



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Shannon Valentine  
Chairperson

1401 East Broad Street  
Richmond, Virginia 23219

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*Agenda item # 2*

### **RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD**

**December 5, 2018**

### **MOTION**

**Made By: Mr. Malbon, Seconded By: Mr. Williams**  
**Action: Motion Carried, Unanimously**

**Title: Location Approval for the Skiffes Creek Connector**

**WHEREAS**, an Environmental Assessment (EA) was developed to study alternatives to the original location and design of the Skiffes Creek Connector project in eastern James City County, as required by the National Environmental Policy Act (NEPA), and was approved by the Federal Highway Administration (FHWA) on June 13, 2018; and

**WHEREAS**, in accordance with the statutes of the Commonwealth of Virginia and policies of the CTB, a Location Public Hearing was held in James City County on July 18, 2018 at James River Elementary School for the purpose of considering these alternatives and their potential impacts as documented in the EA; and

**WHEREAS**, proper notice was given in advance, and all those present were given a full opportunity to express their opinions and recommendations on the alternatives under consideration, and their statements have been duly recorded; and

**WHEREAS**, the economic, social, and environmental effects of the evaluated alternatives have been examined and given proper consideration and this evidence, along with all other, has been carefully documented in the EA approved by FHWA; and

**WHEREAS**, James City County has endorsed Build Alternative 1, as identified in the EA, as the Preferred Alternative and the project is consistent with the region's 2040 Long Range Transportation Plan; and

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**WHEREAS**, collaboration among VDOT, FHWA, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency resulted in the recommendation for Build Alternative 1 to be identified as the Preferred Alternative.

**NOW, THEREFORE, BE IT RESOLVED** that the location of this project be approved as presented under Build Alternative 1 in the EA.

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**Commonwealth Transportation Board**  
**Decision Brief**  
December 5, 2018

**Location Approval for the Skiffes Creek Connector**  
State Project Number: 0060-047-627, P101, R201, C501; UPC 100200

**Issue:** The Virginia Department of Transportation (VDOT) seeks approval of proposed Build Alternative 1 as set forth on page 30 of the Skiffes Creek Connector Study, Environmental Assessment (EA)– June 2018.8 from the Commonwealth Transportation Board (CTB) pursuant to Virginia Code 33.2-208.

**Facts:** The proposed Skiffes Creek Connector is located in eastern James City County, Virginia. In 2012, VDOT initiated an EA for the project to study alternatives to the original location and design of the roadway as required by the National Environmental Policy Act (NEPA). Based on federal agency input related to the connected nature between the project and another project (Relocation of Route 60), coupled with the lack of funding to advance either project, the EA study was put on hold. In 2017, a mix of SmartScale and Hampton Roads Transportation Planning Organization (HRTPO) funding was identified to advance the project.

With funding in place, the EA was restarted and included input and involvement from the U.S. Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (USEPA), and a number of other federal, state, and local agencies with interest in and purview over the project. The study evaluates two build alternatives with total cost estimates of \$41.7 million and \$49.5 million, respectively.

The Department held Citizen Information Meetings in November 2017 and February 2018. The EA was approved by the Federal Highway Administration (FHWA) on June 13, 2018 and published for public review on June 18, 2018. The public and the project team reviewed and discussed the EA and the different alignments under consideration at a Location Public Hearing that was held on July 28, 2018. The public was notified of these meetings and review opportunities through press releases, media advertisements, web site announcements, and mailings. Per state code, all properties within the study area corridors received mailings announcing the EA document availability and the Location Public Hearing 30 days prior to the Location Public Hearing and a public comment period was open through the date of the hearing. Maps, drawings, and other location studies data were presented for public review at the meetings and the hearing, and citizen comments were received and reviewed. Comments received on the EA will be responded to when VDOT requests a Finding of No Significant Impact (FONSI) from the FHWA. The FONSI will be requested following CTB action.

