

Fayetteville
Replace Bridge Number 116
On NC 24-210 (Rowan Street)
Over CSX, Norfolk Southern Railroads and Hillsboro Street
And Intersection Improvements
Cumberland County
Federal-Aid Project BRNHS-0024(24)
State Project 8.1444501
WBS Element 33727.1.1
TIP Project B-4490

ADMINISTRATIVE ACTION

FINDING OF NO SIGNIFICANT IMPACT

U. S. Department of Transportation
Federal Highway Administration
And
N. C. Department of Transportation
Division of Highways

Submitted pursuant to 42 U. S. C. 4332(2)(C)



APPROVED:

12/19/12 Clarence W. Cole
Date for John F. Sullivan III, PE
Division Administrator, FHWA


12/10/12 Gregory J. Thorpe
Date for Gregory J. Thorpe, Ph.D.
Manager,
Project Development and Environmental Analysis Unit, NCDOT

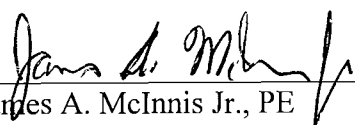
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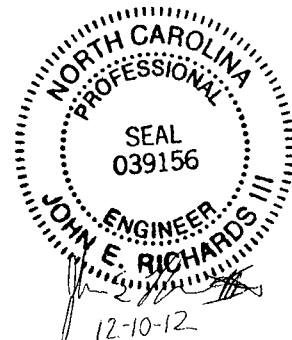
FINDING OF NO SIGNIFICANT IMPACT



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PROJECT COMMITMENTS

Fayetteville
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NCDOT Hydraulics Unit

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine status of project with regard to applicability of NCDOT'S Memorandum of Agreement, or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

NCDOT Hydraulics Unit/Division Six

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

NCDOT Project Development & Environmental Analysis Unit

Black-powder coated metal traffic signal poles and mast arms are currently proposed adjacent to the National Register-eligible Orange, Chatham, and Moore Streets Historic District. Prior to construction, the location of these signal poles and the signal control box will be reviewed with the State Historic Preservation Office.

NCDOT Signing and Delineation/Division Six

High visibility pavement markings will be provided at the proposed reconfigured Rowan Street intersections with Bragg Boulevard and Murchison Road and at the intersection of Rowan Street with Ray Avenue.

NCDOT Roadway Design Unit

To minimize impacts to the National Register-eligible (former) Shearer Texaco Service Station, the proposed alignment of Bragg Boulevard has been shifted to avoid impacts to the property. No right of way or easements will be required from this property.

Eight-foot pedestrian refuge islands will be provided at the proposed Murchison Road/Bragg Boulevard/Rowan Street intersection.

NCDOT Roadway Design/Structure Design Units

Five-foot sidewalks and 42-inch rails are proposed on both sides of the new bridges to accommodate pedestrians. Fourteen-foot wide outside travel lanes are proposed on Rowan Street to accommodate bicyclists.

Electrical conduit along both sides of the proposed bridges will be provided to allow for future lighting along Rowan Street between the proposed bridges (lighting to be installed and maintained through encroachment by the City).

To minimize effects to the National Register-eligible Orange, Chatham, and Moore Streets Historic District, a retaining wall with a maximum height of 10 feet is proposed on the north side of relocated NC 24-210 (Rowan Street) between Chatham Street and the proposed new bridge.

NCDOT Roadside Environmental Unit

In order to minimize effects to the National Register-eligible Orange, Chatham, and Moore Streets historic district, landscaping will be provided near the proposed retaining wall at the corner of Rowan Street and Chatham Street.

At the request of the City of Fayetteville, proposed medians and islands wider than six feet will be landscaped, with the exception of the median along Rowan Street between the proposed Murchison Road/Bragg Boulevard/Rowan Street intersection and Ray Avenue. The median on Rowan Street between the proposed intersection and Ray Avenue will be brick colored stamped concrete.

Appropriate landscaping will be provided at the proposed Murchison Road/Bragg Boulevard/Rowan Street intersection.

Prior to project construction, NCDOT will coordinate with the City to determine whether the City would like NCDOT to provide landscaping appropriate for the design speed and median width on the project. NCDOT can fund landscaping in an amount up to 0.5 percent of the project construction cost. The City would be responsible for maintaining any landscaping. If the City prefers, it may submit its own landscaping plan for review, provided the City agrees to fund and maintain it.

NCDOT Roadway Design Unit/Transportation Program Management Unit/Division Six Construction/Fayetteville Area MPO

A portion of the proposed Little Cross Creek Trail will be constructed as a part of this project, if the Fayetteville Area Metropolitan Planning Organization (FAMPO) agrees in writing to participate in the cost and to accept maintenance and liability for the trail. This involves a ten-foot wide multi-use path on the west side of Murchison Road between the proposed Murchison Road/Rowan Street/ Bragg Boulevard intersection and the northern limits of the project. Additional right of way required for the trail and any additional cost of the path above the cost of a five-foot sidewalk will be funded by FAMPO. A municipal agreement will be prepared regarding the trail prior to construction.

NCDOT Roadway Design Unit/Transportation Program Management Unit/City of Fayetteville

The City of Fayetteville has requested the following items be included in the project. The City will be required to fund the additional cost of the special requests listed below:

- Brick colored stamped concrete where raised median is less than six feet wide.
- Black powder-coated traffic signal poles at the proposed realigned intersection of Bragg Boulevard, Murchison Road and Rowan Street.
- Black powder-coated traffic signal poles and mast arms at the intersection of Ray Avenue and Rowan Street.
- Conduit for irrigation pipes.

A municipal agreement will be prepared regarding these items prior to construction.

NCDOT Roadway Design Unit/Utilities Unit/Program Development Branch/Fayetteville PWC

As the final plans are developed, NCDOT will coordinate with the Fayetteville Public Works Commission (PWC) to enhance the utility relocation schedule and possibly accelerate utility relocation funding.

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APPENDICES

Appendix A – Agency Comments on the Environmental Assessment
Appendix B – Updated Relocation Report for Project

**FINDING OF NO SIGNIFICANT IMPACT
PREPARED BY THE
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT
DIVISION OF HIGHWAYS
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
IN CONSULTATION WITH THE
FEDERAL HIGHWAY ADMINISTRATION**

I. TYPE OF ACTION

This is a Federal Highway Administration (FHWA) Finding of No Significant Impact (FONSI).

The FHWA has determined this project will have no significant impact on the human environment. This Finding of No Significant Impact is based upon comments received on the November 22, 2011 Environmental Assessment (EA) and subsequent public involvement, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues and impacts of the proposed project and appropriate mitigation measures. The following documentation provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FHWA takes full responsibility for the accuracy, scope and content of the Environmental Assessment.

II. DESCRIPTION OF PROPOSED ACTION

The proposed project involves the replacement of Bridge Number 116, which carries NC 24-210 (Rowan Street) over the CSX Railroad, Norfolk Southern Railroad and Hillsboro Street in downtown Fayetteville. The project also involves reconfiguring the Rowan Street intersections with Bragg Boulevard and Murchison Road into a single signalized intersection.

The proposed project is included in the approved 2012-2018 North Carolina State Transportation Improvement Program (STIP). The project is scheduled for right of way acquisition and construction in federal fiscal years 2014 and 2016, respectively in the draft 2014-2020 STIP.

III. SELECTED ALTERNATIVE

Several alternatives were considered for this project, including the no-build alternative, a roundabout alternative and a signalized intersection alternative. In addition, replacing only the bridge in place without making intersection improvements was also considered (See Section III of the EA). One build alternative was selected for detailed study in the Environmental Assessment and is the selected alternative for this project.

