FINAL ENVIRONMENTAL IMPACT STATEMENT

COMMENTS & RESPONSES

Volume 3

NORTH HAVEN MALL

NORTH HAVEN, CONNECTICUT

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US Army Corps of Engineers
New England Division

North Haven Mall

Final Environmental Impact Statement

COMMENTS AND RESPONSES

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Government Agencies and Officials

F1: U.S. Environmental Protection Agency - 26 March 1982

COMMENT 1: (Note: This comment refers to the section 404(b)(1) review.)

404 Impacts

According to the EIS, the project as proposed would result in the elimination of 31 acres of wetland. We believe the elimination of 3 to 5 of these acres, a high quality wooded swamp located in the northeast corner of the site does not comply with Sections 230.10(a) and 230.10(c) of EPA's 404 Guidelines. As you know, these sections state that no discharge of fill material shall be permitted if it would cause or contribute to significant degradation of waters of the U.S. or there is a practicable alternative which would have a less adverse impact on the aquatic ecosystem. We believe that destruction of the wooded swamp with associated marsh and open water represents a significant adverse impact, and that alternatives exist which, if implemented, would comply with the Guidelines.

By relocating the freestanding theater building and parking presently sited for this portion of the site we believe 38 to 63 percent of the wooded swamp on site can be preserved. We believe the EIS must evaluate the benefits of preserving the wooded swamp, and the impacts of relocating the theater facilities onsite as well as at alternative sites in the North Haven area. The incorporation of the theater in the mall, alternative sites on and off the mall property, and the reduction of the mall facility are all viable means of minimizing potential adverse impacts on the aquatic environment.

RESPONSE:

The EIS staff notes that the comment refers to 31 acres of "wetland," including 6 acres of open surface waters from the ponds which would be filled (refer to the draft EIS, table 12). Note that of the 31 acres mentioned and covered by Section 404 jurisdiction, only 25 acres would be considered as wetlands.

Alternatives to filling the wooded swamp in the northeast corner have been considered. In December 1982, subsequent to the draft EIS, Mall Properties, Inc., modified the proposed project by withdrawing the free-standing building and the fill associated with it from their plans. The free standing building was referred to in the draft EIS as a "theatre" building.

This would reduce the amount of fill in that wetland (estimated at 5.1 acres) by 1.2 acres, and drop the total fill requirements from 25 acres to 23.7 acres. Of the 3.8 acres, the remaining 0.9 acres is required for mall parking by local zoning otherwise necessitating an

expensive decked parking structure, and 2.9 acres could not be avoided since the northern entrance road is fixed owing to the location of Mall Drive and the need for a ring road along the parking lot's perimeter. Traffic engineering and safety concerns for carrying at least 33,000 cars, long trucks, and emergency vehicles, under either a three or four-store alternative scenario, would constrain moving the northern entrance portal further to the south out of the wetland or the possibility of eliminating the ring road in an effort to avoid the wetland.

The EIS staff notes the EPA position on Section 404 compliance; whether the elimination of this 3.8 acres of wooded swamp is in compliance with the guidelines, after considering all necessary factors, is a specific determination of the permit decision which will be presented in the Record of Decision.

COMMENT 2: (Note: This comment refers to the section 404(b)(1) review.)

We note the alternatives section of the EIS explored the feasibility of reduced scale retail activities and alternative project design. Should a three "anchor" store mall be selected, a relocation of the theater and parking facilities to the area labeled "existing wetland" (a 5-acre parcel of isolated shrub-scrub) would be environmentally preferable to the displacement of the higher quality wooded swamp.

RESPONSE:

The EIS staff notes your views that, should a permit decision favor a three-store mall, the EPA feels it would be environmentally preferable to relocate the theater and parking facilities from the wooded swamp to the area labeled "existing wetland," described in appendix B, figure 1 as a shrub swamp. We note, however, that the "theater" or freestanding building and its associated fill, has been withdrawn from the proposed plan.

COMMENT 3:

The EIS should reflect the fact that the Final 404(b)(1) Guidelines were published on December 24, 1980 superseding the interim final guidelines published on September 5, 1975 and the proposed guidelines published on September 18, 1979 which are both cited on page 13 of Appendix B.

RESPONSE:

The EIS has been modified to reflect this in table 4, "Summary Comparison of Alternative Uses of the Site," and it is shown in the Section 404(b)(1) review, attached to the final EIS. Appendix B may not be reissued with the final EIS, but we acknowlege the need for correcting the citation on page 13 of appendix B.

COMMENT 4:

We are also concerned about the water quality impacts associated with the detention pond. The EIS attempts to dismiss anaerobic conditions, pollutant contribution and eutrophication of the detention pond by stating that the flushing rate will be ".75 times per month (approximately three weeks) during the summer." Actually, the flushing rate is once every 5.3 weeks in summer, not every three weeks. The Final EIS should correct this misinterpretation of the flushing rates, and the water quality section should be reviewed for any changes resulting from this correction.

RESPONSE:

The EIS has been modified to reflect your comment. The flushing rate will be 0.75 times per month. The final EIS has been modified to correct the conversion of the rate to time, which is approximately every 5.3 weeks.

The water quality evaluations and the assessment that were made in appendix C used the correct flushing rate. The correction needed is only for the written text and not for the evaluations. The EIS, however, is not attempting to dismiss the potential impacts by stating a flushing rate.

It is one piece of information that indicates the potential for stagnation by residence time, ie. - how often the volume of water in the pond is completely exchanged. There is some uncertainty whether the exchange rate and flushing process is adequate to maintain acceptable conditions in the pond. Therefore, should a permit be granted, it would require the applicant to monitor the detention pond and to report their findings to the Corps. The results would be reviewed to determine if aerating devices would be necessary.

Further understanding of the potential impacts was gained by considering other lakes in the region that have conditions similar to those expected and by making an analogy. Also, please refer to our response to your comment (#5) below regarding the potential for anaerobic conditions in the detention ponds.

COMMENT 5:

Since the Draft EIS point out that severe oxygen depletion conditions could develop in the detention pond (EIS page IV-7) requiring mitigation, we believe it is appropriate for the EIS to address the need for monitoring the water quality, and should include mitigation plans designed to alleviate low oxygenated waters or anoxic bottom conditions.

RESPONSE:

The draft EIS states the potential for the conditions in the pond becoming anoxic, especially in the hypolimnion (draft EIS, IV A 3.2), and that aeration could be used to alleviate these conditions should they occur. As such, Mall Properties, Inc. may be required to install an aeration system. A monitoring program has been developed and would be required of Mall Properties, Inc. should a permit be granted. Aeration would be required by the Corps of Engineers. Also, monitoring of the pond's discharge into the river, however, would be required under the State of Connecticut's stormwater discharge permit for compliance with State water quality standards.

COMMENT 6:

In addition, the Final EIS should contain a water quality certificate issued by the State of Connnecticut under Section 401 of the Clean Water Act.

RESPONSE:

The State's water quality certificate is the responsibility of the Department of Environmental Protection (DEP). We do not feel it is necessary to append the discharge permits or certification to this EIS because it is a separate review process. The information on this State process is publicly available through DEP and reprinting it would be unneeded duplication. We note that certification would be required (or waived) before any final Corps permit action could be taken. Should State permits or certification be approved by the time the final EIS is issued, we would consider it appended by reference here for the purpose of the reader's information.

COMMENT 7:

During the scoping process, representatives of the EPA Regional Air Program reviewed the assumptions and methodology to be used in predicting air quality impacts and advised that they represent a reasonable approach to determining the air quality impact. Such methodology and assumptions are expected to yield results which are neither very conservative nor overly optimistic. However, the EIS portrays the results as extremely conservative and the result of the confluence of several highly unlikely conditions. Such a description is inappropriate and should be deleted unless the assumptions have been changed from those discussed during scoping.

RESPONSE:

The EIS, section IV E 1.2, has been modified to reflect your comment. Reference has been deleted in the air analysis discussion that referred to the analyses as being "extremely conservative."

COMMENT 8:

We would be pleased to assist in another technical review of the assumptions and in drafting appropriate language to insure that these impacts are accurately set forth in the Final EIS.

Please be advised that due to changes in EPA program requirements, we have not evaluated the proposed action's impacts due to noise and hope that other agencies at the State and local level will provide you with comments on noise issues before this proposed action proceeds.

RESPONSE:

Thank you for your offer of continued assistance. The EIS staff will maintain coordination with you. We believe that the EIS adequately presents information on existing noise conditions and noise impacts expected from developing the proposed mall.

F2: U.S. Department of Interior - 31 March 82

COMMENT 1:

The Fish and Wildlife Service has been involved with you in the preparation of this DEIS as a cooperating agency in the area of wildlife and wetlands. Their Habitat Evaluation Procedures (HEP) Report is included as Appendix S of the DEIS. In addition, they provided you with a Fish and Wildlife Coordination Act report dated November 10, 1981 (copy enclosed), which was listed in the Reference Section, pp. VII-1 and 2, but not reproduced or referred to in the body of the DEIS. We recommend you include this report as part of the Final Environmental Impact Statement.

RESPONSE:

This report is included in the final EIS as a supplement to appendix S.

COMMENT 2: (Note: This comment refers to the section 404(b)(1) review.)

Sec 230.10(a), pg. 2: We question whether the Applicant has demonstrated that no less damaging alternatives are available. Sec. 4.4, page II-7 of the DEIS states that a three-store mall would represent a 25 percent reduction in the size of the proposed mall. This would translate into a loss of 58 acres of land, rather than 78 acres as proposed. Is it possible to arrange the 58 acres so that less wetland would be eliminated, particularly the more valuable wooded swamp in the northeast corner?

RESPONSE:

Diminishing the mall's sales volume with a 25-percent reduction in retail provision, wherein a four-anchor-store facility would be reduced to a three-store facility, would not translate directly into a 25-percent reduction in the area to be developed at the site. The size of the areas that would be developed are shown on table 3 of the final EIS and in the appendix Q supplement and it has been revised from appendix Q (table 3). Further discussion of the amount of wooded swamp wetlands that potentially could be preserved by developing a three-store mall instead of a four-store facility has been addressed in our responses to comments F1(#1) and PO-12(#13), and in the discussions of a three-store facility presented in the final EIS, section II B 4.4, and presented in the final EIS supplement to appendix Q.

COMMENT 3: (Note: This comment refers to the section 404(b)(1) review.)

Section 230.10(c), pg. 2: As stated by the Fish and Wildlife Service in their November 10, 1981, report, we also believe that the project will cause significant degradation of the waters of the United States, particularly considering the effects listed in Sec. 230.10(c)(3) and (4). We base this on the fact that the wetlands on the site, which are special aquatic sites, are also part of the "waters of the United States" and must be considered in making findings of compliance and non-compliance in Subpart B. Thus, the discharge of fill material will significantly affect aquatic ecosystem diversity, productivity, and stability, by eliminating these values. There will also be an adverse effect on existing recreational uses of the site for hunting and target shooting. The proposal to mitigate for these adverse effects by managing seven acres of disturbed upland between the mall site and the Quinnipiac River falls far short of the mitigation needs as presented in Appendix S, even if the only loss needing mitigating is the eight acres of wooded swamp.

RESPONSE:

Wetlands are special aquatic sites and were considered as "waters of the United States." In the first paragraph of the review, section 230.10(c), it is stated that the project would increase fisheries habitat, but eliminate 8 acres (1/3) of the 24 acres of wetland that provides good wildlife habitat.

Much of the wetland to be impacted does not provide good wildlife habitat or function so as to provide the values normally associated with wetlands to any substantial degree. The values of the wetlands are outlined in sections 230.40 to 230.53, and in more depth in the EIS and appendix B. Therefore, we do not consider loss of these wetlands to be a significant impact nor would it cause significant degradation of the waters of the United States.

Mall Properties, Inc., would compensate for the loss of the 8 acres that do provide good habitat by improving 7 acres of disturbed land by regrading, loaming, seeding, planting, and so on. We do not believe that the net value lost in wildlife habitat is a significant adverse impact.

Some of the upland is equally or more valuable for wildlife than much of the wetland. However, we do not believe that the impact area supports a wildlife or fishery base large enough to provide a significant recreational resource. In addition, Mall Properties, Inc., under the review of the Corps, has investigated other mitigation possibilities that could further reduce the net impacts of the project.

COMMENT 4: (Note: This comment refers to the section 404(b)(1) review.)

Section 230.10(d), pg. 2: It is stated here that the Applicant will take appropriate steps to minimize adverse impacts of the discharge on the aquatic system. However, no steps are listed or discussed, so it is not possible at this time to find the project in compliance with this section.

RESPONSE:

The detention pond, landscaping, visual buffer and set back from the river, and the improvement of disturbed land all constitute mitigative measures. These actions are listed in the review, sections 230.73 to 230.75. In addition, a specific erosion and sedimentation plan will be developed. Please refer to our response to comment F6(#2) in the EIS, Comment and Response section. Also refer to section 6 of appendixes A, B, and C which describe methods to minimize project-related impacts to the aquatic environment. Additionally, appendixes D and F present the mitigative effect provided by the detention pond and during the construction of the proposed mall.

COMMENT 5: (Note: This comment refers to the section 404(b)(1) review.)

Subpart C, pg. 4-5: We do not feel that with the addition of road de-icing salts, lead, cadmium, nickel, oil and grease, and with the reduced flushing time and development of anoxic conditions in the bottom waters, the proposed detention pond will provide adequate water quality for a desirable aquatic community. We believe that an aeration system, at the minimum, should be installed if the project is built, to prevent fish kills from occurring during the summer months.

RESPONSE:

The 404(b)(1) review did not state that the pond would provide habitat for a desirable aquatic community, but that it would provide for a community similar to what the existing ponds provide. The existing ponds, created by gravel mining activities, have high suspended solids loads and provide habitat for several species of fish tolerant of warm, enriched waters, such as goldfish, carp, largemouth bass, blue gill, and black

crappie. Alewives most likely spawn in the pond as well. We note your concern and desire for an aeration system. Should a permit be granted, it would require the applicant to monitor the detention pond for a period of three years and to report their findings to the Corps of Engineers. The results would be reviewed to determine if aerating devices would be necessary.

COMMENT 6: (Note: This comment refers to the section 404(b)(1) review.)

Section 230.54, pg. 8: In addition to the Wharton Brook State Park upstream, the Quinnipiac River State Park lies just across the river from the mall site. Without mitigation, this area would be adversely affected.

RESPONSE:

Reference to the Quinnipiac River State Park will be added to this section of the 404(b)(1) review. It is unclear, however, what are the adverse effects and mitigation to which the comment refers. The director of State Parks and Recreation, Connecticut DEP, was contacted to address any specific concerns of the department. They are summarily addressed below. No significant adverse impacts are anticipated to occur to the Quinnipiac River State Park. In particular, the proposed development at the site would not extend riverward of the Quinnipiac River encroachment lines. There would be no encroachment of the river, no measurable affect on flooding at the park, and no significant impact on water quality or on uses of the park area. Measures proposed to mitigate potential impacts to the park would primarily pertain to landscaping and the maintenance of a vegetative buffer between the proposed mall and the Quinnipiac River. Should the mall be permitted and constructed, unvegetated portions of the site would be landscaped with indigenous plant species. Landscaping would also be associated with the existing vegetative berm adjacent to the river, where a vegetative buffer ranging from 75 feet to approximately 350 feet in width would be maintained. With the landscaping and the existence of a vegetative buffer west of the proposed mall, impacts to the state park and its use should be effectively minimized.

COMMENT 7:

The National Park Service strongly encourages the construction of the proposed buffer and berm proposed for the area between the mall and the Quinnipiac State Park (DEIS Section 404(b)(1) Review, Figure 6). The state park was assisted with monies from the Land and Water Conservation Fund (Project #09-00174), a program administered by the National Park Service. This buffer zone should be maintained after construction so the mall does not inhibit the possibilities of future development at the Park site and provide protection from excessive noise and congestion. We request that the developer coordinate with the Connecticut Department of Environmental Protection to achieve the most effective plan for construction and maintenance.

RESPONSE:

A revegetation and landscaping plan incorporating the 75- to 350-foot-wide buffer zone between the proposed mall and the Quinnipiac River is proposed as a componenet of the construction documents. Such documents are subject to both State (DEP) and local (Inland Wetland Commission and Planning Board) review. A buffer zone remains a condition of the Inland Wetlands Commission's order. The landscaping plan would include performance specifications regarding the types and locations of vegetation, topsoil requirements, seeding mixtures, seeding dates, lime and fertilizer applications, and planting procedures. With the landscaping and the buffer, the potential impacts to the Quinnipiac River State Park should be minimal. The proposed mall should not inhibit the possibilities of future development at the park.

COMMENT 8:

The potential North Haven Bridge Historic District is, according to the draft statement (Appendix N. P. 21), to be subject to an increase in traffic at Bishop Street. The draft should further address the Connecticut Department of Transportation's proposal to widen Bishop Street in order to more clearly establish the relationship of the two proposals and any applicability of Section 4(f) of the Department of Transportation Act.

RESPONSE:

The EIS staff believes that the proposed Bishop Street widening is a separate project distinct from the proposed mall. We recognize the importance and relatedness of the proposed widening on the viability of the mall proposal for obtaining all necessary State approvals. We understand that some modification to the road may be necessary in order for Mall Properties, Inc., to obtain their State traffic certification prior to developing the mall. The EIS assumes a modified road as an existing condition since it is the presently projected condition and some modification is believed necessary in order for the Mall Properties, Inc., to obtain their certification prior to developing and operating the mall. It appears to the EIS staff that the mall is dependent on such widening, but the widening and its impacts (except for mall-related traffic - should a mall be built) are not dependent on the mall being built. The Connecticut Department of Transportation (DOT) and Federal Highway Administration confirm that the need to improve road and traffic conditions on Bishop Street predate the proposed mall and that their proposed action would be necessary and justified if the mall were not built. The impacts of their proposal have been reviewed among alternative considerations in an Environmental Assessment and further considered with their current development of a 4(f) statement. These are incorporated into the EIS by reference. As such, this EIS reviews the impacts of the mall resulting from the added traffic that the mall would generate, and its related impacts on road conditions and historic values along the route.

The EIS staff believes that the impacts of widening Bishop Street have been considered through the Connecticut DOT action. Although the mall proposal may have prompted the current intensity of activity over the widening, we believe the projects are distinctly separate and their impacts are fully covered in the referenced DOT assessment and 4(f) statement, other hearing documents, and this EIS. Please refer to the Environmental Assessment for the Proposed Widening of Routes 22 and S.R. 725, North Haven, New Haven County, Connecticut, February 1980. This assessment was prepared by the Connecticut Department of Transportation, Bureau of Highways, in conjunction with the U.S. Department of Transportation, Federal Highway Administration.

Responses to comments PO-5(#1), PO-10(#29), and PO-11(#4) also address the Bishop Street issue and we refer the commenter to them.

COMMENT 9:

We encourage landscaping and grading or land contouring to protect the historic area from disturbance due to the possibility of this increased traffic. The Connecticut State Historic Preservation Officer should be consulted with regard to decisions affecting Bishop Street, and this coordination documented in the final statement.

RESPONSE:

The Connecticut Department of Transportation's road improvement project on Bishop Street was the subject of a Memorandum of Agreement between the Federal Highway Administration, Connecticut State Historic Preservation Officer (SHPO), and Advisory Council on Historic Preservation (ACHP), (12/20/82). A landscaping plan was stipulated in this agreement.

COMMENT 10:

The draft statement acknowledges the presence of three archeological sites which have potential for placement on the National Register. The final statement should discuss the data recovery program for these sites with the Connecticut Historical Commission and the Advisory Council on Historic Preservation in accordance with the National Historic Preservation Act. This consultation should again be documented in the final statement.

RESPONSE:

The data recovery program prepared by Mall Properties, Inc., and reviewed by the Corps of Engineers, SHPO, and ACHP is available for examination by interested parties.

COMMENT 11:

Under the provisions of the Fish and Wildlife Coordination Act and the Memorandum of Agreement between the Secretaries of the Interior and Army, the Fish and Wildlife Service report on the pending section 404 permit application for the project has been submitted. Based on the material contained in the DEIS and the Sec. 404(b)(1) Review, it appears that there are unresolved issues between our agencies dealing with mitigation of habitat losses. We encourage you to continue coordination with the Fish and Wildlife Service's Concord, NH, Ecological Services Office to resolve these issues.

RESPONSE:

The EIS staff acknowledges your view expressing unresolved issues on habitat losses and mitigation. We will continue to maintain our coordination with Ecological Services for resolution.

F3: Department of Commerce - 18 April 1982

COMMENT 1:

The 78-acre site of the proposed North Haven Mall contains 41 acres of freshwater habitat, including wooded and shrub swamps, marsh, and open water. The 10-acre open water area consists of four manmade ponds. The DEIS points out that the shallower pond areas serve as spawning habitat for anadromous species, namely herring and alewives. On page 111-4 of the DEIS, in Section 4.0, "Evaluation of Site Wetlands," it is stated that spawning activities of alewives are at "a low level." In Appendix B of the DEIS, "Vegetation, Wildlife and Wetlands," under Section 2.4.2, "Evaluation of Site Wetlands," page 15, it is stated that "Spawning alewives and carp were recorded from the ponds in the central portion of the site; a <u>few</u> fish spawning locations were noted in the shallower areas of the pond . . ." (emphasis added).

The DEIS and its Appendices do not describe the four ponds or their significance as spawning habitat for anadromous species in sufficient detail to permit an evaluation of the project's potential impact on anadromous species. Pond areas should be further investigated relative to the area available for spawning by anadromous species and the numbers of anadromous fish utilizing these ponds. The FEIS should discuss anadromous fish dependence on this area for spawning and the availability of alternative spawning sites. In addition, since "herring" also use these sites for spawning purposes, detailed information relative to the species involved and their habitat requirements should be provided in the FEIS.

RESPONSE:

The reference to "low level" in section 4.0 (page III-4) of the draft EIS was made to the overall ability of the site and its wetlands to provide habitat suitable for nesting, spawning, and so on.

With respect to onsite pond characteristics, the two larger ponds do not contain a good growth of vascular aquatic vegetation. Only a few scattered plants of pondweed and some emergent species have been observed. The smaller pond, which is essentially land-locked during dry weather, often dries up. The larger ponds are currently too deep for growth of vascular vegetation throughout the bottom, and the littoral zone is limited.

Thus, the existing ponds are not high-quality spawning grounds. The fact that alewives or herring were observed spawning in these ponds, as well as in the DOT drainage ditch, is indicative of the lack of preference of these species for spawning sites. The proposed detention pond will be larger in area than the combined open water area presently onsite. Similar to existing conditions, it will also contain a narrow littoral zone.

Open water areas onsite do not constitute the exclusive spawning habitats of anadromous fish in the Quinnipiac River. As indicated in section 2.1 of appendix C, Surface Water Resources and Water Quality, of the draft EIS, anadromous fish species characteristic of the Quinnipiac River include alewife, blueback herring, menhaden, shad, white perch, striped bass, Atlantic silverside, and sea run brown trout. Of these anadromous species, only alewives or herring were observed in the project area and not exclusively in the ponds. Alewives or herring will spawn in any tributary available and accessible to them. Between the harbor and the first barrier to migration, the USGS GAGE in Wallingord, there are numerous tributaries that meet the spawning needs of alewives and herring (for example, Mill River/Lake Whitney, Muddy River, Pine Brook, and Wharton Brook). Therefore, the onsite ponds do not represent an exclusive or even significant spawning area for these fish.

COMMENT 2:

On page 29 of Appendix B, under Section 6.0, "Methods to Minimize Impacts," it is stated that "Potential impacts to anadromous fish species will be mitigated by the proposed outlet structure between the detention pond and the Quinnipiac River. This structure will allow these species to enter the detention pond and permit the continued use of the pond for spawning." To support these statements, we suggest that the FEIS provide information on the type of habitat that will be available to anadromous fish after project completion and its suitability for spawning herring and alewives. (Poor water quality, inappropriate bottom substrate, inappropriate water levels, etc, would have an adverse impact on eggs, larvae, and juveniles of these species.) Without such information, an accurate evaluation of potential impacts of the project on anadromous fish species cannot be made.

RESPONSE:

The habitat within the detention pond will be similar, in many ways, to that at present. At the present time, there is a shallow shelf or shoal approximately 2.5 feet in depth which extends for approximately 4 feet until the bottom drops into deeper water. The bottom material is sand and gravel. The future detention pond will be of a similar composition.

The present pond stratifies such that in the deeper waters (hypolimnion), the dissolved oxygen concentration (1.35 mg/l at 4 meters) is less than that desired for a warm-water fishery. Shallower waters (epilimnion), however, are of suitable quality for a warm-water fishery.

The alewife or herring have been observed spawning during each of 2 years, when visits to the site were made. The most recent visit was on 6 May 1982, at which time alewife or herring were still present in the shallow shoals in three of the onsite ponds, but most prevalent in the larger pond.

Under present conditions, the alewife or herring apparently spawn in the shallow shoal areas more commonly under overhanging brush. The eggs settle, presumably to the shoal bottom (or even into deeper water), where they hatch, and before the pond fully stratifies (in August), the young have migrated out of the ponds (if they can get out because of low water at the outlet). Therefore, at a minimum, the future conditions will closely mimic the existing conditions except that the epilimnion and shoal areas will be larger and permanent access to the Quinnipiac River will be assured (see appendix E). Epilimnion water quality will be suitable for warm-water fish. Additionally, note that even if anoxic conditions develop in the detention pond, they will occur later in the season and subsequent to the alewife or herring spawning period.

Also refer to our response to the previous comment, F3(#1).

COMMENT 3:

Geodetic control survey monuments may be located in the proposed project area. If there is any planned activity which will disturb or destroy these monuments, NOS requires not less than 90 days' notification in advance of such activity in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any relocation required for NOS monuments. For further information about these monuments, please contact Mr. John Spencer, Director, National Geodetic Information Center (OA/C18) or Mr. Charles Novak, Chief, Network Maintenance Branch (OA/C172), at 6001 Executive Boulevard, Rockville, Maryland 20852.

RESPONSE:

According to the Department of Commerce, National Ocean Survey, geodetic control survey monuments are located at approximately 1-mile intervals along the Penn Central Railroad in North Haven. None of the survey monuments, however, occurs in the project area.

F4: Federal Emergency Management Agency - 26 March 1982

COMMENT 1:

We are concerned that our comments have not been adequately addressed in the work published regarding the project to date. For this reason we will restate the main concerns that the Federal Emergency Management Agency continues to have with this environmental impact statement for the North Haven Mall.

As we have stated on our letters, FEMA has no major objection to the computational techniques used or the results provided by the applicant in the draft Environmental Impact Statement to address the effects of the project itself on flooding, related to both reduction of conveyance and the effects of loss of valley flood storage volume.

RESPONSE:

The EIS staff thanks you for your assistance in reviewing the technical information that addressed the effects of the project on flooding for the draft EIS. All your previous comments have been considered and weighed on their substantive merit for inclusion into developing the draft EIS. Your comments and concerns are addressed in the following responses.

COMMENT 2:

The draft Environmental Impact Statement also discusses the cumulative impacts of loss of storage and analyzes sections of the watershed in an attempt to show that the Quinnipiac River Watershed is a system that is not particularly sensitive to reduction of valley storage. Based on the data available in the impact analysis we feel the conclusion, that the cumulative effect of reduction of flood plain storage resulting from this project together with all future developments placed in the Quinnipiac River Watershed will have no significant negative impact on flooding, cannot be drawn. It remains the position of FEMA that reduction of flood plain storage volume should be avoided where possible. Even if an individual project can be shown to have no measurable impact on flooding, the cumulative impact of reduction of storage may likely increase flood peak discharges and flood levels throughout the river basin.

RESPONSE:

The DEIS did not conclude "that the cumulative effect of reduction of flood plain storage resulting from this project together with all other future developments placed in the Quinnipiac River Watershed will have no significant impact on flooding."

The proposed fill for the mall will have no measurable effect (1/8 inch) on flooding. The EIS, section IV A 3.5, addresses the potential for flooding that could be caused by filling all developable lands along the river to the floodway line. Fill up to the floodway line within North Haven would result in increased water levels of 0.04 to 0.64 foot and full encroachment of all lands upon the river would cause increases in flood levels of 0.14 to 1.1 foot. (Also refer to appendix F, Quinnipiac River Flood Study.) This is the result of considering cumulative fills in the town of North Haven 3 miles up and downstream of the proposed site for a total of 6 miles. The flooding analysis showed that the proposed fill for the mall would have no measurable (within 1/8 of an inch) impact on flooding and together with anticipated development would also have no measurable impact.

An additional analysis was performed that replicated the FEMA flood methodology (encroach each side of the river equally throughout the town of North Haven until a maximum 1.0 foot rise in water level results to define the floodway), modified to account for the effects of loss of overbank storage on the peak river flows. The results of this analysis showed a slight increase in water elevations, approximately 0.1 foot, further indicating the insensitivity of the Quinnipiac River to loss of valley storage.

The EIS staff believes, however, that a study predicting all future fills in flood storage areas and conveyance ways along the entire Quinnipiac River is speculative and an analysis of cumulative impacts for the entire basin is beyond the scope of this EIS. We recognize, however, that should the loss of all storage in the watershed occur, it would be reasonable to expect some significant effects.

The large pond and low elevation of the parking areas are intended to preserve as much storage on site as practical from an engineering, economic, and safety viewpoint. Please refer also to our response to the next comment F4(#3).

The EIS staff acknowledges FEMA's position and agrees that reduction of flood plain storage should be avoided wherever practicable. This consideration will be deliberated on by the Division Engineer in making a decision on the permit application and his findings will be presented in the Record of Decision.

COMMENT 3:

This position leads us to the conclusion that the draft Environmental Impact Statement should examine alternative project plans that would significantly reduce the flood plain fill. We do not feel that this issue has been satisfactorily addressed to date. Some alternatives that result in less significant reductions of flood plain storage should be examined along with an examination of the possible inclusion of compensatory storage provided from nearby upland areas.

RESPONSE:

The proposed project has been planned to take into account several items to reduce the amount of fill needed in the floodplain. The "lower" parking lots that would serve and access the lower level of the proposed mall are located in the northwest and southeast sectors of the site and have been designed to be at the lowest practical elevations to preserve flood plain capacity. The detention basin was planned to minimize storm-water impacts by accommodating both onsite and offsite drainage runoff, rather than just onsite runoff. Since the release of the draft EIS, the freestanding building (referred to as a "theater") and its associated parking have been deleted from the proposal, reducing the need to fill approximately 1.3 acres of wetlands and flood plain.

Alternative designs and sizes of the mall have been considered and discussed in the EIS. One alternative three-store layout was evaluated in the draft EIS and supporting appendixes. It indicated that a reduction of the proposal by approximately 25 percent of its retail size (appendix Q, page 50) would reduce flood plain fill by about 7 percent of available site storage for a 100-year (FEMA) flood. Since the evaluation of the proposed four-store plan yielded no measurable impact, the flood storage savings of a three-store layout should not be significant. Design alternatives (for example, use of decked parking) yielded less flood plain savings than that of the three-store plan (appendix Q, pages 29-39).

A second three-store mall design that combined a three-store configuration with decked parking is considered in the final EIS. For a discussion of its physical development features we refer you to our responses to comments F1(#1) and PO-12(#13), to the discussion presented in the final EIS, section II B 4.4, and the final EIS supplement to appendix Q.

Also, Mall Properties, Inc. has investigated other mitigation possibilities that would have served to help compensate for wetland and flood plain storage losses from the proposal.

F5: Department of Housing and Urban Development - 25 March 1982

COMMENT 1:

We have completed our review of the "North Haven Mall Draft Environmental Impact Statement and Section 404(b)(1) Review".

During the preparation of the DEIS, HUD participated in the development of the Community Impact Study (CIS) under the former Community Conservation Guidelines Policy. It is included as Appendix R of the Statement. We feel the Corps has considered and taken into account the CIS specific findings and conclusions.

We have no additional comments to add.

RESPONSE:

The EIS staff thanks you for your assistance in reviewing information developed for the draft EIS and participating in its development and review.

F6: Soil Conservation Service, USDA - 26 March 1982

COMMENT 1:

We have reviewed the erosion and sediment control plan for the proposed North Haven Mall, and other information contained in the draft Environmental Impact Statement and appendixes. For the most part, the draft Environmental Impact Statement and the erosion and sediment control phase depict the effects of the proposed mall on the environment and how adverse effects will be mitigated.

RESPONSE:

The EIS staff thanks you for your review and comment.

COMMENT 2:

The erosion and sediment control plan should be coordinated between the Corps of Engineers, the Soil Conservation Service, and the New Haven County Soil and Water Conservation District. This coordination should result in a plan which will not only describe the necessary erosion and sediment control measure, but would show locations on site plans and describe by detail what is to be used, including standards and specifications. A plan should also be drawn up describing the vegetative measures to be used. This would include seeding mixtures, lime and fertilizer recommendations, and seeding dates.

RESPONSE:

Appendix D indicates that the development of the detailed erosion and sediment control plan would be coordinated with the Corps of Engineers, the Soil Conservation Service, and the New Haven County Soil and Water Conservation District. Such coordination could be the subject of a special condition to a permit, if issued. The sediment and erosion control plan would include specifications on construction sequencing and the control methods to be used, including types of materials, vegetation, and maintenance procedures. Detailed plans would be drawn indicating which control methods would be used and where they would be used on the site. Contract documents would include procedures for assuring adherence to the specifications by providing the control of an experienced soils engineer to serve as an erosion and sediment inspector. This engineer would be able to direct the contractor to modify methods in the plan to meet extraordinary site conditions.

A revegetation and landscaping plan is proposed as a component of the construction documents. This plan would include performance specifications regarding the types and locations of vegetation, topsoil requirements, seeding mixtures, seeding dates, lime and fertilizer applications, and planting procedures.

COMMENT 3:

Since fill material is to be purchased off site, an erosion and sediment control plan should be drawn up for the borrow area. This should include the same types of information as contained in the plans for the mall site.

RESPONSE:

At present, a source (or sources) of offsite fill has not been located. All applicable local and State regulations would apply regarding earth removal and transportation. Should a permit for the mall be granted, the quality of the fill would be required to be clean materials. In addition, if issued, a permit could be conditioned to include that adequate sedimentation and erosion control methods must be undertaken at any borrow sites. Also, if such borrow work would involve activities in areas under the Corps' jurisdiction, it may be subject to a separate permit review.

COMMENT 4:

Overall, if these conservation and engineering measures are worked out with all agencies concerned and properly implemented, there should be no serious sediment and erosion problems as a result of this proposal.

RESPONSE:

The EIS staff thanks you for reviewing and commenting on the draft EIS.

F7: U.S. Department of Transportation - 1 April 1982

COMMENT 1:

We have completed our review of Appendix H "Transportation" which is part of your Draft Environmental Impact Statement (DEIS) for the North Haven Mall in North Haven, CT. We limited our review to the traffic impacts expected to occur to state and local roads on the Federal-aid highways in the vicinity.

The "level of service" criterion was used to assess the significance of the changes. To accomplish this review, we compared the DEIS with the Environmental Assessment which Conn DOT prepared for the proposed improvements to Bishop Street. We found a good correlation between the two documents and conclude that the construction of the Mall will not have a significant adverse impact on proposed Federal-aid highway projects in the area.

RESPONSE:

The EIS staff thanks you for reviewing the draft EIS and making comments on it.

COMMENT 2:

We suggest that the wording in the second sentence, last paragraph, Page 26 be revised to clarify that the "fifth lane" is a turning roadway to allow westbound traffic on Bishop Street to turn into the northbound lanes on the Hartford Turnpike and is an auxiliary lane for turning movements, not a fifth lane throughout the project.

RESPONSE:

Although appendix H may not be publicly redistributed, the EIS staff acknowledges your comment about the correction needed for page 26. We note here that the second sentence, last paragraph, should be replaced by two sentences reading as follows:

"The current proposal by the Connecticut DOT, endorsed by the town of North Haven and the Regional Council of Elected Officials, is for a four-lane facility. An added (fifth) lane would be provided just east of Hartford Turnpike as an auxiliary lane to allow westbound traffic on Bishop Street to turn into Hartford Turnpike northbound without the need to stop at the traffic signal."

S1: Governor William A. O'Neill - 9 March 1982

COMMENT 1:

Thank you for your letter of January 29 advising me of your issuance of the document entitled "North Haven Mall Draft Environmental Impact Statement and Section 404(b)(1) Review" and indicating a 45 day period for public review and comment.

I am aware that approximately 10 state agencies have either received the report or been advised of its availability. Those agencies will review the material as they see fit in light of their particular areas of responsibility and expertise.

RESPONSE:

Thank you for your comment. The comment letters from Connecticut State agencies have been reproduced and are contained in this final EIS, volume 2, Comments. Responses to the comments follow here in volume 3, Comments and Responses.

S2: Senator Philip S. Robertson - 10 March 1982

COMMENT 1:

I am writing to you at the request of North Haven C.A.R.E.S., a local citizens group. I urge the Army Corps to issue the necessary permits so that work may go forward on the North Haven mall. It seems clear from the draft environmental impact statement that the environment will not be seriously affected by the construction of the Mall. It is also clear that the region needs this kind of retail shopping, that the over-all economic benefits to the region and its citizens are substantial, and that the Mall should be developed now in order to provide the additional jobs to the area and tax benefits to the town and to the state.

RESPONSE:

The EIS staff acknowledges your support for the project and your views will be taken into consideration by the Division Engineer in arriving at his permit decision.

S3: Connecticut Office of Policy and Management - 29 March 1982

COMMENT 1:

This office appreciates the opportunity to review and comment on the draft Environmental Impact Statement for the North Haven Mall. Our review has been made against policies and/or plans proposed or used by this office. Central to the concerns of this office in reviewing the document is the potential economic impact of mall development on the city of New

Haven and on existing retail establishments with the related public infrastructure investment throughout existing urban areas of the region. These potential impacts are discussed at length in the initial volume, Appendix L (Economics and Land use) and in Appendix R (Community Impact Study). The primary basis for concern is Executive Order #20 issued by Governor Ella Grasso on March 9, 1978. Our Executive Order defines the priority urban goals of Connecticut the first of which is: "Revitalize the economic base of our urban areas by rebuilding older commercial and industrial areas, and encouraging new enterprises to locate in the central cities in order to protect existing jobs, and create new job opportunities needed to provide meaningful economic opportunity for our inner city residents."

The EIS indicates that New Haven will lose in the range of 8.5% to 27% of its retail business by 1990 depending on which market study and scenario of mall construction and New Haven development are considered (see volume I, pgs. IV - 22, 23, and 36). This effect on New Haven's economy is contrary to the urban goal quoted above as related to revitalizing the economic base of urban areas. A loss of business at an average rate of 3.1% annually for the period 1971-77 (see volume I, pg. III - 18).

Executive Order #20 goal number one is further contravened when one considers the potential loss of employment opportunities which are presently available to inner city residents of New Haven in retail trade. Loss of employment would effect the lowest skill and wage groups residing in New Haven who would be unlikely to find employment at the new mall because of transportation problems. (see appendix R, pg. 63). Furthermore the statement is made that "there is the potential, however, that a significant proportion in the reduction of jobs in other areas (600-750) as a result of the mall's impact may affect minority workers from the downtown New Haven area." (see volume I, pg. IV - 26).

RESPONSE:

The EIS staff acknowledges your views and concerns on the proposed project and its relationship to the objectives of the governor's Executive Order #20. The EIS has been modified with section IV A 8.10 and table 19, presenting a Summary of State and Local Plans, Policies and Regulatory Requirements. The objectives of these policies and plans and their relationship to the proposed project will be weighed in the permit deliberations of the Division Engineer. The pertinence of these policies and plans to the project and permit decision will be appropriately decided upon and covered in the Record of Decision. Our permit decisions are not required to comply with local, regional, or State master plans or policies. However, if any local or State license or permit is denied or modified based on these plans our decision would be the same. However, we would consider all policies, laws, and plans in our public interest review of the project.

COMMENT 2:

It is also noted that the Planning and Development Committee of the Connecticut General Assembly has recommended by resolution that the General Assembly adopt the 1982-85 revision of the Conservation and Development Policies Plan prepared in this office. If adopted by the legislature, the plan would be the effective state policies plan for the period 1982-85. Wording in the revised plan concerning shopping centers reads in part as follows: "New centers should be restrained where population and retail sales growth do not justify them and where the retail market potential is adequately served by existing centers of nearly identical variety and scale of stores which would suffer major economic harm."

Because of apparent inconsistencies in the EIS, this office is not fully convinced that the proposed mall would fill a retail void related to variety and scale of stores. Whereas page 19 of Appendix L indicates that the mall would fill this void, page 7 of Appendix R contradicts this statement of need by asserting that "since all the principal tenants in the new mall are already represented within the region there is little likelihood that the facility will add to the price range and variety of merchandise available to the area's consumers."

RESPONSE:

The EIS staff refers you to our response to your previous comment with regard to other policies and plans.

The EIS staff recognizes that, because information presented in the appendixes was developed by authors with differing points of view, sets of data, or methodologies, there will likely be "inconsistent" conclusions among them. However, we believe that review of information submitted to date and presented in revised appendix L with supplement indicates there is substantial consumer support or "need" for the type of retail and merchandise sales that would be provided by the mall. We refer the commenter to our response to comment L12(#5) for a more complete discussion on the topic of need.

This need is also recognized as is evidenced by New Haven's conceptual plans to revitalize its downtown retail core to provide considerable retail space for the region. Implementation of the proposed mall would insert a new department store, G. Fox, into the marketplace, expand the existing J.C. Penney's operation in the region, and add many new or expanded local and national small stores within the proposed mall's central shopping area. This would expand the depth of merchandise offered in the region, adding considerable choice in variety and perhaps extending the range of goods. The consumer will find that on any single trip in the region to purchase an item, the mall facility would aid their access to a greater variety and range of goods than could be accomplished elsewhere in the region. As a result, we agree with the conclusions drawn in revised

appendix L, and also that of appendix R, section IX, General Conclusions, on page 75, which states that "shoppers at the new mall would find a greater range and variety of merchandise available in a single location here than they could find elsewhere, either in the region, or outside of it within a forty-mile radius."

COMMENT 3:

Further, population and sales growth may not justify a mall in excess of one million sq. ft. It is estimated by the Office of Policy and Management that growth in population for the market towns will increase approximately three percent between 1980-90 and income is expected to rise 0-1% per the EIS. On the other hand, the EIS projects that retail trade would increase with the mall by 21% - 23% of the 1977 total. This would appear to be an unrealistic expectation in light of the small population and income growth rate projections and also considering that retail sales actually dropped in the region between 1972 and 1977.

RESPONSE:

The above estimate, indicating a mall may not be justified in excess of approximately 1.0 million square feet, very nearly approaches that of the proposed North Haven Mall development for 1.12 million square feet. Actual space that would be devoted to retail sales at the proposed mall is approximately 986,000 square feet, of which 817,000 would be classified as shoppers goods space. The difference narrows further when considering that 30,000 square feet of space is for potential expansion and would not be initially developed at G. Fox (appendix L, section III C). Specific evaluation and comparison of the commenter's estimate cannot be made here because details were not provided. There appears to be little difference, however, between the commenter's estimate and the amount of space at the proposed mall. Both would be super regional malls of approximately a four anchor store variety having major consumer draw and generating sufficient retail trade to support a facility of its size.

COMMENT 4:

The EIS indicates that all extant retail business will suffer varying degrees of economic loss, e.g., Hamden's Magic Mile 8.3% - 9.5%, New Haven 8.5% - 27% and the balance of the metropolitan area 6.5% - 7.0%. This situation is emphasized in Appendix R, page 56 which states that "it is clear that an addition of a million square feet of competitive new shopping center space (amounting, perhaps to 750,000 square feet of selling area) will direct sales from existing retailers in the trade area. The effect will be to hurt other retail developments throughout the entire region." Given the above information, the emerging policy quoted above from the pending revision of the Conservation and Development Policies Plan would be violated with the negative economic impacts projected for existing shopping areas.

RESPONSE:

The EIS staff acknowledges your view that the economic effects of the proposed mall would violate the revision (1982-1985) of the Conservation and Development Policies Plan. Your findings will be taken into consideration by the Division Engineer in arriving at his permit decision. We have added a discussion of the mall's relationship to several State and local policies and plans; please refer to section IV A 8.10 in the final EIS. Otherwise, refer to our response to your comment S3(#1).

COMMENT 5:

An additional concern of this office regards the classification of this site in the Conservation and Development Policies Plan Locational Map. The site is shown in the 1979-82 Conservation and Development Policies Plan map mainly in the Urban Growth classification and some Conservation classification. While the Urban Growth classification is viewed as accommodating a variety of uses, it is not as high a priority for state development action as are the Urban Center and Urban Conservation categories. The Conservation classification is due to the presence of wetlands. With regard to the pending 1982-85 plan map revision, over half of the site is proposed to be placed in the Conservation classification. This classification carries no state development priority in the plan. The change is the result of updated flood boundary and floodway information prepared by the Federal Emergency Management Agency effective September 17, 1980 which indicated a substantial flood fringe area on the proposed site. The flood-related area was added to the earlier Conservation category which had resulted from wetlands on the site. The plan does provide specific area guidelines for state or state-supported projects in flood fringe areas which are stated as follows. I hope that the Corps also will consider them relative to this project:

"Flood fringe development would be planned or supported only when:

a. adequate civil preparedness (forecasting, notification, evacuation, sheltering) will insure protection of life and continuance of essential services.

b. such will not be of scale or use as would severely disrupt or burden the economy during flood periods.

c. such will not necessitate future public expenditures for flood control facilities other than those environmentally acceptable local structures which can be incorporated in the project design or financed through benefit assessments to the identified flood fringe users.

d. adequate flood insurance protection can be obtained.

e. in full compliance with building, excavation and other flood plan management regulations."

RESPONSE:

The EIS has been modified with table 19 to indicate that the 1982-1985 plan would reclassify approximately one-half of the proposed site from an Urban Growth to Conservation classification. Your concerns and the guidelines for State and State-supported projects for proposed development in flood fringe areas will be taken into consideration by the Division Engineer in arriving at a permit decision.

COMMENT 6:

In light of the above demonstrated inconsistencies with the State's urban policy as related to Executive Order #20 and pending policy in the Conservation and Development Policies Plan revision, the Corps is requested to withdraw reference to the State from Page IV-28 of Volume I its assertion that "it's development is in conformance with, or does not contravene, any ... state land use polices or plans."

RESPONSE:

The draft EIS, page IV-28, has been modified to indicate that the proposed project would not contravene any local North Haven land use policies or plans, stipulated through local zoning.

Also refer to our response to your comment S3(#1), where we note that our regulatory permit decisions are not required to be in conformance with local or State master plans or policies.

COMMENT 7:

I urge that the Corps of Engineers consider Federal urban policies to determine whether issuance of the pertinent permit would be a violation of these policies. This office finds that development of the mall would not be consistent with the urban policies of the State, and therefore, I recommend that the 404 permit be denied the developers.

RESPONSE:

Under a previous policy of President Carter's administration the Community Impact Study (Appendix R) was developed. Otherwise, all current Federal policies pertaining directly to this permit activity will be considered by the Division Engineer in making a permit decision. We acknowledge your position on the relationship of the proposed mall to State urban policies and note your opposition to the proposed project. Your views on the proposed mall will be taken into consideration by the Division Engineer while arriving at a permit decision.

S4: Connecticut Department of Environmental Protection - 10 March 1982

COMMENT 1:

The Department of Environmental Protection has reviewed the Draft Environmental Impact Statement prepared for a proposed shopping mall in North Haven which is the subject of a Section 404 permit application to the Army Corps of Engineers by Mall Properties, Inc. Although the DEIS documents the full spectrum of impacts resulting from construction of the mall, including the economic and social as well as environmental effects, DEP's commentary will be limited to the environmental impacts. However, it should be noted that the social and economic impacts of the mall appear to be more significant than any impact to the natural environment.

Regarding environmental effects of mall construction, it appears that no major adverse impacts will occur. The DEIS adequately describes the resultant impacts to the environment including air and noise pollution, water quality effects, loss of wetlands and changes in habitat.

RESPONSE:

The EIS staff acknowledges your review and comments on the draft EIS.

COMMENT 2:

However, one aspect of the proposed design is puzzling. One design criteria for the stormwater detention pond was to maintain free passage for anadromous fish to allow use of the pond for spawning. Satisfying this design criteria, however, has compromised the capacity of the detention pond to attenuate peak discharges during frequent storm events. The pond's water quality and substrate characteristics that will be altered through sedimentation will make it marginally acceptable spawning habitat for alewives, the only anadromous species likely to breed in the pond. This slight gain in habitat value does not appear to completely balance the loss of stormwater retention. Present downstream flooding problems and the effect of the small increase in peak flows during frequent storms should be more fully investigated before this option is pursued.

RESPONSE:

The pond is designed to serve both retention and spawning purposes. The proposed culverts have been sized and located to permit normal flows between the pond and the river. Under flooding conditions, however, they would detain flows entering the pond and would cause retention of some floodwaters. Also, the placement of the culverts through the berm would permit flow between the river and the pond under normal water elevations, allowing passage for fish between the two water bodies. Since both functions can be adequately served without compromising the retention function, we feel that the habitat value gained would be worthwhile.

COMMENT 3:

The project will require two authorizations from DEP: a discharge permit from the Water Compliance Unit for sanitary discharge to the sewage system and stormwater runoff pursuant to section 25-54i of the Connecticut General Statutes and a Water Quality Certification from the Water Resources Unit pursuant to section 401 of the Clean Water Act. These two applications will be processed concurrently. Preliminary analysis indicates that the project will have no significant impact upon water quality in the lower Quinnipiac River.

RESPONSE:

The EIS staff acknowledges your review and comment on the EIS.

S5: Connecticut Department of Health Services - 15 March 1982

COMMENT 1:

The Department of Health Services is concerned about the addition of new sources of air pollution in this area. Therefore, the Department asks that information be presented to show that the North Haven Mall will not add to the current air pollution levels.

RESPONSE:

Please refer to EIS, section IV A 5 and Appendix I, Air Quality, for a review of impacts and effects of the proposed project on air pollutant levels. We note your concern over potentially adding new sources of air pollution in the area. Air quality standards are expected to be maintained. Also, please refer to our response to comment PO-12(#8) for additional information.

S6: Connecticut Department of Agriculture, Aquaculture Division - 26 March 1982

COMMENT 1:

The primary concern of the Aquaculture Division in review of the North Haven Mall proposal, is the possible deleterious effect of siltation on valuable commercial shellfish seed beds downstream of the proposed site in the Quinnipiac River. Oyster larvae and juvenile oysters are extremely susceptible to suffocation and an increase in suspended silt could potentially destroy the productivity of the Quinnipiac's 80 acres of shellfish beds.

To lessen the impact of an increased sediment load in the river, we ask that all possible precautions be taken to prevent uncontrolled runoff from the construction site through stabilization methods and that serious

consideration be given to the preservation of a wetland border between the proposed site and the Quinnipiac River.

The most critical period in the shellfish life cycle is the spawning season from approximately June 1st through September 30th. We therefore request that any construction activity in the Quinnipiac River watershed area be curtailed for that period.

RESPONSE:

To control runoff, the proposed project, if permitted, would be developed under the implementation of a Sediment and Erosion Control Plan (EIS, appendix D). Also, refer to our response to comment F6(#1, 2, & 3). Under this plan less sediment would enter the river than is currently leaving the site (refer to appendix D). The mall would be operational with 75 percent of the site being drained into catch basins and a detention pond, where sediments would be settled. The work would be onsite and would not affect sediment loads in the river.

No effect on oyster populations are expected as a result of this project. It was estimated that a maximum of 5mg/l increase in suspended sediment might occur under flood conditions that would flood over the site since the proposed site would not be available for settling. The impact of this increase would not cause toxic effects on oysters several miles downstream. Under flooding conditions this would be a negligible addition to the river's sediment load.

Since there is no work in the river to stir sediments and cause increased suspended solids, there does not appear to be any need to require seasonal work to curtail site construction between 1 June and 30 September.

S7: State Historic Preservation Officer

COMMENT 1:

The State Historic Preservation Office has reviewed the above-named project for which the Corps of Engineers, under its permit authority, is the responsible Federal agency. This Office notes that three prehistoric archaeological sites, T7-2, T24-1, and MD-1, have been determined to be eligible for the National Register of Historic Places by the Secretary of the Interior.

This Office understands that the proposed mall development will necessitate the destruction of these three significant archaeological resources in that no feasible or prudent alternative is available for their in situ preservation. Therefore, the State Historic Preservation Office believes that this undertaking will have an effect upon these archaeological resources.

RESPONSE:

The EIS staff acknowledges and notes this comment, and agrees that an effect on the resources would occur with the project. Please refer to our response to comment F2(#10), citing preparation of a data recovery plan.

COMMENT 2:

This Office believes that the development of this project will have no adverse effect upon these resources if the following conditions are acceptable to the Corps of Engineers:

1. The Corps of Engineers should develop a professional archaeological data recovery program in accordance with 36 CFR 66 and "Treatment of Archaeological Properties: A Handbook" (Advisory Council on Historic Preservation 1980);

2. The Corps of Engineers should provide the State Historic Preservation Office and the Advisory Council with an opportunity to review and approve the proposed data recovery plan prior to its field implementation;

3. The Corps of Engineers should provide this Office with two copies of the final archaeological data recovery report for this project; and

4. The Corps of Engineers should consider the feasibility for the development of two distinct final reports for the data recovery program, i.e., one for the professional scientific archaeological community and another for the general public.

The State Historic Preservation Office commends the Corps of Engineers on their concern for the professional treatment for these significant archaeological resources.

RESPONSE:

A data recovery program has been prepared. It is being coordinated among Mall Properties, Inc., the Corps of Engineers, the SHPO, and the Advisory Council on Historic Preservation. The program includes conditions requested in items #3 and #4 above of this comment letter.

L1: Town of North Haven, First Selectman, Walter Gawrych - 17 February 1982

COMMENT 1:

I have received and reviewed the North Haven Mall Draft Environmental Impact Statement that you sent to my office on February 1st. Please accept this letter as an expression of my support for the Statement's conclusions.

I believe the Draft Environmental Impact Statement is a thorough and evenhanded analysis of the Mall's effect on North Haven and our region. The research was obviously quite exhaustive, and the conclusions drawn were reasonable and intelligent.

I concur with the Corps' preliminary approval of the developer's request for a section 404 permit. This finding is fully supported by the facts and very much in the best interests of North Haven and our region.

RESPONSE:

Thank you for your review and comment on the draft EIS. Please note, however, that the Corps has not issued "preliminary approval" for the proposed project. The draft EIS, released on 1 February 1982, does not draw conclusions indicating a preference for approving or denying a permit for Mall Properties, Inc. We acknowledge, however, your support for the project and it will be taken into consideration by the Division Engineer in arriving at a permit decision.

L2: Town of North Haven, First Selectman, Walter Gawrych - 17 March 1982

COMMENT 1:

Non-specific comment on the draft EIS.

RESPONSE:

General comment reiterating support for development of the mall. No response necessary.

L3: Town of North Haven, Inland Wetlands Commission - 26 February 1982

COMMENT 1:

Non-specific comment on the DEIS, indicating the North Haven Inland Wetlands Commission's favorable endorsement of the DEIS.

RESPONSE:

Thank you for your comment and for informing us of your commission's action. The text of the endorsement is printed in volume 2 of the final EIS.

COMMENT 2:

A description of the Inland Wetlands Commission conditions for their approval of the North Haven Mall Plan.

RESPONSE:

Thank you for providing this information. Your full comment and the list of conditions is presented in its complete text in volume 2 of this final EIS.

L4: Town of North Haven, Town Engineer - 16 March 1982

COMMENT 1:

I am Sal Fazzino and I am the Town Engineer for the Town of North Haven. The site under consideration for the North Haven Mall has excellent transportation access. It is located between the Wilbur Cross Highway and Interstate Highway 91 with adequate secondary roads. Studies have shown that there will be no major traffic impact or road safety problem. The capacity of the roads has been shown to be adequate, even at peak travel time. Little traffic is expected in the local neighborhoods arising from the mall.

The traffic report submitted in connection with the preparation of the draft EIS was very conservative - so much so that it essentially ignored the fact that some of the traffic attributable to the mall is traffic that would be on the roads without the mall.

The critiques of the transportation memorandum are erroneous and reflect the absence of expertise, which is to be expected. For example: one critique questioned the fact that the technical memorandum on Traffic studied only those intersections which would experience a potential vehicle increase of 10%. In fact, the norm requires only those intersections that are significantly affected (15% - 20%), in essence the consultants went much beyond the minimum requirement.

You are all aware, of course, that the need to widen Bishop Street was first recognized in 1966 Plan of Development. Upon preparing several design alternatives and holding two public hearings on the matter, the Department of Transportation has concluded that the need to improve Bishop Street exists today, without mall traffic and, in fact, are now engaged in final design for the project.

On the subject of water, permit me to make two observations: The Town of North Haven has an adequate water supply so that there is no expectation of using the ground-water in the area of the site and I refer you to the 208 study prepared by the Regional Planning Agency of South Central Conn.

Secondly, the studies clearly demonstrate that the mall will not cause flooding by the Quinnipiac River. What flooding does occur in North Haven is totally unrelated to the site of the proposed mall.

RESPONSE:

The EIS staff acknowledges your comments and observations. Your views are noted and they will be taken into consideration by the Division Engineer in arriving at a permit decision.

L5: Town of North Haven, Conservation Commission - 6 March 1982

COMMENT 1:

On Wednesday, March 3, 1982, the seven members of the North Haven Conservation Commission met in a special session, called by the Chairman, to consider action and a position to be taken by this commission regarding the US Army Corps of Engineers DRAFT ENVIRONMENTAL IMPACT STATEMENT on the North Haven Mall project.

Consequently a motion was presented, seconded and discussed. Finally, a vote was taken and the motion was accepted by a majority vote.

The motion reads as follows: "The North Haven Conservation Commission ENDORSES the issuance of a permit to place fill in about 25 acres of wetlands and water-courses in conjunction with the development of the North Haven Mall."

I ask you to incorporate this position of the North Haven Conservation Commission with this resolution as part of your final EIS report. Thank you.

RESPONSE:

The EIS staff acknowledges your position in support of the proposal and it will be taken into consideration by the Division Engineer in arriving at a permit decision.

L6: Town of North Haven, Conservation Commission - 6 March 1982

COMMENT 1:

Non-specific comments on the DEIS, indicating concerns of the North Haven Conservation Commission.

RESPONSE:

In your comment letter, the comments numbered I - VIII do not pertain specifically to the EIS, but represent comments on potential conditions to a permit if one is granted. Your comments are a part of the permit file and they will be considered in our permit deliberation and in any subsequent consideration for conditions placed on a permit, if issued.

COMMENT 2:

Table 15 follows Page IV-10. On line 11 "Major Routes" we believe the reference should read "Bishop Street EAST (not west) of Hartford Turnpike".

RESPONSE:

The table is correct as presented. The conditions in the macroanalysis area as presented in table 15 of the draft EIS includes Bishop Street west of Hartford Turnpike. The conditions east of this area are covered within the microanalysis area, where intersections are the restrictive element and where conditions are presented in table 16.

L7: Town of North Haven, Conservation Commission - 18 March 1982

COMMENT 1:

Non-specific comment on the DEIS. (This comment forwarded correspondence between the North Haven Conservation Commission and the U.S. Department of Agriculture, Soil Conservation Service).

RESPONSE:

The EIS staff acknowledges receipt of this correspondence. The SCS has made specific comments on the draft EIS that are presented in Volume 2 of this final EIS. See our responses to their comments, F6.

L8: City of New Haven, Mayor Biagio DeLieto - 16 March 1982

COMMENT 1:

Comments made by Mayor Biagio DeLieto of New Haven at 16 March 1982 hearing. These comments were superseded by his 29 March 1982 comments, following below.

RESPONSE:

The EIS staff appreciates the submission of one complete package of comments. The responses to these comments follow below.

L9: City of New Haven, Mayor Biagio DeLieto - 29 March 1982

COMMENT 1:

The Army Corps of Engineers' decision of whether or not to issue a permit for construction of the North Haven Mall rests on one critical question -- does the Mall serve the broad public interest? Specifically, the Corps' regulations provide that:

"NO PERMIT SHALL BE GRANTED UNLESS ITS ISSUANCE IS FOUND TO BE IN THE PUBLIC INTEREST" (33 Code of Federal Regulations, Section 320.4).

In these regulations, the public interest is broadly defined to include, among other things, the effects of a proposed project on the environment, land use, and regional economic development. Among the crucial criteria the Corps must apply in evaluating and reaching a finding of public interest are:

1. "the relative extent of the public and private need for the proposed ... work"; and

2. "the desirability of using appropriate alternative locations and methods to accomplish the objective."

RESPONSE:

The EIS staff acknowledges your comments and reiteration of decision elements under the Corps' jurisdiction. At this time a discussion of the "public interest" is premature, since it is the topic of the Record of Decision, the decision document for this permit matter. The evaluations and presentation of the need for the proposal and alternatives has been presented in the EIS, in sections I and II, respectively. Information on and evaluation of public interest subject matters are contained throughout the EIS.

COMMENT 2:

Furthermore, the Corps must determine whether "the benefit which reasonably may be expect to accrue from the proposal is balanced against its reasonably foreseeable detriments:, (33 CFR, Sec. 320.4).

While there are a number of pressing natural resource preservation and utilization issues raised by the proposed Mall development, the City of New Haven's comments will focus primarily on the social and economic impact of the proposal. In its evaluation, the City examined whether or not the Draft Environmental Impact Statement addressed basic regional economic and land use considerations:

1. To what extent does the proposal respond to and fill a defined public need?

2. What are the alternative means of accomplishing the objectives of the proposed mall and the impacts associated with each of those?

3. Do the benefits provided by the proposed North Haven Mall outweigh the broad negative social and economic costs it will impose on the region?

RESPONSE:

The EIS addresses the proposal and its response to a public need in section I, section III H 2.0, section IV A 8.2.1, and our response to comment L12(#5). In addition, also refer to revised appendix L and its supplement, which includes New Haven's submissions that present the city's information and opinions defining public need and expected impacts of the proposal. Sections II and IV of the EIS review the reasonable and foreseeable alternatives, and their impacts, that have means of accomplishing the objectives of the proposal.

With regard to weighing the benefits and negative costs of the proposal, the EIS is not the appropriate document for making the "net" decision, since that will be the public interest decision that will be weighed and presented in the Record of Decision.

COMMENT 3:

The City maintains that the DEIS as released does not respond adequately to the above questions and to the regulatory requirements of the Army Corps and therefore does not provide the basis for the required determination of public interest. In placing undue reliance upon materials submitted by the applicant, who has an inherent conflict-of-interest in presenting this information, the Corps has failed to provide the independent and objective assessment of the impacts of the proposed Mall which would provide the basis for a valid public interest determination. This report and the associated technical memoranda will outline the serious technical flaws in the materials prepared by the applicants particularly Appendix L, Economics and Land Use, prepared by Gladstone Associates (consultant to the applicant). An alternative analysis then will be presented.

