

**Proposed US 221 Widening
From US 421 to US 221 Business/NC 88 in Jefferson
Watauga and Ashe Counties**

**WBS Element 34518.1.1
Federal Aid Project STP-0221(13)
STIP Project No. R-2915**



**ADMINISTRATIVE ACTION
Finding of No Significant Impact**

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
AND
NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION**

May 2013

Submitted Pursuant to National Environmental Policy Act 42 U.S.C. 4332(2)(C)

APPROVED:

5.20.13

Date

for Jennifer H. Harris

Gregory J. Thorpe, Ph.D., Manager

Project Development and Environmental Analysis Branch
North Carolina Department of Transportation

5/23/13

Date

for Clarence W. Coleman, Jr.

John F. Sullivan III, P.E., Division Administrator
Federal Highway Administration

**Proposed US 221 Widening
From US 421 to US 221 Business/NC 88 in Jefferson
Watauga and Ashe Counties**

WBS Element 34518.1.1
Federal Aid Project STP-0221(13)
STIP Project No. R-2915

**ADMINISTRATION ACTION
Finding of No Significant Impact**

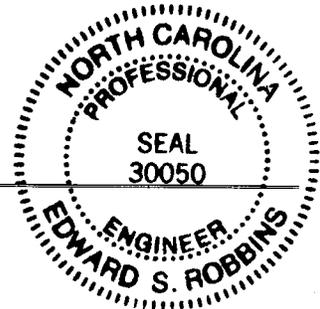
May 2013

Document prepared by:

PARSONS
5540 Centerview Drive, Suite 217
Raleigh, North Carolina 27606

5/20/2013
Date

Edward S. Robbins
Edward S. Robbins, PE
Project Manager



For The
North Carolina Department of Transportation

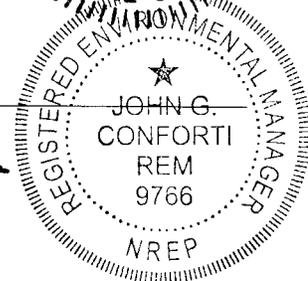
5/20/2013
Date

Michael Wray
Michael Wray, PE
Project Planning Engineer



5/20/2013
Date

John G. Conforti
John G. Conforti, REM
Project Engineer



**Proposed US 221 Widening
From US 421 to US 221 Business/NC 88 in Jefferson
Watauga and Ashe Counties**

WBS Element 34518.1.1
Federal Aid Project STP-0221(13)
STIP Project No. R-2915

Project Commitments

The following special commitments have been agreed to by NCDOT:

- NCDOT will coordinate with the North Carolina Wildlife Resources Commission to determine the status of the potential WRC public access project at South Fork New River.
- NCDOT will comply with the North Carolina Wildlife Resources Commission's moratorium prohibiting in-stream work and land disturbance within the 25-foot trout buffer from October 15 to April 15 for all streams supporting wild trout, including, but not limited to, Beaver Creek, Call Creek, Cole Branch, Gap Creek, Little Gap Creek, and Old Field Creek.
- *Design Standards in Sensitive Watersheds* will be adhered to during project construction (15A NCAC 4B.0124).
- NCDOT will re-survey the South Fork New River within the footprint of the existing and proposed bridge at that crossing prior to permitting to ensure no individuals of *Virginia spiraea* have inhabited the area.
- The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP) to determine the status of the project with regard to applicability of NCDOT's Memorandum of Agreement or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).
- NCDOT will provide an individual Section 404 permit for the U.S. Army Corps of Engineers and a Section 401 Water Quality Certification for the North Carolina Division of Water Quality.
- NCDOT will design the roadway alignment and profile in front of the Fleetwood Community Center to not impact the underground storage tanks. No permanent right of way will be purchased from the Fleetwood Community Center. Temporary construction easement may be necessary to properly tie the proposed to the existing.

TABLE OF CONTENTS

	Page
PROJECT COMMITMENTS	
1.0 Type of Action.....	1
2.0 Description of Proposed Action.....	1
3.0 Alternatives Considered	1
4.0 Preferred Alternative	4
5.0 Summary of Project Impacts	4
6.0 Comments & Coordination.....	9
7.0 Additions & Revisions to the Environmental Assessment.....	14
8.0 Floodplain Impacts	15
9.0 Basis for Finding of No Significant Impacts (FONSI).....	16
 LIST OF TABLES	
Table 1 – Summary of Potential Impacts from the Functional Design... ..	3
Table 2 – Summary of Direct Project Impacts	4
Table 3 – Anticipated Impacts to Terrestrial Communities	7
 APPENDICES	
Appendix A – Figures 1-A and 1-B – Project Location and Study Area	
Appendix B – Voluntary Agricultural District (VAD) Correspondence	
Ashe County School Board Correspondence	
Environmental Protection Agency Comments	
National Park Service – Viewshed Correspondence	
Eastern Band of Cherokee Indian Correspondence	
United Keetoowah Band of Cherokee Indian Correspondence	
Appendix C – Concurrence Forms	
Appendix D – Noise Abatement Review Study	
Archaeological Consultation Letters	
Appendix E – Public Hearing map Comments	
US Army Corps of Engineers Public Comments & Correspondence	

1.0 Type of Action

This is a Federal Highway Administration (FHWA) administrative action, Finding of No Significant Impact (FONSI). The North Carolina Department of Transportation (NCDOT) and FHWA has determined that this project will not have any significant impact on the human or natural environment. This FONSI is based on the October 18, 2012 Environmental Assessment (EA), which has been independently evaluated by the FHWA and determined to adequately and accurately disclose the environmental issues and impacts of the proposed project. The EA, together with the information contained in this FONSI (including responses to comments on the EA), provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required.

2.0 Description of Proposed Action

The NCDOT and FHWA propose to widen US 221 to a four-lane, median-divided facility from US 421 in the Deep Gap Community of Watauga County to the US 221 Business/NC 88 intersection in the town of Jefferson in Ashe County. The project is approximately 16.1 miles in length and is shown in Figures 1-A and 1-B in Appendix A.

2.1 Summary of Purpose and Need

The purpose of this project is to upgrade the existing roadway to a multi-lane facility to increase capacity, alleviate congestion, improve traffic operations, and reduce the rate of traffic crashes.

3.0 Alternatives Considered

A full range of alternatives were considered, including a No-Build Alternative, a Public Transportation Alternative, a Transportation Systems Management (TSM) Alternative, and improvements to the existing facility.

3.1 No-Build Alternative

The No-Build Alternative would not provide any substantial improvements to the US 221 study corridor. The No-Build Alternative would not meet the purpose and need identified for the proposed project. It would not improve the traffic flow or level of service (LOS) of US 221 through the project study area, nor would it address the corridor's higher-than-average crash rates. Therefore, the No-Build Alternative was not recommended.

3.2 Public Transportation Alternative

The project study area is not well served by mass transit. Based on the project context, improvements to public transportation would not improve vehicle flow or safety on US 221 and would not eliminate the need for widening

the existing facilities and improving the alignment. Therefore, the Public Transportation Alternative does not satisfy the purpose and need for this project and was eliminated from further study.

3.3 Transportation Systems Management

TSM improvements involve improving traffic flow of the roadway within the existing right-of-way with minimum capital expenditures and without reconstructing or adding additional through lanes to the existing road. TSM improvements will not increase capacity or improve levels of service to the levels required to prevent failing traffic conditions in the 2035 design year. Therefore, the TSM Alternative was eliminated from further study.

3.4 Build Alternatives

During the December 16, 2008 meeting for Concurrence Point 2 (Design Options), the following four widening scenarios were presented:

1. Widening Scenario 1 – Asymmetrical Widening to the East
This alternative would widen US 221 asymmetrically to the east.
2. Widening Scenario 2 – Asymmetrical Widening to the West
This alternative would widen US 221 asymmetrically to the west.
3. Widening Scenario 3 – Symmetrical Widening
This alternative would widen US 221 symmetrically about the existing centerline of the roadway.
4. Widening Scenario 4 – “Best Fit” Widening Alternative
This alternative would widen US 221 at locations that “best fit” the current road location and surrounding land uses. “Best fit” locations were evaluated and selected to improve the existing roadway alignment, minimize impacts, and permit traffic maintenance during construction.

The impacts of the four (4) widening scenarios at the functional design level are presented in the following table (Table 1). The impacts shown in this table were slope stakes plus 40 feet.

Table 1 - Summary of Potential Impacts from the Functional Design

Segments	Length	Alternative	Wetlands (ac) ¹	Total Streams		Trout Stream (ft) ¹	High Quality Water (ft) ¹	HQP	Relocations		Alternative will require Right Way From					
				Streams (ft) ¹	Streams (ft) ¹				Home	Business	Historic Property	Arch. Sites	Park	Church	Cemetery	Community Facility
1 US 421 in Watauga County to 1500' North of South Fork of New River in Ashe County	4.54	East	1.24	4,096.00	4,096.00	4,096.00			58	18				2	1	
		West	1.66	6,329.97	6,046.25				55	14				2	1	
		Symmetrical	1.48	4,574.56	4,305.89				58	17				2	1	
		Best Fit	1.33	4,077.80	4,077.80				58	18				2	1	
2 1500' North of South Fork of New River to 900' South of Windy Hill Rd	0.66	East	0.00						14							1
		West	0.00	103.47	78.48				9							1
		Symmetrical	0.00						10							1
		Best Fit	0.00	72.91	72.91				8							1
3 From 900' South of Windy Hill Rd. to Paul Goodman Rd.	1.51	East	0.00	1,554.36	1,554.36				13	6						
		West	0.01	3,818.27	3,818.27				9	7						
		Symmetrical	0.00	2,393.29	2,393.29				8	7						
		Best Fit	0.00	1,815.79	1,815.79				9	6						
4 From Paul Goodman Rd. to 1500' South of Mulatto Rd.	4.45	East	0.00	12,015.67	12,015.67				2	3						
		West	0.00	8,957.46	8,957.46				1	5						
		Symmetrical	0.06	11,195.05	11,195.05				1	5						
		Best Fit	0.06	8,590.61	8,590.61				1	5						
5 From 1500' South of Mulatto Rd. to 500' North of US 221 Bus./SR 194/SR 163	1.14	East	4.04	1,073.43	1,073.43				26							
		West	3.91	1,739.22	1,739.22				31							
		Symmetrical	4.01	2,217.08	2,217.08				27							
		Best Fit	3.91	1,083.84	1,083.84				31							
6 From 500' North of US 221 Bus./SR 194/SR 163. To 400' North of Long St.	2.88	East	2.09	4,904.42	3,213.73				9							
		West	2.09	2,125.47	1,679.46				9							
		Symmetrical	2.09	5,014.48	3,222.05				9							
		Best Fit	2.09	2,140.00	1,685.18				9							
7 From 400' North of Long St. to US 221 Bus./ NC 88 in Jefferson	0.63	East	0.06	2,442.00					4							
		West	0.06	1,885.33					4							
		Symmetrical	0.06	1,587.49					4							
		Best Fit	0.06	1,957.34					4							
Totals		East	7.43	26,085.88	21,953.19				126	27	0	0	0	2	1	1
		West	7.74	24,959.19	22,319.14				118	26	0	0	0	2	1	1
		Symmetrical	7.71	26,981.95	23,333.36				117	29	0	0	0	2	1	1
		Best Fit	7.46	19,738.29	17,326.13				120	29	0	0	0	2	1	1

¹ - Impacts were measured using slope stakes plus 40 feet.

4.0 Preferred Alternative

It was determined at the CP2 and CP2A meetings and reconfirmed at the “Concurrence Point 3 (CP3) – Least Environmentally Damaging Practicable Alternative (LEDPA/Preferred Alternative)” meeting held on March 13, 2013 that the “Best Fit” Widening Alternative was the merger team’s Preferred Alternate. This alternate was selected because it accomplishes the purpose and need while minimizing the impacts to the surrounding environment and communities (as shown in Table 1).

5.0 Summary of Project Impacts

Descriptions of the anticipated impacts are provided in the following section, and the impacts from the preliminary design are summarized in Table 2.

Table 2 - Summary of Direct Project Impacts from the Preliminary Design

Feature	Anticipated Impacts
Project length – miles	16.1
Residential relocations	70
Business relocations	33
Total relocations	103
Major utility crossings	1
Historic Properties (See Note 1)	No Adverse Effects – 2 properties
Archaeological Sites	No sites eligible for National Register of Historic Places will be impacted
Cemeteries (See Note 2)	2
Wetland Impacts – acres (See Note 3)	3.7
Stream Impacts – linear feet (See Note 3)	20,804
100-year floodplain crossings	5
Water supply/watershed protected areas	0
Hazardous spill basin areas	2
Impacted noise receptors (See Note 4)	22
Federally protected species	11 – No Effect
Hazardous Material Sites	13
Voluntary Agricultural District Impacts (acres)	3.0

Notes:

- (1) = Baldwin Bethany Cemetery and Barnett Idol House
- (2) = Gap Creek Cemetery and Baldwin Bethany Cemetery – minor impacts
- (3) = Shown acreage includes 25-foot clearing limits outside slope stake lines
- (4) = Based upon new traffic noise analysis dated September 10, 2012.

Relocations - The project will result in the displacement of approximately 70 homes, 33 businesses, and two religious facilities.

Land Use - Future development within the project study area and its vicinity will most likely follow the current land use patterns. This project is consistent with the *Jefferson/West Jefferson Thoroughfare Plan*, which calls for the widening of US 221 to a four-lane facility. The 2008 West Jefferson Land Use Plan recommends that the Town collaborate with NCDOT in the implementation of the thoroughfare plan.

Farmland - A Farmland Conversion Impact Rating for Corridor Type Projects (NRCS-CPA-106) was completed for this project (see Appendix E). Approximately 36,452 acres of land in Ashe County (13.3%) and 18,192 acres in Watauga County (8.4%) are farmland in government jurisdiction. The US 221 widening improvements will convert approximately 152 acres of farmland to highway use. The total prime and unique farmland impacted by the project is approximately 37 acres. The total statewide and local important farmland impacted by the project is 54 acres.

Voluntary Agricultural District (VAD) - NCDOT presented the project to the Ashe County Voluntary Farmland Preservation Board on February 25, 2013 in a special public hearing. The Farmland Preservation Board met on March 5, 2013 to discuss the project and information presented to them. The board determined that NCDOT had met the expectations of Chapter 161:10 of the Voluntary Farmland Preservation Program. The Board of Commissioners met on March 18, 2013 and Dale Weinberg, Chairman of the Farmland Preservation Advisory Board presented that information to the Ashe County Board of Commissioners. This project will impact a total of three acres of voluntary agricultural farmland affecting a total of five parcels. This information can be found in Appendix B.

Community Facilities - No permanent community facility impacts are associated with the proposed project.

Indirect and Cumulative Effects - No notable indirect or cumulative effects are anticipated to result from this project. The project is expected to result in a slight increase in residential development, which will likely take the form of larger-lot, single-family residences. However, the cumulative effect of this project, when considered in the context of other past, present, and future actions, and the resulting impact to notable human and natural features is considered minimal.

Environmental Justice - Based on the demographic findings and public comments, environmental justice issues have not been raised on this project. In addition, both adverse and beneficial impacts associated with the projects construction would be experienced equally by all travelers through the area. Based on these considerations, the project would not create any disproportionate effects to low-income or minority populations.

Archaeological and Historic Architectural Resources – Two archaeological surveys have been conducted for this project. The section between Baldwin and Jefferson was surveyed in 1977 (Scheitlin et al. 1979). The section between US 421 in Watauga County and Baldwin in Ashe County was surveyed in 2012 (O'Neal 2013). Neither survey identified any sites recommended eligible for the NRHP. See consultation letters from the North Carolina State Historic Preservation Office in Appendix D.

The North Carolina State Historic Preservation Office has concurred that the project, as currently designed, will have No Adverse Effect on the Baldwin Bethany Cemetery and the Barnett Idol House.

Section 4(f) and Section 6(f) Resources – The project study area includes four Section 4(f) resources: Baldwin Bethany Cemetery (National Register eligible), Barnett Idol House (National Register eligible), Fleetwood Community Center, and Foster Tyson Park. The only impact anticipated by this project is to the Fleetwood Community Center, where the driveway will need to be re-tied to US 221 (temporary impact). A letter of de minimis impact from the Ashe County School board regarding the Fleetwood Community Center is included in Appendix B.

There are no 6(f) resources within the project study area.

Utilities - Construction of the proposed project will require relocation or modifications of existing public utilities. Any adjustments, relocations, or modifications will require coordination with the affected utility company during the final design phase.

Hazardous Material Sites/Underground Storage Tanks – Thirteen (13) possible UST facilities were identified within the proposed project corridor. NCDOT anticipates low monetary and scheduling impacts resulting from these sites. No Hazardous waste, landfills, or other geo-environmental concerns were discovered.

Terrestrial Communities – Terrestrial communities in the project study area will be impacted by project construction as result of potential grading and paving portions of the project study area. Table 3 presents the extent of each terrestrial community type in the project study area and the anticipated impact to each community type based on the preliminary roadway design plans.

Table 3 - Anticipated Impacts to Terrestrial Communities

Community	Coverage (ac)
Maintained/Disturbed Land	152.47
Successional Land	26.08
Pasture Land	31.48
Agricultural Land	3.4
Tree Farm	10.9
Sub Total	224.33
Terrestrial Forests	
Mixed Hardwood/White Pine Forest	20.3
White Pine Forest	45.24
Montane Oak-Hickory Forest	98.53
Northern Hardwood Forest	21.23
Sub Total	185.3
Total Terrestrial Communities	409.63

Waters of the United States – Approximately 20,804 linear feet of jurisdictional streams will be impacted as a result of the project. These impacts include 18,139 linear feet of designated trout waters. Approximately 3.7 acres of jurisdictional wetlands will be impacted. The impacts are based on an additional 25 feet of clearing area beyond the slope stake lines. These impacts are based on preliminary design mapping and could change during final project design.

Rare and Protected Species – As of January 5, 2012 and September 22, 2010, the USFWS lists eleven (11) federally protected species for Ashe and Watauga Counties, respectively. All 11 species were determined to be “No Effect.”

Water Quality – Construction of the project will slightly increase the amount of impervious surface within the project study area, which will subsequently increase stormwater runoff. To reduce the potential for stormwater, the NCDOT will 1) include stormwater treatment devices in the proposed roadway’s final design; and 2) utilize protective sediment and erosion control best management practices (BMPs) during construction, as detailed in 15A NCAC 4B .0124 (*Design Standards in Sensitive Watersheds*).

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), the delegated state agency for administering FEMA’s National Flood Insurance Program, to determine status of the project with regard to applicability of NCDOT’s Memorandum of Agreement with FMP (dated 6/5/08), or approval of a Conditional Letter of Map revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

Water resources in the study area are part of the New River Basin (US Geological Survey Hydrologic Unit 05050001). The North Carolina Wildlife Resources Commission (NCWRC) has identified Gap Creek (S1), Little Gap Creek (S37), Old Field Creek (S56), Beaver Creek (S124), Call Creek, and South Beaver Creek as trout waters. Old Field Creek is also designated as ORW. Based on NCDOT's "Best Management Practices for Protection of Surface Waters", a study to determine the best location for construction of hazardous spill basin(s) in the vicinity of Old Field Creek will be completed by the NCDOT Hydraulics Unit during the preparation of the project's hydraulic design plans.

Riparian Buffers - The proposed project is located entirely within the New River Basin. The New River Basin does not have NCDWQ river basin buffer rules in effect at this time. Therefore, no streams in the study area are subject to river basin buffer rules.

Air Quality - The project is located Ashe and Watauga Counties, which have been determined to comply with the National Ambient Air Quality Standards (NAAQS). The proposed project is located in attainment areas; therefore, 40 CFR Parts 51 and 93 are not applicable. This project is not anticipated to create any adverse effects on the air quality of these attainment areas.

Noise - Two noise walls will be further evaluated during final design. The first noise wall will be approximately 800 feet long and 11.5 feet high near Crescent Drive and US 221. The second noise wall will be approximately 2,400 feet long and 12.4 feet high from Long Street to Cherry Drive along US 221.

Mineral Resources - The proposed project does not pose any impacts to mining or mineral resources.

Direct Impact Avoidance & Minimization - Impacts to wetlands, streams, homes, businesses, churches, and cemeteries were minimized by adjusting alignments, widths, and slopes and by reducing the design footprint in an effort to minimize impacts. A list of specific avoidance and minimizations can be found on the CP 4A form found in Appendix C.

Permits - A list of permits that may be required for this project is provided below:

- **Section 401 General Water Quality Certification** - A NCDWQ Section 401 Water Quality Certification is required prior to the issuance of the Section 404 NWP. A Section 401 General Water Quality Certification will be required for any activity that may result in a discharge into "Waters of the United States" or for which the issuance of a federal permit is required. Prior to issuance of the Water Quality Certification, NCDWQ must determine that the project will not result in cumulative impacts that cause or will cause a violation of downstream water quality standards. Based on the anticipated wetland (3.7 acres) impacts a 401 Water Quality Certification will be required.