The build alternative consists of a six-lane typical section (three through lanes in each direction separated by a median) and is proposed along NC 24-210 (Rowan Street) from NC 24 (Bragg Boulevard) to Ray Avenue. Two twelve-foot lanes and an outside fourteen-foot lane with curb and gutter will be provided. Existing five-foot sidewalks on both sides of Rowan Street will be replaced. It is anticipated approximately 100 to 120 feet of right of way will be required. No control of access is proposed.

The latest cost estimate for the project is presented below.

Table 1. Project Cost Estimate	
Right of Way Acquisition (Including Utility Relocation)	\$11,548,850
Construction	\$23,400,000
Total	\$34,948,850

The cost estimate for the project included in the draft 2014-2020 STIP is \$36,385,000. Of this total, \$12,985,000 is estimated for right of way acquisition and utility relocation and \$23,400,000 is estimated for construction.

IV. SUMMARY OF ENVIRONMENTAL EFFECTS

Table 3 presents a summary of the anticipated environmental effects for the project.

Table 2. Summary of Environmental Impacts		
Project Length (miles)		0.6
Relocations	Residential	0
	Business	15
	Total Relocations	15
Minority/Low Income Populations - Disproportionate Impacts*		No
Historic Properties (adverse effect)		No
Community Facilities Impacted**		None
Section 4(f) Impacts		No
Noise Impacts (impacted properties)		10
Wetlands (acres)		0
Streams (linear feet)		781
Floodplain (acres)		11.78
Forested Area (acres)		1.93
Federally Protected Species		No effect
Cost	Right of Way Cost	\$10,690,000
	Utilities Cost	\$858,850
	Construction Cost	\$23,400,000
	Total Cost	\$34,948,850

* Impacts defined as disproportionate adverse impacts to minority or low income populations.

**Impacts to schools, parks, churches, fire stations, cemeteries, etc.

V. COMMENTS AND COORDINATION

A. Distribution of the Environmental Assessment

Copies of the environmental assessment were made available to the public and to the following federal, state and local agencies:

- *US Department of the Army - Corps of Engineers
- *US Environmental Protection Agency
- US Fish and Wildlife Service – Raleigh
- *NC Department of Administration – State Clearinghouse
- NC Department of Cultural Resources – State Historic Preservation Office
- *NC Department of Environment and Natural Resources – DENR
- *DENR – NC Division of Water Quality
- DENR – NC Wildlife Resources Commission
- Fayetteville Area Metropolitan Planning Organization
- Cumberland County
- City of Fayetteville

Asterisks (*) indicate agencies from which comments on the environmental assessment were received. Copies of letters received are included in Appendix A of this document.

B. Comments on the Environmental Assessment

Substantive comments on the environmental assessment are presented below.

US Army Corps of Engineers

COMMENT: “Please describe why the proposed intersection cannot be shifted approximately 200-400 feet east of the proposed location. Shifting the proposed roadways and intersection to the east would result in two separate crossings over Cross Creek and would likely reduce the amount of stream channel impacts, flood plain impacts and business relocations.”

NCDOT RESPONSE: As discussed in Section V-D of this document, shifting the proposed intersection eastward to allow the construction of two shorter culverts for Cross Creek would potentially affect the State Veterans Park and would require a change in the grade of the realigned section of Rowan Street between the proposed railroad grade separation and Cross Creek. This would be within the 100-year floodplain and regulated floodway, likely increasing the 100-year flood elevation and potentially requiring the acquisition of additional properties. A field meeting was held on August 15, 2012 between NCDOT, the Corps of Engineers and the NC Division of Water Quality to review the proposed project and discuss comments made on the environmental assessment regarding

shifting the alignment of the proposed intersection and bridging Cross Creek. This meeting resolved agency concerns.

COMMENT: “The EA should describe a bridging scenario for crossing Cross Creek. Constructing a bridge(s) would eliminate the need to fill approximately 800 feet of continuous stream channel and would avoid and/or minimize impact to the Cross Creek and its associated floodplain.”

NCDOT RESPONSE: Construction of a bridge over Cross Creek instead of the proposed culvert would likely increase the 100-year flood elevation in the Cross Creek floodplain, potentially requiring the acquisition of additional properties further upstream (see Section V-D of this document).

COMMENT: “It appears that the project could potentially have disproportionately high and adverse effects on minority and low income populations. Environmental Justice issues should be adequately addressed with Executive Order 12989 and mitigation measures should be described in the FONSI or final NEPA document.”

NCDOT RESPONSE: Additional coordination with minority business owners affected by the project has been conducted; see Section V-G of this document. This project has been implemented in accordance with Executive Order 12989.

US Environmental Protection Agency

COMMENT: “Cross Creek are class C; 303(d) waters of the State. Cross Creek is on the 303(d) list for impaired use for aquatic life due to habitat degradation. A recent description from the North Carolina Division of Water Quality (NCDWQ) varies slightly from the EA information on Cross Creek provided on page 18 [of the EA].”

NCDOT RESPONSE: Comment noted. NCDOT notes the NC DWQ description of Cross Creek as class C; 303(d) waters of the State based on the 2012 Clean Water Act Section 303(d) list. See Section V-H.

COMMENT: “Table 7 of the EA does not describe Stream ‘SA’ which is also expected to be impacted for 61 linear feet.”

NCDOT RESPONSE: Table 7 of the EA merely presents impacts to streams. Stream SA is an unnamed tributary to Cross Creek.

COMMENT: “The EA on page 19 does not describe any avoidance and minimization measures to jurisdictional streams. EPA has environmental concerns that the EA did not identify any avoidance and minimization measures to an impaired stream.”

“...EPA requests that the transportation agencies identify relevant avoidance and minimization measures to Cross Creek prior to the issuance of the Finding of No Significant Impact (FONSI) and incorporate these measures into preliminary hydraulic plans. EPA requests that impacts to floodplain and riparian buffers to Cross Creek be minimized to the greatest extent practicable.”

NCDOT RESPONSE: See Section V-D of this document.

NC Division of Water Quality

COMMENT: “Although this project is not being proposed to be placed in the 404/NEPA Merger Process. Given the potentially substantial impacts to Cross Creek associated with the project, NCDWQ would like the opportunity to review and comments on the project’s preliminary plans typically provided at the 4B and 4C stage of the Merger Process.”

NCDOT RESPONSE: Comment noted.

COMMENT: “Cross Creek are class C; 303(d) waters of the State. Cross Creek is on the 303(d) list for impaired use for aquatic life due to habitat degradation. DWQ is very concerned with sediment and erosion impacts that could result from this project. DWQ recommends that the most protective sediment and erosion control BMPs be implemented to reduce the risk of nutrient runoff to Cross Creek. DWQ requests that road design plans provide treatment of the storm water runoff through best management practices as detailed in the most recent version of NC DWQ *Stormwater Best Management Practices*.”

NCDOT RESPONSE: As discussed in the environmental assessment, NCDOT’s Best Management Practices for the protection of surface waters will be strictly enforced to reduce impacts to Cross Creek during all construction phases.

COMMENT: “DWQ requests that all jurisdictional features identified within the study area in Figure 5 (Environmental Features in Project Area) of this document also be shown in Figure 2 (Current Study Alternative) to assist in identifying minimization and avoidance within study alternative.”

NCDOT RESPONSE: Figure 2 of this document depicts the jurisdictional features, as requested.

C. Public Hearing

In accordance with 23 U.S.C. 128, the North Carolina Department of Transportation certifies that a public hearing for the subject project has been held and the social, economic, and environmental impacts, consistency with local community planning goals and objectives, and comments from individuals have been considered in the selection of the recommended alternative for the project.