RESPONSE:

The EIS staff acknowledges your comment and we note your concerns for the record. The use of information developed by Mall Properties, Inc. is allowed under the Corps' Regulatory Permit and NEPA regulations. We also refer you to our response to comment PO-12(#1). We acknowledge your views and opinions expressed in this memoranda and presented in detail in your submission which is included in revised appendix L, supplement. The EIS has been modified to include this information in section IV A 8.0 and in the appendix, and will be used by the Division Engineer in arriving at a permit decision.

COMMENT 4:

The City of New Haven would be the first to point out that there is a demand for additional quality retail facilities in the New Haven metropolitan area, as demonstrated by independent market analyses (Halcyon, 1978; Rouse Co., 1981; Phillips/Norwalk, 1982).

The presence of a public need for retail facilities in the New Haven area, however, does not lead automatically to the conclusion that the applicant's proposal to construct the 1.16 million square foot North Haven Mall is the most directly responsive, cost effective, and least detrimental way of meeting this unmet public need.

RESPONSE:

The EIS staff acknowledges your comment confirming that "additional quality retail facilities" are needed in the New Haven region. We also acknowledge your concerns and views for the amount of added retail space that you feel is warranted in the region to best suit and be responsive to the public need. The EIS addresses the purpose and need for the proposal in section I, the alternatives to accomplish the objectives of the proposal in section II B, and the economic/market capacity considerations and impacts in sections III H and IV A 8.0. Also see revised appendix L, with supplement, which includes the detailed information submitted with this comment.

COMMENT 5:

The Corps makes no attempt to quantify the level of demand for additional retail facilities independent of the instant proposal. Furthermore, the Corps fails to demonstrate that the proposed mall is the only or even the optimal alternative for serving the still unquantified public demand for retail facilities.

Even the analysis provided by the developer estimates that a minimum of 34.2% of the mall's shoppers' goods sales in 1985 (scenario 1) will be sales transfers from other metropolitan locations. Independent market analysis and evaluations have projected that this transfer will be substantially greater, providing up to 87% of mall sales, and that the largest transfer in terms of percentage of existing sales will come from the New Haven CBD, Hamden's Magic Mile, and other established centers in the region (Phillips/Norwalk, 1982; Putman, 1982; Chung, 1982; RERC, 1981).

RESPONSE:

Please refer to the EIS, sections I, III H, and IV A 8.2.1 for discussions of the need, demand, and market capacity considerations. Also, please refer to our response to comment L12(#5). The decision as to whether the proposed mall is presently the "only" or "optimal" alternative in the public's interest will be appropriately the focus of the Record of Decision. A consideration of alternatives is presented in the EIS, section II.

The EIS staff notes your projections indicating greater sales transfers than predicted by appendix L of the draft EIS. The final EIS, section IV A 8.2.2, has been modified with information, including the

city's submissions, to show a potential range of impacts. Also see revised appendix L, supplement.

COMMENT 6:

The public need in question here is for retail services -- opportunities to comparison shop at reasonably competitive prices within a reasonable distance from one's residence or place of work. Any definition of public need must start with a specific analysis of how well served this need is at present in specific areas of the region.

The question then becomes what are the practicable and reasonably foreseeable alternatives for meeting this need.

RESPONSE:

The EIS staff acknowledges your interpretation of "public need" and your view of how an assessment of it should start. The EIS discusses the need for the project and market considerations in sections I, III H, and IV A 8.2. Also refer to our response to comment L12(#5). A consideration of alternatives is presented in the EIS, section II B.

COMMENT 7:

Our market analyses and evaluations prove that the proposed mall at its present scale is not an appropriate method of meeting a legitimate public need for retail services in the New Haven Metropolitan area. Our analyses suggest that the Corps should consider at least two alternatives for meeting the public need. These alternatives include:

A. improvement and incremental expansion of existing regional centers and smaller downtown districts;

B. provision of a scaled-down regional mall with two anchor stores.

RESPONSE:

The EIS staff acknowledges your views and opinions. We believe, however, that the EIS, section II and appendix Q, present an appropriate consideration of alternatives for the market area which includes the expansion of existing centers and a reasonably scaled-down version of the proposal. We do not believe that a review of a two-store facility is necessary, since there appears support for a larger center. Consider the Phillips/Norwalk Report projections (exhibits 4, 5, and pages 11-13) indicating the percentage of mall volume for a suburban trade area, which could amount to 64 percent of the proposed mall's total sales volume. However, there appears to be considerable additional support for a larger-than-two-store facility if the metropolitan New Haven area were added, since it is presently underserved.

COMMENT 8:

One simple alternative method of meeting the valid public need which would not involve massive dislocation in existing centers, and which builds on their strengths and potentials, would be a program of physical and management improvements at the two existing major regional centers designed to provide those qualities of regional malls which attract shoppers -- amenities, security, ease of access and parking, depth and variety of merchandise, etc.

RESPONSE:

This consideration is discussed in the EIS, section II and appendix Q. There is no indication that such programs would culminate in additional retail provision to accomplish the objectives of the proposal.

COMMENT 9:

As this discussion and the various technical memoranda will demonstrate, there is a reasonable probability that the proposed mall would have a major impact on existing retail centers in the region and on the ability of cities and towns to strengthen and revitalize their aging commercial areas and to provide essential public services. The project would cause significant regional shifts in employment, tax base and economic activity.

RESPONSE:

The EIS staff acknowledges your comments and concerns for the potential effects of the proposed mall. Economic impacts and effects on employment and community tax bases has been reviewed in the EIS, Section IV A 8.0 and in revised appendix L, with supplement.

COMMENT 10:

Meaningful service to the proposed mall simply could not be provided merely by restucturing Route C between New Haven and Wallingford. Either additional scarce resources would have to be diverted from existing routes in this time of tremendous budget pressure on the entire bus system, reducing overall service levels and effectiveness, or transit-bound groups and individuals would be effectively excluded from working or shopping at the proposed mall.

RESPONSE:

The EIS considers public transportation in section IV A 4.4, and we acknowledge your concern that the bus service along Route C might not serve everybody who is transit dependent.

COMMENT 11:

The City of New Haven today is definitely the hub of an evolving metropolitan area. While the city has many strengths as discussed above, it, like with many cities, is in a somewhat precarious economic and political position because of a tremendous service burden in the face of declining Federal and State Assistance, and the threat of major suburban development. A development on the scale of the North Haven Mall would drain the center of the retail sales which are the major support of building maintenance, jobs, taxes, and ancillary development in the downtown area.

RESPONSE:

The EIS staff acknowledges your comment and concern for the city's ability to maintain itself, even now without the additional pressure of a new suburban mall. The EIS considers the potential economic effects on jobs and taxes in section IV A 8.0 and revised appendix L, with supplement.

COMMENT 12:

The extensive body of Federal and Connecticut law outlining the public interest in maintaining and renewing older urban centers should guide the Corps in making the public interest determination required in this permit decision. In Appendix 3 we have provided an annotated list of citations from State and Federal law through which the representatives of the public have articulated and interpreted this important aspect of the public interest. Most of these statutes and statements of public policy were creating specific programs to promote preservation and revitalization of cities or to grant cities special powers to pursue their development objectives.

RESPONSE:

The EIS staff acknowledges your comment and notes that the references in this comment will be considered in the public interest review and will be weighed in the Record of Decision. We also note, however, that a Corps' permit decision is not required to be consistent with local, regional, or State master plans or policies. However, if any local or State license or permit is denied or modified based on these plans, our decision would reflect such. Also, please refer to the final EIS, section IV A 8.10, where the draft EIS has been modified to include a review of State and local policies.

COMMENT 13:

The Draft EIS is based on methodologies and conclusions so flawed as to render the statement an inadequate basis for determining whether the public interest will benefit or suffer from the construction of North Haven Mall.

RESPONSE:

The EIS staff acknowledges the comments and note that they express the opinion and the conclusions of the commenter.

L10: City of Meriden, City Manager - 11 March 1982

COMMENT 1:

Non-specific comment on the draft EIS. For the full text of the comment please refer to volume 2, comments, in this final EIS.

RESPONSE:

The EIS staff thanks you for your review and comments. We have noted your views and they will be considered by the Division Engineer in arriving at a permit decision.

L11: State Senator, John C. Daniels - 16 March 1982

COMMENT 1:

As a member of the Connecticut Legislature I have been deeply involved in the development of legislation and programs aimed at improving the quality of life for all of Connecticut's residents. The legislative process takes very seriously its articulation of "public interest" in the development of new laws. The Connecticut General Statutes reflect efforts made through the years to define "public interest" particularly as it relates to preserving the urban centers of Connecticut. In the time available tonight it would not be possible to have all of the laws which contain planning policy directives that promote the preservation and revitalization of existing city centers. However, I would like to briefly mention three examples.

Section 8-169(a) of the Connecticut General Statutes states that "the future welfare of the State and well being of its citizens depends on the establishment and maintenance of viable urban communities as social, economic and political entities." Section 8-201 adds, "it is found and declared that improvement of the conditions and quality of urban life is one of the most serious responsibilities facing the state." Section 8-242 warns of the economic hazards of continuing the development of areas ourside of existing centers, thereby decreasing their efficiency and adversely affecting the health, welfare, safety and general prosperity of the citizens of the State.

RESPONSE:

Thank you for this information. The EIS staff acknowledges your views and opinion that the development of the proposed mall may be

contrary to several public interest initiatives and objectives expressed in Connecticut General Statutes, specifically those sections listed above. As such, we note them here for their inclusion into the EIS. Your views and the compliance relationship of the proposed mall to Connecticut's General Statutes will be taken into consideration by the Division Engineer in arriving at a permit decision. Also refer to our response to comment S3(#1).

COMMENT 2:

Second, as a legislator representing a racially and economically mixed district, I must express my deep concern and conviction that the proposed North Haven Mall will create a dangerous precedent by further segregating the regional retail market. The Mall would segregate the retail market in two ways: first, the Mall would absorb most of the retail facilities providing middle and upper end quality stores, leaving the downtown with predominantly discount and low end market stores. In addition, the lack of frequent public transportation service to the Mall will make it inaccessible to low income residents from the city, reducing their opportunities to shop or be employed at the Mall.

This leads me to my last concern, which is subsequent reduction of employment opportunities in my district due to the loss of sales and business resulting from the Mall. This loss will not, as the DEIS suggest, be balanced by the new employment generated by the North Haven Mall. Those jobs will be taken by local residents providing second and even third incomes in families where there are working teenagers. Thus, the Mall will reduce employment opportunities for the central city low income residents for whom the downtown employment is their only viable source of income.

RESPONSE:

The EIS staff does not believe that the draft EIS suggests that lost employment opportunities for low-income New Haven residents caused by the mall would be balanced by new jobs for them at the mall. The draft EIS indicates that several hundred minority workers would be employed at the mall, based on minority population and normal worker proportions in retail trends. This is not intended to suggest that the New Haven inner-city residents who lose their jobs because of diminished retail trade would necessarily find a transferred job at the mall.

Please refer to revised appendix L supplement for the report prepared by Dr. Pamela Savatsky on this subject matter. The results are presented in this final EIS under Summary of Adverse Impacts and in section IV A 8.4.2.

COMMENT 3:

Given the economic and social consequences of the North Haven Mall, it is clear that the Mall is not in public interest as defined in the laws and policy directives of this State. For this reason I urge the Army Corps of Engineers to deny the permit application.

RESPONSE:

The EIS staff acknowledges your opposition to the proposed project which will be considered by the Division Engineer.

L12: City of New Haven, Alderman Steven Mednick

COMMENT 1:

As a local legislator in an urban area, I am confronted in every decision I make by the stark realities of economic stagnation:

-- A retail community facing high interest rates, a tight money supply and consumer retrenchment;

-- An increasing unemployed and unemployable population requiring public and private sector retraining and employment opportunities;

-- A tax burden on middle class homeowners in a state where revenue raising responsibilities for education, police and fire protection and the service burden for those who use our hospitals, universities and the like fall heaviest upon our urban governments.

For those reasons I ask the Army Corps of Engineers to consider in a second draft environmental impact statement "any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented" and thereby reject the present plans for the construction for the North Haven Mall.

RESPONSE:

The EIS staff does not believe that a review of "any irreversible and irretrievable commitments ..." necessitates the publication of a second draft environmental impact statement, since this would not represent presentation of substantial changes in the proposed action or presentation of significant new information. The EIS has been modified to include section IV A 8.7, to specifically enumerate these commitments.

COMMENT 2:

Non-specific comment on the draft EIS.

RESPONSE:

The EIS staff notes your concerns and opinions on the location of the proposed project and its potential effects on existing businesses. Your views will be considered by the Division Engineer in arriving at a permit decision.

COMMENT 3:

I am concerned in the shadow of the tight money policies of the Federal Reserve and the Reagan Administration, that local retailers first will not be able to afford the leasing requirements of the Mall, and second will be unable to compete with the large enterprises and national chain stores destined to capture the market created by the Mall.

RESPONSE:

Non-specific comment on the EIS. We acknowledge your concerns and they are noted for the record.

COMMENT 4:

It is clear that an independent evaluation of retail dollar diversion is a relevant factor to be considered. I would hope a second draft would take that factor into consideration.

RESPONSE:

The EIS staff agrees that "dollar diversion" is a relevant factor, but we disagree that a second draft impact statement is needed. Dollar diversion has been independently reviewed and assessed by the Department of Housing and Urban Development through a private consultant (see revised appendix L, Economics and Land Use). Additionally, several independent interests have developed estimates and projections on retail diversions which have been submitted by the City of New Haven and are listed below:

1. Rouse Company confidential market analysis, reported by the City of New Haven, 1 October 1981.

2. "An Analysis of Market Potential," (Halcyon Report), Halcyon Ltd., 1978.

3. "Retail Market Impact, Proposed North Haven Mall," prepared for the City of New Haven by Phillips/Norwalk Company, March 1982.

4. "A Large Scale Regional Shopping Mall vs. The Regional Downtown, An Economic Impact Study of the Proposed North Haven Mall," prepared for the City of New Haven by C. H. Chung, PhD., A.I.C.P, submitted to Corps of Engineeers in March 1982.

5. "An Analysis of Retail Sales Shifts from the New Haven Central Business District in Response to the Construction of the Proposed North Haven Mall," prepared for the City of New Haven by Stephen H. Putman, PhD., 22 March 1982.

The information in these reports showed a range of dollar diversion, retail transfer, and economic impact that might occur should the mall be developed. This is presented in the EIS, section IV A 8.2 and revised appendix L, with supplement. No significant new information has altered the range of potential retail diversion that was presented earlier in the draft EIS. We do not feel that the information presented warrants publication of a second draft impact statement. The projections made in the reports, listed #3, #4, and #5 above, substantiate the potential range of impact reported in the draft EIS. It does not represent a substantial change in the proposed action or a presentation of significant new information, which might otherwise require a second draft or supplement to the draft EIS.

COMMENT 5:

In conclusion, I believe that a strong regional economy presumes the strength and vitality of each component part. The development of the North Haven Mall, rather than balancing the growth within the region, will artificially shift productive dollars away from population centers most in need of support. I urge the Army Corps of Engineers to clearly assess the economic and social impact as well as to define the public need and demand for retail facilities on the scale of the proposed mall.

RESPONSE:

The economic and social impacts have been assessed. The economic effects are reviewed and presented in the EIS, section IV A 8.0, and further detailed in the reports listed in the above response, and which are contained in revised appendix L, with supplement. Social effects are also reviewed and presented in these sections where they pertain to impacts that are economically caused, such as job effects, fiscal impacts, tax revenues, and so on. Otherwise, social effects are described in the EIS, section IV A 9.0 and in appendix M. Reference to potential impacts are also contained in appendix R.

With regard to defining public need and demand for the proposed project, the Corps of Engineers under the regulations of the President's Council on Environmental Quality, CEQ (40 CFR 1500) promulgated under the National Environmental Policy Act (NEPA), is charged with the responsibility to "briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." The Corps of Engineers' guidelines (33 CFR 230) further relates that the "applicant is requesting a permit to perform work which, if approved, is considered in the public interest (that is, provides a public benefit). This public benefit shall be stated in as broad, generic terms as possible."

Since the Corps undertook developing an impact statement for this permit action, we were required, for the purposes of an EIS, to state why this project is being proposed. In other words, what is the "purpose" or "need" for which the proposal is being made. Essentially, the need was generically presented in terms of the type of shopping opportunity proposed and its availability in the region. This considers the demand for the type of retail service facilities proposed and the regions capacity and desire to support them. The purpose of the proposal is to offer goods and services that provide a range of products, diversity of merchandise quality, and a degree of selection and choice. The "needs" statement in the EIS is a disclosure of why the proposal has been made, what it intends to satisfy. It is not intended to be the final definitive statement that a mall is, or is not, "needed," since we believe this is appropriately and ultimately decided by the permit decision and recorded in the Record of Decision after consideration of all the public interest factors. Neither is "need" intended to express a life-sustaining minimum existence requirement for all the citizens of the region, as has been suggested by many opponents to the proposed mall as a definition that should be assumed in the EIS.

We feel the EIS is required to demonstrate and disclose all existing information, reason, or perceptions that illustrates that there is, or is not, any public need (and applicant's need) for the purpose for which the proposal is being offered. The EIS process and the EIS's statement on need provides the public and the Corps the opportunity to review the "need" consideration, information available to support it, and the alternatives to accomplish the objectives for which the proposal has been made.

In the case of the proposed North Haven Mall, the EIS staff believes that several items have indicated that a "need," "desire," or "demand" exists for the proposed project, and that it could provide some benefit to the public, albeit not necessarily to everyone. These items include: (1) a trade acceptable market analysis illustrating that considerable sales "leakage" from a defined market area could be reversed (see EIS section I, section III H, section IV A 8.0, and revised appendix L); (2) several analyses indicating substantial consumer economic support for added retail facilities (see EIS section IV A 8.0 and revised appendix L supplement); (3) hundreds of letters, signatures, and a public hearing indicating support from considerable segment of the public; and (4) retail analyses indicating probable substantial sales transfers from existing retail facilities, potentially indicating the public's favor and willingness to transfer their expenditures to another facility.

For the purposes of the EIS, these items indicate that new retail facilities, the proposed mall in particular, may be well supported by the public. In other terms, the need for the project could also be defined to include the public's "want," "desire," "preference," "requirement," "demand," and so on for the proposed facility. Although this does not indicate a "net" regional preference for the mall, which could only be

determined by public voting, it does indicate a need for which the proposal has been made.

In addition, the EIS recognizes and assumes the applicant's need as being their desire or their own requirement to provide a good or service for profit.

For the permit decision, however, the description of need, as presented in the EIS, is considered along with other information in the file of record and is weighed against other public interest factors. The permit decision is the Division Engineer's judgment on the need for the project and its benefit to the public after considering all public interest factors.

L13: Town of Hamden, Councilwoman Joyce A. Phipps - 9 March 1982

COMMENT 1:

Appendix H (Transportation) discusses the design level of traffic within three matrices: the 17 town market area, the macroanalysis area (defined as that area within which community impacts from mall-related traffic might be felt) and the microanalysis area (the direct and immediate environs of the proposed mall). The conclusions of Appendix H are drawn from a set of assumptions which are directly contradicted by the series of assumptions upon which Appendix L (Economics) is based. The assumption of the Transportation Report is that traffic patterns will be the result of the Mall as the sole destination. It is also expected that there will be 42,000 weekday and 56,000 weekend vehicle trips. This design level is a conservative figure according to the consultants who state that the true traffic impact cannot be adequately measured until 1987 or 1988. Further, the report states that traffic on Washington Avenue, Poole Road, and other close local streets will be mainly local in nature, that is, will be mainly comprised of North Haven residents. Further, it is clearly stated that there is very limited public transportation. The comment that increased traffic could "possibly" lead to increased public transportation route allocation in the mall area is not corroborated by the experience of other suburban malls. Only those malls which are literally on rush hour routes into major urban centers (such as Corbins Corner for Hartford) have bus service, and that service is geared to the urban rush hour, not to the mall's shopping schedule. Traffic will be private automobile traffic and nothing else.

RESPONSE:

The EIS staff acknowledges your opinions and concerns for trafic. No new information or detail is presented that would indicate that the information in the EIS requires change. However, further explanation is presented here.

We do not find that appendix H and appendix L are contradictory. Appendix H assesses a worst case type of situation by assuming that all of the traffic generated by the mall had the mall as its desitination. This is actually an over estmate since some of the traffic would have been on the road for other purposes as well. As a result, to consider a worse than likely situation appendix H states that the vehicle trips to and from the mall are made up solely of trips going only to the mall. It is unclear from the comment what assumptions from appendix L are being referenced. A substantial portion of the trips to the mall will already be on the roadway network in its vicinity and will simply divert their normal trip pattern for a stop at the mall. The proportion of these diverted trips was not quantified, however, and conservatively, all trips were treated as if they were newly generated. This is discussed on page 22 of appendix H.

The 42,000 weekday and 56,000 Saturday trips are not the "average" or typical volumes expected at the mall, especially in its first year, nor even 3 to 5 years later (when the center can be expected to have reached its full potential and has become established in its market area). Instead, these values are "design" values, intentionally higher than average, employed to ensure that the ingress-egress drives and external roadway and traffic improvements will be designed to operate freely, with reserve capacity to accommodate above-average conditions. The values used are the traffic generation figures submitted to the Connecticut State Traffic Commission in 1978 and again in 1981, in support of the application for a "Major Generator" certificate.

The "design" trip generation estimates used in the North Haven Mall traffic studies are higher than the values given in the Institute of Transportation Engineers (ITE) 1979 publication Trip Generation, An Informational Report. This is the source most widely used by transportation planners throughout North America in the preparation of traffic impact studies for shopping centers and other types of land development projects.

The following table shows a comparison of the two sets of figures, and it demonstrates that those used in the North Haven Mall analysis are higher than ITE-based trip estimates.

TRIP GENERATION - NORTH HAVEN MALL

Period	Based on ITE Report(1) Trips/1,000 SF	Trips	As Used in North Haven Mall EIS Trips/1,000 SF	Trips
Weekday				
All Day	31.1	34,800	37.5	42,000
5:00-6:00 P.M.	3.18	3,560	3.36	3,760
Saturday				
All Day	41.7	46,700	50.0	56,000
3:00-4:00 P.M.	N/A	N/A	4.62	5,170

(1) Trip Generation, An Informational Report, Institute of Transportation Engineers, 1979 (Average values for centers in 1,000,000 - 1,249,999 SF range)

N/A Not available

Note: Trip generation figures assume 1,120,000 SF of gross leasable area, which included the possible 30,000-square-foot expansion by the G. Fox Company.

Recent experience throughout the United States and Canada indicates that lower trip generation rates than utilized for North Haven Mall are appropriate for planning purposes. The following is a quotation from a recently published comprehensive study dealing with parking and traffic considerations of shopping centers*:

> As the shopping center industry has matured, shoppers have become aware of peak shopping times, seek to avoid the busiest peak times, and distribute their shopping trips over a greater number of off-peak days and hours - all of which suggests that the 10th highest hour, which was previously used as the design hour, is no longer appropriate.[3] Indeed, design of shopping center access roads is now typically based upon average weekday and weekend traffic volumes,....
>
> 3. Institute of Transportation Engineers, Trip Generation Report (Arlington, Virginia: Institute of Transporation Engineers, 1979).

* Parking Requirements for Shopping Centers: Summary Recommendations and Research Study Report, The Urban Land Institute, 1982, page 10.

Appendix H states that mall traffic using Pool Road and various other collector streets in the residential neighborhoods of North Haven will be essentially local North Haven residents traveling to and from the mall. This statement does not apply to Washington Avenue.

Present public transporation service is not as limited as implied in the original text of appendix H. The bus service was improved significantly in 1981; please see our response to comment PO-12(#7).

The statements regarding the limited potential of regional shopping centers in terms of supporting improved public transportation services are unfounded. The 1979 research study cited on page 49 of appendix H, and follow-up studies by the same investigator, indicate that large regional malls do indeed stimulate transit ridership and that, in many instances, new or improved bus routes are not only justified but may even prove to be self-supporting.

COMMENT 2:

Appendix I (Air Pollution) dismisses the entire issue by a politically naive statement that the proposed inspection and maintenance program will be effective by January, 1983, and that, as a result of the I/M program, automobile emission will be reduced by 25%. This is even more naive considering that the assumptions of Appendix L are totally different from those of the other two appendices.

The Gladstone consulting study on economics discusses a major side effect of the mall as the increased business for merchants along Washington Avenue. The expected increase along Washington Avenue in Appendix L does not existin in Appendix H which states the over-whelming increase of traffic will be borne by two service roads. The increase in air pollution in the microanalysis area will be significant due to the stop and start quality of the Washington Avenue area.

RESPONSE:

The EIS staff acknowledges the concerns but believes the comments express the opinion of the author. The Connecticut Department of Environmental Protection, Division of Technical Services, has indicated its commitment to implementation of the Inspection and Maintenance (I&M) program. Connecticut's program has started and is expected to achieve its objective of emissions reductions mandated by the EPA as described in the draft EIS. The Technical Support Branch of EPA-Region I has confirmed Connecticut's commitment to the I&M program.

The emission reductions presented in the draft EIS are calculated using a computer modeling program developed by EPA for emission factor calculations. Also see our response to comment P-29(#2), the EIS, section IV A 5.0 and appendix I. Traffic conditions are reflected in the calculations, since the EPA procedure includes factors to account for vehicle operating conditions including stopping and starting.

Air quality standards are expected to be maintained. Refer to our response to comment PO-1(#19). Predicted carbon monoxide concentrations in 1984, both with (the operational condition) and without the proposed

mall, will be below NAAQS at all locations in the microanalysis study area.

Although 61 percent of the mall traffic will use the two expressways (Routes 15 and 91), some traffic will also use other major streets and highways. Six percent of the total was estimated to use the portion of Washington Avenue past the majority of the business establishments (for example, south of Blakeslee Avenue). The mall traffic, not all of which represents newly generated trips, also will likely benefit the Washington Avenue merchants, in that it will provide more exposure for the stores located on the avenue. This exposure may in turn lead to some modest secondary development along Washington Avenue which has been reviewed in the draft EIS and revised appendix L.

Such development would be in response to the mall-oriented traffic and is, therefore, expected to attract little additional traffic on its own. At the same time, the transportation analyses assume that non-mall traffic would increase in order to account for all development that might occur over the study period. This increase would also cover any minimal increases in traffic on Washington Avenue owing to secondary development. This traffic was accounted for in appendixes H, I, and revised L.

COMMENT 3:

The final issue I wish to address is that of "public need" for this proposed mall. The economic consultants make the following assumption:

1) There is a unmet need for quality, depth and variety shopping in the region;
2) The planned shops are consonant with general market planning strategy for the large department stores to be represented in this proposed mall;
3) The Hamden Magic Mile will not suffer greatly because it is not competing for the same kind of market (even though Hamden will lose the direct revenue from the move of Sears to the Mall);
4) The impact on the rest of the region is economically negligible even assuming a zero growth in discretionary income.

First, there may be an unmet need for certain kinds of retail markets; the question is, however, whether a supermall of over 1.2 million square feet is the best way to meet that need. This proposed mall will oversaturate all possible markets. The technical reports to the Hamden Town Plan, for instance, warns of over-development in Hamden's retail sectors. Indeed, the proposed Old Hamden Center, mindful of possible oversaturation, altered its retail-commercial mix to be more heavily commercial. There are many better approaches to market need; a balanced regional approach would be far superior to the current proposal. Secondly, there is no reason why the Army Corps of Engineers should simply serve as a rubber stamp to the plans of commercial expansion by firms with little real interest in this region other than preferability.

Third, the consultants suggest that the fact that Hamden will lose "only" 8.5% of its business on the heavy Dixwell Avenue strip know as the Magic Mile, is only of minor concern. Currently, there is one empty grocery store and the probability of an empty Sears. The Mall will be the likely first stopping place for traffic coming west toward Hamden, especially for those who come to use Sears, and then continue to shop along other areas of Dixwell Avenue. It will also serve to further empty lower Dixwell Avenue stores on the border of the Highwood neighborhood. The consultants' eight percent drop in business is a significant drop in retail business and not something to be shrugged off. The real drop will be more of twenty percent, not eight, a figure which spells disaster for Hamden.

RESPONSE:

The EIS staff does not believe that your comment on the "best" way to meet retail needs is germane to this EIS, since it would be premature for such a conclusion to be part of the EIS. This determination is appropriately the subject of the Record of Decision (permit decision). It would consider all public interest inputs, including this EIS, to arrive at which alternative is best suited for the public's interest given the existing and foreseeable circumstances. The EIS staff does not believe that it has or will serve as a "rubber stamp" to the special interests of commercial expansion in the New Haven region. A reasoned decision will be made on the Mall Properties, Inc., permit application.

Information in revised appendix L supplement, developed by Chung, indicates a potential for a 10.8-percent drop in retail sales business in Hamden, with the potential of a 30 percent drop in the GAF-shoppers' goods type sales. This potential impact and your concerns will be taken into consideration by the Division Engineer in arriving at the permit decision.

COMMENT 4:

Finally, this proposed mall will have a significant economic impact on the entire region; a matter about which all of us ought to be concerned. The draw of markets away from a core will economically weaken the entire region. No region can survive without an economically viable central city. This proposed mall will attract an affluent suburban population, abandoning the core to an even greater extent to the poor, the elderly and the underclass. Urban crime is often cited as a factor already partially causing that abandonment. In many parts of the country there has been an appalling increase in petty crimes, both against person and property. These malls often are even more inadequately policed than are urban centers. They have become our new crime centers.

The North Haven Mall, as proposed, is both an economic and ecological disaster; economic because of the outflow of retail trade, and ecological because it is detrimental to the good of the entire region. I urge the U.S. Army Corps of Engineers to reconsider its initial approval and to recommend against it.

RESPONSE:

The EIS staff belives that the effect of the proposed mall on crime and police coverage has been adequately assessed in the EIS, sections IV A 9.4.1 and IV A 9.5, and in appendix M. Also see our responses to comments PO-8(#4) and PO-11(#1). Please refer to the response to comment L1C1 for our response to your comment on "initial approval." Your views and concerns for the central city are noted along with your opposition to the proposed project.

L14: Town of Hamden, Economic Development Commission - 15 March 1982

COMMENT 1:

The focus of our review has been the analysis of Gladstone Associates, with respect to development potential of sites within the town of Hamden. Within the past several weeks, significant media coverage was given to a table know as the "Alternatives Screening Matrix", which was prepared in conjunction with Gladstone Associates analysis of single site alternatives for comparable retail facilities. This analysis is found on page II-3 of the draft impact statement. The Alternatives Screening Matrix examines twelve alternative sites to the proposed North Haven Mall and classifies them according to overriding problems, serious constraints and other constraints.

With respect to the Consultant's analysis of the potential for expansion of the "Magic Mile" in Hamden, the Alternatives Screening Matrix indicates that expansion of the Magic Mile is infeasible, due to an overriding legal or political constraint. Considerable interest was aroused on the part of the town of Hamden upon seeing this table printed in the local media, in that we were unaware of what such a legal or political constraint of an overriding nature would be. Having read the voluminous materials provided by Gladstone Associates, we found only a single sentence explanation for Gladstone Associates' dismissal of the potential for expanding the Magic Mile in Hamden. Table 3, entitled "Summary Comparison of Alternatives Sites" defines the overriding legal or political constraints as follows:

> "Owners have not initiated or prompted proposals for expansion of facilities".

On behalf of the Town of Hamden Economic Development Commission, we can state that the town of Hamden and one or more owners along the Magic Mile have been discussing proposals for expansion of the Magic Mile during the course of the past several years. In the course of those discussions, one or more owners of the Magic Mile have put forth to the town, proposals to expand their facilities. Accordingly, the town in its newly adopted Master Plan of Development and in its proposed Zoning Regulations, has endorsed the concept of an expansion of the Magic Mile and provided zoning incentives to encourage such expansion. The town of Hamden is not aware

of any overriding legal or political constraint to the expansion of the Magic Mile.

RESPONSE:

The draft EIS, Section II B and appendix Q, recognized that the expansion of the Magic Mile would be in conformance with the existing (and now newly proposed) Hamden zoning regulations and Master Plan of Development. These issues are dealt with under the "site land use constraints" criterion.

On the other hand, the "legal or political constraints" criterion includes consideration and "an assessment of the history of similar development efforts for a given site... If previous development of a site has recently been rejected or prevented (e.g., because of litigation), this is considered an 'overriding constraint' as development clearly cannot be considered reasonably foreseeable" (see appendix Q, page 8). In this respect, the expansion of the Magic Mile does fail the "legal or political constraint" criterion. Some years ago the town put forth a proposal to significantly expand and improve the Magic Mile. This proposal was rejected by the owners of the two existing centers. Also, please refer to appendix Q, supplement.

The change in status of the Master Plan of Development does not change the outlook for new retail additions and/or expansions within the Magic Mile within the foreseeable future. According to the Planning Administrator of Hamden, "no concrete plans" have been or are now being discussed by the private sector for the expansion of the Magic Mile (personal communication to David Dodes, Planning Consultant to Mall Properties, Inc., July 1982). Thus, expansion is not reasonably foreseeable and, without the likelihood that expanded retail would occur, further evaluation for this EIS was considered unnecessary. The possibilities for such major development would require:

- a formal zoning change which, at this time, would be referenced as "proposed zoning regulations" in this comment;
- a large area upon which major new retailing might be placed;
- the likely incorporation of structure parking to meet the need for added parking requirements due to substantial land constraints; and
- the evidence of a willing developer and tenant group which, at this point in time, has not been forthcoming.

In appendix Q, also refer to page 13, and B26-B27.

COMMENT 2:

The Gladstone Associates report Table 2 "Alternatives Screening Matrix" also states that the Evergreen Avenue site in Hamden has "overriding problems". We have reviewed the summary comparison on Table 3 and once again find superficial analysis. Gladstone Associates believes that there is a legal or political constraint of an overriding nature, due to the fact that "local opposition has previously prevented retailed development at this site". The state courts in November 1981 found that the opposition to this retail development was in fact opposition from a competitor seeking to suppress competition. The town of Hamden has recently completed a three year process of updating its Master Plan of Development and revising its Zoning Regulations. Extensive public hearings were held during that time period with respect to land use decisions in the town of Hamden. The Master Plan of Development maintains the Evergreen Avenue site as a regional shopping center site. The proposed Zoning Regulations maintain the Evergreen Avenue site as a shopping center zone. The town of Hamden is not aware of any overriding legal or political constraints at this time to the development of the Evergreen Avenue site. Indeed a site plan could be filed with the local Planning and Zoning Commission at any time.

The town of Hamden has chosen the two most obvious examples of biased and superficial analysis on the part of Gladstone Associates with respect to development potential within the town of Hamden. The examples which we have illustrated call into question the analysis found in other sections of this Environmental Impact Statement, particularly with respect to the extent of transfer sales projected to be drawn out of the town of Hamden.

RESPONSE:

The draft EIS, Section II B and appendix Q, recognized that the development of the Evergreen Avenue site as a regional shopping mall would be in conformance with the then existing (and now newly proposed) Hamden zoning regulations and Master Plan of Development. These issues were dealt with under the "site land use constraints" criterion.

Since the State courts found in November 1981 (subsequent to the submission of materials used for preparation of the draft EIS) that the local opposition to the development of the site stemmed from a competitor seeking to suppress competition, this site no longer fails the "legal and political constraints" criterion. Tables 2 and 3 in the draft EIS have been modified to reflect this. Similar modifications are needed for table 1 and page B-10 in appendix Q, whose information has been modified by the appendix Q supplement. Because appendix Q will not be redistributed with the final EIS, page B-10 will not be changed, however, its need for modification is noted here.

Access and land use incompatibility constraints still appear to present overriding problems to the development of the site as a major

shopping center. Presently, this site appears available and there are no proposals for development for the site as a shopping center.

COMMENT 3:

The Town of Hamden has not taken a position for or against the North Haven Mall because we believe it to be inappropriate for one community to seek to influence potential economic competition in another. However, we do believe that material contained in the Draft Environmental Impact Statement which pertains to potential development in the town of Hamden merits comment.

In presenting this information, we seek to balance the material presented by North Haven Mall Properties, with respect to development potential within the town of Hamden. We believe that the Army Corps of Engineers should exercise its responsibility after having received information from all affected parties, and after having conducted thorough independent analysis.

RESPONSE:

The EIS staff acknowledges your comment and we recognize your neutral position on this issue. All information received from affected parties will be considered in arriving at a permit decision.

Private Organizations

PO-1: American Indian Archaeological Institute, 15 March 1982

COMMENT 1:

I see some contradictions between the reported abundance of cultural remains and the paucity actually recovered from the vicinity of the project area. While this may in part reflect the growth of artifacts in the telling and retelling of the stories, the excavation plan with testing at 20m intervals could have missed many sites/workshop/activity areas of the same size as those found.

Having walked over the area extensively prior to submitting a bid on the project, when it was known as the proposed North Haven Industrial Park in 1978, I had the feeling that a lot of the topography had been altered, compacted, and otherwise disturbed from its natural state. Thus, surficial indications are not necessarily indicative of subsurface features or artifact concentrations. While I am not doubting the in situ nature of the artifacts recovered or the ability of the excavators to recognize a disturbed context, one has to be careful in generalizing from the excavated areas to the ones only surficially investigated.

Having worked at many sites in Connecticut having a large amount of debitage and few finished artifacts, I can only stress the importance of a large quantity of adjacent excavation units to determine the true nature of the deposits. While a lot of sites of this nature do exist, the ones in the project area will take on added significance if the chippage cluster is actually from a single occupation of the site and not a composite deposit resulting from years of repetitive occupations. To discover this, however, will require a far more comprehensive research plan than stated. The use of flotation in this plan should not be limited to the search for dietary and environmental data. It can be used to determine whether stratigraphy is actually present or is induced by the research plan.

RESPONSE:

The "paucity" of material noted probably relates to the small size of the sites and to the limited excavation deemed appropriate for location- and identification-level studies. Testing was sufficient to determine National Register eligibility and project effect, but more complete site excavations would be inappropriate at this stage and are the focus of the data recovery plan. Please refer to our response to comment S7 (#1 and #2). The sampling strategy employed by the archaeologist performing the testing has proven to be sufficient to locate most archaeological sites in similar circumstances and was reviewed and found acceptable by the SHPO (State Historic Preservation Officer) prior to its implementation. The fact that this strategy located six archaeological sites confirms its efficiency.

The areas described as disturbed ground have been denuded of potential archaeologically productive topsoil by previous gravel operations. The precise definition of site components and interrelationships is appropriate to the mitigation stage of project planning and constitutes key components of the data recovery plan.

COMMENT 2:

Having never had any bad experiences working with the Corps closely on these types of projects, and realizing the difficulties encountered by others are by-products of the desire of everyone to get the job done as quickly and efficiently as possible, I would strongly suggest that construction with archaeological work still undone is the kiss of death.

Once this project in North Haven gets closer to reality and archaeologists start work, people will appear seemingly out of the woodwork with collections, advice, and where they should have dug. This may well lead to additional cultural remains in the project area. If it does and if construction is proceeding, one of two things happens: (1) construction stops and everyone gets upset while the archaeologist does his thing; needlessly taking more time than necessary since he was not prepared for this contingency; (2) construction doesn't stop, the site is destroyed, and everyone involved in the project gets a bad press. This project is pulling the town apart as it is and more trouble is not needed at any time.

RESPONSE:

The EIS staff acknowledges your comment and notes your concerns. We note that the location of utilities and other features of this project were closely considered in determining its effects, resulting in the proposed data recovery program for all those archaeological sites deemed eligible for the National Register. The proposed Memorandum of Agreement implementing the data recovery program will ensure that all construction for the mall would not conflict with data recovery operations.

PO-2 Arnold's Boot Shops, Inc., 24 March 1982

COMMENT 1:

I, like most retailers, know my clientele and their tastes by instinct. Instinct told me that the proposed North Haven Mall would take <u>much more</u> of our business away than the 13.2% upper estimate indicated in your Environmental Impact Statement. Knowing, however, that you are not interested in instinct so much as facts, though, I did some statistical studies on our customers' home addresses.

Firstly, 27.7% of our December Arnold's charge account dollars came from residents of those towns with the most convenient access to the proposed North Haven Mall. This figure is undoubtedly <u>low</u> as an estimate

of total potential customer losses, since Visa, Master Charge, and American Express charge card users are not figured in to this figure. And it is certain that major charge card owners tend to be from the more affluent suburban areas. So, the very least we might lose to the North Haven Mall would be this 27.7%. (See Table 1)

Secondly, my retail instincts told me that the proposed North Haven Mall would have its most severe impact on the buyer of middle to higher priced quality shoes. Once again knowing that you have no interest in my instinct, I did a statistical study of the mailing list for one line of quality men's shoes. I was not surprised to find that 48.8% of those customers come from those towns having the most convenient access to the proposed North Haven Mall. The opening of this mall would simply decimate the number of customers who comprise the most important part of our business, the customer of the middle to higher priced quality footware. (See Table 2)

We believe that we stand to lose up to 30% of our present sales overall. It is doubtful that our business can presently afford the approximately $300,000 investment to open a new store at the proposed mall. On the other hand, we also cannot afford to lose nearly one third of our business. So, we would probably close our Hamden store and bring in the personnel from there. There would be no addition of jobs to the New Haven area's workforce, as contended by the E.I.S.

RESPONSE:

Thank you for providing the results of your studies on how business might be affected at Arnold's. It is understandable, as you have indicated, that some stores might be more severely affected than the figures indicate. The range of retail sales loss has been forecasted by several studies, EIS section IV A 8.0 and appendix L, with supplement, whose figures would result in averaging the impact. Thus, some stores under particularly severe competition may lose more business than the figures show, whereas other stores would lose less business. The results of an informal survey of local retail merchants on how they perceived the mall would affect their businesses and a survey undertaken by Phillips/Norwalk have been added to the EIS. See section IV A 8.2.

The EIS staff does not share the opinion that no addition of jobs to the area's workforce would occur with the development of the proposed mall. Refer to the EIS, section IV A 8.4.2. Various job gain and loss figures have been reported in revised appendix L and the supplement (Chung). Chung reported that potentially, all the jobs gained at the mall would be lost elsewhere in the region, resulting in no net increase (a potential for a decrease). This, however, would appear to be a worst-case situation. More likely, based on some reasonable projection between the various estimates, a net addition of at least between 300 and 500 jobs would be likely.

COMMENT 1A: General Comment

RESPONSE:

The EIS staff acknowledges your views and concerns for the viability of some of the downtown businesses. Your comments will be taken into account by the Division Engineer in arriving at a permit decision.

COMMENT 2:

Please answer some questions about how you arrived at the 13.2% sales transfer figure:

(1) How many retailers were contacted directly either by the Army Corps of Engineers or Gladstone Associates and asked to do a survey of their customers' towns of residence?

(2) Was there any attempt to contact Arnold's Boot Shops directly? If not, why not?

(3) Is there any distinction made between sales transfers estimated to be from independents as opposed to chains?

(4) How many independently owned small businesses, are estimated to face bankruptcy or sell out because of their inability to either absorb sales losses or move to the proposed mall?

RESPONSE:

Refer to the draft EIS, section IV A 8.2. The 13.2-percent figure was the result of comparing sales projection information from a table of figures provided by the City of New Haven, 1 October 1981, as referenced in the draft EIS. Three of the four major anchor stores were asked about their customers' towns of residence. Otherwise, no other retailers were surveyed by the Corps of Engineers or Gladstone Associates. The City of New Haven developed this information but did not provide the details of how they arrived at their findings.

There was no attempt to contact Arnold's Boot Shops directly. It would not be valid to attempt to draw general conclusions regarding retail activity from the activities peculiar to any individual store, since any information that might be obtained on a store-specific basis can only reflect the unique characteristics of that establishment.

No distinction was made between sales transfers estimated to be from independent retailers as opposed to chain stores. Where the transfer will come from will depend on the success of each store, whether individually owned or locally managed, to capture a potential share of the market. Such success is dependent, in part, on merchandising strategy, service, and reputation.

No estimate has been made as to the number of small businesses that may face bankruptcy or sell out because of a possible inability either to absorb sale losses or to move to the proposed North Haven Mall. However, refer to the final EIS, section IV A 8.2.3, which has been modified with information that considers potential closings.

Each small business establishment is highly individual in its financial strengths and retailing appeal. Numerous considerations that make an operation successful or not, such as convenience, merchandise selection, physical appearance, patron relations, pricing policy, quality of service and promotional policy, serve to preclude precise objective analysis of the potential of these stores to compete successfully with the proposed mall.

Moreover, it is not possible to undertake financial and retail analyses of this type without having direct and privileged information on each individual store's financial condition. In such instances, a sufficiently large sample of such financial statements would be required prior to making an assessment of this type. Characteristically, stores are not prepared to divulge this highly confidential information.

Without that level of detail, a prediction of possible bankruptcies and/or inability to absorb sales losses and move to the proposed mall cannot be made. What is more, given the highly varied nature of stores and store management, any other means employed to attempt to establish the rate of possible bankruptcies or other conclusions about ability to take up occupancy in other quarters would not be well founded.

PO-3: A Wallingford Association of Retailers Downtown (AWARD), 24 March 1982

COMMENT 1:

I am representing 41 downtown Wallingford merchants, professionals, and service organizations. We are deeply concerned with the ultimate negative economic impact the proposed new mall in North Haven will have on the Wallingford area, only 2 miles from the site.

Economically we feel that the proposed mall will cause an erosion of Wallingford's tax base. Wallingford's downtown area is made up of independent, family owned and operated specialty stores. They are not major chains with unlimited funds that the mall would attract. Our A.W.A.R.D. members feel they would lose up to 35% of their existing business to the mall. With this decrease in business, some business would fail. The potential failures of these long standing family businesses will erode the town's tax base. This erosion will mean higher taxes for the people of Wallingford.

Also, we would urge you as many others have, to review the seemingly one-sided information supplied to you for the DEIS and to develop and use independent information.

RESPONSE:

Thank you for forwarding this information. Perceptions of local merchants on the amount of business losses they expect as a result of the mall have been added to the EIS, section IV A 8.2.3. The EIS staff believes it has reviewed and considered all the information supplied to us and does not feel it is necessary develop additional independent information at this time. No new information has been developed or received that would indicate the need to develop information beyond that presented here in the final EIS and appendixes.

PO-4: Bullard's, 12 March 1982

COMMENT 1:

It is my understanding that in order for this center to successfully operate in the immediate future they will have to charge square footage rentals in excess of $20.00 per square foot which is also based on todays construction costs. However, in order for a store to possibly operate and pay a reasonable percentage rental in such a shopping center, that store would have to generate in excess of $200.00 volume per square foot in order to sustain a rental in the neighborhood of $20.00 or more per square foot.

This is based on the fact that most stores can only pay somewheres in the neighborhood of 5% to 10% in rental as a percentage of their store volume. I should point out that a furniture store could not even pay that percentage and stay in business.

In order for the North Haven Mall to generate a volume of $200.00 per square foot or more it would have to gravely and seriously attract a very substantial portion of the business not only from downtown New Haven but from other shopping areas as well.

The size of the greater New Haven retail market is such that in order for that mall to succeed the rest of the area would have to come to a grinding halt.

I believe that the figures that are currently being projected by the North Haven Mall people do not indicate $200.00 per square foot volume but infact this is what they would need if they were going to charge $20.00 per square foot or more from their tenants.

Speaking as an individual retailer I know that if the North Haven Mall were to obtain a $200.00 per square foot volume level or more that my business in downtown New Haven and the immediate area around my store would have to be negatively impacted in the amount of 20% to 40% of it's volume.

If that were to happen we would no longer be able to stay in business in New Haven and Branford.

RESPONSE:

The supportable rent that a store can afford is generally related to the amount of sales that can be expected. The proportion of gross sales each store devotes to rent depends on the individual store's marketing strategies and aims. While the specific rents for the North Haven Mall have not been established - this will be a function of marketplace economics as well as construction and related capital costs - it can be expected that the higher rents would be in line with the productivity and, hence, the rent-paying capability of the retail establishments. In addition, as inflation causes construction costs to rise, it also causes retail prices and, therefore, sales productivity as expressed in dollars, to rise accordingly.

The sales productivity levels used in the analyses of the North Haven Mall were stated in 1977 dollars and were higher than the "norm" for stores located in large shopping centers in 1977. Moreover, the indexes used were average rates per square foot. It is expected that some stores will do less than that and others more. Stated in 1981 dollars, these levels would come to approximately $118 for department stores and $148 for mall stores. Also see our response to comment PO-21 (#2).

Furniture stores, as noted in the comment, usually require extensive areas in which to display their merchandise and thus tend to lease space that rents at a lower cost per square foot. Even here exceptions are noted. Highly selective furniture stores may obtain space in regional centers with the aim of displaying selective higher priced lines. Here again, whether or not a store can or would wish to locate in the mall would be a function of the individual characteristics of that store.

COMMENT 2: General Comment

RESPONSE:

Thank you for your comments expressing your concerns for the economic effect of the proposed mall on the New Haven economy. They will be taken into consideration by the Division Engineer in making a permit decision.

PO-5: Bishop Street Preservation Committee, 16 March 1982

COMMENT 1:

The Committee is disappointed that the DEIS does not address the issue of the widening of Bishop Street. The DEIS does recognize this issue as an area of controversy (Summary, under "Areas of Controversy"). It also recognizes that the precise point of controversy is whether or not the widening of Bishop Street could be construed as a mall-related

impact. The DEIS further identifies Connecticut DOT as the party which claims the widening is not a mall-related impact. It therefore seems inappropriate to go on to dismiss the matter by deferring to "a seperate Federal/State environmental review," namely the 1980 Environmental Assessment prepared by Connecticut DOT, the very party which the DEIS has already recognized as only one party in a major controversy. The DEIS is thereby, without any investigation at all, accepting the position that the Bishop Street widening is to no degree a mall-related impact. That is, the DEIS accepts the position of DOT. This is bias. The DEIS takes sides at the outset, after having explicity recognized the sides.... *This letter and other supportive documents which I will hand to the Army Corps make it clear that to some degree the Bishop Street widening does constitute a mall-related impact and that it therefore is a legitimate concern of the DEIS and should have been more fully addressed. We ask that this be the case in the final EIS. At very least we expect the ACE to await the decision of the courts on whether the widening of Bishop Street is or could be construed as a mall-related impact or not. The final EIS may then lay claim to a greater degree of objectivity. (* See EIS, Volume 2 for the full text of this comment.)

RESPONSE:

The EIS staff believes that it is appropriate to refer to another Federal/State agency's environmental assessment to cover the effects of a proposed project under their jurisdiction. The staff does not believe that the draft EIS is biased because of it. The EIS does not favor either side in this issue. Rather, it serves to present the issues and the effects on Bishop Street that are directly related to the mall and refers to the Connecticut Department of Transportation/Federal Highway Administration assessment for the effects on Bishop Street caused by the proposed widening. Refer to our response to comment F2 (#8).

PO-6: Connecticut Citizen's Action Group/CCAG - 25 March 1982

COMMENT 1:

At its March 25 meeting, the Statewide Leadership Council of the Connecticut Citizen Action Group received a report from members of our North Haven affiliate, Stop the Mall/CCAG. This report detailed the recent hearings conducted by the ACE on the proposed North Haven Shopping Mall.

As a result of that report, the S.L.C., the elected representatives of over 17000 CCAG members, voted unanimously to urge you to deny the permit for construction of the proposed mall on wetlands of the Quinnipiac River.

RESPONSE:

The EIS staff acknowledges your comment and notes your opposition to the proposed project; the Division Engineer will take your comment into consideration while weighing a permit decision.

COMMENT 2:

As an additional result of the STM/CCAG report and of extensive media coverage of your recent hearing in North Haven, we wish also to express several concerns about the hearing process. The members of CCAG in the course of their efforts to build better neighborhoods, and to achieve progress for low and moderate income people throughout the state on a variety of environmental, economic and social issues have participated in any number of hearings by Federal, State and regulatory agencies. Several of our members and staff attended the hearings in North Haven. They have raised serious concerns about whether citizens attempting to participate in the hearing were afforded free and adequate exercise of their constitutional rights to free assembly and free speech. We are convinced, for example, that the facility for the hearing was woefully inadequate and that other, larger auditoriums were available had the Corps exercised more careful planning and greater flexibility over the date of the hearing.

We feel, also, that, given the broad regional impact of this proposal, at least one additional hearing should have been scheduled in New Haven. This might have allowed the North Haven hearing to focus more on the local opposition that has been present for the ten years this project has been planned and that is based on concern over local, negative environmental impacts.

RESPONSE:

The comment does not refer to the EIS document, but rather to the regulatory hearing process. The staff, however, does not feel that another hearing at considerable expense would have provided any further significant information that was not in our administrative record or that we were not capable of receiving through other means. It is our normal practice to hold regulatory hearings in the town where the work site is located. The auditorium used was selected based on the scheduled local activities being held at another facility and on the recommendation of the town. The hearing was held on two consecutive nights, and approximately 1,500 people did attend.

COMMENT 3:

Finally, we want to express our concern at the lack of attention accorded in the draft EIS to the voluminous and substantive material submitted by mall opponents. We believe the ACE has a federally mandated responsibility to issue a report that reflects a broad perspective and is not dependent on the biased reports of the developer. The cynical

comments of your counsel, Mr. Kelly at the conclusion of the hearing were an insult to those who raised this serious objection.

RESPONSE:

The EIS staff acknowledges your concern and comment. All information, including all submitted by opponents to the project, received in the course of preparing the draft EIS was reviewed and carefully weighed in developing the EIS.

PO-7: Stop the Mall/CCAG, 27 March 1982

COMMENT 1:

Proponents of the North Haven Mall have attempted to convince North Haven residents that the proposed mall is the optimum use of the 118-acre site along the Quinnipiac River. They claim that only the mall will contribute significant tax revenue to the Town of North Haven, and that North Haven residents' concerns about flooding, traffic, pollution, and changes in the quality of North Haven life are insignificant when compared to the fiscal benefits of the Mall.

This report counters those claims by outlining the potential for significant tax contributions by a much more benign form of economic development that is feasible for the mall site - light industry.

II. Summary

According to Appendix L of the Draft Environmental Impact Statement, Economics and Land Use, the proposed mall would generate $1.2 to $1.4 million annually in property tax revenue. This estimate assumes an assessed value of $30 million and a mill rate of 46.30.

If, instead, 110 acres of the proposed mall site were developed for use by 22 light industrial concerns, the Town could expect an annual tax yield of over $1 million. The assumptions used to determine this yield are explained in the next section.

Light industrial development would also result in less flooding, less traffic, less pollution, fewer changes in the quality of life, and more skilled, high-paying, permanent jobs than the proposed mall offers. (See Volume 2 for the full text of this comment.)

Light industrial development is more appropriate than a regional mall for the proposed mall site for several reasons. First, the 22 structures used in this example would materailly alter the characteristics of only 33 acres. The mall developer, by contrast, has proposed altering 78 acres, including 26 acres of wetlands. The dispersed nature of a light industrial development permits priority development of non-wetland areas and protection of wetlands. On balance, the light industry alternative would preserve more wetlands for floodwater protection than would the proposed mall.

Second, the light industry alternative would produce less traffic. Mall Properties, Inc., predicts (Appendix H, p. 2, DEIS) peak traffic volume for weekdays of 21,000 vehicles, and Saturday volume of 28,000 vehicles. If each concern in the industrial development alternative employs 200 people (the upper limit of the range provided by DED), each of whom drives a car, that alternative would result in a peak traffic volume of 4,400 cars/weekday, and many fewer on Saturdays. If the light industrial alternative were substituted for the proposed mall, less road building, traffic engineering, and police costs would be incurred by the town. In addition, less pollution would be produced.

Third, light industrial development would provide between 2200 and 4400 permanent jobs for the labor market area. In contrast, the mall developer projects a total operation employment of 1600 jobs, according to appendix L (p. 92) of the DEIS. Almost 40% of these jobs will be parttime, according to the DEIS, while industrial jobs are generally fulltime. Finally, wages of the 93% of the employees who are non-management are projected to be $4.00/hour, well below any projections for industrial wages. Assuming that construction wages for the two alternatives are comparable, the industrial development alternative would provide many more permanent, fulltime, high-paying jobs than the proposed mall would provide.

In conclusion, this report has demonstrated that at least one alternative form of development has the potential for significant revenue contribution and may have reduced adverse impact in several important areas.

RESPONSE:

The EIS staff acknowledges STM/CCAG's information that offers to demonstrate light-industrial development at the proposed mall site as an alternative to the mall that would provide economic and fiscal benefits equal to the mall, result in less pollution and traffic, and provide more and better-paying jobs. The EIS staff acknowledges that the site can physically accommodate light industrial development, but to what extent depends on many factors, including whether there is a single developer or several, individual site requirements and layouts, whether the land remains divided between the two current owners or is used as a single parcel, demand for the site, infrastructure development and so on.

In considering this comment, we note that economic-market analysis found little demand for light-industrial use of the site and little potential that such development would occur. See our response to comment PO-10 (#1) and appendix Q. The site would require considerable infrastructure investment, on and off the site. This was not accounted for in the comment's assessment of the alternative's feasibility or financial evaluation. Based on the comment's considerations of light industry offering fiscal benefits equal to those of the proposed mall, the final EIS supplement to appendix Q makes a further evaluation of the

specifics addressed in the comment. Please refer to the final EIS supplement to appendix Q.

COMMENT 2:

Appendix P uses the basic measure of energy, British Thermal Units (BTU's) to determine the energy use of the proposed mall. For instance, Table 1 presents peak space heating demand for each of the anchor stores and for the mall stores, while Table 2 presents annual energy consumption for the buildings. A comparison of these two tables, however, raises questions.

Two stores in Table 1, R.H. Macy's (now presented as the "unnamed store") and G. Fox, have higher peak energy demands than the other two stores, while in Table 2 their annual energy consumption is reported to be less than half of each of the other stores' consumptions. This discrepancy is not related to size: the Macy's and the Fox buildings are in fact larger (190,000 square feet each) than the Sears and the J.C. Penny's (156,000 and 140,000 square feet, respectively). And the discrepancy is not related to type of heat: Macy's intends to heat electrically, while G. Fox intends to use gas.

Even more strangely, the Mall Stores building, which is by far the largest structure (440,000 square feet), plans to use more energy annually than Macy's or G. Fox, according to Table 2, yet it will require considerably less peak energy than any of the stores, according to Table 1.

While it seems possible that in both tables the Mall Stores' heating needs have been shifted to the "electricity" column, Macy's heating needs have not been so shifted. This lack of consistency makes it impossible for the reader to understand either how much energy will be used or where it will be used or what type of energy will be used. The text does not clarify this confusion.

One consequence of shifting Mall Stores' heating from the "BTU" column to the "electricity" column is that annual energy consumption for heating all the stores totals only 12.8 Billion BTU's per year. This is roughly equivalent to the heating needs of 100 single-family homes, as the report notes on page 13. An honest comparison could have been achieved by determining the BTU content of the electricity used to heat the Mall Stores.

RESPONSE:

The difference in energy use noted among the stores is due to the individual preliminary design characteristics of each store.

The total annual electrical consumption shown in table 20 includes the load from the air-conditioning system. The electrical load due to

air-conditioning was broken out separately because it represents a significant percentage of the total electricity consumed at the mall. All elements included in the electrical consumption projections are described in appendix P.

The comparison of the 100 homes in the draft EIS relates only to natural gas or oil, not electricity. The electrical energy consumption would compare to the usage in 4,800 homes. Please refer to our response to comment P#14 (#1). This consumption represents less than 2 percent of United Illuminating's 256,205 residential customers.

COMMENT 3:

However, the heating needs of the Mall are insignificant when compared to other energy uses, such as air-conditioning, but the report provides no convenient comparisons for these more critical uses. The following comparisons were made by STM/CCAG, using information in the developer's report, and are fully explained in the previous report referred to above.

* United Illuminating will have to burn 541,527 gallons of oil to air condition the mall alone. That's the amount of oil needed to heat about 540 single-family homes, about 5% of the homes in North Haven.
* Air-conditioning alone will use as much electricity as 1200 single-family homes use in a year, about 13% of the homes in North Haven.
* Annual electricity consumption of the mall (30,550,000 kwh) is the equivalent of what 5155 average single-family homes would use in a year. That's over half the homes in North Haven.

While none of these comparisons prove that North Haven residents will experience energy shortages if the mall is built, they provide sorely needed perspective that is not available in the draft EIS. This perspective is essential if one wishes to evaluate the pros and cons of different energy uses. The conclusions that the mall's energy consumption would have "an insignificant impact on energy consumption in the area" (Summary DEIS, p. IV-34) relies on the assumption that energy sources are infinite. United States energy policy has recognized that this is not the case. While it is indeed difficult to assume that today's apparently plentiful supplies are infinite, this assumption must be made when considering a project with such massive implications as the North Haven Mall.

RESPONSE:

The EIS staff acknowledges your comments and views and notes your concerns. We note that the electrical energy consumption of the mall should be equivalent to that of approximately 4,800 homes, rather than the 5,155 noted in the comment. We recognize that any development would require use of energy.

COMMENT 4:

STM/CCAG expects that the submission of this report, along with a copy of the report submitted in September 1981, will result in an energy analysis in the Final EIS that will reflect accurately the mall's projected energy use and its real impact on the community it wishes to join.

RESPONSE:

To the extent possible in a preliminary design situation, the EIS staff believes the EIS, along with appendix P, accurately reflects the projected energy use and impact of the proposed mall.

PO-8: Stop the Mall/CCAG, 8 March 1982

COMMENT 1:

I request that you read and make a part of your final E.I.S., the papers written for Burlington, Vermont, showing the expected detrimental effects of a suburban Pyramid Mall there. The papers are available from: Arthur Hogan, Chittenden County Regional, Planning Commission, 53 Pearl Street, Essex Junction Vermont, 05452

RESPONSE:

Thank you for your comment. As a result, the EIS staff contacted Arthur Hogan and received several items describing the effects of the proposed Pyramid Mall, the Chittenden County Regional Planning Commission's finding of fact, the District Environmental Commission's finding of fact, Vermont's Act 250, and a chronological briefing and status of this activity. This entire matter is before the courts at the time of this writing.

COMMENT 2:

Enclosed is the 2/14/82 article about a Stamford mall which will open its anchor stores with no smaller shops open yet. Are there indications from other sources also that new retailing will not flourish? Please speak to this in the Final E.I.S.

RESPONSE:

The EIS staff generally believes that new retail businesses will continue to be competitive and successful. Obviously, some new retailing ventures will fail and some will thrive. There is no substantive indication that new retailing will not survive. The particular set of circumstances at the mall in Stamford is not specifically similar to those of the proposed mall. There is the possibility that the slowness of

small-shop openings in the Stamford Mall has been due partly to the sluggishness in the economic conditions for the Nation as a whole. The larger stores at that mall have begun operations. According to the Stamford planning and zoning director, stores have been renting slowly but consistently since the mall opened in April 1982.

COMMENT 3:

Referring to page IV 30, if the Police Chief in North Haven has estimated zero to four new officers might be needed in addition to the regular force because of the mall, I'd like to find out if they anticipate the need for a squad car too and what the price of that is likely to be. Over $9,000 was recently spent for each new squad car plus $1,200 for the light bar on top of each and gas consumption would have to be estimated for each additional squad car. There are 3 shifts in our police force, there are vacations and sick leave, so North Haven must hire at least four officers to cover one police position for all shifts throughout the year. For each of these officers, benefits add 30-50% of each line item salary.

