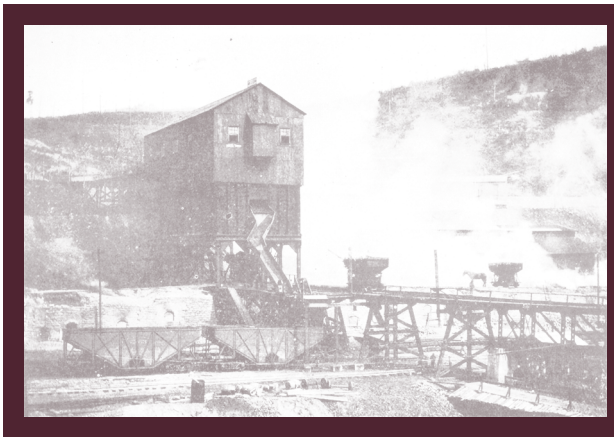
Appalachian Corridor H

Parsons-to-Davis Project
Blackwater Avoidance SEIS
PREFERRED ALTERNATIVE REPORT



December 2003

Appalachian Corridor H
Parsons, WV to Davis, WV
Blackwater Avoidance SEIS
Preferred Alternative Report
FHWA-WV-EIS-92-01-SD
State Project: X142-H-38.99 C-2
Federal Project: APD-484 (59)

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OVERVIEW

The purpose of this report is to discuss the information and the process that resulted in the identification of the Revised Original Preferred Alternative with Truck Route (ROPA) as the preferred alternative for the Parsons-to-Davis Project, and to present the remaining steps required to the complete the environmental review process for this project. This report is organized as follows:

- Part I: Description of the Preferred Alternative
- Part II: History of Corridor H
- Part III: Overview of the Blackwater SEIS
- Part IV: Updated Comparison of Alternatives
- Part V: Regulatory Requirements
- Part VI: Conclusion and Next Steps

The environmental review of the Parsons-to-Davis Project is governed by the July 1992 Interagency Consensus on Integrating NEPA/Section 404 for Transportation Projects. The interagency agreement provides for concurrence on a selected alternative prior to the development of the Supplemental Final Environmental Impact Statement (SFEIS). The West Virginia Department of Transportation (WVDOT) is preparing this Preferred Alternative Report to identify the ROPA as the preferred alternative in order to facilitate this concurrence. Based upon this report, the Federal Highway Administration (FHWA) and WVDOT will seek concurrence from the resources agencies. Following coordination on this report, FHWA and WVDOT will proceed with preparation of a SFEIS and Amended Record of Decision for this Project.

I. DESCRIPTION OF THE PREFERRED ALTERNATIVE

The ROPA has been identified as the preferred alternative for the Parsons-to-Davis Project. In 1996, the Record of Decision (ROD) for Corridor H approved a preferred alternative for the Corridor H project. In 1998, WVDOT incorporated the Big Run Bog avoidance shift into the 1996 preferred alternative in order to move the preferred alternative alignment completely outside of the Big Run Bog watershed and eliminate the relocation of (and impacts associated with) Forest Service Road 717 and Canyon Rim Road (Forest Service Road 18). The 1996 preferred alternative with the Big Run Bog shift became the Original Preferred Alternative (OPA), that was defined and evaluated in the 2002 Parsons-to-Davis Supplemental Draft Environmental Impact Statement (SDEIS). The ROPA differs from the OPA in the following ways:

- It provides a direct connection to US 219 just south of Tucker County High School (TCHS) as requested by the public and the Community Advisory Group (CAG) in order to provide safer access to TCHS.
- It further reduces wetland impacts associated with Middle Run (referred to as the Middle Run shift in the SDEIS).
- It incorporates the Truck Route (TR) developed specifically to address heavy truck traffic in the city of Thomas which will allow for better flow of heavy truck traffic to the Tucker County Landfill, which services ten (10) counties in West Virginia, without impacting the landfill's current or future operations.

Exhibits 1 through 7 (shown at the end of this report, before the appendices) graphically depict the important differences between the OPA and the ROPA for the Parsons-to-Davis Project.

The ROPA has been developed and evaluated in accordance with applicable National Environmental Policy Act (NEPA) regulations and the 2000 Corridor H Settlement Agreement. The ROPA meets the project's purpose and need, does not "use" land from any known Section 4(f) resource, and further minimizes impacts associated with the OPA. It also is the least costly alternative, saving between $16 million and $70 million when compared to the other alternatives considered.

II. HISTORY OF CORRIDOR H

A. Appalachian Development Highway System

In 1965, Congress enacted the Appalachian Regional Development Act (ARDA). The ARDA established the Appalachian Regional Commission (ARC). The ARC was given responsibility for coordinating development of the Appalachian Development Highway System (ADHS), which was established by Congress in the ARDA. As authorized by the ARDA, the ARC designated 28 corridors as part of the ADHS, including the Appalachian Corridor H Project (Corridor H), a west-east route connecting I-79 at Weston, West Virginia to I-81 at Strasburg, Virginia.

Consistent with the goals of the ARDA, the purpose of Corridor H is to stimulate economic development in rural, northeastern West Virginia by linking existing north-south routes in this area with a new west-east highway that meets the design standards adopted by the ARC for all highways in the ADHS.

B. Environmental Studies for Corridor H

Between the early 1980s and the early 1990s, WVDOT completed environmental studies for the portion of Corridor H between I-79 and Elkins, West Virginia. Environmental studies for the remainder of Corridor H, from Elkins to I-81, were being conducted during the early 1980s but had been put on hold until 1990 due to lack of funding.

In 1990, WVDOT and FHWA began to conduct supplemental environmental studies for the Elkins-to-I-81 section of Corridor H. Due to the size and complexity of the project, a "tiered" Environmental Impact Study (EIS) was initiated. A preferred alternative was identified for the project in the 1996 Corridor H FEIS.

In August 1996, FHWA issued a Record of Decision (ROD) approving the alignment for Appalachian Corridor H between Elkins and the West Virginia/Virginia state line. (No decision was made on the portion of Corridor H in Virginia to I-81 because VDOT had withdrawn from the project in January 1995.) The 1996 Corridor H ROD approved the Preferred Alternative identified in the 1996 Corridor H FEIS.

The Preferred Alternative approved in the 1996 ROD for Corridor H was also approved for an individual (11-year) Section 404 permit issued in 1996 by the U.S. Army Corp of Engineers (USACOE). The individual Section 404 permit applies to the entire Corridor H project from Elkins to the Virginia state line. The permit was granted for an 11-year period, and extends through 2007.

In 1998 and 1999, concerns were raised regarding the impacts of the 1996 Preferred Alternative in the vicinity of Big Run Bog, a National Natural Landmark. While the 1996 Preferred Alternative did not directly impact the bog itself, the National Park Service (NPS) expressed concerns regarding indirect impacts associated with the bog's watershed. The watershed of Big Run Bog was delineated, a hydrological analysis was conducted, and the 1996 Preferred Alternative alignment was shifted to the north and removed from the bog's watershed (see Exhibit 2). Additional information regarding the environmental impacts associated with the Big Run Bog avoidance shift are discussed in subsequent sections of this report.

C. Settlement Agreement

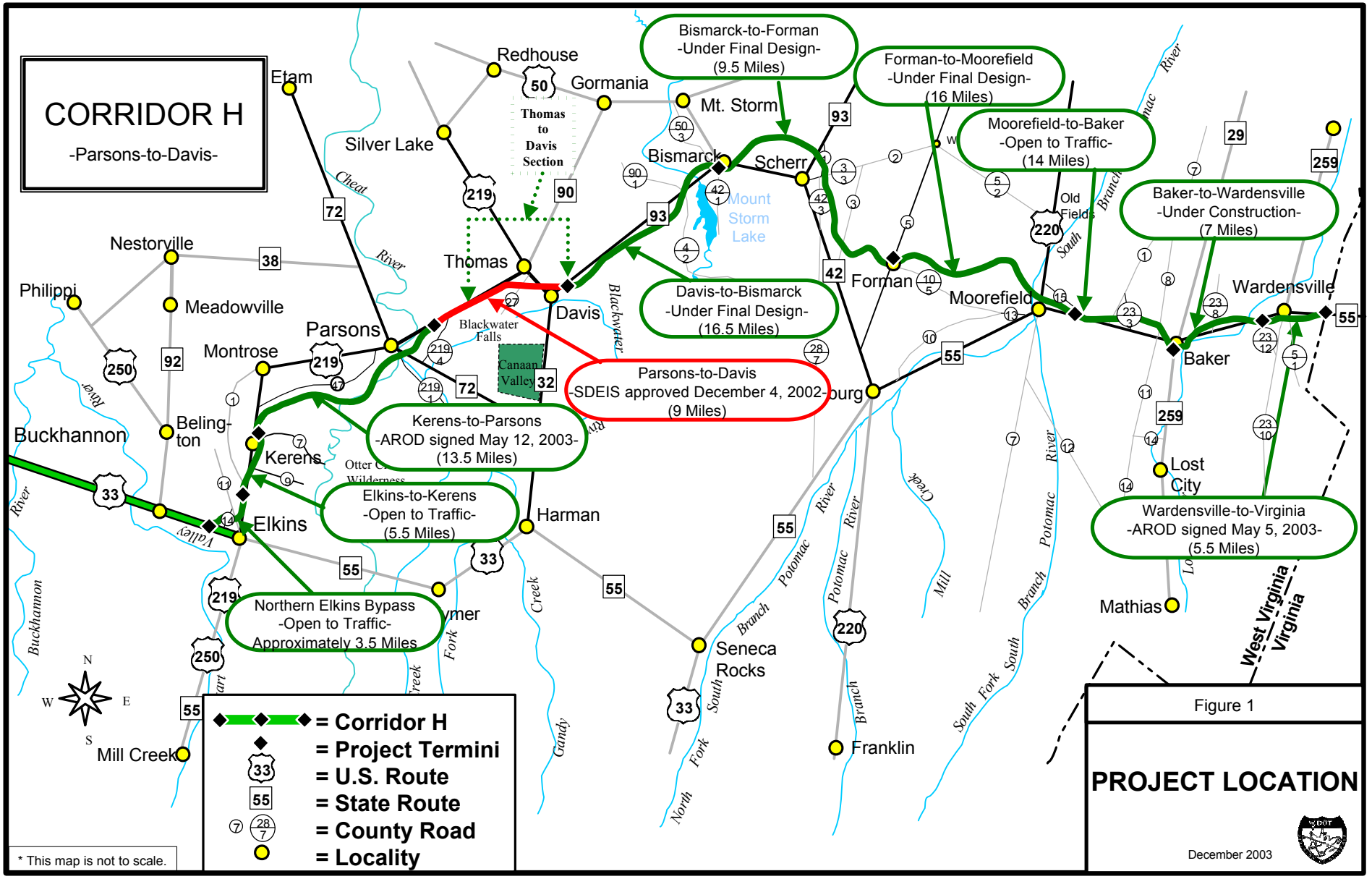
In September 1996, a lawsuit was filed challenging FHWA approval of the project. In October 1997, the U.S. District Court for the District of Columbia dismissed the lawsuit. The plaintiffs appealed the U.S. District Court decision to the U.S. Court of Appeals for the District of Columbia Circuit.

In February 1999, the U.S. Court of Appeals issued an opinion in the case. The U.S. Court of Appeals held that the procedures established in the August 1996 ROD for completing the review of historic resources did not comply with Section 4(f) of the Department of Transportation Act. Because of that ruling, the U.S. Court of Appeals ordered FHWA and WVDOT not to proceed further with construction of Corridor H until the Section 106 of the National Historic Preservation Act process had been completed.

In March 1999, the FHWA and WVDOT requested permission from the U.S. Court of Appeals to continue constructing the portion of Corridor H known as the Northern Elkins Bypass. The plaintiffs in the Corridor H lawsuit did not oppose this request. In April 1999, the U.S. Court of Appeals issued an order clarifying that FHWA and WVDOT could proceed with the construction of the Northern Elkins Bypass while the remaining historic resource reviews for the remainder of Corridor H were completed.

Following the decision by the U.S. Court of Appeals, the parties to the Corridor H lawsuit agreed to enter into voluntary mediation as part of the U.S. District Court Mediation Program. The mediation process resulted in a Settlement Agreement, which was approved by the U.S. District Court in February 2000. Under the Settlement Agreement (2000 Settlement Agreement), the remainder of Corridor H in West Virginia was divided into nine separate projects including the Parsons-to-Davis Project (see Figure 1).

As part of the Settlement Agreement, the FHWA and WVDOT committed to prepare a Supplemental Environmental Impact Statement (SEIS) for the Parsons-to-Davis Project.

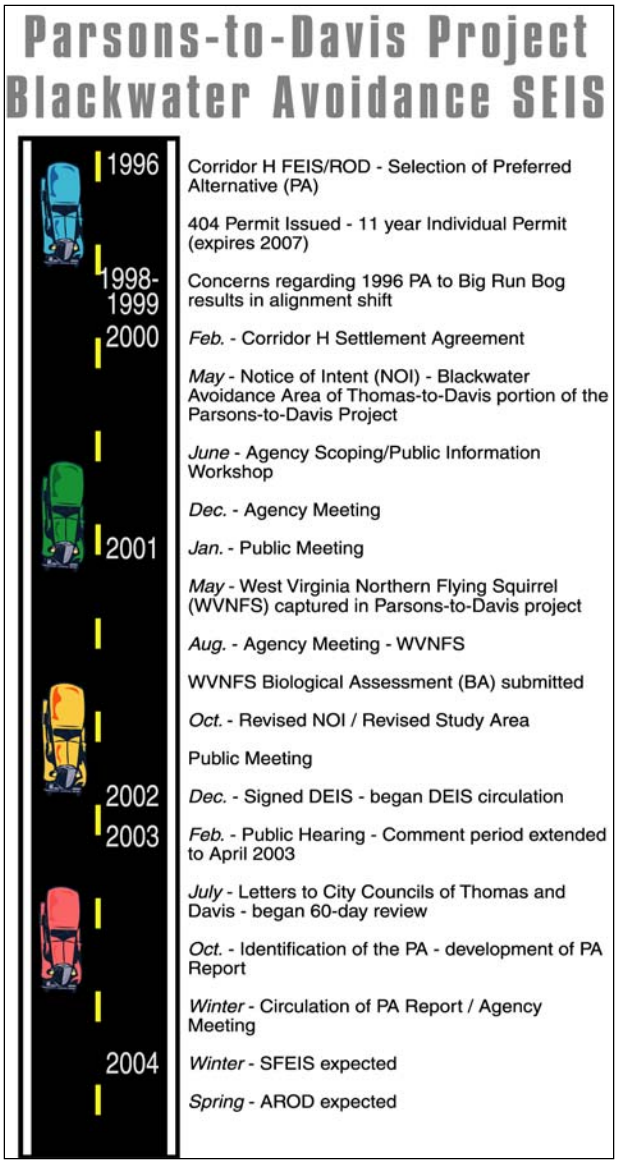

CORRIDOR H
-Parsons-to-Davis-
Bismarck-to-Forman
-Under Final Design-
(9.5 Miles)
Forman-to-Moorefield
-Under Final Design-
(16 Miles)
Moorefield-to-Baker
-Open to Traffic-
(14 Miles)
Baker-to-Wardensville
-Under Construction-
(7 Miles)
Davis-to-Bismarck
-Under Final Design-
(16.5 Miles)
Parsons-to-Davis
-SDEIS approved December 4, 2002-
(9 Miles)
Kerens-to-Parsons
-AROD signed May 12, 2003-
(13.5 Miles)
Elkins-to-Kerens
-Open to Traffic-
(5.5 Miles)
Northern Elkins Bypass
-Open to Traffic-
Approximately 3.5 Miles
Wardensville-to-Virginia
-AROD signed May 5, 2003-
(5.5 Miles)
Thomas
to
Davis
Section
Etam
Redhouse
Gormania
Mt. Storm
Bismarck
Scherr
Forman
Moorefield
Baker
Wardensville
Lost
City
Mathias
Nestorville
Philippi
Meadowville
Montrose
Parsons
Thomas
Davis
Beling-
ton
Buckhannon
Kerens
Elkins
Harman
Seneca
Rocks
Franklin
Mill Creek
Silver Lake
Old
Fields
Mount
Storm
Lake
Blackwater
Falls
Canaan
Valley
West Virginia
Virginia
= Corridor H
= Project Termini
= U.S. Route
= State Route
= County Road
= Locality
* This map is not to scale.
Figure 1
PROJECT LOCATION
December 2003

III. OVERVIEW OF THE BLACKWATER AVOIDANCE SEIS

A. Project Description

The WVDOT and the FHWA are proposing to construct a nine-mile section of Corridor H between Parsons and Davis in Tucker County, West Virginia. The Parsons-to-Davis Project's western terminus is east of Parsons, 0.2 miles south of the northernmost point at which Tucker Co. 219/4 (Mackeyville Road) intersects US 219. The Project's eastern terminus is located north of Davis at WV 93 and 0.7 miles east of WV 32. The proposed facility will be a four-lane divided highway built on new location with partial control of access.

