

**ADMINISTRATIVE ACTION
RECORD OF DECISION**

**United States Department of Transportation
Federal Highway Administration
and
North Carolina Department of Transportation**

**US 1 from Sandhill Road (SR 1971) to Marston Road (SR 1001)
Richmond County**

**Federal-Aid Project Number NHF-1(1)
State Project No. 8.T580501
WBS No. 34437.1.1
T.I.P. Project R-2501**

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1.0 DECISION

This Record of Decision (ROD) identifies the selected alternative for the proposed US 1 improvements from Sandhill Road (SR 1971) to Marston Road (SR 1001) in Richmond County, North Carolina (see Figure 1). In accordance with the National Environmental Policy Act (NEPA) and the requirements set forth by the Council of Environmental Policy (CEQ) (40 CFR 1505.2), this ROD identifies :1) the selected alternative; 2) all alternatives considered by the Federal Highway Administration (FHWA) and the factors that were considered during evaluation of the alternatives; 3) measures adopted to avoid and minimize harm; 4) monitoring and enforcement programs for the implementation of mitigation measures; and 5) comments on the Final Environmental Impact Statement (FEIS).

The proposed action addresses the US 1 improvements from Sandhill Road (SR 1971) to Marston Road (SR 1001) in Richmond County. The proposed project will improve US 1 from Sandhill Road (SR 1971) south of Rockingham to Marston Road (SR 1001) in Marston, a distance of about 19 miles. Approximately 14 miles will be on new location, and about five miles of existing US 1 will be widened. From Sandhill Road (SR 1971) to about one and a half miles north of Fox Road (SR 1606), US 1 is proposed to be a four-lane, median divided roadway with full control of access along the new location part and partial control of access on the widening part. From one and a half miles north of Fox Road (SR 1606) to Cognac Road (SR 1605), a four-lane, median divided roadway with partial control of access is being proposed. A five-lane section with no control of access is proposed along existing US 1 from Cognac Road (SR 1605) to the existing five-lane section at Marston Road (SR 1001). Interchanges are planned at the US 74 Bypass, Airport Road (SR 1966), US 74 Business, and Wiregrass Road (SR 1640)/ County Home Road (SR 1624). See Figure 2 for typical sections.

Project Need

US 1 serves as an important north-south corridor in the Piedmont region between the South Carolina state line and two major interstates, I-40 and I-85. This part of US 1 is located along Strategic Highway Corridor 34 and is an important route for mobility and connectivity between I-73/ I-74 in Rockingham and I-40 in Raleigh. Construction of a US 1 Bypass east of Rockingham, in addition to improvements to existing US 1, has been identified as primary goals in local planning documents.

In the project vicinity, approximately 12 miles of US 1 exists as a two-lane rural highway with speed limits ranging from 50 to 55 miles per hour (mph). On each side of Rockingham, approximately five miles of US 1 exists as four or five lanes with 35 to 50 mph speed limits. The remaining 1.5-mile portion of US 1 is a two-lane urban street that passes through the Rockingham Central Business District and has 20 to 35 mph speed limits, multiple intersections, and traffic signals.

Some two-lane portions of US 1 near the downtown area currently operate at or near their traffic carrying capacity. In the future, traffic operations will continue to deteriorate on the two-lane sections of US 1 near the downtown area due to low travel speeds, numerous access points, and traffic signals. A more efficient travel route is needed to reduce US 1 through traffic in downtown and improve mobility along the US 1 corridor. See Section 1.8, *Capacity, Safety, and Roadway Deficiencies* of the FEIS for more information on levels of service and existing / future No-Build conditions.

These conditions are not consistent with the long-term vision of the US 1 strategic highway corridor. The vision plan designates this portion of US 1 as a future freeway with high mobility, full control of access, speeds of at least 55 mph, and a minimum four-lane divided facility.

Project Purpose

The primary purposes of the project include the following: reducing travel time; reducing congestion in downtown Rockingham by diverting through traffic and truck traffic from local streets; and improving mobility on the designated US 1 Strategic Highway Corridor.

2.0 ALTERNATIVES CONSIDERED

Alternatives considered in the Environmental Impact Statement included the No-Build Alternative, Transportation Systems Management (TSM) Alternative, Mass Transit Alternative, Improve Existing NC 177 Alternative, Improve Existing US 1 Alternative, and 27 preliminary alternative corridors. As discussed in the FEIS, only four alternatives were selected for further study. These are Alternative Corridor Nos. 7, 14, 21, and 24.

Alternative 7 – This corridor begins south of Osborne Road (SR 1104) and passes north of the Loch Haven Golf Course and south of the Richmond County Airport. It intersects US 74 Business near Pineleigh Avenue (SR 1670). After intersecting with US 74 Business, the alignment continues northeast and intersects Wiregrass Road (SR 1640) near Washington Street Extension (SR 1643) where it then follows the existing alignment of US 1. From the intersection with US 1, the remaining portion of Alternative Corridor No. 7 consists of widening existing US 1 to either a four-lane divided expressway or a five-lane facility to its northern terminus at Marston Road (SR 1001). This corridor is approximately 19.2 miles in length.

Alternative 14 - This corridor alignment is identical to Corridor No. 7 with the exception that the proposed alignment, after crossing Osborne Road (SR 1104) near the southern terminus of the project, would take a more easterly route and pass south, rather than north, of the Loch Haven Golf Course before continuing northeast to intersect with US 74 Bypass in the same location as Corridor No. 7. Corridor No. 14 is approximately 19.1 miles in length.

Alternative 21 (Preferred) – The alignment for this alternative follows the same alignment as Alternative Corridor No. 7 until its intersection with US 74 Business. At this point, the

alignment travels northeast to cross over both Wiregrass Road (SR 1640) and County Home Road (SR 1624) near the location of their intersection and just west of Richmond Primary School. After crossing County Home Road (SR 1624), the alignment for Corridor No. 21 remains on new location before turning north and intersecting US 1 north of Fox Road (SR 1606). Corridor No. 21 is approximately 19.3 miles in length.

Alternative 24 – The alignment for Corridor No. 24 is identical to Corridor No. 21 with the only difference being that this alternative travels south of Loch Haven Golf Course rather than north of the golf course. Corridor No. 24 is approximately 19.1 miles in length.

2.1 Basis for Selection

Based on the analyses presented in the DEIS, the comments received from circulation of the DEIS, Public Hearing comments, and the analyses in the SDEIS, Alternative 21 was chosen by the Section 404 / NEPA Merger Project Team on February 15, 2001 as the Least Environmentally Damaging Practicable Alternative (LEDPA) for the US 1 Bypass and Improvement Project. Alternatives 14 and 24 were eliminated from further consideration since they have more impacts to the natural environment than Alternatives 7 and 21. Alternative 7 was eliminated from further consideration since it has more relocations than Alternative 21.

2.2 Description of Selected Alternative

The proposed project will improve US 1 from Sandhill Road (SR 1971) south of Rockingham to Marston Road (SR 1001) in Marston, a distance of about 19 miles (see Figures 3.1 through 3.7). Approximately 14 miles will be on new location, and about five miles of existing US 1 will be widened. From Sandhill Road (SR 1971) to about one and a half miles north of Fox Road (SR 1606), US 1 is proposed to be a four-lane, median divided roadway with full control of access along the new location part and partial control of access on the widening part. From one and a half miles north of Fox Road (SR 1606) to Cognac Road (SR 1605), a four-lane, median divided roadway with partial control of access is being proposed. A five-lane section with no control of access is proposed along existing US 1 from Cognac Road (SR 1605) to the existing five-lane section at Marston Road (SR 1001). Interchanges are planned at the US 74 Bypass, Airport Road (SR 1966), US 74 Business, and Wiregrass Road (SR 1640)/ County Home Road (SR 1624).

During the development of the FEIS, several revisions were made to the preferred alternative.

- A different type of interchange is planned at the US 74 Bypass to reduce the impacts to properties and the environment (see Figure 3.2). The modified interchange design reduced the total interchange area by 40 acres. It reduced wetland impacts by nearly nine acres, pond impacts by three acres, and stream impacts by 2,100 feet.

- A new interchange is proposed with Wiregrass Road/ County Home Road to improve the connections between NC 177, US 74 Business, and US 1 near Rockingham (see Figure 3.4).
- East of County Home Road, the corridor was shifted to reduce the effects on streams and wetlands in a protected conservation easement (see Figure 3.5).

2.3 Cost Estimates

The total project cost is estimated to be \$260,440,000. This includes \$43,180,000 for right of way acquisition and utilities, \$212,510,000 for construction, and \$4,750,000 for mitigation.

2.4 Summary of Impacts

The impacts associated with Alternative 21 are shown in Table 1. The impacts reflect the latest preliminary design of the project as described in the FEIS and include the impacts from Alternative Corridor No. 21, as described in the DEIS (June 1999), combined with the extension of the corridor to include the additional 3.7 miles of widening as evaluated in the SDEIS.

Table 1: Summary of Impacts

| Impacts | Preferred Alternative |
|--|--|
| Length (miles) | -- |
| Along New Location | 14.0 |
| Along Existing US 1 | 5.3 |
| Total | 19.3 |
| Interchanges | 4 |
| Grade Separations | 5 |
| Relocations | -- |
| Residential | 97 |
| Business | 8 |
| Non Profit | 0 |
| Farms | 0 |
| Total | 105 |
| Acreage Required | -- |
| Undisturbed / Forested Land | 483.5 |
| Agricultural Land | 76.0 |
| Maintained / Disturbed Land | 310.9 |
| Successional Land | 91.4 |
| Total | 961.8 |
| Prime/Statewide Important Farmland (acres) | 345.2 |
| Water Resource Impacts | -- |
| Stream Crossings | 16 |
| Stream Impacts (feet) | 3,717 |
| Open Water Impacts (acres) | 2.6 |
| Wetland Impacts (acres) | 40.5 |
| Floodplain Impacts (acres) | 9.8 |
| Endangered Species | -- |
| Michaux's sumac | May Affect, Not Likely to Adversely Affect |
| Red-cockaded woodpecker | No Effect |
| Rough-leaved loosestrife | No Effect |
| Shortnose sturgeon | No Effect |
| Atlantic sturgeon* | No Effect |
| Historic Property Impacts | 0 |
| Archaeological Sites | 0 |
| Section 4(f) Resources | 1 |
| Noise Impacts | 167** |
| Hazardous Material Sites (excluding USTs) | 0 |
| Costs (in millions \$) | -- |
| Right of Way and Utilities | \$43.18 |
| Construction | \$212.51 |
| Wetland Mitigation | \$2.85 |
| Stream Mitigation Cost | \$1.90 |
| Total | \$260.44 |

* The Atlantic sturgeon was not included in the FEIS.

**Noise impacts to 167 receivers include 165 residences, one business, and one campground.

Based on a preliminary hydraulic study and a review of stream crossings, nine stream crossings require structures that are greater than 60 inches wide. All other crossings can be contained in smaller pipes or culverts. The proposed structure locations are shown on Figures 3.1 through 3.7. Preliminary sizes are shown in Table 2.

Table 2: Preliminary Structures for Major Stream Crossings

| Structure No. | Stream | Existing Structure | Preliminary Structure |
|---------------|-----------------------------------|--------------------|-----------------------------------|
| 1 | Baggetts Creek | 1 Span, 31' Bridge | (3) 10' x 8' x 350' RCBC* |
| 2 | Baggetts Creek | (2) 10' x 6' RCBC* | Retain Existing |
| 3 | Unnamed Tributary to Speeds Creek | --- | (3) 10' x 8' x 250' RCBC* |
| 4 | Watery Branch | --- | (2) 9' x 7' x 240' RCBC* |
| 5 | Solomons Creek | --- | (1) 7' x 6' x 1,340' RCBC* |
| 6 | Solomons Creek | (3) 9' x 5' RCBC* | (3) 9' x 5' x 50' RCBC* Extension |
| 7 | South Prong Falling Creek | --- | Dual 450' x 38' Bridges |
| 8 | Falling Creek | --- | Single 250' x 90' Bridge |
| 9 | Chock Creek | (3) 9' x 9' RCBC* | (3) 9' x 9' x 85' RCBC* Extension |

RCBC* – Reinforced Concrete Box Culvert

3.0 SECTION 4(f)

The NC Wildlife Resources Commission (NCWRC) recently acquired a large parcel near the southern project limit at US 1 and Osborne Road (SR 1104) as part of the Pee Dee River Game Land (see Figure 3.1). The site is subject to Section 4(f) of the DOT Act of 1966. Primary purposes of the Pee Dee River Game Land include wildlife and timber management and public recreational opportunities for hunting, fishing, and observing nature. The current design includes widening improvements along existing US 1 and Osborne Road (SR 1104), impacting approximately 2.4 acres of property. The design in this area transitions from the existing alignment to new alignment, shifting to the east and away from the game land. The land to be impacted serves as a buffer between the existing highway corridor and a large open land

complex (20 acres) managed for wildlife with emphasis on dove and other small game species. Approximately 10 acres of the land is planted annually to provide supplemental food and hunting opportunities for local sportsmen. The parcel is approximately 1,659 acres and was purchased using funding from the Clean Water Management Trust Fund (CWMTF), Natural Heritage Program, and North American Wetland Conservation Act (NAWCA). The project is being planned and designed to minimize harm to the game land. No public comments were received concerning the proposed game land acquisition. FHWA considers the impacts from the project to this 4(f) protected site to be minimal and has concluded a “de minimis” impact determination [23 CFR 774.17(5) (2)] is appropriate. NCWRC concurs that the project will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f) (see correspondence in Appendix B, page B.20).

4.0 MEASURES TO MINIMIZE HARM

Measures to minimize harm through coordination, avoidance, minimization, mitigation, and environmental commitments are discussed in detail in the FEIS Chapter 4 and in the Project Commitments “Greensheet” included in Appendix A of this document.

4.1 Relocations

The number of residential, business, church and nonprofit displacements for the preferred alternative was determined by reviewing current tax maps, aerial maps and by conducting site visits. Based on this information, the preferred alternative impacts 97 residences and eight business units, for a total of 105 relocations. No farms or non-profit organizations will be relocated. Of these 105, there are 12 minority-owned residential units in various locations or neighborhoods along the proposed project. No minority-owned business units are expected to be affected. In addition, no churches or schools are impacted.

The relocation program for the proposed action will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) and the North Carolina Relocation Assistance Act (GS-133-5 through 133-18). This program is designed to provide assistance to displaced persons in relocating to a replacement site in which to live or do business. At least one relocation officer is assigned to each highway project for this purpose.

4.2 Historic Architecture

The Phase II (Intensive Level) Architectural Survey and Evaluations of Eligibility (September 1998) identified one National Register property (Covington Plantation House) and three other resources considered to be eligible for the National Register (Williams Diggs House, St. Paul United Methodist Church, and Flowers-Hamer House). All of the properties except the St. Paul United Methodist Church are located outside the project's Area of Potential Effect (APE). The State Historic Preservation Office (SHPO) has concurred with the determination by FHWA

that the project would have no effect on the St. Paul United Methodist Church. During a 2007 review of the project, NCDOT historians determined there were no additional properties eligible for the National Register and further consultation with SHPO was not necessary (FEIS Section 4.1.4.1, *Historic Architectural Resources*). The APE established in the Phase II report, and reviewed in December 2007, included the expanded study areas at the Wiregrass Road (SR 1640) / County Home Road (SR 1624) intersection and the McDonalds Pond Restoration site east of County Home Road (SR 1624). Based on this, NCDOT historians determined in June 2010 no additional studies were necessary.

4.3 Archaeology

A December 2001 Archaeological Survey Report identified four prehistoric sites – 31RH376, 31RH401, 31RH403, and 31RH408 – within or near the preferred alternative that were determined to be eligible for inclusion on the National Register of Historic Places. In 2007, representatives from SHPO, the North Carolina Office of State Archaeology, and NCDOT established that no components associated with sites 31RH376, 31RH401, and 31RH403 were within the APE of the preferred alternative. NCDOT recommended a finding of “no impacts” for these three sites and HPO concurred with this recommendation. Furthermore, it was found that site 31RH408 was well outside the APE and no further action regarding this site was necessary. In 2011, NCDOT conducted archaeological investigations within the expanded study area east of County Home Road (SR 1624). Twenty-six sites were identified but none were determined to be eligible for the National Register of Historic Properties. An archaeologically significant cemetery, site 31RH360, is located on the Cameron Plantation property. Although it is not eligible for the National Register, part of it could potentially be impacted by the project. If disturbance of the cemetery is unavoidable, the affected burial sites will be moved under the regulations stipulated by NCGS 65. See Appendix A for project commitments.

4.4 Noise Impacts

Under Title 23 CFR Part 772, 165 residences, one business, and one campground are predicted to be impacted due to highway traffic noise generated by the proposed project. Receivers located within the right of way limits are not included in the TNM analysis. Of the 167 impacted receivers, 128 are predicted to have noise levels below the Noise Abatement Criteria and are impacted due to a substantial increase in the noise levels. Those receivers are generally located in quiet areas, with the measured existing ambient background noise levels below 50 dB(A). The results of the noise study show that the proposed US 1 corridor improvement will increase noise levels at noise sensitive properties in the immediate vicinity of the roadway. The predicted changes in noise levels for this project range from negative 10 (-10) dB(A) to 32 dB(A). For reference purposes, an increase of three decibels is considered barely perceivable, and an increase of ten decibels is considered to double the loudness.

Noise barriers were primarily investigated in seven noise sensitive areas (Areas 1 through 7) in the vicinity of the US 1 project. All preliminarily feasible noise wall alignments and configurations were examined in each noise sensitive area for the potential benefit of the future year predicted traffic noise impacts. Through a sound barrier reasonableness assessment, it was determined two barriers (Barriers 2 and 4) would meet NCDOT's Noise Abatement Policy criteria for being reasonable and feasible and will provide for a total of 39 benefited receivers from the proposed noise abatement. The two potential barriers are located from north of Hylan Avenue (SR 1909) to the railroad crossing south of US 74 Business (see Figure 4). A detailed study of potential mitigation measures for these two areas will be conducted during the final project design. See Appendix A for project commitments.

Noise barriers were also considered in seven other locations where impacted receivers are more widely dispersed. In five of the seven locations, it was determined noise barriers would not meet NCDOT feasibility criteria of providing at least a five dB(A) traffic noise level reduction.

The other two locations are located along US 74 Business and the proposed widening portion of existing US 1. Barrier walls in these two locations would not be feasible due to having to maintain access to businesses and residences.

The acquisition of property in order to provide buffer zones to minimize noise impacts is not considered to be a feasible noise mitigation measure. The cost to acquire impacted receivers for buffer zones would exceed the abatement threshold per benefited receiver. The use of buffer zones to minimize impacts to future sensitive areas is not recommended because this could be accomplished through land use controls and noise contour limits.

The use of vegetation for noise mitigation is not considered reasonable for projects such as this one due to the substantial amount of right of way necessary to make vegetative barriers effective. FHWA research has shown that a vegetative barrier should be approximately 100 feet wide to provide a three dB(A) reduction in noise levels. No public or non-profit institutions are impacted by this project.

4.5 NATURAL RESOURCE IMPACTS

Avoidance and minimization measures associated with wetland and stream impacts were discussed and agreed upon by the Section 404/NEPA Merger Team (Concurrence Point 2A/4A). These measures included; bridging, equalizer pipes, reduced median widths, and alignment shifts. Concurrence Point 2A/4A is discussed in Section 7.1.4 *NEPA/Section 404 Merger Process* of the FEIS.

4.5.1 Wetlands/Surface Waters

Alternative 21 will impact 40.5 acres of wetlands, 3,717 linear feet of stream, and 2.6 acres of open waters. Efforts were made during project development to preserve and protect wetlands in

accordance with Executive Order 11990. Avoidance and minimization efforts were incorporated in the preliminary design. Where possible, these include shifting the alignment to avoid water resources, crossing streams perpendicularly, or crossing the narrowest areas of wetland systems. These efforts have resulted in the avoidance of:

- 13 of 24 streams in the corridor
- 36 of the 55 wetland sites
- seven of 10 ponds

The NCDOT will attempt to avoid and minimize impacts to streams and wetlands to the greatest extent practicable during project design. No “Critical Watershed Area” will be impacted by the project.

The NCDOT will investigate potential on-site stream and wetland mitigation opportunities once a final determination of impacts has been calculated. If on-site mitigation is not feasible, mitigation will be provided by North Carolina Department of Environment and Natural Resources (NCDENR) Ecosystem Enhancement Program (EEP). In accordance with EEP’s July 2010 In-Lieu Fee Instrument signed by the USACE and the NCDENR on July 28, 2010, the EEP will be requested to provide off-site mitigation to satisfy the federal Clean Water Act compensatory mitigation requirements for this project.

The contractor will exercise every reasonable precaution throughout the construction of the project to prevent water quality impacts to rivers, streams, and water impoundments. Pollutants, such as chemicals, fuels, lubricants, bitumens, and other harmful waste, will not be discharged into adjacent rivers, streams, impoundments or ditches. NCDOT’s “Best Management Practices for Protection of Surface Waters” will be implemented, as applicable. Temporary impacts from construction activities may include erosion resulting in the discharge of sediments in adjacent waters. The contractor will be required to adhere to NCDOT’s “Best Management Practices for Protection of Surface Waters” and implement the Sedimentation and Erosion Control plans to prevent the discharge of sediments into adjacent waters, to the maximum extent possible.

4.5.2 Endangered Species Act Protected Species

The US Fish and Wildlife Service (USFWS) lists five federally protected endangered species in Richmond County (see Table 3). Concurrence on the biological conclusions was obtained from the USFWS or the National Marine Fisheries Service (NMFS) (see Appendix B, pages B.1-B.3).

Table 3: Federally Protected Species Listed for Richmond County

| Scientific Name | Common Name | Biological Conclusion | Reason | Concurrence |
|---------------------------------|--------------------------|--|---|----------------------|
| Rhus michauxii | Michaux's sumac | May Affect, not Likely to Adversely Affect | None found but occurrences within one mile | USFWS, November 2012 |
| Picoides borealis | Red-cockaded woodpecker | No Effect | No cavity trees or foraging habitat within 0.5 mile | USFWS, November 2012 |
| Lysimachia asperulaefolia | Rough-leaved loosestrife | No Effect | None found and no occurrences within one mile | USFWS, November 2012 |
| Acipenser brevirostrum | Shortnose sturgeon | No Effect | No suitable habitat or occurrences within one mile | NMFS, December 2012 |
| Acipenser oxyrinchus oxyrinchus | Atlantic sturgeon* | No Effect | No suitable habitat or occurrences within one mile | NMFS, December 2012 |

* The Atlantic sturgeon was not included in the FEIS.

5.0 MONITORING AND ENFORCEMENT PROGRAM

Coordination will be maintained with all environmental regulatory and resource agencies during final design, permitting, right-of-way acquisition, and construction to ensure that avoidance, minimization, and compensatory mitigation measures are implemented. The NCDOT and FHWA will enforce all pertinent specifications and contract provisions in accordance with the intent of the FEIS and the welfare of the public.

6.0 ENVIRONMENTAL COMMITMENTS

Environmental commitments are shown in Appendix A, Project Commitments "Greensheet." Additional commitments have been incorporated into this document in response to input from federal/ state agencies and local officials.

7.0 COMMENTS ON THE FEIS

The FEIS for the project was approved in December of 2011 and circulated to environmental regulatory and resource agencies for comments. Chapter 6 of the FEIS includes a full list of agencies and organizations that received copies of the document. Comments were received from the following state and federal regulatory and resource agencies:

Federal Agencies

United States Fish and Wildlife Service (email) – March 1, 2012

United States Environmental Protection Agency (USEPA) – April 9, 2012

State Agencies

North Carolina Department of Environment and Natural Resources – March 19, 2012

North Carolina Wildlife Resources Commission – March 22, 2012

North Carolina Department of Administration – March 26, 2012

7.1 Federal Agencies

United States Fish and Wildlife Service

The U.S. Environmental Protection Agency offered the following comments:

Comment: Concerns with respect to heronry.

Response: A meeting was held on March 15, 2012 between the NCDOT, USFWS, and the NCWRC to discuss the procedures/policy for the great blue heron under the Migratory Bird Treaty Act. The USFWS proposed that the habitat be reassessed closer to the project construction date. If the heronry is still in place within the project site prior to construction, NCDOT is to cut down all potentially suitable nesting trees located in the corridor along South Prong Falling Creek (Wetland 26), between US 74 Business and the CSX Railroad. Cutting of the trees should occur during the non-nesting season (September 16 through February 28). NCDOT will also address the reassessment measures within the two to three year window from the construction date.

United States Environmental Protection Agency

In a letter dated April 9, 2012, (see Appendix B, page B.4), the U.S. Environmental Protection Agency offered the following comments:

Comment: EPA notes the comments in Section 4.1.3.3 concerning Farmlands. The information provided in this section of the FEIS does not correspond to the impact table information of 345.2 acres of impact. The Farmland Protection Policy Act (FPPA) does not require ‘mitigation’ for prime farmland losses. EPA requests that efforts to minimize potential impacts to prime farmlands as defined under Title 7, CFR Part 657 be addressed during final project design.

Response: Comment Noted.

Comment: EPA notes the transportation agencies’ information on Mobile Source Air Toxics (MSATs) in Section 4.1.3.2.3 of the FEIS. EPA continues to not concur with the qualitative analysis and generalized assessment approach and requests that the identification of potential near-roadway sensitive receptors (e.g., Hospitals, daycare facilities, nursing homes, and schools) be included in Record of Decision (ROD).

Response: The FHWA has several research projects underway to more clearly define potential risks from MSAT emissions associated with transportation projects. While this research is ongoing, FHWA requires each NEPA document to address MSATs and their relationship to the specific highway project through a tiered approach. Three near-roadway sensitive receptors – Pleasant Grove Baptist Church, Hallelujah Deliverance Church, and Richmond County Ninth Grade Academy – are identified on Figures 3.1 and 3.4.

Comment: The transportation agencies' project commitments ("Green Sheet") are included in the FEIS. The project commitments concerning impacts to the flood hazard areas, the McDonald's Pond Ecosystem Enhancement Program (EEP) wetland mitigation site, an archaeologically significant cemetery, potential noise abatement measures, and the WRC Pee Dee River Game Land are noted. EPA recommends that these project commitments, where relevant and appropriate, be finalized during project design and be included in the ROD.