RESPONSE:

The EIS indicates that if North Haven felt it necessary to hire an additional two officers (averaging the estimate of zero to four) and acquire another squad car, the cost to the town would be about $70,000 (League of Woman Voters of North Haven; and appendix L, Fiscal Impacts), where the cost of the car would approximate that cited in your comment. Since the time of this appraisal, it would not be unreasonable to assume that the entire cost for two officers and a car would range between $75,000 and $85,000, with the cost for the car between $12,500 and $14,500. If four policemen were needed, the annual cost would be about $130,000 per year.

At present, there is no anticipation that additional police officers would be needed nor a car bought. This decision would most likely be made when, and if, such a need were actually to occur.

COMMENT 4:

Please seek out malls of comparable size to the North Haven mall and find out from their adjacent towns if new policemen were needed in their area because of the mall and its secondary development. Please include this information in the Final E.I.S.

RESPONSE:

Several communities containing large scale malls were contacted to ascertain if these communities experienced any mall-related problems, this included a discussion with the various police departments regarding mall-related crime and manpower needs.

A short description of the findings associated with each mall follows.

Meriden Square, Meriden, Conn.
Mall size: 546,000 Gross leasable area (GLA)
Town Population: 57,118
Contact: Chief of police
Findings: Police are called on the average of three times a month, mostly for shoplifting offenses. There has been no need for any additional police to service the mall.

Lehigh Valley Mall, Whitehall, Pa.
Mall size: 1,300,000 GLA
Town Population: 15,206
Contact: Chief of police
Findings: Shoplifting and auto theft require a police response on the average of once a day. The mall is part of a police district that encompasses a large commercial as well as residential area. In the opinion of the chief, the manning requirements of the police force are unaffected by the presence of Lehigh Valley Mall. The size of the town's police force would remain the same should the mall close. The mall does not require staff assigned only to it, the staff work other areas as well.

Coliseum Mall, Hampton, Va.
Mall size: 980,000 GLA
Town Population: 122,617
Contact: Civilian analyst, police department
Findings: The mall is included in a police district that also polices a subsidized housing project and Hampton's major commercial district (including other malls). During the Christmas shopping season, a team of about four officers are reassigned to the commercial strip (of which Coliseum mall is part). This reassignment does not entail a change in police force size but rather a change in how the force is deployed. According to the analyst, operations at Coliseum Mall do not necessitate any additional manpower needs. Should the mall close, no reduction in Hampton's police force would be possible.

West Farms Mall, West Hartford and Farmington, Conn.
Mall size: 1,042,000 GLA
Town Populations: West Hartford, 61,301
Farmington, 16,407
Contact: West Hartford: Assistant police chief
Farmington: Police chief and another officer

Findings: West Farms Mall straddles the towns of West Hartford and Farmington. Although the two police forces cooperate and coordinate with each other, West Hartford police have responsibility for those stores located in West Hartford, and Farmington police for those stores in Farmington.

West Hartford police indicated that shoplifting and car thefts require police response about once a day. They do not, however, assign any police directly to the mall. Farmington police also report that shoplifting and car theft compose the major portion of crimes at the mall. In Farmington, the mall is part of a mini-district (of which the mall is the major element), which includes a K-Mart as well as a residential area. Farmington police assign one officer for each of the 7 a.m. - 3 p.m. and 3-11 p.m. shifts to service this mini-district, with the greatest portion of time allocated for mall surveillance. Despite the assignment of police directly to handle crimes related to mall activities, no reduction in police manpower would occur should the mall close. Rather, a redistricting and redeployment of manpower would be made.

PO-9: Stop the Mall/CCAG, 16 March 1982

COMMENT 1:

General Comment made during the public hearing on 16 March 1982, refer to EIS, Volume 2, Comments, for text.

RESPONSE:

Thank you for your comments. The EIS presents objective information on the effects of the proposed mall. Your comments will be used in conjunction with the rest of the input on record to aid the Division Engineer in arriving at a decision. The EIS staff believes the EIS presents the effects likely to occur if the mall were permitted, but that it might not account for the "feelings" or sense of loss by town residents that may be attributable to the mall. The EIS staff acknowledges your views and opposition to the proposed project.

PO-10: Stop the Mall/CCAG, 16 March 1982

COMMENT 1:

Will you please investigate the developments occuring currently at the Penn Central site and the Bailey Road site as evidence that development of empty industrially zoned land will be interesting to

developers in our town. This refutes your EIS contention that the Mall site cannot be developed.

I wish the Army Corps to investigate, themselves, the Industrial/commercial use of the mall site. The industrial/commercial column of Table 4 in draft EIS needs to be rewritten - traffic for instance should be shown not to exist all day long as with a mall, impact on Geology, soils, etc., might be less. Where are the positive comments for industrial/commercial development of mall site. Army Corps of Engineers, you must step back and evaluate impartially, not just accept every fact the developer feeds you. Rewrite Table 4 impartially please.

RESPONSE:

Alternative uses for the proposed mall site have been reviewed in the EIS, section II B, and in appendix Q. That analysis indicates that the marketability of a particular site for industrial use is determined by the overall regional demand for industrial space and the amount, attributes, and price of competing parcels.

In North Haven, there are essentially three principal commercial/industrial areas in preparation for or presently available for development. North Haven recently approved a 2 million-dollar bonding issue to allow for future private initiatives to promote development at the Exit 9 Industrial Park on the old Penn Central site. The site is zoned for heavy industry and covers approximately 130 acres. Next to this site, Amtrak owns 270 acres of land which could become available depending on Amtrak's need and projected uses for it.

At present, no business or industry is committed to occupying and/or developing the site. It does not appear to have major physical topographical complications, however, such as ponds, wetlands, or watercourses, that might preclude some subdivision and development that would otherwise require the resources of a single major industry to develop. As such, the land could possibly be developed by one or more industrial businesses. Substantive use of the site may not occur for 5 to 10 years, and its full utilization is not known at this time.

A second site, known as the North Haven Industrial Park, occupies approximately 50 acres around Bailey Road and Elm Street. It is a graded site zoned for light industry and is currently served by utilities. Approximately one-third has been sold to and developed by two occupants (Chemlawn and Heldor) and another third should be built soon (Tri-State).

Additional use of the site is uncommitted at present, and future development is unknown. The site does not have any substantial development obstacles that would otherwise prevent several light-commercial users from developing it in piecemeal fashion. Although future tenancy is unknown, a sufficient number of light-commercial users could develop and utilize the full site in 3 to 4 years.

A third development area, which might be known as the Leonardo Industrial Park, is located on the old Plasticrete property. It is approximately 50 acres and is zoned for light industry. A small piece of it, approximately 15,000 square feet, has been sold. The site does not appear to have any substantial development obstacles that would preclude its subdivision and use by several small commercial users. It would not require the substantial resources of a single major user to develop and use the site. Future tenancy is uncommitted and unknown at this time. Potentially, this site could be completely sold and utilized in five years. Whether or not there would be a sufficient number of users to utilize the site fully would depend on the demand for space in the region, demand for a North Haven location, competitive cost for land at this site versus other sites, and so on.

Besides the proposed mall site, the preceeding three locations are the principal development areas. Over the next several years, additional development acreage may also become available as current owners may sell off land previously held for their own expansion purposes or for speculation, waiting for a predominantly "demand" market condition. The mall site should be competitive in terms of accessibility, and it has been estimated that improvements needed for development at the site would require land pricing in the neighborhood of approximately $80,000 per acre. This might not be competitive with other parcels in North Haven, for example, with the North Haven Industrial Park, where land is selling for about $60,000 per acre.

Currently, there is no strong demand for or severe limitation of available commercial land in North Haven or in the region. The EIS staff agrees that, in all probability, there are and will be commercial businesses interested in locating in North Haven. There does not appear to be, however, any large-scale developers who might use an entire site, for their own commercial/industrial development. For light-industry/commercial development at the industrial parks the owners of existing sites are selling parcels of their site to small commercial users who are less able to develop a large site and have no need for more than a few acres. The demand for land by small commercial users is currently being met and apparently will be met for the foreseeable future. Therefore, the EIS staff maintains that there is little need for development land at the proposed mall site that would make it attractive for small commercial development. As such, with available sites already existing in North Haven, the very moderate demand for them, plus the lack of a developer who would have the resources to develop the potential mall site for light-industrial users, commercial development of the proposed site is unknown, not foreseeable and remains speculative at this time. Also, see our response to comment PO-7 (#1).

COMMENT 1A:

Please note in attached news article about the Leonardo land and development that a large 75 acre industrial plot has recently been

planned. The site plan was approved by Planning and Zoning. This is since the draft EIS came out.

RESPONSE:

The EIS staff notes your comments on the Leonardo land.

COMMENT 2:

It is stated in EIS that a large percentage of minority workers will be hired at the mall. This is based on statistics of Northeast retailers, but we feel it should be based on statistics from other suburban malls and not include inner city workers working downtown.

One flaw with the whole mall is that it will end up taking jobs from minority inner city workers in downtown retail center and giving them to suburban housewives of middle income.

Please investigate minority employment at suburban shopping centers, instead of retailers in general to determine what might be the minority employment at the future North Haven Mall.

Please include a list of malls you have contacted and the minority employment number for each mall in the final EIS.

RESPONSE:

Generally, minority employment varies from store to store. Many smaller shops do not maintain records on minority employment. Anchor stores do keep such records since most of them must comply with affirmative action regulations. These records, however, are kept to meet Federal requirements, and retailers are reluctant to divulge this information for other purposes, especially on a store-specific basis. Please refer to the EIS, section IV A 8.4.2 and appendix M supplement, which have been modified to address your comment. The 15-percent-minority makeup of the proposed mall's labor force was based on the general hiring patterns of the mall's major anchors. Should, however, the proposed mall not employ any minority workers, a worst case example, it has been estimated that, at the maximum, 27 inner-city minority workers may become unemployed as a result of mall operations.

Also, the draft EIS has been modified to include the results of an additional investigation conducted by Dr. Pamela Savatsky to consider the nature of these comments. The report has been included in the revised appendix L, supplement. The study indicates that development of the proposed mall might displace 10 to 20 central-city low-income minority workers. To obtain numbers of minorities employed at other malls is not reasonably feasible since it would require information of each store at a mall, assuming that each store owner keeps this information and would make it available for release.

COMMENT 3:

Will you please look at the publication of the Urban Land Institute in Washington, D.C. The Shopping Center Development Handbook, 1977, to determine whether your EIS speaks to all the relevant concerns in regard to shopping malls.

RESPONSE:

The Shopping Center Development Handbook was obtained and reviewed by the EIS staff. We believe this EIS addresses all the relevent concerns with regard to developing an EIS on the proposed mall. Addressing concerns in regard to shopping malls in general is not specifically germane to this EIS.

COMMENT 4:

The evening T.V. news told today of the bankruptcy of the May Co. stores in the New York communities of Levittstown, Massapequa, Woodmont, Fishkill and Scarsdale. The May Co. is the parent company over G. Fox who has contracted to be an anchor store in the North Haven Mall.

Will you please investigate whether the May Co. has the financial strength to maintain a new G. Fox store in our area of declining population? Please include a statement about it in the Final EIS.

RESPONSE:

The EIS staff has investigated the financial situation and forecast for May Department Stores, Inc. We have found the following information: May is one of the largest department store chains in the country, with approximately 140 stores in 11 department store divisions. Its department store companies are respected names who are predominantly sales leaders in their markets. The names of such companies include May Company, Hecht's, Famous-Barr, Kaufmann's, Meier & Frank, G. Fox & Co., O'Neill's, May-D&F, Strauss, and May-Cohens. May also operates 45 Venture discount department stores and has acquired Volume Shoe, the largest national self-service family shoe store. A subsidiary of the company is also one of the largest shopping center owners and operators.

The financial forecast for the company is very favorable. In the past 5 years May's sales earnings per share and dividends per share rose at about a 10-percent compound annual rate, even during recent difficult economic times. As a company, it has had seven straight years of increased sales. For the next several years May is forecasted to maintain annual earnings of between 10-percent and 12-percent per share while it upgrades and adds new stores, sells off unproductive footage, and so on.

May Department Stores, Inc., appears to be in strong financial condition. (A. G. Edwards, Investment Research, "Retail Overview," 1 April 1982).

COMMENT 5:

There are new concerns for clean air since you wrote your EIS. I enclose two articles to show that citizens in Connecticut are fighting for tougher, stricter standards. I enclose the correspondence from the Conservation Commission showing their dissatisfaction on the granting of an air-quality permit. What standard should the Army Corps of Engineers seek out if such obvious unhappiness is felt by citizens over current air quality and standards?

RESPONSE:

The standards the EIS staff will report on and use are those Federal/State standards currently in effect or as otherwise required by the Environmental Protection Agency on an interim basis.

COMMENT 6:

Please answer the questions of Norma Tiefenbrunn's letter as if they were addressed to the EIS air quality study.

RESPONSE:

The letter referred to was directed to Mr. Henry Beal, Air Compliance Unit of Connecticut Department of Environmental Protection, and was dated 12 October 1976, from Norma W. Tiefenbrunn of the North Haven Conservation Commission. (For the full text of this comment letter, please refer to the Comments in the EIS, volume 2). The EIS staff believes that the comments posed by Ms. Tiefenbrunn deal with issues and specific questions about a 1976 request for an Indirect Air Source Permit from the State of Connecticut. The requirements of this program are no longer applicable or in effect and the comments do not appear directly applicable to the EIS. The EIS review of air quality and air quality impacts are in sections III E and IV A 5.0 and in appendix I. This analysis is based on a more expansive evaluation of air quality parameters than was necessary under the Indirect Air Source Permit program.

COMMENT 7:

In the actual filling of the wetlands, whether they be Army Corps controlled or not, I want the Corps to consider the precedent being set for other lands upstream and downstream if you allow these lands to be filled. Your decision if it should go towards allowing filling will be cited on every other case. You may note how little lands along the Quinnipiac River are built up, how necessary the flood plain is. On your decision rests ultimately the cumulative effects of filling throughout our riverfront lands. Please answer whether you can allow filling on these grounds and whether you have a responsibility to the future filling of North Haven flood plains and wetlands, in your final EIS.

RESPONSE:

The Army Corps of Engineers, through its regulatory program, can allow fill to be placed in wetlands and adjacent flood plains if it finds the project to be in the public interest. The Corps does not regard one action to be "precedent" for another. Each proposed fill is reviewed on a case-by-case basis and considered within a cumulative context. The Corps has regulatory responsibility over the fill of wetlands in accordance with section 404(b) of the Clean Water Act and its implementing regulations. There is no specific jurisdiction for the Corps to regulate flood plain fills, except as provided for in a permit action through the public interest review, which would take into account the provisions of Executive Order 11988.

COMMENT 8:

There is no mention in the draft EIS of the stagnant, moist air in the valley of the Quinnipiac River. Please get information on how many air-quality alert days there were in our area last year and the year before, when air quality fell beneath the national standards. I feel the Army Corps should seek out the significance of this in independent research and rewrite the air quality sections of the EIS.

RESPONSE:

General meteorological conditions in the study area are discussed on pages 16 and 17 of appendix I. The Connecticut Department of Environmental Protection (DEP), Technical Services Division, was contacted and said that the DEP does not keep records of the number of air quality alert days. Announcements of alerts often are made in advance for days in which standards are not in fact exceeded. The DEP, Air Quality Monitoring Division, confirmed the absence of specific records; they believe there are only a small number of alert-days per year, rarely more than two or three.

COMMENT 9:

EIS Section IV p. 17

No loss in domestic water pressure is indicated. Will there be a loss in industrial water pressure?

RESPONSE:

There will be no loss of water pressure for industries relying on this system. The EIS has been modified to indicate that the water pressure discussion refers to both domestic and commercial/industrial uses.

COMMENT 10:

EIS Section IV p.1

If nearly 14,000 truck loads of fill will be needed, the Army Corps should surely investigate which parcels of local land will be eliminated because of the taking of fill. In your final draft will you please identify which sites will be used to dig the fill and how much will be taken from each site.

Please also calculate the effect on neighborhoods where the fill removal sites are located. The Army Corps might like to visit the intersection of Patton and Rimmon Roads to see what has happened to an attractive wooded hillside in a neighborhood when it was excavated. We care about the aesthetics of fill removal throughout our area.

RESPONSE:

Please refer to our response to comment F6 (#3). Thank you for identifying and suggesting a location (Patton and Rimmon Roads) for the EIS staff to view a previously excavated area. We are aware of the effects that can occur at an excavated area and can appreciate your views on the aesthetics of fill removal.

For the number of truckloads expected and their potential impact on traffic, please refer to our response to comment P1 (#108). The basis for reference to 14,000 truckloads of fill is unknown to the EIS staff.

COMMENT 11:

The Draft EIS does not speak about the disruption to daily life on all the streets the trucks will travel on with the fill going to the site. Children cannot play as safely where sidewalks do not adjoin the streets, children cannot cross streets as easily when a fleet of trucks goes by day after day. Please comment on this in the final document.

I asked this question in a letter to Rob Adler 1/19/81 and want to know why this information was ignored in the draft EIS.

RESPONSE:

The EIS staff notes that the EIS addresses several areas of construction related impacts, including those affecting roadways, in section IV A 4.5. The EIS staff notes that trucks carrying fill will cause added truck movements along the haul routes. Since there is little likelihood of a fill source becoming available in North Haven, trucks will most likely be traveling more open or state-maintained routes. We would anticipate that residents along these routes already exercise considerable caution in crossing these roads or in allowing children to play nearby. Assuming that truck traffic would be heavy during the principal year of

site preparation (see response to comment PO-10 (#10)) this would create an added annoyance and require considerable awareness in using or crossing truck-traveled roads. Care would have to be exercised more diligently and more frequently than at present. The nature of the hazard, however, is similar to existing conditions.

The staff was aware of your comment, but felt that these impacts were not significant enough to be included in the draft EIS, since the effects of trucking fill would be a temporary problem normally associated with a short-term construction job. The impact should not substantively change the level of caution that should be execised by residents and children along the routes, although it will change the frequency of situations for which caution should be exercised. Traffic flow conditions are not expected to change as a result of the increased truck traffic.

COMMENT 12:
Draft EIS Figure 15

The pictures give a view of a site with no problems. The Army Corps has been well supplied with photographs showing the flooding on the site. Please include in the final EIS a picture showing what site is like during flood-time. I submitted after January 1979 pictures of that flood. Please choose one and include it.

I particularly want you to look again at the picture I submitted of the Route 22 jughandle site during flood time. And please look at the picture of the west side of Valley Service Road and the picture of the DiChello farm, all from January 1979.

RESPONSE:

Thank you for your pictures. The EIS staff has chosen to print several pictures of flooding conditions that occurred during 6 June 1982. Refer to EIS section III C 3.0.

COMMENT 13:

No where in the Draft EIS can I find a place you speak to the fill needed for roadwork (especially jughandle and Valley Service Road) nor the effect of that road fill on floodplain. Please redo the calculations to include this area.

RESPONSE:

Relative to the amount of earthwork required for Valley Service Road, Mall Drive, and the jughandle, quantities for these roads are included in the 675,000 cubic yards of material to be obtained from the site and the 380,000 cubic yards of material to be obtained offsite. The actual quantities for these roadways are estimated to be: Valley Service Road, 20,500 cubic yards of fill; Route 22 jughandle, 18,000 cubic yards of fill; and Mall Drive, 90,000 cubic yards of excavation.

The effects of the fill for the jughandle and Valley Service Road are insignificant. The jughandle will have 6,000 of the 18,000 cubic yards placed in the floodplain, while Valley Service Road will have a slightly higher ratio of an estimated 12,000 of the 20,500 cubic yards. The total of 18,000 cubic yards represents only 1.7 percent of the fill at the mall site. The flood analyses presented in appendix E, appendix F, and appendix G show no effects on flooding from filling the flood plain in North Haven. Since the Valley Service Road and the jughandle are not in the flood way, no impact on flooding would occur from this filling.

Mall Drive represents a net loss of earth, not fill, in the flood plain.

COMMENT 14:

I want very much for the Army Corps to explain in the final EIS why they must address the need for retail service at all. Why not address what is best for our region? Why not address what is best for North Haven? The permit application has led you to write an environmental impact statement. It seems absurd that the need for retail service needs to be justified at all in your EIS. Please rethink this whole issue and think what point of view you at the Army Corps would really like to take in your EIS. You do not have to take a point of view a developers consultant has pressed on you.

RESPONSE:

Under the National Environmental Policy Act, and regulations developed pursuant to it by the Council on Environmental Quality (40 CFR 1500) and the Corps of Engineers (33 CFR 230 et seq. and 33 CFR 320 et seq.), the Corps is required to address the need for retail service for which the proposal has been made. Refer to responses to comment L12 (#5) and comment L13, (#3). The EIS does not justify the need for retail services, as this point is more appropriately analysed in the Record of Decision (permit decision). This decision considers the entire record and all public interest inputs, including identified "needs," upon which the Division Engineer will weigh the decision on the permit application. The EIS objectively presents or discloses any needs that have been found to exist for which the project has been proposed. The permit decision is the mechanism for weighing the "pros" and "cons" of an action, the identified "needs" versus other public interest factors to arrive at a decision as to whether or not the project is needed in the overall public interest.

COMMENT 15:

Is there a need for a change in the encroachment lines? Please note the FEMA (Federal Emergency Management Agency) Flood Insurance Maps that show the flood on the Mall site extending far beyond the encroachment lines to cover the site.

RESPONSE:

A review of the floodway lines is being undertaken by FEMA. Review of the June 1982 floods by the Corps of Engineers has indicated that the flood elevation according to the Corps' criteria for a 100-year event at the proposed mall site is at the 16.0 foot datum, which is approximately 3 feet higher than the FEMA 100 year flood elevation. This difference has been brought to the attention of FEMA, which has decided to restudy flood conditions in the area for insurance purposes. The Corps also reviewed the location of the floodway-encroachment lines with the 100-year event, based on the Corps criteria, and estimated that the floodway would not be obstructed. Though the flood waters extend beyond the floodway lines (backup or still waters) the area within the floodway is adequate to convey the waters of a 100-year event (FEMA or Corps 100-year events).

COMMENT 16:

There was no reference in the Draft EIS to the cards sent by merchants opposing the North Haven Mall. As the economic effect on current merchants is crucial to each one of them, I hope you will take note of their opposition in the Final EIS.

RESPONSE:

The EIS staff acknowledges your comment and notes the opposition you have expressed. Several Wallingford and New Haven merchants who responded to an informal survey conducted locally indicated to the EIS staff the impacts they expected to experience if the proposed mall were built. Their perceptions have been added to the EIS, in section IV A 8.2.

COMMENT 17:

Please take note that New Haven has long felt opposition to the North Haven mall. Please comment on the mayor's arguments in your final EIS.

RESPONSE:

This refers to Mayor Frank Logue's address to the Regional Planning Agency of South Central Connecticut on 8 March 1979. The full text has been reprinted for reference as part of this comment and can be referred to in the EIS, volume 2. As such, the comments expressed are general and do not refer to the EIS. Therefore, they will not be addressed here as a comment on the EIS. The EIS staff, however, acknowledges the former mayor's views on the project and his opposition to it. Thank you for providing these comments since they offer a continuum of the city's feelings on the proposed mall. New Haven's current mayor, Biagio DeLieto, has submitted comments that can be referred to in the EIS, volume 2, and responses to his comments are found in this volume under comments L9.

COMMENT 18:

Please research the impact of catalog buying in Connecticut on the Mall's success. Take the time and do not simply send this question back to the developer's consultants to research it. Get all the specific information you need to respond in the final EIS.

RESPONSE:

Mail-order houses accounted for approximately 8 percent of shoppers goods sales in 1977 for Connecticut compared to about 2 plus percent in metropolitan New Haven.

Mail-order houses are classified as nonstore retailers. Therefore, shopping activity associated with mail-order houses was excluded from both the examination of the supply of retail space in the region and the estimate of dollars available to purchase shoppers' goods. The separate activities associated with buying through catalogs should not affect those analyses.

COMMENT 19:

The mall traffic air impact has been written with the assumption of higher standards coming from the Federal Government in the future. The Federal air quality standards are now being relaxed and the standards expected in 1984 in the Draft EIS are not the actual standards of 1984. Please rewrite the final EIS based on currently realistic standards for 1984.

RESPONSE:

The air quality analyses presented in the draft EIS make no assumptions relative to changes in Federal standards; to do so would be highly speculative. The analyses are based on current laws and standards and assume that these will be applicable in 1984. This is the only way that realistic analyses could be performed; to speculate what changes may or may not be enacted by Congress or EPA in the future would produce questionable results.

The Technical Support Branch of the EPA, Region I, was contacted relative to this matter as recently as September 1982. While the EPA recognizes that changes in laws and standards may occur, the approach used in the air quality analyses for the mall is acceptable to the EPA and represents the state of the art in air quality analyses. There are no upcoming changes that would require a revision of the analyses presented in the draft EIS.

COMMENT 20:

Please include in your traffic calculations and air quality calculations for the final EIS, the traffic and exhaust expected from the new exhaust testing facility on Broadway, recently approved by the North Haven Planning and Zoning. Take special note in the final EIS that the cars coming to this facility are mostly the ones whose exhaust systems emit the most fumes and the highest levels of pollution.

RESPONSE:

According to the Connecticut Department of Environmental Protection, Technical Services Division, cars coming to the exhaust testing facility will be "typical", not higher than normal in their emissions. Only pre-1968, new, diesel, electric, and various special purpose vehicles are exempted from the testing program. The Connecticut Vehicle Inspection Program (CVI)-Hamilton Test Systems, Inc., which is developing these facilities for the Department of Environmental Protection, estimates that the North Haven facility will test approximately 200,000 to 300,000 vehicles per year or about 800 to 1,100 per day. This number is quite small compared to the traffic in the area, which is about 50,000 vehicles per day on I-91 alone. CVI-Hamilton Test indicated that the facilities should have no discernible effects on neighborhoods and roads in the area and that 100 feet away from the test facility emissions from the test facility have no impact.

Also note that, as a result of this program, the vehicles that are expected not to pass the emission tests approximately 20 percent must be repaired, leading to reductions in overall vehicular emissions.

The traffic analyses, which were the basis for the air quality studies, included a growth factor to account for future development of projects and facilities such as the proposed North Haven auto emissions testing facility. Consequently, the increased traffic and resulting increased air quality concentrations resulting from this facility were indirectly accounted for and would be similar with or without the mall.

COMMENT 21:

Of particular concern to North Haven Residents who flood already severely, is the fill not only for the mall site, but for widening the Valley Service Road and building the jughandle. Here are some sample pictures (of many I have) showing how these lands are used for flood storage. Make sure all your calculations adequately account for the fill to widen the road to 4 or 5 lines and to make a two lane jughandle out over the flood plain.

RESPONSE:

Please refer to our response to comment PO-1 (#13).

COMMENT 22:

If the New Haven city consultants present statistics that clearly alters the Gladstone figures we hope the Army Corps will realize the traffic methodology will change considerably. We will then expect you to redo all the traffic figures.

RESPONSE:

The transportation studies were coordinated with the economic analyses but were not dependent on them. Also, refer to our response to comment PO-12 (#4).

COMMENT 23:

The traffic is a concern to every citizen who lives on local through streets. The citizens from Durham, North Branford, Branford and East Haven will not come on I-91 or the Wilbur Cross to the mall. If the mall is built, additional traffic, noise and air pollution will effect Cloudland, Arrowdale, Beach, Warner, Rimmon, Patten, Mill, Clintonville Lane, Spring Road, Laydon, Maple, Pool, Temple, Bassett, Blakeslee: many more local streets that the Draft EIS considers. The cars from Cheshire, Bethany, Hamden will seek out alternate routes to avoid crowded streets and add a tremendous percentage increase to Ives, Mansfield, Kings Highway, Outer Ridge, Blue Hills. There is no expressway service from East or West of our town. Please note that both major turnpikes go North and South it is outrageous that you at the Army Corps blindly accept developers projections against all logic.

RESPONSE:

The EIS staff acknowledges your concern about the effects of increased traffic on local streets. Through streets and thoroughfares near the mall or primary mall access routes will experience substantial increases in traffic above existing conditions. These impacts are described in the EIS in section IV A 4.0 and in appendix H. Principally, traffic would enter the town from surrounding areas along thoroughfare routes, primarily state designated roads. In the approaches to the town, traffic for the mall would be fairly sparse using several major access roads and local roads. Most of the traffic would be carried on the major access routes, whereas traffic approaching the town of North Haven on local roads would be in small amounts, widely distributed over several roads, thus not having a significant effect.

As traffic nears the mall, several roads would experience a large percentage increase in traffic (final EIS, table 15) as it concentrates on the access routes. Predominantly, the increases would not be great enough to change the levels of service on those roads. Also, refer to our response to comment P1 (#109).

The traffic studies involved an in-depth examination of where the mall traffic would originate and what access routes would be used. The proportional distribution of this traffic over the street network forms the basis for all traffic studies, including that appearing in appendix H.

Trips from Durham, North Branford, Branford and East Haven together will represent 16.8 percent of the total. However, only 2.9 percent are potential users of Clintonville Road, whereas 1.5 percent (all from North Branford) are expected to use Blakeslee Avenue and a one-block long segment of Bassett Road.

Maple Avenue will be used by 5.9 percent for mall trips; however, only 2.4 percent of these will be originating outside North Haven. The various other streets mentioned in this comment, including Cloudland Road, Arrowdale Road, Beach Lane, Warner Road, Rimmon Road, Patten Road, Mill Road, Clintonville Lane, Spring Road, Laydon Avenue, Pool Road, and Temple Street, will not carry significant or measurable amounts of out-of-town mall traffic.

Approximately 6 percent of the mall traffic, from Hamden and Cheshire, was assigned to Route 22 from the west (that is Bishop Street-Ridge Road-Davis Road). Some of these trips, however, also have the option of using Route 40 (Mt. Carmel Connector) and I-91, because travel time may be shorter via that route for certain motorists.

Drivers to and from the west or north are not likely to encounter "crowded streets" along their trip, causing them to divert onto the residential streets mentioned in the comment. Ives Street, Mansfield Road, Kings Highway, Outer Ridge Road, and Blue Hills Road are the type of streets that would be used essentially by local North Haven residents (and some nearby Hamden residents) who are already familiar with these roads and who currently use them in their daily travels.

The major proportion of the population within the mall's trade area is concentrated in a north-south corridor excellently served by the two north-south expressways. About 15 percent of the potential mall traffic will come from areas to the east and west of North Haven, which are not well served by the major expressways or connectors. The remaining 85 percent will come from areas to the north and south or from within the town of North Haven. Also, refer to our response to comment PO-18 (#21).

COMMENT 24:

We have learned that HUD sent the developers reports out to a consulting firm: Real Estate Research Corp., Chicago, Illinois. This firm had strong critical comments on the Gladstone Report. What has the ACE done to include these comments? Please name the firm and include its findings and criticism in the final EIS.

RESPONSE:

The United States Department of Housing and Urban Development referred appendix L to a consulting group. The Real Estate Research Corporation (RERC) was engaged in this review process and, in the interchange with Gladstone Associates, recommended to HUD that certain other analyses be undertaken. These evaluations were carried out and subsequently reviewed by Real Estate Research Corporation, and by HUD officials. At the conclusion of that process, HUD informed the EIS staff that the work had been completed to their satisfaction and that no further information would be required.

The findings of the other analyses appeared in appendix L to the draft EIS, pp. 204-205, under "Alternative Approach" and the attachment to appendix L, "Case 2." The full text of the RERC comments are available from the Army Corps of Engineers on request but will not be reproduced here in an effort to reduce excessive paperwork.

COMMENT 25:

I request that you get the March 1980 FEMA Flood Insurance Study Text from:

Kevin M. Merli
FEMA
J.W. McCormack P.O. & C.H.
Boston, Massachusetts 02109

Please notice Figure 8 and 9, Figure 6 and Figure 7 which show floods going over roadbed level. Although these areas are away from mall site, I point them out to show the Army Corps how sensitive North Haveners are likely to be to even more flooding. Hundreds of us experience flooding because of the overflows from our local rivers or because of the very high water table not able to absorb more rain. Figure 2 is the one really significant for the mall site. Can North Haven afford to close Sachett Point Road so often? Please state in Final EIS how many 100 year floods in past century in North Haven.

RESPONSE:

The EIS staff is aware of these figures and flooding conditions in the North Haven area along the Quinnipiac. The EIS has been modified to include a diagram of the 100 (FEMA) flood boundary at the proposed mall site, and figure 10 of the draft EIS has been modified with a list of additional flood-prone properties along State and Upper State Streets and pictures of the flood on 6 June 1982.

The EIS staff does not know if the town of North Haven can afford to close the Sackett Point Road bridge often because of floods. This is an existing condition that will not be improved or harmed by the proposed project.

Though there have been numerous floods, there has been only one flood in excess of the 100-year event, the recent June 1982 event, during the period of record 1931 to date. However, both the September 1938 and January 1979 (dam failure flood) floods approached 100-year frequency.

COMMENT 26:

In the hearing 3/17/82 Arnold Fleming, a developers' consultant said that on p. 8 his firm wrote up the worse case situation where all of the floodplain was filled to the encroachment line. Well, the point I made in an earlier question, about the 15 stream channel encroachment actions and permits in North Haven and the 12 permits, 5 illegal fills and 1 enforcement action in Wallingford (Table 1 of the Quinnipiac River Corridor Action Plan of Regional Planning Agency SSC) was that there is plenty of filling riverward of the encroachment line. These permits are for filling within the encroachment area. Where is that spoken to in the flood measurements and where is the projection for future riverward fills if so many have been allowed so far?

RESPONSE:

The term "encroachment line" was used in the flood study to refer to the floodway boundary. The legal encroachment lines referred to in this comment are the State lines that are plotted on the various site plans presented in the draft EIS and its appendixes. In the flood study, the standard HUD/FEMA methodology was used, which consists of encroaching both sides of the river uniformly through the river segment being studied until a maximum rise in water level at the upper end of the segment reaches 1.0 feet. Since this methodology does not account for changes in the flows that occur with loss of storage along the river, our analysis was modified to account for this phenomenon. The resulting floodway limits from this procedure may differ significantly from the legal State encroachment lines. This is particularly true in areas such as the parcels of land immediately south of the proposed mall, where the encroachment lines are drawn well outside the floodway. Fill riverward of legal encroachment lines, but landward of the floodway lines, would have no significant impact on flooding in the Quinnipiac River.

The flood studies performed for the draft EIS show that the Quinnipiac River is not sensitive in its lower reaches to loss of valley storage. Therefore, the statement that the flood analysis was conservative is valid, in spite of the acknowledged legal and illegal filling riverward of the State encroachment lines.

COMMENT 26A:

Please listen to, or read the North Haven citizen's comments and exhibits on the North Haven mall from the Planning and Zoning hearing in North Haven, June 17, 1980. At every local and State hearing, citizens state their opposition, and having spoken once or twice, or written a

letter to a local board or DOT or DEP, they feel they've done the citizens job, but the Army Corps has never heard from them. It is unrealistic to think citizens see the necessity of speaking and writing again and again. So we ask the Army Corps to seek out all previous citizen comment including comment at the hearings listed on the next page at the end in order to hear from the citizens who are only able to speak out once or twice.

RESPONSE:

Thank you for your suggestion that we read the citizens' inputs to the 1980 Planning and Zoning hearing. As vocal as the citizens may have been about the proposed mall in that hearing, their comments were directed at a zoning activity that has already been concluded. To date, the Corps' regulatory and EIS processes have afforded the public several commenting and hearing opportunities to voice their comments, state their positions, and submit information (see "Public Involvement" in EIS, section VI). The EIS staff believes that the citizens of the area have done this well, and that reading the comments you suggest would not add substantive new information.

COMMENT 27:

How will mall traffic effect Clintonville Road between Pool Road and Washington Avenue? According to town statistics, this is the most dangerous section of roadway in town for congestion and pollutants, and no road improvements have been scheduled here at all.

RESPONSE:

The mall traffic study has estimated that 6 percent of the total mall trips will be on Clintonville Road between Pool Road and Washington Avenue. During the morning peak hour, the most critical period on weekdays, there will be little, if any, mall traffic. In the afternoon/evening peak hour, it was estimated that there will be 95 additional vehicles westbound approaching the Washington Avenue intersection, or an average of 3 vehicles every 2 minutes.

There are some backups on this segment of Clintonville Road, especially westbound approaching the Washington Avenue traffic signal. The Connecticut Department of Transportation recognizes the deficiency. A project to widen Route 22 from Pool Road to Washington Avenue has been considered and may be included in a future revision of the State's Highway Needs Program.

COMMENT 28:

Who are Mall Properties Inc. and the North Haven Associates' investors, stockholders and trustees? Are there any conflicts with current or former area politicians and public officials?

RESPONSE:

Mall Properties, Inc., is a New York corporation wholly owned by Morton L. Olshan. Mall Properties, Inc., incorporated in 1969, is actively engaged in the development and leasing of real estate, primarily regional mall shopping centers and community and neighborhood shopping centers.

North Haven Associates is a Connecticut limited partnership composed of the following partners: Morton L. Olshan (general partner), 87 percent; Arthur Roberts, 12.5 percent; and Mall Properties of Connecticut, Inc., 0.5 percent.

Mall Properties of Connecticut, Inc., is a Connecticut corporation wholly owned by Morton L. Olshan.

There are no known conflicts with current or former area politicians or public officials.

COMMENT 29:

Since Connecticut DOT claims the 4 lane widening of Bishop is not mall related, exactly what improvements will be needed on Bishop, and how will these impact on historic properties, and this unique portion of the Bridge district? Will it involve taking private property and thereby constitute harm to an existing neighborhood?

RESPONSE:

For the effects of the project proposed by Conn. DOT, refer to the "Environmental Assessment for the Proposed Widening of Route 22 and S.R. 725, North Haven, New Haven County, Connecticut, February 1980" and the associated 4(f) Statement, prepared by the: Connecticut Department of Transportation, Bureau of Highways in conjunction with the U.S. Department of Transportation, Federal Highway Administration.

COMMENT 30:

Assess the financial loss to the town were the mall to fail. Consider that the same land might have been developed with industry instead.

RESPONSE:

Please refer to appendix L, section II B.1, where possible failure of the proposed mall is addressed.

The possibility of using the proposed North Haven Mall site for industry was presented in the draft EIS, section II B 5.0 and in appendix Q. Also see our responses to comments PO-7 (#1) and PO-10 (#1), which

discuss the potential for using the site for light-industrial purposes. It appears to the EIS staff that the commenter is asking what the town's liability would be if, in a parallel situation, light industry were developed and failed at the site. In that case, it would depend largely on the town's fiscal involvement in providing funds for any improvements necessary to provide access, fill, roads, sewers, and other services. The town's net liability would also depend on the amount of taxes collected from the industries on site prior to failure. This would involve knowing the industries that might use the site, their assessed value, and the length of time taxes could be collected prior to failure at the site. The unknowns are further complicated, because the mall site currently has two owners, each of whom might elect not to permit development of his property in conjunction with the other owner. These elements remain speculative at best and do not warrant further evaluation at this time.

COMMENT 31:

Has the developer guaranteed to sell space in the 100 small enclosed shops or are we risking that they will remain empty, as happened in Stamford?

RESPONSE:

No guarantee exists. The intentions of the developer of the proposed project is to lease space within the mall to various retailing establishments. The situation in Stamford has been discussed in our response to comment PO-8 (#2).

COMMENT 32:

Evaluate the economic, sociological, aesthetic and environmental impacts of strip development that will follow the urban traffic volumes generated by the mall. Is this preferable to the more sedate secondary development that would accompany an industrial park?

RESPONSE:

Washington Avenue is the principal commercial zone outside the mall site corridor where some new mall related development could occur, since residential land use lies beyond that. Significant strip development already exists along Washington Avenue, including discount and food stores, roller rinks, cleaners, offices, restaurants, and fast-food stops. Since space is limited, additional development would not be significant. Any mall-related secondary development, strip type development and development along Valley Service Road have been covered under assessments of "secondary development" and are reviewed in the EIS, sections IV A 1.6, IV A 2.4, IV A 3.3, IV A 4.6, IV A 5.3, IV A 6.3, IV A 7.1.4, IV A 7.2.4, IV A 7.3.3, IV A 8.5, IV A 9.8, and IV A 10.3.

COMMENT 33:

Assess the long-range hidden costs of urban traffic, crime, and living conditions that will result from the mall BEFORE the mall produces tax revenue to offset/not offset same. The urban sprawl and secondary development must be included as a cost factor.

RESPONSE:

No information has been received by the EIS staff that would indicate there would be any urban traffic, crime, or living conditions that would induce long-range hidden costs or that there would be cost factors occurring as a result of urban sprawl and its secondary development caused by the proposed project.

COMMENT 34:

The Corps should review all the public statements involving the mall, its transportation scheme and links to Bishop Street, to be found in transcripts of the following public hearings:

1. State Traffic Commission, October 2, 1979, re: mall traffic safety permit.
2. Conn. Dept. of Transportation, March 18, 1980, re: widening of Bishop Street.
3. Conn. Dept. of Transportation, February 5, 1981, re: widening of Bishop Street.

RESPONSE:

Nonspecific comment on the EIS. Refers to our responses to comments F2 (#8), PO-5 (#1), and PO-10 (#29).

PO-11: Letty McPhedran/Stop the Mall, 22 March 1982

COMMENT 1:

Enclosed are questions about malls that North Haven citizens have raised during the last month. The impacts of these malls reflect what might happen in our area if the North Haven Mall is built. Citizens here feel the Army Corps itself should do case studies which include the questions raised here. Please answer every attached comment here in the Final EIS.

RESPONSE 1:

In response to your list of 17 questions concerning shopping malls, we have listed our responses below, using numbers to correspond to your questions. Please refer to the final EIS, volume 2, Comments, for the full text of these questions, because your comments have not been reprinted here in an effort to reduce paperwork:

1. Crime for the West Farms Mall and secondary development constitutes approximately 30 percent of the crime in Farmington, Connecticut. Principally, the crime is considered the "nonoffensive" type (victimless), which includes credit card misuse, shoplifting, fraud, and bad-check writing. One town police officer is assigned for each day and night shift in the district that comprises the mall, K-Mart, and the surrounding residential area. The mall itself maintains a 12-person security force, using between 1 and 3 security people per shift. Auto thefts and victim-directed crimes are minimal (Farmington chief of police, 19 July 1982).

2. The EIS staff acknowledges your input about boarded up stores in the Meriden Hub, and we recognize that there are existing retail facilities that may not be thriving. There is no information, however, that has indicated that these are related to issues germane to the proposed North Haven project or why they have closed. We do not believe it is necessary at this time to visit the Meriden Hub; we accept your photographs for what they are in reflecting existing retail space.

   The need for additional retail facilities has been addressed in the EIS, section I, appendix L, section II 2.A.2 and further addressed in the response to Comment L12, (#5). The need for the proposal, in light of existing closed facilities, may also be considered further since different retail goods and markets and comparable shopping opportunities are concerned. It is not known why these businesses have failed - perhaps due to bad business management, retirements, businesses moved, difficult business climate, poor merchandising practices, changes in consumer preferences, and so on.

3. Your statement reflects this. It is unclear to us what are the potential impacts to which you refer.

4. The EIS staff has not received any information pertaining to the problems you have raised concerning other malls or their relevance to the proposed mall. We believe that conducting studies on other malls is not necessarily germane to this EIS or to the specific issues of the North Haven Mall proposal. The economics, engineering problems, and other impact issues for this proposal are presented in this EIS.

5. Refer to response above, #4.

6. The EIS staff has visited the Naugatuck Mall and surrounding residential and secondary development, in Waterbury,

Connecticut, to view the mall and fringe area. We believe this EIS adequately addresses the amount of secondary development and the potential impacts likely to occur as a result of the North Haven Mall. Refer to the EIS, sections IV A 1.6, IV A 2.4, IV A 3.3, IV A 4.6, IV A 5.3, IV A 6.3, IV A 7.1.4, IV A 7.2.4, IV A 7.3.3, IV A 8.5, IV A 9.8 and IV A 10.3. We do not believe that development at the Naugatuck Mall is germane to this EIS or to the specific issues, data, and circumstances of the North Haven Mall proposal.

7. Mr. Elijah Freedman departed from this position approximately 3 years ago. Economic impact data was accumulated showing the expected impacts of the Market Place Mall on Rochester, N.Y. Presently, the Market Place Mall is under construction, nearing completion, and will soon be open for business. Therefore, no damage to the city has been demonstrated or realized.

8. The EIS staff believes that the Gladstone Report, having been independently reviewed, provides data that can be utilized in a decision on the permits. Together with the additional input on economic impacts provided by the City of New Haven (see response to comment L 12 (#4)) a substantial data base range has been developed. We do not believe it is necessary to conduct another economic study.

9. The EIS staff believes that an investigation of the Smithhaven Mall is not germane to the issues and specific circumstances encountered with the proposed North Haven Mall. There has been considerable change in this area of Long Island for many years. There is no way of knowing how many local retail closings can be attributed to the "economic climate" of the Smithhaven Mall.

10. The EIS staff does not feel it is necessary to visit and investigate the Whitehall and Lehigh Malls in Whitehall, Pennsylvania. We accept your comments for what they represent. For the North Haven Mall EIS we have identified the lighting, loitering, and trash concerns you have mentioned as potential impacts (EIS, sections IV A 9.5 and IV A 9.6, and appendix M, "Community Services"). There is no information, however, that property damage at the mall or to residences near the mall would be a problem. This is likely to be a situation that would develop on a case-by-case basis, specific only to that situation and whose cause can only be identified and resolved when a problem develops. However, we do not expect these types of problems to be major in North Haven. The proposed mall would be physically isolated from residences, separated by highways, a railroad line, a river, and a commercial zone, and most people attracted to the mall

would reach it by car. There would be little mall-related pedestrian traffic walking by residences in the communities, thus providing little time, opportunity, or mischievous incentive to do damage.

11. The EIS staff does not feel it is necessary to assess the Erie situation or to visit Erie and examine the economic impacts reportedly caused by the Mill Creek Mall. The information would not be specific to North Haven. Such impacts occur on a case by case basis. Valid post-mall studies do not generally exist. However, the potential for economic impact on New Haven exists, and the EIS presents it in section IV A 8 and revised appendix L with supplement.

12. The EIS staff believes that it is not necessary to examine all the environmental problems of the Paramus Park Mall, since they are not specific or germane to this EIS and the particular issues of the proposed North Haven Mall. We note, however, that the geology of the proposed mall site is not a swamp, but predominantly sands, gravels, silts, and clay. Refer to EIS, sections, III A 2.0 and IV A 1.2.

13. Discussions relating to the developmental history of Cortana Mall were held with planners with the Baton Rouge City Parish and Administration. The findings of these discussions are as follow:

- The citizen opposition to the mall revolved around two elements. Initially, the mall was envisioned as part of a larger, multiuse development including apartment complexes. In addition, the preliminary mall access network incorporated direct connections with the local streets in an adjacent subdivision. When these two elements were dropped from the design, citizen opposition was significantly reduced.

- Due to location and parking problems, the retail sector of downtown Baton Rouge had been in a state of decline for several years prior to the opening of Cortana Mall in 1975.

  Specifically, downtown shoppers' goods sales (measured in current dollars) went from $17,656 in 1963 and $18,302 in 1967 to $14,429 and $12,978 in 1972 and 1977, respectively.

  Metropolitan volumes for the corresponding periods moved up appreciably, as summarized in the following table.

METROPOLITAN BATON ROUGE SHOPPERS' GOODS SALES

Year	Sales ($000)
1963	84,938
1967	143,892
1972	236,536
1977	437,815

Stated in other terms, the share of downtown shoppers' goods was off precipitously, as may be seen in the brief summary which follows.

Year	Downtown Shoppers' Goods Sales as a Percent of Metropolitan Baton Rouge
1963	20.8
1967	12.7
1972	6.1
1977	2.7

In the early 1970's, experimental closing of streets to provide a "downtown" mall proved unsuccessful and generally was not supported by the major downtown retailers.

Today, there is very little major retail activity in the CBD (Central Business District). Rather, the CBD serves as the office hub of the city, housing state and local government offices as well as those of the petrochemical industry and related activities. Demand for office space is high, as evidenced by the recent opening of "Centroplex" (a large government office complex) and the conversion of retail space into offices. With respect to the Baton Rouge situation, Mall Properties, Inc., did not undertake any evaluation nor was any required to account for the economic effects that would follow the opening of Cortana Mall. Because there is no economic evaluation, the impacts on Baton Rouge cannot be compared with the impacts expected for New Haven (as reported in the EIS, section IV A 8.0 and appendix L, with supplement).

Turning to downtown New Haven, similar declines in retailing have been noted. Materials cited in appendix L have traced these trends with respect to shoppers' goods declines in the central business district.

14. The EIS staff does not believe it is necessary to conduct a case study for the Mission Valley Mall. We find no relevance to a situation in California with the specific conditions and issues of the proposed project. For flooding conditions and

related mall impacts, refer to the EIS, sections III C and IV A 3.0 and appendixes E, F, and G.

15. The EIS staff believes that the commenter is likely referring to President Carter's "urban" policy under the Community Conservation Guidance. The guidance was developed to alert agencies that their decisions should "not have unintended effects of eroding existing commercial centers" and that they should discourage large commercial developments that may weaken established business districts. It also stipulated, however, that the guidance was not to delay or prevent any development from pursuing its legal and private economic purposes. Agencies were instructed to conduct community impact analyses under local request and to consider mitigation consistent with other Federal policies and laws.

    Investigation of the Hermantown Mall with respect to this policy and the North Haven Mall is no longer germaine since this policy has been withdrawn under the current President Reagan administration.

16. No. Apparently, there had been plans for a South Charleston Mall, but the developer never completed plans and has since dropped the idea. In any event, there was no Corps' involvement, nor would any have been necessary, since no wetlands were concerned.

17. The EIS staff has not found any case studies in the literature that review and assess the impacts of the malls listed in your comment. Additionally, we note that such case studies are of limited value, since they pertain to a specific set of data, assumptions and predictions. No study has been found that relates the findings on predicted impacts of a mall (especially on single stores), assessed prior to development, with a followup of actual impacts. Such a study might be relevant in testing prediction capabilities but not necessarily relevant in drawing conclusions between dissimilar circumstances. As such, we do not believe it is meaningful or a judicial expense of funds to conduct after-the-fact studies on these malls, since their relevance to the issues and circumstances surrounding the proposed North Haven Mall would be doubtful.

COMMENT 2:

In addition, please list all other Mall Properties malls and provide a survey performance of other malls constructed by Mall Properties Inc. In particular, compare the expected and the actual environmental, economic, and sociological effects. Shouldn't the Army Corps visit all the Mall Properties malls at least to see if they thrive? We request you

to visit any Mall Properties malls that are 20 years old to evaluate what the committment to the nearest town is. (E.g., Do they pick up the trash? Do they patrol the property adequately? Has there been any mall-related environmental problems such as flooding or erosion? If so, has the mall developer responded to rectify the problem?) Please include your findings in the final EIS.

RESPONSE:

Mall Properties, Inc., has developed and currently operates two malls comparable to the proposed North Haven Mall. They are the Cortana Mall in Baton Rouge, Louisiana (five years old), and Coliseum Mall in Hampton, Virginia (ten years old). In neither instance were any pre-development studies required regarding probable environmental, economic, and sociological effects. It is, therefore, not possible to compare expected with actual impacts. Nevertheless, the EIS staff has contacted the town planners in each city and confirmed that there are no adverse environmental, economic, or sociological problems associated with the malls. Rather, the malls are viewed as quality tax sources. (The only exception was the obtaining of an indirect-source permit for air quality from the State of Virginia for Coliseum Mall. No post-development studies were conducted.)

COMMENT 3:

Reference is made to the commentor's request to note a paragraph from an article printed in the New Haven Register, Thursday, March 18, 1982 entitled "Officials Play Down Effect of Mall." The paragraph reads:

> "Grossman said he is opposed to the proposed mall because the city had a concrete example' of the effect malls can have in Meriden Square. Meriden downtown died with the square', he said."

RESPONSE:

The EIS staff acknowledges and makes note of the above article and comment. As an additional note, we have also printed the full text of the article in final EIS, volume 2, "Comments".

COMMENT 4:

Page IV-33 of the DEIS states the mall would have no significant impact on the proposed North Haven Bridge district. I take issue with this finding for the following reasons.

(1). The degree of mall-relatedness for the 4 lane widening of Bishop is to be determined in court. An affirmative rendering would constitute a potential significant mall impact to existing historic and neighborhood

resources not now acknowledged by the ACE. The ACE should be reminded this widening involves the potential removal of 5 homes, some historic in nature or important period links to other historic homes, and the repossession of private property.

(2). The degree to which mall traffic figures in road improvements for Bishop, State, and the connector, must first be defined in detail before the ACE can claim mitigation measures alone will absorb the incrimental effects the mall may have on historic structures. The developer admits 1/3rd of mall traffic will travel Bishop between Rt. 15 and the VSR. Mall traffic will also nearly double existing traffic figures on State. A jughandle is planned off the connector.

(3). The DEIS has not addressed flood impacts on historic homes at all. Several of these homes suffer severe flood conditions each spring. The DEIS map of flood prone properties on page III-9 acknowledges 5 of these homes as "flood prone," but fails to mention them as historic in nature (spec. Steeves, Pierpont, DeMorro, Alfone and Olmstead).

(4). The need for a jughandle to service mall traffic connecting Rt. 22 to VSR would involve the potential need to fill a flood plain directly opposite the most severely flooded historic properties (Steeves, Pierpont and DeMorro). According to residents, since 1970 construction of I-91, the Rt. 22 connector and various downstream developments from Broadway north, have displaced flood waters and are responsible for the existing flood problem. Since the DEIS flood study is also incomplete, I believe this entire issue deserves more study.

(5). The North Haven Historic Resources Inventory concluded this portion of the Bridge district between Bishop-State-Broadway contained the highest concentration of 18 and 19th c. homes in town. Other correspondence (look see) refers to this portion of the district as a cohesive neighborhood unit which merits Federal protection. The application for State and Federal historic register status is currently pending.

(6). The homogenity of the Bishop-State-Broadway area has suffered cumulative losses due to development. This slow dissolution of the northern parimeter of the district should stop. Two 19th c. homes were removed for the Rt. 22 connector, one 18th c. home was lost to demolition by a developer at State and Broadway. Careful planning for development of nearby land with industrial and not retail traffic generators would substantially reduce this trend.

(7). The DEIS tends to view the mall as an isolated factor when it should be considered part of a larger scenario of potential development. Failure of the DEIS to tabulate the character and impacts of secondary and strip development subsequent to the mall negates a comprehensive review of mall impacts on the proposed Bridge district.

(8). Conclusions: The DEIS is incomplete on this subject. It focuses on the Bridge district as a whole, and so, narrows the impact of the mall upon the most homogenious portion of the district. It both minimizes and fails to link traffic and flooding impacts to Bishop-State-Broadway, and the mall with an overview of secondary development. In addition, the ACE cannot assume Bishop improvements and related property acquisitions are independent of the mall until all litigation is completed.

RESPONSE:

Based on Conn. DOT's proposed project, its need and environmental assessment, and our understanding of the conditions that would most likely exist on Bishop Street prior to opening of a proposed mall, the road would already have been widened. Thus, impacts considered in this EIS would relate to the added traffic caused by the mall. The widening issue has been responded to previously; refer the responses to comments F2 (#8), PO-10 (#29), and PO-5 (#1). We acknowledge your taking issue with our position on the proposed historic bridge district and respond to your comments below, using the numbers to correspond to your comment number.

1. The EIS staff is aware of impacts of the proposed widening, which are addressed by Conn. DOT's environmental/historical evaluations, as referenced in the above listed comments. The court action involves Conn. DOT and local opponents to the widening project. To delay processing the EIS to wait for the court's decision and its implications would be inappropriate, since halting our process would assume the court's decision.

2. For a review of mall traffic on Bishop and State Streets, refer to the EIS, sections III A and IV A 4.0 and appendix H.

3. Thank you for this information. As you pointed out, the EIS does indicate these existing properties as being flood prone, and your statement here reflects their historic nature.

4. The EIS staff does not believe that the flooding issue around the jughandle requires still more study. Existing flooding conditions have been modified with the June 1982 flood characteristics, and impacts due to the proposed mall are fully addressed in the EIS, sections III C and IV A 3.0 and appendixes E, F, and G. Fill requirements for the jughandle would require approximately 6,000 cubic yards of fill below the 100-year-flood (FEMA) elevation, or about 0.5 percent of the total fill requirements. No measurable impact on flooding would occur as the result of the jughandle fill.

5. Thank you for this information.

6. Thank you for your comment. We acknowledge your concerns for the preservation of the area.

7. The EIS reviews the potential for secondary impacts as a result of the mall. Refer to the responses to comments PO-10 (#32) and PO-11 (#1(6)).

8. The EIS staff believes that the EIS, together with the Connecticut DOT/Federal Highway Administration's environmental/historic assessment documents (included in the EIS by reference), constitutes an adequate and full review of the impacts related to the road widening and the bridge district. Refer to our response to comment F2 (#8) and PO-10 (#29).

COMMENT 5:

To reduce the length of paperwork here, the comment is reprinted in its complete text in the EIS, Volume 2. Please make reference to it; the comment begins "Memorandum of March 10, 1982".

RESPONSE:

(1). As an information base, the EIS staff will continue to report that the existing encroachment lines are those as indicated in the EIS and supported by the State of Connecticut, the local governments who verify the extent of floods, and by the Federal Emergency Management Agency. Reivew of the June 1982 floods by the Corps of Engineers, however, indicates by our study criteria that the flood elevation of a 100 year event is at a 16.0 feet datum, approximately 3 feet higher than the FEMA 100 year flood elevation. This has been brought to the attention of FEMA, who is considering restudying flood conditions for flood insurance purposes. The Corps estimates that the flood way would not be obstructed. Also refer to the EIS, Appendix G, for a review of the effect of the collapse of the Wallingford Dam upon flood conditions. Wallingford Lake was not a storage facility and the EIS staff disagrees with your view on it.

(2). The EIS staff does not feel that the flood studies and the DEIS presentation on existing flooding conditions is "negligent" for omitting conditions on the Wilbur Cross Parkway. To reflect the general information in your comment, however, a picture of flooding across the parkway has been added to the EIS, Section III C 3.0. Specific reference to the jughandle fill also was not made because of its minimum impact nature. Fill for the jughandle would require approximately 6,000 cubic yards of material below the 100 year flood (FEMA) limit, or approximately 0.5 percent of the total fill requirements.

(3). The proposed mall's impact on flooding has been shown and it has taken into account existing conditions, which include the presence of I-91 and the Route 22 connector. Additional assessment of these two roads on flooding is not necessary or relevant to the issue of the mall's impact on flooding. The EIS indicates that no measurable impact on flooding would be incurred with the development of the proposed mall. (EIS, Section IV A 3.5).

(4). The commentor should refer to our response to Comment F4 (#2) and the EIS, Section IV A 3.5.

(5). General Comment expressing the opinion of the commentor.

(6). See our response to comments (1) and (4) above.

PO-12: Connecticut Fund for the Environment - 26 March 1982

COMMENT 1A:

I am writing to you at the suggestion of Lt. Col. Rappaport to request an extension of time for the comment period on the Draft Environmental Impact Statement about the application of Mall Properties Inc. for a Section 404 fill permit from the Army Corps of Engineers. This document was some two years in the writing. CFE cannot effectively respond to it within the comment period provided. CFE therefore requests a thirty day extension for its comments until April 28, 1982.

RESPONSE:

CFE was granted an extension period to 16 April 1982, to facilitate their compiling of information. Please refer to our letter to Mr. Millstone dated 31 March 1982.

COMMENT 1:

Reliance On The Reports Of The Developer - The Connecticut Fund for the Environment was startled and disappointed at the reliance of the Army Corps of Engineers on the work done by the expert consultants for the Mall developers.

RESPONSE:

The EIS staff acknowledges your comment and concern and refers you to the attached letter from Colonel C. E. Edgar III, dated 29 June 1982, to Congressman Toby Moffett in regard to the same issues raised above.

COMMENT 2:

The Army Corps of Engineers Errs When It Treats The Issue Of The North Haven Mall As A Local North Haven One.

While the Corps of Engineers held two days of hearings in North Haven, it held no hearing in other affected communities. The site of the hearings in North Haven was inaccessible for those using public transportation. As a result, only those with automobiles could possibly have attended. The resulting audience was richer, whiter and younger because the poor, black, Hispanic and elderly population who use mass

NEDOD-R-20

JUN 29 1982

Honorable Toby Moffett
House of Representatives
Washington, DC 20515

Dear Mr. Moffett:

This is in further reference to my 21 May 1982 letter to you regarding your concerns on the proposed North Haven Mall.

The Corps of Engineers is in full concert with your interests for a "fair" review of the issues surrounding the mall proposal. To address your concerns, perhaps it would be helpful for me to begin with an explanation of what has transpired to date and the process we are utilizing in developing the Environmental Impact Statement (EIS).

Initially, public contact was made on 17 December 1979 when we issued a public notice introducing the permit activity on the proposed fill for the North Haven Mall. The notice also announced that a preliminary determination had been made to develop an EIS to aid in a permit decision. After considering the comments received during the public notice period, we confirmed our preliminary determination to do an EIS.

Subsequently, we held several scoping meetings to hear the concerns and issues to be considered in developing the Draft Environmental Impact Statement (DEIS). The first meeting was held on 25 March 1980 and was attended by several of the principal interests, including representatives of New Haven, North Haven, the regional planning agency, opponents to the mall, the applicant, the EPA and the Corps of Engineers.

On 29 April 1980 a public distribution was made of the preliminary scoping outline we developed for the DEIS. This served as a framework for the two additional scoping meetings we held in North Haven on 13 May 1980 for the New Haven - North Haven regional area. For these sessions the Division retained private moderators who conducted the meetings and followed them up with a Summary Report to us. The report was distributed on 9 June 1980 for the public's information and for any additional comments toward developing the scope of work. Our final scoping outline was distributed publicly on 15 August 1980.

Based on our scoping outline, we requested the applicant, Mall Properties Inc., to submit information to us in support of developing the DEIS. They provided us with this information in the form of technical memoranda developed by known consulting firms with expertise in their fields. Although we did not request it, the applicant elected to publicly release these reports. This provided an early and unusual opportunity for the public to review the information that was being developed, such that they offered their own information and comments.

I am keenly aware of the concern over the role of the applicant, and the use of their consultants, in providing information in support of preparing an EIS. This process places a responsibility on us to exercise unusual care and independent judgment in considering any data submitted by the applicant. This puts special demands on us to insure that the information is valid and reasonable and to be sensitive to the possibility of bias. To assist us in obtaining information and conducting our independent review of the applicant's technical memoranda, we solicited the aid of our own internal expertise and those of other cooperating agencies with the expertise or jurisdiction in appropriate areas of concern. For example, we used our hydrology/hydraulics elements and the Federal Emergency Management Agency to consider ponding and flooding; the Department of Housing and Urban development to consider urban economic impacts; the Environmental Protection Agency to consider air/water quality and wetland issues; the U.S. Fish and Wildlife Service to consider ecological impacts and to provide a habitat evaluation report, and others. We considered the information from this coordination, including the comments on the technical memoranda received from the public, in developing the DEIS. Comments from mall opponents that were received too late for the DEIS are being re-reviewed for the Final Environmental Impact Statement (FEIS).

