

1.0 INTRODUCTION

This Chapter provides an overview of the purpose of this Draft Environmental Impact Statement (DEIS) and the context and history of the Circ-Williston Transportation Project (proposed project). This DEIS has been prepared by the Vermont Agency of Transportation (VTrans) in cooperation with the Federal Highway Administration (FHWA). A Notice of Intent to Prepare an Environmental Impact Statement was published by FHWA in the Federal Register on November 26, 2004 (see Appendix A).

1.1 Purpose of the DEIS

The Draft Environmental Impact Statement (DEIS) has been prepared to assess the potential environmental impacts associated with the construction and operation of the proposed project. The National Environmental Policy Act (NEPA) requires federal agencies to prepare a “detailed statement” disclosing the environmental impacts of, and alternatives to, “major federal actions significantly affecting the quality of the human environment” (42 U.S.C. §4332 et seq.).

The DEIS provides government decision-makers, other agencies and the public information about the potential environmental consequences of the proposed alternatives, including the No Build or No Action Alternative. The No Build Alternative describes future conditions without the proposed project. The DEIS compares the Build Alternatives to the No Build Alternative and to each other. The DEIS identifies the extent to which impacts to the environment may be anticipated and the degree to which the potential impacts can be avoided or limited. Where appropriate and required, the DEIS identifies appropriate mitigation measures which, when considered as part of the implementation of the proposed project, can serve to limit any potential adverse impacts.

Regulatory Compliance

The DEIS has been prepared pursuant to the rules and regulations of the National Environmental Policy Act (NEPA) of 1969 (as amended) as implemented by the Council on Environmental Quality Regulations at 40 C.F.R. parts 1500-1508 and the Federal Highway Administration’s (FHWA’s) Environmental Impact and Related Procedures at 23 C.F.R. part 771. In particular, the DEIS has been prepared in compliance with FHWA Technical Advisory TA 6640.8A (1987) and it is being submitted pursuant to the policies and goals of NEPA (42 U.S.C. § 4332 (c)) and The National Historic Preservation Act (16 U.S.C. §470).

This DEIS is also being prepared in cooperation with the U.S. Army Corps of Engineers under the NEPA/Section 404 Permit Merger as outlined in *The New England District’s Highway Methodology Workbook*. The purpose of this methodology is to merge the FHWA requirements of NEPA at 23 C.F.R. part 771, with the guidelines for Section 404 of the Clean Water Act at 40 C.F.R. part 230. This methodology integrates the timelines and requirements of the 404 process with those of the NEPA process to ensure more timely and cost effective decision-making and permitting and more overlap in the process.

In addition, this DEIS was prepared in compliance with:

- Uniform Relocation Assistance and Real Property Acquisition Act
- Executive Order 12898 – Environmental Justice
- Section 106 of the National Historic Preservation Act
- Executive Order 11990 – Protection of Wetlands

- Executive Order 11988 – Floodplain Management
- Clean Water Act
- Federal Farmland Protection Act
- Endangered Species Act
- Clean Air Act

1.2 Project Setting

The proposed project is located in Chittenden County, Vermont and involves transportation improvements in the area between I-89 and the Towns of Williston and Essex and the Village of Essex Junction, municipalities located to the east of the City of Burlington. The project area is shown in Figure 1.2-1. VT 2A is the major north-south roadway for travel between I-89 and Essex Junction. The major east-west roadways through the project area are I-89, US 2, VT 15 and VT 117.

Chittenden County has the highest population and employment in Vermont and serves as the center of a regional economy comprised of the six counties of Northwest Vermont. The other five counties of Northwest Vermont are Addison, Washington, Lamoille, Franklin and Grand Isle (see Figure 1.2-2). Over two-thirds of employment and population within Chittenden County is concentrated in six municipalities: Burlington, Colchester, Essex (Essex Town and Essex Junction Village), South Burlington, Williston and Winooski. In 2000, the Chittenden County employment and population core constituted just four percent of the land area of Northwest Vermont, but contained over forty-eight percent of the region's employment and thirty-three percent of its population. Chittenden County contains Burlington, the county's largest city, university and airport.

