

SECTION VII: COMMENTS AND COORDINATION

In accordance with FHWA guidance, this Supplemental Final Environmental Impact Statement (SFEIS) incorporates by reference the Final Environmental Impact Statement (FEIS) and the subsequent Record of Decision (ROD) for the Appalachian Corridor H Project, both issued in 1996. The Parsons-to-Davis Project Supplemental Draft Environmental Impact Statement (SDEIS) was signed and circulated for public and agency comment in December 2002.

In 2003 and 2004, Preferred Alternative Reports were prepared and circulated for agency concurrence. The Revised Original Preferred Alternative (ROPA) has been identified as the preferred alternative for the Parsons-to-Davis Project. This SFEIS incorporates updated information and analysis since the December 2002 SDEIS, as appropriate. Substantive comments received on the SDEIS, are addressed throughout the document and corresponding responses are provided in Appendix A. Substantive comments received on this SFEIS will be addressed in the Amended Record of Decision.

7.1 NOTICE OF INTENT

On May 2, 2000, the Federal Highway Administration (FHWA) issued a Notice of Intent (NOI) in the Federal Register to advise the public that a Supplemental Environmental Impact Statement (SEIS) would be prepared for the Thomas-Davis portion of the Parsons-to-Davis Project of the proposed Appalachian Corridor H (Corridor H) highway. The only agency to respond to the NOI was the United States Fish and Wildlife Service (USFWS) in a letter dated July 14, 2000. The letter "reflect[ed] the concerns of the [Service] and [were] offered as technical assistance in accordance with the provisions of the Fish and Wildlife Coordination Act".

On September 27, 2001, FHWA issued a revised NOI to advise the public that the limits of the Study Area for the SEIS were expanded to include the entire Parsons-to-Davis Project. As the NOI states, "expansion of the study area [was] required due to new information obtained during the Endangered Species Act, Section 7 consultation regarding a federally listed, endangered species; the West Virginia Northern Flying Squirrel (*Glaucomys sabrinus fuscus*)." The USFWS concurred with the expansion of the Study Area of the Parsons-to-Davis Project in a letter dated December 6, 2001. In response to the revised NOI, USFWS stated, "The Service has no objection to the expansion of the study area for the project. The expansion of the study limits will allow for the consideration of additional alternatives to avoid impacts to the endangered West Virginia northern flying squirrel".

Copies of the NOI and revised NOI and USFWS letters in response to the NOIs are included in Appendix A.

7.2 AGENCY COORDINATION

The Corridor H Project, in its entirety, including the 1994 Alignments Selection Draft Environmental Impact Statement (ASDEIS), the subsequent Final Environmental Impact Statement (FEIS) in 1996 was conducted following the guidelines and philosophy of the integrated NEPA/404 process as detailed in FHWA Region 3's agreement with various federal agencies (i.e. USFWS, USEPA and USACE) entitled Integrating NEPA/404 for Transportation Projects (1992) and USDOT's publication *Applying the Section 404 Permit Process to Federal-Aid Highway Projects* (1988).

Appropriately, the Parsons-to-Davis SEIS process (including this SFEIS) continues to follow the integrated NEPA/404 process. As summarized in the 1996 FEIS, "This process integrates requirements of the National Environmental Policy Act as they pertain to highway projects with

those requirements of Section 404 of the Clean Water Act to facilitate highway planning activities while encouraging the avoidance and minimization of encroachments into waters of the U.S., particularly wetlands. Additionally, state agencies were coordinated with and made part of the process. State and federal agencies were involved at all concurrence points of the project." A complete list of all coordination meetings, subjects and attendees at those meetings can be found in Section VII: Comments and Coordination. All agency and public comments are provided in Appendix A.

As part of the Integrated NEPA/404 Process, a Section 404 permit application was submitted to the USACE. Additionally, the USACE's public review process and comment period was integrated into the public review and public hearing process for the proposed highway project. This information is incorporated by reference; detailed information including recordation of the extensive agency coordination and public involvement process, including all meeting dates and comment letters are provided in the 1996 FEIS.

7.2.1 EARLY COORDINATION / AGENCY SCOPING MEETING – JUNE 14, 2000

A resource agency scoping meeting was conducted on June 14, 2000 at Canaan Valley Resort & Conference Center located at Canaan Valley State Park in Davis, West Virginia. Representatives from 11 appropriate federal and state resource agencies were invited. Of those agencies, five attended. (A list of agency invitees and attendees is provided in Table VII-1). The purpose of the scoping meeting was to:

- Invite resource agency participation early in the project;
- Delineate the project Study Area;
- Identify key issues and level of analysis within the framework of the SEIS analysis;
- Integrate the Section 106 of the National Historic Preservation Act agency coordination and public participation processes;
- Continue coordination of the United States Army Corps of Engineers (USACE) Section 404 Permit process; and,
- Initiate preparation of the Supplemental Draft Environmental Impact Statement (SDEIS).

Information packets (including maps, graphics and tables) were prepared and distributed at the meeting. This information was also presented on large information boards at the meeting. Agencies that could not attend were mailed information packets. All agencies were asked to provide written comments before July 14, 2000. Agencies that responded are noted in Table VII-1 and their response letters are included with correspondence in Appendix A.

Table VII-1
Agency Scoping Meeting – June 14, 2000 – Canaan Valley Resort & Conference Center

Agency Invited	Attendees	Formal Comment Received
WV Department of Transportation Division of Highways	Norse Angus, Jim Colby, Mike Wilson, Neal Carte	N/A
WV Department of Transportation Division of Highways - District 8	Mike Phillips, Tom Staud	N/A
U.S. Department of Transportation Federal Highway Administration WV Division	Ed Compton, Ron Krofcheck	N/A
WV Division of Natural Resources	Keith Krantz	July 12, 2000 Roger J. Anderson
WV Division of Environmental Protection Office of Air Quality	DNA	NLR
WV Division of Culture and History State Historic Preservation Officer	Susan Pierce, Mark Holma	NLR
WV Division of Tourism and Parks	DNA	NLR
U.S. Army Corps of Engineers Pittsburgh District	Fred Pozzuto, Bob Neill	NLR
U.S. Environmental Protection Agency	Denise Rigney	NLR
U.S. Department of Agriculture Forest Service Monongahela National Forest	Lynn L. Hicks	NLR
U.S. Department of Agriculture Natural Resource Conservation Service	DNA	NLR
U.S. Department of the Interior Fish and Wildlife Service	DNA	July 14, 2000 Jeffrey K. Towner
U.S. Department of the Interior National Park Service Natural Resource Stewardship and Science	DNA	NLR
Advisory Council on Historic Places	DNA	NLR
Michael Baker Jr., Inc.	Bill McCartney, Katry Harris, Mary Keith Higginbotham, Wendy L. Zelencik, John Vandergriff, Jennifer Talbott	N/A

Note: DNA = Did Not Attend, NLR = No Letter Received, N/A = Not Applicable.

7.2.2 AGENCY STATUS MEETING - DECEMBER 14, 2000

An agency status meeting was held December 14, 2000 at the West Virginia Division of Natural Resources (WVDNR) headquarters in Elkins, West Virginia. The Blackwater Avoidance Alternatives, as they were developed to that point, were presented to the agencies. The Study Area had not yet been expanded to include the entire Parsons-to-Davis Project, and so the western terminus of the alternatives was further east than that of the alternatives presented in this SEIS. The meeting included a review of comments received during the scoping and public involvement process. Agencies were asked to provide comments on this meeting before January 5, 2001. A list of agencies, their attendance and whether an agency responded is provided in Table VII-2. Additional information regarding the public involvement process is provided later in this section. The agency response letters are also included in Appendix A.

