

**Melissa-Huntington Road Project
Finding of No Significant Impact
Cabell County, West Virginia**

**State Project Number: U306-10-13.35 00
Federal Project Number: STP-0010(095)EQ**

**U.S. Department of Transportation
Federal Highway Administration**



**West Virginia Department of Transportation
Division of Highways**



January 2015

**FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
MELISSA-HUNTINGTON ROAD PROJECT
CABELL COUNTY, WEST VIRGINIA**

**STATE PROJECT NUMBER: U306-10-13.35 00
FEDERAL PROJECT NUMBER: STP-001(095)EQ**

The Federal Highway Administration (FHWA) and the West Virginia Department of Transportation, Division of Highways (WVDOH), have prepared an Environmental Assessment (EA) to identify and evaluate the potential environmental impacts as a result of the proposed Melissa-Huntington Road Project, located in Cabell County, West Virginia.

The EA analyzed the potential impacts of the proposed action on the natural, physical, and socioeconomic environments. In accordance with appropriate federal regulations (40 CFR 1502.14 [a]; 23 CFR 771.123 [c]) and FHWA Technical Advisory T 6640.8A, seven alternatives were evaluated. They included the No-Build Alternative, a Transportation Systems Management (TSM) alternative, a mass transit alternative, and four build-alternatives. Modified Alignment C, one of the build alternatives, was identified as the Preferred Alternative. The roadway configuration depicted for this alternative in the EA best satisfies the purpose and need for the project while minimizing impacts on the environment.

Impacts from the Preferred Alternative are not anticipated to be significant on the natural, physical, social, or cultural (historical and archaeological) environs. The combined effects of this project with foreseeable future projects are not anticipated to produce significant cumulative impacts to these resources.

This Finding of No Significant Impact (FONSI) was prepared pursuant to the Council on Environmental Quality Regulations (40 CFR, Parts 1500-1508). The FHWA has determined that the construction of the Preferred Alternative will have no significant impact on the human environment within the meaning of the *National Environmental Policy Act of 1969* (42 USC 4321 et seq.) This FONSI is based on the attached EA, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

1/16/2015
Date


For FHWA

**MELISSA-HUNTINGTON ROAD PROJECT
CABELL COUNTY, WEST VIRGINIA**

**STATE PROJECT NUMBER: U306-10-13.35 00
FEDERAL PROJECT NUMBER: STP-0010(095)EQ**

FINDING OF NO SIGNIFICANT IMPACT

Prepared for:

**FEDERAL HIGHWAY ADMINISTRATION
AND
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS**

Submitted by:

**SKELLY and LOY, Inc.
240 Scott Avenue
Morgantown, WV 26508**

JANUARY 2015

1.0 Project Summary

The Federal Highway Administration (FHWA), in cooperation with the West Virginia Department of Transportation, Division of Highways (WVDOH), has prepared this Finding of No Significant Impact (FONSI) pursuant to the Council on Environmental Quality Regulations (40 CFR, Parts 1500-1508) for the proposed Melissa-Huntington Road Project. The proposed project is in Cabell County, West Virginia, along existing WV 10, beginning near Interstate 64 (I-64) at Exit 11 from Woodville Drive (County Route [CR] 46) to approximately Cedar Crest Drive (CR 44) just west of Melissa. The length of the proposed project is about 2.25 miles. The project area is shown on Figure 1 in Appendix A.

The roadway is known locally as 16th Street Road and is classified as a rural collector. The study area is suburban in nature with a mixture of well-kept, single-family homes, businesses, a few community facilities, and considerable open space. Residential development is found throughout the study area but at relatively low density. There are about three dozen businesses adjacent to and along the entire project corridor, clustered near the eastern and western project termini and near Norwood Road (CR 35 north). Development patterns within the immediate study area are heavily influenced by the proximity of the City of Huntington and the location of an I-64 interchange near the project's northwestern terminus.

In accordance with the appropriate federal regulations (40 CFR 1502.14 [a]; 23 CFR 771.123 [c]) and FHWA Technical Advisory T 6640.8A, seven alternatives were evaluated. They include a no-build alternative, a transportation system management (TSM) alternative, a mass transit alternative, and four build alternatives (Alignments A, B, C, and Modified Alignment C). Following a preliminary alternatives analysis and initial screening, the TSM alternative, the mass transit alternative, Alignment A, and Alignment B were dropped from further consideration. Subsequently, two build alternatives (Alignment C and Modified Alignment C) and the no-build alternative were advanced for further analysis.

If constructed, Alignment C would be a four-lane facility and Modified Alignment C would be a three-lane facility. The cost of Alignment C has been estimated to be \$16.0 million and the cost of Modified Alignment C has been estimated to be \$12.3 million.

After a detailed analysis of impacts was completed, Modified Alignment C was identified as the Preferred Alternative. The FHWA has determined that construction of the Preferred Alternative will have no significant impact on the human environment within the meaning of the *National Environmental Policy Act of 1969* (42 USC 4321 et seq.). Modified Alignment C is shown on Figure 2 in Appendix A.

2.0 Proposed Mitigation

Table 1 identifies mitigation commitments for the project, as presented in the project’s Environmental Assessment (June 2014). Additional mitigation commitments will be developed during final design and the permitting process.

**TABLE 1
Proposed Mitigation Commitments
Melissa-Huntington Road Project**

Resource	Mitigation Measure
Environmental Justice	<p>WVDOH will assure that minority populations and low-income individuals have full access to information on the project and understand the potential impacts. If displacements of minority or low-income individuals occur, they would be mitigated by the following measures: Offering all displaced persons relocation advisory assistance and the appropriate monetary relocation benefits provided by law; Offering all displaced persons comparable decent, safe, and sanitary housing that is within their financial means and in accordance with the <i>Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970</i>; Developing noise mitigation strategies, if they are warranted, feasible, and reasonable; and, Maintaining safe pedestrian access during construction.</p>
Business and Residential Displacements	<p>Any business locations displaced by the preferred alternative will be offered the relocation benefits provided by the <i>Uniform Relocation and Real Property Acquisition Policies Act</i> and applicable West Virginia laws. Assistance will be provided to the displaced businesses to re-establish within the vicinity of the project area.</p> <p>All residential properties to be acquired will also be purchased in accordance with the <i>Uniform Relocation and Real Property Acquisition Policies Act, Title VI of the Civil Rights Act</i>, and applicable West Virginia laws.</p> <p>It is the policy of the WVDOH to ensure compliance with the provisions of <i>Title VI of the Civil Rights Act of 1964</i> and related civil rights laws and regulations which prohibit discrimination on the grounds of race, color, sex, national origin, age, or physical or mental handicap in all of their program projects funded in whole or in part by the FHWA. The WVDOH will not discriminate in highway planning, highway design, highway construction, right-of-way acquisitions, or the provision of relocation advisory assistance. This policy has been incorporated in all levels of the highway planning process to ensure that proper</p>

Resource	Mitigation Measure
	consideration may be given to the social, economic, and environmental effects of all highway projects. Alleged discriminatory actions should be addressed to the Title VI Program Coordinator, EEO Division, 1900 Kanawha Boulevard East, Building 5, Room 948A, Charleston, WV 25305.
Community Facilities and Services	The Green Valley Baptist Bible Church will be offered relocation benefits provided by the <i>Uniform Relocation and Real Property Acquisition Policies Act</i> and applicable West Virginia laws. Assistance will be provided to re-establish the church within the vicinity of the project area. Additionally, access points on Green Valley Road to Hite-Saunders Elementary School will be widened to offer better sight distance for vehicles exiting school property.
Land Cover	Protective fencing will be used during construction to minimize impacts to land cover. An Erosion and Sedimentation Control Plan will be used to minimize impacts to water quality and habitat. All disturbed areas will be restored or revegetated with non-invasive native plants, where appropriate. All seeding and revegetation will conform to <i>Executive Order 13112</i> to prevent the introduction of invasive plant species. All efforts will be taken to minimize or prevent the movement of invasive plants.
Streams and Water Quality	<p>A compensatory mitigation plan will be developed that is consistent with the <i>2008 Final Rule on Compensatory Mitigation for Losses of Aquatic Resources</i>. The compensatory mitigation plan will be submitted to the U.S. Army Corps of Engineers (USACE) with the project's <i>Clean Water Act</i> Section 404/401 permit application.</p> <p>The following best management practices will be undertaken, where appropriate, during final design and construction: reduce the amount of aquatic habitat (and riparian vegetation) that would be disturbed by minimizing the linear distance of stream being impacted; design and construct culvert structures that promote the re-establishment of benthic habitat within the culvert; design and implement an approved Erosion and Sedimentation Control Plan to prevent sediment deposition to aquatic habitats; promptly revegetate all disturbed areas to prevent accelerated erosion; minimize the need for in-stream work by heavy equipment; develop project sequencing to facilitate in-stream work during periods of seasonal low flow; designate any equipment fueling and service areas away from aquatic habitats to minimize the potential for accidental spillage of petrochemicals; designate and construct all stormwater management facilities to prevent or minimize runoff resulting in erosion and sedimentation; minimize the amount of vegetative clearing and impervious surface within the right-of-way to reduce volume and thermal increases; minimize the diversion of surface water flow within the cleared portion of the right-of-way to reduce thermal increase; and, coordinate stream mitigation activities with the natural resource agencies.</p>
Floodplains	<p>Any construction within floodplains will be in compliance with <i>Executive Order 11988, Floodplain Management</i>; Federal Emergency Management Administration (FEMA) regulations; and all federal, state, and local regulations. Coordination with, and approval of, the Cabell County Floodplain Administrator will also be required.</p> <p>The floodplains within the project area perform flood flow alteration and improve water quality. Maintaining or improving the natural and beneficial</p>

