

Record of Decision

US 340 Improvement

Jefferson County, West Virginia

August 2019



West Virginia
Department of Transportation

Administrative Action

RECORD OF DECISION

US 340 IMPROVEMENT

(Jefferson County, WV)

State Project No. U219-340-0.00(02)

Federal Aid Project No. NH-0340(030)

Based on the reasons explained in this document, and on consideration of all the social, economic, and environmental evaluations contained in the Final Environmental Impact Statement (FEIS), with the input received from other agencies, organizations, and the public, the West Virginia Division of Highways (WVDOH) and the Federal Highway Administration (FHWA) determined that the FEIS Preferred Alternative (identified as Alternative 4A) is hereby the Selected Alternative for the US 340 Improvement project. It is the decision of the FHWA to adopt this alternative as the Selected Alternative for this project and grant Location and Design Concept Acceptance.

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1. INTRODUCTION

This Record of Decision (ROD) describes the Preferred Alternative for the US 340 Improvement. In accordance with the National Environmental Policy Act (NEPA) and the requirements set forth by the Council on Environmental Quality (CEQ) (40 CFR 1505.2), this ROD identifies: 1) the Preferred Alternative; 2) all alternatives considered by the Federal Highway Administration; 3) measures adopted to avoid and minimize environmental harm; 4) monitoring and enforcement programs for the implementation of mitigation measures; and, 5) comments on the Final Environmental Impact Statement (EIS).

This ROD pertains to the Final EIS, which, along with study's Supplemental Draft EIS (SDEIS) and supporting technical documents, is incorporated as part of the ROD by reference (as established in 40 CFR 1502.21).

2. OVERVIEW

This document records the decision made by the Federal Highway Administration (FHWA) and the West Virginia Division of Highways (WVDOH) Department of Transportation on the alternative selected to construct the US 340 Improvement. This transportation improvement is included in the Hagerstown/Eastern Panhandle Metropolitan Planning Organization's Metropolitan Transportation Plan for the area and is listed in the current Statewide Transportation Improvement Program.

Project Description

This project will improve US 340 by widening the existing two-lane section to four-lanes from the existing four-lane section just south of the state boundary in Clarke County, Virginia to the existing four-lane section of the Charles Town Bypass in Jefferson County, West Virginia, a distance of approximately 4.5 miles.

Project Background and Setting

The WVDOH first identified the need for improvements to the two-lane portion of US 340 in southern Jefferson County in the mid-1990s, with the US 340 Improvement Study begun shortly thereafter. An early step in the study was coordination with state and federal agencies to identify and evaluate planning issues, environmental constraints, and areas of special concern.

The *Study's Purpose and Need Report* was prepared in October 1996, documenting the need to improve the existing 2-lane US 340 segment to 4-lanes from south of the Virginia/West Virginia state boundary to the Charles Town Bypass. Review agencies concurred with the proposed purpose and need statement.

In November 2001, the *Study's Draft Environmental Impact Statement (DEIS)* was approved and circulated. A Public Hearing was held in January 2002 to present two alternatives: Alternatives 6 and 8. Comments received following the public hearing resulted in the development of an additional alternative (Alternative 9) which was then presented, along with Alternatives 6 and 8, at an Informational Public Workshop in July 2002.

Following the July 2002 Informational Public Workshop, additional historic evaluations determined that the Bullskin Run Rural Historic

District and the Shenandoah Valley Railroad were eligible for the National Register of Historic Places (NRHP). It became evident that an alternative alignment that would satisfy the purpose and need *and* avoid impacts to historic resources was neither reasonable nor feasible. Because of this, all of the Build Alternatives were reviewed once again, including those previously eliminated. Alternative 4 emerged as the Preferred Alternative and was presented at a November 2003 Informational Public Workshop.

Shortly after the November 2003 Informational Public Workshop, the US 340 Improvement project was put on hold due to a lack of funding. By the time funding once again became available for the US 340 Improvement project, the project area had experienced residential growth, resulting in two modifications to Build Alternative 4 (Alternative 4A and 4B) to avoid the residential development that had occurred. These modified build alternatives were presented to the public in September of 2012. Many comments received after the meeting expressed opposition to Alternatives 4, 4A, and 4B due to their impacts on residential communities. In response to these comments, WVDOH developed Build Alternatives 4C, 10A, 10B, and 11. These newly created build alternatives along with Alternatives 4, 4A, and 4B, were presented at the Study's Public Hearing, in June 2013. Following the Hearing, WVDOH and the Federal Highway Administration (FHWA) agreed that these alternatives should be discussed in a Supplemental Draft Environmental Impact Statement (SDEIS), with a Notice of Intent to prepare a Supplemental Draft Environmental Impact Statement published in the Federal Register on January 14, 2014.

In July 2016, the SDEIS was approved by the WVDOH and the FHWA, with Alternative 4A was presented as the Preferred Alternative on the basis of relocations, new right-of-way required, impacts on historic resources,

and overall costs. A combined public workshop/public hearing for the SDEIS was held in Charles Town on August 30, 2016. There were 65 attendees and nine speakers at the formal public hearing. Overall, there was general support for the improvements and, in particular, for Alternative 4A.

Purpose and Need Summary

Two primary purposes were established for the US 340 project: (1) reduce congestion, and (2) improve safety.

The transportation problems that formed the basis for these purposes are: (1) traffic that currently operates at an unacceptable level of service (LOS); and (2) the accident rate, injury rate, and severity rate either in individual segments or on average for all segments in the study area exceed the statewide average for similar facilities throughout the state.

Traffic Operations - Existing traffic along US 340 operates at LOS E in the base year (2011/2012). LOS E is considered unacceptable, with average travel speeds less than 40 mph and percent of time spent following other vehicles over 80%. By the design year of 2033, the Average Travel Speed (ATS) is reduced further and the Percentage of Time Spent Following (PTSF) slower vehicles increases over the entire two-lane facility within the project limits, if no improvements are made.

Safety - The number of accidents in Segment A (1 of 8 segments analyzed in the project corridor) is more than double that in any other segment that was reviewed, resulting in an accident rate nearly five times greater than the statewide average, along with an injury rate that is over ten times the statewide average and a severity index that is nearly double the statewide average. The Injury Rate for all segments combined is 55%

higher than the statewide average, while the Severity Index for all segments combined is 24% higher than the statewide average.

Contributing factors to these traffic operations and safety deficiencies include various roadway elements that do not meet current design standards and are considered substandard. These elements include variable shoulder widths, narrow travel lanes, limited passing zones, steep side slopes, lack of turn lanes, and unprotected fixed objects such as culvert headwalls and trees.

The existing facility within the project area is a two-lane rural arterial highway with numerous access points from both residential and commercial properties. The adjoining segments of US 340 north and south of the project area are four-lane divided highways.

The proposed project is needed to improve traffic operations, increase capacity, eliminate deficiencies, and improve safety.

3. Stakeholder Involvement

The study included an extensive process for informing and involving environmental resource and regulatory agencies, local governments, and the public. Details about this process, and details of the information summarized below, can be found in the study's *Final Environmental Impact Statement* (2019), which is incorporated in this ROD by reference.

Environmental Resource and Regulatory Agency Coordination

With the Federal Highway Administration identified as the project's lead agency, WVDOH conducted the required coordination with other federal, state, and local agencies. Participating agencies included, but were not limited to, the US Environmental Protection Agency (USEPA), the US Army Corps of Engineers (USACE), the US Fish and Wildlife Service (USFWS), the WV Division of Culture and History (WV SHPO), the WV Division of Natural Resources, the VA Department of Transportation (VDOT), VA Department of Historic Resources (VA DHR), the Region 9 – Eastern Panhandle of the Regional Planning & Development Council, and the Jefferson County Commission. For a complete listing of the agencies included in the coordination effort, please refer to Section VII of the approved FEIS (2019).

The primary form of agency coordination occurred through the formal review of submitted project materials and documents. Due to the presence of several historic resources surrounding the project study area, there was extensive coordination and outreach with the WV SHPO, the VA DHR, and the Advisory Council on Historic Preservation (ACHP). The coordination efforts resulted in an approved Memorandum of Agreement (MOA), executed in January 2018 between the FHWA, WVDOH, VDOT, and ACHP. To view this MOA and all other agency communication, please refer to Appendix B of the FEIS (2019).

Public Involvement

An Informational Public Workshop was held on September 24, 2012 in Charles Town, WV. The purpose of the workshop was to provide an update on the progress of the US 340 Improvement Study since the last public workshop held in 2003. At that time, Alternative 4 was selected

as the Preferred Alternative. Since 2003, additional build alternatives 4A and 4B were developed to minimize impacts to historic resources and residential properties affected by Alternative 4. These new build alternatives were the focus of the 2012 workshop. The attendance sheet shows that 92 individuals attended the workshop; with 24 comments received during the comment period.

On June 3, 2013, a Public Workshop and Public Hearing was held in Charles Town, WV. The purpose of the workshop was to provide an update on progress of the US 340 Improvement Study and to receive formal comments on the project. The focus of the workshop was on the previously presented Alternatives 4, 4A, and 4B plus new Alternatives 4C, 10A, 10B, and 11 which were developed following public comments received at the September 24, 2012 Public Workshop. The attendance sheet indicates that 122 individuals were present at the workshop 20 of whom registered to speak. WVDOH received 49 written comments following the Public Hearing.