Response: The "Green Sheet" commitments from the FEIS are included in the ROD "Green Sheet" to ensure they are implemented through final design and construction (see Appendix A).

Comment: Stream and wetland avoidance and minimization measures and compensatory mitigation are addressed in Section 4.1.5.2.3 of the FEIS. Avoidance and minimization efforts are identified on page 4-22, including the avoidance of 13 of 24 streams in the corridor, 36 of the 55 wetland sites, and 7 out of 10 ponds. Bridge lengths at major stream and wetland crossings are also identified and include the reductions in potential impacts at these locations. EPA requests that the transportation agencies include the specific recommendations identified on pages 4-22 and 4-23, including the re-design of the US 74 Bypass interchange, in the project commitments for the ROD. Additional efforts to avoid and minimize impacts, especially wetland site #W18 (5.3 acres), #W21 (8.0 acres), #W26 (7.6 acres), and #W37 (5.0 acres), also be considered during final project design (e.g., Use of steeper slopes and retaining walls where feasible).

Response: Stream crossing structures and proposed mitigation measures are noted in the ROD "Green Sheet" commitments in Appendix A.

Comment: EPA acknowledges the efforts to avoid and minimize the impacts to the EEP McDonald's Pond wetland mitigation site and requests that improved coordination to avoid these potential conflicts in the future be considered by the US Army Corps of Engineers, NCDENR, FHWA, and NCDOT.

Response: Comment Noted.

Comment: EPA requests that compensatory mitigation for unavoidable impacts to jurisdictional aquatic resources through the EEP be 'in-kind' and within the hydraulic units (i.e., HU 03050103 and 03040105) of the Yadkin-Pee Dee River Basin.

Response: Comment Noted.

7.2 State Agencies

North Carolina Wildlife Resources Commission

In a letter dated March 22, 2012, (see Appendix B, page B.10), the N.C. Wildlife Resources Commission offered the following comments:

Comment: "... At this time we concur with the FEIS for this project..."

Response: No response necessary.

North Carolina Department of Cultural Resources

On March 9, 2012, the N.C. Department of Cultural Resources responded to an intergovernmental review letter and indicated it had no comments on the project (see Appendix B, page B.18).

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

In a letter dated March 19, 2012, (see Appendix B, page B.11), the N.C. Department of Environment and Natural Resources Division of Water Quality offered the following comments:

Comment: Section 4.1.5.2.3 (Stream and Wetland Avoidance, Minimization, and Compensatory Mitigation), for Structure 4, it states that the median width was reduced to 46 feet. However, for avoidance and minimization purposes, it is not stated what it was reduced from to meet avoidance and minimization efforts.

Response: The median was reduced from 70 feet to 46 feet to reduce impacts to the Watery Branch system.

Comment: Section 3.3.6 (Hazardous Materials) and Table 3-4 discuss and list 12 underground storage tanks and auto repair facilities located within the study area. Typically, these discussions include a risk assessment (low, medium, high).

Response: Table 4 in Section 8.3, *Hazardous Materials* of this document includes a risk assessment for each hazardous materials site.

Comment: Section 4.1.5.2.3 states that on-site wetland and stream mitigation opportunities will be investigated once a final calculation of impacts has been determined. The NCDWQ prefers on-site mitigation where feasible and practicable, and the NCDWQ is curious as to why the NCDOT is waiting so long to investigate potential on-site mitigation opportunities. The most accurate final impact calculations will most likely not be available until the permit drawings are finalized. This seems very late to be investigating on-site mitigation opportunities. The NCDWQ strongly encourages the NCDOT to begin on-site opportunities as soon as the LEDPA is chosen. The NCDOT is respectfully reminded that the NCDWQ and other resource agencies will need to approve any potential onsite mitigation sites and plans. Additionally, the NCDWQ prefers to see mitigation plans in advance of application submittal. The NCDOT is encouraged to begin investigating any opportunities as soon as possible as to not delay the project unnecessarily.

Response: All practicable mitigation opportunities will be identified and considered as part of the Section 404 permit development. A detailed mitigation plan will be submitted by the NCDOT prior to a Section 404 permit application for this project.

Comment: Page 4-35, referencing the SDEIS, states “The preferred alternative has the potential to adversely affect local water quality through increased storm water runoff; however, due to the lack of proposed stream crossings, and the limited number of streams along the corridor, it is

likely that water quality impacts will be minimal.“ The NCDWQ does not agree with this statement. It seems that the impacts to surface waters from storm water runoff would be more a factor of the method of treatment as well as the quantity treated rather than a lack of proposed stream crossings. Also, this discussion is included in the Indirect and Cumulative Effects section of the document; therefore, it seems this particular discussion should also include other development induced by the project. This other development is not dependent upon the number of stream crossings. This statement seems to be based solely on the project itself, not taking into account other induced development. There are other factors such as concentration, loading, and assimilation rate of a given stream which affect water quality more than the number of streams being impacted by the project.

Response: NCDOT recognizes NCDWQ’s concern regarding the water quality conclusions of the 2001 SDEIS and agrees the method of storm water treatment and the quantity treated has more bearing on impacts to surface waters than the number of stream crossings. The FEIS Section 4.2.4.1, *Previous Report Conclusions* (pages 4-34 and 4-35) discloses the findings of earlier environmental documents, including the 2001 SDEIS. The conclusions given in this section do not necessarily reflect the findings of the FEIS. A 2005 Qualitative Indirect and Cumulative Effects (ICE) report analyzed water quality impacts, and the analysis was updated for the FEIS. Based on recent information from local officials, the development activity described in the 2005 ICE has stopped and no considerable development (induced or otherwise) is expected in the foreseeable future.

The contractor will exercise every reasonable precaution throughout the construction of the project to prevent water quality impacts to rivers, streams, and water impoundments. Pollutants, such as chemicals, fuels, lubricants, bitumens, and other harmful waste, will not be discharged into adjacent rivers, streams, impoundments or ditches. NCDOT’s “Best Management Practices for Protection of Surface Waters” will be implemented, as applicable. Temporary impacts from construction activities may include erosion resulting in the discharge of sediments in adjacent waters. The contractor will be required to adhere to NCDOT’s “Best Management Practices for Protection of Surface Waters” and implement the Sedimentation and Erosion Control plans to prevent the discharge of sediments into adjacent waters, to the maximum extent possible.

In addition, any development would require permitting through the USACE and NCDENR which would involve compliance with applicable 401 Water Quality Standards and implementation of appropriate Best Management Practices.

Comment: It is discussed on page 4-37 that three utility providers, Richmond County (water), the City of Rockingham (water and sewer) and the City of Hamlet (water and sewer) would be willing to expand existing systems if development opportunities existed and extension(s) were feasible. The following paragraph in the document states the “Lack of a market for development, a depressed economy, and limited availability of public utilities will likely limit the amount of development within the majority of the GISA.” Aside from the current lack of market for development, the current depressed economy should be considered a temporary

effect, and may be affecting the lack of market. Eventually, and most likely in the coming years (i.e., the foreseeable future), the economy will improve and the desire for development may increase as a result. The statement regarding the utilities appears to be in direct conflict with the previous statement that the three utilities express a willingness to expand should development opportunities arise. Given that the economy is expected to improve, the three utilities are willing to expand, there are major intersections of planned freeways, and the area would welcome new development, especially commercial and industrial, the NCDWQ believes that there may be a potential in the future for development and hence water quality impacts. This is echoed in the document as well, “When TIP Project R-2501 is combined with the US 74 bypass and the proposed I-73/I-74 corridor, the improved regional transportation network could generate new interest in development within the GISA, particularly for industrial (distribution-related) uses.”

Response: Local officials indicated their utilities were operating under capacity and could handle additional development needs, if present. However, these same officials did not anticipate any considerable development to occur in Rockingham or Richmond County in the foreseeable future.

The project is being developed as a controlled or partially controlled access facility. This would restrict development to specific areas along the project corridor. Any new development would have to comply with federal, state, and local water quality regulations and implement appropriate BMP's.

Comment: There seem to be many contradictory statements within the ICE section of the document. The NCDWQ would like to review NCDOT's Qualitative Indirect and Cumulative Effects document, dated October 3, 2005 (referenced on page 4-30), and is hereby requesting a copy. Although the new project design is incorporated into the DEIS discussion as noted in the project design as well.

Response: NCDOT provided a copy of the October 3, 2005 Qualitative Indirect and Cumulative Effects document to the NCDWQ on February 25, 2013.

Comment: Appropriate mitigation plans will be required prior to issuance of 401 Water Quality Certification.

Response: The NCDOT will investigate potential on-site stream and wetland mitigation opportunities once a final determination of impacts has been calculated (see Section 3.5.4.1, *Streams* of the FEIS). If on-site mitigation is not feasible, mitigation will be provided by North Carolina Department of Environment and Natural Resources (NCDENR) Ecosystem Enhancement Program (EEP). In accordance with EEP's July 2010 In-Lieu Fee Instrument signed by the USACE and the NCDENR on July 28, 2010, the EEP will be requested to provide off-site mitigation to satisfy the federal Clean Water Act compensatory mitigation requirements for this project.

Comment: Environmental impact statement alternatives should consider design criteria that reduce the impacts to streams and wetlands from storm water runoff. These alternatives should

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 storm water Best Management Practices Manual, July 2007, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.

Response: The contractor will exercise every reasonable precaution throughout the construction of the project to prevent water quality impacts to rivers, streams, and water impoundments. Pollutants, such as chemicals, fuels, lubricants, bitumens, and other harmful waste, will not be discharged into adjacent rivers, streams, impoundments or ditches. NCDOT's "Best Management Practices for Protection of Surface Waters" will be implemented, as applicable. Temporary impacts from construction activities may include erosion resulting in the discharge of sediments in adjacent waters. The contractor will be required to adhere to NCDOT's "Best Management Practices for Protection of Surface Waters" and implement the Sedimentation and Erosion Control plans to prevent the discharge of sediments into adjacent waters, to the maximum extent possible.

Comment: 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 greater than one acre to wetlands or more than 150 feet to any single perennial or intermittent stream. 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.

Response: Avoidance and minimization measures associated with wetland and stream impacts were discussed and agreed upon by the Section 404/NEPA Merger Team (Concurrence Point 2A/4A). These measures included; bridging, equalizer pipes, reduced median widths, and alignment shifts. Concurrence Point 2a/4a is discussed in Section 7.1.4 *NEPA/Section 404 Merger Process* of the FEIS.

Comment: 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.

Response: Comment Noted.

Comment: 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.

Response: Comment Noted.

Comment: 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 should 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.

Response: NCDOT will place the invert of the culvert below ground to ensure fish passage. Bent placement would avoid open waters to the extent practicable.

Comment: Bridges should allow for human and wildlife passage beneath the structure. Fish passage and navigation by canoeists and boaters shall not be blocked. Bridge supports (bents) should not be placed in the stream when possible.

Response: NCDOT proposes a 10-foot by 11-foot box culvert for wildlife passage east of E.V. Hogan Road (SR 1700), near Standridge Place. The proposed bridge over Falling Creek will also be of sufficient length to allow wildlife passage. NCDOT will coordinate with NC Wildlife Resources Commission and US Fish and Wildlife Service in developing the crossing designs. Concurrence Point 2A/4A provides details of the agencies decisions. Bridge structures would provide similar vertical clearance as presently exists. Placement of bridge bents would avoid open water as practicable.

Comment: Bridge deck drains should not discharge directly into the stream. Storm water should 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 *Storm Water Best Management Practices*.

Response: A Stormwater Management Plan will be developed that indicates the proposed Best Management Practices as outlined in the NCDWQ's *Storm Water Best Management Practices*.

Comment: The 401 Water Quality Certification Application will need to specifically address the proposed methods for storm water management. More specifically, storm water should not be permitted to discharge directly into streams or surface waters.

Response: Sediment and erosion control measures sufficient to protect water resources would 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. In addition, a Stormwater Management Plan will be developed that indicates the proposed Best Management Practices as outlined in the NCDWQ's *Storm Water Best Management Practices*.

Comment: 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 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 storm water management plan, and the inclusion of appropriate mitigation plans where appropriate.

Response: Minimization of impacts to waters has been addressed in Concurrence Point 4A during coordination meetings with the Merger Team. A compensatory mitigation plan will be developed during the preparation of the Section 404 permit application to address unavoidable impacts to wetlands and perennial streams. Additional information can be found in the FEIS in Section 4.1.5.2.3, *Stream and Wetland Avoidance, Minimization, and Compensatory Mitigation* and Section 7.1.4, *NEPA / Section 404 Merger Process* for more information.

Comment: If multiple pipes or barrels are required, they should 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 should 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.

Response: Pipes and culverts will be designed based on natural stream cross-sections to the extent practicable.

Comment: It should be noted that if foundation test borings are necessary that geotechnical work is approved under General 401 Certification Number 3687/Nationwide Permit No. 6 for Survey Activities.

Response: Comment Noted.

Comment: 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.

Response: Comment Noted.

In a letter dated April 29, 2013, (see Appendix B, page B.15), the N.C. Department of Environment and Natural Resources Division of Water Quality offered the following comments:

Comment: The horizon year of 2020 used to analyze indirect and cumulative effects is no longer valid based on the following reasons:

- The project is currently scheduled for construction “post year” (beyond 2020).
- The project has not been reviewed through Merger 01 4B or 4C concurrence points.
- Construction is expected to take several years.

Response: The proposed US 1 widening under R-2501C is currently scheduled to be complete before the 2020 horizon year. The proposed bypass from US 74 Business to existing US 1 under R-2501BC is scheduled to be complete in 2023. The southern half of the proposed bypass under R-2501BB & R-2501BA is scheduled for completion after 2024. As part of the permit application process, NCDOT will reevaluate and update the indirect and cumulative effects (ICE) analysis and include updated horizon years that correspond with the project funding schedules.

Comment: There is mention of new developments that have been permitted or under construction in the ICE document. DWQ is also concerned about local officials' hopes that the combination of R-2501, the US 74 Bypass, and the future I-73/74 corridor will spur industrial and commercial development. Any new development or future development should be accounted for when considering cumulative and indirect effects of R-2501.

Response: In 2005, during the ICE's preparation, construction was underway at the Pine Hills Industrial Park and the Richmond County Industrial Park. Local officials considered land between Airport Road (SR 1966) and US 74 Bypass to be prime industrial land. They believed the development interest was likely in response to the improving highway corridors. In 2011, as reported in the FEIS, local officials indicated substantial development had stopped and was not expected to occur in the foreseeable future. Prior to permit application, NCDOT will investigate future development activities during the ICE reevaluation.

Comment: Census data considered in the analysis is from 2000. Data from the 2010 census is now available and should be used to update the analysis.

Response: The 2011 FEIS incorporated partial 2010 Census information that was available at the time. There was virtually no growth in the area's population, but there were substantial losses in employment. Use of 2010 Census Data results will not alter the indirect and cumulative effects analysis conclusions for this project. NCDOT will include 2010 Census data in the ICE reevaluation and update.

Comment: Current and future zoning maps should be included in an updated ICE.

Response: The City and County Planning and Land Use documents referenced in the ICE and FEIS are still in effect, and no updates have occurred. The City of Rockingham updated its Zoning Map in 2009, and FEIS considered these updates as part of the ICE evaluation. NCDOT will include future zoning information the ICE reevaluation.

Comment: The updated ICE should note if utility service areas have expanded since 2005 and if there are any additional plans to provide new service to areas in the Growth Impact Study Area (GISA) in the foreseeable future.

Response: As indicated in the FEIS, very little expansion in utility service had occurred in the GISA between 2005 and 2011. NCDOT will note additional utility expansion plans the ICE reevaluation.

Comment: The traffic analysis report referenced in the ICE document is from 1999 and uses a horizon year of 2020. Again, due to the age of this data, the traffic analysis report should be updated and should use a horizon year beyond 2020.

Response: The traffic forecasts were updated in 2008 using a horizon year of 2035. These were presented in the FEIS. NCDOT will incorporate the 2035 horizon year traffic forecast the ICE reevaluation.

Comment: The ICE report notes the GISA includes portions of the following:

- The Lumber River Basin
- Two water supply watershed critical areas
- A high quality watershed

It should be demonstrated that all waters within the GISA will not be negatively impacted by R-2501. Especially the ones listed above.

Response: The ICE reevaluation updates will provide sufficient data to demonstrate that R-2501 will not negatively impact the water resources.

Comment: DWQ is under the opinion that the assumptions and information used in the ICE analysis needs to be updated to reflect more recent data. Because of this, the DWQ is unable to make a determination that waters within the GISA and surrounding areas will not be degraded by indirect and cumulative impacts resulting from R-2501.

Response: FHWA and NCDOT believe the FEIS and ICE sufficiently disclosed the anticipated indirect and cumulative effects. However, the ICE reevaluation and analysis prior to project permitting and 401 Water Quality Certification will include the requested updates.

7.3 Public Comments

Public Hearing Comments

A Corridor Protection Hearing and Public Hearing were held for R-2501 on October 30, 2012 in Rockingham. The following comments on the FEIS were received during the hearing.

Comment: Ms. Lynne Stephens is an owner of the Loch Haven Golf Course property at 612 Loch Haven Road, Rockingham. She is opposed to the proposed bypass. The Purpose and Need should show a significant reason why tax dollars are being spent while also causing significant environmental damages and social costs. She does not believe that the predicted future traffic or travel time savings demonstrate a significant need for the project. Much of the peak downtown Rockingham traffic comes from local traffic (Table 1-7). The peak traffic projection and the Final Impact Statement shows that a rush hour 18.6 mile trip from Sandhill Road to Marston Road is only expected to increase by one minute in 2035. The proposed bypass shows a travel time improvement of as much as seven minutes for morning peak through traffic but does not address other non-peak times.

Response: The purposes of the project include reducing travel time, reducing congestion by diverting through traffic and truck traffic, and improving mobility on the US 1 Strategic Highway Corridor. With no improvements, future year travel time along the corridor is expected to increase by approximately one minute during the peak hour. Some two-lane portions of US 1 near the downtown area currently operate at or near their traffic carrying capacity. In the future, traffic operations will continue to deteriorate on the two-lane sections of US 1 near the downtown area due to 25 to 35 mph travel speeds, numerous access points, and traffic signals. A more efficient travel route is needed to reduce US 1 through traffic in downtown and improve mobility along the US 1 corridor. A proposed US 1 Bypass would divert through traffic and truck traffic from US 1 downtown. With the US 1 improvements, the future trip from north of Sandhill Road (SR 1971) to Marston Road (SR 1001) is estimated to reduce US 1 travel time by more than 10 minutes and increase average speeds by 25 mph. The peak hour trip was used to correspond with peak hour traffic capacity results. During non-peak periods, travel time delays at the traffic signals are expected to reduce, but not substantially.

Ms. Stephens reiterated this public hearing comment and the following two comments in a November 19, 2012 letter to FHWA (see Appendix B, page B.31).

Comment: Ms. Stephens commented that a bypass would reduce traffic through downtown Rockingham, and decrease tax revenues since travelers would not stop for meals and lodging. This would not benefit Rockingham businesses and residents.

Response: While it is true that businesses along existing US 1 will have fewer travelers to stop by their businesses, similar businesses located along near US 1 Bypass interchanges are likely to receive this business traffic. Residents would benefit from improved travel conditions along existing US 1.

Comment: Ms. Stephens also commented on the purpose of improved mobility on the US 1 Strategic Highway Corridor. The road builders want to implement the corridor's vision despite a lack of clearly, articulated need. A purpose and need must not be so narrow as to define reasonable alternatives out of existence. The purpose for this EIS is written so that alternatives are not given a chance. The courts say that this is unacceptable.

Response: As described above, traffic on some two-lane sections of US 1 near the downtown area will continue to operate at their traffic carrying capacity in the future. This is due to 25 to 35 mph travel speeds, numerous access points, and traffic signals. The No-Build, the Transportation System Management, and the Mass Transit Alternatives were considered but were determined not to address the purpose and need of the project.

Comment: Freddy Brown is a landowner in the Wolf Pit Township and has lived on his property because of his love for timber and wetlands. His property has old Long Leaf Pines, Loblolly Pines, wetlands, and a stream. He has observed a colony of red-cockaded woodpeckers, as well as shiners in the creek on his property. He noted the Environmental Impact Statement

does not include any fish studies and the surveys for rare species were conducted in two days of field work. He noted more thorough surveys are needed. Mr. Brown feels the bypass plan destroys property, people's homes and the ecology of the area.

Response: The FEIS reported conclusions of natural systems surveys that were conducted according to NCDOT protocols during the spring, summer, and fall of 2007, fall 2008, and spring 2010. In fall 2012, NCDOT biologists conducted additional field surveys within areas of suitable habitat for all federally protected species listed for Richmond County. As described in Table 3, the project will have no effect on the Red-cockaded woodpecker or any federally listed fish species.

Post Public Hearing Comments

The following comments were made in letters to the FHWA after the hearing.

Comment: Ms. Kathy Peterson owns land within the project corridor. She is concerned the proposed project could have a negative effect on bog oatgrass (see Appendix B, page B.27). She noted the project corridor passes through an area designated by the North Carolina Department of Environment and Natural Resources (NCDENR) Natural Heritage Program (NHP) as a "significant natural heritage area." The bog oatgrass is listed as a Federal Species of Concern by the USFWS within this area. Ms. Peterson asked why this species was not discussed in the FEIS.

Response: According to the USFWS, a species of concern is one that is under consideration for the threatened and endangered species list but there is not enough information to support it being included. Species designated as Federal Species of Concern receive no legal protection under the Endangered Species Act of 1973. Therefore, field surveys for the bog oatgrass were not required.

Comment: Frances K. Osinski asked how environmental restrictions were considered enough to prevent development (as stated in Section 4.2.10.1, *Indirect Effects* of the FEIS) but not enough to prevent the selection of the proposed alignment through environmentally sensitive areas such as wetlands, water supply watersheds, floodplains, and an EEP site (see Appendix B, page B.30).

Response: The FEIS statement that was referenced in the above comment indicates the project area is unlikely to experience development and land use changes as an indirect result of the proposed project due to environmental restrictions and other factors. It does not suggest the bypass should not be constructed due to those same restrictions.

Comment: Ms. Donna Osinski expressed her concern for the McDonald's Pond EEP site and how the proposed project is expected to impact it (see Appendix B, page B.29). Ms. Osinski feels the decision to allow the alignment to pass through a portion of the site will send a message that public and private lands donated for conservation will not always be protected by government officials as intended by the EEP.

Response: The McDonald's Pond restoration site was constructed in 2005. The preferred alternative was formally established and selected in 2001, prior to construction of the EEP site.

Close coordination between NCDOT and the environmental protection agencies (including the EEP) regarding the restoration site occurred throughout the planning phase of the proposed project. The coordination and mitigation measures taken to minimize impacts to the restoration site are documented in the FEIS.

Comment: In a November 19, 2012 letter to the FHWA, Lynne Stephens contends there is a discrepancy between the project purpose and information found in Section 4.2.10.2, *Cumulative Effects* of the FEIS (see Appendix B, page B.31). She points out the statement, "...the large amount of rural and conservational lands, the general lack of utilities (except in built-up areas), low population growth, and a stagnant economy should limit the potential of any induced growth..." indicates the Rockingham area is not expected to experience significant growth. One would conclude then that the threat of additional congestion does not exist, which refutes an aspect of the project purpose.¹

Response: The FEIS statement referenced in the above comment indicates the project area is unlikely to experience development and land use induced by the proposed project due to current development, environmental, and economic conditions. It does not suggest traffic congestion will not worsen in the future. Part of the purpose of this project is to reduce congestion in downtown Rockingham by diverting through traffic and truck traffic from local streets. Some two-lane portions of US 1 near the downtown area currently operate at or near their traffic carrying capacity. In the future, traffic operations will continue to deteriorate on the two-lane sections of US 1 near the downtown area due to low travel speeds, numerous access points, and traffic signals.

Comment: In a November 20, 2012 letter to the FHWA (and forwarded to US President Obama November 21, 2012), Edward Osinski, Jr., representing Eddie O's Enterprises LTD stated the R-2501 FEIS and supporting environmental reports are inadequate and lack integrity (see Appendix B, page B.33).² In addition, Mr. Osinski wrote there are numerous environmental problems with the project which require more investigation before the approval of the ROD. The letter references the company's disagreement regarding wetlands on their property (Loch Haven Golf Course) as a basis for the above comments.

Response: Ms. Lynne Stephens, part owner of the golf course and representative of Eddie O's Enterprises LTD, filed a request for appeal (RFA) with the Army Corps of Engineers (ACOE) concerning jurisdictional determinations of wetlands on golf course property. The request was received by the ACOE on November 1, 2011. The appeal purported that the ACOE incorrectly applied relevant regulatory guidance and criteria for identifying and delineating wetlands. Specifically, the wetlands identified on the property should be larger than indicated by the jurisdictional determination documents and maps. After an appeal meeting with Eddie O's

¹ The other comments in the November 19, 2012 letter were made verbally by Ms. Stephens at the Public Hearing. Responses to those comments may be found under "Public Hearing Comments" in Section 7.3, *Public Comments*.

² The White House forwarded the letter addressed to President Obama to the FHWA and requested FHWA respond to Mr. Osinski's letter and copy the White House Office of Presidential Correspondence on the response.

Enterprises LTD representatives and a site visit, the ACOE concluded the appeal had merit and would be remanded to the ACOE Wilmington District for reevaluation and investigation as to whether correcting the reporting errors would affect the amount of identified wetlands on the property (see the February 21, 2012 memo from the ACOE in Appendix B, page B.36 for more details). The ACOE Wilmington District revisited and reevaluated the property wetlands and in a July 6, 2012 memo to the ACOE Appeal Officer (and copied to Ms. Stephens and Eddie O's Enterprises LTD), it concluded the reevaluation did not change the amount of wetlands delineated under the original jurisdictional determinations (see Appendix B, page B.42).

Under the ACOE jurisdictional determination appeals process, the reevaluation finding and its entry into the Administrative Record is the final decision on the jurisdictional determinations (See Page B.51).