A formal public hearing was held for the project on August 20, 2012 at the Airborne and Special Operations Museum in downtown Fayetteville. A local officials meeting was also held on August 6, 2012.

Approximately 61 citizens attended the hearing. Eight written comments were received during the hearing comment period. Three comments focused on providing for left turn movements onto and from SR 3147 (West Rowan Street) at Bragg Boulevard. One comment was made at the hearing regarding safety of pedestrians using sidewalks along the proposed project.

D. Agency Coordination

A field meeting was held on August 15, 2012 with NCDOT personnel, the Corps of Engineers and the NC Division of Water Quality to review the proposed project and discuss comments made on the environmental assessment regarding a bridging alternative of Cross Creek and the possibility of shifting the alignment of the proposed relocated intersection.

It was discussed that much of the proposed project lies within the 100-year floodplain and regulated floodway for Cross Creek. Replacement of the existing culvert with a bridge over Cross Creek would likely increase the 100-year flood water surface elevation upstream and potentially require the acquisition of additional properties further upstream.

It was also discussed that shifting the alignment of the proposed intersection to the east to possibly create two separate crossings over Cross Creek and minimize impacts would not be practical as it would require a change in the grade of the realigned section of Rowan Street between the proposed railroad grade separation and Cross Creek. This would be within the 100-year floodplain and regulated floodway, likely increasing the 100-year flood elevation and potentially requiring the acquisition of additional properties.

Due to the urban nature of the project area and discussions from this field meeting, the project is not being considered for placement in the NEPA/404 Merger Process at this time.

E. Local Coordination

Following completion of the environmental assessment, NCDOT reviewed and responded to items the City requested be included as part of the project in their October 14, 2011 letter (see Appendix A of the environmental assessment).

It has been determined the following items can be included as part of the proposed project through the execution of a municipal agreement. The City will be required to fund the additional cost for the special requests listed below:

- Brick colored stamped concrete where raised median is less than six feet wide.
- Black powder-coated traffic signal poles at the proposed realigned intersection of Bragg Boulevard, Murchison Road and Rowan Street.
- Black powder-coated traffic signal poles and mast arms at the intersection of Ray Avenue and Rowan Street.
- Conduit for irrigation pipes.

Items that have been agreed to and will be included at no cost to the City of Fayetteville are:

- Grass medians where median width is greater than six feet, with the exception of the median along Rowan Street between the proposed Murchison Road/Bragg Boulevard/Rowan Street intersection and Ray Avenue, which will be brick colored stamped concrete.
- Electrical conduit on both sides of proposed bridges for future lighting (lighting to be installed and maintained through encroachment by the City).
- High visibility pavement markings at the intersections.
- Eight-foot pedestrian refuge islands at the proposed intersection.

In addition, the City also requested an accelerated utility relocation schedule. As the final plans are developed, NCDOT will coordinate with the City and Fayetteville's Public Works Commission (PWC) to enhance the utility relocation schedule and possibly accelerate utility relocation funding.

VI. REVISIONS TO THE ENVIRONMENTAL ASSESSMENT

A. Structures

NCDOT, FAMPO and the City of Fayetteville had discussed constructing a pedestrian culvert to carry the Little Cross Creek Trail under relocated Rowan Street as part of this project (see Sections IV-I, IV-J and V-D-4 of the environmental assessment). The culvert would have been funded by FAMPO. However, following completion of the environmental assessment, FAMPO withdrew their request for a pedestrian culvert. No pedestrian culvert is proposed for the project.

As discussed in Section IV-E of this document, electrical conduit will be provided on both sides of proposed bridges for future lighting (lighting to be installed and maintained through encroachment by the City).

B. Bicycle and Pedestrian Facilities/Greenways/Public Facilities

The Little Cross Creek Trail is a proposed multi-use trail that is expected to connect existing greenway trails between Cross Creek in the project study area. The trail is being developed by the Fayetteville Area Metropolitan Planning Organization (FAMPO).

A portion of the proposed Little Cross Creek Trail will be constructed as a part of this project, if FAMPO will agree in writing to participate in the cost and to accept maintenance and liability for the trail. A ten-foot wide multi-use path will be constructed on the west side of Murchison Road between the proposed Murchison Road/Rowan Street/Bragg Boulevard intersection and the northern limits of the project. The trail will cross Rowan Street at-grade utilizing the pedestrian crosswalk. Additional right of way required for the trail and any additional cost of the path above the cost of a five-foot sidewalk will be funded by FAMPO. A municipal agreement will be prepared regarding the trail prior to construction.

As discussed in Section V-A of this document, a pedestrian culvert under relocated Rowan Street is no longer proposed by FAMPO for the Little Cross Creek Trail.

As discussed in Section IV-E of this document, eight-foot pedestrian refuge islands will be provided at the proposed Murchison Road/Bragg Boulevard/Rowan Street intersection.

C. Landscaping

At the request of the City of Fayetteville (see Section IV-E), proposed medians and islands wider than six feet will be landscaped, with the exception of the median along Rowan Street between the proposed Murchison Road/Rowan Street/Bragg Boulevard intersection and Ray Avenue. The median on Rowan Street between the proposed intersection and Ray Avenue will be brick colored stamped concrete. Appropriate landscaping will also be provided at the proposed Murchison Road/Bragg Boulevard/Rowan Street intersection. Following project construction, NCDOT can provide landscaping appropriate for the design speed and median width on the project. NCDOT can fund landscaping in an amount up to 0.5 percent of the project construction cost. The City would be responsible for maintaining any landscaping. If the City prefers, it may submit its own landscaping plan for review, provided the City agrees to fund and maintain it. For islands less than six feet in width, stamped concrete can be used if the City will agree to pay the additional estimated cost.

NCDOT will coordinate with the City to include conduit for irrigation pipes in the project plans, provided the City will agree to fund and maintain the conduit.

A municipal agreement will be prepared for these items prior to project construction.

D. Avoidance, Minimization and Mitigation

As presented on Table 2 of this document, the proposed project will affect a total of 781 feet of jurisdictional streams. At Cross Creek, the project will require the replacement of two existing approximately 70-foot and 100-foot long culverts with an approximately 720-foot long culvert. The project will also require piping an additional 61 feet of Stream SA, which is an unnamed tributary to Cross Creek.

Due to their location, avoiding these streams is not possible. Existing Rowan Street crosses both streams. Construction of a bridge over Cross Creek instead of the proposed culvert would likely increase the 100-year flood elevation in the Cross Creek floodplain, potentially requiring the acquisition of additional properties further upstream.

Alignment shifts to minimize stream impacts are not possible due to other constraints, such as the railroads, the State Veterans Park, Festival Park and historic properties. Shifting the proposed intersection eastward to allow the construction of two shorter culverts for Cross Creek would potentially affect the State Veterans Park and would require a change in the grade of the realigned section of Rowan Street between the proposed railroad grade separation and Cross Creek. This would be within the 100-year floodplain and regulated floodway and result in additional fill and further constriction of the floodplain and regulated floodway, likely increasing the 100-year flood elevation and potentially requiring the acquisition of additional properties.

As discussed in Section V-A-3-c of the environmental assessment, final decisions regarding wetland and stream mitigation requirements will be made by the US Army Corps of Engineers and the NC Division of Water Quality. On-site mitigation will be used as much as possible. The Ecosystem Enhancement Program (EEP) will be used for remaining mitigation requirements beyond what can be satisfied by on-site mitigation.

