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Norfolk District
U.S. Army Corps of Engineers, Regulatory Branch
803 Front Street
Norfolk, VA 23510

Mr. Ed Sundra
Federal Highway Administration
400 North 8th Street, Suite 750
Richmond, VA 23219

VIA EMAIL AND U.S. MAIL

Ms. Angel Deem
VDOT Environment Division
1401 East Broad Street
Richmond, VA 23219

Re: Comments on Route 460 Final Supplemental Environmental Impact Statement

Dear Ms. Allen-Grimes, Mr. Sundra, and Ms. Deem:

The Southern Environmental Law Center (SELC) would like to provide the following comments on the Final Supplemental Environmental Impact Statement (SEIS) for the U.S. Route 460 Project in Southeast Virginia. SELC works throughout Virginia to promote transportation and land use decisions that strengthen our communities, protect our natural resources, and improve our quality of life.

We have participated in the planning for proposed improvements to the Route 460 corridor for over a decade, dating back to the original Environmental Impact Statement in the mid-2000s. During that time, we have consistently advocated against building a major new highway along this stretch of Route 460 given the limited benefits such a project would provide along this lightly-traveled corridor in relation to its hefty price tag, the considerable environmental and community damage that would result from building a highway in this area, and the availability of less costly and less harmful alternatives to upgrade the existing route.

We are pleased, therefore, that the Final SEIS reports that the previous proposal to build a new 55-mile highway from Petersburg to Suffolk is no longer being pursued. As we noted in our November 17, 2014 comments on the Draft SEIS, the updated analysis completed in 2013 showing a substantial increase in the estimated wetlands impacts for the 55-mile proposal made it clear that the issuance of a Clean Water Act Section 404 permit by the U.S. Army Corps of Engineers would not be in the "public interest," and that this proposal would not be the "least

environmentally damaging practicable alternative” (LEDPA) to improve this corridor—both findings the Corps is required to make in order to issue a permit.¹

However, many of the concerns we had with the 55-mile proposal also apply to the Virginia Department of Transportation’s (VDOT) new scaled-down, 16-mile version—which has now been identified as the “FHWA/VDOT Preferred Alternative” in the Final SEIS.² This proposal includes building 12 miles of new highway bypasses through rural areas, which would result in substantial direct and indirect impacts on wetlands, streams, wildlife habitat, and farmland, as well as considerable fragmentation of many of these resources. It would also cost up to \$450 million to build,³ and is opposed by the localities along the corridor that would be most affected by the project—Isle of Wight County and the Town of Windsor.⁴

The Final SEIS fails to meet the requirements of the National Environmental Policy Act (NEPA) to adequately consider the impacts of the new proposal, as well as the reasonable alternatives to avoid or greatly minimize many of these impacts by focusing improvements on the existing Route 460. Among the reasonable alternatives that have not been evaluated in this SEIS is the one proposed in a report prepared by traffic engineer Walter Kulash, P.E. and submitted with our January 20, 2016 letter to the Corps on VDOT’s Section 404 permit application for the revised, 16-mile proposal.⁵ This alternative includes a context-sensitive design to upgrade existing Route 460 through Windsor that would meet modern design standards, yet minimize right-of-way impacts on the town. The Final SEIS is inadequate and should be revised to address the failure to consider reasonable alternatives and our other concerns identified above.

I. THE FHWA/VDOT PREFERRED ALTERNATIVE WOULD HAVE SIGNIFICANT ENVIRONMENTAL AND COMMUNITY IMPACTS

NEPA requires agencies to take a “hard look” at the environmental consequences of a proposed action,⁶ and the Final SEIS indicates that the FHWA/VDOT Preferred Alternative will have significant impacts on the environment and communities along the corridor. These impacts include direct impacts on wetlands, streams, wildlife habitat, and farmland, as well as indirect impacts from induced growth spurred by the construction of a new highway in this area, from changing traffic patterns in the corridor, and from the project’s proximity to historic resources. The project would also impact the region’s greenhouse gas emissions and resiliency to climate change.

¹ See 33C.F.R. § 320.4(a); 40 C.F.R. § 230.10(a).

² Final SEIS at 2-24 et seq.

³ *Id.* at 2-37.

⁴ The Isle of Wight Board of Supervisors passed a resolution at their meeting on January 21, 2016. The Windsor Town Council passed its resolution at their meeting on March 10, 2015.