In response to Mr. Osinski's November 21, 2012 letter to President Obama, the FHWA sent a letter dated March 8, 2013 to Eddie O's Enterprises LTD (see Appendix B, page B.44). The letter acknowledged their appeal to the ACOE concerning delineated wetlands on their property and reiterated the conclusions of the reevaluation. The letter also stated a detailed response to their comments would be included in the ROD.

In addition to their assertion that the FEIS and supporting environmental reports lack integrity based on their jurisdictional determinations appeal, Osinski family members (including Mr. Osinski) and Ms. Stephens have made numerous other comments opposing the findings of the FEIS. Their comments are well documented and lengthy based on numerous letters to State and Federal transportation agencies, various political entities, and their Public Hearing comments. Their comments, concerns, and requests for information concerning this project have been considered and responded to as appropriate during the project development process. FHWA and NCDOT believe the FEIS and supporting technical documents are complete and have sufficiently disclosed the anticipated environmental impacts.

8.0 REVISIONS TO THE FEIS

The following are revisions to the FEIS for the US 1 Improvements based on comments received.

8.1 Typical Sections

The FEIS recommended three different typical sections: a four-lane, median divided freeway on new location with full control of access; widening the existing two-lane portion of US 1 to a four-lane, median divided roadway with partial control of access; and widening existing US 1 to a five-lane roadway with no control of access. Since the approval of the FEIS, NCDOT reconsidered the limits of the five-lane roadway typical section. The previous limits of the five-lane section were from approximately one and a half miles north of Fox Road (SR 1606) to

Marston Road (SR 1001). A four-lane, median divided section for the portion of the project that widens existing US 1 [from north of Fox Road (SR 1606) to Marston Road (SR 1001)] was presented as the recommended typical section on the Public Hearing maps.

Prior to the Public Hearing, on September 18, 2012, NCDOT met with representatives from the speedway, dragway, and emergency services agencies. The local representatives indicated these tracks attract many visitors and are important economic generators. Traffic should be able to move as freely as possible during events. There are over 90 events throughout the year, several of which draw large attendance and last for multiple days. The Speedway is used for test races, NASCAR sponsored events, smaller race venues, and concerts throughout the year. The speedway and dragway representatives requested a center turn lane instead of a median in the vicinity of the speedway and dragway. This is to keep all existing access points to the two facilities open during events and help prevent US 1 traffic from experiencing major backups. During a recent race event, northbound US 1 traffic was backed up several miles (as far south as Wiregrass Road) because all access points were not open for event parking. A center turn lane would allow current access to be maintained and provide a lane for emergency vehicle use.

During the public hearing, several other property owners requested a center turn lane instead of a median south of the speedway and dragway. Based on these concerns, NCDOT has revised the typical section to include a four-lane median divided roadway from north of Fox Road (SR 1606) to Cognac Road (SR 1605). A five-lane section is proposed from Cognac Road (SR 1605) to Marston Road (SR 1001). Coordination with Rockingham Speedway, Rockingham Dragway, and local emergency services representatives will continue throughout final design and construction to insure that the proposed roadway supports the traffic management needs in this area.

8.2 Environmental Commitments

Since the approval of the FEIS, project commitments regarding the following subjects have been added to ROD “Green Sheet” (see Appendix A).

- Continued coordination with Rockingham Speedway, Rockingham Dragway, and local emergency service representatives regarding access to these facilities during race events.
- Mitigation measures at stream crossing structures.
- Suitable habitat evaluation for the great blue heron.
- Suitable habitat evaluation for the federally protected rough-leaved loosestrife and Atlantic sturgeon species.

8.3 Hazardous Materials

The hazardous material sites have been assigned a risk assessment factor based on information derived from field visits by the NCDOT’s GeoEnvironmental Section conducted in November

2007 and May 2010, and a GeoEnvironmental Impact Evaluation completed in December 2007 (Table 4). See Figure 5 for hazardous waste site locations.

Table 4: Hazardous Waste Sites and Risk Assessment

| Map ID | Site | Site Address | Risk Assessment |
|--------|--|---|-----------------|
| 1* | Callahan Enterprises, Inc. | 874 East US 74 Business Rockingham, NC | Low |
| 2* | Big K Oil Company | Vacant Lot East US 74 Business Rockingham, NC | Low |
| 3* | Abandoned Gas Station | East US 74 Business Rockingham, NC | Low |
| 4 | Big K Oil Company | Vacant Lot East US 74 Business Rockingham, NC | Low |
| 5 | NCDOT | East US 74 Business Rockingham, NC | Low |
| 6* | Former Store | Approximately 1826 US 1 Rockingham, NC | Low |
| 7* | EHS Racing & Chuck's Trucks | 1975 North US 1 Rockingham, NC | Negligible |
| 8* | Guranos Performance Autos | 2015 North US 1 Rockingham, NC | Low |
| 9* | Sandhills Pressure Washing | 2050 North US 1 Rockingham, NC | Low |
| 10* | House of Prayer Church of Deliverance For All Peoples | 2068 North US 1 Rockingham, NC | Low |
| 11 | Speedway 66 Service | 2210 North US 1 Rockingham, NC | Low |
| 12* | Emily's Sandbox | 2259 North US 1 Rockingham, NC | Low |

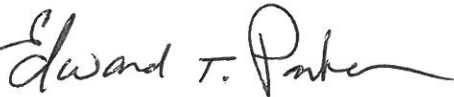
* Indicates site is within the proposed right of way.

9.0 CONCLUSION

The environmental studies for NC State Transportation Improvement Program Project R-2501, Federal Aid Project NHF-1(1) include the previously referenced Draft EIS (June 1999), the Supplemental Draft EIS (April 2001), the Final EIS (December 2011) and this ROD. These documents constitute the statements required by the National Environmental Policy Act and Title 23 of the United States Code (USC).

The Final EIS is in conformance with applicable provisions of 23 CFR 771 and satisfactorily covers the anticipated environmental impacts including human, physical, cultural, and natural effects. Updates documented in this ROD did not result in new or different significant environmental impacts. All correspondence received between the Final EIS and the date this ROD was signed have been reviewed (see Appendix B for a copy of the comments on the Final EIS), and based on that review; the Federal Highway Administration finds that there were no new significant issues or impacts identified. Therefore, the Final EIS remains valid.

Based on the analysis and evaluation contained in this project's Final EIS and updates included in this ROD, and after careful consideration of all impacts and input from the public involvement process, it is my decision to adopt the Preferred Alternative, Detailed Study Alternative 21, as the proposed action for this project.

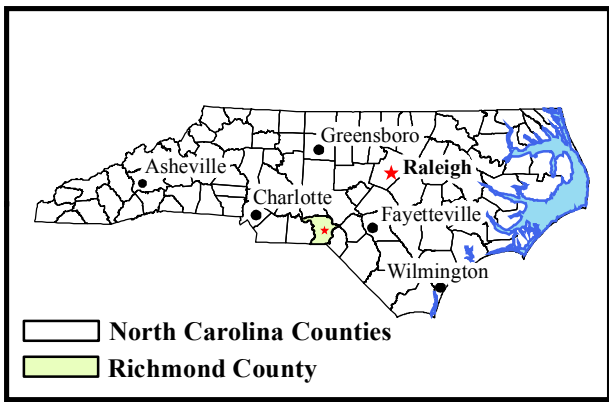
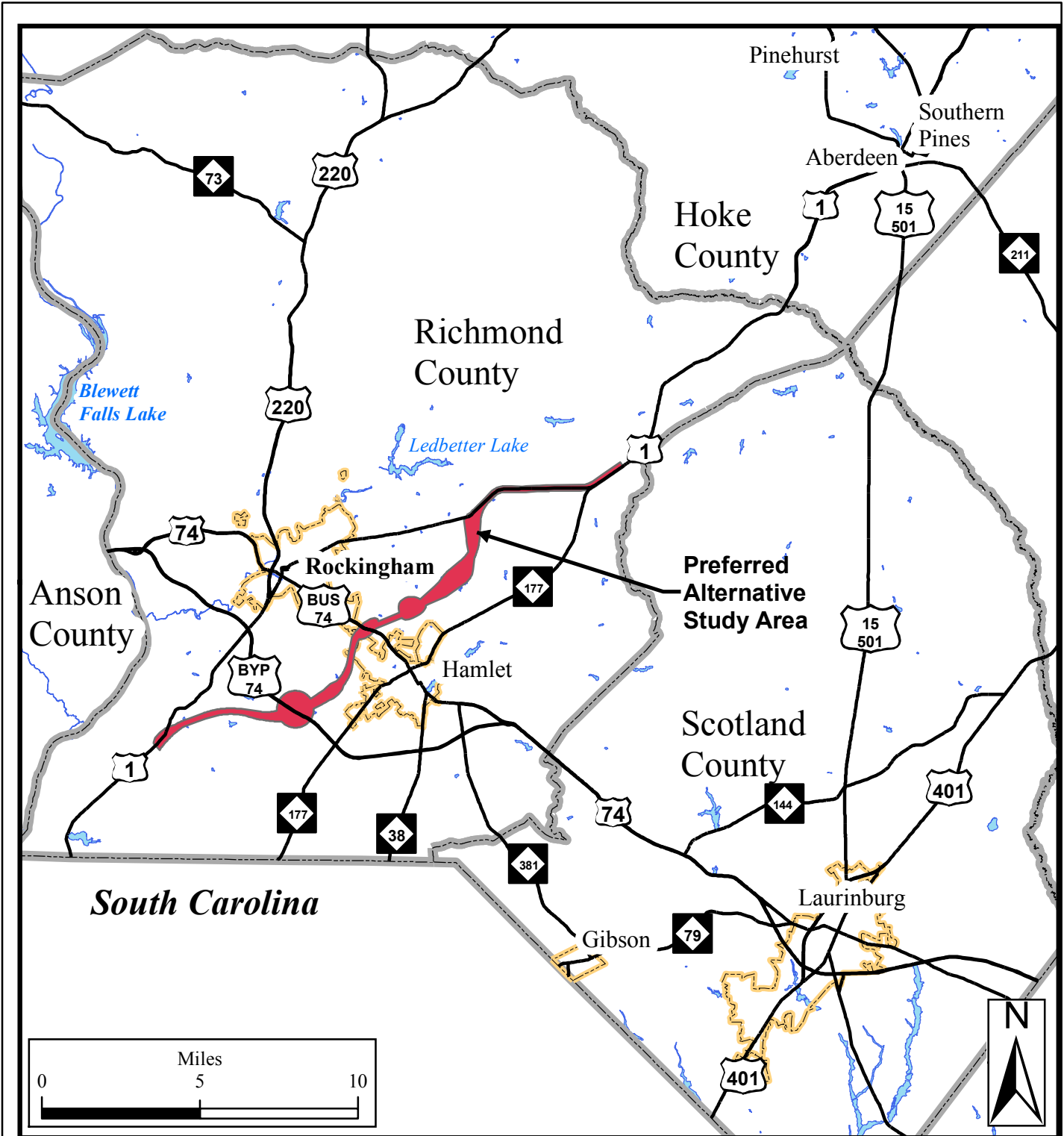


ks _____
John F. Sullivan, III, P.E.
Division Administrator
Federal Highway Administration

06-28-2013

DATE

FIGURES



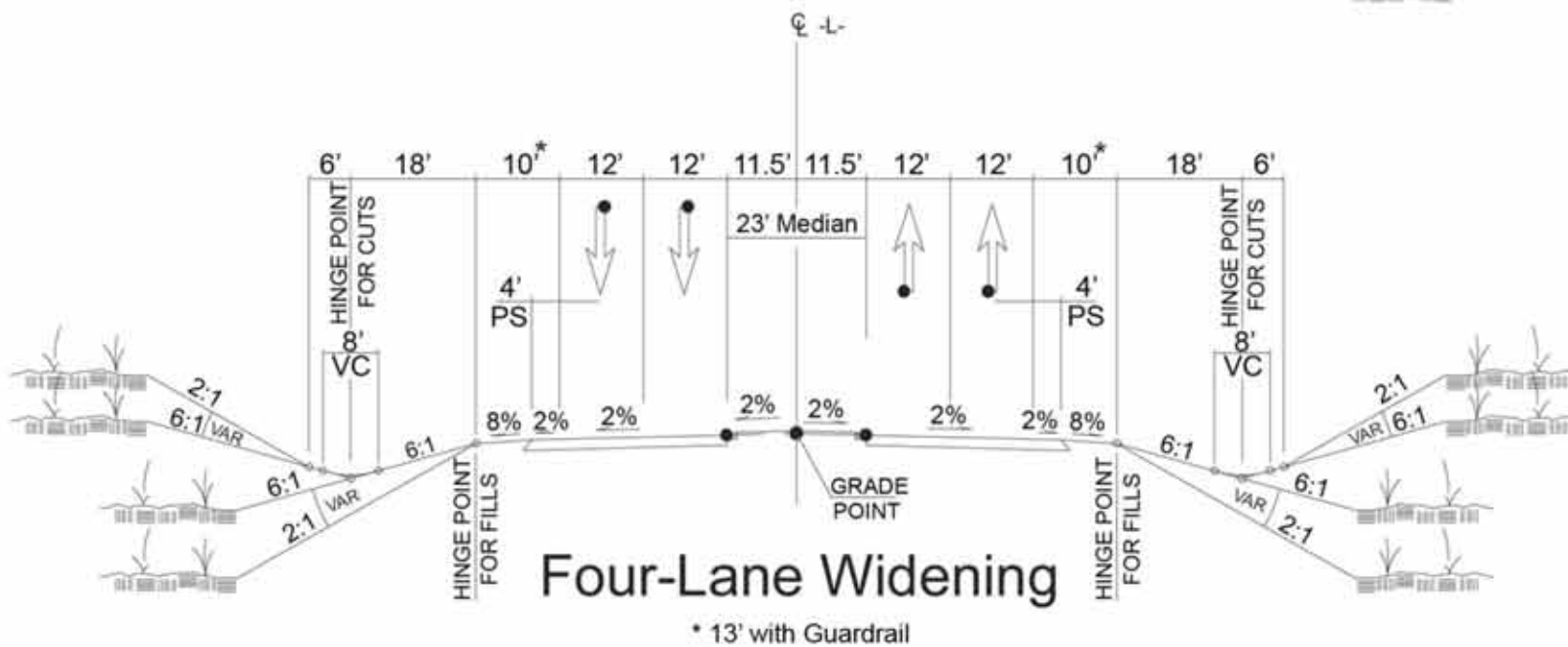
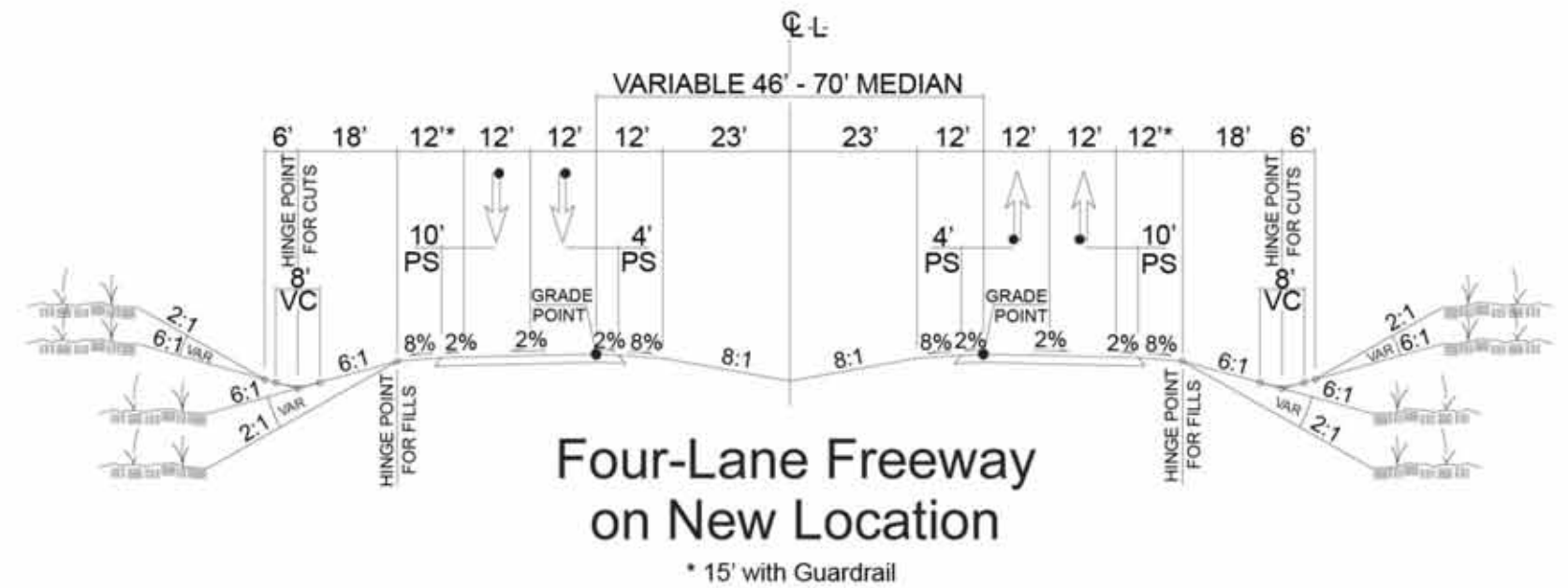
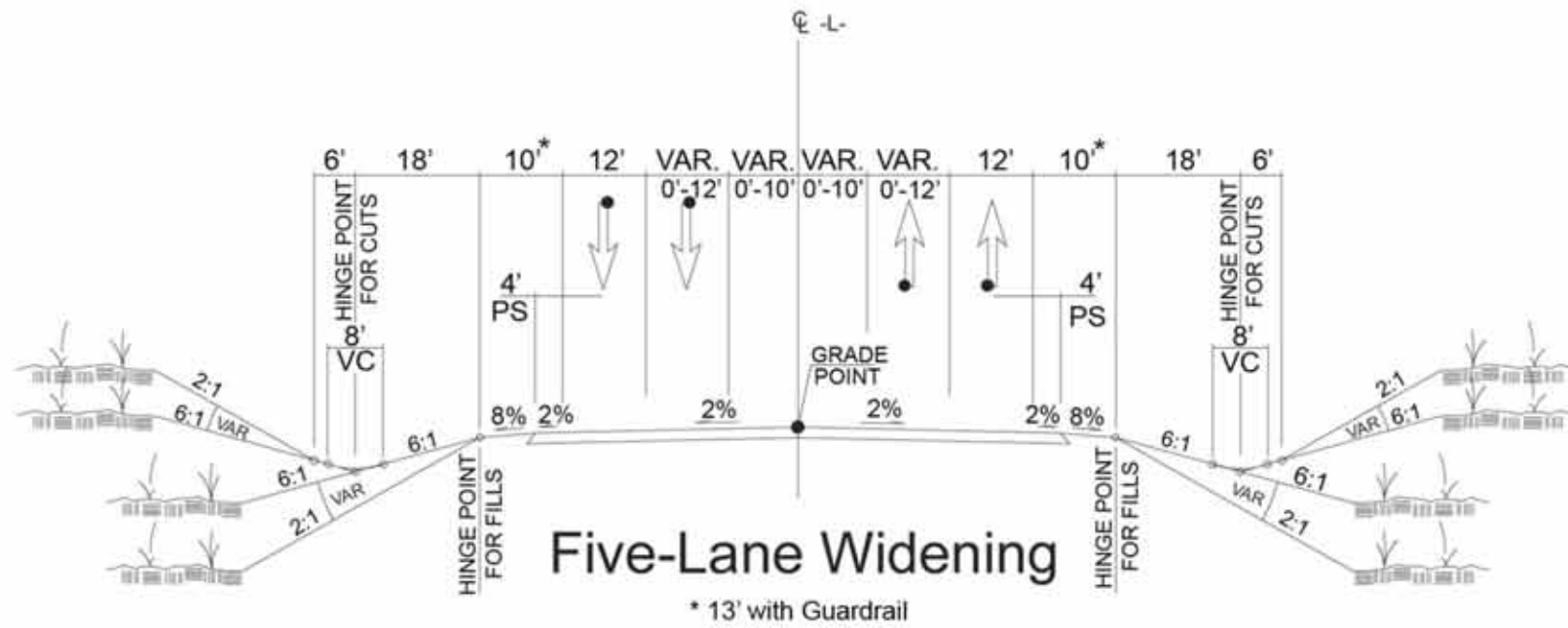
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

T.I.P. R-2501
Record of Decision
US 1, Rockingham, N.C.
Richmond County

Project Location Map

Figure 1

Figure 2 - Roadway Typical Sections



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

T.I.P. R-2501

Record of Decision
 US 1, Rockingham, N.C.
 Richmond County

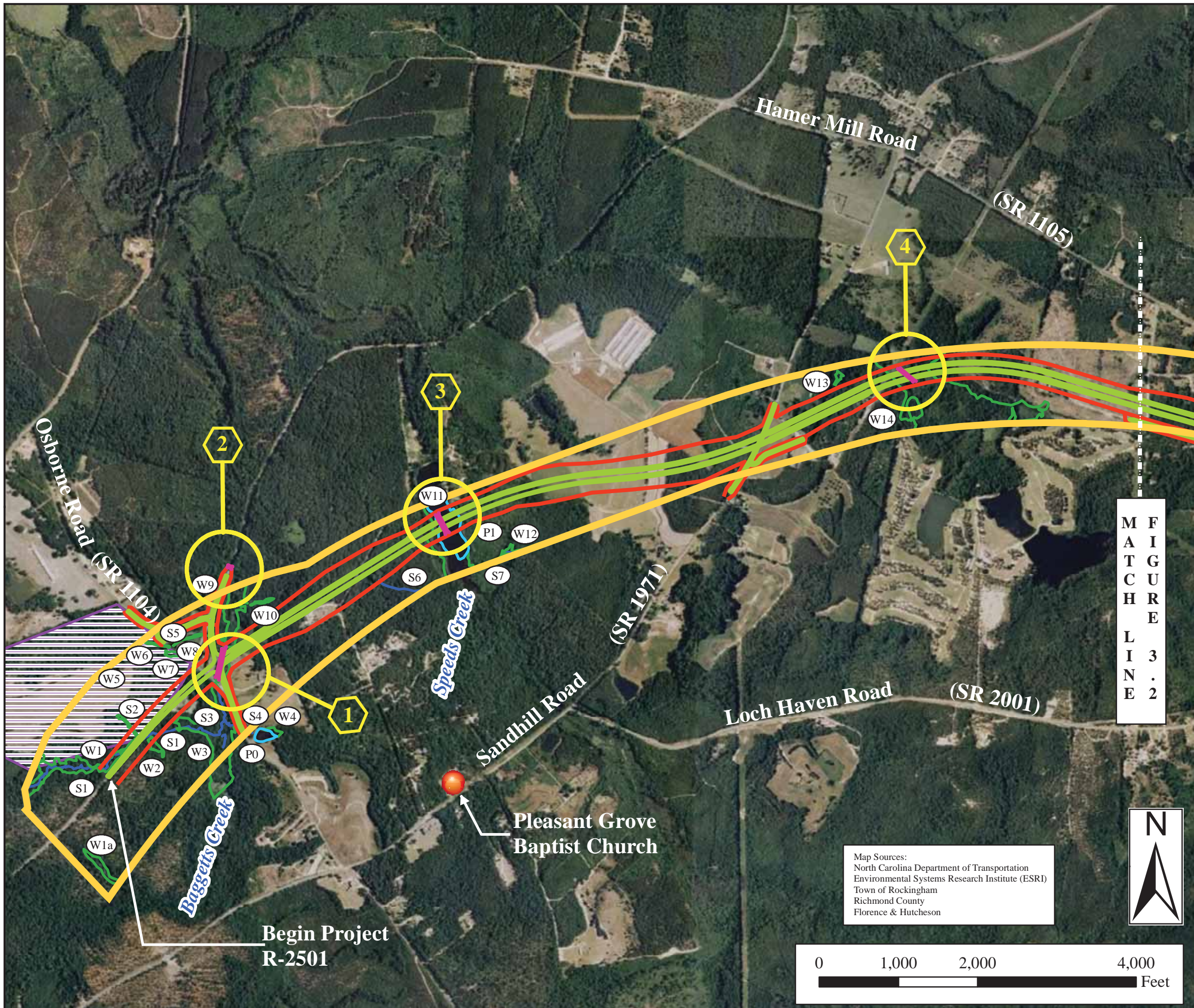
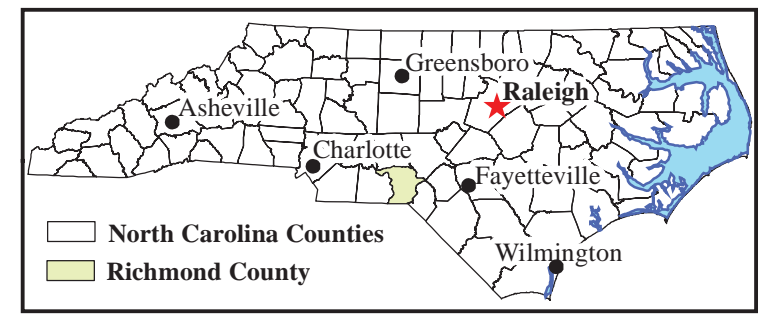
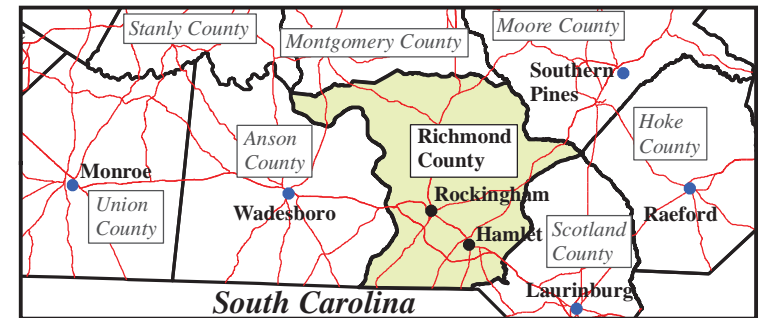



Figure 3.1 - Preferred Alternative

-  Proposed Roadway
-  Project Right of Way
-  Bridges/Culverts
-  Pond
-  Wetland
-  Stream
-  Preferred Alternative Study Area
-  Pee Dee River Game Land
-  Feature Label
-  Structural Number





NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

T.I.P. R-2501
 Record of Decision
 US 1, Rockingham, N.C.
 Richmond County

Figure 3.1

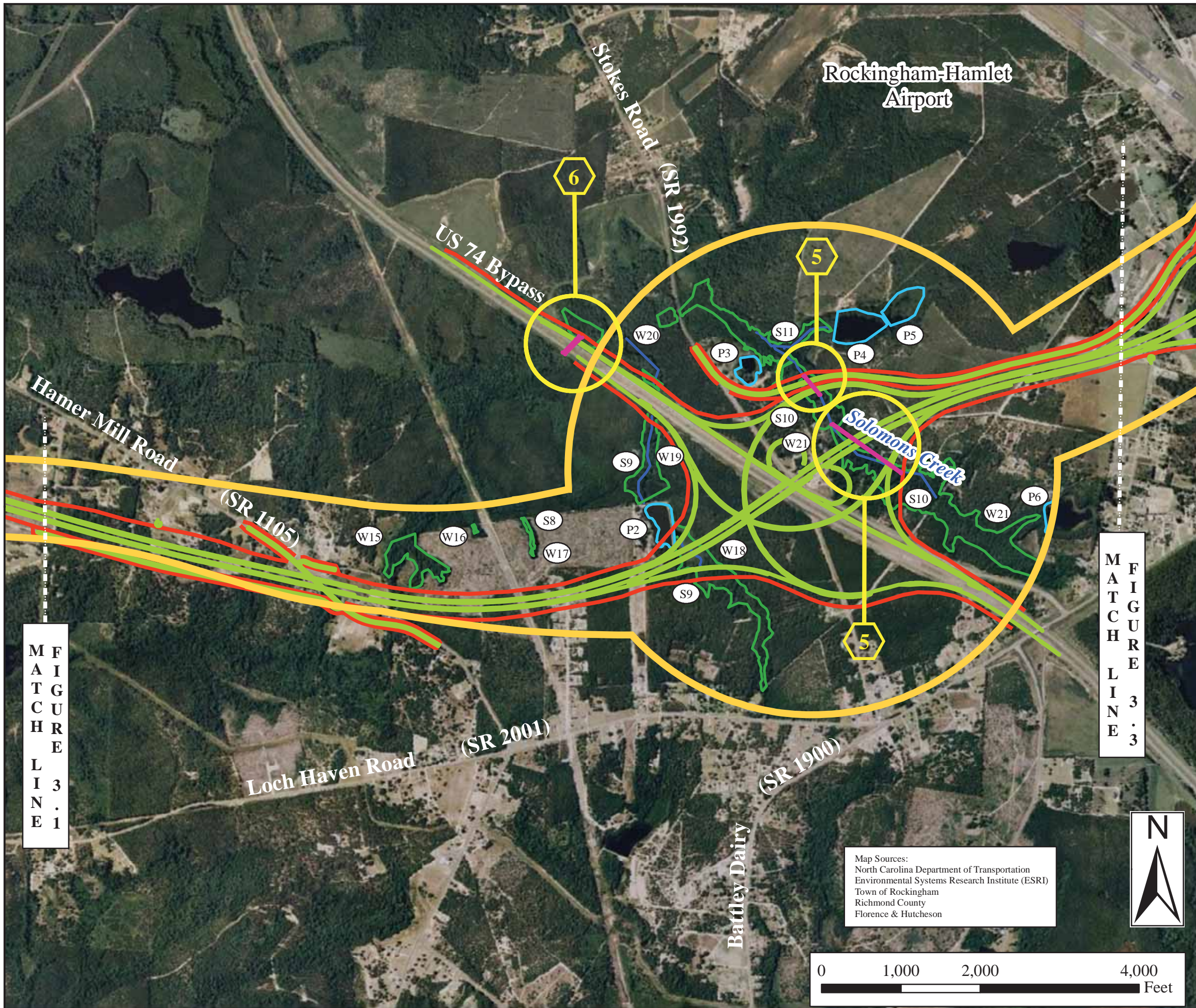









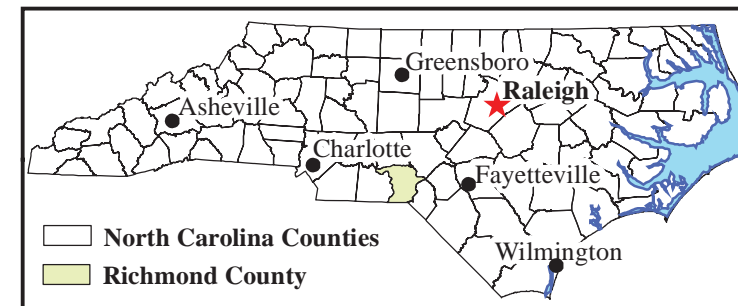
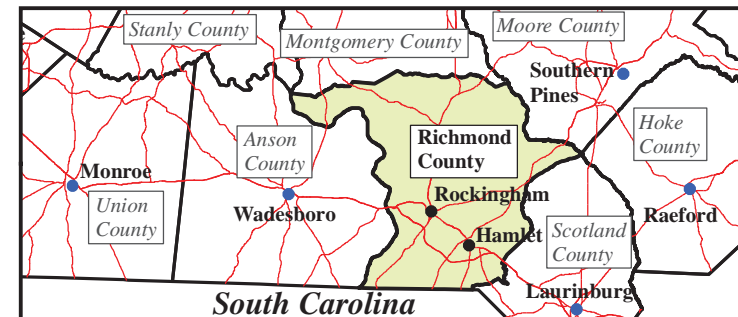


Figure 3.2 - Preferred Alternative

-  Proposed Roadway
-  Project Right of Way
-  Bridges/Culverts
-  Pond
-  Stream
-  Wetland
-  Preferred Alternative Study Area
-  Feature Label
-  Structural Number



Map Sources:
 North Carolina Department of Transportation
 Environmental Systems Research Institute (ESRI)
 Town of Rockingham
 Richmond County
 Florence & Hutcheson



 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

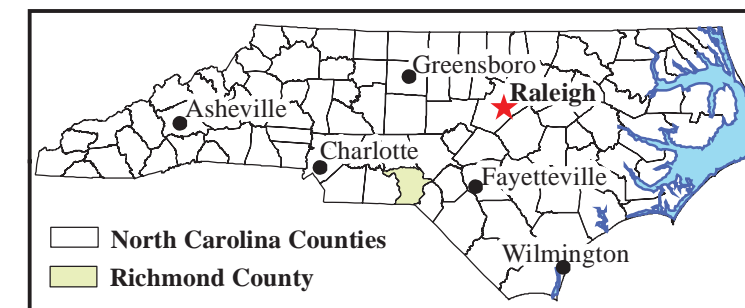
T.I.P. R-2501
 Record of Decision
 US 1, Rockingham, N.C.
 Richmond County

Figure 3.2



Figure 3.3 - Preferred Alternative

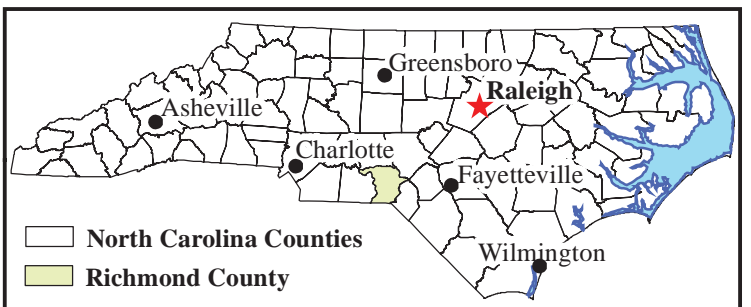
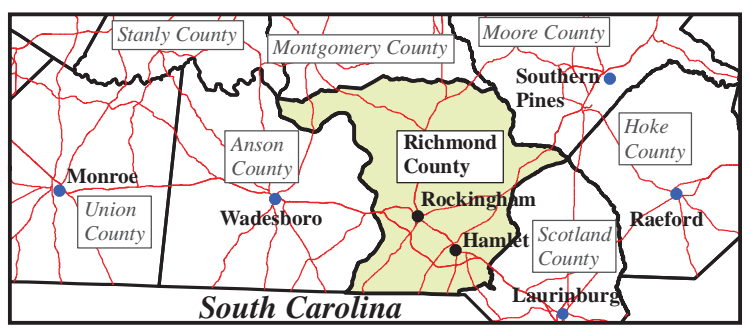
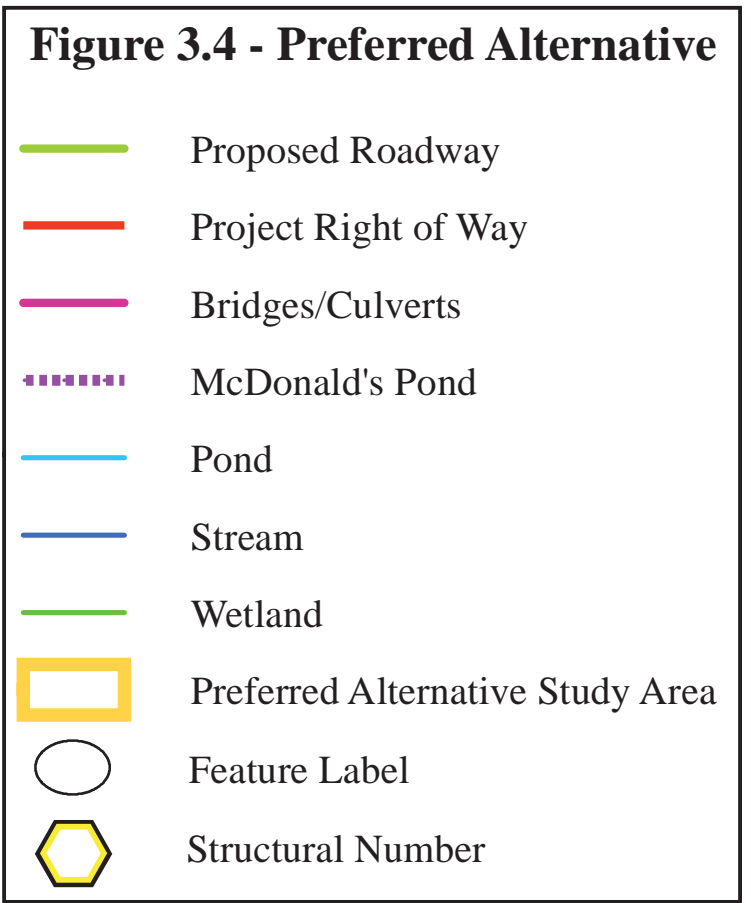
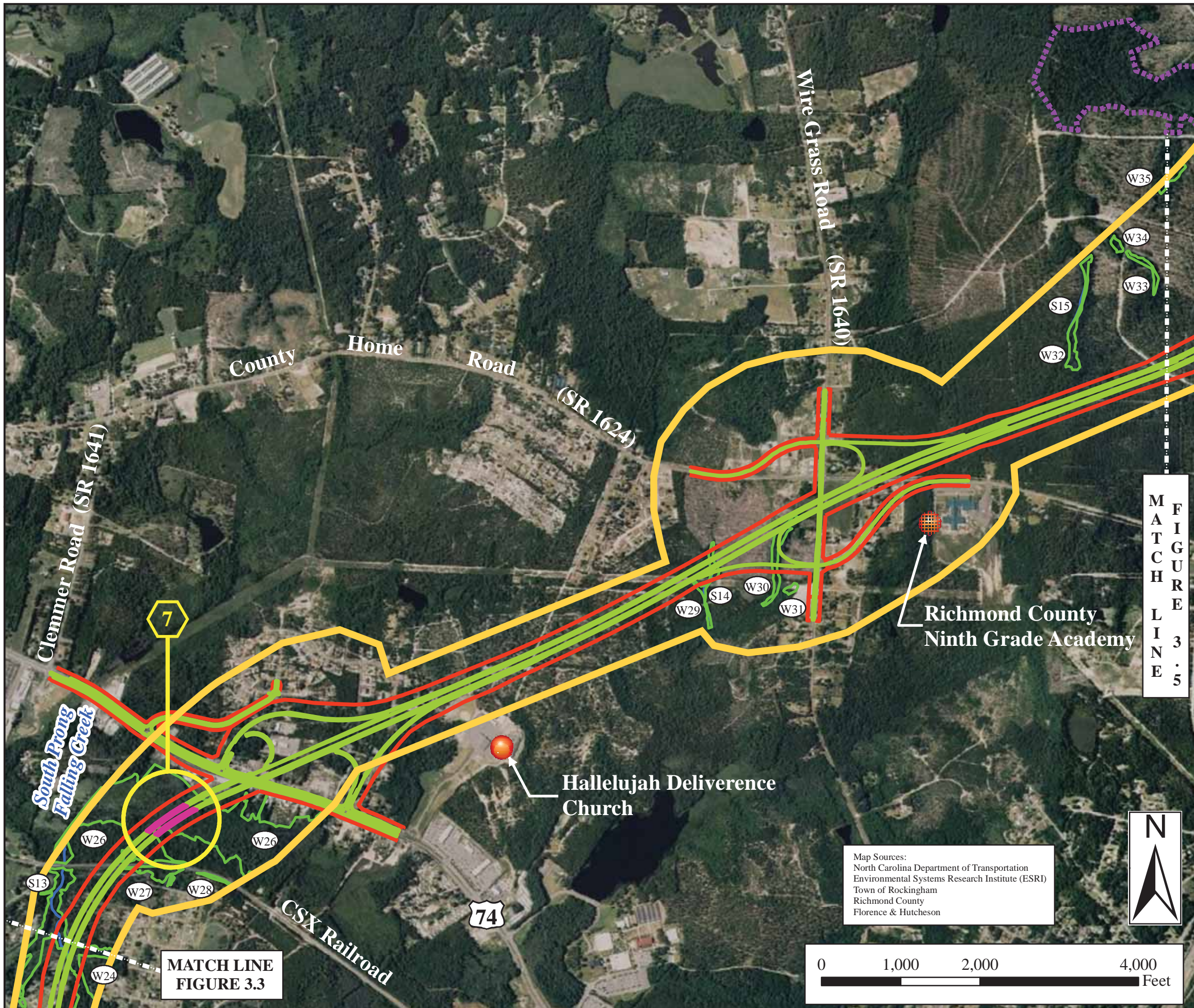
-  Proposed Roadway
-  Project Right of Way
-  Bridges/Culverts
-  Pond
-  Stream
-  Wetland
-  Preferred Alternative Study Area
-  Feature Label



Map Sources:
 North Carolina Department of Transportation
 Environmental Systems Research Institute (ESRI)
 Town of Rockingham
 Richmond County
 Florence & Hutcheson

 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

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 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

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 US 1, Rockingham, N.C.
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Figure 3.4

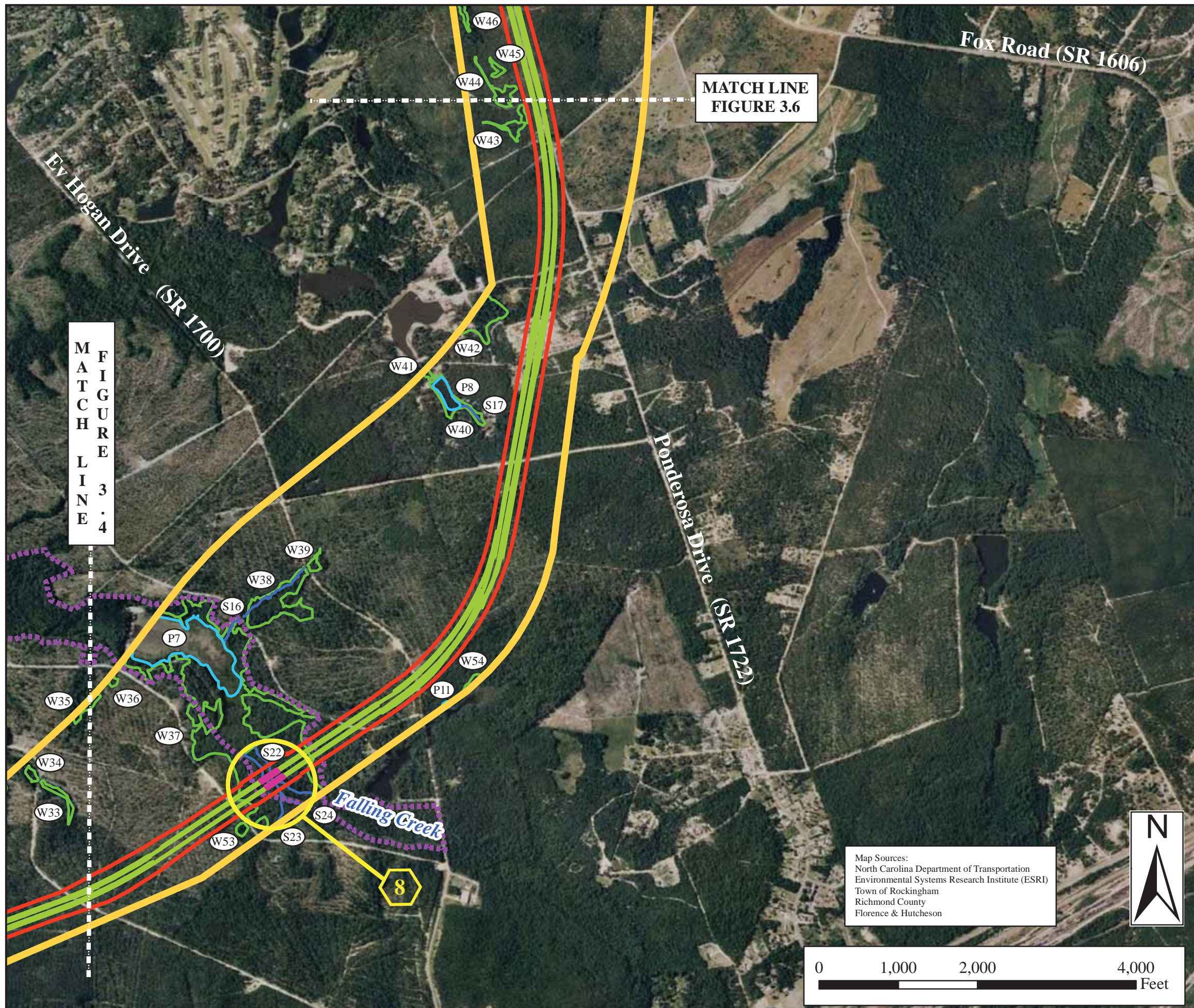
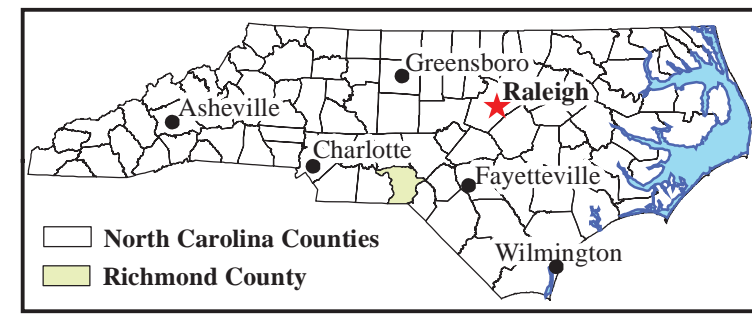
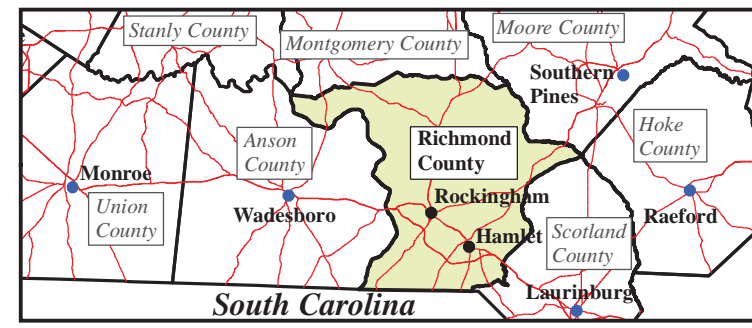



Figure 3.5 - Preferred Alternative

-  Proposed Roadway
-  Project Right of Way
-  Bridges/Culverts
-  McDonald's Pond
-  Pond
-  Stream
-  Wetland
-  Preferred Alternative Study Area
-  Feature Label
-  Structural Number



Map Sources:
 North Carolina Department of Transportation
 Environmental Systems Research Institute (ESRI)
 Town of Rockingham
 Richmond County
 Florence & Hutcheson



 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

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 US 1, Rockingham, N.C.
 Richmond County

Figure 3.5

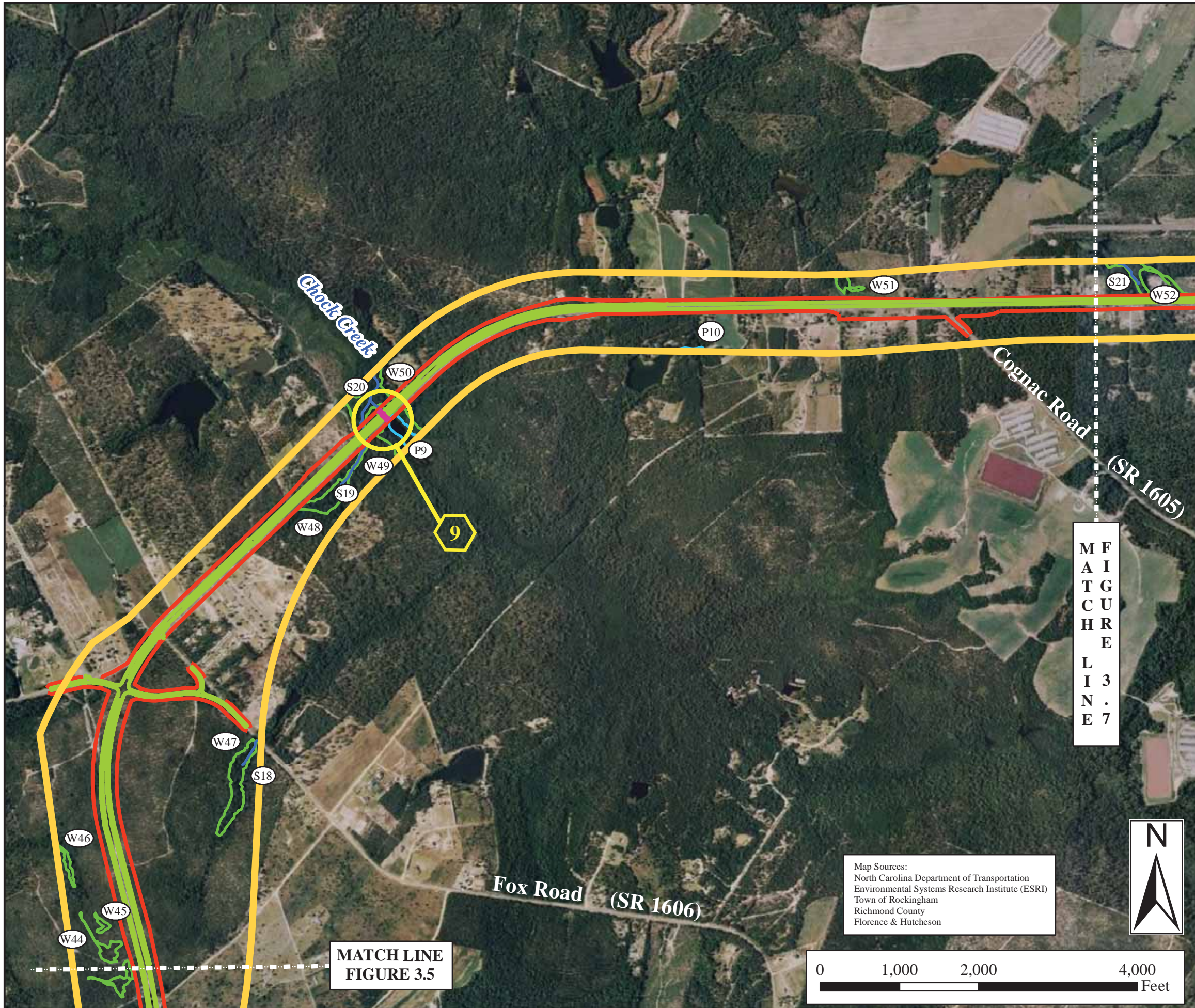
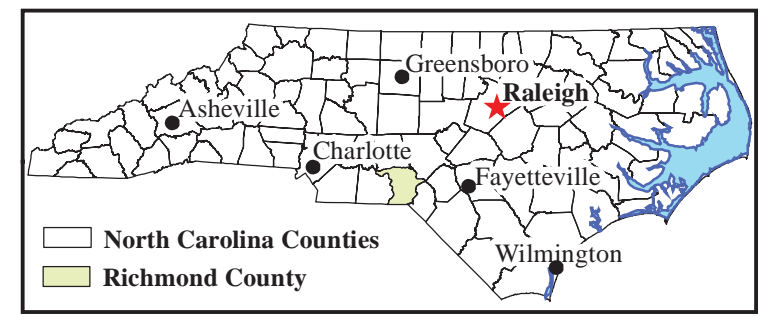
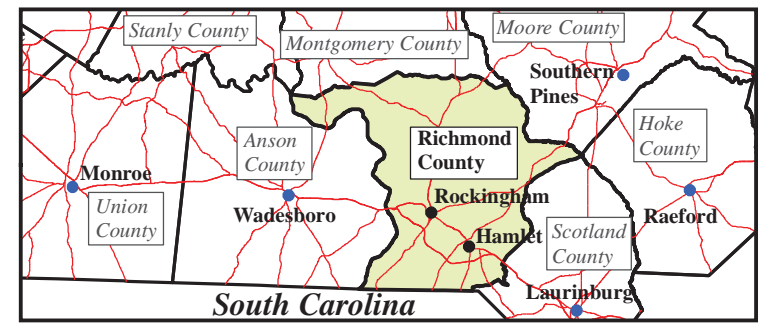
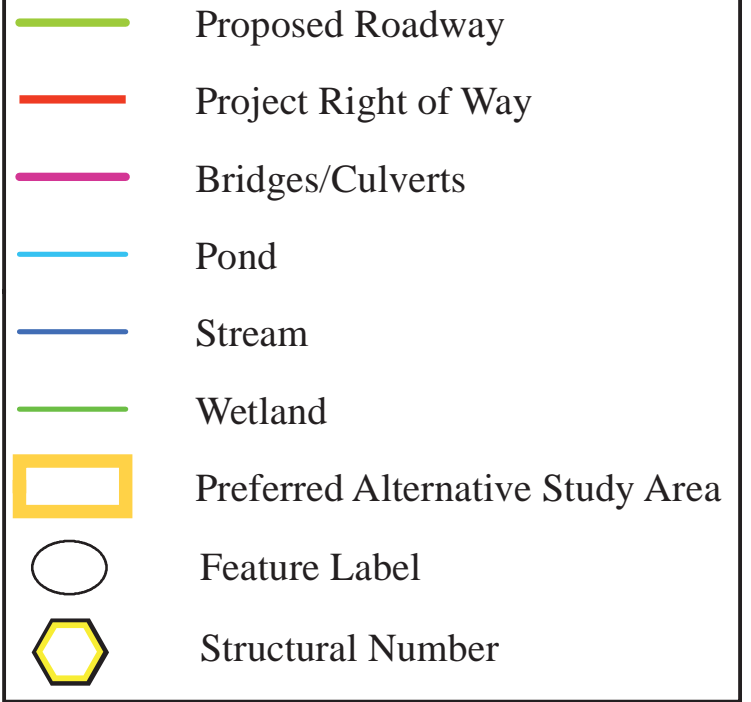