E. Section 4(f)/6(f) Resources

As discussed in Section V-C of the environmental assessment, a temporary construction easement is proposed within a portion of Festival Park, which is located south of Rowan Street between the railroad tracks and Ray Avenue (see Figure 2). The temporary construction easement involves a temporary occupancy of the park, a Section 4(f) resource. The temporary construction easement is needed due to a change in the roadway grade adjacent to Festival Park. No change in ownership of the land will occur.

The City of Fayetteville's Parks and Recreation Director has reviewed the project and is in agreement with the proposed project. In an email dated October 21, 2011 and a memorandum dated November 17, 2011, the Parks and Recreation Director and the Interim Director for Engineering and Infrastructure agreed the proposed project will not adversely affect any activities, features or attributes of Festival Park. A copy of the email and memorandum were included in Appendix A of the environmental assessment. The public was afforded an opportunity to review and comment on the project's effects on Festival Park at the August 20, 2012 public hearing held for this project (see Section IV-C) and no comments were received.

FHWA has determined that the proposed temporary easement constitutes a temporary occupancy of public park property based on the criteria contained in 23 CFR 774.13(d). A Section 4(f) evaluation is not required for obtaining temporary construction easements for this project.

F. Relocation of Residences and Businesses

Since the completion of the environmental assessment, a minor change to the preliminary design has resulted in two additional business relocations. Originally, it was anticipated 13 businesses would be relocated. Table 4 below presents the anticipated number of homes and businesses which would be relocated by the proposed project. A copy of the revised relocation report can be found in Appendix B.

**Table 3. Correction to Table 12 of EA
Homes and Businesses to be Relocated**

Homes	Businesses
0	15[10]

Numbers in bracket(s) [] indicate minority-owned homes or businesses

G. Minority/Low-Income Populations

The majority of the businesses to be relocated by the project are minority-owned. A commitment was included in the environmental assessment to hold a special meeting for the minority-owned businesses expected to be relocated to allow them the opportunity to review and comment on the project. NCDOT and FAMPO staff visited the businesses on January 5, 2012 in order to obtain contact information for any businesses that might be tenants and to inform them of the special meeting. Eight of fifteen business owners were contacted during the site visit. The other businesses were either closed or the buildings were vacant. Staff provided general information regarding the project, including schedule and project impact to businesses. Most business owners were aware of the project and that they would be impacted.

The special meeting was held on August 20, 2012 at the Airborne and Special Operations Museum in Fayetteville. Three business owners attended the meeting. A formal presentation was given and the proposed preliminary design was presented for review and comment. No objections to the project were expressed at the meeting. No other outstanding issues were noted.

The public has been kept informed of the proposed project through the public involvement program, coordination with local officials, and accommodation of local development plans. This project is being implemented in accordance with Executive Order 12898.

H. Corrections to the Environmental Assessment

Other Highway Projects in the Area

Section II-B-1-g of the environmental assessment did not include a nearby project in the list of other highway projects in the area. TIP Project R-5513 involves resurfacing NC 24-87 (Bragg Boulevard) from Rowan Street to US 401 Bypass. This project is

scheduled for right of way acquisition and construction in fiscal years 2013 and 2014, respectively.

Water Quality Monitoring Data

On Page 18 of the environmental assessment, an error in the classification status for Cross Creek has been identified. The environmental assessment stated Cross Creek is listed on the 2010 Clean Water Act Section 303(d) list as impaired waters for aquatic life, due to the fair bio-classification it received in 2008. This statement is incorrect. Cross Creek is listed on the 2012 Clean Water Act Section 303(d) list as impaired waters for aquatic life, due to habitat degradation.

Stream Impacts

An error was discovered in the stream impact calculation for impacts to Cross Creek in the environmental assessment. Table 7 of the EA presents the impact to Cross Creek as 800 linear feet. Table 2 and section V-D of this document present the correct stream impacts of 781 linear feet for the selected alternative presented in the environmental assessment.

Project Effects on Historic Resources

A typographical error was discovered on Page 26 of the environmental assessment. The date for concurrence of project effects on historic resources was August 9, 2011, not August 9, 2010.

I. Update to the Environmental Assessment

NCDOT Bridge Maintenance Unit records indicate as of January 24, 2012, Bridge Number 116 has a sufficiency rating of 4 out of a possible 100. The bridge is considered structurally deficient and therefore is still eligible for FHWA's Highway Bridge Replacement and Rehabilitation Program. On Page iii, 2 and 4 of the environmental assessment the sufficiency rating was identified as 7 out of a possible 100. This rating was from a previous inspection report dated May 25, 2010.

VII. BASIS FOR FINDING OF NO SIGNIFICANT IMPACT

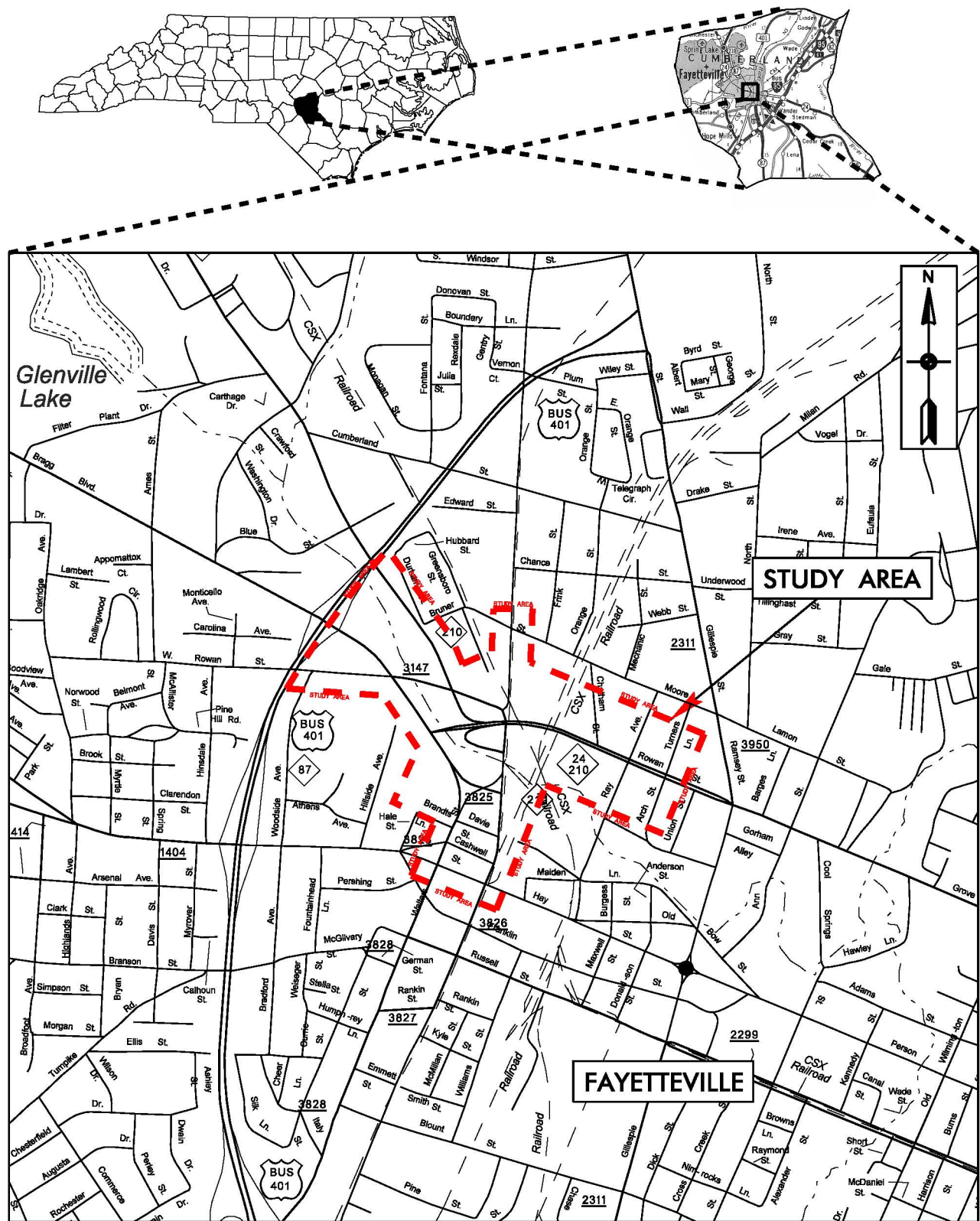
Based upon environmental studies and coordination with appropriate federal, state, and local agencies and comments received from the public, it is the finding of the Federal Highway Administration and the North Carolina Department of Transportation that the proposed action will have no significant impact upon the quality of the human environment. This action is based on public involvement and comments received on the environmental assessment. Therefore, an environmental impact statement will not be required.