On August 30, 2016, following federal approval of the SDEIS, a combined Public Workshop and Public Hearing was held at City Hall in Charles Town, WV. The workshop presented Alternatives 4, 4A, and 4B, with Alternative 4A identified as the Preferred Alternative. Some 65 individuals signed in with 9 registering to speak at the Public Hearing. Only eight written comments were received following the meeting.

Meeting comments, transcripts from the meetings, and WVDOH/FHWA responses to the comments received in 2016 are provided in Section VIII of the FEIS (2019).

4. Decision

The alternative chosen by FHWA and the WVDOH as the Selected Alternative for the US 340 Improvement project is the Preferred Alternative identified in the FEIS known as Alternative 4A (see Exhibit 1).

This alternative comprises segments on both existing location and new location, as described below.

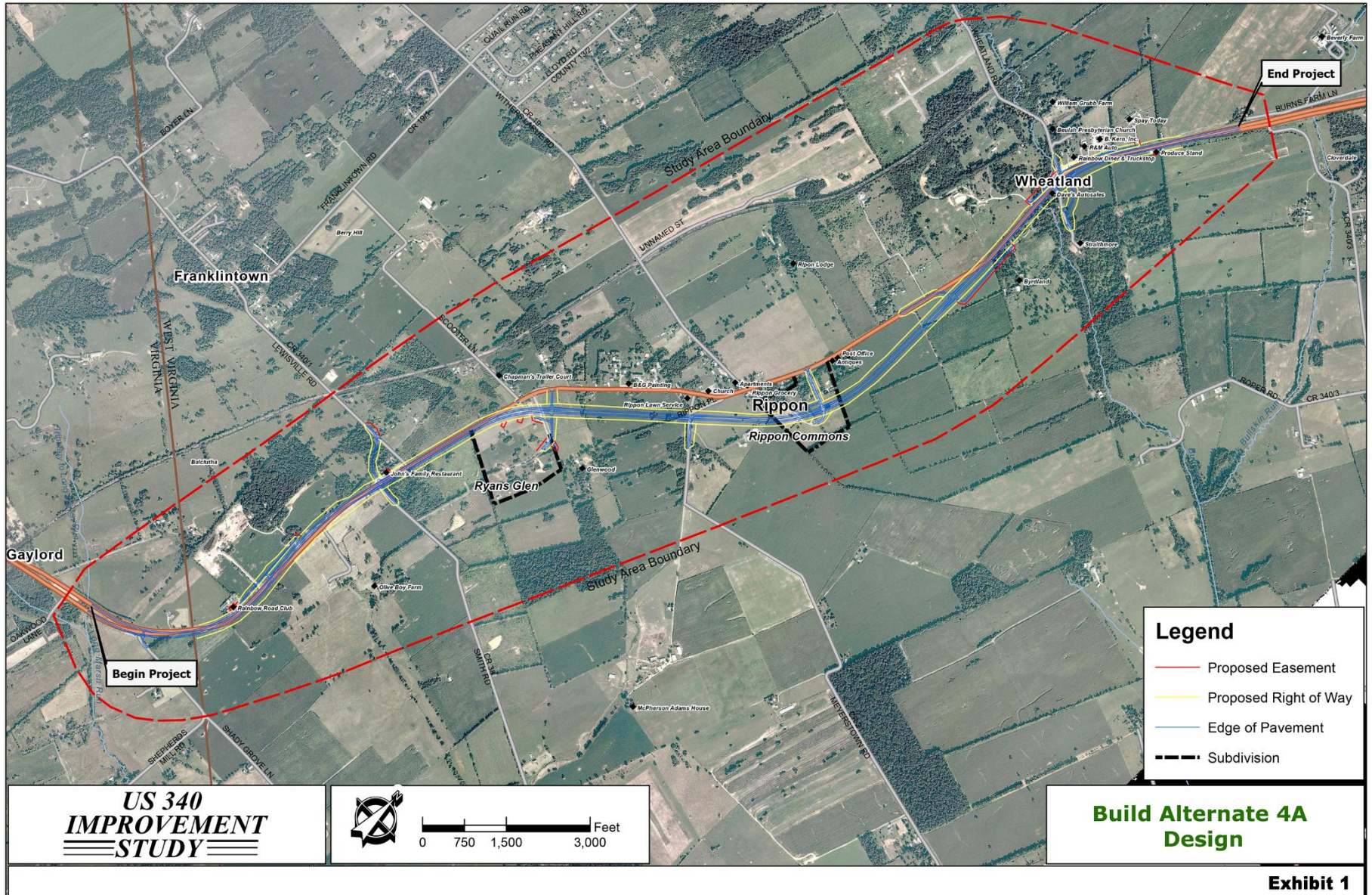
Beginning south of the state line between West Virginia and Virginia, where the existing 4-lane US 340 begins to transition to two lanes, Alternative 4A generally follows the existing roadway for a length of 1.4 miles. The alignment then turns east, away from the existing roadway, and crosses CR 21 (Meyerstown Road) on the east side of the community of Rippon. Alternative 4A turns north and merges back with the existing alignment near Wheatland. The proposed improvement continues northward along the existing roadway and ends at the multi-lane, divided segment of US 340 south of Charles Town.

The approximate length of the Selected Alternative, is 4.5 miles. It includes four travel lanes, a 40-foot depressed median, and a posted speed limit of 55 mph. Access is provided at at-grade intersections.

Basis for Selection a Preferred Alternative

The Selected Alternative was shown to be the most practical solution for meeting the primary purposes of the project, which are to reduce congestion and improve safety during peak travel periods.

Alternative 4A was selected as the Preferred Alternative by WVDOH and FHWA because it meets both of the project's primary purposes and provides a good balance between benefits and environmental impacts.



Impacts of the Selected Alternative

A summary of the impact descriptions is provided in the following paragraphs. Detailed explanations of the benefits and impacts of the Preferred Alternative are contained in the approved FEIS (2019).

Environmental Justice and Civil Rights – WVDOH and FHWA carried out a process to identify and address disproportionately high and adverse environmental effects of the US 340 Improvement project on minority populations and low-income populations. This effort resulted in the conclusion that there are no environmental justice concerns associated with the Selected Alternative, nor will any concentrated minority or low income populations receive disproportionately high and adverse effects as a result of the Selected Alternative. A more detailed discussion on the methodology applied can be viewed the Section IV of the approved FEIS.

Relocations - Based on the preliminary design plans, the Preferred Alternative will affect 116 acres of land on 49 parcels and will require seven relocations (3 residences, 4 businesses).

Community Impacts - The project area is generally rural in nature with several large farms scattered throughout. The two communities in the project area are Rippon and Wheatland. The project will bypass Rippon and Wheatland to the east and may result in an overall positive impact on community cohesion by pulling through traffic out and away from those communities.

The Preferred Alternative will displace two homes in the Ryan’s Glen subdivision. The access road to Ryan’s Glen will also be relocated to provide safe ingress/egress.

The communities and rural development within the project area are not serviced by public water supplies or sanitary sewer. Over a third of the

project length will be on new alignment where no impacts to existing utilities are expected. Where the project closely follows the existing US 340 alignment, impacts on existing overhead utility lines and poles can be anticipated. These lines and poles will be relocated to accommodate the proposed new roadway and clear zones. Impacts to existing utilities in the project area are considered to be low to moderate.

There are no educational or emergency facilities located within the study area.

Other community facilities include churches and a post office. None of these facilities will be affected by the US 340 Improvement project.

Historic Architecture Resources – The West Virginia State Historic Preservation Officer (WVSHPO) (housed under the WV Division of Culture and History) has concurred with WVDOH’s findings that the Preferred Alternative (now the Selected Alternative) will have “No Effect” on 5 of the 18 resources, “No Adverse Effect” on 4 of the 18 resources, and an “Adverse Effect” on the remaining 9 of 18 NRHP-eligible resources in the project’s Area of Potential Effect. For the resources that will be affected, a mitigation plan was developed and included in a Memorandum of Agreement (MOA), signed on June 27, 2018. Signatories included the WV SHPO, FHWA, the Advisory Council on Historic Preservation (ACHP), WVDOH, and the Jefferson County Historic Landmarks Commission. Mitigation measures include: funding to prepare NHRP nominations for the eligible historic resources of Wayside Farm, Olive Boy Farm, Byrdland, and the Village of Rippon Historic District; funding to develop an oral history collection; funding for interpretive signs; and inclusion of the project area on West Virginia’s Highways Through History website.

Archaeological Resources – Four potentially NRHP-eligible archaeological sites were identified, based on investigations undertaken during the study. Three of these sites are associated with the Ripon Lodge NRHP-listed property, and the fourth within a property called Wheatlands Farm.

Alternative 4A (Preferred) will not impact the Ripon Lodge property or the contributing sites. The final determination of effect for this alternative on these sites is “no adverse effect.”

Wheatlands Farm contains one archaeological site that may be considered eligible for listing on the NRHP. Alternative 4A (Preferred) will not impact this farm and the final determination of effect for this alternative is “no effect.”