**Table VII-2
Agency Status Meeting - December 14, 2000 – WVDNR Headquarters**

Agency Invited	Attendees	Formal Comment Received
WV Department of Transportation Division of Highways	Norse Angus, Jim Colby	N/A
WV Department of Transportation Division of Highways District 8	Tom Staud, Mike Moran	N/A
U.S. Department of Transportation Federal Highway Administration WV Division	Ed Compton, Ron Krofcheck	N/A
WV Division of Natural Resources	Keith Krantz	December 20, 2000 Roger J. Anderson
WV Division of Environmental Protection Office of Air Quality	DNA	NLR
WV Division of Culture and History State Historic Preservation Officer	DNA	NLR
WV Division of Tourism and Parks	DNA	NLR
U.S. Army Corps of Engineers Pittsburgh District	Rich Sobol	NLR
U.S. Environmental Protection Agency	DNA	NLR
U.S. Department of Agriculture Forest Service Monongahela National Forest	Roy Ryan	NLR
U.S. Department of Agriculture Natural Resource Conservation Service	DNA	NLR
U.S. Department of the Interior Fish and Wildlife Service	DNA	NLR
U.S. Department of the Interior National Park Service Natural Resource Stewardship and Science	DNA	NLR
Advisory Council on Historic Places	DNA	NLR
Michael Baker Jr., Inc.	Bill McCartney, Wendy Vachet, Claudette Jenkins, Katry Harris	N/A

Note: DNA = Did Not Attend, NLR = No Letter Received, N/A = Not Applicable

7.2.3 ADDITIONAL AGENCY MEETING REGARDING WVNFS - AUGUST 9, 2001

An additional agency meeting was held August 9, 2001 at the WVDNR offices in Elkins, West Virginia to inform agencies of new information regarding the distribution of the endangered West Virginia northern flying squirrel (WVNFS) in the region of the Parsons-to-Davis Project. It was subsequent to this meeting that the Study Area was expanded with the revised NOI issued in October 2001.

Posterboards and handouts at this agency meeting showed the areas where the WVNFS had been captured in the region of the Parsons-to-Davis Project. Displays were presented that showed the

Original Preferred Alternative (OPA) for Corridor H along the Parsons-to-Davis route intersected areas where the endangered squirrel had been found. Additionally, displays showed that the Blackwater Avoidance Alternatives did not intersect any of the capture areas; however, the OPA crossed a capture area to the west of where the Blackwater Avoidance Alternatives begin.

Agency representatives discussed expanding the Parsons-to-Davis Project Study Area so that it could encompass the capture area overlapping the OPA to the west of the Blackwater Avoidance Alternatives as they existed to that point in time. The United States Environmental Protection Agency (USEPA) responded in a letter regarding this agency meeting with concurrence that additional alternatives and alignment shifts should be considered for the Parsons-to-Davis Project (letter dated September 10, 2001 in Appendix A).

The schedule for producing a Biological Assessment (BA) for the WVNFS was also discussed at this meeting. A draft BA has since been produced and submitted to the USFWS in August, 2002 with a final BA produced and submitted in August 2004. Formal consultation on the WVNFS began in October 2005.

A list of agencies, their attendance and whether an agency responded is provided in Table VII-3. The response letter is also included in Appendix A.

Table VII-3
Additional Agency Meeting Regarding WVNFS - August 9, 2001 – WVDNR Headquarters

Agency Invited	Attendees	Formal Comment Received
WV Department of Transportation Division of Highways	Norse Angus, Jim Colby	N/A
U.S. Department of Transportation Federal Highway Administration WV Division	Ed Compton, Ron Krofcheck	N/A
WV Division of Natural Resources	Roger Anderson, Keith Krantz	NLR
WV Bureau of Environment Water Resources Section	DNA	NLR
U.S. Environmental Protection Agency	Jessica Greenwood	September 10, 2001 Jessica Greenwood
U.S. Department of the Interior Fish and Wildlife Service	Bill Tolin, John Schmidt, Carol Whetsell	NLR
U.S. Department of Agriculture Forest Service Monongahela National Forest	Dan Arling, Liz Schuppert, Richard Cook, Scott Groenier	NLR
WV Division of Culture and History State Historic Preservation Officer	DNA	NLR
U.S. Army Corps of Engineers Pittsburgh District	DNA	NLR

Note: DNA = Did Not Attend, NLR = No Letter Received, N/A = Not Applicable

7.2.4 USFS MNF COORDINATION – MEMORANDUM OF UNDERSTANDING (MOU)- JUNE 2003

During agency coordination, the USFS MNF entered into a Memorandum of Understanding (MOU) with the FHWA and WVDOH. A copy of the MOU is included in Appendix E. The purpose of the MOU:

“is to document measures that have been or will be employed to facilitate continued coordination among the WVDOH, FHWA and the Monongahela National Forest during the development and implementation of the Appalachian Corridor H highway project. This MOU will outline project specific measures to minimize and mitigate the effects of Appalachian Corridor H to the MNF and to outline review processes for activities that cannot be defined until final design activities have been undertaken (e.g., excess excavation sites, trail relocations, trailhead parking areas, etc.). In addition, the MOU will document actions that have been or will be taken by the respective parties for the redevelopment of the existing abandoned railway corridor located within the Blackwater Canyon area into a bicycle/pedestrian path.”

According to the MOU, WVDOH (with use of approved federal funds) will provide funding to the MNF over a five-year period to be used “exclusively for personnel and equipment costs to investigate, evaluate, interpret, and curate archaeological and historic resources under the stewardship of the MNF, production costs associated with disseminating the results of archaeological and historical fieldwork, and the design, installation, and production of interpretive signing, displays, and other devices for public dissemination.”

The MOU also provides that: “upon successful completion of the environmental process for the Parsons to Davis project, the WVDOH will construct a bicycle/pedestrian trail on the existing railroad grade through the Blackwater Canyon area. Trail design will accommodate any outstanding rights and reservations existing along the trail to be determined by the WVDOH. In addition, access to private properties located along the trail will be accommodated in trail design and construction to the extent that MNF lands are required for that access.” After completion of the path by WVDOH, the MNF agrees to maintain the trail. An agreement to this effect will be executed between WVDOH and MNF upon final acceptance of the project.

The agreement also states that the WVDOH will provide additional funds to MNF “to conduct a boundary survey with monumentation of the existing abandoned railway corridor from Parsons to Thomas.”

Finally, certain terms and conditions regarding construction impacts in the MNF are included in the MOU and shall apply if FHWA selects an alternative located within the MNF for any portion of Corridor H including:

- “The WVDOH will work with the MNF to establish any excess excavation and/or borrow sites or construction access roads within the Forest to minimize environmental impacts. The WVDOH/MNF will agree during the project development projects to areas within the MNF that may be suitable locations for development of these ancillary facilities. The final construction plans will depict these agreed upon areas.
- In addition to any stipulations outlined in the Letter of Consent (the document that allows access to the MNF for construction of the highway), all preliminary construction plans for projects located within or near the forest boundaries will be submitted to MNF for review.

- The WVDOH will work with the MNF to establish appropriate replacement and/or relocation sites for any trails crossed and/or relocated by Corridor H. Additionally, the WVDOH will establish parking areas and trailheads as mutually agreed upon by the MNF.
- The MNF will provide timely comments on all plan submissions and related information.
- The WVDOH will use natural stream design for all high quality streams relocations within the boundaries of the Forest.
- The WVDOH will use Best Management Practices for all erosion control within the Forest. The MNF staff will be invited to attend all erosion control reviews, comment on erosion control plans and participate in field views of the construction projects as needed.”

7.3 SECTION 106 CONSULTATION

Under the Settlement Agreement, the Amended Record of Decision (ROD) for the Parsons-to-Davis Project cannot be issued until the FHWA and West Virginia Division of Highways (WVDOH) have completed all of the studies and consultation required for historic properties under Section 106 of the National Historic Preservation Act (NHPA) (see Appendix B, Settlement Agreement, p. 33). Section 106 determinations were conducted under the terms of the September 1995 Corridor H Programmatic Agreement (Appendix D).

Consistent with the Section 106 regulations, FHWA and WVDOH defined the Area of Potential Effect (APE) for the project as the area within 1,000 feet of each side of any proposed alternative. Two historic resources were identified within the APE: the West Virginia Central and Pittsburgh Railroad Grade (WVC&P Railway); and the Blackwater Industrial Complex Archaeological and Historic District (Blackwater Industrial Complex).

