

McDowell County
Bridge No. 17 on US 221
Over Second Broad River
Federal Aid Project No. BRNHS-221(10)
W.B.S. No. 33217.1.1
State Project No. 8.1871901
S.T.I.P. No. B-3673

CATEGORICAL EXCLUSION

UNITED STATES DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

AND

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

4.30.13

DATE

for Jennifer Harris

Gregory J. Thorpe, PhD,
Manager, Project Development & Environmental Analysis Unit

4/30/13

DATE

for Clarence W. Cole

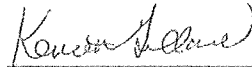
John F. Sullivan, III, Division Administrator
Federal Highway Administration

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Documentation Prepared by Michael Baker Engineering, Inc.

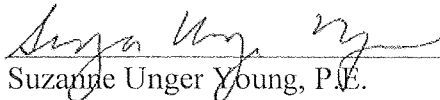
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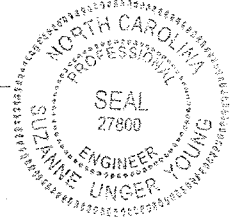
Kenneth Gilland, P.G.
Project Manager
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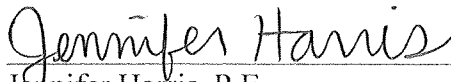


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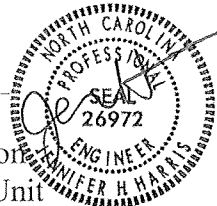


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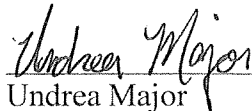
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Jennifer Harris, P.E.
Project Development Section Head – Western Region
Project Development and Environmental Analysis Unit



4/30/2013
DATE



Undrea Major
Project Development Engineer
Project Development and Environmental Analysis Unit

Contents

I.	DESCRIPTION OF PROPOSED ACTION	1
A.	General Description	1
B.	Project Schedule	1
C.	Cost Estimates	1
II.	PURPOSE AND NEED STATEMENT	2
A.	Purpose of the Project	2
B.	Need of the Project	2
C.	Supporting Data	2
III.	PROPOSED IMPROVEMENTS	3
A.	Study Alternatives	3
B.	Roadway	5
C.	Maintenance of Traffic	5
IV.	ESTIMATED ENVIRONMENTAL EFFECTS OF PROPOSED ACTION	5
A.	Natural Resources	5
B.	Human Environment	7
V.	AGENCY/PUBLIC COORDINATION COMMENTS	8
A.	Agency Coordination	8
B.	Public Coordination	8
VIII.	BASIS FOR CATEGORICAL EXCLUSION	9

Figures

1. Figure 1 – Vicinity Map
2. Figure 2 – Existing Conditions
3. Figure 3 – Proposed Improvements
4. Figure 4 – Typical Section

Tables

1. Table 1 – Cost Estimate
2. Table 2 – Proposed Roadway Improvements
3. Table 3 – Water Resource Impacts
4. Table 4 – Terrestrial Community Impacts
5. Table 5 – Soil Resource Impacts
6. Table 6 – Threatened and Endangered Species Conclusions
7. Table 7 – GeoEnvironmental Impacts
8. Table 8 – Community Impacts
9. Table 9 – Agency Comments
10. Table 10 – Public Coordination

Appendix

1. Appendix 1 – Comments Received, Public Involvement, Correspondence

PROJECT COMMITMENTS

**Bridge No. 17 on US 221
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W.B.S. No. 33217.1.1
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Project Development and Environmental Analysis Unit:

- Surveys for federally-listed Threatened and Endangered species (Small whorled pogonia) will be updated. Coordination will be completed prior to authorization of construction. *NCDOT personnel conducted a survey for Small whorled pogonia on April 30, 2013 and found no specimens. No other species listed by the United States Fish and Wildlife Service for McDowell County has habitat on this project.*

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I. DESCRIPTION OF PROPOSED ACTION

A. General Description

The replacement of McDowell County Bridge No. 17 over the Second Broad River is included in the North Carolina Department of Transportation (NCDOT) 2012-2020 State Transportation Improvement Program (STIP) as Project No. B-3673 and is eligible for the Federal-Aid Highway Bridge Program. The project location is shown in Figure 1. No substantial environmental impacts are anticipated. The project is classified as a Federal "Categorical Exclusion" (CE).

B. Project Schedule

Project Right of Way acquisition is scheduled for September 20, 2013. Project Letting is scheduled for April 21, 2015.

C. Cost Estimates

**Table 1
Cost Estimate#**

Item	Preferred Alternative
Retaining Walls	\$572,300
Structure (and associated costs)	\$2,945,700
Roadway Approaches	\$47,500
Detour Structure and Approaches	- 0 -
Structure Removal	\$61,300
Misc. & Mob.	\$818,300
Eng. & Contingencies	\$655,000
Total Construction Cost	\$5,100,000
Right-of-way Costs*	\$600,000
Right-of-way Utility Costs**	\$253,500
Wetland/Stream Mitigation	- 0 -
Total Project Cost	\$5,953,500

#Based on 2013 dollars unless indicated otherwise

*Based on estimated ROW costs included in the 2013-2023 STIP

**Based on 2012 dollars

II. PURPOSE AND NEED STATEMENT

A. Purpose of the Project

NCDOT Structures Management Unit records indicate McDowell County Bridge No. 17 has a sufficiency rating of 32.9 out of a possible 100 for a new structure. The bridge is considered functionally obsolete and structurally deficient. The latest NCDOT bridge inspection report (June 4, 2012) states that the existing structure has significant deterioration on the bottom slab overhang on the reinforced concrete deck girders (RCDG) with exposed rusting reinforcing steel, and at the ends of several RCDGs. Based on Federal Highway Administration (FHWA) standards, the structure is eligible for FHWA's Highway Bridge Program.

B. Need for the Project

The aging structure (built in 1929 and rehabilitated/widened in 1955) is approaching the end of its useful life and is in need of replacement. Components of both the concrete superstructure and substructure have experienced an increasing degree of deterioration that can no longer be addressed by maintenance activities. Replacement of the bridge will result in safer traffic operations and reduced on-going maintenance costs.

C. Supporting Data

The project is located on US 221 in McDowell County, approximately 4 miles north of the Rutherford/McDowell County line and 4.8 miles south of the US 221/I-40 interchange (see Figure 1). Development in the area is rural in nature with forests and some residential areas, and the terrain is mountainous.

The project study area is shown in Figure 2. In the vicinity of Bridge No. 17, the typical cross-section of US 221 consists of a 24-foot pavement width with 4-foot grass shoulders section (see Figures 3 and 4). The roadway grade through the project area is in a sag vertical curve (curves that connect descending grades, forming a bowl or sag). The existing bridge is on a tangent, or straight section of roadway, and is situated approximately 16 feet above the river bed. In this location, the Second Broad River has a normal water depth of approximately one foot.

Bridge No. 17 is a straight, three-span structure that consists of a reinforced concrete deck on concrete girders and reinforced concrete post and web bents. The existing bridge (see Figure 3) was constructed in 1929 and rehabilitated and widened in 1955. Bridge No. 17 crosses the Second Broad River at a 135-degree skew. The overall length of the bridge is 117 feet. The clear roadway width, measured across the bridge from the edge of guardrail to edge of guardrail, is 28 feet. The bridge has no posted weight limits for single vehicles or truck-tractor semi-trailers (TTSTs).

Current Condition

As stated above, existing Bridge No. 17 is functionally obsolete. The 2012 bridge inspection listed the standard joints on the deck of the structure as "poor" and stated that while they are covered with asphalt, they show no signs of being repaired and are leaking. The longitudinal beams and superstructure of the structure were also listed as "Poor" due to hairline transverse cracks. The assessment noted that there was moisture and

efflorescence staining of vertical faces, with scattered areas of cracking in the lower four to eight inches of girders. Rust was noted on exposed reinforcing bars on the underside of Girder 1 in Span B of the three-span structure. Deterioration of the outside faces of Girder 1 was found on all spans to a depth of up to seven inches. Cracking and spalling were noted on other girders, and a request for priority maintenance was submitted.

Based on the 2012 inspection, the following areas of priority maintenance were identified:

- Maintain Concrete Superstructure Components – areas of deterioration up to 11 inches high and three inches deep with rusted reinforcing bars exposed (Span 2)
- Maintain Concrete Superstructure Components – areas of deterioration up to seven inches deep on the outside face of concrete Girder 1 of Spans 2 and 3 over Pier 2 with rusted reinforcing bars exposed
- Maintain Concrete Deck – areas of deterioration up to six inches deep in the left overhang with rusted reinforcing bars exposed and a triangular shaped section of the deck falling away at the north end of Span 2
- Maintain Concrete Substructure Components – areas of deterioration up to six inches deep and three feet long at the upstream end of the concrete pier cap with a fifteen percent bearing loss beneath Girder 1 in Span 3 and a thirty-five percent bearing loss beneath Girder 1 in Span 3. Rusted reinforcing bars were also exposed at this location.

The report also noted cracking and delamination of the abutments and piers, deck debris along the gutter lines, and the need to remove a tree that was lodged at the upstream end of the abutment.

III. PROPOSED IMPROVEMENTS

A. Study Alternatives

The designs for this bridge replacement project are consistent with the proposed improvements associated with STIP Project R-2597, which would widen US 221 to a four-lane roadway from north of SR 1366 (Roper Loop Road) in Rutherford County to US 221-NC 226 in McDowell County. However, this project has its own utility and there is an immediate need to replace Bridge No. 17 as it is functionally obsolete.

Relocation of Bridge No. 17 to the west of the preferred alternative described below was explored in an effort to cross the Second Broad River in a more perpendicular manner to reduce floodplain impacts. However, the preferred alternative described below was selected as it allows for a shorter bridge, minimizes construction costs, and reduces future maintenance needs. The preferred alternative has fewer prime and important farmland, terrestrial community, stream, and floodplain impacts than other alternatives considered. NCDOT Division 13 concurs with the selected alternative as the preferred alternative, as it has lower overall impacts, has lower estimated costs, and is compatible with the proposed improvements associated with project R-2597.

Preferred Alternative

Bridge No. 17 will be replaced on new alignment, to the west side of its current location, while traffic remains on the existing structure during construction (see Figures 2, 3). The total project length of the new alignment will be approximately 3,080 feet.

The new bridge will be approximately 270 feet long, providing a minimum 35 feet clear deck width. The bridge will include two 12-foot travel lanes. As shown in Figure 2, the Second Broad River presents design constraints for construction to both the east and the west side of US 221. To the south of the existing bridge, the river is parallel to the east side of the road, serving as a constraint for the future construction of a second lane for STIP Project R-2597. To the north of the existing bridge, the Second Broad River flows parallel to the west side of US 221. These constraints create a limited area to “fit in” the bridge.

The west side of the new bridge will have an eight-foot shoulder, of which four-foot will be a full depth paved shoulder. Due to the need to leave a 6.875-foot distance between the existing bridge and the new structure during construction, the shoulder width on the east side of the new bridge will be limited to four feet, requiring a design exception. The new bridge length is based on current preliminary design information and is controlled by hydraulic design requirements (the need to stay out of the river). The roadway grade of the new bridge will be approximately three feet higher than existing bridge in order to accommodate hydraulic requirements and increased bridge superstructure depth.

The US 221 approach roadway will extend approximately 1060 feet to the north end of the new bridge and 1,750 feet from the south end of the new bridge. The approaches will be widened to include 24-foot wide pavement, providing two 12-foot travel lanes. Ten-foot wide grass shoulders (with four feet paved) will be provided on each side of the approach roadway (13-foot shoulders where guardrail is included).

South of Bridge No. 17, US 221 crosses an unnamed tributary (UT) to the Second Broad River (see Figures 2 and 3). The UT enters a 4-foot by 4-foot box culvert on the west side of existing US 221 and exits through a 66-inch corrugated metal pipe on the east side of existing US 221. Current designs call for extension of the box culvert to the west to accommodate the bridge replacement. While the bridge is to the north of the culvert, the distance required to safely tie in the approach to existing US 221 requires the extension of the culvert

The two lanes of US 221 across the new bridge will eventually serve as the southbound lanes of the ultimate four-lane, median divided section of US 221 as proposed in STIP Project R-2597. A permanent, concrete barrier rail will be anchored to the bridge deck along the east side until it is removed to accommodate the future US 221 northbound lanes as proposed in project R-2597. Approximately 810 feet of retaining wall will be constructed along the west side of the roadway north of the replacement bridge to avoid impacts to the Second Broad River.

Anticipated Design Exceptions

As stated previously, due to the need to leave a minimum 6.875-foot distance between the existing bridge and the new structure to accommodate construction, the shoulder width on the east side of the new bridge will be limited to four feet, requiring a design exception.

B. Roadway

Table 2
Proposed Roadway Improvements

ROUTE	US 221
Proposed No. Lanes	2
Proposed Lane Width	12 feet
Proposed Total Shoulder Width	10 feet (8 feet on structure)
Proposed Paved Shoulder Width	4 feet
Proposed Right of Way	200-300 feet
Proposed Control of Access	None
Proposed Design Speed	60 miles per hour
Proposed Speed Limit	55 miles per hour
Proposed Railroad Crossings	None
Proposed Structures (Crosses)	Bridge over Second Broad River, Culvert of UT to Second Broad River
Bicycle/Pedestrian Accommodations	None
Anticipated Design Exceptions	East side shoulder width less than standard
Utilities to be Relocated	20 power distribution poles

C. Maintenance of Traffic

As the bridge will be constructed on new location, traffic will be maintained on the existing US 221 bridge during the construction process. Once the new structure is complete, traffic will be diverted to the new bridge and the existing bridge will be demolished. Bridge No. 17 requires replacement in advance of project R-2597 as it is currently functionally obsolete.

IV. ESTIMATED ENVIRONMENTAL EFFECTS OF PROPOSED ACTION

A. Natural Resources

Table 3
Water Resource Impacts

Name	Type	Class	Impacts
Second Broad River	Stream	WS-V	0 feet
UT to Second Broad River	Stream	WS-V	92 feet
Second Broad River	Floodway	NA	0.58 Acres

NA-Not Applicable

Table 4
Biotic Resource Impacts

Terrestrial Community	Impacts in Acres
Floodplain Forest	5.16
Upland Forest	2.42
Maintained/Disturbed	1.33

Table 5
Soil Resource Impacts

Soil Type	Area in Acres
Ostin cobbly loamy sand, 1-5%, frequently flooded (PtB)	5.61
Chestnut-Ashe complex, 25-80% slopes, stony (CaF)	1.3
Hayesville-Evard complex, 15-25% slopes (HeD)	0.89
Evard-Cowee complex, 25-60% slopes (EwE)	1.12

Source: NRCS Soil Mart Data, 2013

Federally Protected Species

Field surveys for small-whorled pogonia (*Isotria medeoloides*) were undertaken in May 2004 and are documented in the Natural Resources Technical Report (NRTR) for the R-2597 and R-204 D and E project (Baker Engineering, 2007). As these surveys took place more than five years ago, updated surveys will be required prior to permitting. As stated in the NRTR, there is no requirement for field surveys for the Bog Turtle (*Clemmys muhlenbergii*), and the other species listed for McDowell County occur at higher elevations than those found in the study area, so no habitat for these species will be impacted by this project.

Table 6
Threatened and Endangered Species Conclusions

Scientific Name/ Common Name	Habitat Present	Status*	Biological Conclusion
Vertebrates			
<i>Glaucomys sabrinus coloratus</i> / Carolina northern flying squirrel	No	E	No Effect
<i>Clemmys muhlenbergii</i> / Bog turtle	Assessment Not Required	T (S/A)	Not Required
<i>Haliaeetus leucocephalus</i> /Bald eagle	No	BGPA	No Effect
Vascular Plants			
<i>Hudsonia Montana</i> / Mountain golden heather	No	T	No Effect
<i>Isotria medeoloides</i> / Small-whorled pogonia	Yes	T	No Effect

* E Endangered denotes a species in danger of extinction throughout all or a significant portion of its range.

T Threatened denotes a species likely to become endangered in the foreseeable future throughout all or a significant portion of its range.

S/A Similarity of Appearance denotes a species that closely resembles in appearance to an

endangered or threatened species that enforcement personnel would have substantial difficulty in differentiating between the listed and unlisted species. The southern population of the bog turtle is listed as T (S/A) due to Similarity of Appearance with the northern population of the bog turtle (which is federally listed as Threatened and which does not occur in North Carolina).

BGPA Bald and Golden Eagle Protection Act

Table 7
GeoEnvironmental Impacts

Type	No.	Impacts
UST's	None	None
Superfund Sites	None	None
Other	None	None

B. Human Environment

Section 106 Compliance Guidelines

This project is subject to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implemented by the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106, codified at Title 36 CFR Part 800. Section 106 requires Federal agencies to take into account the effect of their undertakings (federally funded, licensed, or permitted) on properties included in or eligible for inclusion in the National Register of Historic Places and afford the Advisory Council a reasonable opportunity to comment on such undertakings.

Historic Architecture

NCDOT evaluated the study area for B-3673 as part of the R-2597 project. In a letter dated May 23, 2003, the N.C. Historic Preservation Office (HPO) stated that, based on this evaluation, there were no historic sites eligible for the National Register of Historic Places (NRHP) in the vicinity of the proposed project. The letter is attached in the Appendix.

Archaeology

In a letter dated June 26, 2007, the N.C. Historic Preservation Office (HPO) stated that, based on their review of an archaeological survey report conducted for NCDOT for project R-2597, there were no sites eligible for the National Register of Historic Places (NRHP) in the vicinity of the project. The letter is attached in the Appendix.

Community Impacts

Table 8
Community Impacts

Resource	Impacts
Relocations	1-residential
Low Income/Minority Relocations	None
EJ Communities	None
Voluntary Agricultural Districts (VADS/EVADS)	None
Noise	No impact anticipated
Air Quality	No impact anticipated
ICE	No impact anticipated
Section 6(f)	None
Farmland Protection Policy Act	Score 137

V. AGENCY/PUBLIC COORDINATION COMMENTS

A. Agency Coordination

NCDOT has sought input from various federal state and local agencies as a part of the project development, both for B-3673 and for the R-2597 project. Copies of the comments received are included in the Appendix.

Table 9
Agency Comments

	Comments Received?	
	Yes	No
Agency		
U.S. Army Corps of Engineers (USACE)	X	
U.S. Environmental Protection Agency (USEPA)	X	
U.S. Fish and Wildlife Service (USFWS)	X	
N.C. State Environmental Clearinghouse	X	
N.C. Department of Agriculture and Consumer Services	X	
N.C. Dept. of Cultural Resources (NCDCR)	X	
N.C. Dept. of Environment & Natural Resources (NCDENR)/Env. Health		X
NCDENR/Natural Heritage Program (NHP)	X	
NCDENR/Forest Resources	X	
NCDENR/Parks and Recreation		X
NCDENR/Soil and Water Conservation	X	
NCDENR/Division of Water Quality (DWQ)	X	
N.C. Dept. of Public Instruction-School Planning		X
N.C. Wildlife Resources Commission (NCWRC)	X	
McDowell County Emergency Services	X	

B. Public Coordination

The proposed improvements to Bridge No. 17 were discussed during Citizens' Informational Workshops for R-2597 on March 29 and 30, 2003, and the public hearings for R-2597 and R-204 on March 13 and 14, 2012. Project newsletters for these projects, which included the proposed replacement of Bridge No. 17, were sent to area stakeholders in July 2013, and November 2004. Property owners were invited to comment on the proposed project and no comments related to the bridge replacement have been received to date. There is no substantial controversy on social, economic, or environmental grounds concerning the project. Based on this, no additional public outreach is proposed regarding the replacement of Bridge No. 17.

Table 10
Public Coordination

Event	Date	# Attendees	# Comments	Alt. Preferred
CIW*	3/29-30/2003	225	39	None
Public Hearing	3/13-14/2012	208	48	None

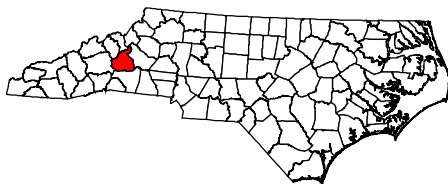
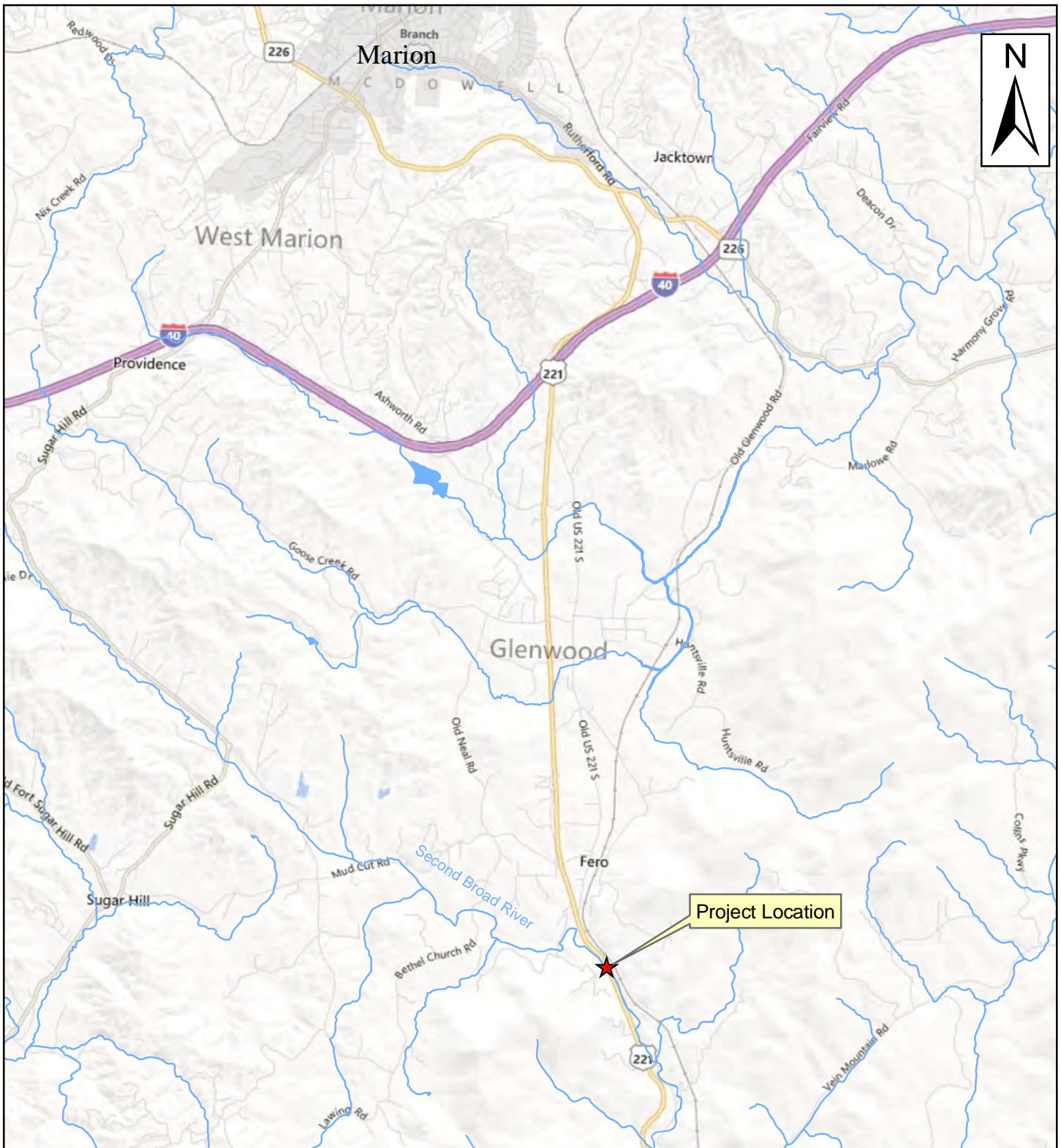
*-CIW-Citizens' Informational Workshop

VIII. BASIS FOR CATEGORICAL EXCLUSION

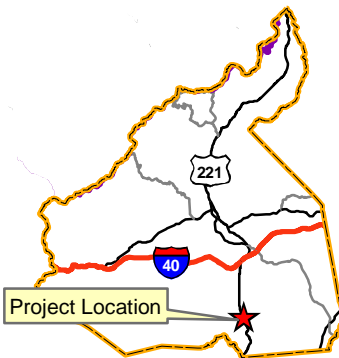
On the basis of the above discussion, the NCDOT and the FHWA conclude that no substantial adverse environmental impacts will result from implementation of the project. The project is therefore considered to be a federal "Categorical Exclusion" due to its limited scope and lack of substantial environmental consequences.