Resource	Mitigation Measure
	<p>floodplain values will be an important consideration during final design. During final design, encroachments on the 100-year floodplains will be minimized to the extent possible. For any encroachment that must occur, all efforts will be taken to reduce the risk of flooding and the effects on human health, safety, and welfare. Additionally, an Erosion and Sedimentation Control Plan will be prepared and implemented during construction. Roadway embankments and any disturbed areas within the floodplains will be seeded with native seed mixtures to protect the floodplains from erosion and to enhance the natural and beneficial floodplain values.</p> <p>During final design, a detailed hydraulic analysis will be performed to ensure that the floodplain encroachment will not increase the 100-year floodplain elevation and that any potential increase in backwater is minimized. The hydraulic analysis will include an analysis to determine the risk associated with any additional flooding. If it is determined that existing hydraulic conditions cannot be maintained, WVDOH will notify FEMA in accordance <i>with Executive Order 11988, Floodplain Management</i>. Should an increase in water surface elevation for the 100-year flood occur, a conditional letter of map revision from the Cabell County Floodplain Administrator would be required by FEMA.</p>
Wetlands	<p>A compensatory mitigation plan will be developed that is consistent with the <i>2008 Final Rule on Compensatory Mitigation for Losses of Aquatic Resources</i>. The compensatory mitigation plan will be submitted to the USACE with the project's <i>Clean Water Act</i> Section 404/401 permit application. During final design, measures will be identified that will minimize any temporary and permanent impacts to wetland resources due to the construction of either build alternative.</p>
Air Quality	<p>Open burning will be done in accordance with all applicable laws, ordinances, and regulations. Construction will adhere to the following dust control measures: minimization of exposed erodible earth area; stabilization of exposed earth with grass, mulch, pavement, or other cover; periodic sweeping of haulage areas; periodic application of water stabilizing agents to working and haulage areas; covering, shielding, or stabilizing of stockpiled material, as necessary; and, the use of covered haul trucks.</p>
Potentially Hazardous Waste Sites	<p>A hazardous materials management plan and/or hazardous waste-management related provisions will be developed for incorporation into construction bid documents. If necessary, an asbestos-containing materials (ACM) inspection will be completed prior to any construction activity. All construction equipment will be decontaminated should it come in contact with any surface water on site. Attention should be paid during all construction activities to maintain worker safety if a mine shaft or opening is exposed.</p>
Cultural Resources	<p>Coordination with the West Virginia Division of Culture and History (WVDCH), the State Historic Preservation Office (SHPO), is summarized in Section 6.0 of this FONSI. Per its request, a 100-foot buffer will be established around the Ray Cemetery prior to construction. In the unlikely event additional right-of-way is necessary for the project, additional cultural resource studies will occur.</p>
Utilities	<p>Coordination with the utility operators will be required throughout final design and construction of this project. Coordination meetings will be held to discuss the need for additional right-of-way, expansion, or relocation easements; impacts to schedules; construction requirements; and any other special issues.</p>

Resource	Mitigation Measure
Secondary Impacts	Avoidance and minimization of the adverse impacts related to induced development will be accomplished through comprehensive planning and implementation of highway-access controls. Although strict land use controls are not currently present in the area, future developmental controls could include access management, transfer of development rights, growth management regulations, resource management, resource preservation, conservation easements, and the provision of incentives for infill development.

Table 2 identifies mitigation commitments for the project’s temporary impacts.

**TABLE 2
Proposed Mitigation Commitments for Temporary Impacts
Melissa-Huntington Road Project**

Element	Mitigation Measure
Traffic	Construction will be scheduled to minimize traffic delays. Access to park facilities will be maintained during construction. Traffic control signage and devices will be in accordance with the <i>Manual of Uniform Traffic Control Devices</i> (FHWA 2009). Flag persons and warning devices will be provided for maintenance of traffic and safety. Design phase partnering will occur to coordinate with emergency service providers, local schools, the U.S. Postal Service, and local/state highway maintenance offices.
Noise	Every effort will be taken to minimize noise levels, including the mandatory use of construction equipment with operable mufflers. If blasting is required, it will be controlled so that no property or structural damage occurs.
Air Quality	Particulates will be minimized by the performance of the work in compliance with WVDOH specifications, manuals, and guidelines, and the requirements of the <i>Air Pollution Control Act</i> (Act 245-1972, as amended).
Erosion	An approved Erosion and Sedimentation Control Plan will be developed in compliance with WVDOH’s specifications, manuals, and guidelines. Some of these controls may include: diverting stormwater originating off-site away from the construction area; channel construction during low-flow months; use of proper materials for temporary stream crossings and causeways; temporary and permanent seeding and mulching; construction of temporary sedimentation ponds; and, use of silt barrier fence and/or hay bales. The maximum length of time and amount of unprotected soil that can be exposed will be limited within the contract documents. Rock construction entrances will be located at all site entrances that exit onto paved roads.
Health and Safety	Construction will comply with all applicable federal, state, and local laws regarding safety, health, and sanitation. All contractors are required to adhere to Occupational Safety and Health Administration guidelines to protect the lives and health of employees, the safety of the public, and the integrity of adjacent properties.

3.0 Public Participation

The project's Environmental Assessment (EA) was posted on the WVDOH website and hard copies were made available at an informational workshop and public meeting held on August 7, 2014, at the Huntington High School. Brochures and flyers summarizing the project were also distributed through direct mailings and as handouts at various businesses located within or near the project area. Notices were also posted on the WVDOH website and published in the Huntington *Herald-Dispatch* and Charleston newspapers. The comment period for the EA extended for 45 days.

The WVDOH conducted the informational workshop and public meeting to review the EA with federal, state, and local agencies and the public, to answer any questions, to gather comments, and to take comments on the project. Each individual attending the informational workshop and public meeting was provided with a brochure that summarized the project, a copy of the EA, and a comment form. A total of 30 people, excluding WVDOH staff and its consultants, participated in the public meeting. Attendance for the public meeting and informational workshop compared favorably with an earlier public scoping meeting held on October 15, 2013, when approximately 25 people attended.

4.0 Comments

Comments were received from the U.S. Environmental Protection Agency (USEPA), the WVDCH, and seven individuals. The comment letters and forms, with comment numbers noted, are found in Appendix B.

4.1 USEPA

Comment 1: From the information provided, it is not clear if Transportation System Management (TSM) measures could be incorporated into the build alternatives.

Response 1: While a solely TSM alternative was dismissed early in the process, TSM measures such as intersection improvements, more efficient signalization, bottleneck removal, and turning lanes have been incorporated into all of the build alternatives to improve traffic operations, efficiency, and capacity.

Comment 2: Data from 1987 was used to indicate that typical transit users will walk no farther than a quarter-mile to a bus stop. USEPA suggests that more recent information be used and

that other options for mass transit be used, including park and ride lots or bus stops at areas with large parking lots.

