

**ADMINISTRATIVE ACTION
STATE RECORD OF DECISION**

North Carolina Department of Transportation

US 17 Improvements

From SR 1330 / SR 1439 south of Belgrade to the New Bern Bypass
at the Jones / Craven County line
Onslow and Jones Counties

Project No. 34442
TIP No. R-2514 B, C, and D

In compliance with the North Carolina Environmental Policy Act of 1971
G.S. 113A-1 through 113A-13

June 2012

PROJECT COMMITMENTS

US 17 IMPROVEMENTS

FROM SR 1330/1439 SOUTH OF BELGRADE

TO THE NEW BERN BYPASS AT THE JONES/CRAVEN COUNTY LINE

Onslow and Jones Counties

TIP No. R-2514 B, C & D

Project Development and Environmental Analysis Unit, and Right of Way Branch

1. After consultation with the North Carolina State Historic Preservation Office, it was determined that the project will have an adverse effect on Archaeological Site 31JN128**, which has been recommended as eligible for the National Register of Historic Places per Criterion D. The site falls partially within the corridor and should be avoided by construction activities if possible. At this time, the site will not be avoided by construction activities and data recovery excavations will be required once right-of-way has been acquired, prior to construction. A Memorandum of Agreement between the U.S. Army Corps of Engineers, the State Historic Preservation Office and the North Carolina Department of Transportation has been prepared and signed to describe and implement data recovery for the site.

Division 2, Division 3, Roadside Environmental Unit, and Construction Unit

1. The Trent River is a designated anadromous fish spawning area. An in-stream work moratorium will be in place from February 15th to June 15th.
2. The White Oak River is a designated inland primary nursery area. An in-stream work moratorium will be in place from February 15th to September 30th.

Hydraulics Unit, Structures Management Unit, Natural Environment Section, Human Environment Section, Roadway Design Unit, Roadside Environmental Unit, Division 2, Division 3, and Construction Unit

1. Neuse River Basin Buffer rules apply to the northern two-thirds of the project from north of Maysville to the New Bern Bypass. Features within the Neuse River Drainage Basin portion of the project study corridors that are mapped as either a blue-line stream channel or open water feature on the most recent version of either the USGS topographic quadrangle or the county soil survey are subject to the Neuse Riparian Buffer Rules.
2. The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program, for approval of a Conditional Letter of Map Revision (CLOMR) and subsequent Final Letter of Map Revision

(LOMR) for each new crossing of a FEMA-regulated stream.

3. The project involves construction activities on or adjacent to FEMA-regulated streams. Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that drainage structures and roadway embankments that are located within the 100-year floodplain were built as shown in the construction plans both horizontally and vertically.
4. NCDOT will construct a wildlife underpass between Maysville and the Community of Chadwick to provide wildlife passage under US 17 from the Hofmann Forest to the Croatan National Forest. Dual bridges, 120 feet long, with a 10-foot vertical clearance are proposed, coupled with fencing parallel to US 17 to help channel animals to the underpass. With the condition that the Department reserves the right to withdraw this commitment, if prior to the start of bridge construction, there is a change or planned change in use on the private property near the bridge that will serve as a deterrent to wildlife movement in the area. The US Fish and Wildlife Service requested that the fencing associated with the Wildlife Underpass include a wire mesh at the bottom of the fence to prevent smaller species from passing through the chain link fencing. The wildlife underpass is depicted in Figure 6 at the end of this document.
5. NCDOT will purchase and maintain the graveled drive located just northeast of Maysville that extends from existing US 17 to the abandoned railroad on USFS Property. USFS will make a recommendation on the extent of the closure of FSR 204.
6. NCDOT will communicate with the USFS Croatan Wildlife Biologist prior to the start of any activities on USFS land within the planned RCW Territory 134 to ensure that the area has not become an active RCW area.
7. NCDOT will harvest and preserve seeds from Spring-flowering Goldenrod prior to construction and will make plantings within the Croatan National Forest at locations designated by the U.S. Forest Service.
8. Based upon the preliminary designs prepared for R-2514, noise barrier NW1 meets applicable feasibility and reasonableness criteria, and is recommended for detailed traffic noise analysis for the benefit of five residential receptors on Deerfield Trail. The potential barrier location is located parallel to the proposed US 17 Bypass along the shoulder in the southwest quadrant of the US 17 Maysville Bypass / White Oak River Road grade-separated intersection.
9. Preferred Alternative section 4D will pass through a conservation easement held by the NC Coastal Land Trust, consultation will be undertaken regarding easement impacts within the North Carolina Coastal Land Trust property.

Utilities Unit, Right of Way Branch, Division 2, and Construction Unit

1. All relocation of utilities including but not limited to power lines, water and sewer lines, and communication lines located on National Forest Systems (NFS) lands must be coordinated with the US Forest Service.
2. The NCDOT Highway Easement on the Croatan National Forest is not for use by utility companies. Utility companies need to coordinate easements with the US Forest Service.

TABLE OF CONTENTS

PROJECT COMMITMENTS.....i

1. DECISION 1

2. HISTORY OF US 17 1

3. PROJECT HISTORY 2

 a. Project Initiation (1995)..... 2

 b. Detailed Study Alternatives (1995 through 2001) 3

 c. State Draft Environmental Impact Statement (2004)..... 3

 d. Corridor Public Hearing (2005) 3

 e. Bridging Decisions (2006 through 2008)..... 3

 f. Jurisdictional Determinations & Neuse River Basin Buffer Assessments (2007 through 2012)..... 4

 g. Corridor Selection (2007 through 2010)..... 4

 h. Avoidance & Minimization Measures (2009 through 2011) 8

 i. State Final Environmental Impact Statement (2011)..... 9

 j. Design Public Hearing (2012)..... 9

4. PURPOSE AND NEED OF PROJECT 10

5. ALTERNATIVES CONSIDERED 10

6. BASIS FOR DECISION ON SELECTED ALTERNATIVE 2A-3-4D 11

 a. Basis for Selection 11

 b. Description of the Preferred Alternative 11

 c. Cost Estimates..... 12

 d. Impacts..... 12

7. PROJECT CHANGES SINCE THE SFEIS 13

 a. Minor Design Modifications:..... 13

 b. Wetland File:..... 14

 c. Traffic Noise Abatement Re-evaluation: 14

8. SUMMARY OF PUBLIC INVOLVEMENT..... 15

9. MEASURES TO AVOID OR MINIMIZE HARM..... 18

10. MITIGATION MONITORING AND ENVIRONMENTAL COMPLIANCE PROGRAMS 20

11. SECTION 106 MEMORANDUM OF AGREEMENT 21

12. RESPONSES TO COMMENTS ON THE STATE FINAL ENVIRONMENTAL IMPACT STATEMENT..... 21

13. PROJECT CHANGES IN RESPONSE TO COMMENTS ON THE STATE FINAL ENVIRONMENTAL IMPACT STATEMENT 35

14. STATE RECORD OF DECISION APPROVAL 37

TABLES

TABLE 1. SUMMARY OF ENVIRONMENTAL IMPACTS FOR PREFERRED ALTERNATIVE 12
TABLE 2: TRAFFIC NOISE IMPACT SUMMARY¹ 14

FIGURES

FIGURE 1: PROJECT LOCATION MAP/ STUDY AREA
FIGURE 2: SDEIS PRELIMINARY STUDY ALTERNATIVES
FIGURE 3: SFEIS DETAILED STUDY ALTERNATIVES
FIGURE 4: PREFERRED ALTERNATIVE
FIGURE 5: MANAGED LANDS (REVISED SFEIS FIGURE 3-12)
FIGURE 6: WILDLIFE UNDERPASS

APPENDICES

APPENDIX A: SECTION 106 MEMORANDUM OF AGREEMENT
APPENDIX B: AGENCY CORRESPONDENCE ON SFEIS
APPENDIX C: U.S. ARMY CORPS OF ENGINEERS NOTIFICATION OF JURISDICTIONAL DETERMINATION

1. DECISION

This State Record of Decision (SROD) records the decision of the North Carolina Department of Transportation (NCDOT) with regard to the US 17 Improvements Project in Jones and Onslow Counties, North Carolina. In making this decision, the agency considered the information, analysis, and public comments contained in the State Draft Environmental Impact Statement (SDEIS), approved in August 2004, and the State Final Environmental Impact Statement (SFEIS), approved in June 2011, for the proposed project. No federal money is anticipated to be expended on this project; therefore, this document has been prepared in accordance with the requirements of the North Carolina Environmental Policy Act of 1971 (NCEPA).

The proposed action consists of improvements to the 16-mile portion of US 17 from Deppe Loop Road (SR 1330) / Springhill Road (SR 1439) south of Belgrade in northern Onslow County to the New Bern Bypass at the Jones / Craven County line south of New Bern. Improvements consist of widening portions of the existing two lane highway and constructing bypasses on new alignment. Once the project is constructed, US 17 will provide a four-lane, median-divided highway with partial to full access control from the north side of Jacksonville to southwestern New Bern. The project location and study area are shown on **Figure 1** of this document.

This transportation improvement project is defined in the NCDOT 2012-2020 *State Transportation Improvement Program* (STIP) as Project R-2514 B, C, and D. Alternative 2A-3-4D was selected as the Preferred Alternative for the proposed action. Figures 2-2 and 2-3 in the State Final Environmental Impact Statement (SFEIS) show the alternatives considered, including the Preferred Alternative. The selection of the Preferred Alternative was based on comments received at various community meetings, at the Corridor Public Hearing, through State Draft Environmental Impact Statement (SDEIS) written comment submittals, and during the Section 404 / NEPA Interagency Merger Process. The SFEIS includes details of the decision-making process and reasons for selecting Alternative 2A-3-4D as the NCDOT Preferred Alternative for implementation. A complete description of the anticipated impacts of the Preferred Alternative is also included in the SFEIS (dated June 2011) and is incorporated by reference.

2. HISTORY OF US 17

US 17 is one of the oldest transportation routes in the United States. A historical marker was placed on US 17 near Belgrade in 1949 stating that this section of US 17 was part of the first post road in 1738. Today, US 17 begins in Fort Myers, Florida and runs to Winchester, Virginia. From South Carolina, US 17 enters North Carolina near Calabash in Brunswick County and proceeds through eastern North Carolina into Virginia near the Dismal Swamp in Camden County.

US 17 found its beginnings in North Carolina sometime around 1928. North of Wilmington it followed the same general route through the same cities that it follows today. However, south of Wilmington it

followed today's US 76 west into South Carolina. The current alignment south of Wilmington was constructed between 1932 and 1939 and was originally part of US 117.

A bypass of Edenton was constructed in 1979, as well as the widening of US 17 from Hertford to north of Elizabeth City. Some widening of US 17 in the Wilmington and Williamston areas was undertaken. In the early 1980s, US 17 was widened from Elizabeth City to the Virginia State Line.

With the enactment of the North Carolina Highway Trust Fund in July 1989, US 17 was designated an Intrastate Highway. This project is part of the Governor's Transportation Plan for the 21st century and the 1996 Highway Bond Program. US 17 is also listed as a key economic development highway for the state.

US 17 is the primary north-south corridor east of I-95 serving the coastal region of the state. The route is designated as a hurricane evacuation route for North Carolina beaches from Virginia to South Carolina and is a Strategic Highway Corridor (SHC) route serving the Cherry Point Marine Corps Air Station and Camp Lejeune Marine Corps Base in Onslow County. The SHC initiative represents a timely effort to protect and maximize the mobility and connectivity on a core set of highway corridors throughout North Carolina, while promoting environmental stewardship through maximizing the use of existing facilities to the extent possible, and fostering economic prosperity through the quick and efficient movement of people and goods. Each Corridor represents an opportunity for NCDOT, partnering agencies, and other stakeholders to consider a long-term vision, consistency in decision-making, land use partnerships, and overarching design and operational changes.

In the project area, NC 58 is also designated as a hurricane evacuation route and shares an 8 mile portion of US 17 between Maysville and Pollocksville. US 17 is used during military mobilizations, weather-related emergencies and for peak season summer beach traffic.

3. PROJECT HISTORY

The following discussion of the project history has been organized by the major project development milestones conducted from 1995 to 2012 including project initiation, the development of the detailed study alternatives, the State Draft Environmental Impact Statement, the Corridor Public Hearing, bridging decisions, jurisdictional determinations, the Neuse River Riparian Buffers, the corridor selection process, avoidance and minimization measures, the State Final Environmental Impact Statement, and the Design Public Hearing.

a. Project Initiation (1995)

The current environmental study for this proposed action began in 1995 and is being processed as a State Environmental Impact Statement. Although this project is state-funded and the environmental documentation has been prepared in accordance with the North Carolina Environmental Policy Act of 1971, beginning in 1997 the interagency consultation was conducted using the framework of the Section 404 / National Environmental Policy Act (NEPA) Interagency Merger Process.

b. Detailed Study Alternatives (1995 through 2001)

A screening evaluation was conducted on the 23 Preliminary Alternatives in order to identify those alternatives to be carried forward for detailed study. Based on a comparison of impacts, the 23 alternatives were narrowed down to 13 alternatives (2, 2A, 2B, 2C, 3, 4A, 4B, 4D, 4E, 4G, 4H, 4I and 4ID) for detailed studies and documentation in the State Draft Environmental Impact Statement (SDEIS). The preliminary study alternatives studied in the SDEIS are shown on Figure 2 in this State Record of Decision.

c. State Draft Environmental Impact Statement (2004)

The State Draft Environmental Impact Statement, which was approved on August 31, 2004, described the proposed action and regulatory compliance, and an evaluation of the No-Build Alternative and the 13 segments that generated 32 project-wide combinations of the various build alternatives. The document was distributed to local, state, and federal agencies, and to the public on December 16, 2004 for review and comment. NCDOT responded to comments on the document from the public via telephone calls, correspondence, and small-group meetings. Responses to comments on the document from local, state, and federal agencies were included in the State Final Environmental Impact Statement (June 23, 2011).

d. Corridor Public Hearing (2005)

The North Carolina Department of Transportation (NCDOT) scheduled two informational workshops, one pre-hearing workshop, and one corridor public hearing in August 2005. At these meetings, members of the NCDOT Project Team were available to answer questions and receive comments about the proposed alignments and the findings of the SDEIS. A wide range of comments were received, although many focused on issues related to existing traffic patterns and potential effects on housing and communities. Many participants also requested copies of the presentation materials. Written comments were accepted from the public for a period of 30 days after the Corridor Public Hearing. At the end of the 30-day comment period, NCDOT conducted a Post-Hearing Meeting with the NCDOT Project Team to review and consider comments from the workshops and the Public Hearing.

e. Bridging Decisions (2006 through 2008)

The Interagency Merger Process Team (the Team) conducted a Field Meeting on November 1, 2006 to document field observations and bridging recommendations for the southern portion of the project from Belgrade to Chadwick including the Maysville Bypass. The Team later held a Concurrence Meeting on February 22, 2007 to discuss bridging decisions based upon the November 1, 2006 field observations and recommendations. The Team concurred on bridging decisions for the southern portion of the project during the meeting on February 22, 2007.

The Team also conducted a Field Meeting on March 6, 2007 to document field observations and bridging recommendations for the northern portion of the project from Chadwick to New Bern including the Pollocksville Bypass. The Team later held a Concurrence Meeting on May 22, 2008 to discuss bridging decisions based upon the March 6, 2007 field observations and recommendations. The Team concurred on bridging decisions for the northern portion of the project during the meeting on May 22, 2008.

f. Jurisdictional Determinations & Neuse River Basin Buffer Assessments (2007 through 2012)

A representative of the U.S. Army Corps of Engineers (USACE) observed wetlands and streams during the March 6, 2007 Bridging Decisions Field Meeting that were not shown on the environmental mapping for the USACE Jurisdictional Determination (August 2000). USACE also questioned whether a particular pine stand should have been considered a jurisdictional area, and observed apparent changes in land use and drainage patterns. Therefore, USACE rendered a decision on March 7, 2007 that the jurisdictional delineation for the entire project would be reevaluated and reverified prior to corridor selection. Field delineations for USACE Jurisdictional Areas and assessments for the Neuse River Riparian Buffers were conducted during June, July, and August 2007 for Alternates 2A, 2C, 3, 4D, and 4E. USACE conducted field verifications from August 27 through August 30, 2007. A field review for the Neuse River Basin Buffer Rules was conducted on August 27, 2007. The documentation for both studies was submitted to USACE and the North Carolina Division of Water Quality (NCDWQ), and included in the October 3, 2007 report entitled, "Wetland and Stream Delineation Reevaluation and Neuse River Riparian Buffer Reassessment." NCDWQ issued a letter on September 14, 2007 documenting the applicability of the Neuse River Basin Buffer Rules. USACE issued a Notification of Preliminary Jurisdictional Determination on February 11, 2008. Rapanos Forms (wetland evaluations) for the selected corridor were then submitted to USACE for review and comment. USACE subsequently issued a Final Jurisdictional Determination on November 11, 2009.

Design changes were discussed during the Avoidance and Minimization Concurrence Meetings for the Preferred Alternative 2A-3-4D. The USACE representative recommended that these changes be incorporated into an updated jurisdictional delineation, and that a new Jurisdictional Determination be prepared to incorporate the additional avoidance and minimization measures achieved by the design changes. The 2009 Jurisdictional Determination was reopened and reverified on the ground on July 12, 2011. The updated Jurisdictional Determination was approved by USACE on March 19, 2012.

g. Corridor Selection (2007 through 2010)

This proposed action includes US 17 bypasses of the towns of Maysville and Pollocksville and widening existing US 17 between Maysville and Pollocksville. For the purpose of corridor evaluation, the Maysville Bypass portion of the project was denoted as R-2514B (Alternates 2, 2A,

2B, and 2C), the widen existing as R-2514C (Alternate 3), and the Pollocksville Bypass portion as R-2514D (Alternates 4A, 4B, 4D, 4E, 4G, 4H, 4I, and 4ID).

The Interagency Merger Process Team (the Team) held a Concurrence Meeting on February 22, 2007 to discuss corridor selection for the southern portion of the project from Belgrade to Chadwick including the Maysville Bypass (R-2514B). NCDOT recommended Alternate 2A for the Maysville Bypass because it bypassed Belgrade and Maysville, generated the fewest number of relocations, received the highest level of public support, and would provide the highest level of access control, thus providing the most consistency with the Strategic Highway Corridor Plan. NCDOT also recommended widening on the east side of existing US 17 from just north of Maysville to just north of Chadwick for Alternate 3 to minimize relocations in Chadwick. The Team concurred on Alternate 3 and concurred on eliminating Alternates 2 and 2B from further consideration. However, the Team was initially unable to concur with NCDOT's recommendation of Alternate 2A on the Maysville Bypass, citing fewer wetland impacts and less cost as considerations to select Alternate 2C rather than Alternate 2A. Therefore, the Dispute Resolution (Elevation) Process was initiated during the meeting on February 22, 2007 to resolve corridor selection for the Maysville Bypass.

The Team held a Concurrence Meeting on April 12, 2007 to discuss elimination of particular alternates for the Pollocksville Bypass (R-2514D). NCDOT recommended elimination of Alternates 4A, 4B, 4G, 4H, 4I, and 4ID from further consideration. The Team was unable to reach concurrence on elimination of those alternates and requested additional information. The additional information included developing an impact matrix for the Pollocksville area that quantified impacts to the historic resources, potential contaminated sites, noise, potential environmental justice/community impacts and comments received from the communities and agencies.

The Team held a Concurrence Meeting on May 22, 2008 to discuss elimination of alternates for the entire project from Belgrade to New Bern including the Maysville Bypass and the Pollocksville Bypass (R-2514BCD). The Team concurred on elimination of Alternates 2 and 2B for the Maysville Bypass, and Alternates 4A, 4B, 4G, 4H, 4I, and 4ID for the Pollocksville Bypass during the meeting. The Team also concurred on carrying forward Alternates 2A and 2C for the Maysville Bypass, Alternate 3 (widen existing between Maysville and Pollocksville), and Alternates 4D and 4E for the Pollocksville Bypass.

The Team held a Concurrence Meeting on June 19, 2008 to discuss corridor selection for the Pollocksville Bypass (R-2514D). The Team reached concurrence on Alternate 4D for the Pollocksville Bypass during the meeting.

The Team reconvened on June 19, 2008 to continue discussions on corridor selection for the Maysville Bypass (R-2514B). Although NCDOT proposed to bridge the high-quality wetlands on Alternate 2A, the majority of the Team continued to support Alternate 2C because it would impact fewer wetland areas and would cost less than Alternate 2A. Therefore, the Team was unable to reach

concurrence on corridor selection for the Maysville Bypass, and the Elevation Process was continued for resolution of the issue.

The Merger Management Team held an Elevation Meeting on July 30, 2008 to discuss corridor selection for the Maysville Bypass (R-2514B). The Merger Management Team was unable to resolve the decision (Alternate 2A versus Alternate 2C) and decided to confer with staff from each of their respective agencies prior to making a decision.

The Merger Management Team reconvened on September 18, 2008 to hold an Elevation Meeting to continue discussions on corridor selection for the Maysville Bypass (R-2514B). NCDOT presented a new option on Alternate 2A to minimize the differences in jurisdictional impacts between Alternate 2A and Alternate 2C. NCDOT proposed to purchase right of way for the Alternate 2A interchanges during this project but to delay construction of the interchanges until a future project. The Merger Management Team decided not to render a decision and recommended that NCDOT present the new option to the Interagency Merger Process Team for reconsideration.

The Interagency Merger Process Team reconvened on October 16, 2008 to continue discussions on corridor selection for the Maysville Bypass (R-2514B). NCDOT presented the new option on Alternate 2A and the intent to minimize the differences in jurisdictional impacts between Alternate 2A and Alternate 2C. NCDOT proposed to purchase right of way for the Alternate 2A interchanges during this project, but to delay construction of the interchanges until a future project. The Team was unable to reach a decision on the Maysville Bypass, and decided to conduct a field meeting to observe the potential impacts to Belgrade from Alternate 2C and potential impacts to the high-quality wetlands from Alternate 2A.

The Team conducted a Field Meeting on December 12, 2008 to observe and document potential impacts to the Belgrade Community from Alternate 2C and potential impacts to the high-quality wetlands from Alternate 2A.

The Team reconvened on December 16, 2008 to continue discussions on corridor selection for the Maysville Bypass (R-2514B) based upon the December 12, 2008 field observations. A majority of the Team reiterated its support for Alternate 2C (widen through Belgrade and bypass Maysville). Therefore, the Team was unable to concur on the Maysville Bypass, and the Elevation Process was continued for resolution of the issue.

During January 2009, NCDOT decided to study upgrading from partial control of access to limited control of access to determine whether Alternate 2C could be redesigned to better satisfy the Strategic Highway Corridor Plan for the US 17 Maysville Bypass (R-2514B). NCDOT staff concluded that upgrading Alternate 2C to limited control of access would provide an acceptable level of access control. Therefore, NCDOT decided to present this new approach to access control for Alternate 2C to the Interagency Merger Process Team.

The Team reconvened on April 16, 2009 to continue discussions on corridor selection for the Maysville Bypass (R-2514B). NCDOT presented the preliminary design for the revised Alternate 2C with limited control of access during the meeting. Although the stream impacts increased, the Team concurred on the revised Alternate 2C with limited control of access for the Maysville Bypass during the meeting.

The Interagency Merger Process Team and the Merger Management Team held field meetings, concurrence meetings, and elevation meetings for corridor selection on February 22, 2007, April 12, 2007, May 22, 2008, June 19, 2008, July 30, 2008, September 18, 2008, October 16, 2008, December 12, 2008, December 16, 2008, and April 16, 2009. The Team reached unanimous concurrence for Alternate 4D as the selected corridor for the Pollocksville Bypass (R-2514D) on June 19, 2008, and unanimous concurrence for Alternate 2C as the selected corridor for the Maysville Bypass (R-2514B) on April 16, 2009.

NCDOT distributed a newsletter announcing corridor selection in May 2009 and began receiving comments in June 2009 on Alternate 2C, which was the corridor selected for the Maysville Bypass (R-2514B). Most citizens in the Belgrade and Maysville area were opposed to Alternative 2C, which resulted in two petitions totaling over 700 signatures, plus numerous calls, emails, and letters.

In response to the public comments on the corridor selection announcement, NCDOT scheduled and conducted an additional Corridor Public Hearing on December 1, 2009 to discuss the Maysville Bypass. The Hearing was well attended by residents of the local communities. Following this meeting, NCDOT and USACE met to discuss the public meeting comments. USACE requested that NCDOT verify the number of expected relocations for Alternatives 2C and 2A. This data was collected during a field visit in February 2010.

The Interagency Merger Process Team reconvened on May 25, 2010 to re-visit discussions on corridor selection for the Maysville Bypass (R-2514B) and assess comments received during the December 1, 2009 Corridor Public Hearing. The Team compared impacts associated with Alternative 2C and Alternative 2A without interchanges, and revised its previous decision on the Maysville Bypass. The team reached concurrence on the selection of Alternative 2A during the meeting.