Figures

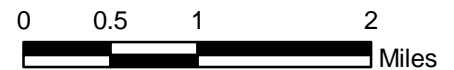
Figures



McDowell County



**Figure 1. Vicinity Map
County Bridge 17
TIP No. B-3673**

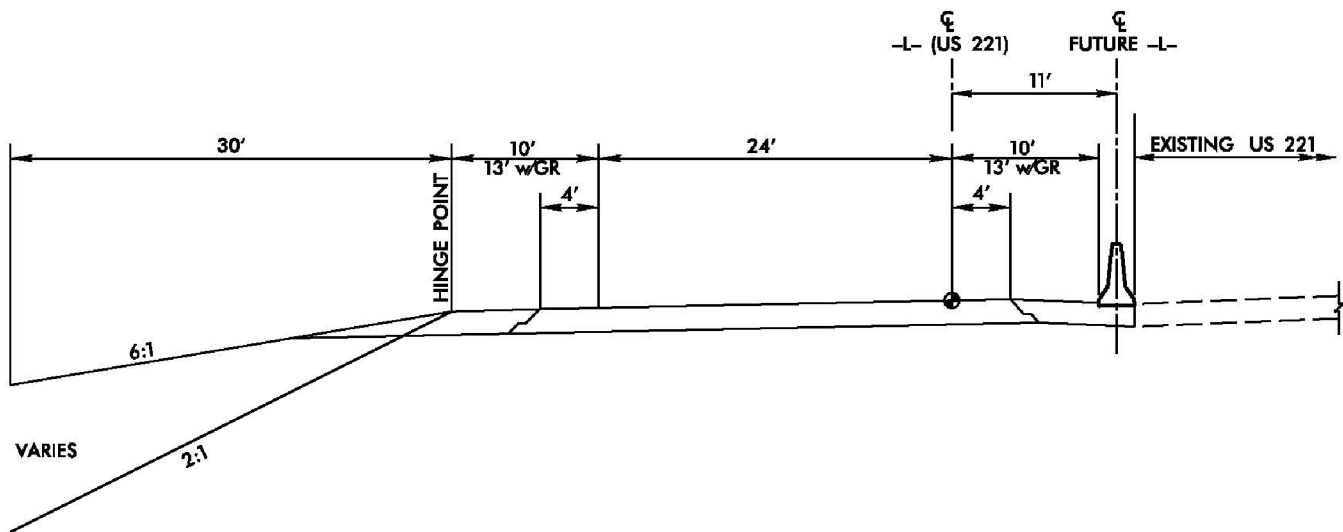


Baker

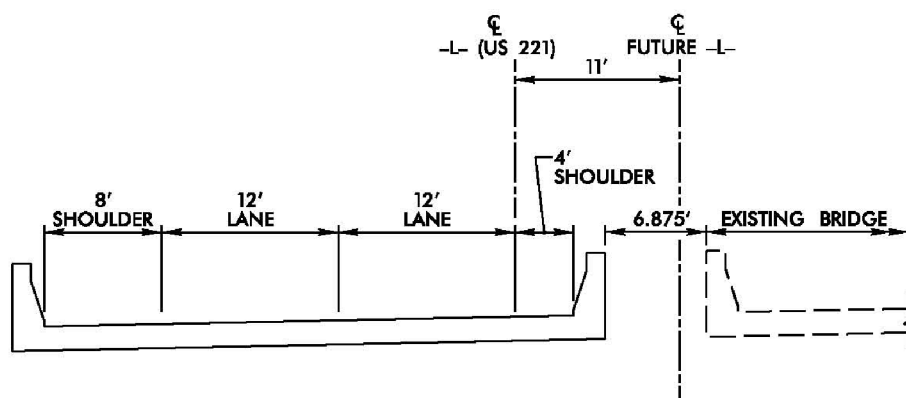
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US 221 TWO-LANE TYPICAL SECTION APPROACH OF SECOND BROAD RIVER BRIDGE



PROPOSED B-3673 TYPICAL SECTION



Appendix 1

Correspondence

B-3673



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

February 7, 2001

Mr. William D. Gilmore, P.E., Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Gilmore:

Subject: Bridge Replacements - Avery County (B-3808); Henderson County (B-3475, B-3662, B-3663, B-3664, B-3665, B-3666, and B-3857); McDowell County (B-3673); and Watauga County (B-3709 and B-3710)

We have reviewed the subject projects and are providing the following comments in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

The information we received for these 11 projects does not include descriptions of the structures that will replace the existing bridges, and it does not include any environmental information regarding the streams or whether habitat assessments or surveys for rare species have been conducted for any of the projects. Therefore, our comments are limited primarily to the known locations of listed species and species of Federal concern. When the categorical exclusions are prepared and more information is available regarding environmental effects, we can then offer more substantive comments.

Enclosed is a list of species from the four counties involved. This list provides the names of species that are on the Federal List of Endangered and Threatened Wildlife and Plants, as well as species of Federal concern. Federal species of concern are not legally protected under the Act and are not subject to any of its provisions, including Section 7, unless they are formally proposed or listed as endangered or threatened. We are including these species in our response to give you advance notification and to request your assistance in protecting them if any are found in the vicinity of these projects. Our records indicate the following:

Henderson County

Project B-3475. Known locations of the federally endangered bunched arrowhead (*Sagittaria fasciculata*) and the federally threatened small-whorled pogonia (*Isotria medeoloides*) occur near this project. We recommend surveying the project area for these species prior to any further planning or on-the-ground activities. If these species occur in the project area, further consultation will be required.

Project B-3665. Known locations of the federally endangered bunched arrowhead (*Sagittaria fasciculata*) and mountain sweet pitcher plant (*Sarracenia jonesii*) occur in the vicinity of this project. We recommend surveying the project area for these species prior to any further planning or on-the-ground activities. If these species occur in the project area, further consultation will be required.

Projects B-3662 and B-3664. These projects occur in the general vicinity of Mud Creek, an area with several occurrences of bunched arrowhead (*Sagittaria fasciculata*) and mountain sweet pitcher plant (*Sarracenia jonesii*). Currently there are no known locations of these species in the immediate project area. However, a lack of any systematic surveys throughout the Mud Creek drainage may account for the apparent absence of these species. In the areas affected by these projects, we recommend conducting habitat assessments and surveying any suitable habitat for these species.

Projects B-3666, B-3663, and B-3857. Our records for Henderson County indicate no known locations of listed species in the project areas. However, we recommend conducting habitat assessments and surveying any suitable habitat in the project areas for these species prior to any further planning or on-the-ground activities to ensure that no adverse impacts occur.

McDowell County

Project B-3673. Our records indicate known locations for the bog turtle (*Clemmys muhlenbergii*) near this project. Habitat assessments and surveys of suitable habitat should be conducted in the project area for this species. If the bog turtle occurs in the project area, it should be protected from impacts.


Watauga and Avery Counties

Projects B-3709, B-3710, and B-3808. Although our records for Watauga and Avery Counties indicate no known locations of listed species in the project areas, we recommend conducting habitat assessments in the affected area of each project. Any suitable habitat should be surveyed for these species prior to any further planning or on-the-ground activities to ensure that no adverse impacts occur.

We are interested in the types of structures that will replace these existing bridges and would recommend spanning structures, preferably bridges, in all cases. We look forward to reviewing the completed categorical exclusion documents.

If you have questions about these comments, please contact Ms. Marella Buncick of our staff at 828/258-3939, Ext. 237. In any future correspondence concerning this project, please reference our Log Number 4-2-01-278.

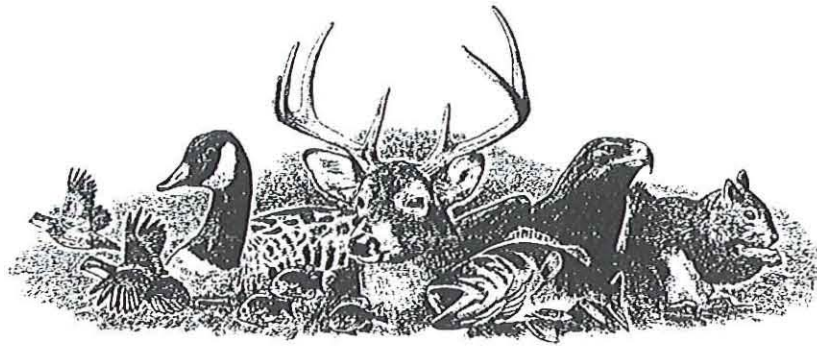
Sincerely,


for Brian P. Cole
State Supervisor

Enclosure

cc:

Ms. Stacy Harris, Project Development and Environmental Analysis Branch, North Carolina
Department of Transportation, 1548 Mail Service Center, Raleigh, NC 27699-1548
Mr. Owen Anderson, Mountain Region Coordinator, North Carolina Wildlife Resources
Commission, 20830 Great Smoky Mtn. Expressway, Waynesville, NC 28786
Ms. Cynthia Van Der Wiele, North Carolina Department of Environment and Natural Resources,
Division of Water Quality, Wetlands Section, 1621 Mail Service Center, Raleigh, NC
27699-1621



☐ North Carolina Wildlife Resources Commission ☐

Charles R. Fullwood, Executive Director

MEMORANDUM

TO: William D. Gilmore, P.E., Manager
Project Development and Environmental Analysis Branch, NCDOT

FROM: Owen F. Anderson, Mountain Region Coordinator
Habitat Conservation Program

DATE: January 10, 2001

SUBJECT: Scoping for Bridge Replacements B3475, B3662, B-3663, B-3664, B-3665, B-3666, B-3673, and B-3857, Henderson and McDowell Counties

This memorandum responds to your request for our concerns regarding impacts on fish and wildlife resources resulting from the subject projects. The North Carolina Wildlife Resources Commission (NCWRC) has reviewed the proposed projects, and our comments are provided in accordance with provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

The proposed work involves nine bridge replacement projects in western North Carolina. Construction impacts on wildlife and fisheries resources will depend on the extent of disturbance in the streambed and surrounding riparian areas. We prefer bridge designs that do not alter the natural stream morphology or impede fish passage and provide for wildlife passage under the bridge. We prefer that existing bridges be replaced with another spanning structure. Bridge designs should also include provisions for the deck drainage to flow through a vegetated upland buffer prior to reaching the subject surface waters. In some cases, we are specifically concerned about impacts to trout waters. Environmental documentation for these projects should include description of any streams or wetlands on the project site and surveys for any threatened or endangered species that may be affected by construction.

B-3475 – Bridge No. 356 on SR1127 (Caswell Street) over Wash Creek, Henderson County

No specific concerns other than minimization of impacts to water quality and aquatic and riparian habitat.

B-3662 – Bridge No. 20 on SR 1006 (Howard Gap Road) over Featherstone Creek in Henderson County.

No specific concerns other than minimization of impacts to water quality and aquatic and riparian habitat.

B-3663 – Bridge No 320 on SR 1212 (Old Homestead Road) over Shaws Creek in Henderson County

No specific concerns other than minimization of impacts to water quality and aquatic and riparian habitat.

B-3664 – Bridge No. 21 on SR 1528 (Brookside Camp Road) over Mud Creek in Henderson County

No specific concerns other than minimization of impacts to water quality and aquatic and riparian habitat.

B-3665 - Bridge No. 265 on SR 1791 (Ballenger Road) over North Branch Bat Fork Creek in Henderson County

No specific concerns other than minimization of impacts to water quality and aquatic and riparian habitat.

B-3666 - Bridge No. 53 on SR 1799 (Deep Gap Road) over Hungry River in Henderson County.

This bridge appears to be located at the edge of the Pisgah Game Lands. This reach is classified as trout water by the Division of Water Quality and is designated by the NCWRC as Hatchery Supported Waters. The new bridge should span the adjacent floodplain and provide sufficient space for wildlife to move under the bridge. An inwater work moratorium from October 15-April 15 is requested for this project.

B-3673 – Bridge No. 17 on US 221 over Second Broad River in McDowell County

This stream is Classified WS-IV. No specific fish and wildlife concerns other than minimization of impacts to water quality and aquatic and riparian habitat. The new bridge should span the adjacent floodplain and/or provide a wildlife movement corridor under the bridge.

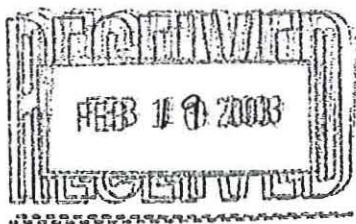
Because the Corps of Engineers (COE) recognizes all of the above counties as “trout water counties”, the NCWRC will review any nationwide or general 404 permits for the proposed projects. The following conditions are likely to be placed on the subject 404 permits:

1. Adequate sedimentation and erosion control measures must be implemented and maintained on the project site to avoid impacts to downstream aquatic resources. Structures should be inspected and maintained regularly, especially following rainfall events.
2. Temporary or permanent herbaceous vegetation should be planted on all bare soil within 15 days of ground disturbing activities to provide long-term erosion control.
3. All work in or adjacent to stream waters should be conducted in a dry work area. Sandbags, cofferdams, or other diversion structures should be used to minimize impacts to downstream aquatic resources. Spoil materials and wastewater captured in the cofferdam should be pumped out and disposed of on upland sites.

4. If concrete is used during construction, a dry work area must be maintained to prevent direct contact between curing concrete and stream water. Uncured concrete affects water quality and is highly toxic to fish and other aquatic organisms.
5. Grading and backfilling should be minimized, and tree and shrub growth should be retained if possible to ensure long term availability of shoreline cover for gamefish and wildlife.
6. **In trout waters, instream construction is prohibited during the trout-spawning period of October 15 to April 15 to avoid impacts on trout reproduction.**
7. Heavy equipment should be operated from the bank rather than in stream channels in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into streams.
8. If multi-celled reinforced concrete box culverts are utilized, they should be designed so that all water flows through a single cell (or two if necessary) during low flow conditions. This could be accomplished by constructing a low sill on the upstream end of the other cells that will divert water to a single cell during below bankfull events. This will facilitate fish passage at low flows.
9. Notched baffles should be placed in reinforced concrete box culverts at 15-foot intervals to allow for the collection of sediments in the culvert, reduce flow velocities, and to provide resting areas for fish moving through the structure.
10. Only clean, sediment-free rock should be used as temporary fill (causeways), and should be removed without excessive disturbance of the natural river bottom when construction is completed. Temporary causeways should not block more than 30% of the stream width to prevent an impediment to fish movement.
11. Equipment operated near surface waters should be inspected daily and maintained to prevent contamination of waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials.
12. Stormwater should be directed to upland buffer areas or retention basins and should not be discharged directly into streams.

Thank you for the opportunity to review and comment during the early stages of these projects. If you have any questions regarding these comments, please contact me at (828) 452-2546.

cc: Mr. Steven Lund, NCDOT Coordinator, COE, Asheville
Ms. Stacy Harris, P.E., PD & EA Branch, NCDOT, Raleigh
Ms. Marella Buncick, Biologist, USFWS Asheville



**North Carolina Department of Cultural Resources
State Historic Preservation Office**

David L. S. Brook, Administrator

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

Division of Historical Resources
David J. Olson, Director

February 18, 2003

MEMORANDUM

TO: Greg Thorpe, Manager
Project Development and Environmental Analysis Branch
NCDOT Division of Highways

FROM: David Brook *per David Brook*

SUBJECT: Replace Bridge No. 17 on US 221 over Second Broad River, B-3673, McDowell County, ER 01-8270

Thank you for your letter of December 6, 2002, concerning the above project.

We have conducted a review of the proposed undertaking and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the undertaking as proposed.

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, 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: John Wadsworth, NCDOT

www.hpo.dcr.state.nc.us

	Location	Mailing Address	Telephone/Fax
ADMINISTRATION	507 N. Blount St., Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919) 733-4763 • 733-8653
RESTORATION	515 N. Blount St., Raleigh NC	4613 Mail Service Center, Raleigh NC 27699-4613	(919) 733-6547 • 715-4801
SURVEY & PLANNING	515 N. Blount St., Raleigh NC	4618 Mail Service Center, Raleigh NC 27699-4618	(919) 733-6545 • 715-4801

Federal Aid #BRZ-1212(4)

B-3673
TIP #B-3663

McDowell
County: Henderson--

CONCURRENCE FORM FOR PROPERTIES NOT ELIGIBLE FOR THE NATIONAL
REGISTER OF HISTORIC PLACES

Project Description: Replace Bridge No.320 on SR 1212 over Shaws Creek

On December 8, 2000, representatives of the

- ☒ North Carolina Department of Transportation (NCDOT)
☐ Federal Highway Administration (FHWA)
☒ North Carolina State Historic Preservation Office (SHPO)

Reviewed the subject project at

- ☐ a scoping meeting
☒ photograph review session/consultation
☐ other

All parties present agreed

- ☐ there are no properties over fifty years old within the project's area of potential effect.
☒ there are no properties less than fifty years old which are considered to meet Criterion Consideration G within the project's area of potential effect.
☒ there are properties over fifty years old (list attached) within the project's area of potential effect, but based on the historical information available and the photographs of each property, properties identified as Bridge No.320 are considered not eligible for the National Register and no further evaluation of them is necessary.
☒ there are no National Register-listed properties located within the project's area of potential effect.

Signed:

Mary Pope 12/8/00
Representative, NCDOT Date

Michael C. Damm 12/17/00
FHWA, for the Division Administrator, or other Federal Agency Date

Wally Vitz 12/8/00
Representative, SHPO Date

David A. Cook 12/20/00
State Historic Preservation Officer Date

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality



James B. Hunt, Jr., Governor
Bill Holman, Secretary
Kerr T. Stevens, Director

December 11, 2000

MEMORANDUM

To: William D. Gilmore, P.E., Manager
NCDOT, Project Development & Environmental Analysis

Through: John Dorney, NC Division of Water Quality

From: Cynthia F. Van Der Wiele *cvdw*

Subject: Scoping comments on the proposed replacement of Bridge No. 17 on US 221 over Second Broad River in McDowell County, T.I.P. Project B-3673.

This memo is in reference to your correspondence dated December 6, 2000, in which you requested scoping comments for the above project. The DWQ index number for the stream is 9-41-(0.5) and is classified as WS-V waters. The Division of Water Quality requests that NCDOT consider the following environmental issues for the proposed project:

- A. DWQ prefers replacement of bridges with bridges, particularly in higher quality waters (i.e. trout streams, water supply watersheds, high quality and outstanding resource waters). However, if the new structure is to be a culvert, it should be countersunk to allow unimpeded fish and other aquatic organisms passage through the crossing. Please be aware that floodplain culverts are required.
- B. The document should provide a detailed and itemized presentation of the proposed impacts to wetlands and streams with corresponding mapping.
- C. There should be a discussion on mitigation plans for unavoidable impacts. If mitigation is required, it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. While the NCDWQ realizes that this may not always be practical, it should be noted that for projects requiring mitigation, appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.
- D. Since the impacted water is a water supply watershed and located in a trout county, the DWQ requests that DOT strictly adhere to North Carolina regulations entitled, "Design Standards in Sensitive Watersheds" (15A NCAC 04B .0024) throughout design and construction of the project. This would apply for any area that drains to streams having WS (Water Supply), ORW (Outstanding Resource Water), HQW (High Quality Water), SA (Shellfish Water) or Tr (Trout Water) classifications. Please be aware that trout moratoriums set by the NC Wildlife Resource Commission may apply.

- E. When practical, the DWQ requests that bridges be replaced on the existing location with road closure. If a detour proves necessary, remediation measures in accordance with the NCDWQ requirements for General 401 Certification 2726/Nationwide Permit No. 33 (Temporary Construction, Access and Dewatering) must be followed.
- F. If applicable, DOT should not install the bridge bents in the creek, to the maximum extent practicable.
- G. Wetland and stream impacts should be avoided (including sediment and erosion control structures/measures) to the maximum extent practical. If this is not possible, alternatives that minimize wetland impacts should be chosen. Mitigation for unavoidable impacts will be required by DWQ for impacts to wetlands in excess of one acre and/or to streams in excess of 150 linear feet.
- H. Borrow/waste areas should not be located in wetlands. It is likely that compensatory mitigation will be required if wetlands are impacted by waste or borrow.
- I. If foundation test borings are necessary; it should be noted in the document. Geotechnical work is approved under General 401 Certification Number 3027/Nationwide Permit No. 6 for Survey Activities.
- J. In accordance with the NCDWQ Wetlands Rules { 15A NCAC 2H.0506(b)(6) }, mitigation will be required for impacts of greater than 150 linear feet to any single perennial stream. In the event that mitigation becomes required, the mitigation plan should be designed to replace appropriate lost functions and values. In accordance with the NCDWQ Wetlands Rules { 15A NCAC 2H.0506 (h)(3) }, the Wetland Restoration Program may be available for use as stream mitigation.
- K. Sediment and erosion control measures should not be placed in wetlands.
- L. The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater should not be permitted to discharge directly into the creek. Instead, stormwater should be designed to drain to a properly designed stormwater detention facility/apparatus.
- M. While the use of National Wetland Inventory (NWI) maps and soil surveys is a useful office tool, their inherent inaccuracies require that qualified personnel perform onsite wetland delineations prior to permit approval.

Thank you for requesting our input at this time. The DOT is reminded that issuance of a 401 Water Quality Certification requires that appropriate measures be instituted to ensure that water quality standards are met and designated uses are not degraded or lost. If you have any questions or require additional information, please contact Cynthia Van Der Wiele at (919) 733.5715.

Pc: Steve Lund, USACE Asheville Field Office
Marella Buncick, USFWS
David Cox, NCWRC
File Copy
Central Files

Correspondence

R-2797



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

September 10, 2002

Planning Services Section

Ms. L. Gail Grimes, P.E., Assistant Manager
Project Development and Environmental
Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Ms. Grimes:

This is in response to your letter dated July 29, 2002, requesting comments on the "Proposed Improvements to US 221 from SR 1536 in Rutherford County to SR 1153 in McDowell County, State Project No. 6.899002T, TIP Project R-2597". In addition to roadway widening, the proposed improvements will likely include replacement of the Second Broad River Bridge.

Our comments involve impacts to flood plains and jurisdictional resources that include waters, wetlands, and U.S. Army Corps of Engineers projects. The proposed roadway improvements would not cross any Corps constructed flood control or navigation project. Enclosed are our comments on the other issues.

We appreciate the opportunity to comment on this project. If we can be of further assistance, please contact us.

Sincerely,

Thomas G. Corder, P.E.
Chief, Planning and
Environmental Branch

Enclosure

U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT, COMMENTS ON:

"Proposed Improvements to US 221 from SR 1536 in Rutherford County to SR 1153 in McDowell County, State Project No. 6.899002T, TIP Project R-2597"

1. FLOOD PLAINS: POC - Bobby L. Willis, Planning Services Section, at (910) 251-4728

Both Rutherford and McDowell Counties are participants in the National Flood Insurance Program (NFIP). We do not have Flood Insurance Rate Map (FIRM) panels in our office that would cover the portion of the improvements in Rutherford County. However, from another information source, it appears that identified flood hazard areas in Rutherford County are mapped approximately and do not have 100-year flood elevations shown. Based on a review of Panel 175 of the July 1988 McDowell County FIRM, the section of roadway proposed for improvements would cross Second Broad River and Goose Creeks, both of which are mapped approximately without 100-year flood elevations shown. The project should be designed to meet the requirements of the NFIP, administered by FEMA, and be in compliance with all local ordinances. For more information related to FEMA requirements, we recommend that one of the following individuals be contacted: Mr. Phil Letsinger, state coordinator of the NFIP at (919) 715-8000, extension 273; or Mr. John Gerber, P.E., of the North Carolina Division of Emergency Management, Western Branch at (828) 299-4696. Specific questions pertaining to community flood plain regulations or developments should be referred to the local building officials.

2. WATERS AND WETLANDS: POC- Steve Lund, Project Manager, Asheville Field Office, Regulatory Division, at (828) 271-4857

All work restricted to existing high ground will not require prior Federal permit authorization. However, prior Department of the Army permit authorization, pursuant to Section 404 of the Clean Water Act of 1977, as amended, will be required for the discharge of excavated or fill material into waters and/or wetlands in conjunction with this project, including temporary impacts for construction access or bridge demolition, site de-watering, and the disposal of construction debris. Specific permit requirements will depend on design of the project, extent of fill work within waters of the United States, including wetlands (dimensions, fill amounts, etc.), construction methods, and other factors.

The following items need to be addressed in the project planning report:

- a. The report should contain the amount of permanent and temporary impacts to waters and wetlands as well as a description of the type of habitat that will be affected.
- b. Offsite detours are always preferable to onsite (temporary) detours in wetlands. If an onsite detour is the recommended action, justification should be provided.

2. WATERS AND WETLANDS: (Continued)

c. Project commitments should include the removal of all temporary fills from waters and wetlands and "time-of-the-year" restrictions on in-stream work if recommended by the North Carolina Wildlife Resources Commission. In addition, if undercutting is necessary for temporary detours, the undercut material should be stockpiled to be used to restore the site.

d. All restored areas should be planted with endemic vegetation, including trees, if appropriate.

e. The report should provide an estimate of the linear feet of new impacts to streams resulting from construction of the project.

f. In addition, to be considered for authorization, discharge of demolition material into waters and wetlands and associated impacts must be disclosed and discussed in the project planning report.

g. You are reminded that prior to utilization of nationwide permits within any of the 25 designated mountain trout counties, you must obtain a letter with recommendation(s) from the North Carolina Wildlife Resources Commission and a letter of concurrence from the Wilmington District Engineer.

When final construction plans are complete, including the extent and location of any work within waters of the United States and wetlands, our Regulatory Division would appreciate the opportunity to review those plans for a project-specific determination of DA permit requirements.

If you have questions or need further information, please contact Mr. Lund.



North Carolina Department of Administration

Michael F. Easley, Governor

Gwynn T. Swinson, Secretary

September 10, 2002

Mr. John Wadsworth
NCDOT
Program Dev. and Envir. Analysis Branch
Highway Bldg
Raleigh, NC

Dear Mr. Wadsworth:

Re: SCH File # 03-E-4220-0040; Scoping; Proposed improvements to US 221 from SR1536 in Rutherford County to SR 1153 in McDowell County; TIP Project R-2597

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chrys Baggett".