Information from mall opponents was considered and used when it was substantive and could be referenced for the public review. Approximately, a period of a year was available to the public to submit information if they cared to, or to make comments on the applicants reports. When critical comments were submitted, we considered them and requested additions or clarifications from the applicant where we felt they were merited. We did not feel that there was a need for additional reports or further reason to delay releasing the DEIS to the public. Infinite delays were possible had we waited for "promised" inputs from the opponents. We felt it was important to provide the public with

a formal review of all the information in front of us while maintaining a timely process in considering the permit application.

The procedures we have followed in this case, including the applicant's role, are authorized by Department of Army regulations for NEPA (33 CFR 230, Appendix B, paragraph 10d) and for the regulatory process (33 CFR 325), and are in full accord with our statutory responsibility to protect the environment as mandated by Section 404 of the Clean Water Act. As you are aware, the issue of propriety and objectivity over the applicant's supplying information is not a new one and has been previously litigated and found to be appropriate. The procedures we have used here are utilized nationwide and are in conformity with the regulations of the President's Council on Environmental Quality.

I feel that it would not be economically prudent for us to maintain substantial resources and personnel to conduct our own EIS study for each issue of concern for those permit applications requiring extensive review. Major permits requiring an EIS, such as the North Haven Mall, come in sporadically and we cannot schedule them into our long term planning efforts. As a result, substantial public expense would be needed to keep available a higher level of staff or resources. Therefore, we request information from the applicant, and their consultants, and commit it to internal and external reviews. I believe we are providing quality review at reasonable expense to the government.

As you noted, the proposal for developing a mall in North Haven is a heated local issue with strong emotions running on both sides, as well as between New Haven and North Haven. This is clearly evident from the hearings we have held and the hundreds of "pro" & "con" letters we have received. The DEIS review period prompted a large response, especially from the City of New Haven with their retail-economics impact report. We are in the process of reviewing all this information to determine if additional information is necessary, including any further consideration of the socioeconomic impacts in New Haven.

At this time we are not aware of any impropriety by the applicant to falsify, omit or alter information to bias our review. Since the use of "language" by proponents and opponents alike can lead to subjective interpretations and inferences, we will continue to endeavor to remain aware of the facts and maintain our objectivity concerning the issues. To date, we feel that we have exercised our responsibility within every effort of our resources, and in compliance with the regulations, and have not "blindly" accepted the applicant's reports nor disregarded any public comment without appropriate consideration. The process we have used has been a legitimate means of providing information and making an independent review of it. I feel it is appropriate to continue along this track, using the information submitted in response to the DEIS, committing new information outside our area of expertise to external review, and requesting additional information or clarifications from the applicant.

With regard to your concern and reference about the "public and private need for the structure or work" (33 CFR 320.4), please note that the FEIS will not draw a final conclusion on the need for the project. The issue of whether the project is in the public's interest, and "needed" within that context, will be the focus of my permit decision. This decision process is separate and distinct from the EIS preparation. To reach my decision I will evaluate all relevant public interest factors using the EIS as a source of environmental impact data. Other considerations relate to regulatory policy, laws, executive orders and detailed coordination meetings with local, State and Federal agencies, which have been on-going since receipt of the permit application.

Thank you for making your concerns known to me. I will continue to keep you informed of the progress of processing this permit and stand ready to answer any questions you may have on this matter.

Sincerely,

C. E. EDGAR, III
Colonel, Corps of Engineers
Division Engineer

Copy Furnished:
Honorable Toby Moffett
Representative in Congress
160 Farmington Avenue
Bristol, CT 06010

CDR USACE (DAEN-CWZ-D)

Opers. Div File - Reg Branch
MFR: Self-Explanatory
Division Engineer ✔

transit exclusively could not attend. The Army Corps of Engineers decision to hold only isolated North Haven hearings thus underscores its misunderstanding of the regional character of the proposed project. Hearings should have been held in other affected communities as well as North Haven.

RESPONSE:

The EIS staff does not believe that the EIS development and the hearing procedures have served to keep this process contained as a local issue. We have presented a brief summary of the public participation effort conducted to date in the beginning of the previously referenced letter to Congressman Moffett (29 June 1982). We also refer you to Colonel C. E. Edgar III's letter of 26 July 1982 to the Connecticut Fund for the Environment in response to the above comment.

COMMENT 3:

> The Army Corps Of Engineers Erred When It Decided To Exclude Consideration Of The Proposed Bishop Street Project From The Draft Environmental Impact Statement.

The Connecticut Fund for the Environment represents the Bishop Street Preservation Committee in a court challenge of the widening of that street--Bishop Street Preservation Committee v. Powers. CFE and the Bishop Street Preservation Committee believe that this historic coummunity is about to be sacrificed on the altar of the North Haven Mall.

The State Department of Transportation refuses to consider the specter of the Mall which is the spark behind the move to widen Bishop Street. Thus it fell to the Army Corps of Engineers to evaluate the Mall and Bishop Street. The fact that the Draft Environmental Impact Statement does not do this, in our view renders it inadequate as a matter of law.

The connection between the Bishop Street project and the proposed Mall is as follows:

a) The widening project was a low priority item for the Town of North Haven until the Mall was proposed.

b) Mall Properties Inc., participated actively in favor of widening Bishop Street--submitting technical comments and political support for the project.

c) In fact, the Federal Highway Administration has stated that it is awaiting the assessment by the Army Corps of Engineers before deciding whether to go forward with plans to fund the widening.

Indeed the Environmental Impact Statement is the last chance for any agency Federal or State to evaluate the Bishop Street project in a

rational way, that is, in the light of the proposed Mall. Failure to include the Impacts on Bishop Street is therefore an eggregious error which renders the Draft Environmental Impact Statement inadequate as a matter of law. It is unseemly for agencies to point the finger at each other--like Tweedledee and Tweedledum--each claiming the other should examine the project.

RESPONSE:

The commenter is referred to our responses to comments F2 (#8), PO-5 (#1), PO-10 (#29) and PO-11 (#4).

COMMENT 4:

Transportation

This is another area outside the traditional area of expertise of the Army Corps of Engineers. The Draft Environmental Impact Statement disposes of the transportation issues in less than two pages. In fact, those two pages and accompanying tables were proposed by the Mall developer. We have had no opportunity to review this document in detail. However, an initial reading stimulates the following remarks.

The Transportation study by Barkan and Mess Associates, Appendix H, takes the traffic levels of the Mall from the Gladstone study of the economic impact of the proposed Mall (Appendix C). Therefore, our qualms about the Corps' singular reliance on the Gladstone study outlined above are reaffirmed here. Traffic figures depend on economic figures. Therefore, please note our view that reliance of the report of the Mall Developer, on the economic impacts--prejudices the results of the traffic analysis. This underscores the error of relying solely on the Mall developer's economic analysis.

RESPONSE:

The transportation study is not based on the economic studies, nor viceversa. While coordination took place between the two to ensure that the findings were consistent, the focus, and hence the factors, considered in the two studies differed.

The major concern of the traffic studies was to assess whether the road network immediately serving the mall would be adequate to handle mall-oriented traffic. As such, these studies were more concerned with the general directions the traffic would take and less concerned with individual town estimates. Moreover, the trip-generation figures include trips to the center for all purposes (not just shopping) and are based on the amount of gross floor area available for lease (see our response to comment L13 (#1).

The economic studies, on the other hand, were particularly interested in identifying the volume of retail sales (measured in dollars) that the mall would derive from each town in the trade area.

Sales and trips do not always equate, because (1) trips include travel for nonshopping as well as shopping purposes, and (2) closer areas generate more frequent trips, often representing smaller sales per trip, whereas more remote areas will generate more sales per trip but fewer trips.

COMMENT 5:

We worry about the assumption of the developer's traffic analysis that Bishop Street will be "substantially improved within the next few years" (p. 3 & 26). Then State Commissioner of Transportation Arthur Powers has asserted in an affidavit filed in court that no final decision on the Bishop Street Project has been made. A copy of that affidavit is available to you on request. We believe that a traffic scenario must be played out using the assumption that Bishop Street will not be widened if the Environmental Impact Statement is to inform the Corps as to the possible impacts of a 404 permit and the consequent Mall.

RESPONSE:

The EIS staff refers the commenter to our responses to comments F2 (#8), PO-5 (#1), PO-10 (#29), and PO-11 (#4). The analysis and the impact review assume the "improved" Bishop Street to be the condition that would exist at such time as the mall would be operational. This was the situation used for analysis and presented as the existing condition. Should this situation change substantively, for instance, if modifications to improve flow were not to occur, an additional environmental evaluation and consideration may be required.

COMMENT 6:

We do not believe that the traffic analysis of the loads onto I-91, Exit 12 South and North; Exit 11 South and North and Wilbur Cross Parkway South and North at Bishop Street were adequate. Our view is that these analyses fail to take into account the shift changes at Pratt and Whitney and other industrial facilities. Those shift changes concentrate traffic peaks at particular times, which were not accounted for by the Barkan and Mess study. As a result, the maximum loads predicted by the report do not reflect maximum uses. Therefore, we believe the mall developer's analysis incorrectly underestimates background levels.

RESPONSE:

Shift changes at the industrial facilities located in the area of the proposed North Haven Mall have been taken into account. With the exception of Pratt and Whitney, most of the industrial facilities follow normal work schedules, and hence traffic associated with these facilities is reflected in the morning and evening "rush-hour" figures. The Pratt and Whitney shift changes and the associated traffic peaks have also been incorporated into the analyses. As a result, when background traffic and

mall traffic are combined, the peak hour is found to vary from intersection to intersection. Due to Pratt and Whitney's traffic impact, the most critical hour analyzed at several intersections on Washington Avenue was 3:00-4:00 p.m. weekdays (see also appendix H, figure 8).

COMMENT 7:

It should be noted that the developer's consultant's report fails to examine the impact of the proposed mall on mass transit. It fails to examine closely existing mass transit patterns in the region and the consequence of operation of the Mall on mass transit use. Clearly the report is correct when it states that public transport "in North Haven is presently limited" (p. 47). However, the consultant misses the point. CFE fears that operation of the Mall will adversely affect the fiscal integrity of the existing Mass transit structure. Diversion of those mass transit riders going to downtown New Haven to shop, to autos headed to the Mall will deteriorate the fiscal integrity of the public transport system. This issue is ignored. If the issue is not addressed, the Environmental Impact Statement will continue to be inadequate.

RESPONSE:

The EIS staff has not found or received any information during the EIS process that would indicate that the concern raised represents a significant impact needing further evaluation.

Also, communication with Connecticut Transit Bus, referenced in section VII of the EIS, did not indicate any potential for substantial problems with the survival of mass transit in the region should the mall be developed. In the 1977 Greater New Haven Transit Study, it was stated that 15 percent of the shopping trips to one of the two department stores in New Haven arrived by transit. It can be reasonably assumed that this figure applies to shopping trips in general to downtown New Haven. Most of these riders, however, used transit because it was the only, or most logical, way to travel to downtown. As such, they are not likely to shift to autos to travel downtown or to the proposed mall. Since many of these transit riders are restricted to mass transit their access to the mall would be along Route C, and unless this route were located within walking distance of their residence, they would need to transfer from an initial bus route. As a result, present ridership levels over the transit system should not significantly be affected and its overall integrity would be maintained. The portion of bus ridership is not likely to decline or have a significant affect on Route C ridership between North Haven and New Haven (which is principally supported by commuter ridership and not those destined for retail purposes) or other bus routes in the region. The New Haven-North Haven Route C line is chiefly a commuter run whose service would likely continue should the mall be developed. Additional runs along the Washington Avenue (parttime) route should be possible during retail hours to accommodate mall riders without conflicting with existing route commuter ridership or deviations of other bus routes. Since ridership

along Route C between North Haven and New Haven has predominantly served the commuter time and destination pattern and shopping trips represent a small portion of the ridership, changes in this ridership for one transit route in the region is not expected to affect the integrity of the entire transit system.

Also, please see the additional information on the recent bus service improvements that has been presented in the final EIS supplement to appendix H where pages 47-49 of the draft EIS, appendix H, have been revised.

COMMENT 8:

Air Quality

At the outset, CFE endorses the remarks of Professor Lawrence Solomon, M.D., Yale University Medical School, as to the air quality elements of the Draft Environmental Impact Statement and its supporting appendix prepared by Mall Properties Inc.'s consultant.

a) The decision not to analyze lead levels is a serious error. The reason which the report gives for failing to analyze for lead is that "lead emissions are expected to decrease". Expected by whom, we wonder? Information available to the Connecticut Fund for the Environment indicated that sales of leaded fuels are increasing as smaller refiners seek to boost octane. CFE wishes to point out that by using optimistic assumptions, one can always conclude that no problems will arise. Use of rose-colored glasses in this case may lead the Corps to incorrectly conclude that lead levels will drop. There is no evidence for this prediction in the Draft Environmental Statement or the Appendix. Because of the toxic character of lead it becomes important to make an effort to quantify lead levels in the air.

   Further, lead released into the air is often washed into rivers and streams--in this case ending up in the Quinnipiac River which already has startlingly high lead levels. Indeed water fowl hunters in the Quinnipiac River area are banned from using lead shot. Will the North Haven Mall's lead contributions to the air, and then to the river be far in excess of the duck hunters'. How much lead will be added to the community by the North Haven Mall? No one will ever know unless the Corps digs further in its Environmental Impact Statement.

RESPONSE:

The reason for not analyzing lead levels was stated in appendix I and the draft EIS. Page III-9 of the draft EIS states the following:

"The lead used in gasoline antiknock additives constitutes a major source of lead emissions to the atmosphere. These, however, are expected to decrease as older vehicles are replaced by catalyst-equipped vehicles, which are restricted to use unleaded gasoline. Therefore, ambient lead concentrations will continue to decrease in the future whether or not the North Haven Mall is constructed, bringing lead levels below the NAAQS. Consequently, a detailed analysis of lead was not performed."

Prior to publication of the draft EIS, the EPA had indicated that vehicular lead emissions were expected to decrease in the future for the reasons stated above.

Subsequent to publication of the draft EIS, based upon this and other comments received, an analysis of lead was performed using the EPA-developed methodology (Supplementary Guidelines for Lead Implementation Plans, Revised Section 4.3 "Projecting Automotive Lead Emissions," EPA-450/2-78-038a, July 1979). The results of this analysis are shown below

Lead Pollutant Burdens for North Haven Mall Market Area

Case	Pollutant burdens	Vehicle-miles traveled	Average speed
1980 base	127 g/day	7,341,596	34.5
1984 without mall	110 g/day	7,901,127	34.5
1984 with mall	110 g/day	7,888,967	34.5

Lead pollutant burdens are projected to be approximately 15 percent lower in 1984 than in 1980. In addition, although increased traffic volumes on feeder streets to the mall will result in increased lead concentrations on feeder streets to the mall, the above analysis shows that, on an area-wide basis, pollutant burdens of lead with the mall are effectively the same as pollutant burdens without the mall. This is expected, since area-wide vehicle-miles traveled both with and without the mall, are projected to be approximately equal.

A recent study conducted by the Federal Highway Administration of lead levels adjacent to highways (Chaves, J. R., and Hatzi, P., A Highway Microscale Lead Analysis, FHWA, 1981) concludes the following:

1. From 1975 to 1982, there is expected to be a 400-percent decrease in vehicular lead emission factors; by 1990, there is expected to be a 730 percent reduction. These estimates are based on the expected effect of present Federal regulations.

2. Results of a two-year continuous monitoring program along a highway in New Jersey show that by 1990 lead levels are expected to be below NAAQS at receptor locations.

3. Existing line-source models are not suitable for estimating lead concentrations along roadways. The expenditure of resources to verify existing models through field monitoring is not justified because motor vehicle emissions are rapidly decreasing with time.

4. Based on FHWA's investigation and available lead data along highways, it is concluded that there is no need or justification for requiring microscale lead analyses at this time.

In addition, discussions with the Technical Support Branch of the EPA, Region I, confirmed that the EPA expects vehicular lead emissions to decrease in the future. At the present, there is no acceptable model for analyzing lead on a microscale basis, and the EPA does not require microscale analysis of lead for a project such as the proposed mall.

As the above indicates, there currently is no reliable method for predicting the increase in lead concentrations at specific sites. Nevertheless, the EPA, the FHWA studies, and our own studies confirm the conclusions stated in the EIS regarding lead; that is, vehicular lead emissions are expected to decrease in the future, lead concentrations are expected to be below the NAAQS in the future due to decreased vehicular lead emissions, and a detailed microscale analysis of lead is not warranted for the proposed project.

Regarding lead levels in the Quinnipiac River, the source of lead found in urban runoff is primarily from deposition of airborne lead from automobile exhaust and industrial processes. This source has been thoroughly analyzed and presented in the draft EIS and appendix C. The ban of the use of lead shot by duck hunters is not based on the contribution of shot to dissolved lead levels in the river but rather on the observed phenomenon that ducks feeding along the river will ingest the shot directly, leading to possible lead poisoning. The answer to the question of whether the mall's contribution of lead to the air, and ultimately the river, exceeds the contribution from duck hunters is not known. However, the studies show that the amount of lead entering the Quinnipiac River due to the mall would not be significant and would not result in harmful river water quality levels.

COMMENT 9:

We believe the developer's consultant and the Corps erred when they relied upon carbon monoxide data generated in Southington and Cheshire (p. 11). There is no justification for this reliance on distant data. We question therefore the validity of the assumption of 1 ppm carbon monoxide as a background level. As the Draft Environmental Impact Statement and developer's report point out, carbon monoxide is a local phenomenon. As a result, carbon monoxide generation is stimulated by specific local conditions. Absent a showing of comparable terrain, traffic patterns, and weather, reliance on the Cheshire/Southington monitoring for determination of background levels is irrational. The unsupported and unsupportable assertions as to what is "representative" and what is not (p. 11) is clearly unacceptable without at least some substantiation.

RESPONSE:

The carbon monoxide data generated in Southington and Cheshire were cited to give an example of the magnitude of representative measured carbon monoxide values in the area. It was the best available data, representative of the area at the time the air-quality analysis was prepared.

As stated in appendix I, the Southington site is immediately adjacent to a heavily trafficked road (Route 66); hence, the background levels are not representative of the North Haven mall site. On the other hand, monitoring at the Cheshire site was not substantially influenced by major roadways and therefore was considered to be representative of carbon monoxide background levels in the North Haven region.

The background value of 1.0 ppm, used in the microscale carbon monoxide analysis, was based on a consideration of the measured values and professional judgment. The selection and use of the 1.0 ppm value for both the 1- and 8-hour productions for years 1980 and 1984 were reviewed and concurred with by the EPA, Region I, Technical Support Branch. Had selection of background values been based solely on the Cheshire or Southington measured values, a value between 0.3 and 0.8 ppm would have been used for the 1984 predictions (that is the 1976 value adjusted to account for the reduced emission expected between 1976 and 1984).

In addition, in response to this comment, background carbon monoxide levels were calculated using an analytical modeling technique - the Holzworth Pollution Potential Method - recommended by the U.S. EPA in their guidelines for evaluating indirect sources (Guidelines for Air Quality Maintenance Planning and Analysis, Volume 9 (Revised): Evaluating Indirect Sources, EPA-450/4-78-001, September 1978). Using this procedure, background carbon monoxide levels of less than 0.2 ppm would be expected in the study area in the year 1984.

COMMENT 10:

We believe that the air quality section of the Draft Environmental Impact Statement and the developer's consultant's report upon which it is based--is founded on the transportation report which in turn is founded on the Marketing report. This further underscores the danger of accepting uncritically the developer's report on the economic impacts of the Mall. The economic figures drive the transport figures which drive the air quality figures. Thus if the economic forecast is improperly prepared, it will diminish the validity and adequacy of both the transportation section and the air quality section.

RESPONSE:

The transportation studies were coordinated with the economic analysis but were not dependent on it. Refer to our response to comment PO-12 (#4). The air quality findings, however, did rely on the transportation analysis.

COMMENT 11:

We believe the assumption made by the developer's consultant and the Draft Environmental Impact Statement that a compulsory Inspection and Maintenance program would be in place by December 31, 1982 may be wrong. The Clean Air Act may well be amended before that time. One proposal which has received widespread Congressional support--has been to eliminate any compulsory I-M Program from the Clean Air Act. If the I-M Program is abandoned, the Corps of Engineers will have based its air quality assessment on factors which turn out not to have occurred. It seems more prudent to analyze for "worst-case" occurrences rather than for best. Therefore CFE urges that those assumptions of diminished auto pollution based on yet-to-be enforced Clean Air Act standards be revised and that a scenario be modeled in which no auto fume reductions are achieved.

Similarly we suggest that the Draft Environmental Impact Statement and the developer's report are unduly optimistic about the Federal Motor Vehicle Emissions Limitations being a mechanism for reducing automobile based pollutants. First these limits may be abandoned by the Reagan Administration in an effort to help the Auto Industry. Second, in times of economic crunch, such as now, people keep their old cars running longer. Thus polluting older cars may well be around longer. The drop in new car sales recently may well be a harbinger of this trend. Therefore the Corps should assume that autos will remain at least as polluting as they are now in order to model for a "bad" case. Failure to do so--and to assume that somehow pollution will go away--renders the Draft Environmental Impact Statement inadequate.

RESPONSE:

The calculations of air-quality impacts in the draft EIS are based on current law, without speculation as to what legal standards may or may not be. Refer to our response to comment PO-10 (#19). The Environmental Protection Agency's Mobil II model for emission factors was used to estimate emissions reductions and to include the effects of the inspection and maintenance program. This model accounts for emissions reductions on a realistic and gradual basis and time frame. It further recognizes that the full effect of the program (25-percent reduction) would not be achieved until about 1987. The model accounts for the credits properly as the program continues in effect. Also refer to our response to comment P5 (#1).

COMMENT 12:

We believe the Mall consultant erred by taking the weather data for the Mall from Sikorsky Airport. Absent a showing of comparable weather, good reason exists for rejecting Sikorsky weather as a baseline. The EPA Guidelines for Air Quality Modeling note that sites on the shore are subject to sea breezes not influencing more inland sites. Thus Sikorsky on the Long Island Sound dóes not have weather influences comparable to those around the North Haven Mall.

We worry that the margin of error for the carbon monoxide analysis is not calculated. Our view sites A, C, D, H, I & J reveal startlingly high carbon monoxide concentrations. If the optimistic assertions about auto fume levels do not come to pass we would expect violations of the Primary NAAQS at those sites. If the margin of error is large enough, even the most optimistic assumptions may produce Primary NAAQS violations. In any case the Mall will certainly exacerbate existing violations of the Secondary NAAQS.

RESPONSE:

The meteorological conditions used in the air-quality analysis for the prediction of pollutant concentrations were those values recommended by the U.S. EPA in their indirect source guidelines for use in analyzing projects such as the proposed mall (Guidelines for Air Quality Maintenance Planning and Analysis, Volume 9 (Revised): Evaluating Indirect Sources, EPA-450/4-78-001, September 1978). Those conditions were described on page 12 of appendix I. Prior to performing the air-quality analysis, the EPA's air-pollution experts were contacted, and they concurred with the selection of meteorological conditions.

The Sikorsky Airport data was cited in a general discussion of meteorological and climatological conditions in the North Haven area. This data was consistent with the selection of "worst-case" meteorological conditions referenced above and was, in the opinion of our meteorologists, the best available data representative of the area. In addition, we were

informed during discussions with the National Climatic Center of the National Oceanic and Atmospheric Administration that no long-term data other than the Sikorsky Airport data used are reasonably available on computer tape for the New Haven area.

Although it is true that the proposed mall will increase pollutant concentrations, in the year 1984, the first year of mall operation for data background, all of the predicted concentrations are expected to be below both the 1- and 8-hour standards. Although no margin of error was calculated, it should be remembered that all of these values were calculated assuming "worst case" meteorological conditions, full mall operation, and the traffic associated with it in 1984, even though the mall is not anticipated to be in full operation until 1985. A supplemental analysis was performed to examine the effects of this traffic assumption on carbon monoxide concentrations at the four sites where the maximum 8-hour values are within 1.0 ppm of the standard. The attached table shows predicted concentrations at sites A, H, I, and J in the year 1984, assuming "worst-case" meteorological conditions with both full and partial (70 percent) mall operation. All of the values are below the 8-hour standard of 9.0 ppm.

All of the air-quality analysis results presented in the draft EIS assume that current laws and regulations regarding vehicle emissions will remain in effect, since there is no basis on which to predict a change nor predict what any changes would be.

1984 Maximum 8-Hour Carbon Monoxide Concentrations

Site	With full* mall operation	With partial** mall operation
A	8.1 ppm	6.7 ppm
H	8.9 ppm	8.2 ppm
I	8.0 ppm	6.3 ppm
J	8.4 ppm	6.6 ppm

*From table 5 of Air Quality Appendix
**From table 6 of Air Quality Appendix

COMMENT 13:

We believe the alternatives analysis, while quite broad, is inadequate because it is shallow. A smaller, redesigned mall is rejected as a "not forseeable alternative for satisfying the need for additional retail space in the region". DEIS II-8.

The Draft Environmental Impact Statement points out that the smaller mall might cause legal problems for the developer. Is the Draft Environmental Impact Statement the place to worry about what commitments, if any, one developer or the next may have--at its peril--entered into?

Should the Army Corps consider Mall Properties, Inc., the legal snarls of a factor in determining whether a 404 permit should issue? We say no.

Further the Draft Environmental Impact Statement appears to reject a scaled-down facility even though that would permit saving wetlands and high quality wildlife habitat. In regard to the scaled-down alternative, CFE wishes to point out that if development were sharply curtailed in the North End of the Property--omitting at least one anchor store, reducing mall space and parking area, and including a decked parking area--the result would be a mall with significantly less damaging environmental impacts. Our view is that an adequate Environmental Impact Statement would worry not about the possibility that a developer might experience a lower rate of profit DEIS II-7, but instead about those feasible and prudent alternatives which permit development of the site with the least adverse impact on wetland and wildlife habitat. In our view, failure to examine such an alternative violates the requirements of the National Environmental Policy Act. The Corps should favor an alternative which does the minimum injury possible to wetlands. The speculation that an applicant might make more money by destroying the wetlands, rather than less by not destroying them should not be relevant to the Corps' decision.

Since a smaller mall would also address the "public purpose" in this case to expand shopping, it seems that a close examination of that alternative is appropriate.

Admittedly, decked parking might be expensive, but nothing requires the Army Corps of Engineers to enrich the applicant. If decked parking would reduce the wetlands destroyed by the mall, perhaps a significantly smaller decked parking lot, especially with less building at the North End, would save high quality wetland and habitate.

The alternatives report fails to analyze the possibility of redesigning Mall Drive so as to save wooded swamp land. Eliminating the Northeast parking lot, with decking, or moving the lot elsewhere could save some of the wooded swamp area. A curve on the Northwest end of Mall Drive also would help preserve this area.

CFE believes highest priority should be given to exploring alternatives to the filling in of the eight acres of production wooded swamp.

The multilevel mall alternative is inadequately addressed in the Draft Environmental Impact Statement and the developer's consultant's report. Section 4.3 p. II-7 DEIS and Appendix Q p. 38-39. It is predicted that 3.7 acres of land could be saved. The developer's consultant states and the Corps repeats that this is less than 5% reduction in land requirements. Could the 3.7 acres saved be wetland acres? The Mall is preparing to destroy 32 acres of wetland. Thus, of the wetlands at stake, more that 10% could be saved by a multilevel structure.

CFE is shocked that the major interactive alternative of a reduced multilevel mall with less but decked parking was not explored. Because this alternative proposed the fewest adverse impacts on high quality wetlands, its exclusion from consideration is a flaw in the environmental impact assessment process. In our view, consideration of alternatives lies at the heart of the environmental impact process. Therefore, we believe that the Corps errs when it relies upon the report of the applicant's expert for weighing alternatives. The opportunity for abuse is clear. For example--although the developer is nowhere listed as a source in the report; the report purports to speak for the developer when it states Mall Properties, Inc., would not be interested in a smaller mall. Thus, the consultant's report is clearly an advocate's document. To the degree that the Draft Environmental Impact Statement relies upon it, the Draft Environmental Impact Statement becomes a document which advocates on behalf of the applicant and this is inadequate. Therefore we believe the Corps must do its own analysis of alternatives.

RESPONSE:

The EIS staff acknowledges your views on the potential for a three-store mall located at the proposed site. The EIS addressed the applicant's commitments relative to a three- versus a four-store mall because it is information on the proposal and on the applicant that was relevant and important for the public's review and information and perhaps relevant to a permit decision. The EIS staff is concerned not, as you indicate, with the applicant's private commitments or profit margin, but with a mall project's feasibility and foreseeability. The EIS has presented the three store scheme as an alternative consideration.

Additional information on a three-store scheme developed and submitted by the Connecticut Fund for the Environment (CFE), 19 April 1982 (see EIS, volume 2 for text of comment), has also been considered in the final EIS, section II B 4.4. In addition to the three-store scheme presented in the draft EIS, the CFE information depicts a second potential three store layout with decked parking and no freestanding building. This scheme would have a development cost similar to or greater than that for a four store mall. The negative impacts described in the EIS for a four-store mall would be considered as a "worst-case" evaluation for a three store mall.

At this time, however, there is no evidence or data apparent to the EIS staff that would change our position not to pursue this further in the EIS. The EIS staff does not consider this scheme to be a viable or foreseeable alternative, implementable in accordance with our NEPA regulations, 33 CFR 230.

Under either of the three store schemes, approximately 4 acres of wetlands might be kept from development. The scheme presented in the final EIS (figure 9) appears to preserve shrub swamp, whose continued existence could be jeopardized by its fragmented, isolated location. The

second scheme, figure 10, submitted by CFE, would appear to preserve about 3.7 acres of wooded swamp. (Please refer to the additional discussion of a three store facility presented in the final EIS, section II B 4.4 and the final EIS supplement to appendix Q). The wooded swamp is of more significant ecological value than the shrub swamp habitat. The ecological value of the wetlands is quite limited, however, and has been reviewed in the EIS, section IV A 2.0, appendix B and appendix S.

The EIS staff notes your concerns for preserving wetlands and your views for which an alternative might serve that intent. The permit deliberation will ultimately consider and weigh the purpose of the proposal and the alternatives to satisfy it, as well as their reasonableness, their impacts to wetlands, and so on. Whether or not the impacts to wetlands are acceptable will be the judgment of the permit decision in the Record of Decision.

COMMENT 14:

Water and Wetland Habitat

CFE believes the Draft Environmental Impact Statement is inadequate in its analysis of the Drainage Pond and the adverse environmental consequences of constructing such a pond, in our view, presents the threat of large scale toxic runoff of salt, gasoline, oil, lead and asbestos into the Quinnipiac River. In our view it is likely that the Pond itself will become a dead festering sore in the landscape. Therefore, CFE opposes construction of this pond and consequent destruction of the three ponds presently on that site.

Can settling be done by mechanical means? This option was not explored. In our view, saving the wetlands from improvident doom at the hands of the Mall developer justifies exploring the possibility that this runoff could be detoxified mechanically and/or chemically. This could permit the ponds to retain their function as habitats.

RESPONSE:

The EIS staff acknowledges your views on the pond. The ponds are designed to serve for water detention and habitat. See our response to comment S4 (#2), the EIS, section IV A 3.0 and appendixes B and C. Additional detoxification might be accomplished by mechanical means if necessary. However, there is no evidence or data that we have found or been supplied with to indicate that such an action would be necessary. A three year monitoring program for the detention pond would be required of Mall Properties, Inc., should a permit be granted. Please refer to our response to comment PO-13 (#3).

COMMENT 15:

The wildlife survey is defective in that it failed to examine the site during the bird migration season. The writer of these comments has personally seen many great blue heron on the site. Since these are migratory birds, however, they may well not have remained for the Mall developer's consultant to count them. This may be true of a number of migratory species. Thus the study is plainly inadequate.

RESPONSE:

The great blue heron is cited in the draft EIS. Please refer to Appendix B, Attachment B, "A List of Wildlife Species Observed or in Evidence on the North Haven Mall Site." Field investigations were conducted on the project site during bird migration periods. Such investigations occurred during the months of April, May, July, August, and September 1979, and March and May 1980. During this period, one great blue heron was observed onsite.

COMMENT 16:

CFE is also worried about the direct discharge of unsettled runoff from the northern end of the site. This runoff should be settled. Further, the Draft Environmental Impact Statement should explore the possibility of permitting no runoff from the North End.

RESPONSE:

The EIS staff notes your views and concerns. The EIS, section IV A 3.0, appendix C and appendix E, consider the water-quality impacts of the proposal. No significant impacts are expected to occur to the Quinnipiac River as a result of receiving water from the northwestern section drainage. The plans for the proposed mall would include a detention pond for settling of all but the northwestern portion of the facility. The pond would also serve for the settling of about 830 acres of offsite drainage, which currently flows directly to the river without treatment.

The Connecticut Department of Environmental Protection has indicated that the discharges would not violate water-quality standards. There is no indication that significant impacts may occur that would warrant further review of the runoff, if it were permitted to drain directly to the river.

COMMENT 17:

We are disappointed that the Draft Environmental Impact Statement failed to examine the Quinnipiac River Action Plan prepared by the Section 208 Water Quality Team and the Regional Planning Agency. An examination of that plan shows that the 75 foot set back for the Mall is inconsistent with planned recreational uses of the Quinnipiac River which requires a

300 foot set back should the Mall be permitted. The Corps should not sabotage the work of other Federal Agencies. By ignoring the Quinnipiac Action Plan, the Draft Environmental Impact Statement inadequately informs the permit decision-maker about competing concerns. Ignoring the 300 foot set back proposed by the plan also renders the alternatives analysis inadequate.

RESPONSE:

The EIS has been modified to reflect the Quinnipiac River Action Plan and its recommendation for a 300-foot setback (final EIS, section IV A 8.10). The plan's recommendation will be taken into consideration by the Division Engineer in deliberations on the permit application. Please refer to our response to comment PO-18 (#2).

COMMENT 18:

Finally let me reiterate our concern that the Army Corps of Engineers has allowed too short a time for comments on the Draft Environmental Impact Statement. CFE requests more time to refine the present comments; to add to them and to cover ground not addressed yet because of the shortness of time.

RESPONSE:

See our response to your comment PO-12 (#1A) above.

PO-13: Connecticut Fund for the Environment, 16 April 1982

COMMENT 1:

In asessing the potential impact of the pollutants in runoff which flow into the river, the report calculates the expected dilution of the pollutants in a simplistic manner. The authors of the report simply calculate the volume of runoff and the concentration of pollutants it contains, and assumes that the runoff will be diluted completely and uniformly as soon as it hits the river. In fact, the pollutants may travel as a plume down the river for some distance, and the concentrations of pollutants in that plume may be much higher than calculated. In the region of a river near the tidal zone, where salt water meets fresh and which serves as a habitat for anadromous fish, the presence of de-icing salts may pose a special problem. The problem posed by these salts may be even greater, given the enormously high and unexplained levels of sodium in the river. What will happen during a spring rainstorm that washes the winter's salt into the river? What sort of a plume will be created, and how will it affect access for the fish to the proposed detention pond? It is surprising that the Corps neither answers nor even raises these questions.

RESPONSE:

At the location where the detention pond pipes would discharge, the Quinnipiac River is approximately 50 feet wide. In estimating the length of a zone of initial dilution, it is standard practice to multiply the river width by 3. Therefore, stormwater will be almost completely mixed within 150 feet of the discharge point. Considerable eddy and turbulent flow will also assist in mixing water.

The water-quality standards recognize that there is a zone near any discharge in which concentrations may be greater than the average after complete mixing. (See General Policy #4 of the Water Quality Standards, appendix C, attachment 1.)

Since the discharges from the proposed mall would not contravene the applicable water-quality standards and since those standards recognize plumes, the concern raised by the comment has been accounted for in the EIS.

There is no information or evidence that indicates that a large loading of pollutants from the mall could pass down the river to the tidal reaches and adversely affect marine life, including anadromous fish. The data in appendix C ("Surface Water Resources and Water Quality") of the draft EIS indicate the relatively small effect that mall development will have on the river in relation to all other land and water uses. As indicated in section 3.2.5 of appendix C, the effects of deicing compound applications to mall pavements will be diluted by background water quality, resulting in a minimal impact to the river's overall water quality.

Also, the addition of salt at the predicted concentrations to a surface water close to the salt front of an estuary has virtually no impact, as this area experiences naturally variable salinity due to tidal action and, therefore, the organisms present in this zone are salt-tolerant species.

COMMENT 2:

The report assesses the impact of pollutants by comparing data and calculations to the 1976 EPA publication Quality Criteria for Water. Since 1976, EPA has published Ambient Water Quality Criteria, which supersedes the earlier publication, and which contains criteria for both acute and chronic effects. Might an EIS dated February 1982 not have contained the most recent criteria, and might it not have used the acute criteria to evaluate the dynamics of the pollutants as they enter the water? In any event, the 1976 criteria for freshwater aquatic organisms which were used in the report seem to vary from comparison to comparison as they are listed in the figures, yet this variation is not explained.

RESPONSE:

The most up-to-date EPA procedures were used in the water-quality assessments. These procedures are specified in the 28 November 1980 edition of the Federal Register and referenced in the last line on page 9 of appendix C. The reason for the variability in the various criteria in tables 1 through 5 is that the criterion for each metal is to be considered coincident with the existing alkalinity concentrations at the time of sampling.

COMMENT 3:

The report determines that there will be an effect on the several species of anadromous fish that use the ponds on the site of the proposed mall. The ponds would be filled in, and this habitat would be lost to them. The report predicts, however, that the proposed detention pond would serve as a suitable alternative for the fish. Yet the detention pond is to serve to allow settling of runoff pollutants. Has the report assumed that pollutants will settle at a rate sufficient to allow the fish to live and breed? Even if that assumption is then valid, the report has not studied how the settled pollutants may interfere with the various species' use of the bottom of the pond.

RESPONSE:

The habitat within the detention pond will be similar in many ways to that at present. There is now a shallow shelf, or shoal, approximately 2.5 feet deep which extends approximately 4 feet until the bottom drops into deeper water. The bottom material is sand and gravel. The future detention pond will be of similar composition.

The suspended solids that settle to the bottom of the pond will be no different than those that settle in the river behind dams or in quiescent areas. The accumulation of heavy metals in the concentration that can be expected in the detention pond would not interfere with the development of a benthic community.

The present pond stratifies such that in the deeper waters (hypolimnion), the dissolved oxygen concentration (1.35 mg/l at 4 meters) is less than that desired for a warm water fishery. Shallower waters (epilimnion), however, are suitable for warm water fish. The proposed pond will also stratify, and similar to existing conditions, the epilimnion will be of quality suitable for a warm water fishery.

Alewife, or herring, have been observed spawning during each of two years when visits to the site were made. The most recent visit was on 6 May 1982, at which time alewife, or herring, were still present in the shallow shoals in three of the onsite ponds but were more prevalent in the larger pond.

Under present conditions, the alewife, or herring, apparently spawn in the shallow shoal areas, more commonly under overhanging brush. The eggs settle, presumably to the shoal bottom (or even into deeper water), where they hatch. Before the pond fully stratifies (in August), the young migrate out of the pond (if they can actually get out because of low water at the outlet). Therefore, as a minimum, the future conditions will closely mimic the existing conditions, except that the epilimnion will be larger, and permanent access to the Quinnipiac River will be assured. Epilimnion water quality will be generally suitable for warm-water fish. It should also be noted that even if anoxic conditions develop in the detention pond, they will occur later in the season and after the alewife, or herring, spawning period.

If a permit were granted, Mall Properties, Inc. would be required to monitor the detention pond for 3 years after occupancy. It would be monitored for anoxic conditions and monitored through more intensive water-quality testing to include pH, ammonia nitrogen, chloride, sodium, iron, lead, nickel, cadmium, total phosphorus, and sulfide. An aeration system would be considered as a means to mitigate anoxic conditions should that occur. Please refer to the EIS, section IV A 3.0.

PO-14: Connecticut Fund for the Environment, 19 April 1982

COMMENT 1:

Thank you for extending to us the opportunity to submit late comments to the Army Corps of Engineers on the North Haven Mall Draft Environmental Impact Statement. In order to supplement the comments we have already submitted on the Draft Environmental Impact Statement prepared for the North Haven Mall by the Army Corps of Engineers, I wish to submit to you some material which will amplify those comments with regard to the heart of the environmental impact process--the evaluation of alternatives. As you may recall, we suggested that the alternative analysis was inadequate as a matter of law in our view.

The possibility of expanding existing retail centers was never considered in conjunction with a smaller, more compact mall. Indeed the expansion of existing facilities was rejected by the Corps' Draft Environmental Impact Statement because such expansion would not provide "necessary market coverage". The concept of "necessary market coverage" is, in our view, a mystical one. What makes any market coverage "necessary"? In our view the failure to closely weigh the impacts of such expansion was a crucial error.

RESPONSE:

The expansion of existing facilities is reviewed in the EIS in section II B 1.0, section II B 3.0, and appendix Q: Alternatives Assessment. It is uncertain to the EIS staff what "necessary market coverage" refers to, since this terminology is not presented in the EIS.

COMMENT 2:

Even more crucial, however was the failure of the Draft Environmental Impact Statement to evaluate fully a smaller more compact mall. Such a mall with three anchor stores, 25% less shopping and parking area, no free standing theatre, and a decked parking lot offers a viable--although more costly alternative to the proposed North Haven Mall. The virtues of such a mall include preservation of high quality swamp land and habitat at the northern end of the property and substantially increased setback from the Quinnipiac River--in accordance with the Quinnipiac River Action Plan (which you and the Mall developers--as we noted before, irrationally ignored). Our view is that such a use of the land is a real life possibility. To give you a sense of what this use might look like we have enclosed two drawings--one a rough site plan for the smaller mall; the other a perspective rendering. Further we've asked an engineering consultant to give you a rough estimate of the cost of such a mall. His statements are appended hereto as well. The total costs of the Mall would--under this plan--be increased and the cost per square foot of retail space would be increased as well. While the present developer now maintains it would not develop a smaller more compact mall, a) this may be a bargaining position and b) other developers may be interested in the site.

In any event the environmentally proper method of developing the site may entail more expense than simply ravaging the land and water. The Corps should not permit environmentally unacceptable programs such as this to go forward where alternatives which are less damaging exist.

Finally, let me point out to you that the road from Valley Service Road to Washington Avenue--"Mall Drive"--can easily be curved so as to permit a more southerly intersection with Valley Service Road. Such a curved road would eliminate the need for a 90 degree turn onto Valley Service Road in the alternative drawing we've submitted. In our view the slowing of traffic and its attendant pollution will be diminished by a reduced traffic volume. Curving of Mall Drive, together with the smaller more compact mall creates a significantly less damaging development. The damage to wetland habitats and the recreational uses of the Quinnipiac River would be substantially reduced. A full scale evaluation of this alternative is required if the alternatives section is to adequately inform the decision-maker as to environmental consequences of alternatives to the proposed application.

RESPONSE:

Refer to our response to comment PO-12 (#13) for consideration of the three store mall scheme in the EIS.

Also, the EIS has been modified to include your renderings of a three-store mall (EIS, section II B 4.0). Your views and information will be considered further by the Division Engineer in arriving at a permit decision.

The relocation, even with a smaller mall, of either the proposed Mall Drive or the northern entrance portal, to mitigate potential wetland impacts, would have safety and engineering drawbacks. These are discussed in detail in appendix Q, pp. 35-36 and 49, and the final EIS supplement to that appendix. The question of whether relocation of the roads would be in the public's interest or whether the wetland impacts would be acceptable will be the decision of the Division Engineer, and it will be reflected in the Record of Decision.

PO-15: Connecticut Trust for Historic Preservation, 10 March 1982

COMMENT 3:

I am writing as the assistant director of the Connecticut Trust for Historic Preservation to support the New Haven Preservation Trust's opposition to the conclusions set forth in "North Haven Mall Draft Environmental Statement and Section 404(b) (1) Review" as they relate to economic impacts on the City of New Haven. Connecticut Preservation is a state charted, publically supported, non-profit organization dedicated to the preservation of the State's historical and architectural resources. In fulfilling our chartered purpose we have been involved with local groups anxious to restore and revitalize their historic downtowns. Time and again, the issue of the adverse economic impact of a proposed mall on an historic downtown has been a major concern of residents, merchants and public officials alike. In New Haven, staff of Connecticut Preservation served as advisers on a study of the economics of restoring nearly thirty historic buildings in the city's commercial core. That study, prepared by the New Haven Downtown Council in cooperation with the New Haven Preservation Trust, vividly demonstrates that the key to their renovation is the rent paid by ground floor commercial tenants. Only at $15 @ square foot for ground floor space does it become economically feasible to restore these buildings. The proposed North Haven Mall would seriously weaken the retail market in New Haven, preventing the restoration of these buildings and leading to the abandonment or degrading of others.

We agree with the local trust's perception that the report's conclusions on the economic impacts of the project on the city of New Haven obscure and seriously mis-state the disastrous economic consequences the Mall will have on existing retail centers. Connecticut Preservation hopes that the Corps will, after review, deny the necessary permits for this project.

RESPONSE:

The EIS staff acknowledges your comments. We do not believe, however, that conclusions in the EIS "obscure and seriously misstate" the economic impacts on existing retail centers. The EIS section IV A 8.2, revised appendix L, section II A 4.0, section III D 5.0, and section III F present the loss of retail trade that could result in major retail centers if the proposed mall were to be built. In addition, the final EIS, appendix L supplement, also reports on several economic impact reports submitted by the City of New Haven and also on an informal survey of store owners on the impacts they expect if the mall were developed.

The EIS staff acknowledges your views and concerns for the potential consequences of retail draw from the city. These concerns will be taken into consideration by the Division Engineer in his deliberations for a permit decision.

PO-16: League of Women Voters, Hamden, Connecticut, 23 March 1982

COMMENT 1:

General Comment.

RESPONSE:

The EIS staff notes your concerns and they will be considered by the Division Engineer in his decision on the permit.

COMMENT 2:

This mall, if built, would further segregate our region. The wealthy in their cars driving to the mall, leaving the poor to a deserted New Haven. This issue of racial and class segregation impacts should be addressed in the EIS. The League of Women Voters of Hamden wants to know how these impacts on the city can be rationalized in view of the Presidential Executive Order which requires that Federal actions be supportive of central cities?

RESPONSE:

The EIS staff has found no evidence or data, nor have any been submitted, that would support your contentions that development of the mall would significantly change existing racial conditions in New Haven.

It is unclear to the staff, by your comment, what rationalizations were made in the draft EIS regarding Presidential Executive Orders. In making a permit decision, the Division Engineer will weigh the impacts and benefits of the proposal in concert with all pertinent regulations and policies, including any currently active Presidential Executive Orders.

COMMENT 3:

The impact on the environment of the individual would be significant. In regard to air quality, the assertion in Table 4 that there will be no significant impact on air quality is absurd. We assume that what is meant is that on the basis of the calculations made, no violations of the national ambient air quality standards (NAAQS) are predicted. There is no way that the tremendous amount of additional automobile travel in the area will not result in a negative impact on air quality.

Several assumptions used in the air quality calculations are not justified and have resulted in figures which seriously underestimate the air quality impacts. Since even with these faulty calculations four intersections are calculated to reach close to the carbon monoxide (CO) standard, the whole tone of the air quality section should be changed to reflect the significant impacts which would occur if the permit was granted and the mall were to be built.

Specifically, in view of the very recent Congressional actions on the renewal of the Clean Air Act, the assumptions that there will be a 25% reduction in tailpipe emissions is faulty. This is an optimistic figure even if inspection programs are required, and it appears ever less likely that inspection will be required. Secondly, the calculations are applied for 1984, when only 70% mall occupancy is projected. The air quality calculations in the EIS should reflect projected impacts under full occupancy and use and conservative numbers based on no auto inspections should be generated.

The impact analyses in the DEIS seem to consistently underestimate air quality impacts. To interject a bit of reality (as opposed to conjectural calculations), CO levels at an intersection near the West Farms Mall in Farmington, Connecticut, a mall much smaller than the proposed North Haven Mall, are measured at 73.5 ppm, more than eight times the NAAQS.

The DEIS simply mentions that there may be air quality impacts on nearby state and local parks. What would be the projected impacts under the fully occupied conditions with realistic figures on tailpipe emissions in this area known for its poor air quality and atmospheric inversions? Is further degradation in an area already burdened with some of the worst air quality in the nation worth the price?

RESPONSE:

The proposed mall will result in increased carbon monoxide concentrations in the North Haven area, particularly on and near the project site and on feeder roads to the site. However, in the year 1984 (or other year of full occupancy), carbon monoxide concentrations at all receptor locations, both with and without the mall, will be below NAAQS.

On an area-wide basis, the mall will not increase carbon monoxide, hydrocarbon, or nitrogen oxide pollutant burdens. These impacts have been described in the draft EIS and were the basis for the statement that the mall will have no significant impact on air quality.

With regard to the State inspection and maintenance program and the consideration of possible changes in laws or standards, see the responses to comments L13 (#2) and PO-10 (#19).

The air-quality studies presented in the draft EIS assume full occupancy of the mall in 1984. Since the full transportation impacts of the mall are not expected to occur until at least 1985, an additional analysis was performed and included in appendix I, which examined carbon monoxide concentrations in the year 1984 at the four receptor locations with the highest predicted concentrations with full mall occupancy, assuming a more realistic 70 percent of mall operation. See the response to comment PO-12 (#12).

The value of 73.5 ppm cited for an intersection near West Farms Mall in Farmington seems anomalously high as an average concentration for a 1- or 8-hour period. In general, even in heavily trafficked urban areas, it is highly unlikely, at the present time, that carbon monoxide concentrations would measure in excess of 30 ppm for 1 hour and 15 ppm for 8 hours. For example, the highest carbon monoxide concentrations reported by the New York State Department of Environmental Conservation at their New York City monitoring stations in the year 1980 were 30.9 ppm for 1 hour and 15.4 for 8 hours at their East 45th Street street-level monitoring station in Manhattan (New York State Air Quality Report, Continuous and Manual Air Monitoring Systems, DAR-81-1NYS DEC). While higher values have been reported in previous years, reduced vehicular emissions have, in general, substantially reduced measured pollutant concentrations. The values reported in the draft EIS are consistent with measured values reported for areas around the country and when viewed in the light of the above-cited measured New York City values, considering the less congested conditions and better ventilation properties in the study area.

Carbon monoxide concentrations in nearby state and local parks will be less than the values shown in table 5 of the Air Quality Appendix I. The ten receptor sites used in the microscale carbon monoxide analysis are the locations where the highest concentrations and maximum project impacts are expected. Air-quality impacts of the mall on nearby parks will not be significant, and carbon monoxide concentrations will be below NAAQS. Also, see our response to comment PO-12 (#12).

COMMENT 4:

Virtually all of the wetlands not within the channel encroachment lines would be destroyed under the proposal. The reason that the wetlands within the encroachment lines are proposed to be preserved is the

developer's desire to avoid the necessity of applying for an encroachment permit from the State Department of Environmental Protection. The figures in DEIS seem to imply that the proposed wetlands destruction is insignificant since it is a "small" proportion of the remaining wetlands. We, however, take a different perspective. Destruction of 5% of the wetlands remaining along the Quinnipiac River in North Haven is a very significant amount if one considers how much has been destroyed in years past. Once destroyed, these wetlands are gone forever. This is the public trust and need which the Corps is charged with protecting. The Corps should consider this wetland loss in view of how much this Class C river, with its unacceptable water quality, needs the positive environmental impact of such riverside marshes.

RESPONSE:

The EIS staff acknowledges your concerns and views on the potential loss of wetlands involved. We also view wetlands as an important resource whose elimination must be weighed in the public's interest. The EIS, sections III B 4.0 and IV A 2.0, appendix B and appendix S relate the habitat value of the wetlands as being marginal to good ecologically, the more ecologically significant being the approximately 8 acres of wooded swamp that would be affected. The U.S. Fish and Wildlife Service (11 Nov. 1981) favors compensating for the loss of that habitat value, which will be taken into consideration by the Division Engineer in arriving at a permit decision or placing conditions on a permit if it is granted. Specific water-quality criteria are set under the State's water quality standards for reaching water-quality goals and are regulated through the Connecticut Department of Environmental Protection. The applicant would be required to obtain water-quality certification from the State.

COMMENT 5:

The Hamden League of Women Voters cannot agree with the summary statement of purpose (DEIS, I-1) that there is a "public need for a depth and variety of shoppers' goods and merchandise not now available in the New Haven SMSA." As an organization representing over 100 area consumers, we feel that our retail needs are adequately met. While building such a super mall might bring added convenience, this can hardly be called a public need.

In coming to a conclusion that this permit be granted, the Corps would have to conclude that the public purpose served in the build alternative outweighs the negative impacts associated with granting the permit. We feel that whatever public purpose, if any, would be served by building the mall, it is strongly outweighed by the damages to the public which would occur if the mall were built. The DEIS, however reads disturbingly much like the developer's analyses of impacts. Little critical thought appears to have gone into its preparation and we believe that the DEIS severly underestimates the negative impacts of the mall. On

the basis of these findings, we call for substantial revisions to the EIS and state our opposition to the granting of a 404 permit.

RESPONSE:

Thank you for your comments. The EIS staff acknowledges your views and concerns and has noted your opposition to the proposed project.

PO-17: League of Women Voters, North Haven, Connecticut, 16 March 1982

COMMENT 1:

The North Haven League of Women Voters studied the proposed mall, and members critiqued reports commissioned by the developer for preparation of the Draft Environmental Impact Statement. We are disappointed that the draft EIS has a remarkably similar flavor to those reports and that supporting data consist almost exclusively of the developer's reports. We are disheartened at the acceptance by the Army Corps of so many negative impacts.

The draft EIS begs the real issue of whether the proposed mall offers greater public benefit or harm. The draft EIS is supposed to be an unbiased review by a neutral and objective body, the Army Corps of Engineers. "It is the Corps' responsibility to judge the effectiveness and completeness of the applicant's (environmental) assessment." (Summary Report of the Scoping Workshops, p. 2) It has not done that.

If a market analysis was not available to indicate whether the New Haven Central Business District could serve as an alternative to the proposed mall, why didn't the Corps seek out such an analysis? It is the responsibility of the Corps, not the developer, to research and analyze alternatives. The draft EIS referred only briefly to the study done by Rivkin Associates, Inc., and commissioned by the Department of Housing and Urban Development. This government study recommended that the fill permit be denied because the adverse impacts to the region would outweigh the benefits of the proposed mall to North Haven and the region. (Appendix R, p. 8). What has changed to negate this finding?

RESPONSE:

The EIS staff agrees with the commenter that the EIS does not draw a conclusion, or otherwise "begs" the issue, of whether the proposed mall offers greater public benefit or harm, and appropriately so. Such a conclusion is the public-interest decision on whether a permit should be granted, and the issue of benefit versus harm will be weighed in the record of decision.

The EIS staff believes it has and will continue to exercise the Corps' responsibility for reviewing and assessing the applicant's information input as well as all other input received. We refer the

commenter to our response to comment PO-12 (#1), where a summary of our process is referenced to our letter of 29 June 1982 to Congressman Moffett.

Market analyses were not the issue concerning New Haven as a potential alternative. The issue centered on whether the provision of comparable retail facilities was possible and foreseeable, such that those facilities would be established in New Haven and would become available should a permit be denied to Mall Properties, Inc.

The recommendation of Rivkin Associates, Inc., to the Department of Housing and Urban Development was premised under the program that authorized their community impact study, former President Carter's program under the Community Conservation Guidance. This program was deauthorized by President Reagan. The Rivkin findings for a permit denial were preliminary in nature and would not constitute a full record of considerations and policies to go before the Division Engineer in his deliberations on a permit decision.

COMMENT 2:

The North Haven League takes exception to the underlying assumption of the proposal, namely that there is a need in the area for a huge increase in retail services. The term "need" implies that we must have the proposed services, as if health and sanitation were in jeopardy. "Demand" is the more accurate term, reflecting consumer discretion. Nowhere in the draft Environmental Impact Statement are figures or sources identified to justify or define such a demand by the public.

If there is no real public need for 1.2 million square feet of increased retail space, the permit should be denied because it is stated in the draft EIS itself that "This alternative is the environmentally preferable alternative with respect to impacts on natural resources." (p. 4, Summary, DEIS). If there is a real demand for expanded shopping, business should be booming for current businesses with expansions contemplated. Is this, in fact, true? How many retail establishments have failed with the past five years? How many square feet of retail space are currently empty in the mythical North Haven trade area?

Furthermore, in the draft EIS there is no listing of the stores planned for the proposed mall or comparison of those stores with what is presently available within the mythical trade area of the proposed mall. How, then, can the public know with certainty that the proposed mall will offer retail shopping in a depth and variety not presently available? - A stated purpose of the proposed mall.

RESPONSE:

The commenter is referred to our response to comment L12 (#5) for the Corps' requirements and considerations of "need" in an EIS. The EIS staff

notes your interpretation of need but believes that it could involve several elements such as want, demand, desire, et cetera. Regarding a mall or other types of retail facilities serving a consumer public this would encompass the service a facility could provide such as convenience, location, shopping and comparison opportunity, attractiveness and others. We also refer you to at least one definition of "need" as offered by Webster's Third New International Dictionary (1976), "a want of something requisite, desirable, or useful..." Retail demand is a key analytical element that has been reflected in the EIS and amplified in revised appendix L and supplement. Extensive work was undertaken concerning historical and forecast retail-sales levels and retail purchasing power. These findings are also an integral part of the consideration of need. In part, evidence for this is demonstrated by the real demand for expanded shopping indicated by the current outflow of shoppers'-goods purchasing power from metropolitan residents who shop at nonmetropolitan locations.

The EIS staff has not found nor been made aware of information on which local businesses contemplate expansions and on whether or not their business is "booming." We do not believe that this information, the number of retailers that have failed in the past 5 years, or the amount of currently empty retail space in the trade area would be germane to the specifics of the proposed project. There is no control to this information as to why there is currently empty space or as to why the failures have occurred. This would be minimally necessary for an evaluation to be relevant to the proposed mall. Store failures might have occurred because of bad management, poor merchandising, lack of retailing capability, consumer preference changes, et cetera, none specifically or necessarily relevant to the proposal. We cite the closing of Malley's in downtown New Haven as an example. Drawing an analogy from your comment, one would assume that Malley's closed because additional retailing is not needed, however, studies from the City of New Haven and Mall Properties, Inc., have indicated that there is substantial retail economic capacity and support for new retail facilities (See appendix L, and appendix L supplement for the Phillips/Norwalk and Chung reports).

COMMENT 3:

It should be noted that no other project contemplated in the Town in the past ten years has generated the controversy that the proposed mall has. The very strength and diligence of the opposition to the mall in contrast to other developments should give the Army Corps pause to consider carefully the validity and justification of the arguments against the proposed mall.

The North Haven League of Women Voters is convinced that the proposal before you is not in the best interest of the public and that the draft Environmental Impact Statement overlooks important errors in fact and logic. We are resubmitting to you our critiques of the developer's reports and will send a detailed statement on the draft Environmental

Impact Statement. We urge you to address our concerns. We urge you to deny the permit.

RESPONSE:

Thank you for your comments and views on the proposed mall. The EIS staff had considered your comments (October 1981) on the developer's reports in preparing the draft EIS.

Our responses to your detailed comments on the draft EIS follow under comment PO-18. We acknowledge your concerns and opposition to the project. The Division Engineer will consider them in making a permit decision.

COMMENT 4:

The economics and land use sections of the Draft Environmental Impact Statement fail to address the seriousness of negative impacts that the proposed mall would cause. It is terrible to accept an expected sales decline from 8.5 to 22% by existing businessess. It is unfair to ask family breadwinners to plan for poorer times ahead. The decline in retail sales certainly will not be uniform for all business. Some will have to anticipate going out of business. What is the number, location and type of business that could be expected to fail? How many locally owned stores will be replaced by national chain stores with no loyalty to or concern for local citizens?

How can we in good conscience knowingly approve a project that will have ill consequences for families presently working for existing businesses? Is the negative impact worth the expected tax dollars? There must be alternative development that would not have damaging effects and that would not alter the community's natural environment and its quality of life.

RESPONSE:

The EIS staff does not believe that the EIS "accepts" the impacts of the proposed project, and we note that the project has not been approved. These judgments will be made by the Division Engineer in a public-interest decision and presented in the Record of Decision.

For the reasons cited in our response to comments PO-11 (#1(17)) and PO-17 (#2) on why there are already existing closed stores and for the reasons described in the EIS, section IV A 8.2, on potential store displacements, the precise numbers of store failings or local/national transfers cannot be determined for the region.

The EIS, however, has been modified, to reflect the best available information on the amount of retail footage that may be lost and the perceptions of existing retailers on the impacts they might expect as a

result of building the proposed mall. The EIS has been modified with section IV A 8.2 to present this information and the results of the Phillips/Norwalk survey of potential store closings. See appendix L, supplement.

COMMENT 5:

Alternative uses for the site were not seriously analyzed in the Draft EIS. The town administration repeatedly has shown willingness and imagination in promoting private development. Why state that it would be difficult for the town to further its own development objectives for the site when two industrial parks are on the verge of fruition with far less controversy and within a much shorter time span?

The people who oppose the proposed mall are not "no growth addicts". They object to this particular project for legitimate and valid reasons. Nor are those who oppose the mall all outsiders. Many of us are citizens of the town who live and work here and care very much about the quality of its life.

The Draft EIS shows that North Haven would experience deterioration in air quality and traffic movement and that the mall would cause an increase in crime. These problems may seem "insignificant", "limited", or "nominal" to some, but to those most likely to be affected, they are very real problems.

The North Haven League of Women Voters believes that the proposed mall would adversely and irrevocably alter the quality of life in North Haven. The permit should be denied.

RESPONSE:

The EIS staff believes that there are no foreseeable developments that would occur at the proposed site. Development at the two industrial parks you mention, which we assume to be the Exit 9 Industrial Park and the North Haven Industrial Park, is considered important for the town in realizing its development objectives. Please refer to our response to comment PO-10 (#1) for a summary review of those objectives. For the reasons cited in that response, the EIS staff does not believe there is sufficient demand and commercial light-industry resources that would prompt substantial development and utilization at the proposed mall site.

We acknowledge, however, your concerns and views and note your opposition to the proposed project.

COMMENT 6:

The North Haven League has reservations about the proposal's effects on water resources in the area of the site. The Clean Water Act--Section 404 Review states that "the southern half of the site is underlain by a

stratified drift aquifer, capable of supplying some well water." (Section 404(b) (1), Section 230.50). It goes on to say that North Haven presently gets its water from the New Haven Water Company and has no plans to construct a well at the proposed development site. It is pointed out that "the development would contribute soluble contaminants, such as chloride, to the aquifer."

Aquifers must be protected from all contamination so that they can be tapped sometime in the future to meet community needs. Will these contaminants from the proposed mall eventually permeate the entire aquifer system that is located along the Quinnipiac River in this same general vicinity? This system was mapped out in the Connecticut Plan of Conservation and Development in the early 1970's. We have a responsibility to future generations to protect this water source from any contamination.