A Phase I Archaeological Survey of Preferred Alternative 4A was undertaken in 2016. In total, 29 archaeological resources, including nine isolated finds, were examined during the survey. None of these newly identified resources are recommended as eligible under Criterion D of the National Register criteria for evaluation. The WV SHPO concurred with these findings in a letter dated June 21, 2017.

Programmatic language in the project’s Memorandum of Agreement for Cultural/Historic Resources indicates that work should be suspended near any additional archaeological resources newly discovered during construction until an appropriate treatment plan is developed in consultation with WV SHPO.

FHWA submitted the Final MOA to ACHP for approval in a letter dated April 27, 2018. ACHP transmitted the approved Final MOA dated June 27, 2018 to FHWA concluding the Section 106 consultation process.

Final Section 4(f) Evaluation – Within the project area, there are no public parks, recreational areas, or wildlife refuges. There are, however, eighteen historic resources within the project area as discussed above. The complexity of the historic landscape and the density of resources cannot be overstated. The historic architectural resources include three properties and one district listed on the NRHP, three eligible historic districts, nine eligible aboveground historic properties, one railroad, and a portion of a battlefield. Most of the individual properties are large estates or farmsteads and range from tens to hundreds of acres. Some of the individually eligible properties contribute to more than one historic district. One archaeological site, also discussed in the previous section, considered eligible for listing on the NRHP was also identified in the project area.

As large rural historic districts span the entire length and width of the project area and cover over 90% of its surface area, an avoidance alternative that satisfies the project purpose is not feasible. A total of 15 new location alternatives and alignment shifts were considered. It is determined not feasible or practical to trace a highway alignment through the project area that does not pass within the boundaries of one or more historic districts. Further, the highway corridor itself is considered historic for its association with Civil War troop movements and skirmishes. To avoid the entirety of the rural historic districts, a location alternative would need to be located over 3 miles east or west of the existing alignment; such an alternative would not satisfy the project’s purpose of addressing traffic operations and improving safety along the existing US 340 corridor. The US Department of the Interior concurred that there are no prudent and feasible alternatives to the proposed use of Section 4(f) lands.

Design changes to modify the footprint of the typical section likewise do not enable designs to avoid encroachment within one or more historic districts. Alternative actions, such as running transit along the existing alignment or incorporating transportation management systems, would not necessarily result in a Section 4(f) use; however, these strategies also do not satisfy the project's purpose and need. Although the No Build Alternative avoids Section 4(f) properties and districts, it is not considered a prudent alternative since it would not meet the purpose and need for the project.

Alternatives 1, 2, 3, 6, 7, 9, and 10B would lead to a 4(f) use of the Ripon Lodge, which has been previously listed on the NHRP. Alternatives 8 and 9 would result in right-of-way acquisition through the William Grubb Farm property, also previously listed on the NHRP. Alternative 5 avoids both these resources but would result in a 4(f) use of two additional resources (Glenwood and Wayside farms) which are not directly affected by any of the other build alternatives. Alternative 10A also avoids the most significant resources; however, it requires multiple grade-separated crossings of the historic Norfolk Southern Railroad, thereby increasing project costs and dramatically affecting the historic agrarian setting of the valley. Alternative 11 results in among the highest acreage of direct right-of-way takes within historic boundaries, and would require substantial residential and business relocations. While Alternative 4C results in similar effects on historic resources as Alternative 4B, Alternative 4C results in greater impacts on other resources (i.e., residential relocations, acres of right of way, wetlands, and farmlands). Accordingly, Alternative 4, 4A, and 4B were advanced for detailed study.

Of the remaining alternatives (4, 4A and 4B), Alternative 4A (Preferred) provides the least overall harm to Section 4(f) properties when

considering the seven criteria for a least harm analysis as detailed in Section V of the 2019 FEIS. Each of the alternatives provide similar opportunities to mitigate adverse impacts. All would result in a similar relative remaining harm when considering impacts both quantitatively and qualitatively, with Alternative 4A (Preferred) having slightly less area of impact to the historic districts and individual resources other than the Summit Point Battlefield. The West Virginia SHPO has been involved during the project development and concurs in the projects findings and recommendations as evidenced by their correspondence and participation in the Section 106 MOA. Each of the remaining alternatives would meet the projects purpose. Alternative 4A (Preferred) will have the least overall impact to non-Section 4(f) resources. The Section 4(f) analysis supports the project team recommendation to advance Alternative 4A as the preferred alternative.

Traffic Noise - There are two types of traffic noise impacts: (1) traffic noise that exceeds federal Noise Abatement Criteria (NAC), and (2) substantial increases in traffic noise. If design year noise levels "approach or exceed the NAC" for a given activity, then the activity is deemed impacted and abatement measures must be considered. The WVDOH has defined "approach" as one decibel less than the NAC. The WVDOH Traffic Noise Policy defines a "substantial increase" as a 15 dB(A) or greater increase between the base year and design year.

Impact assessments were performed for receptors within the project corridors that represented 84 residential properties, one commercial property, and one church.

The analysis of the design year build noise levels reveals that two receptors along Alternative 4A (Preferred) will receive traffic noise levels that approach or exceed the NAC and no receptors will experience

design year build noise levels that will be substantially higher than base year levels.

Noise abatement measures include: traffic management, alteration of alignments, buffer zones, building insulation, and the construction of noise barriers. The WVDOH Highway Traffic Noise Policy states that a noise barrier must be both feasible and reasonable to be considered for construction. The only noise abatement measure considered feasible for the US 340 Improvement project is a noise barrier.

Two locations were studied for noise barriers. While these locations are considered feasible, they were not considered reasonable on the basis of cost, which was 5-8 times the cost per benefited receptor that WVDOH considers to be reasonable.

Air Quality – Clarke County, VA and Jefferson County, WV are in attainment with respect to the United States Environmental Protection Agency's (EPA) National Ambient Air Quality Standards (NAAQS).

Jefferson County is included in the Hagerstown / Eastern Panhandle Metropolitan Planning Organization and this project is included in the *2014-2017 Transportation Improvement Program* and the *2040 Long Range Transportation Plan Update*.

A Hot-spot analysis for the Selected Alternative revealed carbon monoxide concentrations well below the NAAQS for both the 1-hour and 8-hour concentrations.

A qualitative analysis for Mobile Source Air Toxins (MSAT) was performed for the Selected Alternative. Because the traffic volumes for the No Build Alternative are the same as the Selected Alternative, higher levels of MSAT are not expected from the Selected Alternative compared to the no-build. Also, design year emissions will likely be

lower than present levels as a result of the EPA's national control programs, which are projected to reduce annual MSAT emissions by over 80 percent from 2010 to 2050. While local conditions may differ from these national projections, the magnitude of the EPA-projected reductions is large enough that MSAT emissions in the project area are likely to be lower in the future.

For possible air quality concerns during construction, no substantial long-term effects will occur if open burning is controlled and dust control procedures are followed. The project is not expected to create any adverse effects on the air quality of this attainment area.

Climate Change - Transportation sources contribute to greenhouse gases through the burning of petroleum-based fuel. According to FHWA, transportation sources are responsible for approximately one quarter of greenhouse gas emissions in the US. Under the Clean Air Act, the EPA has the authority to establish motor vehicle emissions standards for CO and other greenhouse gases, although such standards have not yet been established as part of the NAAQS.

The project is not expected to induce significant growth in the project corridor. The corridor lacks water and sewer infrastructure, and, more importantly, the County is seeking to preserve the rural landscape, the natural beauty of the rivers, the rolling terrain, and the strong sense of community that exists in the project corridor and throughout the County.

The impacts associated with a highway construction project are considered to be temporary and the long-term benefits will outweigh the short-term cost over the life of the project.

Land Use and Economics - Envision Jefferson 2035 is Jefferson County's currently adopted comprehensive plan. The plan's future land use guide designates planned future land uses throughout the county. The area east of US 340 in the project vicinity is designated for Rural/Agriculture uses and Large Lot Residential uses. The future land use guide designates much of the area along and to the west of US 340 and east of the Norfolk Southern Railroad as a Preferred Growth Area (PGA), including a mix of Industrial or Commercial uses, Mixed Use Residential/Commercial uses, and Low Density Residential uses. The plan acknowledges that the improvements to US 340 have the potential to create some growth pressures along the corridor, but any project-related growth that does occur is expected to be supportive of the plan's vision for the area.

Water Resources - As indicated in the FEIS, the Preferred Alternative (now Selected Alternative) could affect water resources in a number of different ways. To keep potential effects to a minimum, a sediment and erosion control plan will be developed during the final design stage and implemented during construction. This plan will be prepared in accordance with the West Virginia Erosion and Sediment Control Best Management Practice Manual and, for the small portion of the project in Virginia, the Valley Regional Office of the Virginia Department of Environmental Quality (DEQ) for review and compliance. A Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities will also be required.

Streams – Three streams are present along the Selected Alternative's alignment. The current design for the Selected Alternative will affect 743 linear feet of these streams. The total impact on streams may vary slightly as further refinements are made to the project's design plans.