WVDOH and FHWA consulted with the West Virginia State Historic Preservation Office (WVSHPO), as required by Section 106 of the National Historic Preservation Act, on Corridor H on a section-by-section basis. At the time of the SDEIS, the Parsons-to-Davis section was the final section that required evaluation. In June 2002, a draft Criteria of Effects (COE) Report was circulated. The Draft COE Report found that the Parsons-to-Davis Project would have “no effect” on the Blackwater Industrial Complex Archaeological and Historic District (Blackwater Industrial Complex). The WVSHPO, USFS MNF, and Corridor H Alternatives (a plaintiff in the lawsuit), which were all consulting parties in the Section 106 process, submitted comments on the Draft COE Report as follows:

- In a letter dated October 30, 2002, WVSHPO found that the project would have “no adverse effect” on the Blackwater Industrial Complex. The WVSHPO commented, however, that the evaluation should focus on “the relative change” to the district, rather than the Draft COE Report’s evaluation of the percentage of the district that would experience visual or noise impacts.
- In a letter dated July 26, 2002, the USFS MNF expressed concerns related to Project’s potential visual, auditory, and physical impacts on the Monongahela National Forest. Following the receipt of the USFS MNF comments, in October 2002, the USFS MNF, WVDOH, and FWHA executed a Memorandum of Understanding (MOU) that included measures to mitigate these potential effects. In a letter dated October 24, 2002, the USFS MNF found that the project would have no adverse effect on historic resources within the Monongahela National Forest.
- In a letter dated December 12, 2003, counsel for Corridor H Alternatives disagreed with the Draft COE Report’s finding of “no effect,” and recommended a finding of “adverse effect” based on visual and auditory effects to the historic district and its setting.

In March 2004, the Final COE Report was issued. The Final COE Report revised and updated the Draft COE Report to address the agency and consulting party comments received on the report, and changes to the ROPA that occurred after the publication of the Draft COE Report. The Final COE Report found that the Parsons-to-Davis Project would have “no adverse effect” on the Blackwater Industrial Complex.

On March 23, 2004, the Final COE Report was submitted to the WVSHPO for review and concurrence and to the USFS MNF and Corridor H Alternatives for comments, in accordance with the September 1995 Section 106 Programmatic Agreement for Corridor H (Appendix D). WVDOH and FHWA received comments on the Final COE Report as follows:

- In a letter dated June 23, 2004, the WVSHPO affirmed its earlier opinion that the Parsons-to-Davis Project would have “no adverse effect” on the Blackwater Industrial Complex. The WVSHPO stated that the “historic nature of the site will not adversely change” as a result of the project and that the proposed bridge “will not adversely effect” the interpretation of the physical remnants of the site.
- In a letter dated April 14, 2004, the USFS MNF concurred with the findings of the Final COE Report. The USFS MNF letter stated that the Parsons-to-Davis Project “would have no effect to contributing elements of the District, and recommend[ed] that project activities proceed as planned.”
- Corridor H Alternatives did not submit comments on the Final COE Report.

On May 13, 2004, at the request of Advisory Council on Historic Preservation (ACHP) staff, FHWA transmitted a copy of the Final COE Report to the ACHP, and requested concurrence from the ACHP with the Final COE Report’s “no adverse effect” finding. To date, the ACHP has not responded to the findings of the Final COE Report.

Correspondence related to the Section 106 process is included in Appendix A.

7.4 SECTION 7 CONSULTATION

Throughout the development of the environmental documentation for Corridor H, FHWA and WVDOH consulted with the USFWS pursuant to Section 7 of the Endangered Species Act (ESA). The environmental documentation was considered sufficient by the USFWS to address effects on threatened and endangered species at the time the 1996 Corridor H ROD was signed (August 1996). However, in June 2000, FHWA and WVDOH re-initiated informal consultation with the USFWS during agency coordination for the preparation of this SEIS. As a part of the informal consultation process for the Parsons-to-Davis section of Corridor H, live-trapping surveys were conducted for the WVNFS (*Glaucomys sabrinus fuscus*). In the summer of 2001, populations of the WVNFS were found within the Study Area boundary.

Based on ensuing coordination with the USFWS and the FHWA, WVDOH developed Squirrel Avoidance Alignments (SAAs) to attempt to avoid, if practicable, known or potential WVNFS populations. These new alternatives included Alternatives 1D East and West, 1E, and 1G East and West. After further coordination with the USFWS, including an initial submission of a Biological Assessment (BA) for the WVNFS in August of 2002, a second BA was prepared and submitted to the USFWS in August 2004. The August 2004 BA evaluated the direct, indirect, and cumulative effects of the Build Alternatives. Because the ROPA had been identified as the Preferred Alternative after circulation of the SDEIS and coordination with the cities of Thomas and Davis, the BA compared potential impacts of the Preferred Alternative (the ROPA) and the SAAs. The BA concluded that all alternatives would likely adversely affect the WVNFS, but that the ROPA would be the least damaging to the WVNFS. In a letter dated October 14, 2004, the USFWS concurred

with the BA conclusions, thus completing informal ESA Section 7 consultation. This USFWS letter is included in Appendix A.

Formal section 7 consultation was initiated on October 25, 2005 by FHWA and WVDOH. USFWS confirmed the initiation of formal consultation and the completeness of the Initiation Package on November 18, 2005. On March 22, 2006 the USFWS requested an extension for the completion of formal consultation; the request was granted by FHWA on March 30, 2006. A draft BO was issued by USFWS on May 5, 2006. The final BO was issued on November 6, 2006. The BO provides:

- a complete consultation history,
- biological background research and baseline summary,
- confirms the proposed conservation measures,
- terms and conditions associated with the Incidental Take Statement, including Reasonable and Prudent Measures (RPMs) for compliance and
- a conclusion to the formal consultation process with the detailed reinitiation requirements.

The USFWS has stated that, "...FHWA and the WVDOH have selected the least damaging practicable project construction alternative in regards to the direct removal of *G. s. fuscus* habitat.Anticipated adverse effects of the project as a result of direct and indirect loss of habitat have been substantially avoided and minimized." Further, the BO specifically states, "After reviewing the current status of the *G. s. fuscus*, the environmental baseline, the effects of the proposed action and the cumulative effects, it is the Services' Biological Opinion that constructing Corridor H, Parson to Davis, as proposed, is not likely to jeopardize the continued existence of the *G. s. fuscus*." The issuance of the final BO concludes the formal consultation process.

7.5 PREFERRED ALTERNATIVE REPORTS

7.5.1 DECEMBER 2003 PREFERRED ALTERNATIVE REPORT

Consistent with the Integrated NEPA/404 Permit process, the SDEIS was approved and circulated for review and comment in December 2002. The comments received on the SDEIS were taken into consideration in modifying the alternatives studied and in identifying the Preferred Alternative.

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 Tucker County High School (TCHS);
- Incorporation of the Middle Run shift, originally associated in the SDEIS only with Alternative 2; and
- Incorporation of the Truck Route (a two-lane roadway that would reduce truck traffic in the City of Thomas).

The alternative that incorporates these changes is referred to as the Revised OPA, or ROPA. (In addition, the OPA and Alternative 2 also incorporated the truck route as an integral part of these alignments. After the analysis in the SDEIS and assessment of comments on the SDEIS, it became clear that the Truck Route should no longer be an *option* for these alternatives that otherwise did not offer a bypass for trucks traveling through downtown Thomas.) 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, an updated comparison of alternatives was conducted to select the Preferred Alternative.

The alternatives were compared based upon environmental impacts, including a finer analyses of streams and wetlands than those presented in the SDEIS; ability to meet purpose and need; and cost. *Section 2.5.1* and individual sections throughout *Section III: Existing Environment and Environmental Consequences* of this SFEIS provide details on the updated comparison of alternatives.

After consideration of engineering and environmental constraints, and public and agency comments, the ROPA was identified as the Preferred Alternative for the Parsons-to-Davis Project 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;
- It is \$16 million to \$70 million less expensive than any other alternative; and, in particular, is at least \$46 million less expensive than any of the Blackwater Avoidance Alternatives; and
- It is consistent with applicable regulatory requirements, including Section 4(f) of the Department of Transportation Act of 1966.

A Preferred Alternative Report was assembled to present these new findings to resource agencies and for coordination with the cities of Thomas and Davis (see *Section 7.10 Additional Coordination with City Councils*). The purpose of the Preferred Alternative Report was to discuss the information and the process that resulted in the identification of the ROPA as the Preferred Alternative for the Parsons-to-Davis Project, and to present the remaining steps required at the time (after approval of the SDEIS) to complete the environmental review process for the project. A summary of agency response letters to the report is provided in Table VII-4 below.

WVDNR, WVDEP, WVDCH and the USACE did not submit comments letters on the December 2003 Preferred Alternative Report. All agency letters received are included in Appendix A.

