

SECTION A.2

**AGENCY COORDINATION
(Federal)**



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

May 17, 1996

Mr. H. Franklin Vick, P.E., Manager
Planning and Environmental Branch
Division of Highways
North Carolina Department of Transportation
P.O. Box 25201
Raleigh, North Carolina 27611-5201



Dear Mr. Vick:

Subject: Report on reasonable and feasible alternatives for the proposed US 74, Shelby Bypass, Cleveland County, North Carolina, TIP No. R-2707

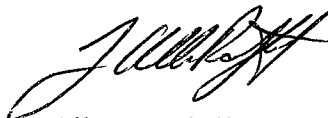
In your letter of May 1, 1996, you requested our concurrence with the range of reasonable and feasible alternatives for further evaluation in an environmental impact statement. The following comments are provided in accordance with the provisions of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

The U.S. Fish and Wildlife Service (Service) has reviewed the subject report. Little environmental information was provided in the report associated with the range of preliminary alternatives, so it is difficult for us to comment on whether the final four alternatives are the least environmentally damaging. From the maps provided in the report, it appears that all of the final four alternatives--northern bypass, southern bypass, widen existing US 74, and no-build--will involve one stream/river crossing over the First Broad River. It would have been helpful to overlay the National Wetlands Inventory data on a map to get a general idea of the possible wetland impacts associated with each of the preliminary alternatives. The Service does not object to the selection of the final four alternatives listed above. However, we encourage discussion of the use of existing facilities wherever possible for the two bypass alternatives (i.e., could the northern bypass incorporate portions of existing SR 1337, SR 1837, SR 1831, and SR 1832?).

Please do not hesitate to contact Ms. Janice Nicholls of our staff at 704/258-3939, Ext. 227, if you have any questions regarding our comments. We have assigned our Log Number

4-2-95-031 to this project. Please refer to this number in all future correspondence directed to us concerning this matter. Also, please note that our correct address is: 160 Zillicoa Street, Asheville, North Carolina 28801.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Allen Ratzlaff". The signature is fluid and cursive, with a large initial "J" and a stylized "R".

J. Allen Ratzlaff
Acting Field Supervisor

cc:

Ms. Stephanie Goudreau, North Carolina Wildlife Resources Commission, 320 S. Garden Street,
Marion, NC 28752

Davis/Grimes



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

June 26, 1996

IN REPLY REFER TO

Regulatory Branch

Action ID 199500864 (TIP No. R-2707)

Mr. H. Franklin Vick
Planning and Environmental Branch
North Carolina Department of Transportation
Post Office Box 25201
Raleigh, North Carolina 27611-5201

Dear Mr. Vick:

We have completed our review of the "Alternatives Analysis Report" dated April 1996 for the US Highway 74 Shelby Bypass, Cleveland County, North Carolina (TIP No. R-2702, State Project No. 8.1801001).

Based on the information presented, we have no objection to the designation of the three primary corridors and five crossover corridors as reasonable and feasible alternatives for this project. We understand that these reasonable and feasible alternatives will be analyzed in detail during the preparation of an Environmental Impact Statement (EIS). Please provide us with a copy of the Draft EIS as soon as it is available.

If you have any questions, please contact Mr. Steven Lund, at telephone (704) 271-4857.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Johnson".

Robert W. Johnson
Office Manager
Asheville Regulatory Field Office





United States
Department of
Agriculture

Natural
Resources
Conservation
Service

4405 Bland Rd., Suite 205
Raleigh, NC 27609

(919) 873-2138

August 23, 1996

Ms. Molly K. McDonald
De Leuw, Cather & Company
One Harrison Park, Suite 200
401 Harrison Oaks Boulevard
Cary, North Carolina 27513

Dear Ms. McDonald:

This is in response to your request for the completion of an AD-1006 form for US 74 Bypass in north Shelby, North Carolina. Due to the lack of soil information we cannot complete the form. Since we are unable to respond in the case, you may proceed as though the site was not farmland.

If you have any question please feel free to contact me at 919-873-2138.

Phillip L. Tant
Assistant State Soil Scientist



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

November 21, 1997

Mr. H. Franklin Vick, P.E.
Planning and Environmental Branch
Division of Highways
North Carolina Department of Transportation
P.O. Box 25201
Raleigh, North Carolina 27611-5201

Dear Mr. Vick:

Subject: US 74 Shelby By-Pass, Cleveland County, North Carolina, TIP No. R-2707

In her letter of October 13, 1997, Ms. Cindy Sharer, Project Planning Engineer, requested our concurrence with the inclusion of an environmental commitment in the draft environmental impact statement (DEIS) for the subject project. The following comments are provided in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to the information provided in your letter, surveys of the project corridors for the threatened dwarf-flowered heartleaf (*Hexastylis naniflora*) were inconclusive. *Hexastylis* was located; however, identification to species levels was not possible outside the flowering season; additional surveys are planned for the 1998 flowering period. The Federal Highway Administration wants concurrence to include a commitment in the DEIS that additional surveys will be conducted during the 1998 flowering period. If the species is located within the project corridors, the North Carolina Department of Transportation (NCDOT) would initiate informal consultation with the Service.

In our letter of January 3, 1995 (a reply to your December 2, 1994, scoping request), the Service described several known occurrences of *Hexastylis naniflora* in the project area and recommended that surveys for the species be conducted in suitable habitat. In our May 17, 1996, letter in which we reviewed the Alternatives Analysis Report for the NCDOT prepared by De Leuw, Cather and Company, we noted that there was little environmental information in the report associated with the range of preliminary alternatives to determine which was the least environmentally damaging.

The Service remains concerned about the potential impacts of the proposed project to listed species, wetlands, and streams. We encourage consideration of these issues early in the planning stages so that proper sequencing is allowed. Field surveys for listed species, wetlands, and streams should occur as soon as possible to allow for adequate consideration early in the design stage if any resources are identified. The Service recognizes the time and effort involved in conducting natural resource field surveys; however, these are necessary actions to adequately develop, analyze the effects of, and guide selection of the least environmentally damaging alternative to meet the transportation needs. The occurrence of *Hexastylis* spp. within the project corridors should have been verified earlier and been considered while developing preliminary alternatives. We suggest that the current process employed by the NCDOT is fundamentally flawed and does not allow adequate sequencing in order to avoid and/or minimize impacts to significant natural resources. Field surveys for environmental factors should be considered much earlier in the process of establishing and selecting preliminary corridors.

We agree that additional surveys are needed to verify the occurrence of *Hexastylis* within the project corridors. We could concur with the inclusion of the environmental commitment in the DEIS as long as decisions regarding alternative selection are not made prior to a full and complete disclosure of the environmental effects, including the presence/absence of this species in the project corridors. The DEIS should contain a statement that explicitly discloses that the proposed action may have major effects to a listed species, and these have not been completely defined. It would be helpful if the alternatives that involve this potential effect were clearly identified in the DEIS. Of course the DEIS would need to disclose some proposal for dealing with this environmental effect, and that would have to follow your additional surveys and our subsequent consultation, if necessary. So, there probably is no shortcut here. We either await the results of surveys during the flowering period or presume the occurrence of *Hexastylis naniflora* and begin informal consultation now.

Regarding the extensive population of *Hexastylis* spp. located within the study corridors, it is reasonable to assume that this is likely *Hexastylis naniflora*. Given the extent of its coverage, how will this occurrence be reflected in your selection of alternatives? At this point the Service continues to favor the selection of alternatives that avoid and/or minimize impacts to listed species, streams, and wetlands. We reiterate the importance of the early consideration of these resources in detail.

As for *Hexastylis naniflora*, the Service feels that we have made significant progress toward recovery of the species through the protection of existing populations. Service personnel recently met with scientists assisting with recovery efforts for this species, and it was noted that the protection of additional populations across its range could potentially lead to delisting the species soon. Additional protected populations are necessary within Cleveland County. The Service encourages you to identify an alternative that does not set back recovery efforts.

Thank you for keeping us informed as to the progress of this project. In any future correspondence concerning this matter, please reference our Log Number 4-2-95-031.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian P. Cole". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian P. Cole
State Supervisor

cc:

Ms. Cindy Sharer, P.E., Project Planning Engineer, Planning and Environmental Branch,
Division of Highways, North Carolina Department of Transportation, P.O. Box 25201,
Raleigh, NC 27611-5201

Mr. Joe H. Mickey, Jr., North Carolina Wildlife Resources Commission, 155 Timberbrook Trail,
State Road, NC 28676

Mr. Steve Lund, U.S. Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton
Avenue, Room 143, Asheville, NC 28801-5006

**APPLICATION FOR
DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)**

**OMB APPROVAL No. 0710-003
Expires October 1996**

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10: 1413, Section 404. Principal Purpose: These laws require authorizing activities in, or affecting, navigable waters of the United States, the discharge or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO. 2. FIELD OFFICE CODE 3. DATE RECEIVED 4. DATE APPLICATION COMPLETED

(ITEMS BELOW TO BE FILLED OUT BY THE APPLICANT)

5. APPLICANT'S NAME
N.C Department of Transportation
Planning and Environmental Branch
8. AUTHORIZED AGENT'S NAME AND TITLE
(an agent is not required)
William D. Gilmore, P. E. Manager
6. APPLICANT'S ADDRESS
P. O. Box 25201
Raleigh, NC 27611
9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NOS. W/ AREA CODE
a. Residence
b. Business (919) 733-7844
10. AGENTS PHONE NOS. W/ AREA CODE
a. Residence
b. Business

11. **STATEMENT OF AUTHORIZATION**
I hereby authorize, _____, to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)
Proposed construction of US 74 Shelby Bypass on new location and improvements to existing US 74 highway, both occurring in the vicinity of the City of Shelby, Cleveland County, North Carolina.

13. NAME OF WATERBODY, IF KNOW (if applicable)
 Sandy Run Creek, Beaverdam Creek, West Fork Brushy
 Creek, East Fork Brushy Creek, First Broad River,
 Hickory Creek, Buffalo Creek, Long Creek, Suck Creek,
 Potts Creek, Muddy Creek, and Moss Lake, plus other
 minor and/or unnamed streams and tributaries.

14. PROJECT STREET ADDRESS (if applicable)
 N/A

15. LOCATION OF PROJECT

Cleveland County
 County

NC
 State

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)
 See October 1, 1998 Administration Action Draft Environmental Impact Statement (DEIS).

17. DIRECTIONS TO SITE
 See October 1, 1998 DEIS.

18. Nature of Activity (Description of project, include all features)
 Construction of a four-lane, controlled access freeway on new location to bypass the existing four-lane section of US 74 through Shelby. The project will also include improvements to a full control access facility of existing US 74 from the eastern bypass terminus to SR 1001, and from the western bypass terminus to 1 km (0.6 mi) west of SR 1162. For planning purposes, new location alternatives (i.e., Bypass alternatives and Upgrade alternative) consist of corridors at least 1,000 feet in width. Required right-of-way for the project will total approximately 325 feet.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)
 Public highway facility. Detailed explanation of project purpose and need included in October 1, 1998 DEIS.