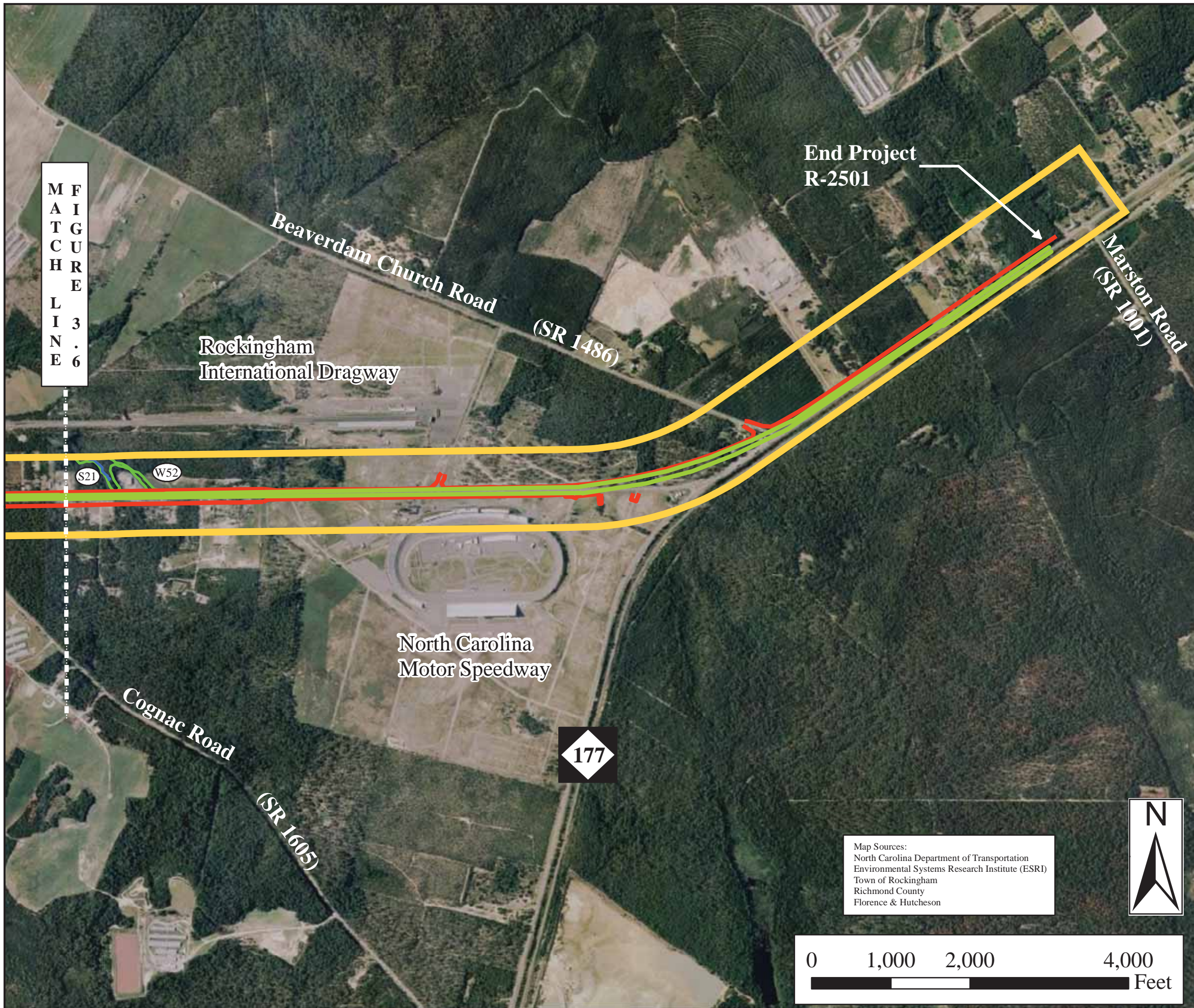
Figure 3.6 - Preferred Alternative




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 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

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 US 1, Rockingham, N.C.
 Richmond County

Figure 3.6



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End Project
R-2501

Beaverdam Church Road
(SR 1486)

Rockingham
International Dragway

Marston Road
(SR 1001)

North Carolina
Motor Speedway









Cognac Road
(SR 1605)

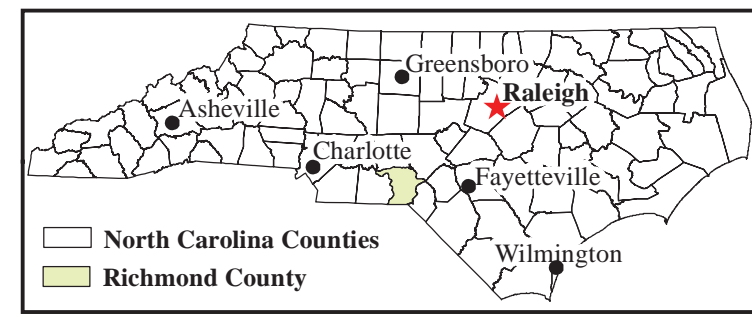
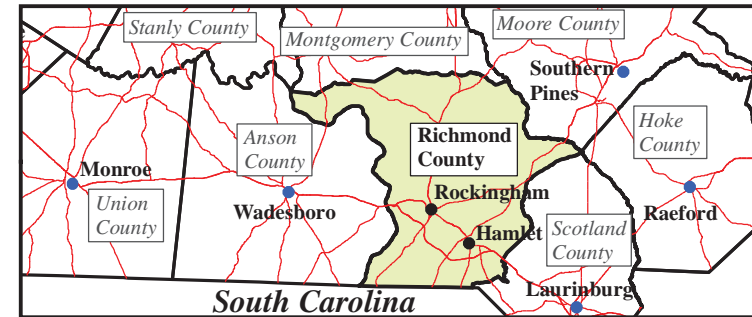
177

Map Sources:
North Carolina Department of Transportation
Environmental Systems Research Institute (ESRI)
Town of Rockingham
Richmond County
Florence & Hutcheson



Figure 3.7 - Preferred Alternative

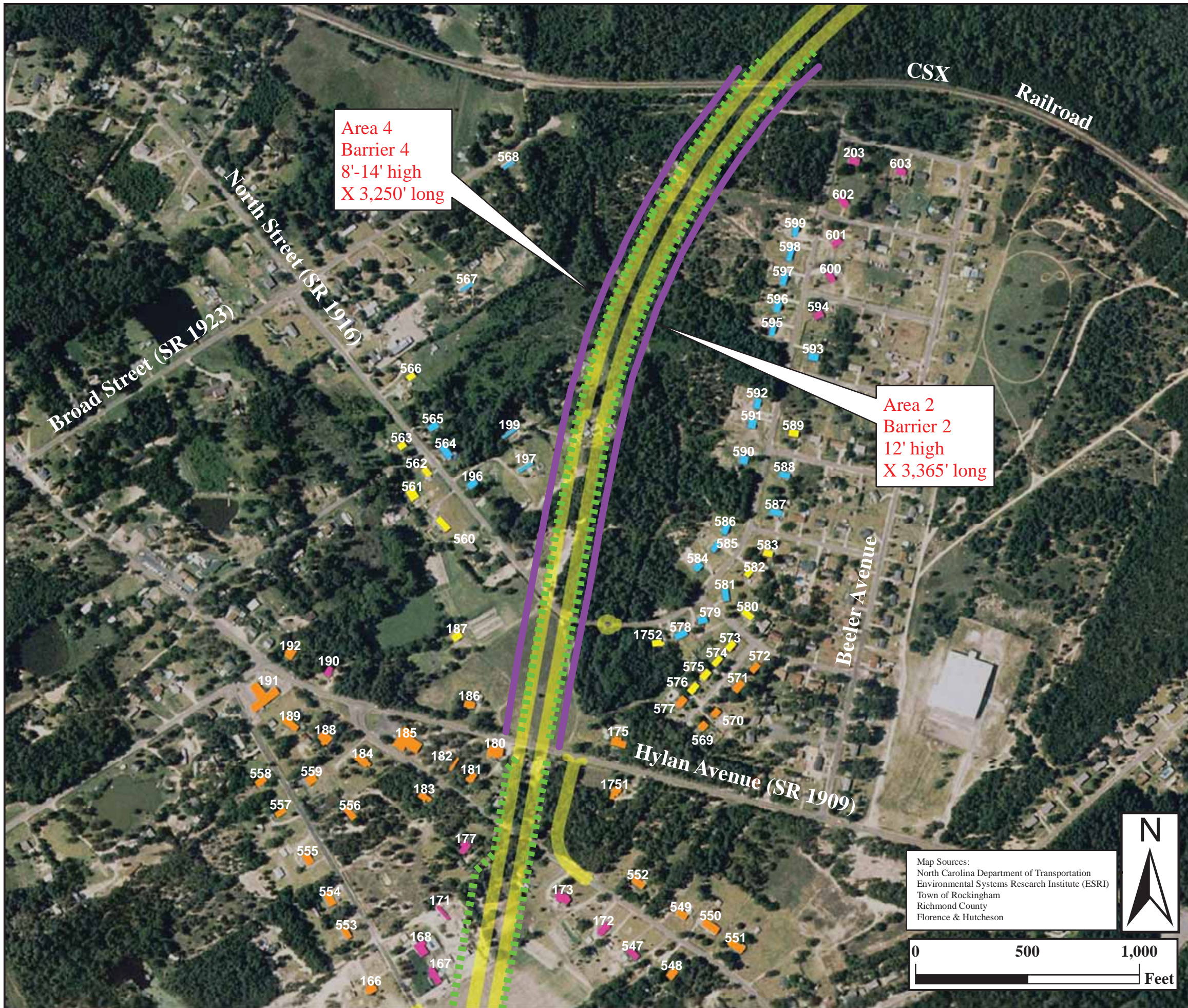
-  Proposed Roadway
-  Project Right of Way
-  Bridges/Culverts
-  Pond
-  Stream
-  Wetland
-  Preferred Alternative Study Area
-  Feature Label



 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND
ENVIRONMENTAL ANALYSIS UNIT

T.I.P. R-2501
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US 1, Rockingham, N.C.
Richmond County

Figure 3.7










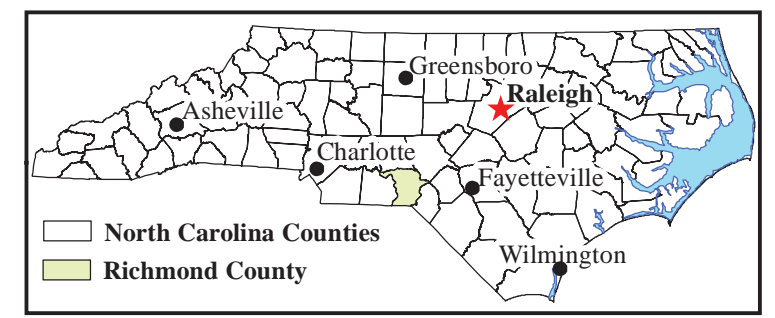
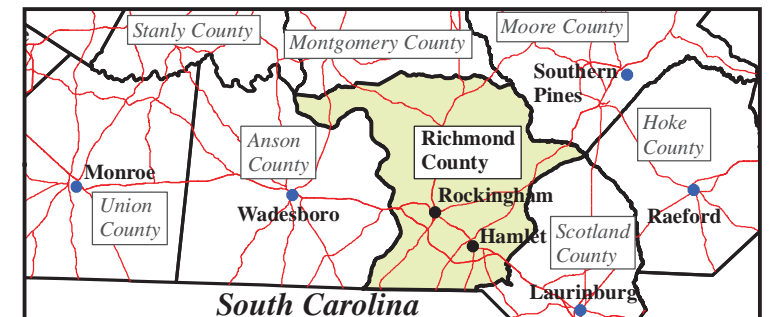
Area 4
Barrier 4
8'-14' high
X 3,250' long

Area 2
Barrier 2
12' high
X 3,365' long

Map Sources:
North Carolina Department of Transportation
Environmental Systems Research Institute (ESRI)
Town of Rockingham
Richmond County
Florence & Hutcheson

Figure 4
Potential Barrier Locations

-  Noise Sensitive Area
-  Potential Barrier Locations
-  Proposed Roadway
-  Receiver
-  Impacted Receiver
-  Benefited & Impacted Receiver
-  Benefited & Non-Impacted Receiver



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND
ENVIRONMENTAL ANALYSIS UNIT

TIP No. R-2501

Record of Decision
US 1 Corridor Improvements
Richmond County

Figure 4

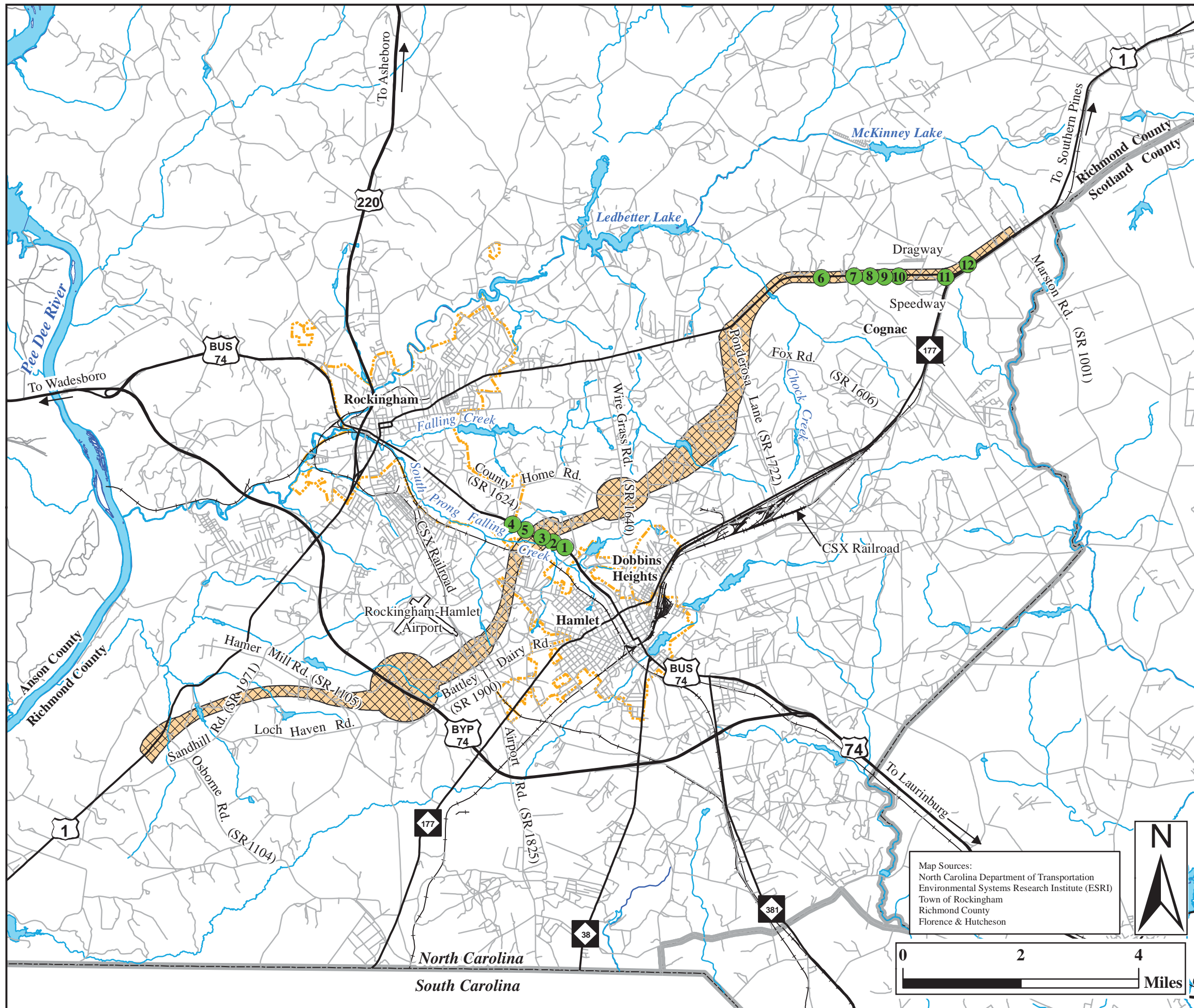
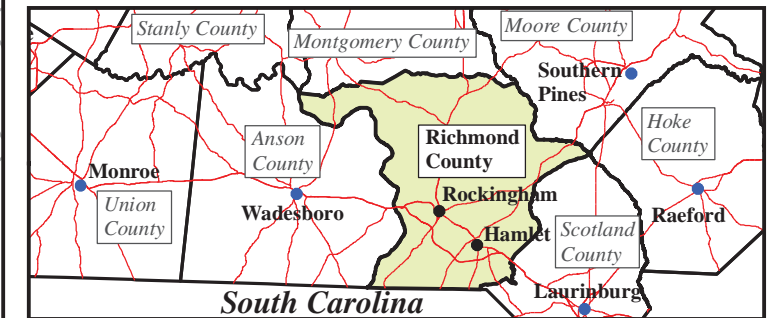
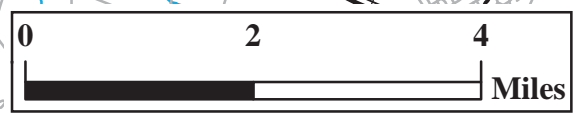


Figure 5 - Hazardous Waste Sites

- Roads
- Major Roads
- Railroads
- Municipal Boundary
- County Boundary
- Streams & Creeks
- Water Bodies
- Preferred Alternative Study Area
- Hazardous Material Sites



Map Sources:
 North Carolina Department of Transportation
 Environmental Systems Research Institute (ESRI)
 Town of Rockingham
 Richmond County
 Florence & Hutcheson



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS UNIT

T.I.P. R-2501
 Record of Decision
 US 1, Rockingham, N.C.
 Richmond County

APPENDIX A

Project Commitments

Project Commitments
US 1
From Sandhill Road (SR 1971) to Marston Road (SR 1001)
Richmond County
Federal-Aid Project No. NHF-1(1)
State Project No. 8.T580501
WBS No. 34437.1.1
T.I.P. No. R-2501

PROJECT COMMITMENTS

Commitments Developed Through Project Development and Design

Division 8 / Roadway Design Unit / Hydraulics Unit

The NCDOT will attempt to avoid and minimize impacts to streams and wetlands to the greatest extent practicable during project design. Avoidance and minimization efforts have been incorporated in the preliminary design. Where possible, these include shifting the alignment to avoid water resources, crossing streams perpendicularly, or crossing the narrowest areas of wetland systems. Specific areas are described below (preliminary structures are in parenthesis).

- Structure 1 [three barrel 10' x 8' x 350' reinforced concrete box culvert (RCBC)] – Osborne Road (SR 1104) / Baggetts Creek - S3, W3, W9 – The proposed alignment reduces wetland impacts by crossing stream S3 between two large wetlands W3 and W9.
- Structure 3 (three barrel 10' x 8' x 250' RCBC) – UT to Speeds Creek - W11, P1 – The alignment was located to avoid stream S6 and to cross a narrower portion of W11.
- Structure 4 (two barrel 9' x 7' x 240' RCBC) – Watery Branch - Wetland W14 - The median is to be reduced to 46 feet for minimization.
- US 74 Bypass Interchange – W18, W19, W21, P2, P3, and P4 – The greatest areas of avoidance / minimization are in this interchange. As presented in the November 2004 interagency field meeting package, a larger full clover interchange design was planned, resulting in impacts of 25.2 acres of wetlands and 3.5 acres of ponds. The proposed bypass was shifted southward and the interchange footprint was compressed using directional ramps. The impacts were reduced to 15.4 acres of wetlands and 0.5 acre of ponds.
- Structure 7 (dual 450' x '38 bridges) – South Prong Falling Creek (US 74 Business) – W26 – The alignment is located between residential neighborhoods and crosses the smallest portion of wetland W24. Dual 450-foot bridges with equalizer pipes are proposed over part of the floodway for South Prong Falling Creek. On-site mitigation opportunities will be pursued where NCDOT is controlling access to properties between US 74 Business and the wetland areas. The proposed median width is 46 feet within the wetland limits.

- Structure 8 (single 250' x 90' bridge) –Falling Creek – W27 – The alignment is located along the south side of the project corridor to avoid wetlands W32 and W33 just to the west. It crosses a narrower portion of W27. The alignment has been shifted to the south of the original LEDPA alignment to cross a portion of the McDonalds Pond EEP site where braided streams have narrowed. A 250-foot bridge is proposed at the crossing, and the median width has been reduced to 22 feet within the limits of the EEP conservation easement.
- Structure 9 (three barrel 9' x 9' x 85' RCBC extension) – Chock Creek – S20, P9, W49, W50 – The proposed widening is planned on the north side, away from P9 and W49. W49 is the highest quality wetland along the US 1 widening portion of the project. This location is in an area where the grade is being changed to flatten the vertical curvature. Culvert extensions are planned on each side of the existing culvert. Shifting the alignment further north will result in greater impacts to W50.

A five-lane roadway section will be constructed from Cognac Road (SR 1605) to the existing five-lane section at Marston Road (SR 1001). Coordination with Rockingham Speedway, Rockingham Dragway, and local emergency services representatives will continue throughout final design and construction to insure that the proposed roadway supports the traffic management needs in this area.

Slopes in wetland areas will be constructed at a ratio of 3:1 to meet constructability requirements in the sandy soil conditions.

The proposed crossings at Baggetts Creek (downstream of US 1), UT to Speeds Creek, Solomons Creek (at US 74 Bypass), South Prong Falling Creek, Falling Creek, and Chock Creek are located within flood hazard zones designated as zone AE. The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program to determine the status of the project with regard to applicability of NCDOT's Memorandum of Agreement of approval of a Conditional Letter of Map Revision and subsequent final Letter of Map Revision.

This project involves construction activities on or adjacent to Federal Emergency Management Agency regulated streams. Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structures and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

Project Development and Environmental Analysis Unit/Division 8/Roadway Design Unit

East of County Home Road (SR 1624), the project crosses Falling Creek (at Structure 8) and the McDonalds Pond wetland mitigation site. This mitigation site is protected by a conservation easement managed by the NC Ecosystem Enhancement Program. During the right of way acquisition phase for R-2501BC, NCDOT will secure an agreement from EEP and

environmental regulatory agencies to convert the conservation easement to transportation use and revise the available mitigation credits for other projects.

NCDOT proposes a 10-foot by 11-foot box culvert for wildlife passage east of E.V. Hogan Road (SR 1700), near Standridge Place. The proposed bridge over Falling Creek will also be of sufficient length to allow wildlife passage. NCDOT will coordinate with NC Wildlife Resources Commission and US Fish and Wildlife Service in developing the crossing designs.

An archaeologically significant cemetery, site 31RH360, is located on the Cameron Plantation property. Although it is not eligible for the National Register, part of it could potentially be impacted by the project. If disturbance of the cemetery is unavoidable, the affected burial sites will be moved under the regulations stipulated by NCGS 65.

A Highway Traffic Noise / Construction Noise Analysis for this project found noise abatement measures are needed in some locations. A detailed study of potential mitigation measures for two noise sensitive areas that meet preliminary feasibility and reasonableness criteria will be conducted during the final project design.

Part of the Pee Dee River Game Land is located within the project study area at the southern terminus and is subject to Section 4(f) of the DOT Act of 1966. The expected impacts are approximately 2.4 acres of property that serves as a buffer between the existing highway corridor and a large open land complex (20 acres) managed for wildlife. The Federal Highway Administration (FHWA) has concluded a “de minimis” impact determination [23 CFR 774.17(5) (2)] is appropriate. NCDOT will prepare the final design so that it will not adversely affect the features, attributes, and activities of the game land.

NCDOT will conduct an additional species survey for the federally protected rough-leaved loosestrife prior to construction of R-2501.

NCDOT will continue to coordinate with the National Marine Fisheries Service throughout final design and construction to ensure the project will not cause any impacts to the federally protected Atlantic sturgeon.

The great blue heron is protected under the Migratory Bird Treaty Act. Prior to construction NCDOT will evaluate the area between US 74 Business and the CSX Railroad for suitable habitat of the great blue heron. If suitable habitat is found, NCDOT will remove all potentially suitable nesting trees located in this area. Tree removal will occur during the non-nesting season (September 16 – February 28).

Prior to the permit application, NCDOT will reevaluate the indirect and cumulative effects (ICE) analysis and include: updated horizon years that correspond with the project funding schedules; 2010 US Census information; future development activities; future zoning; future utility expansion; and 2035 horizon year traffic forecast.