- **Section 404 (Impacts to “Waters of the United States”)** – Impacts to “Waters of the United States” fall under the jurisdiction of the USACE. Discharges of dredge or fill material into jurisdictional wetlands, streams, or open waters associated with the construction of the bridge or other roadway improvements will require a Section 404 permit from the USACE. The proposed project impacts 3.7 acres of wetlands, which exceeds the NWP permit thresholds for wetland/stream impacts (0.5-acre cumulative wetland impact). Therefore, an Individual Section 404 permit will likely be required.
- **State Stormwater Permit** - Final determination of permit applicability lies with the USACE and North Carolina Division of Water Quality (NCDWQ). After final designs are completed, NCDOT will coordinate with regulatory agencies to obtain the necessary permits.

6.0 Comments & Coordination

The following sections describe public involvement and agency coordination efforts conducted after publishing the EA.

Circulation of the Environmental Assessment – The EA was circulated to federal, state, and local agencies for review and comments on October 18, 2012. The EA and project mapping were also made available for public review. The review period for the EA closed in January 2013.

Agency Comments Received on the Environmental Assessment – Comments on the EA were received from the Environmental Protection Agency (EPA) and from NCDOT Roadside Environmental Unit. These letters are provided in Appendix B. Project-specific comments requiring a detailed response from the EPA are included in the following bullets.

- “On pages 19 and 20 of the EA, Table 10 shows a summary of potential impacts at the functional design level for East, West, Symmetrical and Best Fit Alternatives for 7 different sections of the project. Within these sections (e.g. Section 1,4.54 miles), the East Alternative has 4,419.93 linear feet of impact to streams and the Best Fit Alternative has 5,157.11 linear feet of impact (with greater residential and business relocations - 3 & 3 additional). The overall impacts to the human and natural environment (highlighted totals) actually indicate that the West Alternative has lower impacts to streams and residential and business relocations than the recommended Best Fit Alternative. EPA requests that the NCDOT and other Merger Team agencies evaluate each section of the proposed project at or prior to the Concurrence Point 3 Least Environmentally Damaging Practicable Alternative (LEDP A) meeting to determine the environmentally preferred alternative for each section of the project. As currently presented in Table 10, the recommended Best Fit Alternative for certain sections of the project may not be the overall LEDPA.”

Response:**Segment 1**

Segment 1 reflects lower stream impacts due to the interchange at US 421. These impacts were not reflected in the east side widening option in the draft EA. The majority of segment 1 in the Best Fit Alignment is widening on the east side. The difference in impact is approximately 20 linear feet.

Segment 3

It appears we are shifting from widening on the west side (avoids relocations on east side from (Sta. 285+00 to 290+00+/-) to widening on the east side, which impacts the stream on the west side in the transition. The east-side widening option avoids the stream on the west side but impacts the parcels on the east side. This stream impact accounts for the difference. East side widening would add four additional relocations while saving approximately 260 linear feet of stream impact.

Segment 7

The Best Fit Alignment transitions from widening on the west side (Sta. 795+00 to 800+00) to matching the east side alignment at the tie in. This transition avoids a stream on the east side in Section 6 but increases the impacts in segment 7. The east-side option impacts the entire stream (approximately 650 linear feet). This transition area is what causes the best fit stream impacts to be slightly higher than those of the other alternatives considered.

Note: The corrected stream impacts are shown in Table 1 (page 3).

- “EPA also requests that the transportation agencies consider substantial avoidance and minimization measures to further reduce impacts to jurisdictional streams and wetlands of the LEDPA, including the use of retaining walls, steeper side slopes with rock reinforcement, and reduced median widths.”

Response:

NCDOT will investigate further avoidance and minimization measures during the final design phase.

- “The EA does not address the stream mitigation site at the intersection of US 221 and US 421. The FNSI should address this issue that was discussed at several Merger meetings and NCDOT's re-design efforts to avoid impacts to it.”

Response:

The stream mitigation site that was constructed as part of the US 421 project is no longer impacted by this project. All of the widening along US 421 for this area will take place in the median to avoid this site.

- “The EA discusses compensatory mitigation for unavoidable impacts on page 35 of the EA. Compensatory mitigation is proposed to be sought by the transportation agencies through the N.C. Ecosystem Enhancement Program (EEP). There is no discussion in the EA as to the current stream and wetland assets available through the EEP that would functionally mitigate for the anticipated impacts (including more than 3 miles of impacts to designated trout waters).”

Response:

The compensatory mitigation for this project will be handled as part of the final design. NCDOT will investigate potential onsite stream and wetland mitigation opportunities. If on-site mitigation is not feasible, mitigation will be provided by the NCDENR Ecosystem Enhancement Program (NCEEP).

- “EPA notes that the recommended Best Fit Alternative impacts approximately 120 residences and 29 businesses, 2 churches, 1 cemetery, and 1 community facility.”

Response:

The right-of-way (ROW) impacts shown on page S-5 of the EA are from the preliminary design and relocation report. The ROW impacts shown on pages 19 and 20 are from the Functional Design with slope stakes plus an additional 40 feet.

- “Terrestrial community impacts are estimated at 410 acres. However, Table 11 on page 28 of the EA includes maintained and disturbed lands, successional land, pasture land and agricultural land totaling approximately 214 acres. Terrestrial forest impacts would be expected to be approximately 196 acres.”

Response:

We have broken out the mature growth forests on page 7 in Table 3 of this report. According to our calculations, a total of 185.3 acres should be considered mature growth forests.

- “Noise receptor impacts from the Build alternative are shown on page 63 of the EA, Table 22, as 9 receptors. EPA understands from the noise analysis provided that a number of receptors would be eliminated through relocation of residences from near the existing right of way upon completion of the proposed project.”

Response:

A new noise report is included in Appendix D.

- “The EA indicates that Section 7 Endangered Species Act consultation for a protected plant (Virginia spiraea) is still ongoing with the U.S. Fish and Wildlife Service.”

Response:

After further correspondence with USFWS, it was concluded that this project would have "No Effect" on Virginia spiraea due to the location of the downstream known population being around a bend and after a tributary joins the South Fork New River. In addition, there are no known Virginia spiraea populations on the South Fork New River upstream of the project crossing. Per request from USFWS, NCDOT has committed to an additional survey of the footprint of the existing and proposed bridge over the South Fork New River prior to permitting to ensure no individuals of Virginia spiraea have inhabited the area.

- “The EA does not address coordination underway with the National Park Service due to the proximity of the Blue Ridge Parkway (view-shed issue)”

Response:

Correspondence with the National Parks Service is included in Appendix B. The National Park Service concluded that this project would have minor impacts on the Parkway’s viewshed and required no efforts to mitigate the impacts.

- “and the Eastern Band of the Cherokee Indians and the United Keetoowah Band of the Cherokee Indians (within the geographical area of both tribes). The transportation agencies should document coordination efforts with these parties during the Merger process and include relevant information in the FONSI.”

Response:

The United Keetoowah Band of the Cherokee Indians had “No comment or objections.” Correspondence with the United Keetoowah Band of the Cherokee Indians is included in Appendix B.

The Eastern Band of Cherokee Indians did not respond to our requests as of May 20, 2013. A copy of our correspondence to them is included in Appendix B.

Project-specific comments requiring a detailed response from the NCDOT Roadside Environmental Unit are included in the following bullets.

- “On the Project Commitments Green Sheet, the second commitment concerns the moratorium for the South Fork New River. The same moratorium is discussed in Section V., Environmental Effects of the Proposed Action, A. Natural Resources, 4. Waters of the United States, g. Construction Moratoria, on page 36. This appears to be for smallmouth bass. It is my understanding that for that past few years NCDOT has stopped agreeing to a moratorium for smallmouth bass (and some other

‘common’ species). I would request that this commitment be investigated further and potentially be removed, or an explanation given as to why we are reversing our current policy concerning this type of moratorium.”

Response:

The May 1 through July 15 moratorium has been removed from the project commitments.

- “On the Project Commitments Green Sheet, the third commitment includes a list of streams subject to a trout moratorium. Two of the streams are misnamed. Deep Gap Creek should be Gap Creek, and Old Fields Creek should be Old Field Creek.”

Response:

This commitment has been corrected.

- “In Section IV. Proposed Improvements, H. Structures, on page 23, the second paragraph states, “The proposed structures for the remaining stream crossings presented in Table 9 of Appendix B ...”. There is no Table 9 in Appendix B. I assume this should be referencing Table B-4. This is the only table in Appendix B with any type of structure information included.”

Response:

The EA should reference Table B-4.

- “In Section V., Environmental Effects of the Proposed Action, A. Natural Resources, 3. Water Resources, on page 28, Table 12 provides the BUC, SIN, and description of the named streams in the project study area. The SIN for Little Gap Creek is incorrect. It should be [10-1-23-1], not [20-1-23-1] (‘20’ would put it in the White Oak River Basin on the coast). This same SIN is also show incorrectly in Appendix B, Table B-1.”

Response:

Noted.

- “In this same section (V.A.3.), on page 29 the paragraph following Table 12 states, “Little Buffalo Creek is listed on the 2010 Final 303(d) list ...”. As of August 10, 2012, we should be referring to the 2012 Final 303(d) list. The streams should be reevaluated with the 2012 Final 303(d) list and this section of the document revised as needed.”

Response:

The 303(d) classifications have not changed from the 2010 to the 2012 list. No new streams within the project area have been added. Here is the most current language:

Little Buffalo Creek is listed on the 2012 Final 303(d) list as impaired due to ecological/biological integrity for benthos.

Summary of Public Hearing Comments – In accordance with 23 USC 128, the North Carolina Department of Transportation certifies that a public hearing for the subject project has been held, and the social, economic, and environmental impacts, consistency with local community planning goals and objectives, and comments from individuals have been considered in the selection of the Preferred Alternative.

A Public Hearing was held on December 4, 2012 at the Ashe County Public High School. The meeting was advertised via a newsletter that announced the meeting, on the NCDOT website, and via a press release to local media. The Informal Public Hearing was held from 4:00 PM to 6:30 PM with a drop-in format, and a formal presentation and hearing were held from 7:00 PM to 9:00 PM. Displays available for review included the public hearing maps.

All of the written and verbal comments and responses are provided in Appendix E.

Comments from Public Notice by US Army Corps of Engineers – The US Army Corps of Engineers issued a Public Notice on January 15, 2013 to solicit comments from the public on possible alternatives and issues to consider. We have included a summary/response to these comments and the original letter in Appendix E.

7.0 Additions & Revisions to the Environmental Assessment

Archaeological Survey – The proposed improvements to U.S. 221 from US 421 in Deep Gap, Watauga County, to US 221 Business/NC 88 in Jefferson, Ashe County is a Federally-funded project. Therefore the project must comply with Section 106 of the National Historic Preservation Act that requires the lead Federal agency (the NCDOT on behalf of the Federal Highways Administration [FHWA]) to consult with the North Carolina State Historic Preservation Office (HPO [on behalf of the Advisory Council on Historic Preservation]) regarding the project's potential to impact archaeological resources eligible for or listed on the National Register of Historic Places (NRHP).

Consultation with HPO began in 1977 when personnel with the Archaeology Section of the N.C. Department of Cultural Resources, Division of Archives and History, conducted an archaeological survey of the section of proposed US 221 between Baldwin and Jefferson (Scheitlin et al. 1979). The survey identified 26 archaeological sites, all of which were recommended ineligible for the NRHP. HPO concurred with these recommendations, and the section was later

constructed as a two-lane road. Updated scoping information was submitted to HPO on April 7, 2006. On May 24, 2006, HPO recommended that a comprehensive archaeological survey be conducted by an experienced archaeologist to identify and evaluate the significance of archaeological remains that may be damaged or destroyed by the proposed project.

In May 2012, the NCDOT sponsored an archaeological survey of the Area of Potential Effects {A.P.E.} of the section between Deep Gap in Watauga County and Baldwin in Ashe County. The survey identified five archaeological sites, all of which were recommended ineligible for the NRHP. The NCDOT submitted the archaeological survey report to HPO on January 24, 2013. On March 5, 2013 HPO concurred with the report's findings and recommended no further archaeological work for the project.

Scheitlin, Thomas E., Mark A. Mathis, Jerry I. Cross, Thomas H. Hargrove, John W. Clauser, Jr., Michael T. Southern, Dolores A. Halt Linda H. Pinkerton, Dale W. Reavis, and Thomas D. Burke

1979 North Carolina Statewide Archaeological Survey: An Introduction and Application to Three Highway Projects in Hertford, Wilkes, and Ashe Counties. North Carolina Archaeological Council Publication No. 11. Archaeology Branch, Division of Archives and History, Department of Cultural Resources, Raleigh, North Carolina.

O'Neal, Michael Keith

2013 Archaeological Survey and Evaluation of the Proposed US 221 Improvement from Deep Gap to Baldwin, Watauga and Ashe Counties, North Carolina. {NCDOT TIP R- 2915; Federal Aid No. STP-125[1]; ER 06-1023.} Report submitted to the North Carolina Department of Transportation, Raleigh. Archaeological Consultants of the Carolinas, Inc., Clayton, North Carolina.

Noise Abatement Review – A new noise abatement review has been completed; as discussed above, there are now two proposed noise wall locations. These areas will be studied further as part of the final design process. A copy of this report is provided in Appendix D.

8.0 Floodplain Impacts

The Federal Emergency Management Agency (FEMA), in cooperation with federal, state, and local governments, has developed floodway boundaries and Flood Insurance Rate Maps (FIRMs) for Ashe and Watauga Counties. A considerable portion of the project study area is within the floodplains. These areas are primarily designated as Zone AE floodways and floodplains, which correspond to a statistical 1% annual chance of flooding (i.e., 100-year flood) (NFIP, 1980). The Zone AE floodplains are flanked by “Zone X” flood areas, which are those areas having a 0.2 percent annual chance flood (i.e., 500-year flood).

The NCDOT Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), the delegated state agency for administering FEMA's National Flood Insurance Program, to determine status of project with regard to applicability of NCDOT's Memorandum of Agreement with FMP (dated 6/5/08), or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR). This project involves construction activities on or adjacent to FEMA-regulated stream(s).

9.0 Basis for Finding of No Significant Impact (FONSI)

This FONSI, in conjunction with the EA (incorporated by reference), have been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. No significant impacts to natural, social, ecological, cultural, economic, or scenic resources are expected. The proposed project is consistent with local plans, and the project has been coordinated with federal, state, and local agencies. In view of this evaluation and based on responses to the EA and subsequent public involvement, it has been determined that a Finding of No Significant Impact (FONSI) is applicable for this project. Therefore, neither an EIS nor further environmental analysis is required. The FHWA takes full responsibility for the accuracy, scope, and content of the EA and this FONSI.

Additional information concerning this proposal and document can be obtained by contacting the following individuals:

John F. Sullivan III, PE, Division Administrator

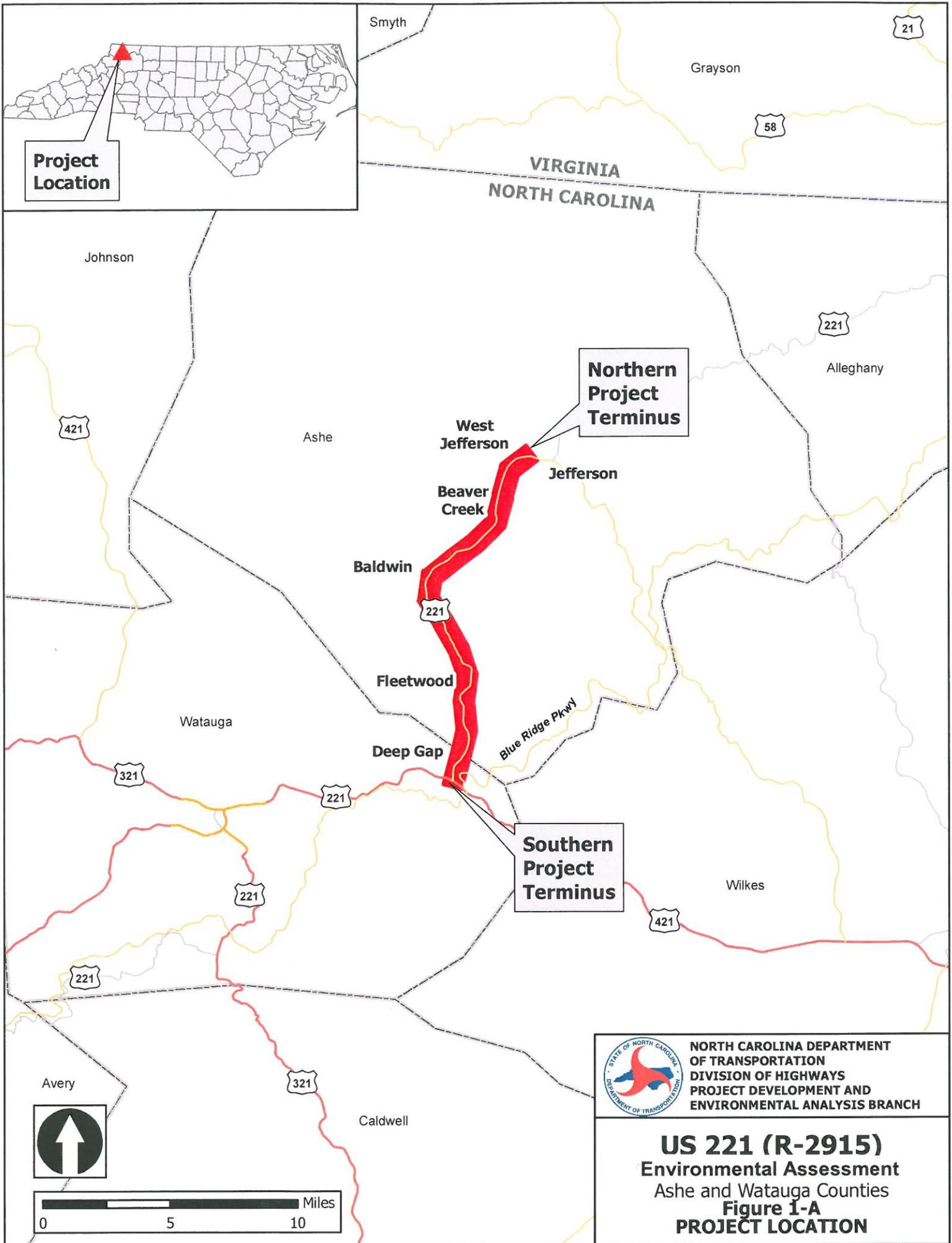
Federal Highway Administration
310 New Bern Avenue, Suite 410
Raleigh, North Carolina 27601
Telephone: (919) 856-4346

Gregory J. Thorpe, Ph.D., Manager

Project Development and Environmental Analysis Branch
NC Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548
Telephone: (919) 707-6000