The proposed project will expedite the movement of west-east traffic across Backbone Mountain, providing access to and from the communities of Parsons, Thomas and Davis, and providing additional access to and from the recreational facilities located in Canaan Valley (located south of the project). Traveling between Parsons and Davis currently requires vehicles to travel on US 219, a two-lane highway that serves as the principal transportation route between these localities.



B. 2000 Settlement Agreement Requirements

As explained above, FHWA and WVDOT committed in the 2000 Settlement Agreement to prepare an SEIS for the Parsons-to-Davis Project of Corridor H. The primary purpose of the SEIS was to develop and evaluate alternatives for avoiding an area designated in the 2000 Settlement Agreement as the "Blackwater Area." For that reason, the SEIS for the Parsons-to-Davis Project has been referred to as the Blackwater Avoidance SEIS.

The 2000 Settlement Agreement contains several important stipulations regarding the Blackwater SEIS.

- It requires the preparation of an SEIS for the "Thomas-to-Davis Section" of the Parsons-to-Davis Project. The termini for the Thomas-to-Davis Section are shown in Figure 1. (As discussed below, FHWA and WVDOT later decided to expand the scope of the SEIS to include the entire Parsons-to-Davis Project. This expanded scope exceeds the minimum requirements established in the 2000 Settlement Agreement.)

- It defines the "Blackwater Area" as "the area within and around the Blackwater Valley, south of Thomas, as depicted on Exhibit 4 [of the 2000 Settlement Agreement]."

- It requires the development and evaluation of one or more "Blackwater Avoidance Alignments" for the Parsons-to-Davis Project. As defined in the 2000 Settlement Agreement, a Blackwater Avoidance Alternative is any alternative that is located entirely outside the Blackwater Area.

- It requires the establishment of a Community Advisory Group (CAG) to provide input into the development of the SEIS. It also establishes a variety of requirements concerning the membership and operations of the CAG.

- It established a process for obtaining comments from the cities of Thomas and Davis following completion of the required comment period on the SDEIS.

- It allowed all Blackwater Avoidance Alternatives to be eliminated from further consideration, following completion of the SDEIS, if Thomas or Davis adopted a resolution opposing those alternatives.

- It established a set of decision-making requirements that must be followed in selecting a preferred alternative, *if* the Blackwater Avoidance Alternatives have not been eliminated as a result of a resolution by the city of Thomas and/or Davis. (As explained below, the city of Davis has passed a resolution endorsing the ROPA and opposing the Blackwater Avoidance Alternatives; therefore, the decision-making requirements in the 2000 Settlement Agreement do not apply to the selection of a preferred alternative for this project.)

- It required FHWA and WVDOT to ensure that construction limits for the Parsons-to-Davis Project would be located entirely outside of the drainage area for Big Run Bog National Natural Landmark.

C. Initiation and Scoping of the SDEIS

On May 2, 2000, FHWA issued a Notice of Intent (NOI) in the Federal Register to advise the public that an SEIS would be prepared for the Thomas-Davis Section of the Parsons-to-Davis Project.

On June 14, 2000, agency scoping was conducted and a public information meeting was held in Canaan Valley, West Virginia. At that time, as stipulated in the 2000 Settlement Agreement, the focus of the SEIS was concentrated in the vicinity of the cities of Thomas and Davis, West Virginia.

In December 2000, an additional agency coordination meeting was conducted. On January 19, 2001, a public information meeting was held to educate the public and resource agencies about the environmental constraints associated with the project as well as preliminary build alternative alignments under consideration.

In May 2001, the federally endangered West Virginia Northern Flying Squirrel (WVNFS) (*Glaucomys sabrinus fuscus*) was discovered in the vicinity of the Parsons-to-Davis Project. Additional studies were conducted to evaluate the potential habitat for the WVNFS and any potential impacts that might be associated with the Parson-to-Davis Project. A Biological Assessment (BA) was prepared for the WVNFS and submitted to United States Fish and Wildlife Service (USFWS). In August 2001,

an additional agency coordination meeting was conducted to discuss the presence of the WVNFS in the vicinity of the project.

On October 9, 2001, FHWA issued a revised NOI to advise the public that the limits of the SEIS were to be expanded to include the entire Parsons-to-Davis Project. Information regarding the expanded SEIS Study Area (Figure 2) was also presented at an additional public information meeting held on October 23, 2001.

In accordance with the 2000 Settlement Agreement, WVDOT has established and consulted with a CAG composed of 12 members representing a cross-section of the interests potentially affected by the location of Corridor H in the Thomas and Davis areas. The CAG has held 11 meetings, attended by WVDOT staff and moderated by a professional facilitator. The CAG has prepared and submitted two comment letters that are considered part of the public comment record for the project.

Expanded Study Area

Original Study Area

Tucker County High School

Big Run Bog Watershed

Big Run Bog

Benbush

City of Thomas Proposed Park

William

Thomas

Tucker County Landfill

Davis

Blackwater Area

Parsons-to-Davis Project
Blackwater Avoidance SEIS
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Figure 2

Parsons-to-Davis Study Areas
(Original and Expanded)

- Expanded Study Area
- Original Study Area
- Rail Grades
- Major Streams
- Blackwater Area
- Wetlands
- Planned Tucker Co. Industrial Park
- City of Thomas Proposed Park
- Tucker County Landfill

Date: November 2003

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

D. Statement of Purpose and Need in the SDEIS

The completion of the Parsons-to-Davis Project will further advance WVDOT's objective of completing the Appalachian Corridor H as a continuous four-lane highway from I-79 to the West Virginia/Virginia state line. The Project, however, will also serve a useful transportation purpose on its own by addressing the following needs identified in the 1996 Corridor H FEIS:

- Improve west-east transportation through northeastern West Virginia; and
- Promote economic development in the region and preserve or improve the quality of life in the region by
    - Reducing truck traffic through the city of Thomas; and
    - Improving emergency response times and access to emergency facilities.

i. IMPROVE WEST-EAST TRANSPORTATION

a. System Linkage

System linkage refers to the role of a proposed project in closing gaps in the existing transportation network. At the local level, there is a need for a better link between Parsons, the Tucker county seat; Elkins, the Randolph County seat and the location of the closest hospital facility; and the communities of Thomas and Davis. The Study Area is the intersection of several major regional transportation routes (US 219, WV 93, and WV 32) and is the northernmost access point to various recreational facilities (e.g., Canaan Valley State Park and Blackwater Falls State Park).

The need for improved system linkage at the local level reflects the deficiencies of the existing west-east route (US 219-WV 32-WV 93). The existing west-east route consists of two-lane roadways with numerous design deficiencies (e.g., narrow shoulders and sharp curves), few passing opportunities, and no control of access. An inventory of design deficiencies indicated:

- Over 80% of the route is designated as "no-passing" zones (roughly nine of 11 miles);
- Over 50% of the horizontal curves are geometrically deficient (45 out of 80) when compared to current design standards (AASHTO, 1990 and 2001); and
- Over 80% of the route has inadequate stopping sight distances when compared to current design standards (AASHTO, 1990 and 2001).

These deficiencies contribute to poor driving conditions. The average safe travel speed on the existing west-east route is 35 to 45 miles per hour (mph) for passenger vehicles and 30 to 40 mph for trucks. The average travel time between Parsons and Davis is 21 to 27 minutes for passenger vehicles and 24 to 32 minutes for trucks.

As shown in Table 1, traffic volumes on this existing west-east route are forecast to increase to an unacceptable Level of Service (LOS) in the future under the no-build condition. LOS is a measurement of traffic congestion on a scale from LOS A (free-flowing conditions) to LOS F (severe congestion). Already, the current percentage of truck traffic on the existing route is relatively high, ranging from 18 percent on US 219 west of Thomas to 10 percent on WV 32 between US 219 and WV 93. The existing LOS of the route ranges from LOS C to LOS D. Generally, in rural areas, the lowest acceptable LOS is LOS C (AASHTO, 1990 and 2001). While the LOS on some parts of the existing west-east route is not expected to worsen, the Average

Daily Traffic (ADT) is expected to increase over time. By the year 2013, all segments of the route will be operating at LOS D or worse.

The completion of a four-lane, divided highway between Parsons and Davis would address the system linkage, roadway deficiency, and level of service problems identified in Table 1.

Table 1
Levels of Service (LOS) on the Primary Existing West-East Route

Segment	Length (in miles)	1999		2013 No-Build		2020 No-Build	
		ADTs	LOS	ADTs	LOS	ADTs	LOS
US 219—from CR 31(East of Parsons) to WV 32 (Thomas)	9	2,300	D	3,200	D	3,700	D
WV 32—from US 219 W (Thomas) to WV 93 (Davis)	2	4,200	C	5,900	D	6,700	D

b. Safety

Accident and injury rates, typically expressed as the number of accidents or injuries per 100 million vehicle miles of travel, can indicate the safety of existing roadways. Table 2 illustrates the accident and injury rates for the existing west-east route (US 219-WV 32-WV 93) between 1996 and 1998, and the average rates for similar road types in West Virginia (statewide average) during the same period.

The construction of the Parsons-to-Davis Project is expected to reduce accident and injury rates in two ways:

- By lowering the rates on the existing west-east route because fewer cars will use this route, and
- By providing a new route less prone to accidents and injuries for the majority of traffic.

Table 2
Accident and Injury Rates for the Principal Existing West-East Route (US 219-WV 32-WV 93) in the Study Area

Segment	Year	Total Accidents	Total Injuries	Accident Rate[1]	Injury Rate[2]
US 219/WV 32 (Parsons-to-Davis) No Build	Avg. 96-98	17	11	196	131
	2013	26	18	196	131
	2020	31	20	196	41
Corridor H (Parsons-to-Davis)[3] Build	2013	30	18	68[4]	41
	2020	38	23	68[4]	41

[1] Rate per 100 million vehicle miles of travel.
[2] The injury rate for Corridor H was assumed to be 0.6. This was based on the assumption that the injury rate for Corridor H would be between the rate for rural primary routes (0.667 injuries per accident) and the rate for rural interstates, which have full access control (0.53 injuries per accident).
[3] Accident/Injury Rate for Corridor H only.
[4] The accident rate for Corridor H is assumed from the completed section of Corridor H from I-79 to Norton, west of Elkins.

ii. PROMOTE ECONOMIC DEVELOPMENT AND PRESERVE/IMPROVE QUALITY OF LIFE

At the local level, the communities have identified two specific "quality of life" needs that could be addressed by the Parsons-to-Davis Project:

- Reduce the truck traffic through Thomas, and
- Improve emergency response times and access to emergency facilities.

In addition, a safer west-east transportation route would improve the quality of life for residents in the area. If all of these "quality of life" issues were improved, the Study Area would be more attractive for future economic development.

a. Truck Traffic

The project will attempt to reduce truck traffic through Thomas, and on the existing roads in the Study Area in general, by attracting a substantial percentage of regional truck traffic onto the new facility. However, the ability of the project to achieve a reduction in truck traffic depends on the location and accessibility of the new facility. If the route provides significant time-savings for truck trips, it will tend to divert truck traffic off existing roadways. However, if the route is too indirect, truck traffic will tend to remain on existing roadways.

b. Emergency Services Access

Tucker County does not have a hospital. The nearest full-service West Virginia hospital is Davis Memorial Hospital, located in Elkins. While Garrett Memorial Hospital in Maryland is 11 miles closer to Thomas than Davis Memorial Hospital, only 20 percent of emergency patients are transported to Garrett Memorial Hospital, while 40 percent are transported to Davis Memorial Hospital. The remaining 40 percent are either transported to other medical facilities or not transported (Stemple, 2001). The only medical facility in the Study Area is Cortland Acres Nursing Home, west of Thomas on US 219.

Emergency care and transport in Tucker County is provided by the Tucker County Emergency Ambulance Authority with stations in the following locations:

- Parsons EMS, Main Street (two ambulances);
- Thomas EMS, US 219 west of Thomas next to Courtland Acres (one ambulance); and,
- Canaan Valley EMS, WV 32 across from Deerfield Village (one ambulance).

Response times vary according to emergency location and road conditions. According to EMS licensure procedure, all of the Tucker County stations arrive on scene in less than 40 minutes, which is considered to be in the middle range for a rural station (Stemple, 2001). The trip from the Study Area to Davis Memorial Hospital requires approximately 50 minutes of travel time on the existing road network. Because the existing roadways are winding, the ability of medical technicians to administer care in transit is limited.

Law enforcement services are provided by the West Virginia State Police and the Tucker County Sheriff's Office, both dispatched from Parsons. Tucker County fire protection is provided by four Volunteer Fire Departments (VFDs): Parsons, Thomas, Davis, and Canaan Valley. While the Thomas VFD is the most likely to respond to an incident in the Study Area, others are dispatched if necessary.

The construction of the proposed project would decrease the travel time from the far end of the Study Area to the hospital in Elkins by approximately 10 minutes. It would also provide a less winding, more consistent roadway that would interfere less with medical technicians' efforts to administer care in transit. It would improve travel times between Parsons and the Study Area, such that the response of law enforcement would be improved. Finally, it is expected to improve the response for VFDs located outside the Study Area when they are needed to assist the Thomas VFD.

E. Alternatives Analysis in the SDEIS

i. INITIAL RANGE OF ALTERNATIVES

As part of the scoping process, FHWA and WVDOT identified a wide range of alternatives for the Parsons-to-Davis Project. These alternatives included:

- No-Build Alternative: The No-Build Alternative is defined as maintaining the status quo (only minor improvements and maintenance would be performed), which means that the Parsons-to-Davis Project would not be completed. This alternative clearly does not meet purpose and need. However, as required by federal regulations, it was carried forward for consideration in the SEIS.
- Improved Roadway Alternative (IRA): The IRA involves some combination of improvements to existing two-lane roads, without construction of a new four-lane highway.[1] This alternative was considered, but was eliminated from consideration at an early stage of the study based on its failure to meet the purpose and need for the project.
- Original Preferred Alternative (OPA): The OPA involves the construction of a four-lane highway with partially controlled access on new location. The route for this alternative passes through the "Blackwater Area" as defined in the 2000 Settlement Agreement. The 2000 Settlement Agreement requires this alternative to be considered in the SEIS. Therefore, it was automatically carried forward for detailed study.
- Blackwater Avoidance Alternatives. The Blackwater Avoidance Alternatives, like the OPA, involve the construction of a four-lane highway with partially controlled access on new location. However, unlike the OPA, all of these alternatives are located entirely outside the Blackwater Area. The Settlement Agreement requires one or more Blackwater Avoidance Alignments to be considered in the SEIS, but does not specify the number or location of these routes.