RESPONSE:

The quality of groundwater associated with the Quinnipiac River aquifer will not be significantly affected by the proposed project. Although limited concentrations of such project-related contaminants as chloride may extend to the groundwater system, potential impacts to groundwater quality are expected to be minimal and localized in extent. This is due to the close proximity of the detention pond to the Quinnipiac River and the river's function as a discharge area for groundwater. Those portions of the aquifer occurring upgradient (east) of the project area will not be affected, nor will there be any lateral spread of affected groundwater (north or south) because of the proximity of the site to the river.

As indicated in Section 3.1.5 of appendix A of the draft EIS:

> The quality of groundwater in the immediate vicinity of the project site, as well as the project area in general, is not expected to be affected by mall or detention pond construction and operation. As the majority of runoff (approximately 75 percent) from the mall and parking areas will be directed to the detention pond, the infiltration of potential contaminants to the groundwater will be effectively reduced. The fine-grained sediments covering the bottom of the detention pond will serve to adsorb a variety of the typical constituents of runoff (heavy metals, for example), thus reducing the potential for surface and groundwater contamination (see appendix E, Stormwater Management for a discussion of the detention pond specifications). The northwest portion of the development area, where runoff will be directed to the Quinnipiac River, is considerably smaller in terms of impervious surface area than the area to be drained by the detention pond. As such,

the total amount of runoff resulting from the proposed project will be less in this area. Little opportunity exists for recharge in this area, and the amount of recharge occurring will be of such limited quantities that no perceptible impact to groundwater quality is anticipated.

Additionally, site-generated runoff will be diluted on entering the detention pond, thus reducing the concentrations of contaminants. Moreover, since the proposed detention pond will serve primarily as a discharge area for groundwater, opportunities for infiltration of runoff derived from the site's impervious surfaces are expected to be minimal.

COMMENT 7:

The quality of the Quinnipiac River at the proposed mall site is classified as grade C, which is not outstanding but is an improvement over its previous condition. The draft EIS states that runoff from the Valley Service Road entrance would go directly into the river, but without significantly affecting it. But any addition to the present conditions can only be detrimental to the health of the river. The aim is to clean up the river and make it a recreational area, not to degrade it further. It has taken years to get the water up to grade C; why accept a plan that dilutes the effort to protect and improve the river?

RESPONSE:

The quality of the waters of the Quinnipiac River is the result of all discharges of materials, including domestic and industrial wastes and urban stormwater runoff throughout the basin. In planning for compliance with water-quality standards, the Connecticut Department of Environmental Protection has analyzed the most important and controllable sources of pollutants, the point sources of domestic and industrial waste, and leaching from landfills. This analysis included a projection of these sources into the future and determined the level of treatment necessary to achieve compliance of these standards. Upgrading of treatment from these sources is now underway.

The addition of the small quantity of untreated stormwater from Valley Service Road will not prevent the water-quality standards from being met. This was the conclusion of the studies discussed in the draft EIS and by the Connecticut DEP in issuing their proposed decision for issuance of a NPDES (National Pollutant Discharge Elimination System) discharge permit for the mall stormwater drainage. Therefore, this plan will not dilute the effort to protect and improve the river in accordance with the state's water-quality efforts.

COMMENT 8:

Additionally, the 16 acre pond which is being created to contain run-off and help compensate for the filling in of the wetlands presents many questions. Healthy vegetation, other than algae, grows from the bottom of water bodies. Will this occur with the kind of sediment that will be deposited on the floor of the pond? The pond will not act as wetlands and become a recharge area unless it is constantly cleaned of contaminants. What will prevent the dumping of this water, with suspended contaminants, into the river during flooding or even normal conditions? If an access is to be provided for fish from the river to the pond, then free flow must exist between the bodies. No filters to trap the contaminants are discussed for the pond nor is cleaning of the pond.

The North Haven League of Women Voters believes that these water concerns are not adequately addressed in the draft EIS. Therefore, the permit should be denied.

REPONSE:

The two larger ponds on the site do not contain significant growth of vascular aquatic vegetation. Only a few scattered plants of pondweed and some emergent species have been observed. The smaller pond, which is essentially landlocked during dry weather, often dries up. The larger ponds are too deep for growth of vascular vegetation throughout the bottom, and the littoral zone is limited. The proposed detention pond, which will be larger in area than the combined open water presently on the site, will also contain a narrow littoral zone. Whatever sediments do enter the pond will be found in deeper water where vegetation could not grow. More than likely, some vascular aquatic plants will become established over time in the new pond.

Vegetation is present in the DOT drainage ditch, which contains considerable sediment originating from upstream roadways. Roadway runoff and associated sediment do not deter the growth of plants. The detention pond will be an open-water area and will serve as a recharge of discharge location depending on water stage. The accumulation of sediments in the pond will not affect the ability of water to enter or leave the water body through the soil.

The detention pond will allow any sediment entering the pond to settle before entering the Quinnipiac River. During flood periods, the river will back into the detention pond, where additional settling of sediments from the water will take place. Considerable attention has been given to the issue of suspended solids during and after construction. Construction phasing is discussed in appendix D of the draft EIS. The report indicates that total erosion from the areas to be disturbed will be reduced by 62 percent, and that after construction total site erosion will have been reduced by approximately 90 percent. Additionally, on page 33 of appendix B of the draft EIS, alternative means of assessing the impact

of the project on suspended solids concentrations in the river are applied. The result of these determinations indicate there will be no severe impact on water quality that would affect shellfish or other river life.

Because the pond relies on gravity settling to remove suspended solids in the stormwater and because the pond discharge pipes are well above the pond bottom, filters are not required. The detention pond, as designed, has been determined by the Connecticut DEP to be the best management practice for stormwater treatment, as defined by the U.S. EPA. Additionally, hoods will be installed in each catch basin to trap floating materials (appendix D), and the discharge pipes from the detention pond will always be underwater, such that any floating materials in the pond will not enter the river.

It has been estimated that the amount of sediment expected to enter the detention pond is such that the pond would not require cleaning for over 100 years, beyond the life of the project.

PO-18: League of Women Voters, North Haven, Connecticut, 27 March 1982

COMMENT 1:

The enclosed document is in the format of a critique of the DEIS, but it includes new information and different but valid interpretations of data presented in the DEIS. Our major complaints with the DEIS are:

1) biased language;
2) selective use of data and conclusions based on that data that generally favor the proposal;
3) failure to give adequate attention to potential negative impacts;
4) failure to present quantified data where available and discounting unquantifiable impacts.

Additionally, we question whether the full requirements of the Scoping Workshops have been met. Several important concerns from the workshops have not been addressed; their inclusion would show further negative (and, for the most part, quantifiable) effects of the proposal.

The League of Women Voters requests that the Corps of Engineers respond to our questions, acknowledge the inaccuracies and bias in some of the technical memoranda, and consider the interpretations of the developer's data that we find to be valid. A fair decision on the permit can be made only if pertinent evidence from all sides is included in the decision-making process. The draft EIS does not reflect the magnitude of evidence against the mall.

We are enclosing a copy of the Connecticut Plan of Conservation and Development 1982-1985. We urge you to review the mall proposal in the context of this policy statement, which is a major guideline to development in Connecticut.

RESPONSE:

Our responses to your specific comments follow below. It is unclear to the EIS staff, however, to what your comment on the requirements of the scoping workshop refers. The EIS staff believes that the objectives for the scoping workshops were well satisfied.

We acknowledge receiving the copy of the Connecticut Plan of Conservation and Development, 1982-1985. Its principal objectives relative to the proposed mall have been added to the EIS, in section IV A 8.10.

COMMENT 2:

There is no reference in the draft EIS to the Connecticut Plan of Conservation and Development, which promotes a policy of orderly, responsible economic development for the people of Connecticut. This advisory plan establishes priority areas for development and stipulates policy objectives and means of attaining them. The discussion in Appendix M, Community and Visual Quality (p. 29), fails to describe the ways in which the proposed mall would <u>not</u> be in line with this plan of conservation and development and totally ignores the fact that development of New Haven is of a higher priority.

The State Action Strategy and Definition Criteria are listed on the back of the Plan's Location Guide Map. North Haven encompasses several classifications, all of lower priority for development than Urban Centers and Urban Conservation Areas. The mall site appears to be included in an Urban Growth Area, development priority 3. Not only is this lower priority for development, but the construction and operation of the mall would substantially hinder efforts to rehabilitate the New Haven downtown core. New Haven is classified as an Urban Center, defined as "Development priority 1 - Highest priority for affirmatively supporting rehabilitation and further development toward revitalization of the economic, social and physical environment of Urban Centers." On page 9 of the Plan of Conservation and Development, it states that "new centers should be restrained where population and retail sales growth do not justify them and where the retail market potential is adequately served by existing centers of nearly identical variety and scale of stores which would suffer major economic harm." The Economic and Land Use memorandum and the draft EIS do not demonstrate that 1) population or retail sales growth justifies the mammoth North Haven mall or 2) the mall would provide a variety of stores not presently offered in the market area.

RESPONSE:

The text of your comment here reflects the information you wished included. We note, however, that the above referenced plan originated in and is administered through the State of Connecticut. Such State deliberation must occur prior to any issuance or effectiveness of a Corps permit. If the applicant cannot secure all necessary State or local licences, certificates, or permits needed for his proposal, including those involved with the plan, then the question of the Corps' permit activity would be moot, since a Corps permit would not be valid. On the other hand, if the applicant met all State and local requisites for the proposed project, this would indicate compliance with State/local laws and requirements. As a result, the Corps' permit decision would remain in compliance with the lawful objectives of requisite State and local requirements. Otherwise, State planning-aid guidelines and recommendations would be considered as part of the overall public-interest considerations weighed with other plans and policies of local, State, and national consequence. The permit decision, as reflected in the Record of Decision, will indicate whether or not the decision is in conflict with any of those policies and plans. The EIS staff recognizes that the proposed project and the permit decision may not support all the provisions and recommendations of every local, State, and national plan, because they may have differing objectives and their application may be interpreted differently. The EIS has been modified with section IV A 8.10, to present the plans' primary objectives relative to the proposed mall.

COMMENT 3:

Single Site Alternatives for Comparable Retail Facilities - Single Site Alternatives

In the discussion of alternative sites for meeting retail needs in the market area, candidate sites in the Orange-Milford area are considered, then discounted because the northern and eastern sectors of the market area would not be "well served". Why is Meriden Square, which presently serves a large portion of the market area, omitted from the discussion? According to Figure 13, this mall serves Cheshire, Wallingford, Durham, Meriden, Middlefield, and North Branford. It is reasonable to include North Haven in the Meriden market area as well. Why, then, is another mall needed to serve the theoretical North Haven market area, segments of which are now served by their own regional shopping areas? In effect, the developer is saying that a market, presently unserved, exists. Will G. Fox or Penney's in North Haven draw shoppers from Meriden and Wallingford? How does this fit in with department store strategies? If Meriden, Wallingford, etc. shoppers will be drawn to the North Haven Mall, why wasn't the impact on Meriden calculated in Chapter IV? In fact, there is no mention of impact on Meriden under "Retail Market Considerations and Impacts", "Fiscal Impacts" or "Employment Impacts"? See pp. IV 21-26. Meriden is also ignored in Appendix L, pp. 67, 82.

RESPONSE:

The draft EIS examined a broad array of possible alternative sites. Please refer to the EIS, section II B.

Among those were candidate sites in the Orange-Milford area, which are not adequate for serving the northern and eastern sectors of the market area.

Meriden Square was also considered, but it was not sufficient to serve the market area, both by virtue of location and the complement of stores featured.

While capturing a small portion of the North Haven shoppers goods purchasing power (about 3.3 percent), this mall has not, nor will it in the future, significantly meet the needs of North Haven residents or those in other nearby metropolitan New Haven suburban towns.

G. Fox, as part of its corporate strategic planning, has expressly decided to locate in North Haven to better serve a segment of the market not now reached by their Meriden facility. J. C. Penney has been standing by in a temporary 12,000-square foot outlet, awaiting the opportunity to reopen an appropriately sized store to serve the trade area at the North Haven Mall. This branch is also intended to compliment their Meriden store.

Both G. Fox and J. C. Penney are following explicit department store strategies to merchandise this presently under-served market and to position themselves, through other store locations, elsewhere in Connecticut as well.

It is anticipated that the North Haven Mall will be drawing sales dollars that otherwise go to a variety of non-SMSA shopping centers or other sales destinations. For example, the current and future baseline sales leaking out of the New Haven-West Haven SMSA and going to such centers as Connecticut Post, Meriden Square, West Farms, and others would, to varying degrees, be reversed and drawn to North Haven Mall.

In relation to the impact on these nonmetro locations, however, the analysis in appendix L is concentrated on supply/demand conditions (current and prospective) within the region served by the North Haven Mall. An evaluation of current and prospective retail and supply/demand conditions was not undertaken, because that would entail extensive analysis for ever widening, extended market areas relating to these other nonmetro sales destinations. By way of illustration, West Farms Mall does draw some sales out of the New Haven-West Haven SMSA (the source of sales recaptured by the North Haven Mall), but its primary trade area is concentrated around the greater Hartford region and extends in all directions from that focus. The extent to which changes in purchasing

power or in retail floor supply would offset the impacts of a regional mall developed in a different metropolitan area cannot be ascertained without a major effort that would go beyond the focus of the draft EIS. However, it has been estimated that Meriden may sustain a 10- to 15-percent loss in retail sales upon mall opening, most of which will come from Meriden Square. Since the two anchors represented at Meriden Square will also be located at the proposed mall, it is clear that these stores have probably opted for lower productivity at Meriden in order to meet other retailing needs. There is no indication that these stores or the smaller stores associated with them would close their doors. Also, please see our response to comment PO-18 (#33).

COMMENT 4:

Combinations of Comparable Retail Services

Is it true that the number of malls is increasing, especially in the northeast? Do malls really cause increased competition and lower prices? What are the prices of shoppers goods at malls in comparison with smaller shopping centers?

RESPONSE:

The number of malls has continued to expand in the Northeast, although at a slower rate than the increase during the 1950's and 1960's.

Malls have attracted both a broad array of merchants and types of stores within every given retail sector.

With reference to mall prices, each individual store and situation is highly particularized. As a result, there is no way of generalizing the prices of shoppers' goods at malls compared with those of smaller shopping centers.

COMMENT 5:

Onsite Alternative Configurations - Reduced Scale of Facilities

This discussion describes some potential effects of a smaller mall, but slights the discussion of positive impacts on the town and region - less traffic, less air pollution, fewer sales transfers, etc. Why does the Army Corps of Engineers look primarily at the developer's wishes rather than objectively assessing the projected impacts of a smaller facility? If a smaller mall is a reasonable alternative that would offer a compromise and be more in the public interest than the present proposal, it should be pursued more strenuously.

RESPONSE:

A three-store facility potentially could reduce some amount of the several impacts that would occur under a four-store plan.

For example, sales would be reduced by $21 million dollars from a four-store facility (EIS, section II B 4.4). Also, a three-store mall would generate approximately 33,000 daily auto trips to the Valley Service Road site instead of the 42,000 trips (21,000 vehicles) projected under the proposed four-store mall. This would result in proportionately less route traffic and air pollution. It has been estimated that with four stores, traffic would be manageable with acceptable levels of service maintained, with "D" levels occurring only during peak hours at Clintonville Road and Washington Avenue and at the mall-access intersections. Such vehicle-flow difficulties during peak hours could be expected with a three-store mall as well. Otherwise, traffic flow during normal hours would be reasonable, under either a three-store or four-store situation. Air-quality analysis has indicated (final EIS, section IV A. 5.0 and appendix I) that air-quality standards would not be contravened under a four-store mall development, and as such, it is assumed that with a three-store mall, air-quality would also remain within the standards. Therefore, the EIS staff does not feel that further specific evaluation of these items for a three-store mall would provide substantive new information that would require additional analysis. For these cases, the impacts that were determined to occur under a four-store plan would be considered as a "worst-case" situation for any three-store mall plan.

COMMENT 6:

Alternative Uses of the Site

How was North Haven's "share of regional industrial development" determined? What does this concept mean in terms of other development in North Haven? In the region?

How is it possible to state on p. 11, that "a public need has been demonstrated" (3rd paragraph) and then to conclude on p. 118 that "it is not possible to make quantitative predictions on the demand for developing commercial space . . ."?

The town of North Haven has gone to great lengths to promote private development. Other sites with potential infrastructure problems are now being developed with the assistance of the Town (locally known as Pearce/Lippincott and Penn Central tracks). The bias in the DEIS is evident in the choice of no development as "a likely scenario for the site" when no evidence is offered to support it. If the permit is denied, the aspects that favor the site's use will be just as strong and will become more important as other sites are developed. Also, the aspects that do not favor the site are presently applicable to the mall developer. Most of the site is not wetlands and would not require

wetland-related permits for less extensive development. An alternative scenario offers a compromise to the Town - developing part of the site and preserving more of the wetlands than under the current proposal.

RESPONSE:

The "share" of regional industrial development anticipated for North Haven was determined in the context of historical and projected patterns of regional industrial development and is discussed in appendix Q, pages 52-56. Regional demand for such space has been projected to be a total of about 230 acres through the year 2000. The two industrial sites being developed in the town have a combined land area of 192 acres. This figure does not include parcels available in the already existing industrial parks in North Haven. Thus, North Haven itself has enough acreage to accommodate almost 85 percent of all metropolitan industrial growth over the next 15 years. Given that other metropolitan towns are actively promoting industrial development and that some of the "demand" for such stores will be accommodated through redevelopment of existing older facilities, there should be ample acreage in the region to more than support all this projected development.

Moreover, although no information has been provided as to the price of land on the Penn Central track, the one at Bailey Road (the North Haven Industrial Park) has been priced at $60,000 an acre and does not appear to have any extraordinary site improvement cost "penalties." The proposed mall site will require significant infrastructure costs, which would drive the land costs beyond the $60,000 an acre quoted for the Bailey Road site.

Consequently, in the face of the competition presented by an abundance of industrial land, some of it in close proximity to but at less cost than the mall property, it is unlikely that the proposed mall site would be able to attract industrial activities. See also the response to comment PO-7 (#1).

With respect to the statements appearing in the draft EIS (see paragraph 2 of the comment), the statement "a public need has been demonstrated" refers only to retail space. The reference to commercial space (page II-8) regards office and/or office/industrial space.

In addition, quantitative predictions on the demand for both office and industrial space have been developed in appendix Q, pp. 52-57.

COMMENT 7:

Surface Water Resources and Water Quality - Water Quality

The statement that "the Quinnipiac River meets the criteria contained in the water quality standards . . ." disguises the fact that the state goal for water quality of the Quinnipiac is level B, not the current level. The addition of any contaminants (see p. IV 5, Section 3.1.2) would work against this policy.

RESPONSE:

Please refer to our response to your previous comment, PO-18 (#2). The EIS, section III C 1.0 has been modified to reflect your comment to indicate that the State water quality goal is for class B waters. Compliance with State standards and policy is judged by the Connecticut Department of Environmental Protection. Should they find that no additional pollutants can be released to the river, then the State Water Quality Certificate and other permits will not be issued.

COMMENT 8:

Hydrology and Hydraulics

If the engineers are wrong and if there is flooding of homes or businesses that is caused or made worse by the construction or operation of the proposed mall, what recourse would property owners have? What money - local, state or federal - might be available to them and at what cost to the taxpayer?

If the 1980 study did not accurately predict flooding levels of specific properties, what assurance do the residents have that the engineering reports are accurate in their analysis of the effects of the proposal? People live in specific properties.

RESPONSE:

If a permit is granted and new evidence is submitted to the Division Engineer demonstrating that the mall affected flood conditions, he would have the opportunity to consider the issue further and review potential mitigation measures. Additionally, property owners have flood insurance available under the National Flood Insurance Program.

The assurance you have on the analyses is that best engineering practices within present standards have been used and that the effects have undergone a complete and impartial review.

COMMENT 9:

Transportation - 1985 Traffic Conditions Without the Mall

What improvements are planned for the near future that would alleviate the current congestion at the intersection of Clintonville Road and Washington Avenue? Discussions in July 1979 by League members with Connecticut Department of Transportation staff indicate that Clintonville Road was not programmed for improvements for at least 10 years. Washington Avenue has been improved, but what is planned for Clintonville Road? This road would carry heavy amounts of mall traffic and is already a bottleneck at the intersection with Washington Avenue.

RESPONSE:

While the Connecticut Department of Transportation recognizes the problems with the intersection of Clintonville Road and Washington Avenue, there are no improvements planned in the immediate future.

COMMENT 10:

Air Quality - Air Pollutants for Analysis

The discussion of which air pollutants were studied does not take into consideration the effect of the planned State of Connecticut auto emissions testing facility to be constructed near the mall site. This facility will attract more older, lead-using cars traveling the same access routes as the mall traffic (e.g.) I-91, Wilbur Cross Parkway, Clintonville Road, etc. The combined impact of the additional traffic and additional traffic lights in the micro-analysis area would certainly increase the levels of lead and other pollutants in the air. What would be the increased level of pollutants as a result of these two developments?

RESPONSE:

Please refer to our response's to comment PO-10 (#20) and comment PO-18 (#27).

COMMENT 11:

Carbon Monoxide Levels and Pollutant Burdens Without the Mall

The report implies that the improvements to Washington Avenue would result in attainment of the 8-hour CO standard at the intersection with Clintonville Avenue. Is this, in fact, true?

RESPONSE:

Estimated concentrations for the year 1980 at Washington Avenue and Clintonville Road show a violation of the 8-hour carbon monoxide standard. By 1984, due to roadway improvements and reduced vehicle emissions, concentrations at this site, both with and without the mall, will be below the 8-hour carbon monoxide standard. In the absence of a detailed calculation, it is anticipated that the major portion of the reduction in emissions between 1980 and 1984 would be due to reduced vehicular emissions, with a considerably smaller amount due to roadway improvements.

COMMENT 12:

Economics and Land Use - Retail Market Trends - Trade Areas

Why is Meriden included in the North Haven Mall market area, but North Haven not included in the Meriden market area? What evidence is there that North Haven shoppers do not go to Meriden or that Meriden shoppers would come to the North Haven Mall? The map in Figure 13 contradicts the discussion of sales diversions (Appendix L, p. 60) which indicates substantial flow of North Haven sales dollars to Meriden.

RESPONSE:

Meriden has been included in the North Haven Mall trade area due to the fact that the mall will feature a depth of merchandise and a variety of stores not available in Meriden.

A modest proportion of North Haven residents do go to Meriden Square to shop, and this has been reflected in all the analyses in appendix L and detailed in Section F, Statistical Tabulations.

Each shopping center has associated with it a primary, secondary, and tertiary trade area. To avoid confusion by presenting too much information on one map, only a center's principal trade area (primary and secondary areas) was illustrated on figure 13. Since North Haven was considered to be in the tertiary market area of Meriden Square it was excluded from the map (but not from the analyses).

COMMENT 13:

What is the meaning of the sentence, "The opening of branches in the primary trade area has diminished the attraction of the original downtown ("flagship") stores, making them coequal with the other branches."? (This thought corresponds with the Economic and Land Use Memorandum, p. 5). What branches does Macy's or did Malley's have in the region? How does the following sentence apply? "This has tended to constrict or localize the trade area about each downtown store rather than pulling consumers from greater distances."

RESPONSE:

Retailing in major metropolitan areas has changed markedly in the past few decades. At an earlier point, downtown stores were the primary units for all chains and featured a depth of merchandise typically taking up a range of floor area from 300,000 to as much as 500,000 or 600,000 square feet.

With changing demographic patterns and greater population decentralization, it became uneconomic to operate these large units, or so-called "flagship" stores. That was accentuated in the case of certain merchandise lines and extensive space users (for example, furniture and floor coverings), which could be more profitably marketed in suburban locations, where single-family-home buyers resided.

Increasingly, this phenomenon has taken hold throughout the United States, at it has in Connecticut. Such store "down sizing" is characteristic now of Macy's downtown New Haven operation, as it is of G. Fox's unit in the Hartford central business district.

The changes were in response to both the uneconomical basis for downtown store operations and the declining patronage from more outlying locations. Suburban consumers were more inclined to "shop closer to home" for convenience and preferred to compare available goods and services in a mall atmosphere. These dramatic retailing changes have characterized the New Haven situation. As reflected in consumer surveys cited in appendix L, the city trade area has been increasingly more circumscribed to in-town residents and those in the immediate fringe communities.

As regards Macy's and Malley's, Macy's is retaining its downtown location while attempting to establish a branch store in the North Haven Mall to better serve its suburban customers. Recently, Macy's has indicated that the regulatory process for the North Haven Mall has taken too long for their planning process for store location strategies. As a result, they have opted to withdraw their present commitment to the proposed mall in favor of using their resources in other locations. The Sage-Allen department store has indicated their desire to fill the Macy vacancy at the proposed North Haven Mall. Malley's recently closed, due in part to the shrinking of its market area, and no longer is represented in the region. Also, see our response to comment PO-18 (#16).

COMMENT 14:

The discussion of Hamden's Magic Mile states that it consists "largely of discount department stores whose retail offering is different from that in a regional mall's full-line department stores with complementary shops." Sears is part of the Magic Mile, and until recently so was Penney's (which moved while waiting for the mall to be built). Arnold's East, Richard Thomas, Cobb's, a jeweler, a music shop, Howland's, Arthur's, Brian Alden, Hickory Farms, and Horowitz are some of the other stores which offer high quality merchandise and personalized customer service. The picture painted by the DEIS is therefore not representative of the facts. Stores in Hamden such as Radio Shack, Hickory Farms, and chain shoe stores are exactly the type of store that is found in a mall. Would they relocate to the mall? Would they open additional stores in the mall? If so, how would the mall differ from "the Magic Mile"?

RESPONSE:

Hamden's Magic Mile is characterized by several large discount operations, including Marshall's and Bradlees.

In addition, the moderately sized Sears Roebuck operation is located within this shopping district. There has been no J. C. Penney's

representation for several years, following a corporate decision to locate to the North Haven Mall and to accept a smaller, 12,000 square foot store along Washington Avenue in North Haven as a temporary outlet.

A few of the other stores found within the Magic Mile area provide some selected merchandise in higher lines. By and large, however, the district is characterized by budget lines featured in discount operations and other moderately priced outlets.

Although some stores within this grouping may seek to relocate to the mall, there is no available information on that effect, since this remains an individual merchant decision. Similarly, any stores that may seek to market from two locations, one on the Magic Mile and the other at the North Haven Mall, will be determined only on a store-specific basis.

Nevertheless, dominant discount pricing operations are discretely different from the types of establishments seeking mall locations, which complement major anchors such as the four stores scheduled for the North Haven Mall.

COMMENT 15:

Retail Sales and Supply Trends - Historical Retail Market Patterns

How much of the decline in shoppers goods sales in downtown New Haven was due to the ten-year deterioration of Malley's? The replacement of Malley's by another, better managed department store could reverse the trend dramatically. Has this been considered? Long before Malley's closed in 1982, shoppers were painfully aware of the difficulties of the store and had to find other places to shop.

RESPONSE:

Sales declines in downtown New Haven over the past 10 years appear to be due to fundamental market factors, including the realignment in shopping habits on the part of those people in outlying locations whose expenditures constitute the bulk of the region's purchasing power (see appendix L, section II A.4).

It was not Malley's management that caused a decline in New Haven's retail roles, but Malley's management was unable to stem the loss of sales due to the aforementioned factors. Malley's management has been responsible for successful retail operations elsewhere and therefore cannot necessarily be considered the sole primary factor associated with that store's decline and recent closing termination. What is more, during the mid-1970's Malley's was held by another successful retailing corporation that maintained a high level of professional management in New Haven. Nevertheless it was still not successful in deterring the continued erosion of sales attributable to downtown and its circumscribed marketing area (more than to any other factor).

In summary, the difficulties encountered by this store were directly due to overall sales declines downtown. In this difficult marketing environment, management decisions were directed to various strategies aimed at maintaining volumes and recovering previous sales losses.

The EIS, section II B 2.3 has reviewed retail reestablishment in downtown New Haven as an alternative consideration. The replacement of Malley's, however, along with current status for reestablishing downtown retail facilities, has not been demonstrated to be a foreseeable alternative requiring further evaluation.

COMMENT 16:

Energy

The energy analysis is very shallow and limited. What about energy to operate the mall? What about fuel usage by trucks servicing the mall? How many trucks per day would be required to go to the mall? What about energy wasted because mass transit is really only a pipe-dream for the site?

RESPONSE:

An estimate of the amount of truck traffic to and from the mall was made, primarily on the basis of results of a week-long survey at three department stores in an existing regional shopping center in New York State. Some older published information on this subject was also referred to. Department stores and restaurants are virtually the only major generators of truck traffic in regional centers.

It is estimated that between 60 and 75 large trucks (that is, excluding vans or other small delivery and service vehicles) will visit North Haven Mall each day, most of which will be traveling via I-91 and Route 5. Nearly all of the truck traffic will occur between 8 a.m. and 3 p.m. Less than 5 percent of the total number of trucks were observed before or after these hours at the New York center. No nighttime truck activity is expected to occur.

The average trip length for large trucks is 4-10 miles.* To be conservative, it was assumed that 75 trucks would travel 20 miles per round trip to service the mall, for a total of 1,500 miles. Assuming an average route speed of 20 miles per hour, each mile of travel would consume 0.045 gallon of gasoline.** Thus, trucks serving the proposed

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* Herbert S. Levinson "Characteristics of Urban Transportation Demand," Urban Mass Transportation Administration, July 1978.

**Energy and Transportation Systems, Caltrans, December 1978.

mall would burn approximately 70 gallons of gasoline (1,500 x 0.045) a day.

COMMENT 17:

Topography - Geology.

On page III 1 of the DEIS it is stated that "bedrock varies from 0 feet Mean Sea Level . . . to 150 feet below MSL". Here it says that "bedrock in the area to be developed ranges from 50 to 150 feet below MSL". Which figure is correct? What would be the effect on the water table?

RESPONSE:

Bedrock underlying the entire 117.5-acre project area varies from 0 feet mean sea level (MSL) in the extreme northwest portion of the site to 150 feet below MSL near the site's eastern boundary (Valley Service Road). Within the 78-acre portion of the site to be developed, however, the approximate depth to bedrock ranges from 50 to 150 feet below MSL. Thus, statements regarding depth to bedrock in both the draft EIS and appendix A are correct. The proposed mall will have no effect on the water table. Drinking-water quality and water-table levels would not be adversely affected. See appendix A and the EIS, section IV A 1.4.

COMMENT 18:

Transportation - Mall Traffic - Trip Generation

IV 9: What are the references used for predicting trip generation rates for shopping centers? What shopping centers were analyzed? Are they representative of conditions existing in our local area?

Trip Distribution and Trip Assignment

IV 10: Some roads that would be very significantly affected were not included in the list of "access routes", i.e.:

--Bishop Street east of Hartford Turnpike
--Route 22 between State Street and Washington Avenue
--State Street north of Broadway and I-91, Interchange 12
--Washington Avenue between Broadway and I-91, Interchange 12.

Data is not presented to show traffic volumes or impact on these roads. The analysis does not reflect the fact that significant levels of local traffic from the east would use Washington Avenue to reach the mall.

RESPONSE:

IV. 9. Appendix H, pp. 18-22, gives the published references and other sources that were used to predict trip generation for the proposed North Haven Mall. The trip rates appearing in Trip Generation, An Informational Report, were based on travel patterns at 210 shopping centers, 63 of which were classified as regional centers. Also, the consultant has studied many existing centers throughout the country and gathered trip generation statistics for them. These have included Burlington Mall and Shoppers World in Massachusetts; Garden State Plaza, Livingston Mall, and Short Hills Mall in New Jersey; Tri-County Center near Cincinnati; and Dadeland Mall in Miami.

Two additional published sources, not available at the time appendix H was being prepared, confirm that traffic studies (like the one appearing in appendix H) that used "design" rather than "average" trip-generation rates yield traffic estimates that are inordinately high. The first source is Parking Requirements for Shopping Centers: Summary Recommendations and Research Study Report, the Urban Land Institute (ULI), 1982. This report, which was based on a study of 500 centers (82 of them regional), found that "shoppers . . . distribute their shopping trip over a greater number of off-peak days and hours (and therefore) the design of . . . roads is now typically based on average weekday and weekend traffic volumes . . "

The other source is an article entitled "Studies Show All Traffic At Centers Isn't New," by Norman A. Abend, in the January 1982 issue of Shopping Centers Today, published by the International Council of Shopping Centers. This article reflects the fact that "all vehicles entering or leaving a new shopping center do not constitute new trips." Also, see our response to comment L13 (#1).

The question is raised whether or not studies at centers elsewhere are representative of conditions existing in the local area. The ULI study states that regional location in the United States does not significantly affect peak-period parking or traffic characteristics. Tests indicated parking demands can be projected on the same basis in all regions. Thus, the trip-generation information is appropriately applied to the studies for the proposed mall.

IV 10. All of the streets mentioned were included in the analysis of access routes and mall impact on them. Examination of figures 6 and 9 of appendix H will show that some of these roadway segments will carry significant proportions of mall traffic. Each of these roadway segments falls into the "microanalysis" area, where traffic impacts were analyzed in greater detail than elsewhere.

The analysis does reflect the fact that local traffic from the east would use Washington Avenue to reach the mall. Washington Avenue, between Broadway and Blakeslee Avenue, will carry 6 percent of the total mall

traffic. Between Blakeslee Avenue and I-91, it will carry 9 percent, including 3 percent from the east via Blakeslee Avenue (from Pool Road, Bassett Road, and local neighborhood streets). These assumptions are reflected by the numbers given in figure 9, appendix H.

COMMENT 19:

Roadway Impacts - Macroanalysis Area

The DEIS states that "5 of 17 roadways would experience a lowering in their level of service from "A" to "B" or "B" to "C" due to mall-related traffic during peak hours" (macroanalysis area), yet the next sentence says that "road operating conditions would remain at acceptable levels of service with no substantial change in traffic conditions". "C" level of service is "related to occasional balky suburban strip traffic, or urban design criteria." Davis Road, Clintonville Road, and Bishop Street west of Hartford Turnpike are all residential streets, and "C" level of service with attendant noise and air pollution and increase in litter would certainly have an impact on property owners and property values in these neighborhoods, a much greater impact than a similar change in service level in a commercial area. Does the same standard apply on residential streets as on major arteries? Using the figures in Table 15, it is apparent that the incremental traffic volume will be as much as 25 percent on Clintonville Road (near North Branford Town Line), 35.7 percent on Davis Road, and 51 percent on Bishop Street. The rest of the percentages are in Exhibit I. For the rest of the roadway studies, the percentage changes range from 4.7 percent (I-91 north of interchange 12) to 40.3 percent (State Street south of Broadway). How can increases of 20 to 40 percent be ignored with the statement that there would be "no substantial change in traffic conditions."? How great an increase is required to be considered "substantial"?

NOTE: *Exhibit I is presented in full text in the Comments section of the EIS, Volume II.

RESPONSE:

The same standards do not apply on residential streets as on major arteries. The character of adjacent land use does affect street and intersection capacity. However, of the streets noted, none can be classified as purely residential in character. The fact that roadways have abutting residences does not make them residential streets per se. In addition to Clintonville Road, Bishop Street, and Davis Road (all marked as State Route 22), other streets with abutting residences include Dixwell, Quinnipiac, and Maple Avenues. All of these facilities serve as collector or secondary arterials and are not local access facilities.

The last part of the comment deals with the 20- to 40-percent traffic increases that would occur on certain street segments as a result of the mall. Working with percentage figures can be misleading. When the base

traffic volumes are small, relatively modest numerical increases due to the mall can produce very large percentage increases. However, it does not follow that large percentage increases will automatically result in substantial changes in traffic conditions or in neighborhoods.

It is for this reason that level of service criteria are used, since they reflect the ability of a traffic facility to accommodate a stream of moving vehicles and to measure the effects of a number of factors observed under prevailing roadway and traffic conditions. The transportation studies utilized the methodology and standards appearing in Highway Capacity Manual, 1965, Highway Research Board, and "Capacity Analysis Techniques for Design of Signalized Intersections," Public Roads, vol. 34, nos. 9 and 80.

COMMENT 20:

Microanalysis Area

The intersection analysis in the microanalysis area does not specify where a traffic light would have to be installed in order to reach levels of service predicted. One of the greatest bottlenecks would be at the intersection of Route 22 and Valley Service Road where traffic now moves freely without a light. What will the additional air pollutant burden be at this intersection? Although the peak hour chosen was Saturday 1-2pm, this intersection will experience continuously heavy loads of traffic and become a bottleneck for mall traffic and background traffic. Would the proposed jughandle be sufficient to handle the traffic at this intersection, with an estimated 1315 left turns per hour? Who would be responsible for necessary road improvements or other expenses needed to modify this condition?

Using the developer's figures, it appears that on the average, there would be one shopper vehicle entering or exiting the mall, at each access point, every 2.4 seconds for 14 hours a day, all week long. It would be even worse, a car every 1.8 seconds, during the peak shopping times (see Exhibit II).

*Exhibit II is present in full text in the Comments section of the EIS, Volume II.

RESPONSE:

The intersection of Route 22 and Valley Service Road presently does not have any control (except a stop sign on the side street) and has no protection for left turning vehicles destined for the I-91 on-ramp. Also, speeds are high due to the open undeveloped character of the intersection area. With the redesign, which includes a traffic signal, a third lane eastbound on Route 22 over the Quinnipiac River, and a two-lane-wide jughandle for eastbound left turns, a "bottleneck" will not be created at this point.

As presently proposed, the phasing of the new signal would overlap the two heaviest movements: the right turn out of Valley Service Road and the straight across movement from the jughandle north onto Valley Service Road. In addition, both of these movements have two lane approaches, permitting double lanes of traffic to move on a green signal. Besides signal phasing, signal timing for each movement will be adjusted to the demand during various hours of the day. For example, during the peak hour, the jughandle (mostly mall) traffic will be the greatest when Route 22 through traffic (both eastbound and westbound) is quite light. Thus, a much larger proportion of the green time will be allocated to the jughandle traffic during that time.

Using these three factors - the overlap of signal phasing, the double-lane approaches, and the signal timing allocation - standard traffic engineering analysis* indicates that 1,315 vehicles per hour can be accommodated on the jughandle approach to the intersection. This volume is well in excess of the comment's assumed number of 1,200 vehicles noted in exhibit II.

During other hours, the intersection will operate equal to or better than the peak hour of operation.

The developer will be responsible for all improvements at this intersection.

No air-quality predictions were made at the intersection of Route 22 and Valley Service Road due to the absence of receptors at the undeveloped area. However, carbon monoxide concentrations were made at Washington Avenue and Clintonville Road, a more likely receptor location. Concentrations at this "worst case" receptor location in 1984, both with and without the mall, will be significantly below both the 1- and 8-hour carbon monoxide standards.

COMMENT 21:

IV 11: The discussion of how traffic will move to get to or around the mall fails to point out that there are only four ways to get from the eastern to western parts of Town in the vicinity of the mall: Toelles Road (2 lane), Route 22 Connector, Broadway Bridge (2 lane) and the Mount Carmel (Route 40) Connector. There is not a multitude of choices. The traffic memorandum precisely predicts number of shopping trips and traffic volumes on access roads, but offers no data on what the impact of the extra traffic would mean to background traffic (including increased delays and predictable accident increases), and how it might have to divert from normal traffic patterns to avoid heavy mall traffic.

* Highway Capacity Manual, 1965

RESPONSE:

The impact of additional traffic on the various roads and intersections was considered throughout the analysis and is reflected by the resulting lowered level of service in several instances. The level of service for these roads and intersections appears in appendix H, tables 3 and 4, in the EIS tables 6, 7, 15, 16, and is discussed in section IV A 4.2. It would not be reasonable for the EIS to attempt to evaluate each intersection of the town for potential or speculative traffic-accident occurrences. There is no indication that substantially dangerous situations would occur that would represent a significant impact that should be reviewed in an EIS. It would be the responsibility of the town or the State to evaluate any problematic intersection for necessary road or signing modifications.

COMMENT 22:

Vehicle Miles of Travel

IV 11-12: In the discussion of vehicle miles of travel, there is no mention of the fact that one attraction of a mall is that it provides a form of "entertainment," even drawing people who do not plan to shop. The proposed arts and crafts exhibits, children's zoos, etc., that attract people to malls will bring in an additional traffic flow - not much in relation to total mall traffic, but significant when analyzing impacts on the Town. Why wasn't extra traffic included, and why is there no mention of service traffic, including heavy trucks using the roads night and day?

The statement that "the proposed mall operation would result in a regional reduction of approximately 12,000 vehicle miles of travel per day in the market area" is irresponsible. What does this figure represent in terms of total traffic, or total shoppers traffic in the market area? Using the figures presented in the DEIS, it appears that the total savings in shoppers' VMT would be between 0.00135 and 0.00225 (see Exhibit III). These figures represent only two-tenths of one percent at best. Is this significant? If not, why was it included? Doesn't this exaggerate the magnitude of energy savings? When service vehicles are included in the analysis, fuel savings vanish.

NOTE: *Exhibit III is presented in full text in the Comments section of the EIS, Volume II.

RESPONSE:

The trip estimates for the mall include <u>all</u> travel, whether for shopping, working, entertainment, or any other activity. Please refer to our response to comment L13 (#1).

The subject of heavy-truck movements to and from the mall is covered in our response to comment PO-18 (#16).

The EIS has been modified to reflect your comment and to clarify that the decrease in mileage and its associated decrease in fuel consumption is not a significant savings. The presentation in the EIS should be interpreted to indicate that the mall's effect on total fuel consumption would be negligible. Refer to EIS, section IV A 11.3.

Service vehicles were not initially included in the analysis. However, even if the fuel consumed by trucks (70 gallons) is included, fuel savings, though insignificant, would still exisit. Also, see our response to comment PO-18 (#16).

COMMENT 23:

The Connecticut Plan of Conservation and Development Air Quality policy stipulates that the State should "emphasize transportation projects that lower emissions by reducing travel distance/time, improving flows or raising vehicle occupancy rates." (p. 35) The mall proposal will make traffic flow worse at many intersections in North Haven (note that even if level of service does not change, a large increase in number of vehicles at an intersection will have a negative effect on travel time and air quality), it will not raise the vehicle occupancy rate and, in fact, may cause more vehicles to be on the roads because some stores now accessible by public transportation will relocate to the mall (e.g., Sears) and other stores will be "displaced" by the mall.

RESPONSE:

Please refer to our response to your previous comment, PO-18 (#2). The EIS staff also notes that the proposed project is not a "transportation" project to which the above quotation apparently refers.

COMMENT 24:

Public Transportation

The discussion of public transportation does not address the negative impacts that the operation of the proposed mall would cause as a result of the closing of businesses. What would be the impact on workers who lose their jobs as a result of the mall and who cannot obtain employment at the mall because of the lack of transportation? Public transportation is presently minimal to North Haven. The suggestion that increases will come once the mall is operating ignores the present cutbacks in service and rapidly rising costs. North Haven is not a member of the Greater New Haven Transit District, thus gives no financial support toward it but wants more service.

RESPONSE:

Bus service to North Haven has been substantially improved since publication of the draft EIS, making the proposed mall location more accessible to New Haven's residents. Please refer to appendix H

supplement, and our response to comment PO-12 (#7). Bus service is provided to the greater New Haven region by Connecticut Transit under contract to the Connecticut Department of Transportation. It is recognized that North Haven is not a member of the Greater New Haven Transit District, but even those towns that are do not currently provide financial support for transit service.

It has been estimated that 34 workers from New Haven would be unable to transfer to the mall should transit not be provided (see appendix M supplement). Also, please refer to our response to comment PO-18 (#36).

COMMENT 25:

Construction Impacts

The DEIS states that "routing of trucks during construction phase from out-of-town sources would likely occur over Interstate 91 where no impact would be expected." This implies direct access from I-91 to the mall site, which is not true. Trucks coming off I-91 would have to go on either the Route 22 Connector (level C) or Washington Avenue (level B) to get to the mall site. This additional truck traffic would certainly be disruptive of the ordinary local traffic.

RESPONSE:

The EIS staff concurs that additional truck traffic could be disruptive, adding inconvenience, truck noise along routes regulated by the town, and add some new dust and traffic. As part of the construction phase, the impacts normally associated with construction would occur, but would be temporary, lasting only the duration of the major fill activity and while Mall Drive is not developed. This should not severely stress existing road conditions or community services, since truck traffic would be regulated by the town of North Haven. The town would specify routes, hours of operation, and other requirements, such as dust control measures. This subject is covered in some detail in a memorandum of 4 September 1981 from the town engineer to the first selectman.

COMMENT 26:

Secondary Development

On what basis is secondary development expected to occur slowly? Already Washington Avenue is inundated with fast food restaurants which have moved in since the mall plan was announced. In that sense, secondary development has already begun. The important point is that secondary development IS expected, and all traffic effects, which are so lightly discounted in the DEIS, would be negative. What would additional development do to traffic on roads already at "C" or "D" levels of service? What remedies would be available and at what cost to the taxpayer?

RESPONSE:

Refer to the EIS, appendix L, volume 1, section II 1.0, for the basis on secondary development. We note, however, that the commercial development on Washington Avenue, notably the opening of numerous restaurants, has not been related to North Haven Mall. The restaurants appear to be well utilized and are not waiting for clientele to build up when and if the mall were to open.

The Washington Avenue improvement completed in 1981 has eased the former traffic pressure along the commercial strip on that street.

The traffic studies have included an annual percentage growth in the background-traffic volumes. This growth rate is in line with current transportation planning practice used by the Connecticut DOT and accounts for new residential, industrial, and commercial developments that will occur (or are occurring in the area, including the secondary development on Washington Avenue). The full value of the mall traffic was added to the base (or 1985 without the mall) traffic levels. In the case of this segment of Washington Avenue, about 100 vehicles (out of a total of about 1,000) in each direction will be mall traffic during the afternoon peak hour. This additional traffic will not affect the level of service classification of this segment of Washington Avenue.

COMMENT 27:

Air Quality; - Operational Impacts; - 1984, CO, HC, and NO Pollutant Burdens

There might be a decrease in the total vehicular miles of travel in the region, but there certainly will be a substantial increase in vehicular miles of travel in North Haven. It is the concentration, slower pace, and pausing at signals of automobiles that contribute so heavily to air pollution. How many new signal lights are planned for the mall vicinity? What pollutant levels could be expected at the locations of the new signal lights?

RESPONSE:

Seven new signals are planned. Of those seven, three will be on major routes and the remaining four on Valley Service Road.

Of the three locations on major routes, two will be on Route 22 at points that today are potentially hazardous locations and, thus, may soon warrant signalization. At six of the seven new signalized locations there are no businesses, homes, or any other potential receptors for any effects to be recorded from idling vehicles at those locations.

The 10 receptor sites selected for detailed microscale air-quality analysis for the EIS are the locations where the maximum pollutant levels are expected. Since 1984 carbon monoxide levels at the 10 receptor locations, both with and without the mall, were all below both the 1- and 8-hour carbon monoxide standards, it can be concluded that carbon monoxide levels at the seven new signalized intersections will also be below the NAAQS. For hydrocarbon consideration please refer to our response to comment P39 (#2). Also refer to appendix I, figures 3 and 4 and table 5.

COMMENT 28:

Construction Impacts - Consistency with State Air Quality Implementation

The "worst case" scenario assumes continuation of standards presently in force under the Clean Air Act, but the future of these standards is uncertain. If they are lowered, the worst case would be much worse than the DEIS reports. Have alternate figures with lower emissions standards been considered?

Cumulative impacts do not include the proposed auto-emissions testing facility, which will be in the vicinity of the proposed mall. What effect will this have on air quality and traffic in the area?

RESPONSE:

Existing standards were used as a basis to make this evaluation. At this time, it is speculative that these standards would be changed, and there is no indication on how they would change. The air-quality analysis assumes continuation of the standards currently enforced under the Clean Air Act. No analyses have been performed to examine the effects of changes in those standards. See our response to comment PO-10 (#19).

The proposed North Haven auto-emissions testing facility will result in a small increase in traffic and air pollutant concentrations in the vicinity of the mall area, both with and without the mall. The traffic analyses for the EIS, which were the basis for air-quality studies, included a growth factor to account for future development of projects and facilities such as this. Consequently, the cumulative impacts do include, indirectly, the effects of the proposed auto emissions testing facility. Also, refer to our response to comment PO-10 (#20).

COMMENT 29:

Noise - Operational Impacts

What is meant by the statement that "the increase in noise levels on Bishop Street, while readily noticeable during some hours, is unlikely to generate significant community response according to the ISO criterion."? During which hours will the noise levels be increased? Why

is no community response expected? Has truck noise on the mall access routes been considered in predicting noise disturbance? This would continue day and night and be very noticeable as trucks shift gears and double-clutch entering and leaving the mall site.

RESPONSE:

As part of the noise studies for the draft EIS, noise levels were predicted at each of the 104 receptor locations for each hour of the day and night, both with and without the mall. Truck traffic associated with the mall will occur primarily between 8 a.m. and 3 p.m. Increased truck noise due to mall operations was taken into account in generating the noise levels associated with the mall. The difference in noise levels with and without the mall was compared with criteria relating to average ability of humans to perceive changes in noise level (that is, BB&N* criteria, shown on table 3 of appendix J), and to criteria relating to community response to increases in noise level (that is, ISO criteria, shown on table 4 of appendix J). The table below shows hourly equivalent noise levels, Bishop Street, site 10, both with and without the mall. The maximum increase in noise levels there caused by the mall is projected to be 4 dbA. According to the BB&N criteria, this increase will be readily noticeable. According to the ISO criteria, this increase will generate sporadic complaints but no significant community response. Hence, it was concluded that the increase in noise levels on Bishop Street, while readily noticeable during some hours, is unlikely to generate significant community response, according to the ISO criteria.

*Bolt, Beranek, & Newman, Fundamentals and Abatement of Highway Traffic Noise, Report No. PB-222-703, FHWA, June 1973

Hourly Equivalent Noise Levels at Bishop Street
Site 10

Hour	With mall	Without mall	Change
12-1 a.m.	$L_{eq(1)}$ = 59 dBA	$L_{eq(1)}$ = 59 dBA	0 dBA
1-2	58	55	3
2-3	50	50	0
3-4	49	49	0
4-5	53	53	0
5-6	60	60	0
6-7	67	67	0
7-8	70	70	0
8-9	67	66	1
9-10	67	65	2
10-11	67	64	3
11-12	68	65	3
12-1 PM	68	65	3
1-2	68	65	3
2-3	68	65	3
3-4	66	66	0
4-5	68	66	2
5-6	68	66	2
6-7	67	65	2
7-8	67	64	3
8-9	66	62	4
9-10	65	61	4
10-11	62	59	3
11-12	60	60	0

COMMENT 30:

Economics and Land Use - Project Benefits - Increased Comparative Retailing

The DEIS states that "introduction into the market of a major new retail facility could enhance competition within the shoppers goods sector." This is a biased, judgmental statement; the opposite could also be true. Existing facilities, dependent on local patronage for success, may not be able to compete with the regional draw of a large mall. Why wasn't it pointed out that the proposed mall might be detrimental to the region's economy and have an overall negative effect on retailing with far reaching secondary impacts?

How would mall rents compare with similar stores not in the mall? Aren't mall rents generally greater than those in other shopping centers, thereby increasing overhead, thus consumer prices? Is this in the public interest?

What makes a "regional focus for retailing" a requirement "to induce large retail purchases by local customers . . ."? The anchor stores for

the proposed mall do not offer greater variety or breadth than what presently exists in the market area; Macy's is downtown, Penney's is in Meriden and North Haven, G. Fox is in Meriden, and Sears is in Hamden and Orange.

RESPONSE:

The EIS staff does not believe that bias is intended. The draft EIS points out that retail competition could be enhanced or some existing facilities in the region could close, a result of being "out-competed." The economic effects to the region are presented in the EIS, section IV A 8.0 and revised appendix L, with supplement.

Generally, mall leased stores have higher rents than comparably sized non-mall shopping center or "street" stores. Consumer prices do not necessarily reflect this, because mall stores generally have higher sales volumes, greater numbers of customers, and higher sales productivity, which offset expenses. Rents are generally a reflection of sales potential based on the location in question. Higher rents occur when sales volume is sufficient to support such rents. As a result, there is no direct reason to believe that higher rents will translate into higher prices. Rather, the increased competition and the comparison shopping opportunities made possible by the mall should promote improved "price value" (better quality or service for a given price).

A regional focus for retailing would be one where a substantial selection of merchandise is available within a convenient location and where patrons can carry out their comparison shopping within relatively short walking distances.

The availability of four anchor stores will provide greater variety and breadth of merchandise than any location presently available within the North Haven marketplace. This pertains both to the representation of key anchor stores and to the amount of floor area that will be provided.

No other location in the metropolitan area will feature the choice of anchor stores and the amount of space devoted to displaying their goods than will be available in North Haven.

COMMENT 31:

Retail Market Considerations and Impacts

Although the DEIS states that potential negative economic impacts of the proposed mall cannot be reviewed at this time, it is the responsibility of the Corps and the developer to project all impacts of the proposal - not just the ones that support the developer's plans. Were the effects of suburban malls in other locations analyzed to determine economic and other impacts? If not, why not?

The DEIS suggests that existing North Haven stores would benefit from the increased consumer traffic generated by the mall. Would this mean more congestion on Washington Avenue than the developer's traffic flow analysis acknowledges? How can potential positive impacts be suggested without analyzing their potential, but perhaps more significant, negative impacts? In fact, would increased traffic make it difficult for consumers to enter and exit local stores, with resulting negative impacts on local business?

RESPONSE:

The EIS (section IV A 8.2 and appendix L, with supplement) presents the potential negative sales transfer impacts on New Haven and other areas. The economic effects of other suburban malls on metropolitan areas were not analyzed because they are case specific with their own set of data and they would not be germane to the specifics of the North Haven Mall proposal.

Six percent of mall traffic will use the portion of Washington Avenue containing the majority of business establishments (i.e., south of Blakeslee Avenue). The mall traffic, not all of which represents newly generated trips, should be beneficial to the Washington Avenue merchants. This traffic was accounted for in the traffic-flow analysis and is not expected to create congestion problems along this route. Refer to appendix H, table 4. In addition, several economic impact reports have been received that project potential economic impacts, and we refer the commenter to our response to comment L12 (#4) and PO-24 (#16) and to revised appendix L, with supplement. In addition, the EIS staff has not found, nor been made aware of, any mall project where an impact evaluation was made prior to its development and then followed up by an analysis of actual impact. Such would be necessary to validate early information, if such an analogy could be used as a predictive tool in this situation. Suburban malls located within the metropolitan area and nearby were considered to the extent relevant in reference to the EIS analysis. Refer to revised appendix L, section III D.

COMMENT 32:

Fiscal Impacts - Local Impacts

IV 25: The statement that "the town's investment in the construction of the Valley Service Road . . . would be dissipated if the mall were not constructed, unless other development could occur there" when taken with the suggestion that other development is unlikely (page II-9), implies that the road was improved for the mall, which is not true. Once again, the possibility of other development on the site seems to be regarded as unlikely. Yet the town was confident enough of attracting commercial/industrial development to the site to improve the Valley Service Road before the mall was proposed.

RESPONSE:

The EIS does not make this analogy, and the inference is the opinion of the commenter. We have received no evidence or data that would indicate that the proposed mall site and the construction of Valley Service Road have attracted any commercial/industrial development interests in the past or might do so in the foreseeable future. At present, there is no indication that the investment in Valley Service Road could be comparably returned and would warrant changing the information presented in the draft EIS.

COMMENT 33:

Metropolitan Area Impacts

IV 25: The statement that "retails sales diversions to the North Haven Mall may have limited impacts on the fiscal situation of other cities and towns in the metropolitan area . . ." is a value judgment because of the qualifiers, "may" and "limited". The effect will vary from municipality to municipality; what will be the specific effect on each of the surrounding towns in the metropolitan area? Why was Meriden left out of the analysis? On page II-5 of the DEIS, it is stated that Meriden is important to the market area. Are we to assume that although shoppers will come from Meriden, where there is already a mall, the loss of their purchasing dollars will not have an effect on Meriden's sales?

RESPONSE:

The EIS staff acknowledges your comment and opinion over the effects of fiscal losses to various municipalities and agrees that defining the losses is a judgment.

An analysis of fiscal and employment impacts on each of the New Haven-West Haven SMSA municipalities appeared in the EIS and revised appendix L. This analysis assumed that there was a direct relation between retail sales loss and fiscal and employment losses. (This assumption leads to a rough approximation of "worst-case" impacts, since it does not allow for the continued operation of an establishment except at lower productivity levels or the use of that space for other purposes.)

Moreover, such analysis can be undertaken only when the market support for retailing has been determined, as they were for the SMSA. On the other hand, where market support for a given center have not been determined, it is not possible to estimate the importance of a given "retail loss" to the operations of that center. Subsequently, the link between a given retail sales loss and other economic impacts becomes less obvious and conclusive, and conclusions regarding possible fiscal and employment losses due to retail sales loss cannot be properly drawn.

The analysis of appendix L is concentrated on supply/demand conditions (current and prospective) within the New Haven-West Haven SMSA. Analysis of current and prospective retail/supply demand conditions was not undertaken for continually extended market areas relating to other sales destinations. For example, West Farms Mall does draw some sales out of the New Haven-West Haven SMSA (the source of sales recaptured by the North Haven Mall), but its primary trade area is concentrated around the greater Hartford region and extends to all compass points from the locus. The extent to which changes in purchasing power or in retail floor supply would offset the impacts of a regional mall developed within a different metropolitan area cannot be ascertained by this analysis.

It can reasonably be stated that the impact on such municipalities - to the extent there would be any negative effects - would likely be less than those anticipated for any of the metropolitan area cities or towns and, more likely, would be of less consequence.

The best example of this conclusion is Meriden. While market analysis was not undertaken for Meriden, it was assumed in order to respond to this comment, that Meriden's sales originating in the towns that overlap North Haven's trade area would account for the same proportion of Meriden's total sales in 1990 as they did in 1977. On this basis, it was roughly calculated that retail sales diverted from Meriden to the proposed north Haven Mall would represent a sales loss to Meriden of between 10 and 15 percent in 1990 under the zero income growth assumptions. Most of these transfers will come from Meriden Square. However, the two anchors at Meriden Square - G. Fox and J. C. Penney's - will also be represented at the mall. These anchors have opted for lower productivity at Meriden Square in order to better serve their potential customers in the New Haven-West Haven SMSA. Both these anchors and the smaller mall stores associated with them are fully expected to remain in business at Meriden Square. Thus, in the one non-SMSA town within the trade area expected to sustain the greatest decline in retail sales, this sales loss will not translate into a loss in retail space, and no negative fiscal impact is, therefore, anticipated.

COMMENT 34:

The suggestion that the "small potential impacts . . . could be offset by moderate-sized individual developments" ignores the fact that the municipalities might enjoy the benefits of maintaining their own tax base in addition to the development of new sources of tax revenue. For example, the city of New Haven would have an additional $3.7 million in taxable property if it develops about 50,000 square feet of Class A office space. The same goes for other towns in the region. The argument that they would be just as well off if the mall were built is specious and misleading.

RESPONSE:

The EIS staff does not believe that the draft EIS statements are misleading. The analogy presented serves to illustrate the level of impact that would occur. We agree with you that towns in the region would likely be unhappy to lose any tax base.

COMMENT 35:

Employment Impacts - Construction Impacts

Apparently there would be a "55 percent leakage" of construction-phase employment? Who would fill these construction positions?

RESPONSE

Construction workers from outside the New Haven labor market area.

COMMENT 36:

Impacts from Mall Operation

The discussion of employment impacts fails to differentiate between full- and part-time employment and accepts an unrealistic projection of the number of employee transfers from existing retail establishments. Of the new positions, only about 50% to 60% would represent full-time positions. The proposed North Haven Mall site is not accessible by public transportation and there are no plans to make it accessible. Is it likely that employees who are now dependent on public transportation to get to their jobs would be able to work at the mall? If not, this effectively excludes a significant part of the work force. Has this been considered, in human terms, when analyzing potential transfers?

Is it valid to assume that information from several anchor stores suggesting that 15 percent of sales jobs are held by minority group members is applicable in this instance? North Haven has a low population of minority group members, is miles from the central city and, as mentioned previously, has limited access to public transportation. What

is the level of minority group employment at other suburban malls without public transportation in predominantly white communities in the Northeast? Even using the figure of 300 jobs filled by minority group members, would the net change for minority group members be a gain or loss?

RESPONSE:

According to a survey conducted by Wilbur Smith & Associates (Greater New Haven Transit Study, 1977), 43 percent of all workers who use transit to reach downtown job locations did not have a personal car available. This same study indicated that 49 percent of Malley's employees arrived at work via bus. Extending this 49-percent figure to all retail sales workers indicates that 21 percent (.49 x .43) of downtown retail sales workers are transit dependent.

Thus, of the 160 jobs lost in all of New Haven, an estimated 34 (160 x .21) will be lost by workers who would be unable to reach the mall should transit service not be provided. Also refer to the EIS, section IV A 8.4.2, revised appendix L, with supplement and appendix M, supplement.

In terms of minority-worker impacts, it has been estimated that, at the most, 27 minority workers could become unemployed. It should be noted that bus service to North Haven has been substantially improved since the publication of the draft EIS. Please refer to our response to comment PO-12 (#7) and appendix H, supplement.

Stores, and not malls, maintain records on minority employment in accordance with affirmative action regulations. As such it was not possible to confirm the "15-percent" proportion of minority employment figure at suburban malls. The 15-percent figure was based on material supplied by the anchors on a non-store-specific basis. If the figure is applicable to North Haven Mall, the mall will employ 300 minority workers. Allowing that some minority positions will be held by workers who transferred from other locations and that mall stores might tend to hire proportionately fewer minority workers than anchors do, the mall would represent a net gain of about 200 new job opportunities for minorities in the New Haven-West Haven SMSA. Since every geographical area has its own specific population characteristics, information on minority employment in malls in other areas would not be specifically germane to the North Haven Mall situation.

COMMENT 37:

Community Resources and Visual Quality - Community Services - Police

IV 30: Is the impact on traffic patrol and accidents on access routes and town roads considered in the discussion of manpower requirements of the proposed mall? Who will be called upon in the case of mall-related disturbances that do not actually occur on the mall

property? Will police officers be required to process all criminal incidents related to the mall? What would the cost be to the Town?

RESPONSE

The mall's impact on traffic control and accidents on access routes and town roads was considered in the discussions of manpower requirements. The EIS (section IV A 9.4.1) states that there is the potential for North Haven to require an additional zero to four police officers on staff for mall-related patrol. Any unlawful disturbances off mall property would be responded to by town police. Any criminal incidents in the town reported to the police will be processed according to their judgment. The cost for town police involvement would average $75,000-$85,000 for an added two police officers and one car. Refer to the EIS, section IV A 9.4.1 and appendix L, volume 1, section II B 1.0. Also, see our response to comment PO-8 (#3).

COMMENT 38:

Sociological Impacts

IV 31: The statements concerning potential sociological impacts are irresponsible and unsupported. Which malls in other areas were reviewed to determine that little sociological impact is expected? What is the difference between "hanging out" (which the DEIS deplores) at the town's recreation center, etc. and "socializing" (which it accepts) at the mall? After all, what is the recreation center for? Residents who live near other malls are aware that teenagers come from miles around to meet on evenings and weekends. Local recreation centers or roller skating rinks do not have this type of regional attraction. Were the additional cars of teenagers who come just to socialize but who don't purchase included in the transportation analysis, which is based on sales dollars?

