

US 19E Improvements
From SR 1186 in Micaville to the existing multilane section west of Spruce Pine
Yancey and Mitchell Counties
WBS Element 35609.1.1
State Project Number 6.909001T
TIP Project Number R-2519B

ADMINISTRATIVE ACTION
STATE FINDING OF NO SIGNIFICANT IMPACT

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
submitted pursuant to The North Carolina State Environmental Policy Act of 1971



Cooperating Agency

Tennessee Valley Authority

APPROVED:

7/17/09

Date

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for

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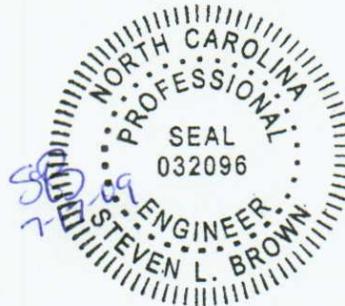
STATE FINDING OF NO SIGNIFICANT IMPACT

July 2009

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PROJECT COMMITMENTS

US 19E Improvements

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Updates to the Project Commitments appear in Italics

Project Development and Environmental Analysis Branch

- Additional surveys are needed for the federally protected Virginia spiraea. The affect of the proposed action on these species will be identified in the project's final environmental document.
 - *Additional surveys for the Virginia Spiraea were performed in June 2006. No plants were found in the project vicinity. A biological conclusion of "No Effect" was rendered by NCDOT and concurred upon by the US Fish and Wildlife Service. This State Finding of No Significant Impact is the final environmental document on the proposed action.*
- *The improvements to US 19E will have an adverse effect on archaeological sites 31YC31 and 31YC183. Data Recovery Plans to recover archaeological materials for analysis and interpretation of the occupation of the sites will be drawn up by the Project Development and Environmental Analysis (PDEA) Branch. Additionally, the Human Environment Unit of PDEA will coordinate with the US Army Corps of Engineers to develop a Memorandum of Agreement (MOA) concerning mitigation for archaeological sites 31YC31 and 31YC183. The recovery plans and the MOA will be completed prior to project letting.*

Project Development and Environmental Analysis Branch, Right of Way Branch, and Division 13

- The Human Environment Unit will provide the Right of Way Branch with notification of the prepared archaeological Data Recovery Plans so they may acquire parcels that contain eligible sites as soon as possible after Right of Way authorization. Acquisition of these parcels will occur at least 12 months prior to the let date. No construction activities will be allowed within either site's limits until the data recovery investigations are completed.

Roadway Design Unit

- The improvements to US 19E will have an effect on the National Register eligible E.W. and Dollie Huskins House (Station 220). The proposed design will include a seeded slope that is feasible for mowing by the owner.
- The Roadway Design Unit will coordinate with the Human Environment Unit (HEU)-Archaeology to accurately depict archaeological sites on the final design plans. If design modifications are required, the Roadway Design Unit will contact and coordinate with the HEU-Archaeology.

PROJECT COMMITMENTS (Cont.)

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Roadway Design Unit, Hydraulic Design Unit, and Roadside Environmental Unit

- The proposed project is located within a critical habitat area for the federally protected Appalachian elktoe mussel. Therefore, NCDOT will implement erosion and sedimentation control measures, as specified by NCDOT's "Design Standards in Sensitive Watersheds" (15A NCAC 04B.0124 (a)-(e)). Detailed plans for the placement of appropriate hydraulic drainage structures will be determined during the final design of the project.
- *On the previous sections of this corridor (Projects R-2518A & R-2518B), for the commitment for Design Standards in Sensitive Watersheds, the North Carolina Department of the Environment and Natural Resources, Division of Water Quality (NCDENR-DWQ) has granted NCDOT an exemption from part (a) of the Design Standards in Sensitive Watersheds referenced above. Part (a) restricts the amount of "uncovered acres" at any one time to 20 acres. Due to the nature of our construction processes for a project of this magnitude, this restriction is impractical for NCDOT. NCDOT will apply for a similar exemption to part (a) on this project for construction.*

Division 13

- In-stream work and land disturbance within the 25-foot wide trout stream buffer zone should be prohibited during the trout spawning season of October 15-April 15 to protect the egg and fry stages of trout from off-site sedimentation during construction.
- *Updated trout moratoriums for this project include:*
 - *Big Crabtree Creek (& UTs) - October 15 to April 15*
 - *Brushy Creek (& UTs) - January 1 to April 15*
 - *Long Branch (& UTs) - January 1 to April 15*

Hydraulic Design Unit

- A TVA Section 26a permit is required for all proposed obstructions involving streams or floodplains in the Tennessee River drainage basin. The TVA is a cooperating agency for this project.
- Coordinate with the Federal Emergency Management Agency and local authorities in the final design stage to ensure compliance with applicable floodplain ordinances.

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I. TYPE OF ACTION

This is a state administrative action, State Finding of No Significant Impact (SFONSI).

The North Carolina Department of Transportation (NCDOT) has determined this project will not have any significant impact on the human and natural environments. This SFONSI is based on the July 2005 Environmental Assessment, which has been independently evaluated by the NCDOT and determined to adequately and accurately discuss the environmental issues, providing sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The NCDOT takes full responsibility for the accuracy, scope, and content of the Environmental Assessment.

II. DESCRIPTION OF THE PROPOSED ACTION

A. General Description

The North Carolina Department of Transportation (NCDOT) proposes to improve US 19E in Yancey and Mitchell Counties. The project begins at SR 1186 west of Micaville and ends at the existing multilane section west of Spruce Pine as shown by the vicinity map in Figure 1 in Appendix A. Figure 2 shows a map view of the project area. The length of the US 19E improvement project is approximately 7.5 miles. The purpose of the project is to add capacity, correct roadway deficiencies, and provide system linkage along US 19E. The route is also within North Carolina Strategic Highway Corridor 10 between Asheville and Boone (I-26, US 19/US 19E, NC 105).

Improvements to US 19E are state funded and identified as Project Number R-2519B in the NCDOT's latest approved (2009-2015) State Transportation Improvement Program (STIP), including \$53,600,000 for construction, \$22,000,000 for right of way acquisition, and \$3,005,000 for mitigation. Proposed improvements consist of widening the existing two-lane US 19E to a multilane facility. The proposed project improvements are shown in Figure 3.

Right-of-way acquisition is scheduled to begin in the 2009-2015 STIP during fiscal year 2010. Construction is scheduled in the 2009-2015 STIP for fiscal year 2013. As of the date of this document, the start of right-of-way acquisition has been revised by NCDOT to fiscal year 2012 and the start of construction has been revised to an estimated fiscal year 2014 due to fiscal and scheduling constraints.

B. Recommended Cross Section

Based on information from comprehensive studies of the natural and human environment, engineering evaluations, and comments from all interested groups, NCDOT recommends a four-lane median divided facility with 10-foot shoulders for the proposed action. The proposed median is raised with a width of 20 feet. Shoulders include four feet of pavement to accommodate bicycles. This preferred cross section is consistent with the Strategic Highway Corridor vision for this section of Corridor 10, which calls for a Boulevard facility.

C. Right of Way

The proposed right-of-way width varies throughout the length of the project and is dependent on the terrain and existing facility and environmental constraints. A minimum right of way width of 150 feet is needed for the four-lane median divided typical section. The steep terrain in the project area will extend the cut and fill areas beyond the 150-foot minimum right of way requirement.

D. Estimated Project Cost

Estimated construction and right-of-way costs for the NCDOT-preferred alternative are \$65,702,000 and \$20,348,000 respectively.

III. SUMMARY OF BENEFICIAL AND ADVERSE IMPACTS

A. Beneficial Impacts

The overall direct adverse impact from the widening of US 19E will be low, and has potential positive effects by providing improved traffic capacity, improvement to existing roadway deficiencies, and system linkage along US 19E to serve existing and planned future development in the area.

US 19/US 19E is the most important transportation facility between Madison, Yancey, Mitchell, and Avery Counties in northwestern North Carolina. In addition, US 19/US 19E is part of Strategic Highway Corridor 10. The project will provide regional mobility between Asheville and recreational (skiing, camping, etc.) opportunities in the Boone area (I-26, US 19/US 19E, NC 105).

US 19/US 19E directly connects travelers in Madison, Yancey, Mitchell, and Avery Counties with I-26, between the US 19 interchange in Asheville and the Tennessee State line. Interstate 26 will attract local, regional, and nationwide travelers, thereby enhancing the importance of US 19/US 19E in northwest North Carolina, further facilitating the beneficial effect of this project.

B. Adverse Impacts

The proposed four-lane section with a raised median will cause access changes for area businesses and residents. The primary change in this area will be right-turn in, right-turn out movements only. However, a sufficient number of intersections exist along the

road to allow vehicles to change directions for access. Additionally, U-turn bulb out areas will be located along the project to accommodate larger turning vehicles. Impacts to the natural and human environment are detailed in Table 1 and summarized in Table 2.

Table 1 - Anticipated Project Impacts

Category	Units	Recommended Alternate
Length	miles	7.5
Residential Relocations	total	65
	minority	0
Business Relocations	total	12
	minority	0
Farm Relocations	each	0
Total Relocations	total	80
Non-Profit Relocations	total	3
Potential Hazardous Mat. Sites	each	20
Wetlands	acres	0.0
Stream Impacts	linear feet	6494
Natural Communities	acres	162
Noise	impacted receptors (residence and business)	100
Protected Species	each	Appalachian elktoe mussel
Historic Architecture	properties	1 (No Adverse Effect - Conditional)
Archaeology	sites	2
Air Quality 1-Hour	carbon monoxide (parts per million)	2.0
Construction Cost	Dollars	\$65,702,000
Right of Way Cost	Dollars	\$20,348,000
Total Cost	Dollars	\$86,050,000

National Ambient 1-hour Air Quality Standards: 35 ppm

Table 2 - Summary of Impacts

Type of Impact	Amount of Impact
Air Quality	The project is not anticipated to create any adverse effects.
Endangered Species	There are twelve Federally Protected Species for Yancey and Mitchell Counties. The proposed project will affect the endangered Appalachian Elktoe mussel. A Biological Opinion by USFWS in the Section 7 Consultation process states that implementing this project is not likely to jeopardize the continued existence of the Appalachian Elktoe nor will adverse impact to critical habitat be significant enough to destroy or adversely modify designated critical habitat.
Hazardous Material Sites	There are 20 hazardous material sites, with 13 sites that have potential UST involvement and seven known potentially contaminated sites.
Environmental Justice Issues	U.S. Census data indicate minority and low-income populations within the vicinity of the project. The project is not expected to directly affect any of these populations. Increased public involvement will ensure fair participation and outreach.
Noise Receptors	A total of 92 residences, 7 businesses, and 1 church are predicted to be impacted.
Churches/Schools	There are three churches within the project area that will be displaced by the proposed action.
Perennial Streams	6,494 linear feet impacted on the project.
Section 106/4f Properties Archaeological Sites	1/0 – No Adverse Effect is anticipated with condition (s) – See Greensheet for environmental commitment. The project will have an adverse effect on two archaeological sites. Data Recovery Plans will be completed and coordination with the US Army Corps of Engineers to develop a Memorandum of Agreement concerning mitigation for the two archaeological sites will be completed - See Greensheet for environmental commitment.
Relocations	There are 65 residences and 12 businesses, and 3 Non-Profits (Churches) that will need to be relocated. An updated relocation report is included in Appendix B.

IV. COORDINATION AND COMMENTS

A. Circulation of the Environmental Assessment and Other Coordination

The Environmental Assessment (EA) was approved by the North Carolina Department of Transportation, Division of Highways on July 25, 2005. Copies of the approved EA were provided to the North Carolina Department of Administration - State Clearinghouse.

The approved EA was circulated to the following federal, state, and local agencies for review and comment. An asterisk (*) indicates a response was received from that agency.

- US Department of Army Corps of Engineers
- US Fish and Wildlife Service
- * U. S. Environmental Protection Agency
- * Tennessee Valley Authority
- NC Department of Environment and Natural Resources
- NC Division of Water Quality
- NC Division of Forest Resources
- NC Division of Parks and Recreation
- NC Division of Environmental Health
- * NC Wildlife Resources Commission
- NC Department of Administration (State Clearinghouse)
- NC Department of Cultural Resources
- High Country Council of Governments

Yancey County
Mitchell County

1. Citizens Informational Workshop

NCDOT held a Citizens' Informational Workshop (CIW) on March 13, 2003 at Mayland Community College in Spruce Pine. NCDOT's purpose for holding the CIW was to educate the public about the project and to receive input from government, businesses and citizens. Attendance at the workshop was moderate, with 43 people signing the attendance record.

Most attendees supported the project. Handouts provided contained a comment sheet, so everyone could record their opinions and suggestions. Four (4) comment sheets were received.

2. NEPA/404 Merger Process

A National Environmental Polity Act (NEPA) / 404 Merger Team was established for the project to improve environmental protection and the regulatory process. The merger team consists of representatives from the following state and federal agencies:

US Army Corps of Engineers
US Fish and Wildlife Service
US Environmental Protection Agency
Tennessee Valley Authority
NCDENR-Division of Water Quality/Wetlands
NC Wildlife Resources Commission
NC Department of Cultural Resources

Merger team meetings were held prior to publishing the Environmental Assessment (EA) to discuss and agree on the project purpose and need, alternatives under consideration, and to review the impacts associated with the alternates under consideration.