APPENDIX B
Comments on the FEIS
and Other Correspondence

From: Riffey, Deanna [<mailto:driffey@ncdot.gov>]
Sent: Monday, December 10, 2012 11:47 AM
To: Brown, Steve L
Cc: Reep, Mark
Subject: R-2501 Sturgeon Concurrence

Hi Steve,

I wanted to let you know that I spoke with Kelly Shotts from the National Marine Fisheries Service (NMFS) regarding the No Effect call for the Atlantic sturgeon for this project on December 10, 2012. NMFS has deferred concurrence with the No Effect call to NCDOT. The streams within the study area do not provide Atlantic sturgeon habitat due either to being blocked by downstream impediments, or not being sufficiently large or deep enough to allow Atlantic sturgeon passage. In addition, the Pee Dee River is located more than 3 river miles from its closest tributary within the study area. The NC Natural Heritage Database, updated August 2012, indicated that there is no documented occurrence of Atlantic sturgeon within 1.0 mile of the study area. Based on the criteria listed above NCDOT has issued a biological conclusion of “No Effect” for the Atlantic sturgeon.

The shortnose sturgeon was previously issued a “ No Effect” biological conclusion as well. The information for the shortnose sturgeon can be found in the Natural Resources Technical Report Update, January 2011.

This should conclude all the concurrence related information for T & E species for R-2501.

Deanna



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

November 6, 2012

Gregory J. Thorpe, Ph.D.
North Carolina Department of Transportation
Project Development and Environmental Analysis
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Dear Dr. Thorpe:

This letter is in response to your letter of November 1, 2012 which provided the U.S. Fish and Wildlife Service (Service) with the biological conclusion of the North Carolina Department of Transportation (NCDOT) that the proposed US 1 Rockingham Bypass in Richmond County (TIP No. R-2501) may affect, but is not likely to adversely affect the federally endangered Michaux's sumac (*Rhus michauxii*). In addition, NCDOT has determined that the project will have no effect on the federally endangered red-cockaded woodpecker (*Picoides borealis*), rough-leaved loosestrife (*Lysimachia asperulaefolia*), Carolina heelsplitter (*Lasmigona decorata*), and shortnose sturgeon (*Acipenser brevirostrum*). These comments are provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

According to the information provided, surveys for Michaux's sumac were conducted within the project area on September 11 and 19, 2012. No specimens of Michaux's sumac were observed. However, the North Carolina Natural Heritage Program indicates the presence of the species less than one mile from the project area near the northern terminus of the project within the Sandhills Game Land. Based on the survey results and other available information, the Service concurs with your conclusion that the project may affect, but is not likely to adversely affect Michaux's sumac.

According to information provided, surveys were conducted for red-cockaded woodpeckers in 1998, 2004, 2007, 2008 and 2012. Although some potential nesting and foraging habitat occurs near the project area, no cavity trees were observed. Based on the survey data and other available information, the Service concurs with your conclusion that the project will have no effect on the red-cockaded woodpecker.

The last survey conducted for rough-leaved loosestrife occurred in 2007. No specimens of this species were observed, and there are no records within one mile of the project area. Based on current information, the Service concurs with your conclusion that the project will have no effect on rough-leaved loosestrife. However, NCDOT had committed to resurvey for this species in 2013.

As stated in your letter, the Carolina heelsplitter has been removed from the protected species list for Richmond County. Therefore, we concur with your conclusion that the project will have no effect on this species.

The shortnose sturgeon is under the purview of the National Marine Fisheries Service. Therefore, we have no comment on this species. However, please note that the federally endangered Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) has recently been added to the list for Richmond County. This species is also under the purview of the National Marine Fisheries Service.

We believe that the requirements of Section 7(a)(2) of the ESA have been satisfied. We remind you that obligations under Section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered in this review; (2) this action is subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by this identified action.

The Service appreciates the opportunity to review this project. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520 (Ext. 32).

Sincerely,


for Pete Benjamin
Field Supervisor

Electronic copy: Ronnie Smith, USACE, Wilmington, NC
Travis Wilson, NCWRC, Creedmoor, NC
Chris Militscher, USEPA, Atlanta, GA
Felix Davila, FHWA, Raleigh, NC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

Date: April 9, 2012

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: Federal Final Environmental Impact Statement, US 1 Improvements Project, Richmond County, North Carolina; CEQ No.: 20120054; TIP Project No.: R-2501

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency (EPA) Region 4 Office has received and 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 Final Environmental Impact Statement (FEIS) include US 1 improvements of 14 miles of a multi-lane, median-divided facility on new location and 5.3 miles of widening along existing US 1 between Sandhill Road (SR 1971) to north of Fox Road (SR 1606). The total proposed project length is approximately 19.3 miles.

EPA staff has been participating in the NEPA/Section 404 Merger process for the proposed project. EPA provided comments on the Draft Environmental Impact Statement (DEIS) on September 22, 1999. A Supplemental DEIS (SDEIS) was issued in 2001 and EPA provided written comments on September 4, 2001 (Included in Appendix A.1). NCDOT and FHWA have provided a response to EPA's DEIS comments on pages 7-5 to 7-7 of the FEIS. Specific technical review comments on the FEIS are attached to this letter (See Attachment A).

EPA rated the DEIS alternatives as 'Environmental Concerns' (EC-2), with environmental concerns for potential impacts to jurisdictional wetlands and streams and impacts to the human environment. The rating of '2' indicates that DEIS information and environmental analysis was not sufficient and that additional information and analysis was required. EPA maintained its rating of EC-2 on the SDEIS recognizing that additional information had been provided by the transportation agencies.

EPA along with other agencies elevated Merger Concurrence Point 2A/4A, Bridging Decision and Alignment Review and Avoidance and Minimization Measures, on September 3, 2009. Based upon additional coordination and project environmental conflict resolution, EPA concurred on CP 2A/4A on April 2, 2011. Additional documentation for these Merger team efforts is included in Appendix A.4 of the FEIS.

In summary, EPA requests that the transportation agencies continue to look for opportunities to avoid and minimize impacts to jurisdictional aquatic resources during final project design. EPA also requests that the remaining technical comments included in the attachment be addressed in the Record of Decision (ROD).

Mr. Christopher Militscher of my staff will continue to work with you as part of the NEPA/Section 404 Merger Team process during the hydraulic review and final project design. Should you have any questions concerning these comments, please feel free to contact him at Militscher.chris@epa.gov or (919) 856-4206 or (404) 562-9512.

Sincerely,



Heinz J. Mueller
Chief, NEPA Program Office

w/Attachment

Cc: J. Sullivan, FHWA-NC
S. McClendon, USACE
R. Smith, USACE
B. Wrenn, NCDWQ
G. Jordan, USFWS
T. Wilson, NCWRC

Attachment A

Technical Review Comments on the FEIS

US 1 Improvements Richmond County TIP No.: R-2501

Project Impacts

The preferred alternative/Least Environmentally Damaging Practicable Alternative (LEDPA) include the following impacts:

Residential relocations: 97
Business relocations: 8
Stream impacts: 3,717 linear feet
Wetland impacts: 40.5 acres
Floodplain impacts: 9.8 acres
Noise Receptor impacts: 167
Terrestrial forests: 483.5 acres
Prime/Statewide Important Farmlands: 345.2 acres
Endangered species: 1 (MA-NLAA)
Section 4(f) resource: 1 (WRC Pee Dee River Game Land – 2.4 acres)

EPA notes the comments in Section 4.1.3.3 concerning Farmlands. The information provided in this section of the FEIS does not correspond to the impact table information of 345.2 acres of impact. The Farmland Protection Policy Act (FPPA) does not require ‘mitigation’ but ‘compensation’ for prime farmland losses. EPA requests that efforts to minimize potential impacts to prime farmlands as defined under Title 7, CFR Part 657 be addressed during final project design.

EPA notes the transportation agencies’ information on Mobile Source Air Toxics (MSATs) in Section 4.1.3.2.3 of the FEIS. EPA continues to not concur with the qualitative analysis and generalized assessment approach and requests that the identification of potential near-roadway sensitive receptors (e.g., Hospitals, daycare facilities, nursing homes, and schools) be included in Record of Decision (ROD).

Project Commitments

The transportation agencies’ project commitments (“Green Sheet”) are included in the FEIS. The project commitments concerning impacts to the flood hazard areas, the McDonald’s Pond Ecosystem Enhancement Program (EEP) wetland mitigation site, an archeologically significant cemetery, potential noise abatement measures, and the WRC Pee Dee River Game Land are noted. EPA recommends that these project commitments, where relevant and appropriate, be finalized during final project design and be included in the ROD.

Avoidance and Minimization Measures and Compensatory Mitigation

Stream and wetland avoidance and minimization measures and compensatory mitigation are addressed in Section 4.1.5.2.3 of the FEIS. Avoidance and minimization efforts are identified on page 4-22, including the avoidance of 13 of 24 streams in the corridor, 36 of the 55 wetland sites, and 7 out of 10 ponds. Bridge lengths at major stream and wetland crossings are also identified and include the reductions in potential impacts at these locations. EPA requests that the transportation agencies include the specific recommendations identified on pages 4-22 and 4-23, including the re-design of the US 74 Bypass interchange, in the project commitments for the ROD. Additional efforts to avoid and minimize impacts, especially wetland site #W18 (5.3 acres), #W21 (8.0 acres), #W26 (7.6 acres), and #W37 (5.0 acres), also be considered during final project design (e.g., Use of steeper slopes and retaining walls where feasible).

EPA acknowledges the efforts to avoid and minimize the impacts to the EEP McDonald's Pond wetland mitigation site and requests that improved coordination to avoid these potential conflicts in the future be considered by the U.S. Army Corps of Engineers, North Carolina Department of Environment and Natural Resources, FHWA and NCDOT.

EPA requests that compensatory mitigation for unavoidable impacts to jurisdictional aquatic resources through the EEP be 'in-kind' and within the hydraulic units (i.e., HU 03050103 and 03040105) of the Yadkin-Pee Dee River Basin.



North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Moses Carey, Jr., Secretary

April 4, 2012

Mr. Steve Brown
North Carolina Department of Transportation
Project Development and Environmental Analysis
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

**Re: SCH File # 12-E-4220-0217; FEIS for Proposed Improvements to US 1 from Sandhill Road
- SR 1971 to North of Fox Road - SR 1606 in Richmond County; TIP #R-2501**

Dear Mr. Brown:

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. H. Creech".

William E. H. Creech

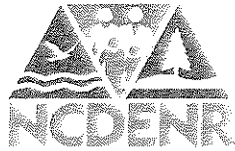
Attachments

cc: Region H

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
Environmental Review Coordinator

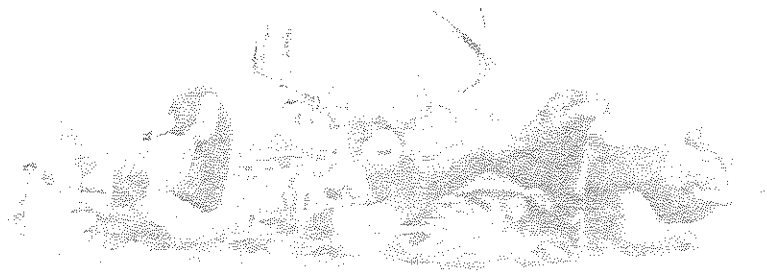
RE: 12-0217 FEIS US 1 Improvements in Richmond County

DATE: April 3, 2012

The Department of Environment and Natural Resources has reviewed the proposed information. The applicant is encouraged to consider the attached recommendations and continue to work with our agencies during the NEPA Merger Process.

Thank you for the opportunity to review.

Attachments

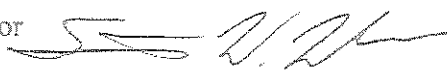


North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

MEMORANDUM

TO: Melba McGee
Office of Legislative and Intergovernmental Affairs, DENR

FROM: Travis Wilson, Highway Project Coordinator
Habitat Conservation Program 

DATE: March 22, 2012

SUBJECT: North Carolina Department of Transportation (NCDOT) Final Environmental Impact Statement (FEIS) for the proposed improvements to US 1 in Richmond County, North Carolina. TIP No. R-2501 SCH Project No. 12-0217

Staff biologists with the N. C. Wildlife Resources Commission have reviewed the subject FEIS and are familiar with habitat values in the project area. The purpose of this review was to assess project impacts to fish and wildlife resources. Our comments are provided in accordance with certain 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).

NCDOT is proposing improvements to US 1 from Sandhill Road (SR 1971) to north of Fox Road (SR 1606) in Richmond County. WRC is a participating agency in the coordination and planning of this project and our comments provided in conjunction with the NEPA/404 Merger process have been documented.

We will continue efforts to minimize impacts during the final design and construction of this project including the assessment of impacts to the Pee Dee River Game Land as well as onsite mitigation opportunities. At this time we concur with the FEIS for this project. If we can be of any further assistance please call me at (919) 528-9886.

cc: Gary Jordan, USFWS
Rob Ridings, DWQ
Ronnie Smith, USACE
Chris Militscher, USEPA

Mailing Address: Division of Inland Fisheries • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 707-0220 • Fax: (919) 707-0028



North Carolina Department of Environment and Natural Resources

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

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

March 19, 2012

MEMORANDUM

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

From: David Wainwright, Division of Water Quality, Central Office

Subject: Comments on the Final Environmental Impact Statement related to proposed improvements to U.S. 1 from Sandhill Road (S.R. 1971) to Marston Road (S.R. 1001), Richmond County, Federal Aid Project No. NHF -1(1), State Project No. 8.T580501, TIP R-2501.
State Clearinghouse Project No. 12-0217

This office has reviewed the referenced document dated December 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. Section 4.1.5.2.3 (Stream and Wetland Avoidance, Minimization, and Compensatory Mitigation), for Structure 4, it states that the median width was reduced to 46 feet. However, for avoidance and minimization purposes, it is not stated what it was reduced from to meet avoidance and minimization efforts.
3. Section 3.3.6 (Hazardous Materials) and Table 3-4 discuss and list 12 underground storage tank and auto repair facilities located within the study area. Typically, these discussions include a risk assessment (low, medium, high).
4. Section 4.1.5.2.3 states that on-site wetland and stream mitigation opportunities will be investigated once a final calculation of impacts has been determined. The NCDWQ prefers on-site mitigation where feasible and practicable, and the NCDWQ is curious as to why the NCDOT is waiting so long to investigate potential on-site mitigation opportunities. The most accurate final impact calculations will most likely not be available until the permit drawings are finalized. This seems very late to be investigating on-site mitigation opportunities. The NCDWQ strongly encourages the NCDOT to begin on-site opportunities as soon as the LEDPA

Transportation and Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1617
Location: 512 N. Salisbury St. Raleigh, North Carolina 27604
Phone: 919-807-6300 \ FAX: 919-807-6492
Internet: www.ncwaterquality.org



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is chosen. The NCDOT is respectfully reminded that the NCDWQ and other resource agencies will need to approve any potential onsite mitigation sites and plans. Additionally, the NCDWQ prefers to see mitigation plans in advance of application submittal. The NCDOT is encouraged to begin investigating any opportunities as soon as possible as to not delay the project unnecessarily.

5. Page 4-35, referencing the SDEIS, states "The preferred alternative has the potential to adversely affect local water quality through increased stormwater runoff; however, due to the lack of proposed stream crossings and the limited number of streams along the corridor, it is likely that water quality impacts will be minimal." The NCDWQ does not agree with this statement. It seems that impacts to surface waters from stormwater runoff would be more a factor of the method of treatment as well as the quantity treated rather than a "lack of proposed stream crossings." Also, this discussion is included in the Indirect and Cumulative Effects section of the document; therefore, it seems this particular discussion should also include other development induced by the project. This other development is not dependent upon the number of stream crossings. This statement seems to be based solely on the project itself, not taking into account other induced development. There are other factors such as concentration, loading, and assimilation rate of a given stream which affect water quality more than the number of streams being impacted by the project.

It is discussed on page 4-37 that three utility providers, Richmond County (water), the City of Rockingham (water and sewer), and the City of Hamlet (water and sewer) would be willing to expand existing systems if development opportunities existed and extension(s) were feasible. The following paragraph in the document states the "Lack of a market for development, a depressed economy, and limited availability of public utilities will likely limit the amount of development within the majority of the GISA." Aside from the current lack of market for development, the current depressed economy should be considered a temporary effect, and may be affecting the lack of market. Eventually, and most likely in the coming years (i.e. the foreseeable future), the economy will improve and the desire for development may increase as a result. The statement regarding the utilities appears to be in direct conflict with the previous statement that the three utilities express a willingness to expand should development opportunities arise. Given that the economy is expected to improve, the three utilities are willing to expand, there are major intersections of planned freeways, and the area would welcome new development, especially commercial and industrial, the NCDWQ believes that there may be a potential in the future for development and hence water quality impacts. This is echoed in the document as well, "When TIP Project R-2501 is combined with the US 74 Bypass and the proposed I-73 / I-74 corridor, the improved regional transportation network could generate new interest in development within the GISA, particularly for industrial (distribution-related) uses."

There seem to be many contradictory statements within the ICE section of the document. The NCDWQ would like to review NCDOT's Qualitative Indirect and Cumulative Effects document, dated October 3, 2005 (referenced on page 4-30), and is hereby requesting a copy. Although the new project design is incorporated into the FEIS discussion as noted in the footnote on page 4-30, ideally the ICE document itself should be updated to reflect the new project design as well.

General Comments:

6. Appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.
7. Environmental impact statement alternatives should consider design criteria that reduce the impacts to streams and wetlands from storm water runoff. These alternatives should 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 Manual*, July 2007, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.
8. 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 or more than 150 feet to any single perennial or intermittent stream. 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.
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. 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.
11. 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 should 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.
12. Bridges should allow for human and wildlife passage beneath the structure. Fish passage and navigation by canoeists and boaters shall not be blocked. Bridge supports (bents) should not be placed in the stream when possible.
13. Bridge deck drains should not discharge directly into the stream. Stormwater should 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*.
14. 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 streams or surface waters.

15. 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 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.
16. If multiple pipes or barrels are required, they should 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 should 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.
17. It should be noted that if foundation test borings are necessary that geotechnical work is approved under General 401 Certification Number 3687/Nationwide Permit No. 6 for Survey Activities.
18. 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.

NCDWQ appreciates the opportunity to provide comments on your project. Should you have any questions or require any additional information, please contact David Wainwright at (919) 807-6405.

cc: Ronnie Smith, US Army Corps of Engineers, Wilmington Field Office (electronic copy only)
Clarence Coleman, Federal Highway Administration
Chris Militscher, Environmental Protection Agency (electronic copy only)
Gary Jordan, US Fish and Wildlife Service (electronic copy only)
Travis Wilson, NC Wildlife Resources Commission (electronic copy only)
Mason Herndon, NCDWQ Fayetteville Regional Office
File Copy



North Carolina Department of Environment and Natural Resources

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

Pat McCrory
Governor

John Skvarla, III
Secretary

April 29, 2013

MEMORANDUM

To: Steve Brown, P.E., Project Development Engineer, NCDOT

From: David Wainwright, Division of Water Quality *DW*

Subject: Response to the Qualitative Indirect and Cumulative Effects Report for the Proposed Rockingham Bypass, Richmond County, TIP R-2501.

This office has reviewed the referenced document dated October 2005; this letter serves as a follow up response to our comments, submitted electronically, on March 27, 2013. 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 State and U.S., including wetlands and streams. Under 15A NAC 2H .0500 (.0506[4]), it is the NCDWQ's responsibility to ensure that projects do not result in cumulative effects or cause a violation of downstream water quality based on reasonably anticipated future impacts.

The NCDWQ has numerous concerns regarding the document. Primarily, we take issue with the age of the document and data contained therein. More specifically, we have concerns about:

- The document was published in 2005, eight years ago with a horizon year of 2020. According to the STIP information, the project is currently scheduled for construction Post Year, indicating that project construction is many years away. The project has not been reviewed through the Merger 01 4B or 4C concurrence points as of this time. This also indicates that project construction is several years off. That, coupled with several years of construction, will almost surely put the road opening to traffic at or beyond the year 2020, less than seven years from now. For these reasons, the horizon year of 2020 no longer seems reasonable.
- There is mention of several new residential and commercial developments that were permitted or under construction. These development and any new or planned developments should be taken into account when considering cumulative impacts. This is especially true given that several developers are/were holding property for commercial development and that much development has already occurred in the area of the U.S. 74 interchange. This development is a direct result of the anticipated bypass and should be considered accordingly. It is also stated that several new or expansions to existing industrial parks are planned. Industrial development, as a class, is a large contributor to water quality impairments. If there are any industrial facilities that have been constructed since 2005 then the impacts from them should be considered.
- Also, with respect to development in the area, it is stated that "while there is no explicit economic development purpose for this project, local officials see TIP Project R-2501 as a potential catalyst for economic development. They are hoping that the combined effects of TIP Project R-2501, the US 74 Bypass, and the future I-73/74 corridor, will spur industrial and commercial development." This raises concerns about all types of potential development that may have occurred or will occur in the area.

Transportation Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
Location: 512 N. Salisbury Street, Raleigh, North Carolina 27604
Phone: 919-807-6300 \ FAX: 919-807-6488
Internet: <http://portal.ncdenr.org/web/wq>

One
North Carolina
Naturally

- Census data considered in the analysis is from 2000. Data from the 2010 census is now available and should be used to update the analysis.
- There is only one map showing zoning in the project area. It is unclear if the map reflects current (2005) zoning or anticipated 2020 zoning. Maps showing both should be included so that a comparison between the two can be made. This is especially true given that future development and its location is principle to future cumulative impacts.
- Another important factor in the analysis is current and future utility service areas. It is stated that there is excess wastewater treatment capacity at both plants in the area which means there is room for expansion and that “officials from all three governing bodies indicated a willingness to extend existing utility lines to new developments if feasible.” It is important to note if utility service areas have expanded since 2005 and if there are any additional plans to provide new service to areas in the GISA in the foreseeable future.
- The traffic analysis report referenced in the document is from 1999, fourteen years ago, and uses a horizon year of 2020. Again, due to the age of this data, the report should be updated with more recent data and should use a horizon year beyond 2020 for reasons discussed above.
- The GISA includes a portion of subbasin 03-07-55 of the Lumber River Basin. As noted in the document, the Lumber River Basin report states that “In order to prevent aquatic habitat degradation as a result of increasing development pressure, the subbasin report recommended that protection measures be put in place immediately.” Additionally, as is shown on Figure 4, there are two Water Supply Watershed Critical Areas partially located within the GISA, another one just outside of it, and a HQW watershed located partially within the GISA. While the NCDWQ is concerned about indirect and cumulative impacts to all waters, it is especially concerned about waters with classifications such as these. It should be demonstrated that all waters within the GISA will not be negatively impacted by your proposed project, but especially these.

In closing, the NDWQ is under the opinion that the assumptions and information used in the analysis needs to be updated to reflect more recent data. We also feel that because of this, we are unable to make a determination that waters within the GISA and surrounding areas will not be degraded from indirect and cumulative impacts resulting from the proposed project. Additionally, given the current status of the project, we no longer feel that a horizon year of 2020 is appropriate, as there is a good chance that the project may not be completed by then.

Thank you for requesting our input at this time. The NCDOT 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 David Wainwright at (919) 807-6405.

cc: Ronnie Smith, US Army Corps of Engineers, Wilmington Field Office (electronic copy only)
 Chris Militscher, Environmental Protection Agency (electronic copy only)
 Eric Midkiff, P.E., NCDOT Project Development
 File Copy



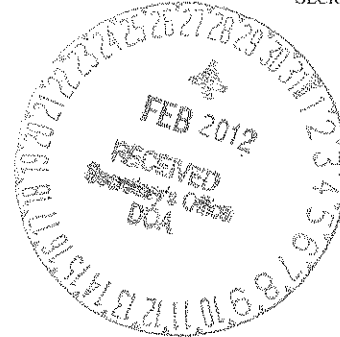
STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

February 24, 2012

Mr. Zeke Creech
N. C. State Clearinghouse
Department of Administration
1301 Mail Service Center
Raleigh, North Carolina 27699-1301



Dear Mr. Creech:

SUBJECT: Federal Final Environmental Impact Statement for TIP Project Number R-2501
US 1 from Sandhill Road (SR 1971) to North of Fox Road (SR 1606), Richmond County,
Federal-Aid Project No. NHF-1(1), State Project No. 8.T580501, WBS No. 34437.1.1

Attached herewith are two (2) paper copies and fourteen (14) CDs of the Federal Final Environmental Impact Statement (FEIS) for the subject project. Distribution of the Final Environmental Impact Statement is being made on behalf of the Federal Highway Administration in accordance with 23 CFR 771. Please note the project cannot be let until the ROD is issued by FHWA.

Please send any comments, requests or acknowledgement letters for any documents to Steve L. Brown, Project Development Engineer at the address below, by email at slbrown@ncdot.gov, or at 919.707.6014.

Sincerely,

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

GJT/kbc

Attachments (2 paper + 14 CDs)

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-707-6000
FAX: 919-250-4224

WEBSITE: WWW.NCDOT.ORG/DOH/PRECONSTRUCT/PE/

LOCATION:
CENTURY CENTER, BUILDING A
1000 BIRCH RIDGE DRIVE
RALEIGH NC 27610

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: RICHMOND

F02: HIGHWAYS AND ROADS

STATE NUMBER: 12-E-4220-0217

DATE RECEIVED: 02/28/2012

AGENCY RESPONSE: 03/26/2012

REVIEW CLOSED: 03/29/2012



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

ER 94-7984

REVIEW DISTRIBUTION

CC&PS - DIV OF EMERGENCY MANAGEMENT
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION
LUMBER RIVER COG

Due 3/9/12

A- 1M 3/5/12
cleared
NO comment

PROJECT INFORMATION

APPLICANT: N.C. Department of Transportation
TYPE: National Environmental Policy Act
Final Environmental Impact Statement

Due 3/14/12

S (NC)
previously cleared
JOK 3/7/12

DESC: FEIS for Proposed Improvements to US 1 from Sandhill Road - SR 1971 to North of Fox Road - SR 1606 in Richmond County; TIP #R-2501

CROSS-REFERENCE NUMBER: 95-E-4220-0286 00-E-4220-0079

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:

3-9-12



MAR 05 2012

Reep, Mark

From: Brown, Steve L <slbrown@ncdot.gov>
Sent: Tuesday, May 01, 2012 9:08 AM
To: Reep, Mark
Subject: FW: R-2501

fyi

From: Gary_Jordan@fws.gov [mailto:Gary_Jordan@fws.gov]
Sent: Thursday, March 01, 2012 2:59 PM
To: Brown, Steve L
Cc: Wilson, Travis W.; Ronnie.D.Smith@usace.army.mil; Riffey, Deanna
Subject: R-2501

Steve,

I have reviewed the Final EIS for R-2501, but I am not going to provide any comments. However, we do have one unresolved issue with the heronry that was discovered last year. I haven't heard from the NEU since my last discussion with Deanna Riffey back on 10/27/2011. Based on the info she provided, it appeared that it might be possible to avoid all nests, but it remained to be determined. When is CP4B? We should probably resolve the issue at least by then.