Alternative 2A-3-4D was selected as the Least Environmentally Damaging Practicable Alternative by the Interagency Merger Process Team, and identified by NCDOT as the Preferred Alternative. Agency representatives based their decision on the ability to meet the purpose and need, environmental consequences, opportunities available to mitigate impacts, cost, and public and agency comments on the proposed action. Alternative 2A has the highest level of overall support from the citizens and their municipal and state officials, avoids impacts to the Belgrade Community and the Maysville Historic District, and bridges the White Oak River. Alternative 3 minimizes impacts within the Chadwick Community by widening on the east side of the existing alignment for US 17. Alternative 4D has the highest level of support from the public, minimizes impacts to the

Goshen Community, the Bryan Lavender House, and the Pollocksville Historic District, minimizes impacts to the Foscue-Simmons Plantation by paralleling the existing high-voltage power easement, and minimizes impacts to the Trent River Basin.

h. Avoidance & Minimization Measures (2009 through 2011)

The Corridor Selection Process for this proposed action included avoidance and minimization of impacts to numerous resources including the Belgrade Community, the Town of Maysville, the White Oak River Basin, the Croatan National Forest, the Chadwick Community, the Goshen Community, the J. Nathan Foscue Farm, the Hofmann Forest, the Croatan National Forest, one archaeological site, the Foscue-Simmons Plantation, the Town of Pollocksville, the Trent River Basin, *Solidago verna* (spring-flowering goldenrod), and the U.S. Forest Service Fire Suppression Road No. 204. The following discussion includes minimization efforts associated with those resources as well as other avoidance and minimization measures specific to each section of the Preferred Alternative 2A-3-4D.

The Interagency Merger Process Team held a Concurrence Meeting on April 16, 2009 to discuss avoidance and minimization measures for the Pollocksville Bypass (R-2514D). The jurisdictional impacts for the Pollocksville Bypass had been avoided and minimized to the maximum extent practicable based upon preliminary design plans presented during the meeting by utilizing horizontal alignment shifts, vertical adjustments, perpendicular stream crossings, bridging Goshen Branch and the Trent River, using minimum acceptable 3-to-1 slopes for this region in wetlands, using equalizer pipes between bisected wetland features, and paralleling the existing power transmission easement in the Foscue-Simmons Plantation. The Team reached concurrence on those avoidance and minimization measures during the meeting.

The Team held a Concurrence Meeting on September 17, 2009 to discuss avoidance and minimization measures for Alternate 2C of the Maysville Bypass (R-2514B) with limited control of access. Stream and wetland impacts were reduced with the revised design. The jurisdictional impacts for the Maysville Bypass had been avoided and minimized to the maximum extent practicable based upon preliminary design plans presented during the meeting by utilizing horizontal alignment shifts, vertical adjustments, perpendicular stream crossings, using 3-to-1 slopes in wetlands, locating service roads and turnarounds in non-jurisdictional areas, utilization of existing US 17 as a service road, elimination of proposed interchanges at the northern and southern termini, and bridging the White Oak River. The Team reached concurrence on those avoidance and minimization measures during the meeting.

Since the Team changed its corridor selection decision for the Maysville Bypass (R-2514B) on May 25, 2010 from Alternate 2C to Alternate 2A, the Team reconvened to hold a Concurrence Meeting on April 12, 2011 to discuss avoidance and minimization measures for Alternate 2A. The jurisdictional impacts for Section B had been avoided and minimized to the maximum extent practicable based on preliminary design plans presented during this meeting by utilizing horizontal

alignment shifts, vertical adjustments, perpendicular stream crossings, using 3-to-1 slopes in wetlands, locating service roads and turnarounds in non-jurisdictional areas, elimination of proposed interchanges at the northern and southern termini of the Maysville Bypass, and bridging the White Oak River and a tributary of the White Oak River. The Team reached conditional concurrence on the avoidance and minimization measures for the Maysville Bypass during the meeting with the provision that NCDOT would study realignment of the southern terminus of the Maysville Bypass and relocation of two turnarounds to further reduce wetland impacts.

The Team held a Concurrence Meeting on August 18, 2011 to discuss avoidance and minimization measures for widening existing US 17 between Maysville and Pollocksville (R-2514C, Alternate 3). The Team upheld its previous decision to widen on the east side of US 17 in order to minimize impacts to the Chadwick Community. Although widening on the east side generated additional impacts to the Croatan National Forest and the J. Nathan Foscue Farm, it generated approximately 80% fewer relocations than widening on the west side. NCDOT has committed to construct a wildlife underpass on US 17 between Maysville and Chadwick, which will provide a physical connection that accommodates the natural movements of black bear and other large and medium-sized mammals between the Hofmann Forest and the Croatan National Forest. Biologists and wildlife experts believe that this location is critical to the long-term health of the black bear population in the central Coastal Plain. The underpass should decrease vehicle-animal collisions and improve traffic safety for the public. Measures to avoid and minimize impacts to jurisdictional features include adjustments to vertical alignment, 3-to-1 slopes in wetlands, and locating service roads and turnarounds in non-jurisdictional areas.

i. State Final Environmental Impact Statement (2011)

The State Final Environmental Impact Statement, which was approved on June 23, 2011, described the proposed action and regulatory compliance, and an evaluation of the detailed study alternatives, design changes, interagency consultation, and public involvement since the State Draft Environmental Impact Statement, updated environmental studies and estimated impacts, selection of the Preferred Alternative, and responses to comments on the State Draft Environmental Impact Statement. The document was distributed to local, state, and federal agencies, and to the public on July 18 and July 19, 2011 for review and comment. NCDOT responded to comments on the document from the public via telephone calls and correspondence. Responses to comments on the document from local, state, and federal agencies are included in this State Record of Decision.

j. Design Public Hearing (2012)

NCDOT will present the final design plans to the public during a pre-hearing workshop and a Design Public Hearing that is tentatively scheduled to be conducted during the summer of 2012. The pre-hearing workshop will provide an informal opportunity for the public to review the design plans and to discuss their comments and questions with a member of the Project Team. The Design Public Hearing will be a formal presentation of the plans followed by an opportunity for the public to

openly express their comments about the plans. The Hearing will be recorded and a transcript will be prepared. A Post-Hearing Meeting will be held to review and consider comments received during the Hearing and those received during the comment period after the Hearing.

4. PURPOSE AND NEED OF PROJECT

The need to improve US 17 is due to the following conditions.

- Capacity Constraints
- High Crash Rates
- Inability to Adequately Function as Part of the NC Intrastate System and Diminished Ability to Function as Part of the Strategic Highway Corridor Network
- North Carolina Strategic Highway Corridors Plan

The purpose of the project is to:

- Improve the capacity of US 17 to meet its mandated objectives as part of the North Carolina Intrastate System, the North Carolina Strategic Highway Corridor System, and the Federal Strategic Highway Corridor Network;
- Improve traffic flow along the US 17 corridor in the project study area; and
- Relieve congestion on US 17 in Onslow and Jones Counties, thereby improving safety and reducing the number of crashes.

5. ALTERNATIVES CONSIDERED

Five broad-range alternatives were considered for this project: a No-Build Alternative, a Transportation System Management (TSM) Alternative, a Transportation Demand Management (TDM) Alternative, a Mass Transit Alternative, and several Build Alternative configurations. The TSM, TDM, and Mass Transit Alternatives did not meet the purpose for the project and were eliminated from detailed study.

The No-Build Alternative consists of not implementing the proposed project or any major improvement to existing routes, except those currently programmed in the STIP. The No-Build Alternative would not meet the project's purpose, but was retained for study to provide a baseline for comparison with the Build Alternative.

Under the Build Alternative, 23 preliminary alternatives in three sections (north, central, and southern portions of the project area) were initially developed for the project. These preliminary alternatives were screened to 13 alternatives for further study in the SDEIS. Based on preliminary impacts screening and on comments received through coordination with agencies and the public, the 13 SDEIS alternatives were screened to the five alternatives addressed in the SFEIS as shown on Figure 3.

6. BASIS FOR DECISION ON SELECTED ALTERNATIVE 2A-3-4D

a. Basis for Selection

Alternative 2A-3-4D was selected as the least environmentally damaging practicable alternative by the Section 404/NEPA Interagency Merger Process Team, and identified by NCDOT as the Preferred Alternative. Agency representatives based their decision on the ability to meet the purpose and need, environmental consequences, opportunities available to mitigate impacts, cost, and public and agency comments on the proposed action.

b. Description of the Preferred Alternative

The Preferred Alternative begins as a four-lane divided roadway with a 46-foot median at the intersection with Deppe Loop Road (SR 1330) / Springhill Road (SR 1439) and follows existing US 17 north for approximately 0.5 mile. The alternative then diverges from existing US 17 and continues north on new alignment west of Belgrade and Maysville. The route crosses White Oak River Road (SR 1331) approximately 0.7 mile west of existing US 17 and crosses Fourth Street (SR 1116) approximately 0.5 mile west of existing US 17. The alternative rejoins US 17 approximately one mile north of Fourth Street. It continues north along the existing alignment to approximately 0.4 mile south of Lee's Chapel Road (SR 1114), widening to the east side of the existing route. From this location, the alternative heads north, crossing Lee's Chapel Road 0.1 mile west of existing US 17, crossing Riggs Town Road (SR 1112) approximately 0.4 mile west of existing US 17, crossing NC 58 approximately 0.4 mile west of existing US 17, and crossing Goshen Road (SR 1337) approximately 0.6 mile west of existing US 17. Just north of Goshen Road, the alternative crosses Goshen Branch and the Trent River approximately one river-mile upstream of the existing US 17 bridge. The alternative continues north, crossing Oak Grove Road (SR 1121) approximately 0.8 mile west of existing US 17, and then follows the eastern edge of the Progress Energy power line easement through the historic Foscue and Simmons Plantation to cross Wise Fork Road (SR 1002) approximately 0.5 mile west of existing US 17. It crosses Simmons Loop Road (SR 1330) in two locations approximately 0.3 mile west of existing US 17 before connecting with the New Bern Bypass (TIP Project R-2301) at Deep Gully near the county line. The Preferred Alternative is shown as **Figure 4** in this document.

The proposed highway, bridges, ramps, and service roads were designed using NCDOT design standards and design guidelines developed by the American Association of State Highway and Transportation Officials (AASHTO). The typical section includes a four-lane median-divided highway with full to partial access control, a 46-foot grassed median, 12-foot lanes, 10-foot paved outer shoulders, 4-foot paved inner shoulders, and 60-70 mph design speeds.

c. Cost Estimates

Table 1 provides a comparison of right-of-way, utility, and construction cost estimates for the Preferred Alternative developed during the State Draft Environmental Impact Statement and State Final Environmental Impact Statement.

d. Impacts

Evaluation criteria for selecting a preferred alternative included socioeconomics, cultural resources, community facilities, air quality, noise impacts, natural environment, protected species, and water resources. Although the project is anticipated to be constructed entirely with state funds, the NCDOT and its federal and state regulatory and resource partners chose to follow the Section 404/ National Environmental Policy Act Interagency Merger Process Guidelines. Impacts of the proposed project were minimized during the preliminary design process and through the Interagency Merger Process. Impacts associated with the Preferred Alternative are discussed in detail in Section 4 of the SFEIS and are summarized in **Table 1** below.

Table 1. Summary of Environmental Impacts Preferred Alternative	
Preferred Alternative 2A-3-4D	
Project Length (miles)	15.68 (11.4 on New Alignment)
Relocations	Residential 46
	Business 0
	Total Relocations 46
Minority/Low Income Populations – Disproportionately High and Adverse Impacts	No
Historic Properties (adverse effect)	No Adverse Effect (3 properties)
Community Facilities Impacted	1 cemetery with 3 gravesites
Noise Impacts (impacted properties)	28
Prime Farmland (Acres)	0
Managed Lands (Acres)	35.1 acres within Croatan National Forest
Wetlands (acres)	70.4
Streams (linear feet)	3,403
Floodplain (linear feet)	9,300 linear feet within floodplains, including 2,820 feet bridged
Federally Protected Species	Not Likely to Adversely Affect

Table 1. Summary of Environmental Impacts Preferred Alternative		
Preferred Alternative 2A-3-4D		
		Red-cockaded woodpecker; No Effect on other listed species
Cost	Right of Way Cost	19,100,000
	Utilities Cost	\$4,700,000
	Construction Cost	\$166,200,000
	Prior Years Cost	\$34,600,000
	Total Cost	\$224,600,000

7. PROJECT CHANGES SINCE THE SFEIS

a. Minor Design Modifications:

Subsequent to the designation of Alternative 2A-3-4D as the LEDPA and its documentation in the SFEIS, a number of minor design modifications were incorporated into the Preferred Alternative to further minimize impacts.

- Designs for the southern terminus of the Maysville Bypass were revised as requested by the US Army Corps of Engineers to determine whether additional minimization can be achieved for Wetlands 2, 27, 30, 31, and 32. NCDOT studied shifting the turnaround bulbs to further minimize impacts to Wetlands 27 and 49. This design change was coordinated with the U.S. Army Corps of Engineers, and documented in the Jurisdictional Determination approved on March 19, 2012. A copy is included in Appendix C of this document.
- At the northern terminus of the Maysville Bypass, the driveway to US Forest Service property was relocated to preserve access. Existing Fire Suppression Road No. 204 is being cut off by the bypass.
- Ten Mile Fork Road service roadway was realigned adjacent to the right-of-way to further minimize jurisdictional impacts.
- The northern project terminus between existing US 17 and the Pollocksville Bypass was changed from a free-flowing movement between US 17 north of the project onto the Pollocksville Bypass to become a stop-controlled T-intersection where bypass traffic must stop.
- The Pollocksville Bypass alignment was modified to minimize impacts to the Pelletier Farm. Although this realignment increased wetland impacts, the Interagency Merger Process Team supported this decision in favor of the benefits to the farm lands.
- USACE requested that NCDOT shift the location of the turnaround in the vicinity of Wetland 93 to further minimize impacts to the wetland. NCDOT reviewed the design at this location

after the meeting, and made the decision to shift the turnaround to further minimize impacts to Wetland 93. The original impact was 0.87 acre. The revised impact is now 0.79 acre, a decrease of an additional 0.08 acre in this location.

b. Wetland File:

NCDOT and USACE updated the Wetland File due to the alignment modifications listed in item 1. The Jurisdictional Impacts were verified by USACE and documented in the Jurisdictional Determination approved on March 19, 2012.

c. Traffic Noise Abatement Re-evaluation:

Per the requirements of the NCDOT Traffic Noise Abatement Policy effective July 13, 2011, this project was re-evaluated to determine noise impacts from the Preferred Alternative 2A-3-4D. To date there have been no major changes to the horizontal or vertical alignment. However, there have been changes over time to the existing conditions that would include traffic volumes and/or additional development within the project area. The updated traffic forecast developed by NCDOT in December 2010 indicated a considerable drop in traffic along the proposed US 17 Bypass. In addition there have also been changes to FHWA and NCDOT noise regulations and policies. Due to these stated facts, a re-evaluation of the original study was conducted and is appended by reference.

The re-evaluation documented the assessment of predicted loudest-hour equivalent existing, no-build, and build-condition traffic noise levels and traffic noise impacts at 1,120 noise sensitive receptor locations throughout five Noise Sensitive Areas in the vicinity of the Preferred Alternative 2A-3-4D. In accordance with NCDOT Traffic Noise Abatement Policy, abatement measures were considered for the benefit of all 28 predicted Design Year 2035 build-condition traffic noise impacts. The number and types of predicted traffic noise impacts in each scenario and impact type are shown in the Table below.

Table 2: Traffic Noise Impact Summary¹

SCENARIO	APPROXIMATE # OF IMPACTED RECEPTORS APPROACHING OR EXCEEDING FHWA NAC ²							SUBSTANTIAL NOISE LEVEL INCREASE ³	IMPACTS DUE TO BOTH CRITERIA ⁴	TOTAL IMPACTS PER 23 CFR 772 ⁵
	A	B	C	D	E	F	G			
Build1	0	23	0	0	0	-	-	8	3	28

1. This table presents the summary of number traffic noise impacts for the 2035 Design Year Build scenario
2. Noise Abatement Criteria (NAC).
3. Predicted NCDOT "substantial increase" traffic noise level impact
4. Predicted traffic noise level impact due to exceeding Noise Abatement Criteria (NAC) and "substantial increase" in build scenario noise levels.
5. The total # of predicted impacts is not duplicated if receptors are predicted to be impacted by more than one criterion. The maximum extents of the 71- & 66- dBA noise level contours measured from the center of proposed roadway are 22 feet & 123 ft, respectively.

A noise barrier evaluation was conducted for this project utilizing the Traffic Noise Model (TNM 2.5) software developed by the FHWA. One noise barrier, "NW1" was determined to meet NCDOT Traffic Noise Abatement Policy feasibility and reasonableness criteria. The potential barrier location is located parallel to the proposed US 17 Bypass along the shoulder in the southwest quadrant of the US 17 Maysville Bypass / White Oak River Road grade-separated intersection.

Based upon the preliminary designs prepared for R-2514, NW1 barrier meets applicable feasibility and reasonableness criteria, and is recommended for detailed analysis for the benefit of five residential receptors on Deerfield Trail. Barrier NW1 was developed using available roadway design and preliminary cross sections, and in accordance with the current NCDOT Traffic Noise Analysis and Abatement Guidance Manual. Barrier NW1 is predicted to provide at least 5 dB(A) noise level reduction benefit to 5 receptors, and as much as 9 dB(A) noise level reduction to one receptor. At 820 feet in length, and with an area of 13,081 square feet, the total area per predicted benefited receptor for NW1 will be 2,616 square-feet, which is below the allowable 3,025 square-feet per benefit. Subject to final project design and completion of public involvement process, barrier NW1 is recommended for construction.

Loud construction noise activities such as usage of pile-drivers and impact hammers will cause temporary, sporadic, and acute construction noise impacts in isolated areas. The contractor should notify NCDOT if construction activities are required in the vicinity of one or more residential neighborhoods and the Maysville Elementary School.

8. SUMMARY OF PUBLIC INVOLVEMENT

Public involvement consisted of establishing a toll-free phone line for questions and answers, preparing newsletters, issuing press releases, and holding Public Hearings, Citizen Informational Workshops, and small group meetings within the communities. Newsletters were distributed during the study process to inform the public of the status of the project and to advertise for workshops.

A complete copy of the Community Impact Assessment, January 2002 is on file with the Project Development and Environmental Analysis Unit of NCDOT. A community profile can be found in this document. An update of this document titled *Community Impact Assessment for US 17 Improvements Segment 2 (TIP Project Number R-2514B) Jones and Onslow Counties, January 2011* was completed in 2010 for Segment 2 Alternatives 2A and 2C and is also on file with the Project Development and Environmental Analysis Unit of NCDOT.

Public Hearings. Once the SDEIS was completed and distributed NCDOT held Pre-Hearing Open House Workshops in Pollocksville on August 9 (Pollocksville), 11 (Maysville), and 16 (Pollocksville), 2005 and conducted a Formal Corridor Public Hearing in Pollocksville on August 16, 2005. Estimated attendance from the public hearing was 238 people from the sign-in sheets. NCDOT and Wilbur Smith Associates staffed the hearings with approximately 25 people over the course of the 3 meetings. There were 11 speakers during the hearing; some of them spoke twice. These meetings were held to allow the public to review and comment on the proposed alternatives.

A corridor announcement newsletter was prepared and distributed in May of 2009. NCDOT started receiving comments in June 2009. Many citizens in the Belgrade and Maysville area were opposed to Alternative 2C, which resulted in two petitions totaling over 700 signatures, plus numerous calls, emails, and letters. NCDOT responded by scheduling a public hearing in December 2009. The hearing was well attended by the local community. Following this meeting, NCDOT and USACE met to discuss the public hearing comments. USACE requested that NCDOT verify the number of expected relocations for Alternatives 2C and 2A. This data was collected during a field visit in February 2010. In May 2010 the Interagency Merger Process Team conducted a Corridor Selection Meeting for the Maysville Bypass. During this meeting, the team compared impacts associated with Alternative 2C and Alternative 2A without interchanges, and concurred with the selection of Alternative 2A as the preferred alternate.

A Design Public Hearing will be held following approval of the Record of Decision for this proposed action. The public hearing will provide more detailed information about the proposed improvements. Additional comments will be solicited from the public. For Limited English Proficiency (LEP) the data indicates that there are no language groups within the Demographic Study Area (DSA) in which more than 5 percent of the population or 1,000 persons speak English less than “very well.” Therefore, demographic assessment does not indicate the presence of LEP language groups that exceed the Department of Justice’s Safe Harbor threshold. However, NCDOT will include notice of Right of Language Access for future meetings for this project.

Citizens Informational Workshops. Three Citizens Informational Workshops were held to present proposed alternatives, solicit comments, and answer questions. The first Citizens Informational Workshop was held on October 3, 1995 at the Maysville Elementary School. Approximately 160 people attended the workshop. The second Citizens Informational Workshop was held on February 24, 1997 at the Jones County Civic Center near Trenton. Approximately 180 people attended. The third workshop was held on November 28, 2000 at the Maysville Elementary School. Approximately 82 people attended this workshop.

The majority of the people in attendance at the three Citizens Informational Workshops were concerned with the alternatives in the areas of Belgrade, Maysville and Pollocksville. The main concerns discussed at this meeting were the displacement of the elderly.

Small Group Meetings. During the course of preparing the *Community Impact Assessment, January 2002*, citizens from the Belgrade, Maysville, Chadwick (minority community), Hatchville (minority community), Garnet Heights (minority community), Goshen (minority community), Pollocksville, Oak Grove, Murphytown (minority community), Ten Mile Fork and Deep Gully communities contributed information describing the history of these communities. Numerous small group meetings were held at local churches and in neighborhoods to gather information. Door-to-door surveys were also conducted in these communities. This approach allowed the study team to itemize the physical structures located in each community and learn the feelings and desires of approximately 208 citizens living in those communities regarding project alternatives and impacts.

In March and April of 2000, sixty-seven (67) project area residents were interviewed. These interviews were conducted with 18 residents of the Chadwick community, 12 residents of the Garnet Heights community, 18 residents of the Hatchville community, 17 residents of the Goshen Community, and two residents of the Murphytown/Oak Grove communities. These interviews took place at the residents' homes.

Other interviews took place at two multi-community meetings. The meetings were open to the residents of the Chadwick, Hatchville, Garnet Heights and Goshen communities, and were held to communicate information about the project and the interview process. Two Murphytown/ Oak Grove community residents, who were relatives of members in these communities, also attended. The first meeting was held on March 20, 2000 from 7:00 p.m. to 9:30 p.m. at St. Phillip Missionary Baptist Church in the Hatchville community and had 26 attendees. The second meeting was held on April 17, 2000 from 7:30 p.m. to 9:00 p.m. at St. Matthew United Church of Christ in the Garnet Heights community and had 27 attendees.

Both of these meetings were coordinated through a local community group, the Goshen Road Environmental Action Team (GREAT). GREAT was formed in response to the town of Pollocksville's plans to locate a sewage treatment plant outside of the town limits inside the Goshen Community. The town obtained property through the use of its powers of eminent domain and relocated several Goshen residents. GREAT circulated a petition opposing the alternatives that impact the Goshen community and had enlisted the service of the United Church of Christ's Commission on Racial Justice.

In November and December 2000, 141 project area residents were interviewed to better understand the local community perspectives on the project. These interviews were conducted with 30 residents of the Belgrade Community, 57 residents of the Town of Maysville, five residents of Chadwick, one resident of Hatchville, one resident of Goshen, 27 residents of the Town of Pollocksville, 11 residents of the Murphytown/Oak Grove communities and nine residents of the Ten Mile Fork/Deep Gully Community. These interviews were conducted on Election Day outside the voting precincts at the Belgrade Fire Station, the Maysville Fire Station and the Pollocksville Fire Station. The interviews were collected from 7:00 a.m. to 6:00 p.m. on November 7, 2000 at each location.

The study team also prepared presentations and provided information at two Parent/Teacher Organization (PTO) meetings at the local elementary schools. The Maysville Elementary School PTO meeting was held on November 30, 2000; and the Pollocksville Elementary School PTA meeting held on December 11, 2000.

NCDOT met with members of the Goshen community in the summer of 2006 to discuss alternatives in the vicinity of Goshen. Graphics showing proposed grade separation options at Goshen Road and US 17, the Schematic Corridor Plan, the Public Hearing Map, and preliminary plans of various alternatives were displayed. An overview of the project status, next steps in the process, and issues related to corridor selection in the vicinity of the Goshen Community were presented to the group. The Alternative 4D alignment, which is between the Goshen Community and the Town of Pollocksville, was selected by community leaders as a potentially viable route.

9. MEASURES TO AVOID OR MINIMIZE HARM

Avoidance and minimization measures were incorporated throughout the project planning and design process to minimize impacts to human and natural resources. A complete discussion can be found in Section 4 of the SFEIS. Examples of measures incorporated to minimize impacts are summarized below.