**Table VII-4
Agency Responses to Comments on the Parsons-to-Davis January 2004 Preferred Alternative Report***

Agency	Topic of Concern	Comment	Response
<ul style="list-style-type: none"> USEPA, Region III letter dated February 12, 2004 	<p>Reconsideration of the ROPA as the Preferred Alternative due to environmental impacts.</p>	<ol style="list-style-type: none"> USEPA's February 12, 2004 comment letter outlines specific concerns related to the identification of the ROPA as the Preferred Alternative by stating that "...the ROPA, when compared to the other feasible alternatives examined in the SDEIS, has considerably more environmental impacts and suggests that WVDOH reconsider identifying the ROPA as the Preferred Alternative." USEPA further found the ROPA to be "the most environmentally impacting alternative." USEPA also expresses concerns that the "... Preferred Alternative Report also lacks any comparisons addressing how and to what degree the West Virginia Northern Flying Squirrel habitat is impacted by various alternatives." "We understand that the wetland impacts for the OPA have already been permitted and mitigated for, and that the WVDOH is not required to select for implementation the alternative identified in the EIS as being "environmentally preferable." However, the environmentally preferred alternative does need to be identified in both the Final SFEIS and the Record of Decision, whether or not that is the alternative which DOH actually chooses to pursue." 	<ol style="list-style-type: none"> Following a comprehensive evaluation of alternatives that included considering comments received from resource agencies and the public, the ROPA was selected as the preferred alternative. As detailed in the Preferred Alternative Report and the Amended Preferred alternative Report, the ROPA best meets the purpose and need for the project, is similar to the other alternatives in terms of its overall environmental impacts, where its impacts are greater, the impacts will be mitigated according to the terms and conditions of Volume III of the 1996 FEIS and the current Section 404 permit. The ROPA/Preferred Alternative also has the least direct and indirect potential impact on the WVNFS. With respect to wetland and stream impacts specifically, the Blackwater Avoidance Alternatives generally result in lower total impacts than the Blackwater Alternatives. However, the ROPA's impacts are generally small impacts on small, low quality emergent systems and, as noted by EPA's comment, these impacts have already been permitted and mitigated. On balance, the wetland and stream impacts did not outweigh the other factors that favored selecting the ROPA as the preferred alternative, including its cost, ability to best meet purpose and need and its impact on the WVNFS. Following additional analysis by WVDOT of wetland and stream impacts, in a letter dated February 7, 2005, USEPA concurred with the selection of the ROPA as the preferred alternative. Detailed impact analysis associated with WVNFS habitat has been conducted as part of the Section 7 consultation process. These impacts are fully documented in the Biological Assessment (BA) and in Section III of the Parsons-to-Davis SFEIS. Based upon this additional analysis, WVDOH concluded that of the alternatives under consideration, the ROPA is likely to have less overall direct and indirect effects on the WVNFS than those other alternatives because (i) the ROPA requires the

Agency	Topic of Concern	Comment	Response
			<p>removal of the fewest number of acres of either suitable or highly suitable habitat, (ii) the ROPA's removal of highly suitable habitat primarily occurs on the highly suitable habitat's edge and minimizes removal of core highly suitable habitat, and (iii) the ROPA has less of a barrier effect and better preserves landscape permeability than the other alternatives because the magnitude of cut/fill slopes is less. WVDOH presented this analysis to USFWS and in a letter dated October 14, 2004 USFWS agreed that as compared the other alternatives, selection of the ROPA would minimize impacts to WVNFS habitat.</p> <p>3. Comment noted.</p>
<ul style="list-style-type: none"> • USFWS letter dated February 4, 2004 	<p>Potential impacts associated with the WVNFS</p>	<p>USFWS indicated in its comments on the DEIS that the Preferred Alternative Report does not provide the information necessary to allow for a comparison of alternatives in regard to impacts to the WVNFS. USFWS requests that "these impacts should be accurately compared and evaluated so that they can be fully considered in the NEPA evaluation/Alternative Selection process." For this reason, USFWS indicated that it "can not concur" with the selection of a preferred alternative until WVDOH "conducts an accurate evaluation of the alternative's impacts on the WVNFS and incorporates that information into the NEPA evaluation /Preferred Alternative Report.</p>	<p>Following the end of the comment period on the DEIS, WVDOH circulated a Preferred Alternative Report, which identified the ROPA as the preferred alternative. The Preferred Alternative Report was sent to the USFWS and other agencies for comment in December 2003. In their comments on that report, USFWS stated that the report did not provide an adequate basis to allow the agency to compare the impacts of the alternatives on the WVNFS and requested that WVDOT perform additional analysis to support a comparison.</p> <p>As a result of the USEPA and USFWS comments on the December 2003 Preferred Alternative Report, additional studies were conducted relative to Section 7 Consultation on the WVNFS. The differences among the alternatives in their impacts on the WVNFS and its habitat were reevaluated. These impact differences and updated information related to WVNFS highly suitable and suitable habitat were presented to the USFWS in an August [OR OCTOBER] 2004 Biological Assessment (BA). This analysis was also documented in the November 2004 Preferred Alternative Report. The USFWS concurred with the findings in the October 2004 revised BA and found that WVDOT's additional WVNFS impacts analysis provided an adequate basis for USFWS to compare impacts of the alternatives on the WVNFS. USFWS concurred that of the alternatives considered, the ROPA would have the least impact on the WVNFS. Formal Section 7</p>

Agency	Topic of Concern	Comment	Response
<ul style="list-style-type: none"> USDA, Forest Service, Monongahela National Forest (MNF) letter dated May 26, 2004 	Potential Impacts to MPA 8.0	The MNF is concerned that the roadway footprint "may impact a few acres of two areas with Management Prescription 8.0," specifically (i) the area around the Big Run Bog National Landmark and Botanical Area (but outside of the watershed of the bog) and (ii) the Olsen Tower Rotation Study Area used by the Fernow Experimental Forest. MNF requests that WVDOH more closely review available electronic maps regarding these potential issues.	<p>consultation was initiated in October 2005, and a BO was issued in May 2006.</p> <p>GIS Information regarding MNF MPA boundaries within the Study Area was obtained from the MNF as part of the agency coordination process early in the development of the Parsons-to-Davis SEIS (approximately 2001). This GIS information has been consistently used in both the Kerens-to-Davis SEIS (Battlefield) as well as the Parsons-to-Davis SEIS, including this SFEIS. Updated GIS information was received in September 2006 to reflect changes in the 2006 MNF Plan update. The new information was used to evaluate impacts to the various MNF MPA's. Available mapping shows that the mainline of the ROPA/Preferred Alternative is located outside of the watershed of BRB (MPA 8.0). In addition, the Fernow Experimental Forest, an MPA 8 area, will not be impacted by the ROPA or any other Build Alternative. Per the 2000 Settlement Agreement and 2003 MOU, the WVDOH will continue coordination with the MNF regarding the development of Canyon Rim Road and pertinent trail systems within the Study Area. While the mainline of Corridor H falls outside of the BRB watershed, an upgrade of Canyon Rim Road may impact a small portion of the BRB watershed.</p>
	Invasive, non-native plant species	"The Forest [Service] has a concern for the likely spread and introduction of non-native invasive species because of the road construction. The document reviewed did not include mitigation measures. The Forest [Service] is interested in the seed mixtures to be used on the highway and associated disturbed areas, and recommends that aggressive non-native species not be used unless absolutely necessary to control erosion."	WVDOH acknowledges the concerns of the MNF related to non-native invasive plant species. Consistent with agency coordination measures outlined in the 1996 FEIS Volume III and the 2003 MOU between WVDOH, FHWA and MNF, WVDOH will work in consultation with the MNF to address these concerns as the project proceeds through final design and ultimately, construction.
	Hydrology	1. The MNF is concerned about sedimentation effects on streams within and adjacent to MNF lands, specifically, Mill Run and Slip Hill Mill Run which function as native trout	1. Slip Hill Mill Run is a native brook trout stream, and the Build Alternatives will cross headwater tributaries of this stream. While there have been no reproductive studies conducted on the brook trout populations within Slip Hill Mill Run or Mill Run,