Gary Jordan
Fish and Wildlife Biologist
US Fish and Wildlife Service
PO Box 33726
Raleigh, NC 27636-3726

Phone (919) 856-4520 ext. 32
Fax (919) 856-4556
gary_jordan@fws.gov

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R-2501 Pee Dee River Game Land – Section 4f

From: Wilson, Travis W. [mailto:travis.wilson@ncwildlife.org]
Sent: Tuesday, November 29, 2011 4:14 PM
To: Brown, Steve L
Cc: Reep, Mark; Felix.Davila@dot.gov
Subject: RE: R-2501 Pee Dee River Game Land

WRC does not object to the NCDOT conclusion of a de-minimus effect.

From: Brown, Steve L
Sent: Wednesday, November 16, 2011 10:38 AM
To: Wilson, Travis W.
Cc: Mark Reep; Felix.Davila@dot.gov
Subject: RE: R-2501 Pee Dee River Game Land

Hey Travis:

Just following up on our 4(f) issue on R-2501...Any word from Mr. Parsons on this?

Thanks,

Steve

Steve L. Brown, P.E.
Project Planning Engineer

North Carolina Department of Transportation
Project Development and Environmental Analysis Branch
1548 Mail Service Center
Raleigh, NC 27699-1548

PDEA - Century Center Building A
1020 Birch Ridge Drive
Raleigh, NC 27610

slbrown@ncdot.gov

Phone 919.707.6014
Fax 919.250.4224

From: Brown, Steve L
Sent: Tuesday, October 11, 2011 11:51 AM
To: Wilson, Travis W.

Cc: Mark Reep; Felix.Davila@dot.gov
Subject: RE: R-2501 Pee Dee River Game Land

Travis:

Thanks for all your help on this coordination. For the purposes of 4(f) and this property, we are considering the project's effect to be a de-minimis impact on the Pee Dee River Game Land.

Could you please review the attached Concurrence request memo and, if you have no comments or concerns, forward to Mr. Parsons for review and concurrence?

Thanks,

Steve

Steve L. Brown, P.E.
Project Planning Engineer

North Carolina Department of Transportation
Project Development and Environmental Analysis Branch
1548 Mail Service Center
Raleigh, NC 27699-1548

PDEA - Century Center Building A
1020 Birch Ridge Drive
Raleigh, NC 27610

slbrown@ncdot.gov

Phone 919.707.6014
Fax 919.250.4224

From: Wilson, Travis W.
Sent: Friday, September 02, 2011 11:04 AM
To: Brown, Steve L
Cc: Mark Reep
Subject: RE: R-2501 Pee Dee River Game Land

Sorry for the delayed response, my computer has been out of commission for a couple of weeks. The area described as buffer is not a separate designation. "Buffer" is being used to describe one of the functions not land use or designation. The uses of this area are the same as the uses of the remaining lands in this tract. Hope this answers your question if not let me know.




STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

October 11, 2011

MEMORANDUM TO: William P. Parsons
NC Wildlife Resources Commission

FROM: Steve Brown, PE, Project Planning Engineer
Project Development & Environmental Analysis Branch 

SUBJECT: **R-2501**, Richmond County, N.C., US 1 Improvements from Sandhill Road (SR 1971) to Marston Road (SR 1001)

This follows our recent e-mail correspondence from May 25 and September 2, 2011 regarding the proposed US 1 improvements near the Pee Dee River Game Land in Richmond County. TIP Project R-2501 extends from Sandhill Road (SR 1971) south of Rockingham to Marston Road (SR 1001) in Marston, a distance of about 19 miles. At the Pee Dee River Game Land, the current design proposes to widen US 1 and Osborne Road, impacting approximately 2.4 acres of the property along the road frontage.

Your May 25, 2011 e-mail correspondence indicated that the proposed widening should have a minimal effect on the property. It may remove a buffer between the existing highway and a large open land complex (20 acres) managed for wildlife with emphasis on dove and other small game species that also includes hunting opportunities for local sportsmen. Since the primary purposes of the Game Land are for wildlife and timber management and public recreational opportunities for hunting, fishing, and observing nature, the site is subject to Section 4(f) of the DOT Act of 1966. Section 4(f) protects the use and function of publicly owned parks, recreation areas, wildlife/waterfowl refuges and historic properties. A transportation plan can only use land from a 4(f) resource when there are no other feasible or prudent alternatives and when the planning minimizes all possible harm to the resource.

This is to request your concurrence that the project will have a minimal impact on the Game Land and will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f). If you have any questions or need any additional information, please contact me at 919-707-6014 or at slbrown@ncdot.gov.

SB/mlr

Attachments

cc: Travis Wilson, NC Wildlife Resources Commission
Mark Reep, P.E., Florence & Hutcheson, Inc.
Felix Davila, P.E., Federal Highway Administration

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-707-6000
FAX: 919-707-6052

WEBSITE: WWW.NCDOT.ORG/DOH/PRECONSTRUCT/PE/

LOCATION:
CENTURY CENTER BUILDING A
1000 BIRCH RIDGE DRIVE
RALEIGH NC 27610

B.22

Travis W. Wilson
Eastern Region Highway Project Coordinator
Habitat Conservation Program
NC Wildlife Resources Commission
1142 I-85 Service Rd.
Creedmoor, NC 27522
Phone: 919-528-9886 ext. 6
Fax: 919-528-9839
Travis.Wilson@ncwildlife.org

From: Brown, Steve L
Sent: Wednesday, August 17, 2011 9:23 AM
To: Wilson, Travis W.
Cc: Mark Reep
Subject: RE: R-2501 Pee Dee River Game Land

Travis:

We are working through our 4(f) analysis on the Pee Dee River Game Land and I have a few follow up questions for Mr. Parsons:

Based on the description of the whole parcel, it appears that it could be classified as a multiple use property (hunting, fishing, observing nature, wildlife management, timber management) for 4(f) purposes. You described a buffer area and hunting area adjacent to the proposed project that would be affected.

Is this buffer area/ hunting area a separate, distinct and definable area within the parcel as a whole? And if so, is hunting/wildlife management its main function? Does this portion have any other functions?

I appreciate your help with this issue,

Steve

Steve L. Brown, P.E.
Project Planning Engineer

North Carolina Department of Transportation
Project Development and Environmental Analysis Branch
1548 Mail Service Center
Raleigh, NC 27699-1548

PDEA - Century Center Building A
1020 Birch Ridge Drive
Raleigh, NC 27610

slbrown@ncdot.gov

Phone 919.707.6014

Fax 919.250.4224

From: Mark Reep [<mailto:mreep@flohut.com>]
Sent: Wednesday, May 25, 2011 10:28 AM
To: Wilson, Travis W.; Brown, Steve L
Subject: RE: R-2501 Pee Dee River Game Land

Travis,

Thank you very much for providing this information.

Mark

Mark L. Reep, P.E.
Florence & Hutcheson – Consulting Engineers
5121 Kingdom Way, Suite 100
Raleigh, NC 27607
mreep@flohut.com
919-851-6066 (Office) ext. 138
919-851-6846 (Fax)
www.flohut.com

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From: Wilson, Travis W. [<mailto:travis.wilson@ncwildlife.org>]
Sent: Wednesday, May 25, 2011 9:45 AM
To: mreep@flohut.com; Brown, Steve L
Subject: FW: R-2501 Pee Dee River Game Land

Mark and Steve, looks like I sent my email this morning a few minutes too early. Please review the emails below, I believe all pertinent information is provided but let me know if you need anything further.

Travis W. Wilson

Eastern Region Highway Project Coordinator
Habitat Conservation Program
NC Wildlife Resources Commission
1142 I-85 Service Rd.
Creedmoor, NC 27522
Phone: 919-528-9886 ext. 6
Fax: 919-528-9839
Travis.Wilson@ncwildlife.org

From: Parsons, William P
Sent: Wednesday, May 25, 2011 8:56 AM
To: Wilson, Travis W.
Cc: Warburton, Gordon S; Beverly, W. Eli
Subject: RE: R-2501 Pee Dee River Game Land

Travis,

The widening of US 1 will have a minimum effect on Pee Dee River Game Lands. Based on the photo provided by you the widening may remove a buffer that exist between the existing highway corridor and a large open land complex(20 acres) managed for wildlife with emphasis on dove and other small game species. Approximately 10 acres is planted annually to provide supplemental food and hunting opportunities for local sportsman. The highway project as proposed may reduce the number of acres that can be safely hunted. The parcel (Diggs Tract) is approximately 1659 acres and was purchased using funding from CWMTF, Natural Heritage and North American Wetland Conservation Act (NAWCA). NAWCA provided \$1,000,000 of federal funding for the project.

The parcel is owned by NCWRC and is part of the Pee Dee River Game Lands. Primary purposes include wildlife and timber management, recreational opportunities for the public including hunting, fishing and observing nature. A boating access will be built in the near future to allow public access to the Pee Dee River.

There has not been a management plan prepared to date. When completed the plan will include management recommendations for wildlife including species of concern such as the timber rattler which is found on the tract. There are designated natural areas found on the property. Large wetlands along the Pee Dee River are used extensively by waterfowl and hunters.

Hope this provides the information you need. Let me know if you need additional information.

From: Wilson, Travis W.
Sent: Monday, May 16, 2011 4:29 PM
To: Parsons, William P
Cc: Warburton, Gordon S; Beverly, W. Eli
Subject: R-2501 Pee Dee River Game Land

Bill as we discussed over the phone NCDOT will be widening US 1 in Richmond County in the vicinity of Pee Dee River Game Land. In the attached photo you can see where the widening will impact the tract that abuts US 1 south of Rockingham. Since this project will be constructed with Federal Highway funds NCDOT is conducting a 4(f) evaluation of this impact. NCDOT will need to determine 1) if the parcel qualifies as a 4f property and 2) determine what impact the project will have on the 4(f) property. This evaluation is supplemental to the NEPA process, our past involvement still applies, and does not directly affect right of negotiations. Below is a list of informational needs NCDOT will evaluate.

- Parcel owner? WRC or Progress
- If WRC owned: what were the funding sources for the purchase? Some funding sources such as federal grants may be applicable to determining if 4(f) applies
- Land use: What activities is the parcel utilized for
- Management Plan: Aside from use, specifically for 4(f) it's important to document management activities outlined for T&E species or migratory birds.

Let me know if you have any questions.

Travis W. Wilson
Eastern Region Highway Project Coordinator
Habitat Conservation Program
NC Wildlife Resources Commission
1142 I-85 Service Rd.
Creedmoor, NC 27522
Phone: 919-528-9886 ext. 6
Fax: 919-528-9839
Travis.Wilson@ncwildlife.org

*Kathy Peterson
P.O. Box 483
Hartfield, VA 23071*

November 19, 2012

Mr. John F. Sullivan III, Division Administrator
Federal Highway Administration
310 New Bern Avenue Suite 410
Raleigh, NC 27601

Dear Mr. Sullivan,

This letter is in regards to the R-2501 Highway Project in Richmond County NC that includes my property in the proposed construction corridor. Below are my comments to be included in the Final Environmental Impact Statement.

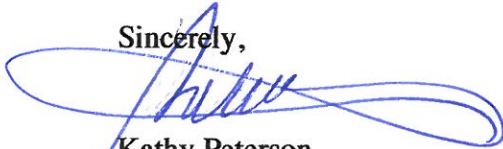
Within the highway corridor is a significant natural heritage area of regional importance where bog oatgrass, a state threatened plant and a federal species of concern occurs. This area and species are not mentioned in the Natural Resources Report or the FEIS. I believe this to be an omission worthy of discussion and mention in the FEIS. North Carolina Department of Transportation says it is important species – part of the natural heritage of the state. The State Highway Department says it wants to be an environmental leader. How can this be omitted from such an important document as the Final Environmental Impact Statement for this project?

Also, during the public hearing on October 30, 2012 at Rockingham High School, a speaker for Mr. Brown, a landowner in the preferred bypass corridor, made the mention of the presence of shiners on his property on Sandhill Rd. and said there did not appear to have been any fish studies in the Environmental Impact Statement. I am concerned about this. The Cape Fear shiner is an imperiled minnow species endemic (found nowhere else in the world) to the Cape Fear River basin in the North Carolina piedmont. Perhaps there are shiners elsewhere in the corridor; perhaps on our property.

It was also said by the speaker that survey dates in the Environmental Impact Statement for rare species show only 2 days of field work not during the optimal search seasons for one of the species. An NCDOT official, Drew Joyner said there were other reports that Mr. Brown didn't see. Were there more than two days of field work? What reports show that? Why aren't those reports available to the public during the hearing and commenting period?

I look forward to a response to these issues. I am very appreciative to you, Mr. Sullivan, if you will consider these matters in your deliberations. I ask that you do not approve the Record of Decision and insist that these issues be investigated thoroughly.

Sincerely,



Kathy Peterson

cc: Gregory Thorpe, Manager PDEA
NCDOT
1548 Mail Service Center
Raleigh, NC 27699-1548

Mr. Pete Benjamin, Ecological Services Supervisor
USDI FWS Raleigh Field Office
PO Box 33726
Raleigh, NC 27636

Congressman Larry Kissell
1632 Longworth HOB
Washington, DC 20515

Senator Richard Burr
217 RUSSELL
SENATE OFFICE BUILDING
WASHINGTON DC 20510
(202) 224-3154

Senator Kay Hagan
521 DIRKSEN
SENATE OFFICE BUILDING
WASHINGTON DC 20510
(202) 224-6342

Donna M. Osinski
 305 Amberly Dr.
 Blue Bell, PA 19422

November 21, 2012

Mr. John F. Sullivan III, Division Administrator
 Federal Highway Administration
 310 New Bern Avenue Suite 410
 Raleigh, NC 27601

Dear Mr. Sullivan,

RE: R-2501 Richmond County NC US Highway 1 Bypass Project

| | |
|-------------------------------------|-----------------------------|
| FHWA-NC DIVISION | |
| REC'D | NOV 26 / |
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| <input type="checkbox"/> | TRASH |

Will you please accept the following comments to the administrative record of the Final Environmental Impact Statement for this project? I am writing as a concerned taxpayer and property owner in the proposed bypass project.

The Ecosystem Enhancement Project (EEP) at McDonald's Pond is protected by NC State law. This EEP is designed to preserve wetlands, streams and related habitats, specifically to mitigate against the high impacts of wetland or stream destruction. To allow a highway through even a portion of an EEP project would set a precedent for areas with EEP conservation easements.

Conservation easements are intended to protect mitigated wetlands. These easements should be set in stone and protected. Allowing this road project to destroy any part of the McDonald's Pond EEP is a decision fraught with the risk of sending the message that public and private lands donated for conservation purposes cannot rely upon government officials to consider the intent of conservation easements and hold to the letter of the law in protecting them.

Mr. Sullivan, I ask that you please consider these comments in your deliberations on the record of decision.

Sincerely,



Donna M. Osinski

Frances K. Osinski
 365 Founders Village
 Lansdale, PA 19446

November 21, 2012

Mr. John F. Sullivan III, Division Administrator
 Federal Highway Administration
 310 New Bern Avenue Suite 410
 Raleigh, NC 27601

Dear Mr. Sullivan,

Thank you for your kindness and consideration in allowing these remarks to the administrative record of the Final Environmental Impact Statement of T.I.P. **Project R-2501** which proposes to destroy the highly rated wetlands on our property.

My comments are that the ICE states that most of the proposed project area is "unlikely to experience development due to limitations such as environmental restrictions (wetlands, floodplains and water supply watersheds)." Why then, despite these environmental restrictions, does the Final Environmental Impact Statement propose to construct a highway through these areas which include Headwaters, Significant Wetlands, Water Supply Areas and an Ecosystem Enhancement Project (EEP)? The preferred bypass corridor plan intends to directly destroy wetlands and impact the area with run-off pollution, noise pollution and many other detrimental effects.

I question how environmental restrictions are considered enough to prevent development but not enough to prevent the selection of a major highway corridor though these areas.

Mr. Sullivan, may I urge you to consider these questions in your decision making process and give careful thought to the matter of granting permission to devastate areas which, when spoiled, cannot be replaced or restored to their former glory?

Sincerely,

Frances K. Osinski
 Frances K. Osinski

| | | | |
|------------------|-----------------------------|----------------|--|
| FHWA-NC DIVISION | | REC'D NOV 26 / | |
| ✓ DIV ADMIN | ASST DIV ADMIN | ENG COORD | |
| | CIV/ETS | | |
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| | FINANCIAL MGR | | |
| | FIN SPEC | FIN ASST | |
| | PROG ASST | COMP SPEC | |
| | P & PD TEAM LEADER | | |
| | PL-1 | PL-2 | |
| | PL-3 | ARCITY SPEC | |
| | CONGRITS | | |
| | PRECONST & ENV. TEAM LEADER | | |
| | A-1 | A-2 | |
| | A-3 | ROAD OFFICR | |
| | ENV PROJ. SPEC | | |
| | OPS TEAM LEADER | | |
| | TE-1 | TE-2 | |
| | TE-SAFETY | P&H ENG | |
| | AM PROJ MGR | | |
| | FILE | TRASH | |

Lynne Stephens
5174 CR 113
Clyde, OH 43410

November 19, 2012

Mr. John F. Sullivan III
Division Administrator
Federal Highway Administration
310 New Bern Avenue Suite 410
Raleigh, NC 27601

Dear Mr. Sullivan,

RE: R2501 Richmond County NC US Highway 1 Bypass Project

Thank you for allowing these comments on the Final Environmental Impact Statement to be admitted as part of the administrative record prior to the Record of Decision on this project.

As an affected party in this matter, I submit for your consideration herein the rationales that warrant a decision against the project. The purpose and need statement for the project has no merit based on facts. The need should show a significant reason why \$260 million tax dollars are proposed to be spent while at the same time causing significant environmental damage and social costs.

The facts do not support this need for the following reasons:

Much of the peak downtown Rockingham traffic comes from local traffic as easily seen in Table I-7 looking at how the traffic numbers increase downtown compared with road segments outside the city. The peak traffic projections show that a rush hour 18.6 mile trip from Sandhill Rd. (SR1971) to Marston Rd. (SR1001) is only expected to increase by one minute in 2035. A one minute change is neither significant nor presents a need to use precious tax dollars.

The Cumulative Effects Analysis (ICE) shows that additional growth is not expected within the project area: "The large amount of rural and conservational lands, the general lack of utilities (except in built up areas), low population growth, and a stagnant economy should limit the potential of any induced growth." One would conclude then that the threat of additional congestion does not exist, which refutes an aspect of the project purpose.

For the through traffic, the proposed highway bypass would only improve travel time by seven minutes during the peak morning traffic time when people are traveling within downtown Rockingham. At other non-peak times, the difference in travel time saved would likely be even less, but this is not shown in the FEIS. I believe that during most of the day the proposed bypass would not significantly affect travel time.

A reduction in through traffic to downtown Rockingham would decrease tax revenues over the long term, seeing that many travelers would not be stopping for meals and lodging, for example. This is not in the benefit of Rockingham businesses and residents.

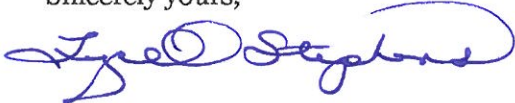
The purpose, as written in the FEIS is:
“This project will reduce travel time; reduce congestion in downtown Rockingham by diverting through traffic and truck traffic from local streets; and improve mobility on the designated US 1 strategic highway corridor.”

Given that travel time and congestion will not be significantly affected, the only remaining aspect of the project purpose is to consider is the improved mobility on the “US strategic highway corridor.” The FEIS states that current conditions do not fit their vision: “the vision plan designates this portion of US 1 as a future freeway with high mobility, full control of access, speeds of at least 55 mph, an a minimum four-lane divided facility.” They have a vision and want to implement it, despite a lack of clearly articulated need.

These statements are simply saying that the purpose of this FEIS is to construct a US strategic highway. The Courts (Citizens against Burlington v. Busey) have specified that a purpose and need must not be so narrow as to “define reasonable alternatives out of existence.” This “does not give agencies license to fulfill their own prophecies, whatever the parochial impulses that drive them.” In other words, the purpose for this FEIS is written in such a way that alternatives aren’t adequately given a chance, thus leading to the self-fulfilling proposal of the bypass. The courts say this is unacceptable.

Mr. Sullivan, for these compelling reasons, I ask you to decide against this unneeded project and the proposed spending of \$260 million tax dollars. Thank you for your time and consideration of this matter. I look forward to your response. Kindest regards.

Sincerely yours,



Lynne O. Stephens



Eddie O's Enterprises LTD
717 West Dunlap 110
Phoenix, AZ 85021

November 20, 2012

CERTIFIED MAIL

Mr. John F. Sullivan III, Division Administrator
Federal Highway Administration
310 New Bern Avenue, Suite 410
Raleigh, NC 27601

Dear Mr. Sullivan,

SUBJECT: T.I.P. Project R-2501

The purpose of this letter is to comment on the Final Environmental Impact Statement to the proposed R-2501 Richmond County NC US Highway 1 Bypass Project prior to the Record of Decision. Thank you for allowing these comments to be admitted as part of the administrative record.

Eddie O's Enterprises, LTD owns the Loch Haven Golf Course property which is included in the proposed preferred alternative bypass corridor to this project. As you may be aware, prior to the approval of the Final Environmental Impact Statement, Eddie O's Enterprises, LTD filed an appeal to the US Army Corps of Engineers Jurisdictional Determination on the wetlands on our property. The US Army Corps of Engineers (USACE) accepted this appeal on December 1, 2011, with a site visit scheduled for January 26, 2012.

Despite this appeal which questioned the regulatory criteria and associated guidance for identifying and delineating wetlands, the Final Environmental Impact Statement was approved in late December 2011.

It was found during the investigative portion of the appeal by the USACE that for the wetlands delineation section of the FEIS, data acquisition was flawed. Regarding the data forms W14, on Page 5 of the "Notes of 26 January 2012 Appeal Meeting" (enclosed), "It was noted that the location of the data points were not on the Eddie O's property." And that "...the data points were incomplete and that a precise location could not be determined by these co-ordinates."


On June 11, 2012, we were notified of the decision that our appeal was found to have merit and that decision was remanded to the USACE District for further action, as

described in the enclosed Decision Document. The document acknowledges flawed data points, flawed acquisition of data, errors in data sheets and well as a lack of following correct procedures. We believe that these errors and a lack of data integrity occur throughout the environmental aspects of the Final Environmental Impact Statement and associated reports.

Based upon the above factors, we believe that the Final Environmental Impact Statement and the associated natural resource reports are inadequate and lack data integrity.

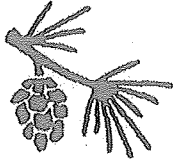
In our view, there are numerous environmental problems with this project which require more investigation before any determination should be made. Mr. Sullivan, we respectfully submit this letter and the attached reports for your consideration in your deliberations on the Record of Decision for this project.

Sincerely,


Edward M. Osinski, Jr.
CEO

Enclosure: Notes of 26 January 2012 appeal meeting
USACE Decision Document

73 Ag1/00T
al/



Eddie O's Enterprises LTD
717 West Dunlap 110
Phoenix, AZ 85021

November 21, 2012

The President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President,

SUBJECT: T.I.P. Project R-2501

Enclosed please find a copy of the letter to Mr. John F. Sullivan III, Division Administrator, Federal Highway Administration, the person responsible for the record of decision on the Final Environmental Impact Statement to the proposed R-2501 Richmond County NC US Highway 1 Bypass Project.

We believe there are numerous environmental problems with this project as detailed in the enclosed letter that require more investigation before any determination should be made. Mr. President, we respectfully submit this letter for your information and ask for your assistance in this matter. I can be contacted at 419-217-5508.
Kindest regards.

Sincerely yours,

Lynne Stephens



Reply to
Attention of:

DEPARTMENT OF THE ARMY
SOUTHWESTERN DIVISION, CORPS OF ENGINEERS
1100 COMMERCE STREET, SUITE 831
DALLAS, TEXAS 75242-1317

CESWD-PD-O

21 February 2012

MEMORANDUM FOR RECORD

SUBJECT: Notes of 26 January 2012 appeal meeting for approved jurisdictional determination (file number SAW-1995-00459) by Eddie O's Enterprises Ltd.

1. An appeal meeting was held on 26 January 2012 at the Loch Haven Golf Course in Rockingham, North Carolina. The meeting, which began at approximately 0930 hours, was regarding property owned by Eddie O's Enterprises LTD (the appellant) located at 612 Loch Haven Road in Rockingham, Richmond County, North Carolina. A copy of the sign in sheet can be found in Appendix A. The meeting followed the agenda provided to the Wilmington District (the district) and appellant by the Southwestern Division review officer (RO) via email on 11 January 2012. A copy of the agenda can be found in Appendix B. The following is a list of attendees:

Mr. Elliott Carman – Regulatory Appeals Review Officer, Southwestern Division, U.S. Army Corps of Engineers

Ms. Lynne Stephens – representing the appellant (Eddie O's Enterprises LTD)

Mr. Burl Rose - Loch Haven Golf Course

Mr. Lloyd Raleigh –Appellant's consultant

Mr. Ronnie Smith – Project Manager, Regulatory Branch, Wilmington District, U.S. Army Corps of Engineers

Mr. Dale Beter – Wilmington Field Office Chief, Regulatory Branch, Wilmington District, U.S. Army Corps of Engineers

2. Introductions and Opening Remarks

a. The RO read an opening statement (Appendix C) that explained the appeal meeting's purpose was to assist the RO in summarizing and clarifying both the appellant's request for appeal (RFA) and the district's rationale for their decision.

b. The appellant indicated they believe the wetland acreage should be expanded beyond that which was mapped in the district's approved jurisdictional determination (AJD).

c. The district indicated they will assist in any way they can with this appeal.