Appendix A

Figures 1-A and 1-B – Project Location and Study Area



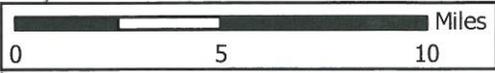
Project Location

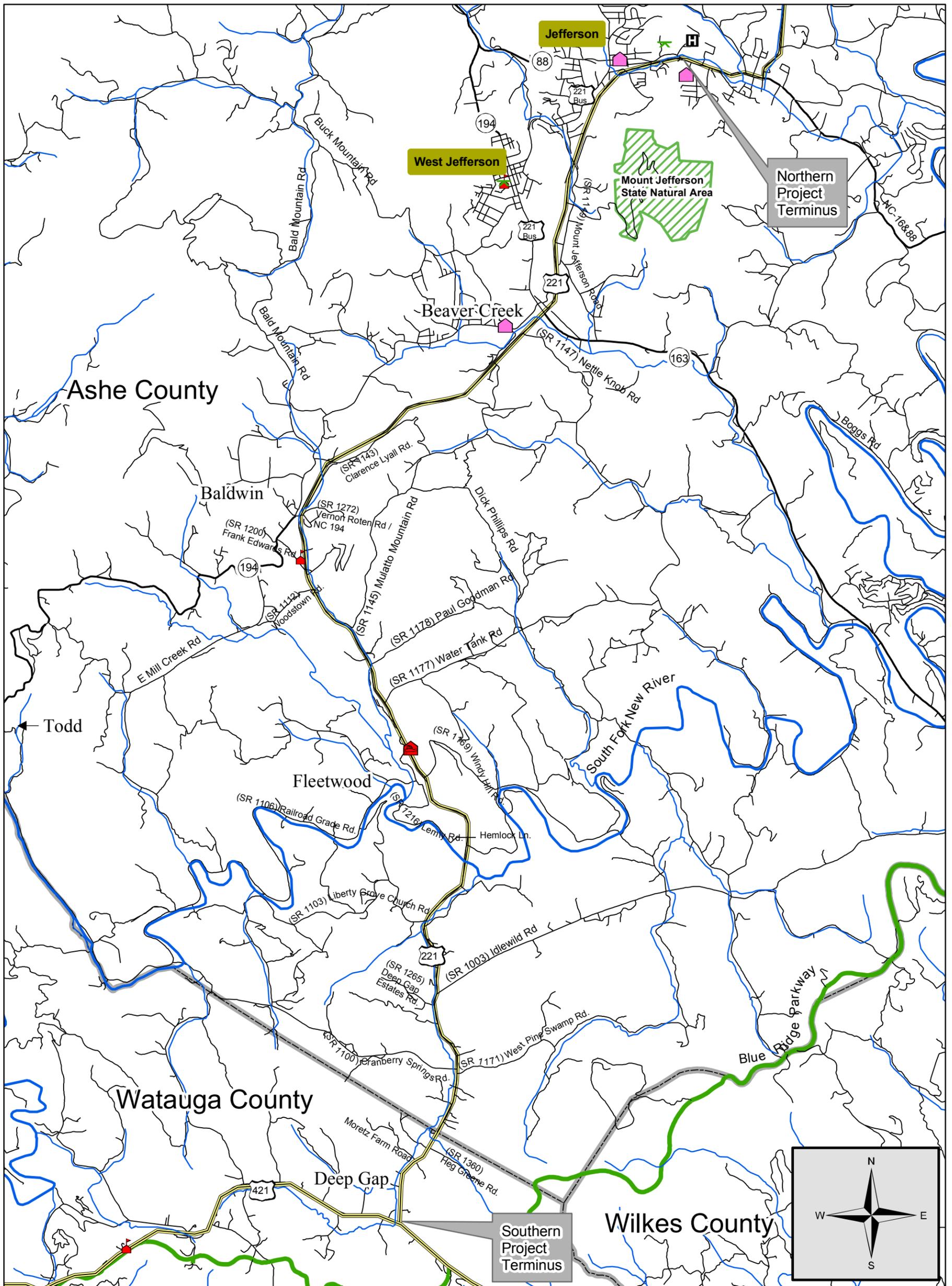
Northern Project Terminus

Southern Project Terminus


NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

US 221 (R-2915)
Environmental Assessment
 Ashe and Watauga Counties
Figure 1-A
PROJECT LOCATION





Legend

-  Ashe County Courthouse - NRHP
-  Fleetwood Volunteer Fire & Rescue, Inc.
-  Public Schools
-  Parks



North Carolina Department of Transportation
 Environmental Study
 US 221 - NCDOT Project # R-2915
 Ashe and Watauga Counties, NC

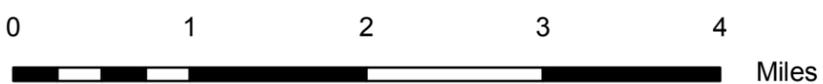


Figure 1-B: Study Area

Appendix B

Voluntary Agricultural District (VAD) Correspondence

Ashe County School Board Correspondence

Environmental Protection Agency Comments

National Park Service – Viewshed Correspondence

Eastern Band of Cherokee Indian Correspondence

United Keetoowah Band of Cherokee Indian Correspondence

County of Ashe
150 Government Circle, Suite 2500
Jefferson, North Carolina 28640

County Manager
Dr. Patricia Mitchell, CEcD
Office 336-846-5501
pmitchell@ashcountygov.com

March 19, 2013

Michael Wray
Project Planning Engineer
Western Unit
DOT / 221 Highway Project

RE: Voluntary Agriculture District Report and Public Hearing

Dear Mr. Wray:

Attached you will find the report from the Ashe County Volunteer Agriculture District Board that was presented to the Board of Commissioners on March 18, 2013. Also attached is the Agenda of the meeting in which the Public Hearing was held.

If you need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Pat Mitchell". The signature is written in a cursive, flowing style.

Dr. Patricia Mitchell, CEcD
County Manager &
Economic Developer

**ASHE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AGENDA
March 18, 2013**

TIME	BUSINESS
1:00 p.m.	I. Mid-Year Budget Review & Work Session in the Second Floor Conference Room
3:30	II. Meeting Called to Order at the Ashe County Courthouse Opening Prayer and Pledge of Allegiance Approval of Minutes – March 4, 2013 Regular Session March 4, 2013 Executive Session Adoption of Agenda
3:35	III. Public Hearing – Planning Director Adam Stumb - Proposed Amendment to the Ashe County Watershed Map
3:50	IV. Dale Weinberg, Chairman, Farmland Preservation Advisory Board – Findings & Recommendations from the Voluntary Agricultural District (VAD) Public Hearing regarding the Highway 221 Widening Project
4:05	V. Stephanie Craven & Peggy Bailey – “Week of the Young Child” Proclamation
4:15	VI. Tax Administrator Keith Little – Monthly Tax Report
4:25	VII. County Manager Dr. Patricia Mitchell & Assistant Director of Economic Development Cory Osborne – Presentation of Ashe County Photos
4:40	VIII. Public Comment

GENERAL SESSION

Airport Advisory Board Appointment – First Presentation

Economic Development Commission Appointment – First Presentation

Commissioner Comments

Announcements

**Ashe County Voluntary Farmland Preservation Board
Public Hearing – February 25, 2013 – 6:00 p.m.
Ashe County Courthouse**

Attending: Dale Sheets, Ryan Huffman, Trathen Cheek, Martin McVey, Martin Weaver, Thelma DuVall, Carolyn Carter Trent, Betty Carter Corriher, Tim Goins, Ed Robbins, Courtney Wait, Judy Bare, Pat Mitchell, Cory Osborne, Carolyn Shepherd, Dean Witherspoon, Mary M. Witherspoon, Glen Hentschel

Department of Transportation Staff—Janille Robbins, Public Involvement Officer for eight years with North Carolina Department of Public Transportation, Graduate of North Carolina State University; Martha Hodge – Community Planner with North Carolina Department of Transportation for 4.5 years, Graduate of University of North Carolina; Kristen Webb, John Confortie, Michael Wray

Martin Weaver called the meeting to order –Hearing for US 221 Widening Project.

Janille Robbins with the Department of Transportation spoke –

- level of service on 221 explained
- explained how they are planning the road for the future
- explained the design of the road and why it is designed that way
- talked about how the road will impact farmland and landowners
- stated that Farmland Preservation Board had 30 days to submit information and questions to the Department of Transportation regarding the road

The road is split into five sections –

- A – Right of Way – July 2013; Construction - 2015
- B – Right of Way – July 2013; Construction - 2015
- C – Right of Way – April 2014; Construction - 2017
- D – Right of Way – September 2013; Construction – 2017
- 4 of 5 sections have funding
- 103 relocations (30 commercial; 70 homes)

Explained map of projected road –

- 1 access road per parcel
- Talked about U turn areas on road
- Funding is 80% federal and 20% state
- Said Miller farm is only farm affected on new road
- Any property takes are based on property appraisal from state

USDA says approximately 152 acres of farmland will be affected

Will tractor and trailers be able to make turns at U turn spots or will they have to drive to Jefferson to come back to Railroad Grade Road (*question not answered*)

Martin Weaver asked will median be opened at entrance of Fleetwood Fire Department.

Janille stated that emergency openings will exist.

Some roads will have left turn access.

If your property does not have an access point you will not have one, however if you do have access you will receive at least one access to your property

Submitted by:
Ryan Huffman &
Trathen Cheek
2/25/2013

**Ashe County Voluntary Farmland Preservation Board
Regarding Public Hearing – February 25, 2013
Follow Up Board Meeting
March 5, 2013 – 6:00 p.m. – Agriculture Service Center**

The Ashe County Voluntary Farmland Preservation Board held a special called meeting on Tuesday, March 5, 2013 at 6:00 p.m. at the Agriculture Service Center. The purpose of the meeting was to review information learned from the February 25th, 2013 Public Hearing by the North Carolina Department of Transportation as to how property in the Ashe County Voluntary Farmland Preservation Program will be affected by the Highway 221 road construction project and to prepare a written report for the North Carolina Department of Transportation and the Ashe County Commissioners to meet the expectations of Chapter 161:10 in the Voluntary Farmland Preservation Program.

The minutes from the March 5, 2013 are as follows:

Attending – Ryan Huffman, Judy Bare, Dale Sheets, Dale Wineberg, Martin McVey, Trathen Cheek, Glen Hentschel, Carolyn Shepherd – Ashe County Extension Director

- 1) Of Chapter 161.10 – has the need for the project requiring the condemnation been satisfactorily shown by the agency requesting the action?**

Yes, there was a detailed map from start to finish displayed at the hearing, and statistics were given why the road should be widened. Also the high volume of traffic and level of service were discussed and the road is being planned for the future.

- 2) Of Chapter 161.10 – has the financial impact analysis been conducted by the agency seeking the action?**

There has been a cost estimate in reference to the highway, however we are unclear if a financial impact has been declared to the land owner.

- 3) Of Chapter 161.10 – have alternatives been considered to the proposed action that are less disruptive to the agricultural activities and farmland base of the voluntary agricultural district within which the proposed action is to take place?**

Yes, alternatives have been considered, however to go a different route more farmland would be affected, than the existing route planned.

Vickie Moore

Subject: FW: Feb. 25 Hearing in Ashe

From: Carolyn Shepherd
Sent: Wednesday, March 06, 2013 9:56 AM
To: 'Wray, Michael G'
Cc: Carolyn Shepherd; Judy Bare; Dale Sheets; Dale Wineberg; 'Ryan Huffman'; Martin McVey; 'Martin Weaver'; Trathen Cheek; Vickie Moore
Subject: Feb. 25 Hearing in Ashe

Good Morning Michael,

The Farmland Preservation Board met last night to complete the report that will be submitted to DOT and reported to the County Commissioners at their next scheduled meeting of March 18th. Board members had the following questions and they asked that I forward them to DOT for clarification. As you were my initial DOT contact, I am sending them to you.

Parcel # 19227 – 180 of 4.7 acres

Parcel # 19227 – 144 of 21.6 acres _ both of these in the name of Thelma Duvall

Parcel # 19227 – 360 of 5.52 acres – in the name of Judy Bare and Dean Witherspoon

Each of these are in the VAD(Farmland Preservation). Graphics from the picture map presented and discussed at the meeting showed that an additional 5-6 feet will be taken for right of way along these properties that will adjoin the road. However, these parcels were not shown to be in the VAD on the map. The committee doubled checked on these parcels and they are in the VAD; The committee is concerned that there may be - in addition to these, other properties unidentified as VAD properties and that total acreage may be affected (i.e the report given was that 1 ½ acres of VAD property would be affected by the project), but this may not be the total affected as the 3 parcels mentioned above were not in the 1 ½ acres mentioned to be affected.

In addition, the committee questioned the compensation to land in VAD that would be taken for the road project. The committee is concerned about the formula used in the compensation process for farmland. What is the financial analysis and how will you determine the valuation of farmland on the impact of land taken on farmers(as a 1 time payoff when the farmer will have lost an annual income over numerous years?)

In the statute, the wording says "Has a financial impact analysis been conducted by the agency seeking the action". The committee wants clarification on this statement – does this refer to the cost of the road, the financial impact to the landowners, or both?

Thank Michael for your help in answering these questions. All of these questions will be referenced in the presentation the Commissioners on March 18 when the FP Chair presents the report. Thanks for your help in clarifying the above.
Carolyn

Carolyn Shepherd
County Extension Director
North Carolina State University
College of Agriculture and Life Sciences
North Carolina Cooperative Extension, Ashe County Ctr.
134 Government Circle, Suite 202
Jefferson, NC 28640
(336) 846-5850
(336) 846-5882 (fax)
Carolyn_Shepherd@ncsu.edu

Robbins, Ed

Subject: FW: R-2915 US 221 Widening: Farmland Preservation

Importance: High

From: Wray, Michael G
Sent: Monday, March 18, 2013 9:47 AM
To: Carolyn Shepherd (CarolynShepherd@ashecountygov.com)
Cc: 'Vickie Moore'
Subject: R-2915 US 221 Widening: Farmland Preservation
Importance: High

Carolyn,

NCDOT and Parsons have done further investigation into the questions you had prior to tonight’s meeting. Below are the findings, as reported by Parsons:

We have used the latest information shown on Ashe County GIS Website (<http://ashegis.ashecountygov.com/webgis/>) to update our Farmland Preservation information.

The following table summarizes our preliminary design’s impact to your members properties (these areas should be considered preliminary and not used for negotiation purposes):

Location	Total Property Acreage	Acreage to be Acquired	Owners Name
1	20.4	0.6	Kermit Lee & Jane B Miller
2	13.6	1.2	Clayton & Ruth H Lemly
3	1.4	0.4	Barry K & Sandra T Liddle
4	25.1	0.4	Thelma W Duvall
5	5.2	0.4	Gary & Judy Bare Trustee
Totals	65.7	3.0	

Upon receiving your current role of members, we will re-verify this information and alert you to any additional properties that are affected.

Below are the answers to your other concerns:

“In addition, the committee questioned the compensation to land in VAD that would be taken for the road project. The committee is concerned about the formula used in the compensation process for farmland. What is the financial analysis and how will you determine the valuation of farmland on the impact of land taken on farmers(as a 1 time payoff when the farmer will have lost an annual income over numerous years?)”

The Right of Way appraiser will determine the highest and best use of the property and then use a sales comparison approach to determine the value. This is the same approach used for all of NCDOT's property acquisitions.

"In the statute, the wording says "Has a financial impact analysis been conducted by the agency seeking the action". The committee wants clarification on this statement – does this refer to the cost of the road, the financial impact to the landowners, or both?"

A Right of Way estimate was performed by NCDOT for the project by section (R-2915 is divided into A through E sections). This project is still at a very preliminary design stage and NCDOT does not like making individual property evaluations at this point in the project process.

If you have any further questions, please do not hesitate to give Michael Wray, (919)707-6050, or myself a call.

Thanks,
Ed Robbins, P.E.

PARSONS
5540 Centerview Drive, Suite 217
Raleigh, NC 27606
T: (919) 854-1347
C: (919) 539-7765
F: (919) 851-2103
Ed.Robbins@Parsons.com
www.Parsons.com

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.



Challenging young minds to soar.

Donnie R. Johnson, Superintendent • Charles L. King, Chairman • Charles B. Jones, Jr., Vice-Chairman
Dr. Lee Beckworth • Polly Jones • Terry Williams

May 1, 2013

Tim D. Goins, PE
Parsons Engineering
5540 Centerview Drive, Suite 217
Raleigh, North Carolina 27606

Dear Mr. Goins:

The Ashe County School Board concurs that the NCDOT widening of US 221 (Project R-2915) will not adversely affect the activities, features, or attributes that qualify the Fleetwood Community Center for protection under Section 4(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act.

Should you need any additional information in order to complete the preliminary phase of this project, please contact my office.

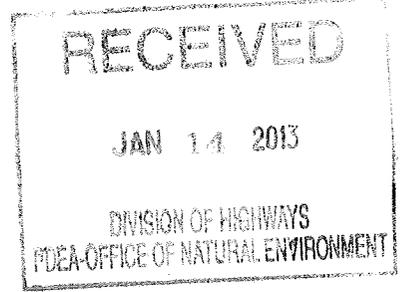
Thank you,

Donnie R. Johnson
Superintendent



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960



January 10, 2013

Dr. Gregory Thorpe, Ph.D.
Manager, Project Development and Environmental Analysis
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, N.C. 27699-1548

SUBJECT: Federal Environmental Assessment, US 221 Widening, Watauga and Ashe Counties,
TIP No.: R-2915

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject document and is providing comments in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA) are proposing to widen US 221 to a 4-lane, median divided facility for approximately 16.1 miles between US 421 to US 221 Business/NC 88 in Watauga and Ashe Counties.

The proposed project is included in the NEPA/Section 404 Merger process. EPA concurred with the purpose and need, Concurrence Point 1, on January 22, 2008, detailed study alternatives (DSAs) on December 16, 2008, and Concurrence Point 2A, bridging decisions on July 25, 2012. EPA's detailed technical review comments on the Federal Environmental Assessment (EA) are attached to this letter (See Attachment A).

EPA requests that the environmental concerns identified in the attachment be addressed through the NEPA/Section 404 Merger process and prior to the issuance of the Finding of No Significant Impact (FONSI). We appreciate the opportunity to review the EA and request a copy of the FONSI when it becomes available. Please feel free to contact Mr. Christopher Militscher of my staff should you have any questions concerning these comments at 404-562-9512.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office

JAN 14 2013

Preconstruction
Project Development and
Environmental Analysis Branch

w/Attachment

Attachment A
Detailed Technical Comments
US 221 Widening
Federal EA for TIP No. R-2915
Watauga and Ashe Counties

Jurisdictional Wetland and Stream Impacts

The proposed recommended alternative (“Best Fit”) is anticipated to impact 20,804 linear feet of jurisdictional streams and 6.84 acres of jurisdictional wetlands. The proposed project entails 24 stream crossings and five (5) 100-year floodplain crossings. Designated trout waters have been identified as Gap Creek, Little Gap Creek, Old Field Creek, Beaver Creek, Call Creek and South Beaver Creek. Of the 20,804 linear feet of stream impacts, NCDOT estimates that 18,139 linear feet to designated trout waters. Old Field Creek from Call Creek to the South Fork of the New River has been designated as Outstanding Resource Waters (ORW). Portions of the South Fork of the New River have been designated as Water Supply V, High Quality Waters (WS-V; HQW). Little Buffalo Creek is listed on the 2010 Final 303(d) list as impaired waters for aquatic life due to impaired ecological/biological integrity.

On pages 19 and 20 of the EA, Table 10 shows a summary of potential impacts at the functional design level for East, West, Symmetrical and Best Fit Alternatives for 7 different sections of the project. Within these sections (e.g. Section 1, 4.54 miles), the East Alternative has 4,419.93 linear feet of impact to streams and the Best Fit Alternative has 5,157.11 linear feet of impact (with greater residential and business relocations – 3 & 3 additional). The overall impacts to the human and natural environment (highlighted totals) actually indicate that the West Alternative has lower impacts to streams and residential and business relocations than the recommended Best Fit Alternative. EPA requests that the NCDOT and other Merger Team agencies evaluate each section of the proposed project at or prior to the Concurrence Point 3 Least Environmentally Damaging Practicable Alternative (LEDPA) meeting to determine the environmentally preferred alternative for each section of the project. As currently presented in Table 10, the recommended Best Fit Alternative for certain sections of the project may not be the overall LEDPA.

EPA also requests that the transportation agencies consider substantial avoidance and minimization measures to further reduce impacts to jurisdictional streams and wetlands of the LEDPA, including the use of retaining walls, steeper side slopes with rock reinforcement, and reduced median widths.

The EA does not address the stream mitigation site at the intersection of US 221 and US 421. The FNSI should address this issue that was discussed at several Merger meetings and NCDOT’s re-design efforts to avoid impacts to it.

The EA discusses compensatory mitigation for unavoidable impacts on page 35 of the EA. Compensatory mitigation is proposed to be sought by the transportation agencies through

the N.C. Ecosystem Enhancement Program (EEP). There is no discussion in the EA as to the current stream and wetland assets available through the EEP that would functionally mitigate for the anticipated impacts (including more than 3 miles of impacts to designated trout waters).

Other Impacts and Issues

EPA notes that the recommended Best Fit Alternative impacts approximately 120 residences and 29 businesses, 2 churches, 1 cemetery, and 1 community facility. Terrestrial community impacts are estimated at 410 acres. However, Table 11 on page 28 of the EA includes maintained and disturbed lands, successional land, pasture land and agricultural land totaling approximately 214 acres. Terrestrial forest impacts would be expected to be approximately 196 acres. Noise receptor impacts from the Build alternative are shown on page 63 of the EA, Table 22, as 9 receptors. EPA understands from the noise analysis provided that a number of receptors would be eliminated through relocation of residences from near the existing right of way upon completion of the proposed project.

The EA indicates that Section 7 Endangered Species Act consultation for a protected plant (*Virginia spiraea*) is still ongoing with the U.S. Fish and Wildlife Service.

The EA does not address coordination underway with the National Park Service due to the proximity of the Blue Ridge Parkway (view-shed issue) and the Eastern Band of the Cherokee Indians and the United Keetoowah Band of the Cherokee Indians (within the geographical area of both tribes). The transportation agencies should document coordination efforts with these parties during the Merger process and include relevant information in the FNSI.

Subject: FW Fw R-2915 Widening of US 221 in the Deep Gap Area.txt
FW: Fw: R-2915 Widening of US 221 in the Deep Gap Area

-----Original Message-----

From: Phil_Francis@nps.gov [mailto:Phil_Francis@nps.gov]
Sent: Wednesday, January 07, 2009 11:39 AM
To: Gary_W_Johnson@nps.gov
Cc: Vick, Franklin; jqubain@ncdot.gov
Subject: Re: Fw: R-2915 Widening of US 221 in the Deep Gap Area

Thanks Gary. Please take the lead in working w/ NCDOT on this.