The statement that "the amount of shoplifting and breaking into parked cars can be expected to be similar to that of other mall facilities situated in like communities" does nothing to determine how much additional crime the town can expect to have. What is the expected level of mall-related crime? How does this compare with the present level of similar types of crime in North Haven? Will mall-related crime require additional police resources or diversion of current police services? Why say that the projected shoplifting and breaking into parked cars will "have no effect on the community itself."? Won't the community be shopping there? Surely, a large regional parking lot is more attractive and conducive to that sort of crime than neighborhood store lots.

RESPONSE:

The EIS staff has found no documented information, nor has any been submitted, that indicates findings contrary to those presented in the EIS. No information has been found that malls are generally or inherently

a sociological problem. The "atmosphere" they create in the towns in which they are located, or within the facility itself, are subjective, according to each individual's feelings, likes, and dislikes and how a mall fits in with a town's "style" and zoning ordinances, and each person's perception of the type of lifestyle a mall represents. There is no documented information that indicates malls cause sociological problems or cause behavioral modifications that affect an individual's development outside normal societal bounds. Otherwise, the objective sociological effects associated with the development of a mall depend on its specific impacts. Those have been reviewed in the EIS as they relate to jobs, local and retail economies, traffic, noise, air pollution, and so on. We refer you to the table of contents in the EIS and the Appendix listing to locate the specific information desired. Because these impacts are specific to the situation of the proposed mall and are site specific, and the results would not be germane to the North Haven Mall, a general study of malls in other areas was not made. Specific references raised in the comments to the draft EIS are contained throughout this comment and response report.

A study conducted by Martin B. Millison, D.S.W., entitled "Teenage Behavior in Shopping Centers," concluded that in the vast majority of instances teenagers were not problems in shopping centers. This conclusion was derived from responses to a mail questionnaire from 188 shopping centers throughout the United States and Canada. The findings of this study were confirmed through interviews with local officials in Milford and Meriden. Also, refer to our response to comment PO-8 (#4).

There was no intention to ascribe teenage behavior in town facilities as "hanging out" and that at the mall as "socializing," and the EIS has been modified accordingly. Rather, both should provide acceptable alternative ways in which teenagers can spend their leisure time.

The transportation analysis was based on floor space at the mall and not on retail sales. Trips to the mall for all activities, and not just for shopping purposes, are incorporated into the traffic analysis. Also, see our response to comment L13 (#1).

The actual level of crime activity at the mall would depend on a variety of factors, including the effectiveness of the mall's security force and the town's police force. Experience at suburban malls of varying sizes has indicated a need for police response ranging from three times a month to once a day. If the upper range is used, the mall can be expected to generate, at the most, about 365 police responses a year to process shoplifting and auto theft offenses. In 1980, the town reported 954 offenses in the categories into which shoplifting and auto theft fall. Thus, for these categories (larceny and auto theft) the mall could increase the town's crime rate by 38 percent.

According to North Haven police and to experience of other malls, no additional police resources will be required. See also our response to

comment PO-8 (#4). Nevertheless, the fiscal analysis assumed the addition of two policemen and one squad car would be needed to service mall crimes. See our response to comment PO-8 (#3).

Although the mall would be part of the community, the statement that mall-related crime would have "no effect on the community itself" was intended to indicate that the mall would not affect the level of crime activities in areas outside of its own boundaries.

COMMENT 39:

Historical and Archaeological Resources - Cumulative Impacts

The statement discounting the increase in traffic on Bishop Street as having little effect on the North Haven Bridge Historic District contradicts the earlier statements about the heavy traffic on Bishop Street (peak hour increase of 178% on Bishop Street between Wilbur Cross Parkway northbound interchange and State Street) and the increase in noise levels there (IV 16).

RESPONSE:

The EIS staff does not find that there is any contradiction. There would be heavy traffic on Bishop Street that will increase the maximum hourly equivalent noise level from 4 to 5 decibles. This is considered a small change, though sufficiently noticeable to generate some annoyance and sporadic complaints from residents. Maximum level conditions are not full-time nor normal conditions, because they would occur at peak-hour use.

The EIS staff does not understand how a figure of 178 percent was derived by the commenter. Review of figure 8, appendix H, shows that the level of background traffic on Bishop Street between the northbound exit of the Wilbur Cross and State Street is 1,395 vehicles (690 + 95 + 335 + 275), and the added traffic due to the mall would be 1,165 vehicles (530 + 100 + 250 + 285). The increase in traffic due to the mall would be approximately 84 percent.

COMMENT 40:

Energy - Transportation Energy Consumption

Again, the DEIS takes pains to point out potential energy savings without giving any baseline or indicating what this figure represents. The projected savings of 535 gallons of gasoline per day represents only one-tenth of one percent of fuel used in the region for shoppers goods trips. Is this significant? How accurate is the projection?

RESPONSE:

An analysis of trip patterns with and without the mall indicated that mall operations would generate a small, but insignificant, reduction in regional vehicle-miles of travel and hence fuel consumption.

The analysis, as with any analysis, is subject to some degree of error. The projection is accurate to the standard of using valid engineering practice and judgment. Also, refer to our response to comment PO-18 (#22). The findings should be interpreted to indicate that the mall's effect on total fuel consumption (plus or minus) would be minimal.

COMMENT 41:

Environmental Consequences of the No-Action Alternative - Topography, Geology, Soils and Ground Water

This discussion unreasonably assumes that there would be no other development on the site. Since the mall project has been on the table for ten years, it is understandable that other developers have looked elsewhere in the meantime. Once the mall site is available again, what is to stop private developers from putting the land to use in a more acceptable and less environmentally damaging way? What evidence is there to support this pro-mall bias?

RESPONSE:

Should Mall Properties, Inc., not receive a permit or decide not to build, the proposed site would be available again to other developers if the present options on the land are terminated. It is unknown, and not foreseeable, that another developer would propose and develop the site in a way that would be more "acceptable" to everyone and environmentally less damaging. Please refer to our response to comments PO-10 (#1) and PO-17 (#5).

PO-19: Winer, Neuburger and Sive, 26 March 1982

COMMENT 1:

These comments on the Draft Environmental Impact Statement ("Draft EIS") are submitted on behalf of the applicant, Mall Properties, Inc. The information underlying these comments was generally provided to the applicant by certain of the independent consultants who previously provided technical data to the Corps of Engineers. The comments generally follow the sequence of the Draft EIS.

Abstract

The sentence in paragraph 3, commencing "With the proposed modification . . . ", erroneously states that congestion would occur during "peak hours, inclement weather and holidays." The traffic analyses

(Appendix H) demonstrate that even at peak hours in busy shopping seasons traffic levels will be acceptable. Further, congestion caused by inclement weather is not caused by, and thus should not be attributed to, the proposed development.

Summary

The last paragraph under "(b) Adverse Impacts" states that on certain access roads, "there would be an increase in congestion normally associated with malls." This statement implies that certain access roads are now congested, which is not borne out by level of service analyses. In addition the proposed mall will not cause congestion. (See Appendix H at 35-38).

RESPONSE:

The use of the term "congestion" was not to imply an unacceptable service limit according to traffic standards. Rather, it was to indicate future road conditions where drivers may perceive or would have to contend with traffic that is baulky or heavier than they would deal with under existing conditions or under non-mall conditions for the analysis period. The EIS staff agrees that, with the exception of intersections at Washington Avenue/Mall Drive, Washington Avenue/I-91 ramps, Route 22/Valley Service Road, and Valley Service Road/I-91 S on-ramp, that there would be no congestion as a result of mall-related traffic. Where slow traffic already occurs which could be considered presently as congested or nearly congested, then mall traffic would add to it but would not necessarily decrease service levels.

COMMENT 2:

Affected Environment - Flooding

Figure 10 (opposite page III-8) might be erroneously construed to identify all flood properties on State Street. Rather, the map was intended to identify only those properties which were surveyed in order to ascertain the cause of local flooding in the vicinity of State Street.

RESPONSE:

Your comment is noted by the EIS staff. Modifications have been made to the flooding section of the EIS. Refer to section III C 3.0.

COMMENT 3:

Affected Environment - Community Facilities

Paragraph 2 on page III-20 states that the Town of North Haven probably meets the guidelines for providing 15 acres of recreation and open space per 1000 people. . . ." Appendix M: Community and Visual

Quality, states that the Town of North Haven in 1980 had 42 acres of public open space and recreation land per 1000 residents. (See Appendix M at page 23). The source of this information was the Town of North Haven. The Final EIS should reflect this correct ratio.

RESPONSE:

The EIS has been modified to reflect the town's latest assessment of open space and recreation land per 1,000 residents, 42 acres/1000 residents, as confirmed by the North Haven Parks and Recreation Office.

COMMENT 4:

Affected Environment - Transportation

Paragraph 2.0 on page III-7 states that "With the exception of segments of Washington Avenue, Clintonville Road and Bishop Street, none of these routes currently experience severe traffic flow problems." State improvements to Washington Avenue have been completed, so there are currently no traffic flow problems on that route. In addition, while both Clintonville Road and Bishop Street have traffic flow problems, those problems of flow would probably not be characterized as severe. (See Table VI of the Draft EIS.)

RESPONSE:

The EIS has been modified to clarify and update section III D 2.0.

COMMENT 5:

Environmental Consequences - Flooding

In paragraph 3 on page IV-8, it should be made clear that the site of the proposed Mall is not in the conveyance way of the Quinnipiac River.

RESPONSE:

Clarification has been added to the EIS, section IV A 3.5, to reflect your comment.

COMMENT 6:

Environmental Consequences - Transportation

In the first paragraph under Section 4.2.3, "Microanalysis Area", it is stated on page IV-11 that "Two intersections involving local roads, outside of the Mall site's entrances, would experience drops in present conditions to 'D' levels of service if the mall is constructed." It should be noted that these two intersections, Washington Avenue-Mall Drive and Valley Service Road-South Access Road, do not now exist. Thus, there

would be no worsening of current conditions under the same circumstances. The sentence describing the proposed Washington Avenue-Mall Drive intersection, which states that "free-flowing traffic exists now", should be clarified to reflect the current absence of that intersection.

The second full paragraph on page IV-11, referring to the use of Bassett Road and Temple Street, is not, in the opinion of Barkan & Mess, a likely route. This volume of traffic, to the extent that it might exist, would not be a portion of the projected 4% approach traffic going south along Washington Avenue toward Mall Drive.

In the third full paragraph on page IV-11 refers to certain proposed road modifications to be made in conjunction with the development of the proposed Mall, and indicates that such modifications are contained in the agreement between the Town of North Haven and Mall Properties, Inc. There are additional road improvements which would be made in conjunction with development of the Mall not contained in this contract, and those are described on pages 27-29 of Appendix H: Transportation.

RESPONSE:

The EIS has been modified to clarify the existing conditions and the impacts to those conditions. The EIS staff recognizes that there may be no lessening of current conditions at Washington Avenue and Mall Drive under the same circumstances. Such circumstances, however, would not exist without the mall, and as a result, existing free-flow conditions will be worsened with an intersection.

Additional clarification about local street use has been written into the EIS, section IV A 4.2. Although Bassett Road and Temple Street may not be likely routes, the potential exists for an additional, though small, number of trips on these roads. The potential also exists for local roads in the area to experience some added movements on their routes when some drivers, especially local residents, attempt to divert through local neighborhoods. The amount of new traffic would be minimal, since it would be locally derived, and many trips would be principally a rerouting of existing trips. Also, see our responses to comments PO-10 (#23) and P1 (#109)

COMMENT 7:

(NOTE: To reduce the length of paperwork in this volume, the comment was considered too long to reproduce here, and since it should be considered in full text, the EIS staff refers the reader to Volume II, where the entire comment letter is reproduced. Comment 7 refers to the section of the letter beginning "Environmental Consequences - Economics - Representations of New Haven . . ." pages 3-6 in that letter).

RESPONSE:

Our replies below address items of your "economic comments, either specifically or by their subject matter.

1. Since release of the draft EIS, several events have occurred and additional impact information has been received from the City of New Haven. This has necessitated updating the information in section IV A 8.2. The closing of Malley's Department Store has been reflected in the final EIS, along with clarification of the Rouse Company's efforts to aid New Haven's revitalization efforts.

2. The EIS continues to present the information from the Halcyon report and the 1 October 1981 New Haven communication. The EIS continues to note the limits of that information and its limited potential for use.

3. The EIS indicates that the base for the 17.1 percent to 27.6 percent retail loss is unknown, because the information was reported from a confidential market analysis, which has not been made available to the EIS staff.

4. The EIS staff acknowledges your view on table 17 for the potential overstatement of impacts based on the shoppers'-goods space used for the proposed mall. We believe, however, that this data, along with other impact estimates, are important items for the Division Engineer to have and to consider in his review, since this will ultimately present a range of impacts whose high end would represent a worst-case situation.

5. Since the data source for table 17 has not been made available for public review, further evaluation cannot be made. Comparing this data with the 17.1 percent to 27.6 percent is also not possible because of the confidential nature of that material, as noted in the draft EIS and our response (3) above. However, the findings of the EIS staff using the information in table 17, draft EIS, were reported to cause an impact of approximately 13.2 percent.

COMMENT 6:

Environmental Consequences - Regional Planning Agency

References are made in the fifth full paragraph on page IV-23 to a suggestion of the Regional Planning Agency of South Central Connecticut of certain declines in retail sales that would be attributable to the operation of the proposed mall. The referenced March 8, 1979 memorandum of Norris Andrews, Executive Director of the Regional Planning Agency of South Central Connecticut, was, in its own words, "a very brief summary and projection of retail trade in the region with preliminary estimates of the growth and retail sales and of probably (sic.) distribution of that growth through the year 1990." The memorandum goes on to state as follows: "I want to stress that this is a very preliminary study, is

still superficial. . . ." Accordingly, that memorandum is a preliminary and superficial study by Mr. Andrews, and is not a formal projection of the agency. More importantly, because of its status, the memorandum is entitled to no consideration in the Draft EIS.

In addition, in separate comments submitted to the Corps of Engineers on Appendix L, Mr. Andrews stated that his only area of expertise is in the derivation of available income for GAF sales. (See August 14, 1981 communication of Mr. Andrews to Robert Adler of the New England Division, Corps of Engineers). Mr. Andrews' limited expertise was reiterated in his October 15, 1981 communication to the Corps of Engineers. In the first paragraph on page 3, he stated that he considered his "expertise to be solely in this field [of population projections]." Consequently, to the extent that the March 8, 1979 memorandum goes beyond Mr. Andrews' limited expertise, in addition to being a preliminary and superficial study, its conclusions should be disregarded.*

RESPONSE:

Comments on the draft EIS were received from Andrews. Refer to the EIS, volume 2, Comments. The EIS has been modified in accordance with his comments to reflect his stated representation and to indicate that no final report has been received from the planning agency to substantiate or follow through on the preliminary impact estimates offered in their memorandum of 8 March 1979. The memorandum remains cited in the EIS, section VII, for future reference.

COMMENT 9:

Environmental Consequences - Community Conservation Guidance.

In the last paragraph on page IV-23, reference is made to a report prepared for the United States of Housing and Urban Development under President Carter's Community Conservation Guidance policy. The applicant, through independent consultants, had provided comments to HUD upon the April 1980 draft of that preliminary report. After the preliminary report was issued in August of 1980, those comments were revised to reflect the limited changes in the August report, and copies of those comments are annexed hereto and made a part hereof this letter. To the extent that the conclusions of this preliminary report are not adopted by the Final EIS, there is no need for a response to those comments.

RESPONSE:

The EIS staff notes the comment.

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*The preliminary March 8 memorandum was never followed by a detailed study and analysis.

COMMENT 10:

Environmental Consequences - HEP Report

The applicant has several comments upon the Habitat Evaluation Procedures ("HEP") Report undertaken by the Fish and Wildlife Service. In its determination of habitat unit losses, the Service assumed that if the Mall was not constructed, 50% of the shrub swamp and marsh habitat on the southern portion of the site would be lost due to the resumption of mining operations within 25 years. Although the resumption of these activities is conceded to be the only foreseeable activity in the event that the Mall is not constructed, the Service limited its assumption of mining to only 50% of the area because of the possibility that a permit would be required by those operations. It is the applicant's position that a permit would probably not be necessary, as certain of the mining activities have never ceased. Moreover, even if a permit is necessary, the Service has assumed that it would be granted for mining operations affecting 50% of the shrub swamp and marsh. In that event, it is unlikely that a permit would be denied for mining operations impacting the remaining 50%. Consequently, the service's assumption that only 50 percent of this area would be mined does not reasonably estimate these land changes, and thus has erroneously increased the annualized habitat loss associated with this portion of the site.

Moreover, there is no reason to expect that the resumption of mining will occur gradually over the 25 year period, rather than resuming in its entirety at a much earlier date. The operators of the quarrying operations have indicated that mining activities would be resumed immediately if the Mall is not constructed (See Appendix Q: Alternative Assessment at 60). Consequently, the Service has again overestimated the annualized habitat loss.

RESPONSE:

The EIS staff acknowledges your views and position on this matter. All the information on record over this issue will be weighed by the Division Engineer in deliberating a permit decision and any conditions to a permit, should one be granted.

PO-20: New Haven Downtown Council, 16 March 1982

COMMENT 1:

General Comment

RESPONSE:

Thank you for your comments indicating New Haven's present development levels. The EIS staff acknowledges your opposition to the

proposed project, and it will be taken into consideration by the Division Engineer in his permit deliberations.

PO-21 New Haven Downtown Council, 16 March 1982

COMMENT 1:

The New Haven Downtown Council urges the Division Engineer to deny a 404E permit which would allow the filling of the Quinnipiac River wetlands, making possible the construction of the proposed North Haven Mall. It does so in the belief that benefits which may be derived by citizens of the south central Connecticut Region are not of sufficient public interest to overcome the significant detrimental, economic impacts which would result from the mall's operations in this region.

I submit the attached statement on behalf of the New Haven Downtown Council within the time period allotted for public review and comment of the Draft Environmental Impact Statement issued on the above-referenced project.

We ask your consideration of the points made in our statement and response to questions we have raised before making the ultimate permit decision.

RESPONSE:

The EIS staff acknowledges your opposition to the project, and it will be taken into consideration by the Division Engineer in his permit deliberations.

COMMENT 2:

What do we expect to be the overall economic impacts of the Mall?

We acknowledge that operation of the North Haven Mall will generate new tax revenues to North Haven, will provide new jobs there and may lead to a reduction in the town's tax rate, but we believe these benefits will be offset by detrimental impacts elsewhere.

We believe that the sales projections showing overall productivity at the Mall at $105. per square foot ($139. per square foot when converted to 1982 dollars) are very conservative and are far lower than sales projections being forecast by most retail center developers today. We suggest that the Corps of Engineers should compare the Gladstone projections with those figures which the developer has submitted to its lenders, because in order to present a feasible project to financial underwriters with today's money costs we believe productivity should be in excess of $200. per square foot. If there are any discrepancies between anticipated levels of productivity, it would tend to discredit the Gladstone analysis.

Even with the $139. (1982 dollars) productivity, the Corps acknowledges that there would be an 8 - 13% reduction in sales at existing retail centers in this region. If the productivity is greater, such as being in excess of $200. per square foot, what would be the impact? We believe the sales loss could exceed 20% in existing centers. It seems essential to us that the Corps determine what the mall developer's actual sales objectives represent and what this will mean in sales losses elsewhere.

RESPONSE:

Sales productivity figures, measured in dollars per square foot, are published annually by the Urban Land Institute (ULI). The values used in the economic analysis appearing in appendix L used 1977 constant dollars and were substantially greater (36 to 45 percent) than the "norm" with respect to medians for these same store types as follows:

	1977	
	Median sales per square foot, ULI figures	Mall sales per square foot
Department stores	$65.47	$97.00
Mall stores	$73.39	$121.00

Expressed in 1981 dollars, the values would be:

	1981	
Department stores	$82.00	$118.00
Mall stores	$125.00	$148.00

The values used in appendix L were considered and appear in line with independent analyses carried out by the anchor stores themselves. The derivation of values used appears in appendix L.

Any discussions between Mall Properties, Inc., and lending institutions is proprietary information and not available to the general public or the Corps of Engineers.

COMMENT 3:

In reading the Gladstone impact analysis, we are concerned with their proposition that the sales impact will be generally the same in all existing retail centers in our region. This just isn't correct. Actual impact will result from the present distribution of customers using facilities at different regional locations. For example, we estimate that

among downtown stores today between 25% and 40% of sales are generated from customers who reside in northern tier communities within the primary market area of the North Haven Mall. These are the sales which we feel are most vulnerable to North Haven Mall operations. We have learned that a more significant part of downtown New Haven's retail business comes from communities within a very convenient drive time to the proposed Mall site. For this reason, we ask the Corps to be cognizant of sales loss projections, distinguishing between centers within the region.

RESPONSE:

The EIS staff acknowledges your comments and concerns on sales transfers, and we will remain informed of the potential sales losses in the region. The draft EIS, section IV A 8.0 and appendix L, sections II A 4.0, III D 5.0, and III F address sales loss projections for the different retail centers in the region. In addition, the revised appendix L supplement also reports various sales loss projections in the information provided by Chung.

COMMENT 4:

We find the Corps' economic analysis deficient in its failure to determine how many retail stores may actually close in different communities within the region. We are aware that a consultant retained by the City of New Haven has interviewed a random sample of downtown merchants and has concluded that as many as 20% of the stores now located here could close immediately after the Mall's completion. If this is true, the impact of Mall operations will have a serious effect on the City of New Haven's tax base, far greater than the 0.3% drop projected in the D.E.I.S. (IV - 25). We ask the Corps to pay particular attention to the Phillips/Norwalk Company report being submitted by the City of New Haven to be aware of this impact.

RESPONSE:

Please refer to our response to comment PO-17 (#4) and PO-10 (#16). The final EIS presents and refers to the Phillips/Norwalk Company report in section IV A 8.2 and revised appendix L, supplement. The report by Chung, in the supplement, also projected a greater than 0.3 percent drop, indicating the potential for a 1.7 percent drop in the tax base. This will be considered by the Division Engineer in arriving at a permit decision. We note also that successful continuation of New Haven's current development initiatives in deepening the service economy and in financial, insurance, governmental, and other sectors would result in increases within New Haven's tax base, helping to counterbalance losses in the retail sector. Under those circumstances, improvements downtown, in the form of office buildings and ancillary uses, would help to offset any possible losses due to retail declines, which have occurred for many years without any influence from the proposed mall.

COMMENT 5:

From the City of New Haven's vantagepoint, significant service demands are placed on this urban community to care for the needs of people who are not able to be self sufficient. These burdens far exceed similar demands placed on other communities in the region. In addition, the city provides municipal services to facilities that are of benefit to citizens throughout the region. These include special resources in transportation, medicine, education, religion and entertainment. The burden of support for providing services to these institutions falls on the taxpayers of New Haven without public support from other area towns and cities. In the fiscal year ended June 30, 1981, only 58% of the city's general operating budget was met by revenues from taxes. It has become imperative for the city to increase this tax base because of cutbacks in funding which are being encountered in transfer payments from other levels of government. With this as background we believe the Corps should be cognizant of its public responsibility to avoid approval of a permit which could lead to any erosion in the city's tax base.

RESPONSE:

The Corps of Engineers acknowledges your views and intends to exercise its lawful responsibility under its regulatory authority, and it will result in a permit decision. We note your opposition to issuing a permit, and it will be taken into consideration by the Division Engineer in arriving at a decision.

COMMENT 6:

We respect the market opportunity that exists in the greater New Haven area, based on the absence now of major enclosed regional shopping centers and the statistics that reflect significant leakage of retail shopping out of this region, but we are concerned with the scale of what is being proposed for the North Haven Mall. We ask why the Corps can even consider accepting a project which will replicate every square foot of gross leasable retail sales area that is now available in downtown New Haven.

We are aware that the Corps will receive testimony from department stores which will refer to the ideal marketing strategy for them to have two stores, one to the north and one to the west of New Haven, to maximize penetration into this regional market. This strategy conflicts with this region's need to have new investment take place to attract increased numbers of customers to existing centers where thousands of retail store owners already have made their own investments. At a time of economic uncertainty and scarcity of financial and other resources, we cannot always respond favorably to "ideal" marketing strategies. Downtown New Haven still has highway and public transportation access to its retail facilities which is unmatched by any other community in terms of serving residents from outlying towns to the west, north and east within south central Connecticut, as well as from urban neighborhoods.

RESPONSE:

The Corps of Engineers is required under its regulatory authority to consider all proposed projects received in permit applications. The judgment of accepting or not accepting the project is not a matter for the EIS but will be the subject of the Division Engineer's permit decision, to be represented in the Record of Decision. Your other views and comments are noted for the record.

COMMENT 7:

What impact will the North Haven Mall have on local retailers?

In the Downtown Council's special role to increase local private investment to further the economic development of this center city, we are particularly proud of initiatives which have been taken by local retailers here. We believe that the Corps of Engineers has neglected entirely the impacts which would be encountered by existing retailers if the proposed North Haven Mall is built. We are particularly concerned about locally-owned retail establishments.

1. If the North Haven Mall is built and there occurs a serious loss of retail sales among existing merchants, this would result in a loss of market share for each affected store. This loss could have serious implications. In this economy most retail operators are surviving on very thin margins of profit. If sales volume is taken away, this could lead to a loss of profitability, which could threaten the very existence of the store. What can the merchant do under these circumstances to protect valuable market penetration? He can consider locating a branch store at the new mall. Now the significant question arises: How can the merchant afford to locate there? There are several options:

(a) He can invest new capital to underwrite the expenses associated with a store opening, including new fixtures and finishing costs, inventory, staff training and start-up promotional costs. These amounts are significant, particularly at a time of high interest costs, and in most cases may make expansion infeasible for the local small merchant.

(b) He can close an existing store within the region and move merchandise and personnel to the new facility. This decision reduces the new capital required for the North Haven Mall store opening, but the effect of the store closing hurts the community in which he was previously located.

(c) If the merchant perceives the new mall as catering to middle and upper income shoppers, he may adjust the quality mix of

merchandise now carried at his existing outlets. The better lines of shoppers goods may be shifted to a North Haven location, leaving lower-priced merchandise at existing stores to serve their captive markets. This would lead to an unfortunate segmentation of markets within the greater New Haven trade area.

All of these options have negative impacts and we ask the Corps to recognize the needs of existing merchants and the hardships which could result from the North Haven Mall, if built.

RESPONSE:

By the nature of your comment and its inclusion here, the EIS staff acknowledges the specific information you wished to be recognized. Thank you for your comments. These concerns will be considered by the Division Engineer in arriving at a permit decision. The impacts to retail businesses in the region have been reviewed in the EIS, section IV A 8.0 and in the appendix L, with supplement.

COMMENT 8:

If the investment required by tenants at the North Haven Mall is unaffordable or if the rent and other operating charges are too high in comparison to such payments at present locations, a merchant will be precluded from establishing a branch store there. However, this will not keep the Mall's developer from finding national chain stores with similar merchandise from locating there. In this scenario, what is the economic impact to this region of having the profits from such retail operations flowing out of this area? We ask the Corps to recognize our commitment to locally-owned enterprises and the need to further their opportunity to retain profits in this region so that they can be reinvested here.

RESPONSE:

Successful stores, as a matter of business, seek out locations of this type proposed at the mall to access the opportunities presented and to achieve their profit objectives. Both local as well as national chains operate under similar economic guidelines in the retailing field. Each group must cover the "cost of sales," which requires a substantial portion of business receipts to be devoted to merchandise and labor. Rents at a mall may be higher than non-mall locations for similarly sized space, but the volume of patron business often makes locating in a mall worthwhile.

In the case of local stores, the manager may be the owner who draws on "imputed" salary, whereas in the case of national chains, the salary is paid to the manager by the corporation. Both types of stores purchase goods and services locally and nationally, depending on the items stocked, so that there is no major difference here between a national or local store in their capital outlay within or outside the region.

Therefore, the only difference between the two relative to the location is the small portion of gross income that can be called "profit." For national stores, this profit will be returned to the parent company which may be outside the region. For locally owned stores, it is up to the individual store owner as to how and where the "excess" money is spent, saved, or invested either locally or outside the region. The EIS staff has not found any information that shows where and to what proportion local store owners spend these monies.

The Corps acknowledges your commitment to locally owned businesses and to the retention of regional retail profits.

COMMENT 9:

What will be the North Haven Mall's impact on this area's public need to create new jobs for unemployed citizens?

We recognize that the North Haven Mall, if built, will create new jobs in that community and may in fact create net new jobs within the region. The latter could be contested since inadequate information has been available to the Corps to-date on the number of store closings which might result from this proposed Mall.

If we assume for now that net new jobs will be available, we ask the Corps, when you consider "public interest", what arrangements have been made to train the region's unemployed to prepare them for these jobs and how will such citizens be assured adequate public transportation to these jobs?

It seems to us more responsive to encourage new retail development to occur again in existing centers which are conveniently located to present public transportation routes. The D.E.I.S. points out that there is only one bus route which now serves the Washington Avenue corridor through North Haven, providing only eight round trip busses on week days between New Haven and Wallingford. This is totally inadequate. If this bus service should be increased, is the Corps aware of any provisions or commitments which have been made by the Connecticut Department of Transportation to do so?

In reading the D.E.I.S. we found references to Connecticut DOT's response to this question as saying increased bus service "may" be possible. That kind of comment should be seen in the context of recent efforts by Connecticut DOT to cut back on levels of bus service in this region. Last fall representatives of this community had to turn out in large numbers at a public hearing to persuade the State from dropping all Sunday bus service. If expanded bus service is ultimately provided to the North Haven Mall site, will this be at the expense of reduced bus service elsewhere in the region? If so, what will be the residual economic decline at other locations from such actions?

RESPONSE:

The EIS staff believes that the region's need to create new jobs for the unemployed will remain an existing need. We believe that the proposed mall could offer a net addition of several hundred new part-time and full-time jobs to the region, but that it will not change the need to find jobs for the unemployed. The public-interest decision will take into account the potential effects on employment (final EIS, section IV A 8.4.2) as a result of the mall and the transportation issues involved. Training for the new jobs would be the responsibility of the specific stores doing the hiring. Bus service is limited and is stated as such in the draft EIS, section III D 4.0. Route changes to the existing service are being reviewed to facilitate Washington Avenue travel, but no commitments have been made by the Connecticut Department of Transportation. Changes being considered would reroute an existing line servicing the area now, rather than displacing or transferring some other route. Full consideration for rerouting may be premature at this time, since there is no mall and no mall-related demand to demonstrate that buses would need to be rerouted. At present, Connecticut Transit does not foresee changes in other routes, should the mall be constructed.

PO-22 New Haven Legal Assistance Association, Inc., 26 March 1982

COMMENT 1:

In particular, the DEIS is seriously deficient in addressing the concerns of low and moderate income residents of the New Haven area. The mall, duplicating in size the space of all of downtown New Haven is certain to draw off significant amounts of employment and opportunities for low and moderate income people to shop in the New Haven area. The DEIS, however, does not address itself to the increased economic inequalities and racial segregation and discrimination that the construction of the mall will necessarily bring about.

As is noted in the DEIS, New Haven and the region as a whole are suffering from high unemployment and a declining manufacturing base. One of the most significant sources of jobs for New Haven residents is in the retail trades. Since these jobs are frequently filled by young people and those with only high school diplomas, they are a prime job market for low income and minority population who have been economically and educationally disadvantaged for centuries. The construction of the mall by drawing off New Haven's resources will only further exacerbate the already disproportionately high rate of unemployment among the young and among minorities. This fact, however, is nowhere mentioned or discussed in the DEIS.

RESPONSE:

The EIS staff acknowledges your concerns and comments but does not believe that the EIS needs further evaluation. Employment impacts are

reviewed in the EIS, section IV A 8.4.2, which has been modified with additional information to indicate that the number of jobs held by minority inner-city people that may be in jeopardy would be small, approximately 15 to 27 who might not have transportation means to access the mall for reemployment. Also, see our response to comment PO-12 (#7) and appendix H, supplement.

The EIS, section IV A 8.2.3, presents the potential for store closings and, as such, the potential diminished opportunity for shopping in those locations. Stores catering to the low income consumers should not be substantially affected since these stores would not be in direct competition with the type and merchandising of mall stores. Access to stores for the moderate income consumers should not be an obstacle that would prevent shopping. Shopping opportunities would remain available either in New Haven, at the mall, or in a combination. There will be no substantive loss of shopping opportunities in the region for the moderate income consumers. Also, refer to revised appendix L and supplement and to our responses to comments PO-22 (#2) and L11 (#2). No information has been found or been received by the EIS staff that would indicate that there would be significant net impact to employment or shopping opportunity for the low- to moderate-income people that would require further evaluation. Throughout the extensive scoping process for this EIS, and the comment made on the draft EIS, the issue that the comment raises about economic inequalities and racial segregation and discrimination has not been identified to be a significant issue. The EIS staff believes that the comment reflects the opinion of the comment writer, and that additional evaluation is not necessary.

COMMENT 2:

The construction of the mall and the drain on the New Haven retail establishments will also severely limit the shopping opportunities for low and moderate income people, many of whom do not have private automobiles. As noted in the DEIS, there is presently only one busline serving the North Haven Mall area. While it might be possible with a sudden infusion of public funds to increase the number of available buses for the North Haven mall, such an infusion is extremely unlikely given the present economic and political climate. Thus, even if bus service were to be significantly expanded in order to provide enough services for the mall, this increase in bus service would only come at the expense of our metropolitan area which is already severely pressed by lack of adequate public transportation.

New Haven is the hub of the public transportation system. Conceivably, increased service from New Haven to the mall might make the mall accessible for those people who live in the central core of the city. Anyone familiar, however, with New Haven's population distribution would realize that there are very few low and moderate income people living in the center of the town. Almost all of New Haven's poor have to come into New Haven from one of the neighborhoods or outlying communities and there

would have to transfer to get the North Haven line. Increased service to North Haven would only make it that much more difficult for the poor people to get to the first stop of the North Haven transit system.

These transportation difficulties affect both employment and retail opportunities. In the past, we have observed that many of our low and moderate income people have extreme difficulty getting even to Pratt and Whitney located in North Haven. Despite the large number of people working there, there has never been decent public transportation particularly for people working odd shifts. This would also be true of employees at the North Haven Mall. In short, the North Haven mall would provide a boom in employment for residents of North Haven and nowhere else at least insofar as low and moderate income people are concerned. The construction of the mall would further the economic and racial divisions in the region, keeping poor people poor, unemployed and economically disadvantaged.

The failure of the DEIS to adequately address these concerns is an extremely serious flaw. There is adequate information in HUD's community impact study attached as Appendix R to demonstrate the seriousness of these concerns. Despite this information, the Corps DEIS is silent on this issue. We would ask and insist that these matters be addressed at length in the final Environmental Impact Statement in order to bring this into conformity with controlling Federal law and regulations.

RESPONSE:

The EIS staff acknowledges your concerns, but recognizes that there will be poor and some moderate-income people who would not have direct or possibly affordable access to the mall to shop. We further recognize that these people may not be able to afford shopping at the proposed mall. Phillips/Norwalk (revised appendix L, supplement) presents the potential for store closings, which indirectly provides an indication for lost retail opportunity of approximately 25 percent at New Haven's downtown stores. The specific stores that may close cannot be identified, since this is a matter of each existing facility's ability to compete. It depends on their retailing strengths, their merchandising and management decisions, the service they provide, their product line, and their customer clientele loyalty. In Phillips/Norwalk's merchant survey (exhibit 8), 7 of the 41 merchants surveyed indicated that their primary trade was with budget, minority, or moderate-income customers. All of them expected to retain their downtown stores despite some anticipated potential losses. One merchant indicated it would reassess its downtown location when its lease expires in 1986.

Since the publication of the draft EIS, Connecticut Transit has significantly improved the Route C bus line, which brings fairly frequent service within two-thirds of a mile of the mall and some service within a quarter of a mile of the mall (see response to comment PO 12 #7). This service was improved largely to encourage "reverse commuting" to the large

employment concentrations, including Pratt and Whitney, located in North Haven. A study entitled Reverse Commuting, Regional Planning Agency of South Central Connecticut, October 1979, stated that "available data indicated that minority workers will use good transit service to reach suburban job sites."

Most likely, the existing retail stores that cater to the poor and low-moderate incomes would not be seriously affected by the proposed mall, since they would not be in direct competition with the line of goods to be sold at the mall. Effects on the numbers of New Haven inner city people who may lose opportunity for employment have been added to the EIS, section IV A 8.4.2, and are included in revised appendix L, with supplement, and appendix M, supplement. The EIS staff believes that the EIS sufficiently addresses the potential transportation, economic, and employment impacts (EIS, section IV A 8.0 and revised appendix L, with supplement).

COMMENT 3:

Finally, I must note that despite the profound impact that building the mall would have on our client community, our clients have been excluded from the planning and review process. The fact that the hearings on the DEIS were held only in North Haven is an example of this. On behalf of our clients, we request that hearings be held in New Haven so that affected people who do not have access to an automobile can comment. In addition, we request an additional thirty days to submit more detailed comments.

RESPONSE:

A direct response has been made to you in a letter on 26 July 1982 from Colonel C. E. Edgar III, Division Engineer, addressing your request for additional hearings.

PO-23: Rev. Diehl - North Haven Congressional Church, 17 March 1982

COMMENT 1:

General Comment

RESPONSE:

Thank you for your comments. The EIS staff acknowledges your opposition to the proposed project. It will be taken into consideration by the Division Engineer in arriving at a permit decision.

PO-24: Norris Andrews, SMSA Census Tract Person

COMMENT 1:

NOTE: See FEIS, volume 2, Comments, for the full text of the comment and for the tables.

At your request, I reviewed the Technical Memorandum Economic and Land Use Impacts prepared by the Gladstone Associates, January, 1981. On October 15, 1981, I provided the Corps with five tables which update the population tables prepared by Gladstone which were based on estimates prior to the release of the 1980 Census.

I find that in the final draft of the EIS dated February, 1981, no effort was made to use these most recent figures. I am sure that the Consultants felt that the Census count and the projections to the year 1990 based on the final 1980 figures prepared by me would have neglible affect on their findings. I believe that the Corps should have directed the Consultant to provide the most recent and official population count because of the critical role such numbers perform in estimating the availability of shopper dollars. As a result, I question many of the Consultant's assumptions on future growth.

I also prepared a table based on a projected population in 1990 which I believe reflects more accurately the population of the region. This table is based on the premise that a significant number of persons housed in group quarters should not be considered in determining the purchasing power in the trade area. As an example, approximately 5000 persons living in group quarters in New Haven are within a quarter mile of a wide range of goods at the Yale Co-Op. Is it logical to include this number representing two to three million dollars of GAF purchasing power? And what about those in hospitals, convalescent homes, jails, etc? I submit that there is logic in this position which would significantly change the final report.

The Tables have been appended to this statement, and I request that they be included in the record of this hearing.

RESPONSE:

The updated population tables provided in your 15 October 1981 letter were received by the EIS staff, who required the applicant to reassess the retail impact based on these figures, without deviation. The results of that evaluation were reported in the draft EIS, section IV A 8.2, for the 1990 zero-percent income-growth scenario. It showed that the retail loss could be increased to 9.5 percent from the 8.3 percent previously reported for New Haven, a 14 percent difference as a result of the new population figures. See the EIS for the results determined for Hamden's Magic Mile and the remainder of the metropolitan area. The final EIS has been modified to show specific reference to you for that data. The population

data submitted 15 October 1981 appears the same as that in the tables submitted with this comment. Further evaluation, based on the 1980 (latest) population statistics, has been developed and included in the revised appendix L to the final EIS.

The text of the remainder of the comment presents an alternative forecast of regional purchasing power based on assumptions different than those used in the draft EIS regarding (1) population and per capita income, (2) residents of group quarters, and (3) percent of income devoted to shoppers' goods.

Population and Per Capita Income

Appendix L has been revised to reflect information available from the 1980 census. Thus, the analysis appearing in the revised appendix L uses 1980 census population and income data as well as 1990 population forecasts prepared by the Connecticut Office of Policy and Management (based on the 1980 census and released in the fall of 1982).

This census information revealed that the per capita income estimates used in the draft EIS were too low and that this underestimation of income more than offsets the slight overestimation of the region's population. As a result, the purchasing power of the region's residents both now and in the future is greater by 2 percent than that originally presented in the draft EIS. (see table 1 attached).

Residents of Group Quarters

The comment suggests removal of residents of group quarters from the "consuming" population. This removal is not fully correct because: (1) people who reside in "group quarters" include college students, members of residence homes (not necessarily nursing homes), etcetera. These people certainly shop. In fact, the students and personnel associated with Yale University represent a sizable captive market for the New Haven CBD; and (2) the calculation of per capita income is derived by dividing information on total income by total population. If population is lowered, the per capita income of the remaining population would have to be adjusted upward accordingly.

Percent of Income Devoted to Shoppers' Goods

The comment suggests using a lower proportion (12.5 percent) of income for shoppers' goods than was used in appendix L (13.5 percent). This suggestion is based on the 12.6 percent GAF sales figure for the State of Connecticut and the author's perception that dollars available for shoppers' goods will decline in the future.

The 13.5-percent figure remains reasonable and valid for use because:

The 12.5-percent figure is derived from statistics for Connecticut as a whole. In these studies, shoppers' goods were

apparently limited to general merchandise, apparel, and furniture (GAF) and they did not include other miscellaneous shoppers' goods items (GAFO). For 1977, these "miscellaneous items" accounted for over 10 percent of shoppers' goods sales in the region.

The 13.5-percent figure is suitable because it was based on spending patterns over a wider geographic base (southern New England) and therefore accounts for much of the leakage between smaller areas and more accurately represents an area in "equilibrium" (that is, no net inflows or outflows), which is required to determine a correct reading on purchasing power; (2) this same data on southern New England indicated that the percentage of income spent on GAFO goods remained the same between 1972 and 1977 (13.6 percent); and (3) it includes all shoppers' goods sales.

As a result of the low-end assumptions the comment suggests, the estimate of 1990 regional purchasing power available for shoppers' goods is fully 11 percent lower than that using other fully valid and reasonable assumptions and data (see attached table 1).

Table 1.

North Haven Mall Trade Area
1990 Shoppers' Goods Purchasing Power
0 Percent Income Growth
(1977 millions of dollars)

Town	Updated appendix L	Draft EIS	Comment PO-24(#1-6)
North Haven	22,815	22,583	20,427
New Haven	83,796	92,119	72,035
Wallingford	34,732	32,536	31,125
Hamden	49,010	45,417	42,254
North Branford	10,365	9,455	7,945
East Haven	19,489	17,689	15,595
Bethany	4,672	5,054	5,247
Woodbridge	12,965	13,306	16,841
Orange	16,284	16,754	17,862
West Haven	43,144	41,445	35,588
Branford	24,505	22,097	23,954
Guilford	19,516	17,370	19,837
Madison	16,978	15,211	18,407
Clinton	10,208	9,599	8,248
SMSA	363,479	360,635	335,365
Durham	5,409	5,541	4,429
Middlefield	3,740	4,122	3,548
Meriden	47,756	45,187	37,961
Chesire	24,963	26,285	23,076
non-SMSA	81,868	81,135	69,014
Total area	450,347	441,770	404,379

PO-25: Stop the Mall/CCAG, 16 March 1982

COMMENT 1:

Stop the Mall/CCAG emphatically rejects the position that the proposed North Haven Mall is the best possible use of the site in question.

It may be true, as summarized in Table 4 of the DEIS, that no other alternate site would satisfy the need for increased retail activity in the region (granting that there even is a need conforming to the developer's description). This does not mean that the Mall is the best possible use for this piece of property in North Haven.

RESPONSE:

General comment expressing the opinion of the author. The EIS staff acknowledges your comment and notes it here for the record.

COMMENT 2:

The DEIS claims, "Mall operations would create a net addition of 1250 to 1400 permanent jobs." (DEIS Summary) We ask what kind of jobs? Not the highly desirable, often unionized, jobs associated with industrial development and capable of supporting families, but rather the traditional low grade (average salary $6800 per annum--obtained by dividing $9.5 million by 1400, dollars per year by no. of jobs, figures from DEIS summary) clerk and attendant type jobs associated with retail development. We cannot envision many primary breadwinners rushing to apply for jobs such as these.

The DEIS claims that operation of the mall "would result in long-term secondary economic benefits of between $20 to $24 million annually." (Summary) We ask assuming what economic conditions? Retail operations may bring money to the region but they do not create money. The retail process is itself dependent upon the amount of money being created in the first place. Retail revenue is a dependent source of revenue, not an independent one. We say, let us truly develop the economic fibre of North Haven by using this land for production-oriented, i.e., industrial, development. Let us make North Haven a center of independence, of money production, not of economic dependence upon other levels of the economy, elsewhere. This would also be in keeping with President Reagan's plans for reindustrializing the country (and, by the way, retail development is against the spirit of his anti-inflationary programs, which are oriented to saving money, not spending it). Explicit national priorities such as these are not even mentioned in the DEIS.

RESPONSE:

The kind of jobs and the number of them to be filled for operating the proposed mall were stated in the draft EIS, appendix L, section II C 2.0. The inference of their desirability lies in the opinions of the commenter.

The economic conditions assumed were those that existed and were projected at the time the draft EIS and appendix L were written in August 1981.

Local and national economies are based on many diverse elements of fiscal and monetary policies and on the health of the commercial/industrial sector. The production of goods and their sales are integral business components which are strongly related. Both are important elements of the economy and jobs are necessary in both. The EIS staff has no evidence of any policy that sets one as a priority while discounting or restricting development of the other.

COMMENT 3:

Table 4 of the DEIS summarizes the position that industrial development of the site is not likely due primarily to competition from other sites, two of which are in North Haven. We say -- firstly, North Haven has always been a very strong competitor for this type of development; there is no reason at all to assume the contrary for the future, especially since this particular piece of land does have, by the developer's own admission, a highly strategic location, and in addition enjoys the low mill rate of North Haven in general. Secondly, even granting that for the present there would be difficulty in attracting an industrial park development to this land, it is not necessarily a disadvantage that, of three possible sites, two be developed together and one lie for a time quiescent as a potential for future development, over the long run. Why waste this potential on an instant bonanza that may be exhausted in 25 years, and that is, in any event, parasitic on the state of the economy in general and not a primary contributor to it? Over the long run, as developable land becomes a premium, and as we as a Town will want to continue to grow, we will not want to feel completely boxed in by earlier committments, or to have to begin by tearing down the empty shell of what had been a spurious economic miracle.

RESPONSE:

The EIS staff has no substantive or new information that would indicate that industrial development is viable or foreseeable at this site, even though we recognize that it is possible from an engineering standpoint. Also, please refer to our response to comment PO-10 (#1).

PO-26: Yates, Yale School of Organization and Management, 12 March 1982

COMMENT 1:

Put simply, I believe that New Haven has been working industriously and creatively to maintain and improve its social and economic base through various economic development strategies and that the Mall constitutes a massive threat to the City's well-being and to the well-being of the metropolitan area of which New Haven is the historical and present center. Second, I am greatly dismayed by the character and analytical quality of the arguments put forward on behalf of the Mall. I take it that the burden of proof is on the developers to show that their proposed Mall is in the public interest. For reasons given below, I believe that that case has in no way been made satisfactorily or even credibly and that the process of deliberation by which the merits and demerits of the Mall are being considered are greatly inadequate. In sum, I believe that the Army Corps faces a decision of the utmost gravity for the future of the New Haven area and that it would be a travesty to sound metropolitan planning and a major blow to the public interest of the broader New Haven metropolitan community if the Mall were to be built.

These comments are of a general character. Let me make my concerns and criticisms more concrete. My concerns involve matters of process and substance, both of which under law should be of clear relevance to the Army Corps in its deliberations.

Issues of Process

1. I find it troubling that the Corps seems to have largely delegated the analysis of the Mall's merits to the consultant for the developers. This seems a prima facie violation of the Corps' requirement to provide due process to the opposed parties in the dispute.

2. It appears to me that the consultants for the Mall have totally failed to perform one essential phase of analysis: A consideration of alternative proposals to the Mall such that the Army Corps and the public would have some reasonable basis for evaluating the merits of the case. This, in my view, is a second grave procedural defect in the present deliberations.

RESPONSE:

The EIS staff refers the commenter to our response to comment PO-12 (#1) over the issue of using information developed by the applicant.

The EIS staff believes that all information on alternatives has been considered and that the EIS addresses the reasonable alternatives that are practical and reasonably foreseeable in providing the retail goods and services for which the mall has been proposed.

COMMENT 2:

Issues of Substance

1. The factual evidence related to how the proposed Mall would affect retail shopping in New Haven and the region is at best uncertain and at worst lacking in my professional view, any minimum level of statistical credibility. We are confronted with conflicting estimates of the proposed Mall's impact; indeed there are serious conflicts of facts and estimates even within the consultant's own report. I do not believe that any reputable social scientist would say at present that adequate evidence has been presented to justify a determination that the benefits of the Mall outweigh its costs.

2. In the absence of any analysis of alternative proposals, no professional social scientist or urban scholar could possibly offer a valid benefit-cost appraisal of the Mall. Analysis of such alternatives has at present not been performed. For this reason too, I conclude that the burden of proof on those who would develop the Mall has plainly not been met.

3. The existing benefit-cost analysis seems to me to be constructed in an overly narrow way. Specifically, I feel that the imagined needs of retail shoppers, in general, are a sufficient test of public need.* I would urge the Corps to consider, in particular, the interests of elderly, low-income, and minority shoppers whose retail needs are presently met most directly by New Haven's CBD and who would be most adversely affected by a decline in the City's retail base.

4. I also believe, in terms of the public interest criterion of judgment, that any assessment of "unmet public needs" must also take into account the status and future of existing public needs already being served in the New Haven metropolitan area. For there is no apparent reason to me, on the face of it, to weigh the satisfaction of some imagined unmet public need more heavily than the satisfaction of existing public needs. Indeed, given an uncertain economic future and the inherent vagary of an assessment of "unmet public" needs, I would think that the protection of present public need should be of primary importance to the Corps. On this point, any proposal for retail development that undermines the capacity of New Haven to meet the existing needs of its people and those in surrounding areas would strike me plainly as being against the public interest, as we can best apply that standard today. There is a fundamental equity issue here also, for any damage in New Haven's retail base would likely have serious adverse effect on the poor and elderly.

*This comment letter was resubmitted by the City of New Haven and modified to read: "Specifically, I feel that the imagined needs of retail shoppers, in general, are an insufficient test of public need."

RESPONSE:

The commenter is referred to our response to comment L12 (#5). The issue of balancing public interest and need will be deliberated by the Division Engineer in arriving at a permit decision and appropriately, will not be weighed in the EIS. The Record of Decision will present the considerations of the public interest decision for weighing the needs that have been identified in the full record with the other public-interest factors. The EIS presents the needs that have been identified for which the proposal has been submitted. The permit decision, then, is the judgment as to whether the project is needed relative to other public-interest factors.

COMMENT 3:

More broadly still, I do not see how one can make any sense of the public interest issues involved in the Mall proposal without considering the political, social, and economic needs of the New Haven metropolitan area as a whole. Now as before, New Haven is the nerve center and service center of that metropolitan community and provides a wide range of "public goods" to the larger area that any decline in New Haven's service-providing capacity would adversely affect. To underscore this point, the public needs not only of New Haven but also of the larger metropolitan area are, in my view, at stake in the Mall decision and any damage to the central nervous system, the CBD, must be considered as carrying with it substantial costs to the broader metropolitan area. Obviously too, any direct damage to the socioeconomic fabric of the City of New Haven would constitute an injury to the largest "public" or "community", whatever phrase you prefer, in the area, and I believe this argument should count heavily in any attempt to evaluate the impact of the Mall in terms of the larger public interest.

The alternative to the above line of reasoning is to view New Haven as properly the provider of free goods, indeed, as somehow a free good itself as the centerpiece of the area and that image seems in common sense to be highly mistaken. If indeed we viewed New Haven now or in the immediate future to be just one of a score of relatively equal size, competing jurisdictions in the area, then I would view the matter very differently. But plainly New Haven is <u>not</u> just another suburban town competing with another town for retail sales. It is the primary producer and provider of goods and services in the area and to deny this elemental fact is to do injury to all that we know in urban studies about the dynamics of development and deterioration in urban and metropolitan areas.

I have written these observations in a short space of time to permit their inclusion in your preliminary comments on the EIS. I would be pleased to give these arguments further elaboration if that would be useful in your pending deliberations. I attach a copy of my curriculum vita to substantiate my professional experience in urban government and in scholarly research related to urban affairs.

RESPONSE:

The EIS staff acknowledges your observations and concerns and we note your position on the proposed project. These will be taken into consideration by the Division Engineer in his deliberations for a permit decision.

PO-27: Lindblom, Yale University Institute for Social and Policy Studies, 24 March 1982

COMMENT 1:

(NOTE: Please refer to FEIS, Volume 2, for full text of this comment. Specific excerpts are presented below to highlight and abbreviate the comment).

> "So your EI statement is, roughly speaking, a document written by agents of the developers. Such a procedure is indefensible and is evidence that the Corps has not discharged its responsibility."
>
> "The Corps might make the defense that it had no studies to go on other than the developer's. To that defense there are at least two objections.
>
> "The first is that one would in that case expect the Corps to take account in its EI statement that its documentary resources were all provided by the developer . . . and if that is so, the Corps is, again, defaulting on its responsibilities.
>
> The second objection is that, if all your studies have been coming from one source, clearly you ought to arrange for--and finance--others."
>
> "These objections that I am raising--like some raised in my earlier letter to you--are what might be called due-process points. They ask that you do your job, that you do not mindlessly accept whatever the developer's studies tell you, that you give us evidence of some serious scrutiny of the issues. These objections do not say that the developer's studies are wrong on any points. They simply say that whether they are or are not you do not seem to have bothered to ask. A most extraordinary default. As you know, the historical and social science literature on the Army Engineers records, along with the Corps' accomplishments, some deplorable lapses, as in some flood control and river projects. So far as I can tell from your EI

statement, you stand at the edge of a lapse that you can avoid only by declaring your independence from the developer's studies and showing some evidence of your own thinking."

RESPONSE:

The EIS staff acknowledges your position on these issues: however, we believe that we are meeting our responsibilities in preparing the EIS. Our views are presented further in our response to Comment PO-12 (#1).

PO-28: Dow, Yale University Institute for Social Policy Studies, and 26 March 1982

COMMENT 1:

General Comment

RESPONSE:

No response needed.

COMMENT 2:

Treatment of gross benefits as net benefits.

Repeated references are made to a "currently unmet public need for retailing services." Given anticipated low rates of population growth in the New Haven SMSA, and small rates of growth in real per capita income over the next decade, the source of this need is hard to see. In particular, even if the mall's profitability were assured, the public "need" for the mall cannot be well measured by its expected revenues, or indeed by its profitability.

The latter approach gives insufficient weight to the possibility of meeting future demands for shoppers' goods from alternative outlets, existing or anticipated. Only a slight difference in convenience or diversity of products might be enough to divert customers away from other outlets and make the mall highly profitable, but the economic benefits to the public of having the mall could still be slim. Similarly, the Gladstone report treats construction of the mall as an "incremental supply" of retail floor space, with 817,000 s.f. of the mall devoted to shoppers' goods (p. 1 of Appendix L). Elsewhere in the same report, up to 311,000 s.f. of floor space are projected to be lost in the New Haven SMSA (p. 92). Given the low degree of overall economic growth forecast, and the emphasis on diverting sales from non-SMSA retailers, it is reasonable to suppose that a large amount of retail floor space may also be closed down outside the SMSA. The true incremental supply of floor space attributable to the mall then appears rather minimal.

A large increase in demand for shoppers' goods might well justify construction of new floor space, and a reasonable case could be made for this construction to occur in North Haven, rather then some other location. However, if the effect of the mall is largely to displace existing retailers both in and out of the SMSA, the case is far less convincing, particularly if the value of existing retail facilities in other uses is low.

True incremental benefits from the mall to consumers could include increased shopping convenience in the form of reduced travel time; an enhanced range of products; and perhaps greater price competition among area merchants. Against these must be set costs which would not be incurred in the absence of the mall. Prominent among these is the burden of adjusting to new market conditions, which the mall will impose on merchants whose businessess may close and workers who will be laid off. I don't know the magnitude of these costs, but they are given far less attention in the Gladstone report than are projections of mall revenue. Since much of the mall's revenue will originate from transfers of business, rather than by accomodating a genuine increment in regional demand, serious, detailed attention to adjustment costs is in order.

RESPONSE:

Assuming that a reasonably defined trade area has been outlined, there is a current unmet need for retailing services in the New Haven-West Haven SMSA. This is evidenced by the fact that in 1977 almost $72 million of the region's consumer dollars devoted to shoppers' goods purchases were spent outside the region. This "leakage" was due, in part, to the fact that the region is one of the few urbanized areas lacking a quality major suburban shopping center containing a broad array of national and regional stores. Moreover, alternative ways of meeting this demand were explored in detail in appendix Q. It was concluded that no reasonable and foreseeable alternative existed for meeting the retailing demand in the SMSA. In addition, this demand is not dependent on large rates of regional population and income growth. Rather, under 0-percent income growth and modest population gains of about 2.5 percent between 1977 and 1990, more than two-thirds of the proposed mall sales will be derived from the "recapture" of the region's purchasing dollars, as well as the improved inflow of shoppers' goods dollars from nonregional residents.

At the same time, revised appendix L recognized that a portion of the mall sales would present transfers from other regional locations. In order to present "worst-case" impacts and consider the "burden of adjusting to new market conditions," it was assumed that sales losses sustained would translate directly into floor space and employment losses. Overall then, after accounting for these losses, the region would stand to have a net gain of 637,000 square feet of floor space and potentially 1,150 retail positions.

Appendix L recognized that translating sales losses directly into floor space and employment losses reflected a type of worst-case condition, since this translation fails to account for either the potential continued operation of an establishment with a lower productivity level or the use of that space for other purposes. Also important is the point that the link between sales losses and other impacts becomes even weaker where the market supports for retailing have not been firmly established.

The focus of this EIS was the New Haven-West Haven SMSA, and as such efforts were directed toward determining demand and supply conditions in that region. However, the mall will also divert sales dollars from such diverse locations as West Farms Mall in Farmington/West Hartford, Meriden Square, Connecticut Post, and others. These sales diversions are coming from residents essentially of those towns that are within the overlapping trade areas between the North Haven Mall and any of these other locations. At the same time, the analysis conducted regarding growth in purchasing power and retail demand associated with these nonmetropolitan locations are limited again only to those towns within the overlapping trade area. In the example of West Farms Mall, purchasing power within the overlapping trade area is only a small proportion of the demand represented by the West Farms total trade area. This analysis has not attempted to evaluate retail market conditions within the trade areas served by these nonmetropolitan locations. In the example of West Farms Mall, this would have necessitated an evaluation of potential demand growth and other market conditions within the greater Hartford region. Thus, although on the surface there appears to be a significant sales loss in other nonmetropolitan locations, this loss is spread over several centers and may well be offset by gains in purchasing power and retailing changes in these other regions. It is recognized that there would be sales diversions from these areas. Please refer to revised appendix L and its supplement.

The weak link between sales losses and, for example, floor space losses in nonmetropolitan locations is best illustrated by the Meriden example. If it is assumed that towns in the North Haven Mall trade area would account for the same portion of Meriden sales in 1990 as they did in 1977, the analysis indicates that 10-15 percent of Meriden's retail sales could be diverted to the mall. Most of these diversions would come from Meriden Square, whose two anchors are also represented in the mall. Thus, these anchors have chosen lower productivity at their Meriden location in order to better serve their clientele in the North Haven trade area. There is no reason to expect that either these anchors or the smaller mall stores associated with them would close their doors. Thus, in a nonmetropolitan town anticipated to sustain a sizable sales impact, no floor space loss is envisioned. (See also our response to comment P018(#4) and P018(#34)).

COMMENT 3:

Arbitrary boundary assumptions.

The Gladstone study stresses the concept of "sales leakage." The impact of the mall is assessed through its impact on the New Haven SMSA alone, and leakage is defined relative to this geographic area. Any attraction of sales into the SMSA by the mall is considered "good", while purchases by SMSA residents in other areas are considered "bad".

This formulation is wholly arbitrary. If the relevant unit for analysis were the State of Connecticut, many of the seeming "benefits" of the mall would become mere transfers, similar to transfers of business between Hamden and North Haven. Alternatively, if the analysis were restricted to effects on the city of New Haven, the mall would create enormous "sales leakage" from New Haven to North Haven.

Representatives of local governments properly and understandably regard their own cities as the relevant units for impact analysis. However, the Army Corps of Engineers should rightfully take a broader view. The only boundaries for analysis which are not arbitrary are ones which include all citizens affected by the mall. From this standpoint, disruptions imposed on persons outside the SMSA are just as deserving of study as disruptions and transfers within the SMSA. However, "reversing sales leakage" (actually in 1977, there was a net inflow to the SMSA of $28.6 million) is repeatedly and erroneously cited as a benefit of the mall.

RESPONSE:

The concept of extending the boundaries of study to include every possible citizen potentially affected by the proposal is beyond the scope of this report for considering significant impacts. Even if this could be accomplished, the cause of the impact and its point of discernability become uncertain at best. The EIS staff has no new evidence or data that would indicate a need to change the area of market and impact review from that reported in the draft EIS.

Boundary definitions for various geographic units used in appendix L and its revision were not arbitrarily set. The 18-town study area was based on careful examinations of existing market conditions, current highway networks, and intervening competition that led to a definition of the anticipated principal market areas for the North Haven Mall.

Second, the concept of metropolitan areas, or SMSA's, is a long-established and accepted principle in the fields of economic and other analyses. These definitions, as established by the U.S. Bureau of the Census, are frequently reviewed and often refined to reflect current economic conditions and to closely reflect areas that work as a single overall economic unit.

The concept of sales leakage is also a known principle, one that can be related to the concept of public need. Given the location of the proposed North Haven Mall in relation to the population centers of the New Haven-West Haven SMSA, the spending of retail dollars outside the metropolitan area by metropolitan residents shows the existence of unsatisfied retail demand in the metropolitan area. If one were not to draw such boundaries, there would never be by definition, any unmet demand anywhere, since statistically the existence of demand is measured by actual sales and, therefore, all demand is satisfied regardless of where such sales occur in relation to the consumer's residential location. Without some reasonable sense of local supply serving local demand (within a regional perspective defined by typical driving time and retail choice) an evaluation of demand, or public need, would be useless.

There appears to be a considerable sales loss in non-SMSA locations. This loss is spread over several centers and may be offset by gains in purchasing power and other retailing changes in the trade areas of those other centers. Also, these losses are even less likely than SMSA losses to translate into floor space and employment losses.

COMMENT 4:

Failure to account for uncertainty.

Most numerical estimates of the mall's impact are given as flat assertions, without any indication of the range of uncertainty which exists. For example, a fundamental number is the estimated mall revenue of $85 million/yr. by 1990. Uncertainty here creates uncertainty about many other estimates: property tax reductions in the city of North Haven; effects on established businesses both inside and outside the SMSA; unemployment induced in New Haven and elsewhere; net job creation; effects on tax bases in other communities; etc.