The following persons may be contacted for additional information concerning this proposal and statement:

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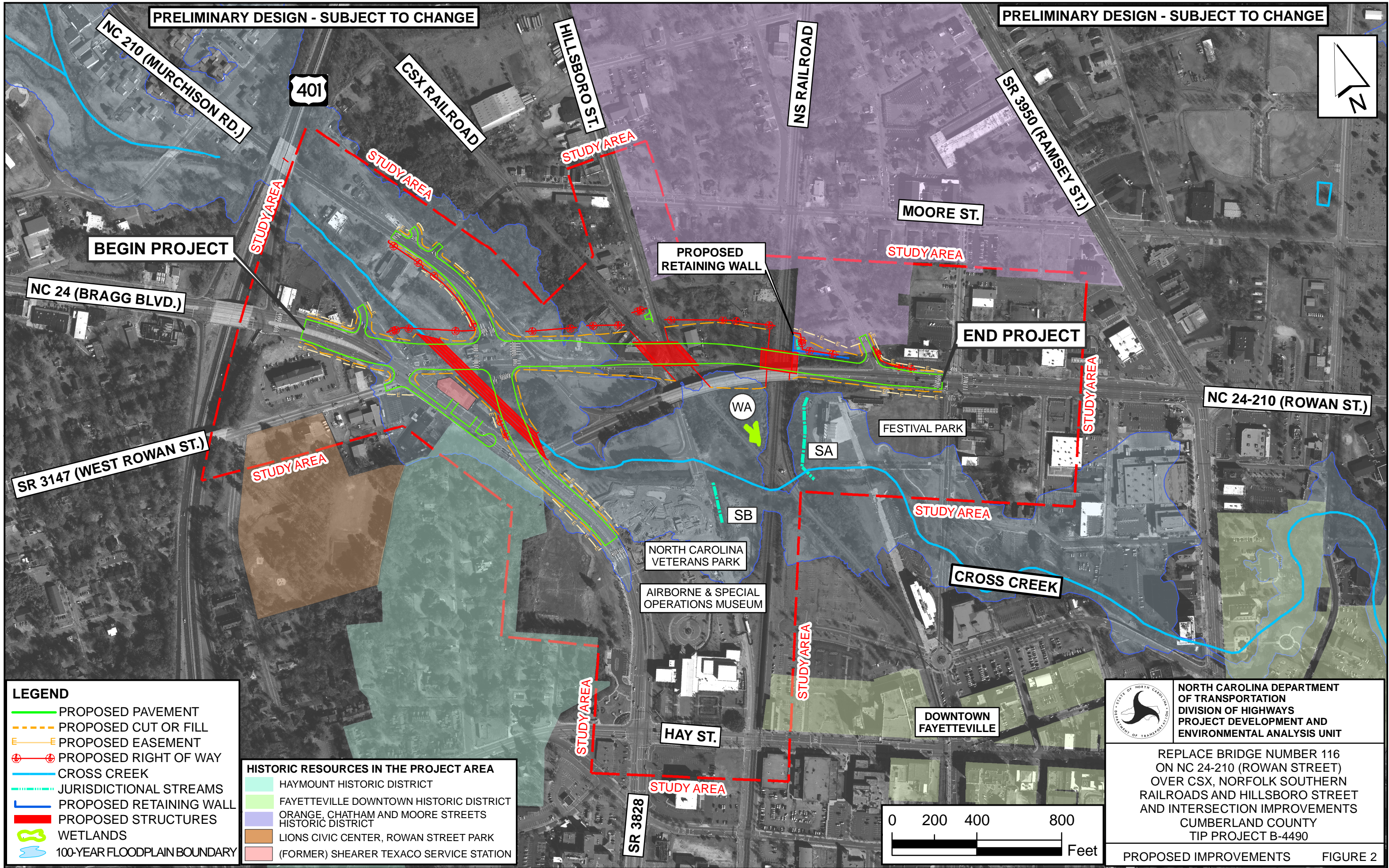


NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND
ENVIRONMENTAL ANALYSIS UNIT

FAYETTEVILLE
REPLACE BRIDGE NUMBER 116 ON NC 24-210
(ROWAN STREET) OVER CSX, NORFOLK
SOUTHERN RAILROADS AND HILLSBORO STREET
AND INTERSECTION IMPROVEMENTS
CUMBERLAND COUNTY
TIP PROJECT B-4490

FIGURE 1

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APPENDIX A

COMMENTS RECEIVED

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

REPLY TO
ATTENTION OF:

28 February 2012

Regulatory Division

Action ID. No. SAW-2009-01703

Dr. Gregory J. Thorpe, Ph.D.
Environmental Management Director
North Carolina Department of Transportation
Project Development & Environmental Analysis
1548 Mail Service Center
Raleigh, NC 27699-1548

Dear Dr. Thorpe:

Reference is made to your letter of December 13, 2011, requesting comments regarding the Environmental Assessment (EA) prepared by North Carolina Department of Transportation (NCDOT) on behalf of the Federal Highway Administration (FHWA) for project B-4490. The proposed project would involve the replacement of bridge number 116 on NC 24/210 (Rowan Street) over the CSX Norfolk Southern Railroads and Hillsboro Street and the reconfiguration of the intersections of SR 3147 (West Rowan Street) with NC 24/SR 3828 (Bragg Boulevard), and NC 210 (Murchison Street) with SR 3147 at NC 24/210, in Fayetteville, Cumberland County, North Carolina.

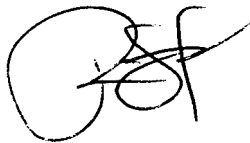
In compliance with the Memorandum of Understanding signed in May/June 2005 for the Merger Process and in an effort to be able to adopt (40 CFR 1506.3) the EA for our permitting process, the Corps has the following comments:

1. The EA indicates that fill material will be discharged into more than 800 feet of stream channel for the construction of a culvert and a retaining wall. All impacts associated with the discharge of fill material into waters of the United States are subject to our regulatory authority pursuant to Section 404 of the Clean Water Act.
2. The EA should identify and describe all measures taken to avoid and minimize impacts to waters of the United States.
3. Please describe why the proposed intersection cannot be shifted approximately 200-400 feet east of the proposed location. Shifting the proposed roadways and intersection to the east would result in two separate crossings over Cross Creek and would likely reduce the amount of stream channel impacts, floodplain impacts and business relocations. Please describe why it is not practicable to shift the intersection to the east. The EA should describe any issues associated with costs, logistics, construction, environment, etc.