Phil

From: Gary W Johnson
Sent: 12/16/2008 10:00
To: Phil Francis
Cc: jqubain@ncdot.gov, Franklin.Vick@parsons.com
Subject Re: Fw: R-2915 Widening of US 221 in the Deep Gap Area(Document link: Phil Francis)

Phil,

I have reviewed the attached power point slides provided to us by Mr. Qubain as well as checking aerial photography and our vista inventory. The improvement of US 221 in the Deep Gap area where it intersects with US 441 will have a minor impact on the Parkway's viewshed. The Parkway motor road follows a long sweeping curved alignment where it is closest to US 221. This alignment would focus both north and southbound vehicle occupants' attention towards US 221 if there were roadside vista cuts on the outside of the curving alignment, but there are not. After this curve the motor road heading north moves away from US 221 where the Parkway is running perpendicular to US 221 for about 3/4 of a mile and then the motor road runs more or less parallel to US 221 for about a mile and the two roadways are about 1 1/4 miles apart from each other. While there are roadside vistas along parkway right the impacts of improving US 221 would be some 1 1/4 miles in the distance. The improvement of US 221 with associated widening of right-of-way with additional lanes will increase its footprint and thus make it more visible but this, I would think will only have minor to moderate impacts on the Parkway views. Again the distance helps diminish the visual impact. The improvement of roads is usually followed by changes in land use so this may have more of an affect on the visual quality of the Parkway views than the road itself depending upon the scale of land use changes in the future.

Based upon the information provided, US 221 is being improved along relative flat rolling terrain, rather than on a mountain side, so the visibility of new cut and fill slopes should be minimal.

My conclusion is that the improvement of US 221 may have minor impacts on Parkway views, while future land use changes facilitated by the road improvement may have moderate affect on visual quality of the Parkway views.

I believe the above short analysis should provide NCDOT and Parsons with an understanding of our impact finding. If they would like some additional thoughts from us, I am happy to provide that for them. I have no mitigations to offer that would reduce the minor impacts that may result from this improvement project.

I have taken the liberty to copy Mr. Quabain and Mr. Vick on this email to facilitate our response given the noncontroversial nature of our response and

FW Fw R-2915 Widening of US 221 in the Deep Gap Area.txt
minimal concern over this project.

Let me know what else you may need.

Thanks,

Gary

Gary W. Johnson
Chief RPPS Division
Blue Ridge Parkway
199 Hemphill Knob Road
Asheville, NC 28803
Phone: 828.271.4744 ext. 210
Fax: 828.271.4119

Robbins, Ed

From: Robbins, Ed
Sent: Tuesday, April 16, 2013 1:00 PM
To: 'russtown@nc-cherokee.com'
Subject: US 221 Widening in NC: Archaeological Survey
Attachments: R-2915 Archaeological Survey.pdf; R-2915 Archaeological Survey Townsend.doc

Dear Mr. Townsend:

The NCDOT and FHWA propose to widen US 221 to a four-lane, median-divided facility from US 421 in the Deep Gap Community of Watauga County to the US 221 Business/NC 88 intersection in the town of Jefferson in Ashe County, North Carolina. The project is approximately 16.1 miles in length

Please find attached a copy of the revised archaeological report describing the results of the archaeological survey for the proposed improvements.

If you have any comment or concerns about this project, please contact me at (919) 854-1347, or by email at ed.robbs@parsons.com.

If you have no comments or concerns, a quick email stating so would be appreciated.

Sincerely,
Ed Robbins, P.E.

PARSONS
5540 Centerview Drive, Suite 217
Raleigh, NC 27606
T: (919) 854-1347
C: (919) 539-7765
F: (919) 851-2103
Ed.Robbins@Parsons.com
www.Parsons.com

April 16, 2013

Mr. Russell Townsend
Tribal Historic Preservation Officer
Eastern Band of Cherokee Indians
PO Box 455
Cherokee, NC 28719

**RE: US 221 ENVIRONMENTAL STUDY, T.I.P. I.D. NO. R-2915
Archaeological Survey**

Dear Mr. Townsend:

The NCDOT and FHWA propose to widen US 221 to a four-lane, median-divided facility from US 421 in the Deep Gap Community of Watauga County to the US 221 Business/NC 88 intersection in the town of Jefferson in Ashe County, North Carolina. The project is approximately 16.1 miles in length

Please find attached a copy of the revised archaeological report describing the results of the archaeological survey for the proposed improvements.

If you have any comment or concerns about this project, please contact me at (919) 854-1347, or by email at ed.robbins@parsons.com.

If you have no comments or concerns, a quick email stating so would be appreciated.

Sincerely,

PARSONS TRANSPORTATION GROUP, INC.

Ed Robbins, PE
Project Manager

Attachments (1)



Robbins, Ed

From: Lisa LaRue-Baker - UKB THPO [ukbthpo-larue@yahoo.com]
Sent: Friday, April 19, 2013 11:50 AM
To: Robbins, Ed
Cc: lstapleton@unitedkeetoowahband.org
Subject: Re: US 221 Widening in NC: Archaeological Survey

The United Keetoowah Band of Cherokee Indians in Oklahoma has reviewed your project under Section 106 of the NHPA and at this time, have no comments or objections. However, should there be any inadvertent discovery of human remains, please cease all work and contact us immediately.

Lisa C. Baker

Acting THPO
United Keetoowah Band of Cherokee Indians in Oklahoma
PO Box 746
Tahlequah, OK 74465

c 918.822.1952
ukbthpo-larue@yahoo.com

[Please FOLLOW our historic preservation page and LIKE us on FACEBOOK](#)

--- On Tue, 4/16/13, Robbins, Ed <Ed.Robbins@parsons.com> wrote:

From: Robbins, Ed <Ed.Robbins@parsons.com>
Subject: US 221 Widening in NC: Archaeological Survey
To: "ukbthpo-larue@yahoo.com" <ukbthpo-larue@yahoo.com>
Date: Tuesday, April 16, 2013, 11:56 AM

Dear Ms. LaRue-Baker:

The NCDOT and FHWA propose to widen US 221 to a four-lane, median-divided facility from US 421 in the Deep Gap Community of Watauga County to the US 221 Business/NC 88 intersection in the town of Jefferson in Ashe County, North Carolina. The project is approximately 16.1 miles in length

Please find attached a copy of the revised archaeological report describing the results of the archaeological survey for the proposed improvements.

If you have any comment or concerns about this project, please contact me at (919) 854-1347, or by email at ed.robbins@parsons.com.

If you have no comments or concerns, a quick email stating so would be appreciated.

Sincerely,

Ed Robbins, P.E.

PARSONS

5540 Centerview Drive, Suite 217
Raleigh, NC 27606
T: (919) 854-1347

C: (919) 539-7765
F: (919) 851-2103

Ed.Robbins@Parsons.com

www.Parsons.com

Appendix C

Concurrence Forms

SECTION 404 / NEPA MERGER PROCESS CONCURRENCE AGREEMENT

CONCURRENCE POINT 1: Purpose and Need and Study Area Defined

US 221 from US 421 to NC 88 / US 221 Business, Watauga and Ashe Counties

NCDOT TIP Project No.: R-2915

TIP Description: The North Carolina Department of Transportation proposes to widen US 221 to a multi-lane facility, from US 421 near Deep Gap to NC 88 / US 221 Business in Jefferson. The proposed action involves approximately 16.1 miles of existing US 221 with a majority of the roadway located in Ashe County and just over a mile located in Watauga County.

Purpose and Need: The purpose of this project is to upgrade the existing roadway to a multi-lane facility, so as to increase capacity, alleviate congestion, improve traffic operations and reduce traffic accidents. The needs to be address by this project include:

Improve Traffic Flow for Highway system

- Existing US 221 currently experiences capacity deficiency and operates at levels of service D, E and F.

Additional Considerations

Above Average Crash Rates

- Existing crash rates and accident severity are relatively high along portions of the project and will likely worsen if no improvements are made.

The Merger Team met on January 22, 2008 and concurs with the Purpose and Need/ Study Area Defined for the proposed widening improvements of US 221 to a multi-lane facility in Watauga and Ashe Counties. The Study Area Defined is as shown in Exhibit 3 of the meeting handout, with the clarification that the View Shed for the Blue Ridge Parkway and the Mount Jefferson State Park is considered as part of the study area.

FHWA	<u>Jake Riggsbee</u> 1-22-08 Jake Riggsbee Date	NCDOT	<u>Joseph Qubain</u> Joseph Qubain Date
USACE	<u>Monte Matthews</u> 1-22-08 Monte Matthews Date	NCDWQ	<u>Polly Lespinasse</u> 1/22/08 Polly Lespinasse Date David Wainwright
USEPA	<u>Chris Militscher</u> 1/22/08 Chris Militscher Date	SHPO	<u>Renee Gledhill- Early</u> 1/17/08 Renee Gledhill- Early Date
USFWS	<u>Marella Buncick</u> 1/22/08 Marella Buncick Date	NCWRC	<u>Marla Chambers</u> 1/22/08 Marla Chambers Date

SECTION 404 / NEPA MERGER PROCESS CONCURRENCE AGREEMENT

CONCURRENCE POINT 2: Design Options for Detailed Study

US 221 from US 421 to NC 88 / US 221 Business, Watauga and Ashe Counties

NCDOT TIP Project No.: R-2915

TIP Description: The North Carolina Department of Transportation proposes to widen US 221 to a multi-lane facility, from US 421 near Deep Gap to NC 88 / US 221 Business in Jefferson. The proposed action involves approximately 16.1 miles of existing US 221 with a majority of the roadway located in Ashe County and just over a mile located in Watauga County.

Alternatives to Study in Detail:

- Best-fit widening *(For Section 1, 3, & 7 with emphasis to the East)* Yes No
- Typical Section 1: Four-lane divided with 23-foot raised median and shoulder Yes No
STA. 10 + 00 TO STA. 670 + 00 *with consideration of storm water treatment*
- Typical Section 2: Four-lane divided with 36-foot depressed median and shoulder Yes No
STA. 670 + 00 TO STA. 825 + 00
- Typical Section 3: Project Tie-In Five-lane divided (one left lane) with shoulder Yes No
STA. 825 + 00 TO STA. 845 + 00

The Merger Team met on December 16, 2008 and concurs with the alternatives to be carried forward for the proposed project as indicated above.

FHWA *Dahl*

NCDOT *JD Deban*

USACE *Mark Miller*

NCDWQ *Jay Jones*

USEPA *Rebecca*

SHPO *Renee Medhill-Early*

USFWS *Mark C. Jewick*

NCWRC *Marla Chambers*
12/16/08

SECTION 404 / NEPA MERGER PROCESS CONCURRENCE AGREEMENT

**CONCURRENCE POINT 2a Bridge Decisions
US 221 from US 421 to NC 88 / US 221 Business, Watauga and Ashe Counties
NCDOT TIP Project No.: R-2915**

TIP Description: The North Carolina Department of Transportation proposes to widen US 221 to a multi-lane facility, from US 421 near Deep Gap to NC 88 / US 221 Business in Jefferson. The proposed action involves approximately 16.1 miles of existing US 221 with a majority of the roadway located in Ashe County and just over a mile located in Watauga County.

Bridging Decisions: The Merger Process Team met on April 12, 2012 and May 24, 2012 to discuss the preliminary hydraulics design for the existing major drainage structures along the "Best Fit" Alternative for R-2915. Based upon the current preliminary design information, the Merger Team concurs with proposed box-culvert and bridging decisions for the US 221 widening improvements, as presented in the Concurrence Point 2a meeting. The major crossings are listed below:

Site No.	Proposed Hydraulic Structure(Additional Length)	Site No.	Proposed Hydraulic Structure (Additional Length)
1	New 3@ 8' x 8' RCBC (135 ft)	10	New Dual Structures
1B	New -1@12' x 8' RCBC (304ft)	11	Extend 1@ 4' x 5' RCBC (120 ft)
2	Extend 1@ 6' x 4' RCBC (67 ft)	12	Extend 1@ 7' x 8' RCBC (185 ft)
3	Extend 2@ 9' x 5' RCBC (79 ft)	13	New Bottomless Culvert (282 ft)
4	Extend 2 - 42" RCP(70 ft)	14	Extend 1 - 84" CMP (8 ft)
5	Extend 2 - 42" RCP (12 ft)	16	Extend 2 - 84" CMP (80 ft)
6	New-1@6' x 4' RCBC (64 ft)	17	Extend 3@ 10' x 8' RCBC (65 ft)
7	New Culvert (249 ft)	18	Extend 2 - 60" CMP (55 ft)
8	New Bridge (130 ft)		
9	Retain, Add New Structure		

The Merger Process Team met on March 13, 2013 and concurs with the proposed hydraulic structures associated with the improvements of US 221 to a four-lane median divided facility in Watauga and Ashe Counties

FHWA <u>Michael Batuzick</u> 3-13-13 Michael Batuzick Date	NCDOT <u>Michael Wray</u> 3/13/13 Michael Wray Date
USACE <u>Monte Matthews</u> 3-13-13 Monte Matthews Date	NCDWQ <u>Amy Euliss</u> 3/13/13 Amy Euliss Date
USEPA <u>Christopher Militscher</u> 4/15/13 Christopher Militscher Date	NCDCR <u>Renee Gledhill-Early</u> 5-1-13 Renee Gledhill-Early Date
USFWS <u>Marella Buncick</u> 4/30/13 Marella Buncick Date	NCWRC <u>Marla Chambers</u> 3/13/13 Marla Chambers Date
High Country RPO <u>David Graham</u> 3/13/13 David Graham Date	
<u>Phillip Truitt</u> 3-13-13 Phillip Truitt, High Country RPO	

US 221

SECTION 404 / NEPA MERGER PROCESS CONCURRENCE AGREEMENT

CONCURRENCE POINT 3: LEDPA SELECTION

US 221 from US 421 to NC 88 / US 221 Business, Watauga and Ashe Counties

NCDOT TIP Project No.: R-2915

TIP Description: The North Carolina Department of Transportation proposes to widen US 221 to a multi-lane facility, from US 421 near Deep Gap to NC 88 / US 221 Business in Jefferson. The proposed action involves approximately 16.1 miles of existing US 221 with a majority of the roadway located in Ashe County and just over a mile located in Watauga County.

LEDPA Selection: Widen existing US 221 using the Best Fit Alternative

The Merger Process Team met on March 13, 2013 and concurs with the proposed Best Fit Alternative associated with the improvements of US 221 to a four-lane median divided facility in Watauga and Ashe Counties.

FHWA Michael Batuzich 3-13-13
Michael Batuzich Date

NCDOT Michael Wray 3/13/13
Michael Wray Date

USACE Monte Matthews 3-13-13
Monte Matthews Date

NCDWQ Amy Euliss 3/13/13
Amy Euliss Date

USEPA Christopher Militscher 4/15/13
Christopher Militscher Date

NCDCR Renee Gledhill-Early 5-1-13
Renee Gledhill-Early Date

USFWS Marella Buncick 4/30/13
Marella Buncick Date

NCWRC Marla Chambers 3/13/13
Marla Chambers Date

High Country RPO David Graham 3/19/13
David Graham Date

Phillip Trew 3/13/13
Phillip Trew, High County RPO

US 221

SECTION 404 / NEPA MERGER PROCESS CONCURRENCE AGREEMENT

CONCURRENCE POINT 4A: AVOIDANCE AND MINIMIZATION

US 221 from US 421 to NC 88 / US 221 Business, Watauga and Ashe Counties

NCDOT TIP Project No.: R-2915

TIP Description: The North Carolina Department of Transportation proposes to widen US 221 to a multi-lane facility, from US 421 near Deep Gap to NC 88 / US 221 Business in Jefferson. The proposed action involves approximately 16.1 miles of existing US 221 with a majority of the roadway located in Ashe County and just over a mile located in Watauga County.

The Merger Process Team met on March 13, 2013 and concurs with the following Avoidance and Minimization measures for the LEDPA (best fit alignment) of the US 221 widening Project:

Section 404 Avoidance/Minimization:

Various measures were employed to avoid and minimize the impacts to streams and wetlands utilizing the best fit alignment as well. Streams were crossed perpendicularly and/or at their narrowest points, as feasible. Design modifications have been made at several points in the study to avoid/minimize stream and wetlands involvement. Several potential stream and wetland avoidance/minimization opportunities were identified during the Concurrence Point #2A meetings held with resource agencies in April and May, 2012. Two different interchange designs were originally studied with the current interchange design (interchange 1) being preferred by the merger team. Interchange 1 was preferred due to interchange 2 impacts to a pristine ecosystem previously not impacted. Interchange 1 stream impacts were previously impacted in the widening of US 421.

A new bridge is proposed at Site 8, dual structures are proposed at Site 10, and a new bottomless culvert is proposed at Site 13.

Minimize LEDPA impacts further based on 25' slope stakes or less.

Site 1 will allow for appropriately sized barrels to accommodate the entire stream through one barrel, including alternating baffles for fish passage.

In the vicinity of Site 1, efforts will be made to re-establish a riparian buffer to shade trout streams as much as possible.

Design of US 421 was changed to inside widening to avoid mitigation site.

Additional minimization:

Design of sediment and erosion control measures will adhere to Design Standards for Sensitive Watersheds.

A retaining wall is proposed along Gap Creek Cemetery to minimize impacts to grave sites.

The SHPO rendered the following decision regarding the Best Fit Alternative for the Baldwin Bethany Cemetery and the Barnett Idol House : No Effect for both properties, since there will be no construction within the historic boundary and no changes to elements that make it eligible.

The Merger Process Team met on March 13, 2013 and concurs with avoidance and minimization measures as stated above:

FHWA Michael Batuzich 3-13-13
Michael Batuzich Date

NCDOT Michael Wray 3-13-13
Michael Wray Date

USACE Monte Matthews 3-13-13
Monte Matthews Date

NCDWQ Amy Buliss 3/13/13
Amy Buliss Date

USEPA Christopher Militscher 4/15/13
Christopher Militscher Date

NCDCR Renee Gledhill-Early 5/1/13
Renee Gledhill-Early Date

USFWS Marella Buncick 4/24/13
Marella Buncick Date

NCWRC Marla Chambers 3/13/13
Marla Chambers Date

High Country RPO David Graham 3/13/13
David Graham Date

Philip Tru 3/13/13
Philip Tru, High Country RPO

Appendix D

Noise Abatement Review Study

Archaeological Consultation Letters



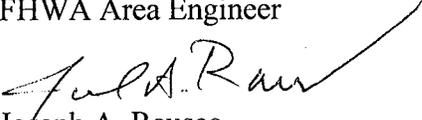
STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

September 10, 2012

EUGENE A. CONTI, JR.
SECRETARY

MEMORANDUM TO: Mitch Batuzich, P.E.
FHWA Area Engineer

FROM: 
Joseph A. Rauseo
Senior Traffic Noise Engineer
Traffic Noise & Air Quality Group

SUBJECT: **Noise Abatement Review**
US 221 Widening – Watauga and Ashe Counties;
F.A. Proj. # STP-0221(13); WBS # 34518.1.1;
TIP # R-2915

The NCDOT Traffic Noise Abatement Policy effective July 13, 2011 stipulates that “Projects let for construction on or after July 13, 2011 shall be reviewed under the criteria of this policy...” To maintain compliance with the effective policy, the Traffic Noise & Air Quality Group reviewed the Traffic Noise Analysis (TNA) dated September 6, 2000 for the subject project, and has the following comments:

1. The TNA determination that traffic noise abatement is not feasible was based upon preliminary design available at the time of the initial analysis.
2. Based upon present project design and the effective policy, traffic noise abatement will be feasible and reasonable for the predicted traffic noise impacts on Crescent Drive, as well as for Long Street and Cherry Drive.

Our recommendation is that two noise walls, NW1 and NW2, be added to the US 221 Widening Project (TIP #: R-2915) in the vicinity of Crescent Drive and Long Street/Cherry Drive, respectively.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
HUMAN ENVIRONMENT SECTION
1598 MAIL SERVICE CENTER
RALEIGH NC, 27699-1598

TELEPHONE: 919-707-6000
FAX: 919-212-5785
WEBSITE: WWW.NCDOT.ORG

LOCATION:
PROJECT DEVELOPMENT &
ENVIRONMENTAL ANALYSIS BRANCH -
CENTURY CENTER BUILDING B
1020 BIRCH RIDGE DRIVE
RALEIGH NC, 27610

Noise Wall NW1

Noise wall “NW1” is recommended to be 806 feet in length, and 9,249 square feet in above-ground area. NW1 is recommended to be an average of 11.5 feet in height, ranging between 6.0 feet and 16.0 feet as necessary to meet the acoustic profile.