Response 2: More recent research by Jarrett Walker (<http://www.humantransit.org/2011/04>), a leading American transit planner, and Robert Cervero (<http://ced.berkeley.edu/ced/faculty-staff/robert-cervero>), the Chair of Urban Studies at the University of California, Berkeley, does indicate that the previous quarter-mile “rule of thumb” may be outdated. But considerably more research on distance to transit facilities has been done in urban areas than in rural or suburban areas, and, generally, it is difficult to predict how people in low-density areas will access various types of mass transportation. There are indications, however, that people will walk farther to transit stops than previously suspected if there are few hindrances between their homes or places of employment and the bus stop. Use of bicycles and park and ride lots to access public transportation has also shown an increase over the past decade.

The WVDOH already provides a park and ride lot along WV 10 at Exit 11 of I-64. The Tri-State Transit Authority (TTA) also currently provides hourly service from 7:00 AM to 6:30 PM past that lot. The terminus of this route is just east of the existing park and ride lot and few transit riders use the lot. While more frequent headways and extended routes may make transit service more attractive in the area, there is limited funding for service expansion. As such, the TTA has no plans to increase headways or provide service farther east along WV 10. Besides the current lack of service through the entire corridor, it is also difficult for pedestrians and bicyclists to travel between the residential areas on the slopes of the corridor to WV 10 because the topography is extremely steep except for WV 10 itself, the side roads are narrow and winding, and there are no sidewalks or safe walking paths in the area. Thus, the mass transit alternative was deemed impractical and dropped from consideration.

Comment 3: Alignments A, B, and C are all 4-lane alternatives and the preferred alternative, Modified Alignment C, is a 3-lane alternative. USEPA suggests that other 3-lane alternatives that may further avoid and minimize impacts be investigated.

Response 3: Modified Alignment C was developed in an effort to minimize the potential impacts of the project to socioeconomic and natural resources. By tightening the potential alignment’s footprint through a reduction of lanes and slight shifting of the centerline, project engineers were able to minimize residential impacts and reduce the impacts to streams and wetlands. Modified Alignment C, as presented in the EA, was developed specifically as an avoidance and minimization alternative and represents the optimal possible design of a 3-lane roadway in this area. Other conceptual alignments are likely to increase impacts.

Comment 4: The alignment descriptions on pages 2-3 and 2-4 seem to conflict. It is unclear why the minimized alternative would require more stream crossings. This should be clarified.

Response 4: Both Alignment C and Modified Alignment C would require crossings of Grapevine Branch. Based on a reevaluation of both alternatives, however, Modified Alignment C would require two crossings for mainline construction and one crossing for a side road and Alignment C would require four crossings of Grapevine Branch. For the total project, there will be approximately 4000 feet less impact to streams with Modified Alignment C than for Alignment C.

Comment 5: Additional information should be provided to confirm that the appropriate methodologies and sampling times were followed for analyzing the perennial, intermittent, and ephemeral streams.

Response 5: Field investigations were conducted on August 22 through August 25, 2011. Complete information on the streams analysis is contained in the project's Aquatic Resources Report (October 2011). Included in the report are *surface water hydrology survey forms* for each stream. The forms include dates surveyed, stream classification, physical parameters, and use, macroinvertebrates listing, and chemical parameters. The assessment of streams was conducted in accordance with the *Stream and Wetland Valuation Metric (SWVM)*, *A Stream Condition Index for West Virginia Wadeable Streams (WVSCI)*, *Rapid Bioassessment Protocols for US in Streams and Wadeable Rivers' Rapid Bioassessment Protocol III Single Habitat Method and Devices*, and the *Operational Draft Regional Guidebook for the Functional Assessment of High-gradient Ephemeral and Intermittent Headwater Streams in West Virginia and Eastern Kentucky*.

Comment 6: It is unclear from the EA why the USACE determined that some of the project area's streams were non-jurisdictional.

Response 6: During a jurisdictional determination by the USACE on May 21, 2012, the following preliminary identification of streams were considered non-jurisdictional: S1, S2, S6, S13, S14, S15, and S16 because they are not connected to *Waters of the US*. The USACE maintains the justification for their decision in their technical files.

Comment 7: The *Clean Water Act* Section 404 permit application should document the process involved in developing the proposed compensatory mitigation plan.

Response 7: Complete information in support of the compensatory mitigation plan will be provided with the permit application.

Comment 8: Additional avoidance and minimization opportunities should be pursued as the project moves forward.

Response 8: Avoidance and minimization strategies will be carried through the development process, especially prior to preparation of the permit application.

Comment 9: USEPA suggests bridging and oversized natural bottom culverts be considered to further minimize impacts.

Response 9: The WVDOH has already committed to designing and constructing culvert structures that promote the re-establishment of benthic habitat within the culvert. This would include the use on natural bottom converts where appropriate.

Comment 10: Planting and maintaining existing buffers around the aquatic habitats should be considered.

Response 10: The WVDOH has already committed to minimizing the amount of vegetative clearing for the project, the use of vegetated stormwater management basins, where appropriate, promptly revegetating all disturbed areas, and continuing to coordinate stream mitigation activities with the natural resource agencies.

Comment 11: USEPA suggests the use of Low Impact Development techniques and Green Highway concepts be considered in the design.

Response 11: Per the USEPA, Low Impact Development employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. Also per the USEPA, Green Infrastructure is a similar concept that generally refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse stormwater or runoff on the site where it is generated. The WVDOH is committed to the development of a project with minimal disturbance or change to the existing landscape.

Comment 12: Additional information should be provided describing the individual aquatic habitats.

Response 12: Detailed descriptions of the project area’s surface water resources can be found on the surface water hydrology survey forms located in *Aquatic Resources Report* (October 2011).

Comment 13: The size of the wetlands should be provided in addition to the impacted area:

Response 13: Table 3 lists the vegetative classification and size of each of the wetlands delineated for the project. This information is also provided in the *Aquatic Resources Report*.

**TABLE 3
Project Area Wetlands**

Wetland	Vegetative Classification	Size (acres)
W1	PEM	0.016
W2	PEM	0.045
W3	70% PEM/ 15%PSS/ 15% PFO	0.918
W4	60% PEM/ 30% PSS/ 10% PFO	0.319
W5	PEM	0.039
W6	PEM	0.009
W7	PEM	0.016
W8	PEM	0.028
W9	PEM	0.026
W10	PEM	0.054
W11	PEM	0.009
W12	PEM	0.088
W13	PEM	0.340
W14	PEM	0.025
W15	PEM	0.054
W16	PEM	0.019
W17	PEM	0.045
W18	PEM	0.019
W19	PEM	0.007
W20	PEM	0.015
W21	PEM	0.029
W22	PEM	0.006
W23	PEM	0.037
W24	PEM	0.015
TOTAL		2.178

Comment 14: Delineation reports should be referenced and provided.

Response 14: An Aquatic Resources Report was prepared in October 2011, and can be found in the project's technical files. A copy will be sent to the USEPA for its information.

Comment 15: More detailed information on how the project will assure the full engagement and involvement of low income and minority populations should be provided.

Response 15: As part of its R-O-W acquisition, the WVDOH will identify community and church groups in the area that could assist in identifying any low-income populations within the study area. With this assistance, the WVDOH will work to assure that low-income individuals have full access to information on the project and understand the potential impacts from construction and operation of a new highway facility. As the project progresses, positive benefits would be expected that could increase family incomes and elevate the local standard of living. These benefits include local employment opportunities and improved connectivity to the Huntington and Charleston where there are many employment opportunities available in a wide variety of industries. If displacements of low-income individuals occur, they will be mitigated by the following measures: offering all displaced persons relocation advisory assistance and the appropriate monetary relocation benefits provided by law; offering all displaced persons comparable decent, safe, and sanitary housing that is within their financial means and in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*; developing noise mitigation strategies, if they are warranted, feasible, and reasonable; and, maintaining safe pedestrian access during construction.

A major feature of the environmental justice analysis for all WVDOH projects is to ensure the full and fair participation by all potentially affected communities in the decision-making process. Not only were public notices on the project published in local media outlets and on the WVDOH web site, the public was invited to comment on the project through the use of direct mailings to residents living in the area.

Comment 16: Additional information and assessment should be provided describing potential impacts associated with utility relocations.

Response 16: Utilities found in the project area include electric, water, sanitary sewer, communications, and natural gas lines. Impacts will occur to service lines owned by Mountaineer Gas Company, American Electric Power Company, Frontier Communications, Verizon West Virginia Inc., and Columbia Gas Transmission. The extent of impact will be calculated during final design, however, impacts outside of the proposed project footprint are not anticipated.