As discussed above, the alternatives analysis in the SEIS originally was focused on the potential for avoiding the Blackwater Area. However, during the course of the study, several new issues were identified. These new issues required the expansion of the study scope (to include the entire Parsons-to-Davis Project) and the development of alignment variations for one or more alternatives. These issues included alignment shifts to avoid or minimize impacts on habitat for the WVNFS, a federally listed endangered species.

[1] In the 2000 Settlement Agreement, the plaintiffs in the Corridor H lawsuit agreed not to submit comments or file lawsuits seeking further consideration of an IRA in the SDEIS. However, the 2000 Settlement Agreement does not state that an IRA can be automatically eliminated from detailed consideration in the SDEIS. Therefore, an IRA was defined and considered in the alternatives screening process for the SDEIS.

ii. ALTERNATIVES ELIMINATED WITHOUT DETAILED ANALYSIS IN SDEIS

During the scoping period, FHWA and WVDOT developed 12 distinct Blackwater Avoidance Alternatives for consideration. These alternatives were evaluated based on a range of engineering and environmental criteria to identify a set of alternatives for detailed study in the SDEIS. The following alternatives were eliminated without detailed study:

a. Alternative 1A East and West

Alternative 1A (east and west options) was eliminated based on its connections. The connections at both Benbush and William would require climbing lanes due to the combined effects of their steepness and length. Both connections would also require a left turn (for eastbound travelers in Benbush and for westbound travelers in William).

b. Alternative 1B East and West

Alternative 1B (east and west options) was eliminated based on both earthwork and connections. The amount of waste material that would be generated by this alternative (1.56 million cubic yards) far exceeds the average (0.826 million cubic yards). The connections at both Benbush and William would require climbing lanes due to the combined effects of their steepness and length. Additionally, both connections would require a left turn (for eastbound travelers in Benbush and westbound travelers in William).

c. Alternative 1C

Alternative 1C was eliminated based on its earthwork. The footprint for this alternative (575 acres) is greater than the average footprint (506 acres), and the amount of waste material that would be generated by this alternative (0.840 million cubic yards) exceeds the average (0.826 million cubic yards). In addition, the cost estimate for Alternative 1C would far exceed that of any other alternative.

d. Alternative 1H

Alternative 1H was eliminated based on both earthwork and its connections. The amount of waste material that would be generated by this alternative (1.25 million cubic yards) far exceeds the average (0.826 million cubic yards). The connections would require a left turn to exit Corridor H at two locations (west of Thomas and north of Thomas). In addition, Alternative 1H would require substantial alterations (not required by any of the other alternatives) to US 219 in the vicinity of the connection north of Thomas.

iii. ALTERNATIVES CARRIED FORWARD FOR DETAILED ANALYSIS IN SDEIS

The following alternatives were carried forward for detailed analysis in the SDEIS (see Figure 3):

a. No-Build Alternative

The No-Build Alternative was carried forward for detailed study as required by regulation, even though it does not provide a four-lane connection between Parsons and Davis and thus does not meet purpose and need.

b. Original Preferred Alternative (OPA)

The OPA was carried forward for detailed analysis as required by the 2000 Settlement Agreement. As defined in the SDEIS, the OPA is a four-lane divided highway approximately nine miles in length. This alternative would span the watersheds of Mill Run, Slip Hill Mill Run, Big Run, Tub Run, Long Run, Middle Run, the North Fork of the Blackwater River (south of Thomas at Coketon), and Pendleton Creek. It would provide a diamond-shaped, grade-separated connection with WV 32 just north of its existing intersection with WV 93 (north of Davis).

Truck Route Option. The Truck Route (TR) was developed in response to public and CAG comments that requested safety issues associated with heavy truck traffic in Thomas, West Virginia be addressed in the Blackwater Avoidance SDEIS. The TR would provide an alternative route for heavy trucks by providing a two-lane connection that runs from US 219 north of Thomas to WV 32 on the southeast side of Thomas, northwest of the entrance to the Tucker County Landfill. The TR also provides for aesthetic improvements to Thomas, a historic resource located within the Blackwater Industrial Complex Archaeological and Historic District, by removing noisy, heavy truck traffic from the city.

c. Alternative 2

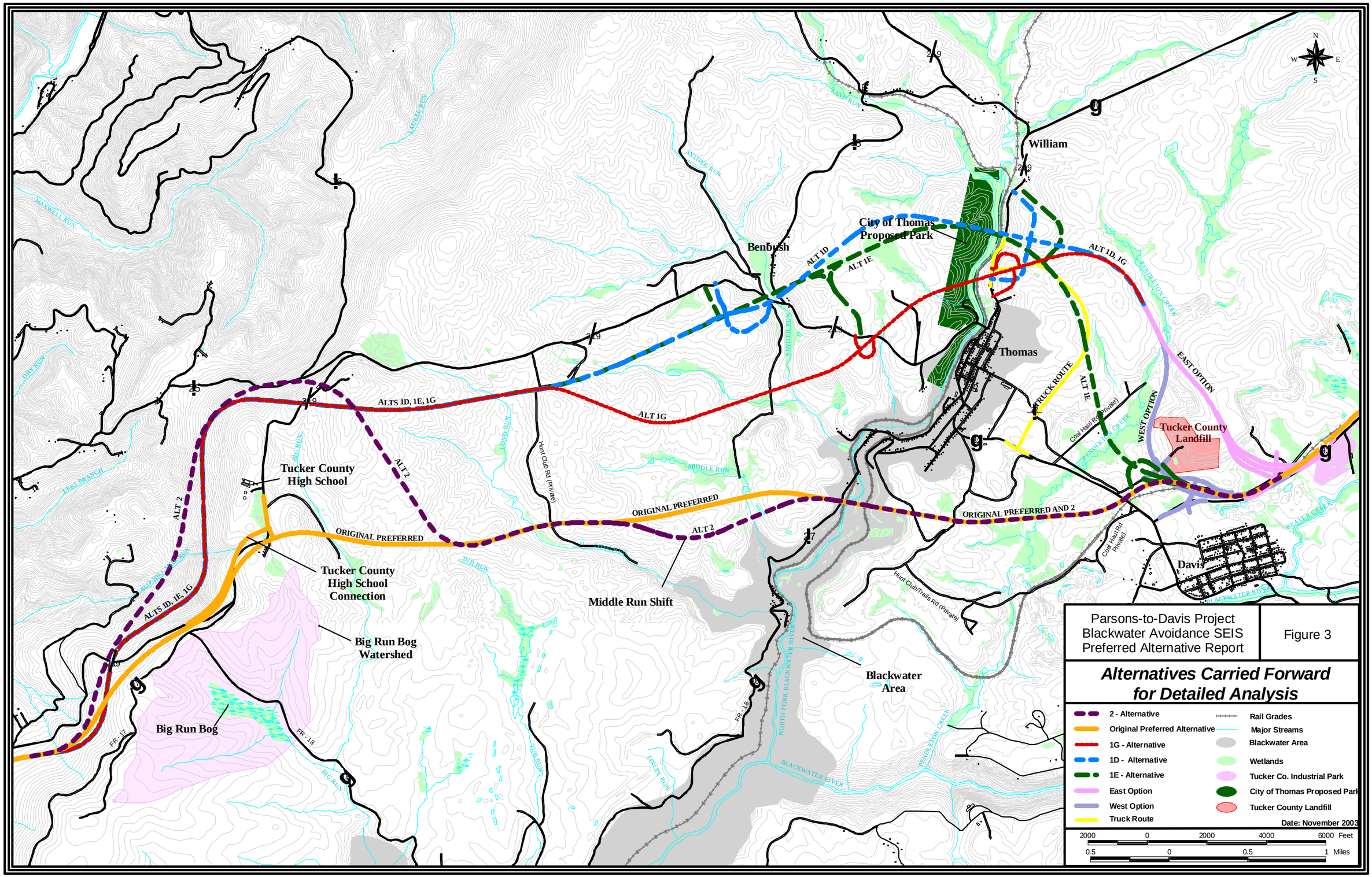
Alternative 2 was carried forward for detailed analysis as a variation of the OPA. Alternative 2 was developed in response to new environmental information concerning the WVNFS habitat. Alternative 2 begins at the same location as all of the other Build Alternatives. Beginning on the west, Alternative 2 travels in a northerly direction, following the same route as the Blackwater Avoidance Alternatives, in order to avoid known occupied habitat of the WVNFS. After passing the area of known occupied WVNFS habitat, Alternative 2 diverges from the Blackwater Avoidance Alternatives and turns to the south, where it rejoins the route of the OPA. From that point onward, Alternative 2 follows the same route as the OPA, except in the region of Middle Run, where Alternative 2 includes an alignment shift to avoid an additional area where the WVNFS has been found. Like the OPA, Alternative 2 passes through the Blackwater Area, and thus is not a Blackwater Avoidance Alternative. The TR could be incorporated into this alternative.

d. Alternatives 1D East and West, 1E, and 1G East and West

Five of the Blackwater Avoidance Alternatives – 1D East and West, 1E, and 1G East and West – were carried forward for detailed analysis. Generally, beginning at the western end, these alternatives travel north to a point north of Tucker County High School, continue east parallel to existing US 219 and north of the city of Thomas, and travel back south toward and then to the east and west of the Tucker County Landfill. The east and west options associated with these alternatives concern this avoidance of the Tucker County Landfill (Figure 3). All were determined to be reasonable and practicable alternatives that should be studied in detail before selection or elimination.

iv. CONCLUSIONS

Five Blackwater Avoidance Alternatives, along with the No-Build Alternative, the OPA, and Alternative 2, were carried forward for detailed analysis in the SDEIS. The TR was also considered in detail as a possible addition to either the OPA or Alternative 2. The SDEIS evaluated all of these alternatives on an equal basis. It did not identify a preferred alternative.



Parsons-to-Davis Project
Blackwater Avoidance SEIS
Preferred Alternative Report

Figure 3

Alternatives Carried Forward for Detailed Analysis

- 2 - Alternative
- Original Preferred Alternative
- 1G - Alternative
- 1D - Alternative
- 1E - Alternative
- East Option
- West Option
- Truck Route
- Rail Grades
- Major Streams
- Blackwater Area
- Wetlands
- Tucker Co. Industrial Park
- City of Thomas Proposed Park
- Tucker County Landfill

Date: November 2003

2000 0 2000 4000 6000 Feet

0.5 0 0.5 1 Miles

F. Agency and Public Comments on SDEIS

In December 2002, the SDEIS was approved and circulated for review and comment. The FHWA and WVDOT initially established a comment period ending on February 21, 2002. However, as requested by Corridor H Alternatives (a plaintiff in the lawsuit), the comment period was later extended to April 22, 2003.

The public hearing for the project was held at the Blackwater Lodge in Davis, West Virginia on Thursday February 6, 2003. Information regarding the SDEIS was presented in detail with project personnel providing information and answering questions. Formal comments were taken via a certified court reporter, in written form, and on the project website. Generally, attendees at the public hearing expressed concerns about the project costs and the lack of a connection to Tucker County High School (TCHS) given the safety issues associated with US 219.

A total of approximately 34 comments were received on the SDEIS. The comments received on the SDEIS were taken into consideration in modifying the alternatives studied and identifying the preferred alternative described in this document. Formal response to these comments will appear in the SFEIS as is consistent with FHWA NEPA regulations.

a. Agency Comments

Comment letters were received from the United States Environmental Protection Agency (USEPA) (Region III) office and the West Virginia Division of Natural Resources (WVDNR) (Wildlife Resource Section) during the comment period. These letters are provided in Appendix A of this report. Both agencies expressed their concerns regarding the Project's potential impacts to the WVNFS habitat areas. Another concern raised by both of the agencies was the potential impacts associated with the earthwork balances (waste/borrow material sites) for the roadway. The WVDNR encouraged WVDOT to select Alternative 1D East as the preferred alternative for the project.

b. Public Comments

Approximately 32 comments letters (including website comments) were received from the public during the comment period. The NEPA-required comment period ended February 21, 2003; however, as requested by Corridor H Alternatives (a plaintiff in the lawsuit), the period was extended to April 22, 2003. Of the comment letters that expressed an alternative preference, the majority supported the OPA (13 for the OPA including the TR and one for the OPA with the Middle Run shift). Five comment letters supported Blackwater Avoidance Alternative 1D East, two favored the construction of any of the northern alternatives around Thomas, and one supported Blackwater Avoidance Alternative 1G. In addition, two letters supported the No-build Alternative.

G. Actions Taken in Response to Comments on SDEIS

As a result of the public hearing held February 6, 2003 and careful review and consideration of agency and public comments received on the SDEIS, additional engineering was performed on the alternatives carried forward for detailed analysis. Earthwork, cost, and key environmental impacts were re-examined. Additional information regarding surface water resources and further analysis of water quality impacts was evaluated for all alternatives carried forward in the SDEIS.

As a result of this new information and further analysis, changes were made to the OPA presented in the SDEIS. These changes included:

- Development of a connection to TCHS (as requested at the public hearing for safety reasons);
- Incorporation of the Middle Run shift, originally associated in the SDEIS only with Alternative 2; and
- Incorporation of the TR (a two-lane roadway that would reduce truck traffic in the town of Thomas).

The alternative that incorporates these changes is now referred to as the ROPA. The ROPA has been identified as the preferred alternative for this project. An updated comparison of the alternatives, including the ROPA, is provided in Part IV of this document. An updated comparison of the alternatives also will be included in the SFEIS.

H. Additional Coordination with Cities of Thomas and Davis

On July 28, 2003, WVDOT transmitted letters to the Mayors of Thomas and Davis, West Virginia initiating the additional 60-day review period prescribed in the 2000 Settlement Agreement. The letters described the ROPA and stated that it is WVDOT's preferred alternative for the Parsons-to-Davis Project. Copies of these letters are provided in Appendix B of this report.

On September 10, 2003, within the 60-day period prescribed in the 2000 Settlement Agreement, the Davis City Council adopted a resolution that supported construction of the ROPA. On September 23, 2003, the Thomas City Council adopted a resolution supporting a Blackwater Avoidance Alternative. Copies of these resolutions are also provided in Appendix B of this report.

Pursuant to the terms of the 2000 Settlement Agreement, since one of the City Councils (Davis) passed a resolution during the 60-day review period supporting the ROPA, FHWA and WVDOT have the right to discontinue consideration of the Blackwater Avoidance Alternatives and proceed with the ROPA, without preparing an SFEIS. As explained below, FHWA and WVDOT do intend to eliminate the Blackwater Avoidance Alternatives from further consideration. However, the FHWA and WVDOT will prepare an SFEIS in order to provide the necessary documentation supporting the selection of the ROPA as the preferred alternative. In particular, the SFEIS is needed in order to ensure a complete analysis of the ROPA's potential impacts on the WVNFS and the impacts associated with alignment shifts and the incorporation of the TR into this alternative.[2]

[2] The Settlement Agreement contains provisions that would have governed the selection of a preferred alternative, if the Blackwater Avoidance Alignments were not eliminated from consideration based on a resolution adopted by the city councils of Davis and/or Thomas. In summary, those provisions would have required FHWA and WVDOT to select a Blackwater Avoidance Alternative unless it found that none of those alternatives were prudent and feasible. Because the city council of Davis has adopted a resolution endorsing the ROPA, the "no prudent and feasible alternative" requirement in the Settlement Agreement does not apply. The selection of a preferred alternative for this project still must comply with all applicable federal laws and regulations. A discussion of regulatory compliance is included in Part V of this document.

