

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

April 30, 2013

Abdelmoez A. Abdalla  
Environmental Program Manager  
Federal Highway Administration  
705 N. Plaza, Suite 220  
Carson City, NV 89701

Subject: Draft Environmental Impact Statement for the Pyramid Way and McCarran Boulevard Intersection Improvement Project, Washoe County, Nevada (CEQ #20130044)

Dear Mr. Abdalla:

The Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. The project is being proposed by the Federal Highway Administration (FHWA), Nevada Department of Transportation (NDOT), and the Washoe County Regional Transportation Commission (RTC). Hereafter, when we refer to FHWA, we will be referring to all three agency sponsors of the project.

EPA appreciates that the project includes multimodal improvements that will facilitate the use of alternative modes of transportation, including extending sidewalks, landscaped buffers, and striped bike lanes. However, following our review of the document, we have identified concerns with the alternatives analysis process, impacts to waters of the US, and relocation/community impacts. Based on these concerns, we have rated this document EC-2, *Environmental Concerns, Insufficient Information*. Please see the enclosed "*Summary of Rating Definitions*" for a description of our rating system. We provide the following discussion of the concerns identified, with recommendations for additional information to include in the final environmental impact statement (FEIS).

#### **Alternatives Analysis**

The draft environmental impact statement (DEIS) discusses concepts and alternatives that were considered and eliminated from further consideration during the alternatives analysis, but it does not discuss in detail why FHWA chose to expand the footprint of the build alternative to the east rather than to the west. The DEIS states that several right of way (ROW) options were analyzed and that widening to the east avoids impacts to historic properties and best accommodates the intersection geometry. Since a large number of the required residential locations would occur because of this decision, the FEIS should discuss this decision in more detail.

***Recommendation:***

- Include in the FEIS a detailed discussion of the ROW options that were considered (including the relocation impacts of each ROW option), what factors were considered in the analysis, and how the final decision to expand the ROW to the east was made.

**Water Quality and Wetlands**

The DEIS states that a Clean Water Act (CWA) Section 404 permit will be required for the project, and that the project may fall under Nationwide Permit 14 for linear transportation projects. Based on communication with RTC, EPA understands that the only project impacts that would require a CWA Section 404 permit are to the Orr Ditch.

***Recommendation:***

- Include in the FEIS the type and extent (i.e. acreage) of impacts to the Orr Ditch and any other areas that are under the jurisdiction of the US Army Corps of Engineers (USACE). The FEIS should also document what coordination has occurred with the USACE regarding impacts to waters and proposed mitigation.

The DEIS states that the project would increase impervious surface in the project area by 7.33 acres. It also states that the build alternative may include design and installation of permanent best management practices (BMPs) to the maximum extent practicable. EPA recommends the use of permanent BMPs and the integration of “green infrastructure” into project design where feasible for stormwater management and treatment and to mitigate the increase in impervious surface in the project area.

***Recommendation:***

- Include commitments in the FEIS for specific permanent BMPs that integrate green infrastructure where feasible to mitigate increased impervious surface and manage stormwater.

**Relocation and Community Impacts**

EPA is pleased to hear about the FHWA Programmatic Waiver that will allow NDOT to acquire homes with negative equity without reducing other provided benefits, as this will mitigate impacts to residents impacted by relocation due to the project. We recommend that a discussion be included in the FEIS that further explains this process and includes specific commitments by FHWA to provide homeowners whose properties will be taken sufficient compensation to settle debts associated with negative equity. We also recommend an expanded discussion of outreach and community engagement regarding relocations.

EPA supports the inclusion of privacy walls in areas where residences will be in close proximity to the new roadway. These walls can function as mitigation for noise and air quality impacts, in addition to their privacy and aesthetic benefits.

***Recommendations:***

- Include commitments in the FEIS to provide compensation to homeowners with negative equity through the FHWA Programmatic Waiver and discuss how this process will be implemented.
- Include additional information in the FEIS about community engagement with residents who would be relocated as a result of the project, including what type of outreach was performed and how residents' input was considered through the project planning process.

**Cumulative Impacts**

The proposed project would result in significant relocation impacts, and other transportation projects near the study area, in particular Pyramid Highway/US 395 Connection, would result in significant impacts as well. The FEIS should consider whether other planned transportation projects would require relocation of residents and businesses to other properties, and whether this would limit the availability of housing and commercial properties for relocation of residents and businesses due to this project.

***Recommendation:***

- Include a discussion of cumulative relocation impacts in the FEIS. Consider the impacts that may result from the Pyramid Highway/US 395 Connection project and discuss how the combined impacts of the two projects would be addressed.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy or one electronic copy (on CD) to the address above (mail code: CED-2). If you have any questions, please contact Carolyn Mulvihill, the lead reviewer for this project, at 415-947-3554 or [mulvihill.carolyn@epa.gov](mailto:mulvihill.carolyn@epa.gov).

Sincerely,

/s/

Connell Dunning, Transportation Team Supervisor  
Environmental Review Office  
Communities and Ecosystems Division

cc: Steve M. Cooke, NDOT  
Scott Gibson, RTC