


VII. Response to Comments on EER

A. Federal and State Agencies (S)

Response to USEPA

1. PennDOT will continue to work with the environmental review agencies, counties, municipalities, and adjacent property owners to minimize impacts to the natural, community and cultural resources during the final design, construction and operation phase for the project.
2. PennDOT is currently finalizing the proposed wetland mitigation plan for the proposed Parkway project and will coordinate with USEPA, as well as the other regulatory agencies, plan during the during the Section 404 Permitting process.
3. PennDOT will continue to work with the federal and state regulatory agencies in the upcoming months to obtain all necessary permits, including the Clean Water Act, Section 404 Permit.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

March 15, 2007

Ms. Rina Cutler
Deputy Secretary of Administration
Acting District 6-0 Executive
Pennsylvania Department of Transportation
7000 Geerdes Boulevard
King of Prussia, PA 19406

Subject: SR 0202 Section 700, Montgomery and Bucks Counties Environmental Evaluation Report December 2006


Dear Ms. Cutler:

EPA has reviewed the subject document and offers the following comments for your consideration.

We encourage the project team to continue to avoid and minimize impacts to all resources related to construction and operation of this project. Page III-40 states wetland mitigation ratios. It is premature to discuss ratios at this stage in the process. We look forward to working with you as the project moves through the Clean Water Act Section 404 permitting process to develop an acceptable mitigation package.


Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215)814-3330.

Sincerely,




William Arguto,
NEPA Team Leader

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Customer Service Hotline: 1-800-438-2474



A. Federal and State Agencies (S)


**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE
BUREAU OF FARMLAND PRESERVATION**

February 7, 2007

Ms. Madeleine C. Fausto, Project Manager
PennDOT District 6-0
7000 Geerdes Boulevard
King of Prussia, PA 19406

**RE: Environmental Evaluation Report
Montgomery and Bucks Counties
S. R. 0202 Section 700
PA Act 120 Compliance
Request for Review and Approval**

Dear Ms. Fausto:

This letter is in regard to the Environmental Evaluation Report for the State Route 202 Section 700 project.

As documented in this report, the following Commonwealth Acts and Executive Order apply to this evaluation:

1. PA Act 1971 – 100 – relating to condemnation of productive agricultural lands.
2. Executive Order 2003-2 Governor’s Executive Order on Agricultural Land Preservation.
3. PA Act 43 of 1981 – Agricultural Area Security Law, as amended.

The preferred alternative, Parkway alternative, will impact 36 acres of lands classified as “prime agricultural land” through the Governor’s Executive Order 2003-2. As noted, PennDOT has obligated to assure access to the tracts that may be isolated, during final design. This includes the Roth Farm, and Delaware Valley College Farm.

Delaware Valley College Farm is subject to an Agricultural Conservation Easement, purchased through the Commonwealth’s Farmland Preservation Program. It was determined the portion to be condemned was in wooded use, not actively farmed. On May 23, 1997, the Agricultural Lands Condemnation Approval Board (ALCAB), per Act 43 of 1981, determined there are no prudent and reasonable alternatives to the condemnation of productive farmlands under the “New Alignment Alternative”. This alignment primarily shadows the Parkway alternative; therefore the original adjudication is still applicable. It is our

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Ms. Madeleine C. Fausto
February 7, 2007


understanding the exception to this is a minor alignment shift on a parcel owned by a religious organization, which has since been designated for cemetery use.

ALCAB approval was contingent upon avoidance of a tract formerly known as the Dan Miller tract, or tract “G2”.

It was also recommended by ALCAB that PennDOT minimize the effect of the construction on all agricultural properties, including the “Dreger” parcel, during final design.

In conclusion, please notify the Department if subsequent modifications to this report are determined to impact active farmlands.

Thank you for the opportunity to comment. Please do not hesitate to contact me if there are questions by calling (717) 783-3167.

Sincerely,

Douglas M. Wolfgang, Chief
Land Use and Natural Resource Div.