Comment 17: The Secondary and Cumulative Impacts sections should discuss each impacted resource and the implications of this project.

Response 17: The opportunity for induced development is strongest when suitable land, the availability of public water, the availability of public sewer service, and suitable transportation are in place. To varying degrees, all four of these elements will be in place within the corridor once WV 10 is upgraded. Secondary and cumulative impacts are more likely to occur on the western end of the project area, however, where commercial and residential development is already occurring. Recognizing the development potential throughout the county, the Cabell County Commission is currently preparing a comprehensive plan as a guide for growth management strategies or land use control. As a result, the secondary and cumulative impacts

analyses were completed as qualitative surveys rather than quantitative impact analyses. Due to the topography of the land in the project area, secondary impacts to streams can be expected over the next 10-15 years.

Comment 18: The EA should discuss the amount of earthwork that will result from this project and how it will be handled and disposed.

Response 18: All excess earthwork will be disposed of within the project footprint presented in the EA. The final disposition of the earthwork will be identified during final design and presented in the Section 404/401 permit application.

Comment 19: Please include best management practices that might be employed for excess dust emissions that could arise from construction.

Response 19: Construction will adhere to the following dust control measures: minimization of exposed erodible earth area; stabilization of exposed earth with grass, mulch, pavement, or other cover; periodic sweeping of haulage areas; periodic application of water stabilizing agents to working and haulage areas; covering, shielding, or stabilizing of stockpiled material, as necessary; and, the use of covered haul trucks.

Comment 20: The EA should consider climate change and extreme weather conditions.

Response 20: The FHWA and WVDOH understand that climate change (and its related effects e.g., extreme weather conditions among other things) is a complex issue with no “one-size-fits-all” approach to addressing its impact. By their very nature, transportation projects contribute to climate change and extreme weather conditions through the generation of greenhouse gas emissions. Mitigation to reduce greenhouse gas emissions will take many forms, including the development of state policies on the use of low-carbon fuels and vehicles; infrastructure for electric vehicles; new technologies; education; public incentives to reduce household emissions and vehicle miles traveled; land use changes; and other traffic improvements.

4.2 WVDCH

Comment 21: The summary of historic resources found in the EA does not take into account 36 CFR 800.4(c)(1) which addresses the passage of time, changing perceptions of significance, or incomplete prior evaluations which may require the agency to re-evaluate properties previously determined eligible or ineligible.

Response 21: The analysis of historic structures was re-assessed in September 2014, as per the request of the WVDCH. Four resources were found to be ineligible for inclusion on the *National Register of Historic Places* (NRHP) and 23 resources previously determined to be ineligible for NRHP listing have been found to be extant. Updated *West Virginia Historic Property Inventory* forms have been prepared for the WVDCH to support these findings. The findings did not affect the project’s impacts to cultural resources.

In a letter dated December 11, 2014, the WVDCH noted that it had reviewed the forms. In that same letter, the WVDCH concurred that no NRHP listed or eligible architectural resources will be affected by the project and no further consultation with regard to architectural resources is necessary. A copy of the letter is found in Appendix C.

Comment 22: Six resources previously surveyed – the Spenser House (GAI Field Survey #27), MU 60, and GAI Field Survey #1, #6, and #58/59 should be re-evaluated for NRHP eligibility.

Response 22: The Spenser House, MU-60, and GAI Field Survey #58/59 were re-evaluated in early September 2014. The re-evaluation agreed with the original WVDCH determinations that these resources are not eligible for listing in the NRHP. GAI Field Survey #1 and #6 were found to have been demolished around 2003 or 2004.

Comment 23: The EA maps do not identify the location of the surveyed resources. If eligible, please assess the extent of direct and indirect impact to these resources.

Response 23: A map has been provided to the WVDCH. No new resources were identified.

4.3 Citizens

Danny Young, Pastor, Green Valley Baptist Bible Church

Comment 24: The road project is well planned and will eventually be very beneficial to residents on Route 10, but concerned about the many delays is seeing the project constructed.

Response 24: Construction is scheduled to be completed for the project in 2018.

Waymond Turman

Comment 25: Agrees with the proposed plans for the project.

Response 25: Comment noted.

Tim Keaton, Cabell County Commissioner

Comment 26: There is nothing in the plans to deal with stormwater issues or potential flooding with a widened road.

Response 26: Prior to highway construction, stormwater management measures will be evaluated and implemented to address the potential surface water runoff increases related to the highway construction. A detailed hydraulic analysis will also be performed to ensure that the floodplain encroachment will not increase the 100-year floodplain elevation and that any potential increase in backwater is minimized. The hydraulic analysis will include an analysis to determine the risk associated with any additional flooding.

Raymond and Ruby Brown

Comment 27: Supports the project.

Response 27: Comment noted.

Donald Kleppe

Comment 28: The EA does not address the hydraulic effects of the development or potential impacts downstream. Please consider a watershed-wide analysis, natural design methods, and suitable mitigation.

Response 28: Prior to highway construction, stormwater management measures will be evaluated and implemented to address the potential surface water runoff increases related to the highway construction and a detailed hydraulic analysis will be performed

L. David Duffield, Attorney

Comment 29: Supports the project.

Response 29: Comment noted.

Chad Lovejoy

Comment 30: Supports the project.

Response 30: Comment noted.

5.0 Endangered Species Act Section 7 Consultation

Threatened and endangered wildlife and plant species are protected under Section 7 of the federal *Endangered Species Act of 1973* (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). In a letter dated October 20, 2011, the U.S. Fish and Wildlife Service made a “no-effect” determination, meaning that the proposed project would not impact any rare, threatened, or endangered species and no further Section 7 consultation is required. In a letter dated December 22, 2011, the West Virginia Division of Natural Resources (WVDNR) indicated that there are no known occurrences of rare, threatened, and endangered species within the study area. Copies of both letters are found in the Appendix C.

On October 2, 2013, the USFWS proposed to add the northern long-eared bat (NLEB) to the list of species protected by the ESA. While the species has not been formally added to the list of species protected by the ESA, it is likely to be listed later this year. In an email to WVDOH on March 5, 2014, however, the USFWS determined that the project would have no effect on the NLEB. A copy of that email is also found in Appendix C.

6.0 National Historic Preservation Act Section 106 Consultation

No previously recorded archaeological sites exist within the project area. Fieldwork completed in the early stages of the project identified two historic archaeological sites (the Keller Sites 1 and 2 – 46b184 and 46Cb185) and the Ray Cemetery. The fieldwork was part of a Phase I archaeology analysis that used the proposed R-O-W for Alignment C as its area of potential effect (APE). In a letter dated June 16, 2000, the WVDCH (the WVSHPO) concurred that neither of the resources were eligible for the NRHP and it was subsequently determined that no further investigation was required. The WVDCH did, however, request that a 100-foot buffer zone be established around the Ray Cemetery during construction.

An Addendum Phase I report was prepared to supplement the earlier archaeological testing and address minor changes in the project's design. The report was submitted to the WVDCH in late 2013. In a letter dated January 29, 2014, the WVDCH concurred that no further archaeological testing was required and that no historic archaeological resources are present within the proposed redesign area. A copy of that letter is found in Appendix C.

An early architectural survey, conducted in September 1999, identified 38 structures and a cemetery within the APE. In a letter dated June 16, 2000, the WVDCH concurred that none of the resources in the APE were eligible.

Background information was updated and a field view conducted on May 25, 2011. The intent of the field view was twofold: to ensure that no potentially eligible historic resources were overlooked in the 1999-2000 study and to look for potentially eligible resources that had become at least fifty years old in the last eleven years. No new potentially eligible historic resources were identified during the field view.