Concurrence Point 1 (Purpose and Need): **Concurrence on 8/20/03**
Concurrence Point 2 (Alternatives): **Concurrence on 9/15/04**

Subsequent to the published EA, merger team meetings were held to discuss and agree upon project alternatives to carry forward for detailed study and bridging decisions, the Least Environmentally Damaging Practicable Alternative (LEDPA), and Avoidance/Minimization efforts on the project.

a. Concurrence Point 2A (Alternatives to Carry Forward/Bridging) & Concurrence Point 3 (LEDPA)

A Merger Team meeting was held on April 14, 2005 to discuss and agree upon bridging/major stream crossings and refine or eliminate alternates. The Merger Team recommended Alternate 2 (Estatoe South) as the Best Fit Alternate. The team was unable to provide concurrence for bridging of major stream crossings because additional hydraulic analysis was requested at several areas identified during this meeting:

- Culvert 42 @ Station 49+00 (4 @ 12' x 9' RCBC on Little Crabtree Creek) in Yancey County - Hydraulics suggested shifting the alignment northward to avoid the Taylor Togs building. The Merger Team recommends replacing the culvert with a bridge and possibly shifting NC 80 eastward.
- Bridge 43 @ Station 127+00 in Yancey County - US 19E over South Toe River. Streams 2d and 3uststr flow directly into the South Toe River at the bridge and will require further hydraulic study.
- Culverts @ Station 140+00 and 142+00 Right (2 @ 6' x 6' RCBC on Long Branch) in Yancey County – The Merger Team recommends additional hydraulic study for the stream and culvert combination, including a bottomless design, if possible.
- Culvert 48 @ Station 253+25 (4 @ 11' x 11'on Big Crabtree Creek) at the Yancey/Mitchell County Line – According to the local government, the culvert is not adequately sized. The Merger Team recommends replacing the culvert with a bridge and an October to April Moratorium.
- Culvert 241 @ Station 325+00 (3 @ 8' x 8' on Brushy Creek) in Mitchell County – The Merger Team recommends replacing the culvert with a bridge. This crossing will require additional hydraulic study.

A merger team meeting was held on July 26, 2006. The purpose of the meeting (Concurrence Points 2A & 3) was to further discuss bridging and major stream crossings identified as requiring further study in the April 14, 2005 Concurrence Point 2A merger team meeting and discuss the Least Environmentally Damaging Practicable Alternative for the subject project. The following items related to Concurrence Point 2A were discussed (Items in italics were tabled for further discussion at Concurrence Point 4A):

- Culvert 42 – Station 49+00 – Yancey County – 4 @ 12' x 9' RCBC on Little Crabtree Creek.
 - Intersections of SR 1307 and NC 80 with US 19E near this culvert will be realigned to a single, full movement intersection due to school bus travel safety concern. Merger team concurred with the realignment.
 - Realignment will make construction of a bridge impracticable at this crossing.
 - Merger team recommends removing the existing culvert and installing a bottomless culvert at this location – *bottomless design will be studied and decision on type of culvert will be discussed at the Concurrence Point 4A team meeting.*
- Bridge 43 – Station 127+00 – Yancey County – US 19E over South Toe River.
 - The Merger Team recommends removal and replacement with a new bridge.
 - Appalachian elktoe mussel present, bridge replacement being coordinated through USFWS.

- Stream 2d and Stream 3 will be impacted significantly in several areas under the current design. *Avoidance and minimization efforts, as well as a bottomless culvert design option will be evaluated and finalized at the Concurrence Point 4A stage.*
- Culverts @ Station 140+00 and 142+00 – Yancey County – 2 @ 6’ x 6” RCBC on Long Branch.
 - Merger Team recommends a bottomless culvert design, if possible.
 - NCDOT will *evaluate bottomless design and discuss further at the Concurrence Point 4A stage.*
- Culvert 48 - Station 253+25 – Yancey/Mitchell County Line - 4 @ 11’ x11’ on Big Crabtree Creek.
 - Merger team requests further information on all impacts associated with: 1) Replacement of existing culvert with a bridge (USFWS, WRC recommended), 2) Extension of existing culvert (NCDOT recommended), and 3) Replacement of existing culvert with an extended, bottomless culvert.
 - NCDOT to provide more detailed analysis of bridging alternative including construction and scheduling, relocation impacts, alignment design impacts, and cost. Additionally, NCDOT will evaluate a bottomless culvert design.
 - USFWS and WRC to provide specific information on environmental benefit of a bridge at this location, including fish passage, basin wide issues, and impact to recovering species (Appalachian Elktoe).
 - The Merger team agrees to concur on Concurrence Point 2A, *and table the decision on the appropriate structure at this crossing until the Concurrence Point 4A team meeting.*
- Culvert 241 – Station 325+00 – Mitchell County – 3 @ 8’ x 8’ on Brushy Creek.
 - The Merger Team concurs with the NCDOT recommended culvert extension at this crossing.

The Merger Team reached concurrence for bridging or major stream crossings – **Concurrence Point 2A on July 26, 2006** – with the exception that the items for further discussion, as noted in italics above, will be carried forward to be finalized at the Concurrence Point 4A team meeting. The Merger Team reached concurrence on **Concurrence Point 3 (LEDPA) on July 26, 2006**, choosing the Best Fit Alternate, including Alternate 2 (Estatoe South) in the Estatoe section of the project.

b. Concurrence Point 4A (Avoidance and Minimization)

A merger team meeting was held on April 17, 2007. The purpose of the meeting (Concurrence Point 4A) was to discuss Avoidance and Minimization of impacts for the subject project and to further discuss several major stream crossings discussed and

identified as requiring further study in the July 26, 2006 Concurrence Point 2A/Concurrence Point 3 merger team meeting.

Avoidance and Minimization

The following avoidance and minimization measures have been incorporated into the proposed project design to avoid and/or minimize impact to streams and wetlands in the project area.

The following sites that represent avoidance and minimization of impacts on the project to date are summarized below in Table 3:

Table 3 – Avoidance and Mitigation Efforts

Item No.	Water ID/Name	Water Classification	Avoidance and Mitigation Description
1	Various	Various	Install rock sills to maintain normal channel width.
2	STR/South Toe River	Class B;Tr; ORW	Proposed retaining wall to reduce impact to South Toe River.
3-4	STR/South Toe River	Class B;Tr; ORW	1) No bridge supports in the channel of the river for South Toe bridge replacement. 2) Hazardous spill basins to be installed in the South Toe River crossing area.
5	2D/Long Branch	Class C;Tr	Proposed retaining wall to reduce impact to Long Branch.
6	2D/Long Branch	Class C;Tr	Remove existing culvert (~ 125') and access road between US 19E and SR 1424 (Deneen Road).
7	2D/Long Branch	Class C;Tr	1) Three Options for culvert extension/stream relocation 2) Bridge removal at Sycamore Circle.
8	Various	Various	Revised Alignment of Sycamore Circle to reduce wetland and stream impacts.
9	Stream 1I/UT to Big Crabtree Creek Wetland 1IB	Class C;Tr PEM1E	Proposed retaining wall to reduce impacts to stream and wetlands.
10	1CC/Big Crabtree Creek	Class C;Tr	Proposed bridge to replace the existing culvert over Big Crabtree Creek.
11	1G/UT to Brushy Creek	C;Tr	Revised Alignment to reduce stream impact.
12	1G/UT to Brushy Creek	C;Tr	Proposed retaining wall to reduce stream impact.

In total, stream impacts on the projects have been reduced from approximately 9,368 linear feet as presented in the Environmental Assessment to approximately 6,494 linear feet. Additionally, wetland impacts on the project have been reduced from approximately 0.869 acres as presented in the Environmental Assessment to less than 0.01 acres.

Stream Crossings

The following items carried forward from the July 26, 2006 CP 2A/CP 3 meeting were discussed:

- Culvert 42 – Station 44+00 – Yancey County – 4 @ 12' x 9' RCBC on Little Crabtree Creek
 - The intersection of SR 1307 and NC 80 with US 19E near this culvert is proposed to be realigned to a single, full movement intersection due to school bus travel safety concern. Realignment will make construction of a bridge impracticable at this crossing.
 - Utilizing a bottomless culvert was investigated by the NCDOT Geotechnical Unit and Hydraulics Unit. The subsurface at this location will not geologically support a bottomless culvert. The Merger team verbally concurred with the proposed extension of the existing culvert at this location.
- Bridge 43 – Station 127+00 – Yancey County – US 19E over South Toe River
 - The Merger Team has recommended removal and replacement with a new bridge.
 - Appalachian elktoe mussel present, bridge replacement being coordinated through USFWS.
 - Stream 2d and Stream 3 will be impacted significantly in several areas under the current design. Avoidance and minimization efforts, as well as a bottomless culvert design option were evaluated. An approximately 500 foot long retaining wall is proposed to reduce fill slope impact to Stream 2d. Additionally, approximately 125 linear feet of culvert and embankment material will be removed to daylight approximately 125 feet of Stream 2d.
- Culverts @ Station 140+00 and 142+00 – Yancey County – 2 @ 6' x 6" RCBC on Long Branch
 - NCDOT found that a bottomless culvert design is technically feasible in this area. Four alternates were evaluated in this area, including 1) retaining and extending the existing culverts, 2) retaining and extending the existing culverts with some stream relocation, 3) removal of some existing culvert and replacement with bottomless culvert and stream relocation , and 4) removal and replacement of all existing culvert with bottomless culvert.
 - The merger team agreed to discuss finalized culvert design in this area at the Concurrence Point 4B and 4C stage.

- Culvert 48 - Station 253+25 – Yancey/Mitchell County Line - 4 @ 11' x11' on Big Crabtree Creek
 - NCDOT investigated a bottomless culvert design at this crossing and found that the subsurface material in the area is unsuitable for a bottomless culvert.
 - NCDOT provided more detailed analysis of 1) Alternate 1: Retain and extend the existing culvert by 116 feet, 2) Alternate 2: Remove the existing culvert and replace with a 191 foot long bridge, and 3) Alternate 3: Retain and extend the existing culvert by 23 feet using a retaining wall to minimize required fill slope. Alternate 3 had not previously been considered and it was developed during detailed analysis of the crossing.
 - NCDOT recommended Alternate 3 for this crossing based on the following:
 - Addition of the retaining wall reduces stream impact at the crossing from approximately 116 feet (NCDOT previously recommended alternative) to 23 feet.
 - The stream is stable currently and a 23-foot extension would not significantly affect stream stability or quality.
 - The existing culvert appears adequate for fish and aquatic life passage and this condition would not be significantly affected by the proposed extension.
 - The proposed extended culvert would adequately pass the anticipated 50 year or 100 year flood event in the area.
 - Alternative 2 (Bridge Alternative) would require one additional business relocation and one additional residential relocation near the crossing.
 - Removing the existing culvert would involve a significant increase in construction time, project detours during construction and risk of sediment release during removal.
 - Alternative 3 was estimated at this time to be significantly less costly overall (Approximately \$2,000,000 less) than the resource agency-preferred Alternative 2.
 - The North Carolina Wildlife Resources Commission and other merger team members from resource agencies presented information in support of a bridge, and concerns with the existing culvert at this crossing, including the following:
 - Concerned that the existing culvert is inhibiting fish passage at the crossing.
 - The existing culvert has caused stream over widening and instability. An extension would worsen these problems.
 - The existing culvert and an extended culvert would contribute to flood issues in the area.
 - Big Crabtree Creek is a tributary to the North Toe River, which supports critical habitat for the endangered Appalachian Elktoe mussel.
 - A bridge at this crossing would mitigate future indirect and cumulative impacts to the project area.

- A bridge at this crossing would provide animal passage under the proposed roadway.
- A bridge at this crossing is a more environmentally sound solution and is more consistent with NCDOT's Environmental Stewardship policy.

Concurrence was not reached in the Concurrence Point 4A meeting of April 17, 2006, mainly due to disagreement over the most appropriate crossing structure to install over Big Crabtree Creek. The participating merger team members agreed to resolve the non-concurrence through the established Merger Elevation process.

c. Merger Elevation Process

Following the April 2006 Concurrence Point 4A meeting, non-concurring merger team members prepared summary briefs of their positions. The United States Fish and Wildlife Service (USFWS), the United States Environmental Protection Agency (USEPA), the North Carolina Department of Environment and Natural Resources – Division of Water Quality (DWQ), and the North Carolina Department of Environment and Natural Resources – Wildlife Resources Commission (WRC) submitted issue briefs to NCDOT presenting their objections to the proposed culvert at Big Crabtree Creek and arguments in support of a bridge at this crossing. Table 4 below summarizes the comments, the agencies that presented them and NCDOT's response:

Table 4 – Elevation Issue Summary

Comment/Objection	Agency (s)	NCDOT Response
Current culvert has caused stream over widening; extending will worsen stream stability.	USFWS DWQ	The channel was realigned and widened during original construction of culvert to tie back into the natural channel. The downstream banks are vegetated and stable. A point bar exists in the channel downstream of the culvert, indicating stream stability. 23 foot extension will not significantly degrade stream stability or water quality.
Culvert and extension negatively affects fish passage.	USFWS WRC	During site visits the stream water appears clear, the existing culvert invert is buried, stream depth has generally been observed to be adequate for fish and aquatic life passage, and natural bed material exists within the culvert. Additionally, less than a half-mile downstream the stream slope increases significantly with a number of steep drops that would appear to hinder fish passage in the immediate area currently.
Culvert unnaturally restricts flow and contributes to flood issues in the area; disconnects stream from flood plain	USFWS EPA DWQ WRC	Preliminary hydraulic analysis on the proposed culvert indicates that it is adequately sized for present and anticipated future flood conditions in the area. No flooding issues due to the culvert have been noted by NCDOT Division 13 personnel. A 23 foot extension will not significantly degrade the ability of the culvert to pass the anticipated 50 year or 100 year storm in the design year.