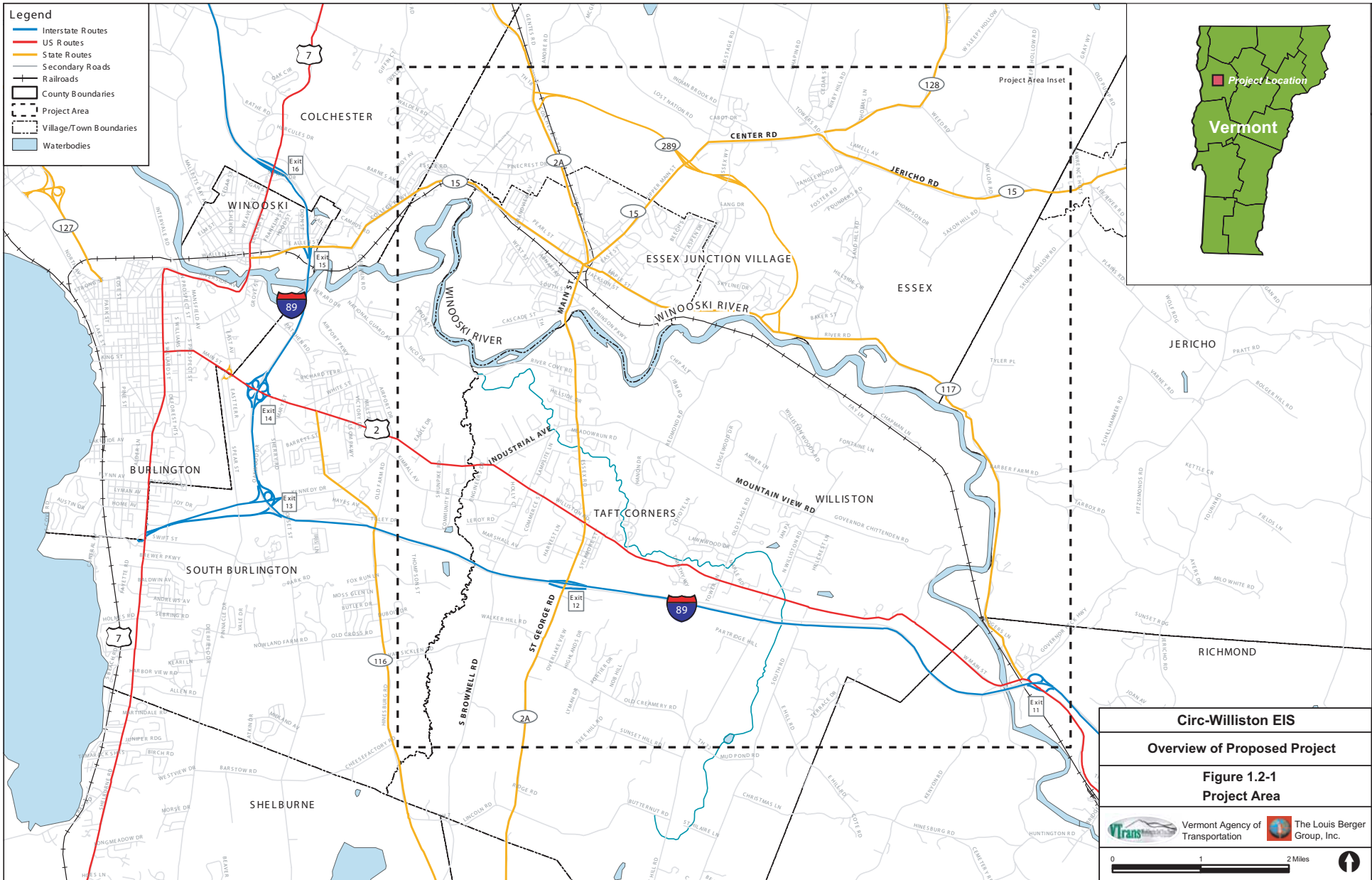
The project area is located within the Champlain Valley, with topography characterized by gently rolling hills. The proposed project area includes the Winooski River, a major river in the area, numerous smaller tributaries of the Winooski River. The project area includes growing areas of suburban, residential, and retail development, a village center, agricultural and forest lands. Recent land use change in the Champlain Valley has been influenced by employment and population growth, which have been concentrated in Chittenden County. Lake Champlain is a major recreation and tourist attraction in northwestern Vermont.