Springs – Four springs were identified in the project study area: Lippett Springs on Olive Boy Farm; Henry Baker Farm Spring; Baker Farm Spring; and Joseph Bell Spring. Each are located along Bullsken Run. The Selected Alternative will affect the Joseph Bell Spring. This spring is located on the east side of US 340 and discharges 520 gallons per minute.

Wetlands – Five identified wetlands will be unavoidably affected by the Selected Alternative, impacting a total of 0.327 acres. This varies slightly as further refinements are made to the project's design plans.

Floodplains and Floodways - The Selected Alternative will unavoidably affect 6.1 acres of the 100-year floodplain. The orientation of the proposed alignment relative to the floodplains allowed all crossings to be designed at perpendicular or nearly perpendicular angles, in an effort to minimize impacts. The only floodplain crossing is associated with Bullsken Run, near Wheatland. An existing 46-foot long bridge carries the existing, two-lane US 340 across Bullsken Run. While the preliminary designs for the project show the existing bridge being replaced with a culvert, detailed hydraulic surveys and studies will be performed during the final design phase to determine the size and type of replacement structure. The hydraulic studies will also be used to obtain a No-Rise Certification from the FEMA regulating authority.

Protected Species – WVDOH, FHWA, and USFWS prepared a Biological Assessment for federally-listed threatened and endangered species that could potentially be affected by the project. These species include the Indiana Bat, Northern Long-Eared Bat, and Madison Cave Isopod.

The conclusions are summarized as follows:

- Indiana Bat – The Biological Conclusion for this species is *Not Likely to Adversely Affect*.

- Northern Long-Eared Bat - The Biological Conclusion for this species is *Not Likely to Adversely Affect*.
- Madison Cave Isopod - The Biological Conclusion for this species is *May Effect, Not Likely to Adversely Affect*.

Due to the legal status of the Loggerhead Shrike (state-listed species classified as “threatened” in Virginia), WVDOH will coordinate with the Virginia Department of Game and Inland Fisheries to ensure compliance with the Virginia Endangered Species Act.

Farmlands - In accordance with the Farmland Protection Policy Act (FPPA) and State Executive Order Number 96, an assessment was conducted for the potential impacts of land acquisition and construction activities on prime, unique, and local or statewide important farmland soils, as defined by the Natural Resource Conservation Service (NRCS). A Farmland Conversion Impact Rating (FCIR) assessment for corridor type projects was prepared for the US 340 Improvement project. Because the Selected Alternative’s total score was less than 160 points, no further consultation with the FPPA is required.

Hazardous Materials – A thorough review of available information in the project area determined that there are five potential hazardous materials sites near the Selected Alternative. These sites were assessed for the likelihood that contamination could exist. Each site was assigned with a degree of risk (No, Low, Medium, High) it presents to the Selected Alternative. Two of the sites were designated as “No” risk, two sites were “Low” risk, and one site was “Medium” risk.

If the project entails demolition, either totally or partially, of a structure, building, or installation, irrespective of the presence or absence of asbestos-containing materials (ACM), and is subject to the asbestos National Emission Standards for Hazardous Air Pollutants, a formal

Notification of Abatement, Demolition, or Renovation must be completed and filed in a timely manner with the WVDEP Secretary’s authorized representative. Approval must be received prior the commencement of activities addressed in the Notification. In the Commonwealth of Virginia, if ACM or lead-based paint (LBP) is found, state regulations for ACM and LBP must also be followed.

Soil or sediment that is suspected of contamination, and wastes that are generated during construction-related activities, must be tested and disposed of in accordance with applicable federal, state, and local laws and regulations.

In Virginia, the contractor must report evidence of a petroleum release to DEQ, if discovered during the construction of this project.

Secondary and Cumulative Impacts - Secondary impacts as those that are “caused by an action and are later in time or farther removed in distance but are still reasonably foreseeable.” Cumulative impacts are those that “result from the incremental impacts of an action when added to other past and reasonably foreseeable future actions.”

- Secondary Impacts – The US 340 Improvement project has a lower potential to induce secondary growth than a transportation improvement designed to increase access, such as when a completely new highway is built. Jefferson County’s commitment to protecting the rural heritage of the county—enforced through zoning restrictions, subdivision regulations, development guidelines, etc.—further limit the likely magnitude of induced development that could occur once the US 340 corridor is improved. In addition, public water and wastewater infrastructure does not exist within the vicinity, greatly limiting the potential for the area to see development at higher densities

or intensities than the current patterns. For these reasons, the project is not likely to have notable indirect effects on water resources, wetlands, floodplains, stormwater runoff, or natural communities. Any potential secondary impacts on these resources would be mitigated by the requirement that all future development comply with existing regulations and ordinances.

- Cumulative Impacts - The US 340 Improvement are not expected to incrementally contribute to other past or future impacts to valued resources because there has been relatively little change in the area in the past twenty years; there are few planned development projects; and the project itself is not expected to have a notable influence on land development. Aside from the construction of the Ryan’s Glen neighborhood (within the last decade), little growth has occurred in the vicinity. While there is one other planned subdivision in the project area, future growth is anticipated to be modest.

A summary of the impacts associated with the Selected Alternative is shown in Exhibit 2.

5. Alternatives Considered

WVDOH evaluated a broad range of alternatives for meeting the project purpose, including a No-Build Alternative. These alternatives are discussed in detail in the FEIS (2019), which is incorporated by reference.

Alternative Concepts

The following concepts were evaluated to determine if they could potentially meet the project purpose:

Exhibit 2	
Impacts Associated with the Selected Alternative	
Factor	Effect/Impact
Length (miles).....	4.5
Residential Relocations (Total/Minority)	3 / 0
Business Relocations (Total /Minority)	4 / 0
Right of Way Required (acres)	116
Parcels effected (each).....	49
Environmental Justice Impacts (Yes/No)	No
Potential Hazardous Material Sites (each).....	3
Historic Architectural Resource Impacts (each).....	9
Historic Architectural Resource Land Impacts (acres)	239
Archaeological Resources	0
Public Recreational Resources (each)	0
Wetlands (acres)	0.327
Wetland Site Affected (each)	5
Indiana bat	No Effect
Northern long-eared bat.....	No Effect
Madison Cave Isopod.....	May Effect, but not likely to Adversely Affect
100-year Floodplains (acres).....	6.1
Streams (linear feet)	743
Springs (each).....	1
Farmlands – Prime and Unique (acres).....	59
Farmlands – Statewide and Locally Important (acres).....	45
Noise (each)	2 receptors
Air Quality (1-hour / 8-hour).....	0.7 / 0.6
MSAT (low or high potential)	Low
Costs (\$ millions).....	49.9

(1) Mass Transit Alternative – expanding bus and rail passenger service in the project area. According to *Envision Jefferson 2035*, land development patterns have created an automobile-dependent community. There is a lack of safe bike and pedestrian connections in the County and funding of new facilities remains a challenge. Commuter rail is available nearby via the Maryland Area Regional Commuter (MARC) Brunswick Line. Three round trips per day are provided with stops in Duffields and Harpers Ferry. This alternative would not generate sufficient ridership to eliminate the need for roadway capacity improvements.

(2) Transportation Systems Management - low-cost minor improvements to existing roadways to increase the capacity or efficiency of the overall roadway system. This alternative would not address the need for roadway continuity and increased capacity.

(3) No-Build Alternative – continued maintenance operations on the existing 2-lane facility with no foreseeable capacity improvements. This Alternative would not address the many roadway deficiencies that currently exist along the facility, nor would it address safety or roadway capacity based on unacceptable traffic operations. Although this alternative would not meet the project purpose, it was retained throughout the study for comparative purposes.

(4) Build Alternative – construction of a 4-lane, limited-access highway. A detailed discussion of the development and evaluation of the Build Alternatives is provided in the FEIS (2019). Of the seven build alternatives that were being considered, four were eliminated from further consideration for reasons stated in Section III of the FEIS leaving three build alternatives, Alternatives 4, 4A, and 4B, for further detailed analysis (see Exhibit 3).

Detailed Study Alternatives

Alternative 4 – This alternative was the recommended alternative that emerged following the 2002 Public Workshop, prior to the loss of project funding. By the time project funding was once again available, the residential subdivision of Ryan’s Glen had been approved and constructed in the path of Alternative 4. Because Alternative 4 would displace 10 residences in Ryan’s Glen (more than double any other build alternative), this alternative was modified.

Alternative 4A – Developed as a result of the construction of the Ryan’s Glen subdivision, this alternative follows the existing US 340 alignment for a greater distance than Alternative 4 before turning easterly on new location, reducing the impact on Ryan’s Glen to two residences.

Alternative 4B – Also developed as a result of the construction of the Ryan’s Glen subdivision, this alternative follows the alignment further than Alternative 4A to also minimize impacts to Ryan’s Glen. It swings more easterly on new location than Alternative 4A and results in five residential relocations.

Mitigation policy for jurisdictional Waters of the United States has been established by USEPA and USACE regulations. Unavoidable impacts of the Selected Alternative to wetlands and streams will be offset using the techniques described in the policy during the final design stage. All wetland, stream, and buffer mitigation will be approved by state and federal permit agencies, prior to permit authorization.