IV. UPDATED COMPARISON OF ALTERNATIVES

In response to comments received on the SDEIS, the OPA was revised to include the TCHS connection, the Middle Run alignment shift, and the TR. The alternative that incorporates these changes is referred to in this document as the ROPA. The individual elements of the ROPA were examined in the SDEIS as elements of the OPA and/or Alternative 2. However, there was no single alternative in the SDEIS that incorporated all of these elements. Thus, set forth below is an updated comparison of alternatives. This comparison examines the ROPA, Alternative 2 (with the TR), and the Blackwater Avoidance Alternatives. These alternatives are compared based upon environmental impacts, ability to meet purpose and need, and cost.

A. Environmental Impacts

i. OVERVIEW

Table 3 presents a summary of the impacts of each of the alternatives. The alternatives are generally similar in their environmental impacts. Differences among the alternatives are apparent in terms of their impacts on certain categories of resources. Impacts can be summarized as follows:

- Total Right-of-Way Required. The alternative with the smallest "footprint" is the ROPA with the TR; all of the other alternatives would require approximately 100-150 additional acres of right-of-way.

- Earthwork. The alternatives are generally similar in terms of the overall amount of earthwork required, but there are some differences.

- Displacements. The alternatives are generally similar in terms of residential and business displacements. Most of the alternatives would result in zero residential displacements and zero business displacements. The only alternative that would result in any residential displacements is Blackwater Avoidance Alternative 1E, which would displace one residence. The only "business" displacement would occur under Blackwater Avoidance Alternatives 1D East, 1D West, 1G East, and 1G West, which would involve impacts on the Tucker County Landfill (on administrative facilities or expansion area, but not the landfill itself).

- Section 4(f) Resources and Cultural Resources. None of the alternatives will result in the "use" of land from any Section 4(f)-protected resource (i.e., any park, recreation area, refuge, or historic site). In addition, none of the alternatives would result in an "adverse effect" on any cultural resource (i.e., historic or archeological site).

- Wetlands, Streams, and Floodplains. Alternatives that avoid the Blackwater Area all generally result in lower total wetland, stream, and floodplain impacts than alternatives that go through the Blackwater Area. In particular, the alternatives with the lowest total wetland impacts are Blackwater Avoidance Alternatives 1G West and 1G East; and the alternatives with the lowest total stream impacts are Blackwater Avoidance Alternatives 1D East, 1E, and 1G East. By comparison, the alternative with the highest total impacts in these categories is the ROPA. These differences in total surface water impacts were noted by the USEPA and WVDNR in their comments on the SDEIS. In part, because of

the comments of these agencies, a more detailed (e.g.,"finer") analysis of surface water impacts was undertaken and is discussed in the next section.

- Endangered Species Habitat. All of the alternatives have been found to have the potential to cause an adverse effect on the WVNFS, a federally listed endangered species. Any alternative will require a Biological Opinion to be issued by the USFWS.

- Sensitive Areas in Monongahela National Forest. The Monongahela National Forest is classified into management prescription areas (MPAs). None of the MPAs within the Study Area are designated as wildlife refuges or sanctuaries. The Study Area encompasses two MPAs, 3.0 and 6.1. Both are open to hunting and other multiple-use activities (e.g., timber production and management). Additionally, a series of Forest Service roads for both motorized and non-motorized use are located throughout MPAs 3.0 and 6.1. The alternative with the least impact on MPA 3.0 is the ROPA. The alternative with the least impact on MPA 6.1 is Alternative 2 with the TR.

As the project moves forward with any of the alternatives, there is always a possibility that additional impacts will occur. These additional impacts have the highest qualitative probability of occurrence with Alternative 2 and Blackwater Avoidance Alternatives 1D, 1E or 1G at their western "ends." Each of these alternatives passes along the western side of Backbone Mountain. To construct the highway along Backbone Mountain will require large cuts. According to the Monongahela National Forest and Natural Resource Conservation Service (NRCS) data, soils on this side of Backbone Mountain are highly erodible. Construction in this area could lead to additional sediment loads in Slip Hill Mill Run, which, according to the Monongahela National Forest, currently has a sediment load approaching the danger threshold for native trout that inhabit that stream and its watershed.

Table 3
Summary of Impacts by Alternative

ISSUE OR RESOURCE	Alternatives Carried Forward in SDEIS									
	No-Build	1D West	1D East	1E	1G West	1G East	2	OPA	TR	ROPA
Mainline Length (miles)	11.80	11.15	10.99	10.31	11.13	10.97	9.63	8.21	1.75	9.99
Cost (millions) [1]	N/A	209.6	218.2	208.1	209.4	194.4	158.2	137.6	4.8	147.9
Footprint (acres)	N/A	540	538	514	501	499	478	320	32	375
Roadway Earthwork Volumes[2]										
-Cut (MCY)	N/A	22.12	22.45	20.42	19.83	20.16	25.67	19.81	0.31	19.81
-Borrow (MCY)	N/A	4.77	4.85	6.04	0.42	0.42	0.00	0.00	0.00	0.00
-Waste (MCY)	N/A	7.86	7.86	4.29	2.53	2.46	11.40	15.07	<0.01	13.83
TOTAL BORROW AND WASTE (MCY)	N/A	12.63	12.71	10.33	2.95	2.88	11.40	15.07	<0.01	13.83
Reduction in Downtown Thomas Truck Traffic	N/A	-80%	-80%	-80%	-80%	-80%	-45%[3]	-45%[3]	Up to –35%	-80%
Travel Time (minutes)	18	11	11	10	11	11	10	8	N/A	10
Level of Service (2020)	D	A	A	A	A	A	A	A	N/C	A
Displacements										
-Residential	N/A	0	0	1	0	0	0	1	0	1
-Business	N/A	Landfill facilities[4]	Landfill expansion area[5]	0	Landfill facilities[4]	Landfill expansion area[5]	0	0	0	0
4(f) Use	N/A	None	None	None	None	None	None	None	None	None
Wetlands (acres)[6]										
- PEM	N/A	0.98	1.01	2.04	0.46	0.26	4.12	3.69	0.06	4.68
- PSS	N/A	0.09	0.72	0.34	0.09	0.72	0.98	1.05	0.00	1.05
- PFO	N/A	0.06	0.00	3.48	0.11	0.05	0.00	0.59	0.00	1.52
- POW	N/A	0.00	0.00	0.00	0.00	0.00	0.49	2.58	0.00	0.68
TOTAL	N/A	1.13	1.73	5.86	0.66	1.03	5.59	7.91	0.06	7.93
Streams										
- Impact length (linear feet)	N/A	9017	6320	7716	7836	5139	10009	10140	1915	12570
Floodplains, 100yr (acres)	N/A	0.0	0.0	0.0	0.0	0.0	2.5	3.2	0.0	3.2
Potential impact to WVNFS Habitat?	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Monongahela Nat'l Forest (acres)										
- MPA 3.0	N/A	345	345	331	318	318	388	193	1	217
- MPA 6.1	N/A	84	84	83	82	82	68	108	0	109
Cultural Resources										
- Effects on NRHPEligible/Listed Resources (Blackwater Industrial Complex Archaeological and Historic District)	N/A	No Effect	No Effect	No Effect	No Effect	No Effect	No Adverse Effect	No Adverse Effect	No Effect	No Adverse Effect

N/A = Not Applicable
MCY = Million Cubic Yards
N/C = Not Calculated
WVNFS = West Virginia northern flying squirrel (*Glaucomys sabrinus fuscus*)
MPA = Management Prescription Area

[1] Based on current average construction costs, including such variables as earthwork, drainage, pavement and bridging. Does not include cost of ROW or utility relocations

[2] Each alternative was divided into reasonable segments (construction contract sections with reasonable haul distances), and evaluated as such. Hence, one segment may have borrow and another segment waste. The volumes shown above are a summation of these sub-sections, so the alternative as a whole has borrow quantities and waste quantities. The segments (or construction contract sections) will be further refined as the project moves forward into final engineering design. There are environmental impacts associated with both borrow and waste activities. Generally, if the amount of cut is greater than fill then waste will be generated; if the amount of cut is less than fill then borrow material must be obtained. Waste and borrow amounts should be viewed in total (added together).

[3] Assumes no Truck Route. (Changes to 80% with the addition of the Truck Route.)

[4] The facilities include the scales and scale house of the Tucker County Landfill. The facilities would need to be moved due to construction of these alternatives.

[5] Indicates the potential expansion area of the Tucker County Landfill.

[6] Wetland impacts for the Parsons-to-Davis Project have been mitigated per the 1996 Record of Decision and Section 404 Permit.

ii. ADDITIONAL ANALYSIS

a. Streams

To complete the "finer" analysis, the stream segments of each of those "streams" identified on project design mapping as impacted (i.e., culverted, relocated or filled) were investigated in the field and classified (i.e., drainage ditches, ephemeral streams, intermittent streams or perennial streams) based on standard field techniques. Following this classification, the water quality of each of the identified intermittent and perennial streams was determined based on data obtained from the WVDNR and/or West Virginia Department of Environmental Protection (WVDEP). Comparisons were then made between the ROPA and each of the alternatives by stream type and its water quality "rating". These comparisons are presented in Table 4 and Figure 4 below and show that the preponderance of stream impacts for each of the alternatives are drainage ditches and/or ephemeral streams and that impacts to perennial streams with high water quality do not differ substantially among each of the alternatives under consideration; the impacts to perennial streams with high water quality range from approximately 297 linear feet (OPA) to approximately 1609 linear feet (Alternative 2). The difference between the ROPA and the least impactive Alternatives (i.e., 1D west, 1D east, 1G west and 1G east), relative to perennial streams with high water quality, is approximately 290 linear feet. Details concerning this analysis and mitigation of stream impacts will be included in the Blackwater SFEIS.

b. Wetlands

Wetland impacts for each of the alternatives are generally small impacts on small, low quality, palustrine emergent wetland systems (Table 5). A comparison of wetland impacts among the alternatives ranges between approximately one (1) acre (Alternative 1G west) to approximately eight (8) acres (ROPA). The ROPA impacts approximately two (2) more acres of wetland than the 1996 Preferred Alternative (5.74 acres). The wetland impacts of the 1996 Preferred Alternative were permitted with the issuance of the Section 404 individual permit by the Corps of Engineers in 1996. The issuance of that permit was, in part, conditioned on WVDOH's construction of wetland mitigation sites large enough to cover all 1996 FEIS predicted wetland impacts. As per the conditions of the 1996 Section 404 permit, WVDOH completed the construction of approved wetland replacement sites in 1998 for the entire 100 mile long Appalachian Highway Corridor H project. The total wetland acreage created by that construction exceeded the required permit total by approximately 18 acres. Details concerning wetland impacts, wetland systems and mitigation sites will be included in the Blackwater SFEIS.

Table 4
Comparison Among Alternatives of Total Stream Length Impact
(in linear feet) by Stream Type and Water Quality

Alternative	Ditch	Ephemeral	Intermittent High Quality	Intermittent Medium Quality	Intermittent Low Quality	Perennial High Quality	Perennial Medium Quality	Perennial Low Quality	Totals
1D West	4194	2003	0	0	1865	401	0	554	9017
1D East	1133	2003	0	0	2229	401	0	554	6320
1E	984	2410	0	0	3173	557	0	592	7716
1G West	4194	2086	0	0	1093	401	0	62	7836
1G East	1133	2086	0	0	1457	401	0	62	5139
2	2638	3520	0	0	748	1609	0	1494	10009
OPA	5395	1670	0	0	965	297	0	1813	10140
TR	857	468	0	0	590	0	0	0	1915
ROPA	6683	1779	0	0	1555	690	0	1863	12570

Figure 4
Comparison Among Alternatives of Total Stream Length Impact by Stream Type and Water Quality