- **Relocations** – Preliminary designs for the Preferred Alternative were refined to minimize relocations, particularly by widening to the east near Chadwick and selecting bypasses of Belgrade, Maysville, and Pollocksville. NCDOT will provide relocation assistance in accordance with the Federal Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) and the North Carolina Relocation Assistance Act (GS-133-5 through 133-18).
- **Visual Impacts** – Measures incorporated into the project that minimize visual impacts include avoiding dense residential areas, minimizing cut and fill slopes by following existing ground contours where possible, and implementing a landscaping plan for areas within the roadway right-of-way. NCDOT will attempt to minimize vegetation losses throughout the roadway design process to create an aesthetically pleasing and functional roadway that minimizes visual impacts.
- **Cultural / Historic Resources** – Alternatives were sited horizontally and vertically to minimize impacts to historic resources while considering other environmental issues such as wetlands, streams, minority neighborhoods, and communities.
- **Wildlife Impacts** - NCDOT will construct a Wildlife Underpass on US 17 between Maysville and Chadwick with the condition that the Department reserves the right to withdraw this commitment, if prior to the start of bridge construction, there is a change or planned change in use on the private property near the bridge that will serve as a deterrent to wildlife movement in the area. The wildlife underpass will provide a physical connection that accommodates the natural movements of black bear and other large and medium-sized mammals between the Hofmann Forest and the Croatan National Forest. Biologists and wildlife experts believe that this location is critical to the long-term health of the black bear population in the central Coastal Plain. The underpass should decrease vehicle-animal collisions and improve traffic safety for the public. NCDOT and the stakeholders met and determined that dual bridges would be constructed with a total length of 120 feet (two, 60-foot spans) and a minimum vertical clearance of 10 feet as depicted in Figure 6.
- **Wetlands and Surface Waters** – During step 4A of the Interagency Merger Process, the Merger Team concurred that jurisdictional impacts have been avoided and minimized to the maximum extent practicable through the use of alignment shifts, perpendicular stream crossings, bridges over major waterways with openings greater than the minimal hydraulic requirements, 3-to-1 slopes in wetlands, and equalizer pipes between bisected wetland features. However, due to the extent of wetlands and surface waters in the study area, complete avoidance is not possible. Compensatory mitigation is recommended for all unavoidable jurisdictional impacts.
- **Construction Impacts** – Construction-related impacts associated with the proposed action will be minimized by adhering to applicable rules, regulations, and permit conditions and by NCDOT's Best Management Practices for the Protection of Surface Waters.

- **Refinement of Vertical Alignment** - The impact footprint includes the slope stake lines plus 25 feet. The impacts presented during the Avoidance & Minimization Meeting were based upon final surveys, which generated a refinement in the vertical alignment and the construction footprint.
- **Community Impacts** - Early in the alternatives development process, the Merger Process Team recommended widening on the east side of US 17 in order to minimize impacts to the Community of Chadwick. Although widening on the east side generated additional impacts to the Croatan National Forest and the J. Nathan Foscoe Farm, it generated approximately 80% fewer relocations than widening on the west side.

NCDOT met with members of the Goshen Community to discuss alternatives in the vicinity of their community. Graphics showing proposed grade separation options at Goshen Road and US 17 were displayed. An overview of the project status, next steps, and issues related to corridor selection in the vicinity of the community were presented to the group. The Alternate 4D alignment, which is between the Goshen Community and the Town of Pollocksville, was selected by community leaders as a viable route.

- **Fire Suppression Road 204** – United States Forest Service Fire Suppression Road 204 will be closed at US 17 to allow for construction of the Wildlife Underpass and fencing in that location. The proposed grade of the fill material and wildlife fencing for the structure will prevent vehicular access from FSR 204 to US 17. Therefore, in order to provide alternate access for USFS, NCDOT will purchase and maintain the graveled drive located just northeast of Maysville that extends from existing US 17 to the abandoned railroad on USFS Property. USFS will make a recommendation on the extent of the closure of FSR 204.
- **Jurisdictional Impacts** – The jurisdictional impacts for Section B have been avoided and minimized to the maximum extent practicable based on preliminary design plans dated April 4, 2011. These plans were presented during the April 12, 2011 Avoidance & Minimization Concurrence Meeting. Minimization was achieved by utilizing horizontal alignment shifts, vertical adjustments, perpendicular stream crossings, using 3-to-1 slopes in wetlands, locating service roads and turnarounds in non-jurisdictional areas, elimination of proposed interchanges at the northern and southern termini, and bridging the White Oak River and a tributary of the White Oak River. Concurrence was conditionally based on NCDOT investigating flattening the southern radius curve to avoid Wetlands 2, 27, 30, 31, and 32. This design change was coordinated with the U.S. Army Corps of Engineers and documented in the Jurisdictional Determination approved on March 19, 2012. A copy is included in Appendix C of this document.

The jurisdictional impacts for Section C have been avoided and minimized to the maximum extent practicable based upon the preliminary design plans dated July 6, 2011, and as revised based upon USACE's request to shift the turnaround at Wetland 93. Measures to avoid and minimize impacts to jurisdictional features include vertical adjustments, 3-to-1 slopes in wetlands, and locating service roads and turnarounds in non-jurisdictional areas. Through design revision discussed during the merger process, wetland impacts have been avoided or minimized from 23.34 to 18.69 acres (20% net decrease). Stream impacts have been minimized from 537 to 351 feet (35% net decrease).

The jurisdictional impacts for Section D have been avoided and minimized to the maximum extent practicable based on preliminary design plans presented during the April 16, 2009 Avoidance and Minimization Concurrence Meeting by utilizing horizontal alignment shifts, vertical adjustments, perpendicular stream crossings, bridging of Goshen Branch and the Trent River, using 3-to-1 slopes in wetlands, using equalizer pipes between bisected wetland features, and paralleling the existing power transmission easement in the northern portion of the project.

- **Noise Impacts** - In accordance with NCDOT Traffic Noise Abatement Policy, abatement measures were considered for the benefit of all 28 predicted Design Year 2035 build-condition traffic noise impacts. One noise barrier, "NW1", was determined to meet NCDOT Traffic Noise Abatement Policy feasibility and reasonableness criteria. The potential barrier location is located parallel to the proposed US 17 Bypass along the shoulder in the southwest quadrant of the US 17 Maysville Bypass / White Oak River Road grade-separated intersection. Based upon the preliminary designs prepared for R-2514, NW1 barrier meets applicable feasibility and reasonableness criteria, and is recommended for detailed analysis for the benefit of five residential receptors on Deerfield Trail. Barrier NW1 was developed using available roadway design and preliminary cross sections, and in accordance with the current NCDOT Traffic Noise Analysis and Abatement Guidance Manual. Barrier NW1 is predicted to provide at least 5 dB(A) noise level reduction benefit to 5 receptors, and as much as 9 dB(A) noise level reduction to one receptor. At 820 feet in length, and with an area of 13,081 square feet, the total area per predicted benefited receptor for NW1 will be 2,616 square-feet, which is below the allowable 3,025 square-feet per benefit. Subject to final project design and completion of the public involvement process, barrier NW1 is recommended for construction.

10. MITIGATION MONITORING AND ENVIRONMENTAL COMPLIANCE PROGRAMS

Coordination will be maintained with regulatory and resource agencies during final design, permitting, right-of-way acquisition, and construction to ensure that the avoidance, minimization, and compensatory mitigation measures will be implemented.

Federal and State Enforcement Programs

NCDOT will ensure that all project commitments are duly implemented before, during, and after project construction in accordance with the Clean Water Act (CWA) Section 404/401 permitting process.

Wetland impacts will be regulated by the U.S. Army Corps of Engineers (USACE), in cooperation with the U. S. Fish and Wildlife Service (USFWS) and the U.S. Environmental Protection Agency (USEPA), through the CWA Section 404 permitting process. Issuance of a federal Section 404 Permit requires a Section 401 Water Quality Certification, which is administered by the N.C. Division of Water Quality.

11. SECTION 106 MEMORANDUM OF AGREEMENT

A Memorandum of Agreement (MOA) for historic resources was developed in accordance with Section 106 of the National Historic Preservation Act of 1966 to address the adverse effect of the proposed improvements to US 17 on an archaeological resource in the project vicinity. This agreement between the US Army Corps of Engineers, the State Historic Preservation Office, and NCDOT is included as **Appendix A** to this SROD. Per the agreement, and as a project commitment, the NCDOT will develop and implement an Archaeological Data Recovery Plan for Site 31JN128**, a property determined eligible for listing on the National Register of Historic Places.

12. RESPONSES TO COMMENTS ON THE STATE FINAL ENVIRONMENTAL IMPACT STATEMENT

The SFEIS was approved on June 23, 2011 and made available for public and agency comment during July and August 2011. During this period, letters were received from eleven agencies, and one non-profit organization, which are included in **Appendix B**.

- US Fish and Wildlife Service, Raleigh Field Office, July 26, 2011
- North Carolina Division of Water Quality, August 9, 2011
- US Environmental Protection Agency, Region 4, August 16, 2011
- North Carolina Division of Coastal Management, August 16, 2011
- North Carolina Department of Agriculture and Consumer Services, August 16, 2011
- North Carolina Natural Heritage Program, August 22, 2011
- North Carolina Department of Environment and Natural Resources, July 25, 2011
- North Carolina Division of Water Resources, Public Water Supply Section, July 25, 2011
- North Carolina Department of Cultural Resources, July 29, 2011
- The Nature Conservancy, North Carolina Chapter, September 6, 2011
- US Forest Service, September 29, 2011
- US Department of the Army, Corps of Engineers, October 31, 2011

The following comments were offered on the SFEIS, followed by a response as appropriate.

Agency: US Fish and Wildlife Service

Letter Date: July 26, 2011

Comments/Responses:

Comment 1: “With regard to the wildlife underpass to be constructed within Alternative 3, page ii of the Project Commitments (green sheets) states “Dual bridges 60 foot toe of slop [*sic*] to toe of slop [*sic*] with a 10-foot vertical clearance are proposed, coupled with fencing parallel to US 17 to help channel animals to the underpass.” These stated dimensions are confusing and inaccurate. The dimensions stated on page 4-46 are the accurate dimensions: “Dual bridges 120 feet long with 38 feet wide with a 10-foot vertical

clearance are proposed...” At a December 15, 2010 meeting at the U.S. Forest service office in New Bern, the NCDOT, the Service, the U.S. Forest Service and the North Carolina Wildlife Resources Commission (NCWRC) agreed to dual 120 feet long structures consisting of two 60 feet long spans with a bent in the middle of the opening. The opening width of the wildlife crossing at the bottom (toe of slope to toe of slope) would depend upon the slope, but a 2:1 slope was proposed with the possibility of a 1.5:1 slope (depending upon geotechnical findings). The Project Commitments (green sheets) need to state the correct dimensions, and we recommend adding an additional statement requiring that the Service and NCWRC be contacted for additional discussions on fencing requirements.”

Response 1: Comment noted. The project commitments located at the start of this State Record of Decision (SROD) have been amended to state the accurate dimensions as depicted in Figure 6.

Comment 2: “On page xvi under the Managed Lands section, it states, ‘The Preferred Alternative would impact 32.4 acres of the Croatan National Forest.’ However, Table S-2 on page xix correctly shows that the total impacts to the Croatan National Forest are actually 35.1 acres when all preferred alternatives are totaled.”

Response 2: Table S-2 is the correct total with a total of 35.1 acres impacts to the Croatan National Forest. We have included the correct acreage in Table 1 of this document.

Comment 3: “The text on page 4-46 correctly describes the large wildlife underpass to be constructed within Alternative 3. However, the text states the location is shown in Figure 3-12. Figure 3-12 does not have the location of the wildlife underpass indicated.”

Response 3: **Figure 3-12** has been revised to reflect the location of the wildlife underpass and is depicted in Figure 4 sheet 3 in this document.

Comment 4: “For federally threatened and endangered species, the SFEIS renders a biological conclusion of ‘No Effect’ for all species listed in Onslow and Jones Counties, with the exception of the red-cockaded woodpecker (*Picoides borealis*). The SFEIS renders a biological conclusion of May Effect, Not Likely to Adversely Affect for the red-cockaded woodpecker. Based on available information, the Service concurs with these biological conclusions.”

Response 4: Comment noted.

Comment 5: “The eastern cougar (*Puma concolor cougar*) is referred to on pages 3-62, 3-64, 4-59, and 4-60. This subspecies is no longer listed for any county in North Carolina and is presumed extinct. Therefore, Section 7 consultation is no longer required for this species.”

Response 5: Comment noted.

Agency: US Environmental Protection Agency

Letter Date: August 16, 2011

Comments/Responses:

Comment 1: “The location of the new crossing at the White Oak River continues to be an environmental concern to EPA and requests that Best management Practices (BMPs) be applied to the greatest extent practical, including the stringent requirements for native vegetation replanting, invasive plant species controls, soil erosion and sedimentation controls, and long-term stormwater management measures.”

Response 1: NCDOT’s Division 2 and the Roadside Environmental Unit will coordinate and implement BMPs throughout the design and construction stages.

Comment 2: “EPA believes that a ‘reduction’ of the median width to 46 feet for the new location bypasses does not fully represent a minimization measure to jurisdictional resource impacts. The US 17 Strategic Highway Corridor is both an expressway or freeway designed facility and a transportation justification for an expanded median beyond the standard or typical 46-foot median width was not provided in the DEIS or FEIS. EPA notes that at the time of this FEIS review, avoidance and minimization measures for Section C of the project has not been completed by the NEPA/Section 404 Merger Team. The Concurrence Point 4A meeting has been scheduled by NCDOT for August 18, 2011. EPA requests that the Record of Decision (ROD) reflect the avoidance and minimization commitments following the Merger Team meeting.”

Response 2: This State Record of Decision reflects the avoidance and minimization commitments discussed for Section C during Concurrence Point 4A held on August 18, 2011. References to the 46-foot median width have been removed from lists of other minimization measures employed to reduce impacts to jurisdictional resources.

Comment 3: “EPA requests that all on-site mitigation opportunities identified by NCDOT be also coordinated with EPA’s Merger Team representative.”

Response 3: This is specified in this SROD as a Project Commitment.

Comment 4: “EPA has water quality concerns regarding the potential ‘hydraulic trespass’ issues associated with roadside ditches and keeping development stormwater separated from roadway stormwater and allowing for proper retention and treatment prior to discharge to the receiving waters (including *E. coli* bacteria). Due to the groundwater elevations in much of the project study area, the rural nature of much of the project study area, the predominant sandy soils and their reliance on shallow groundwater for drinking water sources, EPA requests that NCDOT also consider these important issues in the final environmental commitments for the proposed project.”

Response 4: The NCDOT Hydraulics Unit will investigate and address specific drainage needs for each property along the project as designs are further developed. The exact location of berms, diversion ditches, and lateral outfall ditches have not yet been determined.

- Comment 5: “EPA also notes the potential impacts to floodplains identified in Table S-2. Approximately twenty-one (21) miles of potentially new impervious surface with miles of roadside ditches, not including new 2-lane service roads, represents a potentially significant long-term impact to surface and shallow groundwater sources in the project study area. EPA does not fully concur with the statement regarding private wells not immediately involved in the project right-of-way under Section 4.1.5.3.1 of the FEIS (*‘...are not likely to sustain serious impact’*). There are no NCDOT supporting studies or evidence from other completed US 17 improvement projects presented in the FEIS along coastal North Carolina that help to confirm this opinion. There are other published studies that indicate that development, historic overuse by certain industries, other human activities such as agriculture and prolonged droughts along the coast of North Carolina have some potential impact to shallow drinking water sources.”
- Response 5: NCDOT acknowledges the comments from EPA and notes that the Department of Transportation will continue to work with the EPA Merger Team representative through the hydraulic design phase of the project. At this time, specific hydraulic treatments for the introduction of impervious surface including the exact locations of berms, diversion ditches and lateral ditches are not known. We will consider specific comments and suggestions regarding specific hydraulic treatments that could potentially effect surface and shallow groundwater sources through the Concurrence Point 4B and 4C meetings that are part of the Section 404/NEPA Merger Process.
- Comment 6: “Impacts to terrestrial forest communities are not specifically identified in Table S-2, Impacts Summary Table in the FEIS. This table does not reflect that there will be a total of 35.1 acres of direct impact to Croatan National Forest. This is the only national forest in eastern N.C. and one of only two near the Atlantic coast (Francis Marion National Forest in South Carolina is the other one). Croatan National Forest represents a unique and significant Federal resource to the State of North Carolina and impacts to the forest should be minimized to the extent practicable.”
- Response 6: Impacts to the National Forest and other environmental resources were identified and weighed against one another to identify the alternative with the fewest overall impacts. The US Forest Service participated in the Section 404/NEPA Interagency Merger Process and was involved in making the decision to select the Preferred Alternative.
- Comment 7: “EPA strongly supports [the wildlife underpass] transportation safety measure and the environmental commitments with other resource and permitting agencies.”
- Response 7: Comment noted.
- Comment 8: “EPA notes the coordination and effect determinations summarized in Table 4-15 for the fifteen federally-listed Threatened or Endangered Species potentially in the project study area.”
- Response 8: Comment noted.

Comment 9: “An Environmental Justice (EJ) evaluation is presented in the FEIS on pages 4-11 and 4-12. The US Army Corps of Engineers (USACE) will potentially need to consider this information and evaluation in its permit decision for this state-funded project under Executive Order 12898.”

Response 9: Comment noted.

Comment 10: “Impacted noise receptors for the three section of the proposed project total 233. EPA recommends full consideration of noise barriers and other abatement measures to address these substantial impacts.”

Response 10: Based on the re-evaluation of traffic noise for the Preferred Alternative 2A-3-4D using NCDOT Traffic Noise Abatement Policy effective July 13, 2011, one barrier meets applicable feasibility and reasonableness criteria, and is recommended for detailed analysis for the benefit of the five receptors on Deerfield Trail. Subject to final project design and completion of public involvement process, barrier NW1 is recommended for construction. An additional noise analysis will be performed during final design of this project to develop more detailed locations and dimensions of the recommended noise barrier.

Comment 11: “The FEIS does not identify any Voluntary Agricultural Districts being impacted from the proposed project.”

Response 11: Voluntary Agricultural Districts, or VADs, encourage protection of farmlands throughout the state against non-farm development. To qualify, landowners must meet certain management and tax requirements then may create a conservation agreement that prohibits non-farm use / development of the land for ten years. The following VADs exist within the study area: Scott Farm, 144 acres east of US 17 at 6763 US Highway 17, and Meadows Farm, 76 acres along NC 58 just east of Maysville. Neither VAD lies within nor adjacent to any of the alternatives addressed in this proposed action.

Comment 12: “EPA recommends that NCDOT continue working with local farmers on access and other compensation issues.”

Response 12: NCDOT will continue to coordinate with local farmers and other property owners throughout the right-of-way acquisition process. A Design Public Hearing is tentatively scheduled for the summer of 2012 to discuss this issue.

Comment 13: “The EPA notes the cultural resource effects in Table S-2 and in other sections of the FEIS. There are three ‘no effect properties,’ two ‘no effect historic districts,’ three ‘no adverse effect properties,’ and one identified archaeological site.”

Response 13: Comment noted.

Comment 14: “EPA acknowledges that this is a state-funded project and that Section 4(f) of the USDOT Act of 1966 does not apply.”

Response 14: Comment noted.

Comment 15: “There is one identified hazardous material site in Section 2A of the proposed project.”

Response 15: Comment noted.

Comment 16: “NCDOT indicates that Indirect and Cumulative effects are expected to be minimal in the project study area planning areas. EPA has environmental concerns regarding direct and indirect water quality issues relating to this project and requests a copy of a quantitative analysis for review and comment.”

Response 16: NCDOT emailed a copy of the September 2010 *Indirect and Cumulative Effects Report* to EPA on October 4, 2011.

Agency: North Carolina Department of Environment and Natural Resources

Letter Dated: August 25, 2011

Comments/Responses:

Comment 1: “The applicant is encouraged to consider the attached recommendations and continue to work with our agencies during the NEPA Merger Process.”

Response 1: NCDOT will continue to work with NCDENR representatives through the Section 404/NEPA Merger Process.

Agency: North Carolina Division of Water Quality

Letter Dated: August 9, 2011

Comments/Responses:

Comment 1: “This Project is being planned as part of the 404/NEPA Merger Process. As a participating team member, NCDWQ will continue to work with the team.”

Response 1: Comment noted.

Comment 2A: “A portion of this project is within the Neuse River Basin. Riparian buffer impacts shall be avoided and minimized to the greatest extent possible pursuant to 15A NCAC 2B.0233. New development activities located in the protected 50-foot wide riparian areas within the basin shall be limited to uses identified within and constructed in accordance with 15A NCAC 2B.0233.”

Response 2A: Stream avoidance and minimization measures for the alternatives were discussed in Section 4.1.5.3.4 (page 4-49) of the State Final Environmental Impact Statement and concurred with by the Section 404/NEPA Interagency Merger Process Team during meetings in April 2009 and August 2011.

Comment 2B: “Buffer mitigation may be required for buffer impacts resulting from activities classified as ‘allowable with mitigation’ within the ‘Table of Uses’ section of the Buffer Rules or require a variance under the Buffer Rules. A buffer mitigation plan, including use of the NC Ecosystem Enhancement Program, must be provided to NCDWQ prior to approval of the Water Quality Certification.”

Response 2B: The NCDOT will investigate potential on-site stream and wetland mitigation opportunities on the location of the preferred alternative. If on-site mitigation is not feasible, mitigation will be provided by the North Carolina Department of Environment and Natural Resources Ecosystem Enhancement Program (EEP).

Comment 3A: “Prior to issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impact to wetlands (and streams) to the maximum extent practical.”

Response 3A: NEPA Interagency Merger Process Team meetings were conducted on April 16, 2009; September 17, 2009; April 12, 2011; and August 18, 2011 to identify and incorporate measures to minimize impacts to wetlands and streams, as summarized in Sections 4.1.5.3.4 and 4.1.5.4.2 of the State Final Environmental Impact Statement. As discussed in Section 7.a of this State Record of Decision, designs are being modified at specific locations to further reduce impacts to jurisdictional resources.

Comment 3B: “The [wetland] mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.”

Response 3B: The NCDOT will investigate potential on-site stream and wetland mitigation opportunities on the location of the preferred alternative. If on-site mitigation is not feasible, mitigation will be provided by the North Carolina Department of Environment and Natural Resources Ecosystem Enhancement Program (EEP).

Comment 4: “Future documentation, including the 401 Water Quality Certification Application, should continue to include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.”

Response 4: Appropriate materials will be included with future documentation and permit applications.

Comment 5: “All impacts, including but not limited to, bridging, fill, excavation and clearing, and rip rap, to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.”

Response 5: Appropriate materials will be included with future documentation and permit applications.

Comment 6: “The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater shall not be permitted to discharge directly into streams or surface waters.”

Response 6: Appropriate materials will be included with future documentation and permit applications.

Agency: North Carolina Division of Coastal Management

Letter Dated: August 16, 2011

Comments/Responses:

Comment 1: “A CAMA Major Development Permit will be required due to the crossing of the White Oak River, located at the Onslow / Jones County line. Public Trust Area and Public Trust Shoreline Areas of Environmental Concern (AECs) will be impacted by this crossing. Once the project crosses the White Oak River and progresses into Jones County, which is not one of the 20 coastal counties that make up the Coastal Zone, it will no longer be subject to jurisdiction of the NC Division of Coastal Management. However, the project enters Craven County at the northern terminus. Since Craven County is one of 20 coastal counties under DCM jurisdiction, the permit application should include the portion of the project in Craven County, including the crossing of the White Oak River.”

Response 1: Appropriate materials will be included with future documentation and permit applications.

Comment 2: “There are a number of references to CAMA Land Use Plans in the document. Many of these references were confusing or inaccurate. The Coastal Area Management Act (CAMA) requires each of the 20 coastal counties to have a local land use plan in accordance with guideline established by the Coastal Resources Commission (CRC). Once a land use plan is certified by the CRC, the Division of Coastal Management uses the plan in making CAMA permit decisions. Proposed project must be consistent with the policies of approved CAMA Land Use Plans. The following are CAMA Land Use Plans that DCM will reference during the permitting process:

- *Craven County CAMA Core Land Use Plan* (Certified by the CRC on October, 2009)
- *Onslow County Comprehensive Plan* (Certified by the CRC on January, 2010).”

Response 2: The majority of this project is located in Jones County, which is not a CAMA County. Smaller portions of the project are located in Onslow and Craven counties, which are CAMA Counties. CAMA requires each of the 20 coastal counties to prepare and implement a local land use plan in accordance with guidelines established by the Coastal Resources Commission (CRC). Onslow and Craven counties each have land use plans that have been certified by the CRC. The Onslow County Comprehensive Plan specifically supports this US 17 Project. The Craven County CAMA Core Land Use Plan does not specifically describe this project, but does support the projects associated with the overall US 17 Corridor. This US 17 Project will be evaluated by the Division of Coastal Management for consistency with both land use plans during the permitting process.

Comment 3: “Since the project enters Craven County, a review of the policies of the Craven County CAMA Core Land Use Plan, approved by the CRC on October 30, 2009, is advised.”

Response 3: The project lies within Onslow and Jones Counties. It will connect with the New Bern Bypass at the Jones / Craven County line. Therefore, review of the Craven County

CAMA Core Land Use Plan was not included in the State Final Environmental Impact Statement.

Comment 4: “The second paragraph in [Section 4.1.2.1] does not make sense and should be rewritten. The paragraph reads as follows:

“The Coastal Area Management Act (CAMA) was established in 1974 to manage and protect coastal areas and water resources in eastern North Carolina. The plan supports any transportation upgrades by the NCDOT to improve access to Jones, Onslow, and Craven Counties. Therefore, the remaining Detailed Study Alternatives are consistent with CAMA initiatives, although a permit will be required for this project.”

References should be made to specific language of the Onslow and Craven County CAMA Land Use Plans that indicate support for the proposed project. It is appropriate to reference Jones’ County’s Strategic Plan in this Environmental Impact Statement, However, Jones County is not one of the 20 coastal counties that make up the coastal zone and are required to have a CAMA land use plan.”

Response 4: The Onslow County Comprehensive Plan (Certified by the CRC on January 30, 2010) specifically states that Onslow County and its participating municipalities support implementation of the 2007-2013 North Carolina Transportation Improvement Program.

Comment 5: “The rare and unique natural areas, Maysville Goldenrod Roadsides, Deep Gully, and Mill Creek Outcrops should be described under another heading rather than as CAMA AECs as they have not been designated as such.”

Response 5: Comment noted.