Figures 1.2-3 through 1.2-5 provide an overview of the varied landscapes in the project area.

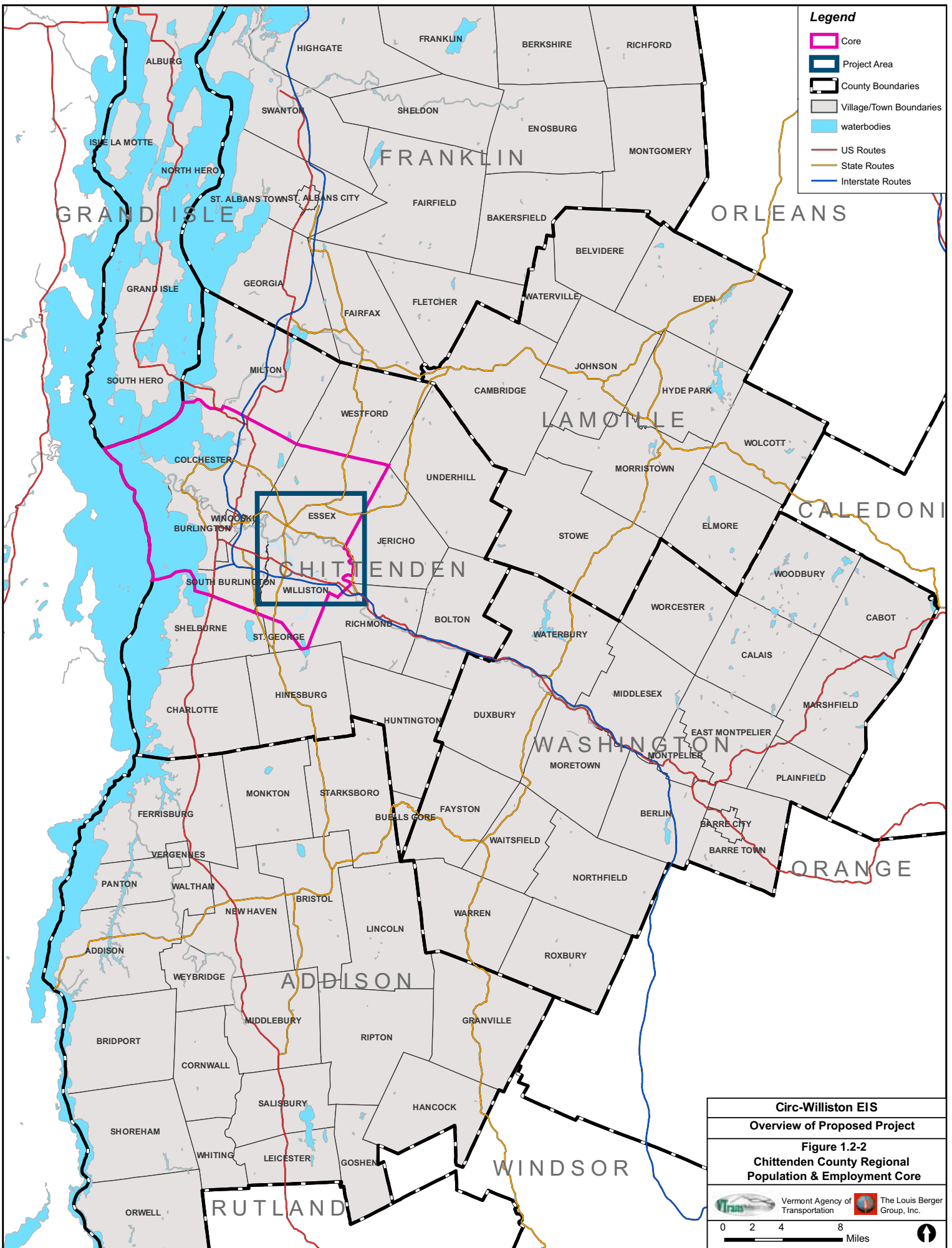
- Figure 1.2-3 shows an aerial view of the commercial development surrounding the intersection of VT 2A and US 2 (Taft Corners). I-89 and the Circ A/B corridor are visible in the background.
- Figure 1.2-4 shows Village of Essex Junction and the Five Corners intersection (VT 2A-VT 15- VT 117).
- Figure 1.2-5 shows the Circ A/B corridor at the Winooski River, including forested land, the retired Williston landfill and Chittenden Solid Waste District transfer station. The VT 117/VT 289 interchange is partially visible on the north side of the Winooski River.