⁵ See Letter from Trip Pollard & Travis Pietila, SELC, to Colonel Jason E. Kelly, Norfolk District (Jan. 20, 2016) (including Walter Kulash’s report entitled “Modification of Alternative 4 - US Route 460 Windsor, Virginia”).

⁶ See *Marsh v. Oregon Natural Res. Council*, 490 U.S. 360, 374 (1989).

A. Direct Impacts on Wetlands, Streams, Wildlife Habitat, and Farmland

Despite being shorter than the original 55-mile proposal, the Final SEIS shows that the FHWA/VDOT Preferred Alternative proposal would have major direct impacts on environmental resources along its 16-mile length. The extent of these impacts is particularly significant for a project of its size. To the best of our knowledge, based on communications with the Corps, the new proposal's estimated 39.8 acres of wetlands impacts (roughly 2.5 acres per mile) would still be one of the largest losses of wetlands authorized by the Corps in Virginia if it were permitted.⁷ The wetlands that would be impacted include 12.1 acres of high-quality "Category II" wetlands, and—as the Final SEIS acknowledges—in-kind compensation is not allowed for such wetlands due to the inability to adequately replace the significant ecological functions they perform.⁸

The FHWA/VDOT Preferred Alternative would also impact 6,784 linear feet of streams, roughly 2/3 of which appear to be located in the Chesapeake Bay watershed, and the other 1/3 in the watershed of the Chowan River—a major tributary to Albemarle Sound (one of the largest estuaries on the East Coast).⁹ The proposal would also cross numerous tributaries to drinking water supplies for the region, including Lake Prince (which supplies drinking water for both Norfolk and Virginia Beach) and Lake Meade (which supplies Portsmouth).¹⁰

In addition to aquatic resource impacts, the Final SEIS shows that the FHWA/VDOT Preferred Alternative would directly impact hundreds of acres of prime farmland and forested wildlife habitat,¹¹ including a number of areas currently providing suitable habitat for threatened and endangered species.¹² The Final SEIS also notes the numerous effects the project may have on biodiversity and natural communities from the fragmentation of riparian and forested habitat along the corridor, as well as from the bisection of wildlife corridors along Ennis Mill Swamp to the north of Windsor.¹³

As noted above, environmental analyses for the Route 460 project have made it clear that most of these impacts could be avoided by instead focusing improvements on upgrading the existing highway, rather than building expansive new bypasses through the region's rural areas and across numerous wetlands and streams. This includes the Draft SEIS's review of "Alternative 4,"¹⁴ as well as the analysis of hybrid alternatives for the 16-mile eastern segment of the corridor now being assessed (which included consideration of the portion of the Draft SEIS's Alternative 4 running through this area).¹⁵

⁷ Final SEIS at 3-78.

⁸ *Id.* at 3-100 to 3-103.

⁹ See Final SEIS, *Natural Resources Technical Report* at 54; Route 460 Location Study: Joint Permit Application Individual Permit at 9-4 (2015).

¹⁰ See Final SEIS, *Natural Resources Technical Report* at 28.

¹¹ Final SEIS at 3-4 to 3-5 (reporting impacts to 162.7 acres of forested habitat and 265 acres of prime farmland).

¹² *Id.* at 3-89 to 3-91.

¹³ *Id.* at 3-88.

¹⁴ See Draft SEIS at 3-5 to 3-6 (showing considerably less impacts on aquatic resources, habitat, and farmland for Alternative 4 than for each of the Build alternatives involving new highway construction).

¹⁵ See Final SEIS, *Supplemental Alternatives Technical Report* at 20, 59 (showing 10 acres of wetlands impacts from Alternative 4 versus 52 acres for Hybrid B/17, which would become the FHWA/VDOT Preferred Alternative).

B. Induced Growth and Consistency with Local Land Use Plans

The FHWA/VDOT Preferred Alternative also is likely to result in significant indirect impacts on the environment and communities along the corridor through induced growth and related changes in land use patterns. The Final SEIS identifies “induced growth areas” along the corridor in the vicinity of the proposal’s three new interchanges with existing Route 460 (to either side of Windsor) and Route 58 (at Suffolk)—areas where construction of the project is anticipated to spur additional development in the future. Within these areas are an additional 3,865 acres of wetlands, 173,712 linear feet of streams, and 3,979 acres of forested habitat that may be impacted by induced growth.¹⁶

However, these figures may underestimate the amount of resources that could be impacted due to induced growth from the project. The Final SEIS focuses its induced growth analysis only on areas surrounding the three interchanges noted above, stating that “[i]nduced growth is not anticipated west of Yellow Hammer Road (Route 645), because the improvements in this area do not include the construction of additional lanes and are relatively minor in scope.”¹⁷ But this ignores induced growth that may be encouraged farther down the corridor as a result of the introduction of a higher-speed route for those commuting into Suffolk and Hampton Roads. This type of induced growth seems not only possible, but quite likely. And for a project that touts anticipated travel time savings as one of its main benefits, this is a significant omission that must be addressed in this analysis.