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region C

Mailing Address:
1302 Mail Service Center
Raleigh, NC 27699-1302

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail Chrys.Baggett@ncmail.net

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary



MEMORANDUM

TO: Chrys Baggett
State Clearinghouse

FROM: Melba McGee
Project Review Coordinator

RE: 03-0040 Scoping for US 221 Improvements, Rutherford County

DATE: September 6, 2002

The Department of Environment and Natural Resources has reviewed the proposed project. The attached comments are a result of this review. More specific comments will be provided during the environmental review process.

Thank you for the opportunity to respond. If during the preparation of the environmental document, additional information is needed, the applicant is encouraged to notify our respective divisions.

Attachments

**North Carolina Department of
Environment and Natural Resources
Division of Soil and Water Conservation**



Michael F. Easley, Governor
William G. Ross Jr., Secretary
David S. Vogel, Director

MEMORANDUM:

August 16, 2002

TO: Melba McGee

FROM: David Harrison *DEH*

SUBJECT: Proposed Improvements to US 221 from SR 1536 (Rutherford County) to SR 1153 (McDowell County). Project # 03-E-0040

The environmental assessment should include information on adverse impacts to Prime or Statewide Important Farmland.

The definition of Prime or Statewide Important Farmland is based on the soil series and not on its current land use. Areas that are developed or are within municipal boundaries are exempt from consideration as Prime or Important Farmland.

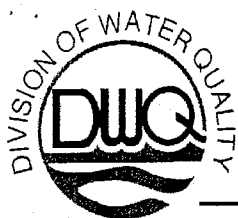
For additional information, contact the soils specialists with the Natural Resources Conservation Service, USDA, Raleigh, NC at (919) 873-2141.

1614 Mail Service Center, Raleigh, North Carolina 27699-1614

Phone: 919-733-2302 \ FAX: 919-715-3559

Internet: www.enr.state.nc.us/ENR/DSWC/

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August 22, 2002

MEMORANDUM

TO: Melba McGee, Environmental Coordinator
NCDENR Office of Legislative and Intergovernmental Affairs

FROM: Cynthia F. Van Der Wiele, NCDOT Coordinator *cvdw*

SUBJECT: Review of Scoping Sheets for Proposed Improvements to US 221 from SR 1536 in Rutherford County to SR 1153 in McDowell County, State Project No. 6.899002T, TIP Project R-2597. State Clearinghouse Project No. 03-E-0040.

In reply to your correspondence dated August 7, 2002 in which you requested comments for the referenced project, preliminary analysis of the project indicates that the following water resources lie within the project area:

▪ Broad River Basin, Hydrologic Unit 030802

<u>Stream</u>	<u>Index</u>	<u>Class</u>
UT to Mountain Creek	9-41-12-6	WS-IV
Catheys Creek	9-41-13	WS-V; §303(d) list impaired waters
Stoney Creek and unnamed tributaries	9-41-9	WS-V
Rockhouse Creek	9-41-8	WS-V
Scrub Grass Branch	9-41-6	WS-V
Second Broad River and UTs	9-41	WS-IV <i>Critical Area</i>

▪ Catawba River Basin, Hydrologic Unit 030830

<u>Stream</u>	<u>Index</u>	<u>Class</u>
UT to Huntsville Creek	11-32-1-2-1-1	C
UTs to North Muddy Creek	11-32-1	C
Goose Creek and UTs	11-32-1-2	C

The NCDOT plans to widen a 15-mile section of US 221. This project will connect with the US 221 improvements south of this section, known as the Rutherfordton Bypass. The Division of Water Quality offers these comments:

1. US 221 is a principal north-south corridor on North Carolina's Intrastate System. The proposed purpose of this project is to: (1) improve the level of traffic service, (2) decrease travel time and (3) improve safety. DWQ strongly urges the use of Access Management techniques to prolong the life of these three objectives.
2. DWQ recommends that NCDOT and the applicable Rural Planning Organization staff work in concert to develop long-term solutions to transportation issues that insures environmental protection, continued economic growth and preserves the quality of life enjoyed by McDowell and Rutherford County residents. This would include, but is not limited to, *the development of comprehensive access management plans and policies for the region.*

Proactive planning efforts at the local level are needed to assure that development is done in a manner that maintains water quality. These planning efforts will need to find a balance between water quality

protection, natural resource management and economic growth. Growth management requires planning for the needs of future population increases as well as developing and enforcing environmental protection measures. These actions are critical to water quality management and the quality of life for the residents of the basin.

3. According to the *1998 Broad River Basinwide Water Quality Management Plan* and the *1999 Catawba River Basinwide Management Plan*, water quality issues include controlling sedimentation and nonpoint sources. NCDOT is urged to abide by *Best Management Practices for the Protection of Surface Waters* (March 1997) for design, construction and maintenance of this transportation facility. Additionally, design plans should include ways to maintain the existing good water quality in this Basin.

In order to reduce sedimentation in receiving waters, same day seeding and mulching is strongly encouraged.

Storm water should be designed to flow into buffer areas or retention basins rather than routed directly into streams. DWQ prefers that storm water runoff be designed to drain into a properly designed storm water detention facility/apparatus.

4. Catheys Creek is on the §303(d) list of impaired waters and is only partially supporting its use rating (WS-V). The source of impairment is sedimentation and nonpoint source pollution.
5. Since the proposed project is a major arterial road, hazardous spill catch basins will be required at all crossings of Second Broad River and its unnamed tributaries (WS-IV Critical Area).
6. DWQ advocates the replacement of bridges with bridges rather than culverts. If existing culverts along this project are perched and do not allow for passage of aquatic life, they should be removed and correctly installed during the construction process.
7. While vegetated buffers are not a requirement within these basins, NCDOT is encouraged to retain vegetation as much as possible. Do not remove vegetation from the stream bank unless it is absolutely necessary. Especially avoid removing large trees and undercut banks. If large, undercut trees must be removed, then cut the trunks and leave the stumps and root systems in place to minimize damage to stream banks.
8. The environmental document should provide a detailed and itemized presentation of the proposed impacts to wetlands and streams with corresponding mapping. There should be a discussion on mitigation plans for unavoidable impacts. If mitigation is required, it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. For projects requiring mitigation, appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.
9. Borrow/waste areas should not be located in wetlands. It is likely that compensatory mitigation will be required if wetlands are impacted by waste or borrow.
10. Wetland delineation should be performed prior to permit application. Wetland and stream impacts should be avoided to the maximum extent practical. If this is not possible, alternatives that minimize wetland impacts should be chosen. In accordance with the NCDWQ Wetlands Rules {15A NCAC 2H.0506(b)(6)}, mitigation will be required for impacts of greater than 150 linear feet to any single perennial stream. In the event that mitigation becomes required, the mitigation plan should be designed to replace appropriate lost functions and values. In accordance with the NCDWQ Wetlands

Rules {15A NCAC 2H.0506 (h)(3)}, the Wetland Restoration Program may be available for use as stream mitigation.

Thank you for requesting our input at this time. The DOT is reminded that issuance of a 401 Water Quality Certification requires that appropriate measures be instituted to ensure that water quality standards are met and designated uses are not degraded or lost. If you have any questions or require additional information, please contact Cynthia Van Der Wiele at (919) 733.5715.

pc: Steve Lund, USACE Asheville Field Office
Marcella Buncick, USFWS
Chris Militscher, USEPA
Marla Chambers, NCWRC
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North Carolina
Department of Environment and
Natural Resources

Michael F. Easley, Governor
William G. Ross Jr., Secretary



North Carolina
Division of Forest Resources

Stanford M. Adams, Director
2411 Old US 70 West
Clayton, NC 27520
September 10, 2002

MEMORANDUM

TO: Melba McGee, Office of Legislative Affairs
FROM: Bill Pickens, NC Division Forest Resources *Bill Pickens*
SUBJECT: DOT Scoping for Widening US 221 from SR 1536 to SR 1153
PROJECT #: 03-0040 and TIP R-2597



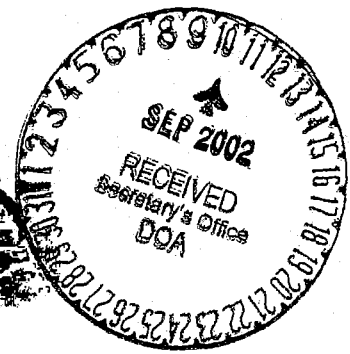
The North Carolina Division of Forest Resources has reviewed the referenced scoping document and offers the following comments that should be addressed in the EA concerning impacts to woodlands.

1. The widening of an existing roadway usually has fewer impacts to forest resources than a new location project. So that we may evaluate the potential impact, the total forest land acreage by type that would be removed or taken out of forest production as a result of the project should be listed in the EA. Efforts should be made during the planning phase to align corridors that minimize impacts to woodlands in the following order of priority:
 - Managed, high site index woodland
 - Productive forested woodlands
 - Managed, lower site index woodlands
 - Unique forest ecosystems
 - Unmanaged, fully stocked woodlands
 - Unmanaged, cutover woodlands
 - Urban woodlands
2. The productivity of the forest soils affected by the proposed project as indicated by the soil series.
3. The provisions the contractor will take to utilize the merchantable timber removed during construction. Emphasis should be on selling all wood products. However, if the wood products cannot be sold then efforts should be made to haul off the material or turn it into mulch with a tub grinder. This practice will minimize the need for debris burning, and the risk of escaped fires and smoke management problems to residences, highways, schools, and towns.
4. If woodland burning is needed, the contractor must comply with the laws and regulations of open burning as covered under G.S. 113-60.21 through G.S. 113-60.31. McDowell and Rutherford Counties are classified as non-high hazard counties, and G.S. 113-60.24 requiring a regular burning permit would apply.

5. The provisions that the contractor will take to prevent erosion and damage to forestland outside the right-of-way. Trees, particularly the root system, can be permanently damaged by heavy equipment. Efforts should be to avoid skinning of the tree trunk, compacting the soil, adding layers of fill, exposing the root system, or spilling petroleum or other substances.
6. The impact upon any existing greenways in the proposed project area should be addressed.

We appreciate the opportunity to comment on the proposed project, and encourage the impact on our forestland be considered during the planning process.

cc: Mike Thompson



North Carolina Wildlife Resources Commission

512 N. Salisbury Street, Raleigh, North Carolina 27604-1188, 919-733-3391
Charles R. Fullwood, Executive Director

TO: L. Gail Grimes, P. E., Assistant Manager
Project Development and Environmental Analysis Branch, NCDOT

FROM: Marla Chambers, Highway Projects Coordinator *Marla Chambers*
Habitat Conservation Program, NCWRC

DATE: September 5, 2002

SUBJECT: Review of NCDOT request for comments for proposed improvements to
US 221 from SR 1536 in Rutherford County to SR 1153 in McDowell
County. State Project No. 6.899002T, TIP No. R-2597.

North Carolina Department of Transportation (NCDOT) is requesting comments from the North Carolina Wildlife Resources Commission (NCWRC) regarding impacts to fish and wildlife resources resulting from the subject project. Staff biologists have reviewed the information provided and have the following preliminary comments. These comments are provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

The NCDOT proposes to widen a 15-mile portion of US 221 from two to four lanes, some realignment may be needed. The project will likely include replacement of the Second Broad River bridge.

The NCWRC has no specific concerns at this time regarding this project. However, to help facilitate document preparation and the review process, our general information needs are outlined below:

1. Description of fishery and wildlife resources within the project area, including a listing of federally or state designated threatened, endangered, or special concern species. Potential borrow areas to be used for project construction should be included in the inventories. A listing of designated plant species can be developed through consultation with the following programs:

US 221

Rutherford & McDowell Counties

2

The Natural Heritage Program
N. C. Division of Parks and Recreation
1615 Mail Service Center
Raleigh, N. C. 27699-1615
(919) 733-7795

and,

NCDA Plant Conservation Program
P. O. Box 27647
Raleigh, N. C. 27611
(919) 733-3610

2. Description of any streams or wetlands affected by the project. If applicable, include the linear feet of stream that will be channelized or relocated.
3. Cover type maps showing wetland acreage impacted by the project. Wetland acreage should include all project-related areas that may undergo hydrologic change as a result of ditching, other drainage, or filling for project construction. Wetland identification may be accomplished through coordination with the U. S. Army Corps of Engineers (USACE). If the USACE is not consulted, the person delineating wetlands should be identified and criteria listed.
4. Cover type maps showing acreage of upland wildlife habitat impacted by the proposed project. Potential borrow sites should be included.
5. Show the extent to which the project will result in loss, degradation, or fragmentation of wildlife habitat (wetlands or uplands).
6. Include the mitigation plan for avoiding, minimizing or compensating for direct and indirect degradation in habitat quality as well as quantitative losses.
7. Address the overall environmental effects of the project construction and quantify the contribution of this individual project to environmental degradation.
8. Provide a discussion of the probable impacts on natural resources, which will result from secondary development, facilitated by the improved road access.
9. Provide details of storm water treatment in the project area.
10. Provide details of bridge demolition techniques to be used. We prefer demolition techniques that are non-shattering and prevent debris from being dropped into the water.
11. If construction of this facility is to be coordinated with other state, municipal-, or private development projects, a description of these projects should be included in the environmental document, and all project sponsors should be identified.

US 221

Rutherford & McDowell Counties

3

Thank you for the opportunity to provide input in the early planning stages of this project. If you have any questions regarding these comments, please contact me at (704) 485-2384.

Cc: Cynthia Van Der Wicle, DWQ
Marcella Buncick, USFWS



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 10, 2002

Memorandum

To: L. Gail Grimes, PE, Assistant Manager
Project Development and Environmental Analysis Branch

Attn: John Wadsworth, PE

From: Bryan L. Edwards, PE, Project Engineer *Bryan Edwards*
Rail Division

State Project: 6.899002T (R-2597)
F/A Project: N/A
County: Rutherford / McDowell
Description: Widening of 15-mile portion of US 221 from two to four lanes from
SR 1536 in Rutherford County to SR 1153 in McDowell County

Subject: Response to Scoping Request Letter

The Rail Division has reviewed the information provided and has determined that rail interaction can be expected on this project. Below are our comments:

The proposed project calls for widening of US 221 from two lanes to a four-lane, possibly divided, facility. There are two railroad lines that run parallel and adjacent to US 221. The line that runs closest to US 221 is owned by Norfolk Southern Railway (NS) and is currently out of service and may be abandoned. Our records indicate that NS currently owns 100' of right-of-way for this track, centered about the centerline of the track. Based upon the project scoping map, it appears that the widening of US 221 in some locations could encroach upon this right-of-way. The Rail Division recommends that DOH contact NS to confirm the status of this track and to determine if highway widening encroachments will be allowed on their right-of-way.

The second track which parallels US 221 on this project is the CSX Transportation (CSXT) Z-line which is active and is used as a heavy tonnage mainline. The Z-line approaches US 221 near the northernmost crossing of the Second Broad River (Milepost Z-227.5) and runs southward paralleling US 221 before turning away near Thermal City (Milepost Z-233.0). The CSXT right-of-way varies from 100' to 200' through the project limits. We recommend that CSXT be contacted prior to the preliminary design phase to inform them of this potential project. If it is determined that

MAILING ADDRESS:
RAIL DIVISION
ENGINEERING & SAFETY BRANCH
1556 MSC
RALEIGH NC 27699-1556

TELEPHONE: 919-715-8803
FAX: 919-715-8804

WEBSITE: www.bytrain.org

LOCATION:
CAPITAL YARD
862 CAPITAL BOULEVARD
RALEIGH, NC 27603

widening of US 221 would encroach upon CSXT right-of-way, we recommend relocating US 221 away from the railroad by the amount necessary to remove the encroachment.

Also, both NS and CSXT should be contacted to determine the presence and location of train control signals and fiber optic cables within the project limits.

Thank you for your assistance in notifying the Rail Division of this project. If we can be of further assistance, please contact me at (919) 715-8741.

BLE

Cc: File



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY PO BOX 3279, ASHEVILLE, NC 28802
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 7, 2002

Project Number: 6.899002T
TIP Number: R-2597
Counties: McDowell-Rutherford

"Widen US 221 to Multi-Lanes from SR 1536 in Rutherford County to
SR 1153 in McDowell County"

MEMORANDUM TO: Gail Grimes, PE
PD & EA Branch

FROM: M. R. Phillips, PE *m r p*
Division Construction Engineer

SUBJECT: Comments on Proposed Improvements to US 221

Division 13 has the following comments on this project:

1. We agree that a four-lane divided section with a 46-foot median is desirable.
2. The existing road should be used as much as possible for two lanes of the proposed four-lane divided section. This would make traffic control easier as well as being more cost effective. At other locations, the best-fit alternate should be used.
3. Replacement of the Bridge 17 over the Second Broad River (Tip #B-3673) should be combined with this project.
4. Control of access was not mentioned. Partial control is probably the most feasible.
5. The Division Environmental Officer looked over the project and did not identify any critical environmental issues.
6. Bridge demolition should be according to best practices. The existing superstructure should not be dropped into the river during demolition.

Subject: R-2597 Scoping Comments

Date: Thu, 05 Sep 2002 14:44:02 -0400

From: "Nya K. Boayue PE" <nkboayue@dot.state.nc.us>

Organization: North Carolina Department of Transportation

To: John Wadsworth <jwadsworth@dot.state.nc.us>

CC: "Jay A. Bennett PE" <jbennett@dot.state.nc.us> ,
"Ted S. Walls" <tswalls@dot.state.nc.us>

We (Roadway Design) have reviewed the information sent requesting scoping comments for the subject project. We do not have any comments at this time.

Thanks



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

August 29, 2002

COUNTY: McDowell/Rutherford
STATE PROJECT#: 6.899002T
I.D. #: R-2597
DESCRIPTION: US 221 from SR1536 in Rutherford County to SR 1153 in McDowell County

MEMORANDUM TO: L. Gail Grimes, P.E., Assistant Manager
Project Development and Environmental Analysis Branch

FROM: Robert L. Haskett, Jr. *Robert L. Haskett, Jr.*
Senior Right of Way Agent

SUBJECT: Comments on the above-referenced project

A survey of the above-referenced project improvement was made on August 28, 2002, in reference to your memorandum, dated July 29, 2002, to Mr. John B. Williamson, Jr., Right of Way Branch Manager. The following possible areas of concern were noted (beginning in Rutherford County at SR 1536 and then proceeding North into McDowell County):

Gold Hill Missionary Baptist Church (just across US 221 from SR 1535) may sustain considerable proximity damage from project.

There is a Phillips 66 gasoline station just North of Oak Springs Road.

There is a large lumber mill fronting on US 221 North of its intersection with SR 1527. Depending on the proposed alignment, there could be quite significant damages to this site due to loss of storage areas, changes in access, and loss of available one story frame office building.

Gilkey Baptist Church (at intersection of US 221 and SR 1362) may suffer severe damages due to proximity and loss of available parking.

There is a large radio transmitter tower located very near to US 221, just North of SR 1325.

In McDowell County, Vein Mountain Baptist Church could suffer substantial damages due to proximity and possible loss of parking. Also, the church cemetery is located to the South of the church parking area and, depending on the alignment, could possibly be affected.

Heather Grove Gold and Gem, North of the intersection with SR 1781, would appear to be required to relocate (depending on alignment).

Arrowood's Garage (at Spooky Hollow Road) may suffer considerable damages due to proximity and loss of parking.

Glenwood Independent Baptist Church, just past SR 1135, could suffer substantial damages due to loss of parking areas and proximity to church building.

Davis Heavy Truck Repair, just North of SR 1150, possible loss of parking and proximity.

Glenwood Garage, just past SR 1152, could suffer damages due to loss of parking and proximity.

There is an Exxon gasoline station located between SR 1152 and SR 1153.

Depending upon the alignment, there will be several residential and business relocatees due to this project.

There are several large metal utility transmission towers that may be required to be relocated due to the project.

Also, there may be the possibility of soil contamination from UST's and chemicals at the numerous garages and gasoline stations that were noted on the proposed project.

If additional information is needed, please feel free to contact this office at (828) 274-8435.

RLH,Jr./cyg

cc: David M. Bailey, Assistant State Right of Way Agent
Mr. Joe Thompson, Area Negotiator
File

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
79 TURTLE CREEK DRIVE
ASHEVILLE, NC 28803

TELEPHONE: 828-274-8435
FAX: 828-277-8142

WEBSITE: WWW.DOH.DOT.STATE.NC.US



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

RIGHT OF WAY BRANCH
1546 MAIL SERVICE CENTER RALEIGH N C 27699-1546
PHONE (919) 733-4420 FAX (919) 733-4440

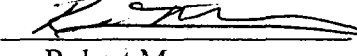
LYNDO TIPPETT
SECRETARY

September 10, 2002

STATE PROJECT: 6.899002T (R-2597)
F. A. PROJECT: N/A
COUNTY: McDowell

MEMORANDUM TO: Ms. L. Gail Grimes, P.E.
Asst. Manager
Project Development Environmental Analysis Branch
ATTN: Mr. John Wadsworth, P.E.

FROM: Mr. Aydren D. Flowers
State Utility Agent

BY: 
Robert Memory
Asst. State Utility Agent

SUBJECT: Utility Conflicts – Comments for the Proposed Improvements to
US 221 from SR 1536 in Rutherford County to SR 1153 in
McDowell County.

This memorandum is in regards to utility relocations due to the above-mentioned project and the potential environmental impacts to the project.

A field review was not conducted by this office to determine the type of utilities and possible impact regarding utility conflicts. My understanding of this situation is that US 221 is being studied to widen from an existing two-lane roadway to four-lanes.

Pursuant to your request, the **worst case scenario** concerning utility relocations and the possible environmental impact would deal with aerial power facilities (distribution lines) located parallel to the highway rights of way. By widening the existing roadway, the utility poles would be relocated in order to accommodate for the proposed construction.

The Department's responsibility in coordinating the relocation of utilities is to establish a new location for setting their facilities in order to clear the proposed highway construction and the highway clear recovery area (clear zone). In order to meet the minimum specifications, the possible locations of the relocated poles would place them one (1) foot inside the State's highway rights of way, back of the proposed ditch, or a minimum of six (6') feet back of proposed curbs. These minimum specifications as noted above does not always meet the NCDOT criteria in establishing a clear zone. Once the new pole alignment is established, the power company would still need an additional fifteen (15') feet of clearing to the back side of their facilities opposite from the roadway. Due to the terrain in this area, the utility company setting poles could be limited on pole placement in order to maintain a safe clear zone for the traveling public.

From an environmental impact view concerning the relocation of utilities for highway construction, the relocation of power distribution lines could require an additional fifteen (15') feet of clearing outside the State highway rights of way. However, in order to accommodate the relocation of power transmission lines, large pipelines, proposed highway structures and detours, additional clearing beyond fifteen (15') outside the State right of way might be needed.

On this particular project, the utility companies located in this area would most likely attempt to relocate their facilities on the same side of the project they presently maintain. The relocated distribution line would be aerial since the cost to bury is not feasible or practical due to operational maintenance problems. Utilities crossing this project perpendicular should have little or no impact concerning environmental issues.

If you have any questions concerning this matter, please contact me at (919) 733-7932, Ext. 362.

ADF:RM:cam
(mr-2597)



EMERGENCY MANAGEMENT AGENCY

McDOWELL COUNTY

EMERGENCY SERVICES

60 East Court Street
Marion, North Carolina 28752
828-652-3982
Fax: 828-659-2782
E-Mail: mcdems@wnclink.com



EMERGENCY MEDICAL SERVICES

August 2, 2002

State of North Carolina
Department of Transportation
L. Gail Grimes, P.E., Assistant Manager
Project Development and Environmental Analysis
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Re: Comments. State Project No. 6.899002T TIP Project R-2597 US 221 from SR 1536 in
Rutherford County to SR 1153 in McDowell County

Dear Ms. Grimes:

Thank you for the opportunity to comment on the above project.

Although there will be a need for bridge replacement and slowing of traffic in completing this project, please be advised that alternate routes are available for emergency response to citizens within the area.

McDowell County Emergency Service will be happy to cooperate with your agency during all periods of the project.

Should you need further information, please feel free to call this office.

Respectfully,

Carroll W. Hemphill

Carroll W. Hemphill, Director

CWH/ml

cc: Charles R. Abernathy, Jr.

McDOWELL COUNTY

EMERGENCY SERVICES



EMERGENCY MANAGEMENT AGENCY

60 East Court Street
Marion, North Carolina 28752
828-652-3982
Fax: 828-659-2782
E-Mail: mcdems@wnclink.com



EMERGENCY MEDICAL SERVICES

October 1, 2003

Mr. John Wadesorth, PE
NCDOT – Project Development and
Environmental Analysis Branch
1548 Mail Service Center
Raleigh, NC 27699-1548

Re: Improvements to US 221 from Old US221 (SR1536) to US221-NC226
Rutherford and McDowell County

TIP Project R-2597 and R-204 D & E

COMMENTS

Safety Issues / Project Design:

Thinking about “safety issues” associated with emergency response of vehicles, EMS / Fire / Rescue / Law Enforcement we believe it to be in the best interest of everyone that the highway be of a five lane type with curb and guttering. Should a five lane highway not be financially feasible for the entire project, that at least a five lane highway be constructed from the Mud Cut Road (SR1135) Intersection North to the tie in at the 221 North (Marion By-Pass). We believe that a five lane highway would be safer and allow emergency vehicles to reach their designation quickly and in a safe manner.

