COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
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Charles A. Kilpatrick, P.E.
Commissioner

September 7, 2017

Mr. John Simkins
Federal Highway Administration, Virginia Division
400 North 8th Street, Suite 750
Richmond, Virginia 23219-4825

SUBJECT: Interstate 95 Rappahannock River Crossing Project - Re-Evaluation of the Environmental Assessment
State Project No.: 0095-111-259 and 0095-089-741, P101, R201, C501
Federal Project No.: IM-5111 (235)
EA Date: June 08, 2015
Finding of No Significant Impact (FONSI) Date: November 17, 2015

Dear Mr. Simkins:

This letter and attachments constitute the Re-Evaluation of the Environmental Assessment (EA) for the subject project, pursuant to 23 CFR 771.129(c). Based on these documents, the Virginia Department of Transportation (VDOT) recommends and requests that the Federal Highway Administration (FHWA) concur with VDOT's conclusion that the proposed project as described in this Re-Evaluation would not result in environmental impacts not already evaluated in the EA.

As discussed in the EA, I-95 is the primary north-south interstate serving traffic traveling between Richmond, Fredericksburg, and Washington, D.C. and serves local, commuter, and regional traffic. The existing I-95 facility within the study limits between the Route 17 and Route 3 interchanges includes three northbound and three southbound travel lanes. Within the study area, I-95 suffers from recurring congestion during peak commuter periods that extends for several hours during the morning and evening peak periods. The peak period congestion is caused by a combination of through traffic along I-95 and traffic utilizing the Route 17 and Route 3 interchanges including a large portion of the traffic traveling along I-95 between Route 17 and Route 3. Population in the George Washington Region is forecasted to nearly double by 2040 and daily traffic volumes on I-95 are projected to increase from 150,000 in 2013 to 244,000 in 2040. This continued growth in population and traffic volumes will result in a further degradation of traffic operating conditions and increase both the severity and duration of daily congestion.

In July 2016, FHWA approved an Interchange Modification Report (IMR) for Improvements to I-95 from Exit 133 to Exit 130. The proposed access modifications included in the IMR were the result of many years of

planning by the Fredericksburg Area Metropolitan Planning Organization (FAMPO) and VDOT to develop a long range comprehensive plan and strategy to address the capacity and safety deficiencies along the I-95 corridor between the Route 17 and Route 3 interchanges. The preferred alternative approved in the IMR included the following major components:

- Two-lane collector-distributor (C-D) roads between Route 3 and Route 17 parallel to both the northbound and southbound I-95 mainline lanes;
- New two-lane parallel structures over the Rappahannock River along both northbound and southbound I-95 serving the C-D roads;
- Interchange improvements at Route 17 including braided ramps along northbound and southbound I-95 between the C-D roads and the mainlines lanes;
- Interchange improvements at Route 3; and
- Improvements to the Virginia Welcome Center.

Concurrently with the development of the IMR, VDOT, in cooperation with FHWA, evaluated alternatives to improve transportation conditions along the I-95 corridor between Exit 133 (Route 17) in Stafford County and Exit 130 (Route 3) in the City of Fredericksburg. Pursuant to the National Environmental Policy Act of 1969, as amended, (NEPA) and in accordance with FHWA regulations[1], an EA was prepared to analyze the potential social, economic, and environmental effects associated with the proposed improvements in addition to the no build alternative. In June 2015, FHWA approved the EA and in November 2015 signed a FONSI for the I-95 Rappahannock River Crossing project. The EA documentation covered the full study area from Route 17 to Route 3 interchanges, see attached **Figure 1**.

The purpose and need identified in the EA included the following:

- Improve the LOS on I-95 by providing additional capacity and improving mobility; and
- Improve safety by reducing conflict points between local and through traffic.