Table 4 – Elevation Issue Summary (Continued)

Comment/Objection	Agency (s)	NCDOT Response
Culvert causes stream instability and contributes to sedimentation and erosion of the stream	USFWS DWQ WRC	The channel was realigned and widened during original construction of culvert to tie back into the natural channel. The downstream banks are vegetated and stable. A point bar exists in the channel downstream of the culvert, indicating stream stability. A 23-foot extension will not significantly degrade stream stability or water quality.
Big Crabtree Creek is a tributary to North Toe River, which supports Critical Habitat for endangered Appalachian Elktoe mussel	USFWS EPA DWQ WRC	This culvert crossing is approximately 4 miles from the confluence of the stream with the North Toe River. The relatively small culvert extension proposed is not anticipated to degrade existing water quality or fish passage in the area or lead to a significant indirect impact to the Critical Habitat.
Economic development in the area will lead to increased development – replacing with a bridge will help mitigate future flood and sedimentation issues	USFWS EPA DWQ WRC	While development may increase immediately adjacent to the proposed highway corridor, the overall character of the entire drainage basin is expected to remain rural in character.
Bridging provides a large animal passageway along the creek	USFWS EPA WRC	The existing culvert has a large cross section (11’x11’), and relatively shallow flow the majority of the year. The existing and proposed culvert may be feasible as a large animal crossing using the proposed configuration. Consideration to augmenting the culvert configuration, providing fencing and other enhancements will be considered during final design.
Bridging is consistent with NCDOT’s Environmental Stewardship policy and context sensitive solutions.	USFWS WRC	Avoidance and minimization effort to date on the project and at this specific crossing have been significant and consistent with NCDOT’s Environmental Stewardship Policy and Context Sensitive Solutions guidelines. Additionally, substantial stream and habitat disruption would be required to demolish the existing culvert, install and demolish a temporary culvert, and convert the existing crossing to a bridge. The perceived long-term environmental benefit suggested by the Agencies, in some ways, would run counter to the specifics of NCDOT’s environmental policies. The perceived benefit would involve substantial impact to the human environment, significant disruption to the natural environment, an increase in project cost, and a lengthening of the project construction schedule to detour and maintain traffic during construction. It is NCDOT’s opinion that the perceived benefits in this case are largely outweighed by the potential costs to multiple environmental, constructability and fiscal aspects of the project.

Table 4 – Elevation Issue Summary (Continued)

Comment/Objection	Agency (s)	NCDOT Response
NCDOT comparative bridging cost estimates are elevated when compared to average bridge unit costs across system	EPA DWQ WRC	Converting the crossing from a large culvert to a stream will require a number of actions which are more costly on a unit basis than the “average” bridge construction: 1) Demolition of the existing culvert and construction of a new bridge will require that a separate, temporary culvert and stream crossing be built and maintained during construction to detour and maintain traffic on US 19E, 2) The existing culvert is large and currently buried beneath approximately 20 feet of fill material. This will increase demolition costs and, more significantly, increase the time of demolition, construction and detour operations, 3) Bridge construction will involve an additional right-of-way, including acquisition of two (2) additional properties and a Y-line realignment.
Project stream impacts are higher than other similar projects; bridging provides mitigation of impacts	EPA	Project avoidance and mitigation efforts to date have significantly reduced the overall anticipated stream impacts on the corridor. The proposed retaining wall and short extension of the culvert provide significant avoidance of stream impact at the proposed crossing.
Bridging would improve recreational opportunities in and around Big Crabtree Creek	EPA WRC	Improving recreational opportunities in the area is not a stated purpose or goal of the project, nor are funds included in this project for recreational purposes.
Bridging meets the intent of the Endangered Species Act	USFWS WRC	The relatively short (+/- 23 feet) proposed culvert extension does not cause significant direct or indirect harm to the endangered species present in the project area.

Section 7 Consultation and Permitting

A formal Consultation process with USFWS, to satisfy the requirements of Section 7 of the Endangered Species Act (ESA), was followed on this project to assess the impact of the project to the endangered Appalachian Elktoe mussel. The Section 7 consultation process was executed concurrently with the Merger process. Additionally, the Section 7 Consultation process was combined for the US 19 corridor extending from the intersection of I-26 and US 19 in Madison County to Spruce Pine in Mitchell County. This encompasses TIP projects R-2518A, R-2518B, R-2519A, and R-2519B (US 19 Corridor).

A Qualitative Indirect and Cumulative Effects Assessment for the corridor was prepared for NCDOT in 2004 (HNTB North Carolina 2004). An update of the 2004 Indirect and Cumulative Effects (ICE) Assessment for the US 19 Corridor was prepared in July 2007. The update evaluated the development potential of lands within the study area, under build and no-build scenarios. The report was prepared utilizing the NCDOT Guidance for Assessing Indirect and Cumulative Impacts of Transportation Projects in North Carolina and Council on Environmental Quality (CEQ) definitions that implement NEPA and guide the EIS process. (40 C.F.R. Section 1500-1508). The update is described in detail in Section V. A. of this report.

NCDOT prepared and submitted, to USFWS, a Biological Assessment (BA) of the corridor in August 2007. Supplemental materials in support of the BA were submitted to USFWS in December 2007 and January 2008. The USFWS issued a Biological Opinion (BO) on the corridor in March 2008. The BO contained a specific condition requiring that a bridge be installed at the Big Crabtree Creek crossing on project R-2519B, in order to minimize the impact to Critical Habitat for the Appalachian Elktoe mussel.

The U.S. Army Corps of Engineers (ACOE) subsequently issued a Clean Water Act Section 404 permit incorporating the conditions of the BO and covering projects R-2518A, R-2518B, and R-2519A in April 2008.

The ACOE, which is the lead federal agency for the Merger process of project R-2519B, informed NCDOT in May 2008 that any further elevation or disagreement with installing a bridge at Big Crabtree Creek crossing should first be resolved by NCDOT through the Section 7 ESA process. The condition of the BO mandating a bridge over Big Crabtree Creek required NCDOT to obtain a revision to the BO, removing or altering the condition, for the corridor before any further elevation of the issue could occur through the Merger process.

NCDOT developed further detailed hydraulic, design, constructability, and cost analysis on both Alternative 3 (retaining wall/culvert extension) and Alternative 2 (bridge) at the Big Crabtree Creek crossing. Rising construction costs for the retaining wall construction in Alternative 3 lead to a revised comparative cost analysis, including right of way cost, in which the cost difference between the two alternatives was estimated to be approximately \$864,000. The updated estimated cost for Alternative 2 (bridge) is \$10,992,000 and the updated estimated cost for Alternative 3 (retaining wall/culvert extension) is \$10,128,000. NCDOT's conclusions from the further analysis of the crossing were otherwise unchanged from those presented in Table 4 above.

However, in due consideration of potential project delays associated with re-opening the Section 7 Consultation process, NCDOT revised its recommendation for this crossing and recommended removal of the existing culvert and construction of dual bridges over Big Crabtree Creek. Figure 4 depicts the proposed bridge at this crossing. A summary of recommended structures along the project are presented in Table 5 below.

Table 5 – Recommended Structures

Site Location	Existing Structure	Stream Crossing Name	Stream Classification	Existing Structure	Proposed Structure
Sta. 49+00 +/-	Culvert 42	Little Crabtree Creek	Class C;Tr	4 @ 12'x9' RCBC (+/- 105' length)	Retain and extend 4 @ 12'X9' RCBC 8' up stream & 142' down stream
Sta. 127+00 +/-	Bridge 43	South Toe River	Class B;Tr; ORW	Bridge	Remove and Replace Existing Bridge
Sta.140+00 +/- & 142+00 +/-	Culverts	Long Branch	Class C;Tr	2 @ 6' x 6' RCBC	Retain and Extend existing, replace Black Jack Rd. culvert, final design TBD at CP 4B/4C
Sta. 253+00 +/-	Culvert 48	Big Crabtree Creek	Class C;Tr	4@ 11'x11' RCBC (125' length)	Remove existing culvert and replace with 216' long dual bridges

The merger team reached concurrence on Concurrence Point 4A – Avoidance and Minimization in **July 2009**.

3. Historic Architecture/Archaeology Coordination

The improvements to US 19E will have an effect on the National Register of Historic Places eligible E.W. and Dollie Huskins House (Figure 3). After consultation with the State Historic Property Office (HPO), NCDOT proposes to mitigate potential adverse effect to the property by including a seeded slope that is feasible for mowing by the owner in the proposed design. In a letter dated May 7, 2007, the lead federal agency for this project, the United States Army Corps of Engineers (USACOE), has concurred with the determination of effects under Section 106 of the National Historic Preservation Act and the coordination to date with HPO with respect to historic structures. The correspondence from the USACOE is presented in Appendix C.

The improvements to US 19E will have an adverse effect on identified archaeological sites 31YC31 and 31YC183.

Data Recovery Plans to recover archaeological materials for analysis and interpretation of the occupation of the sites will be drawn up. Clearly defined research goals and objectives should be stated and addressed by recovering archaeological materials for analysis and interpretation. Such an endeavor will include documenting the depth and extent of deposits and defining any additional intact deposits and features present within the archaeological sites.

In a letter dated May 7, 2007 (Appendix C), the USACOE (Lead Federal Agency) indicated that NCDOT's coordination with the HPO to date is acceptable. However, the letter noted the need for further consultation and the development of a Memorandum of Agreement (MOA) between USACOE and HPO regarding adverse impact mitigation for sites 31YC31 and 31YC183. Additionally, the USACOE extended an invitation to the Tribal Historic Office of Historic Preservation for the Eastern Band of Cherokee Indians (THPO) to participate as a consulting party in compliance with 36 CFR 800. The THPO

has been copied on all relevant historic information throughout the project development process.

B. Comments Received on the Environmental Assessment

Written comments on the Environmental Assessment were received from several agencies. Agency comments are presented in their entirety in Appendix D. The following are excerpts of the substantive comments with responses in *italics*, where appropriate:

1. United States Environmental Protection Agency

Comment: “For the Best-fit Alternative, wetland impacts are estimated at 0.869 acres and stream impacts at 9,365.9 linear feet. EPA anticipates that additional avoidance and minimization measures can additionally reduce potential stream impacts. Based upon EPA's BASELINE analysis for WESTERN WIDENING projects, stream impacts typically range between 500-600 linear feet per mile of widening (i.e., 548.1 linear feet per mile). This project indicates potential stream impacts at 1,248.8 linear feet per mile of widening improvement. As with the R-2519A project, EPA hopes that NCDOT fully explore all on-site stream mitigation opportunities along US 19E. EPA plans to stay actively involved in this Merger project.”

Response: *Avoidance and minimization measures for streams and wetlands on the project to date include installation of retaining walls to reduce fill slopes, revising roadway alignments, and removal of existing culverts on the project. Revised stream and wetland impacts are calculated to be 6,494 feet and 0.0088 acres, respectively. This represents a reduction of 2,874 feet (31%) of stream impact and 0.9 acres (99%) of wetland impact.*

*A full analysis of investigated on-site stream mitigation possibilities for the project is discussed in the document titled “Biological Assessment Prepared Under Section 7 of the Endangered Species Act, US 19 and US 19E Widening in Madison, Yancey, and Mitchell Counties (TIP # R-2518, R-2519A and R-2519B), Potential Effects to the Appalachian Elktoe (*Alasmidonta raveneliana*) and Other Federally Listed Species”, prepared by The Catena Group and the NCDOT Biological Survey Unit for The US Army Corps of Engineers (USACOE) and the Tennessee Valley Authority (TVA), submitted on August 9, 2007, as well as additional information submitted to the USACOE on February 7, 2008.*

2. Tennessee Valley Authority

Comment: “**Section V.E.3.d., Federally Protected Species.** As indicated in the U.S. Fish and Wildlife Service letter of December 11, 2002, there is a potential for cumulative effects issue with other bridge replacements on the North Toe River. This could be acknowledged here, along with the note that the ongoing Section 7 consultation is considering potential cumulative effects to the Appalachian Elktoe.”

Response: *As part of an Endangered Species Act Section 7 Consultation on US 19 projects R-2518A, R-2518B, R-2519A and R-2519B, a Qualitative Indirect and Cumulative Effects Assessment of these projects was prepared for NCDOT in 2004 (HNTB North Carolina 2004) and a subsequent Indirect and Cumulative Effects Report*

(ICE) was prepared by Earth Tech in 2007 that specifically addressed water quality impacts (NCDOT 2007).

A Biological Assessment (BA) for the Section 7 Consultation was submitted to USACOE and the US Fish and Wildlife Service (USFWS) in August 2007 and an addendum to the BA was submitted in February 2008 addresses direct and indirect impacts to endangered species on the project. The USFWS issued a Biological Opinion (BO), satisfying the conditions of the Section 7 Consultation under the ESA.

Comment: “Section V.C.7.b. Archaeological Resources. It is indicated that archaeological sites 31YC31 and 31ML80 are impacted sites that are eligible for listing in the National Register of Historic Places (NRHP). Later, it is indicated that sites 31YC31 and 31YC183 are within the project’s Area of Potential Effect (APE) and culturally significant. These conclusions appear to be inconsistent and the status of all three sites as to their NHRP-eligibility and whether they would be affected should be clarified.”

Response: *Four archaeological sites (31YC6, 31YC31, 31YC183, and 31ML80) that are recommended eligible for the National Register of Historic Places (NRHP) were identified in the project study area. Two of these sites (31YC31 and 31YC183) will be adversely affected by the proposed project and will require data recovery investigations prior to project letting. Additionally, a Memorandum of Agreement regarding the project effects and any required mitigation between the US Army Corps of Engineers (Lead Federal Agency) and the State Historic Preservation Office will be coordinated prior to project letting.*

3. North Carolina Wildlife Resources Commission

Comment: “It is important to note that although the South Toe River carries the Trout designation by NCDWQ, the river is expected to be too low in the watershed for trout reproduction in the project vicinity and will require a different moratorium than the rest of the project. As indicated in our scoping letter, dated May 23, 2003 and included in the EA document, NCWRC recommends an in-water work moratorium from April 1 to June 30 in the South Toe River to protect the Appalachian Elktoe, blotchside logperch, and olive darter during their breeding seasons, as well as smallmouth bass reproduction. Cranberry Creek and other perennial stream crossings should have an in-water and 25-foot trout buffer moratorium from October 15 to April 15. Sediment and erosion control measures should adhere to the design standards for sensitive watersheds and be strictly maintained until project completion.”