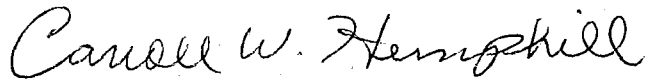
That special considerations of design be given not only to the highway travel lanes, but special consideration to the design of intersection and their sight distances. This is extremely important being that the present posted speed is an open highway 55 MPH. There are several very dangerous intersections on Highway 221 South. They include: Mud Cut Road intersection, Firehouse Way Intersection, Goose Creek Road intersection, Ashworth Road Intersection, Old 221 South intersection just south of I-40 and many rear end type collisions at 221 South and its intersection with (I-40). We believe that accidents records will reveal many accidents at these intersections. Most all these intersections are travel routes for not only emergency vehicles but also school busses. Consideration could be given to some of these intersection be signaled controlled.

We also would encourage that the Glenwood / Chapel Hill Communities be allowed public information sessions not only for the purpose of allowing public input but also for the citizens to be kept abreast of project progress. This office would be happy to coordinate these meetings by securing facilities.

Please feel free to call this office at any time.

Thank you for the opportunity to comment on this project.

Respectfully,

A handwritten signature in cursive script that reads "Carroll W. Hemphill". The signature is written in black ink and is positioned above the printed name.

Carroll W. Hemphill, Director

CC: County Manager
Grayson England

Gilland, Ken

From: Qubain, Joseph <jqubain@ncdot.gov>
Sent: Wednesday, October 19, 2011 4:49 PM
To: Beckwith, Loretta A SAW
Cc: Hart, Teresa A
Subject: RE: SEA for US 221 (STIP R-2597/R-204 D & E) and USACE requirements (UNCLASSIFIED)

Good Afternoon,

As agreed we will handle this by email, and not in the FONSI.

1) You are right that this is a State EA and a state funded project. But it has been our experience that funding sources change, and in an effort to be ready if this becomes funded by the FHWA, we have had them involved and aware of the project. An argument can be made not to have them sign the forms, but if at the last minute this becomes federally funded, then "all our ducks are in a row" and we can proceed with the project with hardly any change or effort in our NEPA process.

2) In the EA we have not included a preferred alternative. That will be determined in CP3 and after our Public Hearing. You are right that in has be done both ways, but our thinking is to get the stakeholders input and share it with the Merger Team prior to the selection that will be done in CP3. In my personal experience I have found that the EPA will not sign off on CP3 without a published document.

3) Unfortunately I do not have a copy of the EA in my new office, but if memory serves me, this is a site which we were not given access to by the owner. This was discussed with our Human Environment Unit and they indicated that this is not a problem. According to their present process, they usually survey these sites after CP3. Unfortunately this project, because on the alignment issue at the bridge, was sort on hold for a few years, and our process has changed.

As for the other comments in your email, as you mentioned in our phone call, these do not pertain to the EA and you had discussed them with Carla.

If you have any further questions, I will be more than glad to answer them.

Until another Project Manager is assigned, I will continue to help were I can.

Although I check the voice mail on my PDEA phone, I can be also reached at 919 - 733 -2520.

Have a nice evening,

Joseph

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

From: Beckwith, Loretta A SAW [mailto:Loretta.A.Beckwith@usace.army.mil]
Sent: Wednesday, October 19, 2011 4:10 PM
To: Qubain, Joseph
Subject: FW: SEA for US 221 (STIP R-2597/R-204 D & E) and USACE requirements (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Joseph,

As we discussed, here are the comments/questions on US 221 (#1-3). We can probably handle these by phone or e-mail.

Thanks,

Lori

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

From: Beckwith, Loretta A SAW

Sent: Wednesday, October 19, 2011 3:33 PM

To: 'thart@ncdot.gov'

Cc: 'Dagnino, Carla S'; Jones, Scott SAW; McLendon, Scott C SAW

Subject: SEA for US 221 (STIP R-2597/R-204 D & E) and USACE requirements (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Hello Teresa,

This message concerns comments on the SEA for US 221 widening (STIP R-2597/R-204 D & E). I'm sending this e-mail to you because I understand that Joseph is no longer the project manager. If this is not correct, please let me know and/or forward this to the correct project manager.

I reviewed the document and have the following comments/questions. Please let me know if you need me to explain any of my comments.

1. I understood that this is a state project and the USACE is the lead federal agency - this is correct, right? If so, please detail why the FHWA signed the CP forms and the concurrence form for properties not eligible for the NHRP (Appendix E) and why the USACE didn't sign the properties not eligible form.
2. I may have overlooked it, but which set of segments (for those segments with multiple options) comprise DOT's preferred alternative? If not in the EA, will the preferred alternative be identified in the FONSI? I've seen it done both ways (in the EA and in the FONSI) - which way is the norm?
3. On page 76 of the SEA, what are the predicted effects on 31MC285/285** if it cannot be avoided? I don't see if referenced in the June 26, 2007, letter from the SHPO (Appendix E). Did the SHPO send any correspondence about this site?

Carla asked me to review the document and comment on how/if it addresses USACE requirements (404(b)(1) guidelines and the public interest review PIR)); these requirements are in addition to our NEPA requirements and we must complete these analyses in order to make a permit decision.

The following comments concerning required information for our guidelines and PIR analysis do not need to be addressed in this SEA - I'm simply providing this information to Carla, as requested, but please be aware that we will need this information in order to evaluate your project and determine if it can be authorized - the following information for this project can be submitted with the application, during the public comment period, etc.

Again, for future projects, you may want to discuss (internally) if/how you want to package/provide all of this information and then engage Scott McLendon (USACE Team Leader for DOT) for input from the USACE.

Details of the Public Interest Review - we are required to determine if a permit can be issued based on an evaluation of the probable impact(s), including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impact(s) which the proposed activity may have on the public interest requires a careful weighing of all those factors which are relevant in each particular case. All factors which may be relevant to the proposal must be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretions, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

Most of these resource areas (both baseline and expected effects) were examined in the SEA for this project with the following exceptions:

conservation, aesthetics (although topography was discussed), floodplain values (had baseline but no anticipated impacts), water supply (for HWYs need info re impervious surfaces, anticipated effects of recharge, etc.), and energy needs.

For the guidelines, the categories are physical substrate; water circulation, fluctuation, and salinity; suspended particulate/turbidity; contaminant availability; aquatic ecosystem effects; proposed disposal site; cumulative effects, and; secondary effects.

Carla, descriptions/explanations for the PIR and guidelines are in the template documents that I've sent you (the old format and the new one).

Also, please ensure that all alternatives examined, to include avoidance, minimization of impacts (modified project designs, all minimization effects, etc.) are described in detail and explain why each alternative was or wasn't chosen as the preferred alternative.

As noted in the SEA, please note that the delineation for waters of the U.S. was last verified in March 2005 and verifications are valid for 5 years only.

I've provided the information above in an effort to explain the information I'll need, specific to this project. For all future programmatic (vs. project specific) issues/questions, such as the information we need for every project, possible formats for providing this information, etc., please contact Scott McLendon.

Thank you,

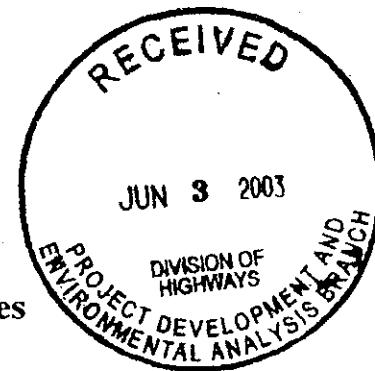
Lori Beckwith

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

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



North Carolina Department of Cultural Resources
State Historic Preservation Office

David L. S. Brook, Administrator

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

Division of Historical Resources
David J. Olson, Director

May 23, 2003

MEMORANDUM

TO: Greg Thorpe, Manager
Project Development and Environmental Analysis Branch
NCDOT Division of Highways

FROM: David Brook *for David Brook*

SUBJECT: Historic/Architectural Resources Survey Report, Widen US 221 from
SR 1536 in Rutherford County to I-40 in McDowell County, R-2597,
Rutherford and McDowell Counties, CH02-10510

Thank you for your letter of April 29, 2003, transmitting the survey report by Frances P. Alexander of Mattson, Alexander and Associates.

For purposes of compliance with Section 106 of the National Historic Preservation Act, we concur that the following properties are eligible for listing in the National Register of Historic Places under the criterion cited:

William Monteith House, Gilkey, Rutherford County
Albert Weaver Farm, Thermal City, Rutherford County
B. G. Hensley House, Glenwood vicinity, McDowell County

The William Monteith House, west side of US 221, 0.1 mile north of SR 1351, Gilkey, Rutherford County, is eligible for the National Register under Criterion C for architecture. The Monteith House is an especially fine expression of the Queen Anne style in Rutherford County. We concur with the proposed National Register boundaries as described and delineated in the report.

The Albert Weaver Farm, west side of SR 1321, 0.1 mile west of US 221, Thermal City, Rutherford County, is eligible for the National Register under Criterion A for agriculture and Criterion C for architecture. The farmhouse and its collection of intact and in-place outbuildings and pristine fields neatly illustrates the middling, cash crop farmsteads that

www.hpo.dcr.state.nc.us

	Location	Mailing Address	Telephone/Fax
ADMINISTRATION	507 N. Blount St., Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919) 733-4763 • 733-8653
RESTORATION	515 N. Blount St., Raleigh NC	4613 Mail Service Center, Raleigh NC 27699-4613	(919) 733-6547 • 715-4801
SURVEY & PLANNING	515 N. Blount St., Raleigh NC	4618 Mail Service Center, Raleigh NC 27699-4618	(919) 733-6545 • 715-4801

developed along the Second Broad River area during the late nineteenth and early twentieth centuries. In addition, the T-Plan house is a fine example of the nationally popular designs that gradually characterized larger farmsteads in the area with the arrival of the railroad and commercial farming. We concur with the proposed National Register boundaries as described and delineated in the report.

The B. G. Hensley House, east side of US 221 0.3 mile south of SR 1318 and 0.1 mile down an unpaved lane, Glenwood vicinity, McDowell County, is eligible for the National Register under Criterion C for architecture. The house is a notable variation of the traditional two-story single pile form in western North Carolina. We concur with the proposed National Register boundaries as described and delineated in the survey report.

The following properties are determined not eligible for listing in the National Register of Historic Places:

1-4; 6-22; 24-35; and 37.

We would also like to reiterate that our previous findings still stand in the Historical Architectural Resources Report, Widen US 221 from South Carolina state line to SR 1536 north of Rutherfordton, R-2233 A&B. In addition, we would like to request an addendum to the R-2233 A&B report. We request a full evaluation of Gilbert Town, placed on the North Carolina Study List in 2001, and surveyed by the National Park Service Battlefield Protection Program. The Gilbert Town study area boundary is in the vicinity of this project area. The project has the potential to impact this historic landscape.

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, 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: Mary Pope Furr
Frances P. Alexander, Mattson, Alexander and Associates



**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

June 26, 2007

MEMORANDUM

TO: Matt Wilkerson, Archaeology Supervisor
Division of Highways
North Carolina Department of Transportation

FROM: Peter Sandbeck *PS for Peter Sandbeck*

SUBJECT: US 221, SR 1536 to SR 1153, R-2597, McDowell and Rutherford Counties, CH 02-10510

Thank you for your letter transmitting the archaeological survey report by Legacy Research Associates, Inc. for the above project. We apologize for the delay in our response. The report meets our guidelines and those of the Secretary of the Interior. Specific concerns, which need to be addressed, are attached for the author's use.

During the course of the survey, six archaeological sites were located within the project area and two cemeteries were recorded adjacent to the APE. For purposes of compliance with Section 106 of the National Historic Preservation Act, we concur that the following property is eligible for listing in the National Register of Historic Places under criterion D:

31RF171/171** This prehistoric and historic site at the Albert Weaver Farm has intact subsurface cultural features, a structural foundation, and associated archaeological remains.

Archaeological work conducted during the survey by Legacy Research Associates indicates that the portion of 31RF171/171** within the current project area has been previously disturbed, and therefore the site will not be adversely affected. If there are any changes to the design plans in this area, additional archaeological work will be necessary.

We concur that the following properties are ineligible for listing in the National Register:

31RF99, 31RF168, 31RF169, 31RF170, and 31MC330

None of these sites retains sufficient integrity to yield information important to history or prehistory, and no further work is recommended.

	Location	Mailing Address	Telephone/Fax
ADMINISTRATION	507 N. Blount Street, Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-4763/733-8653
RESTORATION	515 N. Blount Street, Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-6547/715-4801
SURVEY & PLANNING	515 N. Blount Street, Raleigh, NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919)733-6545/715-4801

The significance of 31RF167** was not assessed during the survey because of denial of access to the property. Additional testing will be necessary to determine the presence of significant cultural deposits if this site is to be affected by the proposed project.

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, contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763 ext. 246. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Deborah Joy, Legacy Research Associates, Inc.

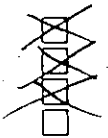
**CONCURRENCE FORM FOR PROPERTIES NOT ELIGIBLE FOR
THE NATIONAL REGISTER OF HISTORIC PLACES**

Project Description: Widen US 221 from SR 1536 to Interstate 40.

On 02/04/2003, representatives of the

CITIZENS FOR THE PROJECT
RECEIVED

FEB 11 2003



North Carolina Department of Transportation (NCDOT)
Federal Highway Administration (FHWA)
North Carolina State Historic Preservation Office (HPO)
Other

Reviewed the subject project at



Scoping meeting
Historic architectural resources photograph review session/consultation
Other

All parties present agreed

- ☐ There are no properties over fifty years old within the project's area of potential effects.
- ☒ There are no properties less than fifty years old which are considered to meet Criteria Consideration G within the project's area of potential effects.
- ☒ There are properties over fifty years old within the project's Area of Potential Effects (APE), but based on the historical information available and the photographs of each property, the property identified as 1-4, 6-22, 24-35, 37 & 38 is considered not eligible for the National Register and no further evaluation of it is necessary.
- ☐ There are no National Register-listed or Study Listed properties within the project's area of potential effects.
- ☐ All properties greater than 50 years of age located in the APE have been considered at this consultation, and based upon the above concurrence, all compliance for historic architecture with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.
- ☐ There are no historic properties affected by this project. (Attach any notes or documents as needed)

Signed:

Mary Pope
Representative, NCDOT

2.4.2003

Date

Ruth A.

FHWA, for the Division Administrator, or other Federal Agency

2/4/03

Date

David R. Smith
Representative, HPO

2/4/03

Date

David Smith
State Historic Preservation Officer

2/7/03

Date

If a survey report is prepared, a final copy of this form and the attached list will be included.

**U.S. EPA REGION 4 RALEIGH OFFICE
TERRY SANFORD FEDERAL COURTHOUSE
310 NEW BERN AVENUE
RALEIGH, NORTH CAROLINA 27601**

Date: September 30, 2011

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

SUBJECT: EPA Review Comments of the State Environmental Assessment (EA) for the US 221 Improvements, Rutherford and McDowell Counties, North Carolina; TIP Nos.: R-2597/R-204D&E

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency Region 4 (EPA) has reviewed the subject document and is commenting consistent 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) proposes widening and new location sections along US 221 between the towns of Rutherfordton (from north of SR 1366/Roper Loop Road) and Marion (US 221-NC-226). The length of the combined projects is approximately 19 miles.

The proposed project is included in the NEPA/Section 404 Merger process due to the anticipation of jurisdictional impacts to wetlands and streams. EPA has been involved with the proposed project since July of 2002. Concurrence point 1, Purpose and Need was concurred upon on October 16, 2002. Concurrence point 2, Detailed Study Alternatives was signed on August 17, 2004. On June 9, 2011, EPA concurred on the revised Concurrence point 2 for Detailed Study Alternatives and Concurrence point 2A, Bridging and Alignment Decisions.

For segments A1, C, E1, and H, there is one preferred alignment that was studied in detail in the EA. Other segments include B1, B2 or B3, D or D1, F1 or F2, and G1 or G2. EPA's detailed technical review comments are included in an attachment (See Attachment A).

In summary, EPA proposes to continue to coordinate with NCDOT and other Merger team agencies on the selection of the Least Environmental Damaging Practicable Alternative (LEDPA). EPA has not identified an environmentally preferred alternative at this time for segments 'B' and 'G'. EPA recommends the selection of Alternatives D1 and F1 for those segments under consideration. EPA is requesting a copy of the Finding

of No Significant Impact (FNSI) when it becomes available. Should you or your staff have any questions, please feel free to call me at 919-856-4206 or contact me by e-mail at militscher.chris@epa.gov. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Militscher', with a long horizontal flourish extending to the right.

Christopher A. Militscher, REM, CHMM
Merger Team Representative

For: Heinz J. Mueller, Chief
EPA Region 4 NEPA Program Office

cc: S. Hair, USACE
A. Euliss, NCDWQ

Attachment A
State EA Detailed Technical Comments
US 221 Improvements
Rutherford and McDowell Counties
R-2597/R-204D&E

Stream and Wetland Impacts

Segments A1, C, E1, and H have a combined total of 5,717 linear feet of jurisdictional stream impacts and 0.28 acres of jurisdictional wetland impacts. Alternatives B1, B2 and B3 have 1,351, 1,515, and 1,615 linear feet of jurisdictional stream impacts, respectively. Alternatives B1, B2 and B3 have the same impact to jurisdictional wetland impacts of 0.02 acres. EPA does not have an identified environmental preference for the 'B' segment alternatives and requests input from other Merger team agencies at the future Concurrence point 3, meeting. There are other human resources potentially impacted and that may need to be considered (e.g., B1 has an Adverse Effect on a historic property). For Alternatives D and D1, there are 3,685 and 3,529 linear feet of jurisdictional stream impacts, respectively. Both D and D1 have the same wetland impact of 0.06 acres. EPA has identified Alternative D1 as its environmentally preferred alternative because of lesser impacts to streams, fewer residential and business relocations, lesser impacts to prime and important farmlands, fewer impacts to terrestrial communities and lesser impacts to regulated floodplain areas. For Alternatives F1 and F2, there are 589 and 603 linear feet of jurisdictional stream impacts, respectively. Both F1 and F2 do not impact jurisdictional wetlands. EPA has identified Alternative F1 as its environmentally preferred alternative because of lesser impacts to streams, fewer business relocations, and avoids a church. Other human and natural resource impacts are not statistically that different or are the same between the alternatives. For Alternatives G1 and G2, the jurisdictional stream impacts are the same for both alternatives at 647 linear feet. There are no wetland impacts for either alternative. EPA has not identified an environmentally preferred alternative for this segment.

All of the streams in the project study area are classified under the North Carolina Division of Water Quality (NCDWQ) as either Water Supply (WS) V or Class C. Major streams in the project study area include tributaries to Mountain Creek, Cathey's Creek, Stoney Creek, Second Broad River, Rockhouse Creek, Scrub Grass Branch, Stanfords Creek, North Muddy Creek, Hicks Branch, and Corpening Creek. Corpening Creek (also known as Youngs Fork) is listed on the Draft 2010 Section 303(d) list for impaired waters. According to the EA, it was originally listed in 1998. Impacts to tributaries to Corpening Creek are estimated to 1,214 linear feet (Segment H). EPA requests that NCDOT consider the most stringent Best Management Practices (BMPs) for stormwater controls in this area of the proposed project.

The EA identifies several avoidance and minimization measures that may be implemented for the proposed project, including slope reductions, median reductions and

bridging (e.g., Cathey's Creek). EPA will continue to work with NCDOT and other Merger team agencies on final avoidance and minimization measures during the NEPA/Section 404 Merger process. Compensatory mitigation for unavoidable impacts to jurisdictional resources are proposed to be addressed through the N.C. Ecosystem Enhancement Program (EEP).

Other Natural Resources Impacts

Based upon the summary of environmental impacts (i.e., Table S.1), other natural resources impacts include a range of terrestrial forest impacts from 559.9 acres to 576.6 acres depending upon the alternatives selected. There are no impacts identified for Federally-listed threatened and endangered species or gamelands. Total floodplain impacts are estimated to be 8.32 acres or less depending upon the alternatives selected.

Human Resources Impacts

Total residential relocations range from 105 to 110 depending upon the alternatives selected. Total business relocations range from 40 to 48 depending upon the alternatives selected. Twenty-two (22) of the business relocations occur in segments E1 and H. Similarly, 70 residential relocations will be in segments C, E1 and H.

There are no parks or schools anticipated to be impacted from the proposed project. One (1) church and 1 historic resource could possibly be relocated and adversely effected, respectively, if Alternative B1 is selected.

Impacts to prime and important farmlands range between 149.6 acres and 159.4 acres depending upon the alternatives selected. NCDOT reports in the EA that local agencies were contacted concerning impacts to Voluntary Agricultural (Farmland) Districts (VADs) within the project study area but no response has been provided (Page 79). Both Rutherford and McDowell Counties adopted VAD ordinances.

Environmental justice issues are discussed on Pages 81-83 of the EA. Relocation impacts are not believed to represent a disproportionately high or adverse impact to minority or low-income populations.

Two private recreational type facilities (businesses) are anticipated to be impacted by the selection of either D or D1 in this segment of the proposed project. Several major transmission towers are also anticipated to be impacted from the proposed project in the 'D' and 'G' segments.



North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Moses Carey, Jr., Secretary

November 15, 2011

Mr. Joseph Qubain
N.C. Dept. of Transportation
Project Dev. & Env. Analysis Branch
1548 Mail Service Center
Raleigh, NC 27699-1548

Re: SCH File # 12-E-4220-0077; EA; Proposed construction of a multi-lane widening from the US 221-NC 226 Split to SR 1153 (Goose Creek Rd.) TIP #R-204D&E and TIP #R-2597

Dear Mr. Qubain:

The above referenced environmental impact information has been reviewed through the State Clearinghouse under the provisions of the North Carolina Environmental Policy Act.

Attached to this letter are comments made in the review of this document. Because of the nature of the comments, it has been determined that no further State Clearinghouse review action on your part is needed for compliance with the North Carolina Environmental Policy Act. The attached comments should be taken into consideration in project development.

Sincerely,

A handwritten signature in black ink, appearing to read "W. H. Creech".

William E. H. Creech

Attachments

cc: Region C

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail state.clearinghouse@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina




North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

MEMORANDUM

TO: Zeke Creech
State Clearinghouse

FROM: Melba McGee 
Project Review Coordinator

RE: 12-0077 - US 221 Improvements in McDowell and Rutherford Counties

DATE: November 10, 2011

The attached comments were received by this office after the response due date. These comments should be forwarded to the applicant and made a part of our previous comment package.

Thank you for the opportunity to respond.

Attachment



North Carolina Department of Environment and Natural Resources
Office of Conservation, Planning, and Community Affairs

Beverly Eaves Perdue, Governor

Linda Pearsall, Director

Dee Freeman, Secretary

November 4, 2011

To: Melba McGee, Environmental Coordinator
From: Laura Gadd, Botanist, NC Natural Heritage Program
Re: Environmental Review of the proposed US 221 Improvements in McDowell and Rutherford County, NC.
Project: 12-0077

The NC Natural Heritage Program has current records of Significant Natural Heritage Areas and rare species within one mile of the proposed improvement corridor of US 221, as shown in the Environmental Assessment provided for this project.

Three Significant Natural Heritage Areas (SNHAs) occur within one mile of US 221 corridor:

Rocky Face Mountain and Cedar Knob. This is a state significant site due to a large cluster of rare plant species including state-significant occurrences of *Asplenium pinnatifidum* and *Prunus alleghaniensis*, as well as populations of *Berberis canadensis* and *Eupatorium godfreyanum*, and several rare bryophytes. Large site contains extensive forest communities typical of the western piedmont and mountains, excellent examples of Low Elevation Rocky Summit with clear influence from mafic rock embedded by fairly extensive examples of widespread forest community types.

Bovender Farm. This site has a state significant population of *Quercus prinoides*, as well as regionally significant occurrences of *Baptisia albenscens* and *Thermopsis mollis*. Also present are a number of Watch List species.

Montford Cove/Chestnut Mountain. This site is significant for its fairly mature examples of Dry-mesic Oak-Hickory Forests and Rich cove forests.

Rare animal species reported within one mile of the project area:

Bog Turtle (*Glyptemys muhlenbergii*) – US: Threatened, NC: Threatened

Rare plants species within one mile of the project area

Dwarf Chinquapin Oak (*Quercus prinoides*) – NC: Endangered
Divided-leaf Ragwort (*Packera millefolium*) – US: Federal Species of Concern, NC: Threatened
Sweet White Trillium (*Trillium simile*) – NC: Threatened
Rough Blazing-star (*Liatris aspera*) – NC: Threatened
Smooth Sunflower (*Helianthus laevigatus*) -NC: Special Concern-Vulnerable
American Barberry (*Berberis canadensis*)-NC: Special Concern-Vulnerable
Pringle's Water Feather Moss (*Oxyrrhynchium pringlei*) – NC: Significantly Rare

There are two rare plant species with historical records that were once known to occur adjacent to US 221:

Creamy Wild Indigo (*Baptisia bracteata*) – NC: Special Concern-Historical
Pale Coneflower (*Echinacea pallida*) – NC: Significantly Rare

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These species records, both current and historical, listed above indicate an increased potential for them occurring within the project areas if suitable habitat exists there. Please contact the NC Wildlife Resources Commission, US Fish and Wildlife Service, and/or the NC Natural Heritage Program if these or other rare species are found within the project area. If rare species are found or if construction is proposed within SNHAs, we request that you design the project to minimize impacts to the rare species populations and their habitat.