Coordination will be maintained with environmental resource and regulatory agencies during final design, permitting, right-of-way acquisition, and construction to ensure that the avoidance,

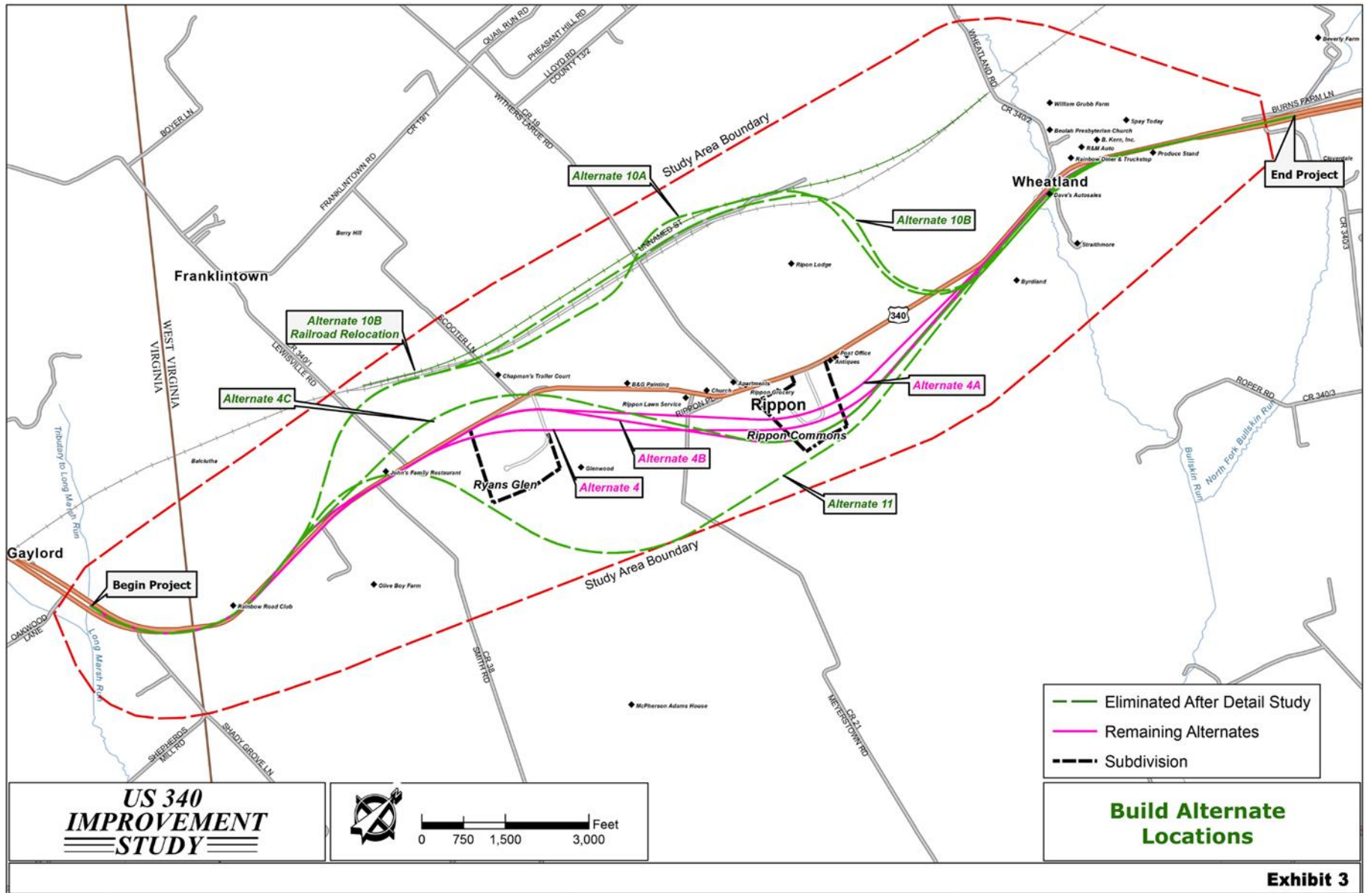


Exhibit 3

minimization, and compensatory mitigation commitments will be implemented.

WVDOH and FHWA will enforce pertinent specifications and contract provisions in accordance with the Environmental Impact Statement and the welfare of the public.

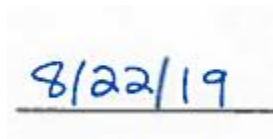
6. Conclusion

The FEIS conforms to the applicable provisions of 23 CFR 771 and satisfactorily covers the anticipated environmental impacts including human, physical, cultural, and natural effects. All correspondence received between the FEIS and the date this ROD was signed have been reviewed and, based on that review, FHWA finds that no new substantive issues or impacts have been identified. Therefore, the FEIS remains valid.

The environmental record for the US 340 Improvement project includes the previously referenced SDEIS (July 2016) and FEIS (April 2019). These documents, incorporated by reference, constitute the statements required by the National Environmental Policy Act (NEPA) and Title 23 of the United States Code (USC).

Having carefully considered the environmental record noted above, the mitigation measures as required herein, the written and oral comments offered by other agencies and the public on this record and the written responses to comments, it is FHWA's decision to adopt the Preferred Alternative (identified as Alternative 4A in the FEIS), as the proposed action for the project. Specifically, FHWA has determined that implementation of this Selected Alternative as described in this ROD is

in the best overall public interest. FHWA finds that all practicable measures to minimize environmental harm were incorporated into the design of the project and FHWA will ensure that the commitments outlined herein will be implemented as part of final design, construction, and post-construction monitoring.



8/22/19

Date



Brian R. Hogge

Division Administrator
Federal Highway Administration

PROJECT COMMITMENTS

US 340 Improvement

Jefferson County, West Virginia

These project commitments are made to avoid, minimize, or mitigate project impacts beyond those required to comply with applicable federal and state requirements and regulations.

During the National Environmental Policy Act (NEPA) process, commitments are made to avoid, minimize, or mitigate project impacts. Commitments result from public comment or through the requirements of, or agreements with, environmental resource and regulatory agencies, in addition to compliance with applicable federal and state requirements and regulations, such as Section 404 Individual Permit Conditions, Nationwide Permit Conditions, Regional Conditions, and State Consistency Conditions; WVDOH and Virginia Department of Transportation Guidelines for Best Management Practices for the Protection of Surface Waters; General Certification Conditions and Section 401 Conditions of Certification, and the Endangered Species Act, the following table lists special project commitments that have been agreed to by the WVDOH.

Item	Resource	Project Commitment	Project Stage
1	Roadway Design	Wetland avoidance is considered during all phases of the project. If wetlands cannot be avoided, every effort will be made to minimize the impacts through the location and design of the roadway facility within the selected corridor. Mitigation of unavoidable wetland impacts will be coordinated through the appropriate state and federal agencies.	Final Design
2	Stormwater Management	For floodplain encroachments, the West Virginia Department of Transportation will coordinate with the community and with the Federal Emergency Management Agency during the design phase of the project.	Final Design
3	Geo-Environmental	When the proposed centerline is established and the right-of-way limits determined, a hazardous materials site assessment will be performed to the degree necessary to determine levels of contamination at any potential hazardous materials sites along the Selected Alternative. The assessment will be made prior to right of way acquisition.	Final Design

		Resolution of problems associated with contamination will be coordinated with appropriate agencies.	
4	Historic Architectural Resources	To avoid, minimize, and mitigate adverse effects on historic architectural resources, the following measures have been included in the project, documented in the Memorandum of Agreement (MOA): funding to prepare National Register of Historic Places nominations for Wayside Farm, Olive Boy Farm, Byrdland, and the Village of Rippon Historic District; funding to develop an oral history collection; funding for interpretive signs; development of a historic driving tour brochure; development of a GIS layer that documents the historic agricultural resources in Jefferson County; and inclusion of the project area on a History Through Highways website.	Final Design
5	Stormwater Management	The Virginia Department of Health, Office of Drinking Water (VDH ODW) states that the project is within the watershed of public surface water sources. Best Management Practices, including erosion and sedimentation controls as well as spill prevention controls and countermeasures, will be implemented at the project site.	Final Design
6	Roadway Design and Construction	Principles of pollution prevention and sustainability will be considered in construction of the project. Effective siting, planning, and on-site Best Management Practices will help ensure that environmental impacts are minimized. This also includes decisions related to construction materials, design, and operational procedures to facilitate the reduction of waste at the source plus the reduction, reuse, and recycling of all solid wastes generated and minimization and proper handling of generated hazardous wastes.	Final Design and Construction
7	Roadway Design and Construction	If pesticides or herbicides must be used, their use will be in strict adherence to the manufacturers' recommendations. The use of the least toxic pesticides and herbicides effective in controlling the target species will be recommended.	Final Design and Construction
8	Protected Species	Due to the legal status of the Loggerhead Shrike and Madison Cave Isopod, WVDOH will coordinate with Department of Game and Inland Fisheries (DGIF) to ensure compliance with the Virginia Endangered Species Act.	Final Design and Construction
9	Stormwater Management	If the project involves filling or improvement of sinkholes or cave openings, WVDOH will submit detailed location information and copies of the design specifications to the Virginia Department of Conservation and Recreation (DCR). In cases where sinkhole improvement is for stormwater discharge, copies of Virginia Department of Transportation Form EQ-120	Final Design and Construction