The recommended noise wall NW1 will provide at least a 7 dB(A) noise level reduction to 4 first-row receptors, and at least a 5 dB(A) noise level reduction benefit to a total of 10 noise sensitive receptors. The 925 square feet average noise wall area per benefited receptor is less than the maximum allowable 2,710 square feet.

Table 1: US 221 Widening Project Noise Barrier NW1 Performance							
Without-Barrier and With-Barrier Noise Levels							
Receptors					Predicted Noise Levels, L_{eq(h)} (dB(A))		
ID#	Use	NAC	D.U.s	Address	Build¹	With- Bar	NLR
R-044	Res	B	1	242 Crescent Drive	58	58	0
R-045	Res	B	1	310 Crescent Drive	57	55	2
R-046	Res	B	1	320 Crescent Drive	62	58	4
R-047	Res	B	1	279 Crescent Drive	51	50	0
R-048	Res	B	1	211 Crescent Drive	52	50	1
R-049	Res	B	1	311B Crescent Drive	54	53	1
R-050	Res	B	1	311A Crescent Drive	55	51	4
R-051	Res	B	1	320 Crescent Drive	56	52	4
R-052	Res	B	1	329 Crescent Drive	58	52	6
R-053	Res	B	1	351 Crescent Drive	60	53	7
R-054	Res	B	1	357 Crescent Drive	62	54	8
R-055	Res	B	1	361 Crescent Drive	64	55	9
R-056	Res	B	1	387 Crescent Drive	66	56	10
R-057	Res	B	1	421 Crescent Drive	68	56	12
R-058	Res	B	1	341 Crescent Drive	60	53	7
R-059	Res	B	1	387A Crescent Drive	71	58	13
R-060	Res	B	1	455 Crescent Drive	70	61	9
R-061	Res	B	1	433 Crescent Drive	62	57	5
Predicted “Build-Condition” With-Barrier Benefits: ²							10 ^{2,3}
<ol style="list-style-type: none"> 1. Predicted traffic noise level impacts to 4 receptors due to approaching or exceeding NAC. Predicted impacts to 0 receptors are due to a predicted “substantial increase” in noise levels. 2. The optimized US 221 noise barrier -NW1- is predicted to provide at least 5 decibels (5 dB(A)) in noise level reduction (NLR) to 10 receptors. 3. The predicted NLR for several benefited receptors is greater than 7 dB(A) to facilitate breaking line-of-sight between impacted receptors and US 221 traffic. 							

Table 2: US 221 Widening Project Noise Barrier NW1 (TIP #: R-2915) – Noise Wall Analysis							
Noise Wall	Start	End	Length (ft.)	Area (sq. ft.)	Height (ft.) (Min. / Avg. / Max.)		
NW1¹	-NW1- Sta. 10+00.00	-NW1- Sta. 18+06.04	806	9,249	6.0	11.5	16.0
	-L- Sta. 681+11.47 100.57' LT	-L- Sta. 689+31.80 90.54'LT					
<p>1. The newly recommended traffic noise abatement noise wall design meets the feasibility and reasonableness criteria of the 2011 NCDOT Traffic Noise Abatement Policy.</p>							

Noise Wall NW2

Noise wall “NW2” is recommended to be 2,430 feet in length, and 30,230 square feet in above-ground area. NW2 is recommended to be an average of 12.4 feet in height, ranging between 8.0 feet and 14.1 feet as necessary to meet the acoustic profile.

The recommended noise wall NW2 will provide at least a 7 dB(A) noise level reduction to 2 first-row receptors, and at least a 5 dB(A) noise level reduction benefit to a total of 12 noise sensitive receptors. The 2,519 square feet average noise wall area per benefited receptor is less than the maximum allowable 2,570 square feet.

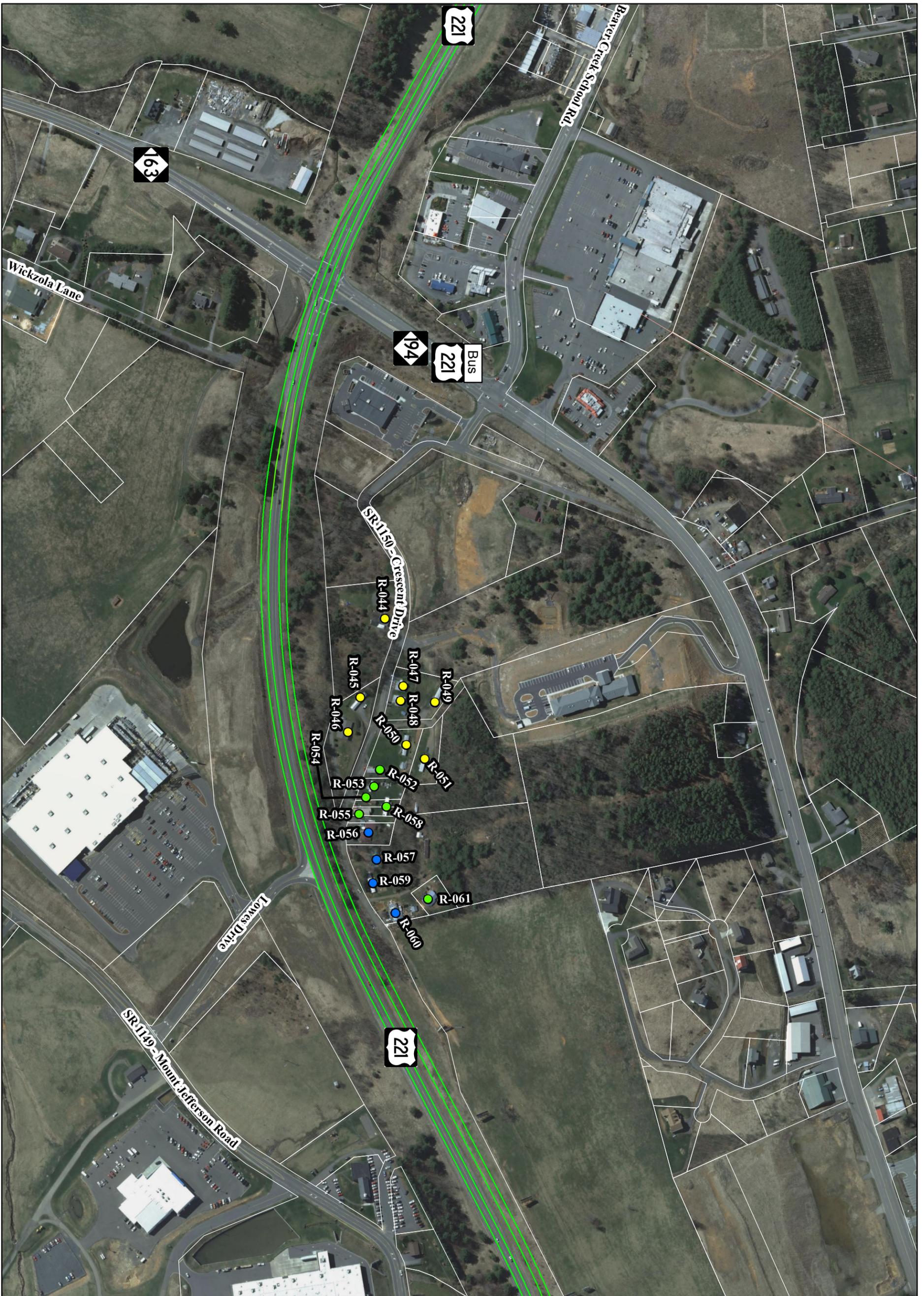
Table 3: US 221 Widening Project Noise Barrier NW2 Performance							
Without-Barrier and With-Barrier Noise Levels							
Receptors					Predicted Noise Levels, $L_{eq(h)}$ (dB(A))		
ID#	Use	NAC	D.U.s	Address	Build¹	With-Barrier	NLR
R-062	Res	B	1	327 Long Street	68	61	7
R-063	Res	B	1	341 Long Street	67	61	6
R-064	Res	B	1	401 Long Street	67	62	5
R-065	Res	B	1	409 Long Street	66	61	5
R-066	Res	B	1	417 Long Street	65	60	5
R-067	Res	B	1	433 Long Street	62	57	5
R-068	Res	B	1	114 Cherry Drive	62	57	5
R-069	Res	B	1	314 Long Street	65	62	3
R-070	Res	B	1	342 Long Street	63	60	3
R-071	Res	B	1	406 Long Street	61	59	2

Table 3: US 221 Widening Project Noise Barrier NW2 Performance							
Without-Barrier and With-Barrier Noise Levels							
Receptors					Predicted Noise Levels, $L_{eq(h)}$ (dB(A))		
ID#	Use	NAC	D.U.s	Address	Build¹	With- Bar	NLR
R-072	Res	B	1	418 Long Street	61	58	3
R-073	Res	B	1	430 Long Street	59	56	3
R-074	Res	B	1	101 Stone Street	62	59	3
R-075	Res	B	1	105 Cherry Drive	62	56	6
R-076	Res	B	1	125 Cherry Drive	60	54	6
R-077	Res	B	1	135 Cherry Drive	59	54	5
R-078	Res	B	1	224 Cherry Drive	68	58	10
R-079	Res	B	1	110 Oak Grove Circle	60	55	5
R-080	Res	B	1	314 Cherry Drive	64	62	2
Predicted “Build-Condition” With-Barrier Benefits: ²							12 ²
<p>1. Predicted traffic noise level impacts to 4 receptors due to approaching or exceeding NAC. Predicted impacts to 0 receptors are due to a predicted “substantial increase” in noise levels.</p> <p>2. The optimized US 221 noise barrier -NW2- is predicted to provide at least 5 decibels (5 dB(A)) in noise level reduction (NLR) to 12 receptors.</p>							

Table 4: US 221 Widening Project Noise Barrier NW2 (TIP #: R-2915) – Noise Wall Analysis							
Noise Wall	Start	End	Length (ft.)	Area (sq. ft.)	Height (ft.) (Min. / Avg. / Max.)		
NW2¹	-NW2- Sta. 10+00.00	-NW2- Sta. 34+29.70	2,430	30,230	8.0	12.4	14.1
	-L- Sta. 818+67.58 84.53’ RT	-L- Sta. 842+99.09 60.37’ RT					
<p>1. The newly recommended traffic noise abatement noise wall design meets the feasibility and reasonableness criteria of the 2011 NCDOT Traffic Noise Abatement Policy.</p>							

Please contact me if additional information is required in this matter.

FIGURES



LEGEND: Noise Monitoring Site ○ Not Impacted but Benefited Traffic Noise Receptor ●
 Impacted & Benefited Traffic Noise Receptor ● Not Impacted or Benefited Traffic Noise Receptor ●

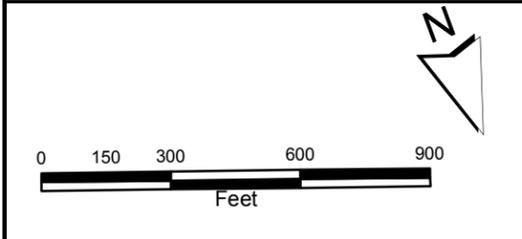


FIGURE 1
Noise Barrier 1
Traffic Noise
Receptor Locations
 Scale: 1" = 300' September 2012

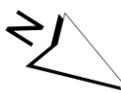
US 221 from US 421 in
 Watauga County to US
 221-NC 88 in Ashe County
 TIP #R-2915

North Carolina Department
 of Transportation
 Division of Highways
 Project Development &
 Environmental Analysis Section
 Traffic Noise & Air Quality Group





Noise Monitoring Site	○	Not Impacted but Benefited Traffic Noise Receptor	●
Impacted and Benefited Traffic Noise Receptor	●	Not Impacted or Benefited Traffic Noise Receptor	●

 	<p align="center">FIGURE 2 Noise Barrier 2 Traffic Noise Receptor Locations</p> <p>Scale: 1" = 300' September 2012</p>	<p align="center">US 221 from US 421 in Watauga County to US 221-NC 88 in Ashe County TIP #R-2915</p>	<p align="center">North Carolina Department of Transportation Division of Highways Project Development & Environmental Analysis Section Traffic Noise & Air Quality Group</p> 
--	---	--	--



North Carolina Department of Cultural Resources
State Historic Preservation Office

Peter B. Sandbeck, Administrator

Michael F. Easley, Governor
Lisbeth C. Evans, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

May 24, 2006

MEMORANDUM

TO: Gregory J. Thorpe, Ph.D.
Division of Highways
Department of Transportation

FROM: Peter Sandbeck *PSS for Peter Sandbeck*

SUBJECT: US 221 from US 421 to NC 88 in Jefferson, R-2915, Ashe and Watauga Counties, ER 06-1023

Thank you for your memorandum dated April 7, 2006, concerning the above project.

Several archaeological sites were recorded during an archaeological survey of a portion of the project area. Additional previously recorded sites are located within or adjacent to the project area. Based on the topographic and hydrological situation, there is a high probability for the presence of prehistoric or historic archaeological sites.

We recommend that a comprehensive survey be conducted by an experienced archaeologist to identify and evaluate the significance of archaeological remains that may be damaged or destroyed by the proposed project. Potential effects on unknown resources must be assessed prior to the initiation of construction activities.

We have conducted a search of our maps and files and located the following structure of historical or architectural importance within the general area of this project:

Gentry Worth House, 203 East Main Street, Jefferson, Ashe County, State Study-listed.

West Jefferson Hotel, corner of S. Second Ave. and W. Main St., Jefferson, Ashe County, State Study-listed.

St. Mary's Episcopal Church, US 221 and NC 163, Jefferson, Ashe County, State Study-listed.

Ashe County Courthouse, Main Street, Jefferson, Ashe County, Watauga County, National Register of Historic Places.

Blue Ridge Parkway, (view shed), Watauga County, determined eligible for the National Register.

ADMINISTRATION
RESTORATION
SURVEY & PLANNING

Location
507 N. Blount Street, Raleigh NC
515 N. Blount Street, Raleigh NC
515 N. Blount Street, Raleigh, NC

Mailing Address
4617 Mail Service Center, Raleigh NC 276994617
4617 Mail Service Center, Raleigh NC 276994617
4617 Mail Service Center, Raleigh NC 276994617

Telephone/Fax
(919)733-4763/733-8653
(919)733-6547/715-4801
(919)733-6545/715-4801

Alfred Jacob Moretz House, Deep Gap, NE side SR 1359, 1.6 miles S of jct. with SR 1367, Watauga County, surveyed property.

We recommend that a Department of Transportation architectural historian identify and evaluate any structures over fifty years of age within the project area, and report the findings to us.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763. In all future communication concerning this project, please cite the above referenced tracking number.

cc: SCH
Mary Pope Furr
Matt Wilkerson



North Carolina Department of Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Pat McCrory, Governor
Susan W. Kluttz, Secretary
Kevin Cherry, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

March 5, 2013

MEMORANDUM

TO: Matt Wilkerson
Office of Human Environment
NCDOT Division of Highways

FROM: Ramona M. Bartos *RMB for Ramona M. Bartos*

SUBJECT: Draft Report of the Archaeological Survey of US 221 Improvements,
R-2915, Federal Aid # STP-125(1); Ashe and Watauga Counties, ER 06-1023

Thank you for your letter of January 24, 2013, transmitting the draft archaeological survey report by Michael O'Neal of Archaeological Consultants of the Carolinas for the above project. We have reviewed the report and offer the following comments.

For purposes of compliance with Section 106 of the National Historic Preservation Act, we concur that the following properties are not eligible for the National Register of Historic Places:

31WT300 (revisit), 31WT365&365**, 31WT366, 31WT367**, 31WT368, 31WT369, 31AH276,
31AH277&277**, 31AH278** and 31AH279

None of these archaeological sites retain sufficient integrity to provide important information regarding the prehistoric or historic past of North Carolina.

We concur with the author's recommendation that no additional archaeological investigation is warranted in connection with this project as currently proposed. The report meets our office's guidelines and those of the Secretary of the Interior. Specific concerns and/or corrections which need to be addressed in the preparation of a final report are attached for the author's use.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above-referenced tracking number.

cc: Michael O'Neal, Archaeological Consultants of the Carolinas, Inc.

Specific Comments, US 221 Improvements, R-2915, Ashe and Watauga Counties

1. The report needs extensive editing. There are many missing words, typographical errors and sentence fragments scattered throughout the document.
2. The Tuscarora War did not end in 1712, as the last big battle of the war at Neoheroka did not occur until March of 1713.
3. In several places in the report during the discussion of corridor width, the document states that the corridor was primarily 61 meters (200 feet) wide, but in some places it was 91 meters (200 feet) wide.

Appendix E

Public Hearing Map Comments

US Army Corps of Engineers Public Comments & Correspondence

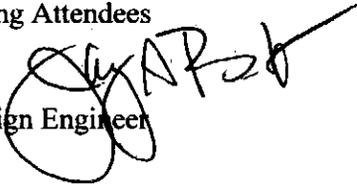


STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

MEMO TO: Post Hearing Meeting Attendees

FROM: Jay A. Bennett, PE
State Roadway Design Engineer 

DATE: May 14, 2013

SUBJECT: Project: 34518.1.1 (R-2915) Watauga / Ashe Counties
US 221 from US 421 in Watauga County to US 221 Business / NC 88 in Jefferson
in Ashe County

Post Hearing Meeting Minutes

A design public hearing was held on December 4, 2012 at Ashe County High School for the subject project. Approximately 160 people were in attendance. Thirty written comments were received. The following people met on February 26, 2013 to discuss these comments:

Mr. Jay Bennett, PE, NCDOT, Roadway Design
Mr. Greg Sealy, NCDOT, Utilities Unit
Mrs. Susan Lancaster, PE, NCDOT, Roadway Design
Mr. Glenn Mumford, PE, NCDOT, Roadway Design
Mr. Doug Taylor, PE, NCDOT, Roadway Design
Mr. Gary Lovering, PE, NCDOT, Roadway Design
Ms. Brenda Moore, PE, NCDOT, Roadway Design
Ms. Tatia White, PE, PLS, NCDOT, Roadway Design
Ms. Elise Groundwater, NCDOT, Congestion Management
Mr. John Conforti, NCDOT, PD&EA
Mr. Michael Wray, NCDOT, PD&EA
Mr. Tris Ford, NCDOT, Public Involvement and Community Studies
Mr. Marshall Clawson, PE, NCDOT, Hydraulics Unit
Mr. Jammie Robbins, NCDOT, Public Involvement and Com. Studies
Mr. Trent Beaver, PE, NCDOT, Division 11 Construction (via telephone)
Mr. Tim Goins, PE, Parsons Transportation Group
Mr. Ed Robbins, PE, Parsons Transportation Group
Ms. Kristin Webb, NCDOT, PD&EA

Executive Summary

The NCDOT preferred typical section for US 221 from US 421 to NC 194 (South Jefferson Avenue) is a 4 lane divided highway with a 23' raised median with grassed shoulders. From South Jefferson Avenue to approximately 0.5 mile north of SR 1149 (Mount Jefferson Road) along US 221, the NCDOT preferred typical section is a 4 lane divided highway with 36' depressed median with grassed shoulders. The remainder of the project will propose a 4 lane highway separated by a monolithic concrete island with grassed shoulders. Directional crossovers with median u-turns will be implemented throughout the project corridor.

The written comments received were centered around bypassing the existing alignment, traffic management, alignment and grade concerns, aesthetics, right of way, and access. These comments were discussed and are summarized below:

Written Comments and Responses

A. Bypass

1. Jerry Styers

Mr. Styers prefers a bypass a mile to the east or west while leaving the existing road for local traffic only.

Response: The additional cost of a bypass instead of widening existing US 221 would be prohibitive. The current design utilizes the existing 2 lanes and adds the additional lanes left or right as well as utilizing right of way that NCDOT currently owns for approximately half of the project. To construct a bypass, right of way will have to be purchased for all lanes as well as having to do grading, paving, etc. for the entire length of project. This approach would create additional impacts to wetlands and streams that are currently not impacted.

B. Traffic Management

1. Charles and Ellen Vitale

Mr. and Mrs. Vitale travel on West Pine Swamp Road to access US 221. They are concerned about unsafe detours they will need to navigate during project construction. They are also concerned about EMS response times being delayed. They are in agreement that the road will be safer post construction.

Response: Generally traffic will be maintained on 2 lanes while the 2 new lanes are constructed. Final locations of the detours will be developed in the Traffic Management Plan prior to construction beginning. The Traffic Management Plan will take into consideration all possible safety considerations for both the construction crews and local citizens in order to inconvenience the travelling public as little as possible. Minutes of this meeting will be forwarded to the Traffic Management Unit.

C. Alignment and Grade

1. Roger Newton

Mr. Newton states the curve at Grover Goodman's property needs to be corrected and made a 4 lane highway. (Located around station -L- 270+00 R-2915C)

Response: The final alignment and grade will be designed to accommodate a 60 mph design speed. Widening to 4 lanes will also help with sight distance.