Cc: Jack Rokavec, BEQ

2301 NORTH CAMERON STREET
HARRISBURG, PA 17110-9408

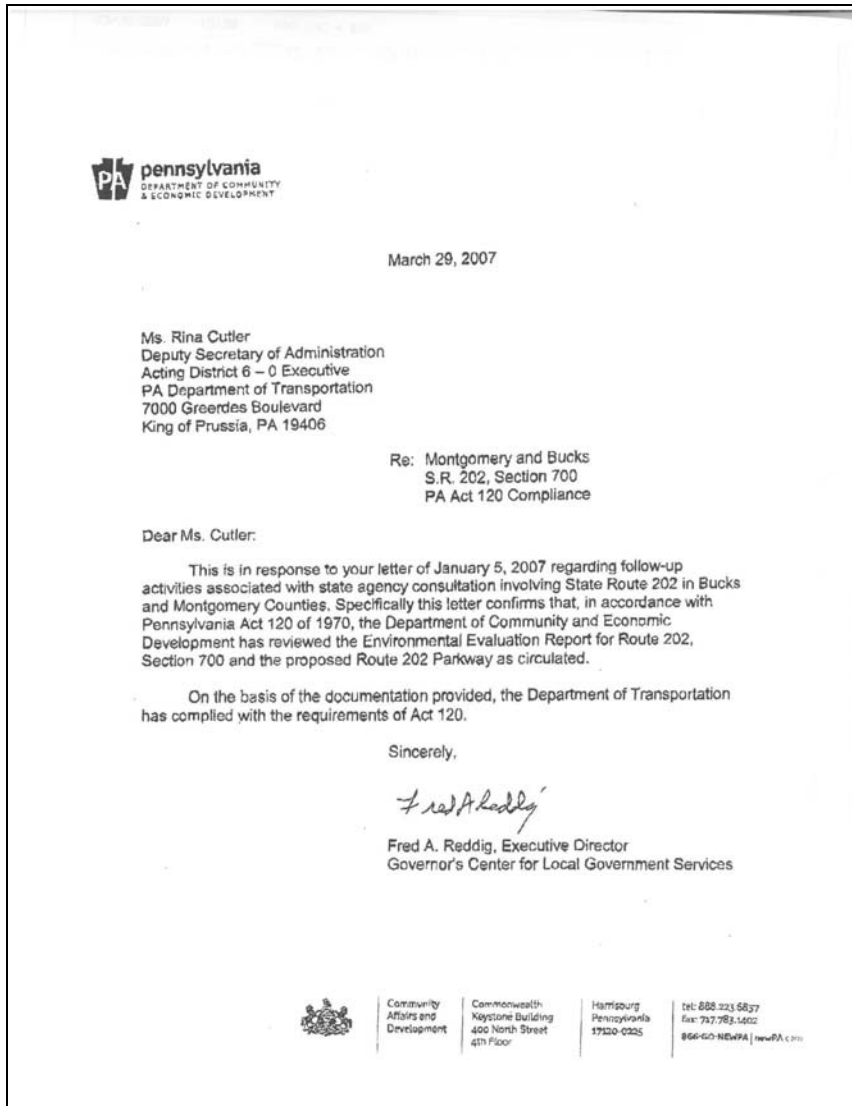
**Response to
Commonwealth of Pennsylvania
Department of Agriculture
Bureau of Farmland Preservation**

1. As identified in the EER and the letter from the Department of Agriculture, PennDOT will adhere to relevant Commonwealth ACTS and executive orders related to Farmland Protection/Preservation.
2. During final design PennDOT will assure access to the tracts that may be isolated, including the Delaware Valley College Farm. The Roth Farm is outside of the project limits and will not be affected by the project.
3. The current Parkway design in the vicinity of The Agricultural Conservation Easement on the Delaware Valley College property is consistent with the information presented in the EER. The impacts in this area only involve the portion of the Conservation Easement in wooded use and do not include actively farmed areas.
4. The property known as the Dan Miller tract was developed by the property owner and there are no longer farming activities on tract "G2".
5. PennDOT is committed to minimize the effect of the construction on all agricultural properties, including the "Dreger" parcel, during final design. The Parkway passes through the wooded portion of the Dreger parcel and there will be no impact to the agricultural field on this parcel.
6. PennDOT will inform the Department of Agriculture of any change in impact to active farmland as the project progresses through the final design phase.