Although no rare species have recently yet been reported from the immediate project area, the use of Natural Heritage Program data should not be substituted for actual field surveys, particularly if the project area contains suitable habitat for rare species, significant natural communities, or priority natural areas.

You may wish to check the Natural Heritage Program database website at www.ncnhp.org for a listing of rare plants and animals and significant natural communities in the county and on the quad map. Our Program also has a new website that allows users to obtain information on element occurrences and significant natural heritage areas within two miles of a given location: http://nhpweb.enr.state.nc.us/public/virtual_workroom.phtml. To log-in, see the instructions on the log-in screen. You may want to click "Help" for more information, once you get into the website.

Please do not hesitate to contact me at 919-707-8647 if you have questions or need further information.

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NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: MCDOWELL

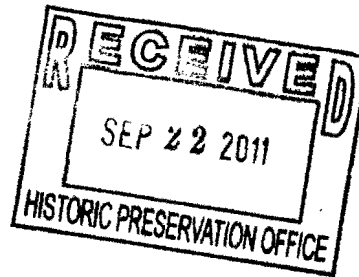
F02: HIGHWAYS AND ROADS

STATE NUMBER: 12-E-4220-0077

DATE RECEIVED: 09/19/2011

AGENCY RESPONSE: 11/02/2011

REVIEW CLOSED: 11/07/2011



MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORDINATOR
DEPT OF CULTURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
MSC 4617 - ARCHIVES BUILDING
RALEIGH NC

ER 02-8048

*Draft letter -
A - LGH/BJS 10/6/11*

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DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION
ISOTHERMAL PLANN & ECON DEV

Due 9/29/11

PROJECT INFORMATION

APPLICANT: N.C. Dept. of Transportation
TYPE: State Environmental Policy Act
Environmental Assessment

*Due 10/21/11 Σ NC EA
10/10/11*

DESC: Proposed construction of a multi-lane widening from the US 221-NC 226 Split to SR 1153 (Goose Creek Rd.) TIP #R-204D&E and TIP #R-2597

CROSS-REFERENCE NUMBER: 02-E-4220-0266

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: ☐ NO COMMENT ☒ COMMENTS ATTACHED

SIGNED BY:

Renee Gledhill-Earley

DATE:

10.21.11



SEP 23 2011



**North Carolina Department of Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Beverly Eaves Perdue, Governor
Linda A. Carlisle, Secretary
Jeffrey J. Crow, Deputy Secretary

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

October 20, 2011

MEMORANDUM

TO: Greg Thorpe, Ph.D., Director
Project Development and Environmental Analysis Branch
NCDOT Division of Highways

FROM: Claudia Brown *PSE for Claudia Brown*

SUBJECT: US 221 Improvements, R-2597 and R-204D&E, McDowell and Rutherford Counties,
ER 02-8048



We have received the Environmental Assessment for the above projects from the State Clearinghouse.

The Environmental Assessment documents the additional archaeological work required prior to the initiation of US 221 construction activities. For R-2597, the significance of archaeological site 31RF167 has not been evaluated and a portion of Segment C has not been surveyed. It is our understanding that additional archaeological work will be undertaken at these two locations after acquisition of right-of-way. We look forward to receiving the archaeological survey report detailing the results of the survey and evaluation.

For R-204D&E, one archaeological site, 31MC285 will be the focus of limited data recovery excavation. We look forward to receiving the Data Recovery Plan for review.

We believe the EA adequately addresses our concerns for historic structures.

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: Matt Wilkerson, NCDOT
State Clearinghouse

**NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW**

COUNTY: MCDOWELL

F02: HIGHWAYS AND ROADS

STATE NUMBER: 12-E-4220-0077

DATE RECEIVED: 09/19/2011

AGENCY RESPONSE: 11/02/2011

REVIEW CLOSED: 11/07/2011

MS SUSAN DECATSYE
CLEARINGHOUSE COORDINATOR
DEPT OF AGRICULTURE
1001 MSC - AGRICULTURE BLDG
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DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION
ISOTHERMAL PLANN & ECON DEV

PROJECT INFORMATION

APPLICANT: N.C. Dept. of Transportation
TYPE: State Environmental Policy Act
Environmental Assessment

DESC: Proposed construction of a multi-lane widening from the US 221-NC 226 Split to SR 1153 (Goose Creek Rd.) TIP #R-204D&E and TIP #R-2597

CROSS-REFERENCE NUMBER: 02-E-4220-0266

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: ☐ NO COMMENT ☒ COMMENTS ATTACHED

SIGNED BY: *Susan DeCatsye*

DATE: 11/2/11





Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Agricultural Services

Vernon Cox
Environmental Programs
Specialist

Ms. Sheila Green
State Clearinghouse
N.C. Department of Administration
1301 Mail Service Center
Raleigh, North Carolina 27699-1301

October 31, 2011

State #: 12-E-4220-0077

RE: Multi-lane widening of US 221-NC 226 Split to SR 1153 (TIP # R-204D&E and RIP # R-2597)

Dear Ms. Green:

Thank you for the opportunity to comment on the proposed widening of US 221-NC 226 in Rutherford and McDowell counties. The North Carolina Department of Agriculture and Consumer Services (NCDA&CS) is concerned about the conversion of North Carolina's farm and forest lands to other uses. Due to the importance of agricultural activities in the area, as well as the economy of the entire state, NCDA&CS strongly encourages the project planners to avoid conversion of agricultural land to other uses whenever possible. When avoidance is not possible, all reasonable efforts to minimize impacts to agricultural land should be implemented.

Respectfully,

Vernon Cox
Environmental Programs Specialist





North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

October 26, 2011

MEMORANDUM

To: Melba McGee, Environmental Coordinator, Office of Legislative and Intergovernmental Affairs

From: Brian Wrenn, Division of Water Quality, Transportation Permitting Unit *BW*

Subject: Comments on the State Environmental Assessment related to proposed improvements to US 221 from existing north of SR 1366 (Roper Loop Road) to existing US 221-NC 226 in Rutherford and McDowell Counties, State Project Nos. 6.899002T and 6.879005T, TIP Project Nos. R-2597 and R-204 D&E, State Clearinghouse Project No.12-0077.

This office has reviewed the referenced document dated June 30, 2011. The NC Division of Water Quality (NCDWQ) is responsible for the issuance of the Section 401 Water Quality Certification for activities that impact Waters of the U.S., including wetlands. It is our understanding that the project as presented will result in impacts to jurisdictional wetlands, streams, and other surface waters. NCDWQ offers the following comments based on review of the aforementioned document:

Project Specific Comments:

1. This project is being planned as part of the 404/NEPA Merger Process. As a participating team member, NCDWQ will continue to work with the team.
2. Corpening Creek is class C; 303(d) waters of the State. Corpening Creek is on the 303(d) list for impaired use of ecological/biological integrity for benthos. NCDWQ is very concerned with sediment and erosion impacts that could result from this project. NCDWQ recommends that the most protective sediment and erosion control BMPs be implemented in accordance with *Design Standards in Sensitive Watersheds* to reduce the risk of nutrient runoff to Corpening Creek. NCDWQ requests that road design plans provide treatment of the storm water runoff through best management practices as detailed in the most recent version of NCDWQ's *Stormwater Best Management Practices*.
3. In Section V.H. Indirect and Cumulative Effects, the documents states that the Indirect and Cumulative Effects Assessment will be updated using current methodologies. NCDWQ requests that the ICE study area be expanded. The document states that the study area was determined by drawing a perimeter ½ mile off of the project boundaries. This seems to be a very arbitrary way to determine an ICE study area boundary. Several 303(d) watersheds are located adjacent or just downstream from the current study area. In addition, several other large transportation projects are being planned/constructed just outside of the current study area. Potential effects to these 303(d) watersheds as well as the effects of the other transportation projects should be adequately assessed in this study.

4. The document is organized by presenting the narrative of the document first and providing the figures associated with the narrative in a separate Appendix at the end of the document. This makes it difficult to review the narrative while referring to the figures referenced in the narrative. Please insert the figures in appropriate locations within the narrative to facilitate reviewing the document.

General Comments:

5. The environmental document shall provide a detailed and itemized presentation of the proposed impacts to wetlands and streams with corresponding mapping. If mitigation is necessary as required by 15A NCAC 2H.0506(h), it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. Appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.
6. Environmental assessment alternatives shall consider design criteria that reduce the impacts to streams and wetlands from storm water runoff. These alternatives shall include road designs that allow for treatment of the storm water runoff through best management practices as detailed in the most recent version of NCDWQ's *Stormwater Best Management Practices*, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.
7. After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 1 acre to wetlands. In the event that mitigation is required, the mitigation plan should be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.
8. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 150 linear feet to any single stream. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as stream mitigation.
9. Future documentation, including the 401 Water Quality Certification Application, should continue to include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.
10. NCDWQ is very concerned with sediment and erosion impacts that could result from this project. NCDOT shall address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.
11. An analysis of cumulative and secondary impacts anticipated as a result of this project is required. The type and detail of analysis shall conform to the NC Division of Water Quality Policy on the assessment of secondary and cumulative impacts dated April 10, 2004.
12. NCDOT is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, and rip rap to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts,

temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.

13. Where streams must be crossed, NCDWQ prefers bridges be used in lieu of culverts. However, we realize that economic considerations often require the use of culverts. Please be advised that culverts shall be countersunk to allow unimpeded passage by fish and other aquatic organisms. Moreover, in areas where high quality wetlands or streams are impacted, a bridge may prove preferable. When applicable, NCDOT should not install the bridge bents in the creek, to the maximum extent practicable.
14. Whenever possible, NCDWQ prefers spanning structures. Spanning structures usually do not require work within the stream or grubbing of the streambanks and do not require stream channel realignment. The horizontal and vertical clearances provided by bridges shall allow for human and wildlife passage beneath the structure. Fish passage and navigation by canoeists and boaters shall not be blocked. Bridge supports (bents) shall not be placed in the stream when possible.
15. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of NCDWQ's *Stormwater Best Management Practices*.
16. Sediment and erosion control measures shall not be placed in wetlands or streams.
17. Borrow/waste areas shall avoid wetlands to the maximum extent practical. Impacts to wetlands in borrow/waste areas will need to be presented in the 401 Water Quality Certification and could precipitate compensatory mitigation.
18. The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater shall not be permitted to discharge directly into streams or surface waters.
19. Based on the information presented in the document, the magnitude of impacts to wetlands and streams may require an individual permit application to the Corps of Engineers and corresponding 401 Water Quality Certification. Please be advised that a 401 Water Quality Certification requires satisfactory protection of water quality to ensure that water quality standards are met and no wetland or stream uses are lost. Final permit authorization will require the submittal of a formal application by the NCDOT and written concurrence from NCDWQ. Please be aware that any approval will be contingent on appropriate avoidance and minimization of wetland and stream impacts to the maximum extent practical, the development of an acceptable stormwater management plan, and the inclusion of appropriate mitigation plans where appropriate.
20. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
21. If temporary access roads or detours are constructed, the site shall be graded to its preconstruction contours and elevations. Disturbed areas shall be seeded or mulched to stabilize the soil and appropriate native woody species shall be planted. When using temporary structures the area shall be cleared but not grubbed. Clearing the area with chain saws, mowers, bush-hogs, or other

mechanized equipment and leaving the stumps and root mat intact allows the area to re-vegetate naturally and minimizes soil disturbance.

22. Placement of culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
23. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation, floodplain benches, and/or sills may be required where appropriate. Widening the stream channel shall be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.
24. If foundation test borings are necessary; it shall be noted in the document. Geotechnical work is approved under General 401 Certification Number 3687/Nationwide Permit No. 6 for Survey Activities.
25. Sediment and erosion control measures sufficient to protect water resources must be implemented and maintained in accordance with the most recent version of North Carolina Sediment and Erosion Control Planning and Design Manual and the most recent version of NCS000250. .
26. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water.
27. While the use of National Wetland Inventory (NWI) maps, NC Coastal Region Evaluation of Wetland Significance (NC-CREWS) maps and soil survey maps are useful tools, their inherent inaccuracies require that qualified personnel perform onsite wetland delineations prior to permit approval.
28. Heavy equipment shall be operated from the bank rather than in stream channels in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into streams. This equipment should be inspected daily and maintained to prevent contamination of surface waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials.
29. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures shall be properly designed, sized and installed.
30. Riparian vegetation (native trees and shrubs) shall be preserved to the maximum extent possible. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.

NCDWQ appreciates the opportunity to provide comments on your project. Shall you have any questions or require any additional information, please contact Brian Wrenn at 919-807-6365.

cc: Lori Beckwith, US Army Corps of Engineers, Asheville Field Office
Clarence Coleman, Federal Highway Administration
Chris Militscher, Environmental Protection Agency (electronic copy only)
Marella Buncick, US Fish and Wildlife Service (electronic copy only)
Marla Chambers, NC Wildlife Resources Commission
Mike Parker, NCDWQ Asheville Regional Office
File Copy

Known and Potential GeoEnvironmental Impact Sites

Property Location	Property Owner	UST Owner	Facility ID #
Hendrens Racing Engines 1310 US 221 N Rutherfordton, NC 28139	William & Betty Hendren 1530 Painters Gap Road Union Mills, NC 28167	N/A	N/A
This active engine building garage is set well back from the US 221 N highway. The owner indicated that this Butler style building had a heating oil tank. This UST was removed from the rear of the structure. There is no other evidence of USTs or UST removal. This site will have a low impact to this project.			
221 Office Center 1364-70 US 221 N Rutherfordton, NC 28139	William & Betty Hendren 1530 Painters Gap Road Union Mills, NC 28167	William & Betty Hendren	N/A
This active office building was both a former restaurant and a gas station and convenience store according to the owner. USTs are reported to still be present on site. Two rectangular concrete patches are located in the parking lot and are 55 feet from the US 221 N median. The UST section's registry does not list this property. There is no other evidence of monitoring wells, USTs, UST removal or pump islands. This site will have a low impact to this project.			
Pritchard Heat & Cooling 1953 US 221 N Rutherfordton, NC 28139	Ernestine Easley 1923 Holland Ave Burlington, NC 27215	N/A	N/A
This closed heating and cooling office appears to be a former gas station and is 80 feet from the US 221 N centerline. This property does not appear on the NCDENR incident database. There is no other evidence of USTs, vents, or UST removal. This site will have a low impact to this project.			
McKay's Appliance Service 1192 Gilboa Church Road Rutherfordton, NC 28139	George & Marilyn Conner 221 Rucker Road Rutherfordton, NC 28139	N/A	N/A
This closed appliance repair business appears to be a former gas station and is 80 feet from the US 221 centerline. The building may have been moved on site, as it is straddling a drainage ditch and cuts a retaining wall. This property does not appear on the NCDENR UST section database. There is no other evidence of USTs or UST removal. This site will have a low impact to this project.			
Gilkey General Store 2310 US 221 N Rutherfordton, NC 28139	JJM Properties, Inc. PO Box 187 Forest City, NC 28043	Ray Thomas Petroleum Co. 1629 S. Lafayette St. Shelby, NC 28151	0-009059
This active Sunoco gas station and convenience story (aka Sam's General Store) is located on the east side of US 221 S and 85 feet north of Gilkey School Road. Five USTs are located north of the store and 80 feet from the US 221 median. A kerosene dispenser and UST are located adjacent to the south end of the building. The canopied pump island is set back 55 feet from the highway centerline. There are no monitoring wells or other evidence of USTs or UST removal. This site will have a low impact to this project.			

Property Location	Property Owner	UST Owner	Facility ID #
Bailey's Market 3620 US 221 N Union Mills, NC 28167	Loretta Bailey 192 Uptons Landing Marion, NC 28752	Royster Oil Co. 720 S. Lafayette St. Shelby, NC 28150	0-008898
This active BP gas station, convenience store, and other businesses are located on the east side of US 221. Four USTs are located northwest of the store and are 55 feet from the US 221 median. The edge of the canopied pump island is set back 60 feet from the highway centerline. There are no monitoring wells or other evidence of USTs or UST removal. This site will have a low impact to this project.			
Hodge's Used Cars 4064 US 221 N Union Mills, NC 28167	James and Larry Hodge 4061 US 221 N Union Mills, NC 28167	Petroleum World 681 NC 120 Mooreboro, NC 28114	0-008757
This former gas station (Union Mills 66) and garage is presently a used car sales and repair business. The owner stated that the USTs on site were removed over 15 years ago. The UST section database shows four USTs removed and closed in December 1990. The NCDENR incident database records that groundwater contamination was present as of June 1989. One monitoring well was noted on site. There is no other evidence of hydraulic lifts, USTs, or UST removal. This site will have a low impact to this project.			
Glenwood Grocery & Video 6259 US 221 S Marion, NC 28752	Kaustubh Patel 6259 US 221 S Marion, NC 28752	Kaustubh Patel DBA Glenwood GE	0-027363
This active Exxon gas station and convenience store is located on the east side of US 221 N. Five USTs are located both northwest and southwest of the main building. There are five monitoring wells on site; however, this station does not appear on the NCDENR incident database. The UST section database shows that three older USTs were removed in March 1989. There is no evidence of USTs or UST removal. This site will have a low impact to this project.			
West Court Food Center #10100 6050 US 221 S Marion, NC 28752	N/A	Petroleum World 681 NC 120 Mooreboro, NC 28114	0-014330
This active gas station and convenience store is located on the west side of US 221 just north of SR 1153 (Goose Creek Road). Four USTs are located north of the building and pump island. The closest is 50 feet from the US 221 median while the pump island is set back 65 feet. The UST section database shows that one older UST was removed in August 1993. Five vent pipes are located behind the store. There is no other evidence of USTs or UST removal. This site will have a low impact to this project.			

Property Location	Property Owner	UST Owner	Facility ID #
LD Dollar, Inc. DBA Dollar Mart #10 4323 US 221 S Marion, NC 28752	N/A	LD Dollar, Inc. PO Box 7 West Jefferson, NC 28694	0-031521
This active Shell gas station and convenience store is located on the east side of US 221 and 0.1 mile south of I-40. Five USTs are located east of and behind the building. The UST pit is 300 feet from the US 221 median. The pump islands are located north and south of the store. The storefront is set back 105 feet from the highway median. There is no other evidence of USTs, UST removal, or monitoring wells. This site will have a low impact to this project.			
Vacant Lot (former A&R BP Station) 4222 US 221 S Marion, NC 28752	N/A	Royster Oil Co. 720 S. Lafayette St. Shelby, NC 28150	0-014597
This vacant lot was the former site of the A&R BP gas station and is situated just south of the I-40 eastbound off ramp and west of US 221. The UST section database shows that four USTs each, were removed on two separate occasions: May 2004 and January 1988. The tank pit was on the north side of this parcel and 110 feet from the US 221 median. The buildings and pump islands have all been removed and the lot is overgrown. This site will have a low impact to this project.			
Former gas station 4201 US 221 S Marion, NC 28752	Boyd & Donna Kose 1640 SE 91 st Place Ocala, Fl 34480	N/A	N/A
This parcel was the site of a gas station and convenience store. The property is just south of the I-40 eastbound on ramp and east of US 221. The facility does not appear on the UST section database. Three vents are on a retaining wall at the north side of this lot. The former UST pit may be northwest of the building and 70 to 125 feet from the US 221 median. There is no other evidence of USTs, UST removal, or monitoring wells. This site will have a low impact to this project.			

**Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point No. 3 – Least Environmentally Damaging
Practicable Alternative (LEDPA)**

Project No./TIP No./Name/Description:

Federal Aid Project Number: N/A
WBS Element: 35608.1.1 & 34329.1.1
State Project No.: 6.899002T & 6.879005T
TIP Number: R-2597 & R-204 D&E
TIP Description: Improvements to US 221 from North of SR 1366 (Roper Loop Road) in Rutherford County to US 221-NC 226 in McDowell County

Least Environmentally Damaging Practicable Alternative (LEDPA):

After review of the anticipated project impacts, the following alternatives are recommended as LEDPA for the subject project:

Segment A1 (West Side Widening)
Segment B1 (West Side Widening)
Segment C (Best Fit)
Segment D1 (West Side Widening)
Segment E1 (West Side Widening)
Segment F1 (West Side Widening)
Segment G1 (West Side Widening)
Segment H (Best Fit)

On this date of November 2, 2012, the Project Team has concurred with the LEDPA as stated above.

U. S. Army Corps of Engineers

U. S. Environmental Protection Agency

U. S. Fish and Wildlife Services

N. C. Wildlife Resources Commission

Marla Chambers 12/13/12

N. C. Department of Cultural Resources (HPO)

Renee Hedrick-Earley 12/13/12

N. C. DENR – DWQ

Federal Highway Administration

N. C. Department of Transportation

Isothermal Rural Planning Organization

**Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point No. 3 – Least Environmentally Damaging
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State Project No.: 6.899002T & 6.879005T
TIP Number: R-2597 & R-204 D&E
TIP Description: Improvements to US 221 from North of SR 1366 (Roper Loop Road) in Rutherford County to US 221-NC 226 in McDowell County

Least Environmentally Damaging Practicable Alternative (LEDPA):

After review of the anticipated project impacts, the following alternatives are recommended As LEDPA for the subject project:

Segment A1 (West Side Widening)
Segment B1 (West Side Widening)
Segment C (Best Fit)
Segment D1 (West Side Widening)
Segment E1 (West Side Widening)
Segment F1 (West Side Widening)
Segment G1 (West Side Widening)
Segment H (Best Fit)

On this date of November 2, 2012, the Project Team has concurred with the bridging decisions as stated above.

U. S. Army Corps of Engineers

U. S. Environmental Protection Agency

U. S. Fish and Wildlife Services

N. C. Wildlife Resources Commission

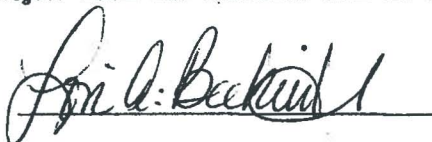
N. C. Department of Cultural Resources (HPO)

N. C. DENR – DWQ

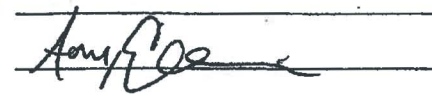
Federal Highway Administration

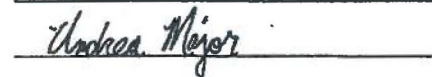
N. C. Department of Transportation

Isothermal Rural Planning Organization









**Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point No. 3 – Least Environmentally Damaging
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TIP Number: R-2597 & R-204 D&E
TIP Description: Improvements to US 221 from North of SR 1366 (Roper Loop Road) in Rutherford County to US 221-NC 226 in McDowell County

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After review of the anticipated project impacts, the following alternatives are recommended As LEDPA for the subject project:

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Segment B1 (West Side Widening)
Segment C (Best Fit)
Segment D1 (West Side Widening)
Segment E1 (West Side Widening)
Segment F1 (West Side Widening)
Segment G1 (West Side Widening)
Segment H (Best Fit)

On this date of November 2, 2012, the Project Team has concurred with the bridging decisions as stated above.