1.3 Project Description

The Circ-Williston Transportation Project has been proposed by VTrans, in cooperation with FHWA, to make improvements to the transportation system between I-89 and Williston, Essex and Essex Junction. The proposed project is intended to address existing and projected future



Source: Draft 2025 Chittenden County Metropolitan Transportation Plan, CCMP.



Source: Census Transportation Planning Package 2000, Part 3. Bureau of Transportation Statistics, 2004.



Circ - Williston EIS

Figure 1.2-3

View Looking East at Taft Corners Intersection



Circ - Williston EIS

Figure 1.2-4

View Looking West at Five Corners Intersection



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Circ - Williston EIS

Figure 1.2-5

**View Looking Northeast at Retired Williston
Landfill + CSWD Transfer Station**



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problems related to traffic congestion, roadway design and safety, truck traffic on local roadways, and access and mobility between business centers. Chapter 2.0: Purpose and Need for the Proposed Project describes in detail the existing and projected traffic conditions that justify the need for the Circ-Williston Transportation Project.

1.4 Project History

1.4.1 Project Development Overview and Previous Studies

Numerous studies and plans for improving transportation in the project area have been undertaken at various levels of government since the late 1950s. Traffic studies conducted in 1957, 1962 and 1964 formed the basis for the first comprehensive study undertaken by the Vermont Agency of Transportation. This report was entitled "Greater Burlington Area Highway Plan" (1966) and one of its recommendations was for a limited access Essex Junction Beltline from Route 15 at Susie Wilson Road around the Village of Essex Junction to VT 2A at the Powerhouse Bridge. Relocation of VT 2A in Williston from the Powerhouse Bridge to a point north of Taft Corners was also recommended. The transportation studies performed over the years evolved into plans for a limited access circumferential highway from VT 127 in Colchester through Essex, and around Essex Junction to I-89 in Williston. Local municipalities began making provisions for a circumferential highway in their comprehensive plans beginning in 1967.

In 1967, the State Highway Board and the Governor approved a proposed twenty-one-mile limited access highway which included the Burlington Beltline as well as a section from Route 127 in Colchester to Williston. The project was placed on the ten-year highway construction plan adopted by the Legislature in 1968. In 1975, the Chittenden County Regional Planning Commission (CCRPC) adopted a regional plan with completion of the circumferential highway as a major objective in the plan's transportation element. The project was called the Chittenden County Circumferential Highway project (CCCH), and consisted of a sixteen-mile limited access facility located in the Chittenden County towns of Williston, Essex, and Colchester.

In 1978, the Vermont Agency of Transportation commissioned a study entitled *Needs of the Highway System for the Essex-Williston Study Area for the Next 20 Years*. This study identified seven intersections where inadequate levels of traffic service would develop by 1983. It recommended a circumferential highway designed to sixty mph standards with full access control.

In 1980, State funding was not available to advance the CCCH. As a result, funding for the project was sought by local and state officials through a Demonstration Grant from FHWA. This grant was secured through the 1982 Surface Transportation Act. This Demonstration Grant project was to determine the potential of saving time and costs by extending State certification coverage to a project of this size and diversity in areas that require improved access between rapidly growing suburban areas and established urban core areas.

In 1982, the municipalities of Colchester, Essex, Essex Junction and Williston formed a Union Municipal District called the Chittenden County Circumferential Highway District (CCCHD) and, in conjunction with the Vermont Agency of Transportation, undertook the task of planning, designing and constructing the project. Engineering and planning studies were conducted by the Vermont Agency of Transportation to analyze twenty-year travel demands as a function of projected socioeconomic factors. The studies established that projected travel demands required a four-lane facility. Additionally, they established that transportation system management techniques (i.e., expanded bus service, park-and-ride lots, van pooling, etc.) were not practicable. The estimated construction cost for the recommended four-lane facility was in

excess of \$71 million in 1983 dollars, which exceeded the available funds allocated by Congress. Therefore, in November 1983, it was determined that a two-lane facility, with climbing lanes as necessary, on a four-lane right-of-way would be the design concept to be advanced.