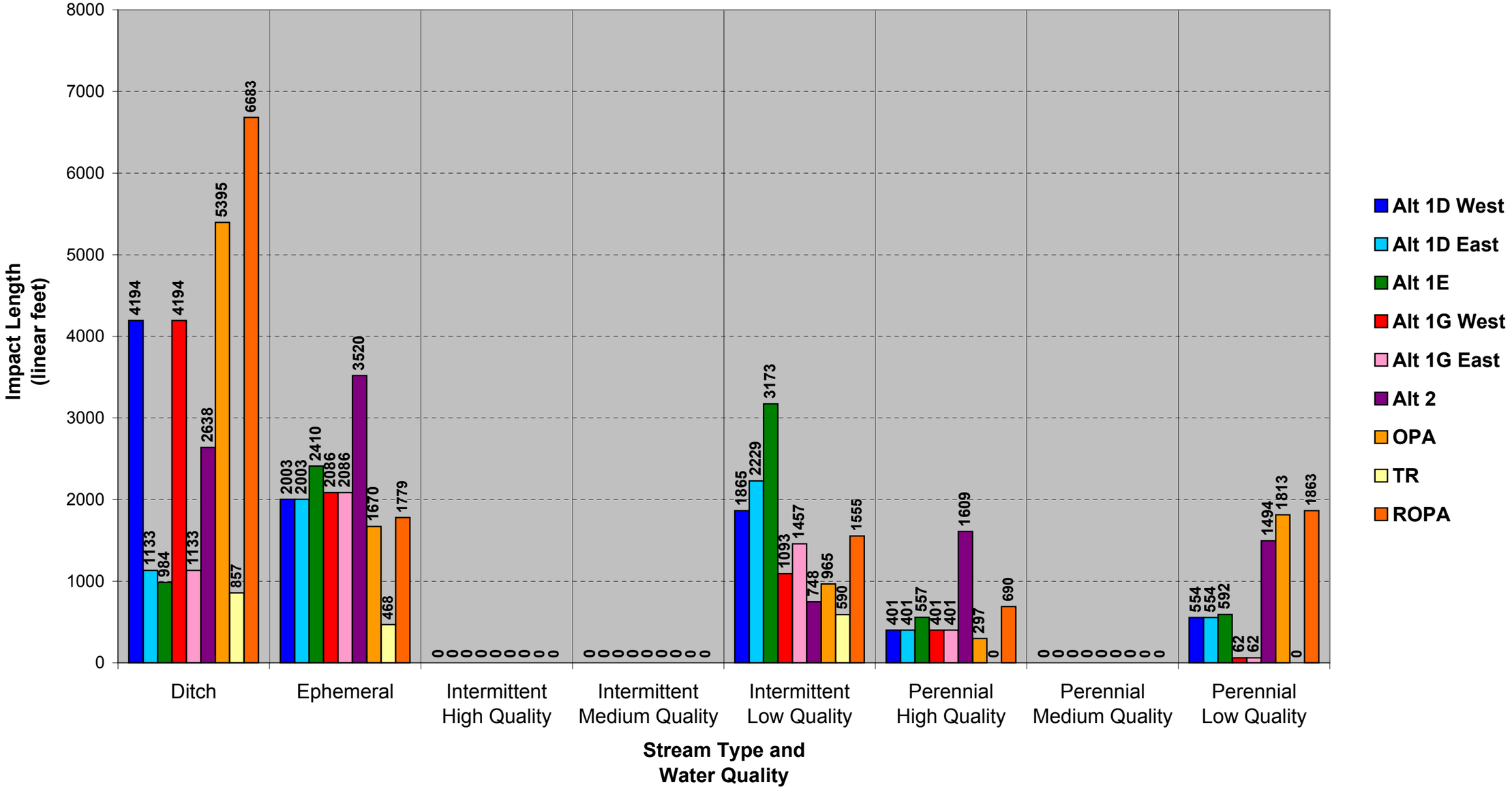


Table 5
Wetland Impacts

Wetland ID	Wetland Type	Total Wetland Acres	Alternatives Carried Forward in SDEIS								
			1D West	1D East	1E	1G West	1G East	2	OPA	TR	ROPA
1233	PEM	6.27		0.02			0.02				
1260	PEM	0.10							0.00		0.03
1261	PEM	7.42						0.19	0.44		0.44
1262	PEM	1.48						1.04	1.14		1.14
1263	PEM	0.71						0.64	0.02		0.56
1264	PEM	1.17						0.85	0.82		0.82
1306	PEM	0.91						0.21	0.22		0.21
1334	PEM	1.21						0.56			0.56
1343	PEM	0.03						0.03	0.03		0.03
3301	PEM	0.28		0.24			0.24				
3309	PEM	28.37						0.05			
1235 A	PEM	0.16		0.00			0.00				
1259 A	PEM	0.36	0.01		0.03	0.24		0.04	0.04		0.04
1265 A	PEM	0.28	0.15			0.15					
1265 B	PEM	0.07	0.07		0.07	0.07		0.07	0.07		0.07
1301 A	PEM	6.27						0.14	0.16		0.16
1301 B	PEM	0.02						0.02	0.02		0.02
1301 C	PEM	0.02						0.02	0.02		0.02
1332 C	PEM	0.06						0.00			0.00
1333 B	PEM	0.88							0.27		
1333 C	PEM	1.23						0.06	0.01		0.06
1339 D	PEM	0.49						0.04	0.28		0.28
1363 A	PEM	0.04						0.04	0.04		0.04
1363 B	PEM	0.13						0.11	0.13		0.13
AR-IW1	PEM	0.07	0.00	0.00							
CY 15	PEM	1.41								0.06	0.06
CY 18	PEM	14.91	0.01	0.01							
HJ 8	PEM	4.05	0.74	0.74	1.94						
NWI-101	PEM	0.70		0.01			0.01				
3311	PFO	12.51							0.53		1.50
1339 C	PFO	0.47							0.00		0.01
1354 F	PFO	0.44							0.06		0.01
HJ 5	PFO	31.03			3.48						
HJ 6	PFO	7.76				0.05	0.05				
PFO 1	PFO	1.88	0.06			0.06					
AR 1-1	POW	0.34						0.01			0.01
NWI-100	POW	0.69		0.00			0.00				
POW 4	POW	21.66						0.10	2.04		0.13
POW 5	POW	0.43						0.27	0.43		0.43
POW 6	POW	0.10						0.10	0.10		0.10
POW 7	POW	0.01						0.01	0.01		0.01
1236	PSS	4.71		0.04			0.04				
1257	PSS	0.83		0.54			0.54				
1299	PSS	0.16	0.09			0.09					
1234 A	PSS	0.52		0.14			0.14				
1259 B	PSS	0.19	0.00			0.00					
1339 F	PSS	0.56						0.24	0.49		0.49
1362 A	PSS	0.05						0.04	0.05		0.05
1362 B	PSS	0.25						0.18	0.25		0.25
NWI 1	PSS	63.12	0.00		0.34	0.00					
PSS 1	PSS	29.00						0.52	0.26		0.26
	Totals:	**256.52**	**1.13**	**1.73**	**5.86**	**0.66**	**1.03**	**5.59**	**7.91**	**0.06**	**7.93**

B. Ability to Meet Purpose and Need

As detailed in Chapter 1 of the Blackwater SDEIS (Purpose and Need), any of the alternatives under consideration would meet the overall purpose and need and objectives for the "larger" Appalachian Corridor H project.

Two additional Parsons-to-Davis specific purposes were derived from the needs analysis conducted for the Blackwater SDEIS. These two additional purposes were to: 1) reduce heavy truck traffic through the City of Thomas and (2) improve emergency response times and access to emergency facilities.

Each of the alternatives under consideration except the No-Build Alternative is predicted to reduce truck traffic through Thomas by approximately 80 percent, assuming that the TR is constructed along with Alternative 2 or the ROPA. Therefore, the alternatives under consideration are all essentially the same in terms of their ability to reduce truck traffic through Thomas.

Each of the alternatives can be expected to attract most of the slow-moving heavy tractor-trailer trucks from US 219. Because of this likely removal of these slow-moving vehicles and the difficulty in passing them on the steeply graded, narrow and windy US 219, it can be expected that any of the alternatives would serve to reduce emergency response times within the project area.

However, in part because of its shorter length and less circuitous route, the ROPA, when compared to the other alternatives, results in additional reduced response times between Thomas and Davis and the only full-service hospital (David Memorial Hospital in Elkins) serving these communities. Additionally, because the ROPA is the only alternative that can provide a direct connector from Corridor H to the TCHS, emergency response time reduction would also apply to this important facility. Response time reduction would also apply to other emergency providers (e.g., fire and police). It is generally accepted among emergency providers that a reduction in response time of even a few minutes is important and can be crucial.

Several other factors also indicate that the ROPA best meets project objectives:

- The ROPA would likely support greater economic development in Thomas. Removal of heavy truck traffic would improve the downtown environment of Thomas, thus increasing its attractiveness for economic development - particularly tourism related retail activities.

- Alternatives that run east of the Tucker County Landfill (Blackwater Avoidance Alternatives 1D East, 1E, and 1G East) would impact the landfill's ability to expand — an important local economic consideration. The landfill currently services 10 counties in West Virginia. The ROPA will not impact the landfill facilities or its ability to expand for future growth.

- The ROPA includes a connection to TCHS from Corridor H, an important safety issue raised during the public involvement process by the CAG, individual citizens at public meetings and Tucker County officials. While a connection to TCHS is feasible for the all of the alternatives carried forward for detailed study in the SDEIS, the TCHS connection associated with the ROPA is the most desirable based on terrain, earthwork requirements, and engineering constraints.

Based on the discussion above, the ROPA better fulfills the project's purpose than any of the other alternatives.

C. Project Cost

Cost is an important consideration for any project. As pointed out above, cost differences must be weighed against, and balanced with, differences in environmental impact and the ability of an alternative to meet the project's purpose and need. As shown in the summary table of impacts by alternative (Table 3), the cost of constructing the ROPA is $147.9 million, which is approximately $46.5 million less than the least expensive Blackwater Avoidance Alternative (1G East), and approximately $70 million less than Blackwater Avoidance Alternative 1D East, which is the most expensive of the alternatives.

V. REGULATORY REQUIREMENTS

A. Section 7 Consultation of the Endangered Species Act

Subsequent to the issuance of the Corridor H ROD in 1996 and following the initial Notice of Intent (NOI) for the Blackwater Avoidance SEIS in May 2000, the endangered WVNFS (*Glaucomys sabrinus fuscus*) was found within the Study Area of the Parsons-to-Davis Project. Because of this finding, a revised NOI was prepared in October 2001 to expand the initial Blackwater Avoidance SEIS. In addition, FHWA and WVDOT initiated consultation with the USFWS under Section 7 of the Endangered Species Act (ESA) to consider the potential effects of this project on the WVNFS.

Section 7 of the ESA requires consultation with the USFWS regarding a project's potential impacts on threatened and endangered species. As part of the "informal consultation" process under the ESA, a Biological Assessment (BA) was prepared for the WVNFS. After reviewing the BA as discussed in the SDEIS, the USFWS concluded that adoption of any of the proposed alternatives would result in an adverse effect to this species. Because of this determination by the USFWS, it will be necessary to enter into Section 7 formal consultation concerning the WVNFS, regardless of which alternative is selected. The formal consultation process will result in a Biological Opinion issued by the USFWS. The results of additional consultation will be presented in the SFEIS.

B. Section 404 Permitting/Section 401 of the Clean Water Act

Section 404 of the Clean Water Act requires a permit from the USACOE for the discharge of dredge or fill material into waters of the United States, including wetlands. Before a permit can be issued by the USACOE, the permit applicant must obtain a certification by the state water quality agency that the proposed project meets state water quality standards. The required water quality certification is commonly referred to as "Section 401 certification." In West Virginia, the state agency responsible for Section 401 certification is the WVDEP.

In 1996, the WVDEP issued Section 401 water quality certification and the USACOE issued an individual 11-year Section 404 permit for the entire Corridor H project approved by the 1996 ROD, which at that time assumed the completion of the 1996 Preferred Alternative between Parsons and Davis. In accordance with the Section 404 permit and the Section 401 water quality certification, WVDOT constructed two wetland mitigation (replacement) sites between 1996 and 1998. Both of these sites have been monitored continuously and have been determined by all agencies involved to

be successful. That is, both of them have maintained appropriate hydrological regimes and both support a diverse, growing wetland floral and faunal assemblage. The total wetland replacement acreage at these two sites exceeded, by approximately 18 acres, the amount required under the Section 404 permit and Section 401 certification for the Corridor H project.

WVDOT is coordinating with the USACOE and WVDEP to determine the regulatory actions that will be needed pursuant to Section 401 and 404 of the Clean Water Act, in order to allow construction of the ROPA to proceed.

C. Section 106 of the National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, as amended, requires the consideration of potential impacts of federally funded projects on significant historic resources. Section 106 of the NHPA provides regulations for completing the identification of significant historic resources and evaluating the impacts that a proposed action will have on these resources. Under the 2000 Settlement Agreement, the Amended ROD for the Parsons-to-Davis Project cannot be issued until FHWA and WVDOT have completed all of the studies and consultation required for historic properties under Section 106.

Consistent with the Section 106 regulations, FHWA and WVDOT defined the Area of Potential Effect (APE) for the project as the area within 1,000 feet of each side of any proposed alternative. As detailed in the SDEIS, two historic resources have been identified in the APE: the West Virginia Central and Pittsburgh [sic] Railroad Grade; and the Blackwater Industrial Complex Archaeological and Historic District. A draft Criteria of Effects (COE) report was prepared in June 2002. Following the required circulation of the draft COE, the West Virginia State Historic Preservation Officer (WVSHPO), in a letter dated October 30, 2002, and the Monongahela National Forest (US Forest Service), in a letter dated October 24, 2002, concurred with the draft COE finding of "no adverse effect" with respect to historic resources. A final COE report will be prepared and circulated to the WVSHPO, US Forest Service and the consulting parties in 2004.

D. Section 4(f) of the Transportation Act

Section 4(f) of the Department of Transportation Act prohibits the U.S. Department of Transportation (USDOT) from approving a project that involves the "use" of certain protected lands – namely, parks, recreation areas, refuges, and historic sites – unless the USDOT finds that (1) there is no prudent and feasible avoidance alternative, and (2) the project involves all possible planning to minimize harm to Section 4(f) resources.

As detailed in the SDEIS, there are three Section 4(f) resources in the project area. These are the proposed City of Thomas Park; the West Virginia Central and Pittsburgh [sic] Railroad Grade; and the Blackwater Industrial Complex Archaeological and Historic District. A summary of the Section 4(f) determinations detailed in Section IV (Section 4(f) and 6(f) Anayses) of the Blackwater SDEIS is summarized below.

1) Proposed City of Thomas Park – By official resolution, the City of Thomas proposed joint development of the proposed park and Appalachian Highway Corridor H. Based on FHWA regulations, Section 4(f) does not apply when joint development agreements of this type are in effect. Therefore, even though Alternatives 1D, 1E and 1G would cross through the proposed City of Thomas Park, no Section 4(f) "use" would occur.

2) West Virginia Central and Pittsburgh [sic] Railroad Grade – Alternatives 1D, 1E and 1G would each cross over this historic site. However, all of these alternatives would bridge the historic railroad. Because of this bridging, no direct "use" of this Section 4(f) resource would occur. Additionally, the WVSHPO has determined that the alternatives in relation to the historic railroad grade would not constitute an "adverse effect." FHWA regulations (23 CFR 771.135 (p)(5)(i)) preclude a Section 4(f) "constructive use" where it has been determined that no adverse effect occurs as the result of the project.

3) Blackwater Industrial Complex Archaeological and Historic District – Alternative 2 and the ROPA would each cross over a portion of this historic site. However each of these alternatives, if selected, would bridge over the historic district. While piers will be required to support the proposed bridge, it has been determined that bridge piers can be placed so as to avoid "use" of any element that contributes to the historic significance of this resource. Additionally, based on the draft COE report prepared in June 2002, the WVSHPO and the U.S. Forest Service (USFS) - the local authorities having jurisdiction over this resource - have each commented that the project as proposed will have no adverse effect on the Blackwater Industrial Complex Archaeological and Historic District. Therefore based on FHWA regulations (23 CFR 771.135), it appears none of the alternatives under consideration would "use," either directly or constructively, the Blackwater Industrial Complex Archaeological and Historic District. Final determinations of effects will occur after a final COE report is prepared and circulated to the appropriated parties.

VI. CONCLUSION AND NEXT STEPS

A. Conclusion

After consideration of engineering and environmental constraints, and public and agency comments, the ROPA has been identified as the preferred alternative for the Parsons-to-Davis Project at this stage of the process based on the following summarized information:

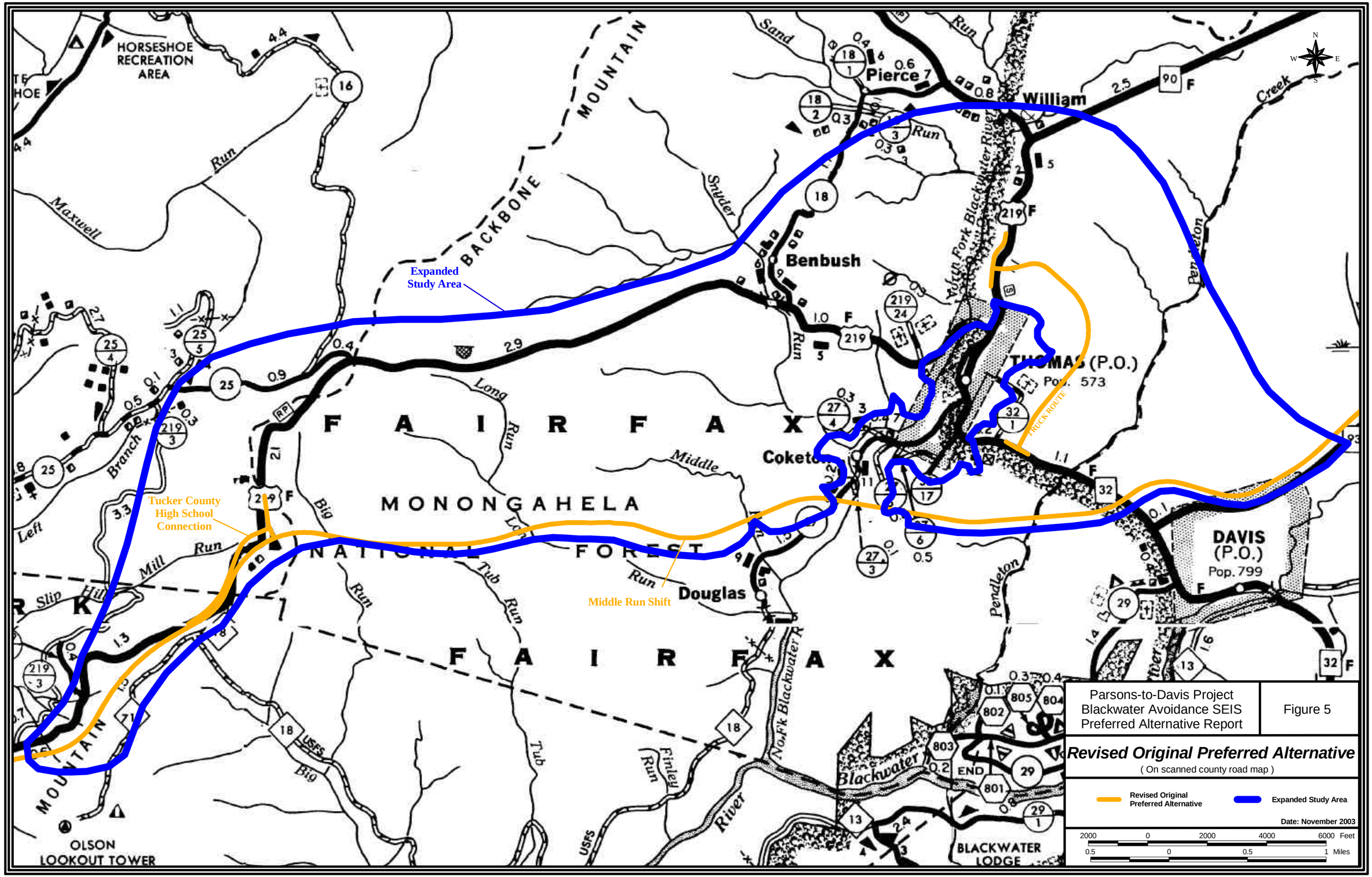
- It best achieves the purpose and need for the project;
- It is similar to the other alternatives in terms of its overall environmental impacts; and in the areas where its impacts are greater (e.g., wetlands), the impacts have already been fully permitted and mitigated;
- It is $16 million to $70 million less expensive than any other alternative; and, in particular, is $46 million less expensive than any of the Blackwater Avoidance Alternatives; and
- It is consistent with applicable regulatory requirements, including Section 4(f).