We also take issue with the characterization that “the three interchanges/intersections identified as areas with potential for induced growth to occur are all generally located within designated growth areas.”¹⁸ Figure 4.2-10 of the Final SEIS shows that substantial portions of the identified induced growth areas lay outside of the areas designated for growth by the localities—in fact, this appears to be true for *most* of the anticipated induced growth area for the proposed new interchange to the west of Windsor, and for much of the area identified to the east of Windsor as well. The analysis therefore is incomplete and underestimates the impacts of the proposed project.

Moreover, the language of the induced growth section in Chapter 4,¹⁹ as well as the discussion of local comprehensive plans in Chapter 3,²⁰ appears to overstate the consistency between anticipated growth from the project and the land use goals of the affected localities. The Final SEIS notes that many of the corridor’s localities (including Isle of Wight County and the City of Suffolk) have adopted policies to preserve rural lands and manage growth by directing new development to specified areas.²¹ The FHWA/VDOT Preferred Alternative’s bypasses would convert and fragment a significant amount of rural and agricultural land along 12 miles of the corridor, and, as indicated by the induced growth analysis, potentially spur substantial development outside of the localities’ identified growth areas. In addition, the

¹⁶ Final SEIS at 4-33 to 4-35.

¹⁷ *Id.* at 4-23.

¹⁸ *Id.* at 4-37.

¹⁹ *See id.* at 4-22 et seq.

²⁰ *See id.* at 3-28 to 3-36.

²¹ *See, e.g., id.* at 3-28 to 3-29.

northern bypass of Windsor would divert substantial traffic away from the town's businesses and the heart of its development service district.²² These concerns are particularly notable as the discussions of these issues in the Final SEIS fail to mention that the two localities most affected by the FHWA/VDOT Preferred Alternative—Isle of Wight County and the Town of Windsor—have both passed formal resolutions opposing construction of the proposed project.²³

C. Traffic Impacts Outside of the Project Area

We also have concerns with the lack of information provided about the potential effects building the FHWA/VDOT Preferred Alternative may have on traffic conditions on the Route 460 corridor to the west of the proposed 16-mile segment and on connecting local roads. In its discussion of freight movement, the Final SEIS shows that along Route 460 west of the project area, the daily truck volume is anticipated to increase from 3,980 in the 2040 No-Build condition to 4,650 with the FHWA/VDOT Preferred Alternative in place—an increase of 17% and 700 trucks per day.²⁴

The Final SEIS's analysis of overall traffic volumes also shows a considerable increase in traffic moving through the 16-mile project corridor (taking into account both existing and new Route 460), yet shows little increase in future traffic volumes west of the western terminus of the proposed project at Zuni. For example, it shows overall daily traffic volumes in the 2040 Build condition of 34,900 to the east of Windsor and 26,600 to the west of Windsor (both within the project area), and just 19,400 to the west of the project at Ivor.²⁵ These figures indicate that a significant amount of traffic is anticipated to divert from Route 460 to other roads along the corridor, and the potential effects this may have on these connecting roadways warrants greater discussion in this SEIS.

D. Historic Resource Impacts

Maps showing the FHWA/VDOT Preferred Alternative's bypass north of Windsor indicate that this new roadway would be built within a few hundred feet of the William Scott Farmstead, an 18th Century rural historic property listed on the National Register of Historic Places.²⁶ Although the Final SEIS briefly mentions that VDOT determined the proposal would have "no adverse effect" on this property under Section 106 of the National Historic Preservation Act and that the Virginia Department of Historic Resources has concurred, the Final SEIS provides no analysis in support of this finding. In addition, the Final SEIS fails to mention any review of potential "constructive use" of this historic property under Section 4(f) of the Department of Transportation Act²⁷—an analysis that is necessary given the project's close proximity to this resource and its historic rural setting.

²² The Final SEIS shows a decrease in daily traffic volumes along existing Route 460 through Windsor from 16,300 in the No-Build to 9,100 in the Build scenario in the year 2021, and from 24,000 in the No-Build to just 12,600 in the Build scenario in the year 2040. See *Supplemental Traffic and Transportation Technical Report* at 36-42.