Comment 6: “It is correctly stated that the White Oak River is classified as a Public Trust AEC and Public Trust Shoreline AEC and that the project will require a CAMA Major Development Permit. However, it is stated that ‘this designation comes from the statewide importance of the area’s natural resources, which may easily be destroyed by erosion or flooding.’ This statement is incorrect. The objective of the CRC in designating Public Trust Areas and Public Trust Shorelines as AECs is to safeguard and perpetuate their biological, social, economic, and aesthetic values and to ensure that development occurring within these AECs is compatible with natural characteristics so as to minimize the likelihood of significant loss of private property and public resources, as well as to protect common-law and statutory public rights of access to the lands and waters of the coastal area.”

Response 6: Comment noted and revised in this Record of Decision as follows: The White Oak River is classified as a public trust Area of Environmental Concern and a public trust shoreline area of environmental concern. The objective of the CRC in designating Public Trust Areas and Public Trust Shorelines as AECs is to safeguard and perpetuate their biological, social, economic, and aesthetic values and to ensure that development

occurring within these AECs is compatible with natural characteristics so as to minimize the likelihood of significant loss of private property and public resources, as well as to protect common-law and statutory public rights of access to the lands and waters of the coastal area. Because of these classifications, the project will require a CAMA Major Development Permit.

Agency: North Carolina Natural Heritage Program

Letter Dated: August 22, 2011

Comments/Responses:

Comment 1: “The Natural Heritage Program has reviewed the document and is disappointed that the large population of the State Threatened spring-flowering goldenrod (*Solidago verna*) along both sides of US 17 north of Maysville could not be spared.”

Response 1: NCDOT will collect seeds from the spring-flowering goldenrod prior to construction and make plantings at designated locations within the Croatan National Forest.

Comment 2: “However, such avoidance would have required a highway on new alignment, which is much more expensive and runs the risk of further damage to the environment.”

Response 2: Impacts of protected species and other environmental resources were identified and weighed against one another to identify the alternative with the fewest overall impacts.

Comment 3: “It is also disappointing that the widening of US 17 in [Section 3] will be to the east, on the Croatan National Forest land, as opposed to the west side, which is not conservation land.”

Response 3: Impacts to the National Forest and other environmental resources were identified and weighed against one another to identify the alternative with the fewest overall impacts. Although widening to the east generated additional impacts to the Forest and J. Nathan Foscue Farm, it generated approximately 9 fewer relocations than widening to the west side and 21 fewer relocations than symmetrical widening. The US Forest Service participated in the Section 404/NEPA Interagency Merger Process and was involved in making the decision to select the Preferred Alternative.

Comment 4: “The document does state (Page 3-69) that NCDOT is coordinating with the US Forest Service to mitigate potential impacts to this large stand of the rare plant [goldenrod].”

Response 4: The US Forest Service participated in the Section 404/NEPA Interagency Merger Process and was involved in making the decision to select the Preferred Alternative.

Comment 5: “The Preferred Alternative section 4D will pass through a conservation easement held by the NC Coastal Land Trust. Thus, it is imperative that NCDOT coordinate with this land trust to minimize damage to the 212-acre easement property.”

Response 5: As noted in the project commitments, consultation will be undertaken regarding easement impacts within the North Carolina Coastal Land Trust property.

Agency: North Carolina Division of Water Resources, Public Water Supply Section

Letter Dated: July 25, 2011

Comments/Responses:

Comment 1: “There may be relocation of water mains needed, which would require DENR Public Water Supply approval.”

Response 1: Appropriate materials will be included with future documentation and approval by the Public Water Supply Section of the Division of Water Resources.

Agency: North Carolina Department of Agriculture and Consumer Services

Letter Dated: August 16, 2011

Comments/Responses:

Comment 1: “The North Carolina Department of Agriculture and Consumer Services (NCDA&CS) is concerned about the conversion of North Carolina’s farm and forest lands to other uses. Farm and forest lands are important for both economic and environmental reasons. Appropriately managed agricultural lands can provide groundwater recharge, wastewater filtration, flood prevention, and wildlife habitat protection. Agricultural land enhances the quality of life for citizens within a community by offering scenic landscapes, open space, and a variety of outdoor recreational activities. In addition, loss of productive farmland has the potential for irreversible damage to the agricultural sector of our economy. Careful review of activities that result in loss of farm and forest land is warranted when consideration is given for loss of environmental amenities, the loss of local tax revenue, the value of agricultural products no longer produced, and the decrease of agribusiness jobs associated with the loss of land. As the project proceeds, NCDA&CS urges NCDOT to seek opportunities to minimize loss of agricultural land and minimize impacts to adjacent agricultural operations.”

Response 1: Impacts to agricultural lands and other environmental resources were identified and weighed against one another to identify the alternative with the fewest overall impacts. A range of federal and state agencies participated in the Section 404/NEPA Interagency Merger Process and were involved in making the decision to select the Preferred Alternative.

Agency: North Carolina Department of Cultural Resources

Letter Dated: July 29, 2011

Comments/Responses:

No comments provided.

Agency: The Nature Conservancy

Letter Dated: September 6, 2011

Comments/Responses:

Comment 1: “NCDOT, in recommending the construction of a wildlife underpass, has addressed our concern over potential fragmentation of the larger landscape and the impact on wildlife by the widening of US 17.”

Response 1: Comment noted.

Comment 2: “I recommend that Figure 3-12 be amended to show [the location of the wildlife underpass].”

Response 2: This Record of Decision includes revised Figure 3-12.

Agency: US Forest Service

Letter Dated: September 29, 2011

Comments/Responses:

Comment 1: “If a final BE/BA is not signed before fall of 2013 or within 5 years of the original surveys NCDOT will have to conduct new field surveys. RCWs are a species that are constantly dispersing to new areas, therefore it is impossible to tell now whether or not any RCWs would move into the project area before project completion, and while this is not likely to happen as suitable habitat is limited, it is not an impossibility. Due to this it is important that NCDOT communicate with the Croatan NF Wildlife Biologist prior to the start of any activities on USFS land within the planned RCW Territory 134 to ensure that the area has not become an active RCW area.”

Response 1: This is included as a project commitment in this State Record of Decision.

Comment 2: “The project area does not fall within a red-cockaded woodpecker cluster, it does fall within a planned territory, Territory 134. Territory 134 does not have any known RCW trees and is not considered a cluster. It is only planned as a territory in our effort to reach RCW Recovery Plan delisting standards. All references to RCW cluster 134 should be changed to territory 134.”

Response 2: All references in this State Record of Decision will be to RCW Territory 134 rather than cluster 134.

Comment 3A: “All relocation of utilities including but not limited to power lines, water and sewer lines, and communication lines located on National Forest Systems (NFS) lands must be coordinated with the Forest Service.”

Response 3A: Appropriate consultation will be undertaken as project development continues, and is a project commitment in this State Record of Decision.

Comment 3B: “Utility companies cannot use the easement granted to the North Carolina Department of Transportation for construction and operation of the highway for their uses. All utility companies must work directly with the Forest Service to modify their existing special use permits on relocations within the project area.

Response 3B: This is a project commitment in this State Record of Decision.

Comment 4A: “Discussion on the initial pages regarding the wildlife underpass does not meet what was discussed and agreed upon at our last meeting with NCDOT regarding the underpass.”

Response 4A: The revised text is included as a project commitment in this State Record of Decision.

Comment 4B: “Associated with the construction of the wildlife underpass, moving public access away from Fire Suppression Road (FSR) 204 was discussed along with obliteration of a portion of FSR 204. This action and its beneficial impacts to wildlife were not mentioned in the document. In addition with discussed design criteria of the wildlife underpass there will be beneficial impacts to smaller wildlife such as amphibians and rodents.”

Response 4B: As part of this State Record of Decision, it is noted that associated with the construction of the wildlife underpass, moving public access away from Fire Suppression Road (FSR) 204 along with obliteration of a portion of FSR 204 has beneficial impacts to smaller wildlife such as amphibians and rodents.

Comment 5: “We believe the only rare plant species that will be affected by the proposed project on NFS lands is spring-flowering goldenrod (*Solidago verna*); however it is impossible to determine the extent from the analysis since there is no distinction of impacts by different ownerships. Our belief is that 100% of all the individuals that occur on NFS lands will be impacted; however it is impossible to discern from the analysis. In the brief analysis on page 4-63, the SFEIS mentions ‘the proposed action may affect individuals’ of spring-flowering goldenrod while in the next sentence you indicate ‘approximately 0.91 acres of 1.21 acres of habitat occupied by this species will be directly affected.’ We think the previous statement should be changed to ‘the proposed project will impact individuals of spring-flowering goldenrod.’ The construction of a paved road over occupied habitat will almost certainly impact those individuals. It is difficult to quantify the impacts to a rare species by indicating ‘0.91 acres of 1.21 acres of habitat’ will be affected. The *Solidago verna* occurrence along US 17 is not evenly distributed across the occupied habitat. Some portion of the area is quite dense while another portion is very sparse. The NC Natural Heritage Program Biotics database indicates a cursory survey was completed in June of 2010 resulting in ‘a few thousand individuals’ with 75% on the east side of US 17, the remaining 25% occurring on the west shoulder of US 17. Is there more complete information than a cursory survey? And are there at least several thousand individuals along the east edge of US 17 on NFS lands that will be impacted by the project?”

Comment 6: “In the response to comments section, on page 8-13, the SFEIS indicates there are 13 total acres of habitat occupied by the potentially impacted occurrence of spring-flowering goldenrod, however only 1.21 acres occurs within the right-of-way, and only 0.91 acres will be potentially impacted. We suspect the 13 acres were derived from the NC Natural Heritage Program Biotics database where they created a buffered (40 feet in width) polygon file of the linear feature. On the east side of US 17 within the Croatan NF at least ½ of this buffered feature extends into a young loblolly pine plantation, which

almost certainly does not provide any habitat for spring flowering goldenrod. We suspect the 13 acres of total habitat for this occurrence is erroneous.”

Response 5&6: The numbers presented in the SFEIS are based on an assessment completed in 2008 and should be updated to reflect newer information provided by the North Carolina Natural Heritage Program (NCNHP). Spring-flowering goldenrod is a pioneering species that can rapidly colonize suitable habitat under suitable conditions. Suitable habitat may harbor fluctuating numbers and densities of individual plants on an annual basis in response to localized environmental changes including rainfall, soil disturbance, and clearing or mowing. New information provided by NCNHP in 2011 indicates that the spring-flowering goldenrod occurrence along the existing US 17 facility is considered to occupy approximately 13.0 acres. This includes areas located on NFS lands within the Croatan National Forest and areas located within the existing US 17 right-of-way adjacent to private property. Approximately 12.8 acres will be directly affected as a result of this project, which includes approximately 9.9 acres (98%) of the 10.1 acres on NFS lands in the Croatan National Forest. The NCNHP cursory population estimate of a few thousand individuals for this occurrence in 2010 represents the most recent estimate that appears to be available. No more recent or systematic population estimates for this occurrence have been identified.

Comment 7: “On pages 8-22 and 8-23 the SFEIS suggests mitigation for the loss of spring-flowering goldenrod habitat be conducted in conjunction with the proposal for the US 70 Havelock Bypass. Further it indicates appropriate habitat for relocation is being proposed in Craven County west of Havelock in the Havelock Station Flatwoods area. There has been coordination with USFS and NCDOT personnel on the ongoing collection of spring-flowering goldenrod seed for the last few years and we do believe that propagation and relocation of the material to an appropriate site can be an acceptable tool. However there has been no coordination with USFS personnel for an appropriate site. The Havelock Station Flatwoods area would be an inappropriate location for the US 17 occurrences since it is almost 19 aerial miles from the impacted site and could result in undesirable genetic implications to other Havelock spring-flowering goldenrod occurrences. It is critical that mitigation measures be coordinated with appropriate USFS personnel and approved by the Forest Supervisor prior to finalizing the EIS.”

Response 7: This issue has been included as a project commitment in this State Record of Decision.

Agency: US Army Corps of Engineers

Letter Dated: October 31, 2011

Comments/Responses:

Comment 1: This project is planned and currently in the 404/NEPA Merger Process. The USACE is a participant in the Process and will continue to work as a member of the team

Response 1: Comment noted.

- Comment 2: “With the selection of Alternative 2A in Section B as the LEDPA, some areas of wetlands were not entirely covered by the preliminary jurisdictional determination and require further analysis and possible re-calculation of impacts.”
- Response 2: NCDOT and its consultants will update the jurisdictional determination to cover these areas and will update impacts accordingly. These findings will be coordinated with USACE as the project development process continues.
- Comment 3: “A Merger Team meeting (CP4A) was held on April 12, 2011 to discuss the avoidance and minimization measures for Section B, Alternative 2A (Maysville Bypass). Conditional concurrence was reached by the team for Alternative 2A, pending analysis of areas near the southern terminus for further opportunities for avoidance and minimization. This work is still in progress, and any changes in the calculations of impacts should be noted in the Record of Decision, if available.”
- Response 3: This design change was coordinated with the U.S. Army Corps of Engineers and documented in the Jurisdictional Determination approved on March 19, 2012. A copy is included in Appendix C of this document.
- Comment 4: The SFEIS impact summary table (Table S-2) does not reflect the most recent Section 404 final avoidance and minimization measures for two of the three preferred alternatives.
- Response 4: Development of the final designs for the preferred alternative is still in progress; final wetland and stream impacts will be coordinated with the USACE during the Hydraulic Design Review Meetings.

13. PROJECT CHANGES IN RESPONSE TO COMMENTS ON THE STATE FINAL ENVIRONMENTAL IMPACT STATEMENT

Regarding the wildlife underpass, the Project Commitments sheets (green sheets) have been amended to correct the dimensions: dual bridges 120 feet long with a 10-foot vertical clearance are proposed in Section 3, approximately 1.2 miles south of the intersection with SR 1107. It is noted in this SROD in response to the third paragraph on page 4-46 of the SFEIS stating that construction of a wildlife underpass will result in beneficial impacts for terrestrial species. NCDOT will continue coordination with the US Fish and Wildlife Service and the North Carolina Wildlife Resources Commission to discuss fencing requirements. SFEIS Figure 3-12 is likewise amended to identify the location of the proposed crossing, as shown **as revised Figure 3-12** of this SROD.

Regarding forest impacts, page xvi of the SFEIS is amended by this SROD to correct the impacts to the Croatan National Forest to a combined total of 35.1 acres impacted for all three sections of the Preferred Alternative. This SROD also notes that ‘Impacts to Terrestrial Forest Communities’ was omitted from SFEIS Table S-2 (page xix) that should have indicated 205 total acres of forest habitat would be impacted by the Preferred Alternative.

Regarding Areas of Environmental Concern, SFEIS page 3-69 reference to the Maysville Goldenrod Roadsides, Deep Gully, and Mill Creek Outcrops as CAMA AECs is amended in this SROD to indicate that these areas are not formally designated as such by the Coastal Resources Commission. “The objective of the Coastal Resources Commission in designating Public Trust Areas and Public Trust Shorelines as Areas of Environmental Concern is to safeguard and perpetuate their biological, social, economic, and aesthetic values and to ensure that development occurring within the AECs is compatible with natural characteristics so as to minimize the likelihood of significant loss of private property and public resources, as well as to protect common-law and statutory public rights of access to the lands and waters of the coastal areas.”

Regarding the CAMA Land Use Plan descriptions, Section 4.1.2.1 of the State Final Environmental Impact Statement (page 4-14) is amended in this State Record of Decision to read, “The Coastal Area Management Act (CAMA) was established in 1974 to manage and protect coastal areas and water resources in eastern North Carolina. CAMA requires each of the 20 coastal counties to have a local land use plan in accordance with guidelines established by the Coastal Resources Commission (CRC). Once a land use plan is certified by the CRC, the Division of Coastal Management (DCM) uses the plan in making CAMA permit decisions. The following are the CAMA Land Use Plans that DCM will reference during the permitting process:

- Onslow County Comprehensive Plan - CAMA Core Land Use Plan (certified by the CRC on January 2010)
- Craven County Land Use Plan (certified by the CRC on October 2009)

Regarding CAMA Buffers, “The SFEIS incorrectly referenced CAMA setbacks as 50 feet. We are acknowledging in this SROD that CAMA requires 30-foot setbacks. The 50-foot riparian buffer only applies to the Neuse River Basin.

Regarding Voluntary Agricultural Districts (VADs), The following text is noted in this SROD to supplement after the last paragraph in section 3.3.3: “Voluntary Agricultural Districts, or VADs, encourage protection of farmlands throughout the state against non-farm development. To qualify, landowners must meet certain management and tax requirements then may create a conservation agreement that prohibits non-farm use / development of the land for ten years.” The following VADs exist within the study area: Scott Farm, 144 acres east of US 17 at 6763 US Highway 17 and Meadows Farm, 76 acres along NC 58 just east of Maysville. Neither VAD lies within nor adjacent to any of the alternatives addressed in this proposed action.

Regarding groundwater wells, NCDOT Hydraulics Unit has begun the drainage design. At this time, the exact locations of berms, diversion ditches and lateral ditches is not known. The proposed grade for US 17 in this section had to be raised in order to drain the median and to provide outlet areas since there are very few existing outlet ditches areas along the project. The Hydraulics Unit will investigate and address specific drainage needs at each property along the project. Some of the front yards may have lateral

ditches along the toe of the fill slope as long as it is not in wetlands. In areas of wetlands, NCDOT will avoid ditching.

Regarding Red-cockaded woodpecker territory, the last sentence on page 3-63 of the SFEIS is amended in this SROD to read “Per November 2009 correspondence, the USFWS has determined no further analysis of impacts to RCW or planned territory #134 are necessary given the current design proposal.” The same sentence also replaces the last sentence of the second paragraph on page 4-61. The fourth sentence on page 4-37 is amended by this SROD to read “A portion of the USFS RCW planned territory #134 falls within the right-of-way footprint for Alternative 3.”

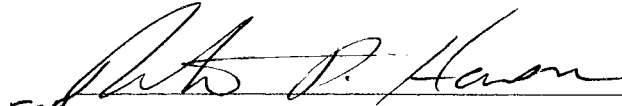
Regarding Spring-flowering goldenrod, NCDOT is proposing improvements to US 17 (R-1514B, C, D) from south of the Town of Belgrade to north of the Jones/Craven County line. The proposed improvements include bypasses of the Towns of Maysville and Pollocksville with a widening section that connects the bypasses. The widening section includes approximately 108 acres of NFS lands on the Croatan National Forest. The NFS lands affected by the project include part of the existing US 17 facility. One PETS plant species will be directly affected by the US 17 improvements project, spring-flowering goldenrod. This occurrence occupies a total of 13.0 acres, including areas located on USFS lands within the CNF and areas located within the existing US 17 right-of-way adjacent to private property. Approximately 12.8 acres of this spring-flowering goldenrod occurrence will be directly affected as a result of this project, which includes approximately 9.9 acres (98%) of the 10.1 acres of habitat occupied on USFS lands in the CNF. This occurrence is estimated to include over 1,000 individual plants. The SROD notes that the final sentence on page 8-13 which stated “There is a total of 13 acres of habitat occupied by this occurrence of spring-flowering goldenrod” is eliminated.

14. STATE RECORD OF DECISION APPROVAL

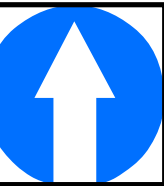
The State Final Environmental Impact Statement (SFEIS) is in conformance with applicable provisions of the North Carolina Environmental Policy Act of 1971 and satisfactorily covers the anticipated environmental impacts including physiographic and cultural effects. Comments on the SFEIS have been reviewed, and no new substantive issues or impacts were identified; therefore, the SFEIS remains valid.

Based on the analysis and evaluation contained in the SFEIS and after careful consideration of all social, economic, and environmental factors and input from the public involvement process, NCDOT selects the Preferred Alternative (2A-3-4D) for this proposed action.

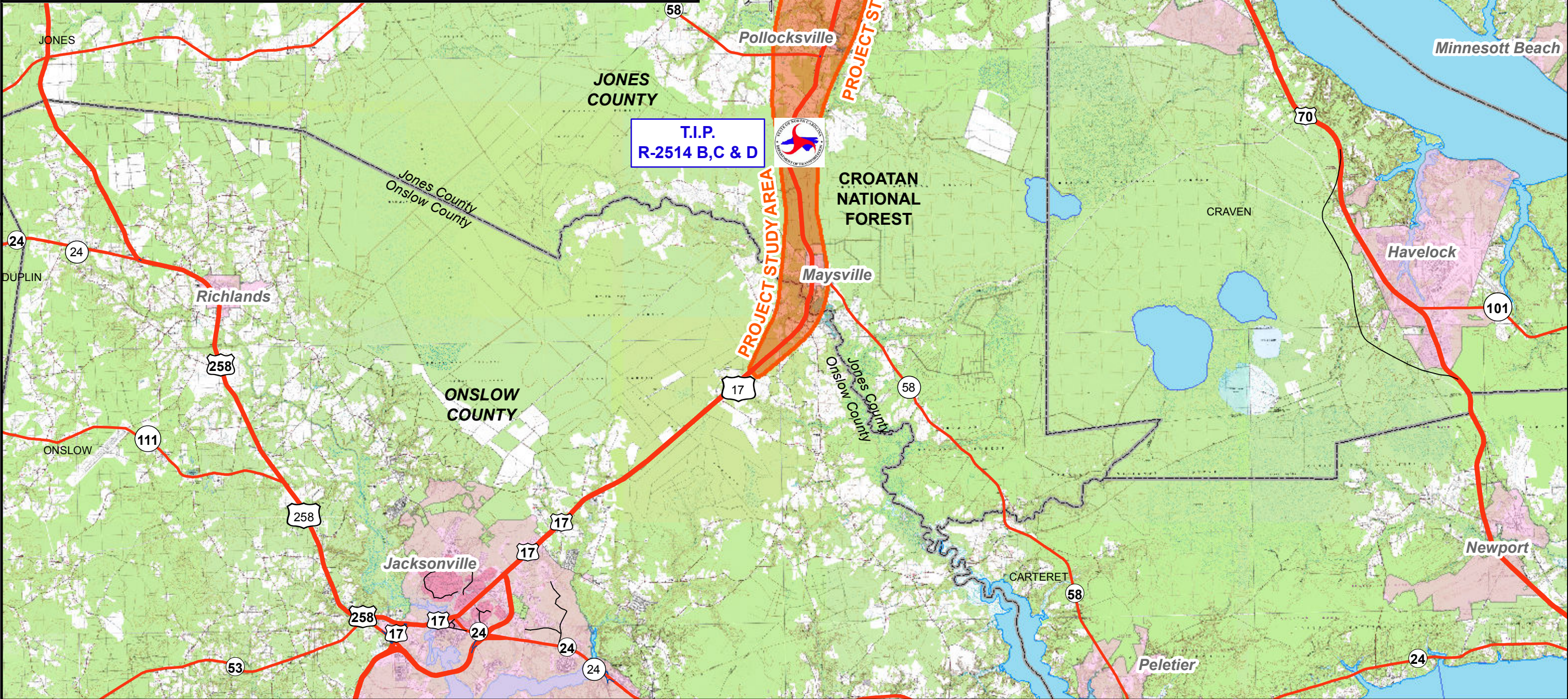
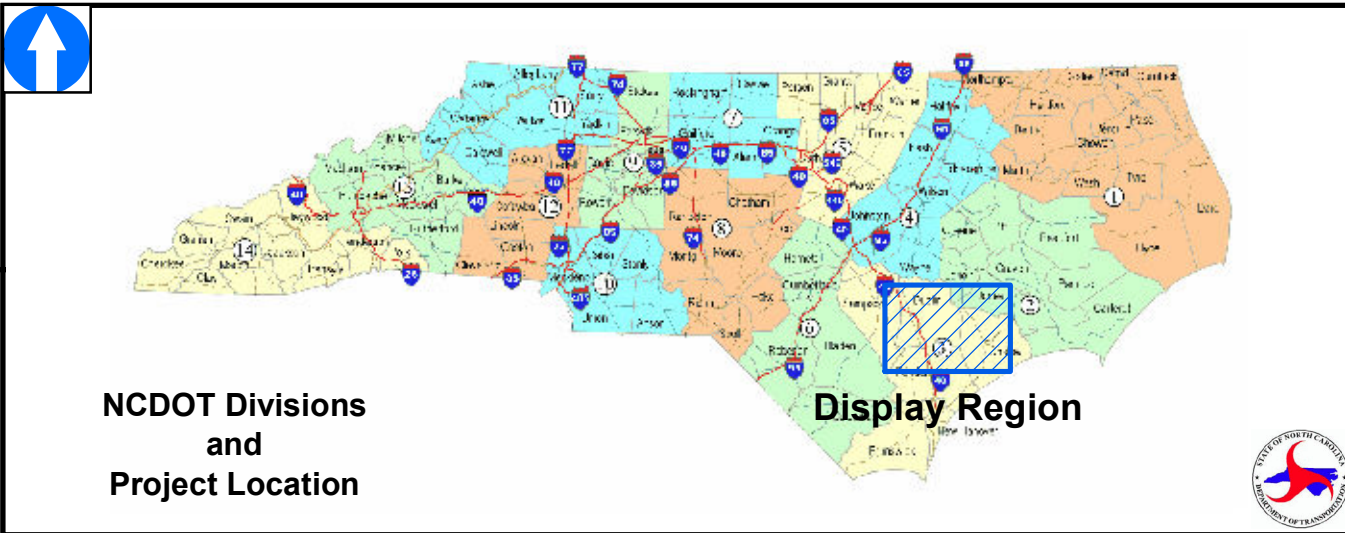
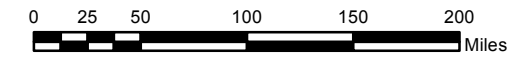
6/25/12
Date