The preferred alternative outlined in the IMR formed the basis of the build alternative evaluated in the EA. This alternative was advanced in the EA because it provided the best and most cost-effective solution for meeting the project's stated purpose and need while maximizing the benefits and minimizing the impacts.
Since approval of the EA and issuance of the FONSI, VDOT has proposed the following design modifications consistent with the stated purpose and need of the project:

- Relocating the southbound general purpose (GP) lanes to the median and using the existing general purpose lanes as the new CD lanes between Exit 130 (VA 3) and Exit 133 (US 17) interchanges;
- Extending the southbound study area approximately 0.7 mile to the north and one mile to the south; and
- Improving the VA 3 and US 17 interchanges with minor modifications to accommodate the proposed GP and CD lane modifications and to accommodate the high traffic volumes, heavy weaving and merging volumes in these areas to improve safety conditions.

[1] NEPA and FHWA's regulations for Environmental Impact and Related Procedures can be found at 42 USC § 4332(c), as amended, and 23 CFR § 771, respectively.

Consistent with the key points outlined in the November 2015, FONSI request, conditions in the project corridor have changed little since June 2015, when the EA was published. The attached **Table 1 (EQ203 Re-Evaluation Form)** summarizes the environmental studies conducted and documents the changes that are anticipated from the project and its impacts and includes additional discussion on the following findings:

- ***Public Outreach*** - Since approval of the EA and issuance of the FONSI, VDOT has held the following additional public meetings for the project:
  - Design public hearing January 25, 2017; and
  - Citizen Information Meeting June 28, 2017.
  - Multiple community meetings

  The outreach conducted to date has not resulted in any new environmental issues or concern. The public has generally supported the project. Additionally, no changes in the proposed action and mitigation measures have resulted from these meetings.

- ***Historic Properties*** - The 2015 EA concluded that there was no adverse effect to any historic properties provided that VDOT fulfills its commitments to (1) ensure that the design and construction of the new bridges across the Rappahannock River do not permanently or temporarily directly impact the remnants of the Canal Lock #1/Minor's Lock and Rappahannock Canal, and (2) provide Virginia Department of Historic Resources (VDHR) and other consulting parties the opportunity to review and comment on project plans for the bridges in the area of the canal resources. As part of the Re-Evaluation, a supplemental archaeological and architectural analysis was completed for the extension areas. One new archaeological resource and 12 new architectural resources were identified; however, the resources were determined not eligible for listing in the National Register of Historic Places..

- ***Waters of the U.S. Including Wetlands*** - The EA reported 6,408 linear feet of stream impacts. The revised design impacts 5,400 linear feet of streams, a decrease in 1,008 linear feet of impacts. The EA reported impacts to 2.4 acres of wetlands, including 0.9 acre of palustrine forested (PFO) wetland, 1.1 acres of palustrine emergent (PEM) wetland, and 0.4 acre of palustrine shrub (PSS) wetland. The revised design impacts 0.73 acres of wetlands (including 0.05 acres of PEM wetland, 0.65 acres of PFO wetland, and 0.04 acres of PSS wetland), a decrease of 1.67 acres. Design measures to minimize such impacts will be developed during the final design phase and documentation will be provided with the Section 404 permit application detailing avoidance and minimization efforts considered.

- ***Threatened and Endangered Species*** - The EA identified six threatened and endangered or special status species: dwarf wedgemussel (*Alasmidonta heterodon*), harperella (*Ptilimnium nodosum*), small whorled pogonia (*Isotria medeoloides*), green floater (*Lasmigona subviridis*), northern long-eared bat (*Myotis septentrionalis*), and a bald eagle (*Haliaeetus leucocephalus*) nest (Nest Code ST1301) within two miles of the Build Alternative footprint. The Re-Evaluation identifies four species that were previously identified in the EA: dwarf wedgemussel, harperella, green floater, and northern long-eared bat. The Re-Evaluation did not identify two species that were previously identified in the EA: small whorled pogonia and bald eagle nests. The Re-Evaluation identifies two new species that were not previously identified in the EA: yellow lance (*Elliptio lanceolata*) and Atlantic sturgeon (*Acipenser oxyinchus*). No impacts are anticipated for state or federally listed threatened and endangered (T&E) species. Prior to construction, VDOT will conduct additional Section 7 coordination as part of the 404/401 permitting process. VDOT will conduct habitat assessments and presence/absence surveys as necessary. If these species are identified within the project limits (limits of disturbance); VDOT will

coordinate with state and federal agencies to implement conservation measures to avoid or mitigate impacts to these species. Examples of conservation measures may include time-of-year restrictions (TOYRs) for in-stream work, TOYRs for tree clearing, TOYRs for bridge construction (to avoid roosting bats), etc.

