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and relocation resources are available to all residential and business relocatees without discrimination.

Status – Accomplished; relocation assistance, as required, has been provided for Segments A - F.

Wetlands, Sensitive Area, and Endangered Species

- Unavoidable wetland impacts will be mitigated. The methodology by which this will be accomplished is in the process of being established with the appropriate agencies

Status – Accomplished; wetland mitigation for the CCCH has been identified, designed and constructed. The CVRR wetland mitigation site (7 acres wetlands, 30 acres wetlands buffer), located south of the CCCH at station 445, has been designed, permitted and constructed. Another wetland mitigation site, the Lemire site (80 acres wetlands), has been designed, permitted and constructed in Essex. CCCH wetlands were identified and delineated using the COE wetland methodology.

- A Site Review of the Selected Alternative will be conducted during design and permitting to establish the presence or lack of presence of threatened and endangered species. Mitigation will be accomplished as prescribed by Vermont statute and regulations in effect at the time.

Status – Accomplished; a site review for threatened and endangered species in Segments A-F has been completed. No threatened and endangered species have been identified within the Segments A-F project area.

Wildlife

- During design of stream crossings, provisions for small animal passage will be considered in consultation with the Agency of Environmental Conservation.

Status – Accomplished; after consultation with the Vermont Agency of Environmental Conservation, Segments A-F culverts were designed to be oversized to allow the passage of wildlife through the culverts.

- During design, the potential construction impacts of the CCCH on the American Brook Lamprey will be evaluated in consultation with the Vermont Agency of Environmental Conservation.

Status – Completed; after review, the project was determined to have no impacts upon the American Brook Lamprey.

Agricultural Lands

- Effort will be made during design to equalize acquisition of land between the current abutting property owners from Mountain View Road to Route 2.

Status – Completed for Segments A - F.

- The Agency of Transportation will fund a study by the Ottauquechee Land Trust to identify agricultural lands which may be subject to secondary impacts due to the CCCH and to determine potential mitigation measures.

Status – The study was funded and completed in 1987.

- Following completion of the Ottauquechee Land Trust Study the Vermont Agency of Transportation will participate in feasible mitigation.

Status – Completed for Segments A-F. The Towns of Williston and Essex have put in place open space preservation plans. As documented in Section D of this Record of Decision, two at-grade intersections in Segments A - B have been eliminated to reduce the potential for secondary growth impacts, as recommended by the study.

Water Resources

- Natural channel bottom conditions will be created within box culverts and the structure invert will be set below the streambed.

Status – Ongoing compliance; this has been accomplished for Segments C - F, and will be accomplished for all remaining CCCH construction.

- During final design of major stream crossings, stream relocation/alteration will be kept to a practical minimum and measures will be taken to preserve/recreate natural channel conditions, while insuring channel stability is provided. Among these are reinforced earth embankments in the Alder Brook Area. Specific designs will be coordinated with the Vermont Agency of Environmental Conservation during design.

Status – Accomplished; Alder Brook design and construction, located in Segments C - F, has been completed. Design of stream crossings in Segments A - B has been coordinated with and permitted by VANR.

- Roadway drainage systems will make maximum use of flush shoulders, i.e., no curbing, to afford maximum removal of pollutants in roadway runoff by allowing flow over grassed areas. Special designs will be considered adjacent to cropland to minimize or reduce impacts due to road salt.

Status – Completed; roadway drainage design and permits have been accomplished for Segments A - F.

- During design specific measures will be taken to prevent CCCH embankment runoff from reaching private property at 208 Colchester Road.

Status – Accomplished; this property is located in Segments C - F.

- Erosion control measures will be established and maintained by the resident engineer in accordance with the Vermont Agency of Transportation Standard Specifications.

Status – Ongoing compliance, accomplished for Segments C – F. Vermont Agency of Transportation Standard Specifications will be utilized for all remaining CCCH construction to minimize erosion.

- An inventory of private water supply sources will be made prior to construction. Efforts will be made to identify and mitigate potential adverse effects on these supplies prior to construction. Supplies lost due to construction will be replaced.

Status – Ongoing compliance, accomplished for Segments C – F. Vermont Agency of Transportation Standard Specifications will be utilized for all remaining CCCH construction to minimize any impacts to water supplies.

Air Quality

- The contractor will be required to mitigate dust and other air emissions during construction under Section 104.11 of the Vermont Standard Specifications for Highway and Bridge Construction.

Status – Ongoing compliance, accomplished for Segments C - F. Vermont Agency of Transportation Standard Specifications, Section 105.24, will be utilized for all remaining CCCH construction to minimize construction related air emissions.

Noise

- The contractor will be required to mitigate noise generated during construction under Section 104.11 of the Vermont Standard Specifications for Highway and Bridge Construction.