²³ The Isle of Wight Board of Supervisors passed a resolution at their meeting on January 21, 2016. The Windsor Town Council passed its resolution at their meeting on March 10, 2015.

²⁴ Final SEIS at 2-46.

²⁵ Final SEIS, *Supplemental Traffic and Transportation Technical Report* at 34.

²⁶ See Final SEIS at Fig. 3.8-1.

²⁷ See 23 C.F.R. Part 774.

E. Climate Change and Greenhouse Gas Emissions

We applaud the fact that the Final SEIS includes greater discussion of climate change and greenhouse gas emissions in regard to the FHWA/VDOT Preferred Alternative than the Draft SEIS contained. However, this analysis continues to suffer from significant shortcomings, particularly given the critical importance of these issues for Hampton Roads (one of the areas in the U.S. most vulnerable to sea level rise) and commitments by Governor McAuliffe and the Obama Administration to reduce greenhouse gas emissions. One key shortcoming is the failure to provide a comparison of the greenhouse gas emissions and potential climate change-related effects of alternatives, as is recommended in draft revised guidance published by the Council of Environmental Quality (CEQ) in December 2014.²⁸ The Final SEIS only compares the FHWA/VDOT Preferred Alternative to the No-Build scenario, rather than to other reasonable alternatives such as upgrading the existing highway.

Another shortcoming is in the Final SEIS's discussion of the project's effects on climate change resiliency and flooding, which mainly focuses on the FHWA/VDOT Preferred Alternative providing "redundant infrastructure" and addressing flooding issues at the Blackwater River in Zuni.²⁹ However, it fails to address the effects the project would have in undermining the region's natural resiliency to storm events and flooding through the destruction of wetlands (an issue noted by the U.S. Environmental Protection Agency in its Draft SEIS comments³⁰), as well as forested habitat currently acting as carbon sinks for greenhouse gas pollution. Alternatives that upgrade the existing Route 460 would avoid many of these impacts, while still addressing flooding issues at Zuni and elsewhere along the current route—some of which the FHWA/VDOT Preferred Alternative would simply bypass.

II. **THE FINAL SEIS SHOWS THE LACK OF NEED TO BUILD A NEW HIGHWAY ALONG THE CORRIDOR**

The Final SEIS reiterates the multi-part purpose and need identified in previous environmental studies for the project.³¹ However, as we stated in our comments on the Draft SEIS, building an expansive new highway such as that being proposed in the FHWA/VDOT Preferred Alternative does not appear to be needed along this lightly-traveled corridor, nor can it be justified given the availability of less costly and less damaging options to upgrade the existing highway (discussed further in Section III below) and the failure of the Preferred Alternative to address a number of issues that would remain along existing Route 460 after its construction.

²⁸ See, e.g., CEQ, "Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews," 79 Fed. Reg. 77802, 77827-28 (Dec. 24, 2014) (stating that "if a comparison of...alternatives based on GHG emissions, and any potential mitigation to reduce emissions, would be useful to advance a reasoned choice among alternatives and mitigations, then an agency should compare the levels of GHG emissions caused by each alternative—including the no-action alternative—and mitigations to provide information to the public and enable the decision-maker to make an informed choice").

²⁹ See Final SEIS at 3-120.

³⁰ See Final SEIS Appendix D at 131 (summarizing comments from Shawn Garvin, U.S. EPA Region III).

³¹ Final SEIS at 1-3.

A. Limited Traffic Issues in the Route 460 Corridor

Notably, the Final SEIS continues to state that “[t]he need to address congestion is not a component of the Purpose and Need for this project, as it is not a systemic problem along the existing Route 460 corridor.”³² Indeed, the Final SEIS’s traffic analysis continues to show that all segments of the existing Route 460 are currently operating at level-of-service (LOS) “A,” and will continue to operate at LOS “A” (for most) or “B” (for a few segments at the eastern end) even in the 2040 No-Build condition, indicating that the highway is expected to operate within its capacity well into the future.³³

Although the Final SEIS identifies a few specific intersections along existing Route 460 that are currently operating at LOS “D” or lower, it also shows that building the expansive new FHWA/VDOT Preferred Alternative would do little to improve these conditions, with many intersections continuing to operate at an unacceptable LOS in the Build scenarios.³⁴ Moreover, the Final SEIS indicates that building the new highway will actually make conditions *worse* at some areas in the vicinity of the project’s eastern terminus, including along a number of segments of the Suffolk Bypass (Route 58) and its interchanges with connecting roads.³⁵