4. The EA should describe a bridging scenario for crossing Cross Creek. Constructing a bridge(s) would eliminate the need to fill approximately 800 feet of continuous stream channel and would avoid and/or minimize impacts to the Cross Creek and its associated floodplain. Please describe why it is not practicable to construct bridges. The EA should describe any issues concerning cost, logistics, construction, environment, etc.
5. It appears that the project could potentially have disproportionately high and adverse effects on minority and low income populations. Environmental justice issues should be adequately addressed in accordance with Executive Order 12898 and mitigation measures should be described in the FONSI or final NEPA document.
6. This project will require an individual permit due to the amount of proposed impacts to Cross Creek. The Corps recommends that the project be placed in the NEPA/404 Merger Process at concurrence point 4a to review and discuss avoidance and minimization measures and preliminary project plans.

Thank you for the opportunity to comment on the proposed project. The Corps looks forward to further evaluation of this project within the Merger Process. As a participating team member, the Corps will continue to work with the team as it proceeds through the Merger Process. Please contact me at (910) 251-4829 with any questions.

Sincerely,



Ronnie Smith
NCDOT, Project Manager
Wilmington Regulatory Field Office

Copies Furnished:

Mr. John Richards
NC Department of Transportation
Project Development & Environmental
Analysis
1548 Mail Service Center
Raleigh, NC 27699

Mr. Mason Herndon
NCDENR-DWQ
225 Green Street, Suite 214
Fayetteville, NC 28301-5094

Mr. Jim Rerko
NCDOT
Division Environmental Officer, Division 6
Post Office Box 1150
Fayetteville, NC 28302

Mr. Chris Militcher
US EPA
c/o Federal Highway Administration
310 New Bern Avenue, Room 206
Raleigh, NC 27601

Mr. Gary Jordan
United States Fish & Wildlife Service
Fish and Wildlife Enhancement
Post Office Box 33726
Raleigh, NC 27636-3726

Mr. Travis Wilson
Highway Coordinator
North Carolina Wildlife Resources
Commission
1142 I-85 Service Road
Creedmoor, NC 27522

Ms. Renee Gledhill Early
North Carolina Department of Cultural
Resources
State Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699

Electronic Copies Furnished:
CESAW-RG/S. McLendon
CESAW-RG-L/D. Beter

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U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION 4 RALEIGH OFFICE

Terry Sanford Federal Courthouse

310 New Bern Avenue

Raleigh, North Carolina 27601

February 1, 2012

Dr. Gregory J. Thorpe, Ph.D.

Manager, Project Development and Environmental Analysis Unit

North Carolina Department of Transportation

1548 Mail Service Center

Raleigh, North Carolina 27699-1548

RE: Federal Environmental Assessment for B-4490, Replacement of Bridge No. 116 on NC 24-210 over CSX, Norfolk Southern Railroads and Hillsboro Street Improvements, Cumberland County

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency (EPA) Region 4 Office has reviewed the subject document and is commenting in accordance with Section 309 of the Clean Air Act (CAA) and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The Federal Highway Administration (FHWA) and the North Carolina Department of Transportation (NCDOT) are proposing to replace existing bridge No. 116 on NC-24-210 (Rowan Street) over CSX and Norfolk Southern Railroads and provide Hillsboro Street improvements in Fayetteville, Cumberland County. The proposed project includes relocation of Bridge No. 116 to the north of its current location and reconfiguring the intersections of SR 3147 (West Rowan Street) with NC 24/SR 3828 (Bragg Boulevard) and NC 210 (Murchinson Road). The length of the proposed project is estimated at 0.6 miles.

The proposed project was not included in the NEPA/Section 404 Merger team process. It is expected that the proposed project will require an Individual Permit (IP) from the U.S. Army Corps of Engineers. Project impacts from the preferred alternative (Build alternative as described on Page 11 of the Environmental Assessment) are as follows: Stream impacts at 861

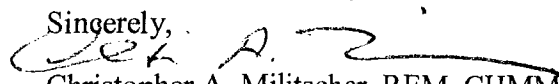
linear feet; Floodplains at 11.78 acres; Business relocations at 13; Terrestrial forests at 1.93 acres; Noise at 10 impacted receptors; and Section 4(f) properties at 1 (*de minimus* for Festival Park).

The proposed project is expected to impact approximately 800 linear feet of Cross Creek. Cross Creek are class C; 303(d) waters of the State. Cross Creek is on the 303(d) list for impaired use for aquatic life due to habitat degradation. A recent description from the North Carolina Division of Water Quality (NCDWQ) varies slightly from the EA information on Cross Creek provided on page 18. Table 7 of the EA does not describe Stream "SA" which is also expected to be impacted for 61 linear feet. Figure 5 of the EA depicts Stream "SA", which appears to be an unnamed tributary (UT) to Cross Creek. The EA on page 19 does not describe any avoidance and minimization measures to jurisdictional streams. EPA has environmental concerns that the EA did not identify any avoidance and minimization measures to an impaired stream.

It also appears that the proposed project will facilitate other locally planned development projects on both sides of Cross Creek (Figures 8A, 8B and 9). The *Fayetteville Northwest Gateway Master Plan* on Figure 8A depicts a very large 'reflection pool' currently in the Cross Creek stream channel as well as other potential riparian buffer and stream impacts. In addition, the proposed project also has substantial impacts to the regulated floodplain of Cross Creek and notes the environmental commitment on page i ('Green Sheets') concerning the Federal Emergency Management Agency (FEMA).

The EA identifies project study area demographics and potential Environmental Justice issues on pages 28 and 29, including 10 out of 13 total business relocations being minority owned. EPA notes the NCDOT's proposed special meeting for impacted minority-owned businesses to allow them to review and comment on the project. EPA recognizes the coordination between NCDOT and local planning entities concerning the *2003 Fayetteville Renaissance Plan*, the *Northwest Gateway Plan*, the *2010 Cumberland County Land Use Plan*, and the future North Carolina Veterans Park.

In summary, EPA requests that the transportation agencies identify relevant avoidance and minimization measures to Cross Creek prior to the issuance of the Finding of No Significant Impact (FONSI) and incorporate these measures into preliminary hydraulic plans. EPA requests that impacts to floodplain and riparian buffers to Cross Creek be minimized to the greatest extent practicable. EPA requests a copy of the FONSI when it becomes available. Thank you for the opportunity to comment and please feel free to your staff contact me at either (404) 562-9512 or (919) 856-4206, should they have any questions.

Sincerely,

Christopher A. Militscher, REM, CHMM
Merger Team Representative
USEPA Region 4 Raleigh Office

Cc: J. McInnis, NCDOT
J. Richards, NCDOT
R. Smith, USACE
M. Herndon, NCDWQ
C. Coleman, FHWA

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North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Moses Carey, Jr., Secretary

January 19, 2012

Mr. Gregory Thorpe
NCDOT
Project Dev. & Env. Analysis
1548 Mail Service Center
Raleigh, NC 27699-1548

Re: SCH File # 12-E-4220-0150; EA; Bridge No. 116 replacement on NC 24-210 (Rowan Street), Southern Railroads and Hillsboro Street, Federal-Aid Project BRNHS-0024, State Project 8.1444501, WBS 33727.1.1, STIP Project B-4490

Dear Mr. Thorpe:

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 black ink, appearing to read "W. E. H. Creech".

William E. H. Creech

Attachments

cc: Region M

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: 12-0150 Environmental Assessment – Bridge No. 116 Replacement on NC 24-210 Rowan Street
in Cumberland County

DATE: January 19, 2012

The Department of Environment and Natural Resources has reviewed the proposed project.