Status – Ongoing compliance, accomplished for Segments C - F. Vermont Agency of Transportation Standard Specifications, Section 105.24, will be used for all remaining CCCH construction to minimize construction related noise.

- A noise barrier will be provided on the west side of the CCCH approximately between stations 642+00 and 655+00. Details of the barrier design will be reviewed with the Town of Essex.

Status – Completed; the noise barrier was built as part of the initial construction of Segments C through F in 1993.

- Towns will be notified of currently undeveloped areas which will experience noise impacts in order to make the public aware of them.

Status – Accomplished for Segments A-F.

Mineral Resources

- During design, efforts will be made to minimize the amount of land acquisition required from the sand pit off Redmond Road.

Status – Completed; the CCCH will not impact the sand pit, which is located adjacent to Segment B and off Redmond Road.

G. Additional Commitments

Since the 1986 FEIS, additional commitments, unrelated to the CCCH project, have been made by FHWA and the Vermont Agency of Transportation. Although these commitments are not intended as mitigation for any CCCH project impacts, they are included in this Record of Decision because they were developed as a result of coordination with the Environmental Protection Agency (EPA) during the EA/Reevaluation process:

- FHWA and the Vermont Agency of Transportation will conduct a statewide study of roadway deicing to evaluate the potential for road salt runoff to impact waterways.
- FHWA and the Vermont Agency of Transportation will continue to provide training and resources to planning agencies in Chittenden and adjacent counties to assist these agencies in addressing future growth issues.

H. Monitoring of Enforcement Program

Construction and environmental commitments for the CCCH project will be supervised and controlled by the Vermont Agency of Transportation Resident Engineers and Technicians. All construction will be performed in accordance with the detailed plans and the Agency's Standard Specifications for Highway and Bridge Construction. Any problems peculiar to this project which occur at the time the project is designed will be covered in the Special Provisions to the Standard Specifications. It is expected that the U.S. Army Corps of Engineers, the Vermont Agency of Natural Resources, and the Environmental Protection Agency will make compliance reviews to ensure that the various permit conditions are met.

I. Wetlands Finding

As part of the 1986 FEIS, and subsequently as part of the Clean Water Act Section 404 permit, the project has been carefully evaluated with respect to its effect on wetlands, practicable alternatives to impacts, and practicable mitigation measures, as is required under the provisions of Executive Order 11990, "Protection of Wetlands."

The Selected Alternative impacts approximately 25.1 acres of wetlands in Construction Segments A - F. As noted in the 1986 FEIS (pp. 212 - 213) and further noted in the August 15, 2003 Revised EA/Reevaluation (pp. V-14 to V-15), the impact area has been minimized, and wetland impacts have already been mitigated through construction of wetland compensation sites.

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

J. Comments on the May 9, 2003 Revised EA/Reevaluation

Comments were provided by public agencies, private organizations, and individuals concerning FHWA's reevaluation of CCCH project impacts associated with the Selected Alternative in Construction Segments A through F. A wide range of issues was discussed, with the following noted as most common:

- Comments were made about procedural issues, including compliance with NEPA and other environmental laws, and the need to perform a Supplemental Environmental Impact Statement.
- Comments were received concerning the selection of the CCCH project as a high priority project under Executive Order 13274.
- Comments were received on the updated traffic analyses that were performed for the reevaluation.
- A number of comments supported construction of the CCCH to relieve traffic congestion and/or improve safety.
- A number of comments discussed the need to perform an analysis of alternatives to the CCCH, or discussed specific alternatives such as mass transit or roundabouts.
- Several comments noted the many changes that have occurred in Chittenden County since the 1986 FEIS.

- Many comments discussed future growth and development in Chittenden County, CCCH induced growth, or “sprawl” concerns, including comments on the methodologies used in the EA/Reevaluation to evaluate CCCH induced growth.
- Several comments were made concerning the positive or negative impacts of the CCCH on economic development in Chittenden County.
- Several comments noted the costs associated with implementing the project.
- A number of comments were received on the project’s impact to “impaired” waters as a result of CCCH stormwater runoff.
- Comments were received on the noise and air quality impacts of the CCCH project.

All comments received have been considered and addressed as part of the August 15, 2003, Revised Environmental Assessment/Reevaluation of the 1986 FEIS, Segments A – F.

K. Action

Based on the above information, the 1986 FEIS, and the August 15, 2003, Revised Environmental Assessment/Reevaluation of the 1986 FEIS, Segments A – F, including supporting documents; I am selecting the Yellow-Blue-Yellow Line, from I-89 in Williston to VT Route 2A in Essex, for further implementation.

Charles E. Basner

Charles E. Basner, Division Administrator
 Federal Highway Administration - Vermont Division
 Montpelier, Vermont

8/22/03

Date