A. Federal and State Agencies (S)

Response to PA DCED

1. The comments received from the Pennsylvania Department of Community Economic Development are noted.





Pennsylvania Department of Conservation and Natural Resources

Rachel Carson State Office Building
P.O. Box 8767
Harrisburg, PA 17105-8767
February 7, 2007

Ms. Madeleine C. Fausto
Project Manager
Pennsylvania Department of Transportation
7000 Geerdes Boulevard
King of Prussia, PA 19406

Re: Montgomery and Bucks Counties
S.R. 0202, Section 700
PA Act 120 Compliance
Request for Review and Approval


Dear Ms. Fausto:

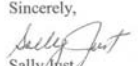
The Department of Conservation and Natural Resources (DCNR) has received and reviewed the Department of Transportation's (PennDOT) *SR0202 Section 700 Montgomery and Bucks Counties Environmental Evaluation Report* (the Report) issued December 2006, which was provided to DCNR in accordance with Pennsylvania Act 120 of 1970. The Report presents the Preferred Alternative (the Parkway Alternative) for proposed improvements to a defined Study Area that tracks Route 202 between Welsh Road (PA 63) and Route 611 in Montgomery and Bucks Counties, and discusses the environmental, social and transportation benefits and impacts of the Parkway Alternative. By this letter and accompanying enclosure, DCNR is providing its comments on the Report.

DCNR commends PennDOT and its staff for carrying out an inclusive public process in the development of the Parkway Alternative.

Our enclosed comments are framed by our agency mission and practice, and by the Commonwealth of Pennsylvania Keystone Principles for Growth, Investment & Resource Conservation, as adopted by the Economic Development Cabinet May 31, 2005, which were developed by the Interagency Land Use Team (of which DCNR is a member).

Should you have any questions or need to discuss any aspect of our response to the proposed plan, please contact Larry Williamson at 717-787-9306 or Sally Just at 717-787-3212.

Sincerely,

Larry Williamson
Deputy Secretary for
Conservation and Engineering Services

Sincerely,

Sally Just
Director
Office of Conservation Science

Enclosure
cc: Rina Cutler

Stewardship Partnership Service

*Department of Conservation and Natural Resources' (DCNR)
Response to the Department of Transportation's (PennDOT) SR0202 Section 700
Montgomery and Bucks Counties Environmental Evaluation
Report (the Report) issued December 2006*

Provide Efficient Infrastructure (Principle 2)

DCNR commends PennDOT and its staff for implementing the principals of Context Sensitive Design (balancing community and environmental needs with transportation needs) in the development of the Parkway Alternative, and for providing transportation choices within the Parkway Alternative that include walking and bicycling along the adjacent shared use path.

We are pleased to note that the Report states that the Parkway Alternative "will provide a transportation improvement that is consistent with local and regional land use and transportation planning."

**Foster Sustainable Businesses (lead by example) (Principle 5) and
Restore and Enhance the Environment (Principle 6)**

The Report notes that the "final design will incorporate, where feasible, structural and nonstructural Best Management Practices (BMP's) for stormwater management control such as: vegetated swales, riparian buffer protection in the right-of-way, bioretention beds in highway 'splits,' water quality inlets for sediment control, infiltration berms, porous pavement (as feasible), and retention of existing vegetation during construction (as feasible)." DCNR encourages the use of BMPs.

The Report notes that the Preferred Alternative will have certain environmental impacts: it will impact 34 of 44 wetlands in the right-of-way (a total of 7.6 acres), 11 major crossings of drainage ways with a loss of 160 feet of natural stream length, loss of 26 acres of riparian corridor with high functional integrity, conversion of an additional 35.94 acres of open space in the form of productive/prime agricultural land, and the addition of approximately 100 acres of impervious surface and the potential to increase erosion in some locations.

- Wetlands and riparian buffers: DCNR recommends that acreage for wetland and riparian buffer mitigation be maximized (greater than a 1:1 replacement ratio), as man-made stream habitat and wetlands do not duplicate all functions and therefore do not provide equal benefit to wetlands and stream habitat that are naturally occurring (for example, providing potential bog turtle habitat). The Report seems to indicate that the West Branch mitigation site would be a better choice, as it appears to require less man-made changes and disturbance to create the wetlands than the Kansas Road site. We would also encourage PennDOT to explore other mitigation options such as wetland banking as a preservation or restoration alternative.
- Invasive species: We note that there are many invasive species listed under "dominant vegetation" in the Report and recommend efforts to minimize/ avoid disturbances and the possible spread of such invasives. Soil disturbance should be minimized to both avoid spreading invasive plant seeds and to reduce erosion and sedimentation of water bodies. Vehicles and other equipment used in construction should have their tires washed before moving to a new area, in order to limit the potential spread of invasive plant seeds and root fragments.