- ***Floodplains*** - The EA reported approximately 13.4 acres of 100-year floodplain impacts. The revised design reduces the acreage of impacts to 7.9, a reduction of 5.5 acres of impact to floodplains.

- ***Section 4(f) De Minimis Finding*** – Section 4(f) of the US Department of Transportation Act of 1966, as amended, pertains to uses of land from public parks and recreation areas, including recreational trails. Section 6009 of SAFETEA-LU provides that Section 4(f) requirements are satisfied if it is determined that the proposed project would have a de minimis impact on the Section 4(f) property. The 2015 EA anticipated that any impacts to Section 4(f) resources within the project study area would be considered de minimis. The Re-Evaluation does not identify any additional Section 4(f) resources impacts; therefore, the project and the revised design is consistent with the previous 2015 EA findings.

- ***Relocation Impacts*** – The land use surrounding the I-95 corridor remains primarily mixed use (consisting of business/commercial, and residential) development. The EA reported an estimated 32.7 acres of right of way acquisition, including the potential for eight displacements (five commercial and three residential properties). The revised design requires an estimated 15.07 acres of total right of way; a decrease of 17.63 acres. Additionally, the revised design has reduced the number of displacements from eight to four (one commercial and three residential), all of which were previously identified in the EA.

- ***Noise Impacts*** **–** The EA Preliminary Noise Analysis, predicted under the 2040 Build Condition traffic noise impacts to 45 receptors (81 noise sensitive sites), representing 77 residences, two playgrounds, an outdoor activity area, and a hotel patio area. Based on the updated noise analysis, the revised design is predicted to create future noise impacts that were not previously identified. In addition to the previously identified impacts, the project is predicted to impact and additional 63 residences, a clubhouse patio, a pool, a playground, an outdoor seating area, eight noise sensitive sites representing a baseball field, and 12 noise sensitive sites at Chichester Park. This increase in traffic noise impacts can be attributed to expanding the project study area to the north to include an overlap area with the I-95 Express Lanes Fredericksburg Extension Preliminary Noise Analysis (UPC 110527), and the modeling of two additional noise sensitive areas along Burgess Lane and Noble Way. Both of the proposed noise barriers evaluated as part of the EA located to the north and south of Fall Hill Avenue overpass on the western side of the interstate have been either constructed or are in the process of being constructed. However the updated noise analysis determined that a feasible and reasonable noise barrier is warranted for The Hamptons residential community located on the eastern side of the interstate between Fall Hill Avenue overpass and Cowan Boulevard overpass.

A review of NEPA-related laws and regulations determined that no major regulatory changes have occurred since the FONSI was issued that would alter the findings or validity of the EA and FONSI or in this Re-evaluation. Based on the studies and reviews in this Re-Evaluation, VDOT has concluded that the project will not result in environmental impacts not already considered in the previously approved EA and FONSI. In

addition, there is no new information and there are no new circumstances relevant to environmental concerns and bearing on the proposed action or its impacts that would result in significant environmental impacts.

With this submission, VDOT is seeking FHWA concurrence. Should you have questions, please contact me at Heather.Williams@vdot.virginia.gov or by phone at (804) 786-1872.

Thank you for your attention to this matter.

Sincerely,

Heather Williams
Locations Studies Project Manager
VDOT – Central Office

Attachment

The Federal Highway Administration concurs with VDOT's conclusion that the proposed project described in this Re-Evaluation would not result in environmental impacts not already evaluated in the EA or this Re-evaluation. In addition, there is no new information or new circumstances relevant to environmental concerns and bearing on the proposed action or its impacts that would result in significant environmental impacts.