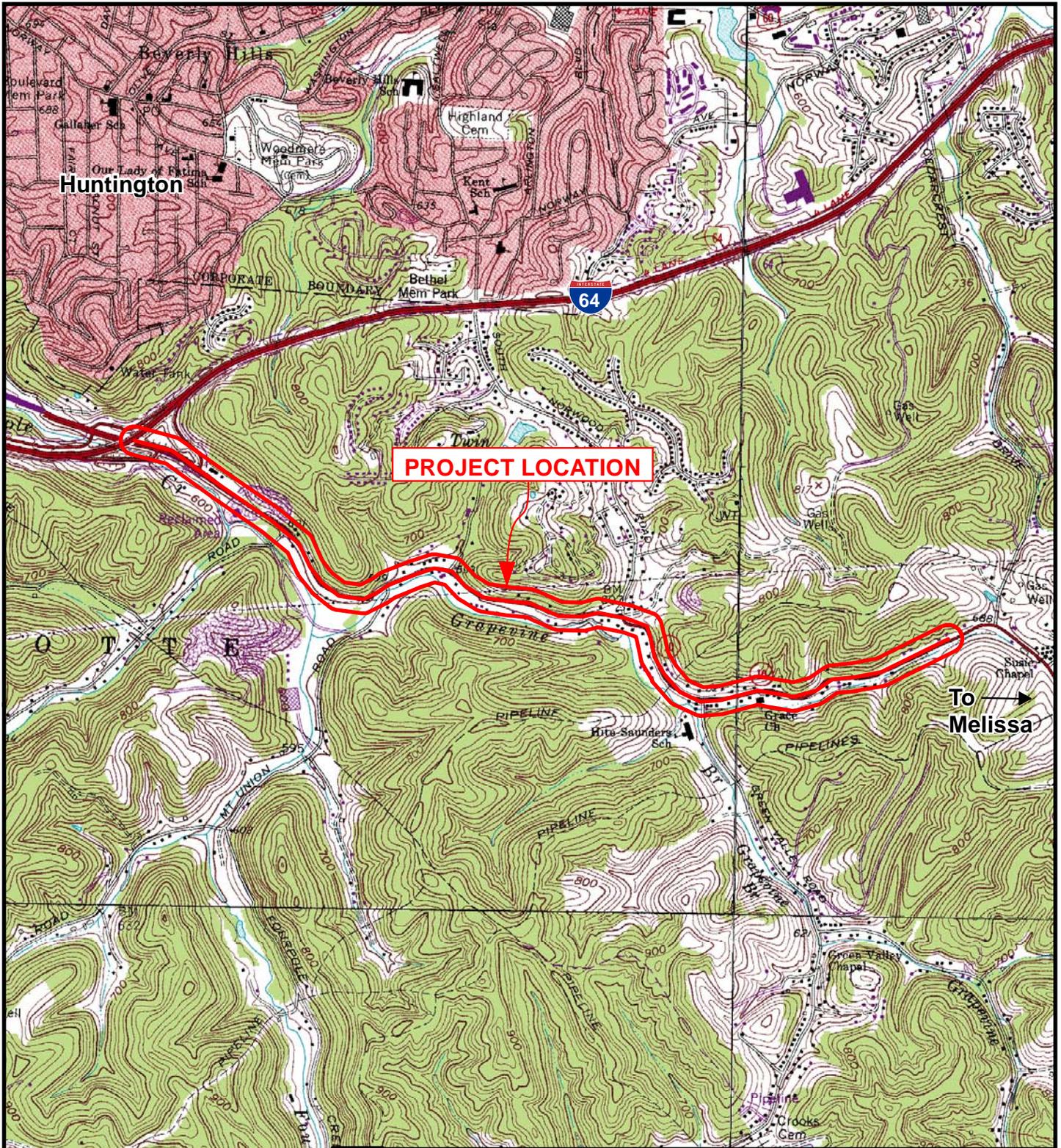
The analysis of historic structures was re-assessed in September 2014, as per the request of the WVDCH (see Comment 21 in Section 4.0). Four resources within the APE were found to be ineligible for NRHP and 23 resources previously determined to be ineligible for NRHP listing have been found to be extant. Updated *West Virginia Historic Property Inventory* forms have been submitted to the WVDCH and reviewed. In a letter dated December 11, 2014, the WVDCH concurred that no NRHP listed or eligible architectural resources will be affected by the

project and no further consultation with regard to architectural resources is necessary. A copy of the letter is found in Appendix C.

7.0 Section 4(f)

In accordance with Section 4(f) of the *United States Department of Transportation Act of 1966* (49 U.S. Code [U.S.C], Section 303) and the *Federal Aid Highway Act of 1968* (23 U.S.C., Section 138), the Secretary of Transportation may not approve the use of land from any publicly owned park, recreation area, or wildlife and waterfowl refuge, or any historic site unless a determination is made that there is no feasible and prudent alternative to the use of land from the property and the action includes all possible planning to minimize harm to the property resulting from such use. The Preferred Alternative will not impact any Section 4(f) resources.

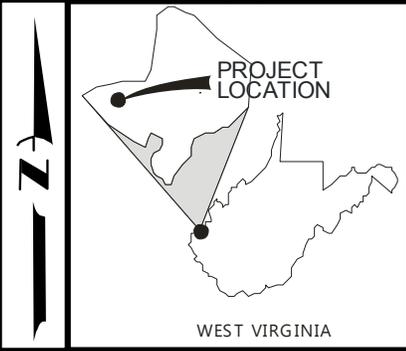
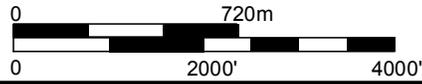
Appendix A
Figures



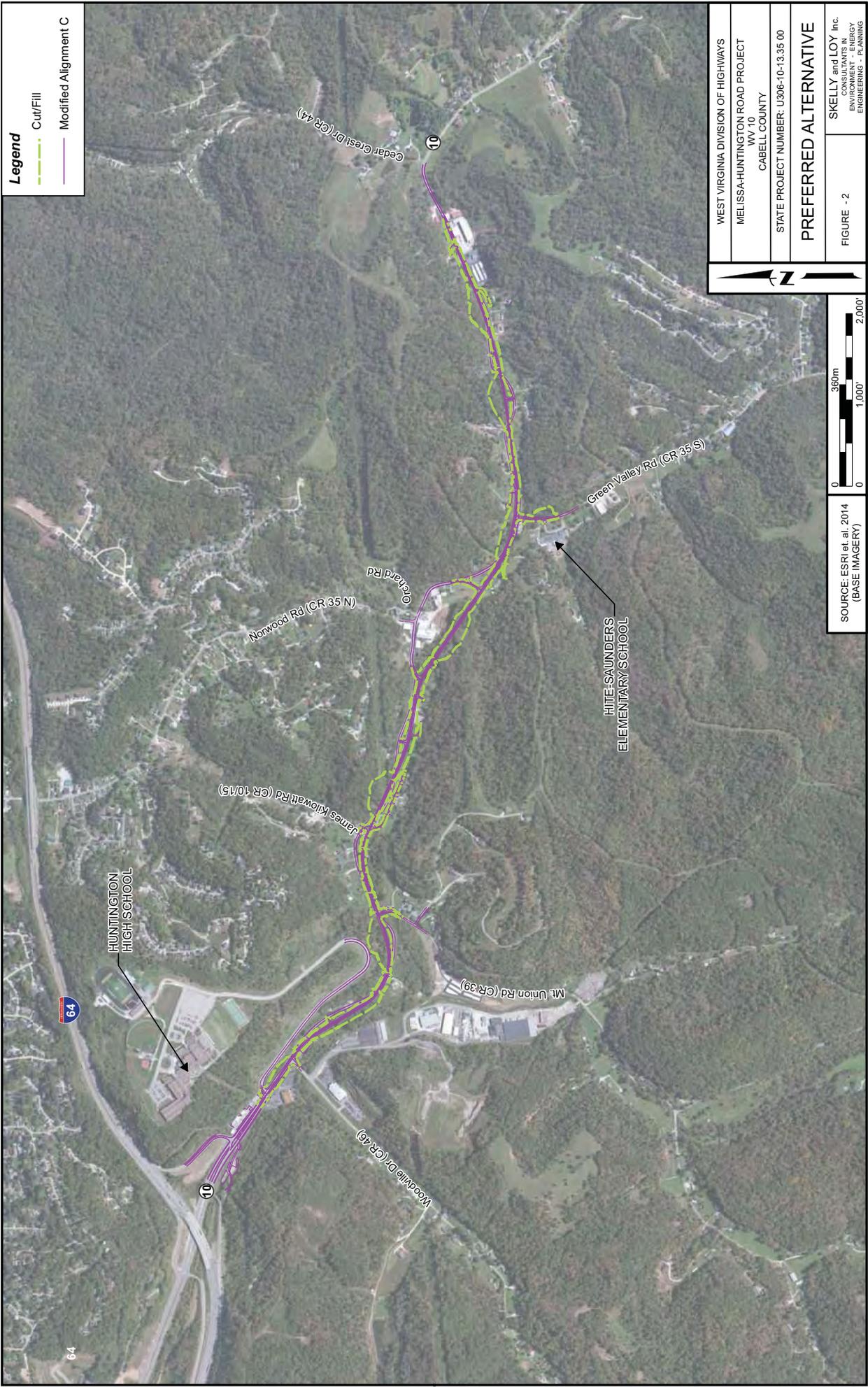
PROJECT LOCATION

To →
Melissa

SOURCES: USGS QUAD. SHEETS - BARBOURSVILLE AND HUNTINGTON, WV-OH (1985, 2011); LAVALETTE AND WINSLOW, WV (1994A, 1994B)