2. Mr. James Trivette

Mr. Trivette is concerned about the sharp horizontal curves and steep grades on Lemly Hill Road.

Response: Lemly Hill Road will be tied into US 221 using NCDOT standard tie in practices. Locations along Lemly Hill Road outside of the tie in area are outside the project scope and will not be corrected under this project. Funding for this project is specifically set aside for the widening of US 221 and reconnection of intersecting roads.

3. Mrs. Martha Kincaid

Mrs. Kincaid is concerned about the sharp horizontal curves and steep grades on US 221 between Windy Hill Road and Liberty Grove Road.

Response: US 221 will be designed to accommodate a 55 mph posted speed where possible. Both the horizontal curves and grades will be designed for safe travel at this design speed for the entire length of the project corridor. Clearing will be done to accommodate the new 4 lane highway and will provide greater sight distance throughout the project.

D. Aesthetics

1. Watauga County Planning Board Deep Gap Gateway Corridor Committee

The Deep Gap Gateway Corridor Committee would prefer context sensitive design solutions in the Deep Gap area specifically in the US 421 / US 221 interchange area. They request matching the aesthetics to the Blue Ridge Parkway, evergreen plantings adjacent to the right of way for screening purposes, and reflective markings due to being a heavy fog area. Because of the views of the valley, woodlands, and mountains, they request special attention be given to all signs, sign structures, and lighting so as not to disturb the natural setting.

Response: NCDOT will take into consideration context sensitive design solutions during final design but may not be able to incorporate all of the requests without a cost sharing partnership with the requesting party. Both the pavement markings and signing requests will be considered during final design. Additional landscaping will also be considered but may require a cost share partnership to fully implement. Additional coordination with Watauga County will be required during final design.

E. Right of Way

1. Avi Shaki

Mr. Shaki inquired about NCDOT's process to offer current fair market value or potential market value for his property. (interchange r/w area)

Response: NCDOT policy is to offer fair market value based on current appraisals for the property needed to build the project. Right of Way acquisition is scheduled to begin in July 2013. It will take approximately two years to complete the purchase of the right of way needed for the entire project. The right of way schedule is subject to change.

Mr. Shaki also inquired about the reason the interchange was placed on the west side of US 421. The previous design was an at grade intersection instead of an interchange.

Response: The interchange shown is based on minimizing environmental impacts in this area. The at grade intersection was changed to a free flow interchange due to the concern for fog limiting the ability of drivers to see a traffic signal. A free flow interchange which separates the traffic conflicts will greatly reduce future accidents in this area.

Mr. Shaki inquired about access across the creek to US 421 on his property.

Response: NCDOT must provide new access to a parcel if existing access will be cut off due to proposed construction or pay for loss of access. However, if there is not currently access across the creek, the property owner will be responsible for his own access across the creek. The access from the existing service road to US 421 will remain open. Exact location of the driveway tie will be considered during the right of way stage.

2. Archie and Nancy Pierce

Mr. and Mrs. Pierce are in favor of the project and would like to be considered for acquisition as soon as possible due to their age. They also are requesting help with relocation. Their home is inside of the proposed easement area (parcel 632).

Response: NCDOT will proceed with acquisition of property with relocations near the beginning of the right of way acquisition stage. There is also an advanced acquisition process for qualified property owners. Mr. and Mrs. Pierce may feel free to contact Daneil Miles of the Division 11 Right of Way office at (336)667-9114 for more information. R/W acquisition is scheduled to begin in April 2014 for this area of the project. The right of way schedule is subject to change.

F. Access

1. Roger Newton

Mr. Newton is requesting a crossover at the intersection of US 221 and River Ridge Rd. (-Y14-)

Response:

NCDOT does not agree with providing a crossover at the River Ridge intersection due to the sight limiting terrain around the intersection.

2. William Moretz

Mr. Moretz is concerned about access to Moretz Farm Rd. He owns acreage on both sides of US 221 that he uses for his Christmas tree farm. He is concerned about the u-turn that his equipment will have to make to reach both sides of his farm. He feels this u-turn will be a hazard and is requesting a full movement intersection limited for farm equipment.

Response: NCDOT would not be in favor of designing a full movement intersection exclusively for farm equipment. U-turns will be designed to accommodate appropriate traffic. The proposed design should make the intersection safer by providing an exclusive turn lane separate from the north and south bound traffic.

3. Alan Crees

Mr. Crees is the engineer working on behalf of High Country Commercial property. They are in the process of developing a commercial subdivision on their property that is located by -SR1- off US 421. They are requesting the following:

- A. Can the proposed service road be relocated to match the alignment on their Master Site Plan (see Figures 1 & 2)?

Response: It appears the service road could be relocated however the developer needs to coordinate with the adjacent properties that are provided access by the service road as well.

- B. Can the r/w along the proposed road be reduced from 60' to 45' so that it has less impact on the lots?

Response: NCDOT will not commit to the reduction of the r/w until the development plan is approved.

- C. How can they proceed with the subdivision development plan while NCDOT is still in the design phase?

Response: After coordinating with adjacent property owners regarding the service road location, the developer is encouraged to submit their plans to NCDOT Division 11, District 2 office for further review via the driveway permitting process. The District Engineer for this area is Mr. Ivan Dishman and may be reached at (828)265-5380.

4. Jan Welborn

Ms. Welborn owns a trucking company along US 221 (near -L- 15+00 Rt at -SR- 2). The proposed r/w appears to impact her barn and another building as well. Her home and garage will not be impacted. She operates semi trucks with 53' trailers that need a drive opening wide enough to get trucks in and out.

Response: NCDOT does not propose controlling access along the service road. During final design, driveway tie-ins will be designed and NCDOT will take this driveway opening into consideration.

5. Martin Lambert

Mr. Lambert's property is located on parcel 3 along -SR- 2. Mr. Lambert is not in favor of the service road. He states the road will devalue his property and desires direct access to US 421 like he currently enjoys.

Response: NCDOT is fully controlling access in the interchange area that intersects US 421 and US 221. Direct access will not be allowed to US 421. It would be unsafe to allow property owners direct access to the highway in the interchange area. A service road is provided to allow property owners safer access further away from the interchange area.

6. Gary Stainback

Mr. Stainback lives between -Y14- River Ridge Rd. and -Y15- Windy Hill Rd. (-L- 290+00 Rt.) He is in favor of the project but would like to know if another u-turn location could be added near his home.

Response: Mr. Stainback will have access to US 221 at -L- 253+00 and -L- 313+70. NCDOT is not in favor of adding an additional crossover because of the terrain in this area.

7. Harold Charles Style, Jr., Harold Charles Style, Lauren Ashley Style, Mr. and Mrs. Harold E. Steelman, Sr., Harold E. Steelman, Jr. (These properties are located at or near parcel 5 along -SR2-)

It appears the septic system on parcel 5 would be impacted by the proposed service road and will require acquisition of this property. Both parcel 2 (James Barry Greene and adjacent property, James E. and Margaret Greene utilize the same driveway off US 421). They are requesting NCDOT consider realigning this drive to the left and still maintain the access to US 421. This would continue to serve both parcels. The service road could then be shortened and the cul-de-sac moved to the edge of parcel 5 and save this parcel.

Response:

NCDOT is not in favor of realigning the drive because of its close proximity to the northbound ramp at the interchange. Too many conflicts exist to allow driveway access in this area.

8. James Leonard Greer (parcel 15)

Mr. Greer states that his septic field is within the proposed r/w. Other locations inside his property have failed to perk in the past. How will NCDOT address this?

Response: If there are no other locations for the septic system to be relocated, NCDOT will have to acquire the property and provide relocation assistance. NCDOT Right of Way will contact Mr. Greer once the right of way acquisition stage begins (currently scheduled to begin July 2013) to initiate negotiations.

9. Joseph and Angela Turrisi (parcel 81)

Mr. and Mrs. Turrisi are requesting driveway access across the adjacent Thomas and Patricia Griggs property onto Idlewild Road. They prefer this over the current access directly onto US 221. Regardless of the final driveway access, they are requesting their driveway be paved due to the inclement weather conditions.

Response: NCDOT policy is to re-tie driveways along their current location where possible. NCDOT cannot severely impact another parcel to build a new driveway access when a driveway

access currently exists. Driveways will be tied in to the new highway using like material as the existing driveway. (Existing gravel drives will be gravel, existing soil drives will be soil, etc...)

10. Curtis and Peggy Cheek (-L- 120+00 Lt.)

Mr. and Mrs. Cheek have approximately 29 acres with 250 feet of road frontage on US 221. They are requesting good access for their property.

Response: This section of US221 will be partially controlled. Generally, one access point will be allowed per parcel except on very large parcels with road frontage of 2000' or greater. A right in / right out access will be located somewhere along the road frontage.

11. Lloyd Pickard (-L- 232+00 Lt.)

Mr. Pickard is concerned with the access of Twin Bridges Drive to US 221. He is in favor of the project and is inquiring about how to go north / south. He is on the board of directors of the Property Owners Association that serves 35 homes.

Response: U-turns will be utilized in order to access US221 from Twin Bridges Drive. The closest u-turn south is at -L- 216+00 (1600') and north at -L- 253+00 (2100'). U-turns are located where topography and environmental features would allow.

12. Jerry Ashley (-L- 425+00 Rt.)

Mr. Ashley is concerned about the loss of his business as well as access to US 221. He states his business is shown inside the limits of proposed right of way.

Response: It appears the business is located on parcel 153 (Jessie Baldwin) but both parcels share a driveway access onto US 221. The business looks like it will have to be acquired or possibly moved back beyond the buffer zone for Old Field Creek. Access will be allowed as a right in / right out and drivers can utilize the u-turn 300' to the north in order to travel south on US 221.

13. William Stringer

Mr. Stringer accesses US 221 using West Pine Swamp Road (-Y4-). He is concerned that left turns will not be allowed. Traffic going south on US 221 will have to travel north 1500' and make a u-turn that in his opinion will be unsafe.

Response: Left turns are desired for Cranberry Spring Road (-Y5-), West Pine Swamp Road (-Y4-), and Church Hill Road (-Y6-) all within very close proximity to each other. NCDOT is spreading those left turns out into u-turns located further south and north to allow for safer turning and merging.

14. Sally Patrick

Ms. Patrick does not think the left turn storage will be sufficient for turning traffic going south to access the school. She is requesting another u-turn be added beyond the leftover into the school for parents to u-turn and enter the school going north instead.

Response: During final design, NCDOT will consider the left turn lane storage length needed during peak hours and design accordingly. The addition of a u-turn further south could tempt traffic already waiting in the left turn lane to abruptly leave the leftover lane to access the u-turn and avoid waiting. This would create an unsafe conflict with south bound traffic.

15. Pete Yates

Mr. Yates is requesting NCDOT move the u-turn at station -L- 69+00 north about 150' to the southern edge of the cemetery property to simplify access to the cemetery for the elderly.

Response: Moving the u-turn further north would adversely impact the cemetery due to the additional right of way needed to construct the turn around.

Verbal Comments and Responses

1. Tom Pope

Mr. Pope is in favor of the project and wanted to encourage property owners to express their concerns and questions. He believes as the road develops, so will the community.

2. Unnamed Audience Member

This audience member is concerned about the sharp horizontal curves and steep grades along Windy Hill Road and Lemly Hill Rd onto US 221 between Windy Hill Road and Liberty Grove Road.

Response:

US 221 will be designed to accommodate a 60 mph design speed. Both the horizontal curves and grades will be designed for safe travel at this design speed for the entire length of the project corridor. Windy Hill Road (-Y15-), Liberty Grove Road (-Y11-), and Lemly Road (-Y13-), will be tied into the new highway. Improvements on -Y11-, -Y13-, and -Y15- will be limited to the tie-ins to US 221. The scope and funding for this project only allows for minor adjustments for tie-ins of side road intersections. Clearing and grading will be done to accommodate the new 4 lane highway which will provide greater sight distance at intersections throughout the project limits.

3. Jeff Grogan

Mr. Grogan doesn't feel the current design is being a good steward of taxpayer dollars.

Response:

US 221 widening utilizes the existing 2 lanes of the road to the extent practical. This is a substantial savings compared to a bypass or other new location alternatives. It also utilizes the right of way previously purchased by the state in the northern sections. The interchange area at the beginning of the project will provide a safer transition between US421 and US221 by reducing the number of traffic conflict points.

4. Brad Vessal

Mr. Vessal desires for NCDOT to utilize local contractors for this project and keep the money in the state of NC. He stated since this is using NC taxpayer dollars, NC contractors should be utilized.

Response:

This project will be awarded to the lowest responsible bidder. The project will be funded with State and Federal funds. The contract will be available for bids from all pre-qualified contractors, but not limited to local bidders only.

Schedule

According to the STIP, the project schedule is as follows:

<u>Section</u>	<u>Right of Way</u>	<u>Let</u>
R-2915A (map 1)	July 2013	July 2015
R-2915B (map 1)	July 2013	July 2015
R-2915C (map 2)	April 2014	February 2017
R-2915D (map 3)	September 2013	September 2015
R-2915E (map 4)	PY	PY

If anyone has any revisions to these minutes, please contact Gary Lovering, PE, Project Engineer at glovering@ncdot.gov.

JAB/scl
Attachments

ec: Post Hearing Meeting Attendees
Jennifer Harris, PE, NCDOT, PD&EA
Carla Dagnino, NCDOT, PD&EA
Drew Joyner, NCDOT, PD&EA
Bruce Klappenbach, NCDOT, Structures
DeWayne Sykes, NCDOT, Utilities
Mohammed Mulla, PE, NCDOT, Geotechnical
Stuart Bourne, PE, NCDOT Traffic Management Unit
Michael Pettyjohn, PE, NCDOT, Division 11
Jay Twisdale, PE, NCDOT, Hydraulics
Lawrence Gettier, PE, NCDOT WZTC
Greg Fuller, PE, NCDOT ITS & Signals
Zachary Little, PE, NCDOT, Signal Design
Betty Yancey, NCDOT, Right of Way
Daneil Miles, NCDOT, Division 11 Right of Way
Elena Talanker, NCDOT, Transportation Planning
Van Argabright, NCDOT, STIP
David Graham, RPO
Donnie Brew, FHWA

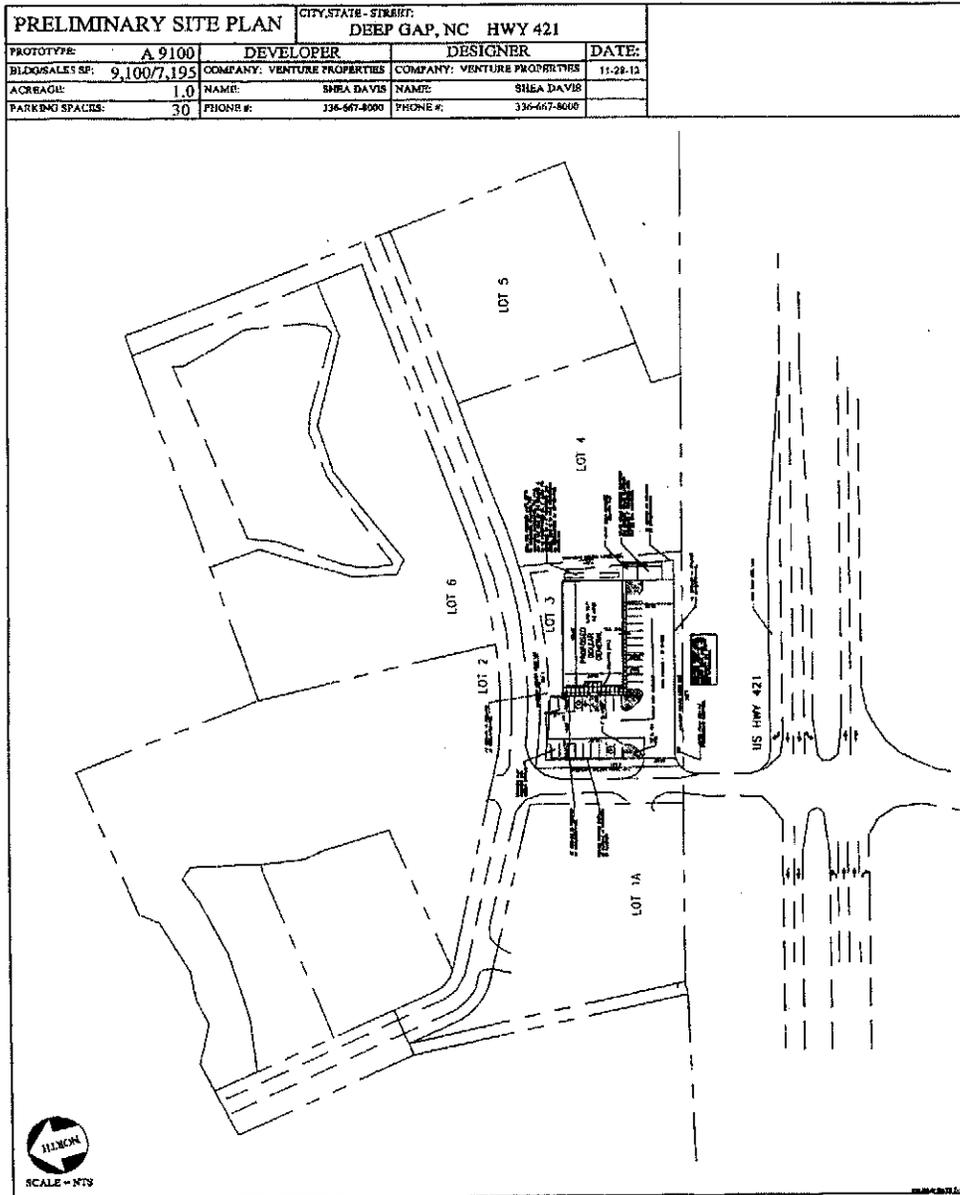
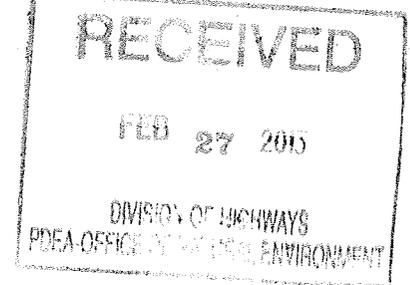


Figure 1



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343



February 25, 2013

Regulatory Division/1200A

Action ID: SAW-2012-00882/TIP R-2915

North Carolina Department of Transportation
Attn: Dr. Gregory Thorpe
Project Development and Environmental Analysis
1548 Mail Service Center
Raleigh, North Carolina 27699

Dear Dr. Thorpe:

Reference is made to your application dated January 9, 2013, regarding a potential future requirement for Department of the Army (DA) authorization to discharge dredged or fill material into waters of the United States associated with the proposed improvements and widening of US 221 to a multi-lane facility from US 421 near Deep Gap, Watauga County, North Carolina to NC 88/US 221 Business in Jefferson, Ashe County, North Carolina. A Public Notice was issued on January 15, 2013, to solicit comments from the public on possible alternatives to consider as this proposal moves through the interagency Merger evaluation. It is understood that your permit application was to facilitate this Public Notice and was not intended to initiate a 404 permit decision at this time.

After review of your proposal, comments were received from one non-profit organization, one local business, one federal agency, and several adjacent landowners. Two of the individuals requested NCDOT assistance to determine if the preferred alternative would impact their respective properties. I would ask that you, or a member of your staff follow-up with those individuals. The remaining comments are pertinent for future decisions involving this project and are therefore attached for your review.

If you have questions or comments, please contact me at telephone (919) 554-4884 ext. 30.

Sincerely,

Monte Matthews
Regulatory Project Manager
Raleigh Field Office

Attachments

Copies Furnished (with attachments):

Ms. Amy Euliss
NC DENR Winston-Salem Regional Office, Division of Water Quality
585 Waughtown Street
Winston-Salem, NC 27107

Mr. Brian P. Cole
United States Fish & Wildlife Service
160 Zillicoa Street
Asheville, NC 28801

Ms. Marla Chambers
Western NCDOT Permit Coordinator
NC Wildlife Resources Commission
12275 Swift Road
Oakboro, NC 28129

Ms. Jennifer Derby, Chief
Wetlands and Marine Regulatory Section, Water Protection Div.-Region IV
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, Georgia 30303

Ms. Renee Gledhill-Early
SHPO
4617 Mail Service Center
Raleigh, NC 27699-4617

Mr. Craig Hughes, Transportation Planner,
High Country Council of Governments
468 New Market Blvd.
Boone, NC 28607

Mr. Chris Militscher, USEPA
USEPA Region 4 NEPA Program Office
61 Forsyth Street, SW
Atlanta, GA 30303

Mr. Mitch Batuzich
Federal Highway Administration
310 New Bern Avenue, Suite 410
Raleigh, NC 27601

Matthews, Monte K SAW

From: Matthews, Monte K SAW
Sent: Monday, February 25, 2013 1:32 PM
To: Matthews, Monte K SAW
Subject: FW: Public Comment (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

-----Original Message-----

From: greg tague [<mailto:tagooma@bellsouth.net>]
Sent: Friday, February 01, 2013 11:17 AM
To: Matthews, Monte K SAW
Subject: Fw: US 221 (R-2915) ENVIRONMENTAL ASSESSMENT ASHE & WATAUGA COUNTIES

----- Original Message -----

From: greg tague <[blockedmailto:tagooma@bellsouth.net](mailto:tagooma@bellsouth.net)>
To: monte.k.matthews@uf.army.mil
Sent: Friday, February 01, 2013 11:10 AM
Subject: Fw: US 221 (R-2915) ENVIRONMENTAL ASSESSMENT ASHE & WATAUGA COUNTIES

----- Original Message -----

From: greg tague <[blockedmailto:tagooma@bellsouth.net](mailto:tagooma@bellsouth.net)>
To: monte.k.mathews@uf.army.mil
Sent: Friday, February 01, 2013 9:57 AM
Subject: US 221 (R-2915) ENVIRONMENTAL ASSESSMENT ASHE & WATAUGA COUNTIES

AS PER OUR TELEPHONE CONVERSATION, 2/1/13.