In the fall of 1983, VTrans initiated the process for advancing the Environmental Impact Statement (EIS) for the proposed CCCH and to design the portion of it from Route 15 in Essex to I-89 in Williston. In late June of 1984, a report entitled *Evaluation and Recommendation of Alignments to be Carried into the Draft Environmental Impact Statement* was published and distributed to all interested parties, including state and federal agencies. This report was reviewed by the Trustees of the CCCHD, the Selectmen and Trustees of the four municipalities and local citizens. The outcome of the review was the selection of three Build Alternatives to be considered in the Draft Environmental Impact Statement (DEIS), along with the No Action and the Rebuild Existing Alternatives. The DEIS was released in August 1985.

The preferred alternative for the Final Environmental Impact Statement was developed by a decision process that started with the legislative bodies of each community. After the public meetings on the DEIS, these bodies made recommendations to the CCCHD Board of Trustees. From this information, a position was carried by the Trustees to the CCCH Steering Committee for final policy votes. As a result of this process, several small alignment location adjustments were made prior to the Final Environmental Impact Statement. Additionally, two intersections with the Circumferential Highway were added, and one intersection was upgraded from an at-grade to grade-separated intersection.

In 1986, a bill was passed by the Vermont State Legislature, entitled "An Act for the Construction of the Chittenden County Circumferential Highway as Part of the State Highway System". Included in this legislation were changes that designated the CCCH as a state highway, the formalization of the CCCHD Steering Committee process and the recognition of the opportunity for the CCCH to be included by a later session of the legislature for funding under the Five-Year Highway Transportation Program. Another piece of legislation added the two interchanges of the CCCH with I-89 into the interstate system, and provided for the funding of these interchanges from interstate construction monies.

In August 1986, VTrans, standing in the shoes of FHWA, completed the Final Environmental Impact Statement (FEIS), and a Record of Decision (ROD) was later approved for the project. The FEIS was prepared by VTrans, with assistance from FHWA. The 1986 FEIS divided the CCCH into segments A-F for planning purposes, with segment A beginning at VT 127 in Colchester and segment F ending at I-89 in Williston. Subsequent design plans, however, changed the segment designations used in the 1986 FEIS to an A-J lettering scheme, with segment A beginning at I-89 in Williston and segment J ending at VT 127 in Colchester. As a result of the Record of Decision, the available Demonstration Grant funding was used to construct four of the sixteen miles in Essex, between VT 117 east of Essex Junction and VT 2A and Susie Wilson Road north of Essex Junction. This roadway (VT 289 Segments C-F) opened to traffic in 1993 as a two-lane roadway, with the intention of expanding to four lanes in the future.

In 1999, VTrans completed a reevaluation of CCCH Segments A-B (I-89 in Williston to VT 117 in Essex) and determined that a supplemental environmental impact statement was not needed. In 2002 Executive Order 13274: Environmental Stewardship and Transportation Infrastructure Project Reviews named the Chittenden County Circumferential Highway as a high-priority project, requiring federal agencies to "expedite their reviews for relevant permits or other approvals" for the project to the maximum extent practicable and allowed by law. Since the

Demonstration Grant project funds were insufficient to complete the CCCH, FHWA proposed using additional federal-aid highway funds to complete the project. FHWA adopted the 1986 FEIS in 2002 and decided to undertake a more comprehensive reevaluation of Segments A-F that incorporated a public involvement component. After extensive additional study, VTrans and FHWA issued an Environmental Assessment (EA)/Reevaluation on August 9, 2002. Working closely with the EPA, VTrans and FHWA undertook additional environmental studies, resulting in a second EA/Reevaluation in 2003. The 2003 Final Revised EA/Reevaluation used the A-J segment designations, as does this DEIS. The final revised reevaluation (FREA) and Record of Decision were issued in 2003 indicating that the construction of Segments A-F would not result in any significant impacts not previously evaluated in the 1986 FEIS. The existing built portion of the Chittenden County Circumferential Highway (VT 289) in Essex consists of segments C-F. Among other alternatives, this DEIS evaluates roadway construction in the right-of-way purchased for segments A-B. This area, from I-89 in Williston to the terminus of VT 289 at VT 117 in Essex is referred to in this document as the "Circ A/B corridor." The A-J segment designations are shown in Figure 1.4-1.