**Recommendation:**

Based on the findings of the EA and comments received during the public review, the Department recommends that Build Alternative 1 be approved as the location of this project. The recommendation is based on the following factors:

- Build Alternative 1 is endorsed by James City County and is consistent with previous county plans and SmartScale application;

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Location Approval for Skiffes Creek Connector  
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- USACE and USEPA have concurred with this recommendation;
- Build Alternative 1 has a preliminary cost estimate of \$41.7 million and the HRTPO long range transportation plan includes \$50 million for the project.

**Action required by the CTB:**

Approve a Resolution adopting Build Alternative 1 as presented in the EA for the Project.

**Result, if Approved:** VDOT will proceed with steps necessary for finalization of NEPA and advance with procurement activities.

**Options:** Approve, deny, or defer.

**Public Comments/Reactions:** All respondents at the July 28, 2018 Location Public Hearing supported Build Alternative 1. The CTB was briefed on public comments during its October 2018 workshop.



Smizik, Scott &lt;scott.smizik@vdot.virginia.gov&gt;

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**Skiffes Creek Connector Preferred Alternative/NAO-2013-01119**1 message

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**Fuerst, Lee A CIV USARMY CENAO (US)** <Lee.A.Fuerst@usace.army.mil> Wed, Oct 3, 2018 at 9:05 AM  
To: "Smizik, Scott" <scott.smizik@vdot.virginia.gov>, "Frost, Mack (FHWA)" <Mack.Frost@dot.gov>  
Cc: "Okorn, Barbara" <Okorn.Barbara@epa.gov>, "Prisco-Baggett, Kimberly A CIV USARMY USACE (US)" <Kimberly.A.Baggett@usace.army.mil>, "Rudnick, Barbara" <Rudnick.Barbara@epa.gov>

Dear Mack and Scott,

Good morning. In regards to the Skiffe's Creek Connector Study, we have provided comments and/or questions for clarification on the draft environmental assessment (EA) in a separate email sent on October 2, 2018. We have discussed the two month delay in providing notification to the applicable agencies that the draft EA and associated documentation were ready for review in June 2018. From this, we are assured that appropriate notification will be provided for all other similar studies in the future and that we are back in accordance with the procedures outlined in the Merged Process Agreement. Providing the EA comments fulfills the Corps requirements under Step 4 of the Merged Process Agreement.

During a telephone discussion in September 2018, you requested the Corps concurrence on the preferred alternative. We want to ensure that the process and this study continues to move forward as expeditiously as possible. While we want to ensure that we are not establishing a precedent in accelerating the process, we recognize that for this study we feel that we have sufficient information to provide conditional concurrence.

We have reviewed the information contained in the EA and associated technical reports regarding the alternatives evaluated, including the anticipated impacts to streams and wetlands of the alternatives carried forward. You have provided justification through the NEPA Merged Process meetings, in the EA, and associated documents of the alternatives considered and provided justification for those not retained that did not meet the purpose and need. The remaining Build Alternatives 1 and 2, both meet the purpose and need and appear to be practicable. The proposed jurisdictional impacts are similar with one having additional wetland impacts and the other having additional stream impacts. Build Alternative 1 has estimated impacts of 0.85 acres of wetland impact and 673 linear feet of stream impact and Build Alternative 2 has 0.95 acres of wetland impact and 365 linear feet of stream impact.

Due to the similar estimated jurisdictional impacts and that both alternatives meet the purpose and need, the Corps defers to the applicant's preferred alternative, Build Alternative 1, which appears to address the project purpose and be practicable.

The Corps concurs with the VDOT determination of the preferred alternative, Build Alternative 1, as defined in the Skiffes Creek Connector Environmental Assessment providing that applicable comments and/or suggestions received on the EA will be incorporated within and/or a response provided. This is to include as outlined in the Merged Process Agreement, a review of any additional public comments that FHWA has received on the draft EA.

Providing concurrence on the preferred alternative satisfies Step 5 of the Merged Process Agreement and serves as the preliminary least environmentally damaging practicable alternative (LEDPA) determination. However, the LEDPA for any project is not identified by the Corps until completion of a full public interest review conducted after receipt of a complete permit application. An alternatives analysis will be conducted during the permit review process as part of our determination of the LEDPA, and current information at that time may result in a different conclusion.