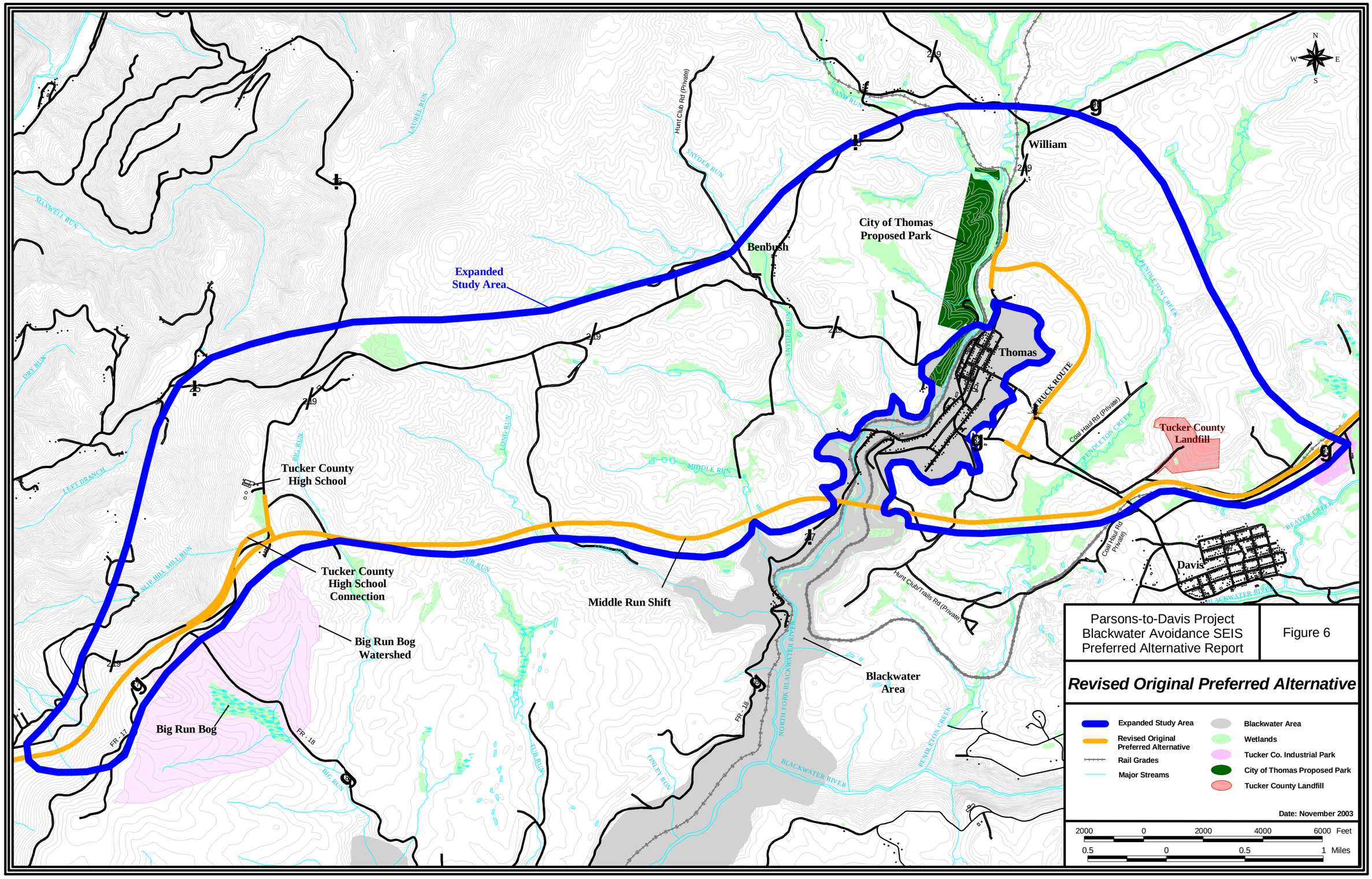
Figure 5 and Figure 6 present the location of the ROPA.

While the ROPA has been identified at this stage of the Blackwater SEIS process as the preferred alternative, its identification does not preclude WVDOT from changing the preferred alternative's identification at a later stage based on resource agencies' comments or other new information or changed circumstances (Settlement Agreement, III(C)(b)(2)).

B. Next Steps

As stated, FHWA and WVDOT will prepare an SFEIS. The SFEIS is not required under the 2000 Settlement Agreement, but is being prepared in order to provide the necessary documentation supporting the selection of the ROPA as the preferred alternative, and to ensure a complete analysis of the ROPA's potential impacts on the WVNFS and the impacts associated with alignment shifts and the incorporation of the TR into this alternative. The SFEIS will contain formal responses to comments received on the SDEIS as is consistent with CEQ and FHWA NEPA regulations. Following issuance of the SFEIS, FHWA will issue an Amended ROD for the Parsons-to-Davis project. If a Build alternative is approved in the Amended ROD, the WVDOT will then be allowed to proceed with the remaining final design activities, right-of-way acquisition, and construction of the project.


Expanded Study Area
Tucker County High School Connection
Middle Run Shift
BACKBONE MOUNTAIN
MONONGAHELA NATIONAL FOREST
FAIRFAX
FAIRFAX
HORSESHOE RECREATION AREA
Benbush
Pierce
William
Douglas
Coketon
THOMAS (P.O.)
Pop. 573
DAVIS (P.O.)
Pop. 799
BLACKWATER LODGE
OLSON LOOKOUT TOWER
TRUCK ROUTE
Maxwell Run
Snyder Run
Long Run
Middle Run
Tub Run
Finley Run
Big Run
Left Fork Mill Run
Branch
Slip Hill
Mountain
Pendleton Creek
North Fork Blackwater River
Blackwater River
USFS
Parsons-to-Davis Project
Blackwater Avoidance SEIS
Preferred Alternative Report
Figure 5
Revised Original Preferred Alternative
(On scanned county road map)
Revised Original Preferred Alternative
Expanded Study Area
Date: November 2003
2000 0 2000 4000 6000 Feet
0.5 0 0.5 1 Miles


N
W
E
S
Expanded Study Area
City of Thomas Proposed Park
Benbush
William
Thomas
TRUCK ROUTE
Tucker County High School
Tucker County High School Connection
Middle Run Shift
Big Run Bog Watershed
Big Run Bog
Blackwater Area
Tucker County Landfill
Davis
Hunt Club Rd (Private)
Coal Haul Rd (Private)
Hunt Club/Trails Rd (Private)
LAUREL RUN
MAXWELL RUN
DRY RUN
LEFT BRANCH
SLIP HILL-MILL RUN
BIG RUN
LONG RUN
SNYDER RUN
SAND RUN
MIDDLE RUN
TUB RUN
FINLEY RUN
NORTH FORK BLACKWATER RIVER
BLACKWATER RIVER
PENDLETON CREEK
BEAVER CREEK
FR - 17
FR - 18
Parsons-to-Davis Project
Blackwater Avoidance SEIS
Preferred Alternative Report
Figure 6
Revised Original Preferred Alternative
Expanded Study Area
Revised Original Preferred Alternative
Rail Grades
Major Streams
Blackwater Area
Wetlands
Tucker Co. Industrial Park
City of Thomas Proposed Park
Tucker County Landfill
Date: November 2003
2000 0 2000 4000 6000 Feet
0.5 0 0.5 1 Miles

Exhibits

1996 Preferred Alternative

ROPA – Revised Original Preferred Alternative (November, 2003)

Kerens to Parsons Projec
Battlefield Avoidance SEIS New Preferred Alternative
ROD issued May 2003

ROPA (BIG RUN BOG SHIFT)

MATCH LINE SEE SHEET 17

N

US. 219

COUNTY 31 WOLF RUN RD.

CO. RTE. 2/13

U.S. RTE. 219

ROARING RUN

MC3305

MC3304

MC3314

MC3313

POWZ

332

349

KERENS TO PARSONS

PARSONS TO DAVIS

BACKBONE MTN.

- Palustrine Forested (PFO)
- Palustrine Scrub/Shrub (PSS)
- Palustrine Emergent (PEM)
- Photo Interpreted (PH)
- Palustrine Open Water (POWZ)
- Palustrine Unconsolidated Bottom (PUB)
- PC2300 Stream Sampling Location and ID

PRELIMINARY DESIGN

APPALACHIAN CORRIDOR H
PARSONS – to – DAVIS PROJECT
BLACKWATER AVOIDANCE SEIS

Alignment and Resource Location Plans
Preferred Alternative Report
November 2003
Exhibit 1 of 7

Baker

0 300 600
SCALE IN FEET

WVDOT

NOVEMBER 2003

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12-DEC-2003 13:36

Palustrine Forested (PFO)
Palustrine Scrub/Shrub (PSS)
Palustrine Emergent (PEM)
Photo Interpreted (PH)
Palustrine Open Water (POWZ)
Palustrine Unconsolidated Bottom (PUB)
PC2300 Stream Sampling Location and ID

1996 Preferred Alternative
ROPA – Revised Original Preferred Alternative (November, 2003)
Big Run Bog Watershed

TUCKER COUNTY HIGH SCHOOL CONNECTION

ROPA
(BIG RUN BOG SHIFT)

1996 PREFERRED ALT.

BIG RUN BOG WATERSHED

US 219
TUCKER COUNTY HIGH SCHOOL
POWER LINE
SLIP HILL MILL RUN
BACKBONE MTN.
PROPOSED RETAINING WALL
RET. WALL
PR 18
OLSONTOWN RD.
PR 717
CANYON RIM RD.
MC3302
MC1373
I373B
I373A
MATCH LINE SEE SHEET 16
MATCH LINE SEE SHEET 18

APPALACHIAN CORRIDOR H
PARSONS – to – DAVIS PROJECT
BLACKWATER AVOIDANCE SEIS

Alignment and Resource Location Plans
Preferred Alternative Report
November 2003
Exhibit 2 of 7

Baker
0 300 600
SCALE IN FEET
WVDOT

PRELIMINARY DESIGN

NOVEMBER 2003

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ROPA
(BIG RUN BOG SHIFT)

BIG RUN

LONG RUN

TUB RUN

MC1310

MATCH LINE
SEE SHEET 17

MATCH LINE
SEE SHEET 19

1996 Preferred Alternative

ROPA – Revised Original Preferred Alternative
(November, 2003)

- Palustrine Forested (PFO)
- Palustrine Scrub-Shrub (PSS)
- Palustrine Emergent (PEM)
- Photo Interpreted (PH)
- Palustrine Open Water (POWZ)
- Palustrine Unconsolidated Bottom (PUB)
- PC2300 Stream Sampling Location and ID

PRELIMINARY DESIGN

APPALACHIAN CORRIDOR H
PARSONS – to – DAVIS PROJECT
BLACKWATER AVOIDANCE SEIS

Alignment and Resource Location Plans
Preferred Alternative Report
November 2003
Exhibit 3 of 7

Baker

0 300 600
SCALE IN FEET

WVDOT

NOVEMBER 2003

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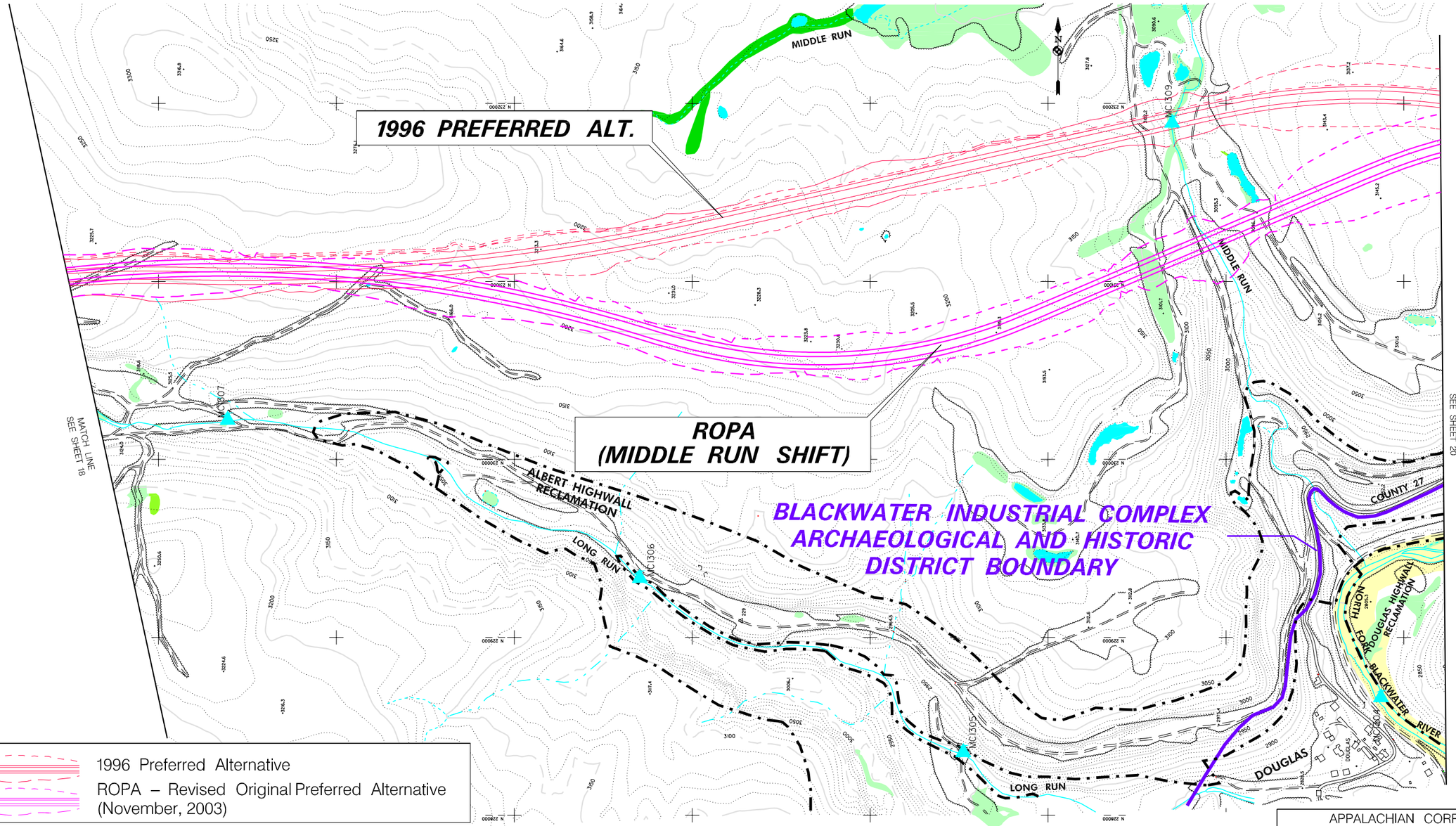

1996 Preferred Alternative

ROPA – Revised Original Preferred Alternative (November, 2003)

- Palustrine Forested (PFO)
- Palustrine Scrub/Shrub (PSS)
- Palustrine Emergent (PEM)
- Photo Interpreted (PH)
- Palustrine Open Water (POWZ)
- Palustrine Unconsolidated Bottom (PUB)
- PC2300 Stream Sampling Location and ID

NOTE: CONTOURS ALONG THE NORTH FORK BLACKWATER RIVER VALLEY DO NOT REPRESENT EXISTING CONDITIONS DUE TO ABANDONED MINE LAND RECLAMATION PROJECTS SUBSEQUENT TO PREPARATION OF MAPPING.

