UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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OFFICE OF THE
REGIONAL ADMINISTRATOR

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Robert Barry, Project Manager
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Kathy O. Laffey, Division Administrator
Federal Highway Administration
279 Pleasant Street, Room 204
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Christine Godfrey, Chief
Regulatory Division
U.S. Army Corps of Engineers
New England Division
696 Virginia Road
Concord, Massachusetts 01742-2751

RE: Final Environmental Impact Statement for Manchester Airport Access Road, New Hampshire, EPA ERP No. FHW-B40083-NH

Dear Mr. Barry, Ms. Laffey, and Ms. Godfrey:

The Environmental Protection Agency-New England Region (EPA) has reviewed the Federal Highway Administration's (FHWA)/New Hampshire Department of Transportation's (NHDOT) Final Environmental Impact Statement (FEIS) for the proposed construction of access to the Manchester Airport and industrial lands to the south of the airport in Manchester, New Hampshire. We submit the following comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act.

The FEIS describes the selected alternative as a four lane divided road extending from the F.E. Everett Turnpike in Bedford, a distance of approximately one mile across the Merrimack River to the Manchester Airport. The project would also include improvements to the F.E. Everett Turnpike, U.S. Route 3 and NH Route 3A. According to the FEIS, the project is intended to accommodate expected increases in traffic to the airport as well as anticipated increases caused by the expansion of the airport and the likely development of industrial land in the vicinity.

As you know, EPA offered extensive comments on the DEIS over three years ago that expressed concerns about direct and secondary impacts to water resources, habitat and air quality, as well as, mitigation. Our chief concerns were about the direct and secondary impacts and our belief at that time that the preferred build option did not comply with the alternatives analysis and mitigation requirements of the 404 (b) (1) guidelines. Our letter asked for careful consideration of new information regarding alternatives, particularly the ability of upgrade options to achieve the project purpose, and potential impacts to bald eagle habitat.

It has been more than three years since the DEIS was released and since NHDOT held a public hearing to discuss work being done to develop the project. As you know, a significant amount of new information directly related to the project has become available in the intervening period including: a new alternative (Direct Connector - DCD); bald eagle nesting and roosting use of land along the FEIS preferred alignment; an inventory of industrial zoned land; and a traffic study by Resource Systems Group (RSG) which supports the feasibility of upgrade options to achieve the project purpose. At its core, each piece of the new information, if seriously considered, has the potential to significantly change the results of the NEPA analysis and could very well result in the selection of different preferred alternative and new set of mitigation measures. Regrettably, the FEIS does not fully address this new information, some of which we understand came to the attention of FHWA/NHDOT after the FEIS was sent to the printer.

As a result of the new information concerning nesting and roosting activities of bald eagles close to the preferred alternative's alignment, we understand that the NHDOT hopes to move the road 300-400 feet to the south. This type of modification and the analysis of whether or not there is effective mitigation for potentially significant impacts to eagles, based on the U.S. Fish and Wildlife biological assessment of the project, should be part of a Supplemental EIS (SEIS), as required by the Council on Environmental Quality's NEPA regulations. These regulations state that SEIS's are required when there are substantial changes to a proposed action or significant new circumstances relevant to environmental concerns (40 CFR 1502.9). Given the additional impacts to the bald eagles from NHDOT's preferred alternative, alternative DCD may be a better choice for the aquatic environment and should be carefully considered in the SEIS.

Additional comments are listed by comment response number below. EPA reserves the right to comment again on the project after we have a chance to consider the Fish and Wildlife Service's biological opinion and NHDOT's decision about where the road will be located.

Response to Comment 5

We appreciate this response which states that the impacts to wildlife habitat from direct and secondary impacts are reflected in the proposed mitigation package. We also appreciate hearing from FHWA staff at several recent meetings on the proposed I-93 widening project that FHWA has flexibility in how and to what extent they mitigate for secondary impacts. This position is consistent with other comments we have heard from other regions of the country and from FHWA in Washington, D.C.

Response to Comment 8
The ecological inventory of the industrial zoned land (January 1999) documented 14 vernal pools. It would be more accurate if the EIS stated that only one vernal pool would be directly impacted by the proposed project. Since the majority of the wetland-dependent vernal pool species spend most of their time in the adjacent upland, this project and future industrial development would cause important indirect impacts to those species. By separating aquatic habitat and upland nesting habitat for turtles, such as the Blanding's turtle, or aquatic breeding sites for amphibians, such as the blue-spotted salamander, the overall development would have a negative effect on the local populations of those species.

Response to Comment 13
We appreciate that NHDOT pursued EPA's recommendation on analyzing secondary impacts of the industrial zoned lands and added the results to the mitigation package. The group of individuals conducted the work in a professional manner and produced helpful information.

Response to Comment 14
The statement in this response that FHWA is not permitted to mitigate for secondary impacts seems at odds with the information provided in Response to Comment 5 and 13, and with previous statements made by FHWA discussed above. Further, we think that FHWA and NHDOT did a good job of mitigating for the likely secondary impacts of the project based on what was known before the presence of nesting eagles was documented. As proposed, the project will directly impact 12 acres of wetlands and NHDOT has proposed to protect over 1000 acres of land in several areas.

Response to Comment 15
This response states that federal and state agencies have concluded that the U1/I-293 Upgrade is not practicable. EPA has never made that statement either in writing or verbally. Further, given the new information presented in the RSG analysis, we think it should be carefully reexamined in the SEIS.

Conclusion

Given the uncertainty regarding the location of the roadway, the large amount of new information since the release of the DEIS, and the long time since the last public hearing, we recommend that FHWA/NHDOT prepare a SEIS for this project that provides a reevaluation of the efficacy and impacts of the alternatives in light of the new information. EPA stands ready to work with the FHWA, NHDOT and the Corps to address the issues raised in this letter and to help

FHWA/NHDOT to develop the SEIS as necessary. In the meantime, should you have any questions about these comments, feel free to call Mark Kern of EPA's Office of Ecosystem Protection at 617/918-1589.

Sincerely,

Elizabeth A. Higgins
Senior Policy Advisor
Director, Office of Environmental Review

cc: M. Bartlett, FS, USFWS
R. Varney, Dir., NHDES