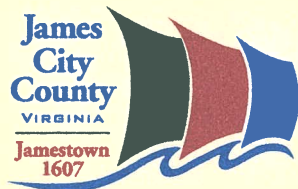
We look forward to continuing to work with you on this study as well as the others involved in the Merged Process.

Thank you.

Sincerely,

Lee A Fuerst  
Environmental Scientist  
U.S. Army Corps of Engineers  
Norfolk District Regulatory Branch  
803 Front Street, Norfolk, VA 23510  
Office 757-201-7832 / Cell 757-536-5954

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, we would appreciate you completing our Customer Satisfaction Survey located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). We value your comments.



**County Administration**  
101-D Mounts Bay Road  
P.O. Box 8784  
Williamsburg, VA 23187-8784  
P: 757-253-6728  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

August 3, 2018

Mr. Scott Smizik  
Location Studies Project Manager  
Virginia Department of Transportation  
Environmental Division  
1401 East Broad Street  
Richmond, Virginia 23219

**RE: Skiffes Creek Connector Study: Recommended Preferred Alternative**

Dear Mr. Smizik:

Thank you for the opportunity to comment on the study evaluating potential transportation improvements between Pocahontas Trail (US 60) and Merrimac Trail (VA 143).

James City County supports Alternative 1 (the Preferred Alternative) that provides an approximate one-mile two-lane roadway between US 60 and VA 143. This alternative would tie into US 60 at the existing US 60/Green Mount Parkway signalized intersection, bridge over Skiffes Creek, the CSXT railroad, and VA 143, then turn east to connect at a new intersection with VA 143.

The Preferred Alternative improves local connectivity and based on the 2043 forecasts, would create a well-used efficient connection between VA 143 and US 60. The Preferred Alternative also makes use of an existing intersection that will provide a safe and efficient connection for all traffic, in addition to providing an efficient connection to the employment centers and primary truck origin and destination locations in the study area.

The Preferred Alternative will also allow for alternate routes to be used should crashes or other backups occur on other primary routes, while still meeting VDOT's policies for improvements on a Corridor of Statewide Significance and enhancing the network while still preserving US60 as an arterial.

Further, based on the Location Public Hearing and the Citizen Information meetings, the public is also in favor of Alternative 1.

August 3, 2018  
Mr. Scott Smizik  
RE: Skiffes Creek Connector Study: Recommended Preferred Alternative  
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Thank you again for your efforts to advance this process and we are looking forward to the completion of this much needed project.

Sincerely,



William Porter  
Interim County Administrator

Cc: James City County Board of Supervisors  
Paul Holt, Director of Community Development and Planning  
Wali Zaman, Assistant District Location and Design Engineer



Smizik, Scott <[scott.smizik@vdot.virginia.gov](mailto:scott.smizik@vdot.virginia.gov)>

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## Skiffes Creek Connector Preferred Alternative

1 message

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**Okorn, Barbara** <[Okorn.Barbara@epa.gov](mailto:Okorn.Barbara@epa.gov)>

Mon, Oct 15, 2018 at 1:44 PM

To: "Frost, Mack (FHWA)" <[Mack.Frost@dot.gov](mailto:Mack.Frost@dot.gov)>, Scott Smizik <[scott.smizik@vdot.virginia.gov](mailto:scott.smizik@vdot.virginia.gov)>

Cc: "Fuerst, Lee A CIV USARMY CENAO (US)" <[Lee.A.Fuerst@usace.army.mil](mailto:Lee.A.Fuerst@usace.army.mil)>

Mack and Scott,

Based on the information provided in the NEPA Programs Agency Coordination Meetings and the Environmental Assessment (EA), EPA concurs with VDOT's decision to identify Build Alternative 1 as the Preferred Alternative in the NEPA process, providing our comments on the EA are addressed sufficiently. As discussed during Merged Process Steps 1-4 on this project, additional information and analysis may be necessary for the Section 404 application process.

We look forward to working with you as the project moves forward.

Thank you,

Barb

Barbara Okorn

Office of Environmental Programs

US EPA, Region III

[1650 Arch Street](#) (3EA30)

Philadelphia, PA 19103

215-814-3330