PRELIMINARY DESIGN

APPALACHIAN CORRIDOR H
PARSONS – to – DAVIS PROJECT
BLACKWATER AVOIDANCE SEIS

Alignment and Resource Location Plans
Preferred Alternative Report
November 2003
Exhibit 4 of 7

Baker

0 300 600
SCALE IN FEET

WVDOT

NOVEMBER 2003

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THOMAS

ROPA

ROPA
(MIDDLE RUN SHIFT)

BLACKWATER INDUSTRIAL COMPLEX
ARCHAEOLOGICAL AND HISTORIC
DISTRICT BOUNDARY

MATCH LINE
SEE SHEET 19

MATCH LINE
SEE SHEET 21

1996 Preferred Alternative

ROPA – Revised Original Preferred Alternative
(November, 2003)

- Palustrine Forested (PFO)
- Palustrine Scrub/Shrub (PSS)
- Palustrine Emergent (PEM)
- Photo Interpreted (PH)
- Palustrine Open Water (POWZ)
- Palustrine Unconsolidated Bottom (PUB)
- PC2300 Stream Sampling Location and ID

NOTE: CONTOURS ALONG THE NORTH FORK BLACKWATER RIVER VALLEY DO NOT REPRESENT EXISTING CONDITIONS DUE TO ABANDONED MINE LAND RECLAMATION PROJECTS SUBSEQUENT TO PREPARATION OF MAPPING.

PRELIMINARY DESIGN

APPALACHIAN CORRIDOR H
PARSONS – to – DAVIS PROJECT
BLACKWATER AVOIDANCE SEIS

Alignment and Resource Location Plans
Preferred Alternative Report
November 2003
Exhibit 5 of 7

Baker

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SCALE IN FEET

WVDOT

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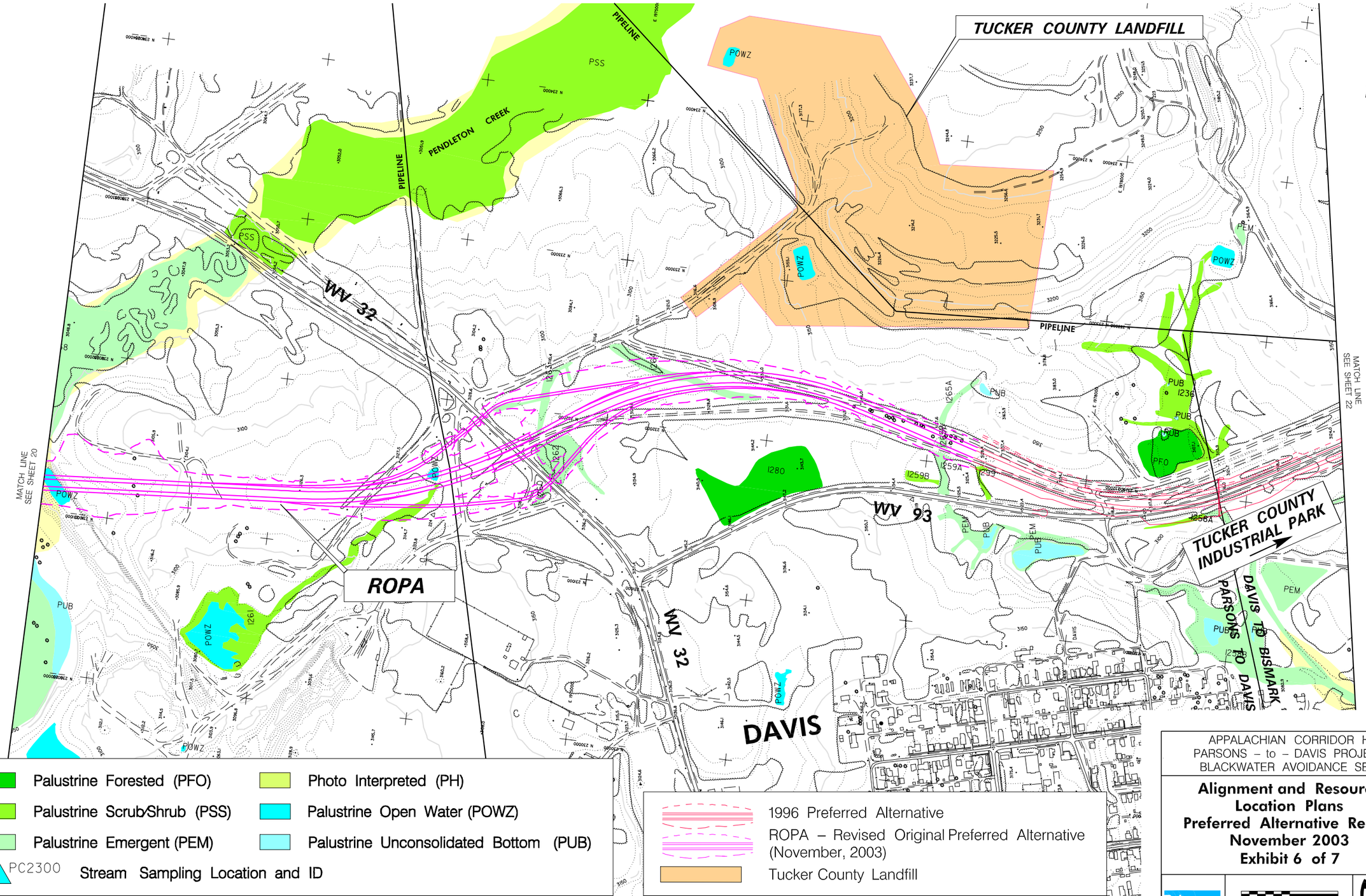

PRELIMINARY DESIGN

APPALACHIAN CORRIDOR H
PARSONS – to – DAVIS PROJECT
BLACKWATER AVOIDANCE SEIS

Alignment and Resource Location Plans
Preferred Alternative Report
November 2003
Exhibit 6 of 7

Baker

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SCALE IN FEET

WVDOT

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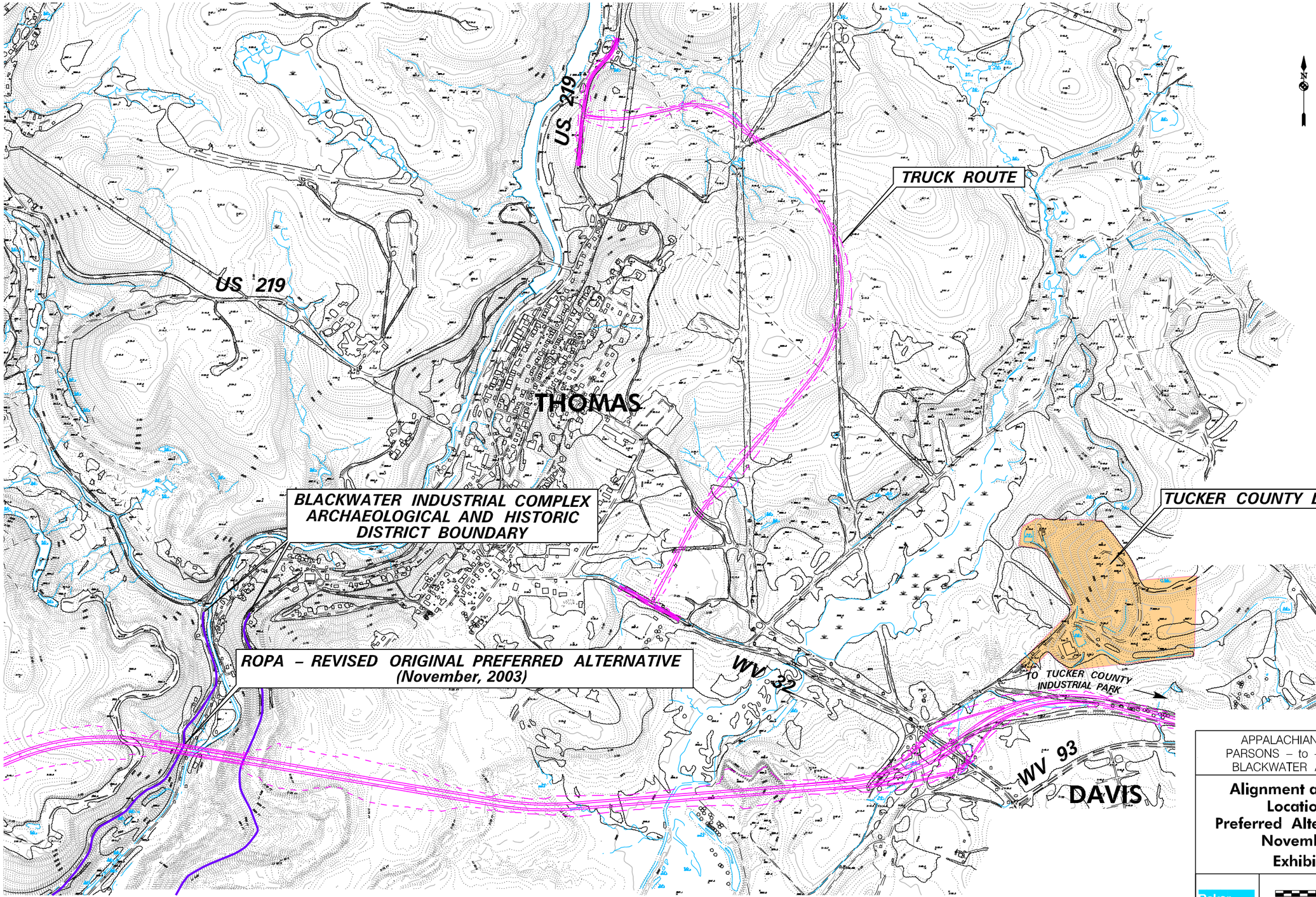

APPALACHIAN CORRIDOR H
PARSONS – to – DAVIS PROJECT
BLACKWATER AVOIDANCE SEIS

Alignment and Resource Location Plans
Preferred Alternative Report
November 2003
Exhibit 7 of 7

Baker

0 600 1200
SCALE IN FEET

WVDOT

PRELIMINARY DESIGN

NOVEMBER 2003

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Appendix A

Agency Comments on the Parsons-to-Davis, Blackwater Avoidance SDEIS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

APR 21 2003

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APR 24 2003

ENGINEERING DIVISION
WV DOH

James E. Sothen, P.E., Director
Engineering Division
1900 Kanawha Boulevard East
Building Five, Room 110
Charleston, WV 25305-0430

Re: Appalachian Corridor H, Parsons-to-Davis
Supplemental Draft Environmental Impact Statement; CEQ Number 020510

Dear Mr. Sothen:

In accordance with the National Environmental Policy Act and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the above referenced project. No preferred alternative was identified in the SDEIS, so based on our review, we have assigned the entire document a rating of EC-1, indicating that there are environmental concerns and that EPA believes the draft adequately sets forth the environmental impacts of the proposed project. Enclosed for your reference is a copy of EPA's rating system. The basis for this rating is expressed in the comments that follow.

The project development process for Corridor H has been long, complicated, and complex. As a result of the lawsuit challenging the 1996 *Corridor H ROD*, a settlement agreement was recently reached in which West Virginia Division of Highways and the Federal Highway Administration agreed to divide the Corridor into nine separate segments, each with its own environmental documentation. This SDEIS studies the segment located between Parsons and Davis, Tucker County, West Virginia. The purpose of this SDEIS was to evaluate a reasonable range of new alternatives to the original preferred alternative that are prudent and feasible and that would successfully avoid the Blackwater Area.

The Settlement Agreement required that the original preferred alternative (OPA) be retained for detailed study. All of the additional alternatives retained for detailed study in the SDEIS avoid the Blackwater Valley and surrounding area and they also appear to further reduce impacts to important natural resources based on the information provided in the document. A two level screening process was developed to narrow down the most reasonable alternatives to

carry forward. EPA believes this is a reasonable and acceptable process and that all the appropriate alternatives were carried forward for detailed study.

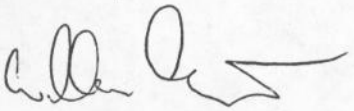
EPA is concerned with the potential impacts of the proposed project to the endangered West Virginia Northern Flying Squirrel. Potential habitat exists within the entire study area. We encourage the continued coordination already underway with the U.S. Fish and Wildlife Service to identify the most appropriate alternative to limit the impact to such an important species as well as valued resources in the area.

Borrow and waste fill was used as a screening criteria in the alternative reduction analysis. Disposal of excess waste or the borrowing of fill for the earthmoving activities of highway construction can lead to potential secondary impacts. Clearly, efforts have been made to avoid and minimize the impacts of the highway on ecologically sensitive areas. It is important that borrow and waste methods not impact those same resources. Obviously no specific designs have been developed for this project; however, to the extent possible, potential staging areas should be identified and their impacts assessed and evaluated.

As with any highway development project, environmental impacts will occur. Terrestrial habitat will be bisected and some will be lost, streams will be impacted by crossings and relocations, wetlands will be filled and cumulative impacts from the road construction and induced development will happen. However, through the Settlement Agreement process undertaken, and the development of a range of new alignment alternatives, such environmental impacts have been reduced.

Finally we believe that the OPA and alternative 2 have too many significant impacts to the natural resources of the area, especially when compared to the avoidance alternatives. Thank you for providing EPA the opportunity to comment on this project. If you have any questions regarding our comments, please contact Jessica Greenwood at 215-814-5144.

Sincerely,



William Arguto
NEPA Team Leader
Office of Environmental Programs

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Capitol Complex, Building 3, Room 812
1900 Kanawha Boulevard, East
Charleston WV 25305-0664
Telephone (304) 558-2771
Fax (304) 558-3147
TDD 1-800-354-6087

Bob Wise
Governor

Ed Hamrick
Director

April 9, 2003

RECEIVED

APR 16 2003

ENGINEERING DIVISION
WV DOH

Mr. James E. Sothen, P.E., Director
Engineering Division
WVDOT - Division of Highways
1900 Kanawha Boulevard East
Bldg. Five, Room 110
Charleston, WV 25305-0430

Re: Appalachian Corridor H, Parsons to Davis SDEIS,
State Project X142-H-38.99 C-2.