		will suffice. For additional information and if karst features are encountered during the project, WVDOH will contact DCR (Mr. Wil Orndorff at 540-394-2552 or Wil.Orndorff@dcr.virginia.gov) to document and minimize adverse impacts.	
10	Protected Species	WVDOH will contact the VA Department of Conservation and Recreation (DCR) Natural Heritage Program (804-371-2708) and re-submit project information and a map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.	Final Design
11	Air Quality	If the project involves demolition, excavation and transportation of soils/aggregates, or handling of materials that can cause problems such as nuisance dust emissions or entrainment, adequate air pollution control measures will be applied to prevent statutory air pollution problems as prescribed by the West Virginia Department of Environmental Protection, Office of Air Quality Legislative Rule 45CSR17.	Construction
12	Air Quality	Activities that could create objectionable odors will apply adequate air pollution control measures, per the West Virginia Department of Environmental Protection, Office of Air Quality Legislative Rule 45CSR4.	Construction
13	Air Quality	The contractor will be notified that shredding or chipping of vegetative debris and reuse on-site is desired over open burning.	Construction
14	Protected Species	WVDOH will conduct endangered mussel surveys in the unnamed tributary to Long Marsh Run and Big Bullskin Run, within the project area, prior to construction.	Final Design
15	Protected Species	The unnamed tributary to Long Marsh Run and Big Bullskin Run are considered valuable warmwater recreational fisheries. As such, WVDOH will coordinate with WVDNR to obtain approval of a Fish Spawning Waiver in order to conduct instream construction activities during spawning season (for warmwater: April 1 – June 30; trout waters: September 15 – March 31)	Final Design
16	Roadway and Structure Design	During the design of the replacement structure carrying US 340 over Bullskin Run, WVDOH will give consider to wildlife passage.	Final Design
17	Roadway and Structure Design	Full consideration will be given to minimizing the project’s footprint to the maximum extent practicable through areas of resource impact.	Final Design

18	Stormwater Management	Location of stormwater management facilities in aquatic resources will be avoided to the maximum extent practicable.	Final Design
19	Traffic Management	WVDOH will develop a comprehensive traffic management plan, including public engagement, notifications, and announcements, to mitigate any adverse impacts to travel patterns and congestion that may result from construction activities.	Design and Construction

APPENDIX A

**Comments received on
Final Environmental Impact Statement
for
US 340 Improvement
Jefferson County, West Virginia**

response to this notice will be considered public records.

Title of Collection: Application for grants under the Strengthening Institutions Program, CFDA# 84.031A & 84.031F.

OMB Control Number: 1840-0114.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 590.

Total Estimated Number of Annual Burden Hours: 38,350.

Abstract: This collection is the application booklet for the Strengthening Institutions Program (SIP), CFDA# 84.031A & 84.031F. SIP provides grants to eligible institutions of higher education (IHEs) to improve their academic programs, institutional management, and fiscal stability to increase their self-sufficiency and strengthen their capacity. Funding is targeted to institutions that enroll a large proportion of financially disadvantaged students and have low per-student expenditures. Section 311(b) and Section 391(a)(1) of Title III, Part A of the Higher Education Act of 1965, as amended (HEA), 20 US Code § 1057 and the governing regulations (34 CFR 607.1-607.31) require collection of the information identified in the application package, in order to make awards.

Dated: April 30, 2019.

Kate Mullan,

PRA Coordinator, Information Collection Clearance Program, Information Management Branch, Office of the Chief Information Officer.

[FR Doc. 2019-09117 Filed 5-2-19; 8:45 am]

BILLING CODE 4000-01-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9044-6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202-564-5632 or [https://www.epa.gov/ nepa/](https://www.epa.gov/nepa/).

Weekly receipt of Environmental Impact Statements

Filed 04/22/2019 Through 04/26/2019 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other

Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

EIS No. 20190072, Final, DOE, FL, Adoption—Eagle LNG Partners Jacksonville, LLC Jacksonville Project, Contact: Brian Lavoie 202-586-2459.

The Department of Energy (DOE) has adopted the Federal Energy Regulatory Commission's Final EIS No. 20190062, filed 04/19/2019 with the EPA. DOE was a cooperating agency on this project. Therefore, recirculation of the document is not necessary under Section 1506.3(c) of the CEQ regulations.

EIS No. 20190073, Final, USFS, AZ, Tonto National Forest Motorized Travel Management, Review Period Ends: 06/03/2019, Contact: Gregory Schuster 602-225-5362.

Due to an administrative error by the USFS, the Final EIS was not properly filed with the U.S. Environmental Protection Agency. USFS has confirmed that distribution of the Final EIS was made available to all federal agencies and interested parties for the 30-day wait period that will end on 06/03/2019.

EIS No. 20190074, Final, USFWS, CA, Green Diamond Forest Habitat Conservation Plan, Review Period Ends: 06/03/2019, Contact: Jennifer L. Norris 707-825-5123.

EIS No. 20190075, Final, USFS, ID, John Wood Forest Management Project, Review Period Ends: 06/03/2019, Contact: Bryan Fuell 208-547-4356.

EIS No. 20190076, Final, USACE, BLM, WY, Leavitt Reservoir Expansion Project, Review Period Ends: 06/03/2019, Contact: Holly Elliott 307-347-5193.

EIS No. 20190077, Draft Supplement, BLM, CA, Haiwee Geothermal Leasing Area Draft Supplemental Environmental Impact Statement and Draft Plan Amendment, Comment Period Ends: 08/01/2019, Contact: Gregory Miller 951-697-5216.

EIS No. 20190078, Final, FHWA, WV, US 340 Improvement Study, Review Period Ends: 06/07/2019, Contact: Jason Workman 304-347-5271.

EIS No. 20190079, Final, FERC, TX, Rio Grande LNG Project, Review Period Ends: 06/03/2019, Contact: Office of External Affairs 866-208-3372.

EIS No. 20190080, Final, USACE, BLM, WY, Alkali Creek Reservoir Project, Review Period Ends: 06/03/2019, Contact: Holly Elliott 307-347-5100.

EIS No. 20190081, Draft, USACE, IL, Draft Chicago Area Waterway System Dredged Material Management Plan, Comment Period Ends: 06/17/2019, Contact: Mike Padilla 312-846-5427.

EIS No. 20190082, Draft Supplement, BLM, AK, Supplemental Draft Environmental Impact Statement for the Haines Amendment to the Ring of Fire Resource Management Plan, Comment Period Ends: 07/25/2019, Contact: Marnie Graham 907-822-3217.

EIS No. 20190083, Final, DOE, MS, Adoption—Gulf LNG Liquefaction Project, Review Period, Contact: Brian Lavoie 202-586-2459.

The Department of Energy (DOE) has adopted the Federal Energy Regulatory Commission's Final EIS No. 20190065, filed 04/26/2019 with the EPA. DOE was a cooperating agency on this project. Therefore, recirculation of the document is not necessary under Section 1506.3(c) of the CEQ regulations.

EIS No. 20190084, Final, DOE, TX, Adoption—Annova LNG Brownsville Project, Contact: Brian Lavoie 202-586-2459.

The Department of Energy (DOE) has adopted the Federal Energy Regulatory Commission's Final EIS No. 20190069, filed 04/26/2019 with the EPA. DOE was a cooperating agency on this project. Therefore, recirculation of the document is not necessary under Section 1506.3(c) of the CEQ regulations.

Amended Notice

EIS No. 20190025, Draft, USFS, NM, South Sacramento Restoration Project, Comment Period Ends: 05/13/2019, Contact: Peggy Luensmann 575-434-7200.

Revision to FR Notice Published 03/15/2019; Extending the Comment Period from 04/29/2019 to 05/13/2019.

Dated: April 29, 2019.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2019-09012 Filed 5-2-19; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0500, OMB 3060-0600, OMB 3060-0995 and OMB 3060-0999]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

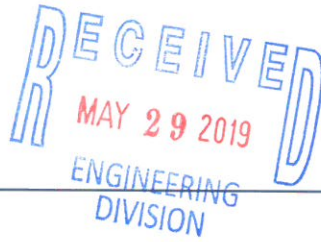
AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as



May 24, 2019



The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

Mr. R. J. Scites
Engineering Director
Department of Highways
1334 Smith Street
Charleston, WV 25301

RE: US 340 Improvement Project – VA Line to Charles Town Bypass
State Project: U219-340-0.00(02); Federal Project: NH-0340(030)E
FR#: 96-814-JF-38

Dear Mr. Hark:

We have received and reviewed the *Final Environmental Impact Statement US 340 Improvement Jefferson County, West Virginia* (FEIS), which was prepared for the above-referenced project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR § 800: "Protection of Historic Properties," we submit our comments.