WEST VIRGINIA DIVISION OF HIGHWAYS	
MELISSA-HUNTINGTON ROAD PROJECT WV 10 CABELL COUNTY	
STATE PROJECT NUMBER: U306-10-13.35 00	
PROJECT LOCATION	
FIGURE - 1	SKELLY and LOY Inc. CONSULTANTS IN ENVIRONMENT - ENERGY ENGINEERING - PLANNING



Legend

- Cut/Fill
- Modified Alignment C

WEST VIRGINIA DIVISION OF HIGHWAYS
 MELISSA-HUNTINGTON ROAD PROJECT
 WV 10
 CABELL COUNTY
 STATE PROJECT NUMBER: U306-10-13.35 00

PREFERRED ALTERNATIVE

FIGURE - 2

SKELLY and LOY Inc.
 CONSULTANTS IN
 ENVIRONMENT - ENERGY
 ENGINEERING - PLANNING

SOURCE: ESRI et al. 2014
 (BASE IMAGERY)

0 360m 1,000' 2,000'

Appendix B
Public/Agency Comments on the Environmental Assessment



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

September 8, 2014

Mr. R. J. Scites, P. E., Director
Engineering Division
West Virginia Division of Highways
Capitol Complex, Building 5, Room A-317
1900 Kanawha Boulevard, East
Charleston, WV 25305

RE: Environmental Assessment for Melissa-Huntington Road Project, Campbell County, WV

Dear Mr. Scites:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency has reviewed the Environmental Assessment (EA) for the Melissa-Huntington Road Project in Campbell County, West Virginia, and offers comments for your consideration.

The purpose of the proposed project is to alleviate traffic congestion and improve level of service in the study corridor, improve safety, provide efficient access to the Huntington metropolitan area and Huntington High School, and stimulate economic development in the area. The Preferred Alternative (Modified Alignment C), Alignment C and the No Build Alternative are evaluated in the EA. The Preferred Alternative will result in 3 residential displacements, and will impact 6.9 acres of forest 2, 105 linear feet of jurisdictional stream, and 1.46 acres of wetlands. EPA appreciates the consideration and acceptance of the smaller footprint for the road in the preferred modified alternative. The study would benefit from further alternatives consideration.

EPA has provided comments and questions for your consideration in the Technical Comments document which is enclosed. In addition, these comments should be considered while preparing the Clean Water Act Section 404 Permit Application. Thank you for 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".

Barbara Rudnick, NEPA Team Leader
Office of Environmental Programs



Enclosure (1)



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*

Technical Comments
Environmental Assessment for Melissa-Huntington Road Project, WV

Alternatives

- Page 2-1 dismisses Transportation System Management (TSM) measures stating that they would not be effective in this study area and would not meet the project's purpose and need. From the information provided, it is not clear if TSM could be incorporated into the build alternatives. We suggest that this option be considered. 1
- Page 2-2 dismisses the mass transit alternative stating that typical users will walk no further than a quarter-mile to a bus stop. Data from 1987 is also referenced. We suggest that more recent information be used in this assessment and other options for mass transit be considered. For example, bus stops could be located at park and ride lots or other areas with large parking lots. 2
- Alignment A, B, and C are all 4-lane alternatives. The preferred alternative, Modified Alignment C, is a 3-lane alternative. Page 2-6 states that in 2013 it was determined that a three-lane cross section is sufficient to accommodate the project. Since a 3-lane alternative can meet the project's purpose and need, we suggest that the EA evaluate other options for a 3-lane alternative that may further avoid and minimize impacts to residents and the environment. 3
- Page 2-3 states that Alignment C "requires only two crossings of Grapevine Branch" and Page 2-4 states that the Modified C Alignment "was able to reduce potential impacts to wetlands and streams (especially by limiting crossings of Grapevine Branch to two locations on 16th street Road and Two locations on side streets)". It is unclear why the minimized alternative would require more stream crossings. This should be clarified. 4

Environmental Effects and Mitigation

- Page 3-19 gives the definition of perennial, intermittent, and ephemeral streams. Additional information and data should be included to confirm that the appropriate methodologies and sampling times were followed. 5
- Page 3-21 lists streams that were considered non-jurisdictional by the US Army Corps of Engineers (USCOE). It is unclear from the information provided why this determination was made. 6
- Page 3-22 states that a compensatory mitigation plan will be submitted to the USCOE with the Clean Water Act Section 404 permit application. This application should document the process involved in developing the proposed mitigation to ensure that the most appropriate option is selected. 7
- Additional avoidance and minimization opportunities should be perused as the project moves forward. 8
- We suggest that bridging and oversized natural bottom culverts be considered to further minimize impacts. 9
- Planting/ maintaining existing buffers around the aquatic habitats should be considered. 10
- We suggest that Low Impact Development techniques and Green Highway concepts be considered in the design. 11



- Additional information should be provided describing the individual aquatic habitats. 12
- The size of the wetlands should be provided in addition to the impacted area. 13
- Delineation reports should be referenced and provided. 14
- More detailed information on how the project will assure the full engagement and involvement of low income and minority populations should be provided. Isolated adverse impacts should be taken into consideration and mitigated. 15
- Page 3-36 discusses utility relocations. Additional information and assessment should be provided describing potential impacts associated with these activities. 16
- The Secondary and Cumulative Impact Sections should discuss each impacted resource and the implications of this project. 17
- The EA should discuss the amount of earthwork that will result from this project and how will be handled and disposed. Alignment B discusses earthwork and compares this alternative to other alternatives, however no amounts are given. 18
- Please include best management practices that might be employed for excess dust emissions that could arise from construction. 19
- The EA should consider climate change and extreme weather conditions. 20





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

September 3, 2014

Mr. R.J. Scites
Director, Engineering Division
WV Division of Highways
Building 5 Room 110
Capitol Complex
1900 Kanawha Blvd., East
Charleston, WV 25305

RE: Melissa-Huntington Road (WV 10) Project;
State Project No. U306-10-13.35; Federal Project STP-001(095)EQ
FR#: 00-824-CB-2

Dear Mr. Scites:

We have reviewed the Environmental Assessment (EA) that was submitted for the above mentioned project. The notice indicated that comments are due by September 8, 2014. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

The EA summarizes the cultural resource investigations that were conducted for the proposed project. Survey efforts conducted circa 1999 identified two archaeological sites, one cemetery and 38 buildings within the Area of Potential Effect (APE). None were determined eligible for inclusion in the National Register of Historic Places. Subsequent survey efforts conducted in 2013 for archaeological resources also did not identify historic properties within the APE. It is our understanding that archaeological work will be extended to the limits of all necessary right-of-way in the future. We look forward to continuing the consultation process with respect to the proposed project.

A field review of the previously surveyed area was conducted in 2011. It does not appear from our records that any consultation with our office occurred at that time. The brief summary on page 3-35 indicates that the field view focused on identifying overlooked resources from the 1999-2000 study and to identify resources that had reached the threshold of 50 years old in the ensuing time since the original survey. The summary does not take into account 36 CFR 800.4(c)(1) which addresses the passage of time, changing perceptions of significance or incomplete prior evaluations which may require the agency to reevaluate properties previously determined eligible or ineligible. It does not appear from the text that the consultant considered this aspect of the review process.

21

Upon our review of the original report, we find several resources are worthy of further evaluation at this time such as the bungalow identified as the Spencer House, GAI Field Survey # 27 and five additional resources identified as MU 60, GAI Field Survey #1, 6, and 58/59. The original bibliography contains primarily

22

Page 2

Mr. R.J. Scites

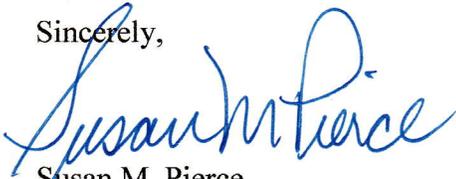
September 3, 2014

archaeological references. It does not include any appropriate resources associated with the history and architectural character of the residential development of this area. The statement of significance is boilerplate language. Therefore, we request that these resources be evaluated for National Register eligibility. | 22

We are unable to confirm if any of these will be directly impacted by the project because the EA maps do not identify the location of the surveyed resources. If eligible, please assess the extent of direct and indirect impact to these resources. | 23

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact me or Lora A Lamarre-DeMott, Senior Archaeologist, at (304) 558-0220.