A. Federal and State Agencies (S)

Response to PA DCNR

We recommend that vegetation used in the project be native to southeastern Pennsylvania and chosen for specific soils, moisture and light levels. We further encourage the use of native grasses that provide habitat (preferably warm season grasses that are only mowed once a year) in place of the use of turf grass. DCNR's plant specialists are available to assist in choosing the appropriate native plants.

- Endangered or threatened species: The report notes that no endangered or threatened species were identified in surveys to date, and that another survey is scheduled for spring of 2007 to assure that two plant species are not present. DCNR's specialists are available to PennDOT during this ongoing review process.
- Open space: DCNR encourages PennDOT to work with local communities to assure that the loss of open space through farmland acquisition is mitigated in a manner consistent with local and regional planning efforts.

Enhance Recreational and Heritage Resources (Principle 7)

DCNR is pleased to note that the Parkway Alternative is envisioned to include an adjacent shared use path buffered from traffic and adjacent properties, with path bridges designed to fit in the park-like setting. The Report notes that the Delaware Valley Regional Planning Commission (DVRPC) has identified Route 202 as a priority bike route in the region.

1. The comments regarding The Environmental Evaluation Report (EER) and the proposed parkway alternative are noted.
2. The comments from DCNR regarding: Provide Efficient Infrastructure (Principle 2), Foster Sustainable Businesses (lead by example) (Principle 5) and Restore and Enhance the Environment (Principle 6), Enhance Recreational and Heritage Resources (Principle 7), are consistent with PennDOT's objectives for the proposed parkway alternative. PennDOT will work with DCNR to incorporate Structural and non-structural Best Management Practices (BMP's) for storm water management control including the items listed and the comments provided by DCNR.
3. PennDOT is currently finalizing the proposed wetland mitigation plan for the proposed Parkway project and will coordinate with DCNR, as well as the regulatory agencies, as the mitigation details are being advanced. PennDOT will pursue other mitigation options including wetlands banking in future transportation development projects.
4. PennDOT will work with DCNR to develop a plan to avoid spreading invasive plant seeds and reduce erosion and sedimentation of water bodies. Possible strategies include washing construction vehicle tires before moving to a new area in order to limit the potential spread of invasive plant seeds and root fragments.
5. Our surveys to date indicate that there are no threatened or endangered plant species within the project limits. We will continue to coordinate with DCNR staff and will provide the results of the spring 2007 survey for review and concurrence.
6. PennDOT will work with the Municipalities in the project area to assure that the land use/open space planning is consistent with local and regional planning efforts.
7. The comments in support of the proposed Shared Use Path (SUP) are noted.



Pennsylvania Department of Environmental Protection

2 East Main Street
Norristown, PA 19401

Southeast Regional Office

MAR 12 2007

Phone: 484-250-5942
Fax: 484-250-5943

Ms. Rina Cutler
Deputy Secretary of Administration
Acting District 6-0 Executive
Pennsylvania Department of Transportation
7000 Geerdes Boulevard
King of Prussia, PA 19406

Re: S.R. 0202, Section 700
Environmental Evaluation Report
Montgomery and Bucks Counties

Dear Ms. Cutler:

The Pennsylvania Department of Environmental Protection (DEP) received the Environmental Evaluation Report (EER) for the S.R. 0202, Section 700 Project located in Montgomery and Bucks Counties on January 5, 2007. The DEP has reviewed the EER and has the following comments:

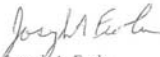
1. Practical methods to avoid and minimize impacts to wetlands, watercourses, and floodplains continue to be encouraged. In addition, the DEP would like to be involved in the selection process for wetland replacement and other mitigation measures.
2. It is expected that this project will require an application for a Chapter 105, Water Obstruction and Encroachment Permit. Primary and secondary impacts, threatened and endangered species issues, and historic, cultural and archeological issues must be resolved with respective agencies prior to submission of any applications for DEP permits.
3. Also, the DEP expects the Pennsylvania Department of Transportation to obtain a National Pollution Discharge Elimination System (NPDES) Construction Discharge Permit prior to construction. The two major components of this permit application include an (1) Erosion and Sediment Pollution Control Plan and a (2) Post-construction Stormwater Management Plan. For further information on Best Management Practices (BMPs) for stormwater management (SWM), you can view a copy of Pennsylvania's SWM BMP Manual at www.depweb.state.pa.us. Keyword: stormwater.