For Gregory J. Thorpe, PhD, Manager
Project Development & Environmental Analysis Unit
North Carolina Department of Transportation

FIGURES



US 17 IMPROVEMENTS
TIP PROJECT R-2514 B,C & D
FROM SR 1330/SR 1439 SOUTH
OF BELGRADE TO THE JONES/ CRAVEN
COUNTY LINE, SOUTH OF NEW BERN



5/1/2012

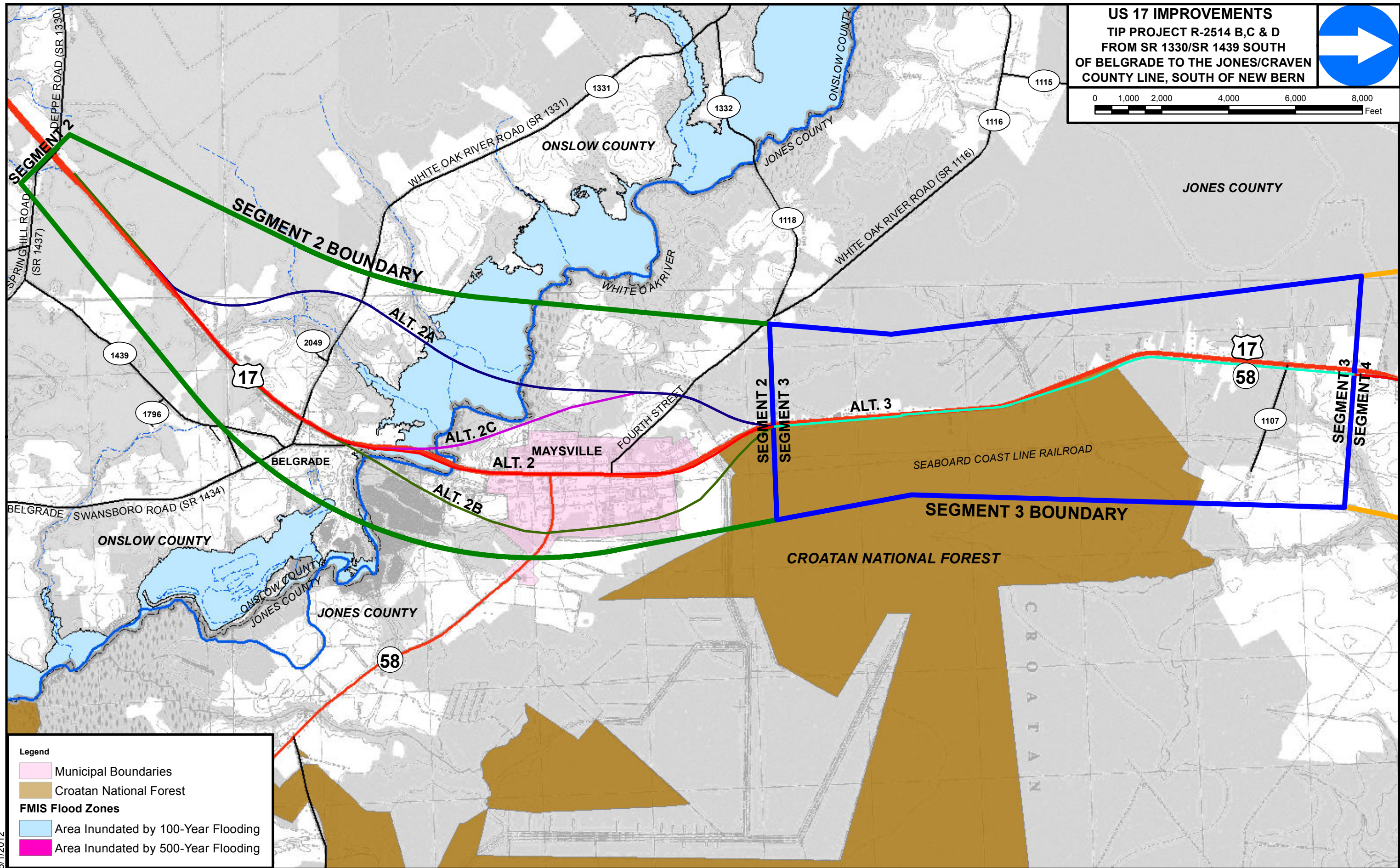
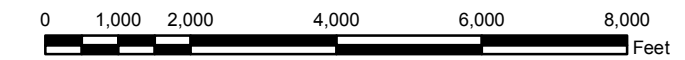
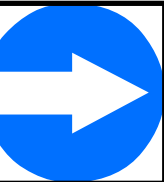
NORTH CAROLINA
DEPARTMENT
OF
TRANSPORTATION



Project Location Map/Study Area

Figure 1

US 17 IMPROVEMENTS
TIP PROJECT R-2514 B,C & D
FROM SR 1330/SR 1439 SOUTH
OF BELGRADE TO THE JONES/ CRAVEN
COUNTY LINE, SOUTH OF NEW BERN

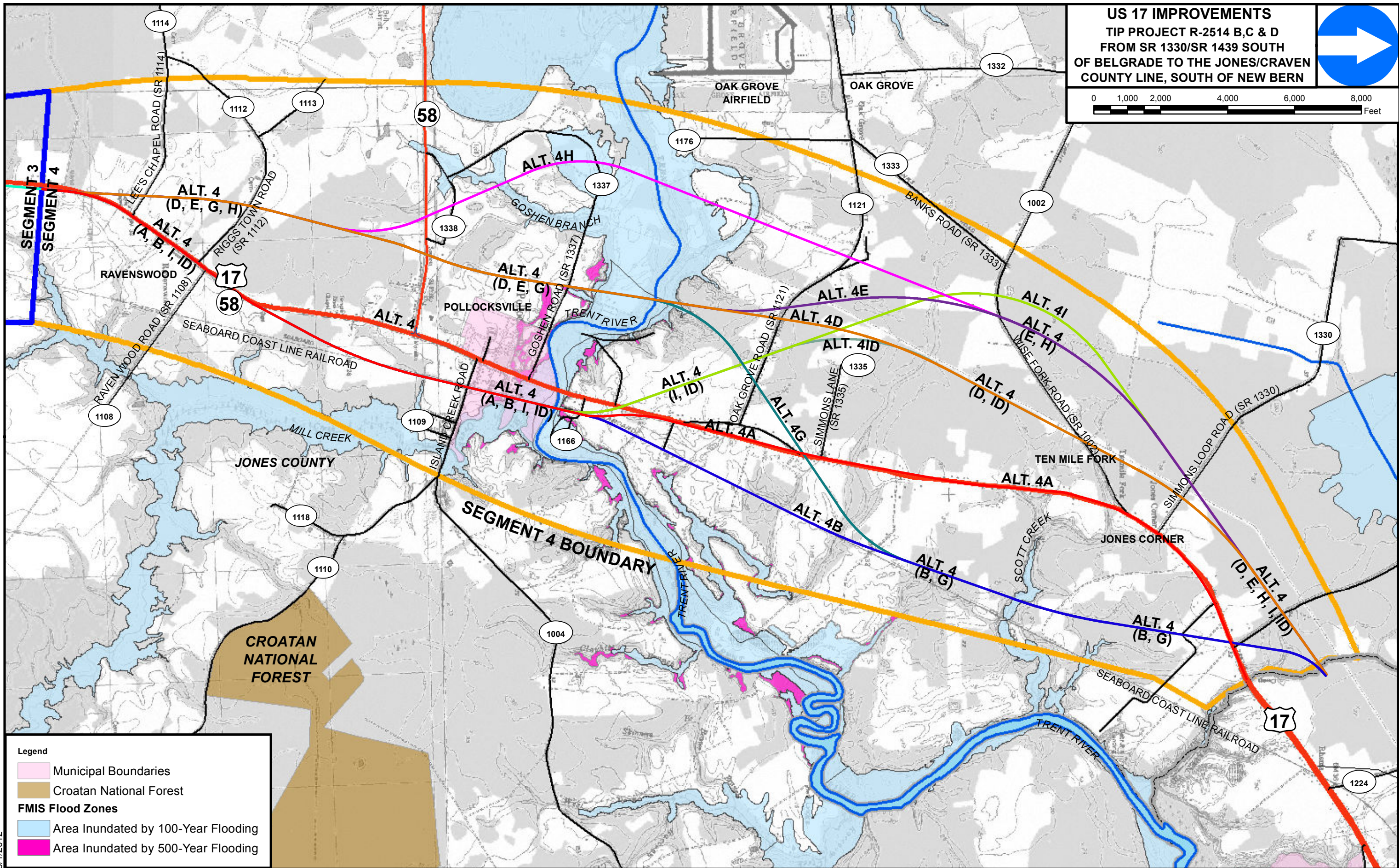
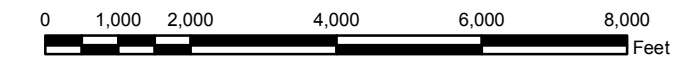
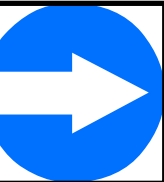


Legend

- Municipal Boundaries
- Croatan National Forest
- FMIS Flood Zones**
- Area Inundated by 100-Year Flooding
- Area Inundated by 500-Year Flooding

5/1/2012

US 17 IMPROVEMENTS
TIP PROJECT R-2514 B,C & D
FROM SR 1330/SR 1439 SOUTH
OF BELGRADE TO THE JONES/ CRAVEN
COUNTY LINE, SOUTH OF NEW BERN



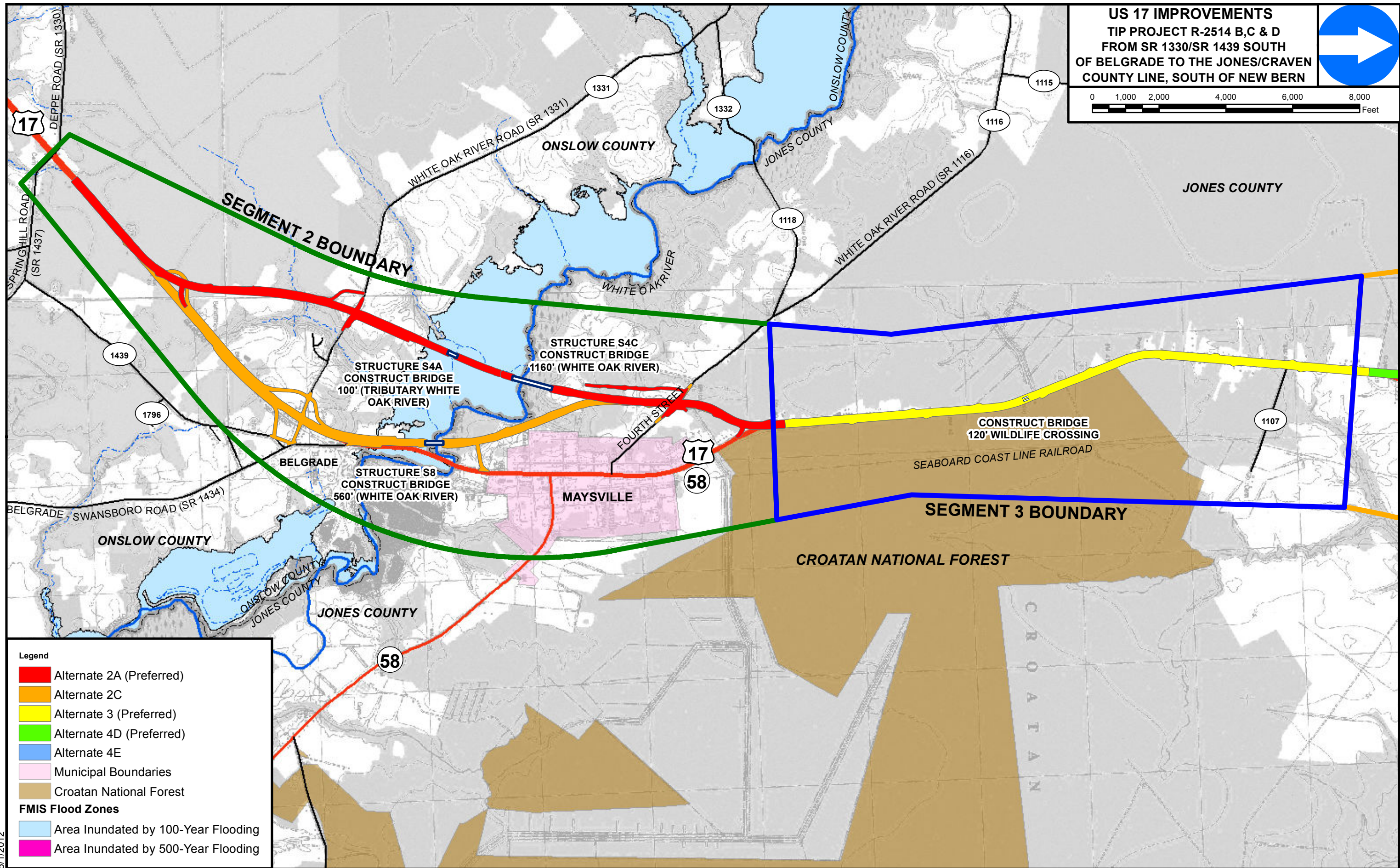
Legend

- Municipal Boundaries
- Croatan National Forest

FMIS Flood Zones

- Area Inundated by 100-Year Flooding
- Area Inundated by 500-Year Flooding





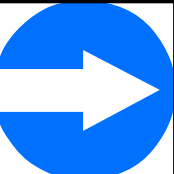
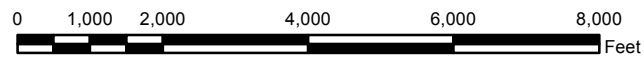
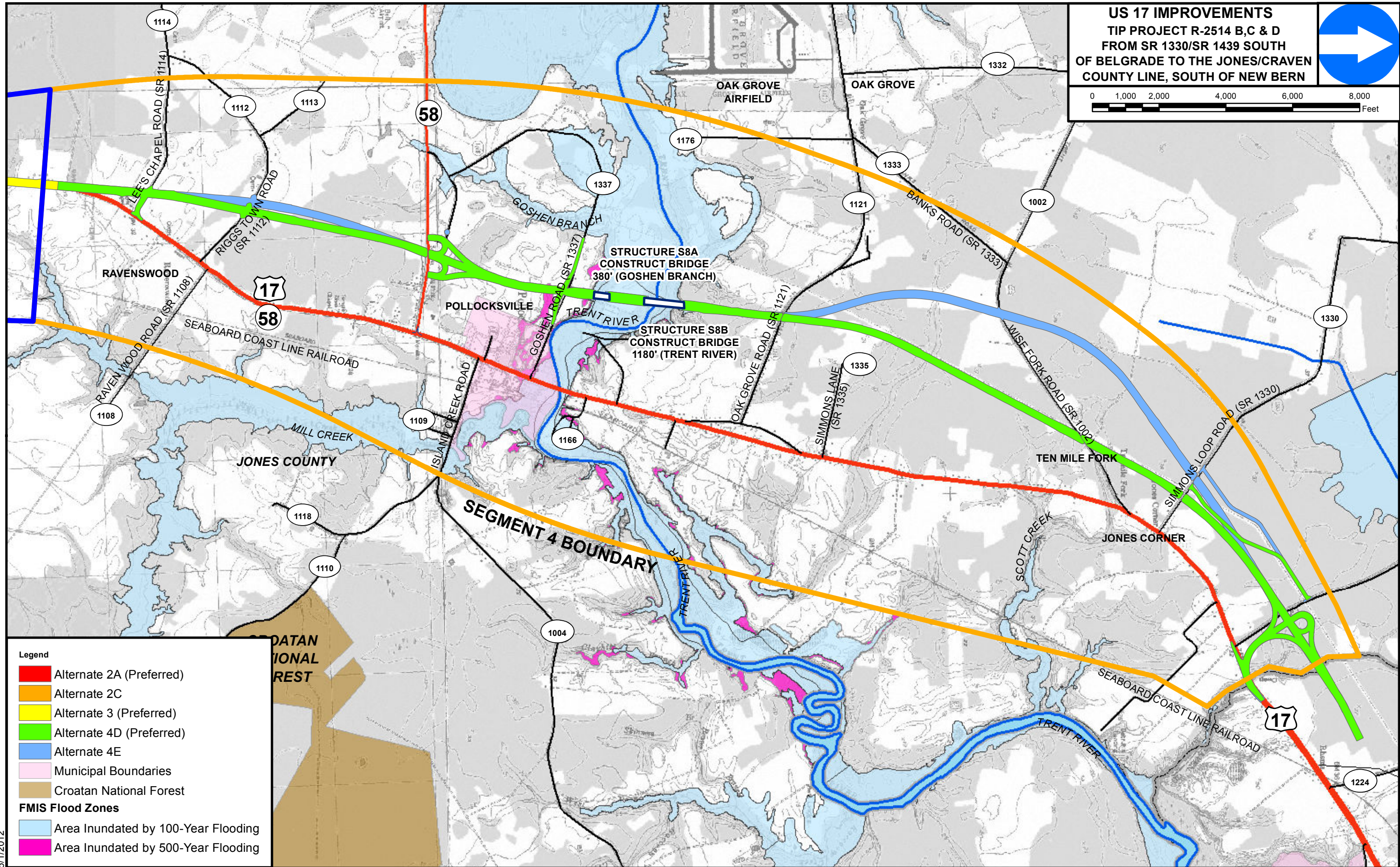
Legend

- █ Alternate 2A (Preferred)
- █ Alternate 2C
- █ Alternate 3 (Preferred)
- █ Alternate 4D (Preferred)
- █ Alternate 4E
- █ Municipal Boundaries
- █ Croatan National Forest

FMIS Flood Zones

- █ Area Inundated by 100-Year Flooding
- █ Area Inundated by 500-Year Flooding

US 17 IMPROVEMENTS
TIP PROJECT R-2514 B,C & D
FROM SR 1330/SR 1439 SOUTH
OF BELGRADE TO THE JONES/ CRAVEN
COUNTY LINE, SOUTH OF NEW BERN

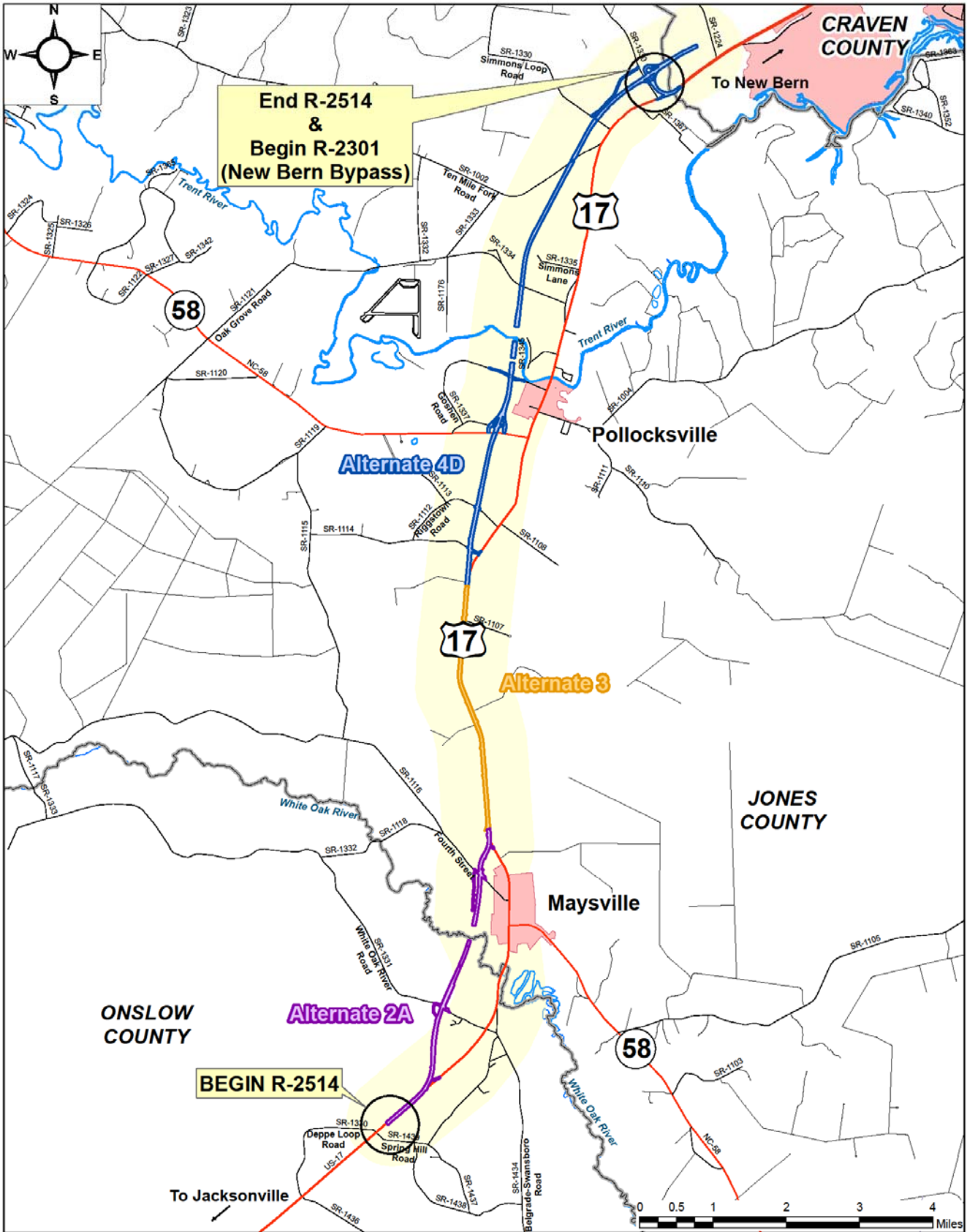
Legend

- █ Alternate 2A (Preferred)
- █ Alternate 2C
- █ Alternate 3 (Preferred)
- █ Alternate 4D (Preferred)
- █ Alternate 4E
- █ Municipal Boundaries
- █ Croatan National Forest

FMIS Flood Zones

- █ Area Inundated by 100-Year Flooding
- █ Area Inundated by 500-Year Flooding

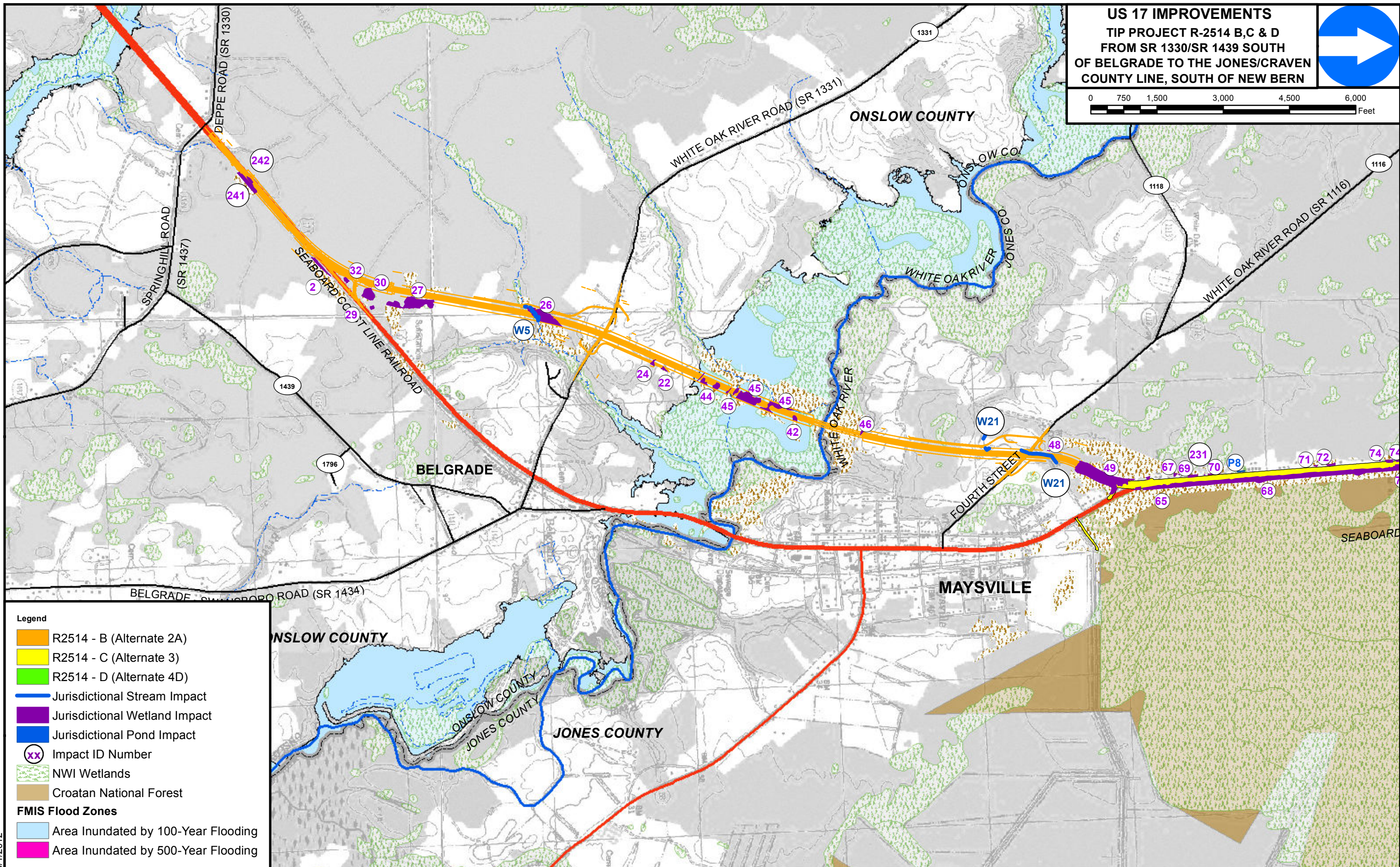
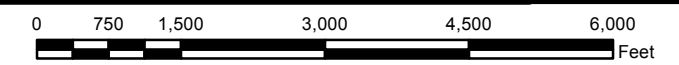
5/1/2012