Response: *Since the published date of the Environmental Assessment and concurrent with the Section 7 consultation process, the following in-water work moratoria have been developed for this project in consultation with the NCWRC: 1) Big Crabtree Creek (and associated Unnamed Tributaries) – October 15 to April 15; 2) Brushy Creek (and associated Unnamed Tributaries) – January 1 to April 15; 3) Long Branch (and associated Unnamed Tributaries) – January 1 to April 15.*

Sediment and erosion control measures on the project will adhere to the design standards for sensitive watersheds and will be maintained through project completion, with the following exception: On the previous sections of this corridor (Projects R-2518A & R-2518B), for the commitment for Design Standards in Sensitive Watersheds, the North Carolina Department of the Environment and Natural Resources, Division of Water Quality (NCDENR-DWQ) has granted NCDOT an exemption from part (a) of the

Design Standards in Sensitive Watersheds referenced above. Part (a) restricts the amount of "uncovered acres" at any one time to 20 acres. Due to the nature of our construction processes for a project of this magnitude, this restriction is impractical for NCDOT. NCDOT will apply for a similar exemption to part (a) on this project for construction.

Additionally, the Biological Assessment, and the Biological Opinion completed and issued on the project corridor covering projects R-2518A, R-2518B, R-2519A, and R-2519B present specific sediment and erosion control measure to be implemented on this project.

Comment: “Indirect and cumulative impacts are a concern for this project. While much of the land is unsuitable for development due to steep topography, it is likely that small scale retail or industrial uses or single family residential uses would locate along and near the project corridor. Also, there are plans to extend sewer and water service along US 19 in the project area. Local planners indicate there is development momentum along the roadway and they support the potential for economic benefits resulting from the project and subsequent development. NCDOT should provide strong stormwater treatment that will protect water quality, sensitive species, and aquatic habitats at current and future levels of development. We strongly encourage local officials to guide future development in a manner that will protect wildlife habitat, water quality, and aesthetic values that are also important to tourists that visit this area and therefore valuable to the local communities. Wetlands, streams, and wide natural areas surrounding these features should be preserved in perpetuity for many long-term benefits.”

Response: *As part of an Endangered Species Act Section 7 Consultation on US 19 projects R-2518A, R-2518B, R-2519A and R-2519B, a Qualitative Indirect and Cumulative Effects Assessment of these projects was prepared for NCDOT in 2004 (HNTB North Carolina 2004) and a subsequent Indirect and Cumulative Effects Report (ICE) was prepared by Earth Tech in 2007 that specifically addressed water quality impacts (NCDOT 2007). The 2004 study identified a “Potential Growth Impact Area” of small-scale development mainly within 1 - 2 miles (1.6 – 3.2 kilometers) of the US 19E corridor in the form of residential uses and to a lesser extent commercial/industrial uses (HNTB North Carolina 2004). The highest potential for impacts is within the cities of Burnsville and Spruce Pine, where industrial uses are most likely to occur. A “Medium Potential for Impact” was identified in the areas along the Cane River for a distance of approximately 5 river miles (8.1 river kilometers), along the South Toe River for a distance of approximately 2 river miles (3.2 river kilometers), and along NC 80 from US 19 north to its crossing of the North Toe River. The identified ICE study area uses the 2-mile wide area on either side of the existing roadway which was delineated in the 2004 report. The ICE study indicates that there is potential for induced growth within the ICE study area, primarily in areas where water and sewer services exist or are planned. GIS modeling indicates that potential for growth is mainly due to the expansion of water and sewer services rather than the road improvement project, as overall growth under the no-build scenario is projected to be only slightly lower than with the build scenario (NCDOT 2007).*

C. Public Hearing and Comments

In accordance with the North Carolina Environmental Policy Act of 1971, the North Carolina Department of Transportation certifies that a public hearing for the subject

project has been held and the social, economic, and environmental impacts, consistency with local community planning goals and objectives, and the comments from individuals have been considered in the selection of the recommended alternative for the project.

Following circulation of the Environmental Assessment, a public hearing was held at Mayland Community College on February 21, 2006. The hearing was conducted as an open house workshop followed by a formal hearing. A transcript was prepared of the formal hearing. The hearing transcript is presented in Appendix E. Approximately 194 people attended the hearing and three citizens spoke for the record. Numerous citizens commented verbally at the open house and hearing, and in writing before and after the hearing, requesting changes to the proposed design. Opposition comments expressed general concern regarding 1) the proposed 20-foot raised grass median, which will limit left turn movements and U-turns on the project, 2) Impact to various properties along the project including relocations, and 3) Access changes along the project.

A Post-Hearing Meeting was held on May 2, 2006. This meeting was held to discuss comments received at the public hearing. The following resolutions were developed for concerns arising from public comment on this project:

1. Concern: A request was made to provide an access for school buses from SR 1307 to eastbound US 19.

Action: SR 1307 is located close to the intersection of NC 80 and US 19. SR 1307 is only 250 feet from the median opening at NC 80. An additional median opening will not be possible at SR 1307 because it will violate the NCDOT's median cross-over policy. NCDOT will align SR 1307 with the intersection of NC 80 and US 19 to improve access and safety.

2. Concern: Opposition has been expressed to the proposed typical section, which consists of a 4-lane divided shoulder section with a 20-foot raised grass median.

Action: Because US 19E is on the Strategic Highway Corridor, the project will remain a 4-lane divided facility with a 20-foot raised median.

3. Concern: The potential relocation of the Newdale Fire Department and the Spruce Pine (Estatoe) Fire Department is a concern.

Action: NCDOT will work with the Newdale Fire Department and the Spruce Pine Fire Department to make sure that with any required relocations, the process is smooth so the fire stations will not be closed at any point during the project life.

The Newdale Fire Department has plans to acquire property adjacent to its current location to relocate the station. NCDOT proposes to install an emergency signal and a depressed median break at the Riverwalk Road and US 19E to accommodate the relocated station.

A retaining wall is proposed near the Spruce Pine Fire Department property, which will substantially reduce the impact to the property and maintain access to US 19 for the existing emergency vehicles housed at

this location. Figure 5 illustrates the proposed retaining wall at this location.

- 4. Concern:** Access for the residents of the Red Bird Road area to eastbound US 19 has been requested by the Red Bird Association.

Action: A median cross-over will not be provided at Red Bird Road because it will be a violation of the Median Crossover Policy. Instead NCDOT will provide an intermediate U-turn median opening for passenger vehicles approximately midway from SR 1002 (Crabtree Creek Road) and SR 1157 (Hoot Owl Road).

- 5. Concern:** Concerns were expressed by the Newdale Church and the Estatoe Church of God.

Action: The Newdale Church is concerned about drainage problems on their property. Since it is private property, DOT will not be doing any improvements except those necessitated by the roadway widening.

The Estatoe Church of God's building is just outside of DOT's right of way, but their parking lot is on DOT's right of way. The church is concerned about losing their parking. This project is controlled by partial access and DOT is planning to control and maintain its existing and future right of way.

- 6. Concern:** Some local citizens did not receive notification of the public meeting.

Action: The Public Notice was announced in the Yancey County Times Journal and Mitchell News Journal on January 25th, February 1st, 8th, and 15th of 2006. In addition, NCDOT mailed out 281 Public Notices to the property owners in Yancey and Mitchell Counties.

- 7. Concern:** A request was made to realign US 19 to avoid impacts on businesses owned by Bill and Bobby Young on the north side of US 19.

Action: Realignment of the proposed roadway to the south would cause significant impact to an existing historic property (Huskins House) and a jurisdictional stream that runs parallel to south of US 19. Therefore, the proposed alignment will be maintained as presented.

The NCDOT has reviewed and thoroughly considered all of the incoming comments from the public and the environmental agencies. A post-hearing meeting was held to discuss the comments and make final decisions regarding the proposed action. While it is not reasonable or feasible to expect that all public recommendations can be adequately incorporated into the final design, the proposed highway improvement does reflect the prevailing consensus of the motoring public and their local officials while serving the best interest of their welfare.

V. REVISIONS TO THE ENVIRONMENTAL ASSESSMENT

The following revisions to the Environmental Assessment have been made:

A. Indirect and Cumulative Effect Update

An update to the 2004 Indirect and Cumulative Effects (ICE) assessment was prepared in March 2007. This updated assessment covered the US 19 Corridor (R-2518A, R-2518B, R-2519A and R-2519B) and took additional steps beyond the “standard” level of ICE assessment (as requested by the US Fish and Wildlife Service) to evaluate the development potential of lands within the study area, under several scenarios. The report was prepared utilizing the NCDOT Guidance for Assessing Indirect and Cumulative Impacts of Transportation Projects in North Carolina and Council on Environmental Quality (CEQ) definitions that implement NEPA and guide the EIS process. (40 C.F.R. Section 1500-1508). A summary of the report and its conclusions follows.

The 2007 ICE report focused on the potential for land use changes, presence of various infrastructure and changes to impervious surfaces, which in turn affect the endangered Appalachian elktoe (*Alasmidonta raveneliana*) and its habitat. The Appalachian elktoe is federally listed as endangered and is protected under the Endangered Species Act of 1973 (ESA). The Appalachian Elktoe mussel is documented to occur within the Nolichucky River Basin, including the North Toe, South Toe and Cane Rivers. This species has been found in the Cane River and South Toe River near the crossings of US 19E over these water bodies. NCDOT assessed the combined indirect and cumulative effects of these two projects on the water quality in water bodies draining the proposed projects that also serve as habitat for the Appalachian elktoe.

Summary of Project Effects (Build Scenario)

While there is potential for some induced commercial growth, limiting factors include the watershed water supply restrictions, availability of water and sewer, low population growth, and topography constraints. Induced growth that is anticipated is likely to occur within or adjacent to the three municipalities where water and sewer services exist or are planned. Modeling indicates that the potential for growth is due to the expansion of water and sewer services and not the road improvement project.

Effects on Travel Patterns

The initial ICE report concluded that most of the residential development is expected to be second homes and retirees. Additionally, local officials believe that a substantial number of residents commute outside of the county for employment and that the improved roadway would make commuting more attractive and bring new residents to the area. United States Census commuting to work data suggests that as the distance from Asheville, the largest employment center in the region increases, the number of commuters’ decreases.

Local travel patterns will not be altered as a result of the project, but traffic service will be enhanced by the proposed improvements to a four lane divided highway. The cumulative effect of the road widening of US 19 combined with other TIP improvements, including I-240, and US 221 widening will help to improve regional accessibility.

Land Use Patterns

Land cover data for the fifteen-year period (1986 to 2001) were analyzed. The analysis shows that within the study area there was a small increase in the acreage of urban/municipal areas and very little change in rural residential land cover. Historical land cover data, as well as analysis of the past five years of building permit data, do not indicate a significant trend towards urbanization or development in the ICE study area. The building permit data also do not indicate a significant change in residential growth outside the study area in the past five years. The land use and population trend data do not suggest a likely increase in the rate of growth or a change in land use patterns.

The GIS model results indicate that even when proximity to a primary road(s), such as the US 19 widening, is the dominant feature, its increased influence to land suitability overall does not substantially increase development outcome. The model indicates a minimal influence of road widening on the overall development potential of the study area. Availability of water and sewer is the more dominant factor influencing land development suitability.

Market for Development

The project will contribute incrementally to an improved infrastructure that will enhance the overall accessibility of the region when considered with all other transportation improvement projects. The project will have minimal effects on market activity, and large areas of the study area are unsuitable for development due to topography and other land development constraints.

Natural Resource Effects

Increased runoff pollution and volume from increased development induced by water and sewer extensions, transportation improvements, and increased discharges from upgraded or newly constructed water and wastewater treatment plants is anticipated over time. These effects are likely to occur with or without the project, as growth is planned and anticipated in municipal growth centers.

The impervious surface analysis of historical data shows a total impervious surface estimate in 2001 of 5.5 percent in the portion of the study area drained by the North Toe River, 5.2 percent in the South Toe River drainage area, and 4.9 percent in the Cane River drainage area. The change during the period of 1986 to 2001 was no greater than 0.2 percent in any of the drainage areas. Total impervious surface in the entire study area was 5.1 percent in 2001. The land use, population and impervious surface trend data do not indicate a significant effect on water quality within the study area.

Cumulative natural resource effects resulting from the project area are not anticipated to be significant, as the proposed project does not significantly change the rate or pattern of development according to the model. Increased commercial growth within the municipalities is limited by topography, sewer and water extensions, zoning, and watershed regulations. Cumulative hydrologic impacts are not expected to differ significantly between the build and no-build scenario. The assessment has concluded that indirect and cumulative effects to water quality will be minimal.

ICE Conclusion

The No-Build alternative in the ICE study area excludes the construction of the widening of R-2518 and R-2519. Under the No-Build scenario, historical population and land use trends would continue in the project study area. Land use plans and associated growth projections include the proposed project, so overall growth under the no-build alternative would be expected to be slightly lower as compared with the projections under the build scenario.

Analysis of the Build Condition using the Land Suitability Analysis model indicates there is little difference in land development suitability values when the model is adjusted by increasing the weighting factor of primary roads. The highest development suitability classification occurs near water and sewer infrastructure within the municipalities. Given the low population growth rates and low number of building permits issued over the past few years, the effect on water quality from project-induced growth is anticipated to be small.

The partial control of access and grassed median along the corridor, along with zoning controls will help to limit urban sprawl and strip commercial development. NCDOT has coordinated with the local jurisdiction in designing the road-widening project and has incorporated appropriate design standards that will help to mitigate effects to water resources.