Sincerely,



Susan M. Pierce

Deputy State Historic Preservation Officer

SMP/LLD

Cc: Ben Hark, WV DOH
Sondra Mullins, WV DOH

DATE:

Mr. RJ Scites, P.E.
Director, Engineering Division
West Virginia Division of Highways
State Capitol Complex, Building 5
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0430

DATE: Thursday, August 7, 2014
LOCATION: Huntington High School
SUBJECT: INFORMATIONAL WORKSHOP PUBLIC MEETING
PROJECT: Melissa to Huntington Road Project
Cabell County

COMMENTS DUE BY Monday, September 8, 2014

Please consider the following comments:

This road project appears to be well planned and will eventually be beneficial to the residents on Route 10. I am, however, concerned with the many delays of this road project. It is my understanding that this road project has been in the making since the 70's. Our church, the Green Valley Baptist Bible Church would have liked to be already relocated.
Thank you for your time and consideration

24

(Please print the following information)

NAME: Pastor Danny Young

ADDRESS: 1212 Patterson St Flatwoods, Ky 41139

ORGANIZATION (IF ANY): Green Valley Baptist Bible Church

How did you hear about the Informational Workshop Public Meeting?

Information sent to our church

Project Information and Comment Sheets

Can be found online at our web page <http://go.wv.gov/dotcomment>

Click on engineering projects, Open, and then click on Melissa to Huntington Road Project

DATE: 8.7.2014

Mr. RJ Scites, P.E.
Director, Engineering Division
West Virginia Division of Highways
State Capitol Complex, Building 5
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0430

DATE: Thursday, August 7, 2014
LOCATION: Huntington High School
SUBJECT: INFORMATIONAL WORKSHOP PUBLIC MEETING
PROJECT: Melissa to Huntington Road Project
Cabell County

COMMENTS DUE BY Monday, September 8, 2014

Please consider the following comments:

I agree with the proposed Plans
and hope and pray the Road will be
built as soon as possible

25

(Please print the following information)

NAME: *Waymond Turner*
ADDRESS: *2117 W. ...
Bakersville WV 25741*
ORGANIZATION (IF ANY):

How did you hear about the Informational Workshop Public Meeting?
Newspaper

Project Information and Comment Sheets
Can be found online at our web page <http://go.wv.gov/dotcomment>
Click on engineering projects, Open, and then click on Melissa to Huntington Road
Project

DATE:

Mr. RJ Scites, P.E.
Director, Engineering Division
West Virginia Division of Highways
State Capitol Complex, Building 5
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0430

DATE: Thursday, August 7, 2014
LOCATION: Huntington High School
SUBJECT: INFORMATIONAL WORKSHOP PUBLIC MEETING
PROJECT: Melissa to Huntington Road Project
Cabell County

COMMENTS DUE BY Monday, September 8, 2014

Please consider the following comments:

There is nothing in the plans to deal with the storm water issue widening the road will cause, (retention/detention Ponds) when there is already a flooding issue in the Enslord area of Huntington.
This does need to be addressed.

26

(Please print the following information)

NAME: Tim Keaton
ADDRESS: 750 5th Ave
ORGANIZATION (IF ANY): Cabell County Commission
304-526-9704
How did you hear about the Informational Workshop Public Meeting?

Project Information and Comment Sheets
Can be found online at our web page <http://go.wv.gov/dotcomment>
Click on engineering projects, Open, and then click on Melissa to Huntington Road Project

DATE:

Mr. RJ Scites, P.E.
Director, Engineering Division
West Virginia Division of Highways
State Capitol Complex, Building 5
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0430

DATE: Thursday, August 7, 2014
LOCATION: Huntington High School
SUBJECT: INFORMATIONAL WORKSHOP PUBLIC MEETING
PROJECT: Melissa to Huntington Road Project
Cabell County

COMMENTS DUE BY Monday, September 8, 2014

Please consider the following comments:

You CAN'T stop Progress! This Area is coming Along
Ever so slowly But it is coming Along - So we ARE
ALL FOR it! ARE Ages, RAY 70yrs Ruby 66yrs Jessica 31yrs,
JASON 34yrs KORINA 7yrs KAILE 3yrs

27

(Please print the following information)

NAME: Raymond + Ruby BROWN
ADDRESS: 3945 16th ST. Rd. 25701

ORGANIZATION (IF ANY):

How did you hear about the Informational Workshop Public Meeting?

News Paper

Project Information and Comment Sheets
Can be found online at our web page <http://go.wv.gov/dotcomment>
Click on engineering projects, Open, and then click on Melissa to Huntington Road
Project

DATE:

Mr. RJ Scites, P.E.
Director, Engineering Division
West Virginia Division of Highways
State Capitol Complex, Building 5
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0430

100% Support For Project!

DATE: Thursday, August 7, 2014
LOCATION: Huntington High School
SUBJECT: INFORMATIONAL WORKSHOP PUBLIC MEETING
PROJECT: Melissa to Huntington Road Project
Cabell County

COMMENTS DUE BY Monday, September 8, 2014

Please consider the following comments:

HYDRAULIC EFFECTS ~~OF THE~~ ^{IN THE EA} DEVELOPMENT ~~DO NOT~~ ADDRESS IMPACTS DOWNSTREAM
 OF THE PROJECT AREA. TWO RESIDENTIAL NEIGHBORHOODS ARE PRESENTLY FLOODED DURING HIGH INTENSITY
 OR PROLONGED RAINFALL EVENTS AND ARE WITHIN 1/2 MILE OF THE PROPOSED TERMINUS OF THE PROJECT
 @ J.W. THE BULLOCK PARK NEIGHBORHOOD HAS EXPERIENCED (3) EVENTS WITHIN THE PAST 15 YEARS.
 1) HAVING A POSITIVE IMPACT BY DESIGNING & IMPLEMENTING MITIGATING CONSTRUCTION
 OF BARRIERS, FILTERATION FIELDS, DETENTION (RETENTION) STRUCTURES THAT EXCEED
 PROJECT AREA OF STUDY "0-EFFECT" IS A WISE & AVAILABLE USE OF FUND.
 2) PLEASE EXPAND HYDRAULIC REVIEW TO INCLUDE DOWNSTREAM (CITY OF HUNTINGTON)
 3) CONSIDER A WATERSHIP-WIDE HYDRAULIC STUDY
 4) USE OF NATURAL SOLUTIONS ^{TO} REDUCE THE VOLUME OF WATER
 (RETENTION) b) TO SLOW THE VELOCITY OF STREAM WATER RUN-OFF
 CONSIDER DETENTION STRUCTURES OF MEMBER OF THE STREAM c) EXTEND
 THE TIME W/WHICH THE WATER 'HITS' DOWNSTREAM (PONDS, FILTERATION FIELDS)

28

(Please print the following information)

NAME: DONALD KEEPE

ADDRESS: 1270 SPRING VALLEY ~~ST.~~ HUNTINGTON, WV 25701

ORGANIZATION (IF ANY):

How did you hear about the Informational Workshop Public Meeting?

NEWSPAPER ARTICLE 8/16/14

Project Information and Comment Sheets

Can be found online at our web page <http://go.wv.gov/dotcomment>

Click on engineering projects, Open, and then click on Melissa to Huntington Road Project

DATE:

Mr. RJ Scites, P.E.
Director, Engineering Division
West Virginia Division of Highways
State Capitol Complex, Building 5
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0430

DATE: Thursday, August 7, 2014
LOCATION: Huntington High School
SUBJECT: INFORMATIONAL WORKSHOP PUBLIC MEETING
PROJECT: Melissa to Huntington Road Project
Cabell County

COMMENTS DUE BY Monday, September 8, 2014

Please consider the following comments:

My Law Firm is building a \$1,000,000 building at the intersection at Huntington High Entrance on the Childers property

We believe this project will improve the traffic and economy.

L. David Duffield

29

(Please print the following information)

NAME: L. David Duffield
ADDRESS: 215 Limestone Drive Huntington WV 25701
ORGANIZATION (IF ANY): Duffield Lurvey Steyerle & Boeggs
How did you hear about the Informational Workshop Public Meeting?