We are satisfied with the discussions regarding cultural resources within the FEIS. As noted in the FEIS, our office entered into a Memorandum of Agreement (MOA) on June 27, 2018 to establish mitigation measures to address the adverse effects to cultural resources resulting from this project. We look forward to continuing the consultation process and to reviewing additional documents as they become available.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Lora Lamarre-DeMott, Senior Archaeologist, or Benjamin M. Riggle, Structural Historian, at (304) 558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LLD/BMR

CC: Ben Hark, WVDOH

May 28, 2019

MEMORANDUM TO: R.J. Scites, P.E.
Director, Engineering Division

FROM: Danny A. Bennett
Natural Resource Program Manager
WVDNR Coordination Unit

SUBJECT: Final Environmental Impact Statement
US 340 Improvement Jefferson County, WV

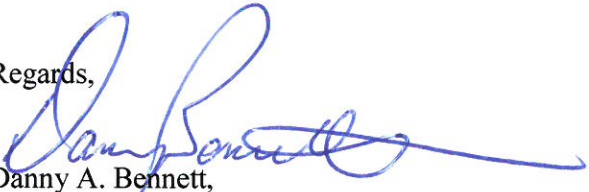
Dear Mr. Scites,

Thank you for giving the WVDNR the opportunity to review the Final Environmental Impact Statement. We respectfully submit the following comments for your consideration.

Most of our comments submitted on the Draft EIS were adequately addressed in the FEIS. One of the primary functions of an Environmental Impact Study is to inventory all resources that may be potentially impacted by the proposed project. West Virginia Division of Natural Resources would like to again point out that Marsh Run and Big Bullskin Run are considered warmwater recreational fisheries. Although these two streams were acknowledged in the FEIS as having the potential to harbor protected freshwater mussels, the FEIS did not acknowledge that these streams also contain recreational warmwater fisheries.

WVDNR does not oppose approval of the FEIS and looks forward to working with the Division of Highways on the US 340 Improvement Project. If you have questions, please contact Anne Wakeford of my staff in Elkins by telephone at 304-637-0245 or email at Anne.M.Wakeford@wv.gov.

Regards,


Danny A. Bennett,
Natural Resource Program Manager

Dehler, Brian

From: Hark, Ben L <Ben.L.Hark@wv.gov>
Sent: Thursday, June 06, 2019 12:45 PM
To: Demott, Rodney C; Dehler, Brian
Subject: FW: U219-314-0.00(02), Virginia State Line to Charles Town Bypass

From: Scites, Raymond J <Raymond.J.Scites@wv.gov>
Sent: Thursday, June 6, 2019 12:32 PM
To: Hark, Ben L <Ben.L.Hark@wv.gov>; Mullins, Sondra L <Sondra.L.Mullins@wv.gov>
Subject: Fwd: U219-314-0.00(02), Virginia State Line to Charles Town Bypass

Begin forwarded message:

From: Elizabeth Toombs <elizabeth-toombs@cherokee.org>
Date: June 6, 2019 at 12:07:21 PM EDT
To: "raymond.j.scites@wv.gov" <raymond.j.scites@wv.gov>
Subject: U219-314-0.00(02), Virginia State Line to Charles Town Bypass

Good Morning, Mr. Scites:

The Cherokee Nation (Nation) recently received a review request for US-340, Virginia State Line to Charles Town Bypass in Jefferson County, West Virginia. Jefferson County is located outside the Nation's Area of Interest. Thus, this Office respectfully defers to federally recognized Tribes that have an interest in this landbase.

Thank you for the opportunity to comment upon this proposed undertaking. Please contact me if there are any questions or concerns.

Wado,

Elizabeth Toombs, Tribal Historic Preservation Officer
Cherokee Nation
Tribal Historic Preservation Office
PO Box 948
Tahlequah, OK 74465-0948
918.453.5389

_Title	
FirstName	Bradley
LastName	Grubb
Organization	
Email	kbexagrubb@gmail.com
MailingAddress	118 Cutty Ct
City	Charles Town
State	WV
ZipCode	25414
Comments	While the FEIS states 3 homes are to be displaced, the redress for the affect on all Ryan's Glen residents should be fair and equitable. Please consider carefully how DOH will accommodate those residents who lose their access roads or drive-ways. Please ensure all residents have a logical and safe way to turn on and off the highway or consider relocating those additional homes most impacted if in the interest of the homeowner. Thank you.
CommentType	Online

Created at 6/6/2019 8:39 AM by
Last modified at 6/6/2019 8:39 AM by

_Title	
FirstName	Tim
LastName	Wiltshire
Organization	
Email	
MailingAddress	
City	
State	WV
ZipCode	
Comments	<p>Good luck weeding through all the paperwork. It gives me a headache just thinking about it. I fully support whatever is decided as this section of the highway needs to be completed. Thank you for working on this and looking ahead. One more thing, a bit off topic - Harpers Ferry needs a bypass. My brother and I were discussing the possibility of building a tunnel between Weverton, MD and Halltown, WV (approx. 4 miles) or from the end of the bridge in Virginia after it crosses over from Maryland to the bridge on the Shenandoah below Chestnut Hill Rd. Intriguing ideas but I imagine either project would make the present one look like small potatoes.</p>
CommentType	Online

Created at 5/19/2019 10:17 PM by
 Last modified at 5/19/2019 10:17 PM by

_Title	
FirstName	mark
LastName	wesling
Organization	Taxpayer
Email	mwesling@gmail.com
MailingAddress	
City	Charles Town
State	WV
ZipCode	25414
Comments	This project is long OVERDUE build it now PLEASE Thank You
CommentType	Online

Created at 5/17/2019 4:30 AM by
Last modified at 5/17/2019 4:30 AM by



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

June 6, 2019

Mr. Ben Hark
Environmental Section-Head
Engineering Division WVDOH
1334 Smith Street
Charleston, WV 25301

Mr. Jason Workman
Director, Program Development
Federal Highway Administration
Geary Plaza, Suite 200
700 Washington Street, East
Charleston, WV 25301

Re: US 340 Improvement Study Final Environmental Impact Statement, West Virginia, April 2019
CEQ # 20190078

Dear Mr. Hark and Mr. Workman:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the United States Environmental Protection Agency (EPA) has reviewed the US 340 Improvement Study Final Environmental Impact Statement (FEIS). EPA submitted comments on the Draft EIS for the project in correspondence of September 29, 2016. The EIS has been prepared by the West Virginia Department of Highway (WVDOH) in cooperation with the Federal Highway Administration.

We appreciate the additional information included in the FEIS and the responses prepared to our comments. Please find below some recommendations for the Record of Decision and next steps in project development.

- We continue to suggest that consideration be given to minimizing the footprint of the road in areas of resource impact, to the extent practicable.
- We appreciate the additions to Section IV. C. 2. f. related to required permits. We suggest a commitment in the Record of Decision (ROD) to prevent locating stormwater management facilities in aquatic resources to the maximum extent practicable.
- The information provided to support the environmental justice conclusions remains unclear. We would be pleased to work with you to develop Environmental Justice and community coordination methodologies as well as an Indirect and Cumulative Impact methodology for use as this project moves forward and for future NEPA projects.

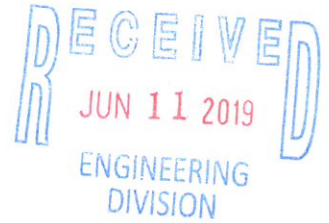
- While we recognize that WVDOH does not typically designate construction routes/corridors, we suggest the ROD commit to coordinating with the public to mitigate any adverse impacts resulting from construction.
- We suggest the ROD commit to evaluating wildlife passage in appropriate locations.

Please continue to work with EPA and other stakeholders as the project progresses through the Record of Decision, permitting and design stages. We suggest efforts to avoid and minimize impacts to the community and natural environment and close coordination with the public continue as the project moves forward. Thank you for providing EPA with the opportunity to review this project. If you have questions regarding these comments, the staff contact for this project is Ms. Barbara Okorn; she can be reached at 215-814-3330.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara Rudnick', with a long horizontal flourish extending to the right.

Barbara Rudnick
NEPA Program Coordinator
Office of Communities, Tribes & Environmental
Assessment



A.M.S. Morgan III
Ripon Lodge Farm
PO Box 130
Rippon, WV 25441

June 4, 2019

Mr. R.J. Scites, Engineering Director
1334 Smith Street
Charleston, WV 25301

Dear Mr. Scites,

Following are my comments regarding the:

State Project: U219-340-0.00(02)

Federal Project: NH-0340-(030)E

US340

Virginia State Line to Charles Town Bypass

Jefferson County

I appreciate the letter re: the FEIS from April 16, 2019 for the upgrade of Rt 340 in Jefferson County from Mr. Hark. There was only one local news announcement in Jefferson County which I was fortunate to find.

My family has been involved with this project since 1996. It will be a huge relief to have an ending to this project impacting our family, family farm, our neighbors and the community of Rippon.

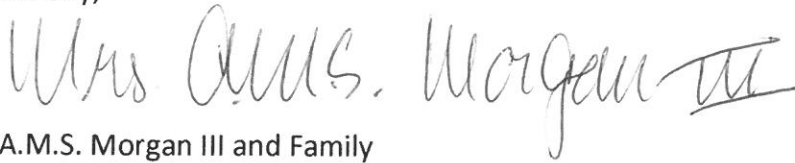
We have understood since 2016 that Alternate Routes #4, east of the Village of Rippon, have been the preferred path by the DOH.