In 2004, the Vermont Public Interest Research Group, Friends of the Earth, Sierra Club and the Conservation Law Foundation and two individuals sued FHWA and VTrans for not fully complying with NEPA. The U.S. District Court of Vermont granted an injunction barring the construction of Segments A-B.

On October 8, 2004 the Vermont Secretary of Transportation announced that VTrans was beginning a new environmental study and Environmental Impact Statement that would consider circumferential highway segments A-B as well as other transportation alternatives in the Williston, Essex and Essex Junction area. The Notice of Intent for this EIS was published in the Federal Register by FHWA on November 26, 2004. A complete account of the public involvement activities conducted for the preparation of this DEIS, including scoping, is provided in Chapter 22.0: Public Involvement and Agency Coordination. The alternatives development process is described in Chapter 3.0: Development of Evaluated Alternatives.

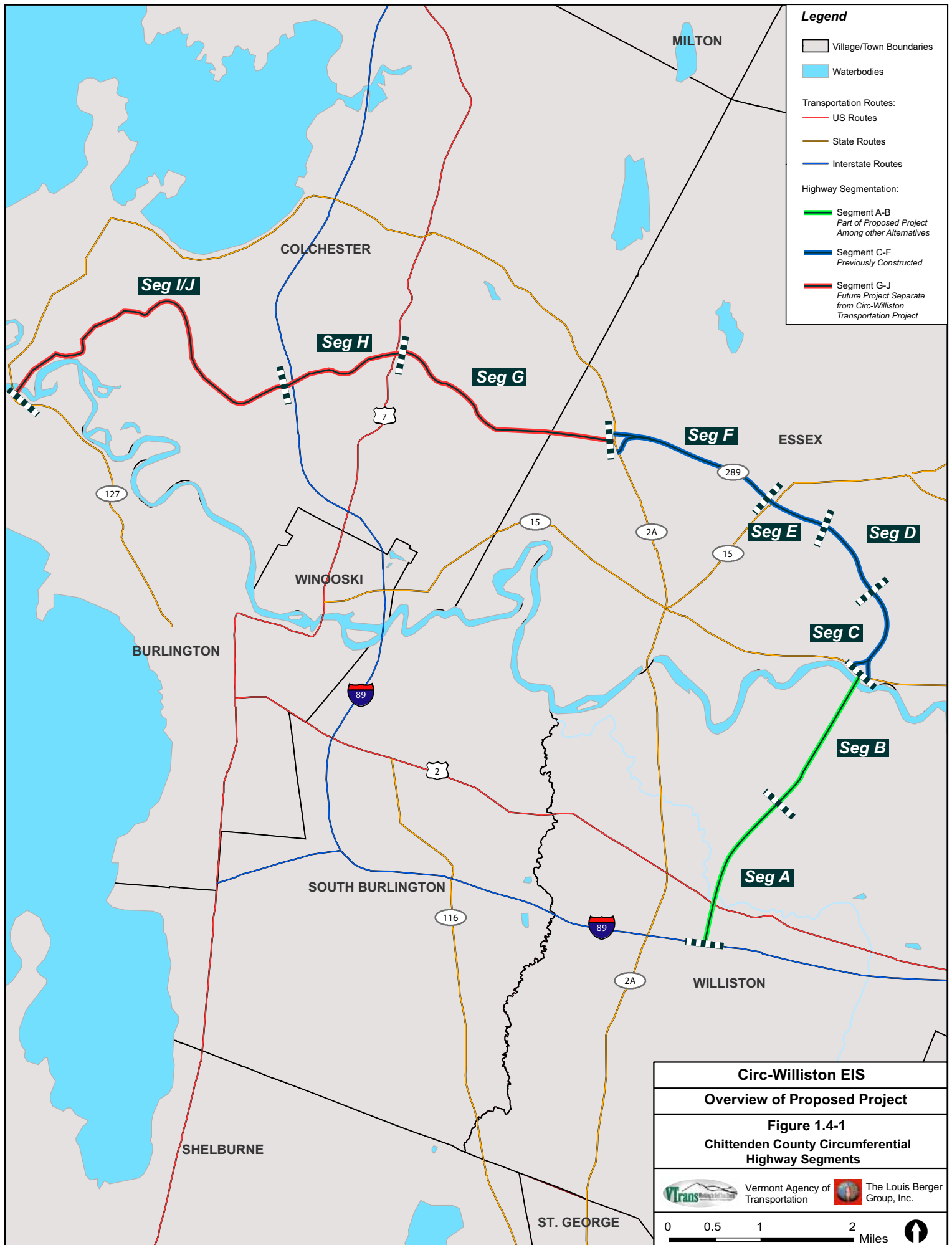
This DEIS does not evaluate as an alternative any other project in the metropolitan transportation plan, including the G-J Segments of the previously planned Circumferential Highway. If, in the future, Segments G-J are proposed for another transportation project, a separate EIS or other NEPA-related document will be prepared.