B. Relocation Update

According to the updated relocation report (Appendix B), the proposed action displaces an estimated 65 residences and 12 businesses. An estimated three non-profit establishments (churches) will be displaced by the proposed action. However, based on experience with prior projects on the US 19 corridor (R-2518A and B and R-2519A), the number of displacees may increase, primarily due to the effect of the project on private septic and water systems and the absence of public utilities in the area to replace these facilities. Also, the relatively small number of replacement housing properties for sale in the area may result in the necessity to look farther away from the project site to find comparable properties for sale to use in evaluations for replacement housing payment calculations. This could result in higher payments to the displacees. Additional relocation information is included in Table 6.

Table 6 - Relocation Impact Summary

Displacees		Proposed Action
Residences	Owners	46
	Tenants	19
	Total	65
	Minority	0
Businesses	Owners	3
	Tenants	9
	Total	12
	Minority	0
Farms		0
Non-Profit Organizations		3

C. Stream and Wetland Direct Impact Update

Direct impacts to jurisdictional streams and wetlands in the project area have been updated to reflect the preliminary design as well as avoidance and minimization efforts on the project. Anticipated impacts to jurisdictional streams in the project area appear below in Table 7. Anticipated impacts to jurisdictional wetlands appear below in Table 8.

Table 7 – Updated Jurisdictional Stream Impacts

Previously Identified Impacts			Updated Impacts				
Stream Name	Stream ID	Impact (ft)	Stream Name	Stream ID	Impact (ft)	Difference (ft)	Reason
	2ut2a	188		2ut2a	43	-145	piped under bridge
Ayles Creek	3ut2a	0	Ayles Creek	3ut2a	0	0	
Little Crabtree Creek	2a	236	Little Crabtree Creek	2a	148	-88	culvert design
	ut2b	15		ut2b	21	6	
	2b	308		2b	319	11	
	2c	154		2c	85	-69	retaining wall
South Toe River	STR	304	South Toe River	STR	284	-20	
Long Branch	2d	216	Long Branch	2d	123	-93	retaining wall
	3utstr	345		3utstr	432	87	
Long Branch	2d	45	Long Branch	2d	0	-45	retaining wall
Long Branch	2d	459	Long Branch	2d	35	-424	retaining wall
	ut2d	154		ut2d	146	-8	
	2ut2d	95		2ut2d	90	-5	
	--	--	Long Branch	2d	236	236	alignment
	3ut2d	233		3ut2d	83	-150	alignment
Long Branch	2d	47	Long Branch	2d	0	-47	slope
Long Branch	2d	100	Long Branch	2d	0	-100	slope
	7ut2d	102		7ut2d	95	-7	
Long Branch	2d	536	Long Branch	2d	266	-270	alignment
Long Branch	2d	187	Long Branch	2d	239	52	
	10ut2d	13		10ut2d	0	-13	
	--	--	Long Branch	2d	61	61	
Long Branch	2d	544	Long Branch	2d	0	-544	alignment
Long Branch	2d	636	Long Branch	2d	0	-636	Alignment
	11ut2d	6		11ut2d	0	-6	
	12ut2d	120		12ut2d	95	-25	
Long Branch	2d	48	Long Branch	2d	21	-27	

Table 7 – Updated Jurisdictional Stream Impacts (Continued)

Previously Identified Impacts			Updated Impacts				
Stream Name	Stream ID	Impact (ft)	Stream Name	Stream ID	Impact (ft)	Difference (ft)	Reason
	--	--	Long Branch	2d	71	71	
			Long Branch	2d	407	407	alignment/recalculation
	13ut2d	96		13ut2d	94	-2	
Long Branch	2d	249	Long Branch	2d	285	36	
Long Branch	2d	381	Long Branch	2d	81	-300	recalculation
	1h	51		1h	42	-9	
	ut1h	29		ut1h	43	14	
	2ut1h	55	Parsnip Branch	2ut1h	152	97	
	li	252		li	0	-252	retaining wall
	li	46		li	147	101	Recalculation
	ut1i	78		ut1i	0	-78	Recalculation
	li	402		li	296	-106	retaining wall
Big Crabtree Creek	1cc	230	Big Crabtree Creek	1cc	0	-230	Remove culvert/install dual bridges
	2e	229		2e	290	61	
Brushy Creek	2bc	96	Brushy Creek	2bc	107	11	
	1g	256		1g	300	44	
	1g	158		1g	224	66	
	7ut1g	56		7ut1g	58	2	
	1g	351		1g	125	-226	alignment/slope
	1g	143		1g	0	-143	retaining wall
	8ut1g	46		8ut1g	62	16	
	2-1g	448		1g	12	-436	retaining wall
	5ut1g	167		5ut1g	0	-167	retaining wall
	5ut1g	56		5ut1g	67	11	
				1g	384	384	
	1g	11		1g	0	-11	
	1g	17		1g	0	-17	
	1d	83		1d	38	-45	
	1b	86		1b	108	22	
	1c	134		1c	114	-20	
	1z	71		1z	165	94	Alignment
Total		9368	Total		6494		
					Total Stream Impact Difference	-2874	

Notes: Previous Impacts calculated at Concurrence Point 2 using preliminary surveys/mapping
 Current Impacts calculated using Final surveys/mapping
 Impacts calculated to preliminary construction line (toe of cut/fill slope) + 10 feet

Table 8 – Updated Jurisdictional Wetland Impacts

Previously Identified Impacts		Updated Impacts	
Wetland ID	Impact (acres)	Wetland ID	Impact (acres)
2d	0	2d	0.00
5ut2d	0.01	5ut2d	0.00
5ut2d	0.00 (0.002)	5ut2d	0.00
6ut2d	0.00 (0.003)	6ut2d	0.00
6ut2d	0.74	6ut2d	0.00
10ut2d	0.00	10ut2d	0.00
2dn	0.03	2dn	0.00
9ut2d	0.00	9ut2d	0.00
2dm	0.04	2dm	0.00 (0.0028)
2do	0.00	2do	0.00
2ut1h	0.00	2ut1h	0.0
1h	0.00	1h	0.00
1i	0.00	1i	0.00
1ib	0.02	1ib	0.00
1ic	0.00 (0.003)	1ic	0.00 (0.003)
ut1cc	0.00	ut1cc	0.00
ut1cc-b	0.00	ut1cc-b	0.00
ut1cc-c	0.00	ut1cc-c	0.00
3ut2e	0.00	3ut2e	0.00
2e	0.00	2e	0.00
ut2bc	0.02	ut2bc	0.00
		Pond 1C	0 (0.003)
1g-d	0.00 (0.006)	1g-d	0.00
1g-b	0	1g-b	0.00
2ut1g	0	2ut1g	0.00
ut1g	0	ut1g	0.00
1g-c	0	1g-c	0.00
1a	0	1a	0.00
Total	0.9	Total	0.0 (0.0088)
		Total Wetland Impact Difference	-0.9

In total, stream impacts on the projects have been reduced from approximately 9,368 linear feet as presented in the Environmental Assessment to approximately 6,494 linear feet. Additionally, wetland impacts on the project have been reduced from approximately 0.9 acres as presented in the Environmental Assessment to less than 0.01 acres.

D. Design/Other Changes

A retaining wall is proposed to be installed in the area adjacent to the existing Spruce Pine Volunteer Fire Department building in Estatoe near the intersection of SR 1157 (Hoot Owl Road) and US19. Installation of the retaining wall, and a reconfiguration of the existing access drive to the station to exit on to SR 1157 (Hoot Owl Road), will enable the Spruce Pine Volunteer Fire Department to maintain their existing location.

Multiple retaining walls are proposed throughout the project to reduce impact to streams and wetlands in the project area. The locations of the proposed retaining walls and the water bodies affected are presented in Table 3 and Table 6 above.

SR 1185 (Sycamore Circle) is proposed to be realigned and the existing bridge over Long Branch is proposed to be removed.

Additional biological surveys for the Virginia Spiraea (*Spiraea virginiana*), a federally threatened vascular plant species identified in the project study area, were completed in June 2006. No plants were found in the vicinity of the project. Therefore, a biological conclusion of “No Effect” for Virginia Spiraea has been rendered by NCDOT and concurred upon by USFWS.

The intersections of SR 1307 and NC 80 with US 19E will be realigned to form one intersection, with NC80 intersecting US 19E to the south and SR 1307 intersecting US 19E from the north. This will improve access and safety at this intersection.

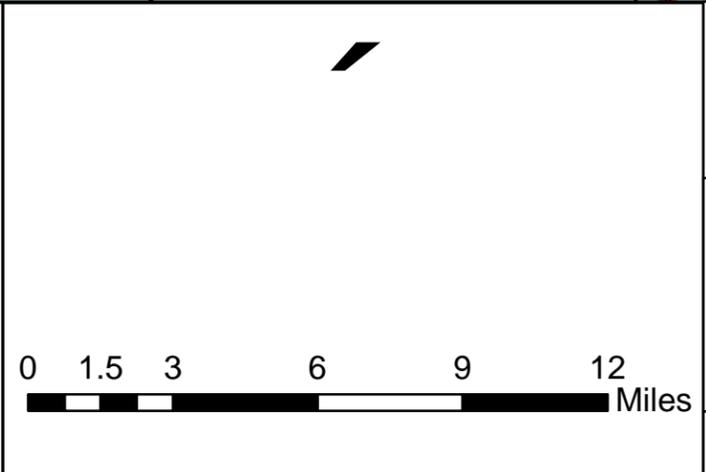
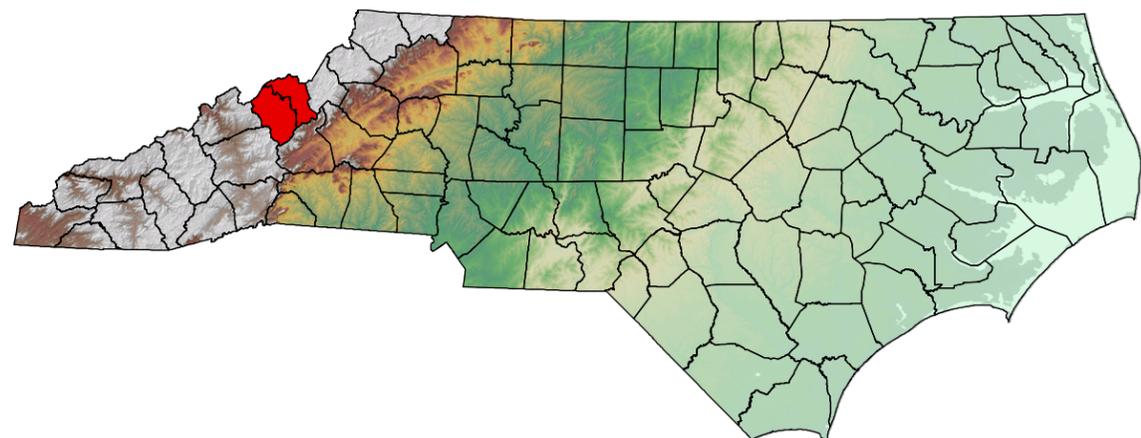
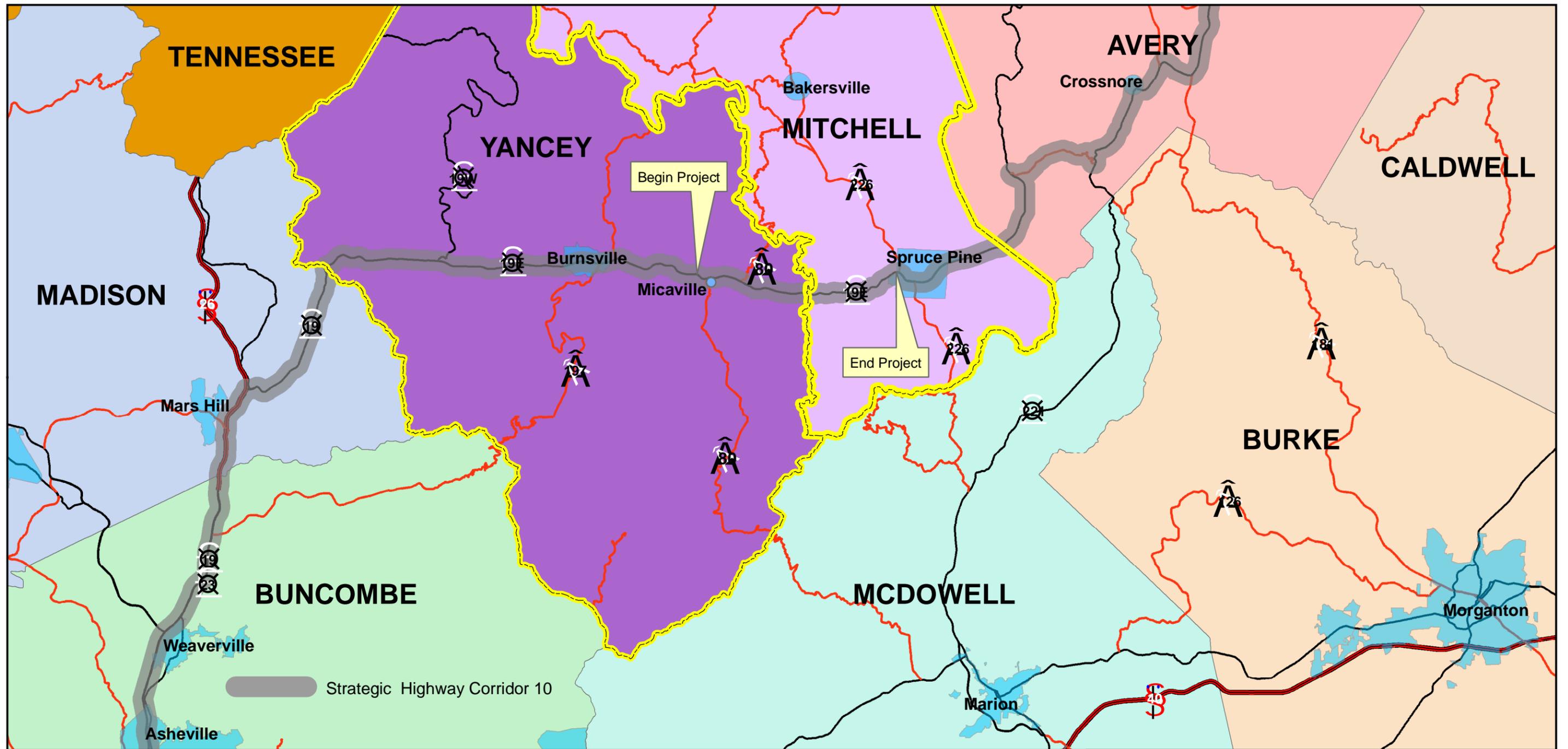
Removal of the existing 4-barrel, 11’x11’ box culvert at Big Crabtree Creek is proposed. The culvert will be replaced by dual, 216-foot long bridges at this crossing to minimize the project’s impact to the critical habitat of the Appalachian Elktoe mussel which exists in the project vicinity.