**NORTH CAROLINA
DEPARTMENT
OF
TRANSPORTATION**

**R-2514 US 17 in Onslow & Jones Counties
Preferred Alternative Map
Figure 4
Sheet 1 of 4**

US 17 IMPROVEMENTS
TIP PROJECT R-2514 B,C & D
FROM SR 1330/SR 1439 SOUTH
OF BELGRADE TO THE JONES/ CRAVEN
COUNTY LINE, SOUTH OF NEW BERN



Legend

- R2514 - B (Alternate 2A)
- R2514 - C (Alternate 3)
- R2514 - D (Alternate 4D)
- Jurisdictional Stream Impact
- Jurisdictional Wetland Impact
- Jurisdictional Pond Impact
- xx Impact ID Number
- NWI Wetlands
- Croatan National Forest

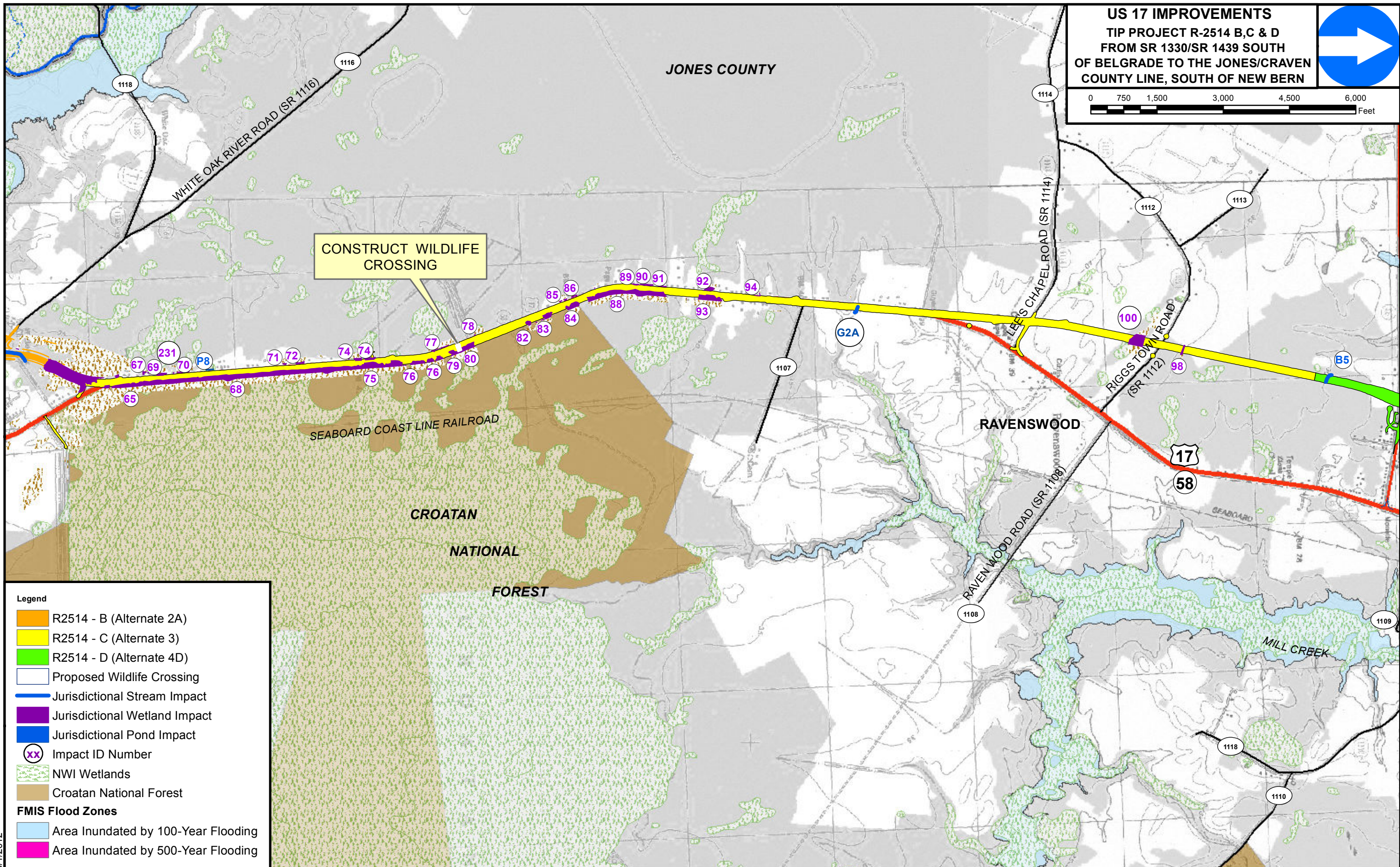
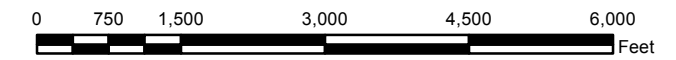
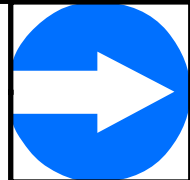
FMIS Flood Zones

- Area Inundated by 100-Year Flooding
- Area Inundated by 500-Year Flooding

5/1/2012



US 17 IMPROVEMENTS
TIP PROJECT R-2514 B,C & D
FROM SR 1330/SR 1439 SOUTH
OF BELGRADE TO THE JONES/ CRAVEN
COUNTY LINE, SOUTH OF NEW BERN



CONSTRUCT WILDLIFE CROSSING

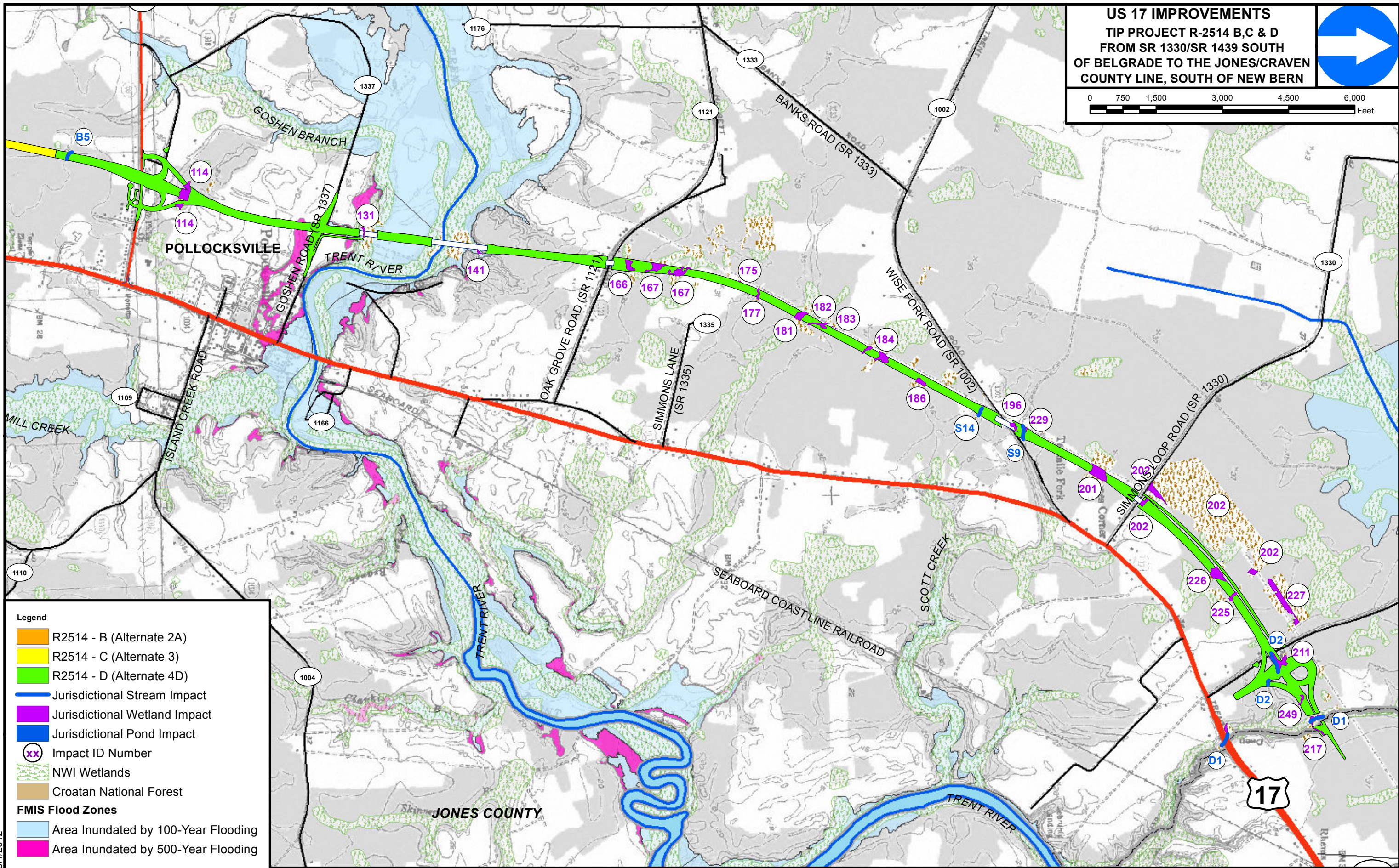
Legend

- R2514 - B (Alternate 2A)
- R2514 - C (Alternate 3)
- R2514 - D (Alternate 4D)
- Proposed Wildlife Crossing
- Jurisdictional Stream Impact
- Jurisdictional Wetland Impact
- Jurisdictional Pond Impact
- XX Impact ID Number
- NWI Wetlands
- Croatan National Forest

FMIS Flood Zones

- Area Inundated by 100-Year Flooding
- Area Inundated by 500-Year Flooding

5/1/2012



Legend

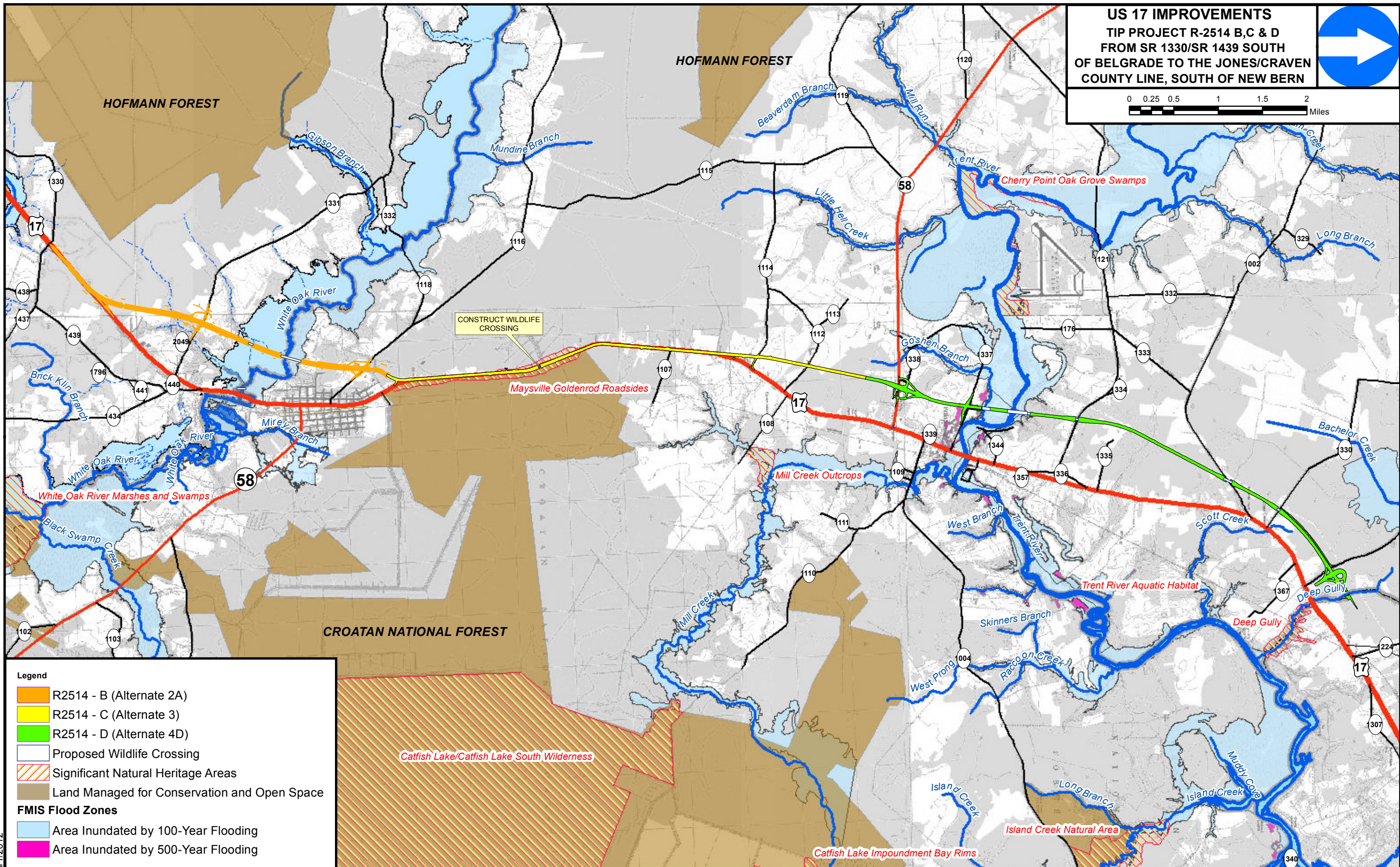
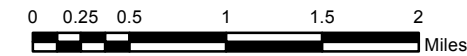
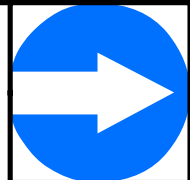
- R2514 - B (Alternate 2A)
- R2514 - C (Alternate 3)
- R2514 - D (Alternate 4D)
- Jurisdictional Stream Impact
- Jurisdictional Wetland Impact
- Jurisdictional Pond Impact
- XX Impact ID Number
- NWI Wetlands
- Croatan National Forest

FMIS Flood Zones

- Area Inundated by 100-Year Flooding
- Area Inundated by 500-Year Flooding

5/1/2012

US 17 IMPROVEMENTS
TIP PROJECT R-2514 B,C & D
FROM SR 1330/SR 1439 SOUTH
OF BELGRADE TO THE JONES/CRAVEN
COUNTY LINE, SOUTH OF NEW BERN



Legend

- R2514 - B (Alternate 2A)
- R2514 - C (Alternate 3)
- R2514 - D (Alternate 4D)
- Proposed Wildlife Crossing
- Significant Natural Heritage Areas
- Land Managed for Conservation and Open Space

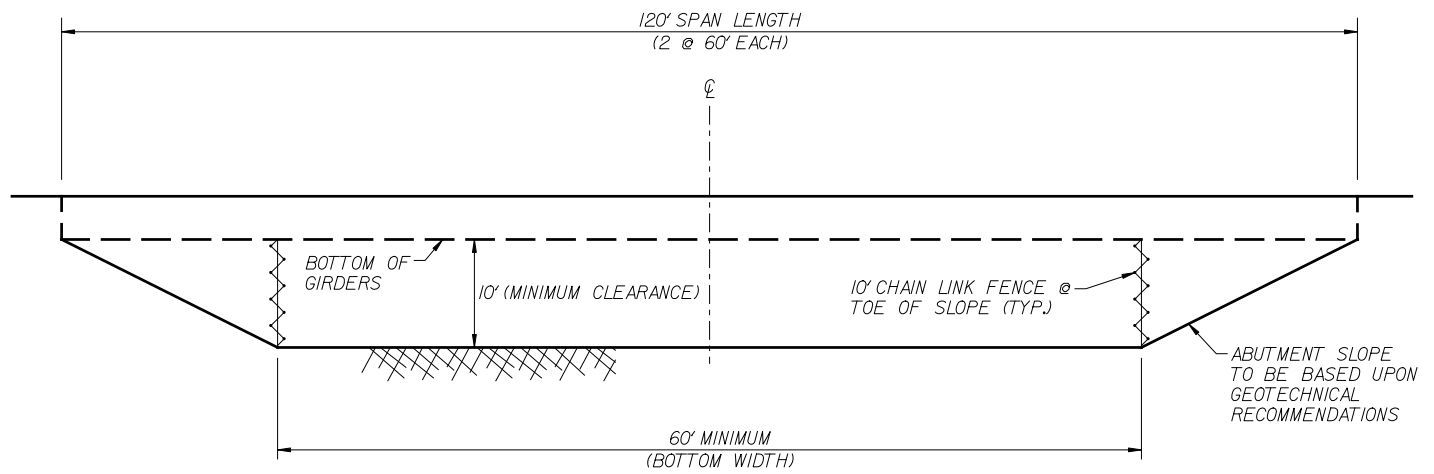
FMIS Flood Zones

- Area Inundated by 100-Year Flooding
- Area Inundated by 500-Year Flooding

5/1/2012



US 17 IMPROVEMENTS
 TIP PROJECT R-2514 B,C & D
 FROM SR 1330/SR 1439 SOUTH
 OF BELGRADE TO THE JONES/CRAVEN
 COUNTY LINE, SOUTH OF NEW BERN



5/24/2012



APPENDIX A:

SECTION 106 MEMORANDUM OF AGREEMENT



REPLY TO
ATTENTION OF:

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

RECEIVED
BY MSP DATE 8/9/2011
R-2514

July 14, 2011

Regulatory Division

Action ID No.: SAW 2008-00528

John T. Eddins, Ph.D.
Advisory Council on Historic Preservation
Office of Federal Agency Programs
1100 Pennsylvania Avenue, NW
Suite 803
Washington, D.C., 20004

Re: Memorandum of Agreement (MOA) for the proposed improvements to US Highway 17 from Jacksonville to New Bern, Jones and Onslow Counties, North Carolina. The project will have an adverse effect upon archaeological site 31JN128**.

Dear Mr. Eddins:

Enclosed please find a copy of the MOA between the US Army Corps of Engineers, the State Historic Preservation Office (SHPO) and the North Carolina Department of Transportation (NC DOT), that was developed to address the adverse effect of the proposed improvements to US Highway 17, (TIP. R-2514 B, C and D), in Jones and Onslow Counties, on an archaeological resource in the project vicinity. Inasmuch as the Federal Highway Administration did not fund this project, but it was necessary to secure a Corps permit under the authority of the Clean Water Act, the Wilmington District Corps of Engineers served as the lead Federal agency with respect to ensuring compliance with Section 106 of the Historic Preservation Act. A permit for the referenced project, if issued, will contain a condition that obligates the NC DOT to comply with the provisions contained therein.

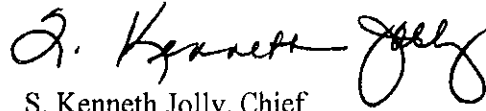
The Corps of Engineers defined the undertaking, the boundaries of the permit area, and evaluated the effects of the undertaking on historic properties for this project pursuant to 33 CFR, Part 325, Appendix C. The result of this analysis was the decision that the entire project area should be federalized. As the scope of the permit area defined by this analysis is identical to the scope that would be identified by the regulations at 36 CFR Part 800, we are willing to sign the attached MOA, which defines the project area with reference to the regulations at 36 CFR Part 800.

In accordance with 36 CFR §800.6(b)(1)(iv), we are forwarding a copy of the executed MOA for your records.



If you have any questions or need additional information, please contact Tom Steffens at the Washington Regulatory Field Office, telephone (910) 251-4615.

Sincerely,



S. Kenneth Jolly, Chief
Regulatory Division

Enclosure

Copies furnished:

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

Mr. Matt Wilkerson ✓
Archaeology Group Leader
NCDOT Century Center Building B
1001 Birch Ridge Drive
Raleigh, North Carolina 27610

**MEMORANDUM OF AGREEMENT
BETWEEN THE
UNITED STATES ARMY CORPS OF ENGINEERS
AND THE
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICE
FOR
PROPOSED US 17 IMPROVEMENTS
FROM JACKSONVILLE TO NEW BERN
JONES AND ONSLOW COUNTIES, NORTH CAROLINA
TIP PROJECT NO. R-2514B, C, D
STATE PROJECT NO. 34442.1.1**

WHEREAS, the United States Army Corps of Engineers (USACE) has determined that the construction of the US 17 Improvements from Jacksonville to New Bern (the Undertaking) will have an adverse effect upon archaeological site 31JN128**, a property determined eligible for listing on the National Register of Historic Places (NRHP); and

WHEREAS, the USACE has consulted with the North Carolina State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has participated in the consultation and been invited by USACE and the SHPO to concur with this Memorandum of Agreement (MOA); and

WHEREAS, the USACE has notified the Advisory Council on Historic Preservation (Council) of the adverse effect and the Council has declined to comment or participate in the consultation; and

WHEREAS, the consulting parties concur, to the best of their knowledge and belief, that no Native American Tribes or Native Hawaiian organizations attach religious or cultural importance to the affected property, and that no objections from such groups have been raised to the work proposed; and

WHEREAS, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), are expected to be encountered in the archaeological work;

NOW, THEREFORE, USACE and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on the archaeological site.

STIPULATIONS

The USACE shall ensure that the following measures are carried out:

I. Archaeological Data Recovery Plan for Site 31JN128**

- NCDOT, in consultation with the SHPO, shall develop and implement an Archaeological Data Recovery Plan (DRP) for Site 31JN128**, which will be directly impacted by the Undertaking. NCDOT shall ensure that the DRP is implemented after Right-of-Way is acquired or once Right-of-Entry is secured from the property owners and prior to construction activities within the site location as shown in the DRP.

II. Unanticipated Discovery

- In accordance with 36 CFR 800.11(a), if NCDOT identifies any additional cultural resource(s) during construction and determines it (them) to be eligible for the NRHP, all work will be halted within the limits of the NRHP-eligible resources(s) and the USACE and SHPO contacted. If after consultation with the Signatory and Concurring Party(ies) additional mitigation is determined necessary, the NCDOT, in consultation with the Signatory and Concurring Party(ies), will develop and implement appropriate protection/mitigation measures for the resource(s). Inadvertent or accidental discovery of human remains will be handled accordance with North Carolina General Statutes 65 and 70.

III. Dispute Resolution

- Should any of the Signatory or Concurring Party(ies) object within thirty (30) days to any plans or documentation provided for review pursuant to this MOA, the USACE shall consult with the objecting party(ies) to resolve the objection. If the USACE or objecting party(ies) determines that the objection cannot be resolved, the USACE will forward all documentation relevant to the dispute to the Council. Within thirty (30) days after receipt of all pertinent documentation, the Council will either:
 - 1) Provide the USACE with recommendations which the USACE will take into account in reaching a final decision regarding the dispute, or
 - 2) Notify the USACE that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the USACE, in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.
- Any recommendations or comments provided by the Council will be understood to pertain only to the subject of the dispute; USACE's responsibility to carry out all of the actions under this agreement that are not the subject of the dispute will remain unchanged.

IV. Amendments

- If any Signatory to this MOA believe that its terms cannot be carried out or that an amendment to the terms must be made, that (those) party(ies) shall immediately consult with the other party(ies) to develop amendments in accordance with 36 CFR 800.6(c)(7). If an amendment cannot be agreed upon, the dispute resolution process set forth in Stipulation III will be followed.

V. Termination

- Any Signatory to this MOA may terminate the agreement by providing notice to the other parties, provided that the Signatories and Concurring Party(ies) will consult during the period

prior to termination to seek agreement on amendments or other actions that would avoid termination. Termination of this MOA will require compliance with 36 CFR 800. This MOA may be terminated by the execution of a subsequent MOA that explicitly terminates or supersedes its terms.

VI. Duration

- Unless terminated pursuant to Stipulation V above, this MOA will be in effect until USACE, in consultation with the other Signatory and Concurring Party(ies), determines that all of its terms have satisfactorily been fulfilled or if NCDOT is unable or decides not to construct the Undertaking.

Execution of this Memorandum of Agreement by USACE and the North Carolina SHPO, its subsequent filing with the Council, and implementation of its terms evidence that USACE has afforded the Council an opportunity to comment on the Undertaking and that USACE has taken into account the effects of the Undertaking on the archaeological site.

AGREE:

United States Army Corps of Engineers

Ken Jolly, Chief
Regulatory Division
Wilmington District Office

Date

State Historic Preservation Officer

Jeffrey J. Crow
Jeffrey J. Crow
North Carolina State Historic Preservation Officer

6/8/11
Date

FILED:

By: _____
Advisory Council on Historic Preservation

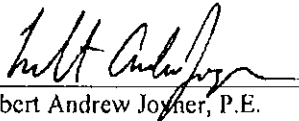
Date

**MEMORANDUM OF AGREEMENT
BETWEEN THE
UNITED STATES ARMY CORPS OF ENGINEERS
AND THE
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICE
FOR
PROPOSED US 17 IMPROVEMENTS
FROM JACKSONVILLE TO NEW BERN
JONES AND ONSLOW COUNTIES, NORTH CAROLINA
TIP PROJECT NO. R-2514B, C, D
STATE PROJECT NO. 34442.1.1**

Execution of this Memorandum of Agreement by USACE and the North Carolina SHPO, its subsequent filing with the Council, and implementation of its terms evidence that USACE has afforded the Council an opportunity to comment on the Undertaking and that USACE has taken into account the effects of the Undertaking on the archaeological site.