On pp. 77-79 of Appendix L, there is a brief, superficial discussion of the risk of mall failure; this prospect is dismissed out of hand, and possible consequences are minimized. This is the only recognition I have been able to find of the fact that the $85 million revenue prediction is less than a sure bet. Whatever one may think of the prospect that the mall will fail, it is surely important to discuss the probability that annual revenue will eventually be $100 million or $50 million, rather than $85 million. After all, this is a projection eight years into the future, and the mall is an investment project with impacts ranging into the next century.

One way to deal with uncertainty is to have independent studies made, and then examine the range of estimates one receives. If funds for this are lacking, the mall developers could be required to report on the history of similar projects in other places, and to examine the eventual range of outcomes. A third way, less desirable but better than nothing, is to investigate the sensitivity of the developers' conclusions to the

assumptions they make. For example, if the mall has revenue of $75 million, how drastically would its impact be changed? Such questions receive virtually no attention in the Gladstone report.

RESPONSE:

The EIS staff believes that "uncertainty" has been accounted for in the EIS. For example the EIS reviews the range of retail impacts based on two income scenarios (0 percent and 1 percent) and gives this range in section IV A 8.2 and in revised appendix L. Now in addition, the final EIS also presents other retail impact percentages as indicated from other studies which are presented in revised appendix L supplement. As such, the EIS and appendixes cover the range of impacts from the possibility of business failure to the possibility of a successful retail venture causing retail sales transfers in other parts of the region. In particular, the final EIS indicates a range of potential impact to New Haven's CBD of between 9.2 and 20 percent of shopper goods sales, defining and affirming the potential for the low and high end.

The EIS staff believes that the review of economic impacts based on the revenue projections presented in revised appendix L represents a reasonable estimate of the anticipated impacts, which accounts for some uncertainty. Analysis that would use higher or lower revenue projections would obviously result in greater or lesser impacts to some proportional amount, but we do not believe any further analysis is necessary since the projections cover the range from mall failure to a revenue of $85 million. By including in the EIS the potential for a greater impact than solely reported in revised appendix L, the impact projections cover the range of uncertainty.

For the impacts reported in appendix L and its revision, we believe that uncertainty was also accounted for in several ways. First, certain key factors - notably, real-income-growth assumptions and population projections - have been set at varying levels and the impact analyses carried out to assess the sensitivity of resultant impact conclusions. Information in appendix L to the draft EIS accounted for preliminary population projections made by local officials in addition to the published population figures. Modifications to appendix L now include the latest population statistics, thus serving as a sensitivity test to the previously generated information. This also serves to develop a range and an elasticity to the impact projection.

Second, alternative methodologies - especially with regard to the methodological procedures for allocation of transfer sales dollars - have been incorporated. In the case of the transfer impact analyses, one methodology is that proposed by Mall Properties, Inc. (Gladstone Associates) and the other (carried out by Gladstone) is that suggested by Real Estate Research Corporation, who independently reviewed appendix L under contracts to the U.S. Department of Housing and Urban Development. This appeared in appendix L to the draft EIS and is the methodology used to develop the revised appendix L, released with this final EIS.

Third, in successive rounds of impact evaluations, appendix L generally stated such impact conclusions within the ranges suggested by these principal assumptions. That is, net job and fiscal impact were traced through different scenarios suggested by the varying income and population assumptions. If alternative assumptions and ranges of value were placed on every successive layer of analysis and associated variable, the analysis would have become unwieldy and, at best, difficult to interpret. In response, appendix L adopted a conservative approach. Specifically, with regard to retail space impacts (and associated fiscal and job implications), it was assumed that there would be a full and direct causal relationship between sales losses, job losses, space losses, and tax revenue losses when these impacts were quantified. The reality is that there are strong probabilities that such a full and direct causal relationship would not actualize. As discussed in appendix L, continued utilization of affected floor area by present or alternative uses would help to negate a portion of these impacts. However, appenidx L did not attempt to quantify these mitigated impacts but rather presented the direct potential as a type of worst-case scenario.

Last, the retail sales at the mall may have been overestimated by using productivity values that are higher than the norm. Refer to our response to comment PO-21 (#2). Also, by including 30,000 square feet of the G. Fox store, which may never be built, the revenue figures included productivity that may not occur.

COMMENT 5:

Specific Questions

The preceding considerations have led me to the following questions, which ought to be answered with reasonable assurance before the mall's impact can be fully evaluated.

Magnitude of benefits from enhanced competition.

The Gladstone report cities increased competition as a consumer benefit, but on the other hand, asserts that the mall will not be in direct competition with most existing retail outlets (such as discount houses and convenience stores). If the second point is true, it suggests that price reductions will in fact be negligible. What retail outlets are expected to be in direct competition with the mall? What percentage reductions in their prices can consumers expect? What is the aggregate annual value of these price reductions over the market area affected, using current sales as a base? What will be the total value of price reductions to consumers after transfers of sales among retailers are taken into account?

RESPONSE:

For those stores that will compete with the mall, there should be a higher degree of competition leading to increased "price value" (in terms of better quality and/or services for prices charged) than would otherwise be obtainable. No attempt, however, was made to quantify such price values, since such an attempt would be unreasonably theoretical. It is, however, reasonable to assume that development of the North Haven Mall should not contribute to increased prices, because it is not a singular regional retail monopoly that controls price levels. Rather, it would be an aggregate of stores to serve a range of consumers with a greater amount and variety of merchandise. Also, see our response to comment PO-18 (#5).

Other than the price-value relation, there would be benefits to the consumers in the form of increased availability of a varied array of goods and services and improved opportunities for comparative shopping within, generally, a closer proximity of their residential location.

Although it is true that the North Haven Mall is not anticipated to compete directly with the numerous discount centers and convenience retail establishments scattered throughout the metropolitan area, there clearly will be a certain level of competitive retailing between the North Haven Mall and the New Haven CBD, as well as the Magic Mile and other selected centers. This level of competitive impact is the principal focus of appendix L. If there were no such increased competition, there would be zero retail impact on existing centers.

COMMENT 6:

<u>Economic overlap in market areas for New Haven CBD, "Magic Mile," and North Haven mall.</u>

Figure 13, p. III - 16, presents a geographic description of the market areas served by each of these business districts. On the basis of this, it is claimed that trade area penetrations are "substantially different". However, all three areas include New Haven, North Haven, and Hamden, which account for the bulk of population and personal income in the SMSA. What is the extent of overlap for each market area shown in Figure 13, measured by a) population; b) aggregate real income; c) expenditures on shoppers' goods?

RESPONSE:

The market areas for the New Haven CBD, Magic Mile, and North Haven Mall all include New Haven, North Haven, and Hamden, which do account for substantial population and personal income concentrations within the metropolitan area. Nevertheless, these market areas are substantially different. The total area under consideration includes the 18-municipality market area anticipated to be served by the North Haven Mall. The Magic Mile shopping complex in Hamden currently serves 9

municipalities as its principal market area (recognizing that a certain percentage of sales always comes from outside a principal trade area) and excludes the following towns which are within the North Haven Mall trade area: Orange, West Haven, Branford, Guilford, Madison, Clinton, Durham, Middlefield, and Meriden. New Haven CBD also serves 9 municipalities within its principal trade areas and, of the 18 towns within the North Haven Mall study area, the following are excluded from the CBD's trade area: Wallingford, North Branford, Guilford, Madison, Clinton, Durham, Middlefield, Meriden, and Cheshire.

The North Haven Mall trade area is projected to include 505,400 people by the year 1990 versus 1990 projections for the Magic Mile trade area of 307,000 persons and for New Haven CBD, 326,200 people.

In terms of purchasing power (income multiplied by the percentage spent on shopper goods) for shoppers' goods items, under a 0-percent income growth scenario, the North Haven Mall trade area is expected to represent $450.3 million in shopper goods purchasing power by 1990. This contrasts with a $262.8 million purchasing power base within the principal trade area for the Magic Mile by 1990 and $267.7 million for the CBD's principal trade area by 1990.

COMMENT 7:

Displacement of retail floor space.

Some estimates are given on the extent of displacement of floor space in the SMSA. However, there is no such estimate in the Gladstone report for non-SMSA retail outlets. Nor is there any estimate of the value such facilities would have in alternative uses, such as office or warehouse use. (Such alternative uses for the North Haven mall in the event of failure are discussed -- see p. 77-79 of Appendix L.) How much non-SMSA floor space will be lost due to the mall? What alternative uses could be found for this space, both in and out of the SMSA? What value would be placed on the properties in these uses?

RESPONSE:

Please refer to our response to comment PO-28 (#2) and revised appendix L, section II (B), for a discussion of floor-space loss due to retail sales loss both in and out of the SMSA.

The potential and value of retail space for alternative uses would lie in the particular attributes of each facility in regard to location, price, age, and condition of the facility, and so on. Since it is not possible to pinpoint exactly which establishments would be displaced by the mall, it is not possible to ascertain what the market for other uses would be for this "unknown" space. Note that to be conservative, the fiscal analysis appearing in appendix L assumed that there would be no alternative use for these properties.

COMMENT 8:

Costs of job loss.

On p. 92 of Appendix L, it is estimated that 350-500 jobs might be lost in the SMSA. It is not sufficient to subtract these jobs from jobs created at the mall, using the resulting "net job creation" as a measure of the mall's impact on employment. First, similar effects can be expected outside the SMSA. Second, job loss involves adjustment costs which are not simply balanced off by job creation at some other location.

How many existing jobs will be lost outside the SMSA? What is the expected average duration of joblessness, both inside and outside the SMSA? What expenditures on unemployment compensation, food stamps, ADC, and job training will be made as a result? What levels of government, and which particular municipalities, which bear these costs? What increased expenses will the individuals affected have to bear, such as relocation and retraining costs?

RESPONSE:

The focus of the economic studies was to assess the potential impact of the mall on retail activities within the SMSA. As such, growth prospects, supply changes, productivity levels, and general market conditions in areas outside the SMSA were not analyzed in detail. (For example, although it was important to evaluate the degree to which consumers residing in the SMSA were spending retail dollars at West Farms Mall, the importance of these dollars to West Farms Mall's activity levels was not examined.) Hence, how many jobs may be lost outside the SMSA was not determined as such, since determination was considered beyond the reasonable scope of this study and the impacts were not expected to be significant.

Also, please refer to our responses to comments PO-18 (#3), PO-18 (#33), and PO-28 (#2-3). Detailed consideration of the effects of joblessness on expenditures (food stamps, ADC, et cetera) would be a secondary/tertiary impact, whose estimate would be imprecise and beyond the scope of this EIS. The impacts would depend on the specific individuals involved and their family and job situations, and the impacts would vary according to each individual's circumstances. With the exception of New Haven (see EIS, section IV A 8.4.2), the majority of "lost jobs" in the New Haven SMSA are located in areas lacking quality transit service. It can, therefore, be assumed that a major portion of

these positions are held by workers who travel to work via auto.* These same workers could easily reach the centrally located proposed mall, again via auto, and their previous retail experience should place them in high demand by the mall's employers. As such, these workers are not expected to incur any significant unemployment or related problems as a result of mall opening.

Of all the positions at the mall, only 12 to 16 are expected to be held by "relocatees," and they are management positions. This estimate was based on the premise that, for these people, relocation costs would be outweighed by the potential improvement in salary and/or career opportunities made possible by the mall.

COMMENT 9:

Local fiscal effects.

The estimated $110,000/yr. annual cost for increased public services in North Haven (p. 75, Appendix L) is stated with almost no supporting evidence, and the estimate by town officials of zero incremental public service costs is hardly believable. The subsequent discussion (p. 76) does not explain how long the interval might be between the town's assumption of a $250,000 annual debt service burden for capital costs, and the first year at which the mall's minimum tax of $350,000 is incurred. The range of uncertainty about this duration is also important.

What has been the average incremental public service cost incurred by other towns similar to North Haven, upon construction of similarly-sized malls? Equally important, what is the range? How long is the town expected to incur debt service obligations until the first taxable year for the mall owners? How sensitive is the size of this annual obligation to alternative interest rate assumptions? How will these obligations be met prior to the first taxable year: through higher taxes, lower service levels, or both?

Finally, though the table on p. 82 estimates the changes in assessed valuations for local municipalities attributable to the mall, no account is taken of differences in tax rates for various towns. What are the actual dollar magnitudes of the reductions in property tax revenues for each city, based on these differences in tax rates?

*According to the Greater New Haven Transit Study, Wilbur Smith and Associates, 1977, only about 7 percent of Hamden's workers use public transit.

RESPONSE:

Some case studies of the impacts of nonresidential development throughout the country have led to the development of some generic impact assessments of such facilities (Rutgers University, Center for Urban Policy Research, 1978). Most frequently discussed are those impacts that relate to changes in a local jurisdiction's ability to continue to deliver a specific level of municipal services to its residents. The proposed project is a regional-scale commercial center that will involve neither residential nor industrial development on site. Case studies indicate that such projects may require some additional traffic, security, or police service. The studies show that other types of municipal services are impacted minimally (Rutgers University, Center for Urban Policy Research, 1978; Pyramid Mall of Utica, New Hartford, New York, New York State, Environmental Impact Statement).

The $110,000-per-year estimate for the annual cost of public services could be increased to approximately $170,000 per year if the maximum of four policemen were added to the town's force, instead of the two policemen assumed for the first estimate. (See our response to comment PO-8(#3)).

The agreement between the town of North Haven and the developer calls for a minimum payment of $350,000/year, due upon mall opening or the fourth year of construction, whichever comes first (see appendix M to the draft EIS, p. 51). According to the town of North Haven finance director, the town has several avenues to support the bonded debt in the interim.

To begin with, Mall Properties, Inc., will be paying property taxes throughout the construction period in accordance with the mall's assessed valuation as determined by the town's tax assesor each October 1. Second, the town spends funds for capital improvements only as they are needed, and not the entire $2,500,000 at project inception. Within the limitations of applicable statutes, the town may earn interest on unspent borrowed monies, which may then be credited against interest expense of the bond. The net temporary interest cost can then be capitalized thereafter as part of the project costs.

The actual mechanism or combination of mechanisms employed will depend on the financial conditions of the town and the finance markets (including interest rates) at the time the funds are needed. In no instance, however, should the town's residents be subjected to any additional tax burden during the years of mall construction.

The table on page 82 of appendix L to the draft EIS has been expanded for the final EIS to include estimates on the likely effects on property taxes sustained in other cities and towns as a result of mall construction.

Other towns contacted reported that providing services for their shopping center did not create any fiscal problems. Rather, the general perception was that their centers generated such substantial sums of revenue, with little directly identifiable costs, that the centers were seen as valuable additions to the towns and to the towns' tax rolls.

The towns contacted included: Livingston, New Jersey (tax assessor); Short Hills, New Jersey (ass't tax assessor); Hampton, Virginia (tax assessor); and Whitehall, Pennsylvania (executive director).

COMMENT 10:

General Comment:

RESPONSE:

The EIS staff acknowledges your views and comments. They will be taken into consideration for developing the final EIS. Specific responses to your questions have been made above. For our response to your concerns for an "outside" review, we refer you to our response to comment PO-12 (#1).

Private & Individuals

P1: Sandra Aivano - 16 March 1982

COMMENT:

[**Note:** The comments were made in a transmittal letter and in the margins of a copy of the DEIS. The commenter is referred to volume 2 where the full text, with the accompanying comments, are reprinted. The following list assigns a number to correspond with each comment, which is referenced by the page location and the first few words of the comment. The responses to all the comments follow the full list and are referenced by number.]

Comment/Response Number	Comment Appears on DEIS Page Number	Comment begins with . . .
1	Transmittal cover letter	Accompanying this statement ...
2	Transmittal cover letter	Instances of bias ...
3	Abstract	Correct name is ...
4	Abstract	Debatable projections are ...
5	Abstract	Manageable for whom?
6	Abstract	Why not mention ...
7	Summary page 2	NHCC requested in ...
8	Summary page 2	Tell exact committment ...
9	Summary page 2	There was definite ...
10	Summary page 3	No mention of ...
11	Summary page 3	Smaller plan was ...
12	Summary page 3	Are they expecting ...
13	Summary page 4	Why is ACE ...
14	Summary page 4	ACE cannot assume ...
15	Summary page 4	Not to be ...
16	Summary page 4	Unproven-regional stat ...
17	Summary page 4	Some seasonal jobs ...
18	Summary page 5	S.T.M./CCAG sees ...
19	Summary page 5	27% mentioned later ...
20	Summary page 5	No mention that ...
21	Summary page 5	Whole P at top ...
22	Summary page 7	To be more precise ... These are precisely ...
23	I-1	Unsubstantiated.
24	I-1	Only identified by developer.
25	I-1	Wrong term.
26	I-1	Any other development ...
27	I-1	This should be ...
28	II-1	Report says elsewhere ...
29	II-1	Before report said ...
30	II-2	Actual year round ...
31	II-2	Before says 78 acres ...
32	II-2	No mention of solar ...
33	II-2	2-ft. wide at top ...

34	II-3	Does not identify ...
35	II-3	It is inappropriate ...
36	Table 2	What about state park ...
37	Table 2	Have you seen site ... If they ...
38	Table 3	Except state park.
39	Table 3	Diff. significance for ...
40	II-5	Shouldn't city proponents ...
41	II-7	Should not concern A.C.E. ...
42	II-7	Should mention that ...
43	II-7	Conjecture.
44	II-8	No information available ...
45	II-8	This ignores fact ...
46	Table 4	A plus hold ...
47	Table 4	Zoned for light ind.
48	II-9	How was this ...
49	II-9	Why is this ... How can it ...
50	III-4	What criteria determines "low"?
51	III-5	Again a matter .. What they are ...
52	III-5-6	After the enactment .. One of the ..
53	III-6	This is for ...
54	III-6	What about recharge ...
55	III-6	What about reestablishment ...
56	III-6	What about the rest ...
57	III-6	Floodplains should not ...
58	III-7	Please calculate from ...
59	III-7	If flooding worsens ...
60	Inserted comment III-8, Fig. 10	This whole map ...
61	III-7	Wrong work indicates ...
62	III-8	BIAS: this unquestioningly ...
63	III-8	Assumes improvements will ...
64	III-8	Inaccurate especially if ...
65	III-9	How is this ...
65A	III-9	These are now inaccurate.
66	III-10	There are now relaxed ...
67	III-12	According to EPA critics ...
68	III-13	How does the ...
69	III-17	WRONG: Many Magic ... Hamden has Sears ...
70	III-18	Misprint, friends.
71	III-20	This includes Mall ...
72	IV-1	Please include what ...
73	IV-3	Again predicting the ...
74	IV-3	Is this a ... And what exactly ...
75	IV-5	Is this loss ...
76	IV-5	This point is debatable.
77	IV-6	What about the ...
78	IV-6	Minimizing again, little ...
79	IV-7	Very questionable.
80	IV-7	5 weeks, please ...
81	IV-7	Would they do ...

82	IV-7	They would be ...
83	IV-8	Not sure though ...
84	IV-8	What about Broadway?
85	IV-9	How could this be? ...
86	IV-9	Good thing Mall ...
87	IV-11	Assumes improvements which ...
88	IV-12	Yes, but it ...
89	IV-12	This is biased ...
90	IV-13	What does this mean?
91	IV-13	Maybe not directly ...
92	IV-13	Progress of this ...
93	IV-14	Would this be required?
94	IV-15	Significant to whom? ...
95	IV-15	This better have ...
96	IV-20	It could have ...
97	IV-21	Does this take ...
98	IV-24	Yes, but there ...
99	IV-25	The opportunity is ... This is a BIASED ...
100/102	IV-25	[text: "a direct reduction ..."]/ This perspective reflects
101/103	IV-25	[text: "For example, under ..."]/ Reflects the same ...
104	IV-26	But, compared to ...
105	IV-26	Is this a ...
106	IV-28	Wording from App. M .. evolution ... Bias against ...
107	IV-28	No through trucks ...
108	IV-28	No mention here ...
109	IV-29	Omits what would ...
110	IV-29	What does this ...
111	IV-29	This is a ...
112	IV-30	Will require how often?
113	IV-31	We would love ...
114	IV-32	No one is ...
115	IV-32	Not proven scale ...
116	IV-33	What would have ...
117	IV-34	Wrong ... Compared to what ... Army Corps please ...
118	IV-34	Why not?
119	IV-34	This sounds so ...
120	Table 19	Electricity underestimated.
121	IV-35	Two other alternatives ...
122	IV-35	If it were not ...
123	IV-35	No mention of ...
124	IV-36	The town the ...
125	IV-36	If you will ...
126	IV-36	Other dev. is ...
127	Inserted page	The North Haven Conservation Commission also supported ...

RESPONSES:

1. The EIS staff acknowledges the commenter's concern around the issue of bias and the potential that exists for it, since the applicant was required to furnish a considerable amount of information. For a brief summary on how we arrived at what information was required, our views on using this information, and how it was assessed, we refer you to our response to comment PO-12(#1). No bias was willfully or knowingly presented in the EIS, either in the data cited or in the manner of its presentation.

In response to the first comment, the commenter states that "as we feel that profit is the primary purpose of the proposal, it should be presented first and in more detail." The EIS staff does not agree that bias exists in the way that this was presented in the draft EIS section for the "Purpose and Need for the Proposal." We feel that the draft EIS objectively presents the needs and purposes that have been identified in accordance with CEQ and Corps of Engineers regulations (please refer to our response to comment L12(#5). The EIS does not state a primary or secondary purpose since it is not necessary for the EIS to make such a judgment, nor is it required that an applicant's purpose be placed before or after other purposes when listed in the EIS. We do not agree with the commenter's indication that there is bias unless the applicant's purpose appears first. We believe that this is an opinion of the commenter. The EIS staff refers the commenter to the relative placements of the public and private purpose statements in the draft EIS. Their relative positions had been alternated between the summary page 1 and page I-1.

2. The EIS staff does not believe that any bias was intended by not summarily listing all impact issues and factors according to significance, since all were reviewed through the draft EIS. The EIS has been modified, however, to reflect your concern for a more comprehensive listing of impacts.

3. The EIS has been modified to reflect your comment.

4. The EIS staff acknowledges your comment, but we have not found nor received any evidence or data to indicate that a substantive change to this information in the EIS is needed.

5. Traffic would be manageable for the road system to handle the demand within its capacity.

6. Please refer to our response to your commment #2 above.

7. The EIS staff acknowledges your comment and notes that the NHCC also submitted comments informing us of their desire for a 100-foot greenbelt, and this will be taken under consideration by the Division Engineer for a condition to the permit, should one be granted.

8. The exact provisions of the agreements between the private stores and the applicant are not publicly available information. Store statements of commitments have been referenced in the EIS, section VII, for the commenter's information.

9. It is unclear to the EIS staff what specifically the comment means. The EIS staff has modified the EIS to reflect your apparent concern that an indication for "long-term" wetlands should be mentioned.

10. The EIS staff acknowledges your comment, but we do not believe changes in the EIS are necessary since the agreement is still valid for public service improvements.

11. The EIS staff acknowledges your comment.

12. The EIS staff notes that the applicant has no expectation of revenues for a three-store facility, since this is not their proposal.

13. The EIS staff notes that the Army Corps of Engineers is not "trying to satisfy that need," but is simply reporting the ability of the no-action plan to meet the purpose for which the applicant has made a proposal. Please refer to our responses to comments L12(#5), PO-10(#14), and PO-26(#2).

14. The EIS staff acknowledges your comment.

15. The EIS staff acknowledges your comment. Please refer to our response to comments L12(#5), PO-10(#14), and PO-26(#2).

16. The EIS has been modified to reflect the nature of your comment. Recent statistics indicate a declining population in New Haven, but generally a fairly stable to very modest increase in most suburban communities (see information submitted by Norris Andrews in volume 2).

17. The kinds of jobs have been considered. Refer to the EIS, section IV A 8.4.2, and revised appendix L, section II C 2.0.

18. The EIS staff acknowledges your comment and concern for the town's quality. Please refer to our responses to comment PO-11[#1(6)].

19. The EIS staff notes your comment. The best estimate for retail sales loss projections was presented as 8.5 to 13.2 percent in the draft EIS after the EIS staff reviewed all projections available. Other estimates had been mentioned in the draft EIS, but their use was limited and explained in section IV A 8.2. The final EIS presents additional impact projections, based on reports now contained in the supplement to revised appendix L.

20. The EIS has been modified to reflect your comment. Also refer to the EIS, section IV A 4.2 and appendix H, for details on peak hour use.

21. The EIS staff notes your comment and concern over potential secondary development. No evidence or data has been received to indicate any need for changes in the paragraph to which the comment refers.

22. The draft EIS recognizes and states that controversy over the Bishop Street widening exists and that this is a Connecticut DOT activity. Please refer to our response to comment F2(#8). The EIS has been modified to reflect the current litigious status of this action. The comment relative to bias reflects the opinion of the comment writer and is not shared by the EIS staff.

23. The EIS staff acknowledges your comment.

24. The capacity of the region's retailing base for supporting additional retail sales has been indicated by several sources. Please refer to draft and final EIS, section IV A 8.2, revised appendix L with supplement.

25. The comment is unsubstantive in nature and the EIS staff would be in a position to define and interpret the comment and draw our own conclusions as to its meaning. The comment does not provide sufficient background information on which to base a response. The EIS staff, however, notes your comment and view about public need.

26. The EIS has been modified to expand on this information. The "without" development condition has been presented in draft EIS, section IV B 5.0.

27. Please refer to our response to your previous comment #1.

28. Dates in this paragraph have been changed in the final EIS to reflect the latest projected schedules.

29. The EIS staff finds the comment lacks sufficient reference to afford a specific review. If the comment refers to the fourth full paragraph on the second page of the summary, the EIS staff finds no inconsistency in the information presented.

30. The EIS has been modified to reflect your comment.

31. The EIS staff finds the comment lacks sufficient reference to afford a specific review. If the commenter is referring to the fourth full paragraph on the second page of the summary and the second paragraph on the third page of the summary, or section II A 2.0, then the EIS staff finds no inconsistency in the information presented.

32. The EIS staff finds that the comment is not sufficiently delineated, requiring us to define and interpret your comment and draw our own conclusions as to its meaning. See figure 6, draft EIS, for the proposed mall's layout by compass direction.

33. The EIS staff acknowledges your comment.

34. See appendix H, attachment A-11.

35. Under the NEPA regulations from the Council on Environmental Quality (CEQ, 40 CFR 1500) and the Corps of Engineers (33 CFR 230), it is both appropriate and required that all potential alternatives be considered.

36. The EIS staff acknowledges your comment, but no additional data or information has been received that we believe would indicate a need to change the information presented in the EIS.

37. The EIS has been modified to reflect your comment.

38. The EIS has been modified to respond to your comment.

39. The EIS staff acknowledges your comment and concerns.

40. The City of New Haven has provided additional reports giving their perspective of impacts and alternative considerations for the proposed mall. Please refer to our response to comment L12(#4) for a listing of those reports and revised appendix L, supplement.

41. The EIS staff acknowledges your comment, but notes that the Corps is not seeking income for the developers. Presentation of this information is to disclose the considerations of an alternative before the Corps' review and to present it for the public to consider and comment on. The Corps will remain alert to pertinent considerations on potential alternatives.

42. The EIS has been modified to reflect your comments.

43. The comment does not provide sufficient background information or data for the EIS staff to base a response. The staff, however, notes your comment.

44. The EIS staff finds that the comment is not sufficiently delineated, thereby requiring the staff to define and interpret it and to draw our own conclusions as to its meaning. The staff, however, notes and acknowledges your comment.

45. The EIS has been modified to reflect your comment.

46. The comment reflects the opinion of the writer. The EIS staff does not favor erosion as a means to increase flood storage potential.

47. The EIS has been modified to reflect your comment.

48. This information was determined by and obtained from North Haven town plan and its update.

49. Presently, if a Corps of Engineers permit were not granted and the applicant's options on the land were terminated, the only currently foreseeable activity for this land would be the resumption of sand mining. The EIS has been modified to reflect your comment and to indicate that maintenance of a characteristically "natural" site would constitute the environmentally preferred alternative.

50. The "low level" determination was based on observational characteristics and experience. It refers to a level of activity based on an overall habitat assessment of these activities at the proposed site after considering the disturbed and unvegetated characteristics of the site and assessing its potential for satisfying habitat requirements. Please refer to appendix B, section II 4.2, and appendix S.

51. Essentially, if the impact is too small to be measured, it is also, in this case, too small to have a significant effect.

52. The EIS has been modified to reflect your comment for Class B water quality attainment goals.

53. See our response to your comment above, #44.

54. The EIS staff does not believe that delineating all the recharge areas in the basin would serve to add substantive information regarding the potential impacts on the aquifer or recharge areas. The EIS indicates that the development of the proposed mall would not affect the quality of water in the aquifer for its determined uses. See EIS, section IV A 1.4.

55. At present, the Bureau of Fisheries, Department of Environmental Protection, states that there is no shad restoration program nor any plans for one.

56. Resources in the rest of the harbor south of Grand Avenue, were not indentified because they are more than 8 miles from the proposed site. This is considerably out of the range for any potential impact as a result of the proposed mall or that could be identified as caused by the mall.

57. The EIS staff acknowledges your comment and concerns on flood plain development.

58. Approximately 55-60 acres of the proposed site would be covered and the 3-foot depth of water is an equivalent average depth over this area. Some areas would have depths in excess of 3 feet and some areas less than 3 feet. Many properties along Upper State Street were indicated in the draft EIS, Figure 10. This figure has been comprehensively revised for the final EIS to include additional properties.

59. The EIS staff acknowledges your comment.

60. The EIS has been modified to reflect your comment that flood prone properties occur from 10 to 92 Upper State Street, along the even numbered side of the road. We indicate that such flooding occurs principally to low-lying property, and homes are affected primarily along Banton Street and State Street by the Olmstedt and Alfone residences. We note your concern for flooded roads and those areas shown on the Flood Insurance Map. A photo of the Wilbur Cross Parkway under the recent 6 June 1982 flooding is presented in the final EIS, section III C 3.0.

61. The EIS staff recognizes that any and all roads in North Haven have the potential and will carry some mall-generated traffic, either internal residential or outside through traffic. We believe, however, that the EIS considers the roads that have substantive increases and their potentially related effects. See draft EIS, tables 6 and 7, and appendix H for traffic conditions and traffic load distributions.

62. The EIS staff does not believe that any bias exists. Please refer to our response to comment F2(#8) for our view on the Bishop Street issue.

63. The EIS staff acknowledges your comment and we are aware of the litigative action of the DOT proposal. Please refer to our response to comment F2(#8). We concur that the EIS review assumes a widened Bishop Street as an existing condition for the purpose of reviewing the operational impacts of the projected traffic because this would likely be the condition at that time. Should circumstances change, reassessment may be required.

64. The EIS staff acknowledges your comment, however, we do not believe the statement is inaccurate. We anticipate the Bishop Street widening to be completed prior to operation of the proposed mall, should the mall be permitted. If, however, the assumed conditions change the situation, they would be reviewed for reconsideration. The Washington Avenue modifications have been completed.

65. It was assumed that a sufficient quantity of unleaded gasoline will be available to meet consumers' demands and the legal requirements regarding the sale of unleaded gasoline. See our response to comment PO-12(#8) for a discussion on lead.

65A. Please see our response to your comment #43 above.

66. The requirements of the Federal Vehicle Emissions Reduction Program have not been relaxed, nor does the Environmental Protection Agency anticipate that they will be. We do not believe that recalculation is necessary.

67. Please see our response to your comment #43 above.

68. Please refer to the EIS, section IV A 7.2.1.

69. Sears is a comparable department store to the one proposed for the North Haven Mall. However, the other primary stores such as Marshall's, Child World, Bradlees, Caldor, and so on, are not principal department stores with offerings and retail depth for comparable merchandise to G. Fox, Penney's or Sears.

70. The EIS has been modified to reflect your comment.

71. The EIS has been modified to reflect the most recent information on open space. It was obtained from the North Haven, Connecticut, Town Plan Update, June 1982. The proposed mall site has not been included in the computations for committed open space for recreation. Please refer to the above cited reference, available from Memorial Town Hall, 19 Church Street, North Haven, Conn. 06473.

72. The exact location of the fill source site or sites is not presently known. Should review of the borrow area still remain incomplete at the time this final EIS is released the EIS staff would evaluate the information when it became available to consider the source's materials. All applicable local and state regulations would apply regarding earth removal and transportation. Should a permit for the mall be granted, the quality of fill would be required to be clean materials. Also, if such borrow work would involve activities in areas under the Corps' jurisdiction, it may be subject to a separate permit review.

The most likely transportation routes and roadway-related impacts have been addressed in the EIS, sections IV A 4.5, IV A 5.2.1, and IV A 6.2.

73. The EIS staff acknowledges your comment and believes no changes are needed.

74. The EIS staff believes that reviewing the aquifer for cumulative impacts and changes from its existing condition, based on future potential development, is not a valid consideration.

The proposed mall would constitute less than 0.5 percent of identifiable potential development. The potential impacts of the proposed mall development have been addressed in the EIS. We do not believe that delineating the percentage of the aquifer in North Haven, or what might occur to the total aquifer if any part of it is developed, is germane or would add substantive information or data regarding the potential impacts of the mall on the aquifer. The EIS indicates that developing the proposed mall would not affect the quality of water in the aquifer for its determined uses. Refer to the EIS, section IV A 1.4.

75. The EIS staff acknowledges your comments and notes that significance of the wetland loss is dependent on the wetland's value as a

habitat, storage area, recharge surface, and so on. These issues have been covered in the EIS, section IV A 2.0 and appendix B, especially section 2.4, appendix S, and the letter report from the U.S. Fish and Wildlife Service, referenced in the EIS, section VII. The wetlands, which would constitute the greatest loss at the site if they were eliminated, are the 8 acres of wooded swamp. This would constitute about 1.6 percent of the wetlands along the river in North Haven. The loss of wetland habitat value would not appear to significantly affect the ecological integrity of the resource in the region. The replacement of lost habitat value would be considered further for mitigation in the permit deliberations when all public interest factors are being weighed. The EIS staff would agree that wetlands are important, but their relative significance would have to be assessed on a case by case basis, considering such factors as its value based on its capacity to function as a habitat, the type of habitat, its location, size, its ability to function for flood storage, and recharge. Importance is based on relative significance as opposed to specific threshold values.

76. The EIS staff acknowledges your comment and refers you to our response to your comment #43.

77. Oil and asphalt leaching from the pavement and entering the pond will have little impact on the fish because of the small quantities found in the stormwater, the low toxicity of these products, and the controls designed into the catch basins to prevent oil and grease from entering the pond. Oil and grease levels measured at the I-91 culverts during a storm on 6 September 1979 were reported in attachment D to appendix C. The concentration of oil and grease was 0.1 mg/l. This concentration is typical of levels found in urban runoff. The toxicity of "oil and grease" has not been specifically determined by the USEPA because this parameter includes virtually all hydrocarbons, many of which are toxic. Urban runoff, on the other hand, contains primarily residues of crankcase oil from automobiles. For "waste oil," toxicity to fin fish is reported by the USEPA at 1,700 mg/l for marine species and 39 mg/l for freshwater species, both well above levels that can be expected in the detention pond. The fact that runoff from I-91 currently enters the existing ponds and that fish have been observed attests to the lack of toxicity of this source.

Asphalt leaches oils, used as binders, for only the first few months after construction. The level of leaching is small, well below that necessary to reach toxic levels in the pond.

78. The EIS staff acknowledges your comment and concern.

79. Please refer to our response to your comment #43.

80. The EIS has been modified to reflect your comment.

81. Such mitigation will be further reviewed and be weighed in deliberating the permit decision and on any permit conditions, should a permit be granted. The applicant would be required to implement all conditions on the permit or be subject to legal enforcement action.

82. The EIS staff acknowledges your comment and concern for secondary development.

83. The EIS staff acknowledges your comment.

84. Please refer to our response to your comment #44.

85. The ponds would be connected to the river by culverts that would be located and sized to pass less water to the river than presently entering the pond during storm conditions. As a result, the pond would detain waters and reduce the peak storm discharge. Under normal conditions the pond would be at the same level as the river.

86. The EIS staff acknowledges your comment.

87. The EIS staff acknowledges your comment, and we refer you to our response to comments F2(#8) and to your comment #64 above.

88. Please refer to our response to your comment #43. The EIS staff notes that we find no bias associated with this statement, nor have we received any evidence or data that would indicate that changes are needed in the EIS information.

89. Please refer to our response to your comment #88 above.

90. Approximately 10-15 years. Please refer to appendix L, section II D 1.0.

91. Please refer to our response to your comment #88 above.

92. According to the Connecticut Department of Environmental Protection, the State I&M program is proceeding with implementation and full operation.

93. Dust control measure is generally practiced as a requirement of contract specifications, but otherwise may be considered as a condition to a permit, if a permit is granted.

94. "Significant" is a somewhat subjective interpretation and is relative to causing substantive impact, as considered by the EIS staff relative to the National Environmental Policy Act and its guiding regulations, including the Council on Environmental Quality Regulations, 40 CFR 1508.27, which defines "significantly."

95. The noise levels and further details on impact assessment are detailed in appendix J. The EIS staff has been on the roads in North Haven, and we acknowledge your concern about noise, but we would rely on the best objective data available from which to make an assessment.

96. Section IV A 8.1 is a presentation of potential project benefits. Potential negative impacts are reviewed in section IV A 8.2, which addresses the issue of sales losses.

97. The analysis of travel patterns resulting in the reduction of 12,000 vehicle miles per day was based on the premise that no transit service would be provided and only those who now travel to shop by car would be diverted to the proposed mall.

98. The EIS staff acknowledges your comment and notes your concern. The EIS has been modified with additional information relating potential retail impacts to the city of New Haven. This includes two surveys, an informal one where store owners of New Haven and Wallingford mailed in a locally sponsored questionnaire with their perceptions of the impacts they expected could occur to their stores if the mall were to be developed. Refer to the EIS, section IV A 8.2. Also, in this section is a summary of the Phillips/Norwalk store owner survey, contained in full in appendix L, supplement.

99. The EIS staff acknowledges your comment and refers you to the additional clarification added to the EIS, section II B 5.1, and our response to comment PO-10(#1).

100./102. The EIS staff acknowledges your comment and concern for further consequences in downtown New Haven. We have not found, nor received, any evidence or data that invalidate the information presented. The EIS has been modified to indicate the potential range for economic-fiscal impacts that could occur should the mall be developed. See the final EIS, section IV A 8.3, and revised appendix L, with supplements. We note, however, that the issue of potential tax loss in the City of New Haven, as expressed in a possible decrease in the city's tax rolls, was used only to provide a scale of what impact the proposed mall might have on the city's finances. It was not used to indicate the importance of retailing to the city.

101./103. Please refer to our preceding response to the combined comments #100 and #102.

104. The EIS staff has found no indication, nor has any information been submitted, that would indicate that the mall, if developed, would affect the development of industrial jobs. The commenter's opinion on the quality of a retail job versus an industrial job is noted.

105. The 15 percent minority make-up of the proposed mall's labor force was based on the general hiring patterns of the mall's major anchors

throughout the nation. (In the Northeast, the proportions were higher, generally around 20 percent.) Since malls individually do not keep records on employment characteristics, and national chains are reluctant to divulge this information on a store-specific basis, it is not possible to confirm this percentage for malls located in "white-suburban communities." Should no minorities be employed at the mall, it has been estimated that about 27 inner-city minority workers could become unemployed as a result of the mall operations. Refer to revised appendix L and supplement (Savatsky Report), and the supplement to appendix M. Also see the EIS, section IV A 8.4.2.

106. The EIS staff acknowledges your comment.

107. Please refer to our response to your comment #44.

108. The total offsite fill requirement for the proposed mall development and associated transportation modifications totals approximately 380,000 cubic yards. This fill would be placed, for the most part, concurrently with the hydraulic-placed fill from the onsite sources. The number of truck trips generated by this source has been calculated for peak and average periods. On the average, considering the legal weight limits for trucks, approximately 15 cubic yards per truck load will be transported. This results in a total number of truck loads of 25,333 over a 1-year period, or, over the 250 working days, an average of 100 trucks per day. Since each truck would make 2 trips (arriving and departing), an average of 25 trips per hour would result.

Recognizing the staging for filling will result in a less than uniform delivery, we have considered the maximum quantity of fill that can be placed and properly compacted in a single day at 3,000 cubic yards. This would result in a maximum of 200 truck loads in a day or 50 trips per hour.

To assess the impact of these truck trips on traffic in North Haven, a passenger car equivalent of three for each truck was assumed. This is conservatively high, recognizing the uniformity of types of trucks and load, as the standard practice is to use an equivalent of two. Comparing the resulting average daily traffic increase of 600 passenger car equivalent (PCE) and peak hourly increase of 150 PCE per hour to the mall-generated-traffic of 56,000 trips per peak day and 5,170 trips per peak hour indicates that the impacts from this traffic will not be significant.

Although the source of the fill is not known, the routing of this truck traffic will be controlled by the town, allowing distribution on different routes to minimize impacts. To put the possible impact into perspective, if all of this truck traffic were to be routed down Washington Avenue, the current average daily traffic of 12,600 would increase to 13,200 with the level of service remaining unchanged at level C. Also see our responses to comments PO-10(#10 and #11).

109. The EIS staff acknowledges your comment and concern. There is no information, nor has any been received, that would indicate that changes are needed in the EIS information, or that the issue you raise represents a significant impact previously unidentified. Some rerouting of shopping trips can be expected by local residents within the town and along residential roads to get to the mall instead of some other shopping destination. Some streets may experience some additional car trips as the town's internal traffic origin-destination pattern materializes. Precise internal routings of residents through town streets will be at the discretion of each driver and are not specifically predictable. Although some residents may notice some additional cars along their roads and they may be displeased by it, significant impacts are not expected that would require further evaluation. On balance, resident "new" trips caused by the mall would constitute a small amount of new traffic on town roads. Access would still be made along the routes analyzed and presented in the EIS, section IV A 4.2 and in appendix H.

110. Further details and explanation of noise levels are presented in the EIS, section IV A 6.0, and in appendix J.

111. The EIS staff acknowledges your comment and notes your concern.

112. The specific number of times police service may be required is unknown, but the potential demand on the police department and its associated cost is covered in the revised paragraph on this section in the final EIS, section IV A 9.4.1, and in appendix L, section II B 1.0. Also, we refer you to our response on comment PO-11[#1(1)] on the demand for police service at the West Farms Mall.

113. The EIS has been modified to reflect your comment on "socializing" and "hanging out." We note your concern about hanging out at the Roller Haven. We believe that the town police would be aware of persistent unlawful congregating or loitering that would create a public nuisance or that would endanger the public's safety, and that they would act accordingly, as they would if the mall were built.

114. The EIS staff notes your comment; however, the issue of residential secondary development was identified by the local public at scoping meetings as an issue that should be covered in the EIS.

115. The EIS staff notes your comments and refers you to information on secondary effects in appendix L, section II D 1.0, appendix B, sections 2.1.2 and 3.4.1, and the other secondary impact sections for each subject heading in the EIS, section IV, and Appendixes A-Q.

116. The EIS staff acknowledges your comment and concern for the Bridge Historic District.

117. Please refer to the responses to comments PO-7(#2 and #3).

118. At the present time solar, wind, and solid waste systems are not competitive with comparable energy efficient systems that they would replace. Most major alternative energy projects to date have been demonstration projects, subsidized by Federal energy grants. A solar domestic hot water system is the only type that even comes close to being cost-competitive when compared to displacing an electric hot water heater.

Large-scale commercial applications of wind power is still some years off, and is very site specific.

The refuse from the proposed mall is not suitable for waste burning because of the limited fuel available and its low heating value. Waste burning also introduces the problem of air quality impacts and storage of fuel.

Also, refer to the response to comment PO-7(#3).

119. The reduction in the number of trips made in the market area due to the consolidation of shopping trips is based on the fact that larger shopping centers attract fewer trips per square foot (Trip Generation, An Informational Report, Institute of Transportation Engineers, 1979). The shortened trip length of these shopping trips was derived from the likely towns the proposed mall's patrons would come from and where these patrons currently shop. Also, see the response to comment P29(#3).

120. Please refer to our response to your comment #43. Also refer to the responses to comments PO-7(#2 and #3).

121. The EIS staff acknowledges your comment, but it is not sufficiently delineated for a response.

122. The EIS staff acknowledges your comments, but notes that trailbiking promotes erosion by compacting the soil and stripping vegetation. Trailbiking, however, would not likely impact the type and diversity of plants at the site. Also, refer to our response to the previous comment #43.

123. The EIS has been modified to reflect your comment. Also see EIS, section II B 5.1.

124. No activity is proposed for this land and the Corps of Engineers has no jurisdiction to require historic mitigation there. Unless the activity on these sites required Federal agency involvement, protection of the sites would come under the authority of the State through the State Historic Preservation Officer for State responsibilities, or from individuals on their own property. Eminent domain is a government taking for public purpose and would not be exercised here since there are specific authorizations and legislation governing the protection of archaeological-historic elements of value.

125. The applicant presently plans to accommodate public bus access to the mall, should it be built. Please refer to appendix H.

126. The EIS staff acknowledges your comment and agrees that developable vacant land is valuable, but only when in demand. Please refer to the EIS, section II B 5.1 for additional consideration on this issue, and to the response to comment PO-10(#1).

127. Section III C 1.0 has been modified to reflect your comment for the State's objectives for obtaining Class B water quality conditions.

The EIS staff acknowledges the other comments listed. Please refer to our resonse to your comment #44.

P2: Sandra Aivano - 21 March 1982

Comments 1-5:

1. Please re-assess your assumption of an unmet public need for retail services in view of declining population trends shown in the 1980 Census figures and declines in consumer spending ability pointed to by countless national statistics.

2. Please assess the impact on existing area merchants of declines in sales of 8.5 to 13.2 percent. What percentage of local businesses might be forced to close or to reduce the size of their facilities?

3. Please thoroughly assess the impacts and benefits of alternative uses for the mall site, including office and light industry, and compare these to the impacts and benefits of a mall. Please re-assess your assumption in the Draft EIS that this site is not suitable for industrial/office use in view of the two new industrial parks being built nearby on similar sites in North Haven.

4. Please note in the final EIS that documents refuting the developer's studies were not included in the Draft EIS and evaluate the adequacy of holding a public comment period on the draft without making this information available to the public. Please include references to the critiques of the developer's studies and your responses to these critiques in the final EIS.

5. I reiterate my opposition to the proposed North Haven mall. I wish to remind the Army Corps that it is the only body with a mandate to examine the broad and long-term sociological, environmental, ecological, and economic impacts of this proposal. I urge the Army Corps to shoulder this responsibility and to deny the 404 permit to the developer.

RESPONSE:

Our responses are numbered below to correspond to your numbered comments.

1. The EIS staff acknowledges your comment. The staff has not found, nor received, any evidence or data to indicate that reassessment is needed or that changes are necessary to the "public needs" information presented in the EIS. We refer you to our response to comments L12(#5) and PO-26(#2) for our additional views on this comment. In addition, economic conditions tend to vary up and down. Today's economic climate is not necessarily an indication of prolonged long-term national economic decline leading to long-term future trends for decreased consumer spending.

2. The EIS has been modified to further address the potential for store closings. We refer you to section IV A 8.2.2.

3. This issue has been addressed in the EIS and we refer you to section II B 5.0. We also refer you to our responses to comments PO-7(#1), PO-10(#1), and PO-17(#5).

4. Please refer to our responses to comment PO-17(#3), where we note that all information received was considered by the EIS staff in developing the draft EIS. A number of comments, critiques, refutations, and pieces of information were received and considered by the EIS staff for their substantive nature and use in the EIS. The draft EIS offers a substantial amount of information, but did not provide the public with every comment and critique submitted prior to release of the draft EIS. The EIS staff believes that the presentation and printing of every comment and critique or citing each one of them as a reference is unnecessary paperwork and expense. This information was received from the public and is available from its authors or from the Corps of Engineers at Waltham, Massachusetts. It is required of the final EIS, however, that all comments made on the draft EIS be published and addressed. This has been done in volumes 2 and 3 of this final EIS.

5. The EIS staff acknowledges your comment and notes your opposition to the proposed project.

P3: Rev. William J. Baugh - 16 March 1982

COMMENT 1:

I have serious questions about the bias built into the draft statement. There is no evidence that any consideration was given to the material submitted that called the studies into question. I urge you to respond to and consider this material.

RESPONSE:

The information documented in the EIS has received independent assessment and we do not believe it has been presented in a biased manner. We refer the commenter to our response to comment PO-12(#1). All comments and concerns previously submitted toward developing the draft EIS have been considered for substantive information or for making substantive changes to the information to which they referred. For example, some of the comment material that was used included information from the League of Women Voters on police force strength, from Mr. Andrews on population impact, from the City of New Haven and the Department of Housing and Urban Development on economic impacts, from the Connecticut Fund for the Environment presenting a three-store mall concept, and so on.

COMMENT 2:

Perhaps the most blatant is the Gladstone report on Economics and Land Use. I believe the association between the Gladstone Company and the Mall Developers make this report questionable at best. It is unclear to me why the Corps elected to use this and would ask that they respond publically to this question.

RESPONSE:

Please refer to our response to comment PO-12(#1) concerning the issue you raise above.

COMMENT 3:

The report projects the loss of retail sales at other areas to be between 8.5 and 13.2 percent of existing sales. With a mall the size of the proposed one I am certain that many stores will suffer much more. I call on the Corps to make a more thorough study of the specific impact on stores, particularly in North Haven.

RESPONSE:

As noted in the draft EIS, section IV A 8.2, and our response to a similar subject responded to in comment PO-17(#2), specific store closings cannot be foreseen and specifically predicted. Each store would have its own particular set of circumstances as to whether or not it would or could remain in business. Businesses have a "natural" attrition rate, so some will close with or without the mall. Even with a mall it would still be a situational basis as to why a store might close. Such situations may occur as a result of bad store management, poor merchandising, lack of retailing capability, poor facility or store upkeep, changes in consumer preferences, current financial conditions (beyond the review of the Corps of Engineers), and so on. For instance, shoe stores and perhaps card stores in North Haven may have considerable competition from the stores in the mall, but this could be offset with the added consumer volume in North

Haven's commercial zone owing to the mall, which would tend to generate customers for shops outside the mall as well.

The draft EIS has been modified to include a summary of the Phillips/Norwalk store owner survey and an informal local survey taken by local merchants from Wallingford and New Haven. Section IV A 8.2 presents the impacts that these store owners perceive may occur if the mall is developed.

COMMENT 4:

The town of North Haven owes some consideration to small business people who have invested their life and savings in the town. If the town can offer to subsidize Herb Rearce and Donald Lippencott to the extent potentially of 1-1/4 million dollars and I supported this then I believe it ethically owes its consideration to the small, struggling business.

RESPONSE:

Non-specific comment on the DEIS. No response necessary.

COMMENT 5:

The air quality report was built on dubious assumptions. There is no clean air bill for all cars. I doubt people will soon give up their cars using leaded gasoline as the report assumes.

RESPONSE:

The air quality analyses were based on assumptions and methodology that the EPA Region I reviewed and concurred with. The analyses were based on current laws and standards. The number of cars using leaded gasoline has been decreasing in recent years and this trend is expected to continue as newer less polluting vehicles with catalytic converters replace older vehicles that are retired. This trend is expected to continue and has been confirmed in discussions and publications of the EPA.

COMMENT 6:

I would like to see a study on the long-term financial and sociological effects of malls on communities. In a CCAS survey of those around the West Farms Mall, not one person perceives it as an economic benefit. In fact, most made comments such as, "This is no longer a residential community." In the period since the Mall was built taxes went up 11-13% despite the kind of optimism we hear in North Haven.

RESPONSE:

The EIS staff refers the commenter to our response to comments PO-11 [1(4,9, & 10)] for our views on your desire for additional studies of other mall situations.

COMMENT 7:

The report estimates (IV-25) that the "net" surplus would be more than $1 million annually and this would have the effect of reducing the property tax rate by 6 percent townwide. But they admit that this is assuming a continuation of today's service levels. I believe that an erroneous assumption. North Haven will need more police. One report estimates 4 new police officers. How many will the mall have? And how many will the Fire Department need. Will this necessitate an end to our historic heavy reliance on volunteer fire services and a dramatic increase in numbers in the Fire Service.

RESPONSE:

The EIS reviews the potential need for additional police staff and its associated costs in section IV A 9.4.1, appendix L, section II B 1.0, and in our response to comment PO-18(#37).

No significant increase in fire department needs are anticipated, and this is covered in the EIS, section IV A 9.4.2, appendix L, and section II B 1.0.

The proposed mall would have its own security force on duty 24 hours a day, 7 days a week. The size of the force would vary from one to three persons per shift, depending on the security requirements of the shift.

The service costs were accounted for in the calculation of the net revenue of the $1 million to be derived form the expected mall taxes of between $1.2 - 1.4 million (at current rates).

COMMENT 8:

The fundamental question is "Is the mall worth the price?" Assuming their six percent figure is right it would mean that with the new reassessment it will cost me $100 - $120. That is a small price to pay to insure the present quality of North Haven life.

RESPONSE:

The question of whether or not each citizen would be willing to pay for the mall not being built would be the personal choice of each tax payer.

P4: Dr. M.H. Bechir - 16 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff thanks you for your review and notes your support for the proposed project. Your comments will be taken into consideration by the Division Engineer in arriving at a permit decision.

P5: Kenneth R. Brody - 22 March 1982

COMMENT 1:

The South Central Regional Planning Agency, a Connecticut State Agency, submitted a comprehensive report about August or September of 1980 to the residents of the State on the concentration of carbon monoxide and other harmful emissions from automobiles, emphasizing the hazardous effects of these products. The report states that carbon monoxide levels in areas of North Haven are higher than Federal government maximum standards. Since 1980 the number of cars has increased substantially so that pollution from cars is even greater today than two years ago.

Enclosed is a copy of an article I wrote and published in the Journal Courier newspaper on the pollution due to cars in the North Haven area. The proposed mall would augment the pollution substantially.

A copy of the South Central Regional Planning Agency report can be obtained from the State of Connecticut.

Please stop the construction of the North Haven Mall to prevent this added pollution from happening (50,000 more cars per day).

Also, please include this letter, the State Agency report, and my published article in your final report when completed by the Army Corps of Engineers' Environmental Impact Statement (EIS) on the North Haven proposed mall.

RESPONSE:

The proposed mall would not result in the violation of any air quality standards. While we agree that, at the present time, carbon monoxide levels at some locations in North Haven may exceed standards, our studies have shown that by the year 1984 carbon monoxide levels, both with and without the proposed mall, will be below both the 1- and 8-hour standards (see table 5 of the Air Quality Appendix). This is due, principally, to vehicle-turnover (that is, the retirement of older vehicles and their replacement with newer, less polluting vehicles) and

the implementation of the State Inspection and Maintenance (I & M) program. In performing the air quality analysis, credits, as specified in EPA's vehicle emission computer program, were used to account for vehicle-turnover and the State I & M program. The Connecticut Department of Environmental Protection confirmed that the State is still committed to the implementation of the I & M program, and conversations with the Technical Support Branch, EPA Region I, confirmed that it was proper to take credit for vehicle-turnover and I & M using the EPA vehicle emissions program.

We acknowledge your opposition to the proposed project. As requested, your letter is included in its full text in volume 2 of this EIS; however, the report mentioned is not included, but we note its availability.

P6: Kenneth R. Brody - 17 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your comment and notes your opposition to the proposed project. Your comments will be taken into consideration by the Division Engineer in arriving at a permit decision.

P7: Marguerite Carboni - 16 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your comment and notes your support for the proposed project, which will be considered by the Division Engineer in arriving at a permit decision.

P8: Paul & Mary Cervoni - 20 March 1982

COMMENT 1:

We have read the Corps Draft Environmental Impact Statement and find it is incomplete, heavily reliant on input from the Mall developer and generally reflective of a study done from a distance rather than on site. We urge the Army Corps of Engineers to come on site and conduct its own study. An avoidance of such a study, coupled with remarks appearing in the New Haven Register on March 18th that the Corps and the government cannot afford to undertake expensive studies to satisfy every special

interest group surrounding a project give us pause and, we feel, seriously hinder the Corps' credibility. People who are concerned with flooding, saving neighborhoods, preserving historic homes, and preserving inland wetlands should not be brushed off as merely special interest groups.

RESPONSE:

The EIS staff acknowledges your concerns, but believes that the information presented in the EIS adequately addresses the impacts and issues of the proposed project. We refer you to our response to comment PO-12(#1) for our views about using the developer's material.

COMMENT 2:

Is there any engineer who would say increased traffic would not increase air pollution and noise? Spend some time with us at our home on the corner of Bishop and State Streets and find out that you will have to keep the windows closed in the summer time and sleep with the noise of air conditioners to block out the sounds of all night traffic and motor cycles. What about truck deliveries to the mall? Won't they use State Street, Rte. 5? The Corps tends to view the historic district in segments, i.e., Bishop Street as disconnected from the entire Bridge Historic District. We view it as one entity with the whole being affected when any of its parts are altered drastically.

RESPONSE:

The EIS staff acknowledges and notes your concerns for traffic-related air pollution and noise, and we believe that these impacts have been delineated in the EIS and appendixes. Please refer to the EIS, sections III E and III F and sections IV A 5.0 and IV A 6.0. It is possible that truck deliveries will be made using the State Street-Route 5 routes to the extent permitted by local authorities.

It is also noted that, although considerable focus has been put on the Bishop Street portion of the historic district because it would be the portion experiencing direct impact from mall traffic as well as the Connecticut Department of Transportation's projected improvements, the effects on the historic features of the district as a unit have always been considered.

COMMENT 3:

The DEIS states that Bishop Street is due for widening anyway. This is a simplistic statement which sets aside an even more complex argument. We are not arguing that Bishop Street does not need widening, nor are we saying it was not planned even before the mall was conceived.

We think the Corps should recognize that the Mall-developer's figures show that nearly one third of mall traffic will travel Bishop Street

between Rte. 15 and the Valley Service Road. The degree of mall-relatedness and decision on design of the road widening is now in the courts. How, therefore, can the ACE claim that mitigation measures alone will absorb the incremental effects mall construction will have on historical structures?

Five houses, two of historical significance, are now slated for demolition. Does this not affect the neighborhood? Is this not an historic impact?

RESPONSE:

It is unclear to the EIS staff by your comments what EIS claims you are referring to with regard to mall-related impacts on historic structures.

The Corps maintains that the impacts resulting from the proposed widening of Bishop Street by Connecticut DOT are reviewed in their environmental/historic documents. Please refer to our response to comments F2(#8), PO-5(#1), PO-10(#29), and PO-11(#4). The Memorandum of Agreement between the Federal Highway Administration, the SHPO, and ACHP (12/20/82) for the Bishop Street project includes mitigation of structural removal and other effects of the highway project above and beyond those related to mall traffic.

COMMENT 4:

Our house is currently impacted by heavy traffic. A state study on historic North Haven homes cites traffic damage reflected in cracked 18th century window glass, sinking hearthstones, and collapsing chimney bricks. Will increased traffic <u>related to the mall</u> alleviate this situation?

RESPONSE:

The EIS staff does not believe that the added mall traffic would alleviate existing damage to which the comment refers. However, evaluation was conducted to assess the potential for traffic-induced vibration impacts.

The effects of roadway traffic as a potential source of environmental seismic vibrations are well known and well documented. Adverse effects of traffic-induced vibrations may include public annoyance and disruption of activities and/or building structural damage.

Traffic-induced vibration levels are a function of a number of factors including traffic parameters, pavement/subgrade parameters, pavement loading, pavement/subgrade response to loading, propagation parameters, and building parameters.

Gross vehicle weight and vehicle speed are the primary traffic parameters affecting ground vibrations from roadway operations. Ground vibration increases approximately 3 dB for each doubling of gross vehicle weight and approximately 5.2 dB per doubling of speed.

Pavement surface roughness is the primary pavement/subgrade parameter affecting ground vibration generated by roadway traffic. Ground vibration increases approximately 4.2 dB with each unit decrease in the Present Serviceability Rating (PSR) index. A secondary pavement/subgrade parameter is the mass of the pavement/subgrade system. Increasing the mass of the pavement/subgrade system decreases the amplitude of ground vibration generated by traffic.

The above discussion concerning traffic and pavement/subgrade parameters relates to random surface roughness. Discrete pavement surface irregularities (such as potholes, expansion joints, grates, "rumble strips," etc.) cause impulse pavement loadings.

The propagation of traffic-induced vibration away from a roadway depends upon the soil characteristics and the soil conditions between the pavement and the receiver. Ground vibration from roadway traffic decreases rapidly with distance and adverse impacts are usually not experienced at distances beyond 200 to 300 feet from a roadway.

Ground vibration received at a building foundation may cause an amplification of vibration on the interior of the building. The degree of amplification depends upon details of the building construction. Floor vibration generally ranges from -5 to +10 dB for ground level floors and from -5 dB to +15 dB for second floors.

Table 1 shows criteria relating vibration amplitude to effects on people and structures. This table shows that at vibration levels of less than -65 dB (re. $1g_{rms}$) most people will not experience any perception of traffic-induced vibration, and at vibration levels of less than -35 dB (re. $1g_{rms}$) most structures will not experience any structural damage.

To assess possible adverse effects due to mall-generated traffic on vibration levels at historic structures on Bishop Street, an analysis was performed using the procedures and methodology contained in Engineering Guidelines for the Analysis of Traffic-Induced Vibration, Report No. FHWA-RD-78-166, Federal Highway Administration, February 1978. The analysis shows that total energy equivalent acceleration levels, L_e, of greater than -78 dB (re. $1g_{rms}$) would be expected. Because of the absence of significant numbers of trucks on Bishop Street (Bishop Street has no thru trucking) the mean L_{50} and other percentile vibration levels are comparable to the energy equivalent vibration level, L_e. Building amplification would increase interior vibration levels typically 2.5 to 5 dB, or in extreme cases 15 dB. Based upon the criteria contained in Table 1, perceptible traffic-induced vibration would not be expected, but may occur depending upon the building amplification. However, no structural

damage is expected, since vibration levels are below the threshold of structural damage. Vibration levels are not very sensitive to traffic volume and would not be significantly different with, or without, the proposed mall.

TABLE 1

VIBRATION LEVELS AND REPRESENTATIVE EFFECTS CRITERIA

Criteria Description	VIBRATION Acceleration Level, dB (re. $1g_{rms} = 9.8\ m/s^2$) (Approximate)
Threshold of Perception	-65
Annoying	-60
Extremely Annoying	-45
Threshold of Structural Damage*	-35
Structural Damage of Concern*	-25
Structural Damage Highly Probable*	-15

* The nature of structural damage is generally a fatigue effect. That is, cracks and damage slowly progress over a period of time and may not be directly related to a single event or source.

Ref: Determination of Impact from Vibrations Related to Highway Use, Report No. FWHA-RD-78-167, Federal Highway Administration, June 1978.

COMMENT 5:

The DEIS has not addressed flood impacts on historic houses at all. The DEIS map of flood prone properties acknowledges five of these homes as flood prone, but fails to mention them as historic in nature.