USE BLOCKS 20-22 IF DREDGED AND/ OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for discharge
 Roadway construction of US 74 Shelby Bypass on new location and improvements to existing US 74 highway.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards
 Roadway fill.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)**

Alternative	Wetlands (ac)***	Ponds and Impoundments (ac)	Stream crossings (ac)
1	0.53	2.44	5.16
3	0	2.11	3.94
7	0.53	2.36	4.50
9	0	2.03	3.28
13	0.53	2.09	5.13
15	0	1.76	3.92
16	0.53	2.02	4.47
18	0	1.69	3.26
19	0.53	2.04	4.50
21	0	1.71	3.28

** All data in the table generated from corridor-wide data, and is prorated to approximate right-of-ways.

*** Wetland data reflects the bridging of one of two wetland sites identified on the project (Site 3W, which corresponds to Alternate 1, 3, 7, and 9 crossing of Beaverdam Creek, and Site 37W, which corresponds to Alternate 13, 15, 16, 18, 19, and 21 crossing of Beaverdam Creek).

23. Is Any Portion of the Work Already Complete? Yes _____ No X
 IF YES, DESCRIBE THE COMPLETED WORK.

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).
 N/A due to 10 alternatives under consideration. Detailed NCDOT Relocations Report located in Appendix B of October 1, 1998 DEIS.

25. List of Other Certifications or Approvals/ Denials Received from other Federal, State, or Local Agents for Work Described in This Application.

AGENCY	TYPE OF APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE DENIED
N/A				

* Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the agent duly authorized agent of the applicant.

<u>W.C. Grant for W.D. Gbure</u>	<u>3/3/1999</u>	_____	_____
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

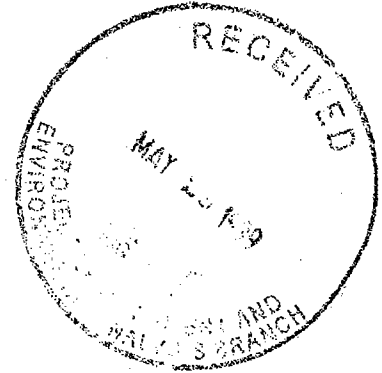
May 25, 1999

IN REPLY REFER TO

Regulatory Division

Action ID 199930376, TIP R-2707

William D. Gilmore, PE, Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
Post Office Box 25201
Raleigh, North Carolina 27611-5201



Dear Mr. Gilmore:

Reference the project team meeting held on May 5, 1999 at Cleveland Community College, Shelby, North Carolina regarding the proposal by North Carolina Department of Transportation (NCDOT) to construct the US Highway 74 Shelby Bypass, a 19-mile long, four-lane divided highway on new location north of the City of Shelby, Cleveland County, North Carolina (TIP No. R-2707, State Project No. 8.1801001). The purpose of this meeting was to obtain concurrence from the project team under the NEPA/404 merger process on the Least Environmentally Damaging Practicable Alternative (LEDPA).

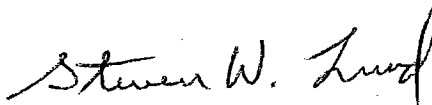
Project team members present at the referenced meeting included Mr. Brian Yamamoto of your staff, Mr. Dan Hinton, Federal Highway Administration, Mr. Steven Lund, Corps of Engineers, Mr. Alan Ratzlaff, US Fish and Wildlife Service, and Mr. John Hennessy, North Carolina Division of Water Quality. Based on the information provided in the Draft Environmental Impact Statement (DEIS) for this project, the team members concurred with the Southern Corridor as the LEDPA. Subsequent verbal concurrence on the Southern Corridor was provided by the remaining team members; Mr. Ted Bisterfeld, US Environmental Protection Agency, Mr. David Cox, North Carolina Wildlife Resources Commission, and Ms. Renee Gledhill-Earley, State Historic Preservation Office.

Several issues were discussed at the referenced meeting concerning minimization of impacts and the content of the Final EIS (FEIS). Members of the project team expressed concern over impacts to those sub-populations of the dwarf-flowered heartleaf (*Hexastylis naniflora*) that exist within the 1000-foot wide Southern Corridor. The NCDOT committed to developing a design that minimizes and mitigates impacts to this Federally-threatened species. Concern was also expressed over potential impacts to an unnamed tributary of Buffalo Creek between SR 2063 and the Light Oak community. The DEIS indicated that approximately 3600 feet of this stream would require relocation. A site inspection indicated that this stream is highly

functional with a diverse faunal community and is situated in a relatively narrow floodplain. NCDOT committed to minimizing channel relocations at this site. The project team requested that the discussion of the upgrade of existing US Highway 74 be expanded in the FEIS. Primarily, reasons for dropping this alternative from further consideration should include a discussion of the dual purpose of a new location corridor north of the city in serving as a connector for local traffic. Stream channel impacts should be reported in linear feet as well as acres in the FEIS. The project team also encourages NCDOT to develop a suitable plan to mitigate for unavoidable impacts to aquatic resources as early as possible. Onsite and near-site mitigation opportunities should be explored before offsite mitigation is considered.

If you have any questions, please contact me in the Asheville Regulatory Field Office at telephone (828) 271-4857.

Sincerely,



Steven W. Lund
Regulatory Project Manager

Copies furnished:

Mr. Dan Hinton
Federal Highway Administration
310 New Bern Avenue, Suite 410
Raleigh, North Carolina 27601

Mr. Alan Ratzlaff
US Fish and Wildlife Service
Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

Mr. John Hennessy
North Carolina Department of
Environment and Natural Resources
Division of Water Quality
4401 Reedy Creek Road
Raleigh, North Carolina 27607

Mr. Ted Bisterfeld
US Environmental Protection Agency
Wetlands Section, Region IV
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

Mr. David Cox
North Carolina Wildlife Resources Commission
Habitat Conservation Program
1141 I-85 Service Road
Creedmoor, North Carolina 27522

Ms. Renee Gledhill-Earley
North Carolina Department of Cultural Resources
Division of Archives and History
109 East Jones Street
Raleigh, North Carolina 27601-2807

**Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point No.4 – Avoidance and Minimization**

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

Federal Aid Project Number: NHF-74(14)

State Project Number: 8.1801001

TIP Number: R-2707

TIP Description: Shelby Bypass – US 74 Bypass from Existing US 74 West of Shelby to Existing US 74 East of Shelby

Avoidance and Minimization:

Avoidance and minimization measures are described in the attached handouts.

The Project Team concurred on this date of _____ with the avoidance and minimization measures for the proposed project as stated above.

USACE _____

NCDOT Jennifer Harrison 5/3/01

USEPA _____

USFWS Maude G. Barwick 6/11/01

NCDWQ _____

NCWRC _____

FHWA _____

NCDCR _____

Section 404/NEPA Merger Project Team Meeting Agreement Concurrence Point No.4 – Avoidance and Minimization

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

Federal Aid Project Number: NHF-74(14)

State Project Number: 8.1801001

TIP Number: R-2707

TIP Description: Shelby Bypass – US 74 Bypass from Existing US 74 West of Shelby to Existing US 74 East of Shelby

Avoidance and Minimization:

Avoidance and minimization measures are described in the attached handouts.

The Project Team concurred on this date of _____ with the avoidance and minimization measures for the proposed project as stated above.

USACE _____

NCDOT Jennifer Harrison 5/3/01

USEPA Rolanda Soy 6/13/01

USFWS _____

NCDWQ _____

NCWRC _____

FHWA _____

NCDCR _____

Section 404/NEPA Merger Project Team Meeting Agreement Concurrence Point No.4 – Avoidance and Minimization

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

Federal Aid Project Number: NHE-74(14)

State Project Number: 8.1801001

TIP Number: R-2707

TIP Description: Shelby Bypass – US 74 Bypass from Existing US 74 West of Shelby to Existing US 74 East of Shelby

Avoidance and Minimization:

Avoidance and minimization measures are described in the attached handouts.

The Project Team concurred on this date of 6-15-01 with the avoidance and minimization measures for the proposed project as stated above.

USACE Steven W. Lund

NCDOT Jennifer Harris on 5/3/01

USEPA _____

USFWS _____

NCDWQ _____

NCWRC _____

FHWA _____

NCDCR _____



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

May 11, 2004

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

Dear Mr. Sullivan:

Subject: Proposed US 74 Shelby Bypass in Cleveland County, North Carolina, Federal Aid No. NHF-74(14), State Project No. 8.1801001, TIP No. R-2707

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion (Opinion) based on our review of the proposed US 74 Shelby Bypass in Cleveland County, North Carolina, and its effects on the federally threatened dwarf-flowered heartleaf (*Hexastylis naniflora*) in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act). We received your January 15, 2004, revised request for formal consultation on January 20, 2004.

This Opinion is based on information provided in the January 2004 biological assessment, field investigations, and other sources of information. A complete administrative record of this consultation is on file in our office.

CONSULTATION HISTORY

In December 1994 we received a scoping letter requesting our comments on project R-2707, the Shelby Bypass. In January 1995 we provided comments about this project, including our concerns regarding the possibility of occurrences of the dwarf-flowered heartleaf in the project corridors. At that time we requested surveys for federally listed species. In October of 1997 we received a letter from the North Carolina Department of Transportation (NCDOT) explaining that *Hexastylis* sp. had been found in the project corridors. However, it was past the flowering time, and no conclusive determination could be made to the species level. Further surveys were scheduled for the spring of 1998, and a positive identification of *H. naniflora* was made. In January 1999 we reviewed, and provided comments on, the Draft Environmental Impact

Statement (DEIS), including our recommendation for formal consultation on impacts to the dwarf-flowered heartleaf from the subject project. In October 2000 we attended a field meeting to visit sites within the preferred alternative corridor and to address avoidance and minimization of impacts to *H. naniflora* and to streams and wetlands. In August 2003 the Federal Highway Works Administration (FHWA) submitted a biological assessment and requested initiation of formal consultation. In September 2003 the Service and the NCDOT discussed the need for further information regarding several aspects of the project. In October 2003 we officially requested more information from the FHWA. In January 2004 the FHWA submitted a revised biological assessment.

BIOLOGICAL OPINION

DESCRIPTION OF THE PROPOSED ACTION

The NCDOT proposes to construct a bypass around the town of Shelby, in Cleveland County, North Carolina, from existing US 74 west of Shelby to existing US 74 east of Shelby. The bypass is proposed to be a four-lane, divided, full-control-of-access facility, primarily on new location to the north and east of Shelby for about 13 miles.

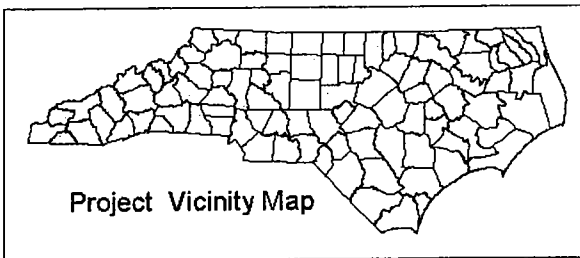
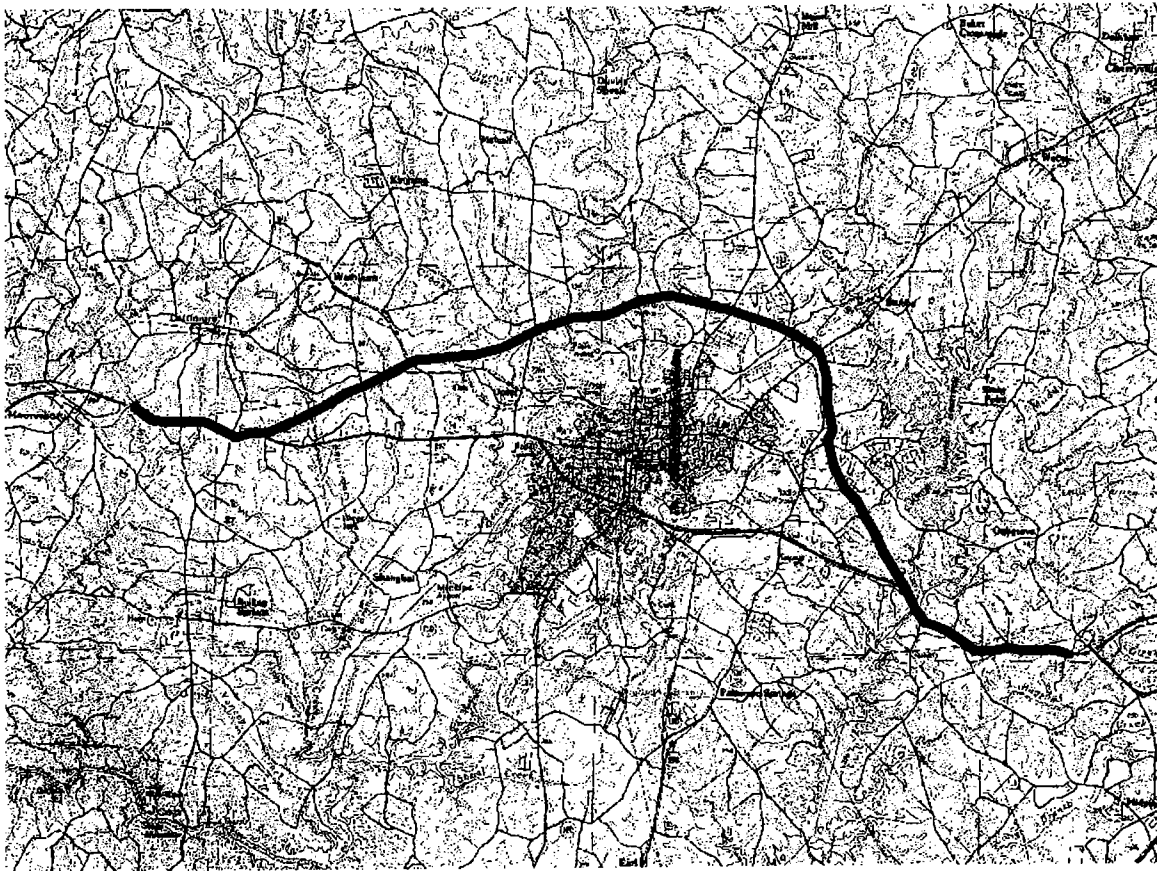
The proposed project will directly impact 19 occurrences or plant sites of the dwarf-flowered heartleaf, consisting of approximately 3,337 plants. Thirty-six dwarf-flowered heartleaf sites occur in the project corridor, and another 12 sites occur just outside the project corridor. Forty-eight occurrences, with approximately 16,405 plants, are found in the action area.

In the DEIS, the NCDOT evaluated 10 reasonable and feasible alternatives, all of which had direct impacts to the dwarf-flowered heartleaf. An alternative was chosen as the least environmentally damaging and practicable alternative. This alternative is referred to as the "preferred alternative" in the DEIS and is the alternative analyzed in the biological assessment for this project. Within the 1,000-foot-wide corridor of the preferred alternative, numerous steps were taken to avoid or minimize impacts to the dwarf-flowered heartleaf. These included minimizing fill slopes and cuts, realigning the roadway in a number of places to avoid or minimize impacts to occurrences, altering interchange configurations to avoid or minimize impacts, and conserving plants by incorporating them into the NCDOT right-of-way (ROW). In developing and evaluating avoidance and minimization measures, impacts to the dwarf-flowered heartleaf were considered, along with safety concerns, community impacts, and engineering and construction costs.

Action Area

The action area for this Opinion is the preferred alternative corridor for the Shelby Bypass, including areas within a 1-mile radius of the proposed interchanges, in Cleveland County, North Carolina (Figure 1).

Action Area



 Proposed
Shelby Bypass



Figure 1

Conservation Measures

Conservation measures represent actions, pledged in the project description, that the action agency will implement in order to minimize the effects of the proposed action and further the recovery of the species under review. Such measures should be closely related to the action and should be achievable within the authority of the action agency. The Service considers the beneficial effects of conservation measures in making its determination of whether the project will jeopardize the species and in the analysis of incidental take. However, such measures must minimize impacts to listed species within the action area in order to be factored into the Service's analyses.

The NCDOT proposes to offset project-related impacts primarily by four conservation measures--(1) conserving remaining plants in impacted sites already in the ROW or expanding the ROW to include these plants, (2) purchasing conservation easements to include some sites not directly impacted by construction of the project, (3) purchasing a 1,076-acre tract in Cleveland County with at least 10,796 dwarf-flowered heartleaf plants for perpetual conservation, and (4) minimizing direct impacts through project design and construction practices. The following describes each of these measures:

1. The NCDOT will obtain additional ROW around all or portions of 12 plant sites partially impacted by direct construction activities and located adjacent to the originally proposed ROW for the Shelby Bypass. Dwarf-flowered heartleaf plants that are assured to be protected in perpetuity are found in all or portions of Sites 7, 10, 11, 15, 16, 20, 22, 24, 25, 28, 30, and 32 (see Appendix A for site maps). In addition to these 12 sites, Site 19, falls outside the area of direct construction impacts but within the project's proposed ROW and will be preserved in perpetuity. Obtaining all or portions of these 13 sites through additional ROW acquisition will preserve, in perpetuity, 11.2 acres of dwarf-flowered heartleaf habitat containing an estimated 4,799 plants.

The majority of the conservation areas adjacent to the ROW could be indirectly impacted by the loss of shade and the invasion of nonnative species. Through conservation and management efforts, these potential indirect effects can be avoided. Invasive species such as English ivy (*Hedera helix*) and Japanese honeysuckle (*Lonicera japonica*) are already invading Sites 7, 15, 16, and 25. Therefore, the NCDOT proposes to monitor and control the nonnative invasive species on a case-by-case basis within each of the 13 sites obtained through additional ROW acquisition, in addition to any dwarf-flowered heartleaf properties that the NCDOT obtains via conservation easement.

2. The NCDOT will attempt to obtain conservation easements with access points for all of Sites 8, 9, 12, 13, 26, 33, 34, 35, and 43, in addition to the portions of Sites 24, 25, 30, and 32 not already covered by the additional ROW acquisition as mentioned above.

3. The NCDOT purchased a 1,079-acre parcel of land known as the Broad River Tract (formerly known as the International Paper Tract). Located in southwestern Cleveland County, the tract is approximately 4.5 miles southwest of the western terminus of the proposed Shelby Bypass and 1.0 mile southwest of the town of Boiling Springs, North Carolina. The site is situated west of NC 150, along the north side of the Broad River. Sandy Run Creek forms the western boundary of the subject property. The North Carolina Natural Heritage Program's Element Occurrence Records 49, 50, and 51 are now protected as part of the Broad River Tract. This mainly forested property contains 10,796 confirmed dwarf-flowered heartleaf plants along approximately 47 acres of habitat in the tract.
4. Minimization measures included in project design and proposed for project construction are described on page 8 of this Opinion, under the "Direct Effects" section.

STATUS OF THE SPECIES AND ITS CRITICAL HABITAT

Species Description and Life History

Hexastylis naniflora is a low-growing herbaceous plant in the birthwort family (Aristolochiaceae). Blomquist (1957) described the species in his revision of the genus *Hexastylis*. The plant's heart-shaped dark green leaves are evergreen and leathery and are supported by long thin petioles from a subsurface rhizome. Maximum height rarely exceeds 15 centimeters (6 inches). The jug-shaped flowers are usually beige to dark brown in color and appear from mid-March to early June. The flowers are small and inconspicuous and are found near the base of the petioles. The fruit matures from mid-May to early July (Blomquist 1957; Gaddy 1980, 1981). *Hexastylis naniflora* grows in acidic soils, usually along north-facing bluffs and adjacent slopes and in floodplains next to streams and creek heads in the upper Piedmont Region of North Carolina and South Carolina. It is most often found on Madison and Pacolet soils and is frequently associated with *Kalmia* (laurel). Its small flower distinguishes this species from other members of the genus *Hexastylis*.

Thrips (sucking insects) and flies are the major pollinators of most plant species in the genus *Hexastylis*. As yet, the pollination method for the dwarf-flowered heartleaf is unproven, but biologists speculate that it may use the same method as its related species. With most *Hexastylis* species, the vectors--flies and thrips--spend most of their lives in the plant's flower tissues and feed on pollen grains or on portions of the plant's outer skin. Once the flowers have been fertilized, ants distribute the seeds. These ants eat the coating of the seeds and leave the seeds near the plant site or by the ant nest. Seed germination takes place in the spring after the seeds have been exposed to cool temperatures. Germination in the dwarf-flowered heartleaf generally occurs in clusters. Some flowering *Hexastylis* plants, probably including *H. naniflora*, do not reach flowering age for 7 to 10 years. The plant's flowering period is mid-March to early June;

fruit production begins in mid- to late May; buds come in late July and develop by October. In the buds are next spring's flowers, and next year's leaf will not grow until the plant flowers again.

Status and Distribution

The dwarf-flowered heartleaf was listed as a threatened species on April 14, 1989 (54 FR 14964), under the authority of the Act. No critical habitat has been designated. Threats to the species at the time of listing included residential and industrial development, conversion of its habitat to pasture or small ponds, timber harvesting, and cattle grazing. When the Service listed *Hexastylis naniflora*, 24 populations were known in an eight-county area of the upper Piedmont Region of North Carolina and adjacent South Carolina. Since listing, the number of known extant dwarf-flowered heartleaf sites has increased from 24 to approximately 124, and the estimated number of known individuals has increased from about 5,900 to more than 248,000 (North Carolina Natural Heritage Program, in litt.; South Carolina Department of Natural Resources, in litt.; G. Newberry, University of South Carolina at Spartanburg, in litt.; North Carolina Department of Transportation, in litt.). The species' known range has also been expanded to include Polk, Caldwell, and Alexander Counties, North Carolina. The documented *Hexastylis naniflora* distribution is comprised of one site with an estimated 50,000 plants, 16 sites (14 percent) with more than 1,000 individual plants each, 8 sites (7 percent) with more than 500 plants, and 42 sites (34 percent) with more than 100 plants. Twenty-four sites (19 percent) have greater than 50 but fewer than 100 plants, and 19 sites (15 percent) have fewer than 50 plants. Fourteen sites (11 percent) have no size estimates. In addition, new sites have been located in Rutherford County, in the vicinity of the proposed improvements to US 221. Although population numbers are not yet known, preliminary surveys indicate several thousand plants.

The largest known site to date, in rural Burke County, North Carolina, is estimated to have more than 50,000 plants. This site was discovered during an NCDOT project review. The discovery of this large dwarf-flowered heartleaf occurrence was responsible, in part, for the NCDOT's changing their proposal and ultimately eliminating a new location section of the project that would have affected this population. While this occurrence is not formally protected, the relative lack of roads in the area and the retention of its rural character should serve to buffer the majority of this expansive occurrence of the dwarf-flowered heartleaf. The NCDOT has provided permanent protection for at least four dwarf-flowered heartleaf sites in addition to the 1,067-acre tract in Cleveland County. Two of these sites are less than an acre, with about 100 plants each; one site is about 3 acres, with more than 1,500 plants; and a fourth site is 25 acres, with plants numbering more than 10,000.

Analysis of the Species Likely to be Affected

The project area (within and immediately adjacent to the project corridor) contains 48 known sites with approximately 16,405 dwarf-flowered heartleaf plants. There are 36 sites within the corridor and 12 sites just outside the project corridor; 19 sites and approximately 3,337 plants will be directly impacted by construction. In the worst-case scenario, indirect impacts will affect

5,524 plants, and cumulative impacts are predicted to affect another approximately 1,460 plants. The project area contains about 6.6 percent of the known individuals of *Hexastylis naniflora*, and approximately 4.2 percent of the total known dwarf-flowered heartleaf individuals will be adversely impacted by the construction of the Shelby Bypass.

ENVIRONMENTAL BASELINE

Under section 7(a)(2) of the Act, when considering the effects of an action on federally listed species, we are required to take into consideration the environmental baseline. The environmental baseline includes past and ongoing natural factors and past and present impacts from all federal, state, or private actions and other activities in the action area (50 CFR 402.02), including federal actions in the area that have already undergone section 7 consultation and the impacts from state or private actions that are contemporaneous with the consultation in progress.

Status of the Species Within the Action Area

The project area contains approximately 6.6 percent of the known individuals of *Hexastylis naniflora* in 48 separate occurrences. Construction will directly impact 20 percent (3,337) of the total number of plants in the project area. Another 43 percent (6,984) of the plants in the area may be impacted indirectly or cumulatively. Approximately 6,084 plants (37 percent) will be preserved in perpetuity over the length of the project. Of the 48 total plant sites, 7 were considered to be of high quality, three of these will be directly impacted by the project, and four may be indirectly affected. There are no other federal actions ongoing or proposed for the action area at the present time.

Factors Affecting the Species' Environment Within the Action Area

Residential clearing; logging; agricultural practices, including livestock grazing; and invasive exotic species have impacted habitat in the project area. Of the 19 sites directly impacted by the project, three (total of 2 acres) were considered to be of high quality. These sites were relatively free of exotics, mostly undisturbed, and had vigorous plants. The remaining 16 sites already were impacted by various activities or had very small numbers of plants.

EFFECTS OF THE ACTION

Under section 7(a)(2) of the Act, "effects of the action" refers to the direct and indirect effects of an action on the species or its critical habitat, together with the effects of other activities that are interrelated or interdependent with that action. Under section 7 of the Act, the federal agency is responsible for analyzing these effects. The effects of the proposed action are added to the environmental baseline to determine the future baseline, which serves as the basis for the determination in this Opinion. Should these effects of the federal action result in a situation that would jeopardize the continued existence of the species, we may propose reasonable and prudent alternatives that the federal agency can take to avoid violation of section 7(a)(2) of the Act. The

discussion that follows is our evaluation of the anticipated direct and indirect effects of implementing the proposed highway project. Indirect effects are those caused by the proposed action that will occur later but that are still reasonably certain to occur (50 CFR 402.02). We have determined that there are no interrelated or interdependent actions apart from the action under consideration.

Factors to be Considered

The proposed highway project will provide a safer, less congested roadway for the local and regional traveling public. The full-control-of-access and freeway design will eliminate multiple connections to this bypass and allow the facility to serve as a high-speed corridor with adequate traffic capacity well into the future. Although there are direct impacts to approximately 3,337 individuals of the dwarf-flowered heartleaf, the remainder of the plants within the NCDOT's ROW will be protected from future disturbance. The total number of known plants (more than 248,000) is not considered a limiting factor toward recovery of the species; rather, it is the protection of populations that is limiting its recovery. The NCDOT has recently purchased approximately 1,000 acres that contain more than 10,000 dwarf-flowered heartleaf plants to help recover this species.

Analyses of the Effects of the Action

Direct Effects: An estimated 20 percent of the dwarf-flowered heartleaf plants (3,337 plants) that occur within the construction limits of this project will be lost. In addition, there is a corresponding loss of approximately 4.1 acres of habitat. However, viability of the local dwarf-flowered heartleaf population in the action area can be maintained. Actions that will be taken to reduce impacts to the dwarf-flowered heartleaf include limiting the disturbance area and protecting additional habitat for the species. Measures to minimize impacts were included in the design of the project, and additional measures will be implemented during project construction. Specific design measures include:

- Replacing the proposed bypass's west ramps with loop ramps on the east side at one interchange in order to create a buffer between a dwarf-flowered heartleaf site and the new interchange;
- Lowering the highway grade in one section to reduce impacts to three plant sites;
- Shifting the alignment of a connecting State Route (SR) to reduce impacts to a plant site. The relocated SR now crosses the plant site at its narrowest point. It also avoids crossing the confluence of three jurisdictional streams at the site, thereby maintaining as much of the site's natural hydrology as possible.
- Decreasing slopes from 3:1 and/or 4:1 to 2:1 to decrease the amount of area being impacted by fill and construction activities for at least two plant sites.

Measures to be implemented during construction include:

- Areas containing dwarf-flowered heartleaf plants, but not impacted by the project, will be clearly marked prior to any ground-disturbing activity on the site to assure that construction does not affect these plants.
- A Service biologist will attend the preconstruction meeting to discuss (a) the importance of avoiding the plants and (b) other environmental commitments that are a part of the project.
- The NCDOT will protect approximately 6,084 dwarf-flowered heartleaf plants within their ROW.

Indirect Effects: Induced development, particularly in the vicinity of interchanges, is a common indirect effect of highway projects. Historically, transportation has been viewed as a necessary precursor to economic development (Anderson et al. 1992), and transportation infrastructure is “one attractiveness to business investors” (Forkenbrock 1990). Other types of indirect effects may include biological pollution (e.g., invasive species) and changes in the hydrological regime. The distance a planted roadside species could invade into the woods (from the road surface border) ranges from 33 feet to 400 feet (Forman 1998). Consequently, indirect effects of the proposed Shelby Bypass may affect dwarf-flowered heartleaf sites up to 400 feet out from the edge of the mechanized clearing impacts. This example represents a worst-case indirect-effect scenario for the dwarf-flowered heartleaf. Through the management of invasive species and the conservation of the dwarf-flowered heartleaf, the indirect effects of the proposed bypass on dwarf-flowered heartleaf sites can be minimized. Sites proposed for on-site preservation will receive management to control nonnative invasive species, but sites that are not proposed for on-site preservation may incur indirect effects due to invasive species.

If development occurs as a result of the proposed US 74 Shelby Bypass, it will most likely occur at the interchange locations. A 1-mile radius around each interchange was used to project induced development. Nine interchange locations were evaluated for indirect effects due to the development that could occur as a result of the construction of the proposed Shelby Bypass. Projected development would produce indirect effects to the dwarf-flowered heartleaf at four of the proposed interchanges. The other five interchanges either have no plants within 0.5 mile or are not anticipated to induce development that would indirectly affect plant populations nearby. Additional indirect impacts are anticipated at plant sites close to the clearing limits due to the loss of shading and the invasion of aggressive exotic species. Activities at the four interchanges, combined with impacts to plant sites close to those directly impacted by the project, account for the potential indirect loss of 5,524 plants at 16 sites. However, the NCDOT will attempt to purchase conservation easements for 13 of these 16 sites to further reduce the likelihood of indirect effects.

Species' Response to the Proposed Action

It is expected that this highway project, with the protective measures described above, can be carried out with the total loss of only seven occurrences of the dwarf-flowered heartleaf and the partial loss of another nine occurrences. The direct loss of 3,337 plants represents only one percent of the number of known plants. The worst-case scenario of 5,524 plants lost to indirect impacts would represent 3.6 percent of the total number of known plants. This loss will not jeopardize the recovery of the species. Although a great many of the plants and populations have been discovered since the species was listed, relatively few are afforded any protection. The purchase of the Broad River Tract, with its 10,000 plus plants, coupled with the NCDOT's conservation efforts within the project corridor for this species, will significantly contribute to the recovery of the species.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future state, tribal, local, or private actions that are reasonably certain to occur in the action area considered in this Opinion. Future federal actions that are unrelated to the proposed action are not considered in this section because they require a separate consultation pursuant to section 7 of the Act.

Development outside the proposed interchanges presents the greatest cumulative threat to the remaining dwarf-flowered heartleaf occurrences in the project area. While the controlled-access freeway design will limit access to the highway, future commercial and residential development in this area could occur. A review of the land-use plans for the city of Shelby and Cleveland County indicate that several areas adjacent to the action area of the proposed project are zoned for commercial and residential development. These areas occur near interchange locations and include three plant sites, two of which are indirectly affected by the project. A total of 1,460 plants on 2.4 acres could incur cumulative effects from the project. Although these areas are the most likely to develop, there are no specific plans for developments at this time. We are not aware of any other future state, local, or private actions that are reasonably certain to occur within the action area that would not be subject to section 7 review. Therefore, cumulative effects, as defined by the Act, will not occur and will not be addressed further in this Opinion.

CONCLUSION

After reviewing the current status of *Hexastylis naniflora*, the environmental baseline for the action area, the effects of the proposed highway project, the cumulative effects, and the proposed conservation measures, it is our biological opinion that the project as proposed is not likely to jeopardize the continued existence of *Hexastylis naniflora*. No critical habitat has been designated for this species; therefore, none will be affected.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and federal regulations pursuant to section 4(d) of the Act prohibit the taking of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering. Harass is defined as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns, which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not for the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited under the Act, provided that such taking is in compliance with the terms and conditions of this incidental take statement.

Sections 7(b)(4) and 7(o)(2) of the Act generally do not apply to listed plant species. However, section 9(a)(2)(B) provides limited protection to listed plants from take to the extent that the Act prohibits the removal and reduction to possession of federally listed endangered plants or the malicious damage to such plants on areas under federal jurisdiction or the destruction of endangered plants on nonfederal areas in violation of state law or regulation or in the course of any violation of a state criminal trespass law. Therefore, for this Opinion, incidental take does not apply, and an incidental take statement is not necessary.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid the adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. We request that the following conservation recommendations be implemented by the NCDOT as part of the project plan:

1. Notify the North Carolina Plant Conservation Program (NCPCP) that plants will be lost to the proposed construction. Allow a qualified botanist from the NCPCP or a designated representative to transplant, if desired, any of the plants that would be lost to a different area for protection.
2. Monitor the dwarf-flowered heartleaf sites inside the ROW area annually for 5 years to determine their stability and to detect any construction effects (positive or negative) that occur which have not been anticipated (increased light, hydrology changes, etc.), and efforts to control exotics.

3. Provide a written report on monitoring and management efforts yearly until the project is completed.
4. Provide written documentation to the Service and to the North Carolina Natural Heritage Program regarding any successful efforts to obtain conservation easements on the 13 sites listed in Item 2 above.

In order for us to be kept informed about actions that minimize or avoid adverse effects or that benefit listed species or their habitats, we request notification of the implementation of any conservation recommendations.

REINITIATION/CLOSING STATEMENT

This concludes formal consultation on the action outlined in your January 15, 2004, request for formal consultation. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary federal agency involvement or control over an action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this Opinion, (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this Opinion, or (4) a new species is listed or critical habitat is designated that may be affected by the action.

If you or your staff have any questions concerning this Opinion, please contact Ms. Marella Buncick of our staff at 828/258-3939, Ext. 237, or me, Ext. 223. We have assigned our Log No. 4-2-95-031 to this project; please refer to it in any future correspondence concerning this project.

Sincerely,



Brian P. Cole
Field Supervisor

cc:

Mr. Steve Lund, U.S. Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006

Ms. Marla J. Chambers, Highway Projects Coordinator, North Carolina Wildlife Resources Commission, 12275 Swift Road, Oakboro, NC 28129

Ms. Jennifer Harris, Project Development and Environmental Analysis Branch, North Carolina Department of Transportation, 1548 Mail Service Center, Raleigh, NC 27699-1548
Regional Director, FWS, Atlanta, GA (ES/TE, Attention: Mr. Joe Johnston)

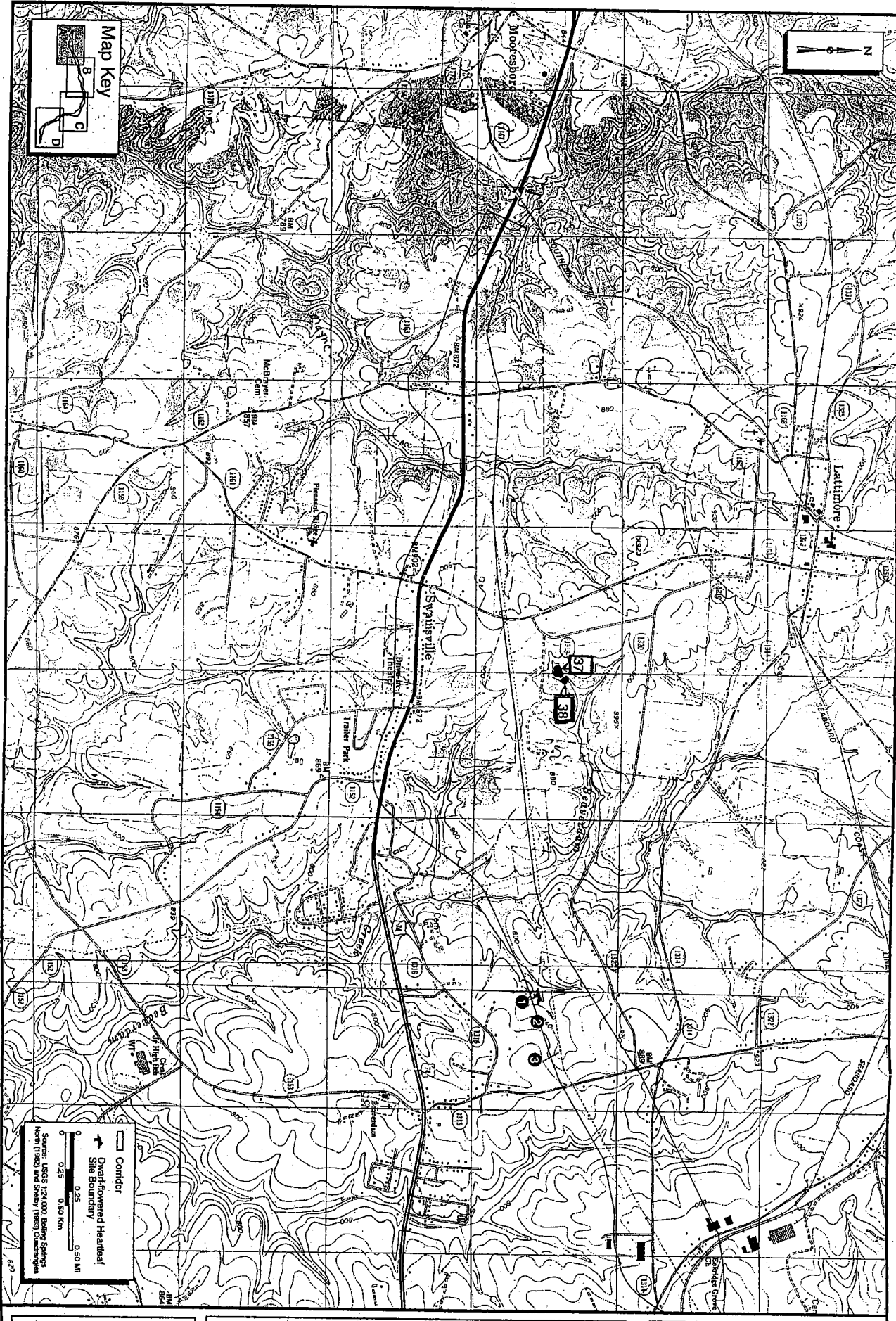
References:

- Anderson, S. J., R. Harrison, M. A. Euritt, H. S. Mahmassani, C. M. Walton, and R. Helaakoski. 1992. Economic impacts of highway bypasses. Research report 1247-3F, conducted for the Texas Department of Transportation in cooperation with the U.S. Department of Transportation, Federal Highway Administration.
- Blomquist, H. L. 1957. A revision of the *Hexastylis* of North America. *Brittonia* 8:255-281.
- Forman, R. T. T., and R. D. Deblinger. 1998. The ecological road-effect zone for transportation planning and a Massachusetts highway example. *In*: G. L. Evink, P. Garrett, D. Zeigler, and J. Berry, Eds. 1998. Proceedings of the International Conference on Wildlife Ecology and Transportation. FL-ER-69-98, Florida Department of Transportation, Tallahassee, Florida. 263 pp.
- Forkenbrock, D. J. 1990. Putting transportation and economic development into perspective. *In*: Transportation Research Record 1274: Transportation and Economic Development 1990. Transportation Research Board, National Research Council. Washington, DC.
- Gaddy, L. L. 1980. Status report on *Hexastylis naniflora*. Prepared for the U.S. Fish and Wildlife Service. Unpublished report. 25 pp.
- . 1981. The status of *Hexastylis naniflora* Blomquist in North Carolina. Unpublished report. 58 pp.

APPENDIX A

PLANT LOCATION SITE MAPS AND NUMBERS

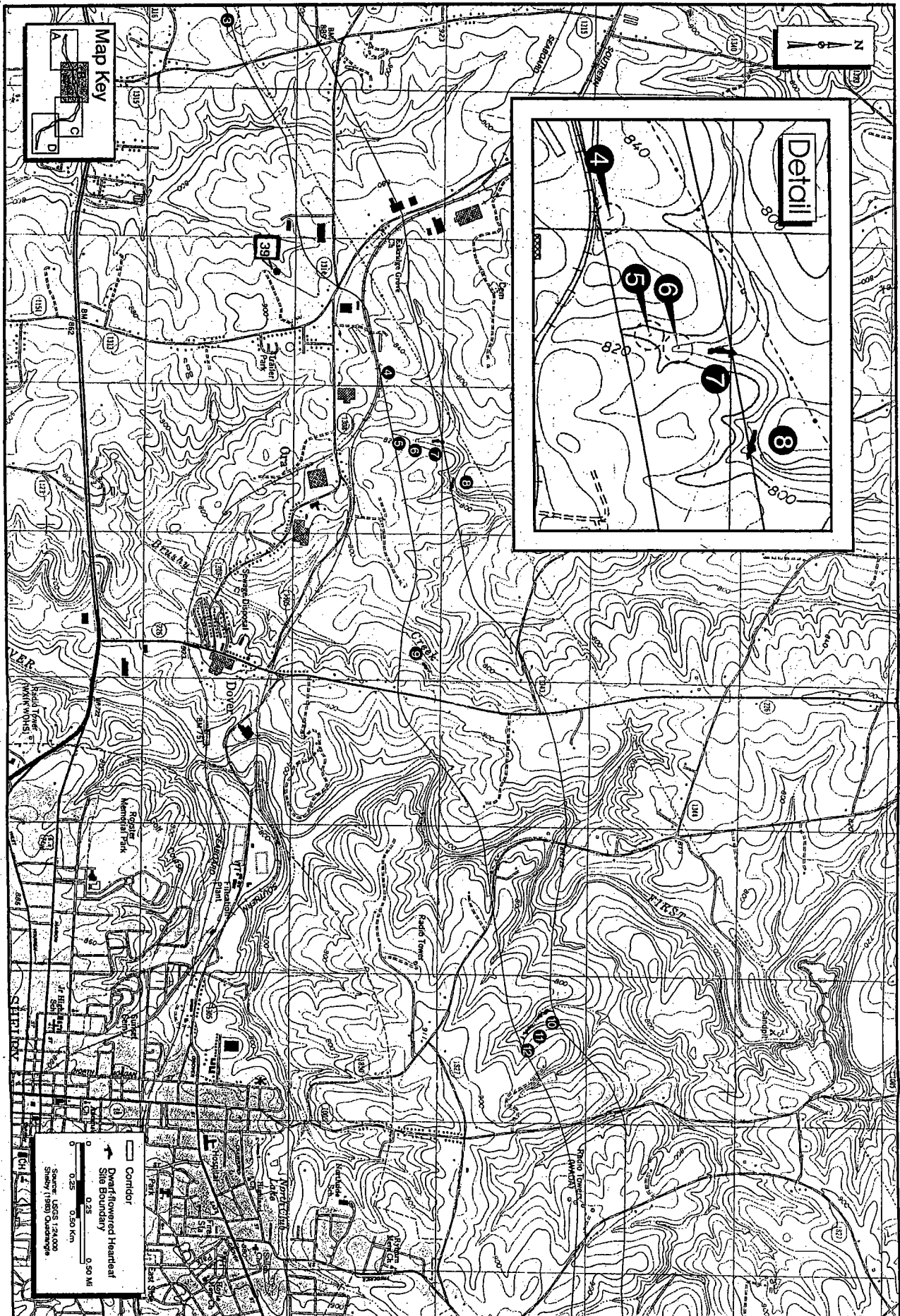
(Please note that these maps are not included with electronic copies.)



Environmental Services, Inc.

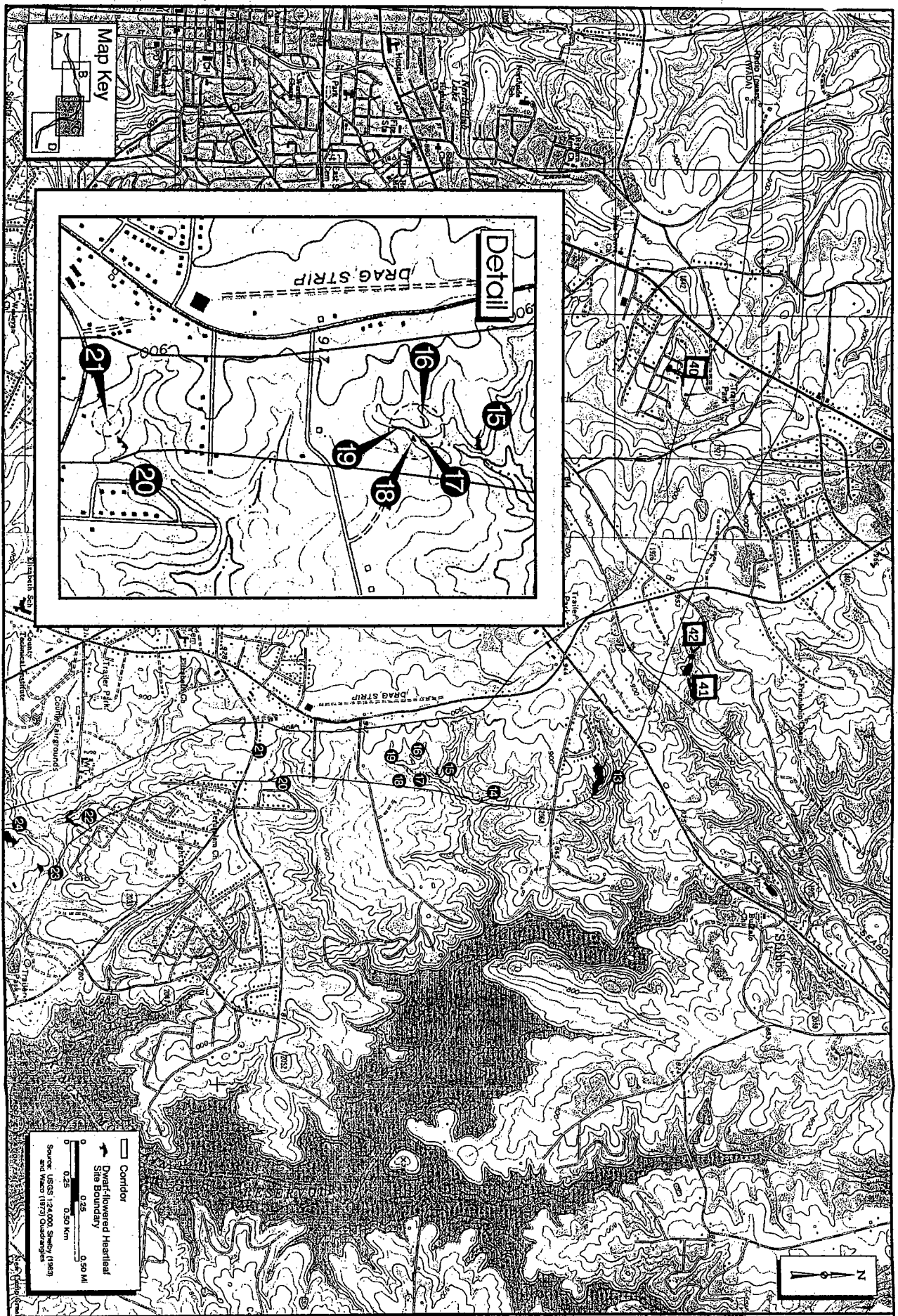
**Dwarf-flowered Heartleaf Sites
Shelby Bypass Natural Systems Study
Cleveland County, North Carolina**

**Figure B-1
DFHL Site Map (Sites 1-48),
Shelby Bypass Natural Systems Study
October 2000/September 2002**



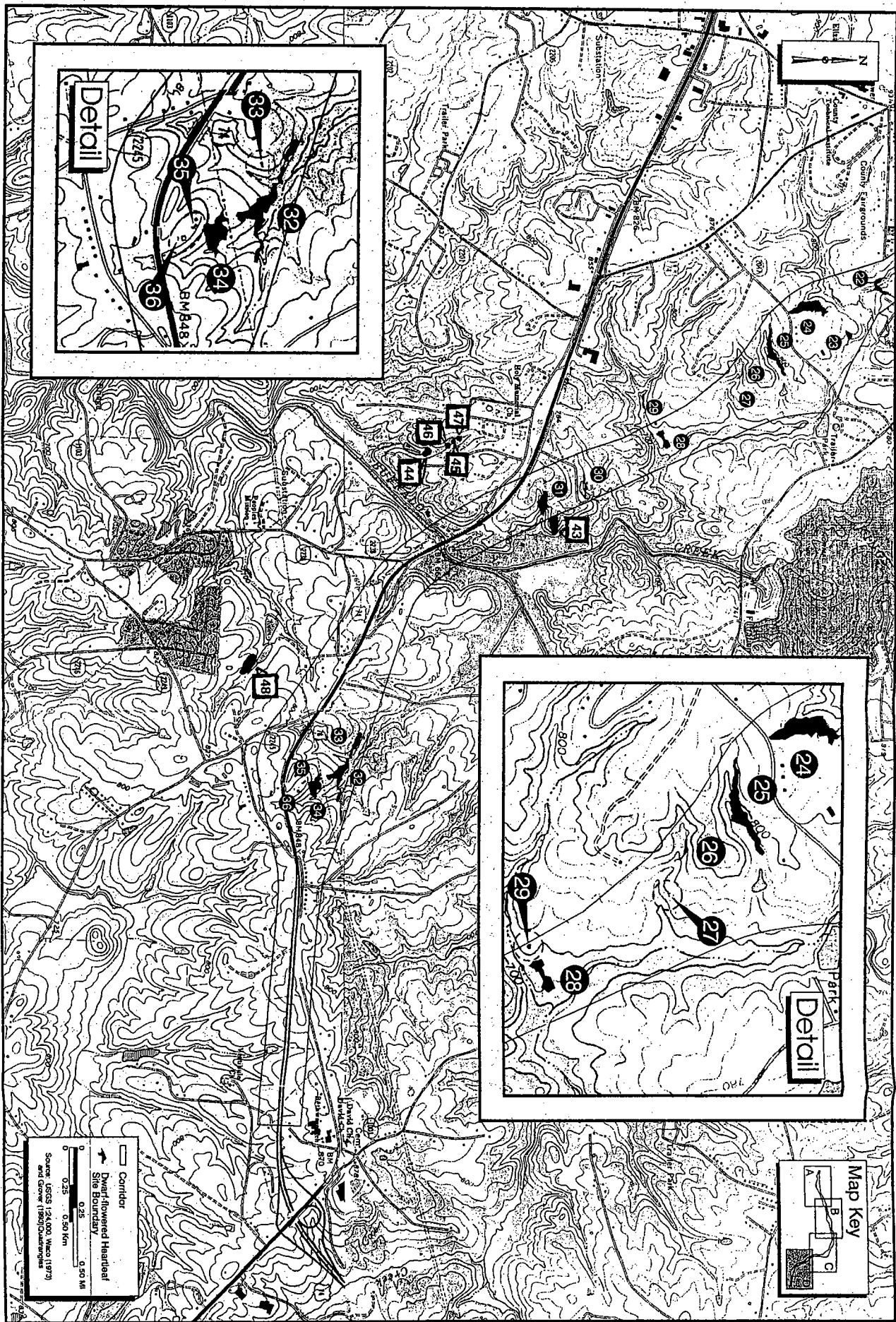
Dwarf-flowered Heartleaf Sites
 Shelby Bypass Natural Systems Study
 Cleveland County, North Carolina

Figure B-1
 DFHL Site Map (Sites 1-48),
 Shelby Bypass Natural Systems Study
 October 2000/September 2002



**Dwarf-flowered Heartleaf Sites
Shelby Bypass Natural Systems Study
Cleveland County, North Carolina**

**Figure B-1
DFHL Site Map (Sites 1-48),
Shelby Bypass Natural Systems Study
October 2000/September 2002**



Environmental Services, Inc.

Dwarf-flowered Heartleaf Sites
 Shelby Bypass Natural Systems Study
 Cleveland County, North Carolina

Figure B-1
DFHL Site Map (Sites 1-48),
Shelby Bypass Natural Systems Study
October 2000/September 2002

SECTION A.2

**AGENCY COORDINATION
(State)**

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Environmental Management

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
A. Preston Howard, Jr., P.E., Director



June 22, 1995

MEMORANDUM

To: Cindy Sharer
NCDOT

From: Eric Galamb *EG*

Subject: US 74 Shelby Bypass, Cleveland County, TIP No. R-2707

During the April 21, 1995 Steering Committee meeting, DEM requested that segments O, N and L be removed from further study unless they can be relocated out of the water supply critical area. DEM agreed to retain corridors 1 through 12, 18 through 20, and 26 for further study provided that the aforementioned segments are out of the critical area.

us74com.mem



☒ North Carolina Wildlife Resources Commission ☒

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

MEMORANDUM

TO: Cindy Sharer
NCDOT, Planning and Environmental Branch

FROM: David Cox, Highway Project Coordinator
Habitat Conservation Program *David Cox*

DATE: June 22, 1995

SUBJECT: US 74 Shelby Bypass, Cleveland County, North Carolina. TIP No. R-2707

This memorandum responds to a request from Mr. H. Franklin Vick of the NCDOT for our comments on the preliminary corridor alternatives for the subject project. We attended the steering committee meeting on April 21, 1995.

The map provided (Attachment E) seems to agree with our notes take at the meeting. We agreed that corridors 1 through 12, 18 through 20 and 26 would be retained for further study.

If we can be of further assistance please call me at (919) 528-9886.

cc: Stephanie Goudreau, Mountain Region Coordinator
Chris Goudreau, District 8 Fisheries Biologist
Jack Mason, District 8 Wildlife Biologist

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Parks & Recreation

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
Dr. Phillip K. McKnelly, Director



August 15, 1996

Ms. Molly McDonald
Senior Planner
DeLeuw, Cather & Company
One Harrison Park, Suite 200
401 Harrison Oaks Boulevard
Cary, NC 27513

Dear Ms. McDonald:

We have reviewed the area traversed by US 74 Shelby Bypass (R-2707) and find no parks or recreational facilities under the N.C. Division of Parks and Recreation's jurisdiction. I recommend that you contact the Shelby Recreation and Parks Department and request the location of local parks. In particular, any parks funded by the Land and Water Conservation Fund (LWCF) should be given special attention. Land that is taken from an LWCF site must be replaced.

Sincerely,

A handwritten signature in cursive script that reads "Bayard Alcorn".

Bayard Alcorn
Planning Officer

BCA/nch



North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

March 4, 1997

Division of Archives and History
Jeffrey J. Crow, Director

Nicholas L. Graf
Division Administrator
Federal Highway Administration
Department of Transportation
310 New Bern Avenue
Raleigh, N.C. 27601-1442

Re: Historic Structures Survey Report for US 74
Shelby Bypass, Cleveland County, R-2707,
Federal Aid Project NHF-74(14), State Project
8.1801001, ER 97-8452

Dear Mr. Graf:

Thank you for your letter of February 5, 1997, transmitting the historic structures survey report by Mattson, Alexander & Associates concerning the above project.

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

Cleveland County Bridge #79 (First Broad River Bridge), on eastbound US 74 over the First Broad River at the western city limits of Shelby. This property was previously determined eligible for the National Register under Criterion C through review of TIP W-3407.

Charles C. Hamrick House, south side of US 74 (Dixon Boulevard), near junction with W. Warren Street, Shelby. The Hamrick House is eligible for the National Register under Criterion C as a notable example of late-nineteenth-century farmhouse architecture in Cleveland County that illustrates an adaptation of the traditional I-house type to suite changing tastes during the post-Civil War decades. We believe the proposed boundaries are appropriate for this property.

Burwell Blanton House, north side of US 74, 0.5 mile east of junction with SR 1313, Shelby vicinity. The Burwell Blanton House is eligible for the National Register under Criterion C as a rare and unusually imposing example of post-Civil War architecture in Cleveland County. Its restrained decorative treatment testifies to the influence of the Italianate style in rural Cleveland County at the time. We believe the proposed boundaries are appropriate for this property.



Coleman Blanton Farm (Brushy Creek Dairy Farm) (CL 12), west side of SR 1343, 0.1 mile south of junction with SR 1342, Shelby vicinity. The Coleman Blanton Farm was placed on the state study list on January 10, 1996. It is eligible for the National Register under Criterion A for its agricultural significance as the first commercial dairy operation in the county. It is also eligible under Criterion C for architecture because its vernacular Queen Anne farmhouse is a particularly intact example of this domestic type, and the collection of outbuildings illustrates types of farm buildings erected to support dairy farming. We believe the proposed boundaries are appropriate for this property.

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

Leila Crowder Wilson House, east side of SR 1162, approximately 0.5 mile north of US 74, Lattimore vicinity. This house has undergone extensive interior alterations and finer examples of bracketed L-plan houses survive in the county, and it lacks special historical significance.

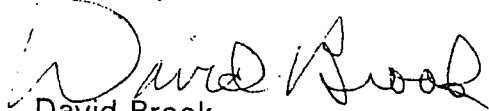
Dedmon House, west side of SR 1842, approximately 0.4 mile down unpaved lane, Shelby vicinity. There are more intact I-houses from this period surviving in Cleveland County, and the Dedmon House lacks special historical significance.

The report in general meets our office's guidelines and those of the Secretary of the Interior.

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,



David Brook
Deputy State Historic Preservation Officer

DB:slw

cc: ✓ H. F. Vick
B. Church

CONCURRENCE FORM
FOR
ASSESSMENT OF EFFECTS

Brief Project Description

US 74 SHELBY BYPASS

On SEPT. 11, 1997, representatives of the

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

reviewed the subject project and agreed

_____ there are no effects on the National Register-listed property within the project's area of potential effect and listed on the reverse.

_____ there are no effects on the National Register-eligible properties located within the project's area of potential effect and listed on the reverse.

_____ there is an effect on the National Register-listed property/properties within the project's area of potential effect. The property/properties and the effect(s) are listed on the reverse.

there is an effect on the National Register-eligible property/properties within the project's area of potential effect. The property/properties and effect(s) are listed on the reverse.

Signed:

Clay Ruffin September 11, 1997
Representative, NCDOT, Historic Architectural Resources Section Date

Wendy C. Spedigo 9/11/97
FHWA, for the Division Administrator, or other Federal Agency Date

Debra K. Bevin 9/11/97
Representative, SHPO Date

David K. Reed, Deputy 9/12/97
State Historic Preservation Officer Date

Federal Aid # NHF-74(14) TIP # R-2707 County CLEVELAND

Properties within area of potential effect for which there is no effect. Indicate if property is National Register-listed (NR) or determined eligible (DE).

BURWELL BLANTON HOUSE (DE), BRIDGE #74 (DE), AND CHARLES HAMERICK HOUSE (DE) - NO EFFECT FOR ALL ALTERNATIVES EXCEPT UPGRADE EXISTING-

COLEMAN BLANTON FARM (DE) - NO EFFECT FOR ALL ALTERNATIVES EXCEPT NORTHERN ALTERNATIVE AND CROSSOVER 3.

Properties within area of potential effect for which there is an effect. Indicate property status (NR or DE) and describe effect.

BURWELL BLANTON HOUSE (DE), BRIDGE #74 (DE), AND CHARLES HAMERICK HOUSE (DE) - ADVERSE EFFECT FOR UPGRADE ALTERNATIVE

COLEMAN BLANTON FARM (DE) - NO ADVERSE EFFECT FOR NORTHERN ALTERNATIVE AND CROSSOVER 3.

Reason(s) why effect is not adverse (if applicable).

Initialed:

NCDOT

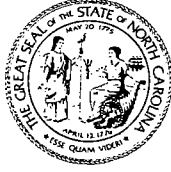
coj

FHWA

Weg

SHPO

WIS



North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary
October 28, 1997

Division of Archives and History
Jeffrey J. Crow, Director

Nicholas L. Graf
Division Administrator
Federal Highway Administration
Department of Transportation
310 New Bern Avenue
Raleigh, N.C. 27601-1442

Re: US 74 Shelby Bypass, R-2707, Cleveland County,
Federal Aid Project NHF-74(14), State Project
8.1801001, ER 98-7625

Dear Mr. Graf:

Thank you for your letter of September 23, 1997, transmitting the historic structures survey report by Mattson, Alexander & Associates concerning the above project.

We concur that the following properties are not eligible for listing in the National Register of Historic Places:

Whisnant Dairy Farm. The farmhouse is an altered example of the relatively common Craftsman-style bungalow, and the significance of the farm complex has been compromised by the presence of a number of post-World War II buildings.

Poston-Horn House. This house has been extensively altered, and lacks special historical or architectural significance.

The report meets our office's guidelines and those of the Secretary of the Interior.

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

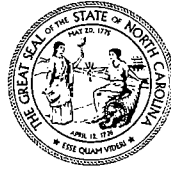
A handwritten signature in black ink that reads "David Brook". The signature is fluid and cursive, with the first name "David" being significantly larger and more prominent than the last name "Brook".

David Brook
Deputy State Historic Preservation Officer

DB:slw

cc: ✓ H. F. Vick
B. Church
Mattson, Alexander and Associates, Inc.





North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

Division of Archives and History
Jeffrey J. Crow, Director

October 28, 1997

Nicholas L. Graf
Division Administrator
Federal Highway Administration
Department of Transportation
310 New Bern Avenue
Raleigh, N.C. 27601-1442

Re: Archaeological and Historical Background
Report, US 74 Shelby Bypass (R-2707) Study
Area, Cleveland County, Federal Aid Project
NHF-74(14), State Project 8.1801001, 95-E-
4220-0384, ER 98-7624

Dear Mr. Graf:

Thank you for your letter of September 23, 1997, transmitting the Archaeological and Historical Background Report by Dr. Lee Novick concerning the above project.

This is an excellent background report which clearly describes the lack of survey information in the project area as well as the potential for unrecorded resources. We previously recommended that a comprehensive archaeological survey be conducted in association with this project and we concur with Dr. Novick's recommendation for a survey to take place within the preferred corridor.

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

A handwritten signature in black ink that reads "David Brook".

David Brook
Deputy State Historic Preservation Officer

DB:slw

cc: ✓ H. F. Vick
L. Novick





North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

Division of Archives and History
Jeffrey J. Crow, Director

February 18, 1998

MEMORANDUM

TO: H. Franklin Vick, P.E., Manager
Planning and Environmental Branch
Division of Highways
Department of Transportation

FROM: David Brook *David Brook*
Deputy State Historic Preservation Officer

SUBJECT: Scope of work for archaeological survey,
US 74 Shelby Bypass, Cleveland County,
Federal Aid Project NHF-74(14), State
Project 8.1801001, TIP R-2707, 95-E-
4220-0384, ER 98-7624

Thank you for your letter of January 20, 1998, transmitting the scope of work for the above project. We look forward to reviewing the report.

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

DB:slw

cc: N. Graf
L. Novick

MINUTES

AGENCY REVIEW MEETING

March 19, 1998

R-2707, US 74 - Shelby Bypass, Cleveland County; Cindy Sharer, P&E Project Planning Engineer

The project involves the construction of a bypass around the northern side of the City of Shelby. The proposed facility will be a four-lane divided freeway on new location. The Draft Environmental Impact Statement (DEIS) is being completed and should be circulated to the resource agencies for review and comment later this year.

The alternatives have changed from those previous reviewed by the resource agencies. The FHWA wanted the resource agencies to have an opportunity to review the revised alternative before the environmental document was circulated.

The original northern alternative requires relocating over 200 homes and businesses. The northern alternative was shifted to avoid a large number of minority relocations; however, the revised proposed alternative will impact a stream running into Buffalo Creek. The stream runs in the middle of the planning corridor; therefore, there is little chance of complete avoidance. The NCDWQ wants the stream to be relocated rather than culverted.

The resource agencies requested a survey of the stream and surrounding area be conducted to determine the quality of the stream and surrounding wetlands. A population of the dwarf flowered heart leaf may be located in the planning corridor. Surveys will be conducted for the endangered plant at the appropriate time.

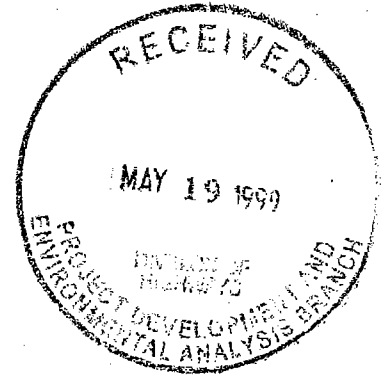
Grimes

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



James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
Kerr T. Stevens, Director

May 12, 1999



Mr. Steve Lund
U.S. Army Corps of Engineers
Asheville Regulatory Field Office
151 Patton Avenue, Room 143
Asheville, NC, 28801-5006

Subject: US 74 Bypass of Shelby in Cleveland County, T.I.P. No. R-2707; State Project No. 8.1801001; USACOE Action ID. 199930376

Dear Mr. Lund,

This letter is in reference to the Public Notice issued April 22, 1999 for the US 74 improvements to construct a new bypass around the town of Shelby, North Carolina in Cleveland County. The project is being planned in accordance with the 404/NEPA Merger agreement. The purpose of the permit application is to submit public input on the proposed reasonable and feasible alternatives. Please note that this application does not qualify as the formal application for a 401 Water Quality Certification; therefore, our 60-day time limit has not been activated. We look forward to participating in future team meetings on this project.

Thank you for your comments. If you have any questions, please contact either myself or John Dorney at John_Hennessy@h2o.enr.state.nc.us or at (919) 733-1786.

Sincerely,

John Hennessy
Environmental Scientist, NCDWQ

cc: Bill Gilmore, P.E., NCDOT
Mark Cantrell, USFWS
David Cox, NCWRC

C:\ncdot\TIP R-2707\R-2707 Public Notice



North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

Division of Archives and History
Jeffrey J. Crow, Director

June 10, 1999

MEMORANDUM

TO: William D. Gilmore, P.E., Manager
Project Development and Environmental Analysis Branch
Division of Highways
Department of Transportation

FROM: David Brook *David Brook*
Deputy State Historic Preservation Officer

SUBJECT: US 74 Shelby Bypass, Cleveland County, R-
2707, State Project 8.1801001, ER 99-
8828, ER 99-8839

Thank you for your letter of April 23, 1999, transmitting the survey report by Mattson, Alexander and Associates, Inc., concerning the above project. We have also received U.S. Army Corps of Engineers Public Notice for Action No. 199930376 from the Division of Coastal Management.

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

Criterion A: The Hamilton-McBrayer Farm is believed to be eligible for nomination to the National Register in the areas of agriculture and commerce. The residence, outbuildings, and adjacent agricultural land are representative of the evolution of a Cleveland County farmstead through the nineteenth and early twentieth centuries.

Criterion C: The Hamilton-McBrayer Farm is believed to be eligible for the architectural significance of the house and outbuildings. The residence is a substantially intact example of nineteenth century domestic architecture and the outbuildings are representative of vernacular building types and methods of construction in rural Cleveland County.

In a letter to you of April 20, 1999, in response to a nationwide permit application on this project, we advised that we previously recommended that an archaeological survey be conducted prior to construction activities. These comments still stand.

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



Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

DB:slw

cc: Nicholas Graf
Barbara Church
Steve Lund, Army Corps of Engineers, Asheville
Doug Huggett, Division of Coastal Management
Mattson, Alexander and Associates

CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS

Project Description: Shelby Bypass (US 74)

On August 17, 2000, representatives of the

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

reviewed the subject project and agreed

there are no effects on the National Register-listed property/properties located within the project's area of potential effect and listed on the reverse.

there are no effects on the National Register-eligible property/properties located within the project's area of potential effect and listed on the reverse.

there is an effect on the National Register-listed property/properties located within the project's area of potential effect. The property/properties and the effect(s) are listed on the reverse.

there is an effect on the National Register-eligible property/properties located within the project's area of potential effect. The property/properties and effect(s) are listed on the reverse.

Signed:

Richard W. Schum 10-19-00
 Representative, NCDOT Date

Michael C. Dawson 10/30/00
 FHWA, for the Division Administrator, or other Federal Agency Date

April Montgomery 10/19/00
 Representative, SHPO Date

Renee Hedkitt Earley 10/19/00
 for State Historic Preservation Officer Date

Properties within the area of potential effect for which there is no effect. Indicate if property is National Register-listed (NR) or determined eligible (DE).

Properties within the area of potential effect for which there is an effect. Indicate property status (NR or DE) and describe the effect.