Now asking for final comments: Hopefully a combination of #4s sensitive to our rural community will be built. Our preferred Alternate route would be alternate #4B. The reasons being it gives more space around to the east of our Village of Rippon than Alternate #4A. Alt #4A is very tight and close to the established existing Village of Rippon. Alt #4B, Very Important, has fewer exits & entrances to disturb the already established community of Rippon. Alt #4A has an added entrance to an undeveloped subdivision, "Rippon Commons." This entrance/exit is almost in the center of our village. Alt #4B is less intrusive and gives more

space to the east for already existing establishments and home sites in our village to expand in the future.

It will be a major relief to have the heavy, dangerous traffic out of our community and put it on a more modern and suitable roadway designed to handle the modern intense traffic moving through our area. Rt 340 has become major commuter and truck route. We are looking forward to safe local village traffic. Additionally, a local bike path connecting to the rest of the Jefferson County paths would be a wonderful added benefit to the community & County as many bike groups use our area for fund raising bike tours now using our dangerous back roads and also to tour our historic area.

Respectfully,

A handwritten signature in cursive script that reads "Mrs. A.M.S. Morgan III". The signature is written in dark ink and is positioned above the typed name.

Mrs. A.M.S. Morgan III and Family



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JUN 12 2019

In Reply Refer To
ER 16/0425

Electronically Filed

Mr. Jason Workman
West Virginia Division
Federal Highway Administration
700 Washington St E Ste 200
Charleston, WV 25301

Subject: United States Department of Transportation (DOT) Federal Highway Administration (FHWA), US 340 Improvement Study, WV 9FHWA-WV-EIS-01-1-D, Jefferson County, West Virginia. Final EIS and Section 4(f) Evaluation

Dear Mr. Workman:

The Department of the Interior (Department) has reviewed the Section 4(f) Evaluation for the US 340 Four-Lane Improvement Study in Jefferson County, West Virginia. The Department sent the original Section 4(f) concurrence letter in September 2016; and we are providing this follow up letter as a response to the Final EIS provided by FHWA and the additional alternatives considered in the Final EIS. We offer the following comments on this project for your consideration.

Section 4(f) Evaluation Comments

The Department concurs that there is no prudent and feasible alternative to the proposed use of 4(f) lands, which consist of portions or contributing elements of three historic districts (Kabletown Rural Historic District, Bullskin Run Rural Historic District, and the Village of Ripon Historic District) and numerous individual properties listed on or eligible for the National Register of Historic Places (NRHP). The resources listed on the National Register of Historic Places include the Long Marsh Run Rural Historic District, Ripon Lodge, the Beverly Farm, and the William Grubb Farm. In addition, three historic districts, ten individual properties, and part of a battlefield are eligible for listing on the National Register. These eligible properties include Kabletown Rural Historic District, Bullskin Run Rural Historic District, Village of Rippon Historic District, Olive Boy Farm, Glenwood, Wayside Farm, Byrdland, Straithmore, Berry Hill, Shenandoah Railroad, St. John's Episcopal Church, McPherson Adams House, Summit Point Battlefield, and the Wheatlands archaeological site.

The Department also acknowledges that to avoid, minimize, and mitigate adverse effects on historic architectural resources, the following measures have been included in the project and documented in the Memorandum of Agreement (MOA): funding to prepare National Register of Historic Places nominations for Wayside Farm, Olive Boy Farm, Byrdland, and the Village of Rippon Historic District; funding to develop an oral history collection; funding for interpretive signs; development of a historic driving tour brochure. The Department concurs that the Memorandum of Agreement developed among Federal Highways Administration, the West Virginia State Historic Preservation Office and the West Virginia Department of Transportation is sufficient to mitigate the adverse effects to historic properties. The Department also concurs that the Section 4(f) Evaluation process is complete.

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in blue ink that reads "Michaela E. Noble". The signature is written in a cursive style with a large initial 'M'.

Michaela E. Noble
Director, Office of Environmental Policy
and Compliance

cc: SHPO-WV (susan.m.pierce@wv.gov)

Comments/Responses on FEIS

US 340 Improvement Jefferson County, West Virginia

Date	Resource	Comment	WVDOH Response
05.24.2019	WV SHPO	We are satisfied with the discussions regarding cultural resources within the FEIS. As noted in the FEIS, our office entered into a Memorandum of Agreement (MOA) on June 27, 2018 to establish mitigation measures to address the adverse effects to cultural resources resulting from this project. We look forward to continuing the consultation process and to reviewing additional documents as they become available.	The WVDOH will coordinate with the WV SHPO to provide the necessary documentation and materials as outlined in the MOA dated June 27, 2018.
05.28.2019	WVDNR	West Virginia Division of Natural Resources would like to again point out that Marsh Run and Big Bullskin Run are considered warmwater recreational fisheries.	WVDOH has committed to conducting mussel surveys on the two streams that cross US 340 within the project limits (see Project Commitment #14) as well as working with the WVDNR on obtaining a Fish Spawning Waiver (see Project Commitment #15).
06.06.2019	Mr. Grubb	The redress for the effect on all Ryan's Glen residents should be fair and equitable. Please consider carefully how DOH will accommodate those residents who lose their access roads or driveways. Please ensure all residents have a logical and safe way to turn on and off the highway or consider relocating those additional homes most impacted if in the interest of the home owner.	Two residences in Ryan's Glen subdivision are identified for acquisition to provide the necessary right-of-way for the new roadway. No other residents will lose their driveway or access road. As part of construction, Ryan's Glen Drive will be relocated to tie to the new US 340 alignment to provide safer access. To accommodate the realignment of Ryan's Glen Drive, Cutty Court will be extended. Any pavement on existing Ryan's Glen drive that is no longer needed will be

			removed, the area re-graded, and seeded for a natural appearance.
06.06.2019	USEPA	<ol style="list-style-type: none"> 1) We continue to suggest that consideration be given to minimizing the footprint of the road in areas of resource impact, to the extent practicable. 2) We appreciate the additions to Section I V.C. 2. f. related to required permits. We suggest a commitment in the Record of Decision (ROD) to prevent locating stormwater management facilities in aquatic resources to the maximum extent practicable. 3) The information provided to support the environmental justice conclusions remains unclear. We would be pleased to work with you to develop Environmental Justice and community coordination methodologies as well as an Indirect and Cumulative Impact methodology for use as this project moves forward and for future NEPA projects. 4) While we recognize that WVDOH does not typically designate construction routes/corridors. We suggest the ROD commit to coordinating with the public to mitigate any adverse impacts resulting from construction. 5) We suggest the ROD commit to evaluating wildlife passage in appropriate locations. 	<ol style="list-style-type: none"> 1) Commitment included in the ROD (see Project Commitment #17). 2) Commitment included in the ROD (see Project Commitment #18). 3) WVDOH is certainly open to discussing with the USEPA the methodologies that can be applied to future projects. For the US 340 Improvement project, the FHWA and WVDOH consider the methods used to identify potential environmental justice communities to be sufficient. There are no parts of the project area with populations of minority residents that would exceed the thresholds recommended by EPA. 4) Commitment included in the ROD (see Project Commitment #19). 5) Commitment included in the ROD (see Project Commitment #16).
06.04.2019	Mrs. Morgan	Prefers Alternative 4B since it takes the route further east and further away from the Village of Rippon.	Alternative 4A was selected as the Preferred Alternative by WVDOH and FHWA because it meets both of the project's primary purposes and provides a good balance between benefits, costs, and environmental impacts.

<p>06.12.2019</p>	<p>USDOJ</p>	<p>The Department concurs that there is no prudent and feasible alternative to the proposed use of 4(I) lands, which consist of portions or contributing elements of three historic districts (Kabletown Rural Historic District, Bullskin Run Rural Historic District, and the Village of Ripon Historic District) and numerous individual properties listed on or eligible for the National Register of Historic Places (NRHP). The resources listed on the National Register of Historic Places include the Long Marsh Run Rural Historic District, Ripon Lodge, the Beverly Farm, and the William Grubb Farm. In addition, three historic districts, ten individual properties, and part of a battlefield are eligible for listing on the National Register. These eligible properties include Kabletown Rural Historic District, Bullskin Run Rural Historic District, Village of Rippon Historic District, Olive Boy Fair, Glenwood, Wayside Fair, Byrdland, Straithmore, Berry Hill, Shenandoah Railroad, St. John’s Episcopal Church, McPherson Adams House, Summit Point Battlefield, and the Wheatlands archaeological site.</p> <p>The Department also acknowledges that to avoid, minimize, and mitigate adverse effects on historic architectural resources, the following measures have been included in the project and documented in the Memorandum of Agreement (MOA): funding to prepare National Register of Historic Places nominations for Wayside Farm, Olive Boy Farm, Byrdland, and the Village of Rippon Historic District; funding to develop an oral history collection; funding for interpretive signs; development of a historic driving tour brochure. The Department concurs that the Memorandum of Agreement developed among Federal Highways Administration, the West Virginia State Historic Preservation Office and the West</p>	<p>A fully executed copy of the final MOA is included in Appendix B of the FEIS, which is incorporated by reference.</p>
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		Virginia Department of Transportation is sufficient to mitigate the adverse effects to historic properties. The Department also concurs that the Section 4(l) Evaluation process is complete.	
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