1.4.2 Previous Mitigation and Permits

As part of the environmental permitting for the CCCH, mitigation relevant to the proposed project was conducted. This section summarizes mitigation and permits related for wetlands, agricultural and scenic resources, archeology and hazardous materials.

Wetlands

The 1986 CCCH FEIS identified, for Segments A-F, approximately twenty-eight acres of wetlands that could be impacted by construction of the CCCH. As part of the USACOE project permitting requirements, two wetland mitigation areas were constructed to compensate for CCCH-related wetland impacts. The Central Vermont Railroad (CVRR) wetland mitigation site was constructed south of the CCCH. The site provides for seven acres of wetlands and approximately 30 acres of wetlands buffer. This wetland area was created to mitigate for the loss of wetlands associated with the construction of Segments C-F.



The Lemire wetland mitigation site was constructed and is located adjacent to VT 128, northwest of Essex Center. This site provides for 54.6 acres of wetlands. This wetland area was created to mitigate for wetland impacts associated with the construction of Segments A-B and G-J. Both the CVRR and Lemire sites have been permitted and constructed and have completed their required five-year establishment periods.

Agricultural and Scenic Resources

In 1987, VTrans and the Chittenden County Circumferential Highway District filed an application for Act 250 approval of construction of the Circumferential Highway with the Vermont Environmental Board. The Act 250 permit was granted with the requirement that a plan for the protection of agricultural and scenic resources be prepared by each Town that would be affected by the Circumferential Highway.¹ The permit indicated that these plans be consistent with the recommendations of the Ottauquechee Land Trust Report to provide mitigation for direct and secondary impacts to agricultural soils created by construction of the highway.

In compliance with the Act 250 permit, the Town of Williston prepared a mitigation plan for agricultural and scenic resources. This plan was implemented through the revision of its *Open Space Master Plan* element of its Comprehensive Plan; the Conservation Commission, which provides guidance on land acquisitions for conservation, development policy and site plan reviews for developments affecting the *Open Space Master Plan*; the Zoning Ordinance Revision, which includes a Special Features Overlay District to avoid clustering of development, and Transfer of Development Rights (TDR) to provide compensation for protected lands and to encourage development in areas designated for growth; a Sewer Allocation Ordinance that controls the location and capacity of future sewer service; and an Open Space fund to acquire land or development rights for key parcels so that they could be conserved.

Archaeology

The Circ A/B corridor was studied through the Phase III archaeology data recovery stage. As a result, all identified archaeological sites were excavated to allow for the construction of the CCCH.

Hazardous Materials

As a result of potential subsurface contamination at the commercial property located on US 2 and known as Dave's Auto (former), VTrans conducted an assessment of the subsurface conditions at this site and submitted the findings in a report dated July 7, 1993. Two USTs were removed from the site, one of which was reportedly a leaking underground #2 fuel oil storage tank. During the tank pull, contamination was encountered in screened soils and the excavated soil was backfilled.

¹ Vermont Environmental Board, Land Use Permit 4C0718-1-EB as amended, November 29, 1989.