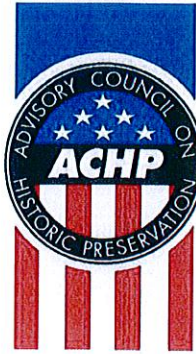
CONCUR:

North Carolina Department of Transportation



Robert Andrew Joyner, P.E.
Human Environment Unit Head

5/25/11
Date



RECEIVED
BY MSP DATE 9/12/2011
R-2514

Preserving America's Heritage

September 9, 2011

S. Kenneth Jolly, Chief
Regulatory Division
Department of the Army
Wilmington District, Corps of Engineers
P.O. Box 1890
Wilmington, NC 28402-1890

Ref: Filing of Executed Memorandum of Agreement regarding US 17 Improvements
from Jacksonville to New Bern, Jones and Onslow Counties, North Carolina
Tip Project No. R-2514B, C, D
State Project No. 34442.1.1

Dear Mr. Jolly:

The Advisory Council on Historic Preservation (ACHP) has received the Memorandum of Agreement (MOA) for the above referenced project. In accordance with Section 800.6(b)(1)(iv) of the ACHP's regulations, the ACHP acknowledges receipt of the MOA. The filing of the MOA, and execution of its terms, completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations.

We appreciate your providing us with a copy of the MOA and will retain it for inclusion in our records regarding this project. Should you have any questions or require additional assistance, please contact me at (202) 606-8509 or by e-mail at ljohnson@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

APPENDIX B:

AGENCY CORRESPONDENCE ON SFEIS

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

Inter-Agency Project Review Response

AUG 09 2011

Project Number 12-0017
County Craven, Jones, Onslow

Project Name NC-DOT Type of Project

**Final Environmental
Impact Statement -
Proposed project is
improvement of US 17
from SR 1130/SR 1439
south of Belgrade to
Jones/Craven County Line
south of New Bern. TIP
No. R2514 B, C & D**

Comments provided by:

- Regional Program Person
- Regional Supervisor for Public Water Supply Section
- Central Office program person

JUL 29 2011

Name Debra Benoy-Wilmington RO Date 07/25/2010

Telephone number: _____

Program within Division of Water Resources:

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

Response (check all applicable):

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

There may be relocation of water mains needed - which would require DENR-Public Water Supply Approval.
Eric Imhof

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

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

Project Number 12-0017
County Craven, Jones, Onslow

Inter-Agency Project Review Response

Project Name NC-DOT Type of Project

Final Environmental Impact
Statement - Proposed project
is improvement of US 17
from SR 1130/SR 1439 south
of Belgrade to Jones/Craven
County Line south of New
Bern. TIP No. R2514 B, C &
D

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

Jim McRight
Review Coordinator

PWSS
Section/Branch

07/25/2011
Date



United States Department of the Interior

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

July 26, 2011

RECEIVED
Division of Highways

JUL 28 2011

Preconstruction
Project Development and
Environmental Analysis Branch

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

Dear Dr. Thorpe:

This letter is in response to your July 18, 2011 letter which requested comments from the U.S. Fish and Wildlife Service (Service) on the State Final Environmental Impact Statement (SFEIS) for improvements to US 17 from south of Belgrade to the New Bern Bypass, Onslow and Jones Counties, North Carolina (TIP No. R-2514 B, C & D). These comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667d) and Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

The North Carolina Department of Transportation (NCDOT) proposes to widen a 16-mile portion of US 17 to a four-lane, median-divided facility, with bypasses of Maysville and Pollocksville on new location. The project is divided into three sections, with the NCDOT-preferred alternatives being 2A, 3 and 4D.

With regard to the wildlife underpass to be constructed within Alternative 3, page *ii* of the Project Commitments (green sheets) states "Dual bridges 60 foot toe of slop [*sic*] to toe of slop [*sic*] with a 10-foot vertical clearance are proposed, coupled with fencing parallel to US 17 to help channel animals to the underpass." These stated dimensions are confusing and inaccurate. The dimensions stated on page 4-46 are the accurate dimensions: "Dual bridges 120 feet long and 38 feet wide with a 10-foot vertical clearance are proposed..." At a December 15, 2010 meeting at the U.S. Forest Service office in New Bern, the NCDOT, the Service, the U.S. Forest Service and the North Carolina Wildlife Resources Commission (NCWRC) agreed to dual 120 foot long structures consisting of two 60 feet long spans with a bent in the middle of the opening. The opening width of the wildlife crossing at the bottom (toe of slope to toe of slope) would depend upon the slope, but a 2:1 slope was proposed with the possibility of a 1.5:1 slope (depending upon geotechnical findings). The Project Commitments (green sheets) need to state the correct dimensions, and we recommend adding an additional statement requiring that the Service and NCWRC be contacted for additional discussions on fencing requirements.

On page *xvi* under the Managed Lands section, it states "The Preferred Alternative would impact 32.4 acres of the Croatan National Forest." However, Table S-2 on page *xix* correctly shows that

the total impact to the Croatan National Forest is actually 35.1 acres when all preferred alternatives are totaled.


The text on page 4-46 correctly describes the large wildlife underpass to be constructed within Alternative 3. However, the text states "The location is shown in Figure 3-12." Figure 3-12 does not have the location of the wildlife underpass indicated.

For federally threatened and endangered species, the SFEIS renders a biological conclusion of "No Effect" for all species listed in Onslow and Jones Counties, with the exception of the red-cockaded woodpecker (*Picoides borealis*). The SFEIS renders a biological conclusion of "May Affect, Not Likely to Adversely Affect" for the red-cockaded woodpecker. Based on available information, the Service concurs with these biological conclusions.

The eastern cougar (*Puma concolor cougar*) is referenced on pages 3-62, 3-64, 4-59 and 4-60. This subspecies is no longer listed for any county in North Carolina and is presumed extinct. Therefore, Section 7 consultation is no longer required for this species.

With the exception of the aforementioned items, the Service believes that this SFEIS adequately addresses the existing fish and wildlife resources, the waters and wetlands of the United States, and the potential impacts of this proposed project on these resources. The Service appreciates the opportunity to review this project. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520, ext. 32.

Sincerely,


for Pete Benjamin
Field Supervisor

cc: Chris Militscher, USEPA, Raleigh, NC
Travis Wilson, NCWRC, Creedmoor, NC
Tom Steffens, USACE, Washington, NC
Karen Compton, USFS, Asheville, NC

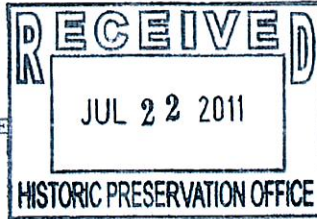
NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: CRAVEN
JONES
ONslow

F02: HIGHWAYS AND ROADS

STATE NUMBER: 12-E-4220-0017
DATE RECEIVED: 07/20/2011
AGENCY RESPONSE: 08/24/2011
REVIEW CLOSED: 08/29/2011

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



GS 94-013

REVIEW DISTRIBUTION

CC&PS - DIV OF EMERGENCY MANAGEMENT
DENR - COASTAL MGT
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION
EASTERN CAROLINA COUNCIL

Due 7/29/11 A - (NC) 7/26/11
ER

PROJECT INFORMATION

APPLICANT: NC Department of Transportation
TYPE: State Environmental Policy Act
Final Environmental Impact Statement

Due 8/4/11 S. RSR

DESC: Proposed project is improvement of US17 from SR1330/SR1439 south of Belgrade to Jones/Craven County Line south of New Bern in Jones and Onslow Counties;
TIP-R2514 B,C,&D

CROSS-REFERENCE NUMBER: 95-E-4220-0871 05-E-4220-0191

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

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

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

SIGNED BY:

Renee Gledhill-Earley

DATE:

7.29.11

JUL 25 2011



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

August 9, 2011

MEMORANDUM

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

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

Subject: Comments on the Final Environmental Impact Statement related to proposed US 17 improvements from existing SR 1330/SR 1439 south of Belgrade to the New Bern Bypass at the Jones/Craven County lines, Onslow and Jones Counties, TIP R-2514 B, C, and D.
State Clearinghouse Project No. 12-0017.

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

Project Specific Comments:

1. This project is being planned as part of the 404/NEPA Merger Process. As a participating team member, NCDWQ will continue to work with the team.
2. A portion of this project is within the Neuse River Basin. Riparian buffer impacts shall be avoided and minimized to the greatest extent possible pursuant to 15A NCAC 2B.0233. New development activities located in the protected 50-foot wide riparian areas within the basin shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B.0233. Buffer mitigation may be required for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A buffer mitigation plan, including use of the NC Ecosystem Enhancement Program, must be provided to NCDWQ prior to approval of the Water Quality Certification. Buffer mitigation may be required for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A buffer mitigation plan, including use of the NC Ecosystem Enhancement Program, must be provided to NCDWQ prior to approval of the Water Quality Certification.

Transportation Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
Location: 512 N. Salisbury Street, Raleigh, North Carolina 27604
Phone: 919-807-6300 FAX: 919-807-6494
Internet: <http://portal.ncdenr.org/web/wq>

An Equal Opportunity / Affirmative Action Employer

One
North Carolina
Naturally

General Comments:

3. After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. In accordance with the Environmental Management Commission's Rules (15A NCAC 2H.0506[h]), mitigation will be required for impacts of greater than 1 acre to wetlands. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.
4. Future documentation, including the 401 Water Quality Certification Application, should continue to include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.
5. NCDOT is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, and rip rap to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.
6. The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater shall not be permitted to discharge directly into streams or surface waters.

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

cc: Tom Steffens, US Army Corps of Engineers, Washington Field Office
Chris Militscher, Environmental Protection Agency (electronic copy only)
Travis Wilson, NC Wildlife Resources Commission (electronic copy only)
Steve Sollod, Division of Coastal Management
Garcy Ward, NCDWQ Washington Regional Office
File Copy



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

RECEIVED
BY MSP DATE 8/10/2011
R-2514

RECEIVED
Division of Highways

AUG 18 2011

Preconstruction
Project Development and
Environmental Analysis Branch

August 16, 2011

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

SUBJECT: State Final Environmental Impact Statement for the Proposed US 17,
Belgrade to New Bern Bypass, Onslow and Jones Counties, North Carolina; TIP Project
No.: R-2514BCD

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency Region 4 (EPA) has reviewed the subject document and is commenting consistent with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The North Carolina Department of Transportation (NCDOT) is proposing to construct and improve US 17 between Belgrade and the New Bern Bypass to a 4-lane, median-divided facility on mostly new location in Onslow and Jones Counties. The proposed improvements to the US 17 facility are approximately 21 miles in length.

The R-2514A project of US 17 widening between Jacksonville and south of Belgrade was completed several years ago under an Environmental Assessment (EA) issued in 1999 and a Finding of No Significant Impact (FONSI) in 2000. This expressway project represents the southern terminus of the R-2514BCD project. The northern terminus of the R-2514BCD project connects to R-2301, the New Bern Bypass.

The proposed project has been in the NEPA/Section 404 Merger process since August of 2001. Concurrence Point 2, Detailed Study Alternatives to be Carried Forward for the B/C/D sections was signed on August 22, 2001. Concurrence Point 2A Bridging and Alignment Review was signed on February 22, 2007. Concurrence Point 3, the Least Environmentally Damaging Practicable Alternative (LEDPA) for the C/D sections was signed on June 19, 2008. The B section around Maysille was elevated to the Merger Management Team by several Merger agencies. EPA essentially abstained from concurrence on the CP 3 LEDPA of the Revised Alternative 2A on May 25, 2010. Concurrence Point 4A Avoidance and Minimization measures were signed on April 16,

2009, September 17, 2009, and April 12, 2011. EPA provided detailed comments on the State DEIS in February of 2005. EPA's detailed review comments on the State FEIS are provided in Attachment A.

Mr. Christopher Militscher will continue to work with you and other agencies on the continued environmental coordination activities for this project, including the hydraulic and permit review concurrence points. Please provide a copy of the Record of Decision (ROD) when it becomes available and feel free to contact Mr. Militscher of my staff at (919) 856-4206 should you have specific questions concerning EPA's comments.

Sincerely,

A handwritten signature in blue ink that reads "Mueller". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Heinz J. Mueller, Chief
NEPA Program Office

Cc: W. Biddlecome, USACE
D. Wainwright, NCDENR
G. Jordan, USFWS
T. Wilson, NCWRC
S. Sollod, NCDCEM

w/Attachment A

Attachment A
State FEIS Detailed Review Comments
US 17 Belgrade to New Bern Bypass
Onslow and Jones Counties
R-2514BCD

Stream and Wetland Impacts

The total jurisdictional wetland and stream impacts for the B/C/D sections comprising preferred alternatives 2A, 3 and 4D are 70.5 acres and 3,403 linear feet. The proposed new location bypass alternative around Maysville will require a new crossing of the White Oak River. The White Oak River is listed in the Nationwide Rivers Inventory as potentially eligible as a Wild and Scenic River. The proposed new location bypass alternative around Pollocksville will require a new crossing of the Trent River. Specific wetland systems and other key environmental features are identified in Figures 3-14, pages 1 and 2.

According to Section 3.5.3 of the FEIS, There are no Outstanding Resource Waters (ORW), High Quality Waters (HQW), or 303(d) listed streams in the project study area. The FEIS states on page xviii that 5.7 acres of the 70.5 acres of impacted jurisdictional wetlands are high quality wetlands. Pages 3-60 and 3-61 of the FEIS identify that two methods of rating wetlands were performed by the NCDOT. However, the multi-agency supported North Carolina Wetlands Assessment Methodology (NCWAM) was not used to provide these wetlands ratings as described on the aforementioned pages or in Table 4-14. Table 4-14 provides the generally less comprehensive Division of Water Quality (DWQ) ratings. The FEIS stresses the efforts to minimize impacts to high quality wetlands (e.g., Page 4-48).

EPA notes that the impact per mile for this proposed project is approximately 3.3 acres of wetlands per mile or an estimated three times the average facility typically designed for an 'Eastern' Merger project. Considering that approximately 1/3 of the project length (C Section) is widening along an existing corridor and that there are several long bridges spanning rivers and associated floodplains and wetlands for new location sections, the higher than average jurisdictional impacts from the proposed project continue to be an environmental concern. EPA is also concerned that the impacts to all jurisdictional wetlands in the project study area, regardless of assigned or estimated quality, are important for flood storage values and maintaining long-term water quality. The low-lying coastal areas of North Carolina have previously seen historic losses to wetlands through agricultural, silvicultural and development activities.

A new location bridge for Alternative 2A over the White Oak River is 1,160 feet in length with another 100-foot bridge for a tributary to the White Oak River. Table 4-12 of the FEIS identifies that the NCDOT hydraulic requirement at the White Oak River crossing for Alternative 2A is 135 feet. A new location bridge for Alternative 4D over the Trent River is 1,180 feet in length. . Table 4-12 of the FEIS identifies that the

NCDOT hydraulic requirement at the Trent River crossing for Alternative 4D is 290 feet. The location of the new crossing at the White Oak River continues to be an environmental concern to EPA and requests that Best Management Practices (BMPs) be applied to the greatest extent practicable, including the stringent requirements for native vegetation replanting, invasive plant species controls, soil erosion and sedimentation controls, and long-term stormwater management measures.

Section 404 avoidance and minimization measures for the preferred alternatives (Sections B and D only) are included on pages 4-53 to 4-56, Table 4-12, and in Appendix A.1 concurrence forms. EPA concurred on these avoidance and minimization efforts for these two sections of the proposed project with a 'minor' exception noted herein. EPA believes that a 'reduction' of the median width to 46 feet for the new location bypasses does not fully represent a minimization measure to jurisdictional resource impacts. The US 17 Strategic Highway Corridor is both an expressway or freeway designed facility and a transportation justification for an expanded median beyond the standard or typical 46-foot median width was not provided in the DEIS or FEIS. EPA notes that at the time of this FEIS review, avoidance and minimization measures for Section C of the project has not been completed by the NEPA/Section 404 Merger Team. The Concurrence Point 4A meeting has been scheduled by NCDOT for August 18, 2011. EPA requests that the Record of Decision (ROD) reflect the avoidance and minimization commitments following this Merger Team meeting.

An Individual Permit from the U.S. Army Corps of Engineers is required due to the unavoidable impacts to jurisdictional resources. Compensatory mitigation for jurisdictional impacts is discussed on pages 4-56 and 4-57 of the FEIS. NCDOT has not identified any potential on-site mitigation opportunities at this time. NCDOT proposes to utilize the Croatan Wetland Mitigation Bank (CWMB) under an existing Memorandum of Understanding (MOU) between the USACE, NCDOT and the U.S. Forest Service (USFS). Compensatory mitigation not satisfied through the CWMB instrument is proposed through the NCDENR's Ecosystem Enhancement Program (EEP). EPA requests that all on-site mitigation opportunities identified by NCDOT be also coordinated with the EPA's Merger Team representative.

EPA has water quality concerns regarding the potential 'hydraulic trespass' issues associated with roadside ditches and keeping development stormwater separated from roadway stormwater and allowing for proper retention and treatment prior to discharge to the receiving waters (including *E. coli* bacteria). Due to the groundwater elevations in much of the project study area, the rural nature of much of the project study area, the predominant sandy soils and their reliance on shallow groundwater for drinking water sources, EPA requests that NCDOT also consider these important issues in the final environmental commitments for the proposed project. EPA also notes the potential impacts to floodplains identified in Table S-2. Approximately twenty-one (21) miles of potentially new impervious surface with miles of roadside ditches, not including new 2-lane service roads, represents a potentially significant long-term impact to surface and shallow groundwater sources in the project study area. EPA does not fully concur with the statement regarding private wells not immediately involved in the project right of way

under Section 4.1.5.3.1 of the FEIS (“...are not likely to sustain serious impact.”). There are no NCDOT supporting studies or evidence from other completed US 17 improvement projects presented in the FEIS along coastal North Carolina that help to confirm this opinion. There are other published studies that indicate that development, historic over-use by certain industries, other human activities such as agriculture and prolonged droughts along the coast of North Carolina have had some potential impact to shallow drinking water sources. Please see some relevant references at the end of Attachment A.

Other Natural Resource Impacts

The impacts to terrestrial forest communities are not specifically identified in Table S-2, Impacts Summary Table in the FEIS. This table does reflect that there will be a total of 35.1 acres of direct impact to Croatan National Forest. This is the only national forest in eastern N.C. and one of only two near the Atlantic coast (Francis Marion National Forest in South Carolina is the other one). Croatan National Forest represents a unique and significant Federal resource to the State of North Carolina and impacts to the forest should be minimized to the extent practicable. EPA notes the information concerning Croatan National Forest on page 4-37 of the FEIS, as well as on Huffman State Forest. From Table 4-11, the preferred alternatives for the three sections have a total impact to 221 acres of terrestrial forests.

EPA notes the discussion concerning animal passage measures on page 4-46 of the FEIS as well as the commitment to construct a wildlife underpass between Croatan National Forest and undeveloped areas adjacent to Huffman State Forest to the west of US 17. EPA strongly supports this transportation safety measure and the environmental commitments with other resource and permitting agencies.

EPA notes the coordination and effect determinations summarized in Table 4-15 for the 15 Federally-listed Threatened or Endangered Species potentially in the project study area.

Human Resource Impacts

Residential relocations for Alternatives 2A, 3 and 4D total 46 from Table S-2. There are no identified business relocations for any of the sections. Of the 46 residential relocations identified in this table, 34 residential dwellings are inhabited by minority families as discussed on page 4-7. An Environmental Justice (EJ) evaluation is presented in the FEIS on pages 4-11 and 4-12. The U.S. Army Corps of Engineers (USACE) will potentially need to consider this information and evaluation in its permit decision for this state-funded project under Executive Order 12898. The NCDOT has determined that the preferred alternative does not represent a disproportionate and adverse impact to minority or low income populations. The FEIS identifies that two minority population centers in Maysville and Pollocksville were avoided by the new location bypasses. Information concerning EJ community outreach activities is also presented in the FEIS.

Impacted noise receptors for the three sections of the proposed project total 233. EPA recommends full consideration of noise barriers and other abatement measures to address these substantial impacts. Total farmland impacts of 1,378.4 acres are identified in Table S-2. Most, if not all, of the farmlands were evaluated and rated as being under the NRCS criteria for being classified as prime farmlands. The FEIS does not identify any Voluntary Agricultural Districts being impacted from the proposed project. EPA recommends that NCDOT continue working with local farmers on access and other compensation issues.

EPA notes the cultural resource effects in Table S-2 and in other sections of the FEIS. There are 3 'no effect properties', 2 'no effect historic districts', 3 'no adverse effect properties', and 1 identified archeological site. EPA acknowledges that this is a State-funded project and that Section 4(f) of the USDOT Act of 1966 does not apply. There is one identified hazardous material site in Section 2A of the proposed project.

NCDOT indicates that Indirect and Cumulative effects are expected to be minimal in the project study and planning areas. EPA has environmental concerns regarding direct and indirect water quality issues relating to this project and requests a copy of a quantitative analysis for review and comment.

Web based references:

<http://nc.water.usgs.gov/projects/9SY11/>

http://www.ncwater.org/Reports_and_Publications/GWMS_Reports/Network_Annual_Reports/fy2009-10_network_ann_report.pdf

http://www.ncwater.org/Education_and_Technical_Assistance/Ground_Water/Publications/

<http://nc.water.usgs.gov/reports/fs24196/>

<http://ddr.nal.usda.gov/bitstream/10113/18023/1/IND21987472.pdf>

<http://www.agwt.org/info/bacteria.htm>

<http://h2o.enr.state.nc.us/gwp/documents/SouthernCoastalReport.pdf>



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

MEMORANDUM

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

CC: Doug Huggett, DCM Manager, Major Permits & Federal Consistency

FROM: Steve Sollod, DCM Transportation Project Coordinator ^{SOS}

DATE: August 16, 2011

SUBJECT: State Clearinghouse Review
NC Department of Transportation, Final Environmental Impact Statement
US17 Improvements from SR 1330 / SR 1439 south of Belgrade to the New Bern
Bypass at the Jones / Craven County Line in Onslow, Jones, and Craven County
TIP Number R-2514 B, C, and D, Project Review No. 12-0017

The North Carolina Division of Coastal Management (DCM) has reviewed the Final Environmental Impact Statement (FEIS) for the above referenced project, which was submitted to the NC State Clearinghouse for intergovernmental review. We appreciate the opportunity to provide information relevant to the potential authorization of the proposed project by our agency and offer the following comments.

NCDOT proposes to improve 16 miles of US 17 to a divided four-lane facility with a combination of widening on existing alignment and constructing new segments of existing US 17 to the west of Maysville and Pollocksville. The project will begin south of Belgrade at SR 1330 / SR 1439 in Onslow County and continue through Jones County to the Jones / Craven County line. The project ends southwest of Tuscarora Rhems Road, at the beginning of R-2301.

A CAMA Major Development Permit will be required due to the crossing of the White Oak River, located at the Onslow / Jones County line. Public Trust Area and Public Trust Shoreline Areas of Environmental Concern (AECs) will be impacted by this crossing. Once the project crosses the White Oak River and progresses into Jones County, which is not one of the 20 coastal counties that make up the Coastal Zone, it will no longer be subject to jurisdiction of the NC Division of Coastal Management. However, the project enters Craven County at the northern terminus. Since Craven County is one of 20 coastal counties under DCM jurisdiction, the permit application should include the portion of the project in Craven County, as well as, the portion of the project in Onslow County, including the crossing of the White Oak River.

There are a number of references to CAMA Land Use Plans in the document. Many of these references were confusing or inaccurate. The Coastal Area Management Act (CAMA) requires each

of the 20 coastal counties to have a local land use plan in accordance with guidelines established by the Coastal Resources Commission (CRC). Once a land use plan is certified by the CRC, the Division of Coastal Management uses the plan in making CAMA permit decisions. Proposed projects must be consistent with the policies of approved CAMA Land Use Plans. The following are the CAMA Land Use Plans that DCM will reference during the permitting process:

- Craven County CAMA Core Land Use Plan (Certified by the CRC on October 30, 2009)
- Onslow County Comprehensive Plan (Certified by the CRC on January 13, 2010)

1.7.2 Land Use Planning and Zoning

The Onslow County plan was cited and there was a reference indicating that Jones County currently does not have a land use plan. However, there was no reference to a review of the Craven County Comprehensive Plan. Since the project enters Craven County, a review of the policies of the Craven County CAMA Core Land Use Plan, approved by the CRC on October 30, 2009, is advised.

3.2.1.3 Future Land Use

The Onslow County Comprehensive Plan was referenced, along with the Jones County Comprehensive Strategic Plan; however, there was no reference to Craven County's CAMA Core Land Use Plan. Since the project enters Craven County, a review of the policies of the Craven County CAMA Core Land Use Plan, approved by the CRC on October 30, 2009, is advised.

4.1.2.1 Future Land Use

The second paragraph in this section does not make sense and should be rewritten. The paragraph reads as follows:

"The Coastal Area Management Act (CAMA) was established in 1974 to manage and protect coastal areas and water resources in eastern North Carolina. The plan supports any transportation upgrades by the NCDOT to improve access to Jones, Onslow, and Craven Counties. Therefore, the remaining Detailed Study Alternatives are consistent with CAMA initiative, although a permit will be required for this project."