Agency	Topic of Concern	Comment	Response
		<p>streams and which have existing fine sediment levels above the "threshold" level of impairment of trout reproduction. These concerns are related to both the construction of the roadway itself as well as potential waste/borrow areas within the watersheds of both Mill Run and Slip Hill Mill Run.</p> <p>2. The MNF further commented that mitigation measures proposed for the highway and WVDNR comments regarding "wasting areas" need to be closely reviewed and monitoring of the effects of the new highway in Mill Run should be considered.</p>	<p>communications with USFS MNF and WVDNR fisheries biologists stated that the results of electrofishing surveys conducted on these streams in the early 1990's provided enough data to conclude that the native brook trout populations within Slip Hill Mill Run and Mill Run are hardy and robust reproducing populations.</p> <p>To address specific concerns related to sediment and its potential effects on the native brook trout in Slip Hill Mill Run, the WVDOH conducted additional stream surveys to determine the baseline physical and biological condition of Slip Hill Mill Run. The results of the study have shown that Slip Hill Mill Run is a stable stream that is capable of efficiently transporting a large sediment supply, and that the methodology to assess fine sediment within potential brook trout spawning habitat yields highly variable results. The study also identified two barriers to fish passage that are located downstream of the Build Alternatives that likely prohibit brook trout from utilizing the habitat within the area of potential stream impact.</p> <p>2. The USFWS inquired if potential excess excavation areas were to be located within the Slip Hill Mill Run watershed, and if mitigation plans had been developed to include the monitoring of sediment within Slip Hill Mill Run. As a result of Section 7 consultation for the WVNFS, WVDOH has conducted additional preliminary engineering on the ROPA to reduce the impact of the Parsons-to-Davis Project on the WVNFS habitat. As a result of this additional engineering, the amount of material placed within the Slip Hill Mill Run watershed was reduced by 48 percent, and the total amount of excavation was reduced to an amount that could be placed within the proposed construction limits of the highway. In addition, Volume III of the 1996 Appalachian Corridor H FEIS and the MOU among the FHWA, WVDOH, and the USFS provides for water chemistry and turbidity monitoring prior to, during, and post construction, and provides for agency comment during all stages of final engineering design of the highway.</p>
	Soils	1. MNF has provided detailed information	1. WVDOH acknowledges the concerns of the MNF related to soils

Agency	Topic of Concern	Comment	Response
		<p>related to the sensitivity of highly erodible soils on Backbone Mountain and the underlying geology of the Mauch Chunk formation, stating that "Areas underlain by Mauch Chunk geology should be considered for special mitigation in order to address highly weatherable bedrock and instability of the bedrock once exposed to water and air. No mitigation measures were mentioned in the document. Also, . . .appropriate mitigation, in our estimation, consist not of choosing revegetative option that accounts for the potential stabilization of cut banks; rather, appropriate mitigation consists of the design of the cut and fill slopes that will account for instability, erosion, and water drainage off these cuts and fills. We should like to see this concern specifically addressed when crossing the Mauch Chunk geologic formation. We would also like the opportunity to review and comment on sedimentation designs and plans..."</p> <p>2. MNF recommends that WVDOT and FHWA follow the same guidelines for this project as the agencies are following for other Corridor H projects regarding surface mine refuse piles and sedimentation ponds on federal lands through which Corridor H will traverse.</p>	<p>and sedimentation issues and associated mitigation in connection with highway construction. Additional information will be required as the project moves into final design (i.e. geotechnical investigations) and further consultation with the MNF will be beneficial to project engineers and construction contractors. Consistent with agency coordination measures outlined in the 1996 FEIS Volume III and the 2003 WVDOT, FHWA and MNF MOU, WVDOT will work in consultation with the MNF to address these concerns as the project proceeds through final design and ultimately, construction.</p> <p>2. Comment noted.</p>

*WVDOT requested that USEPA and USFWS concur in WVDOT's selection of the ROPA as the Preferred Alternative. USEPA and USFWS responded to this request and provided comments during the Preferred Alternative Report comment period. WVDOT provided detailed responses to these comments in its Amended Preferred Alternative Report, issued in November 2004.

7.5.2 NOVEMBER 2004 AMENDED PREFERRED ALTERNATIVE REPORT

Following receipt of USFWS concurrence on the August 2004 BA, WVDOH circulated an Amended Preferred Alternative Report (November 2004) to resource agencies that are parties to the West Virginia Department of Transportation's (WVDOT's) July 1992 Consensus on Integrating NEPA/Section 404 Process for Transportation Projects. The purpose of the Amended Preferred Alternative Report was to 'respond specifically to the comments submitted by USEPA and USFWS on the 2003 Preferred Alternative Report' particularly those associated with potential impacts to the WVNFS and surface water impacts. Based on the August 2004 BA and USFWS' concurrence regarding impacts, the Amended Preferred Alternative Report re-affirmed WVDOT's decision to identify the ROPA as its Preferred Alternative for the Parsons-to-Davis Project. WVDOT found that the ROPA:

After exhaustive alternative development, environmental and engineering analysis and continuous coordination with the resource agencies, the public, and the CAG, the ROPA has been identified as the Preferred Alternative for the Parsons-to-Davis Project (Exhibit II-5). As a result of the refined engineering performed on the ROPA during Section 7 consultation, the ROPA/Preferred Alternative's current length is 10.47 miles (versus 9.99 miles as reported in the Preferred Alternative Reports), its footprint is currently estimated at 396 acres (versus 375 reported in the Preferred Alternative Reports and its current preliminary costs are approximately \$101 million (versus \$147 million reported in the Preferred Alternative report). The reduction in cost is the result of the 10 million cubic yard reduction in excavation. The additional avoidance and minimization measures associated with the continued development of the ROPA/Preferred Alternative after the Preferred Alternative Reports does not significantly change the updated alternatives analysis detailed in those reports. Alternative 2 and all of the Blackwater Avoidance Alternatives carried forward for detailed analysis would still negatively impact the Slip Hill Mill Run watershed and would require complex (and expensive) structures to negotiate the western slope of Backbone Mountain. Further, the Blackwater Avoidance Alternatives will continue to be substantially more expensive than the ROPA/Preferred Alternative as they are ultimately longer (the current approximate cost per mile of roadway for Corridor H average approximately \$11M per mile) and they require more complex structures (bridges and over-sized culverts) which also add to project costs.

Of all of the alternatives considered during the SEIS process, the ROPA:

- Best achieves the purpose and need for the project;
- Is similar to the other alternatives in terms of its overall environmental impacts;
- Is currently \$41 million to \$117 million less expensive than any other alternative; and, in particular, is at least \$117 million less expensive than any of the Blackwater Avoidance Alternatives
- Of the alternatives analyzed, it is likely to have the least overall direct and indirect effects on the WVNFS;
- Minimizes impacts to both Big Run Bog and Slip Hill Mill Run watersheds; and
- Has received support from the public via the Town of Davis, and the CAG.

While the ROPA has been identified at this stage of the 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 comments on the SFEIS or other new information or changed circumstances (Settlement Agreement, III(C)(b)(2)).

Concurrence on the ROPA as the preferred alternative has been received from USFWS and USEPA. In its comment letter, USEPA concurred with the selection of the ROPA as the Preferred Alternative. WVDNR's comment letter did not support nor did it oppose the identification of the ROPA as the

Preferred Alternative. WVDNR continues to cite concerns about the environmental impacts of the ROPA while acknowledging WVDORH's need to acknowledge cost considerations and savings. USFWS's letter stated that it did not oppose the ROPA as the Preferred Alternative and acknowledged that the ROPA has the least amount of impact to suitable and highly suitable WVNFS habitat. The USFWS letter encouraged moving into formal Section 7 consultation on the WVNFS. A summary of agency response letters to the report is provided in Table VII-5 below.

USDA MNF, WVDCH, USACE, and WVDEP did not submit comment letters regarding the Amended Preferred Alternative Report.

**Table VII-5
Agency Responses to Comments on the Parsons-to-Davis November 2004 Amended Preferred Alternative Report**

Agency	Topic of Concern	Comment	Response
<ul style="list-style-type: none"> • WVDNR, Wildlife Resources Section letter dated January 19, 2005 	Secondary impacts associated with waste and borrow requirements/estimates	WVDNR reiterates its concerns from its SDEIS comments letter (WVDNR, Wildlife Resources Section letter dated April 9, 2003) related to waste/borrow requirements/estimates and the secondary impacts associated with these areas, based upon the inaccurate estimates that were provided for the Elkins to Kerens section of Corridor H. WVDNR is concerned that the waste/borrow estimates may not be correct, and suggests that all wasting and borrowing areas be identified (e.g., not only those affecting WVNFS habitat).	WVDOH performed additional and more detailed engineering design on the preferred alternative to reduce/address the excess waste material issue. The additional engineering determined that excess waste material generated as the result of required highway cuts could be placed within the proposed highway construction limits. This adjustment eliminates the need to place large quantities of excess material into waste areas located outside of the highway construction limits. If waste/borrow sites located outside of the construction limits of the highway are required as part of final design engineering and/or construction, WVDOH will consult with the USFWS and other resource agencies to identify wasting and borrowing areas that minimize potential direct and secondary impacts.
	Perennial Stream Crossings	"DOH should be well aware of our concerns relative to culverts and their impacts to wildlife. We strongly encourage DOH to utilize oversized and embedded culverts whenever such installation is feasible and appropriate."	WVDOH is aware of WVNDR's concerns related to culverts associated with perennial stream crossings. Suggestions related to culvert design are noted.
	Concurrence on Preferred Alternative Selection	WVDNR "does not oppose, but cannot agree with the selection of the ROPA alternative."	Position on concurrence noted. WVDOT will continue to coordinate with WVDNR to seek agency concurrence on the selection of the ROPA as the preferred alternative.
<ul style="list-style-type: none"> • USEPA, Region III letter dated February 7, 2005 	Concurrence with the Preferred Alternative	USEPA concurs with the selection of the ROPA as the Preferred Alternative for the Parsons-to-Davis Project, as requested.	Concurrence noted.