B. Failure to Address Problems on Existing Route 460

In addition, the FHWA/VDOT Preferred Alternative would not address some of the most pressing safety and flooding issues along the existing highway. The Final SEIS shows that Route 460 in downtown Windsor has the highest crash and injury rates of any segment within the 16-mile eastern end of the corridor,³⁶ and the Draft SEIS identified Route 460’s intersection with Routes 610 and 603 in the center of Windsor as one of its four potential “major” problem areas for flooding.³⁷ While an alternative focused on upgrading the existing highway could address these issues, the FHWA/VDOT Preferred Alternative would do nothing to address these problem areas, skirting around them and leaving them to continue to plague local residents. The proposal would likewise fail to address safety and flooding issues identified in the Draft SEIS throughout the remainder of the corridor west of Zuni.

III. THE FINAL SEIS FAILS TO CONSIDER REASONABLE ALTERNATIVES TO UPGRADE THE EXISTING HIGHWAY

In light of the substantial impacts that building the FHWA/VDOT Preferred Alternative—including its 12 miles of new highway bypasses—will have on the environment and communities along the corridor, it is crucial that all reasonable alternatives to avoid and minimize these impacts are carefully reviewed in this SEIS. Such a review is also necessary to comply with NEPA, which requires agencies to “[r]igorously explore and objectively evaluate all reasonable alternatives” for a proposed action.³⁸ The Final SEIS falls short of this standard by

³² *Id.* at 2-37.

³³ Final SEIS, *Supplemental Traffic and Transportation Technical Report* at 54.

³⁴ *See id.* at 50-51.

³⁵ *See id.*

³⁶ *Id.* at 17.

³⁷ Draft SEIS at 2-15.

³⁸ 40 C.F.R. § 1502.14(a).

failing to adequately consider reasonable alternatives to upgrade the existing highway, such as the context-sensitive design to upgrade Route 460 through the Town of Windsor discussed below.

A. Draft SEIS Alternatives Analysis

Similar to previous environmental documents for this project, the Draft SEIS found that an alternative focused on upgrading the existing Route 460 corridor (its “Alternative 4”) would satisfy the purpose and need of the project, and with far fewer impacts on wetlands, streams, habitat, and farmland than building a highway on new location.³⁹ However, Alternative 4 as proposed in the Draft SEIS would have considerably widened the entire existing Route 460 from Petersburg to Suffolk (including applying a “one size fits all,” 105-foot section through each of the towns along the corridor), and was dismissed largely due to the considerable right-of-way impacts it would have had on communities abutting the highway.

In our comments on the Draft SEIS, we raised concerns with the consideration of only this “one size fits all” approach and its impacts on the corridor’s communities, and argued for further analysis of more limited improvements to the existing highway. However, this was not done and the Final SEIS also fails to seriously consider anything but an across-the-board widening approach to improve the existing highway in its evaluation of hybrid options for the 16-mile section of the corridor now being assessed. This failure is particularly concerning, since we recently submitted precisely such an alternative—a more context-sensitive approach to improve Route 460 through the Town of Windsor. Yet this alternative is not even mentioned in the Final SEIS.

B. Proposal for a Modified Alternative 4

As we noted in our January 20, 2016 comment letter to the Corps on VDOT’s Section 404 permit application, FHWA encourages flexibility in applying highway design standards, noting in its regulations that agencies should take into account the “constructed and natural environment of the area” and the “environmental, scenic, aesthetic, community, and preservation impacts of the activity.”⁴⁰ And it appears that FHWA is moving toward even greater flexibility. In May 2016, FHWA finalized guidance stating that it will no longer require 8 of its 10 “controlling criteria” for roadway design to be applied to facilities where the design speed is less than 50 miles per hour (keeping only the “design loading structural capacity” and “design speed” criteria for these low-speed roadways).⁴¹

With these considerations in mind, our comment letter to the Corps included a report by traffic engineer Walter Kulash, P.E. (attached to this letter as well) proposing a “Modified Alternative 4” to improve Route 460 through Windsor that would use the flexibility allowed in the *VDOT Road Design Manual* (as well as FHWA guidance) to better respond to the town’s

³⁹ See Final SEIS at 3-5 to 3-6; see also Final SEIS, *Supplemental Alternatives Technical Report* at 20, 59 (making a similar finding regarding the relative wetlands impacts of alternatives for the 16-mile eastern end of the corridor).