U. S. Army Corps of Engineers

U. S. Environmental Protection Agency

U. S. Fish and Wildlife Services

N. C. Wildlife Resources Commission

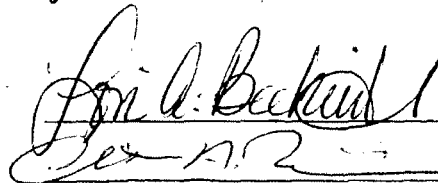
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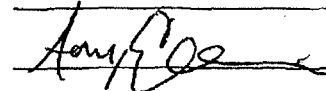
N. C. DENR – DWQ

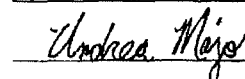
Federal Highway Administration

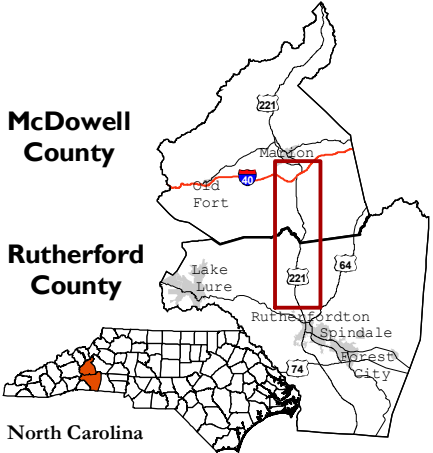
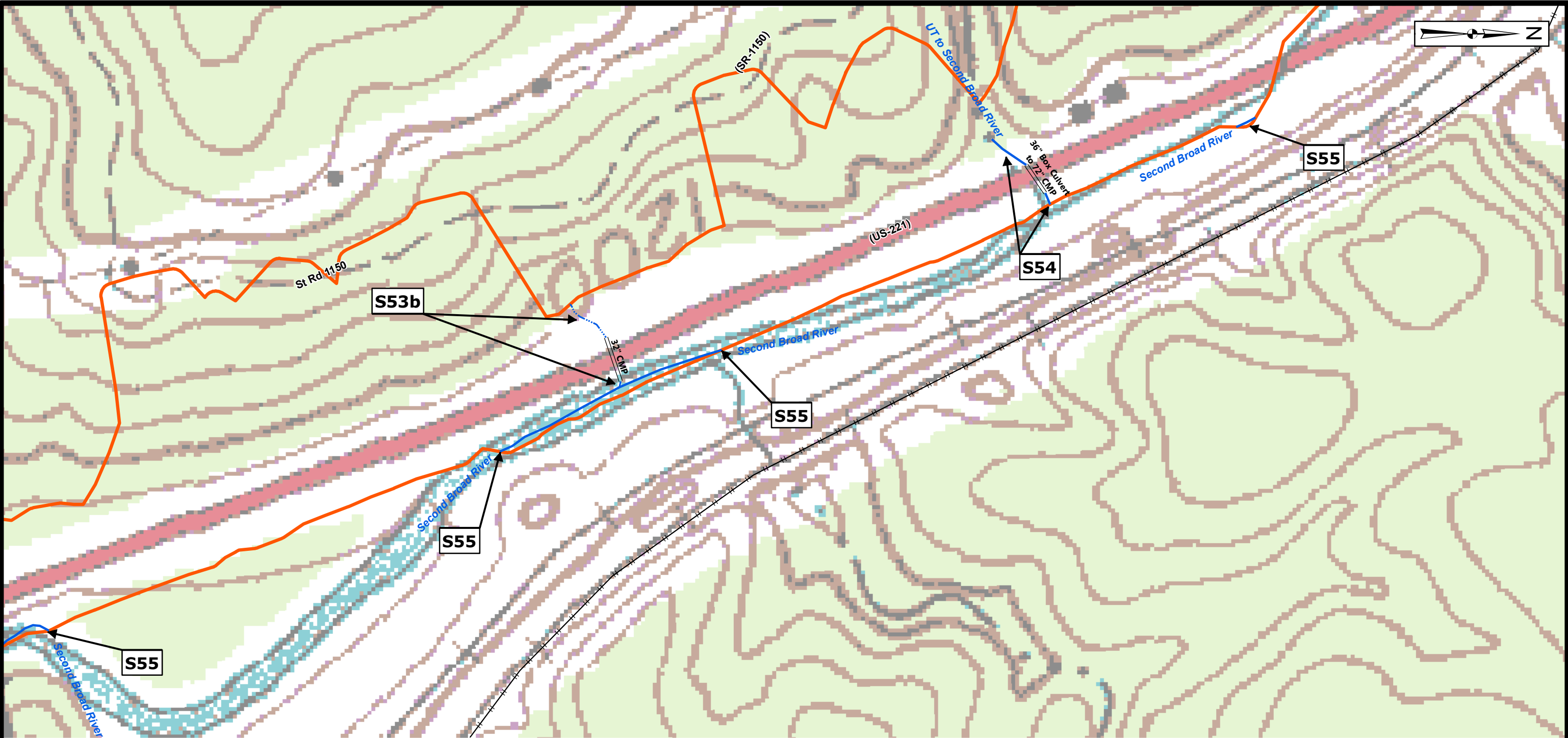
N. C. Department of Transportation

Isothermal Rural Planning Organization


Jon A. Beckwith 12/10/12







LEGEND

- Jurisdictional Streams
— Perennial
- - - Intermittent
- Jurisdictional Wetlands
[Green Swatch]
- Jurisdictional Other Waters
[Blue Swatch]
- Structures (culverts)
= = GPS Verified (both inverts located)
= = GPS Verified (one invert located)
- [Orange Outline] Slope Stake Limits with 25ft Buffer
- [Brown Swatch] HUC Boundary (8 Digit)
- Railroads

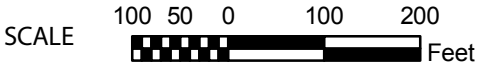
This certifies that this copy of this plat accurately depicts the boundary of the jurisdiction of Section 404 of the Clean Water Act as determined by the undersigned on this date. Unless there is a change in the law or our published regulations, this determination of Section 404 jurisdiction may be relied upon for a period not to exceed five years from this date. This determination was made utilizing the 1987 Corps of Engineers Wetlands Delineation Manual.

Regulatory Official _____
Title _____
Date _____
USACE Action ID _____

I, Marshall Wight, certify that this plat was drawn under my supervision from an actual Class B LIS/GIS survey [21 NCAC 56.1608]; that the horizontal accuracy distribution in meters (m) of field collected GPS data was approximately as follows: 83.3% were < 1m, ~12% < 2m, ~4.7% > 2m; that the accuracy was evaluated via statistical methods for both post-processed and WAAS corrected data; that the dates of survey were from August 22nd - 31st, 2012; that all wetland boundary lines were surveyed and are clearly indicated; that the horizontal datum for this survey is NAD83 (NA 2011).

Witness my original signature, registration number and seal this _____ day of _____, A.D., _____.

Marshall Wight, PLS (L-5034)



Sheet 21 of 35*

* Beginning from Rutherfordton to Marion (south to north)



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

US 221 FROM NORTH OF SR 1366 IN
RUTHERFORD COUNTY TO US 221-NC 226
IN MCDOWELL COUNTY TIP PROJECTS
R-2597 AND R-204 D&E

PRELIMINARY WATERS OF THE U.S.
INCLUDING WETLANDS

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request			
Name Of Project		Federal Agency Involved			
Proposed Land Use		County And State			
PART II (To be completed by NRCS)		Date Request Received By NRCS			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: 329,807(R) 205,326(M) % 90 72			Amount Of Farmland As Defined in FPPA Acres: %15 18	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System			Date Land Evaluation Returned By NRCS	
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (To be completed by NRCS) Land Evaluation Information		D	D1		
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide And Local Important Farmland					
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted		< . 01	< . 01		
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))		Maximum Points			
1. Area In Nonurban Use					
2. Perimeter In Nonurban Use					
3. Percent Of Site Being Farmed					
4. Protection Provided By State And Local Government					
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average					
8. Creation Of Nonfarmable Farmland					
9. Availability Of Farm Support Services					
10. On-Farm Investments					
11. Effects Of Conversion On Farm Support Services					
12. Compatibility With Existing Agricultural Use					
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or a local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Reason For Selection:					

Public Meetings



8000 Regency Parkway, Suite 200
Cary, North Carolina 27511

Phone: 919.463.5488
Fax: 919.463.5490

DATE: October 9, 2003

SUBJECT: US 221 from SR 1536 in Rutherford County to NC 226/ US 221 in McDowell County, State Project No. 6.899002T, TIP Projects R-2597 and R-204 D&E

PREPARED BY: Mark L. Reep, P.E.

On September 29 and 30, 2003, Citizens Informational Workshops were held in Rutherford and McDowell Counties to discuss the proposed US 221 improvements with the public.

The first workshop was held at the City Hall Community Building in Marion, NC and the second workshop was held at the R-S High School Cafeteria in Rutherfordton, NC. The workshops were held from 4:30-7:00 PM. A total of 225 members of the public including local and agency officials attended the workshops.

Copies of written comments received at the meetings are attached. Articles from the local media information are also attached. Questions and comments received during workshop are categorized and summarized below:

Cost / Funding

- The amount of funds allotted for the right-of-way is insufficient.
- The proposed median would increase the financial cost due to the larger project area and additional property acquisitions.

Community Impacts

- A concerned resident does not want US 221 in the Thompson Road area to become a busy thoroughfare.
- What positive economic impact (industries, etc.) will this have for the northern end of the county (US 221N)?
- Should people continue to develop their homes and businesses in the affected area?

Cultural Resource Impacts

- One citizen is pleased to see that Gilbert Town will not be affected by this project. This site is one of 20 National Revolution sites that are being maintained.

Minority / Low Income Community Impacts

- No Comments

Natural Resource Impacts

- If US 221 at Gilkey Bend is widened on the east side, then this will help preserve the wildlife habitat vital to the ecosystem.
- There is a stream under US 221 that flows into a lake behind Davis Wrecker and Road Service near Eplee Lane. Will the project take the lake or the nearby house?

New Information/ Suggested Alternatives

- A 5-lane highway with curb and gutter is requested for the entire project. If this is not feasible, 5 lanes should extend from Marion southward to Mud Cut Road.
- Several residents in the Union Mills area requested a 5-lane section. If a divided section is required, they prefer a 17-1/2 foot median instead of a 46 median.
- No traffic signals should be added.
- Raise the road in front of the Hampton Inn to 5 or 6 feet. This will help the Hampton Inn access driveway, as well as 3 property owners on the west side of the road.
- The Thermal City Road intersection area has a large (1000 acre) parcel on the west side with the potential to develop.
- A property owner from the Glenwood area commented that if a 5-lane section could not be planned, then a narrower median (similar to the median on the US 221 Bypass around Marion) should be considered to reduce the impacts to homes, businesses, churches, streams, the railroad, and utilities.
- Widen the road on the east side at Gilkey Bend on US 221. It will make a gentler curve increasing the safety of the Mountain Creek Road intersection.

Project Schedule

- No Comments

Property Impacts

- A Gilkey area resident commented that he lives in a 250-year-old cabin on his property near the existing road.
- A newly constructed nursing center will be affected in the area of old US 221 N.
- Chapel Hill Baptist Church will lose half of their property.
- If the road is widened to the east side near Thermal City, a property owner commented that his business of Campsites and rental sites will be lost, as well as an Artesian Well which supplies the water for his home and business. He would prefer to see the road widened to the west, affecting his home.
- An owner has a one-of-a-kind house.
- A 73-year-old woman will lose her house.
- One property owner sold half of his land for the existing road to split his property and he does not want to move or sell again.

Public Involvement Activities

- Public information sessions are requested for residents in the Glenwood and Chapel Hill communities so the citizens can be kept abreast of the project.

Road Access

- Consideration should be given to extending the 5-lane curb & gutter section south of Glenwood due to the location of the Fire Department.
- Davis Wrecker and Road Service is concerned about the tractor-trailers turning into their business.
- Crossover points on a divided highway should be placed where future and existing uses will require large truck access.
- An individual is concerned about limiting access to only 1 access per property if partial control of access is recommended.
- The pastor of Chapel Hill Church would like to see the Chapel Hill Church loop remain open with access at both ends for better traffic flow before and after church services.

Safety

- R.S Central High School is located on US 221, and more traffic in this area may be dangerous for students.
- The project would delay the emergency vehicles response to any dwelling on the opposite side of US 221 in McDowell County with a 4-lane highway, but a 5-lane highway with curb and gutters would be safer and allow emergency vehicles to reach their designation more quickly and safely.
- A participant suggested a 50 mph speed limit from south of I-40 to Goose Creek, and 55 mph south to the Rutherford County Line.
- Dangerous intersections on US 221 South are: Mud Cut Road, Firehouse Way, Goose Creek Road, Ashworth Road, Old 221 South. Consideration could be given to controlling some of these intersections with signals.
- Public Officials from Marion and McDowell County would like to see more lighting and vegetation from I-40 to intersection with US 221-NC 226.
- A 4-lane highway would not be safe for children living near the road.

Other

- Traffic is not heavy enough on US 221 north of Rutherfordton to require expansion. The citizens should be able to decide if traffic is such an obstacle to require road expansion.
 - Citizens want to be as informed as soon as possible on the progression of the project so they can plan their lives.
 - One citizen is optimistic that this road improvement will have a positive effect on the community and the future citizens.
 - A citizen who is opposed to the project commented that Rutherford County needs to focus on jobs and not improving this highway.
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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

MEMO TO: Post Hearing Meeting Attendees

FROM: Gregory Thorpe, Ph.D., Unit Manager
Project Development and Environmental Analysis Unit

DATE: June 26, 2012

SUBJECT: US 221 Improvements from North of SR 1366 (Roper Loop Road) in Rutherford County to US 221-NC 226 in McDowell County, State Projects 6.899002T and 6.879005T, WBS Element 35608.1.1 and 34329.1.1
TIP Projects R-2597 and R-204 D&E

Executive Summary

The Combined Public Hearings for the subject project were held on March 12, 2012, at R-S Central High School in Rutherfordton and March 13, 2012, at the City of Marion Community Building in Marion. The format of the hearings was an informal open house from 4:30 - 6:30 p.m. with a formal presentation held at 7:00 p.m. Local Officials Information Meetings were held immediately beforehand at 2:00 p.m. During the informal open house, a map request station was set up to allow citizens to request portions of the public hearing maps in the vicinity of their property.

Mr. Jamille Robbins conducted the formal hearings. There were 208 people in attendance at the hearings (111 in Rutherfordton and 97 in Marion) and 85 map request forms were received (31 in Rutherfordton and 54 in Marion). Five people spoke at the formal hearing (one in Rutherfordton and four in Marion) and 48 written comments were received. Many respondents did not express a preferred alternative, but suggested changes to the project.

A Post Hearing Meeting was held at 9:30 a.m. on June 19, 2012, at the NCDOT Roadway Design Conference Room at the Century Center to review comments relating to the project designs. The following persons were in attendance:

Allison White	NCDOT – Roadway	akwhite@ncdot.gov
Doug Taylor, PE	NCDOT – Roadway	bdtaylor@ncdot.gov
James Speer, PE	NCDOT – Roadway	jspeer@ncdot.gov
Roger Thomas, PE	NCDOT – Roadway	rthomas@ncdot.gov
Brenda Moore, PE	NCDOT – Roadway	blmoore@ncdot.gov
Jay Bennett, PE	NCDOT – Roadway	jbennett@ncdot.gov
Clayton Walston	NCDOT – Roadway	cfwalston@ncdot.gov
Kanchana Noland	NCDOT – Roadway	kvnoland@ncdot.gov
Marshall Clawson, PE	NCDOT – Hydraulics	mclawson@ncdot.gov
Rob Hanson, PE	NCDOT – PDEA	rhanson@ncdot.gov

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Undrea Major	NCDOT – PDEA Western	ujmajor@ncdot.gov
Jamille Robbins	NCDOT – PDEA PI	jarobbins@ncdot.gov
Ricky Tipton, PE, PLS (by phone)	NCDOT Division 13	rtipton@ncdot.gov
Bob Haskett (by phone)	Division 13 ROW Office	rhaskett@ncdot.gov
Josh King (by phone)	Isothermal Planning & Development Commission	jking@regionc.gov
Danny Searcy (by phone)	Rutherford County Planning Department	danny.searcy@rutherfordcountync.gov
Mike Pekarek, PE	Hatch Mott MacDonald	mike.pekarek@hatchmott.com
Brian Ketner	Hatch Mott MacDonald	brian.ketner@hatchmott.com
Aileen Mayhew, PE	Hatch Mott MacDonald (formerly Michael Baker)	aileen.mayhew@hatchmott.com
Ken Gilland, PG	Michael Baker Engineering	kgilland@mbakercorp.com
Suzanne Unger Young, PE	Michael Baker Engineering	sunger@mbakercorp.com

Summary of Alternative Preference Expressed in Written Comments

<u>Alternative</u>	
Segment B1	5 (and Ruth. Co. Commissioners)
Segment B3	4
Opposed to Segment B3	1
Segment F2/G2	1 (McDowell Food Systems, Inc.)

Several of the respondents, including Chapel Hill Baptist Church, McDowell County, and the City of Marion, indicated that they were in favor of the proposed project and agreed that US 221 needs to be widened.

Post Hearing Meeting Summary – Hearing Comments

Comments from received from the public related to the designs were discussed at the Post Hearing Meeting. The following action items were identified. All other issues are addressed in the NCDOT Responses to Comments below.

1. **Comment:** Several comments that there is not enough traffic to support the project. (*Hague, Liebeck - Hampton Inn, Norton*) Comment whether a traffic study has been performed recently. (*McNeil*)

Action: Traffic data support the need for the project. Traffic studies for R-204 D&E were completed in 2012. PDEA (Undrea Major) will request new traffic data for R-2597. Once an estimate of the completion date for the new traffic is available, PDEA will hold an internal meeting to determine if the new data for both R-204 D&E and R-2597 can be presented in the Finding of No Significant Impact.

2. **Comment:** Several comments requesting additional U-turn bulbs because of concerns that the distance required to travel to the nearest U-turn is too great.
 - a. Request for an additional U-turn along Segment B1 closer to Lawing Mill Road (-Y8-). (*Gilkey Lumber Company*)

- b. Request for a U-turn along Segment D-D1 800 feet to 1,000 feet south of the existing intersection of US 221 and Polly Spout Road (-Y22-). (*Ward*)
- c. Request for a U-turn along Segment D-D1 (Vein Mountain) closer to Sta. 195+00.00. (*Hoffman*)
- d. Request for a U-turn along Segment E1 (R-2597C / R-204E break) closer to Sta. 142+00.00. (*Gibson*)

Action: Investigate additional U-turn bulbs during final design.

- 3. **Comment:** Segment A1 - Concerned that the proposed cul-de-sac on one end of Roper Loop Road would increase response time for emergency vehicles. Request an access road be built either for local use or limited to emergency vehicle use. (*Owens - Rutherford County Commissioners*)

Action: Provide right in/right out access (in lieu of cul-de-sac) during final design.

- 4. **Comment:** Segments C/D - Rutherford Electric Membership Corporation (REMC) owns a substation between Segment C (Sta. 226+56.36) and Segment D (Sta. 33+14.85) - access needs to be provided for driveway to substation and to transmission line (steel tower) right of way adjacent to driveway. REMC has a 100-foot right of way for a 100 kV transmission line (concrete poles) in Segment C (Sta. 226+56.36). Special concern should be given to this transmission line. Appears one concrete pole structure may be impacted - cost to move this structure will be between \$150,000 - \$200,000. From the substation driveway, located at 4734 Hwy 221 North, REMC has a triple-circuit distribution line that will cost approximately \$130,000/mile to relocate. A crossover through the median should be provided to allow REMC's mobile substation access to the property during extreme power restoration activities. The mobile substation is an over-weight/over-width superload - U-turns are not possible with this piece of equipment. REMC expects all access to facilities to be provided as currently exists. (*Wortman - REMC*)

Action: Coordinate with REMC to get specifications for mobile substation to determine if it is possible to provide access during final design.

- 5. **Comment:** Segments D or D1 (R-2597B / R-2597C break) - Owns property east of US 221, which is accessed by a deeded right of way through the Paul & Lynda Cartwright property and along the abandoned railroad. Requests that access to this driveway be provided at a suitable location. It ties in to existing US 221 north of the proposed bridge in Segment D. (*Ward*)

Action: Investigate driveway access during final design.

- 6. **Comment:** Segment E1 (Parcel 702) - Requests that trees be planted between her driveway and the new highway to help reduce traffic noise. (*Adkins*)

Action: Attempt to minimize impacts to trees during final design.

7. **Comment:** Segment E1 (Parcel 619) - Hearing map shows full control of access for the turnaround bulb across his existing driveway, which is the only access to the house and other structures on the property. Inquires whether the design will be revised to provide access to his home and property. (*Padgett*)

Action: Relocate driveway during final design to provide access to property.

8. **Comment:** Segments F/G - Concerned that the turnaround provided south of their entrance is extremely dangerous for their 100 employees and concerned about their freight carriers performing this maneuver, as well. (*Haldex Brake Products Corporation*)

Action: Investigate shift of U-turn bulb location in final design. Also, investigate possibility of providing driveway access to Y30 (Ashworth Road) during final design.

9. **Comment:** Segments F/G (B.G. Hensley House Property) - Farm is covered by a land use tax deferment (GS #105-296). The sale of the property with this deferment to a non-family person is subject to substantial penalty for the affected part, three years back taxes plus interest. Inquires whether the State of NC would pay the penalty above the fair market value of the land. (*J. McCall*)

Action: Division 13 ROW Office will confirm with the Attorney General's office that NCDOT's purchase of this land would be exempt from the tax deferment statute penalties.

10. **Comment:** Segment H - Recommends a five-lane section as the best option. If a five-lane option is not proposed, a traffic signal is requested at the Chapel Hill Church Loop/3 Point Road/US 221 intersection. (*Chapel Hill Baptist Church*)

Action: NCDOT Area Engineer will investigate traffic warrants during final design.

11. **Comment:** Segment H - Concerned because Wildwood Terrace is being relocated through his property. Believes the better alignment would be to come straight down to US 221 at Hollands Storage buildings; tie-in the old Wildwood Terrace below the first house on the left; keeping the present width on the top of the hill, and providing him an entrance to US 221 where it is. (*Poteat*)

Action: During the Post Hearing Meeting, it was determined that the project team would investigate whether the grades in this location would allow a design revision to avoid relocating this residence. Subsequent to the meeting, Mike Pekarek (Hatch Mott MacDonald) reviewed the cross-sections. It was noted that existing Wildwood Terrace runs parallel to existing US 221 along a steep vertical slope. The cut slope for the proposed widening of US 221 would undermine the road and a retaining wall could not save the existing location of Wildwood Terrace. Due to the large grade difference between Wildwood Terrace and US 221, other options would have impacts to other properties and, in some cases, more buildings would be impacted. The current design minimizes property impacts, which is why it was presented in the State Environmental Assessment (SEA). This explanation is provided to the property owner in the Responses to Comments.

Post Hearing Meeting Summary – Local Officials Comments

Comments from received local officials at Local Officials Informational Meetings held on March 12, 2012 (Rutherford County) and March 13, 2012 (McDowell County) were also discussed at the Post Hearing Meeting. The following action items were identified.

1. **Local Officials' Comment:** Concerns were raised about the US 221 "bottleneck" in Chesnee, South Carolina (about 18 miles south of Rutherfordton).

Action: None required.

2. **Local Officials' Comment:** City of Marion wishes to have input during the avoidance/minimization process

Action: NCDOT will coordinate a meeting with City officials prior to the Merger Concurrence Point 3 meeting.

3. **Local Officials' Comment:** Concerns over stormwater impacts to Corpening Creek, a Clean Water Act Section 303(d) listed stream; the City (Marion) wishes to separate issues from their WWPT from impacts associated with runoff from the improved highway.

Action: NCDOT has requested data on contaminant hotspots.

4. **Local Officials' Comment:** Concerns about existing water and sewer lies near I-40.

Action: NCDOT requested maps or GIS files locating these utilities.

5. **Local Officials' Comment:** What can be done to increase truck traffic in the area? This was asked by a county official looking to increase industrial use of US 221.

Action: None required.

6. **Local Officials' Comment:** What would be the impact of the proposed directional crossovers on school bus travel times?

Action: None required. It was noted that the additional travel to the U-turn bulbs could be offset by the greater mobility of the improved facility.

7. **Local Officials' Comment:** McDowell County is in the process of updating their Comprehensive Transportation Plan (CTP) and wants their updates to be reflected in the alternative selection and design process. For example, existing Southern RR ROW in the Clinchfield area has been acquired to convert to a bike path.

Action: None required. It is not possible to delay alternative selection pending the update of the CTP.

8. **Local Officials' Comment:** Can the City (Marion) request sidewalks for the entire corridor, or only the area within the City limits?

Action: None required. NCDOT informed the City that a three-party agreement could be pursued w/NCDOT, City, and County to provide sidewalks along the curb and gutter sections of US 221.

SUMMARY OF VERBAL COMMENTS BY HEARING SPEAKERS
ON MARCH 12, 2012, AND NCDOT RESPONSE

Thomas Gerth 2231 North 221, Rutherfordton, NC 28139

Comment: Resides in the Monteith House; Segment B3 would impact several of his neighbors. Doesn't want to lose the lumber yard or another business behind him to save his house, especially since he has land behind his current house that he can build on, if needed. Estimates about 17 homes would be acquired to save his house. Requests that NCDOT take his house.

Moderator: Thank you Mr. Gerth.

Comment: A number of neighbors already spoke to him. Doesn't want to take the blame for neighbors losing their house.

Moderator: Thank you sir.

SUMMARY OF VERBAL COMMENTS BY HEARING SPEAKERS
ON MARCH 13, 2012, AND NCDOT RESPONSE

(Note: An asterisk (*) indicates a direct response required by NCDOT.)

Rod Birdsong Executive Director of the Chamber of Commerce
369 Hidden View Loop, Marion, NC 28752

Comments: Supports the widening of US 221, as well as the project. Concerned about the number of business relocations, specifically, the last 2.5 miles of the project have 31 of the 66 business relocations, about 47%. Depending on the alignment, Super 8, Days Inn, frontage of Hampton Inn, Open Flame restaurant, Wild Ridges structure, Talladega Machine, Marathon gas station, country store, among others could be relocated. Concerned that the economic impact of acquiring businesses is too great. Concerned about safety at the I-40 and US 221 intersection, specifically the off ramp from I-40 eastbound where vehicles pull out in front of on-coming traffic. Concerned whether the last 2.5 miles of the project has a higher incident of crashes than the statewide average. Requests that there be some flexibility in NCDOT's determination about the width of the right of way, the design and access points, particularly in the 2.5 mile section south of Marion. Concerned about the impact to the City's economy and for the businesses in the Marion area.

Moderator: Thank you sir for your comments.