RESPONSE:

The EIS staff refers the commenter to our response to comment PO-11 [#4(3)]. It has been determined that fill for and construction of the proposed mall would not increase flood elevation levels that would be a hazard to any structure, historic or otherwise. Please refer to the EIS, section IV A 3.5.

COMMENT 6:

The need for a jughandle to service mall traffic connecting Rte. 22 to the Valley Service Road would involve the potential need to fill a flood plain directly opposite the most severely flooded historic properties (Steeves, Pierpont, DeMorro). According to residents, since 1970 construction of I-91 and the Rte. 22 connector and various downstream developments from Broadway north, have displaced flood waters and are responsible for the existing flood problem.

RESPONSE:

The EIS staff acknowledges your concern for flooding and we refer you to our response to comments PO-10(#13) and PO-11[#4(4)] for considering the effects of fill for the jughandle.

COMMENT 7:

General comment.

RESPONSE:

The EIS staff acknowledges your comment and notes your opposition to the proposed project, which will be taken into consideration by the Division Engineer in arriving at a permit decision.

P9: DeMarini Family

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your comment and notes your support for the proposed project, which will be taken into consideration by the Division Engineer in arriving at a permit decision.

P10: Paula DiChello - 8 March 1982

COMMENT 1:

This letter is to inform you of additional properties along the Quinnipiac River in North Haven that have flooding problems in severe rain storms.

The properties at 2A and 2R Banton Street North Haven are involved.

RESPONSE:

The EIS staff acknowledges this information. Figure 10 of the draft EIS has been modified to reflect this information.

P11: T.R. Dunham - 17 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff thanks you for your review and comment. Many responses to the Corps from individual store owners in the New Haven area provided submissions indicating that they believed they would suffer retail sales damage. Their perceptions have been summarized and the EIS, section IV A 8.2, has been modified to reflect them and to present the results of the Phillips/Norwalk survey of New Haven store owners. The Phillips/Norwalk report has been included in revised appendix L, supplement.

P12: Alma H. Engles - 18 March 1982

COMMENT 1:

I feel that you should include Bishop Street in your EIS study. This residential and historical street is in the microanalysis area not the macroanalysis as you say (Ref. Sec. 111-8). On May 14, 1981 this area was determined to be eligible for the National Register of Historic Places. (Ref. Sec. 4(f) DOT report enclosed).

RESPONSE:

Please refer to our response to comment F2(#8) for our position on Connecticut DOT's proposed widening and its consideration by this EIS. The EIS has been modified to reflect your comment that Bishop Street is in the microanalysis area.

COMMENT 2:

As to level of Service why isn't there a table same as Table 15 App. H but in the Microanalysis area. Didn't they want you to consider this?

RESPONSE:

A table 15 in appendix H does not exist. Table 15 in the draft EIS represents the levels of service for roadways in the macroanalysis area, whereas table 16 represents levels of service that are based on an intersection analysis in the microanalysis area. The reason an intersection analysis is presented for the microanalysis area is that

intersections are the restrictive factors and are considered the critical elements to traffic flow nearer the proposed site than would be roadway capacity (macroanalysis consideration). Thus, the tables presented for the macro- and microanalysis areas would better indicate problematic situations.

COMMENT 3:

How did your engineers evaluate the impact of flooding when the Jug Handle is constructed as the maps had no scale and the section to be filled is about a 40 ft. drop and starts at the east edge of the river (Ref. Maps Sec. App. H).

RESPONSE:

The diagram labeled "sheet no. 4," attachment page A-5, appendix H, has no scale because it was removed from the original-size plans for reduction and reproduction into the appendix H document. If need be, the scale can be closely approximated here by using the dimensions in the diagram. Engineers would use the full-size drawings for scale work and not the reduced pages in appendix H. For estimates of the amount of fill and impact projection for the jughandle, please see our response to comment PO-11[#4(4)].

COMMENT 4:

You are going to allow fill in 28 acres of wetlands and cover 117.5 acres with asphalt and concrete, but to allow this is to allow more filling and concrete areas as with the Mall comes the development of Valley Service Road which can't be used unless filled. This is an area even during periods of heavy rains and especially every spring is flooded up to the present Valley Service Road and covers construction sites. Where will the water go when it can't go east of the river, it will go to the west (Residential Area).

If there is Federal funds available to widen a stretch of road for Mall Traffic (Private Development) there must be some to use to make it possible to research impartially.

RESPONSE:

The EIS staff acknowledges your concern over flooding in the area. The EIS has been modified to reflect the flood conditions that occurred during the 6 June 1982 flood. The information presented in the EIS on flooding impacts has been independently assessed by Corps of Engineer hydrology/hydraulics staff and the Federal Emergency Management Agency. The decision to accept or deny the proposed fill in the flood plain will be weighed by the Division Engineer after taking all considerations into account.

P13: Rico Bennett Gattilia - 26 March 1982

COMMENT 1:

There is a 4-5 foot coastal tide at the mall site every fourteen (14) hours, incoming tide six (6) hours, outgoing tide six (6) hours, we have up to two (2) or more hours at high tide before it changes because of the distance from the New Haven harbor. This is the normal course of the river at normal times, when we have heavy rains alone at high tide mark the mall site is always flooded, when we have coastal storms, spring thaws, etc., these conditions are compounded.

I think the coastal tide in the Mall Site area will have an affect on your decision. I am therefore asking you to please investigate this serious situation.

RESPONSE:

According to the FEMA Flood Insurance Study, the extent of tidal influence in the Quinnipiac River is to the Broadway Bridge. This was confirmed by the DEP's determination that the site is not in a coastal zone management area which includes all tidal waters. This was further confirmed by numerous site visits, during which at no time was tidal influence observed near the proposed mall site. Only during storm surge conditions, such as sometimes occur with hurricanes, does tidal action reach as far as the mall site. Under storm surge conditions, tidal elevations at the mall could reach the 4- to 5-foot range. Since the mall was planned to be above the FEMA 100-year flood elevation of 13.8 (or 16.0 feet, the Corps' determination) above mean sea level, a surge would not cause any flooding problems.

P14: Steven P. Hamburg - 23 March 1982

COMMENT 1:

ELECTRICAL DEMAND OF THE PROPOSED MALL WILL BE SIGNIFICANT - The total quantity of electricity projected as the annual consumption (assuming air conditioning has been included, which is unclear from Table 19) for the mall is roughly 30,000 mwh/yr or the consumption of 4,800 area homes per year. The average United Illuminating (UI) residential customer uses 6.3 mwh/yr (1981) (Report to the Connecticut Siting Council, March 1, 1982 by United Illuminating Company, New Haven, CT. All further references to use electrical patterns comes from this report). The electrical usage of the proposed mall as presented in Table 19 represents the consumption of 13,000 people, certainly this is not within the definition of insignificant or close to the 100 homes referred to in the draft EIS.

RESPONSE:

The total annual electrical consumption shown in table 19 of the draft EIS (table 22, final EIS) includes the load from the air-conditioning system. The electrical load due to air-conditioning was broken out separately because it represents a significant percentage of the total electricity consumed at the mall. All elements included in the electrical consumption projections are described in appendix P.

The comparison of the 100 homes in the draft EIS relates only to natural gas or oil and not to electricity.

Reference made in the comments relating to the 4,800 homes is correct. This represents less than 2 percent of United Illuminating's (UI) 256,205 residential customers (UI, 1981 Matters of Fact).

COMMENT 2:

PROJECTED ELECTRICAL DEMAND OF THE PROPOSED MALL IS TOO LOW - The usage figures in Tables 18 and 19 are not reasonable. The average load figures (annual consumption divided by peak demand times the number of hours in a year times 100) are 24% for the mall stores, 73% for Macy's, 49% for Sears, 44% for G. Fox, and 29% for J.C. Penney. Some of the load figures are much too high to be reasonable. Given the large cooling demand that will be experienced on hot summer days when the mall is busy it is impossible to believe that Macy's will be consuming electricity at 73% of its average demand, even if electric heat is installed. The system average for UI is around 50% but for commercial spaces such as the proposed mall it would be expected to be lower. The load figures projected for the mall stores is one third that of Macy's even though they both have the same pattern of energy needs. There seems little doubt that the peak demand figures are too low as presented in Table 18. This affects peak load margin calculations. Annual consumption figures presented in Table 19 are also suspect since the total square foot usage rates for electricity vary by a factor of three. Heating calculations vary by a factor of two while cooling varies by a factor of five. The data is rife with inconsistencies and without a detailed listing of assumptions and design considerations it is not possible to deal with the data in a meaningful way. The dramatically lower energy use per square foot in the anchor stores was not explained in the draft EIS or in Appendix P. Reasonable assumptions lead one to increase the project's annual electrical consumption and the peak load, any specific revisions need to be based on more complete data than that which has been presented.

RESPONSE:

The energy consumption figures presented in the EIS were based on preliminary design for each building as furnished by the individual anchor stores and developer. At this time these estimates appear to offer reasonable estimates of energy consumption and they represent the best

available information. At this time the EIS staff does not have more detailed design information and it would not be available until, and unless, the proposal were to undergo engineering design. We acknowledge that each of the anchor stores would be designed separately and owned separately, and the energy consumption values for each store could vary significantly. Energy consumption is very sensitive to the building design as well as the type of merchandise sold in each store. Although some stores may be more energy efficient than others, they all are required to comply with the "Energy Conservation Standards of the Building Codes of the State of Connecticut." This portion of the code is taken from the ASHRAE Standard 90A-1980, which is one of the more stringent energy codes in the United States.

COMMENT 3:

PEAK ELECTRICAL DEMAND OF THE PROPOSED MALL WILL BE A SIGNIFICANT PERCENT OF UI'S CURRENT PEAK LOAD MARGIN - Peak electrical load for the proposed mall has been projected at 11.5 mw and UI has a peak generating capacity of 1,299 mw. The peak generating figure does not include transmission losses, generator down time or existing peak demand. The peak load margin is the figure that should be of interest. UI has low transmission losses at 6% and high generator availablity with 85% of generating capacity being on line on average. With these considerations taken into account UI has an average load capacity of 1104 mw of which 999 was needed last year (weather corrected peak load demand). This leaves UI with a peak load margin of 105 mw (assuming the Table 18 peak load demand for the proposed mall is correct, which is doubtful) and the proposed mall will account for at least 9% of this margin.

It is important to remember that UI serves a larger population than will the proposed mall. All energy considerations have to be put in to the perspective of the region to be served by the mall and not the area served by UI. This is a very important consideration if the social costs of energy use at the mall are to be understood. If three malls were built so that all of UI's customers had access to a regional mall and the peak electrical demand were more realistically calculated (see section 2), the malls' peak demand would be approximately 50% of UI's peak load margin.

It is reasonable to expect that UI will have to build new generating capacity if electrical demand grows. The current capital cost of building generating capacity to cover the peak electrical demand of the proposed mall is at least $20,000,000. Given the current economic climate and lack of local capital such an expenditure by UI would have negative regional impacts, the capital would produce far fewer jobs than if it had been spent in industrial or commercial development.

RESPONSE:

United Illuminating (UI) is a member of the New England Power Pool (NEPOOL) which distributes power from those utilities having excess power

supplies to others in demand. This helps to distribute supply and demand requirements of any one utility company. As a NEPOOL member, UI may buy and sell power to meet demands, including peak hours. UI has indicated that there would be no unusual problem in supplying power to the proposed mall or to their customers, should the mall be built. Future utilization of power is speculative. There is no indication that three new malls would be built. Similarly, there is no indication of what existing major users of electricity would not require power in the future. The EIS staff does not believe that further evaluation is necessary since the impacts do not appear to have significant effects. Correspondence with UI is listed in the reference section of the EIS.

COMMENT 4:

ELECTRICAL USE PER EMPLOYEE WILL BE MUCH HIGHER FOR THE PROPOSED MALL THAN FOR OTHER LOCAL RETAIL SPACE - The average amount of electricity to be used in the proposed mall per person employed is over three times greater than in the average trade business serviced by UI (assuming the proposed mall will employ 1200 people full time and that the average trade customer of UI uses 7.0 mwh/yr/employee). The importance of this calculation is that on a regional basis the proposed North Haven Mall complex will consume a lot more electrical energy relative to alternative patterns of retail space allocation. Jobs created by the proposed mall, the net regional benefit, will result in a lot of wasted energy with its corresponding social costs. Centralized retail space within a large structure is not energy efficient or prudent, as it forces the region into high fixed energy costs. A larger number of small independent retail spaces would be more flexible and provides far greater return on energy investment.

RESPONSE:

The EIS staff acknowledges your comment and notes that you favor what you consider is a greater return on energy investment by using a larger number of small independent retail spaces.

In general engineering practice, energy comparisons are made based on floor areas or volume and not on the number of people employed in the store. The number of employees per square foot is in most cases less for a large store than a small store. If people were to be used as a measure of unit energy consumed, it would also be possible to include the number of shoppers at the mall for calculating an energy investment unit. We do not believe that extensions of such computations are necessary, since new measurement units could be defined in infinite ways. Generally, however, large central plant energy systems are more energy efficient than many small systems with an equivalent capacity.

COMMENT 5:

THE PROPOSED MALL WILL NOT BE CONSISTENT WITH A REGIONAL NEED TO CONSERVE ENERGY - It is certainly critical that we decrease or at least hold constant energy consumption regionally, and the proposed North Haven Mall appears to be a major step in the opposite direction. The electrical consumption of the proposed mall represents that which would be used by a town of 7,000 people, including industrial, retail and residential demands. Will the region benefit sufficiently to justify such major energy consumption? It is hard to see how the answer could be yes given that similar retail space in more traditional structures would use one third as much electricity and require a capital investment of $15,000,000 less on the part of United Illuminating, while providing the same regional economic benefits.

Electrical usage has to be kept from growing for several major social reasons. Current economics make importation of foreign oil (UI uses imported oil to generate upwards of 80% of its electricity) very costly both directly and indirectly, with respect to national economic health. Use of fossil fuels contributes greatly to air pollution which has been implicated in major environmental degredation and health problems and is particularly acute in the New Haven area. Construction of new electrical generating capacity will limit the capital availability to more labor intensive projects which return more to the region's economy than does construction of new power plants. Lower electrical usage also keeps the average cost per unit lower for all customers, as new energy sources cost more per unit of power delivered than do current online facilities.

RESPONSE:

The EIS staff acknowledges your concern for electrical consumption in the region and we note your views and opinions for the record. We also note that the Record of Decision would make the public interest review and draw a conclusion on whether or not the mall would be a benefit to the region, taking into account the mall's potential energy use.

COMMENT 6:

In summary the North Haven Mall complex as proposed and reviewed in the draft EIS will have major energy impacts regionally which have not been considered in the draft report. Additional review is necessary to assess the regional costs of energy use at the proposed mall in order to make an intelligent decision on the reasonableness of incurring these additional costs.

RESPONSE:

Your comments and views are noted, however, the EIS staff does not believe that additional study and review is needed. Additional assessment of the effects of one mall on New England's regional energy consumption,

involving the NEPOOL integrated electrical distribution system is not regarded as necessary since no additional substantive impact is likely or discernible.

P15: G.E. Hartsoe - 17 March 1982

COMMENT 1:

General comment.

RESPONSE:

Please refer to our response to comment PO-12(#1) for our position and views toward using information developed by the applicant in support of the EIS.

COMMENT 2:

The need for the Mall is based on obsolete information. For example, Census figures from 1970 were used. Since then many factors have changed. Two elementary schools in North Haven have been closed and another closing is imminent. Population trends have changed dramatically. The Edward Malley Co. store in New Haven has gone out of business. We are undergoing a major recession with serious changes in spendable income. These factors must be re-evaluated independently.

RESPONSE:

The economic analysis presented in the draft EIS, section IV A 8.2, page IV-21, and appendix L, indicated the use of preliminary 1980 figures. The final EIS, and revised appendix L, has been modified to fully reflect the 1980 information.

The closings of elementary schools in North Haven was addressed in appendix M, page 17.

The closing of the Edward Malley Company was considered in our response to comment PO-18(#15).

The present recession is a market condition that fluctuates according to the times and would not be considered here for the economic analysis. These evaluations reflect the best available information base for the economy.

COMMENT 3:

Air pollution in this area is a serious problem and may become of critical proportions if the Mall is constructed, particularly for the elderly or the sick. It is no coincidence that Connecticut has one of the worst air pollution problems in the country and one of the highest death

rates from cancer. The Corps of Engineers must give air pollution problems much more consideration than their report indicates.

RESPONSE:

The EIS staff acknowledges your concerns over air pollution problems, but it is unclear from your comments what additional consideration you believe is needed. The draft EIS, section IV A 5.0 and appendix I, indicated the potential for air pollution increases owing to traffic generated by the proposed mall and for considering maintenance of air quality standards.

COMMENT 4:

General comment not pertaining to the EIS.

RESPONSE:

No response needed.

P16: Calvin D. Hazeltine - 16 March 1982

COMMENT 1:

General comment not specific to the EIS.

RESPONSE:

The EIS staff acknowledges your comments and views.

P17: Calvin D. Hazeltine - 26 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your comments and views and notes your opposition to the proposed project.

P18: Diane Hatch-Mangine - 16 March 1982

COMMENT 1:

General comment not specific to the EIS.

RESPONSE:

The comments offered do not reflect the specific issues of the proposed North Haven Mall and are not germane to the information presented in the EIS.

P19: Dennis M. Kennard - 22 March 1982

COMMENT 1:

On page III-8 of the draft EIS, reference is made to the highway project improvements planned for Bishop Street, Washington Avenue, and Clintonville Road which will relieve current congestion. Yet the transportation statistics presented in the transportation section of the draft EIS (table 7) indicate a D level of service will exist at the intersection of Clintonville Road and Washington Avenue.

Will the Army Corps include in its final EIS exactly what highway improvement project is planned for Clintonville Road and how much improvement in the traffic flow can be expected from this Clintonville Road project, given that the level of service for the Clintonville Road/Washington Avenue intersection is to be D?

RESPONSE:

The EIS has been modified to reflect your comment. Recent improvements to Washington Avenue would aid travel along that route, and proposals for Bishop Street should provide modifications to accommodate its traffic use. Though improvements to Clintonville Road and its junction with Washington Avenue have been recognized and considered by the State, there are presently no plans to include it in the State roads program.

P20: Joanne Kennard - 16 March 1982

COMMENT 1:

According to the draft EIS, a great deal of mall-generated traffic would come off the I-91 exits and the Wilbur Cross Parkway exits. But the percentage of traffic increase on those highways will not be as high as the percentage of traffic increase on some of the residential streets in the town of North Haven.

Percentage of traffic increase regarding residential streets is mentioned in the "Abstract" of the draft EIS. According to the "Abstract": "Some neighborhood residential roads serving as access routes (to the mall) would experience a fifteen to twenty-five percent increase in traffic (Bishop Street more-so) . . ." But the actual figures found on page 39 of Appendix H, Transportation, for the year 1985, indicate much greater percentages of increase will take place on residential streets.

According to the figures on page 39, residential Maple Avenue south of Broadway will experience an increase in traffic of 35%, a much greater increase than the 15-25% increase indicated in the "Abstract". Davis Road at the Hamden town line will undergo an increase of 23-25%. The Hartford Turnpike will experience a 19% traffic increase; Blakeslee Avenue will undergo a 20% increase, and Bishop Street west of Hartford Turnpike will experience a 51% increase in traffic. This is the section of Bishop Street not under consideration.

RESPONSE:

The EIS has been modified to reflect the traffic percentage increases for the above roadways as displayed in table 15 of the EIS. Also, refer to our response to comment PO-18(#19 and #20).

Working with percentage figures can be misleading. When the base traffic volumes are large (as, for example, on I-91), the traffic increases due to the mall represent a small percentage increase. When the base volumes are small, even a modest numerical increase could show up as a very large percentage increase. The level of service on the residential streets is not expected to change. Mall traffic using the local street network would be made up primarily of North Haven or nearby Hamden residents, and such traffic is expected to use those streets that currently function as through routes.

COMMENTS 2:

In light of the percentages of traffic increases to be expected for those of us on mall access streets, I am requesting that the Army Corps of Engineers specifically address the following:

1. The percentages of increase in traffic volume to be expected on the mall access streets which are listed on page 39 of Appendix H, Transportation; and 2. The relationship between these percentages of increase and the anticipated property values for the streets affected. Thank you.

RESPONSE:

1. The percentage increases have been included in the EIS and are noted in our response to your preceding comment.

2. Several studies (see references at end of response) have attempted to quantify the impact of traffic and associated effects (air and noise) on property values. These studies have concentrated on extreme conditions; that is, the construction of a major highway adjacent to residential areas. In general, the studies found that highway effects, especially noise, tended to adversely affect property values at very high noise levels or where noise levels increased significantly. In each case, the strength of these effects declined substantially beyond about one

block of the highway. Even in these cases, the impact was to dampen the rate of property value appreciation rather than to cause an absolute decline in market value. Only one study dealt with the impacts on residential property values for homes adjacent to heavily traveled urban streets rather than highways. The study found that "for reasonable levels of confidence (95 percent and above), none of the noise measures used has a statistically significant influence on the market price of properties sold ..." The only residential area where noise levels are expected to be perceptively different during some peak hours as a result of mall traffic would be Bishop Street.

It was not possible to document a change in property values owing to a difference in traffic per se, as traffic activity levels are one of the factors influencing a neighborhood's character. Although no substantial traffic intrusion into residential neighborhoods is expected, should it occur, property values could be negatively impacted. The extent of the affect would depend on housing market conditions at the time, other neighborhood attributes, and the size of the traffic increase.

A related concern is assessed value and how changes in that value would affect property tax revenues. According to the town of North Haven tax assessor, traffic is considered to be one of the many traits forming neighborhood characters, but it is not considered as a separate element in assessing a property's value. Assessments are based on market values. Should a given homeowner request an assessment change on the basis of a change in traffic levels, the North Haven tax assessor would check recent house sales to determine whether or not such a reassessment was justified. Homeowners who do not agree with the decision can appeal to the town's Board of Tax Review which acts as a final arbiter in these matters.

The town must collect a fixed amount of revenue to cover a given year's budget. Therefore, in order to keep revenues constant, a decrease in one property's assessed value would either be balanced by an increase in assessment of other properties and/or a rise in the town tax rate.

Two towns containing large centers were contacted to ascertain their experience regarding mall traffic and property values.

Shopping Center: West Farms Mall, West Hartford, Connecticut

Size: 1,042,000 GLA (Gross Leaseable Area)

Contact: West Hartford, Tax Assessor.

Findings: A highway that was supposed to service the mall was never constructed. As a result, the local streets have been carrying a larger share of mall traffic than anticipated. Nevertheless, according to the assessor's best recollection, no reassessment of property along the streets affected has taken place.

Shopping Center: The Mall at Short Hills, Millburn, New Jersey

Size: 1,160,000 GLA

Contact: Assistant Tax Assessor

Findings: This center is at the intersection of a highway and a major arterial. During the final phase of highway construction a residential street, which heretofore had functioned as a local street, was used as an access road to the center. At that time, only the land frontage portion (the number of feet fronting the street) and not the entire property was assessed 10 percent lower than on comparable streets not having traffic. Once the highway and associated street improvements were completed, traffic ceased to be a problem and the 10 percent allowance was discontinued.

References:

Allen, Gay R., "Highway Noise, Noise Mitigation, and Residential Property Values," Transportation Research Record 812, 1981, pp. 24-25.

Colony, David C., "Estimating Traffic Noise Levels and Acceptability for Freeway Design," Highway Research Record 305, 1970, pp. 80-87.

Hall, Fred L., Barbara E. Breston, and S. Martin Taylor, "Effects of Highway Noise on Residential Property Values," Transportation Research Record 686, 1978, pp. 38-43.

Langley, John C., Jr., "Highways and Property Values: The Washington Beltway Revisited," Transportation Research Record 812, 1981, pp. 16-21.

Langley, John C., Jr., "Time = Series Effects of a Limited = Access Highway on Residential Property Values," Transportation Research Record 583, 1976,pp. 36-44.

"Summary and Evaluation of Economic Consequences of Highway Improvements," NCHRP Report No. 122, 1971, p. 303.

P21: Joanne Kennard - 22 March 1982

COMMENT 1:

On page IV-1 of the draft EIS the amount of fill that would be needed for the mall site is discussed. According to these statistics, 675,000 cu. yards of fill will be obtained from the site itself, leaving 380,000 cubic yards of fill to be acquired additionally. According to the draft

EIS, there are no known borrowing sites left in North Haven and no borrowing sites have as yet been determined to satisfy the proposed mall's need for fill. Will the Army Corps investigate where this fill might come from and what areas will be directly or indirectly affected by the procurement of this fill, and will the Army Corps include these findings in the final copy of the EIS?

RESPONSE:

Presently, there are no known borrow sites for the material to be used as fill. Excavation of the material would be subject to local borrow excavation bylaws. All applicable local and state regulations would apply regarding earth removal and transportation of fill. Should a permit for tha mall be granted, the quality of fill would be required to be clean materials. Also, if such borrow work would involve activities in areas under the Corps' jurisdiction, it may be subject to a separate permit review. Otherwise, the Corps will not investigate all potential fill source sites prior to the release of the final EIS.

COMMENT 2:

Although the amount of fill required for the site is discussed in the draft EIS, the amount of fill necessary to construct and widen the roads that will lead to the mall site (Valley Service Road, Mall Drive, the jughandle) is not included in the draft EIS. As the amount of fill required for the road widening and construction will be considerable, will the Army Corps investigate these fill requirements and the potential sources of fill available and include these findings in its final draft of the EIS?

RESPONSE:

The commenter is referred to our responses to comments PO-10(#13) and PO-10(#21). Our reply to how the EIS staff will consider potential sources of fill and related impacts is addressed above for your previous comment. Mall Drive will result in a net excavation of material, instead of requiring fill.

COMMENT 3:

The draft EIS does state on page IV-13 that Bishop Street, Hartford Turnpike, State Street, etc. are potential local streets that will be utilized as fill-truck routes. The Hartford Turnpike is posted with "No Truck" and No Thru Truck" signs; Bishop Street is posted with "No Thru Truck" signs. "No Thru Truck" signs, according to the North Haven Police Department, means that only those trucks based in North Haven with a destination in the town of North Haven can use such posted streets. If fill were to be brought in from out of town sources by way of these streets, the residents of these streets will be subjected to noise, dirt, road and home damage they are not protected from by the 'truck'

prohibitions currently in effect on these street. Is the Army Corps aware that these streets are now closed to "thru trucks", and will it investigate alternate streets for the mall's developers to use and include these findings in its final draft?

RESPONSE:

The EIS staff acknowledges that several roads may now be signed that would not permit the use of trucks carrying fill to the proposed mall site. However, we recognize that the assignment of truck routes for the proposed mall fill is the responsibility of the town of North Haven. The town has not indicated which routes they propose to use, as the source of fill will not be known until a contractor to construct the mall is selected. Along with the routing, the town specifies hours of operation, frequency of traffic, clean-up measures, and a mechanism for repair of an accelerated maintenance required because of the use of town roads by trucks. The town has indicated that their experience to date with the use of town roads for hauling fill has not caused damage to the roads or need for accelerated maintenance. (See also the response to comment P1C108.)

P22: Pearl Loffredo - 16 March 1982

COMMENT 1:

Upper State Street, properties, number 10 to 92 are flood prone properties, were left out of map. Numbers 2A - 2R. Banton Street left out, including a ravine which fills up over half full, river flooding time - names Paula DiChello, 2A - Mrs. Anne Mastrianni Kazietch, 2R - river has flooded to her house.

Valley Service Road - Farmhouse owned by name DiChello - you have flood pictures of this flooding.

RESPONSE:

The draft DEIS, figure 10, has been modified to reflect your comments. Please refer to figure 12 in the final EIS.

P23: Pearl Loffredo - 16 March 1982

COMMENT 1:

My name is Pearl Loffredo. I live at 86 Upper State Street in North Haven. I am a Member of Stop The Mall - C.C.A.G.

I am distressed to learn my property was omitted from the Army Corps Draft EIS Map of Flood Prone Properties. The flooding problems of persons living on Upper State Street, Banton Street and the Valley Service Road were also omitted. Nothing was said of flooding in the State Park or on the Wilbur Cross Parkway.

RESPONSE:

Please refer to our response to your comment above. In addition, a picture of the 6 June 1982 flood across the Wilbur Cross Parkway has been added to the EIS to indicate flood conditions west of the proposed site.

COMMENT 2:

I am asking the Army Corps tonight, to please perform a more thorough study of the flooding. Please assess whether or not the encroachment lines need to be changed, and focus on the mall not as a single parcel to be filled, but the beginning of large scale development along the flood plain.

RESPONSE:

Please refer to our response to comment F4(#2). Additional information, however, has been added to the final EIS, section III C 3.0, to reflect the conditions of the 6 June 1982 flooding along the Quinnipiac River around the site. The EIS depicts the substantial flooding conditions that exist and the potential for increased flooding from cumulative fills for several miles upstream and downstream of the site. Also, refer to section IV A 3.5 and to appendix F, supplement, for added information on the 6 June 1982 flood conditions, and to our responses to comments PO-10(#15) and PO-11(#5).

COMMENT 3:

I am also presenting to you another set of photos which depict flooding in the area, and two letters from flooded neighbors. I also have an album of photos which show flooding here as far back as 1966. I would like your engineers to come to my house sometime to see them.

RESPONSE:

A member of the EIS staff has accepted your invitation and has visited with you (17 March 1982 and 27 July 1982) to review and discuss flooding conditions. The EIS staff appreciates your invitation and information inputs.

P24: Anne Magoun

COMMENT 1:

I am opposed to the construction of the proposed North Haven mall. The Draft EIS does not adequately address the major issue of the mall's potential impact on North Haven. Traffic, sociological impacts and air quality issues are glossed over. The Corps has a responsibility to seek out objective information, beyond selfserving developer reports.

RESPONSE:

The EIS staff acknowledges your comment and views, and we note your opposition to the project.

P24A: Anne Magoun - 27 March 1982

COMMENT 1:

General comment not specifically addressing the EIS information.

RESPONSE:

The EIS staff acknowledges your comments and concerns and notes your opposition to the proposed project. For our responses to general comments on "need" and "need" versus "demand," we refer your to our responses to comments L12(#5), PO-10(#14), PO-17(#2), and PO-26(#2).

P25: Peter R. Magoun

COMMENT 1:

I am opposed to the construction of the proposed North Haven mall. The proposed project is the wrong project in the wrong place at the wrong time. I strongly urge the Corps to perform an unbiased, professional evaluation in place of the current, heavily slanted (you use the developer's text as fact in several places) Draft EIS. Be proud of your job. Be unbiased. Be, above all, professional.

RESPONSE:

The EIS staff acknowledges your comments and views, and notes your opposition to the proposed project.

P26: Mary Mahon - 27 March 1982

COMMENT 1:

I am speaking for the minority position on the North Haven Conservation Commission's motion taken March 3, 1982 at a special meeting which reads: "The North Haven Conservation Commission endorses the issuance of a permit to place fill in about 25 acres of wetlands and water courses in conjunction with the development of the North Haven Mall."

We, the minority, do not support the motion because the U.S. Army Corps of Engineers Draft Environmental Impact Statement of the North Haven Mall does not prove to us that significant impact will not be imposed on the North Haven Community, particularly in the areas of water resources, water and air quality. As conservationists we cannot support a permit

that allows the filling of 25 acres of wetlands. Although the study points out that the site's ability to store flood waters has been shown to have no measurable impact upon flood levels because of the clay-containing soil, the 25 acres of wetlands do act as flood water storage during heavy rain storms. The draft Review Section 404 (b) (1) on page III-7 was based on 6-months and 1-year flood events, but North Haven has experienced greater flood producing storms. It notes that three feet of flood water during 100-year floods was calculated. There is too broad a range between 1-year and 100-year flood events. The run-off from the parking lot will eventually reach the Quinnipiac River. The Conservation Commission has had a goal to improve the Quinnipiac River to the State of Connecticut's goal of "B" quality by reducing the influx of pollution, not increasing it.

RESPONSE:

The commenter should note that the reference to page III-7 refers to the draft EIS as opposed to the 404 Review, which is attached at the end of the EIS document.

The 1-year and 100-year flood events were presented to give an understanding of the range of conditions, but for additional information relating flood events to flood storage capacities at the site, please refer to appendix H which has been modified to include data from the 6 June 1982 flood. Specific elevations for depth of water at the site during flood conditions are not given because ground elevations at the site vary widely with the terrains. The equivalent average depth of flood water for the site is given for the 100-year event on page III-7 of the draft EIS. Other average area depths would be proportionally related to the lesser storm events.

State water quality standards are appropriately administered through the Connecticut DEP agency and they require satisfaction of their regulations to obtain a Water Quality Certificate. If the applicant can obtain certification, this would be an indication that the proposed project does not contravene the State's water quality objectives.

COMMENT 3:

General comment.

RESPONSE:

The EIS staff acknowledges your comments and concerns for the environment, and we note for the record your opposition to the proposed project.

P27: Charlie McPhedran - 17 March 1982

COMMENT 1:

The Final EIS should make some estimate of lost revenue to the town when Washington Avenue and other area stores start going out of business because of the mall's construction.

RESPONSE:

Revised appendix L presents the net gain in North Haven's tax revenues as a result of mall construction. It accounts for the potential loss of about $60,000 in tax revenue (under the 1990 0-percent income growth scenario) stemming from the possible closing or reduction in business activity levels of stores in North Haven.

P28: Peter McPhedran - 16 March 1982

COMMENT 1:

I have to admit that the financial argument for the mall sounds attractive for North Haven. We read in the summaries of the proposal, and in the newspapers, that this project will generate $1,000,000 in revenues to the town, and that property taxes will be reduced by 6%. However that is a wish, not a guarantee. If we look at the Economic Appendix, Appendix L, on page 74 we find that the developer actually guarantees a sum of $350,000 in the first tax year. Town expenses for the project for that year are estimated at $250,000 for debt service and $100,000 in mall related public safety expenses in other words, a break even situation in 1985. The guarantee increases to a mere $150,000 annual net in the 12th year in 1997. So the Army Corps should not conclude that environmental costs are sure to be offset by tax receipts. If the taxes should come in at the lower end of projections, hard times, the town may actually be losing money on uncounted expenses, such as accelerated need to establish new land fill.

RESPONSE:

The tax payments guaranteed by the developer were based in part on the town's estimate as to the maximum public costs that would be associated with the mall construction and operations. Any revenues in excess of the minimum guarantee can be used to either lower (or prevent the increase) of the town's tax rate and/or improve the quality of town services. The 6-percent tax rate reduction appearing in the draft EIS was used for illustrative purposes only to indicate the scale of the mall's likely fiscal impact. (Revised appendix L indicates a percentage reduction of 5-percent.)

Both the town and Mall Properties, Inc., expect that tax revenue from the mall will far exceed the minimal guarantees. The $1 million surplus

figure represents the current "best estimate" as to probable mall assessment ($58.6 million) at the existing town tax rate (24.00 per thousand) less $360,000 in possible town costs and an additional loss of $60,000 in tax revenue from possible store closings. The size of the expected surplus leaves plenty of room to accommodate unforeseen town expenses and/or less than anticipated mall assessments without adversely affecting the town's fiscal position.

COMMENT 2:

The need for this project is argued in the Draft EIS by the present occurrence of a $66,000,000 "leakage" in sales receipts from metropolitan New Haven. If we build the mall, the leakage will stop, we will be able to tax the resulting business and generate new jobs in North Haven. Sounds great. No more driving to get to the department store, and lower taxes. However, there hasn't been any population growth in the area. The business and jobs gained here will hurt our neighbors financially, and this huge development will hurt us with traffic and air pollution. I would urge that the Army Corps reject the mall as currently proposed and that we reconsider the small mall approved by North Haveners in 1973.

RESPONSE:

The EIS staff acknowledges your comments and concerns, and we note for the record your opposition to the proposed project.

P29: Peter McPhedran

COMMENT 1:

To summarize, I felt that environmental damage should not be considered repaid by the predicted tax benefits, since repayment beyond debt service and police and fire increases is not guaranteed by the developer (see page 74 in Appendix L). I felt that the permanent jobs accruing to North Haven would be taken from neighboring towns and that it didn't make it all right to say, as Appendix L does, that most of the economic damage would be outside of the (census) metropolitan area.

RESPONSE:

The EIS staff acknowledges your comments and views, but the nature of your last comment is unclear without specific references. The economic losses to SMSA towns, and others outside the SMSA that could be affected in the market area, are considered in revised appendix L, and in the Chung report in revised appendix L, supplement.

COMMENT 2:

You will find in Dr. Lawrence Solomon's comments at the hearing objections to some of Mr. Raymond Keyes' statements about Mall effects on

Air Quality. Mr. Keyes assumes that auto emmissions are sure to lessen because of EPA requirements: Dr. Solomon pointed out that the EPA standards have already been relaxed. It is unreasonable to expect less carbon monoxide from the same autos. It is common knowledge that people are holding onto their old cars longer, meaning that lead will persist at or near present levels in auto emissions. The ingestion of lead by children can cause learning disabilities as well as other neurologic damage, and has been the focus of public health attention for more than a decade. The draft EIS should certainly consider lead pollution.

RESPONSE:

The EIS staff notes that Parsons, Brinckerhoff, Quade & Douglas, Inc., performed the air quality studies, though Raymond Keyes is referred to in the comment. The air studies assume that current laws and standards will not be changed (see our response to comment PO-10(#19)). Vehicular emission factors were calculated, using an EPA-developed vehicular emission factor computer program. Using this program, vehicular emissions are projected to decrease in the future. This is due principally to vehicle-turnover (that is, the retirement of older vehicles and their replacement with newer, less polluting vehicles) and implementation of the State Vehicle Inspection and Maintenance (I & M) program. It was not assumed that less carbon monoxide would be emitted from the same vehicles.

Also, see, our response to comment PO-12(#8) for a discussion of lead.

COMMENT 3:

Another assumption made by Mr. Keyes that must be challenged is that the building of the Mall will result in a reduction in auto trips and auto miles. The argument is made in Appendix H that the Mall's bigger concentration of stores will result in 12,000 less trips and miles, because of less driving from store to store. This in turn is based on how much traveling the people expected to use the Mall would have to do, without the Mall, to purchase the $85,000,000 of shoppers' goods expected to be sold annually at the Mall. The suggestion that this large shopping Mall, presently planned to be reached only by car, will lead to a net reduction in miles driven seems absurd on the face of it. What about the people who start out wanting one item they could buy locally, drive to the Mall instead to get it, and wind up doing other shopping too? The longer initial trip to the Mall will result in an actual increase in driving. The other items likely to be purchased when the shopper is among a group of stores contributes to the alternative prediction of additional miles "driving around". This last is speculation on my part, as the exact method of calculating that there will be fewer trips if there is a Mall, is not presented. The point here is that this prediction of 12,000 fewer trips and fewer miles, which I suggest is both speculative and improbable, is then used in the Air Quality section (see Table 7, second sheet after page 22: VMT drops 12,000 with the "Build" option). In Table 7 this

figure is used to maintain the reduced pollutant burdens predicted on the basis of an EPA that, in all likelihood, won't have any teeth and may not even exist. Finally, we have seen on pages 14 and 15 (Appendix I), that our central region of Connecticut is already exceeding Clean Air Act standards for particulate matter, photochemical oxidants (hydrocarbons), and carbon monoxide. I submit that it is unreasonable to assume that we will return to safe levels of these pollutants based on laws that are unlikely in the present political and economic climate to be enforced.

RESPONSE:

The EIS staff acknowledges your views and concerns over the derivation of the 12,000 vehicle miles traveled: however, we recognize that this number of miles represents only a small fraction of the total miles. As such, we do not consider this a significant factor that would require additional consideration or evaluation.

We note, however, that the VMT is the product of total trips made and distances over which they occur. The Trip Generation Handbook, Institute of Traffic Engineers, 1979, indicates that larger shopping centers attract fewer trips per square foot. In addition, detailed projections were developed to determine the origin of sales (or place of residence for shoppers) that will be attracted to North Haven Mall and the level of sales that would be diverted from the various retail nodes currently servicing the North Haven market area. This analysis, which appears in appendix H, pages 40-42, revealed that, on the average, shopping trip lengths would also be shorter with the mall. It is the combination of fewer trips over a shorter distance that resulted in the estimated 12,000 VMT reduction. This analysis was undertaken by Parsons, Brinckerhoff, Quade & Douglas, Inc., though reference is made to Mr. Keyes in the comment.

It is recognized that this reduction is not significant and was not the prime factor in estimating pollutant burdens. Rather, pollutant burden reductions stem mostly from the expected decrease in future vehicular emissions assuming current laws and standards. Also, see our response to comment PO-10(#19).

In the year 1984, pollutant burdens with and without the mall will be approximately equal and carbon monoxide concentrations are expected to be below NAAQS.

COMMENT 4:

General comment.

RESPONSE:

The EIS staff acknowledges your views and concerns for reviewing the applicant's information prior to its use in the EIS. We refer you to our response to comment PO-12(#1).

P29: Edward Morrissey - 22 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your comments and concerns.

P30: Constance O. Dayton - 2 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your comments and we note your support for the proposed project.

P31: Emilio Parese - 18 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your comment and views and we note your support for the proposed project.

P32: William Parkerton - 27 March 1982

COMMENT 1:

As reported in both the DEIS, page III-5, and in Appendix B, Vegetation, Wildlife and Wetlands, page 14, the developer is to observe "the nondisturbance of 11.6 acres of inland wetlands outside the channel encroachment line". I must question whether the developers design reflects this condition.

Starting from Figure 17, Wetlands - Site Plan overlay, I have an excellent sense of what constitutes definable wetlands. Therefore, when I compare that figure with Figure 6, Site Plan for Proposed Mall, I am most disappointed to not be able to observe <u>any</u> wetlands outside the channel encroachment line which would remain undisturbed.

RESPONSE:

A condition of North Haven's Inland Wetland Commission requires that at least 11.6 acres of wetland remain undisturbed. Wooded swamp in the northwest and southwest sectors of the site would remain (appendix B, figure 2). Between the areas proposed for mall development and the river, a buffer ranging from 75 to approximately 350 feet would not be developed. This would leave approximately 16 acres of wetland undisturbed (appendix B, page 29). The term "outside the channel encroachment line" refers to the riverward side of the encroachment line.

COMMENT 2:

General comment.

RESPONSE:

The EIS staff acknowledges your comment and notes your general question, however, it is not specific or sufficiently delineated to require a response.

P33: Bessie B. Phillips - 16 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your views and comments and we note your opposition to the proposed project. We also refer you to our responses to comments PO-18(#19) and P20(#2) for our replies on property value questions.

P34: Joseph Pulco - 17 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your views and comments.

P35: Lucia Egle Rimavicius - 24 March 1982

COMMENT 1:

Overall, the DEIS complies to the CEQ Regulations. However, I wish to address comments regarding those aspects of the statement which I feel may have been overlooked or require additional analysis.

The most disturbing element of the statement is the PURPOSE AND NEED section. The Corps has determined the need for the mall as a "public need for a depth and variety of shoppers goods and merchandise not now available in the New Haven SMSA and to promote an increased level of merchant competition to sharpen and improve retail services to area shoppers". The real purpose appears to be the ability for the developer to increase profits. The request for the permit and hence, the assessment are merely a compliance to the law. The Corps identifies the secondary purpose "to provide goods and services for profit within the private business sector". Their secondary purpose is indeed the primary one.

Even more disturbing, is the fact that the subsequent sections of the statement, specifically the ALTERNATIVES ASSESSMENT and the ENVIRONMENTAL CONSEQUENCES, are discussed in light of the distorted purpose and need. It is hard to believe that the subsequent sections have been evaluated objectively and in the interest of the public if the statement of purpose and need is distorted.

RESPONSE:

The EIS acknowledges your views and comments on the need and purpose presentations, but disagrees that the presentation of purpose is distorted or presented as either "primary" or "secondary" purpose. The draft EIS did not state such a priority of purposes. Both the public and private needs have been identified, and the EIS staff does not believe that additional analysis is necessary.

COMMENT 2:

If indeed the provision of adequate retail services and a competitive commercial environment are needed in the region, then the expansion of existing retail centers should have been considered more seriously as an alternative to the mall. I understand that the CBD of New Haven has been looked at as an alternative site, but the alternative of no mall-expand CBD deserves consideration as an alternative. This alternative is particularly important since the mall will draw from the New Haven CBD. It is also very important since New Haven, in conjunction with the Rouse Company, has been looking into the CBD's redevelopment potentials. The assessment presents some information regarding the revitalization effort, but it appears to be written off because information is lacking to analyze the situation. The potential conflict between a redeveloped downtown in New Haven and the mall, if built, could have significant market effects which should be investigated.

RESPONSE:

The EIS considers the New Haven option in section II B. To date, the EIS staff has reviewed the retail issues of New Haven for considering it as an alternative to the proposed project. Since New Haven's retail revitalization has not reached a level of implementation to demonstrate it

as a foreseeable option (for providing retail opportunity comparable to the proposal and one that could satisfy the proposal's objectives), it has not been evaluated further.

COMMENT 3:

General comment.

RESPONSE:

The EIS staff acknowledges your comments and concerns for the city of New Haven's efforts to revitalize the downtown area. The impacts you have mentioned will be weighed against the potential benefits of the proposal by the Division Engineer in arriving at a permit decision.

COMMENT 4a:

A second alternative, build mall without affecting wetlands, should have been considered. Under the guidelines of the Clean Water Act, the 25 acres of wetland which would be eliminated by the mall, represent a "special aquatic site". The importance of such a site is not given adequate attention. The developer of the mall indicates that no alternatives are available which would be less damaging to the aquatic ecosystem. However, considerations of such an alternative are not discussed, nor are the reasons for dismissing such an action given. In light of the importance of wetlands; their potential to provide natural purification, their role in flood control, and the extensive habitats which they harbor, the large portion of the mall site which is currently wetlands, and the significant alternatives which will occur if the mall is built, the statement should consider the build mall without affecting wetlands in more depth.

RESPONSE:

Construction of a mall on the proposed site without affecting wetlands does not appear logistically feasible. The size of most any mall structure and associated parking would require fill and alteration of wetlands.

COMMENT 4b:

As a mitigating measure to the alteration of wetlands, "compensatory" wetlands should have been considered. In other words, to compensate for the 25 acres of wetlands which would be disturbed, the developer could purchase or create 25 new acres of wetlands elsewhere.

RESPONSE:

Much of the wetland to be impacted does not provide good wildlife habitat or function so as to provide the values normally associated with

wetlands to any substantial degree. See the EIS, section IV A 2.0 and appendix B. Therefore the EIS staff does not feel that the loss of these wetlands would be a significant impact nor would it cause significant degradation to the ecological integrity of the ecosystem. However, Mall Properties, Inc., has investigated other mitigation possibilities that could further reduce the net impacts of the project.

COMMENT 5:

First, a glossary of terms would be particularly helpful in this statement. Jargon terms are widespread throughout the statement. They include such terms as: "jughandle", "edge habitat", "hypolimnion", "epilimnion", "thermocline", "conveyance ways", "Connecticut I & M", "multiplier effect" and others. A brief definition of these terms, possibly as part of the appendix, would make them more comprehensible to the layman.

RESPONSE:

The EIS staff acknowledges your comment, but doesn't feel a glossary of terms is necessary. These terms are generally understood by those making substantive comments on that subject matter in the EIS. Additionally, these terms can be found in general texts on the different subjects, in encyclopedias, or in dictionaries.

COMMENT 6:

Second, an invalid comparison has been made in the economics and land use portion of the ENVIRONMENTAL CONSEQUENCES section. Misleading comparison figures are given in the discussion of the "worst-case" scenarios for the impact of the mall on downtowns. In the retail market analysis, impacts are discussed assuming an annual income growth of one-percent. In the revised data, based on 1980 Census figures, the "worst-case" scenario uses a zero-percent income growth rate. Figures should be adjusted to make a comparison possible.

RESPONSE:

The basis for the "worst-case" scenerio evaluated in appendix L is the 0-percent income growth situation. Both the 1-percent and the 0-percent scenarios are discussed for the retail market analysis in the EIS, Section IV A 8.2. For the 1980 census information, however, only the 0-percent figures are presented in order to compare the "worst-case" situations. A direct comparison of the worst-case situation was provided in the draft EIS for 1990 for New Haven and Hamden's Magic Mile. This was based on the population statistics used in the analysis versus the preliminary 1980 population statistics provided by Mr. Norris Andrews. We refer the commenter to the draft EIS, section IV A 8.2, page IV-23.

COMMENT 7:

Third, a weak argument is presented in discussions of transportation where issues of energy conservation are concerned. The Corps argues that the mall will minimize auto-trips by combining them, to result in energy savings. Energy savings do not apply to auto generated trips alone. Public transportation represents a significant savings in energy. Even though reference is made to public transportation, it is negligible. Considerations should be given to this mode as a potential energy conserving device.

RESPONSE:

The EIS staff acknowledges your comments, but feels that the EIS adequately addressed the significant impacts and issues around mall-related transportation and energy. Changes in the use of public bus transportation to the proposed site would be initiated and implemented at the discretion of Connecticut Transit, and would likely be based on demand for the service. No evidence or data has been raised or submitted that would indicate the need to consider public transportation as a further energy saving device relative to any significant impact concerning the proposed mall.

P36: Anne Schmalz - 16 March 1982

COMMENT 1:

The Corps of Engineers, in its Draft Environmental Impact Statement, did not attempt to verify a need for a new, large shopping mall in North Haven. The two purposes of the proposal are, and I quote, "... to promote private sector business engaged in providing goods or services for profit.", and "to satisfy a need in the Metropolitan New Haven area for retail shopping that offers a concentration, depth and variety of shoppers goods and merchandise not presently available." The first purpose is, of course, appropriate for a developer of Shopping Malls. The second is language that is lifted directly from the reports of the Developers, and there is no effort on your part to back it up with facts, figures or evidence of public demand.

RESPONSE:

Please refer to our response to comment L 12(#5).

COMMENT 2:

General comment.

RESPONSE:

The EIS staff acknowledges your comments, but we note that they are related more appropriately to the balancing and judgment considerations of the Division Engineer in arriving at a permit decision. The Record of Decision would more appropriately make these considerations than the EIS.

P37: Harold & Ina-Mae Schmidt - 24 March 1982

COMMENT 1:

To fill 30 acres of wetlands and cover more than 100 acres with concrete will present problems of flooding, but the consequences of this will be the filling of more wetlands as the development of Valley Service Road is being planned. This area floods right up to the existing road now during heavy rains.

RESPONSE:

The EIS staff acknowledges your comment.

COMMENT 2:

Have you considered what fill is required where the Jug Handle is to be built. This road starts at the east side of the river and if there were a scale on the maps presented by Barkan & Mess Associates and included in Parsons Brinkerhoff Quade and Douglas report you might know there is only about 200 ft. between the river and Valley Service Road and a drop of over 35 ft. which will require fill, another area which is also under water during heavy rains, and are you aware the tide comes up this far on the river another thing not mentioned in the report you are using to base your findings.

RESPONSE:

Please refer to our response to comment PO-11(#4(4)), and to our response to comment P-13(#1) for the tidal conditions along the Quinnipiac River. The fill requirements presented in the draft EIS include the fill required for the Valley Service Road and the proposed jughandle. It is estimated that the fill required for these transportation modifications represents less than 1.7 percent of the flood storage loss at the mall site.

COMMENT 3:

Please include Bishop Street in your study. If you, for many reasons, can not see the impact of this favorable permit which seems apparent there should be a stipulation whereby DOT should develop their Alternate #5 (Northerly Route) and no more development of Valley Service Road. This northerly route will carry industrial traffic and Mall traffic

and Bishop Street will have less traffic. When DOT says it is through a State Park this is an undeveloped State Park and is at the very south end. If they should ever decide to develop this park they will not be short too much and they would not be able to extend the park much further south as the land is too wet.

RESPONSE:

Please refer to our response to comment F2(#8).

P38: Margaret Solecki - 16 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your comments indicating your support and the support of the majority of the Inland Wetland Commission for the proposed project.

P39: Dr. Lawrence R. Solomon - 22 March 1982

COMMENT 1:

With regard to the impact of the proposed Mall on the health of local residents, I would like to direct your attention to the Air Quality analysis presented in the draft of the Environmental Impact Statement. Appropriately, this report directs major consideration to the impact of automobile emissions on air quality. However, the information presented is both incomplete and frankly misleading. Specifically, the effects on lead and hydrocarbon emissions are not analyzed at all while the effects on carbon monoxide exposure are understated.

With regard to lead, the report assumes that because of increased production of unleaded gasoline by major refineries, ambient lead levels in the air will continue to fall whether or not the Mall is built (Appendix I, pg 7). For this reason, it is stated, an analysis of lead was not performed. In fact however, the EPA is at this moment seriously considering relaxing the standards for lead levels in gasoline. The leaders of the Centers for Disease Control in Atlanta have publically expressed their concerns about this proposed change. When it is remembered that low level lead exposure can cause permanent neurologic dysfunction and learning impairment in young children; that the automobile is the major source of air-borne lead; and that major residential areas will be affected by Mall-related traffic, it is clear that an analysis of lead exposure must be performed. Further, this analysis, at the very least, must use current regulatory standards for leaded gasoline and not the projected standard which may never be realized.

RESPONSE:

The draft EIS, section IV A 5.0, presented the results of the hydrocarbon emission evaluation. Also, refer to appendix I on air quality, and in particular table 7.

The EIS staff acknowledges your comment regarding carbon monoxide (CO) emissions results, but does not believe that the EIS understates the effects of carbon monoxide exposure. CO concentrations projected for 1984, both with the proposed mall and full traffic generation and without the proposed mall, would be below the EPA-established 1-hour CO standards for the general protection of public health and well being. No adverse health effects are expected owing to the development and operation of the proposed mall.

The reasons for not analyzing lead were stated in the draft EIS, section III E 1.0, and in appendix I. The reasons are explained and further discussed in the response to comment PO-12(#8). In addition, the results of an analysis of lead emission burdens are presented there.

COMMENT 2:

With regard to hydrocarbon emissions, the report states that their conversion to photochemical oxidants will occur slowly and at some distance from their site of release. For this reason, it is stated, analysis of hydrocarbon release was only performed on a mesoscale level and not on a microscale or immediate neighborhood level. In fact, however, photochemical oxidants represent only one aspect of hydrocarbon toxicity. It is now clear that many of these chemicals are readily absorbed by man and, in fact, concentrated in fatty tissues and breast milk. Potential toxicity of these chemicals include cancer, neurologic damage and infant illnesses, all of which may require many years to become clinically manifest. Because of this, an analysis of hydrocarbon exposure from automobile exhaust on a microscale basis should be presented.

RESPONSE:

While hydrocarbons have adverse health effects themselves, their principal health effects are related to their role as precursors in the formation of photochemical oxidants. This is stated in the standards. Because hydrocarbons are reactive pollutants whose impacts occur downwind of where they are emitted, the standard practice is to analyze hydrocarbons on a mesoscale or areawide rather than microscale basis. This type of analysis was prepared for the proposed project and the results were presented in the draft EIS and air quality appendix. The analysis methodology used in analyzing hydrocarbon impacts of the proposed project was reviewed and concurred with by the EPA. EPA did not request a microscale hydrocarbon analysis and, in general, does not request a microscale hydrocarbon analysis for projects such as the mall.

COMMENT 3:

Finally, in terms of carbon monoxide emissions, the figures presented again reflect the assumption that major improvements in air quality will result from the establishment of a variety of proposed emission standards. However, as your are doubtless aware, many of these standards, including the Clean Air Act, appear to be in significant jeopardy. The figures presented show a 50% fall in carbon monoxide exposure between 1980 and 1984 in most areas analyzed if the Mall were not to be built. The basis for this projection is not presented. Indeed, these figures seem entirely unrealistic when it is noted (as it is elsewhere in the draft EIS) that the Connecticut Motor Vehicle Implementation Plan predicts only a 25% decrease in carbon monoxide release and that will not be achieved until 1987. Nonetheless, the figures can be used to get some idea of the relative impact of the Mall in this regard. Comparing the projected figures for 1984 with or without the Mall, operation of the Mall will produce a doubling of carbon monoxide concentrations in almost all areas considered with predictions at four sites approaching the National Ambient Air Quality standard for carbon monoxide. (It should be noted that a fifth high exposure site is simply not addressed in the analysis.) Thus, if the known 1980 emission rates are used instead of the assumed emission rate, exposure in these areas would exceed this standard by almost 100%! In other words, at the very least construction of the Mall would completely negate the benefits to be derived from proposed regulatory standards, while, if these standards are not established, exposures will clearly exceed current permissible levels. The health impact of low level carbon monoxide exposure is significant and includes increased prenatal mortality, birth defects, neurologic defects, impaired mentation and increased cardiovascular demands. Clearly, this analysis requires careful, extensive revision.

In summary, the data presented are incomplete and in no way justify the conclusion of the impact statement that construction of the Mall would have no significant impact on air quality. Indeed, the data suggest just the opposite - that significant carbon monoxide exposures will occur in 5 key residential areas. I hope that these issues will be more thoroughly addressed in a revised draft.

RESPONSE:

The projections of carbon monoxide concentrations were based on emission factors computed using traffic figures generated from the project's traffic studies and the EPA-developed mobile-source emission factor program. Please refer to our response to comment P29(#2).

The projected reductions in emission are due to several factors, including vehicle-turnover (that is, newer, less-polluting cars replacing older ones) and the State Vehicle Inspection and Maintenance program. Please refer to our response to comment L13(#2). Carbon monoxide

concentrations will increase near the project site, but the construction of the mall would not result in any violations of air quality standards. Beyond the NAAQS's, the EIS staff does not believe that further evaluation of health considerations is required, since they are taken into account in setting the standards.

The comment did not identify the "fifth high exposure site" and no such site is reflected in the draft EIS or appendix I, and thus no response can be made to that specific concern.

P40: J. Swigart - 12 February 1982

COMMENT 1:

They fail to present their own budget and forecast, of what they plan to take out of the town in the way of profits to themselves. I feel this is one of the most important things the townspeople should have, and of paramount importance for the purpose of a complete impact.

RESPONSE:

Information regarding Mall Properties, Inc., finances and profits is proprietary information and is not available for public review. The EIS staff believes that the EIS considers the economic impact of the proposed mall (see section IV A 8.0, responses to the comments and revised appendix L, with supplement), and does not believe that further review of profits and finances is germane to this EIS.

COMMENT 2:

Previously I have pointed out that if these people are going to spend $15,000,000 to build the mall they must anticipate at least twenty percent (at today's interest rates) just to finance the capital. This would mean an outward flow from our town area of $30,000,000 yearly.

This is a lot of money, and above that, they must be planning a handsome profit for their management and efforts. Is it possible they are using the mall as a ploy to foster a huge building program in our town from which they expect to make millions for themselves?

RESPONSE:

The EIS staff acknowledges your comments, but has no information or evidence, indicating that the applicant has a "huge" building program planned for North Haven, though there would be a flow of capital to out-of-town sources in the form of employee salaries, store owners or corporate profits, inventory purchases, consumed materials, debt repayment, and so on. There would also be a return flow of capital through retail and services purchases made at the mall. There would not be a $30,000,000 cost incurred by the town of North Haven or by its residents.

COMMENT 3:

I would like to ask that you require the mall builders, in connection with the impact study, to submit a budget of their operations over the next five to ten years showing what they expect to withdraw from this project. We as townspeople should not only know this but we should have assess to any options they have taken within our town, and what their plans are for building high risers etc. as was done behind the Hamden Plaza.

RESPONSE:

Mall Properties, Inc., has options on several parcels of town of North Haven owned land located on the proposed mall site or associated with Valley Service Road. Three parcels are identified in the contract between Mall Properties, Inc., and the town of North Haven and is a matter of public record. Otherwise, please refer to our responses to the previous two comments.

Information regarding the specific business considerations of Mall Properties, Inc., (for example, operating budgets) is not publicly available information. Economic and fiscal impacts to North Haven have been reviewed and are presented in revised appendix L and the EIS, section IV A 8.3.1.

P41: Karl C. Veith - 8 March 1982

COMMENT 1:

General comment.

RESPONSE:

The EIS staff acknowledges your comments and notes your support for the proposed project.

P42: Dr. Margaret S. Wirtenberg - 25 March 1982

COMMENT 1:

Need for Another Center - The bottom line on any argument about "need" for another shopping center is "can the new center attract enough business?" Where that business is to come from -- how many weaker centers must be erased to permit success for the new -- is not considered in location decisions by developers.

Those opposed to the Mall would ask the Army Corps of Engineers to consider recent court cases (Burlington, VT) when deciding to give approval to the North Haven Mall. Based upon the above argument, it is hoped that the Corps would reject the Mall proposal.

RESPONSE:

The EIS staff acknowledges your comments and concerns for the viability of other shopping centers and we note your opposition to the proposed project. The Burlington, Vermont, case was still in the courts at the time of this writing, but the EIS staff believes that the specific issues around this case deal in particular with Vermont's law for land development permit under the State's Act 250. The need for the proposed North Haven Mall project, its likelihood for being supported by consumers, and the impacts on other retail establishments have been addressed in the EIS, section I, section III H, and section IV A 8.0, and revised appendix L, with supplement.

COMMENT 2:

With the Government itself drawing a "bleak economic picture" nationally it might be appropriate to question the alternative growth assumptions of the Gladstone Report, and ultimately the justification for a new Regional Super Center.

Had Gladstone's report only shown one "possible future," at a 2.5% increasing rate, and not shown a higher growth option, that report would have been merely incomplete; that it included a high rate option and not a low or pure zero option indicates bias in the favor of Mall Associates. It is hoped that the Army Corps of Engineers will see the merits of economic studies supplied by opponents to the North Haven Mall, provided with the full picture of economic and land use impacts.

RESPONSE:

The EIS staff is uncertain to what the "2.5-percent increasing rate" refers without specific reference. The income growth rates considered in the EIS were less than 2.5 percent. The draft EIS and appendix L projections were based on three possible futures: (1) 0-percent income growth, and population growth as projected by the Connecticut State Office of Policy and Management (OPM); (2) 1-percent income growth and OPM's population growth; and (3) 0-percent income growth and the (unofficial) population projections prepared by Norris Andrews of South Central Connecticut Regional Planning Agency.

In addition to population figures used in the appendix L to the draft EIS, new Office of Policy Management (State of Connecticut) population projections based on the 1980 Census are being used in conjunction with three income growth assumptions (0, 1, and 1-1/2-percent) and appear in the revised appendix L, to the final EIS.

COMMENT 3:

Bishop Steet Widening - According to rough calculation, approximately 30% of the projected service area of the North Haven Mall lies west of the Wilbur Cross Parkway, requiring access along Bishop Street (Connecticut Route 22). Given the already-mentioned economics of the Mall, it is probable that this part of the service area is crucial to the ultimate success or failure of the shopping center.

However, for the town of North Haven to plan for the impact of the inreased traffic, it is necessary to know what improvements are to be made. This would include any reclassification of type as well as any provision for curb-cut controls or excess land purchase. A widened right-of-way to provide a buffer strip for the residential development that exists on Bishop Street (the older homes along that street are not, this writer believes, protected as an historic district) so that it may continue in the same land use, suffering minimal effect, might also be considered.

RESPONSE:

The EIS staff believes that the issue of widening of Bishop Street and its potential impacts are addressed through the Connecticut Department of Transportation's activity. Please refer to our response to comment F2(#8).