REFERENCE FIGURE 2 SHEET 11 OF 14 -

CONCERNS:

BEAVER CREEK RUNS PARALLEL WITH 221 AND SNAKES AROUND BETWEEN 221 AND BEAVER CREEK SCHOOL ROAD FROM HELEN BLEVINS ROAD TO 221, CROSSING UNDER 221 AT SOME POINT. THE AREA IN CONCERN IS THE LAND BETWEEN HELEN BLEVINS AND 221 THAT FLOODS QUITE OFTEN DUE TO AN INADEQUATE DRAIN PIPE SOME WHERE BETWEEN HELEN BLEVENS AND 221 (GOING TOWARDS JEFFERSON AVE. FROM HELEN BLEVENS). THE DRAIN PIPE AND BRIDGE UNDER HELEN BLEVENS IS LARGE AND CAN HANDLE LARGE AMOUNTS OF WATER. HOWEVER, WHEN THAT WATER MEETS BEAVER CREEK NEAR THE HELEN BLEVINS BRIDGE (AFTER THE LARGE CULVERT AT HELEN BLEVINS) IS WHERE THE PROBLEM STARTS. EVIDENTLY, THERE IS A CULVERT THAT IS NOT LARGE ENOUGH TO HANDLE THE RELEASE OF THE HIGH VOLUME OF WATER FEEDING THROUGH THERE NEAR 221. THE CULVERT FILLS WITH DEBRIS AND CAUSES FLOODING BETWEEN BEAVER CREEK AND 221 FROM HELEN BLEVENS TO CLOSE TO JEFFERSON AVE AND PARTICULARLY BETWEEN THE NATIONS INN AND ASHE PRO HARDWARE. CONCERNS ARE WHEN YOU CHANGE THE LAND FORMATION THIS COULD CHANGE THE FLOW OF WATER AND CREATE EVEN MORE FLOODING. PLEASE TAKE A LOOK AT THIS AREA BEFORE MAKING YOUR CHANGES. THERE ARE MANY HOMES AND BUSINESSES ON HELEN BLEVINS AND BEAVER CREEK SCHOOL ROAD THAT COULD BE IMPACTED EVEN GREATER IF THIS IS NOT ATTENDED TO. CURRENTLY, OUR BUSINESS HAS BEEN RE-EVALUATED AND PLACED IN THE 100 YEAR FLOOD PLAIN BY FEMA. WE ARE GREATLY CONCERNED WITH MORE PROBLEMS DUE TO CHANGES TO 221. PLEASE HELP THE BUSINESSES AND HOMEOWNERS IN THIS AREA, FORE IT WOULD BE A RELIEF FOR FOLKS THAT ARE HAVING TO CONTEND WITH THIS FLOODING PROBLEM.

SINCERELY, GLORIA TAGUE - tagooma@bellsouth.net

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

CONVERSATION RECORD	Time	1430 pm	Date	February 11, 2013

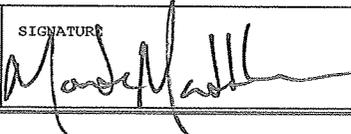
Type: Visit Conference Telephone Incoming
 Location Of Visit/Conference: Outgoing

Name of Person(s) Contacted or In Contact with You:	Organization	Telephone No.
Nell Domeck	Private landowner at Gap Creek	(502) 228-1219

SUBJECT: Action ID. 2012-00882, TIP R-2915; Watauga and Ashe Counties, North Carolina.

SUMMARY: Received a call from Ms. Domeck in response to our Public Notice dated 1-15-2013 regarding the proposed widening of US 221 between Deep Gap and Jefferson. Ms. Domeck is opposed to this project and relayed the following concerns: 1) concerned with flooding and filling the floodplain of Gap Creek and other tributaries; 2) Impact (direct and indirect) to Gap Creek and other tributaries within the New River basin; 3) negative impacts on ingress and egress for adjacent property owners; 4) she questions the traffic projections relating to project need; 5) impacts to aquatic organisms (including trout within Gap Creek); 6) worried about inadequate sediment and erosion control; and 7) potential for increase noise impacts.

ACTION REQUIRED: Forward to NCDOT for consideration on alternatives.

NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
Monte Matthews		February 11, 2013

ACTION TAKEN:

Signature	Title	Date

3020 Pioneer Place
Crestwood, KY 40014
February 7, 2013



Mr. Monte Mathews
US Army Corps of Engineers
Raleigh Regulatory Field Office
3331 Heritage Trade Drive Suite 105
Wake Forest, NC 27587

Dear Mr. Matthews:

My mother owns a summer home on Highway 221 in Ashe County, which was built by my grandparents in the early 1950s. I have visited there almost every year since I was born in 1957. Gap Creek and the surrounding area are very near and dear to me. I have witnessed how changes in the area, such as Christmas tree farming, straightening the creek, and filling near the creek for construction, have adversely affected Gap Creek. Two of my family's bridges have washed away and there has been tremendous erosion to the banks. The creek and riparian zone now look nothing like they did when I was a child in the 1960's. I am vehemently opposed to the proposed widening of Highway 421 to 4 lanes with a median because it will adversely affect Gap Creek and the many endangered species in the area.

I understand that improvements could be made to the road safer, such as shoulder improvements, adding turn lanes and widening the existing lanes. However, I drive Highway 221 every summer going to West Jefferson and to Highway 421 and do not believe that 4 lanes are necessary. It has always seemed like a relatively safe road to me.

In addition to the environmental impact, 4-laning 221 would disrupt people's lives, change the character of the area and create problems with access to the road. I fear that we might not even be able to get out of our driveway if there is additional fill. The approach to the road from my mother's driveway is already steep. Furthermore, if there is a 23-foot wide median, many homeowners will be unable to turn in both directions from their driveways. People will make u-turns, which will create a different safety issue.

I sincerely hope that the Wilmington District for the US Army Corps of Engineers will deny the NCDOT's request for authorization to discharge dredged or fill material into Gap Creek.

Sincerely,

A handwritten signature in cursive script that reads "Amanda Dreckman".

Amanda Dreckman

Linda B. Crouse
180 Indian Lake Drive
West Jefferson, NC 28694
February 13, 2013

Mr. Monte Matthews
US Army Corps of Engineers
Raleigh Regulatory Field Office
3331 Heritage Trade Drive
Suite 105
Wake Forest, NC 27587

Dear Mr. Matthews:

This letter is to follow up on the notification that I received concerning the proposed discharge dredged or fill materials into the Old Field Creek. Thanks for your patience while we discuss the impact it would have concerning this Historic Native Trout Stream

My Grandfather, Andrew Black, purchased property along Old Field Creek back in the Great Depression. The stream was so pure and plentiful of native trout that the fish actually swam over the top of each other. Over the years, the beaver have discovered the goodness of this stream and have built homes along the way.

The Containment center along Hwy 221 is located above my property. There is trash that blows out and gets washed down stream onto my property. The plastic that gathers can't be good for the wildlife that live in the stream.

The Old Field Creek is a very powerful stream. Just 2 weeks ago, we received a large amount of rain. It washed 140' of fence out on my property. The creek just flows where it is easiest to travel. I am concerned that if the process of road construction "moves" the stream – a heavy rain will cause the stream to cut its own course to travel. These streams involved have been researched for the 100 year flood plan – looks like a lot of hope the streams won't get up – or they are going to move a lot of water.

The Hwy 221 project is needed. I recognize that progress concerning this will greatly improve the quality of traffic flow from Ashe to 421. My biggest concern is the path of the road. Hwy 221 from what I was told, was part of the original train path. This of course followed the Old Field Creek. If you travel the road – you will see that the creek or additional streams seem to be on either side of the road, this requires that the road go back and forth to avoid the streams.

Many of my neighbors and friends are confused as to why the Hwy 221 expansion chose to follow the original road, verses cutting a new road (example) like the 421 road going to Boone. This expansion cut through the back part of properties and did not displace the amount of homes that are being proposed for our project.

Mr. Monte Matthews

February 13, 2013

Page 2

Southern Ashe is the most desirable part of Ashe County. The 70 homes to be destroyed contain people who in some cases are old – they have lived there for most of their lives and their tax values on their homes have been greatly reduced – so ultimately - they will not even be able to buy back – especially in the southern Ashe Area.

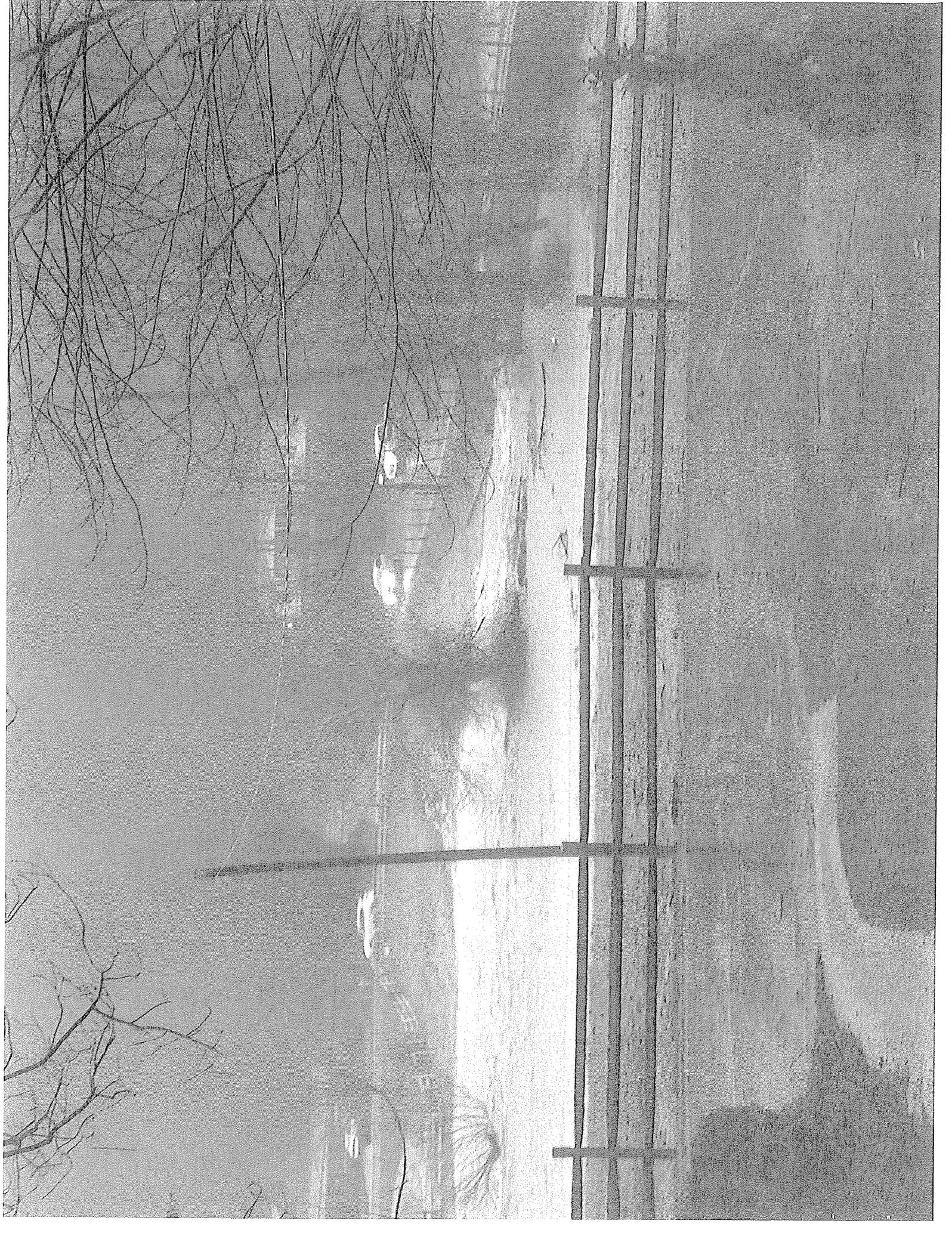
Attached are some pictures for you to see the power of Old Fields Creek.

Sincerely,

Linda B. Crouse

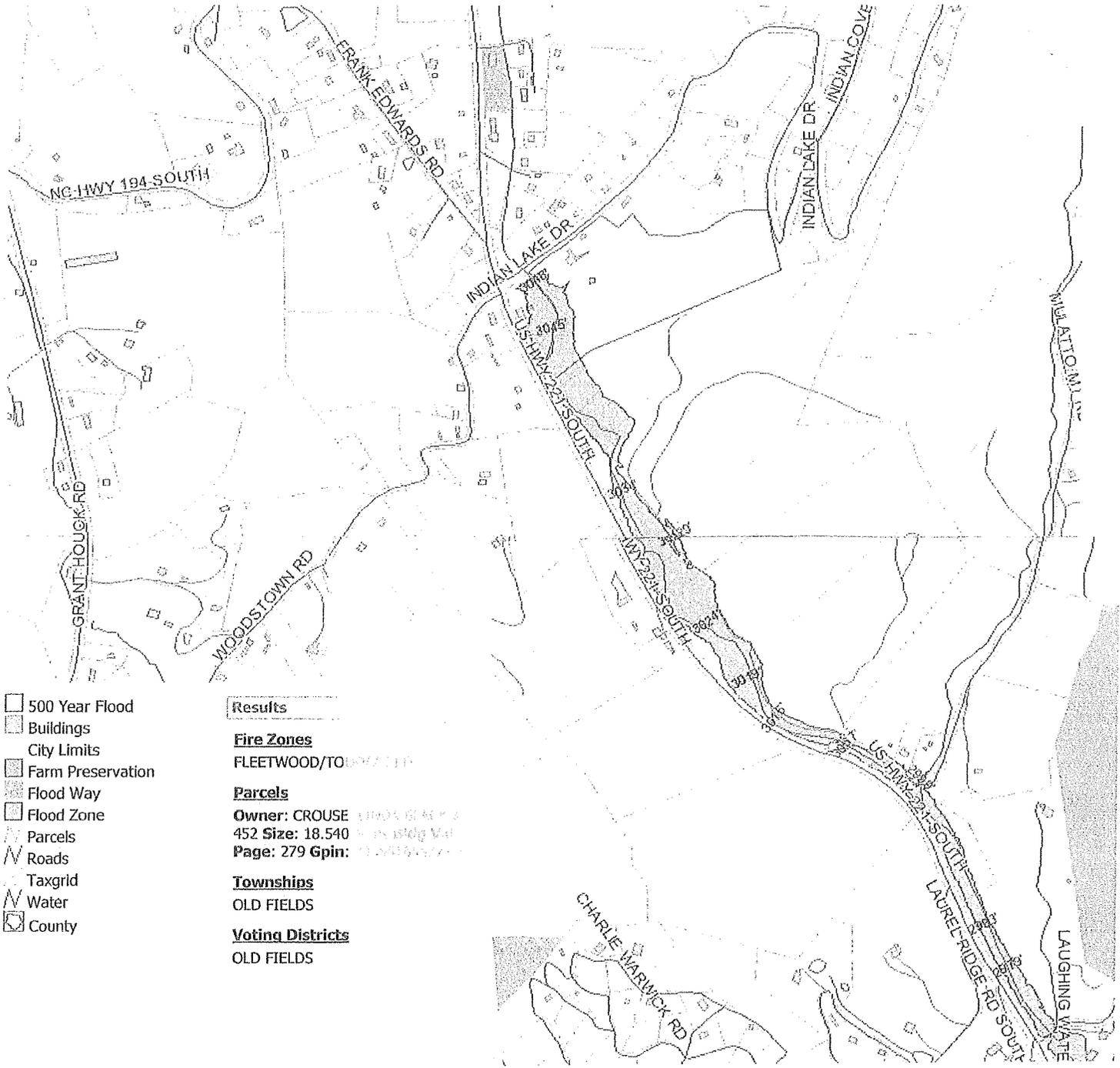
Attachments







Ashe County, North Carolina



- 500 Year Flood
- Buildings
- City Limits
- Farm Preservation
- Flood Way
- Flood Zone
- Parcels
- Roads
- Taxgrid
- Water
- County

Results

Fire Zones

FLEETWOOD/TODD/WJ

Parcels

Owner: CROUSE, LINDA BLACK
Address: P O BOX 1575
452 Size: 18.540 acres
Page: 279 **Gpin:** 295551654722

Townships

OLD FIELDS

Voting Districts

OLD FIELDS

- 500 Year Flood
- Buildings
- City Limits
- Farm Preservation
- Flood Way
- Flood Zone
- Parcels
- Roads
- Taxgrid
- Water
- County

Results

Fire Zones

FLEETWOOD/TODD/WJ FD

Parcels

Owner: CROUSE, LINDA BLACK **Address:** P O BOX 1575
452 Size: 18.540 acres **Bldg Value:** 157100 **Total Value:**
Page: 279 **Gpin:** 295551654722 **Xfer Date:** 7/25/2007

Townships

OLD FIELDS

Voting Districts

OLD FIELDS

Julie Domeck
1110 Ekin Ave
New Albany, Ind. 47150



Dear Mr. Monte Matthews,

I am writing in response to the proposed project on U.S. 221 South, between Deep Gap and Jefferson, N.C. My family has owned property along 221 since 1950. I am deeply concerned on how this proposed project will impact the streams and aesthetics of this area.

U.S. 221 South is one of the straighter and wider roads in the area. I understand there may be a need to widen the shoulders more on U.S. 221. The description of this project is similar to an interstate connecting two small towns.

This is a narrow valley at the foot of the Blue Ridge Mountains with Gap Creek meandering along side of U.S. 221. The extreme widening of 221 South would decrease the flood plain of Gap Creek. This would increase the force and height of water coming down the creek during floods. There are many low bridges crossing Gap Creek leading to homes and other roadways. The bridges would be in greater danger of being washed out by a higher, stronger flow of water.

If the road is being built on the creek's flood plain, I can't imagine the amount of fill material it would take to elevate such a road. The erosion into the streams is a great concern to me.

The temperature has changed in the mountains with the forest being cut to make way for Christmas trees. Now, even more trees will be cut to further impact the climate.

The U.S. 421 by-pass forever changed the town of

Deep Gap. Now, all the small communities, businesses and homes along the 16 mile stretch of 221 South will be forever changed, destroyed.

The proposed road would negatively affect the aesthetics of being in the mountains. Tourism has become a thriving business for the communities in the area. West Jefferson, NC changed their business model to cater to the tourists so it would remain a vibrant town.

My recommendation is the No Build Alternative.

The North Carolina Department of Transportation should not be given the authorization to discharge dredged or fill materials into the creeks and rivers. These streams are shallow. This dumping would threaten the aquatic life in these streams.

Sincerely,

Julia Dornick

CORNEAL L. DOMECK, III
7507 GREENLAWN ROAD
LOUISVILLE, KENTUCKY 40242
(502) 426-7042



February 9, 2013

Mr. Monte Matthews
US Corps of Engineers
Raleigh Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest, NC 27587

Re: Corps Action ID # SAW-2012-00882
(Widening of US 221- Ashe Co., NC)

Dear Mr. Matthews:

My family has owned a cabin in Ashe County on US 221 for the last 65 years. I am strongly opposed to the widening of the current road. The project also threatens numerous streams such as Gap Creek (where our property is located). Gap Creek has been degraded by past development and tree farms. The construction process and widening of the road may be more than this stream can take.

Gap Creek used to support a healthy trout population and was stocked by the State. However, developers were allowed to straighten the creek and runoff of pesticides caused the State to abandon the stocking program. The creek still has speckled trout, crayfish, and other species which will be threatened by this project.

I have also fished the New River for many years. It has also been changed by development and siltation. Again, the health of the affected New River drainage system will be threatened by this project. The environmental issues mentioned in your notice should make the denial of this permit self-evident.