Bob Boyette City Manager, City of Marion

Comments: Supports the widening of US 221 concept. The City, with a limited tax base, limited jobs, limited development opportunities in the community, does not want to lose prime commercial areas around the interstate and can't afford to have numerous commercial buildings demolished. Requests that NCDOT reduce the right of way to avoid the business relocations or put in retaining walls that would preserve some of the business locations and avoid those jobs and tax base being lost. Requests the more developed 2.5 mile area south of Marion be treated differently and therefore, requests a five-lane section in this area. The five-lane section in nearby communities has worked well. Requests consideration for the type of access associated with a five-lane section to preserve the business locations, as well as jobs and tax base being lost.

Moderator: Thank you, Mr. Boyette.

Chuck Abernathy McDowell County Manager / Economic Development Director

Comments: Doesn't need to reiterate what Mr. Birdsong and Mr. Boyette have said, but received assurance from NCDOT that this is the beginning of the process and encourages public to give their input. Comments that citizens are interested in project impacts to businesses and residences as a result of the design alternatives and associated right of way.

Moderator: Thank you Mr. Abernathy.

Terrill Hoffman 833 Miracle Valley Way

Comments: Would like more discussion of the project impacts on the people that live along the highway. Is not interested in driving on a four-lane highway every time he wants to go to Marion. Concerned that the proposed design will require him to drive two miles past his home to make a U-turn to get to his home, adding 50% more time to his drive from his house to Marion. Doesn't think the median U-turns make the highway safer when an individual has to travel twice as far to get home. Concerned that the environmental studies in the document are 20 years old and decisions are being made using old data. Concerned about driving on a highway that is under construction for 10 years. Against the project because it's a waste of money and won't benefit anyone in the community.

Moderator: Thank you sir for your comments. If you're having to drive two miles out of the way, one thing I would like to say is please let us know where you live, because we may be able to look at putting a U-turn access closer; so, you don't have to drive that far out of the way.

Comments: I live on that map (Segment D).

Moderator: Right, but again, all of the U-turn accesses haven't been put on the map and public comments will help us make those decisions, because we don't want you to have to drive two miles out of the way. You've let us know and given us your address. Those are things we'll look at.

WRITTEN COMMENTS RECEIVED AND NCDOT RESPONSE

(Note: An asterisk (*) indicates a direct response required by NCDOT.)

Teresa Adkins 4395 Goose Creek Road, Marion, NC 28752

Comments: Concerned that the US 221 North/South highway noise would be very loud after the West Court business is relocated. Requests that trees be planted between her driveway and the new highway to help reduce traffic noise. She believes the trees would provide a safety factor for her kids. Requests that instead of extending her driveway with “partial paving on one end,” as was mentioned, she requests the driveway needs to be completely paved.

Response: Comments noted. Efforts will be made to minimize impacts to the existing tree zone during the final design process.

Edward Burgin 418 Cliff Logan Drive, Rutherfordton, NC 28139

Comment: Prefers Segment B3 and doesn't mind that his properties along Sorrels Road would be acquired. “The sawmill is a great asset to the community” and he doesn't want to lose area jobs in a weak economy.

Response: Comment noted.

* **Bill Byers** Manager, Young's Creek, LLC (North State Gas)
P.O. Box 1122, Rutherfordton, NC 28139

Comments: “As currently designed, the US 221 TIP R-204D proposal will relocate the business at 2211 Rutherford Road in Marion, NC. Young's Creek, LLC, completed the new office and operations center there in 2008. The construction was done on a very minimum-sized parcel. The proposed reduction in the size of this property would ruin its current utility and eliminate the value to the owner.” They were never informed during the purchase of their property “that there was any danger of right-of-way condemnation,” despite their coordination with the City of Marion Town Planner, City of Marion Town Council (in a re-zoning hearing) and their realtor. They have “invested hundreds of thousands of dollars in developing this site” and the NCDOT's February 2012 bulletin announcing the public review of the State EA “was our first indication that our business was in jeopardy from the US 221 improvements plan.” They request that the SEA include the impact the proposed improvements north of the US 221/NC 226 intersection would have on their business. They feel that “all of our efforts and investments may be negated without prior warning.” They also request that NCDOT “consider scaling back its improvements north of the 221/226 intersection in such a way as to permit our current business operations to continue there.” Requests to be informed in writing of the outcome of their request so they know whether they would be relocated or whether current operations would continue.

Response: Comments noted. Citizens Information Workshops were held for the project in September 2003. At that time, a newsletter was mailed to individuals within the 1,000-foot project corridor. The design of the proposed roadway was then developed within the project corridor. Efforts will be made to minimize impacts during final design. However, it should be noted that there are several design constraints in this area (e.g., the need to provide turn lanes, tying into existing US 221).

Warren Cable 394 Ashworth Loop, Marion, NC 28752

Comment: In an email dated 3/14/12, a representative of Redeemed Free Will Baptist Church inquired about the broken dotted lines ---F---F---F--- on the map he received at the meeting.

Response: Mr. Robbins responded via email that those are portions of the roadway that need additional dirt to elevate the roadway or maintain a consistent grade.

Comment: In a subsequent email, he inquires about the chain link fence he was told would be in front of the Church. He adds that there is not a fence currently along US 221 North where the road was previously widened and he feels the fence would “hinder and deface our property.”

Response: Mr. Robbins responded via email explaining the partial control of access along the proposed roadway and offers a “black-coated vinyl fence as an option for your property instead of the normal style fence.” Mr. Robbins adds that “anything above that would involve the property owner contributing the additional cost for the preferred style of fencing. This is something that will be addressed during the right-of-way phase of the project.”

* **Chapel Hill Baptist Church** 109 Chapel Hill Church Loop, Marion, NC 28752

Comments: The Pastor believes “this project is vital to the future economic development of our county;” however, he is not convinced that the proposed plan is the best for the Church. He thinks a five-lane road is a better option rather than a four-lane divided with directional crossover with median U-turns. He is concerned that with the proposed project, one end of Chapel Hill Church Loop would be closed and no longer accessible to US 221. This would require 70 to 90 vehicles on a given Sunday to exit the church parking lot the same way. He is concerned that all vehicles would be making a right-turn onto US 221 and then a U-turn to go northbound. The Pastor considers “this to be a safety hazard.” He believes traffic would be backed up at the US 221/Chapel Hill Church Loop intersection, as well as at the U-turn on Sunday mornings as most churches dismiss from their services. He believes a five-lane section would alleviate this problem; this type of roadway has worked well on US 221 north of Marion. Alternatively, the Pastor suggests installing a traffic signal at the Chapel Hill Church Loop/3 Point Road/US 221 intersection. While this option is not as ideal as a five-lane section, the needs of the church would be served. The Pastor would be “open to discussing this project in person.”

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). A signal warrant study for the Chapel Hill Church Loop/US 221 intersection will be completed during final design.

Chapel Hill Baptist Church Members

Comments: Petition submitted with signatures from members of the Church reiterating the Pastors comments that while they agree that US 221 needs to be widened, they are not in agreement with the present plan. The Church members would prefer a five-lane roadway in the vicinity of the Church. They believe that a five-lane roadway would prove more beneficial and would be readily accepted by the Church and community.

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). A traffic signal for Chapel Hill Church Loop will be investigated during final design.

Bob Boyette

City Manager, City of Marion
P.O. Drawer 700, Marion, NC 28752

Comments: Although the “City has supported for 20 years the concept of widening US 221 to multiple lanes,” they have design concerns. The City is concerned that the “minimum 250-foot right-of-way width is excessive and will lead to unneeded impacts to established commercial buildings from the northern end of the project just north of the US 221/NC 226 intersection in Marion to Goose Creek Road south of Marion.” The impacts to numerous commercial buildings would “certainly lead to the loss of jobs and property tax base for the City of Marion and McDowell County, something that our Tier 1 County cannot afford.” The City reiterates that since at least 2003, they have requested that a five-lane section be considered from the northern end of the project to Goose Creek Road. They request the five-lane roadway should include the “narrowest right of way possible and the installation of design features such as retaining walls wherever possible, to avoid the loss of any commercial buildings.” The City is concerned that “the divided highway design will not provide for adequate access to commercial, industrial, and residential properties in the developed area” north of Goose Creek Road. The City is concerned that motorists will choose to bypass a business rather than make a U-turn to access the business. “The City believes that a five-lane section is the only design that will provide for adequate access to commercial, industrial, and residential property in the area noted above.” The City appreciates NCDOT staff’s willingness “to modify the final design so that it works for the community.” The City requests that NCDOT work with the City, as well as McDowell County, McDowell Chamber of Commerce, McDowell Tourism Development Authority, and the Marion Business Association to address their concerns. The City offers to arrange small group meetings to begin looking at final design options north of Goose Creek Road.

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). The four-lane median-divided typical section is also consistent with the development of US 221 as a Strategic Highway Corridor (see <http://www.ncdot.gov/doh/preconstruct/tpb/shc/>). Efforts will be made to minimize property impacts during final design. A meeting with the City will be held prior to the next Merger Team meeting.

Hicks Conner Jr. 126 Antler Trail, Union Mills, NC 28167

Comment: Wanted to make NCDOT aware that some of the right-of-way at 117 Antler (Grace Tabernacle Church) has a cemetery on top of the hill.

Response: Comment noted.

Eric Connor

McDowell Food Systems Inc.
4231 US 221, Marion, NC 28752

Comment: Concerned that Segment F2/G2 shows the right of way across part of their building and no access is shown to their property. Unsure whether the whole parcel is a take or if access would be given.

Response: In an email dated 3/27/12, Mr. Robbins explained that under the east side widening scenario, the building would be acquired and no access would be provided to the property. Mr. Robbins goes on to say that if the remaining portion of the property is deemed an uneconomic remnant, NCDOT would offer to buy the entire property. However, if the remaining

property still has value and the company decided to rebuild, it would be up to the company to provide access to the property as long as it is outside the NCDOT's control of access. The Right of Way Agents name, Mr. Bob Haskett, and number, 828.274.8435 was provided for additional information.

Comment: Requests how long the company has to notify NCDOT of their decision.

Response: Mr. Robbins states that the comment period for this stage of the project development process ends April 13th.

Comment: In email correspondence dated 4/12/12, McDowell Food Systems indicated that they prefer east side widening (Segments F2/G2).

Response: Mr. Robbins responded confirming that the property owner prefers east side widening which would result in the purchase of the buildings on McDowell Food Systems property instead of west side widening which would preserve the business and provide access via a new driveway.

Comment: Representative confirms that they prefer east side widening.

Sherman and Louise Davis 7475 Hwy 221 South, Marion, NC 28752

Comments: Appreciates that the meetings were well organized. She is concerned about the relocation of businesses at the US 221/I-40 interchange and suggests that R-2597 be constructed first while R-204 design is being reworked at the interstate. Recommends constructing a new road behind the businesses (Dollar General and the motels), providing a new bridge over I-40 reconnecting at Wilson Valley Drive on US 221 South, leaving existing US 221 South section at the motels and Dodge Rockwell Business Park as a service road.

Response: Comments noted. According to the State Transportation Improvement Program, Project R-204D, which includes the I-40 interchange, is scheduled for right-of-way acquisition and construction in Fiscal Years 2014 and 2016, respectively. Based on this schedule, design revisions at the US 221/I-40 interchange would not cause a delay in the estimated project schedule. Due to the limited spacing between the existing businesses on the east side of US 221 and the Duke Power easement, constructing a new road behind the existing businesses would impact the Duke Power easement. The Duke Power easement runs on both sides of I-40 in this area; therefore, a new road east of US 221 would cross the easement twice, substantially increasing the cost of the project due to the increased number of transmission tower impacts. Additionally, the NCDOT prefers that roadways intersect as close to a 90 degree angle as possible in order to minimize the bridge length and cost, as well as provide adequate sight distance for the ramp terminals. A new road east of US 221 would cross over I-40 nearly parallel making the new bridge extremely long and making it difficult to tie in with existing US 221 South.

Charles Dicks 3578 US 221 South, Marion, NC 28752

Comments: Understands that Segment H, which he lives along, is a best fit widening scenario, but thinks the existing right of way on the east side of US 221 should be utilized before any land on the west side is acquired. He doesn't see the need to maintain a wide stretch of wasted land. He comments that the roadbed in front of his property is lower than either end of the street and raising it five feet would eliminate much of his property being acquired. He also comments that the Hampton Inn, north of his property, needs all of their present parking.

Response: Comments noted. The existing right of way on the east side of US 221 is associated with I-40. Construction of the proposed US 221 project may not encroach upon the I-40 right of way. Therefore, existing US 221 in the I-40 area would be widened to the west.

Mark Earley Baldor Electric Company, Industrial Park
510 Rockwell Drive, Marion, NC 28752

Comment: Requests that NCDOT "review alternatives to provide a safe left turn alternative when exiting Rockwell Drive onto the proposed four-lane highway." ABB-Baldor has approximately 75 vehicles exiting the plant three times per day and 78% of its employees travel north on US 221 to go home. Additionally, "there are two other manufacturing locations in the Industrial Park along with significant truck traffic."

Response: Comments noted. Other alternatives were investigated, but were not possible to accommodate due to the constraints in this area presented by the proximity to the I-40 ramps. It should be noted that there are other options to travel north on US 221 other than direct access from Rockwell Drive, including taking I-40 east one exit to Exit 86 and traveling westbound on NC 226 back to US 221.

Dean Elliott 3574 Hwy 221 South, Marion, NC 28752

Comment: Requests that the grade in the Hampton Inn area be reviewed. Suggests raising the grade 4 to 5 feet above existing in this area which would allow a better driveway tie-in to his property, as well as others.

Response: Comment noted. Raising the grade of US 221 in this location would create more property impacts than what it shown on the hearing maps due to the fill slopes.

* **Bennett Finkler** 333 Chapel Hill Church Loop, Marion, NC 28752

Comments: Concerned about the widening of US 221 near its intersection with I-40 and the effect on the businesses and homes in that area. He stated that the 23 to 46-foot median seems "unnecessarily wide for some sections of the highway" affecting "more homes and businesses than necessary." He comments that the US 221 Bypass around Marion includes four lanes and "appears to have a median of only 13 feet or about equal to the width of a (travel) lane." He adds that the 13-foot raised concrete barrier median along the bypass is half of the proposed median width and "has not posed any problems for accidents that I am aware of and has had much less impact on the surrounding buildings than the new construction would." Requests that a 13-foot median be considered in the densely populated areas near I-40. The proposed construction in this area would take a large part of his land, including his well and septic field, and "would likely necessitate that my house be condemned, unless city services are available." Requests an explanation why the 13-foot median is not a viable option for the heavily populated areas. Alternatively, he suggests a five-lane highway "might be a good option in the business area,

though I can see how that might be more likely to cause accidents.” He awaits NCDOT’s response. He also requests a copy of the Right of Way pamphlet.

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). The median width is necessary to provide median crossovers and turn lanes. Although there are length of the project between the crossovers and turn lanes, it is important to keep the median width consistent because of driver expectations.

Hubert and Faye Flynn 208 Nanneytown Road, Union Mills, NC 28167

Comment: Concerned about the existing “major erosion problems” caused by runoff from US 221 between the Hudlow Road/US 221 and Nanneytown Road/US 221 intersections. He comments that wherever “a drainage pipe is under the road, the runoff has caused erosion.” He adds that “the side ditches of the old road that crosses Hugh Simpson property onto Hubert Flynn’s are so large you would think you are visiting the Grand Canyon. These gullies will only get bigger and larger with the new 221 four lane.” Requests that plans to improve this erosion problem need to be included in the R-2597 project.

Response: Comment noted. The runoff problem will be investigated during final design.

Paige Gibson P.O. Box 1882, Marion, NC 28752

Comments: Writes on behalf of her brother, two sisters, and herself that own a 30+ acre farm along US 221 South, located where TIP R-2597C ends and TIP R-204E begins, where her father currently resides (#5752). Concerned that “every trip into town, which is currently a left hand turn, will require a right hand turn and an approximate 1 mile round trip, out of the way to go north. This would involve going past Goose Creek to the proposed crossover U-turn.” She adds that almost every trip from this driveway is a northbound trip. She adds that the same thing occurs if the property is accessed from the south. From the south, “you must go past Ashworth Road, make a U-turn to return south.” She requests one of the following options: 1) Consider a five-lane highway from Goose Creek Road into Marion, which would allow right or left turns from each driveway and reduce the speed. 2) Place additional pavement in the median and across from each driveway to allow access for each driveway either northbound or southbound. This would be similar to the construction of US 221 North where the highway is divided near Baxter. 3) Include additional directional crossover with median U-turns closer to their driveway to reduce the one mile of additional travel. Several good locations exist along this stretch of highway.

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). Additional directional crossovers with U-turn bulbs will be investigated during final design. It should also be noted that U-turns can be made at intersections with other roadways and not only at the directional crossovers.

Gilkey Lumber Company, Inc. (Tim Parton, President)
2250 Hwy 221 North, Rutherfordton, NC 28139

Comments: Supports Segment B1 as the best option for the Gilkey Lumber Company. Adds that Segment B2 would put Gilkey Lumber out of business and Segment B3 would be more damaging to the environment. Comments that the turnaround north of Lawing Mill Road (SR 1529) is too far north making it difficult for transfer trucks carrying 80,000 lbs to turn south on

the hill and slope of the highway. Adds that Gilkey Lumber services from 40 to 60 trucks a day and employs 55 - 60 persons.

Response: Comments noted. The additional lane on US 221 provided by the project should alleviate this difficulty. As necessary, trucks can travel to the next directional crossover to make their U-turn. Additional directional crossovers with U-turn bulbs will also be investigated during final design.

William Hague

Comments: Opposes the proposed improvements and feels there is little benefit for the cost of the project, which is over \$100 million. He adds that US 221 has a maximum 2010 annual average daily traffic of 7,800 vehicles and a minimum of 2,900; far below the current capacity of the facility. He believes making US 221 multi-lane is unnecessary and comments that the level of service along US 221 decreases due to traffic queuing behind slower traffic, as well as the mixing of local traffic with regional traffic. He states that with the low traffic volumes along the existing roadway, constructing a multi-lane, divided facility with high right of way and construction costs is unnecessary. He suggests constructing turn lanes at intersections and instead of widening the entire facility, construct passing lanes every few miles. "The passing lanes can alternate between northbound and southbound, making the facility only three lanes wide, reducing the amount of right of way needed and reducing construction costs. This could potentially provide many of the same benefits of a multi-lane highway, with a lower cost and less impact." He hopes that NCDOT will take these comments into consideration before proceeding with the proposed improvements.

Response: Comments noted. The purpose and need for the improvements to US 221 are described in the SEA and include mobility improvements and reductions in crashes. **Provide response concerning traffic volumes once studies are completed along the R-2597 section.**

Haldex Brake Products Corporation 5334 US 221 South, PO Box 1129, Marion, NC 28752

Comments: Concerned about the right-turn only exit from their facility and concerned that the turnaround provided south of their entrance requiring employees to cross traffic and make a U-turn before merging with traffic in order to travel north is extremely dangerous for their 100 employees and "will put our employees at risk." They are concerned about their freight carriers performing this maneuver, as well. Adds that there are two other larger manufacturing facilities in the area that will "encounter the same problems with a large number of employees leaving at the same time and having to perform these dangerous crossover and U-turns." Requests that NCDOT reconsider the proposed divided highway and possibly construct an undivided five lane highway in the vicinity of their business.

Response: Comments noted. During final design, NCDOT will investigate moving the U-turn bulb location. In addition, NCDOT will investigate the possibility of providing driveway access to Ashworth Road. If design changes cannot be accommodated, the trucks can use the next directional crossover further south on US 221.

Ronnie Hendrix 160 Sorrels Road, Rutherfordton, NC 28139

Comment: Recommends relocating the William Monteith House on existing property (Lot 227).

Response: Comment noted. NCDOT will coordinate with the State Historic Preservation Office and the historic resource property owner regarding impacts to the William Monteith House.

Terrill Hoffman 833 Miracle Valley Way

Mr. Hoffman's comments were noted under the speaker section. However, responses to Mr. Hoffman's comments that were not addressed in the executive summary are included below.

Comments: Concerned that environmental studies prepared for the EA are 20 years old. Would like more discussion of the project impacts on the people that live along the highway. Concerned about driving on a highway that is under construction for 10 years.

Response: Natural systems surveys are currently being updated for the project. Section V.E Social Effects in the SEA includes a discussion of the potential residential and business relocation impacts based on the preliminary engineering designs. However, additional information regarding residential and business relocation impacts will be included in the Finding of No Significant Impact (FONSI) published Fall 2012. Your property is located within TIP Project R-2597B, between Nanneytown Road and the Polly Spout Road northern intersection. According to the NCDOT 2009 – 2015 TIP, construction is anticipated to occur post year, after Fiscal Year 2020, and is currently unfunded. The construction dates for the various sections of R-2597 and R-204 begin as early as Fiscal Year 2016. In general, each section of TIP Project R-2597 and R-204 may take anywhere from three to five years to be constructed. However, with some sections of the project not currently funded, it is likely that there may be a several year span where there is no construction occurring along US 221.

Claude & Ellen Hollifield 5052 US 221 South, Marion, NC 28752

Comments: Agrees that existing US 221 needs to be widened; but does not approve of the four-lane divided facility with an access fence. He adds that as a main road into Marion, traveling over I-40 with no access to property from both directions is not desired. He states that there are five-lane roads in the county that are operating well.

Response: Comment noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). Additional directional crossovers with U-turn bulbs will be investigated during final design. It should also be noted that U-turns can be made at intersections with other roadways and not only at the directional crossovers.

Jennifer Jarrett 3440 US 221 South, Marion, NC 28752

Comments: Comments that the proposed right of way for TIP R-204D will take her septic field in front of her home (Map 8, Segment H, #836). She adds that according to local environmental health inspectors, there is no other option for a new septic field on her property. She inquires 1) whether her home would be purchased by NCDOT and 2) would she be able to sell her property to NCDOT prior to right of way acquisition.

Response: An impacted property owner may request to be purchased sooner through NCDOT's Hardship Acquisition process. Hardship acquisition is initiated by the property owner because of particular financial or health-related hardship. Decisions regarding whether a property will be acquired sooner than the right-of-way date included in the NCDOT's TIP are evaluated on a case by case basis. Advanced acquisition can also be discussed with the Right-of-Way Agent. For information regarding the NCDOT Relocation Assistance Program, the NCDOT Right-of-Way Agent / Area Negotiator can be contacted at (336) 667-9114. As the project progresses through final design, additional minimization measures will be taken which may, in some areas, reduce the potential impacts from those shown at the public hearing. For homeowners who must relocate because of the project, the NCDOT has several programs to minimize the inconvenience of relocation: relocation assistance, relocation moving payments, and relocation replacement housing payments. A relocation officer is assigned to each project and can provide additional information regarding these programs. The relocation officer also assists homeowners in searching for and moving to replacement property. Appendix G in the SEA includes additional information regarding NCDOT's Relocation Assistance Program.

Benson Jones 320 Wildwood Terrace, Marion, NC 28752

Comment: Inquires whether the curve just past Wildwood Terrace would be straightened out under this project and requests a map that shows the property acquired on the west side of the road between Chapel Hill Loop Road and the Hampton Inn. He looks forward to this much needed project.

Response: An information packet was emailed on March 15 to provide additional information.

Michael Jones (Woodrow W. Jones Property) 303 Sorrels Road, Rutherfordton, NC 28139

Comments: Supports Segment B1, taking the historic property, sparing "all of Sorrels Road and not wiping out Gilkey." Segment B1 would acquire less of his farm and not split his farm in half, leaving a portion isolated with no access. Concerned that the proposed project would acquire three of his properties: Michael's Market (Segment A1) near Thompson Road; his lot along US 221 near Mountain Creek Road; and his farm along US 221 near Darlington Road.

Response: Comments noted. As the project progresses through final design, additional minimization measures will be taken which may, in some areas, reduce the potential impacts from those shown at the public hearing. For homeowners who must relocate because of the project, the NCDOT has several programs to minimize the inconvenience of relocation: relocation assistance, relocation moving payments, and relocation replacement housing payments. A relocation officer is assigned to each project and can provide additional information regarding these programs. For information regarding the NCDOT Relocation Assistance Program, the NCDOT Right-of-Way Agent / Area Negotiator can be contacted at (336) 667-9114. The relocation officer also assists homeowners in searching for and moving to replacement property. Appendix G in the SEA includes additional information regarding NCDOT's Relocation Assistance Program.

Richard Liebeck General Manager, Hampton Inn
3560 US 221 South, Marion, NC 28752

Comments: Does not believe there is enough traffic to support the project. Concerned about losing a large portion of the Hampton Inn parking lot, as well as losing "tens of thousands of dollars due to lost revenue with a large construction project in front of the hotel. The economic impact will be devastating to the community if we lose the Super 8 and Days Inn, also."

Response: Comments noted. The Hampton Inn is located within TIP Project R-204D, between I-40 and the US 221/NC 226 intersection. According to the NCDOT 2009 – 2015 TIP, construction is anticipated to occur in Fiscal Year 2016. In general, each section of TIP Project R-2597 and R-204 may take anywhere from three to five years to be constructed.

Wendell Mast 147 Sorrels Road, Rutherfordton, NC 28139

Comment: Supports Segment B3.

Response: Comment noted.