DATE:

8/7/14

Mr. RJ Scites, P.E.
Director, Engineering Division
West Virginia Division of Highways
State Capitol Complex, Building 5
1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0430

DATE: Thursday, August 7, 2014
LOCATION: Huntington High School
SUBJECT: INFORMATIONAL WORKSHOP PUBLIC MEETING
PROJECT: Melissa to Huntington Road Project
Cabell County

COMMENTS DUE BY Monday, September 8, 2014

Please consider the following comments:

Very helpful public meeting. The information was very well presented. I support this project.

30

(Please print the following information)

NAME: Chad Lovejoy
ADDRESS: 186 Graystone Dr. Huntington WV 25701

ORGANIZATION (IF ANY):

How did you hear about the Informational Workshop Public Meeting? News Made

Project Information and Comment Sheets
Can be found online at our web page <http://go.wv.gov/dotcomment>
Click on engineering projects, Open, and then click on Melissa to Huntington Road Project

Appendix C
Agency Consultation and Concurrence

-----Original Message-----

From: Stout, Elizabeth [mailto:elizabeth_stout@fws.gov]

Sent: Wed 3/5/2014 4:28 PM

To: Cummings, Traci L

Subject: Re: Northern Long Eared Bat- Melissa to Huntington WV 10

The Service concurs that this project will have "no effect" on the NLEB.

On Tue, Mar 4, 2014 at 1:30 PM, Cummings, Traci L <Traci.L.Cummings@wv.gov> wrote:

Liz,

We received a "no effect" response on December 20, 2011 for the Melissa to Huntington Road Project in Cabell County. We are wanting to clarify that this "no effect" still stands even with the proposed listing of the Northern Long Eared Bat. We want to make sure our Environmental Assessment is up to date with the latest species, and clearance.

I've attached a location map, the original FWS clearance of December 20, 2011, and the original letter that was submitted on December 14, 2011.

If you have any questions please let me know.

Thanks,

Traci L. Cummings

Natural Resources Unit Leader

WVDOH-Environmental Section

304-558-9678 (office)

304-558-3236 (fax)

304-541-7509 (cell)

--

Liz Stout

Fish and Wildlife Biologist; GIS Technician

U.S. Fish and Wildlife Service

West Virginia Field Office

694 Beverly Pike

Elkins, WV 26241

(304) 636 6586 x15

<http://www.fws.gov/westvirginiafieldoffice/index.html>



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

RECEIVED

DEC 16 2011

WVFO

December 14, 2011

Ms. Deborah Carter
US Fish and Wildlife Service
694 Beverly Pike
Elkins, West Virginia 26241

Dear Ms. Carter:

State Project U306-10-13.35
Federal Project
Melissa-Huntington Road Project
Cabell County

We are submitting this project to the Service for individual project review because it is not covered under our current Blanket Letter Agreement because it will require an Environmental Assessment document to be produced. The project has been run through our GIS layers and no endangered species were flagged.

The project is developing transportation improvement along WV 10 in Cabell County from CR 46 to CR 44. The project is approximately 2.27 miles. The preferred alternative would consist of a three-lane roadway with two 11-foot travel lanes in each direction and a center turning lane. The roadway would also feature paved shoulders on both sides of the road varying from 4 to 8 feet. The proposed roadway improvement will



United States Department of the Interior

FISH AND WILDLIFE SERVICE



West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

In response to your letter above, we have made a "no effect" determination that the project will not affect federally-listed endangered or threatened species. Therefore no biological assessment or further section 7 consultation under the Endangered Species Act is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

Definitive determinations of the presence of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at: Huntington District, Regulatory Branch, 502 Eighth Street, Huntington, West Virginia 25701, telephone (304) 399-5710.

E. M. Stewart 12-20-11
Reviewer's signature and date

David A. [Signature] 12/21/11
Field Supervisor's signature and date



DIVISION OF NATURAL RESOURCES

Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250

Earl Ray Tomblin
Governor

Frank Jezioro
Director

December 22, 2011

Mr. Gregory L. Bailey
Division of Highways
1900 Kanawha Boulevard, East
Building Five, Room 110
Charleston, WV 25305-0430

Dear Mr. Bailey:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and natural trout streams for the areas of the proposed highway projects:

JG, TC
Joe R

State Project U306-10-13.35 Federal Project STP-0010(095)EQ Melissa-Huntington Road Project Cabell County	Our records indicate no known occurrences of RTE species or natural trout streams at this site.
State Project S344-119-20.84 Federal Project BR-0119(213)D Whiting Electric Arch Roane County	Our records indicate no known occurrences of RTE species or natural trout streams at this site. Mussel surveys are required.
State Project S344-119-19.49 & S344-119-19.59 Federal Project BR-0119(219)D & BR-0119(216)D Lowe Arch Bridge & Daves Auto Arch Bridge Roane County	Our records indicate no known occurrences of RTE species or natural trout streams at this site. Mussel surveys are required.
State Project S332-23/3-0.17 Cook Fort Bridge Monroe County	Our records indicate no known occurrences of RTE species or natural trout streams at this site. Mussel surveys are required. In addition, an Indiana bat hibernaculum s located approximately 0.5mi from the site.

TC

TC

TC

12.22-11

72

State Project CR 50 MP 7.69
Henry Fork LWC Repair
Roane County

Our records indicate no known occurrences of RTE species or natural trout streams at this site. Mussel surveys are required.

The Wildlife Resources Section knows of no surveys that have been conducted in these areas for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the areas under review.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, extension 2048.

Sincerely,



Barbara Sargent
Environmental Resources Specialist
Wildlife Diversity Unit



RECEIVED
FEB 06 2014
ENGINEERING
DIVISION

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

January 29, 2014

Mr. Ben Hark
Division of Highways
Building 5 Room 110
Capitol Complex
Charleston, WV 25305

RE: Melissa-Huntington Road (WV 10) Project;
State Project No. U306-10-13.35; Federal Project STP-001(095)EQ
FR#: 00-824-CB-1

Dear Mr. Hark:

We have reviewed the addendum Phase I report for the above mentioned project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to the submitted information, the above reference project has undergone minor redesign to include two small areas, labeled Area A and Area B, totaling 2.4 acres.

Archaeological Resources:

According to the addendum report, the proposed addendum area was investigated via pedestrian reconnaissance and shovel probe excavation. Area A was observed to contain steep and disturbed terrain. The majority of Area B was also observed to be steep. Shovel probes excavated in a small level area did not result in the identification of archaeological resources. As a result, we concur that no further archaeological work is necessary for the proposed project redesign. In our opinion, no historic archaeological resources are present within the proposed redesign area.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please call Lora A Lamarre-DeMott, Senior Archaeologist, at (304) 558-0220.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/LLD



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

December 11, 2014

Mr. Ben Hark
Division of Highways
Building 5, Room 110
Capitol Complex
Charleston, WV 25305

RE: Melissa-Huntington Road (WV 10) Project;
State Project No. U306-10-13.35; Federal Project STP-001 (095) EQ
FR#: 00-824-CB-3

Dear Mr. Hark:

We have reviewed the above mentioned project to determine its effects to cultural resources. AS required by Section 106 of the National Historic Preservation Act of 1966, as amended, and it's implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

In our letter dated September 3, 2014, concerns were raised regarding the length of time between your report and the documentation of several properties in the Area of Potential Effect (APE). Of most concern was that buildings that had previously been deemed ineligible due to age were overlooked in your initial report. It was our opinion that the passage of time may have made these buildings eligible for inclusion at this time. Also, a map showing the project area was not provided, making it difficult to determine the impact to the potential resources in this area. Both of these issues were addressed in the submission that was sent to us dated October 14, 2014.

According to the submitted information, plans call for the widening of Melissa-Huntington Road (WV 10) to alleviate congestion. Evaluations were completed on several buildings that are located along the roadway to determine their eligibility for inclusion in the National Register of Historic Places.

We have reviewed the submitted information, and determined that there are no architectural resources that are eligible or listed in the National Register of Historic Places will be affected by this project. It is our understanding that archeological work will be extended to the limits of all necessary right of way in the future. We look forward to continuing the consultation process with respect to the proposed project. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

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Mr. Ben Hark
FR#00-824-CB-3

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Jennifer Brennan, Structural Historian, at 304-558-0240.

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Pierce". The signature is written in a cursive style with a large initial "S" and a long, sweeping underline.

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/JLB