Ms. Rina Cutler

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The DEP appreciates the opportunity to provide comments on this project. If you have any questions, please contact Mr. Todd Schaible at 484-250-5162.

Sincerely,


Joseph A. Feola
Regional Director
Southeast Regional Office

cc: Mr. Schaible
Mr. Kennedy
Mr. Wolfgang – Pennsylvania Department of Agriculture
Mr. Spotts – Pennsylvania Fish and Boat Commission
Mr. Mixon – Pennsylvania Game Commission
Ms. Zacher – Pennsylvania Historical and Museum Commission
Ms. Winkler – United States Army Corps of Engineers
Ms. Okom – United States Environmental Protection Agency
Mr. McCoy – United States Fish and Wildlife Service
Re 30 (GJE07WQ)039-9

A. Federal and State Agencies (S)

Response to PA DEP

1. PennDOT will continue to work with DEP to avoid and minimize impacts to wetlands, watercourses, and floodplains and will involve DEP with the selection process for wetland replacement and other mitigation measures.
2. PennDOT will work with DEP to obtain a Chapter 105, Water Obstruction and Encroachment Permit. Primary and secondary impacts, threatened and endangered species issues, and historic, cultural and archaeological issues will be addressed with the respective agencies prior to submission of any applications for DEP permits.
3. PennDOT will work with DEP and the Bucks and Montgomery County Conservation Districts to obtain a National Pollution Discharge Elimination System (NPDES) Construction Discharge Permit prior to construction. An Erosion and Sediment Pollution Control Plan and a Post-construction Stormwater Management Plan will be addressed by the Department.



Pennsylvania Fish & Boat Commission

Bureau of Fisheries
Division of Environmental Services
450 Robinson Lane
Bellefonte, PA 16823
814-359-5115
February 5, 2007

Rina Cutler
Acting District 6-0 Executive
Department of Transportation
7000 Geerdes Boulevard
King of Prussia, PA 19406

Re: Montgomery and Bucks Counties
S.R. 0202, Section 700
Environmental Evaluation Report

Dear Ms. Cutler:

Reference is made to the subject document that was recently forwarded to our office for review and comment. The Pennsylvania Fish and Boat Commission (PFBC) has been actively involved with the environmental review of this proposed highway project for the past several decades. The Department of Transportation has identified the preferred alternative as the Parkway Project with context-sensitive design features. The Parkway Project essentially follows the same topographic line as the "New Alignment Alternative", which was identified as the preferred alternative within the 1996 Draft Environmental Impact Statement for the Section 700 project. The PFBC did not have any outstanding objections to the proposed highway alignment in 1996 and therefore we have no objections to the currently preferred Parkway alignment as depicted within the Environmental Evaluation Report.

The PFBC was pleased to learn that the Department addressed all of our recommendations from the 1996 effort and from our most recent field view meetings. We fully support the Department's selection of the use of bottomless arch culvert structures for the majority of the new stream crossings. We were also pleased to see that that the proposed Neshaminy Creek Bridge has been revised to eliminate a supporting pier within the waterway and included the spanning of the adjacent floodplain. We look forward to working with the Department and the other resource agencies towards the mitigation of the proposed wetland impacts within the project area and also the selection of a 160' stream enhancement project to compensate for the unavoidable stream impacts that are associated with the Parkway Project.

Thank you for providing us the opportunity to comment and please keep us informed as this important project progresses through the environmental review process.