There is also a cultural factor to be considered. Families and their small communities have existed along this road for generations. Widening this road to four lanes will destroy this valley forever. There are now many roads and private

driveways that intersect with US 221. Ingress and egress from the current road is difficult, but getting across multiple lanes of traffic will be next to impossible.

We believe that the best thing is to do nothing except for making specific improvements such as a turning lane or the like where safety warrants. If a new road is to be built, it should be relocated to the west (toward Boone). This approach was used in improvements to US 421 between Deep Gap and Boone with great success. If NCDOT doesn't have the money to do this, then it should do nothing. Quite simply, there is no public purpose which justifies the environmental and cultural consequences of this project.

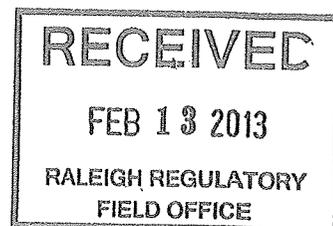
Finally, we trust that you will undertake a critical analysis of this matter and not just rubber stamp the State's ill-conceived plan.

Respectfully,

A handwritten signature in cursive script, reading "Corneal L. Domeck, III". The signature is written in dark ink and is positioned above a horizontal line.

CORNEAL L. DOMECK, III

ANNE SKLARE
7200 CREEKTON DRIVE
LOUISVILLE, KY 40241



Mr. Monte Matthews
US Army Corps of Engineers
Raleigh Regulatory Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest, NC 27587

Dear Mr. Matthews:

I am writing regarding the proposed widening of US 221 to a multi-lane facility from US 421 near Deep Gap in Watauga, North Carolina to NC 88/US 221 Business in Jefferson in Ashe County, North Carolina. My family has owned property on US 221 in Ashe County for more than 60 years and the potential impact of the widening project is of grave concern.

A road widening project of the scope that is proposed—especially one that calls for 4 lanes, a grassy median of between 17.5 feet to 36 feet wide, and 8-foot shoulders on both sides—would exacerbate flooding and erosion of Gap Creek that runs along US 221. By diminishing the width of the natural flood plain and speeding the current in areas restricted by the presence of fill for the widened road, this project will cause ongoing environmental and property damage.

I urge the Corps to deny authorization to the NCDOT to discharge dredged or fill material into the waters of the New River Basin. Pollution of these waterways with dredged or fill material would negatively impact the environment, fish and wildlife, and the local economy that benefits from tourism and sporting activities such as fishing, canoeing and hiking in and around the South Fork of the New River and the creeks near US 221.

I appreciate this opportunity to express these concerns and hope that the Corps will deny approval of NCDOT's application related to the widening of US 221. The scope of the proposed "Best-Fit Widening" alternative for US 221 is not justified in light of the harm that would result.

Sincerely,

A handwritten signature in cursive script that reads "Anne Sklare".

Anne Sklare

2/8/13
RECEIVED
FEB 15 2013
RALEIGH REGULATORY
FIELD OFFICE

The Road

I feel that there is room for improvement on Hwy 221 from Deep Gap (Hwy 421 Int.) to the 194 Intersection. I feel that if this section of roadway was brought to the condition of the road from 194 intersection to the town of West Jefferson it would be sufficient.

As far as the 4 lane road with the wide grass median, I personally feel it is a waste of time, land and money. This is not a road connecting cities it is a 14 mile section of road that will Dead End.

In these ~~some~~ money strapped times, I feel you can make a situation better without spending as much money.

2/8/13 (2)

Our Property

We have a house located in the Fleetwood Community. We have owned this property for over 10 years. We have worked to make improvements with plans to be able to spend a lot more time there (after Retirement) in the near future.

The map shows that our property may be affected by a fill on the west side of the existing 221 (to be the southbound lane.)

We do have a creek and a small stream on the property. Your plans show the cement colvent under 221 to be extended. The small stream behind the house leaves some doubt. It look as if the Fill could cover some of our septic system drain field. If this is the case the water could not be diverted it would have to be piped. (Would the fill over the septic system be allowed?)

2/8/13 (3)

We feel that if the project does go forward, it would be in the best interest of both parties to look at the possibility of a Retaining Wall to limit the distance of the Fill.

A response would be appreciated.

Thanks

Woody & Linda Sturdivant

William Sturdivant Jr.
12539 Hwy 47
Denton, N.C. 27239

MOUNTAIN KUBOTA OF BOONE
418 DEEP GAP DR
DEEP GAP, NC 28618
828-264-2711/828-264-2719 FAX



Januray 31, 2013

Mr. Monte Matthews
US Army Corps of Engineers
Raleigh Regulatory Field Office
3331 Heritage Trade Drive
Suite 105
Wake Forest, NC 27587

Dear Mr. Matthews,

Please see below two primary concerns we have with the proposed widening of US221 and the proposed new interchange at US421 Corps Action ID#: SAW-2012-00882; TIP Project No. R2915, in Deep Gap, NC.

Concerns:

1. Disruption from construction
2. Loss of visibility of our business building, signage and equipment display lot to traffic flow on US421 and US221.

We are a small business equipment dealership located in Deep Gap, NC. We have been in business now for 1 ½ years. As the owner of Mountain Kubota, we have made a significant investment in land and facility based on the location benefits. The new interchange will bring obstruction of visibility of our equipment display lot as well as our building. The result is a loss of sales.

When the construction begins, it will disrupt access and traffic flow for our customers. Again, this disruption will result in loss of sales for our business.

When the disruption of the construction project is taken into account, along with the long term impact of the interchange on visibility, it is possible to have a significant reduction in sales revenue and therefore profit.

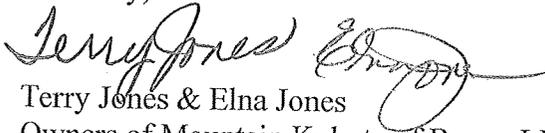
We currently have 9 employees at our dealership in Deep Gap, NC. Our business provides income to all these employees and that income could be jeopardized by the new interchange. We have had a good start-up, even in this difficult economic environment, and hope to continue to grow. With the location and interchange design proposed, our future success could be limited.

We at Mountain Kubota ask that our opinion of potential impact be considered as the project moves forward. We would like plans and decisions to be developed and implemented which will factor in our concerns and issues. Also, if we are either damaged by loss of sales due to construction or loss of visibility an appropriate compensation settlement be granted.

Our current location works very well for us for visibility and access. We have also invested in advertising to tell our customers where we are located. We do not want to lose any of our growth momentum now or in the future.

Thank you for consideration of issues defined in our letter and we look forward to your response. On behalf of all of us at Mountain Kubota-

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Jones & Elna Jones". The signature is written in black ink and is positioned above the printed name.

Terry Jones & Elna Jones

Owners of Mountain Kubota of Boone LLC

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
(727) 824-5317; FAX (727) 824-5300
<http://sero.nmfs.noaa.gov/>

January 15, 2013

(Sent via Electronic Mail)

Colonel Steven A. Baker District Engineer, Wilmington District
Department of the Army, Corps of Engineers
Regulatory Division
P.O. Box 1890
Wilmington, North Carolina 28402-1890

RECEIVED

JAN 16 2013

Regulatory Branch

Dear Colonel Baker:

NOAA's National Marine Fisheries Service (NMFS) reviewed the projects described in the public notice(s) listed below.

Based on the information in the public notice(s), the proposed project(s) would *NOT* occur in the vicinity of essential fish habitat (EFH) designated by the South Atlantic Fishery Management Council or NMFS. Present staffing levels preclude further analysis of the proposed activities and no further action is planned. This position is neither supportive of nor in opposition to authorization of the proposed work.

<u>NOTICE NO.</u>	<u>APPLICANT</u>	<u>NOTICE DATE</u>	<u>DUE DATE</u>
2012-00882	NCDOT	January 15, 2013	February 14, 2013

Please note these comments do not satisfy your consultation responsibilities under section 7 of the Endangered Species Act of 1973, as amended. If the activity "may effect" listed species or critical habitat that are under the purview of NMFS, consultation should be initiated with our Protected Resources Division at the letterhead address.

Sincerely,

Pace Wilber (for)

Virginia M. Fay
Assistant Regional Administrator
Habitat Conservation Division

CONVERSATION RECORD

Time

am

Date

January 24, 2013

Type: ___ Visit ___ Conference X Telephone Incoming

Location Of Visit/Conference:

 Outgoing**Name of Person(s) Contacted
or In Contact with You:****Organization****Telephone No.**

Brenda Laurance

Adjacent landowner

(336) 877-1455

SUBJECT: Action ID. 2012-00882; Watauga/Ashe County, North Carolina.

SUMMARY: Call from Ms. Brenda Laurance, 744 Railroad Grade Road, phone 336-877-1455 concerning the public notice currently running for this project. She is elderly and/or disabled and has not been able to attend any of DOT's public hearings. Due to the scale of the maps included with the public notice, she is unable to determine how the current proposal would affect her property.

ACTION REQUIRED: Refer to DOT for appropriate action

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Monte Matthews

January 24, 2013

ACTION TAKEN:

Signature

Title

Date

CONVERSATION RECORD	Time	am	Date	February 11, 2013
----------------------------	------	----	------	-------------------

Type: ___ Visit ___ Conference X Telephone Incoming
Location of Visit/Conference: Outgoing

Name of Person(s) Contacted or In Contact with You:	Organization	Telephone No.
Rebecca Houck	Adjacent landowner	(336) 877-3375

SUBJECT: Action ID. 2012-00882; Watauga/Ashe County, North Carolina.

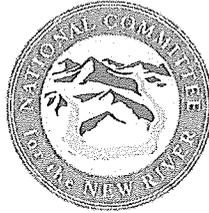
SUMMARY: Call from Ms. Rebecca Houck, Clarence Lyall Road, phone 336-877-3375 concerning the public notice currently running for this project. Due to the scale of the maps included with the public notice, she is unable to determine how the current proposal would affect her property.

ACTION REQUIRED: Refer to DOT for appropriate action

NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
Monte Matthews		February 11, 2013

ACTION TAKEN:

Signature	Title	Date



BOARD OF DIRECTORS

Henry Doss,
Chairman

Bob Lovett,
Vice Chairman

Bob Kelly,
Treasurer

Martha Stephenson,
Secretary

Jonathan Halsey

Fred Jordan

Dixie Leonard

Russ Moxley

John Pine

Julio Stephens

Lorrie Sprague

Dave Wallace

Anna Ziegler

STAFF

Brad Baskette,
Stewardship
Coordinator

Lynn Caldwell,
Restoration Director

Carol Coulter,
Director of Operations

Laura Green,
Administrative Asst.

Ben Lucas,
Land Protection
Coordinator

George Santucci,
President

Courtney Wait,
Advocacy Coordinator

Dave Wesolowski,
Water Quality
Assistant

February 14, 2013

National Committee for the New River
PO Box 1480
West Jefferson, NC 28694

Re: Corps Action ID #: SAW-2012-00882
TIP Project No. R-2915

National Committee for the New River (NCNR) is a 501(c)(3) nonprofit organization that believes that clean water, healthy land, and empowered people benefit our communities by creating a watershed where people want to live, work and play.

For many years NCNR has been following erosion issues in the 221 corridor due to stormwater runoff from impervious surfaces, historic straightening of creeks, and lack of riparian buffers. While NCNR realizes that the 221 widening is necessary to the area in terms of safety and economy, we realize that increased impervious surface from widening will also increase the stormwater runoff and "flashiness" of the creeks along the highway, further contributing to the erosion and entrenchment of the creeks.

It is NCNR's understanding that it is DOT's goal to avoid negatively impacting any of creeks and wetlands the planned expansion could affect. If there are unavoidable impacts NCNR would like to work with the Corps of Engineers and NCDOT to identify and mitigate the creeks directly affected by the highway widening project. Mitigation activities include stabilizing and restoring creeks and wetlands in this corridor, and ensuring fish passage through stream crossings.

While all of the creeks listed are creeks of concern to NCNR, the creek of greatest priority is Old Fields Creek, whose headwaters are near West Jefferson (Environmental Assessment Sheet # 9) and flows into the South Fork New River in Fleetwood, NC (EA Sheet # 5). The distance from the headwaters to the confluence is about 5 miles and the entire stream and its watershed is designated as an Outstanding Resource Waters.

For over a decade, the streambanks of Old Fields Creek at its confluence with the South Fork New River in Fleetwood had been documented by field observations and cross-sections as being severely unstable, with high, vertical, eroding banks. The creek had experienced heavy erosion due to historic agricultural practices, buffer degradation, and upstream impacts such as road construction and residential buildings. During the 12 years or so that the creek was being observed, some sections of the stream channel moved 100 feet. In the late 1990's and again in early 2000's the New River Soil and Water



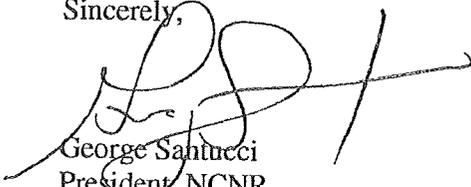
share. In the summer and fall of 2011 construction was completed. The conservation easement was the last phase of the project. A significant amount of time and resources has been dedicated to restoring Old Fields Creek. NCNR does not want to see all that hard work wasted as a result of this project. We would also like to see the entire creek from headwaters to confluence stabilized and reconnected to the floodplain to minimize damage to structures and heavy erosion during rain events.

Furthermore, we advocate for a canoe access where Highway 221 crosses the New River (EA Sheet # 4). There are currently no formal public river access sites along this popular reach of the South Fork New River. Boating, tubing, and fishing are a large part of the tourism economy in Ashe and Watauga Counties.

It would be a gesture of diplomacy from NCDOT to reduce further destruction to the New River watershed, improve existing unstable streambanks with mitigation funding, and improve the community's ability to access and enjoy our treasured resource.

We appreciate your careful consideration of these comments. We welcome discussion and can be contacted at any time.

Sincerely,



George Santucci
President, NCNR

**Table 5
US 221 ENVIRONMENTAL STUDY (R-2915)
SUMMARY OF U.S. ARMY CORPS OF ENGINEERS PUBLIC NOTICE COMMENTS**

NAME	AFFILIATION OR REPRESENTING	TYPE OF COMMENT							FAVOR ALTERNATIVE	OPPOSE ALTERNATIVE	REMARKS	NCDOT Response
		Telephone Communication	Hearing Speaker	Comment Sheet	Letter	Email	Municipal Resolution / Comments	Petition (# Signatures)				
Tague, Gloria	Resident				✓			None stated	None stated	Ms. Tague is concerned about the flooding from Beaver Creek in the Helen Blevins Rd. area.	Detailed hydraulic designs will be performed during final design. These designs will address the flooding in this area.	
Domeck, Nell	Resident	✓							✓	Ms. Domeck is concerned with the flooding and filling the floodplain of Gap Creek and other tributaries. She also is concerned with the direct and indirect impacts to Gap Creek along with erosion control during construction. She is concerned with the negative impacts to ingress and egress and increased noise levels.	Detailed hydraulic designs during final design will address the flooding concerns for Gap Creek. BMP's from NCDOT's Stormwater Best Management Practices will be incorporated into the design plans and implemented where practicable. These will be utilized to minimize impacts during clearing and grubbing as well as erosion control. Ingress and egress will be determined based on safety. In some locations, left turns will be deemed unsafe but will be designed where possible.	
Dreckman, Amanda	Resident		✓						✓	Ms. Dreckman is concerned about the project impacts to Gap Creek. She is opposed to discharging dredged or fill material into the creek. She believes that the road is relatively safe and the extra lanes are not needed. She believes the superstreet design will create safety issues.	The widening of US 221 is based off projected traffic counts 20 years in the future. This will allow US 221 to meet traffic needs for many years to come. These projections show widening is warranted and congestion will continue to grow if the project is not built. The superstreet design reduces the number of conflict points (potential accidents) in the intersections.	
Crouse, Linda	Resident		✓					None stated	None stated	Ms. Crouse is concerned with project construction impacts to Old Field Creek and other streams along US 221. She is concerned with the impacts to native trout and other species in and around the streams and how they will be impacted. She would be in favor of a bypass instead of widening US 221.	BMP's from NCDOT's Stormwater Best Management Practices will be incorporated into the design plans and implemented where practicable. These will be utilized to minimize impacts during construction of the project. This project is being screened through the NEPA / Section 404 Merger Process which established the final design as the Least Environmentally Damaging Practicable Alternative as agreed to by state and federal environmental agencies. The bypass alternative in this case was not practicable due to the terrain and cost of creating a new corridor for US 221 rather than widening the existing one. In addition, much of the right of way needed for the widening is already purchased.	

**Table 5
US 221 ENVIRONMENTAL STUDY (R-2915)
SUMMARY OF U.S. ARMY CORPS OF ENGINEERS PUBLIC NOTICE COMMENTS**

NAME	AFFILIATION OR REPRESENTING	TYPE OF COMMENT							FAVOR ALTERNATIVE	OPPOSE ALTERNATIVE	REMARKS	NCDOT Response
		Telephone Communication	Hearing Speaker	Comment Sheet	Letter	Email	Municipal Resolution / Comments	Petition (# Signatures)				
Domeck, Julia	Resident				✓				✓	Ms. Domeck is concerned with the flooding and filling the floodplain of Gap Creek and other tributaries. She also is concerned with the erosion control during construction and how this would impact aquatic life.	Detailed hydraulic designs during final design will address the flooding concerns for Gap Creek. BMP's from NCDOT's Stormwater Best Management Practices will be incorporated into the design plans and implemented where practicable. These will be utilized to minimize impacts during construction.	
III, Domeck, Corneal	Resident				✓				✓	Mr. Domeck is concerned with the environmental impacts of the project to Gap Creek as well as the New River. He also is opposed to the cultural impact to the valley in regards to the number of business and property relocations. He states ingress and egress across multiple lanes will be more difficult than existing US 221. He is in favor of a bypass or No Build option.	The bypass option was not practicable due to the terrain and cost of creating a new corridor for US 221 rather than widening the existing one. Much of the right of way needed for widening is already purchased. This project is being screened through the NEPA / Section 404 Merger Process which establishes the final design as the Least Environmentally Damaging Practicable Alternative as agreed to by state and federal environmental agencies.	
Sklare, Anne	Resident				✓				✓	Ms. Sklare is concerned with the flooding and filling the floodplain of Gap Creek and other tributaries. She is concerned that widening would increase the current of Gap Creek and consequently cause additional flooding and property damage. She feels the environmental and economic damage to the local area outweighs the benefits.	Detailed hydraulic designs will be performed during final design. These designs will address the flooding in this area. Comment noted concerning the economic damage.	
Sturdivant, William	Resident				✓				✓	Mr. Sturdivant is not in favor of the 4 lane sections. He is concerned with fill on the west side of US 221 that would possibly affect his septic tank. He is requesting a retaining wall to reduce impacts to his property.	During final design, retaining walls will be investigated where warranted. At that time, impacts to the septic field and/or septic system will be evaluated. The proposed four lanes are designed to accommodate current traffic needs as well as future needs. If the road is not widened, capacity will steadily increase.	
Jones, Terry and Elma	Resident				✓				None stated	Mr. and Mrs. Jones are concerned with the disruption during construction of their Kubota dealership adjacent to the interchange. They are also concerned with the loss of visibility (building, signage, and equipment) to traffic flow on US 421 and US 221.	Once final design is completed, the Right of Way department will study both physical and proximity impacts to this property. They will offer fair market value in accordance with their study.	
National Marine Fisheries Service	Regulatory Service				✓				None stated	The National Marine Fisheries Service (National Oceanic and Atmospheric Administration) stated that the widening project would NOT occur in the vicinity of essential fish habitat designated by the South Atlantic Fishery Management Council.	Comment noted.	

**Table 5
US 221 ENVIRONMENTAL STUDY (R-2915)
SUMMARY OF U.S. ARMY CORPS OF ENGINEERS PUBLIC NOTICE COMMENTS**

NAME	AFFILIATION OR REPRESENTING	TYPE OF COMMENT							FAVOR ALTERNATIVE	OPPOSE ALTERNATIVE	REMARKS	NCDOT Response
		Telephone Communication	Hearing Speaker	Comment Sheet	Letter	Email	Municipal Resolution / Comments	Petition (# Signatures)				
National Committee for the New River	Committee				✓				None stated	None stated	The National Committee for the New River is concerned with the stormwater runoff increase with more impervious surface caused by the widening of US 221. Their concern is in regards to the impacts of the streams and wildlife in and around the streams. They are requesting to work with the Army Corps of Engineers and NCDOT to identify and mitigate the creeks directly affected by the widening project.	Comment noted. This project is being screened through the NEPA / Section 404 Merger Process which incorporates mitigation and rigorous coordination between NCDOT and state and federal environment agencies. This coordination requires NCDOT to satisfy requirements set forth by the agencies for the construction of the project. This includes mitigation, avoidance and minimization to streams and wildlife. NCDOT will partner with the NCNR as well as the merger team to complete the final design.