The department asks that the Department of Transportation continue to work directly with our commenting agencies during the NEPA Merger Process and take all practicable measures to minimize environmental impacts. This will help avoid delays at the permit phase.

Thank you for the opportunity to comment on this project.

Attachments

RECEIVED

DEC 30 2011

FAIR-FAYETTEVILLE REGIONAL OFFICE

DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES
DIVISION OF WATER RESOURCES
PUBLIC WATER SUPPLY SECTION

Project Number
12-0150

County
Cumberland

Inter-Agency Project Review Response

Project Name NC-DOT

Type of
Project

EA - Bridge No. 116
replacement on NC 24-210
(Rowan St), Southern Railroads
& Hillsboro St, Federal Aid
Project BRNHS-0024, State
Project 8.1444501, WBS
33727.1.1, STIP Project B-4490

Comments provided by:

- ☐ Regional Program Person
- ☒ Regional Supervisor for Public Water
Supply Section

- ☐ Central Office program person

Name Winston Cole
for Debra Benoy-Fayetteville RO

Date 01/04/2012
12/29/2011

Telephone number: 910 433 4268

Program within Division of Water Resources:

- ☐ Public Water Supply
- ☐ Other, Name of Program: _____

Response (check all applicable):

- ☒ No objection to project as proposed
- ☐ No comment
- ☐ Insufficient information to complete review
- ☐ Comments attached
- ☒ See comments below

RECEIVED

DEC 30 2011

FAIR-FAYETTEVILLE REGIONAL OFFICE

All construction projects with water systems must
submit plans and specifications to public Water Supply
Section (PWSS) for review and obtain approval before
construction work can begin.

Once the project is completed, before the water
system can be placed into service, the applicant
again must obtain a final approval from PWS
Section.

(This applies also to relocation of water pipe)

Return to:

Public Water Supply Section Environmental Review Coordinator for the
Division of Water Resources

DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES
DIVISION OF WATER RESOURCES
PUBLIC WATER SUPPLY SECTION

Project Number 12-0150
County Cumberland

Inter-Agency Project Review Response

Project Name NC-DOT

Type of Project EA - Bridge No. 116 replacement on NC 24-210 (Rowan St), Southern Railroads & Hillsboro St, Federal Aid Project BRNHS-0024, State Project 8.1444501, WBS 33727.1.1, STIP Project B-4490

- ☒ The applicant should be advised that plans and specifications for all water system improvements must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction (as required by 15A NCAC 18C .0300et. seq.). For information, contact the Public Water Supply Section, (919) 733-2321.
- ☐ This project will be classified as a non-community public water supply and must comply with state and federal drinking water monitoring requirements. For more information the applicant should contact the Public Water Supply Section, (919) 733-2321.
- ☒ If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources, Public Water Supply Section, Technical Services Branch, 1634 Mail Service Center, Raleigh, North Carolina 27699-1634, (919) 733-2321.
- ☒ For Regional and Central Office comments, see the reverse side of this form.

Jim McRight

Review Coordinator

PWSS

Section/Branch

12/29/2011

Date

**Department of Environment and Natural Resources
Project Review Form**

Project Number: 12-0150 **County:** Cumberland

Date Received: 12/20/2011

Due Date: 1/16/2012

Project Description: Environmental Assessment - Bridge No. 116 replacement on NC 24-210 (Rowan Street), Southern Railroads and Hillsboro Street, Federal-Aid Project BRNHS-0024, State Project 8.1444501, WBS 33727.1.1, STIP Project B-4490

This Project is being reviewed as indicated below:

Regional Office	Regional Office Area	In-House Review
<input type="checkbox"/> Asheville	<input checked="" type="checkbox"/> Air	<input type="checkbox"/> Marine Fisheries
<input checked="" type="checkbox"/> Fayetteville	<input checked="" type="checkbox"/> Water	<input type="checkbox"/> Coastal Management
<input type="checkbox"/> Mooresville	<input checked="" type="checkbox"/> Aquifer Protection	<input type="checkbox"/> Water Resources Mgmt
<input type="checkbox"/> Raleigh	<input checked="" type="checkbox"/> Land Quality Engineer	<input checked="" type="checkbox"/> Water Supply Section
<input type="checkbox"/> Washington		<input checked="" type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Wilmington		<input type="checkbox"/> Water Quality
<input type="checkbox"/> Winston-Salem		<input checked="" type="checkbox"/> Water Quality - DOT
		<input type="checkbox"/> Wildlife
		<input checked="" type="checkbox"/> Wildlife - DOT
		<input type="checkbox"/> Waste Mgmt
		<input type="checkbox"/> Air Quality

RECEIVED

DEC 30 2011

GENE - FAYETTEVILLE REGIONAL OFFICE

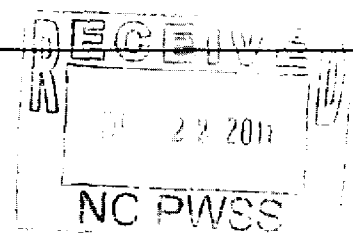
Manager Sign-Off/Region:	Date:	In-House Reviewer/Agency:
--------------------------	-------	---------------------------

Response (check all applicable)

- ☒ No objection to project as proposed. ☐ No Comment
☐ Insufficient information to complete review ☐ Other (specify or attach comments)

If you have any questions, please contact:

Melba McGee, Environmental Coordinator at Melba.McGee@ncdenr.gov



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INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Project Number: 12-0150 Due Date: 1-16-12

After review of this project it has been determined that the ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input type="checkbox"/>	Permit to construct & operate Transportation Facility as per 15 A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 2D.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.		
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input checked="" type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with ENR. Bond amount varies with type mine and number of acres of affected land. Any acre mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days.	1 day (N/A)
<input type="checkbox"/>	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional fee based on a percentage of the trust interest that will be required	30 days (60 days)

PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with BNR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to BNR rules and regulations	10 days N/A
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
<input type="checkbox"/>	State Lakes Construction Permit	Application fees based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days N/A
<input checked="" type="checkbox"/>	401 Water Quality Certification	N/A	60 days (130 days)
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
<input type="checkbox"/>	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
<input type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
<input type="checkbox"/>	Tar Pamlico or Neuse Riparian Buffer Rules required.		
* Other comments (attach additional pages as necessary, being certain to cite comment authority)			

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

☐ Asheville Regional Office
2090 US Highway 70
Swannanoa, NC 28778
(828) 296-4500

☐ Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, NC 28115
(704) 663-1699

☐ Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, NC 28405
(910) 796-7215

☐ Fayetteville Regional Office
225 North Green Street, Suite 714
Fayetteville, NC 28301-5043
(910) 433-3300

☐ Raleigh Regional Office
3800 Barrett Drive, Suite 101
Raleigh, NC 27609
(919) 791-4200

☐ Winston-Salem Regional Office
585 Woughtown Street
Winston-Salem, NC 27107
(336) 771-5000

☐ Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
(252) 946-6481




North Carolina Department of Environment and Natural Resources

Beverly Hayes Perdue
Governor

Dee Freeman
Secretary

MEMORANDUM

TO: Zeko Green,
State Clearinghouse

FROM: Melba McGee 
Project Review Coordinator

RE: 12-0150 EA - Proposed Replacement Bridge 116 on NC 24-210 over
CSX, Norfolk Southern Railroads and Hillsborough Street in
Cumberland County

DATE: January 25, 2012

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

Thank you for the opportunity to respond.