Sincerely,

David E. Spotts, Chief
Watershed Analysis Section

Our Mission:

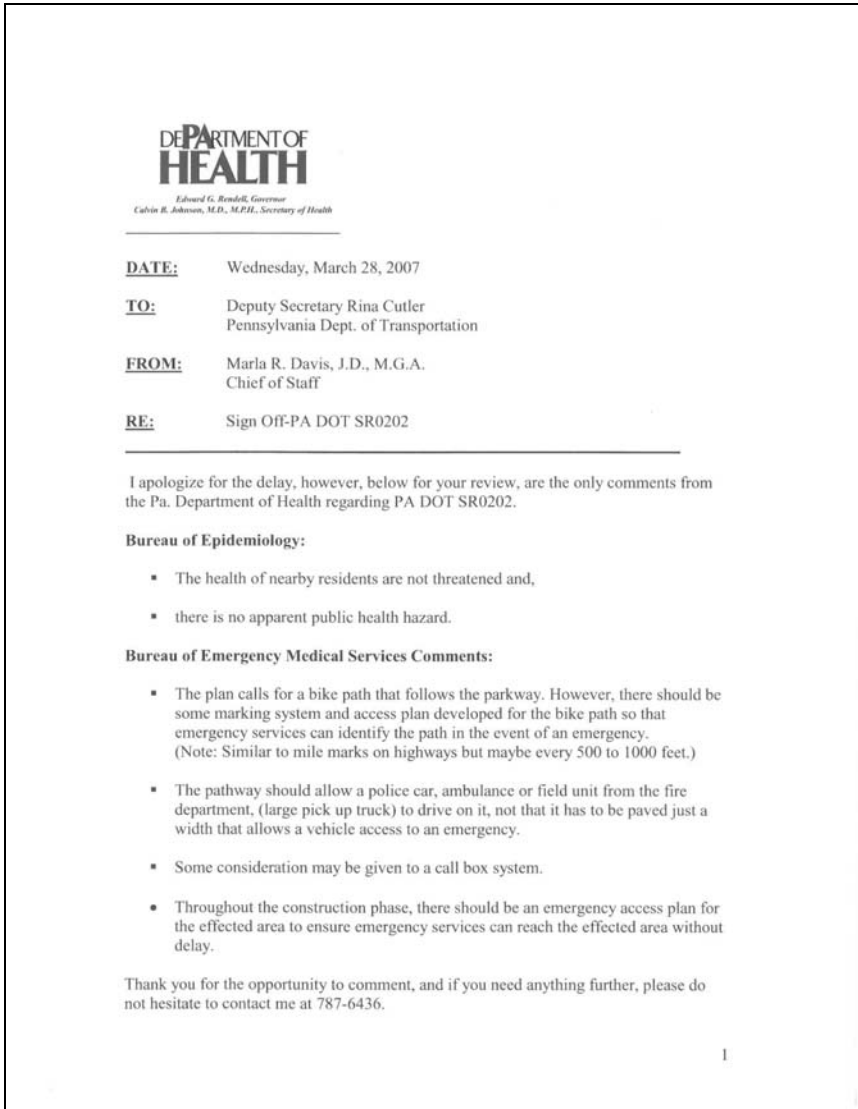
www.fish.state.pa.us

To provide fishing and boating opportunities through the protection and management of aquatic resources.

Response to PA Fish and Boat Commission

1. The Comment indicated no objections were registered by the commission related to the currently preferred Parkway alignment as depicted within the Environmental Evaluation Report is noted.
2. The Commission's support for bottomless arch culvert structures for the majority of the new stream crossings is noted. PennDOT will continue to work with the Commission and the other resource agencies towards the mitigation of the proposed wetland impacts within the project area and also the selection of a 160' stream enhancement project to compensate for the unavoidable stream impacts that are associated with the Parkway Project.

A. Federal and State Agencies (S)



Response to PA Department of Health

1. The Comments from the Bureau of Epidemiology indicating the health of nearby residents are not threatened and there is no apparent public health hazard, are noted.
2. PennDOT will work with emergency service providers to ensure that the appropriate facilities are provided to respond to incidents along the Parkway and the Shared Use Path including a marking system and Access Plan for the Shared Use Path (SUP), adequate width for emergency vehicles and emergency vehicle access during construction.
3. PennDOT has determined that a call box system for the proposed Parkway is not appropriate. PennDOT will install conduit for future Intelligent Transportation Systems (ITS) devices as part of the Parkway construction for the length of the project.