Agency	Topic of Concern	Comment	Response
<ul style="list-style-type: none"> • USFWS letter dated March 18, 2005 	<p>Concurrence with the Preferred Alternative</p>	<p>USFWS does not object to the selection of the ROPA as the Preferred Alternative for the Parsons-to-Davis Project, as requested. USFWS reiterates that Formal Section 7 Consultation under the ESA is required for FHWA/WVDOH to proceed with construction of the Preferred Alternative.</p>	<p>Position on concurrence noted. WVDOH and FHWA entered into Formal Section 7 consultation regarding the WVNFS in October 2004. Formal consultation was concluded on November 6, 2006, with the issuance of a Biological Opinion by the USFWS for the project. The USFWS stated that ... "...FHWA and the WVDOH have selected the least damaging practicable project construction alternative in regards to the direct removal of <i>G. s. fuscus</i> habitat.Anticipated adverse effects of the project as a result of direct and indirect loss of habitat have been substantially avoided and minimized." Further, the BO specifically states, "After reviewing the current status of the <i>G. s. fuscus</i>, the environmental baseline, the effects of the proposed action and the cumulative effects, it is the Services' Biological Opinion that constructing Corridor H, Parson to Davis, as proposed, is not likely to jeopardize the continued existence of the <i>G. s. fuscus</i>."</p>

7.6 PUBLIC INVOLVEMENT

7.6.1 PUBLIC INFORMATION WORKSHOP - JUNE 14, 2000

A public information workshop was conducted following the agency scoping meeting on June 14, 2000 at Canaan Valley State Park in Davis, WV. The purpose of the workshop was to share the information provided at the agency meeting and to solicit public comment regarding the project. All written comments were requested by July 14, 2000.

Approximately 34 comment letters were received from the public during the comment period. An overview of the comments received and the WVDOH responses is provided in Table VII-6. The comment letters are also provided in Appendix A.

**Table VII-6
General Public Comments and WVDOH Responses – June 14, 2000 Public Meeting**

Comment	Response
Re-examine traffic demands, conduct revised cost benefit analysis for this study and Corridor H project as a whole.	Both traffic and socio-economic concerns have been evaluated in this SEIS. Detailed information regarding traffic conditions and related socio-economic factors is provided in Section I. A detailed analysis of socio-economic conditions and impacts is discussed in Section III of this SFEIS.
Consider a reasonable range of alternatives, particularly the No-build and IRA.	A range of reasonable alternatives was considered, including a No-Build Alternative. The consistency of this analysis with NEPA and the Settlement Agreement is detailed in Section II of this SFEIS.
Build the OPA.	All comments will be considered in the selection of the preferred alternative. Section II of this SFEIS details the alternative screening and selection process.
Choose the IRA.	The IRA does not fulfill the project's purpose and need, as described in Section I. Section II of this SFEIS presents the selection of alternatives carried forward for detailed analysis, which does not include the IRA.
Avoid Big Run Bog.	The OPA was shifted in 1998 to avoid the watershed of the Big Run Bog. All other Build Alternatives avoid impacts to the Big Run Bog as well.
Hydrology concerns, particularly for wetlands, streams, Clean Water Act requirements and flooding issues in and beyond the study area.	An analysis of the study area's mountainous terrain and abundant water resources is an important component of the Parsons-to-Davis SFEIS. Extensive descriptions of these resources and potential impacts are discussed in detail in Section III of this SFEIS.
Concern for impacts to the Monongahela National Forest (MNF), particularly Management Prescription Area (MPA) 6.1, and compensation for impacts to publicly owned land.	Coordination with the USFS MNF has been on-going since the agency scoping meeting in June 2000. Discussion of the MNF and its resources and potential impacts is provided in Section III of this SFEIS. The USFS MNF, WVDOH and FHWA entered into a Memorandum of Agreement (MOU) to address future impacts and mitigation within the forest. Agency coordination letters are provided in Appendix A.
Form letter (5 commenter's) regarding the use of public lands to recognize private property rights.	These comments are noted. The vast majority of the Study Area is privately owned by Western Pocahontas Properties.

Comment	Response
Request to minimize overall construction "footprint" of roadway.	Potential impacts associated with the overall "footprint" of each alternative considered has been included as part of the alternative screening process detailed in Section II of this SFEIS. The ROPA/Preferred Alternative was refined to further reduce potential waste material and attempts to further minimize the footprint of the roadway.
Concerns about noise and visual quality impacts.	Section III of the SFEIS includes consideration of impacts to both viewers of and viewers from the proposed highway and a detailed Traffic Noise Impact analysis.
Concerns about excess waste, waste sites, balancing of cut and fill material.	Potential impacts associated with excess excavation of each alternative considered have been included as part of the alternative screening process detailed in Section II of this SFEIS. The ROPA/Preferred Alternative was refined to further reduce potential waste material.
Acid drainage potential and impacts and erodible soils.	The potential for acid drainage resulting from mining activities and acid producing soils is discussed in Section III of this SFEIS. WVDOH will continue to coordinate with the MNF regarding erodible soils and other surfical geology.
Impacts to wildlife, particularly Rare, Threatened and Endangered species.	Detailed discussions of wildlife resources are provided in Section III of this SFEIS and in the Biological Assessment reports for the Indiana bat and the West Virginia Northern Flying Squirrel. Coordination with WVDNR and USFWS has been on going in regard to this and other issues. USFWS has concurred that the project will not adversely effect the following species: Indiana bat, Running buffalo clover, Virginia big-eared bat and the Cheat Mountain salamander. The BO for the WVNFS states, "After reviewing the current status of the <i>G. s. fuscus</i> , the environmental baseline, the effects of the proposed action and the cumulative effects, it is the Services' Biological Opinion that constructing Corridor H, Parson to Davis, as proposed, is not likely to jeopardize the continued existence of the <i>G. s. fuscus</i> ." The issuance of the final BO concludes the formal consultation process. Agency coordination letters are provided in Appendix A.
Requests were made to complete the study as soon as possible.	The WVDOH and FHWA are doing everything possible to expedite the study process.
Concern for changes to social dynamics.	Detailed analysis of the potential impacts to various aspects of the socio-economic environment are provided in Section III of this SFEIS.
Concerns regarding the public involvement process, requests for additional information, too many abbreviations in materials, etc.	FHWA and WVDOT have provided information upon request throughout the life of the Corridor H project and will continue to do so throughout the Parsons-to-Davis SEIS process. A glossary of terms and acronyms is provided in the beginning of this SFEIS. The public involvement process for NEPA, Section 106 and Section 404 activities was initiated in June 2000 and will continue until the study is complete.

7.6.2 PUBLIC INFORMATION WORKSHOP - JANUARY 18, 2001

Another public information workshop was held on January 18, 2001 at the Blackwater Lodge in Davis, WV. Participants were introduced to the Blackwater Avoidance Alternatives as they were developed to that point. The Study Area had not yet been expanded to include the entire Parsons-to-Davis Project, and so the western terminus of the alignments were further east than that of the alignments presented in this SEIS analysis.

Approximately 45 comments were received from the public during the comment period of January 18, 2001 to February 13, 2001. A summary of the general comments received and the WVDOH responses to them is presented in Table VII-7. The comment letters are also provided in Appendix A.

Table VII-7

General Public Comments and WVDOH Responses – January 18, 2001 Public Meeting

Comment	Response
<p>Several commentors either supported or opposed certain alternatives. Support was expressed for Alternative A (formerly named "Dark Blue") due to natural environment impacts of other options and concern for noise impacts close to Thomas. Support was expressed for alignments passing close to Thomas (Alternatives G and H pass the closest to Thomas). One commentor expressed support for the IRA. The majority of commentors (24) supported the Original Preferred Alternative (OPA or "Blackwater Alternative"), primarily because it is the most cost effective and direct.</p>	<p>All comments will be considered in the selection of the preferred alternative. Section II of this SFEIS details the alternative screening and selection process.</p>
<p>Concerns about increasing noise near Cortland Acres.</p>	<p>Cortland Acres nursing home was included as a noise sensitive receptor in the Traffic Noise Analysis (<i>Section 3.5.5</i>). None of the alternatives exceed Noise Abatement Criteria (NAC) or West Virginia substantial increase impact at this location. In the design year, the greatest noise level would occur in the No-Build Alternative, and all of the Build Alternatives would either affect no change or would result in a decrease in the projected noise level.</p>
<p>Concerns for natural environment (wetlands, streams and wildlife).</p>	<p>Section III of this SFEIS provides details on all NEPA required elements of study. Coordination with the USFWS, WVDNR, USACE and USEPA has been on-going throughout the study process. All agency coordination letters are provided in Appendix A.</p>
<p>Request that aesthetics be considered with passage near landfill.</p>	<p>Visual impacts (both to viewers of and to viewers from the highway) are discussed in <i>Section 3.2.8</i>. Only the East options of the Alternatives 1D and 1G will present travelers a view of the Tucker County Landfill.</p>
<p>Requests were made to complete the study as soon as possible.</p>	<p>The WVDOH and FHWA are doing everything possible to expedite the study process.</p>

7.6.3 PUBLIC INFORMATION WORKSHOP - OCTOBER 23, 2001

A third public information workshop was held at Canaan Valley State Park on October 23, 2001 to share information and gather comments on the avoidance alignments developed in response to the new information on the habitat of the WVNFS. Both alternatives (represented by Alternative numbers 1 and 2 in the text of this SEIS) provide a shift to the north in the western Study Area to avoid WVNFS habitat.

An additional purpose of the meeting was to discuss views on historic district issues. The WVDOH had recently received determination from the Keeper of the National Register of Historic Places (NRHP) declaring Coketon Study Area and the Blackwater Industrial Complex Archaeological and Historic District eligible for the National Register. Therefore, the WVDOH was also studying the potential impacts of the project on the Coketon area (correspondence with the Keeper is provided in Appendix A).

In response to the information revealed at this meeting, two comments were received during the public comment period lasting until December 7, 2001. One commenter expressed support for the OPA, and the other supported a modified OPA that would avoid WVNFS habitat and emphasized that preservation of the Coketon area should be a low priority.

7.7 SDEIS NOTICE OF AVAILABILITY AND COMMENT PERIOD

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, 2003. However, as requested by Corridor H Alternatives (a plaintiff in the Corridor H lawsuit), the comment period was later extended to April 22, 2003 (letter provided in Appendix A). Formal comments were taken via a certified court reporter (at the public hearing, see below), in written form, and on the project website. Comments from the comment period and corresponding WVDOH responses are provided in Appendix A.

7.7.1 PUBLIC HEARING – FEBRUARY 6, 2003

The public hearing for presenting the findings in the SDEIS was held at the Blackwater Lodge in Davis, West Virginia on Thursday, February 6, 2003. Information was presented in the form of display poster boards, handout packets, and available copies of the SDEIS itself. Additionally, project personnel were available to provide information and answer questions. Formal comments were taken via a certified court reporter, and attendees were also encouraged to provide comments in written form or on the project website.

7.7.2 SDEIS COMMENTS

Three agencies provided comments letters relative to the SDEIS: USEPA Region 3, WVDNR and DOI (Table VII-8). These comments and WVDOH's responses are provided in Appendix A. Generally, the agency comments continued to focus on emphasizing concern for the WVNFS and waste/borrow and excess excavation issues regarding the project.

**Table VII-8
Agency Responses to Comments on the December 2002 SDEIS**

Agency	Topic of Concern	Comment	Response
<ul style="list-style-type: none"> • USEPA, Region III letter dated April 21, 2003 • WVDNR, Wildlife Resources Section letter dated April 9, 2003 	<p>Potential impacts associated with the West Virginia Northern Flying Squirrel (WVNFS)</p>	<ol style="list-style-type: none"> 1. "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." 2. The WVDNR expressed concerns relative to potential impacts associated with the WVNFS. WVDNR indicated that "[m]inimizing the road footprint and its attendant cut/fill slopes and wasting areas will be critical to minimizing the impact on these endangered squirrels." 3. To further reduce potential habitat impacts by commercial development along Corridor H, WVDNR suggested that the roadway alignment "closely follow" SR 219. 	<ol style="list-style-type: none"> 1. WVDOH and FHWA have been in consultation with DOI, USFWS regarding potential impacts to the WVNFS. Informal Section 7 consultation was initiated during agency scoping in 2001 and concluded with USFWS concurrence on the revised Biological Assessment (BA) in 2004. WVDOH and FHWA entered into Formal Section 7 consultation regarding the WVNFS in October 2005. In November 2006, USFWS issued a final Biological Opinion (BO) on the WVNFS. In the BO, the USFWS has stated that, the BO states, "Most significantly, the FHWA and WVDOH have selected the least damaging practicable project construction alternative in regards to direct removal of G. s. fuscus habitat." "...FHWA and the WVDOH have selected the least damaging practicable project construction alternative in regards to the direct removal of G. s. fuscus habitat.Anticipated adverse effects of the project as a result of direct and indirect loss of habitat have been substantially avoided and minimized." 2. As part of the consultation related to the WVNFS throughout 2005, additional engineering was performed on the ROPA to further reduce overall environmental impacts

Agency	Topic of Concern	Comment	Response
			<p>and to continue to reduce impacts to suitable and highly suitable habitat for the WVNFS. The location of the ROPA along Backbone Mountain (western portion of the Study Area) was reevaluated to determine if excess excavation could be further reduced though additional engineering analysis. The additional analysis was successful in adjusting the excess excavation. The amount of excess excavation that will be generated in the western portion of the study area has been reduced by approximately 10 million cubic yards. This reduction reduces impacts to the habitat of the WVNFS and other potential indirect and cumulative impacts to sensitive resources. Another change resulting from the additional engineering includes the addition of the bifurcation in the area of the Middle Run Shift, which will provide for a divided roadway that will better accommodate WVNFS movement by increasing the landscape permeability in the area of highly suitable habitat. The refined ROPA has been presented to USFWS as part of the Initiation Package for Formal Section 7 Consultation.</p> <p>3. Additional engineering on the ROPA has moved the relocated US 219 closer to the mainline to minimize terrestrial impacts. Based upon this additional engineering and a comparison of the impacts of each</p>

Agency	Topic of Concern	Comment	Response
			<p>alternative on WVNFS habitat, the USFWS found in a letter dated October 14, 2004 that as compared the other alternatives, selection of the ROPA would minimize impacts to WVNFS habitat.</p>
	<p>Secondary impacts associated with waste and borrow requirements/estimates</p>	<ol style="list-style-type: none"> 1. WVDNR and USEPA expressed concerns related to secondary impacts associated with waste and borrow areas required for construction. The comment letter from USEPA specifically states that "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" 2. WVDNR expressed concern about its ability to draw conclusions about project impacts due to discrepancies in earthwork balances in other project sections. WVDNR stated that earthwork balances on the Elkins to Kerens segment had been underestimated by 6.7 million cubic meters; the estimated waste volumes 	<ol style="list-style-type: none"> 1. Waste and borrow estimates were used as a screening criteria in the SDEIS and continue to be an important factor in the development of the ROPA. WVDOH performed additional engineering on the ROPA to further reduced excess excavation by approximately 10 million cubic yards. This will reduce impacts to WVNFS habitat and other potential indirect and cumulative impacts to sensitive resources. Efforts to avoid and minimize impacts associated with waste and borrow estimates/requirements, including on ecologically sensitive areas, will continue as outlined in the 1996 FEIS Volume III, the 2003 MOU between WVDOH, FHWA and USDOA, Forest Service, MNF and per the terms and conditions of the BO issued by USFWS in November 2006. 2. While the degree of accuracy associated with waste and borrow estimates may change as the project moves through design and construction, WVDOH is using the best available information to prepare the estimates provided in the environmental and preliminary

Agency	Topic of Concern	Comment	Response
		<p>were 2.7 million cubic meters but the actual volumes were 9.4 million cubic meters.</p> <p>3. WVDNR stated that discrepancies were a particular concern in the Parsons to Davis section because this 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 prior to final design."</p>	<p>engineering documentation. In addition, WVDOT performed additional engineering on the ROPA to reduce/redress excess excavation on the Parsons to Davis project.</p> <p>3. Prior to final design WVDOH will coordinate with the WRS and USFWS to identify approved wasting areas and areas where wasting is prohibited. Identification of approved wasting areas at this stage of project development is premature as waste quantities and borrow material needs may change during final design and construction.</p>
<ul style="list-style-type: none"> • USEPA, Region III letter dated April 21, 2003 • WVDNR, Wildlife Resources Section letter dated April 9, 2003 	<p>Relative natural resource impacts of alternatives</p>	<ol style="list-style-type: none"> 1. Based upon the information in the SDEIS regarding impacts to natural resources, USEPA and WVDNR raised concerns about the Blackwater Alternatives and indicated preferences for the selection of an avoidance alternative. 2. USEPA's letter stated: "the OPA and Alternative 2 have too many significant impacts to the natural resources of the area, especially when compared to the avoidance alternatives." 3. WVDNR's letter identified Alternative 1D East as the least environmentally impacting alternatives, stating that (i) while costing "considerably less than the other alternatives," the OPA is "the most environmentally impacting;" (ii) assuming that the 	<p>The SDEIS did not identify a preferred alternative. Following a comprehensive evaluation of alternatives that included considering comments received from resource agencies and the public, the ROPA was selected as the preferred alternative. As detailed in the Preferred Alternative Report and the Amended Preferred Alternative Report, the ROPA best meets the purpose and need for the project, is similar to the other alternatives in terms of its overall environmental impacts, where its impacts are greater, the impacts have been mitigated and permitted, and has the least direct and indirect potential impact on the WVNFS.</p>

Agency	Topic of Concern	Comment	Response
		<p>natural resource impacts identified in the document are accurate, "alternatives 1D east and west and 1G east and west have attempted to reduce project impacts;" and (iii) based upon surface water impacts 1G has the least impacts followed by 1D, however WVDNR prefers 1D due to its small earthwork balance and decrease in forest fragmentation.</p>	

A total of 31 public comments were received on the SDEIS during the formal comment period: two (2) via the certified court reporter at the public hearing, twenty-five (25) comment letters and four (4) e-mail comments. Generally, attendees at the public hearing expressed concerns about the project costs and the lack of a connection to TCHS given the safety issues associated with US 219. The comments received on the SDEIS were taken into consideration in modifying the alternatives studied and identifying the Preferred Alternative. All comments received and WVDOH's responses are included in Appendix A.

7.8 COMMUNITY ADVISORY GROUP (CAG)

In accordance with the 2000 Settlement Agreement (Appendix B), WVDOH has established and consulted with a Community Advisory Group (CAG) composed of 12-13 members representing a cross-section of the interests potentially affected by the location of Corridor H in the Thomas and Davis areas. Per the Settlement Agreement, "The role of the CAG will be to broaden the opportunities for public involvement in all phases for the Thomas-Davis Section, from the initial scoping stage through the final selection of a preferred alternative." The CAG's membership list is presented in Table VII-9:

**Table VII-9
Community Advisory Group (CAG)**

Organization	Representative
City Council of the City of Thomas (up to two members)	Debbie Synder (Mayor), Matt Quattro (councilman)
City Council of the City of Davis (up to two members)	Randy Schiedeknecht replaced by Joe Denning (Mayor), Lester Dempsey (councilman)
Tucker County Planning Commission (one member)	Karen Bonner
Tucker County Convention and Visitors Bureau (one member)	Murray Dearborn
Tucker County Development Authority	Sam Eichelberger
Region VII Planning and Development Council (one member)	Thomas DiBacco
Alpine Heritage Preservation, Inc (one member)	Walt Renaili and Dottie Wilson (alternate)
Tucker County Gateway Project (one member)	Reid Gilbert and Eleanor Palko (alternate)
Highlands Trail Foundation (one member)	Buzz Durham and Mike Ledden (alternate)
Friends of the 500 th (one member)	Chuck Nichols

The CAG held 11 meetings attended by WVDOH staff and moderated by a professional facilitator. Representatives from the Canaan Valley Institute managed the CAG meeting facilitation process including the recordation of meetings. Ms. Kiena Smith serves the CAG facilitator and Ms. Paula Worden performed meeting recordation and administrative activities for the group. For each meeting, an agenda was developed and meeting minutes prepared.

**Table VII-10
Community Advisory Group (CAG) Meetings List**

CAG Meeting Dates
May 15, 2000 CAG Kick-Off Meeting
May 22, 2000
June 5, 2000
June 29, 2000
July 12, 2000
August 14, 2000
August 29, 2000
January 25, 2001
September 4, 2001
September 21, 2001
August 20, 2002

The CAG prepared three comment letters that are considered part of the public comment record for the project (Appendix A). The CAG has provided feedback to the study team that has been integrated in the development of alternatives (see *Section II: Alternatives Analysis* and *Section 3.2.1: Economic Environment*).

7.9 CITY OF THOMAS RESOLUTION ON JOINT DEVELOPMENT OF PARK

The City of Thomas' Development Strategy (City of Thomas, 1998) identified a 162-acre area to the northwest of downtown Thomas for development as a park. The proposed park is illustrated on exhibits throughout this SEIS (See Exhibit IV-1). On March 22, 2001, the Thomas City Council adopted a resolution expressing the City's desire to develop the park "jointly with the WVDOH and FHWA such that Corridor H may be located within property boundaries" of the park. There are no facilities on this property at the present time. The resolution is included Appendix A.

During the public comment period, community leaders from Thomas expressed support for the detailed analysis of Blackwater Avoidance Alternatives that passed the farthest to the north of downtown Thomas as possible. Alternative 1A would have best fulfilled this request, yet it was eliminated from detailed analysis as described in *Section II: Alternatives Analysis* of the SDEIS. One of the reasons expressed for favoring Alternative 1A was that it appeared from mapping to impact the proposed Thomas Park area the least (Snyder, 2002).

7.10 ADDITIONAL COORDINATION WITH CITY COUNCILS

The 2000 Settlement Agreement also requires that after completion of the standard public comment period on the SDEIS, WVDOH must transmit a letter to the City Councils of Thomas and Davis identifying its Preferred Alternative for the project and its reasons for selecting that alternative. (WVDOH provided this information in the form of a "Preferred Alternative Report.") WVDOH presented its findings to the Cities and the CAG. Under the Settlement Agreement, if, during a 60-day period, either City Council adopts a resolution opposing all of the Blackwater

Avoidance Alternatives or supporting the OPA, FHWA and WVDOH would have the right, but not the obligation, under the Settlement Agreement to discontinue the Blackwater Avoidance Study (see Settlement Agreement, p. 31). However, this agreement did not have an effect on the need for study necessary to investigate avoidance of the WVNFS.

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 was WVDOH's Preferred Alternative for the Parsons-to-Davis Project. Copies of these letters are provided in Appendix A. Within the 60-day period prescribed in the 2000 Settlement Agreement, the Davis City Council adopted a resolution that supported construction of the ROPA (September 10, 2003), and the Thomas City Council adopted a resolution supporting a Blackwater Avoidance Alternative (September 23, 2003). Copies of these resolutions are also provided in Appendix A.

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 had the right to discontinue consideration of the Blackwater Avoidance Alternatives and proceed with the ROPA without preparing an SFEIS. As explained in *Section II: Alternatives Analysis*, FHWA and WVDOT chose to eliminate the Blackwater Avoidance Alternatives from further consideration. However, the FHWA and WVDOT prepared this SFEIS in order to provide the necessary documentation supporting the selection of the ROPA as the preferred alternative. In particular, the SFEIS was needed in order to ensure a complete analysis of the ROPA's potential impacts on the WVNFS and the impacts associated with alignment shifts.

7.11 OTHER ACTIVITIES

In October 1999, the WVDOH prepared an update on the entire Corridor H Project, which was distributed to members of the media, local officials and residents. Officials from the WVDOH visited with local media explaining the status and recent developments of the project.

The WVDOH also provides information about the entire Corridor H on its official website at www.wvcorridorh.com. The website provides a timeline, maps, information regarding public meetings, and a means of submitting comments on the project. Since May 2003, an additional thirty-three comments/requests for information, have been received through the project website. All comments received and WVDOH's responses are included in Appendix A. Public involvement will continue throughout the Parsons-to-Davis SEIS process.

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