Dear Mr. Sothen:

The West Virginia Division of Natural Resources, Wildlife Resources Section (WRS) has completed its review of the referenced project Supplemental Draft Environmental Impact Statement (SDEIS), December 2002. Comments are submitted pursuant to the authorities of the Fish and Wildlife Coordination Act (as amended), the Federal Water Pollution Control Act/Clean Water Act (as amended), the Endangered Species Act of 1973 (as amended), and corresponding responsibilities described in *The Laws of West Virginia* (WV Code, Chapter 20).

A Summary Matrix is provided to identify and quantify anticipated project impacts. Reviewers depend on the accuracy of this matrix to evaluate these impacts. Recently, we received a letter from the West Virginia Highlands Conservancy expressing their concerns relative to apparent underestimated earthwork balances from the Elkins to Kerens segment. Since our environmental evaluations and understanding of project impacts are based on the figures within the SDEIS, the tremendous increase of waste volumes (2.7 million cubic meters original estimate to 9.4 million cubic meters actual amount) was disturbing. Discrepancies of this magnitude make evaluating potential impacts difficult. Unlike the Elkins to Kerens section, the Parsons to Davis segment is surrounded by occupied endangered species habitat, making wasting areas extremely difficult to establish. Given the sensitivity of this area, we request that the Division of Highways, in coordination with the WRS and U.S. Fish and Wildlife Service (Service), identify approved wasting areas or areas where wasting is prohibited/permitted prior to final design.

Within the alternative analysis, eight alignments have been carried forward for evaluation. While the original preferred alignment costs considerably less than the other alternatives, it is also the most environmentally impacting. Assuming that the earthwork balances, miles of stream crossings, length of relocations, acres of wetlands and habitat unit (HU) figures will not exceed those in the document, alternatives 1D east and west and 1G east and west have attempted to reduce project impacts. While the G-series has fewer impacted HUs, its southern alignment (similar to alternative 2) creates greater forest fragmentation because it is further away from the existing SR 219 corridor.

The portion of Backbone Mountain that the proposed road traverses has been identified by the Service as occupied West Virginia Northern Flying Squirrel habitat. Minimizing the road footprint and its attendant cut/fill slopes and wasting areas will be critical to minimizing the impact on these endangered squirrels. Recognizing that development may occur along the route, increasing the distance from the existing SR 219 increases the likelihood that development will occur within this interstitial space, thus compounding the secondary impacts from the road. An alignment that closely follows SR 219 will minimize this terrestrial impact.

If the alternatives were ranked according to surface water impacts, 1G east impacts the least, followed by 1D east. The main difference between the two is: 1G east utilizes 4,208 feet of culvert and 1D east utilizes 5,415. The vast majority of these culverts are installed on un-named tributaries to high quality streams. Both alternatives impact the same amount of named, perennial, high quality stream. The 1G series also impacts slightly less wetland acreage than the 1D series. Despite the aquatic benefits of 1G to 1D, we prefer the 1D series based on the small earthwork balance and decrease in forest fragmentation. Within this series, 1D east is our preferred alternative because it is less impacting than 1D west.

WRS concurs with the SDEIS with the inclusion of our comments and encourages the DOH to select the least environmentally impacting alternative (1D east). We appreciate the opportunity to comment on this document. If you have any questions concerning our comments, please contact Mr. Keith Krantz of my staff at (304) 637-0245, kkrantz@dnr.state.wv.us.

Sincerely,

Curtis I. Taylor, Chief
Wildlife Resources Section

CIT/akj

Appendix B

Letters to and Resolutions from the Mayors of the cities of Thomas and Davis, West Virginia

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Bob Wise
Governor

Fred VanKirk, P.E.
Secretary/Commissioner

Jerry Bird
Assistant Commissioner

July 28, 2003

The Honorable Debbie Snyder
Mayor, City of Thomas
Post Office Box 248
Thomas, West Virginia 26292

Dear Mayor Snyder:

State Project X142-H-38.99 C-2
Federal Project APD-484(59)
Appalachian Corridor H, Parsons to Davis
Tucker County

As you know, the Blackwater Supplemental DEIS (SDEIS) for the Parsons to Davis portion of Corridor H has been circulated, and the public comment period on that SDEIS has been completed. In accordance with the Corridor H Settlement Agreement, Section III(c)(2)(b), this letter

- initiates the additional 60-day period within which each City Council is asked to consider the alternatives that were examined in the SDEIS and to express its views on one or more of the alternatives examined;
- identifies West Virginia Department of Transportation's (WVDOT's) Preferred Alternative and explains the reasons for selecting that alternative (see details below);
- offers to each City Council an opportunity to have a presentation given by the WVDOT to the City Council outlining the reasons for the WVDOT Preferred Alternative identification; and
- requests that if the City Council requests the presentation as discussed above, that the City Council provide Corridor H Alternatives an

opportunity to express its views on the Preferred Alternative at the presentation given by the WVDOT to the City Council.

Preferred Alternative Identification and Rationale

After consideration of engineering and environmental constraints and public and agency comments, the Revised Original Preferred Alternative (OPA) with the Truck Route (TR) option has been identified as the Preferred Alternative for the Parsons to Davis project at this stage of the process based on the following summarized information:

- This alternative, by including a TR, will greatly reduce heavy truck traffic through downtown Thomas, thus increasing its attractiveness for economic development, particularly tourism related retail activities.
- This alternative is the only alternative that can feasibly provide a connection to Tucker County High School from Corridor H, an important safety issue raised during the public involvement process by the Citizens Advisory Group, individual citizens at public meetings, and Tucker County officials.
- This alternative reduces travel and emergency response times more than any of the other alternatives under consideration.
- This alternative will not impact the Tucker County Landfill facilities or the landfill's ability to expand for future growth. Alternatives that run east of the Tucker County Landfill (1D East, 1E, and 1G East) would impact the landfill's ability to expand. The landfill currently services 10 counties in West Virginia.
- This alternative is similar to the other alternatives in terms of its overall environmental impacts; in the areas where its impacts are greater (e.g., wetlands), the impacts have already been fully permitted and mitigated.
- This alternative will have no adverse effect on any historic properties. The West Virginia State Historic Preservation Officer (SHPO) and the Monongahela National Forest have concurred in this finding.
- This alternative is $16 million to $70 million less expensive than any other alternative.

While the Revised OPA with the Truck Route has been identified at this stage of the Blackwater SEIS process as the Preferred Alternative, its

identification does not preclude the WVDOT from changing the Preferred Alternative's identification at a later stage based on the City Councils' or resource agencies' comments or other new information or changed circumstances [Settlement Agreement, Section III(C)(b)(2)].

Next Steps

Under the Corridor H Settlement Agreement, the transmittal of this letter initiates a 60-day period within which the City Councils of Thomas and Davis may express their views on the selection of the Preferred Alternative for the Parsons to Davis project. During this period, if requested, the WVDOT will give a presentation to each City Council outlining our reasons for selecting the Preferred Alternative. If we are asked to give such a presentation, we also will ask that you allow an opportunity at that presentation for Corridor H Alternatives to present its views on the Preferred Alternative.

Under the Settlement Agreement, the City Councils are under no obligation to take any action. In particular, you are not required to provide an opportunity for a presentation, nor are you required to adopt a resolution. However, if you intend to submit comments, we request that they be submitted in the form of a resolution adopted by the Councils during the 60-day comment period, which ends on September 30, 2003. If a resolution is not adopted within this time period, the views of the City Councils would not be given any weight under the Settlement Agreement.

Thank you for your attention to this matter. Should you require additional information, please call me at (304)558-6266.

Very truly yours,

ORIGINAL SIGNED BY
RANDOLPH T. EPPERLY, JR.

Randolph T. Epperly, Jr., P.E.,
Deputy State Highway Engineer -
Development

RTE:Ss

cc: Corridor H Alternatives
bcc: AC, DDE(NA), DDR, DD(MF, LA), HD

THE CONSTRUCTION OF THE PARSONS TO DAVIS SECTION OF CORRIDOR H

WHEREAS, The Thomas and Davis City Councils have until September 30, 2003, to review the preferred alternative recommendation,

WHEREAS, the City of Thomas, Tucker County, West Virginia, will be significantly impacted by the location of Corridor H construction,

WHEREAS, the Mayor and Council of the City of Thomas favors the northern route for the following reasons;

- To enhance economic and community development for the City of Thomas.
- Provide better access to Tucker County High School and Cortland Acres.
- Provide more efficient Emergency Services for Thomas, Davis and Canaan Valley.
- To provide direct access to Route 219, both north and south.
- To provide a more scenic route.

WHEREAS, the Mayor and Council of the City of Thomas find the following problems with the preferred route;

- The proposed truck route will cause hazardous road conditions.
- There is no documentation that the preferred route, with a truck route, is more cost effective.
- The preferred route will isolate the City of Thomas from the economic development benefits associated with a new four-lane highway.
- The preferred route does not maximize public access to hospitals.

NOW, THEREFORE BE IT RESOLVED THAT: the Mayor and Council of the City of Thomas, Tucker County, West Virginia endorses the Northern Route of the Parsons to Davis segment of Corridor H and firmly oppose the preferred route as proposed.

ADOPTED THIS 23rd **DAY OF** Sept, **2003.**

ATTEST:

Debbie Snyder
MAYOR

9/23/03
DATE

Gloria L. Elza
CLERK / WITNESS

9/23/03
DATE

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • 304/558-3505

Bob Wise
Governor

Fred VanKirk, P.E.
Secretary/Commissioner

Jerry Bird
Assistant Commissioner

July 28, 2003

The Honorable Joe Drenning
Mayor, City of Davis
Post Office Box 207
Davis, West Virginia 26260

Dear Mayor Drenning:

State Project X142-H-38.99 C-2
Federal Project APD-484(59)
Appalachian Corridor H, Parsons to Davis
Tucker County

As you know, the Blackwater Supplemental DEIS (SDEIS) for the Parsons to Davis portion of Corridor H has been circulated, and the public comment period on that SDEIS has been completed. In accordance with the Corridor H Settlement Agreement, Section III(c)(2)(b), this letter

- initiates the additional 60-day period within which each City Council is asked to consider the alternatives that were examined in the SDEIS and to express its views on one or more of the alternatives examined;
- identifies West Virginia Department of Transportation's (WVDOT's) Preferred Alternative and explains the reasons for selecting that alternative (see details below);
- offers to each City Council an opportunity to have a presentation given by the WVDOT to the City Council outlining the reasons for the WVDOT Preferred Alternative identification; and
- requests that if the City Council requests the presentation as discussed above, that the City Council provide Corridor H Alternatives an

opportunity to express its views on the Preferred Alternative at the presentation given by the WVDOT to the City Council.

Preferred Alternative Identification and Rationale

After consideration of engineering and environmental constraints and public and agency comments, the Revised Original Preferred Alternative (OPA) with the Truck Route (TR) option has been identified as the Preferred Alternative for the Parsons to Davis project at this stage of the process based on the following summarized information:

- This alternative, by including a TR, will greatly reduce heavy truck traffic through downtown Thomas, thus increasing its attractiveness for economic development, particularly tourism related retail activities.
- This alternative is the only alternative that can feasibly provide a connection to Tucker County High School from Corridor H, an important safety issue raised during the public involvement process by the Citizens Advisory Group, individual citizens at public meetings, and Tucker County officials.
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- This alternative will not impact the Tucker County Landfill facilities or the landfill's ability to expand for future growth. Alternatives that run east of the Tucker County Landfill (1D East, 1E, and 1G East) would impact the landfill's ability to expand. The landfill currently services 10 counties in West Virginia.
- This alternative is similar to the other alternatives in terms of its overall environmental impacts; in the areas where its impacts are greater (e.g., wetlands), the impacts have already been fully permitted and mitigated.
- This alternative will have no adverse effect on any historic properties. The West Virginia State Historic Preservation Officer (SHPO) and the Monongahela National Forest have concurred in this finding.
- This alternative is $16 million to $70 million less expensive than any other alternative.

While the Revised OPA with the Truck Route has been identified at this stage of the Blackwater SEIS process as the Preferred Alternative, its

identification does not preclude the WVDOT from changing the Preferred Alternative's identification at a later stage based on the City Councils' or resource agencies' comments or other new information or changed circumstances [Settlement Agreement, Section III(C)(b)(2)].

Next Steps

Under the Corridor H Settlement Agreement, the transmittal of this letter initiates a 60-day period within which the City Councils of Thomas and Davis may express their views on the selection of the Preferred Alternative for the Parsons to Davis project. During this period, if requested, the WVDOT will give a presentation to each City Council outlining our reasons for selecting the Preferred Alternative. If we are asked to give such a presentation, we also will ask that you allow an opportunity at that presentation for Corridor H Alternatives to present its views on the Preferred Alternative.

Under the Settlement Agreement, the City Councils are under no obligation to take any action. In particular, you are not required to provide an opportunity for a presentation, nor are you required to adopt a resolution. However, if you intend to submit comments, we request that they be submitted in the form of a resolution adopted by the Councils during the 60-day comment period, which ends on September 30, 2003. If a resolution is not adopted within this time period, the views of the City Councils would not be given any weight under the Settlement Agreement.

Thank you for your attention to this matter. Should you require additional information, please call me at (304)558-6266.

Very truly yours,
ORIGINAL SIGNED BY
RANDOLPH T. EPPERLY, JR.

Randolph T. Epperly, Jr., P.E.,
Deputy State Highway Engineer -
Development

RTE:Ss

cc: Corridor H Alternatives
bcc: AC, DDE(NA), DDR, DD(MF, LA), HD

RESOLUTION TO SUPPORT THE REVISED ORIGINAL PREFERRED ALTERNATIVE (OPA) WITH TRUCK ROUTE (TR) OPTION OF CORRIDOR H FROM PARSONS TO DAVIS

WHEREAS, IT HAS BEEN DETERMINED BY THE MAYOR AND COUNCIL OF THE TOWN OF DAVIS, TUCKER COUNTY, WEST VIRGINIA, THAT IN AN EFFORT TO GET THE CORRIDOR H FROM PARSONS TO DAVIS COMPLETED IN AN EXPEDIOUS FASHION IN HOPES THAT THE SURROUNDING COMMUNITIES CAN THEN WORK TOGETHER AND DRAW SOME MORE JOBS INTO OUR AREA

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF DAVIS, TUCKER COUNTY, WEST VIRGINIA, THAT THE REVISED ORIGINAL PREFERRED ALTERNATIVE (OPA) WITH THE TRUCK ROUTE (TR) OPTION IS THE MOST COST EFFICIENT AND FEASIBLE ROUTE AND THEREFORE IS THE ROUTE WE HEREBY SUPPORT WHOLE HEARTEDLY.

THIS RESOLUTION SHALL BE IN EFFECT FROM THE DATE OF ITS ADOPTION.

ADOPTED: September 10, 2003

Louise Ball
RECORDER

MAYOR

THE UNDERSIGNED RECORDER OF THE TOWN OF DAVIS, TUCKER COUNTY, WEST VIRGINIA, HEREBY CERTIFIES THAT THE FOREGOING IS A TRUE, CORRECT AND COMPLETE COPY OF A RESOLUTION ADOPTED BY THE GOVERNING BODY OF THE TOWN OF DAVIS AT A REGULAR MEETING HELD ON THE 10TH DAY OF SEPTEMBER, 2003 IN ACCORDANCE WITH LAW, AND SUCH RESOLUTION HAS NOT BEEN REPEALED, REVOKED, RESCINDED, OR AMENDED BUT IS IN FULL FORCE AND EFFECT ON THE DATE HEREOF.

WITNESS MY HAND AND THE SEAL OF THE TOWN OF DAVIS, TUCKER COUNTY, WEST VIRGINIA ON THIS THE 10TH DAY OF SEPTEMBER 2003.

Louise Ball
RECORDER