⁴⁰ 23 C.F.R. § 625.3(a)(1).

⁴¹ See “Revision of Thirteen Controlling Criteria for Design and Documentation of Design Exceptions,” 81 Fed. Reg. 27187 (May 5, 2016).

existing conditions, while still applying the Draft SEIS's Alternative 4 for the remainder of the 16-mile corridor now being assessed.⁴² Among other things, Modified Alternative 4 would replace the Draft SEIS Alternative 4's 16-foot median with a two-way left-turn lane (TWLTL), reduce lane widths (allowed by VDOT's guidelines for town centers such as this), and vary widths for sidewalks and landscaping in specific areas based on existing conditions.⁴³

Mr. Kulash's report found that Modified Alternative 4 would perform at least as well as the Draft SEIS's Alternative 4 in advancing each element of the project's purpose and need, while reducing to a minimum its right-of-way impacts on the town and its historic district.⁴⁴ This alternative would provide significant safety benefits by upgrading existing Route 460 to modern design standards and adding a TWLTL to better separate eastbound and westbound traffic. Adding the TWLTL would also separate left-turn movements from through lanes, reducing conflicts and improving traffic flow, while still allowing mid-block turns into businesses along the corridor. It would also provide an additional lane for emergency evacuation through the Town of Windsor.⁴⁵ And, as in the case of Alternative 4, reconstructing existing Route 460 will provide the opportunity to address flooding issues along the highway.

The advantages of this alternative (as well as other options focused on upgrading existing Route 460) over the FHWA/VDOT Preferred Alternative are significant. Keeping improvements to the existing highway would considerably reduce the project's impacts on environmental resources and communities, and would actually address existing safety issues within the Town of Windsor—which the Final SEIS shows is one of the biggest traffic accident hotspots in the eastern part of the corridor⁴⁶—rather than simply bypassing this part of the corridor.

This report demonstrates that reasonable alternatives are available to improve existing Route 460 that have not been evaluated in this SEIS, yet would satisfy the project's purpose and need, would be "practicable" to implement, and would result in far fewer impacts to the corridor's environment and communities than either the FHWA/VDOT Preferred Alternative or the across-the-board widening approach evaluated in the Draft SEIS. Thus, a more comprehensive review of reasonable alternatives to improve the existing highway is needed to meet the requirements of NEPA.

⁴² Walter Kulash, P.E., "Modification of Alternative 4 - US Route 460 Windsor, Virginia" (Jan. 20, 2016).

⁴³ *Id.* at 3-5 to 3-6.

⁴⁴ *Id.* at 11-12.

⁴⁵ Also worth noting, a study completed by the Virginia Department of Emergency Management (VDEM) in summer 2014 found that some of the most effective improvements to the Commonwealth's emergency response in Hampton Roads would be efforts to give residents more time to respond (such as moving up the timeline for evacuation-related decisions), reducing the number of people needing to evacuate (by improving shelter capacity and identifying "evacuation zones" to better target the most vulnerable populations), and better educating and communicating with the public. See VDEM, *2014 In-Season Review of Hurricane Preparedness for Hampton Roads* at 5 (2014).

⁴⁶ Final SEIS, *Supplemental Traffic and Transportation Technical Report* at 17.

CONCLUSION

In summary, while we are pleased that the destructive proposal to build a new 55-mile highway from Petersburg to Suffolk is no longer being pursued, we have serious concerns with the \$450 million, 16-mile FHWA/VDOT Preferred Alternative. The costs of this new proposal to taxpayers, on the environment, and on the corridor's communities will still be considerable, particularly in light of the limited benefits it would provide and the availability of reasonable alternatives to upgrade the existing corridor. Greater consideration of these alternatives, including the "Modified Alternative 4" discussed above, is necessary for this SEIS to comply with NEPA, and we urge the Corps to give this alternative and other issues raised in this letter careful consideration in its ongoing review of the Section 404 permit application for this project.

Thank you for your consideration of these comments.

Sincerely,



Trip Pollard
Senior Attorney



Travis Pietila
Staff Attorney

cc: Colonel Jason Kelly, Norfolk District Commander, Corps of Engineers
Irene Rico, Administrator, FHWA Virginia Division
Jeff Lapp, Associate Division Director, EPA Region 3
Aubrey Layne, Virginia Secretary of Transportation
Charlie Kilpatrick, Virginia Commissioner of Highways
Molly Ward, Virginia Secretary of Natural Resources
David Paylor, Director, Virginia Department of Environmental Quality