CESWD-PD-O

SUBJECT: Notes of 26 January 2012 appeal meeting for approved jurisdictional determination (file number SAW-1995-00459) by Eddie O's Enterprises LTD

3. Reason for Appeal

a. The appellant confirmed that the following reason for appeal was accurate: The District incorrectly applied current regulatory criteria and associated guidance for identifying and delineating wetlands. More specifically, the on-site wetlands should be larger than that illustrated on the district's map.

b. In their RFA, the appellant asserted that their site contains unique habitat as well as habitat suitable for threatened and endangered (T&E) species. The appellant clarified that they believe this habitat should be part of the district's consideration. The RO informed the appellant that possible effects to T&E species are part of a district's considerations in verifying or issuing permits, but not a part of their consideration relative to jurisdiction. Therefore, the T&E component does not have any bearing on the appeal.

c. The appellant also expressed concern in their RFA that they were not notified of a 1999 draft EIS for the R2501-US 1 Rockingham Bypass Project. The district indicated that the Federal Highway Administration (FHWA) was lead agency on the project and were the ones responsible for notifying the public about the proposed project. The district also indicated that a draft EIS was circulated by FHWA in 1999 and a supplement in 2001, and that the EIS had not been finalized. Finally, the district indicated that they were a cooperating agency (non-signatory) and expected to be notified and provided a copy of the final EIS.

4. Administrative Record

a. The district provided a summary of the contents of the administrative record (AR) and all parties confirmed they had the same contents.

b. The district and appellant were asked if there was anything that should be in the AR, but wasn't (was the AR complete).

(1) It was noted that this appeal is unique in that the AJD was prepared for a party other than the appellant, but provided to the appellant because of their substantial legal interest in the property (they are the landowner). As a result, the appellant did not submit information to the district as part of the AJD request. Therefore, the district did not exclude any of the appellant's information from the AR. The appellant did express concern that the district should have included more information in the AR to better support their decision. The appellant's specific concerns were discussed during the "points for clarification" and "other questions/comments" sections from the agenda (Appendix B) and not discussed further during this portion of the agenda.

(2) The district indicated the AR was complete.

CESWD-PD-O

SUBJECT: Notes of 26 January 2012 appeal meeting for approved jurisdictional determination (file number SAW-1995-00459) by Eddie O's Enterprises LTD

5. Points for Clarification

a. The district indicated they mailed the AJD to the appellant on 17 August 2011. The appellant indicated that they received the AJD from their corporate office on 29 August 2011. Their corporate office received it sometime the week of 22 August 2011. The appellant noted the difficulty they experienced in obtaining the wetland delineation map from the North Carolina Department of Transportation (NCDOT). The appellant indicated they received the map from the NCDOT on 9 September 2011 and met with them on the site to discuss the AJD and the proposed project on 17 October 2011.¹ The appellant indicated they contacted the district and the South Atlantic Division (SAD) on 24 October 2011. The appellant further indicated SAD responded on 28 October and advised them that they could file the appeal. The appellant mailed their RFA via certified letter to the district and SAD on 29 October 2011. The district indicated they received the RFA on 31 October 2011. The appellant indicated their records showed that SAD received the RFA on 1 November 2011.²

b. The appellant became aware of the Richmond County GIS wetland map as they received a copy of this map as part of a recent appraisal performed on their property. The appellant indicated that Richmond County uses US Fish and Wildlife Service National Wetland Inventory (NWI) Map data to create their county wetland GIS map. The appellant noticed a discrepancy between this map and the district's AJD map (the County GIS map illustrates more wetlands than that shown on the district's map). It was noted that the NWI maps are based on aerial photography and not actual data

¹ The appellant noted in an email dated 12 February 2012, that they did not meet with NDCOT on site to discuss the AJD as stated in Section 5.a. above, but rather at the NCDOT offices in Aberdeen, NC.

² 33 CFR 331.5(a) states, "The RFA must be received by the division engineer within 60 days of the date of the [appeal form]." RGL 06-01, section 3(a) clarifies that "day 1" is the date of the appeal form and "day 60" is the 60th calendar day after the date of the appeal form. RGL 06-01 section 3(a) also clarifies that, "when 'day 60' is a traditional non-working day (e.g., a holiday or weekend), the 60 day timeframe is extended to the next business day."

Day one in this case would be 17 August 2011 (the date of the appeal form) and day 60 would be Sunday, 16 October 2011. Because day 60 fell on a traditional non-working day (e.g. a weekend), the 60 day timeframe should be extended to the next business day which was 17 October 2011.

While SAD received the RFA after this date, it should be noted that the district provided incorrect and inconsistent direction in multiple documents to the appellant regarding their appeal rights. The district's AJD letter dated 17 August 2011 as well as the accompanying "notification of jurisdictional determination" form incorrectly directed the appellant to send their RFA to the district instead of the division. In addition, the district's AJD letter incorrectly advised the appellant that the RFA must be "...received by the district within 60 days of the date you received the [appeal form] or receipt of a wetland delineation map from the NCDOT." As noted during the appeal meeting, the appellant received the wetland delineation map from the NCDOT on 9 September 2011 and the RFA was received at the district office on 31 October 2011 and SAD on 1 November 2011. Because the district incorrectly advised the appellant regarding their appeal rights, SAD determined this RFA was timely and accepted the appeal as it was received by both the district and SAD within 60 days of the date the appellant received their wetland delineation map from NCDOT (day 60 in that case would be 8 November).

CESWD-PD-O

SUBJECT: Notes of 26 January 2012 appeal meeting for approved jurisdictional determination (file number SAW-1995-00459) by Eddie O's Enterprises LTD

from field work. The district indicated they are aware of the county data, but did not use it as supporting information for this project as they believe their GIS data (such as their LIDAR maps) are more accurate. The appellant supplied a map that compares the Richmond County GIS map with the district's AJD map. The RO provided a copy of this map to the district via email on 1 February 2012. A copy of this map can be found in Appendix D.

c. The appellant expressed concern that the district's AJD map did not illustrate Watery Branch within their property. The district indicated that beavers impounded Watery Branch within the site. Therefore, they did not observe a stream with a defined bed/bank or other indicators of an ordinary high water mark (OHWM). The district also indicated they did not identify this beaver impoundment as an "impoundment of jurisdictional waters" in section II.B.1.a of the AJD form because they believe this is specific to man-made impoundments. Because the district did not classify this beaver impoundment as a stream, they did not illustrate Watery Branch on the aerial photograph that identified the waters of the U.S. within the site. The appellant noted that thick growth exists along Watery Branch within their property and that they found areas with bed and bank and other OHWMs within the site. The appellant asked the district if they had actually gone into these brushy areas. The district indicated they had not.

d. The district indicated that the on-site wetlands are adjacent (abutting) Watery Branch, a relatively permanent water (RPW), which is a tributary to Speeds Creek, a tributary to Solomons Creek, a tributary to the Pee Dee River (a traditionally navigable water). The district indicated the only information used to classify Watery Branch as an RPW was the stream order (it is a first order stream), the size of its watershed (drains 650 acres), and how it is illustrated on the USGS topographic map (is shown as a solid blue line).

e. The district indicated they used the Corps 1987 wetland delineation manual ('87 manual) as well as the Atlantic and Gulf Coastal Plain Regional Supplement (regional supplement) to delineate the on-site wetlands and that the lack of a reference to the regional supplement in section C of their "notification of jurisdictional determination" form was an error. It was noted that the AR did include data forms for the regional supplement.

f. The district indicated that both the '87 manual and regional supplement data forms were for the same locations and were prepared and submitted to the district by the consultant. The district also indicated the consultant completed the '87 manual data forms concurrent with their field work of 16 April 2007. The consultant then prepared the regional supplement data forms as part of their 2011 AJD request. The regional data forms contained some updated language (such as "riverine swamp forest" as the landform classification versus the "mixed hardwood" described on the '87 manual data forms) to be consistent with the North Carolina Wetland Assessment methodology introduced by the district in 2008.

g. The district indicated that their reference to a previous determination dated 12 May 1999 in section IV.A (supporting data) of the AJD form was in error as the field notes for this previous jurisdictional determination lacked information on this site.

CESWD-PD-O

SUBJECT: Notes of 26 January 2012 appeal meeting for approved jurisdictional determination (file number SAW-1995-00459) by Eddie O's Enterprises LTD

h. The district indicated that the "W13, W14" located at the top right of each of the '87 data forms indicated that the data forms were used to characterize both wetland communities 13 and 14. These communities are illustrated as W13 and W14 on the district's AJD map.

i. The district clarified that the "W14" shown on the AJD map represents wetland community 14 and not the location of the two data points used to characterize the on-site wetlands. The district also indicated that both data forms contain the same coordinates which place the data points somewhere in the middle of the wetland area; however, the vegetation described on the data forms was more consistent with a disturbed area such as the power line easement on the north side of the property. The district indicated that the consultant confirmed both data points were taken within the power line easement. The district also clarified that while the exact location of the data points were not illustrated on their AJD map, that the upland data points were typically taken within ten to twenty feet from the wetland data point. It was noted that the location of the data points were not on the Eddie O's property. Finally, the district confirmed that there were problems with the data forms, but that they were at the mercy of the data that the consultant provided them.³

6. Other Questions/Comments

a. The appellant referenced a letter they received from the NCDOT in 2009 that indicated there would be personnel on their property conducting field work associated with the R2501-US 1 Rockingham Bypass Project. The appellant asked why the AR did not contain any information regarding field work conducted in 2009. The district indicated they responded to the AJD request that they received in 2011 and did not have any knowledge of the 2009 NCDOT letter. The RO requested that the appellant provide the district and the RO a copy of the 2009 NCDOT letter. The RO also asked that the district provide the appellant and the RO a copy of the 2011 NCDOT AJD request. The appellant provided a copy of the NCDOT letter via email on 30 January 2012. The district provided a copy of their 2011 AJD request via email on 30 January 2012. Copies of the NCDOT letter and the NCDOT AJD request are found in Appendices E and F respectively.

b. The appellant expressed concern that the climactic conditions were noted as "normal" on the AJD form when drought conditions existed at the time the field work was conducted (2007). The district indicated they typically consider drought conditions as part of an AJD.

c. The appellant expressed concern that two areas were identified as "upland" on the district's AJD map when these areas were at the same elevation (as shown on the district's LIDAR map) as areas marked as "wetland." The appellant also noted that there was one area marked as "wetland" that was shown at a higher elevation on the LIDAR map as the wetland area around it. The district indicated that the LIDAR image appeared consistent with the wetland map submitted by the consultant and that while there are inconsistencies between the LIDAR and the JD map, that the LIDAR is just another tool used and is not the final authority on wetland boundaries. The appellant acknowledged this fact.

³ In an email dated 14 February 2012, the appellant suggested that, "...the data points were incomplete and that a precise location could not be determined by these co-ordinates."

CESWD-PD-O

SUBJECT: Notes of 26 January 2012 appeal meeting for approved jurisdictional determination (file number SAW-1995-00459) by Eddie O's Enterprises LTD

7. Conclusion and site visit

a. The RO discussed the next steps in the appeal process including the memorandum for record as well as possible outcomes of the appeal process.

b. The appeal meeting concluded and was followed by the site visit. Three different vegetative communities were observed during the site visit: 1) forested wetland, 2) upland, and 3) disturbed wetland community within the power line easement.⁴

8. Review - On 7 February 2012, the RO forwarded via email a draft Memorandum for Record (MFR) summarizing the appeal meeting topics and site visit to the appellant and SAW for review and comment.

a. In an email dated 13 February 2012, SAW stated, "I do not have any questions or comments concerning the Draft MFR."

b. In an emails dated 12 and 14 February 2012, the appellant provided comments for sections 5.a., 5.i. and 7.b. above. These comments are included as footnotes in the respective sections.

Elliott Carman
Administrative Appeals Review Officer

⁴ In an email dated 14 February 2012, the appellant suggested that number two (upland) be modified as follows, "2.) Upland, including the potential areas in the delineated wetlands where there were inconsistencies."

SAW-1995-00459

MEMORANDUM FOR COMMANDER, SOUTH ATLANTIC DIVISION

SUBJECT: Re-Evaluation and Final District Decision on Approved Jurisdiction Determination SAW-1995-00459/ Eddy O's Enterprises, Limited.

1. Reference is made to your 7 June 2012 Administrative Appeal Decision, whereby the Approved Jurisdiction Determination (AJD) was remanded to the District for reconsideration and re-evaluation. In your decision, you stated the following reason why the appeal has merit:

a. Because the appellant's property contained more than one community type, the District did not correctly follow current regulatory criteria and associated guidance for identifying and delineating wetlands when they used two sample points within a single disturbed community to represent that of all the community types within the appellant's property.

2. To address the reasons for why you determined the appeal has merit, you requested the District complete the following actions:

a. The district must adequately document how they characterized the hydrology, vegetation and soils characteristics for each community type within the site. The administrative record should be revised accordingly to document and reflect the factual data and this analysis.

3. On 2 July 2012, the District revisited the portion of appellant's property within the highway project study area to re-evaluate the AJD and to document the hydrology, vegetation and soil characteristics in each community type. Data from this field event were collected in accordance with procedures outlined in the 1987 Wetland Delineation Manual and the supporting Atlantic Gulf Coastal Plain Supplement (to the 1987 Manual).

4. The District has completed its documentation and re-evaluation of the AJD associated with the appellant's property. The wetland delineation remains unchanged as a result of the re-evaluation. The District believes that the actions requested under #2a, above, have been addressed.

5. The POC on this matter is Mr. Ronnie D. Smith, Project Manager. Mr. Smith can be reached by phone at 910-251-4829, or by email at: ronnie.d.smith@usace.army.mil.

FILENAME: 20120705 SAWs Memo to the ARO – SAW-1995-00459.doc.7a.doc

CESAW-RG-L/SMITH/aef

~~CESAW-RG-L/SHAVER/s~~ *bsf*

~~MAR 7/6/12 aef~~
CESAW-RG/FILE

STEVEN A. BAKER
Colonel, EN
Commanding

Enclosures

Copy Furnished:

Eddy O's Enterprises, LTD
Attn: Ms Lynne Stephens
717 West Dunlap 110
Phoenix, Arizona 85021

BCF:
CESAW-RG-L/SMITH
CESAW-RG-L/BETER



U.S. Department
of Transportation
**Federal Highway
Administration**

North Carolina Division 310 New Bern Avenue, Suite 410

Raleigh, NC 27601

(919) 856-4346

(919) 747-7030

<http://www.fhwa.dot.gov/ncdiv/>

March 8, 2013

In Reply Refer To:

HDA-NC

Ms. Lynne Stephens
Eddie O's Enterprises LTD
717 West Dunlap 110
Phoenix, AZ 85021

Dear Ms. Stephens:

Thank you for your letter dated November 21, 2012 to the President of the United States commenting on the Environmental Impact Statement for the proposed improvements to US 1 from Sandhill Road to Marston Road in Richmond County, North Carolina. The letter was forwarded by the White House to the Federal Highway Administration for our review and response.

We investigated your concerns regarding the appeal to the U.S. Army Corps of Engineers (USACE) on the approved jurisdictional determination of wetlands on the Eddie O's Property (Loch Haven Golf Course). As a result of your appeal, the USACE issued a memorandum on July 6, 2012 indicating that it had completed its documentation and re-evaluation of the approved jurisdiction determination and concluded that the wetland delineation remains unchanged.

Your comments are noted and a detailed response will be reflected in the upcoming Record of Decision. If you have any questions or need additional information regarding this project, please contact Mr. Felix Davila, Preconstruction and Environment Engineer, at (919) 747-7021 or felix.davila@dot.gov.

Sincerely,

For John F. Sullivan, III, P.E.

Division Administrator

Enclosure

cc: Edward M. Osinski, Jr/Eddie O's Enterprises, LTD
Derrick Weaver, PDEA NCDOT
Marie Pettiford, OST

Robert M. P.

Kathy Peterson
P.O. Box 483
Hartfield, VA 23071

November 21, 2012

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

This letter is in regards to the T.I.P. R-2501 US1 Bypass Highway Project in Richmond County NC that includes my property in the proposed construction corridor. Below are my comments to be included in the Final Environmental Impact Statement.

Within the highway corridor is a significant natural heritage area of regional importance where bog oatgrass, a state threatened plant and a federal species of concern occurs. This area and species are not mentioned in the Natural Resources Report or the FEIS. I believe this to be an omission worthy of discussion and mention in the FEIS. North Carolina Department of Transportation says it is important species – part of the natural heritage of the state. The State Highway Department says it wants to be an environmental leader. How can this be omitted from such an important document as the Final Environmental Impact Statement for this project?

Also, during the public hearing on October 30, 2012 at Rockingham High School, a speaker for Mr. Brown, a landowner in the preferred bypass corridor, made the mention of the presence of shiners on his property on Sandhill Rd. and said there did not appear to have been any fish studies in the Environmental Impact Statement. I am concerned about this. The Cape Fear shiner is an imperiled minnow species endemic (found nowhere else in the world) to the Cape Fear River basin in the North Carolina piedmont. Perhaps there are shiners elsewhere in the corridor; perhaps on our property.

It was also said by the speaker that survey dates in the Environmental Impact Statement for rare species show only 2 days of field work not during the optimal search seasons for one of the species. An NCDOT official, Drew Joyner said there were other reports that Mr. Brown didn't see. Were there more than two days of field work? What reports show that? Why aren't those reports available to the public during the hearing and commenting period?

It appears that this project is not addressing many environmental issues. I am very appreciative to you, Mr. President, if you will look into this matter on my behalf. I ask that you intervene prior to the Record of Decision and insist that these issues be investigated thoroughly.

Sincerely,


Kathy Peterson



U.S. Department
of Transportation
**Federal Highway
Administration**

North Carolina Division 310 New Bern Avenue, Suite 410
Raleigh, NC 27601
April 23, 2013 (919) 856-4346
(919) 747-7030
<http://www.fhwa.dot.gov/ncdiv/>

In Reply Refer To:
HDA-NC

Ms. Kathy Peterson
P.O. Box 483
Hartfield, VA 23071

Dear Ms. Peterson:

Thank you for your letter, dated November 21, 2012, to the President of the United States commenting on the Environmental Impact Statement for the proposed improvements to US 1 from Sandhill Road to Marston Road in Richmond County, North Carolina. The letter was forwarded by the White House to the Federal Highway Administration for our review and response.

Your comments are noted, and a detailed response will be reflected in the upcoming Record of Decision. If you have any questions or need additional information regarding this project, please contact Mr. Felix Davila, Preconstruction and Environment Engineer, at (919) 747-7021 or felix.davila@dot.gov.

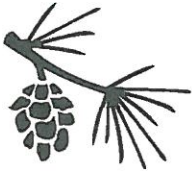
Sincerely,

/s/ Clarence W. Coleman, Jr.

For John F. Sullivan, III, P.E.
Division Administrator

cc: Derrick Weaver, PDEA NCDOT
Marie Pettiford, OST

File: NHF-1(1)
Reading File: 2013d23pe01.fd
FDavila:dkr:03/23/13



Eddie O's Enterprises LTD
Loch Haven Golf Center
P.O. Box 2500
Rockingham, NC 28380

June 12, 2013

Mr. John F. Sullivan
 US Department of Transportation
 Federal Highway Administration
 North Carolina Division
 310 New Bern Avenue, Suite 410
 Raleigh, NC 276011

Dear Mr. Sullivan,

RE: TIP R-2501

The purpose of this letter is to respond to your letter to us of March 8, 2013 regarding the request from the White House for your response. It is our opinion that your staff may have misunderstood the concerns that were raised.

Per our appeal with the USACE which was found to have merit, it was noted that the USACE district relied on faulty data from the consultant hired by the NCDOT. The USACE corrected that data. They instructed that the data provided to the USACE from the NCDOT should be revised to document and reflect the new data regarding the hydrology, vegetation and soil characteristics of the wetland area within the jurisdictional delineation, as per the USACE's field event of July 2, 2012.

Sincerely,

Lynne O. Stephens

cc: Edward M. Osinski Jr.
 President Barack Obama
 Felix Davila ✓
 Derrick Weaver

| FWHA-NC DIVISION | | | |
|--------------------------|--|----------------|--|
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| DIV ADMIN | | | |
| ASST DIV ADMIN | | | |
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U.S. Department
of Transportation
**Federal Highway
Administration**

North Carolina Division 310 New Bern Avenue, Suite 410

June 27, 2013

Raleigh, NC 27601

(919) 856-4346

(919) 747-7030

<http://www.fhwa.dot.gov/ncdiv/>

In Reply Refer To:

HDA-NC

Ms. Lynne Stephens
Eddie O's Enterprises LTD
Loch Haven Golf Center
P.O. Box 2500
Rockingham, NC 28380

Dear Ms. Stephens:

Thank you for your June 12, 2013 letter commenting on the Environmental Impact Statement for the proposed improvements to US 1 from Sandhill Road to Marston Road in Richmond County, North Carolina.

Regarding your appeal to the U. S. Army Corps of Engineers (USACE), the District revisited the portion of the property subject to the appeal to re-evaluate the approved jurisdictional determination and to document the hydrology, vegetation, and soil characteristics in each community type. We understand the USACE sent you a copy of their July 6, 2012 Memorandum which documents their decision that the wetland delineation remains unchanged as a result of the re-evaluation. Under the USACE jurisdictional determination appeals process, the re-evaluation finding and its entry into the administrative record is the final decision. The USACE South Atlantic Division Appeals Review Officer confirmed this determination to the USACE District in an e-mail on October 15, 2012 (Enclosure).

Based on the information presented above, the Federal Highway Administration (FHWA) has determined that the wetland delineations have been verified by the USACE. Please note that we will also respond to your comments in the upcoming Record of Decision. If you have any questions or need additional information regarding this project, please contact Mr. Felix Davila, Preconstruction and Environment Engineer, at (919) 747-7021 or felix.davila@dot.gov.

Sincerely,

For John F. Sullivan, III, P.E.
Division Administrator

Enclosure

cc: Eric Midkiff, PDEA NCDOT

SAW-1995-00459

MEMORANDUM FOR COMMANDER, SOUTH ATLANTIC DIVISION

SUBJECT: Re-Evaluation and Final District Decision on Approved Jurisdiction Determination SAW-1995-00459/ Eddy O's Enterprises, Limited.

1. Reference is made to your 7 June 2012 Administrative Appeal Decision, whereby the Approved Jurisdiction Determination (AJD) was remanded to the District for reconsideration and re-evaluation. In your decision, you stated the following reason why the appeal has merit:

a. Because the appellant's property contained more than one community type, the District did not correctly follow current regulatory criteria and associated guidance for identifying and delineating wetlands when they used two sample points within a single disturbed community to represent that of all the community types within the appellant's property.

2. To address the reasons for why you determined the appeal has merit, you requested the District complete the following actions:

a. The district must adequately document how they characterized the hydrology, vegetation and soils characteristics for each community type within the site. The administrative record should be revised accordingly to document and reflect the factual data and this analysis.

3. On 2 July 2012, the District revisited the portion of appellant's property within the highway project study area to re-evaluate the AJD and to document the hydrology, vegetation and soil characteristics in each community type. Data from this field event were collected in accordance with procedures outlined in the 1987 Wetland Delineation Manual and the supporting Atlantic Gulf Coastal Plain Supplement (to the 1987 Manual).

4. The District has completed its documentation and re-evaluation of the AJD associated with the appellant's property. The wetland delineation remains unchanged as a result of the re-evaluation. The District believes that the actions requested under #2a, above, have been addressed.

5. The POC on this matter is Mr. Ronnie D. Smith, Project Manager. Mr. Smith can be reached by phone at 910-251-4829, or by email at: ronnie.d.smith@usace.army.mil.

FILENAME: 20120705 SAWs Memo to the ARO – SAW-1995-00459.doc.7a.doc

CESAW-RG-L/SMITH/aef

~~CESAW-RG-L/SHAVER/s~~ *bst*

~~MAR 7/10/12 aef~~
CESAW-RG/FILE *b*

STEVEN A. BAKER
Colonel, EN
Commanding

Enclosures

Copy Furnished:

Eddy O's Enterprises, LTD
Attn: Ms Lynne Stephens
717 West Dunlap 110
Phoenix, Arizona 85021

BCF:
CESAW-RG-L/SMITH
CESAW-RG-L/BETER

Smith, Ronnie D SAW

From: Smith, Ronnie D SAW
Sent: Monday, October 15, 2012 9:45 AM
To: Steele, Jason W SAD; Carman, Elliott N Mr. SWD
Cc: Beter, Dale E SAW
Subject: RE: Eddy O's (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Okay, Thanks. That answers my question.

Ronnie Smith
Project Manager
U.S. Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403
Office: 910-251-4829
Fax: 910-251-4025

Website: <http://www.saw.usace.army.mil/WETLANDS>

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online.

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

From: Steele, Jason W SAD
Sent: Monday, October 15, 2012 8:56 AM
To: Smith, Ronnie D SAW; Carman, Elliott N Mr. SWD
Cc: Beter, Dale E SAW
Subject: RE: Eddy O's (UNCLASSIFIED)

I'm not sure what you're asking. A final decision on the appeal was made June 7, 2012 (Merit). The appeal decision had actions that were required of the District (SAW). The District (SAW) issued their final decision (upheld) on July 6, 2012. No further action is required from the District or SAD.

Jason W. Steele
U.S. Army Corps of Engineers
South Atlantic Division
Regulatory Appeals Review Officer
60 Forsyth Street SW
Suite 9M15
Atlanta, Georgia 30303-8801
Office: (404) 562-5137
Cell: (404) 788-8323
Fax: (404) 562-5138

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

From: Smith, Ronnie D SAW
Sent: Monday, October 15, 2012 8:52 AM

To: Steele, Jason W SAD; Carman, Elliott N Mr. SWD
Cc: Beter, Dale E SAW
Subject: Eddy O's (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Jason, Has a final decision been made in regards to the Eddy O's JD appeal? We have not seen any correspondence since we responded to the remand.

Ronnie

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE