

**APPENDIX B**

**COMMENTS AND RESPONSES TO THE DRAFT EIS**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

January 22, 1999

4EAD/OEA

Mr. William D. Gilmore, P.E.  
Manager, Planning and Environmental Branch  
Division of Highways  
North Carolina Department of Transportation  
P.O. Box 25201  
Raleigh, NC 27611

Subject: US 74 Shelby Bypass; Cleveland County, NC  
T.I.P No. R-2707; D-FHW-E40778-NC

Dear Mr. Gilmore:

The Environmental Protection Agency, Region 4 (EPA) has reviewed the subject Draft EIS in accordance with Section 102(2)(C) of the National Environmental Policy Act, and Section 309 of the Clean Air Act. We have the following comments on the Shelby Bypass project.

#### PURPOSE AND NEED

Economic development is one of the project objectives. It is stated that the new bypass would stimulate growth in the Shelby area. With Charlotte reasonably close, it could be that such a bypass would be a motivating factor for persons now working in Shelby to seek better jobs further from home. The economic stimulatory effects of the proposed bypass should be supported by references.

#### ALTERNATIVES

1. Mass transit was considered but rejected because of several factors about the local area that make mass transit not beneficial. While low population density, cars per dwelling unit, and dispersed employment centers are some valid factors to determine MT utility within the Shelby area, the analysis should also determine the numbers of potential MT users who would be commuting into the metropolitan Charlotte area that do not need their vehicles to do their jobs. It is important to do this on a much broader scale than just Shelby and Cleveland County, and Table 3-4 of Daily Commuting Patterns needs to be completed.

2. The document should also define the highway level-of-service at and below which drivers would become disenchanted with car commuting. Since the US 74 corridor is considered a key intrastate route, please also define whether there is a future date when HOV lanes designation would be considered.
3. A bypass south of the Shelby central business district (CBD) was identified in the preliminary screening but not included in the 10 reasonable and feasible corridors. Surprisingly, neither this corridor nor any other south of the CBD was included in a total of 25 alternatives considered for detailed evaluation. EPA is requesting that preliminary corridor A-R or an appropriate alternative south of the CBD be considered to the same extent as the 10 reasonable/feasible alternatives. The Final EIS should present the comparison in terms of the land use, socio-economic and environmental criteria used to derive the final alternatives. The rationale for eliminating a south bypass (Segment A-R) on page 2-18 is extremely brief. We think the positive developmental aspects of planning a freeway within close proximity to the Shelby Airport (southwest of the CBD) would be a definite positive factor rather than a hindrance to airport expansion.
4. A proposed major thoroughfare is shown on Exhibit 1-2 as a blue dashed line. However, it appears that it was not considered in any alternative configuration to meet the transportation purpose of the proposed US 74 bypass. Upgrading this design of this proposed future roadway should receive consideration. Further, it is important for the projected traffic (ADT) volumes to be factored into the evaluation because this major roadway is likely to serve as a shorter US 74 thru-traffic bypass. The Year 2020 traffic volume data (Exhibit 2-12) does not show this roadway. This oversight should be explained.
5. The Alternatives chapter defines the lengths of several crossover segments, and a total project length of approximately 19 miles. There is very little difference in length for the north alternatives. A comparison in the EIS of a bypass to the south of Shelby is justified because it could be much shorter and potentially present less impacts to the man-made and natural environments.

## ENVIRONMENTAL CONSEQUENCES

### Air Quality Impacts

1. Air quality conditions are addressed in Chapter 3 where it is stated that Cleveland County is in attainment. Data from the nearest air quality monitors should be given

for the project area to support this conclusion.

2. We note the selection of the future location of NC 18 and the proposed bypass interchange for modeling the worst case air impacts. Please explain why this interchange was selected in deference to NC 150 where heavy design year traffic on NC180, in apparent close proximity to the interchange, could contribute to local conditions. Also, the design year level of service at the proposed Washburn Switch Road (SR1313) interchange is LOS D, indicative of heavy congestion and potentially degrading air quality. Washburn Switch Road is projected to serve a growing industrial area and this could change the car-truck pollutant mix, increasing the particulates and NOx parameters.
3. On page 3-51 it is indicated that a temperature of 49 degrees F as the minimum and maximum daily temperature for modeling. Because NCDOT intended to model worst case scenarios during winter, we suggest that this temperature may not be the minimum for worst case winter conditions. If NCDOT wishes to continue to use the 49 degrees temperature, the agency should submit documentation supporting that decision.

#### Noise Impacts

1. Part of the analysis included the measurement of ambient noise levels at 13 receptors identified in Table 3-14. It is noted that all but one receptor is located at a uniform 25 feet from mostly busy roadways. These were the only data used to calibrate the model and it is unclear why other sites distant from major/minor thoroughfares (but potentially close to the proposed bypass) were not monitored. How were such receptors accounted for with much lower ambient noise levels?
2. Referencing the list of 25 preliminary corridors developed, noise impacts of a north bypass would be experienced by 137 to 205 sensitive receptors. Of alternatives determined to be reasonable and feasible, those that could be receive cost-effective mitigation would be only 8 to 32, depending on alternative. NCDOT is encouraged to continue to consider further mitigation if a north bypass is selected. It is not indicated in the document how many of those receptors impacted are considered minorities or low income.

#### Relocations

1. There is considerable differences between the total (residence, business, non-profit)

2. relocations for the 10 reasonable and feasible alternatives included in Table 2-4 listing of the 25 detailed study alternatives, and those same 10 alternatives listed in Table 4-2. While this perhaps is attributed to refinement of the corridor width, it is not explained. For some alternatives, the difference is more than 100 relocations.
3. Relocation impacts to minority or low income groups would not be disproportionate compared to the community as a whole, based on the data in the EIS.

### Water Resources

1. The greatest adverse impacts from this project would be to streams from destroying natural stream-beds and relocating the streams by converting floodplain or upland to aquatic habitat. While it may not be possible to reduce the number of stream crossings for a north bypass, the stream relocations appear to be excessive and in need of further consideration. Alternatives 3, 9, 15, 18 and 21 have the lesser degree of impact to the collective wetland/surface water resources. Additionally, it is extremely poor siting to select a route that requires two crossings of the First Broad River. Ways to avoid the need for stream relocations and mitigation of unavoidable impacts were not well addressed, other than to commit to coordination with resource agencies. It may be difficult to find suitable mitigation projects for stream impacts.
2. For only one stream (Buffalo Creek , 3600-foot segment) is the linear distance of stream relocation impact stated in the text. Expressing stream impacts only as acreage makes it difficult to realize the extent of the impact.
3. It is noted that all of the north bypass alternatives would traverse two water supply watersheds but avoid the zones of critical water quality protection. Ideally, this is the type area that highway location should avoid or communities should mitigate maximally through stringent zoning that precludes dense or otherwise incompatible development with water supply protection. Development control capability by the City of Shelby is indicated on page 4-13, but it is not indicated for the county. Accordingly, long term degradation of surface waters in these watersheds north of Shelby is a concern to EPA.
4. Wetlands impacts appear to not be great. Based on the analysis in the EIS, EPA believes it should be possible to reduce those impacts to essentially zero. Otherwise, NCDOT should contact the North Carolina Wetlands Restoration Program (WRP) as soon as possible to determine whether the program has

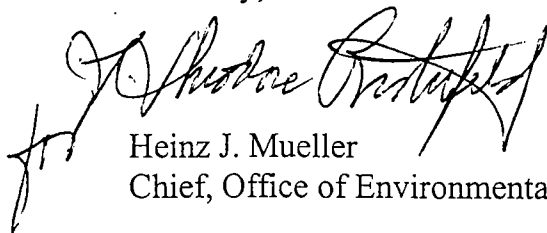
restoration projects planned in this watershed, and whether the WRP will accept contributions from NCDOT in this case.

## SUMMARY

EPA believes the adverse impacts to surface water quality from stream relocation, and lack of county development controls are the greatest concerns presented by this project. Additionally, the estimated total displacement of persons and facilities within a north bypass right-of-way and the significant noise impacts, collectively, are enough reason to reconsider a bypass south of Shelby. The document did not provide enough technical and environmental rationale supporting the decision to discard such an alternative. For the north alternatives, EPA does not have a great preference for any particular one of the 10 final alternatives. That decision should await further analyses of a south bypass, as EPA is requesting, and details about minimization of surface stream relocation impacts. Accordingly, EPA is rating the project EC, meaning we have environmental concerns that should be avoided to fully protect the environment. Corrective measures or alternative alignments are likely available to adequately reduce the identified impacts. Further, the adequacy of the document is rated "2" because there is insufficient information about a south bypass, and the full scope of the stream impacts are not defined.

EPA is willing to assist in resolving the concerns raised in this review. Thank you for providing the opportunity to review the Draft EIS. Mr. Ted Bisterfeld on my staff will serve as the primary contact regarding our comments, and can be reached at 404/562-9621.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz J. Mueller", is written over a printed name and title.

Heinz J. Mueller  
Chief, Office of Environmental Assessment

cc: Roy Shelton, FHWA, Raleigh  
John Hefner, USFWS, Raleigh  
Melba McGee, NCDENR



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Asheville Field Office  
160 Zillicoa Street  
Asheville, North Carolina 28801

January 21, 1999



Mr. William D. Gilmore, 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. Gilmore:

Subject: Draft environmental impact statement for the US 74 Shelby Bypass, Cleveland County, North Carolina, Federal Aid Project No. NHF-74(14), State Project No. 8.1801001, T.I.P. No. R-2707

In your letter of October 26, 1998, you requested our comments on the draft environmental impact statement (EIS) for the US 74 Shelby Bypass, Cleveland County, North Carolina. 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 with your letter, the North Carolina Department of Transportation's Division of Highways is proposing to construct a four-lane controlled-access freeway on a new location to bypass Shelby and to improve the existing US 74 (from SR 1001 to 1 kilometer [0.6 mile] west of SR 1162) to a full control of access facility. Major alternatives considered in the draft EIS include a bypass on a new location and an upgrade of the existing facility. We have reviewed the draft EIS and provide the following comments:

Listed Species. Since each alternative evaluated in the draft EIS will directly impact *Hexastylis naniflora*, the Federal Highway Administration should request consultation with our office. Requests for consultation must include: (1) a description of the action to be considered; (2) a description of the specific area that may be affected by the action (we now request that this include accurate latitude/longitude coordinates); (3) a description of the listed species affected by the action; (4) a description of the manner in which the action may affect the listed species and an assessment of any cumulative effects; (5) reports, which should include any updates to the draft EIS or biological assessment; and (6) any other relevant available information about this action, the

affected listed species, or critical habitat. We believe that selection of the upgrade alternative or a southerly alternative would minimize or potentially avoid impacts to *Hexastylis naniflora*. Therefore, we do not believe these alternatives should be dropped from consideration at this time. As we indicated in our November 21, 1997, letter, the potential recovery of *Hexastylis naniflora* depends on the protection and management of populations across the species' range, including Cleveland County. If an alternative for this project is selected that will affect this species, we will then likely focus on measures that will lead to the recovery of *Hexastylis naniflora*.

Stream and Wetland Impacts. The Service recommends that streams and wetlands be avoided whenever possible. If this is not feasible, we recommend minimizing impacts to jurisdictional waters through designs that include bridges which span the bankfull width and the flood plain.

Although the draft EIS includes a listing in Table 3-21 of the potential stream and wetland crossings associated with the proposed project, it would be helpful to have additional information about the linear extent of the streams impacted (rather than acreage), their watershed area, stream type, and biotic community. The information presented is not adequate to compare the alternatives, except as an index of potential impacts; we suspect that actual impacts may depart from these figures by a factor of one or more. According to Exhibit 4-2, there has been a selection of crossing structures, denoted as culverts or bridges. As requested in our January 3, 1995, letter, we would appreciate receiving an analysis of the structure(s) evaluated at each of the crossings and the rationale for selection. Do the impacts described in Table 3-21 accurately reflect an actual design, or do they assume a maximum (or minimum) extent of estimated fills?

We will recommend compensatory mitigation for any unavoidable stream and wetland impacts. Because we believe that compensatory mitigation should focus on the replacement of functional values lost or diminished, it is important that you consider options for mitigation early during the final design stages. A successful stream mitigation plan will need to first describe what the natural channel design is relative to the principles of fluvial geomorphology. We will likely recommend the following elements be included in any stream mitigation for this project:

1. Riparian vegetation should include native woody species, such as leucothoe, alder (*Alnus* spp.), black willow, and dogwood, as well as *Arundinaria*, sedges, grasses, and rushes, as appropriate to the area. Exotic vegetation should be screened from any plant material. Large woody species will provide thermal cover as well as deep bank-stabilizing root systems along the constructed/reconstructed stream channel.
2. Stream channel construction and vegetation establishment should take place prior to the diversion of water into the new channel. Sequential construction of segments and temporary pipe diversions can be utilized to ensure channel stability. We would like to have an opportunity to inspect stream segments for stability prior to the water diversion.



3. Stream channel design should mimic slope, riffle slope, pool slope, valley slope, meander geometry, sinuosity, cross-sectional dimensions, entrenchment ratio, bed material (pebble count), and bankfull discharge of a nearby reference reach of a stable stream of the same classification (Rosgen 1996). Bankfull dimensions should be generated based on those of an appropriate reference reach and/or the latest discharge/channel dimension relationship developed for the piedmont (we can supply a copy of these relationships if needed). We would like to review the final design of the stream channel restoration and relocations.
4. Monitoring should continue for at least 5 years following channel construction. Annual reports should be submitted to the resource agencies, and those agencies should be notified of problems with regard to stream mitigation within 30 days of detection.
5. An appropriate regional conservation organization should hold title to the deed restrictions on the mitigation site. The title to the conservation easement should be conveyed along with an endowment for future monitoring, management, and any contingencies to ensure a perpetual net increase in stream channel function in the project area.
6. The final mitigation plan should provide details relative to what measures will be taken to control watershed conditions and prevent sediment pollution and increased water discharge that would potentially negate efforts at the stream mitigation site(s).

The latest draft "Guidelines for stream relocation and restoration in North Carolina," by the North Carolina Wildlife Resources Commission, is a good guide to proper stream restoration and relocation work.

Wildlife Habitat. We agree with the very general description of potential impacts to wildlife identified in section 4.12.2 of the draft EIS. However, we believe additional details are needed to minimize these effects. The effects of highways such as that proposed here can be characterized as: (1) habitat fragmentation, (2) direct mortality, (3) direct habitat loss, (4) displacement and avoidance, and (5) problems associated with human development. We believe it is important to reduce the impacts of the proposed road construction on local populations and to preserve the ecological processes that are related to landscape continuity and metapopulation dynamics. One obvious measure to minimize unavoidable fragmentation effects of highways to wildlife is to provide crossings. Wildlife crossings may effectively reduce impacts to wildlife populations, reduce mortality due to vehicles, and reduce corresponding hazards to human life and property. Wildlife crossings should be planned so as to take advantage of current wildlife movement corridors to maximize their potential efficacy. Openness factors should be calculated for underpasses so that target species are not repelled. General designs for wildlife passage include overpasses, underpasses, viaducts, expanded bridges, upland culverts, and/or fencing. Other measures, such as habitat conservation, may offset the direct loss of habitat as well as the indirect

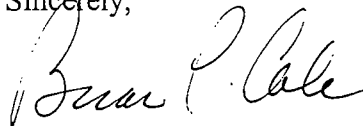
effects of fragmentation and noise/edge effects for area-sensitive species. Therefore, we believe successful minimization/mitigation features depend entirely upon a clear definition of species- and natural community-level objectives. What wildlife species will be affected by the proposed project? Which natural communities? Which guilds? How will fragmentation affect resident wildlife? What area-sensitive species inhabit the largely undeveloped areas of the northern bypass alternatives? Monitoring is a critical element of any plan for mitigation of highway impacts to wildlife; what plan do you have for monitoring? We believe each of these questions should be addressed in the final EIS.

Land Use Secondary Impacts. We are pleased to see the acknowledgment at 4.1.4 in the draft EIS of the secondary impacts that can result from the construction of road facilities on a new location. We agree that improved access to the north of Shelby would lead to increased residential development in that area, which would likely include some common adverse impacts to forests, wetlands, and streams, as well as the fish and wildlife resources that occupy these habitats. Since secondary impacts resulting from such construction may be significant, what measures do you propose to minimize or mitigate for these impacts? Could land acquisition and conservation management offset these impacts? Would strict zoning controls minimize the impacts?

The information on the potential effects of the proposed alternatives presented in the draft EIS is not sufficient, especially in terms of wetland and stream impacts, to accurately recommend a particular alternative. However, based on a consideration of the potential effects of the various alternatives as presented in Table 2-4, we prefer the alternative of improving the existing facility (Upgrade Alternative 25) instead of the alternatives that would be primarily on a new location. We do not believe it is appropriate to drop the upgrade or southern alternatives from further consideration.

We appreciate the opportunity to provide these comments and request that you continue to keep us informed as to the progress of this project. In any future correspondence concerning the project, please reference our Log Number 4-2-95-031. If you have any questions regarding these comments, please contact Mr. Mark A. Cantrell of our staff at 828/258-3939, Ext. 227.

Sincerely,



Brian P. Cole  
State Supervisor

cc:

Ms. Linda Pearsall, Director, North Carolina Natural Heritage Program, P.O. Box 27687,  
Raleigh, NC 27611

Mr. David Cox, Highway Projects Coordinator, North Carolina Wildlife Resources Commission,  
1142 I-85 Service Road, Creedmoor, NC 27522



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

January 27, 1999

IN REPLY REFER TO

Planning Services Section



Mr. William D. Gilmore, P.E., Manager  
Planning and Environmental Branch  
Division of Highways  
North Carolina Department of Transportation  
Post Office Box 25201  
Raleigh, North Carolina 27611-5201

Dear Mr. Gilmore:

This is in response to your letter of October 26, 1998, requesting our comments on the "Federal Draft Environmental Impact Statement for US 74 Shelby Bypass, Cleveland County, North Carolina, Federal Aid Project No. NHF-74(14), State Project No. 8.1801001, T.I.P. No. R-2707" (Regulatory Division Action I.D. No. 199930376).

Our comments involve impacts to flood plains and jurisdictional resources that include waters, wetlands, and U.S. Army Corps of Engineers projects. There are no Corps projects that would be impacted by the proposed improvements. Enclosed are our comments on the other issues.

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

Sincerely,

C. Alex Morrison, Jr., P.E.  
Chief, Technical Services Division

Enclosure

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

"Federal Draft Environmental Impact Statement for US 74 Shelby Bypass, Cleveland County, North Carolina, Federal Aid Project No. NHF-74(14), State Project No. 8.1801001, T.I.P. No. R-2707" (Regulatory Division Action I.D. No. 199930376)

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

The proposed project is located in Cleveland County, which is a participant in the National Flood Insurance Program (NFIP). Based on a review of several panels of the July 1991 Cleveland County Flood Insurance Rate Map, one or more of the reasonable and feasible alternatives appear to cross or affect identified flood hazard areas. Streams affected include Sandy Run and unnamed tributary, Beaverdam Creek, Brushy Creek and unnamed tributary, First Broad River, Buffalo Creek, Muddy Creek, and Potts Creek. These flood plains are shown on Exhibit 3-13 of the Draft Environmental Impact Statement (DEIS).

Of these streams, all are approximately mapped except for Buffalo and Muddy Creeks, which are detailed study streams with 100-year flood elevation determined but no floodway defined. Although no floodways have been shown or computed for study streams in the county's jurisdiction, the county must ensure that cumulative effects of development in the flood plain will not cause more than a 1.0 feet increase in base (100-year) flood elevations. We note that these increases have been computed for proposed bridge crossings and are shown on page 4-67 of the DEIS.

The project should be designed to meet the requirements of the NFIP, administered by the Federal Emergency Management Agency, and be in compliance with all local ordinances. Specific questions pertaining to community flood plain regulations or developments should be referred to the local building official.

Incidentally, we would like to commend your agency on the rather extensive discussion of flood plains contained in the DEIS.

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

Generally we find the subject document to be thorough and well written. Based on the information presented in the DEIS, the Corps could support several of the 10 reasonable and feasible alternatives. The Corps preferred alternatives include Nos. 9, 18, and 21. These alternatives have minimal wetland impact, the lowest number of stream crossings, and the least amount of impacts to surface waters. Their total cost is also relatively low. We recognize, however, that alternatives 18 and 21 have some of the highest projected numbers of relocations resulting in potentially higher levels of social impact. The Corps could also potentially support Alternative No. 3 which has lower numbers of relocations and minimal wetland impact, provided that surface water impacts could be reduced to levels comparable to these other alternatives through minimization efforts. The NCDOT should seek to further minimize the projected impacts through design considerations. To assist in further comparisons of these alternatives, we recommend that an additional impact category be developed that would account for the linear feet of channel impacted through piping and/or relocation.

We anticipate that an individual Department of the Army permit will be required under Section 404 of the Clean Water Act of 1977, as amended, for construction of this project, based on the projected stream channel relocations. Channel relocations should be designed in accordance with current North Carolina Wildlife Resources Commission (WRC) guidelines. Designs for lengthy relocations should be coordinated with the Corps and the WRC prior to a submission of a permit application. We recommend that unavoidable channel losses be mitigated onsite to the maximum extent possible. A lack of onsite opportunities should be documented.

We recommend that a mitigation plan for wetland and stream losses be submitted with any permit application. We would not be able to reach a final permit decision until a mitigation plan is approved.

As indicated in the document, this project will be processed under the integrated NEPA/404 process. To this end, a project team should be assembled as soon as possible and a field review of the corridors conducted to initiate the required coordination.

Any questions concerning Department of the Army permits should be directed to Mr. Lund.

*Shaw*



United States  
Department of  
Agriculture

November 30, 1998

Natural  
Resources  
Conservation  
Service

Mr. William D. Gilmore P. E., Manager  
Planning & Environmental Branch  
N. C. Division of Highways  
P. O. Box 25201  
Raleigh, NC 27611

4405 Bland Rd.  
Suite 205  
Raleigh, NC 27609

(919) 873-2134

Dear Mr. Gilmore:

Thank you for the opportunity to provide comments on US 74 Shelby Bypass, Cleveland County, North Carolina, Federal Aid Project No. NHF-74 (14), State Project No. 8.1801001, T.I.P. No. R-2707.

The Natural Resources Conservation Service does not have any comments at this time.

Sincerely,

Mary T. Kollstedt  
State Conservationist





UNITED STATES DEPARTMENT OF COMMERCE  
Office of the Under Secretary for  
Oceans and Atmosphere  
Washington, D.C. 20230

November 25, 1998

Mr. William D. Gilmore, P.E. Manager  
Planning and Environmental Branch  
N.C. Division of Highways  
PO Box 25201  
Raleigh, North Carolina 27611

Dear Mr. Gilmore:

Enclosed are comments on the Draft Environmental Impact Statement for US 74 Shelby Bypass Cleveland County, North Carolina. We hope our comments can assist you. Thank you for giving us an opportunity to review this document.

Sincerely,

*Susan Fruchter*

Susan B. Fruchter  
Acting NEPA Coordinator

Enclosure



B-14



Printed on Recycled Paper



MEMORANDUM FOR: Susan B. Fruchter  
Acting NEPA Coordinator

FROM: Charles W. Challstrom  
Acting Director, National Geodetic Survey

SUBJECT: DEIS-9811-03-US-74 Shelby Bypass Cleveland County,  
North Carolina

The subject statement has been reviewed within the areas of the National Geodetic Survey's (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the NGS home page at the following Internet World Wide Web address: <http://www.ngs.noaa.gov>. After entering the NGS home page, please access the topic "Products and Services" and then access the menu item "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the NGS data base for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

If there are any planned activities which will disturb or destroy these monuments, NGS requires not less than 90 days' notification in advance of such activities in order to plan for their relocation. NGS recommends that funding for this project includes the cost of any relocation(s) required.

For further information about these monuments, please contact Rick Yorczyk; SSMC3, NOAA, N/NGS; 1315 East West Highway; Silver Spring, Maryland 20910; telephone: 301-713-3230 x142; fax: 301-713-4175.



NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES



JAMES B. HUNT JR.  
GOVERNOR

WAYNE McDEVITT  
SECRETARY

MEMORANDUM

TO: Chrys Baggett  
State Clearinghouse

FROM: Melba McGee *MC*  
Project Review Coordinator

RE: 99-0289 DEIS US 74 Shelby Bypass, Cleveland  
County

DATE: December 21, 1998

The Department of Environment and Natural Resources has reviewed the Draft Environmental Impact Statement for the proposed project. We concur with the findings of this document provided careful consideration be given to the concerns made by the N.C. Wildlife Resources Commission and the Division of Water Quality. I encourage the Department of Transportation to continue coordinating with these agencies prior to circulation of the final document. This will help avoid unnecessary delays.

Thank you for the opportunity to respond.

attachments

DEC 22 1998

N.C. STATE CLEARINGHOUSE

B-16

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



James B. Hunt, Jr., Governor  
Wayne McDevitt, Secretary  
A. Preston Howard, Jr., P.E., Director

December 14, 1998

MEMORANDUM

To: ~~Melba McGee~~

Through: John Dorney *JAD*

From: Cyndi Bell *CLB*

Subject: Draft Environmental Impact Statement for US 74 Shelby Bypass  
Cleveland County  
State Project No. 8.1801001, T.I.P. No. R-2707, DENR # 99-0289, DWQ#12281

The referenced document has been reviewed by this office. The Division of Water Quality (DWQ) is responsible for the issuance of the Section 401 Water Quality Certification for activities which impact waters of the state including wetlands. The project will involve up to 0.53 acre of fill in wetlands and 2.44 acres of fill in open waters. Up to 38 perennial stream crossings will be required. DWQ offers the following comments based upon review of the document:

DOT has provided a thorough listing of potential crossing structures to be placed at each stream crossing. It would be helpful to include the linear distance of stream impact at each crossing. DOT has also committed to providing an opportunity for field review of the wetland and stream impact areas. We recommend that this review should occur as early as possible during the planning process, so that stream relocations and structures can be discussed. A determination of stream mitigation requirements can also be made at that time. DOT is reminded that new crossings and/or channel changes requiring losses in excess of 150 feet linear distance of any single perennial stream will require mitigation in accordance with DWQ Wetland Rules {15A NCAC 2H.0506(b)(6)}. DOT should be aware that a stream mitigation plan suitable to replace the functions and values of the existing streams will be required with the permit application. Therefore, we advise DOT to pursue development of a stream mitigation plan during the design process, if necessary. DOT is also reminded that in accordance with 15A NCAC 2H.0506(h)(3), the Wetland Restoration Program will be available to use for stream mitigation.

Based upon the project description provided in the Draft EIS, an Individual 401 Water Quality Certification will be required for this project. Final permit authorization will require formal application by NCDOT and written concurrence from DWQ. Please be aware that this approval will be contingent upon evidence of avoidance and minimization of wetland and stream impacts to the extent practical, and provision of wetland and stream mitigation where necessary.

DWQ appreciates the opportunity to provide comments on the Draft EIS. DOT is reminded that issuance of a 401 Water Quality Certification requires satisfaction of water quality concerns, to ensure that water quality standards are met and no wetland or stream uses are lost. Questions regarding the 401 Certification Program should be directed to Cyndi Bell at (919) 733-1786 in DWQ's Water Quality Environmental Sciences Branch.

Cc: Steve Lund, COE, Asheville      Mark Cantrell, FWS, Asheville  
David Cox, WRC                      Mike Parker, MRO, DWQ



North Carolina Wildlife Resources Commission

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

MEMORANDUM

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

FROM: David Cox, Highway Project Coordinator
Habitat Conservation Program

DATE: December 14, 1998

SUBJECT: North Carolina Department of Transportation (NCDOT) Draft Environmental
Impact Statement (DEIS) for the US 74 Shelby Bypass, Cleveland County, North
Carolina. TIP No. R-2707, SCH Project No. 99-E-0289.

Staff biologists with the N. C. Wildlife Resources Commission have reviewed the subject
DEIS 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 proposes to construct a four-lane, controlled access freeway on new location to
bypass the existing four-lane section of US 74 through Shelby. The project length varies with
alternative. A range of alternatives is under consideration, which meet the stated project purpose
and need. The adverse effects on wildlife and fishery resources also vary with each alternative.

We have reviewed the DEIS for this project and have found several alternatives which were
retained for detailed study that may be acceptable alternatives. However, NCDOT should be
reminded that there is insufficient detail provided to formally endorse a preferred alternative.
Details regarding stream relocations and stream channel impacts will be a deciding factor in this
project due to the large number of streams crossed by each alternative. After reviewing the
information provided regarding the environmental and social impacts of each alternative, we
could endorse alternatives 3, 9, or 18, provided that stream channel impacts are similar and
minimization measures are sufficient.

Memo

2

December 14, 1998

We request that NCDOT include more detailed information regarding stream channel impacts for the alternatives mentioned above. This information should include length of channel lost, channel relocated in an open channel and any areas where topography will not allow natural stream channels to be designed. Information should also be included regarding options for stream and wetland mitigation.

At this time we concur with the DEIS for this project. NCDOT should include the information requested above in any subsequent documents prepared for R-2708.

Thank you for the opportunity to comment on this DEIS. If we can be of any further assistance please call me at (919) 528-9886.

cc: Howard Hall, U.S. Fish and Wildlife Service, Raleigh  
Cyndi Bell, DWQ, Raleigh  
Steve Lund, USACOE, Asheville

NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF PARKS AND RECREATION

December 21, 1998



JAMES B. HUNT JR.  
GOVERNOR

WAYNE MCDEVITT  
SECRETARY

DR. PHILIP K. MCKNELLY  
DIRECTOR

MEMORANDUM

TO: Melba McGee

FROM: Jame Amoroso, Botanist *JLA*  
Natural Heritage Program

SUBJECT: DEIS - US 74 Shelby Bypass

REFERENCE: 99-E-0289

The Draft Environmental Impact Statement for the US 74 Shelby Bypass indicates that there are a number of colonies of dwarf-flowered heartleaf (*Hexastylis naniflora*), federally listed as Endangered, within the project area.

The Natural Heritage Program (NHP) recommends avoiding impacts to populations of dwarf-flowered heartleaf. In the case of unavoidable impacts, consultation with the USFWS is required and consultation with the Department of Agriculture and Consumer Services Plant Conservation Program and with the NHP is recommended.

Please contact me at 919/715-8700 if you have any questions or need further information.

JLA

cc: Cecil Frost, NCDA&CS PCP

B-20

State of North Carolina  
 Department of Environment and Natural Resources

Reviewing Office: MRD

**INTERGOVERNMENTAL REVIEW – PROJECT COMMENTS**

Project Number: 97-E-0289 Due Date: 12/14/98

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

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit- whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100, 2Q.0300, 2H.0600)	N/A	60 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 2D.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-733-0820.		
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (land Quality Sect.) At least 30 days before beginning activity. A fee of \$30 for the first acre and \$2000 for each additional acre or part must accompany the plan.		20 days (30 days)
<input type="checkbox"/>	The Sedimentation Pollution control Act of 1973 must be addressed with respect to the referenced Local Ordinance.		(30 days)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with ENR. Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/>	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire a registered engineer to: prepare plans, inspect construction, certify according to ENR approved plans. May also require permit for a control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)

PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/> Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.	10 days (N/A)
<input type="checkbox"/> Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days (N/A)
<input type="checkbox"/> State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days (N/A)
<input type="checkbox"/> 401 Water Quality Certification	N/A	60 days (130 days)
<input type="checkbox"/> CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 days)
<input type="checkbox"/> CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
<input type="checkbox"/> Several geodetic monuments are located in or near the project area. If any monuments need to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687, Raleigh, NC 27611		
<input checked="" type="checkbox"/> Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
<input checked="" type="checkbox"/> Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
<input type="checkbox"/> Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
<p>Other comments (attach additional pages as necessary, being certain to cite comment authority).</p> <p>AQ - open burning of land clearing debris must be performed in compliance with the open burning regulation on 11-17-98</p> <p>AW - findings at haz. waste/UST sites from Preliminary Site Assessments should be reported to appropriate actions. AUC 11-19-98</p> <p>WG - No objection. DRG</p> <p>LQ - No comment Apr 11/20/98</p>		

## REGIONAL OFFICES

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

- |   |  |
|---|--|
| <input type="checkbox"/> Asheville Regional Office<br>59 Woodfin Place<br>Asheville, NC 28801<br>(704) 251-6208                                   | <input type="checkbox"/> Fayetteville Regional Office<br>Suite 714 Wachovia Building<br>Fayetteville, NC 28301<br>(919) 486-1541 |
| <input checked="" type="checkbox"/> Mooresville Regional Office<br>919 North Main Street, P.O. Box 950<br>Mooresville, NC 28115<br>(704) 663-1699 | <input type="checkbox"/> Raleigh Regional Office<br>3800 Barrett Drive, Suite 101<br>Raleigh, NC 27609<br>(919) 571-4700         |
| <input type="checkbox"/> Washington Regional Office<br>943 Washington Square Mall<br>Washington, NC 27889<br>919) 946-6481                        | <input type="checkbox"/> Wilmington Regional Office<br>127 Cardinal Drive Extension<br>Wilmington, NC 28405<br>(919) 395-3900    |
| <input type="checkbox"/> Wins<br>585 B-22<br>Wins<br>(910) 771-4600   | ional Office<br>: 27107  |

NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

STATE NUMBER: 99-E-4220-0289 F02  
DATE RECEIVED: 11/10/1998  
AGENCY RESPONSE: 01/15/1999 *due 1/12*  
REVIEW CLOSED: 01/20/1999

Ms. Renee Gledhill-Earley  
Clearinghouse Coordinator  
Dept. of Cultural Resources  
Archives-History Bldg.  
Raleigh NC

REVIEW DISTRIBUTION

Dept. of Agriculture  
Dept. of Crime Cont./ Public Safety  
Dept. of Cultural Resources  
Dept. of Environment & Natural Res  
Dept. of Transportation  
Isothermal Planning & Econ Dev

PROJECT INFORMATION

APPLICANT: NC DOT

TYPE: National Environmental Policy Act

ERD: Draft Environmental Impact Statement

DESC: Us 74 Shelby By-Pass; construction of a four-lane controlled access freeway on a new location to bypass the existing four-lane section of US 74 through Shelby

RECEIVED  
NOV 19 1998

HISTORIC PRESERVATION OFFICE

*Cleveland*  
*NO DISM*  
*BJS*  
*1/19/99*

*K-2707*

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. If additional review time is needed, please contact this office at (919)733-7232.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

- NO COMMENT
- COMMENTS ATTACHED

*(NO) DKB*  
*1/7/99*

SIGNED BY: Renee Gledhill-Earley

DATE: 1/20/99

RECEIVED  
JAN 26 1999

N.C. STATE CLEARINGHOUSE

B-23

NOV 16 1998

NOV 13 1998



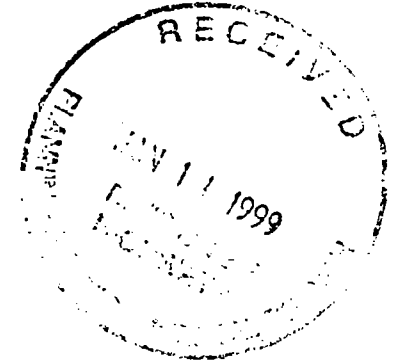


# CITY OF SHELBY

BOX 207 - WASHINGTON AT GRAHAM ST. - SHELBY, NORTH CAROLINA 28151 - 0207

January 7, 1999

William D. Gilmore, P.E., Manager  
Planning and Environmental Branch  
NC Division of Highways  
P. O. Box 25201  
Raleigh, NC 27611



Dear Mr. Gilmore:

RE: Draft Environmental Impact Statement for US 74 Shelby Bypass

Thank you for the opportunity to comment on the draft environmental impact statement for the US 74 Shelby Bypass. The following comments are offered for your consideration:

1. Section 1.1.1, page 1-1: The July 1, 1997 population for the City, according to the Office of State Planning, is 19,953.
2. Table 1-1, page 1-10: Population information should be updated to reflect 1997 estimate.
3. Section 3.1.2, page 3-10, second paragraph: Shelby's ETJ does extend more than 1 mile in several areas.
4. Watershed Protection section, page 3-10: The City of Shelby Zoning Ordinance also contains a Watershed Overlay District applicable to all property located within the designated water supply watershed. Since proposed bypass alternatives pass through or nearby the "critical" and "protected" areas around our water intake at the First Broad River, please be reminded that whenever there is a conflict between the City's Zoning Ordinance and Federal or State laws or regulations, the stricter requirements shall apply.

We look forward to selection of the US 74 bypass corridor. Please contact me if you have questions or need additional information.

Sincerely yours,

Dee A. Freeman  
City Manager

DAF/

B-24