John Simkins 9/14/17

Mr. John Simkins
Federal Highway Administration

Date

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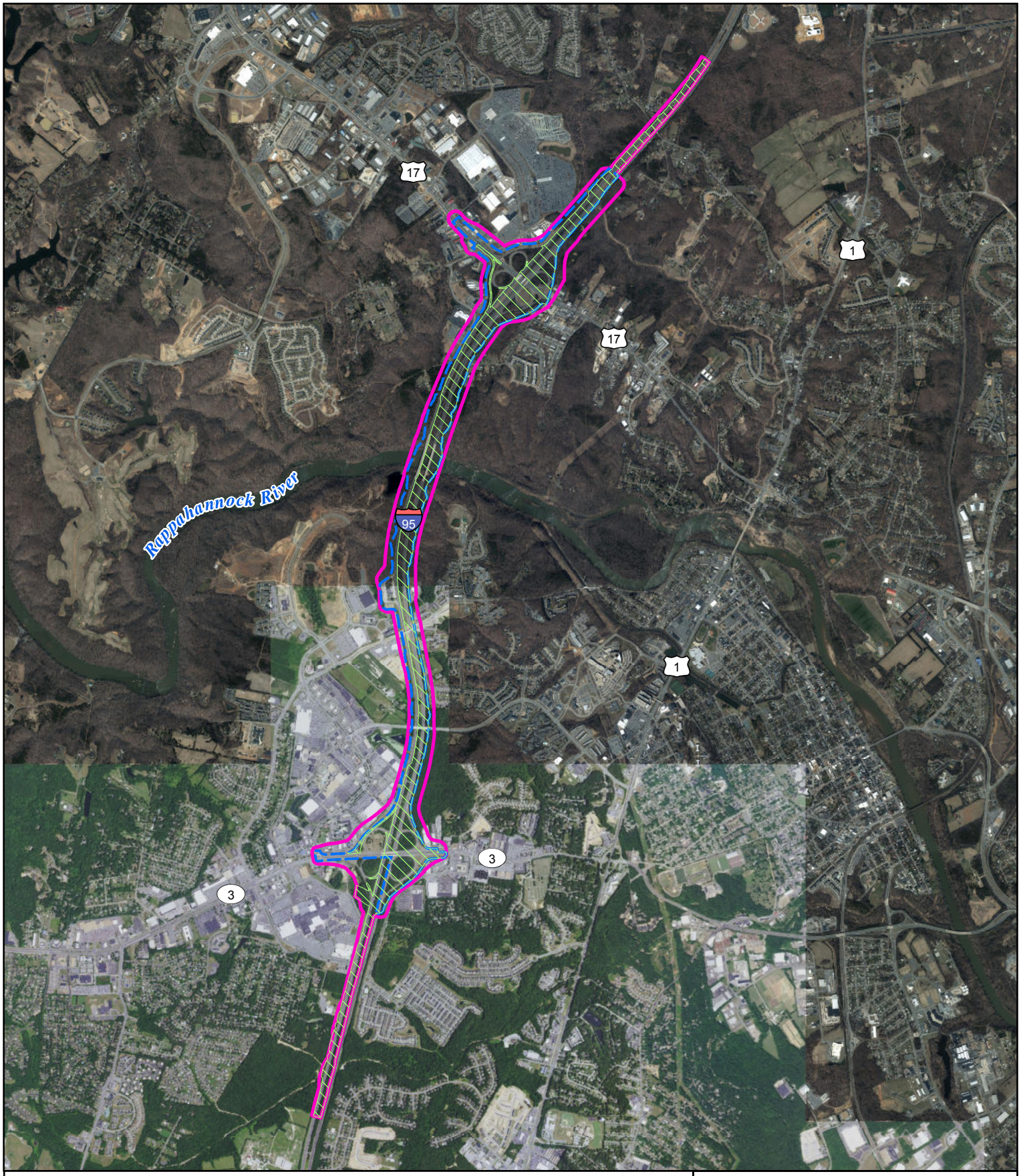

Figure 1-1
Study Area Update Map
I-95 Southbound Collector Distributor (CD) Lanes - Rappahannock River Crossing

VDOT Projects: 0095-111-259, P101; UPC 101595
Stafford and Spotsylvania Counties and the City of Fredericksburg, Virginia

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Enviromental Assessment Potential Area of Impact

Re-Evaluation Potential Area of Impact

Re-Evaluation Study Area

N

0 0.5 1 Miles