Joseph McCall 4897 US 221 South, Marion, NC 28752

Comments: Believes the “widening project is overkill to correct problems in certain areas, such as the westbound exit ramp at US 221.” The crossovers in the vicinity of his property are two to three hundred feet from his driveway and “neither of these are of any value to me.” He must travel approximately a mile out of his way based on the locations of the crossovers. Requests whether the west side crossover could be shifted north 500 feet and the east side crossover be shifted south 500 feet. States that his farm is covered by a land use tax deferment (GS #105-296) and that sale of the property with this deferment to a non-family person is subject to substantial penalty for the affected part, three years back taxes plus interest. Inquires whether the State of NC would “pay this penalty over and above the ‘fair market value’ of the land.”

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). Additional directional crossovers with U-turn bulbs will be investigated during final design. It should also be noted that U-turns can be made at intersections with other roadways and not only at the directional crossovers. For example, a U-turn would be permitted at the intersection with existing US 221 near this property.

NCDOT’s purchase of land from this property would be exempt from the tax deferment statute penalties [Division 13 ROW to confirm]. If additional information is needed, a relocation officer is assigned to each project and can provide information regarding the NCDOT Relocation Assistance Program. The NCDOT Right-of-Way Agent / Area Negotiator can be contacted at (336) 667-9114.

Ronell McCall 4897 US 221 South, Marion, NC 28752

Comment: Agrees that existing US 221 needs “some upgrade;” however, she feels that a four lane facility is “totally unnecessary and a waste of money” and suggests a three lane facility with “some passing zones.”

Response: Comment noted. The four-lane median-divided section was determined to best meet the purpose and need for the project (i.e., enhance mobility and reduce crashes).

* **Joyce McCloskey** Owner, Cranberry's and Lace
2245 Rutherford Road, Marion, NC 28752

Comments: Requests advanced acquisition. Last year she was in the process of negotiating the sale of her business, when she found out that it would be acquired under the proposed project. She confirmed that with Mr. Tipton, as well as a local realtor, and was told that she could not sell her property. Her husband is suffering from Parkinson's Disease and Dementia and she is interested in selling her home and moving to Morganton, closer to her husband's doctors and her relocated business. She discusses her financial situation and the need to have her business acquired sooner rather than later. She adds that she "would be ever so grateful" if NCDOT would consider "moving up the timeline to acquire her property."

Response: Comment noted. An impacted property owner may request to be purchased sooner through NCDOT's Hardship Acquisition process. Hardship acquisition is initiated by the property owner because of particular financial or health-related hardship. Decisions regarding whether a property will be acquired sooner than the right-of-way date included in the NCDOT's TIP are evaluated on a case by case basis. Advanced acquisition can also be discussed with the Right-of-Way Agent. For information regarding the NCDOT Relocation Assistance Program, the NCDOT Right-of-Way Agent / Area Negotiator can be contacted at (336) 667-9114. As the project progresses through final design, additional minimization measures will be taken which may, in some areas, reduce the potential impacts from those shown at the public hearing. For homeowners who must relocate because of the project, the NCDOT has several programs to minimize the inconvenience of relocation: relocation assistance, relocation moving payments, and relocation replacement housing payments. A relocation officer is assigned to each project and can provide additional information regarding these programs. The relocation officer also assists homeowners in searching for and moving to replacement property. Appendix G in the SEA includes additional information regarding NCDOT's Relocation Assistance Program.

McDowell County (Charles Abernathy, County Manager) 60 East Court Street,
Marion, NC 28752

Comments: Concerned that the minimum 250-foot right of way is "excessive and will have adverse impacts on established commercial businesses and industry," especially in the section from Goose Creek Road to US 221/NC 226. He adds that the buildings proposed to be impacted, "would lead to job loss and loss of property tax base in McDowell County." He feels "as a Tier 1 county it is hard to absorb such losses." He states that "McDowell County supports the project, but feels that the design between the northern end of the project north of the US 221/NC 226 intersection southward to Goose Creek Road should be revised to allow for a five lane section, with the smallest right of way possible and installation of design features such as retaining walls wherever possible." Concerned about the divided highway not providing adequate access to commercial, industrial or residential properties in this area. There are four manufacturing facilities located between Goose Creek Road and the US 221/NC 226 intersection that employ approximately 460 employees. "In many cases employees of these industrial facilities will have to cross two lanes of traffic, complete a U-turn, and merge in order to reach their destination. This will also pose a great danger for freight carriers trying to access the businesses and industries." The County offers to arrange small group meetings to begin looking at options for the final design of the project.

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). The four-lane median-divided typical section is also consistent with the development of US 221 as a Strategic Highway Corridor (see

<http://www.ncdot.gov/doh/preconstruct/tpb/shc/>). Efforts will be made to minimize property impacts during final design. Also, additional directional crossovers with U-turn bulbs will be investigated during final design. It should also be noted that U-turns can be made at intersections with other roadways and not only at the directional crossovers. If trucks cannot safely accelerate to cross traffic to complete a U-turn, they should travel to the next median crossover. NCDOT will meet with McDowell County officials prior to the next Merger Team meeting.

McDowell County Chamber of Commerce (Rod Birdsong) 1170 West Tate Street,
Marion, NC 28752

Comments: Although initially in support of the strategic corridor concept for US 221, concerned about the “project’s design for portions of US 221 in McDowell County.” Concerned that the minimum 250-foot right of way width is “excessive and will lead to unneeded impacts on established commercial buildings from the northern end of the project in Marion to Goose Creek Road.” Requests that NCDOT “give close attention to McDowell County’s Tier 1 status, one factor in which is our current unemployment rate of near 13 percent.” States that “31 of the 66 business dislocations occur in the last three miles of the project. In other words, 47% of the project’s economic impact on tax base, jobs, and lodging facilities occurs in the Marion area.” Recommends that this section of the project be “re-designed as a five-lane section, with the narrowest right of way possible and the installation of retaining walls wherever possible.” Concerned that the superstreet design will “prevent adequate access to commercial, industrial and residential properties in the final three-mile section.” Concerned that the inconvenience to tourists, in addition to the industrial park employees, of having to drive past a business and turn around to access the business would cause tourists to “avoid the nuisance of traveling well out of their way to access these facilities, resulting in the loss of income for the affected businesses and the eventual loss of jobs.”

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). The four-lane median-divided typical section is also consistent with the development of US 221 as a Strategic Highway Corridor (see <http://www.ncdot.gov/doh/preconstruct/tpb/shc/>). Efforts will be made to minimize property impacts during final design. Also, additional directional crossovers with U-turn bulbs will be investigated during final design. It should also be noted that U-turns can be made at intersections with other roadways and not only at the directional crossovers.

McDowell County Citizens Marion, Old Fort, Nebo, NC

Comments: Twenty-four citizens signed a letter stating their support for the project and concerns that the proposed 250-foot right of way would lead to “unneeded property impacts” between Goose Creek Road and the US 221/NC 226 intersection. Concerned that “the divided highway design will not provide for adequate access to commercial, industrial and residential properties in the developed area from just north of the US 221 Bypass southward to Goose Creek Road.” Reiterated concerns that motorist would have to drive past a business and turn around to access that business. Recommends that the US 221 design “between the northern end of the project southward to Goose Creek Road be revised to allow for a five-lane section, with the narrowest right of way possible and the installation of design features such as retaining walls wherever possible, to avoid the loss of any commercial buildings, unless absolutely necessary.”

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). The four-lane median-divided typical section is also consistent with the

development of US 221 as a Strategic Highway Corridor (see <http://www.ncdot.gov/doh/preconstruct/tpb/shc/>). Efforts will be made to minimize property impacts during final design. Also, additional directional crossovers with U-turn bulbs will be investigated during final design. It should also be noted that U-turns can be made at intersections with other roadways and not only at the directional crossovers.

McDowell County Tourism Development Authority (Carol Price)

Comments: Would support the project once their concerns are addressed: 1) “Extremely concerned over the minimum 250-foot right-of-way width and the resulting impact on existing businesses from the northern end of the project just north of Marion’s US 221/NC 226 intersection to Goose Creek Road south of Marion.” Particularly concerned about the potential loss of three of the city’s four hotels located in this section, resulting in “a significant loss of jobs.” Stated that “by increasing the section to three or four lanes, allowing for passing lanes and avoiding property loss, improvements would result in fewer lost jobs. However, should NCDOT choose to increase this section by expanding to five lanes, we request the narrowest right of way possible and installation of design features such as retaining walls be used wherever possible, thus avoiding the loss of any commercial buildings.” She feels that “the divided highway design offered in the developed area from north of the US 221 bypass southward to Goose Creek Road creates the most significant, negative economic impact,” specifically in the I-40 area. She states that “we would respectfully request that NCDOT work with the City and our partner agencies, including McDowell County, the McDowell Chamber of Commerce and the Marion Business Association to satisfactorily address the points made above, while preserving as many local jobs and businesses as possible.”

Response: Comments noted. The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). The four-lane median-divided typical section is also consistent with the development of US 221 as a Strategic Highway Corridor (see <http://www.ncdot.gov/doh/preconstruct/tpb/shc/>). Efforts will be made to minimize property impacts during final design. Also, additional directional crossovers with U-turn bulbs will be investigated during final design. It should also be noted that U-turns can be made at intersections with other roadways and not only at the directional crossovers. NCDOT will meet with McDowell County officials prior to the next Merger Team meeting.

Janice McNeil P.O. Box 1316, Marion, NC 28752

Comments: Inquires where the projected traffic is coming from and concerned whether a traffic study has been performed recently. Inquires who will pay for this project and whether her taxes would increase. Comments that residences and businesses would be affected and inquires whether streams or wetlands would be impacted. Inquires how many people from the area would be employed for the short term and long term.

Response: Comments noted. The project is currently state funded, primarily by the Highway Trust Fund. In 2000, the Highway Trust Fund provided \$880 million generated from highway use taxes, gasoline taxes, and the State Treasurer’s investments. Impacts to wetlands and streams as a result of the proposed project are included in Section V.A.2 Waters of the United States of the SEA. The stream and wetland impacts are quantified for each stream within each segment along the project. As discussed in Section V.F Economic Effects in the SEA, the US 221 project can have both positive and negative impacts on the economy of an area. The analysis of the potential economic impacts of the project is related to the expected growth in the industrial and commercial sectors that could result from improved access to the industrial development near the

I-40 interchange and other similar types of properties in the area. In addition, it is anticipated that increased state and local tax revenues would be generated in the project area during the construction phase of the proposed project, thereby providing additional financial support for public programs that aid low-income persons.

Sandra Norton 2747 South Creek Road, Nebo, NC 28761

Comments: Opposes the widening of existing US 221 and does not feel there is enough traffic to justify widening the highway. She believes the design of the road is “excessive at the very least and suicidal at best.” Concerned that “travelers have to go past their destination and make an extra turn, increasing travel time and gas consumption.” She does not believe there is a safety benefit to this design and feels if the road must be widened, “a five or three lane highway would be far more practical.” Concerned that as the small community of Glenwood has begun to grow, the businesses in that area that would be affected have been in business less than five years and may not be able to rebuild or recover from being relocated. Does not believe fair market value in a down economy is really fair. Concerned for those losing their homes or land, or those “living on the edge of a four lane mega highway.” Concerned that instead of helping the community, this project would hurt the community. Believes her tax dollars could be better spent.

Response: Comments noted. Traffic data support the need for the project. [ADD ADDITIONAL INFORMATION ONCE TRAFFIC STUDIES COMPLETED.] The four-lane median-divided section meets the purpose and need for the project to a greater degree than a five-lane section (e.g., it would better enhance mobility and reduce crashes). The four-lane median-divided typical section is also consistent with the development of US 221 as a Strategic Highway Corridor (see <http://www.ncdot.gov/doh/preconstruct/tpb/shc/>). Efforts will be made to minimize property impacts during final design.

Rita O'Brien

Comment: Requests the internet address for the US 221 hearing maps.

Response: Link to the hearing maps provided to her in March 14 email.

Terry Dale Padgett 7477 US 221 South, Marion, NC 28752

Comment: Concerned because the hearing map shows full control of access for the turnaround bulb across his existing driveway (Segment E1, Parcel 619). This private driveway is the only access to the house and other structures on the property, which lie outside the proposed right of way. Inquires whether the design will be revised to provide access to his home and property. The structures and driveway have been there since 1969.

Response: Comment noted. The driveway will be relocated during final design to provide access to the property.

* **Kaustubh Patel** 6259 US 221 South, Marion, NC 28752

Comments: Feels that the public meeting was effective; but has specific questions about his property: 1) Will his property be acquired? 2) If yes, how much. What is the timeframe for right-of-way acquisition? Will the NCDOT “spare” vacant land (on his property) for him to relocate since septic and well is outside right of way? Would appreciate an answer to his questions.

Response: Comments noted. According to Map 6 (Segment E1) shown at the public hearing, the structures on your property (Parcel 692) would be acquired by the proposed project. The proposed right of way would take approximately 40 feet of additional land from your property, measured from the existing US 221 right of way. Your property is located within TIP Project R-2597C, between the Polly Spout Road northern intersection and Goose Creek Road. According to the NCDOT 2009 – 2015 TIP, right-of-way acquisition is anticipated to occur in Fiscal Year 2018. As the project progresses through final design, additional minimization measures will be taken which may, in some areas, reduce the potential impacts from those shown at the public hearing. For businesses that must relocate because of the project, the NCDOT has several programs to minimize the inconvenience of relocation: relocation assistance, relocation moving payments, and relocation replacement payments. A relocation officer is assigned to each project and can provide additional information regarding these programs. The relocation officer also assists business owners in searching for and moving to replacement property. For information regarding the NCDOT Relocation Assistance Program, the NCDOT Right-of-Way Agent / Area Negotiator can be contacted at (336) 667-9114. Appendix G in the State Environmental Assessment (SEA) includes additional information regarding the NCDOT’s Relocation Assistance Program. Regarding whether land will be spared for you to relocate on your property, the NCDOT is not in the business of purchasing property that is not needed for the project right-of-way. However, if property is purchased and then all of it is not needed, the property owner would be given the opportunity to buy that portion back from the State.

Walter Poteat 88 Walter Drive, Marion, NC 28752

Comments: Concerned because the maps show Wildwood Terrace being relocated through his property. Believes the better alignment “would be to come straight down to US 221 at Hollands Storage buildings,” tie-in the old Wildwood Terrace below the first house on the left, keeping the present width on the top of the hill, and providing him an entrance to US 221 where it is.

Response: Comment noted. This design request was investigated, but could not be accommodated. It was noted that existing Wildwood Terrace runs parallel to existing US 221 along a steep vertical slope. The cut slope for the proposed widening of US 221 would undermine the road and a retaining wall could not save the existing location of Wildwood Terrace. Due to the large grade difference between Wildwood Terrace and US 221, other options would have impacts to other properties and, in some cases, more buildings would be impacted. The current design minimizes property impacts, which is why it was presented in the EA.

Bennie & Dixie Proctor 1998 US 221 Highway North, Rutherfordton, NC 28139
(Property listed as Margaret & Orland Elms)

Comment: After looking at real estate for three years, they bought their well-built home. They are in their 60’s and would prefer to enjoy their retirement there rather than relocate. In favor of widening existing US 221, but do not want to lost their home, Gilkey Lumber, or the historic property. Based on the potential impacts, they prefer Segment B3.

Response: Comment noted.

Rutherford Electric Membership Corporation (REMC) P.O. Box 1569, Forest City, NC 28043
Judson Wortman, Construction Engineer

Comments: REMC owns a substation between Segment C (Sta. 226+56.36) and Segment D (Sta. 33+14.85) - access needs to be provided for driveway to substation and to transmission line (steel tower) right of way adjacent to driveway. REMC has a 100-foot right of way for a 100 kV transmission line (concrete poles) in Segment C (Sta. 226+56.36). Special concern should be given to this transmission line - access should be provided to this right of way. Comments that according to the plans, it appears one concrete pole structure may be impacted - cost to move this structure will be between \$150,000 - \$200,000. From the substation driveway, located at 4734 Hwy 221 North, REMC has a triple-circuit distribution line that will cost approximately \$130,000/mile to relocate. A crossover through the median should be provided to allow REMC's mobile substation access to the property during extreme power restoration activities. The mobile substation is an over-weight/over-width superload - U-turns are not possible with this piece of equipment. There are multiple locations on all segments where REMC distribution lines will be affected. REMC expects all access to facilities to be provided as currently exists. REMC expects full compensation for any relocations that are needed.

Response: Comments noted. The NCDOT will work with REMC during final design to determine access to their property.

Rutherford County Commissioners (Julius Owens, Chairman) 289 N. Main Street
Rutherfordton, NC 28139

Comments: 1) Supports Segment B1 in the Gilkey area. "We strongly encourage the DOT to find a means of honoring the wishes of the owner of the Historic Monteith House. The owner wishes that his house be torn down rather than the road re-routed to save it." 2) Recommends that NCDOT look closely at safety issues for truck traffic near Gilkey Lumber and Hudlow Road. They add that "fully loaded 18-wheel trucks needing to go south on 221 will be required to travel north first and then do a U-turn and come uphill to go south creating a safety concern of very slow moving trucks." He states that "a significant amount of truck traffic travels between Gilkey Lumber and a chip mill operation on Centennial Road." 3) Concerned that the proposed cul-de-sac on one end of Roper Loop Road would increase response time for emergency vehicles. "We propose an access road be built either for local use or limited to emergency vehicle use." 4) Examine the area of Gilkey School Road, Lawing Mill Road, and Painters Gap Road for safety and consider a potential realignment to make these roads a T-intersection. 5) Identify Bechtler Mint Historic Site on the maps and "any appropriate accommodations for access to the site be considered." 6) Identify the Thermal Belt Rail Trail on the maps as a public trail. Access to the trail's beginning point at Oak Springs Road needs to be accommodated - map currently shows "Abandoned Railroad" - trail continues to Oakland Road in Spindale. 7) Concerned about the safety to cyclists needing to cross the highway. Concerned that as cyclists ride on the main highway, they must make a U-turn to "legally" cross the highway.

Response: Comments noted. NCDOT will coordinate with the State Historic Preservation Office and the historic resource property owner regarding impacts to the William Monteith House.

The additional lane on US 221 provided by the project should alleviate the difficulty noted near the Gilkey Lumber Company. As necessary, trucks can travel to the next directional crossover to make their U-turn. Additional directional crossovers with U-turn bulbs will also be investigated during final design

A right in/right out access (in lieu of cul-de-sac) will be provided to Roper Loop Road during final design to accommodate the emergency vehicle access concerns.

Coordination was performed with NCDOT regarding the location of the Bechtler Mint Historic Site and whether it needed to be included on project maps. The beginning project limit for TIP Project R-2597 is north of Roper Loop Road, although some widening would occur along US 221 immediately south of Roper Loop Road. However, improvements to US 221 between Thompson Road and Roper Loop Road are predominantly included in TIP Project R-2233, the Rutherfordton Bypass project. With construction anticipated to begin in Fiscal Year 2020, the Rutherfordton Bypass project would be constructed prior to the TIP Project R-2597A project, which is currently unfunded and scheduled for construction post year (i.e., after Fiscal Year 2020). Therefore, any accommodations for access to the site were considered under TIP Project R-2233.

The project mapping will be updated to include the Thermal Belt Rail Trail.

NCDOT is currently researching bicycle movements on divided highways with median crossovers. If recommendations are developed based on the research, they will be investigated for this project.

Donald Spratt 204 Sorrels Road, Rutherfordton, NC 28139

Comments: Does not see a need to widen US 221 and does not agree with the typical section proposed. Opposed to Segment B3 that takes Sorrels Road and many homes, including his home. Suggests that some land be taken on either side of existing US 221 through Gilkey and that the median width be decreased. Recommends realigning US 221 out of the Gilkey area; building it ½ mile on the east or west side of existing US 221. He reiterates that he is against using Sorrels Road for any US 221 improvements.

Response: Comments noted. The alternatives through Gilkey were designed such that they widened predominantly on the east side or on the west side of existing US 221. If land had been taken from both sides of existing US 221, the Gilkey Lumber Company and the William Monteith Historic House would have both been impacted instead of only one or the other. In addition, the median width through Segment B (Gilkey) was decreased to 23 feet to minimize property impacts through this area. Realigning US 221 out of the Gilkey area and constructing it a half mile east or west of existing US 221 would situate the new roadway too far from the existing road. Locating a new road this far from existing US 221 would make it difficult to get to and drivers would more than likely choose not to use the new road.

* **Kenneth Suttles, PLS** Suttles Survey, 40 South Main Street, Suite 200, Marion, NC 28752

Comments: Requests a copy of the centerline data after final design in the area of Copper Road (SR 1256) north along US 221; 1,500 feet along the Howard and Frances Randolph Property.

Response: Comment noted. After the final design process is complete, the plans will be made available to the public upon request. Please resubmit your request at that time.

* **Margie Trink** 145 Caravan Drive
Owns 212 Caravan Drive, as well

Comments: Could not attend the meeting, but received information from neighbors that her house would be impacted. Inquires how soon she will know the “definite plan,” when will the

final route be made public, and when will she be told how much of her property will be acquired. She has numerous right of way questions, such as the timing of a financial offer, can she live in the home after it is purchased, for a certain amount of time, and if she moves her heirloom outdoor plants, will her house value be affected. She was going to make some improvements to her home and isn't sure if she should go ahead with these plans (and receive more for her home with the improvements) or stop the improvements. Does not feel that this project is a wise use of state funds. Inquires about surveys for rare wildflowers on her property or in McDowell County and how that affects the widening decision. Mentions that the property at 212 Caravan Drive is solely owned by her and inquires if the mapping will be updated. Inquires how the project affects that property.

Response: Comments noted. The NCDOT anticipates holding a Merger Team Meeting with environmental agencies, as well as other interested parties, to discuss and select a Preferred Alternative in Fall 2012. After selection of a Preferred Alternative for each section of the project, a newsletter will be mailed to property owners informing them of the decision. As the project progresses through final design, additional minimization measures will be taken which may, in some areas, reduce the potential impacts from those shown at the public hearing. For homeowners who must relocate because of the project, the NCDOT has several programs to minimize the inconvenience of relocation: relocation assistance, relocation moving payments, and relocation replacement housing payments. A relocation officer is assigned to each project and can provide additional information regarding these programs. The relocation officer also assists homeowners in searching for and moving to replacement property. Appendix G in the SEA includes additional information regarding NCDOT's Relocation Assistance Program. For information regarding the NCDOT Relocation Assistance Program, the NCDOT Right-of-Way Agent / Area Negotiator can be contacted at (336) 667-9114. Section V.A.3 Rare and Protected Species in the SEA includes a discussion of the plants and animals in Rutherford and McDowell Counties with a classification of endangered, threatened, proposed endangered, and proposed threatened that are protected under the Endangered Species Act. A survey of the project area was performed to determine if any protected plant or animal species were present. The survey revealed that habitat for these species is not present in the project area and no impacts to these species are anticipated during project construction. The property owner information included on the maps was obtained several years ago during the development of the mapping. During final design of the project, updated mapping would be requested, including the most recent property owner information. According to Map 4 (Segments D&D1) shown at the public hearing, the house located at 212 Caravan Drive would be impacted by the proposed project. However, the house located at 145 Caravan, which is situated a further from US 221 would not be impacted.

Perry Ward, Jr. 9 Cross Mountain Drive, Marion, NC 28752

Comments: Maps show that there is no U-turn located immediately south of his property, which is located at R-2597B & R-2497C break. He states that "per design," there should be a U-turn 800 feet to 1,000 feet south of Polly Spout Road. Comments that the nearest U-turn north of his property is three miles north and because he owns property on both sides of the road, he would have to drive about 6 miles to get to his property across the road from his house. Requests NCDOT review the locations of the U-turns. His property east of US 221 is accessed by a deeded right of way through the Paul & Lynda Cartwright property and along the abandoned railroad. Requests that access to this driveway be provided at a suitable location. It ties in to existing US 221 north of the proposed bridge in Segment D.

Response: Comments noted. Additional directional crossovers with U-turn bulbs will be investigated during final design. It should also be noted that U-turns can be made at intersections

with other roadways and not only at the directional crossovers. For example, a U-turn would be permitted at the intersection with existing US 221 south of this property.

Driveway access will be investigated during final design.

David Yelton 265 Amber Oaks Drive, Rutherfordton, NC 28139

Comments: Concerned that the project as proposed is not needed. Feels that the addition of passing lanes “would alleviate most of the minor inconveniences that exist.” Concerned about Gilboa United Methodist Church and cemetery and “would appreciate full consideration of protecting our location and the avoidance of leaving our access at the end of a road (i.e. cul-de-sac).”

Response: Comment noted. The four-lane median-divided section best meets the purpose and need for the project (e.g., enhance mobility and reduce crashes). The four-lane median-divided typical section is also consistent with the development of US 221 as a Strategic Highway Corridor (see <http://www.ncdot.gov/doh/preconstruct/tpb/shc/>).

In the vicinity of Gilboa United Methodist Church, the widening of US 221 takes place predominantly on the west side of US 221, avoiding impacts to the church and cemetery. The Church’s access along Gilboa Church Road would remain unchanged, with the exception of the minor realignment of Gilboa Church Road at the Gilboa Church Road/US 221 intersection.

Rocky Yelton 120 Sorrels Road, Rutherfordton, NC 28139

Comment: Supports Segment B3. Adds that the other two alternatives would either impact the Lumber Company or would be a traffic hazard with large trucks entering/exiting proposed US 221 in close proximity to the Lumber Company. Comments that several individuals along Sorrels Road are willing to sell and relocate.

Response: Comment noted.