THERE WILL BE NO ADVERSE EFFECT ON THE ME BRAYER FARM IF: US 74 IS WIDENED TO THE NORTH (AWAY FROM THE PROPERTY) AND A SERVICE ROAD IS ADDED OFF BROADWAY TO SERVICE TRAILERS ALL WITHIN EXISTING R-W. SEE 10/16/00 PRELIM. DESIGN DOC.

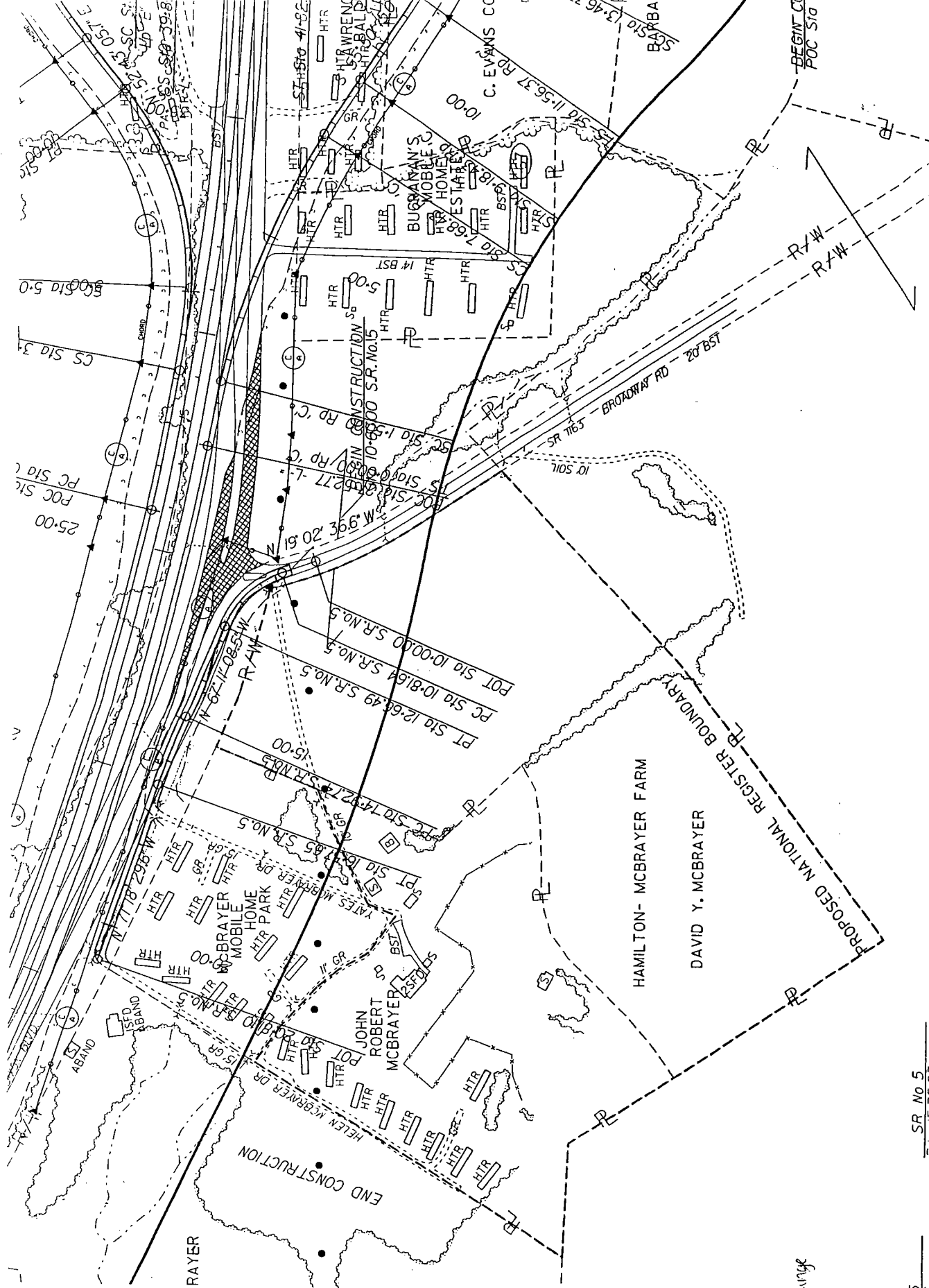
Reason(s) why the effect is not adverse (if applicable).

Initialed:

NCDOT RLG

FHWA MEO

SHPO AKJ



Preliminary
 Subject to Change
 10/16/60



North Carolina Department of Cultural Resources

State Historic Preservation Office

David L. S. Brook, Administrator

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

Division of Archives and History
Jeffrey J. Crow, Director

November 17, 2000

MEMORANDUM

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

From: David Brook *for David Brook*
Deputy State Historic Preservation Officer

Re: US 74-Shelby Bypass, TIP No. R-2707, Cleveland County, ER 99-8607

Thank you for your letter of August 16, 2000, transmitting the survey report by Richard Silverman, NCDOT concerning the above project.

For purposes of compliance with Section 106 of the National Historic Preservation Act, we concur that the following property is not eligible for listing in the National Register of Historic Places.

Evans and Edna Cooper House

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, Environmental Review Coordinator, at 919/733-4763.

DB:kgc

cc: Mary Pope Furr, NCDOT
Nicholas Graf, FHWA

	Location	Mailing Address	Telephone/Fax
ADMINISTRATION	507 N. Blount St., Raleigh NC	4617 Mail Service Center, Raleigh NC 27699-4617	(919) 733-4763 • 733-8653
ARCHAEOLOGY	421 N. Blount St., Raleigh NC	4619 Mail Service Center, Raleigh NC 27699-4619	(919) 733-7342 • 715-2671
RESTORATION	515 N. Blount St., Raleigh NC	4613 Mail Service Center, Raleigh NC 27699-4613	(919) 733-6547 • 715-4801



Jennifer Morrison

North Carolina Department of Cultural Resources
State Historic Preservation Office
David L. S. Brook, Administrator

Michael F. Easley, Governor
Lisbeth C. Evans, Secretary

Division of Archives and History
Jeffrey J. Crow, Director

March 21, 2001

MEMORANDUM

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

From: David Brook *David Brook*
Deputy State Historic Preservation Officer

Re: Archaeological Survey of the Proposed US 74 (Shelby Bypass),
Cleveland County, TIP R-2707, ER 98-7624

Thank you for your letter of December 11, 2000, transmitting the archaeological survey report by Caleb Smith of New South Associates concerning the above project.

During the course of the survey sixteen (16) archaeological sites and two (2) cemeteries were located within the project area. Testing was also conducted at 31CL50**. The author has recommended that no further archaeological investigation be conducted in connection with this project. We concur with this recommendation since this project will not involve significant archaeological resources.

The author recommends caution in the vicinities of the two cemeteries, so they will not be disturbed during construction. We concur with this recommendation as well.

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

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, Environmental Review Coordinator, at 919/733-4763.

DB:kgc

cc: John Wadsworth, FHWA

	Location	Mailing Address	Telephone/Fax
Administration	507 N. Blount St, Raleigh, NC	4617 Mail Service Center, Raleigh 27699-4617	(919) 733-4763 • 733-8653
Restoration	515 N. Blount St, Raleigh, NC	4613 Mail Service Center, Raleigh 27699-4613	(919) 733-6547 • 715-4801
Survey & Planning	515 N. Blount St, Raleigh, NC	4618 Mail Service Center, Raleigh 27699-4618	(919) 733-4763 • 715-4801

Section 404/NEPA Merger Project Team Meeting Agreement Concurrence Point No.4 – Avoidance and Minimization

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

Federal Aid Project Number: NHP-74(14)
State Project Number: 8.1801001
TIP Number: R-2707
TIP Description: Shelby Bypass – US 74 Bypass from Existing US 74 West of Shelby to Existing US 74 East of Shelby

Avoidance and Minimization:

Avoidance and minimization measures are described in the attached handouts.

The Project Team concurred on this date of _____ with the avoidance and minimization measures for the proposed project as stated above.

USACE _____ NCDOT Jennifer Harrison 5/3/01

USEPA _____ USFWS _____

NCDWQ _____ NCWRC _____

FHWA A. Hatchell 4/04/01 NCDCR Renee Medhill Early 5/12/01

Section 404/NEPA Merger Project Team Meeting Agreement Concurrence Point No.4 – Avoidance and Minimization

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

Federal Aid Project Number: NHF-74(14)

State Project Number: 8.1801001

TIP Number: R-2707

TIP Description: Shelby Bypass – US 74 Bypass from Existing US 74 West of Shelby to Existing US 74 East of Shelby

Avoidance and Minimization:

Avoidance and minimization measures are described in the attached handouts.

The Project Team concurred on this date of _____ with the avoidance and minimization measures for the proposed project as stated above.

USACE _____

NCDOT Jennifer Harris on 5/3/01

USEPA _____

USFWS _____

NCDWQ Gyathia F. VanDerWiele
5.25.01

NCWRC _____

FHWA _____

NCDCCR _____

**Section 404/NEPA Merger Project Team Meeting Agreement
Concurrence Point No.4 – Avoidance and Minimization**

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

Federal Aid Project Number: NHF-74(14)

State Project Number: 8.1801001

TIP Number: R-2707

TIP Description: Shelby Bypass – US 74 Bypass from Existing US 74 West of Shelby to Existing US 74 East of Shelby

Avoidance and Minimization:

Avoidance and minimization measures are described in the attached handouts.

The Project Team concurred on this date of _____ with the avoidance and minimization measures for the proposed project as stated above.

USACE _____

NCDOT Jennifer Harris on 5/3/01

USEPA _____

USFWS _____

NCDWQ _____

NCWRC Margell Huggins 6/1/01

FHWA _____

NCDCR _____

SECTION A.2

**AGENCY COORDINATION
(Local)**

TOWN OR LATTIMORE

P. O. Box 272
Lattimore, North Carolina 28089
Town Hall Phone 434-2620

Honorable Mayor
Rachel S. Lovelace

July 17, 1997

Mr. H. Franklin Vick
North Carolina Department of Transportation
Box 25201
Raleigh, N. C. 27611-5201

Dear Mr. Vick:

Re: Proposed Highway 74-West, By Pass

This is to inform you of our recent annexation, effective May 14, 1997 of 135 acres, south of our corporate limits. We were not aware that you were not aware of this!

As you can see from our new Town Map, the northern route completely cuts our newly annexed area in half. Since we are such a small town, we need all the tax base we can get. Not only does it ruin the homes that are destroyed, property values will go straight down along the perimeter of this road.

Our greatest concern is the number of dead-end streets that would be created. We have one of the finest Volunteer Fire Department (#7) in the entire area. The move may have to turn many home over to a district much farther away, because of response time. Not to mention everyone's inconvenience. Losing these homes could cause the loss of trucks, equipment if our fire district would have to be changed.

These are our major reasons for requesting the Southern Route be used for the Bypass.

I realize, that everyone and every plot of land can't be spared, if we are to have a new road. It just seems the reasons listed at the bottom of the petition, should be considered when choosing the route.

Thank you for listening, and we'll see you in Shelby for the next meeting. You also are invited to Lattimore to see what we are trying to accomplish within our ninety-eight year old town.

Sincerely

Rachel S. Lovelace

Rachel S. Lovelace
Mayor

pm

Enclosure: Maps

- c Cindy Sherer
- c N. C. Department of Transportation, Clyde Ledbetter

Post-It® Fax Note	7671	Date	7/22	# of pages	1
To	DANA BRANTLEY	From	CINDY SHARER		
Co./Dept.	DELEUW	Co.	NCDDOT		
Phone #		Phone #			
Fax #	677-7820	Fax #			