References should be made to specific language of the Onslow and Craven County CAMA Land Use Plans that indicates support for the proposed project. It is appropriate to reference Jones' County's Strategic Plan in this Environmental Impact Statement, however, Jones County is not one of the 20 coastal counties that make up the coastal zone and are required to have a CAMA land use plan.

3.5.4.5 Areas of Environmental Concern

The rare and unique natural areas, Maysville Goldenrod Roadsides, Deep Gully, and Mill Creek Outcrops have not been designated as CAMA Areas of Environmental Concern (AEC) by the Coastal Resources Commission (CRC). To be designated, the areas are nominated for the designation and the Division of Coastal Management conducts a preliminary evaluation of the

nominated site. After this preliminary evaluation, an evaluation of a detailed review of the specific biological, physical, or cultural values of the site made by a group of evaluators, and review of comments from a public notice, the CRC makes its final judgment determining whether the site should receive a formal designation as an AEC. The rare and unique natural areas, Maysville Goldenrod Roadsides, Deep Gully, and Mill Creek Outcrops should be described under another heading rather than as CAMA AECs as they have not been designated as such.

It is correctly stated that the White Oak River is classified as a Public Trust AEC and Public Trust Shoreline AEC and that the project will require a CAMA Major Development Permit. However, it is stated that, *"This designation comes from the statewide importance of the area's natural resources, which may be easily destroyed by erosion or flooding."* This statement is incorrect. The objective of the CRC in designating Public Trust Areas and Public Trust Shorelines as AECs is to safeguard and perpetuate their biological, social, economic, and aesthetic values and to ensure that development occurring within these AECs is compatible with natural characteristics so as to minimize the likelihood of significant loss of private property and public resources, as well as, to protect common-law and statutory public rights of access to the lands and waters of the coastal area.

If you have any questions or concerns, please contact me at (919) 733-2293 x 230, or via e-mail at steve.sollod@ncdenr.gov. Thank you for your consideration of the North Carolina Coastal Management Program.



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Agricultural Services

Vernon Cox
Environmental Programs
Specialist

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

August 16, 2011

State #: 11-E-0000-0017
RE: Proposed US17 Improvements in Jones & Onslow Counties

Dear Ms. Green:

Thank you for the opportunity to comment on the proposed improvement of US17 from SR1330/SR1439 south of Belgrade to the Jones/Craven County line south of New Bern (TIP No. R-2514 B,C&D). The North Carolina Department of Agriculture and Consumer Services (NCDA&CS) is concerned about the conversion of North Carolina's farm and forest lands to other uses. Farm and forest lands are important for both economic and environmental reasons. Appropriately managed agricultural lands can provide groundwater recharge, wastewater filtration, flood prevention, and wildlife habitat protection. Agricultural land enhances the quality of life for citizens within a community by offering scenic landscapes, open space, and a variety of outdoor recreational activities. In addition, loss of productive farmland has the potential for irreversible damage to the agricultural sector of our economy. Careful review of activities that result in loss of farm and forest land is warranted when consideration is given for the loss of environmental amenities, the loss of local tax revenue, the value of agricultural products no longer produced, and the decrease of agribusiness jobs associated with the loss of the land. As the project proceeds, NCDA&CS urges NCDOT to seek opportunities to minimize loss of agricultural land and minimize impacts to adjacent agricultural operations.

Respectfully,


Vernon Cox
Environmental Programs Specialist

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: CRAVEN
JONES
ONSLow

F02: HIGHWAYS AND ROADS

STATE NUMBER: 12-E-4220-0017
DATE RECEIVED: 07/20/2011
AGENCY RESPONSE: 08/24/2011
REVIEW CLOSED: 08/29/2011

MS HOLLY GILROY
CLEARINGHOUSE COORDINATOR
DEPT OF AGRICULTURE
1001 MSC - AGRICULTURE BLDG
RALEIGH NC

REVIEW DISTRIBUTION

CC&PS - DIV OF EMERGENCY MANAGEMENT
DENR - COASTAL MGT
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION
EASTERN CAROLINA COUNCIL

PROJECT INFORMATION

APPLICANT: NC Department of Transportation
TYPE: State Environmental Policy Act
Final Environmental Impact Statement

DESC: Proposed project is improvement of US17 from SR1330/SR1438 south of Belgrade to Jones/Craven County Line south of New Bern in Jones and Onslow Counties;
TIP-R2514 B,C,&D

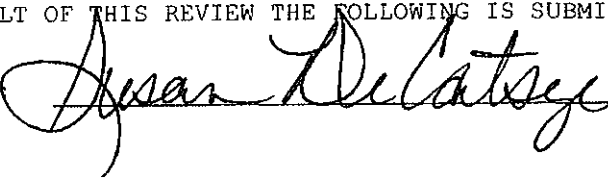
CROSS-REFERENCE NUMBER: 95-E-4220-0871 05-E-4220-0191

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

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

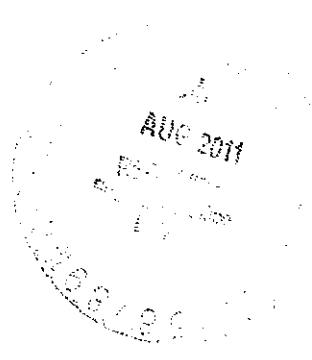
AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY



DATE:

8/19/11





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

Beverly Eaves Perdue, Governor

Linda Pearsall, Director

Dee Freeman, Secretary

August 22, 2011

MEMORANDUM

TO: Melba McGee, DENR Environmental Coordinator

FROM: ^{HL} Harry LeGrand, Natural Heritage Program

SUBJECT: FEIS – Proposed Improvements to US 17 from SR 1330/SR 1439 south of Belgrade to Jones/Craven County Line south of New Bern; Jones and Onslow counties; TIP-R2514 B, C, & D

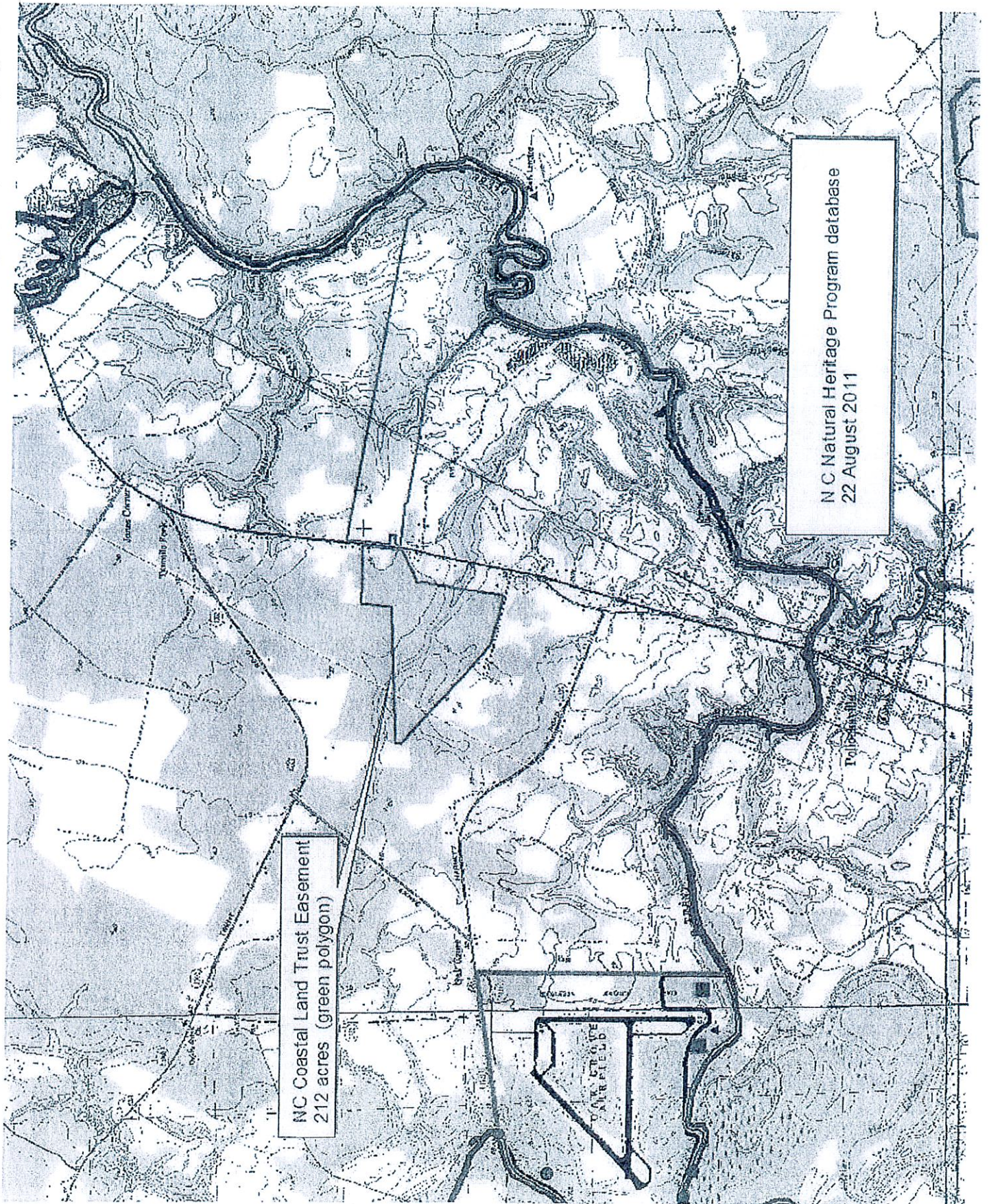
REFERENCE: 12-0017

The Natural Heritage Program has reviewed the document and is disappointed that the large population of the State Threatened spring-flowering goldenrod (*Solidago verna*) along both sides of US 17 north of Maysville could not be spared. However, such avoidance would have required a highway on new alignment, which is much more expensive and runs the risk of further damage to the environment (wetlands, habitat fragmentation, etc.). It is also disappointing that the widening of US 17 in this area will be to the east, on the Croatan National Forest land, as opposed to the west side, which is not conservation land. The document does state (Page 3-69) that NC DOT is coordinating with the US Forest Service to mitigate potential impacts to this large stand of the rare plant.

The Preferred Alternative section 4D will pass through a conservation easement held by the N.C. Coastal Land Trust (see enclosed map). Thus, it is imperative that NC DOT coordinate with this land trust to minimize damage to the 212-acre easement property.

Please do not hesitate to contact me at 919-715-8697 if you have questions or need further information.

Enclosure



NC Coastal Land Trust Easement
212 acres (green polygon)

N C Natural Heritage Program database
22 August 2011



North Carolina
Department of Administration

Beverly Eaves Perdue, Governor
Secretary

Moses Carey, Jr.,

September 2, 2011

Mr. Mark Pierce
NC Department of Transportation
Project Dev. and Environmental Analysis
1534 Mail Service Center
Raleigh, NC 27699-1534

Re: SCH File # 12-E-4220-0017; FEIS; Proposed project is improvement of US17 from SR1330/SR1439 south of Belgrade to Jones/Craven County Line south of New Bern in Jones and Onslow Counties; TIP-R2514 B,C,&D

Dear Mr. Pierce:

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

Attached to this letter are comments made in the review of this document. Based on a consideration of the comments it has been determined that no additional State Clearinghouse environmental review action on your part is needed for compliance with the North Carolina Environmental Policy Act. A Record of Decision pursuant to NCAC 25.606 should be filed with the State Clearinghouse. The attached comments should be taken into consideration in project development and where appropriate discussed in the Record of Decision.

Best regards.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sheila Green".

Sheila Green
State Environmental Review Clearinghouse

Attachments

cc: Region P

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

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

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

MEMORANDUM

TO: Sheila Green
State Clearinghouse

FROM: Melba McGee ✓
Environmental Review Coordinator

RE: 12-0017 FEIS Proposed US 17 Improvements to New Bern Bypass at
the Jones/Craven County lines

DATE: August 25, 2011

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

Thank you for the opportunity to review.

Attachments



The Nature Conservancy
North Carolina Chapter
4705 University Drive
Suite 290
Durham, NC 27707

Tel (919) 403-8558
Fax (919) 403-0379

RECEIVED
BY MSP | DATE 9/8/2011
R-2514
nature.org/northcaolina

September 6, 2011

Mr. Mark Pierce
Project Planning Engineer
NC Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

Re: NCDOT Project No. R-2514BCD

Dear Mr. Pierce:

In response to the request for comments on the US 17 State Final Environmental Impact Statement I wish to express The Nature Conservancy's appreciation for the cooperative spirit with which the NCDOT project team worked with us and other conservation partners within the Onslow Bight Conservation Forum. NCDOT, in recommending the construction of a wildlife underpass, has addressed our concern over potential fragmentation of the larger landscape and the impact on wildlife by the widening of US 17.

The Conservancy is satisfied that NCDOT "... has committed to construct a wildlife underpass in Alternative 3 to provide wildlife passage across US 17 from the Hofmann Forest to the Croatan National Forest." The location of the underpass is shown in Figure 2-3 and not on Figure 3-12 as mentioned on page 4-46 of the EIS. I recommend that Figure 3-12 be amended to show this location.

Thank you for helping ensure the long-term health of North Carolina's natural heritage with this project.

Respectfully,

Katherine D. Skinner
Vice-President

Cc: Mr. Dee Freeman, NC Dept. of Environment & Natural Resources
Mr. Gordon Myers, NC Wildlife Resources Commission
Mr. Mike Wilkins, Croatan National Forest
Mr. Pete Benjamin, US Fish & Wildlife Service

**USFS COMMENTS ON THE SFEIS
US 17 Belgrade to New Bern Bypass
T.I.P NO. R-2514BCD**

Review completed September 29, 2011

General Comments

Information regarding the most recent field surveys for PETS species is not easily discernible in the SFEIS. It is apparent that no field surveys for RCW have been done since fall of 2008, however it is not clear if this survey included other species. If a final BE/BA is not signed before fall of 2013 or within 5 years of the original surveys NCDOT will have to conduct new field surveys. RCWs are a species that are constantly dispersing to new areas, therefore it is impossible to tell now whether or not any RCWs would move into the project area before project completion, and while this is not likely to happen as suitable habitat is limited, it is not an impossibility. Due to this it is important that NCDOT communicate with the Croatan NF Wildlife Biologist prior to the start of any activities on USFS land within the planned RCW Territory 134 to ensure that the area has not become an active RCW area.

S-6 Summary Managed Lands p. xvi

The project area does not fall within a red-cockaded woodpecker cluster, it does fall within a planned territory, Territory 134. Territory 134 does not have any known RCW trees and is not considered a cluster. It is only planned as a territory in our effort to reach RCW Recovery Plan delisting standards. All references to RCW cluster 134 should be changed to territory 134.

Section 3.3.4 Utilities p. 3-32

Comment also applies to pages 4-31,32 and 4-66

All relocation of utilities including but not limited to powerlines, water and sewer lines, and communication lines located on National Forest Systems (NFS) lands must be coordinated with the Forest Service. Utility companies cannot use the easement granted to the North Carolina Department of Transportation for construction and operation of the highway for their uses. All utility companies must work directly with the Forest Service to modify their existing special use permits on relocations within the project area.

Section 4.1.5.2.3 Terrestrial Wildlife p. 4-46

Discussion on the initial pages regarding the wildlife underpass does not meet what was discussed and agreed upon at our last meeting with NCDOT regarding the underpass. However within the body of the document it is correctly described. Gary Jordan from the USFWS and Rachelle Powell, Croatan NF Wildlife Biologist, have discussed this and he has had communication with Mark Pierce of NCDOT. Mark assured Gary that the description within the body of the document is correct and that they are planning to create the wildlife underpass as we had originally agreed upon.

Associated with the construction of the wildlife underpass, moving public access away from Forest Service Road (FSR) 204 was discussed along with obliteration of a portion of FSR 204. This action and its beneficial impacts to wildlife were not mentioned in the document.

In addition with discussed design criteria of the wildlife underpass there will be beneficial impacts to smaller wildlife such as amphibians and rodents.

Section 4.1.5.4.5 Protected Species p. 4-63

We believe the only rare plant species that will be affected by the proposed project on NFS lands is spring-flowering goldenrod (*Solidago verna*); however it is impossible to determine the extent from the analysis since there is no distinction of impacts by different ownerships. Our belief is that 100% of all the individuals that occur on NFS lands will be impacted; however it is impossible to discern from the analysis.

In the brief analysis on page 4-63, the SFEIS mentions “the proposed action may affect individuals” of spring-flowering goldenrod while in the next sentence you indicate “approximately 0.91 acres of 1.21 acres of habitat occupied by this species will be directly affected”. We think the previous statement should be changed to “the proposed project **will** impact individuals of spring-flowering goldenrod”. The construction of a paved road over occupied habitat will almost certainly impact those individuals.

It is difficult to quantify the impacts to a rare species by indicating “0.91 acres of 1.21 acres of habitat” will be affected. The *Solidago verna* occurrence along US 17 is not evenly distributed across the occupied habitat. Some portion of the area is quite dense while another portion is very sparse. The NC Natural Heritage Program Biotics database indicates a cursory survey was completed in June of 2010 resulting in “a few thousand individuals” with 75% on the east side of US 17, the remaining 25% occurring on the west shoulder of US 17. Is there more complete information than a cursory survey? And are there at least several thousand individuals along the east edge of US 17 on NFS lands that will be impacted by the project?

Section 8.1.4 Agency Comments on the State Draft EIS p. 8-13

In the response to comments section, on page 8-13, the SFEIS indicates there are 13 total acres of habitat occupied by the potentially impacted occurrence of spring-flowering goldenrod, however only 1.21 acres occurs within the right-of-way, and only 0.91 acres will be potentially impacted. We suspect the 13 acres were derived from the NC Natural Heritage Program Biotics database where they created a buffered (40 feet in width) polygon file of the linear feature. On the east side of US 17 within the Croatan NF at least ½ of this buffered feature extends into a young loblolly pine plantation, which almost certainly does not provide any habitat for spring-flowering goldenrod. We suspect the 13 acres of total habitat for this occurrence is erroneous.

On pages 8-22 and 8-23 the SFEIS suggests mitigation for the loss of spring-flowering goldenrod habitat be conducted in conjunction with the proposal for the US 70 Havelock Bypass. Further it indicates appropriate habitat for relocation is being proposed in Craven County west of Havelock in the Havelock Station Flatwoods area. There has been coordination with USFS and NCDOT personnel on the ongoing collection of spring-flowering goldenrod seed for the last few years and we do believe that propagation and relocation of the material to an appropriate site can be an acceptable tool. However there has been no coordination with USFS personnel for an appropriate site. The Havelock Station Flatwoods area would be an inappropriate location for the US 17 occurrences since it is almost 19 aerial miles from the impacted site and could result in undesirable genetic implications to other Havelock spring-flowering goldenrod occurrences. It is critical that mitigation measures be coordinated with appropriate USFS personnel and approved by the Forest Supervisor prior to finalizing the EIS.



IN REPLY REFER TO

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

Washington Regulatory Field Office
Post Office Box 1000
Washington, North Carolina 27889-1000

RECEIVED
Division of Highways

NOV 02 2011

Preconstruction
Project Development and
Environmental Analysis Branch

October 31, 2011

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

Action ID: SAW-1998-03519 / SAW-2008-00528

Dear Dr. Thorpe,

Reference your request for comments on the State Final Environmental Impact Statement (SFEIS) for the proposed US 17 improvements from existing SR 1330 (Deppe Loop Road) to SR 1439 (Springhill Road), beginning south of Belgrade in Onslow County passing north through Jones County to the New Bern Bypass at the Jones and Craven County line. (TIP No. R-2514 Sections B, C, D)

The US Army Corps of Engineers (Corps) has reviewed the subject document and is providing comments in accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 404 of the Clean Water Act (CWA). The Corps is responsible for the issuance of any permits required under Section 404 of the Clean Water Act where impacts to jurisdictional wetlands and waters of the United States may occur.

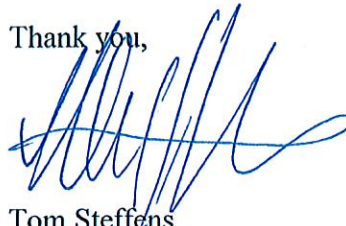
Review of the submitted document indicates that jurisdictional wetlands and waters of the US will be impacted by the proposed improvements of US 17. As such, the Corps submits the following comments for your review:

1. This project is planned and currently in the 404/NEPA Merger Process. The USACE is a participant in the Process and will continue to work as a member of the team.
2. The US 17 improvement project corridor was delineated and reviewed for the presence of jurisdictional wetlands and waters of the US. A preliminary jurisdictional determination (JD) was issued by the Corps in January 2009. With the selection of Alternate 2A in Section B as the LEDPA, some areas of wetlands were not entirely covered by the preliminary JD and require further analysis and possibly re-calculation of impacts.
3. A Merger Team meeting (CP4a) was held on April 12, 2011 to discuss the avoidance and minimization measures for Section B, Alternative 2A (Maysville Bypass). Conditional concurrence was reached by the team for Alternative 2A, pending analysis of areas near the southern terminus for further opportunities for avoidance and minimization. This

- work is still in progress, and any changes in the calculations of impacts should be noted in the Record of Decision, if available.
4. The SFEIS impact summary table (Table S-2) does not reflect the most recent Section 404 final avoidance and minimization measures for two of the three preferred alternatives. Specifically, data in Table S-2, Alternatives 2A and 3, "Streams" and "jurisdictional wetlands" has changed since the SFEIS was submitted for review. The Corps requests that the Record of Decision accurately reflect the final avoidance and minimization calculations and commitments agreed by the Merger Team.

The US Army Corps of Engineers appreciates the opportunity to review this document. If you have any questions concerning these comments, please call Tom Steffens at 910-251-4615. The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at <http://per2.nwp.usace.army.mil/survey.html> <<http://per2.nwp.usace.army.mil/survey.html>> to complete the survey online.

Thank you,



Tom Steffens
Project Manager

Cc:

Chris. Militscher USEPA- Region 4
John Sullivan FHWA
Clarence Coleman FHWA
Rob Ridings NCDWQ
David Wainwright NCDWQ
Travis Wilson NCWRC
Gary Jordan USFWS

APPENDIX C:

U.S. ARMY CORPS OF ENGINEERS NOTIFICATION OF JURISDICTIONAL
DETERMINATION

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. SAW 2008-00528

County: Jones & Craven

U.S.G.S. Quad: Stella

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Agent: North Carolina Department of Transportation

Address: Attn: Mark Pierce

1548 Mail Service Center

Raleigh, North Carolina 27699-1548

Telephone No.: 919-707-6035

Property description:

Size (acres) _____

Nearest Waterway Trent River & White Oak River

USGS HUC 03020106 & 03010204

Nearest Town Pollocksville & Maysville

River Basin Neuse & White Oak

Coordinates N 34.8746 W -77.2445

Location description Proposed US 17 highway project is approximately 16 miles long from Belgrade to the Jones/Craven County line (R-2514B) Alternatives 2A, 3 and 4D. Multiple wetlands, streams and waters of the US are crossed by the three alternatives..

Indicate Which of the Following Apply:

A. Preliminary Determination

- Based on preliminary information, there may be waters of the U.S. on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).

B. Approved Determination

- There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- There are waters of the U.S. including wetlands on the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

We strongly suggest you have the wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

The waters of the U.S. including wetland on your project area have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on _____. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

X The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Morehead City, NC, at (252) 808-2808 to determine their requirements.

Action Id. **SAW 2008-00528**

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Tom Steffens** at **910-251-4615**.

C. Basis For Determination

Waters of the US, including wetlands are present within the project area. Wetland areas were identified using the 1987 USACE Wetland Delineation Manual and field verified by USACE August 27-30, 2007..

D. Remarks

New information received and a new corridor alignment required the JD verified by CESA-W-RGW/W.Wescott on 11/17/2009 to be re-opened and re-verified. This JD covers R-2514 B, Alts; 2A, 3 and 4D and the new information was verified on the ground on 07/12/2012.

E. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

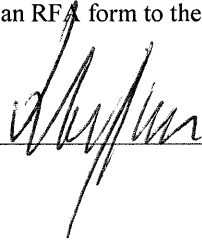
This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

District Engineer, Wilmington Regulatory Division
Attn: Tom Steffens, Project Manager,
Washington Regulatory Field Office
2407 West 5th Street
Washington, North Carolina 27889

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **05/19/2012**.

****It is not necessary to submit an RFA form to the District Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: _____



T. STEFFENS

Date **03/19/2012**

Expiration Date **03/19/2017**

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

Copy furnished:
Matt Smith, Environmental Services, Inc.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: NCDOT	File Number: SAW 2008-00528	Date: 03/19/2012
Attached is: Wetland Verification for R-2514 B; Alt 2A, 3, and 4D		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

704

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
US Army Corps of Engineers
Attn: Tom Steffens
2407 West 5th St.
Washington, North Carolina 27889

If you only have questions regarding the appeal process you may also contact:
Mr. Mike Bell, Administrative Appeal Review Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____	Date:	Telephone number:
Signature of appellant or agent.		

For appeals on Initial Proffered Permits and approved Jurisdictional Determinations send this form to:

**District Engineer, Wilmington Regulatory Division, Attn:Tom Steffens, Project Manager,
Washington Regulatory Field Office, 2407 West 5th Street, Washington, North Carolina 27889**

For Permit denials and Proffered Permits send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Mike Bell,
Administrative Appeal Officer, CESAD-ET-CO-R, 60 Forsyth Street, Room 9M15, Atlanta,
Georgia 30303-8801**