Melba McGee

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North Carolina Department of Environment and Natural Resources

Division of Water Quality
Charles Wakild, P.E.
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

January 24, 2012

MEMORANDUM

To: Melba McGee

From: Mason Herndon, Division of Water Quality, Fayetteville Regional Office *MH*

Subject: Comments on the Environmental Assessment related to proposed replacement of Bridge 116 on NC 24-210 (Rowan Street) over CSX, Norfolk Southern Railroads and Hillsborough St and Intersection Improvements, Cumberland County, Federal Aid Project NoBRNHS-0024, State Project No. 8.144501, TIP B-4490, State Clearinghouse Project No. 12-0150.

This office has reviewed the referenced document dated November 11, 2011. The Division of Water Quality (DWQ) 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. The DWQ offers the following comments based on review of the aforementioned document:

Project Specific Comments:

1. Although this project is not being proposed to be placed in the 404/NEPA Merger Process. Given the potentially substantial impacts to Cross Creek associated with the project, NCDWQ would like the opportunity to review and comment on the project's preliminary plans typically provided at the 4B and 4C stage of the Merger Process.
2. Cross Creek are class C; 303(d) waters of the State. Cross Creek is on the 303(d) list for impaired use for aquatic life due to habitat degradation. DWQ is very concerned with sediment and erosion impacts that could result from this project. DWQ recommends that the most protective sediment and erosion control BMPs be implemented to reduce the risk of nutrient runoff to Cross Creek. DWQ requests that road design plans provide treatment of the storm water runoff through best management practices as detailed in the most recent version of NC DWQ *Stormwater Best Management Practices*.
3. DWQ request that all jurisdictional features identified within the study area in Figure 5 (Environmental Features in Project Area) of this document also be shown on Figure 2 (Current Study Alternative) to assist in identifying minimization and avoidance within study alternative.

225 Green St., Suite 714, Fayetteville, NC 28301-5043
Phone: 910-433-3300 \ FAX: 910-486-0707
Internet: www.ncwaterquality.org

An Equal Opportunity \ Affirmative Action Employer - 50% Recycled \ 10% Post Consumer Paper

One
North Carolina
Naturally

General Comments:

4. 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.
5. 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 NC DWQ *Stormwater Best Management Practices*, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.
6. 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.
7. 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.
8. 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.
9. DWQ is very concerned with sediment and erosion impacts that could result from this project. NC DOT 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.
10. 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.
11. NC DOT is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, 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.
12. Where streams must be crossed, the DWQ 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, DOT should not install the bridge bents in the creek, to the maximum extent practicable.
13. Sediment and erosion control measures shall not be placed in wetlands or streams.

14. 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.
15. 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.
16. Based on the information presented in the document, the magnitude of impacts to wetlands and streams may require an Individual Permit (IP) 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 the 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.
17. Bridge supports (bents) shall not be placed in the stream when possible.
18. Whenever possible, the DWQ 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 allow for human and wildlife passage beneath the structure, do not block fish passage and do not block navigation by canoeists and boaters.
19. 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 NC DWQ *Stormwater Best Management Practices*.
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 DWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NC DWQ 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 and/or sills 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.

The NCDWQ appreciates the opportunity to provide comments on your project. Shall you have any questions or require any additional information, please contact me at (910) 308-4021.

cc: Clarence Coleman, Federal Highway Administration
Greg Burns, PE, Division 6 Engineer
William D. Gilmore, PE, Ecosystem Enhancement Program
File Copy

ec: Ronnie Smith, US Army Corps of Engineers, Wilmington Field Office
Jim Rerko, Division 6 Environmental Officer
Chris Militscher, Environmental Protection Agency
Travis Wilson, NC Wildlife Resources Commission
Belinda Henson, DWQ Fayetteville Regional Office
Sonia Carrillo, DWQ Central Office

APPENDIX B

UPDATED RELOCATION REPORT FOR PROJECT

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EIS RELOCATION REPORT

REVISED

North Carolina Department of Transportation
RELOCATION ASSISTANCE PROGRAM

☒ E.I.S. ☐ CORRIDOR ☐ DESIGN

WBS ELEMENT:	33727.1.1	COUNTY	CUMBERLAND	Alternate	1	of	1	Alternate
T.I.P. No.:	B-4490							
DESCRIPTION OF PROJECT:	Replace Bridge No. 116 on NC 24 / 210							

ESTIMATED DISPLACEES					INCOME LEVEL					
Type of Displacees	Owners	Tenants	Total	Minorities	0-15M	15-25M	25-35M	35-50M	50 UP	
Residential	0	0	0	0	0	0	0	0	0	
Businesses	2	13	15	10	VALUE OF DWELLING DSS DWELLING AVAILABLE					
Farms	0	0	0	0	Owners		Tenants		For Sale For Rent	
Non-Profit	0	0	0	0	0-20M	0	\$ 0-150	0	0-20M	0
					20-40M	0	150-250	0	20-40M	0
					40-70M	0	250-400	0	40-70M	0
					70-100M	0	400-600	0	70-100M	0
					100 UP	0	600 UP	0	100 UP	0
					TOTAL	0		0		0

ANSWER ALL QUESTIONS		
Yes	No	Explain all "YES" answers.
X		1. Will special relocation services be necessary?
	X	2. Will schools or churches be affected by displacement?
X		3. Will business services still be available after project?
X		4. Will any business be displaced? If so, indicate size, type, estimated number of employees, minorities, etc.
	X	5. Will relocation cause a housing shortage?
	X	6. Source for available housing (list).
	X	7. Will additional housing programs be needed?
	X	8. Should Last Resort Housing be considered?
	X	9. Are there large, disabled, elderly, etc. families?
	X	10. Will public housing be needed for project?
	X	11. Is public housing available?
N/A	N/A	12. Is it felt there will be adequate DSS housing housing available during relocation period?
N/A	N/A	13. Will there be a problem of housing within financial means?
X		14. Are suitable business sites available (list source).
		15. Number months estimated to complete RELOCATION? 24 MONTHS

REMARKS (Respond by number)	
#1. Possible hazardous materials removals from business displacees, or other specialty moves	
# 3: Perhaps by various other vendors if not from displaced businesses	
# 4: (3) Automotive repair – 9 employees (1)Auto Detail 8 employees (1)Barber Shop 3 employees (1) Restaurant 6 employees (3) Night Clubs 20 employees (1) Cabinet Shop 3 employees (1) Computer Repair 1 employee (1) Print Shop 2 employees (1) Photo Studio 2 employees (1) Other / Unknown 2 employees 1) Temporary Employment Agency 2 employees	
# 14: MLS, Classifieds in Newspaper	

 Oscar L. Taylor Senior Right of Way Agent	11 26 2012 Date		 Relocation Coordinator	11/30/12 Date
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WBS ELEMENT: 33727.1.1

TIP NO.: B-4490

COUNTY: Cumberland

DESCRIPTION: Replace Bridge No. 116 on NC 24 / 210.

ADDENDUM TO EIS RELOCATION REPORT (REVISED)

NAMES OF DISPLACED BUSINESSES:

- 1) Vick's Drive In (Restaurant)
- 2) Trojan Labor (assumed to be a temporary employment agency)
- 3) Unknown (between Godwin's Beauty Center & Illusions Night club in strip center on Rowan behind Vick's Drive In)
- 4) Illusions Night Club
- 5) Godwin Beauty Center / Barber Shop
- 6) Pedro's Auto Body Repair
- 7) Chief's 25 Plus (night club)
- 8) Aaron's Tire & Auto
- 9) Creative Cabinet Solutions
- 10) American Printing & Embroidery
- 11) Planet Fresh Studios
- 12) Computer Repair (next to Planet fresh Studios)
- 13) Tires to Top Auto Detailing
- 14) Unique Image Auto Body
- 15) Bottom's Up (Topless club)