VI. BASIS FOR FINDING OF NO SIGNIFICANT IMPACT

Based on a study of the impacts of the proposed action, as documented in the Environmental Assessment, and on comments from federal, state, and local agencies, it is the finding of the North Carolina Department of Transportation that the project will not have a significant impact upon the quality of the human or natural environment. The proposed action is not controversial from an environmental perspective. No significant impacts on natural, ecological, cultural, or scenic resources are expected. In view of the above evaluation, it is determined that a Finding of No Significant Impact is applicable for this project. Neither an Environmental Impact Statement nor further environmental analysis is required.

APPENDIX A

FIGURES



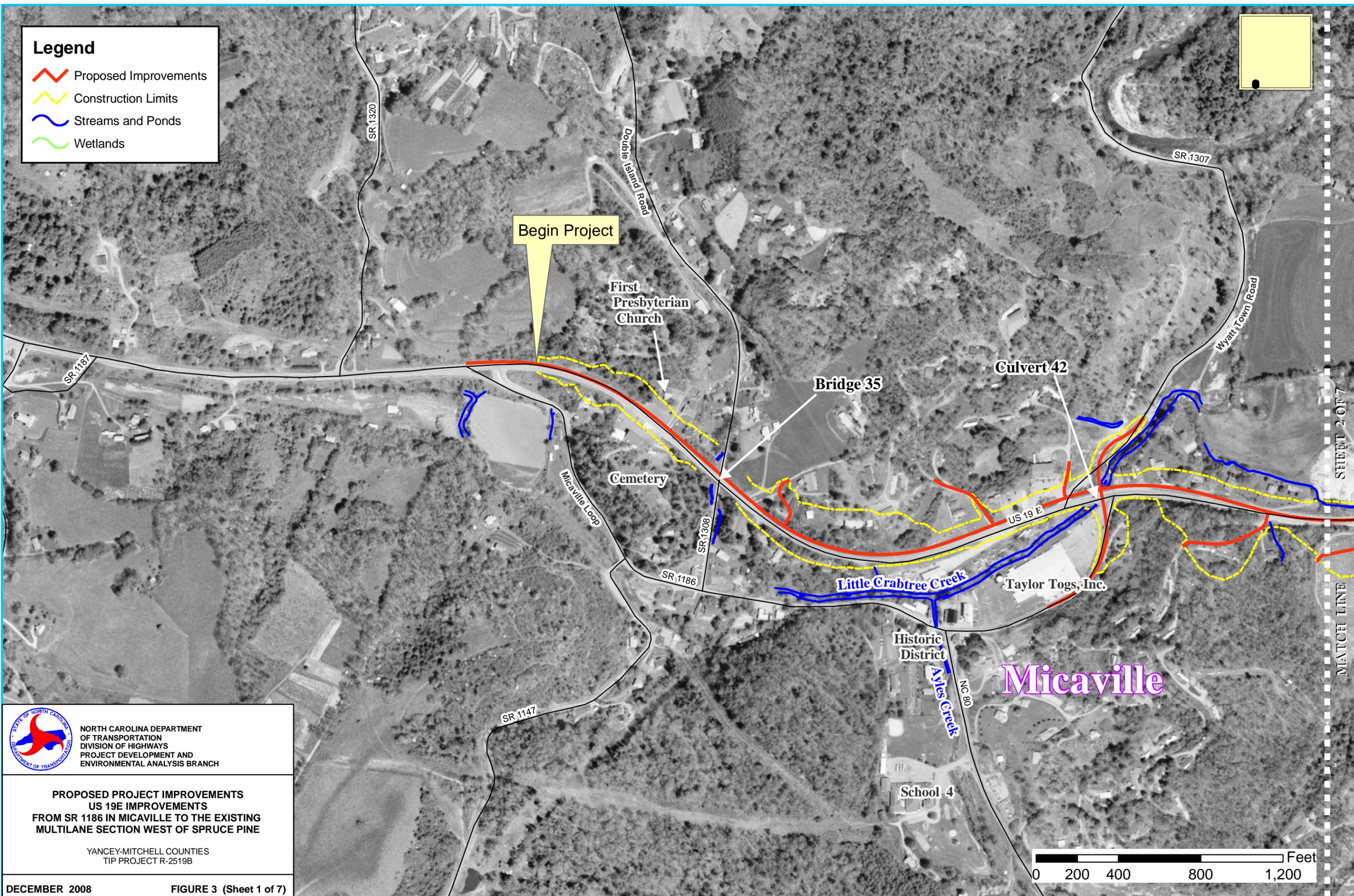
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

US 19 East Improvement Project
 From SR 1186 (Old US 19) in Micaville in Yancey County to the existing multilane west of Spruce Pine in Mitchell County
 YANCEY AND MITCHELL COUNTIES
 TIP PROJECT R-2519B

FIGURE 1 VICINITY MAP December 2008

Legend

- Proposed Improvements
- Construction Limits
- Streams and Ponds
- Wetlands



Begin Project

First Presbyterian Church

Bridge 35

Culvert 42

Cemetery

Little Crabtree Creek

Taylor Togs, Inc.

Historic District

Micaville

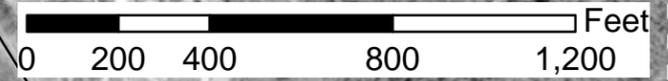
School 4

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

PROPOSED PROJECT IMPROVEMENTS
US 19E IMPROVEMENTS
FROM SR 1186 IN MICAVILLE TO THE EXISTING MULTILANE SECTION WEST OF SPRUCE PINE

YANCEY-MITCHELL COUNTIES
TIP PROJECT R-2519B

DECEMBER 2008 **FIGURE 3 (Sheet 1 of 7)**



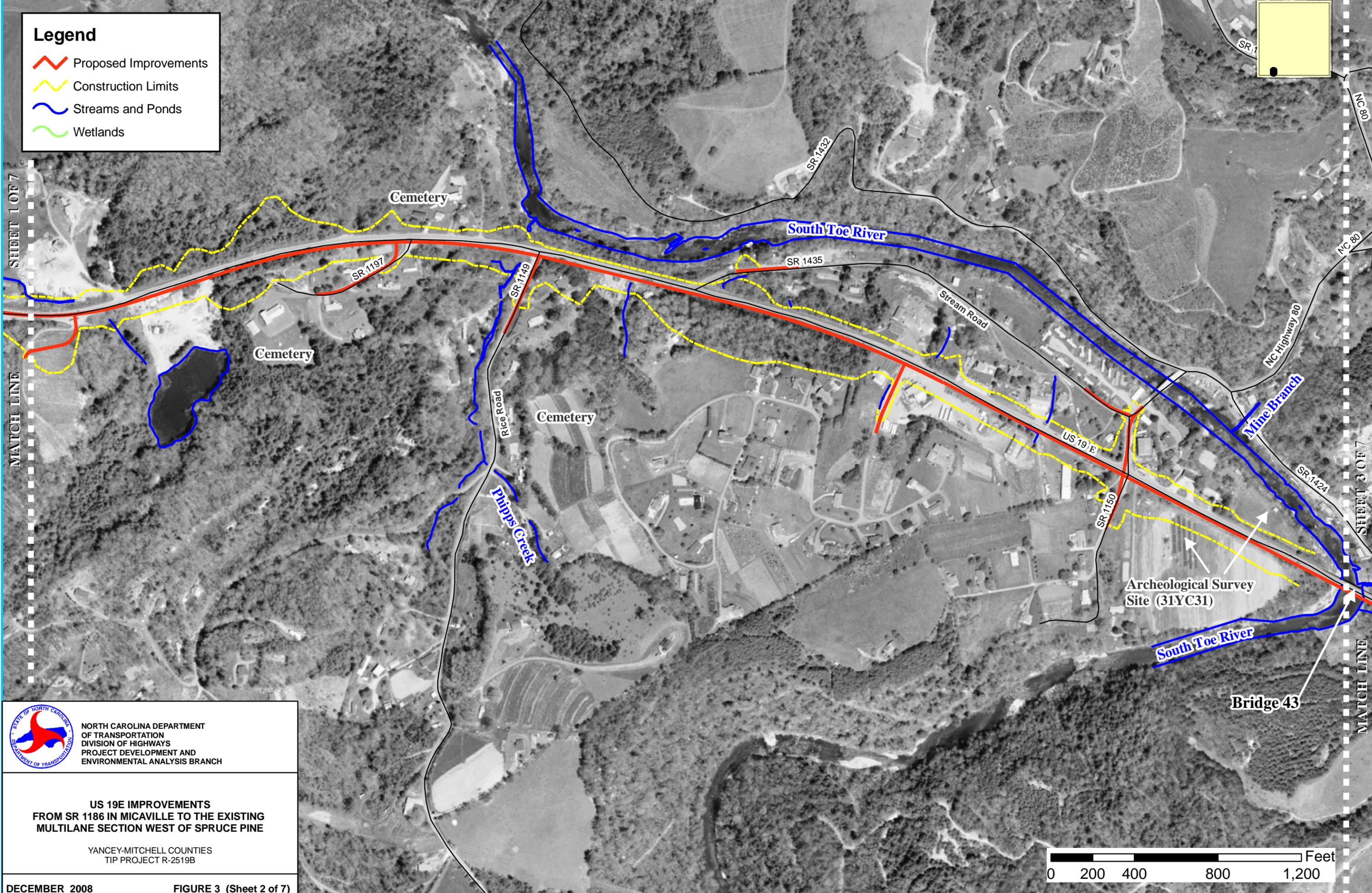
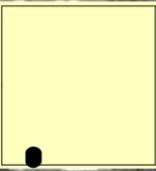
SHEET 2 OF 7
MATCH LINE

Legend

- Proposed Improvements
- Construction Limits
- Streams and Ponds
- Wetlands

SHEET 1 OF 7

MATCH LINE



SHEET 3 OF 7

MATCH LINE



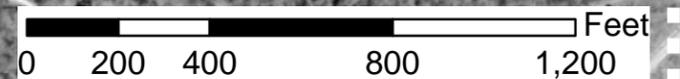
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

**US 19E IMPROVEMENTS
FROM SR 1186 IN MICAVILLE TO THE EXISTING
MULTILANE SECTION WEST OF SPRUCE PINE**

YANCEY-MITCHELL COUNTIES
TIP PROJECT R-2519B

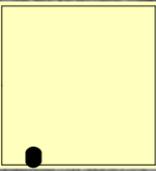
DECEMBER 2008

FIGURE 3 (Sheet 2 of 7)



Legend

- Proposed Improvements
- Construction Limits
- Streams and Ponds
- Wetlands



SHEET 2 OF 7

MATCH LINE

MATCH LINE

MATCH LINE

MATCH LINE

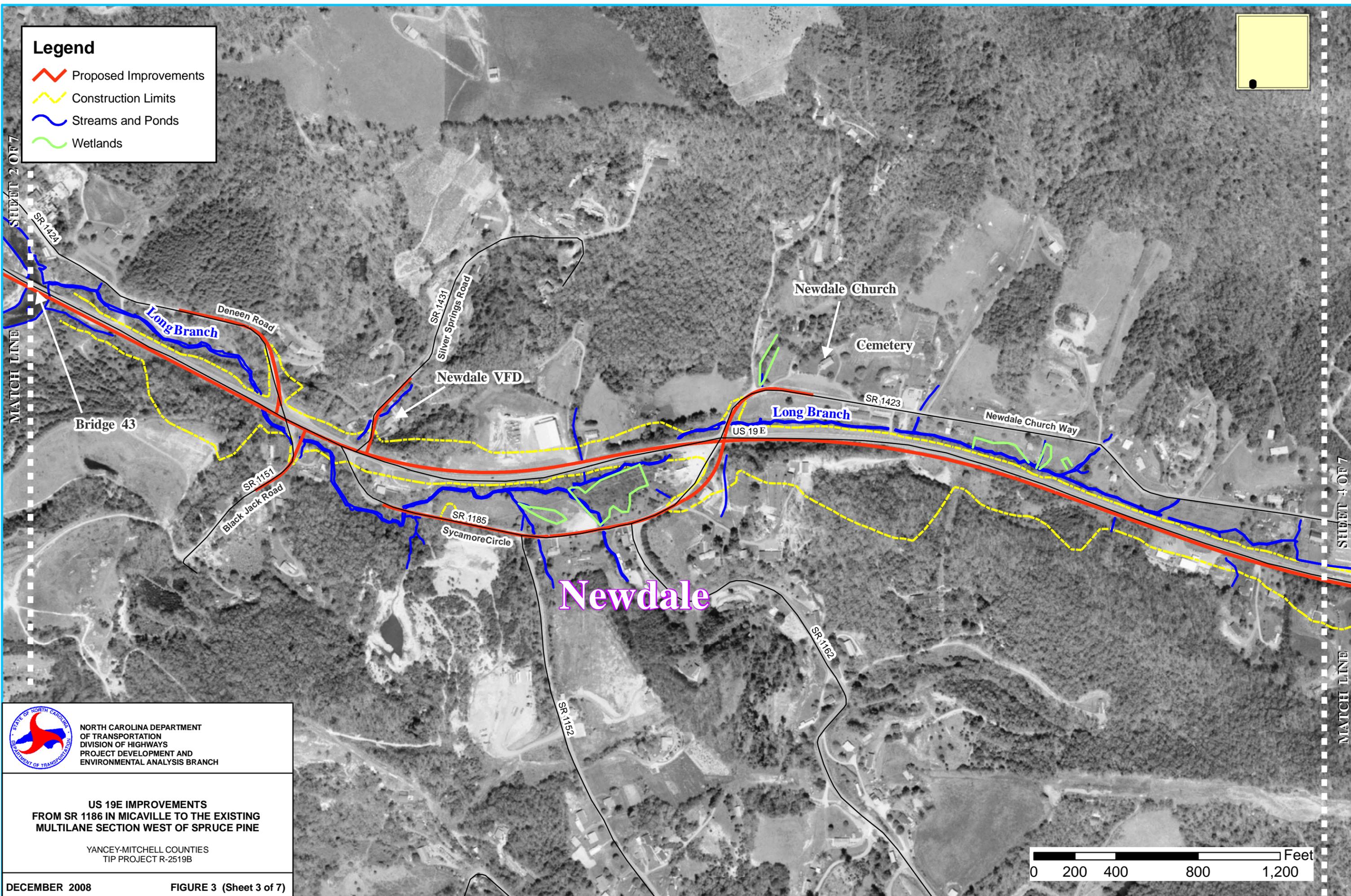
SHEET 4 OF 7

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

US 19E IMPROVEMENTS
FROM SR 1186 IN MICAVILLE TO THE EXISTING MULTILANE SECTION WEST OF SPRUCE PINE

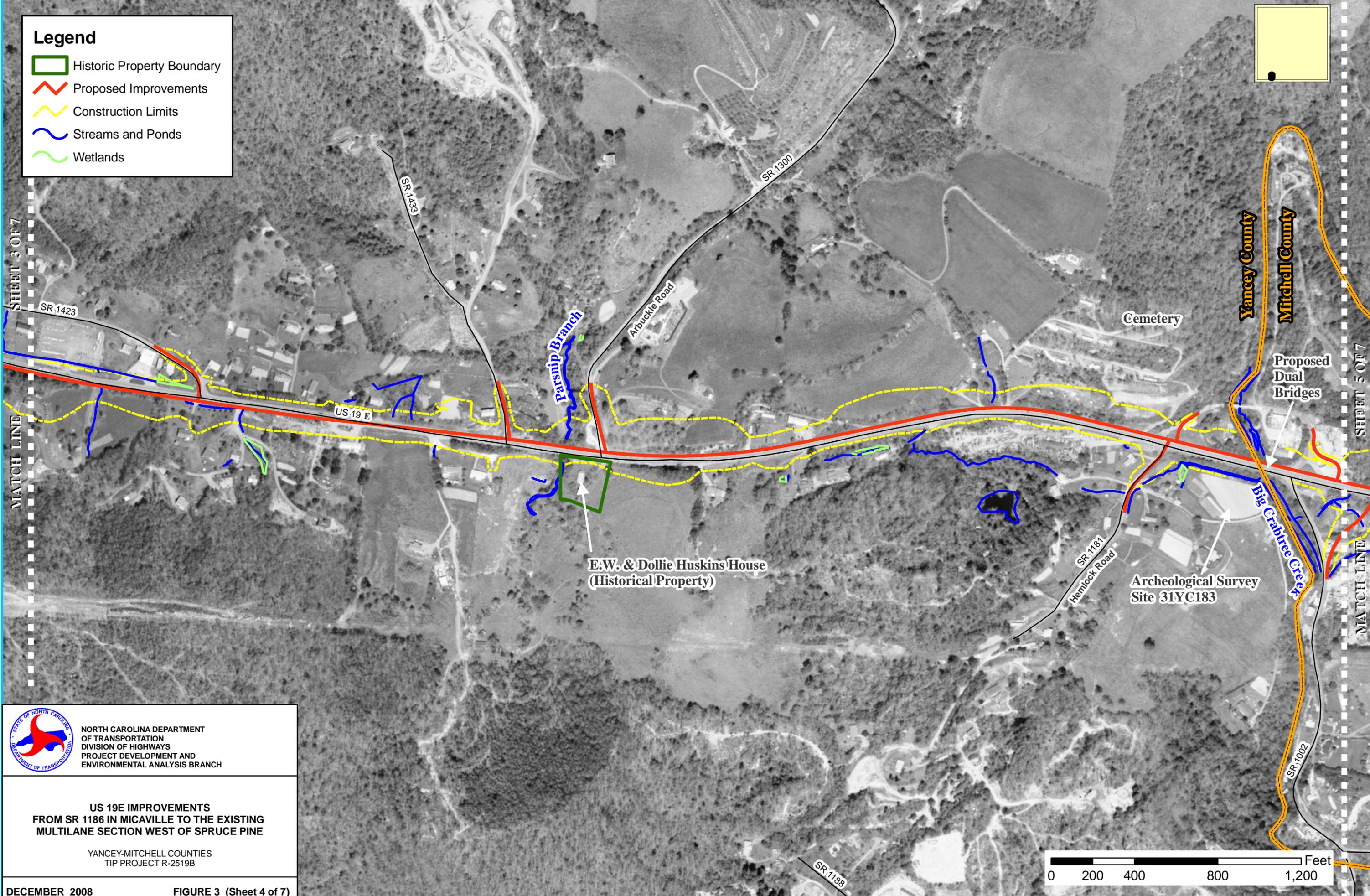
YANCEY-MITCHELL COUNTIES
TIP PROJECT R-2519B

DECEMBER 2008 **FIGURE 3 (Sheet 3 of 7)**



Legend

-  Historic Property Boundary
-  Proposed Improvements
-  Construction Limits
-  Streams and Ponds
-  Wetlands



SHEET 3 OF 7

MATCH LINE

SHEET 5 OF 7

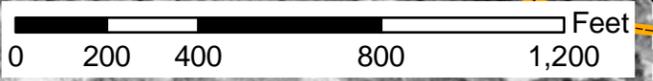
MATCH LINE

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

US 19E IMPROVEMENTS
FROM SR 1186 IN MICAVILLE TO THE EXISTING MULTILANE SECTION WEST OF SPRUCE PINE

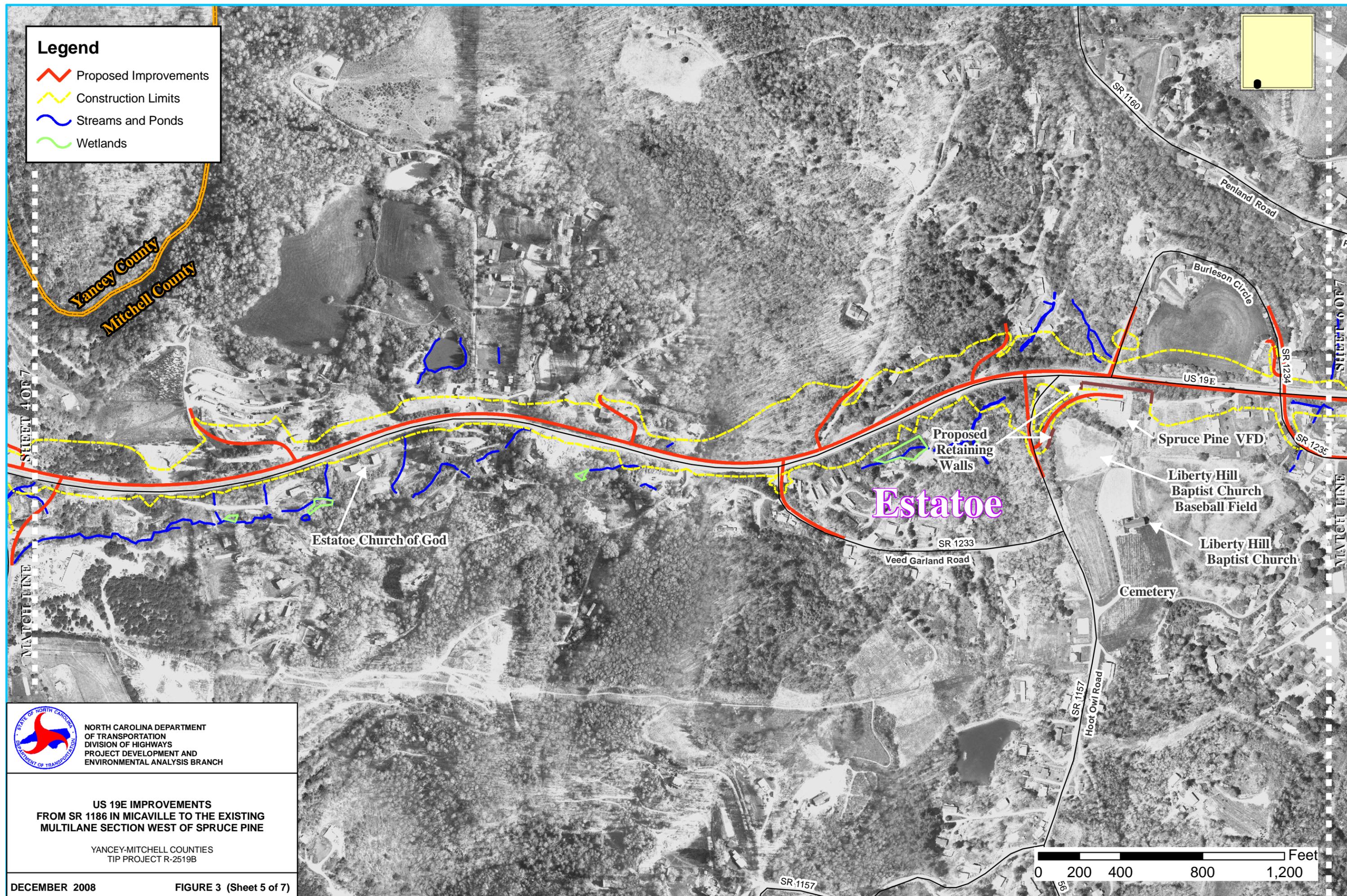
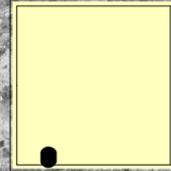
YANCEY-MITCHELL COUNTIES
TIP PROJECT R-2519B

DECEMBER 2008 **FIGURE 3 (Sheet 4 of 7)**



Legend

- Proposed Improvements
- Construction Limits
- Streams and Ponds
- Wetlands



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

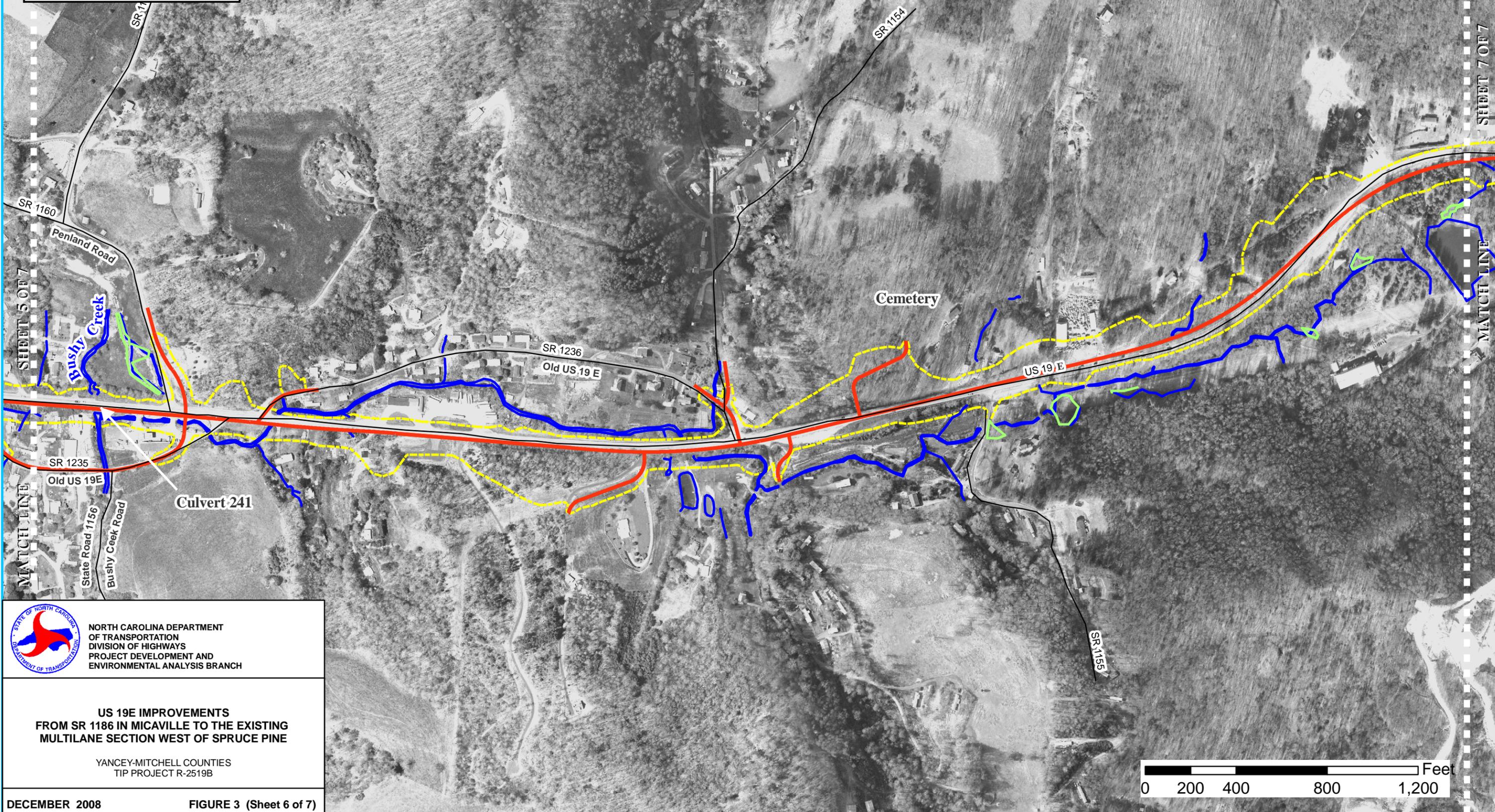
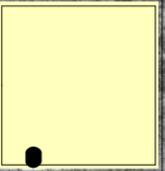
**US 19E IMPROVEMENTS
FROM SR 1186 IN MICAVILLE TO THE EXISTING
MULTILANE SECTION WEST OF SPRUCE PINE**

YANCEY-MITCHELL COUNTIES
TIP PROJECT R-2519B



Legend

- Proposed Improvements
- Construction Limits
- Streams and Ponds
- Wetlands



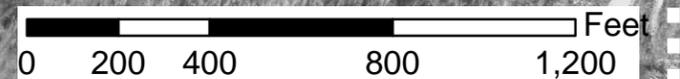
NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND
ENVIRONMENTAL ANALYSIS BRANCH

**US 19E IMPROVEMENTS
FROM SR 1186 IN MICAVILLE TO THE EXISTING
MULTILANE SECTION WEST OF SPRUCE PINE**

YANCEY-MITCHELL COUNTIES
TIP PROJECT R-2519B

DECEMBER 2008

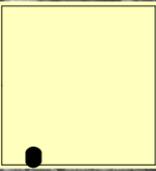
FIGURE 3 (Sheet 6 of 7)



Legend

- Proposed Improvements
- Construction Limits
- Streams and Ponds
- Wetlands

SHEET 6 OF 7
MATCH LINE



End Project

Spruce Pine

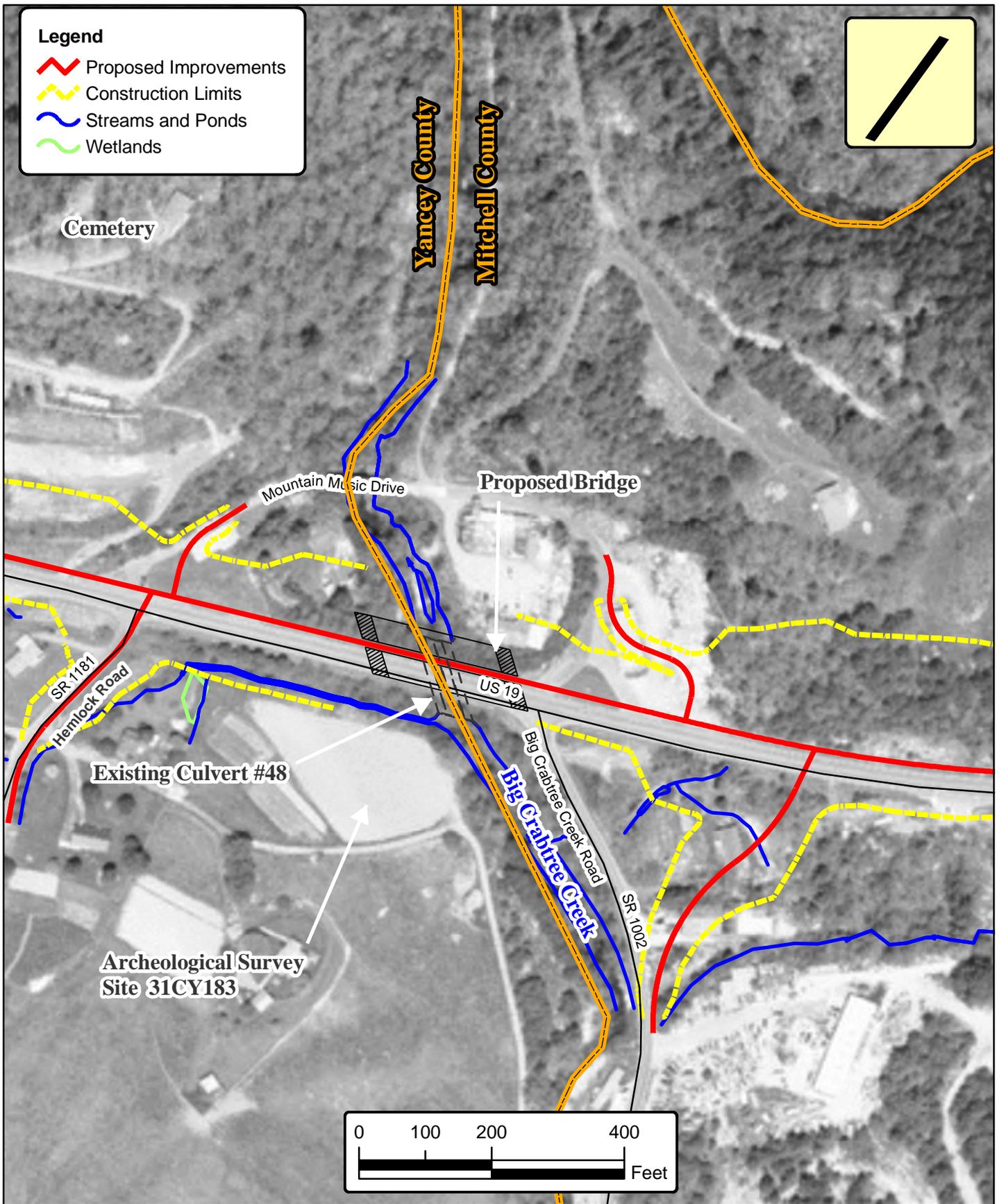
 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

US 19E IMPROVEMENTS
FROM SR 1186 IN MICAVILLE TO THE EXISTING MULTILANE SECTION WEST OF SPRUCE PINE

YANCEY-MITCHELL COUNTIES
TIP PROJECT R-2519B

DECEMBER 2008 FIGURE 3 (Sheet 7 of 7)





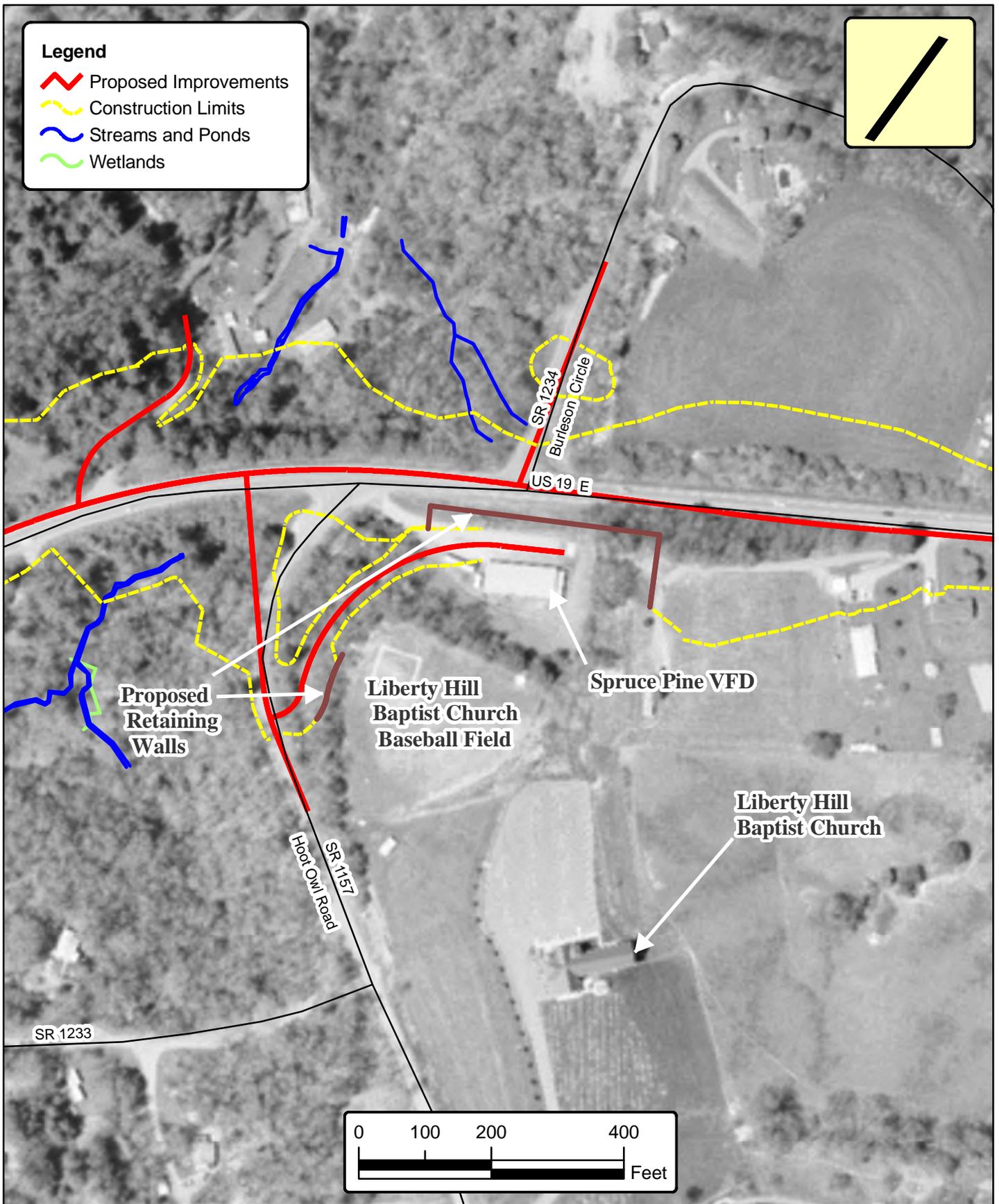
PROPOSED BRIDGE AT BIG CRABTREE CREEK

US 19E IMPROVEMENTS FROM SR 1186 IN MICAVILLE TO THE EXISTING MULTILANE SECTION WEST OF SPRUCE PINE

YANCEY & MITCHELL COUNTIES
TIP PROJECT R-2519B

Figure 4

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH
DECEMBER 2008




NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH
 DECEMBER 2008

PROPOSED STRUCTURES AT SPRUCE PINE VFD
US 19E IMPROVEMENTS FROM SR 1186 IN MICAVILLE TO THE EXISTING MULTILANE SECTION WEST OF SPRUCE PINE
 YANCE & MITCHELL COUNTIES
 TIP PROJECT R-2519B

Figure 5

APPENDIX B

UPDATED RELOCATION REPORT

EIS RELOCATION REPORT

North Carolina Department of Transportation
RELOCATION ASSISTANCE PROGRAM

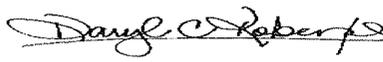
E.I.S. CORRIDOR DESIGN

WBS ELEMENT:	35609.1.1	COUNTY	Yancey/Mitchell	Alternate	3	of	3	Alternate
T.I.P. NO.:	R-2519B							
DESCRIPTION OF PROJECT:	US 19E from SR 1186 to the existing multilane west of Spruce Pine							

ESTIMATED DISPLACED					INCOME LEVEL				
Type of Displacees	Owners	Tenants	Total	Minorities	0-15M	15-25M	25-35M	35-50M	50 UP
Residential	46	19	65	0	0	41	24	0	0
Businesses	3	9	12	0	VALUE OF DWELLING				
Farms	0	0	0	0	DSS DWELLING AVAILABLE				
Non-Profit	1	2	3	0	Owners	Tenants	For Sale	For Rent	
					0-20M	\$ 0-150	0-20M	\$ 0-150	2
					20-40M	150-250	20-40M	150-250	7
					40-70M	250-400	40-70M	250-400	6
					70-100M	400-600	70-100M	400-600	3
					100 UP	600 UP	100 UP	600 UP	5
					TOTAL	46	19	71	23

ANSWER ALL QUESTIONS		
Yes	No	Explain all "YES" answers.
X	X	1. Will special relocation services be necessary?
X		2. Will schools or churches be affected by displacement?
X		3. Will business services still be available after project?
X		4. Will any business be displaced? If so, indicate size, type, estimated number of employees, minorities, etc.
X		5. Will relocation cause a housing shortage?
	X	6. Source for available housing (list).
	X	7. Will additional housing programs be needed?
X		8. Should Last Resort Housing be considered?
	X	9. Are there large, disabled, elderly, etc. families?
X		10. Will public housing be needed for project?
X		11. Is public housing available?
X		12. Is it felt there will be adequate DSS housing available during relocation period?
X		13. Will there be a problem of housing within financial means?
X		14. Are suitable business sites available (list source).
		15. Number months estimated to complete RELOCATION? 30 months

REMARKS (Respond by number)	
2.	Liberty Covenant Church, Martins Chapel United Methodist Church & Christ Baptist Church.
3.	Will not be disrupted due to the project.
4.	See attached sheet for list of businesses.
5.	Due to limited rental housing and the number of tenant-displacees, the project may affect available rental housing in the area.
6.	Burnsville Realty, New Horizons Realty & local monthly newspapers and real estate internet services.
8.	As necessary in accordance with State Law.
10.	If low rent housing is not available at the time of acquisition, public housing might be necessary.
11.	HUD housing.
12.	Given the last resort housing programs and proper lead time it is felt that DSS housing could be made available to those persons being displaced. Adequate lead time should be 24-36 months.
13.	It is felt that our last resort housing program will enable any person(s) being displaced to obtain or maintain housing within their financial means.
14.	Suitable business sites will be available during the relocation period. Sources are the same as those listed in No. 6 above.
<p>** You may notice a difference in the number of displacees on the Relocation EIS Report and the Appraisal Cost Estimate. This is due to proximity damage being a factor on the Cost Estimate Report (improvements not actually in the proposed take, but considered damaged to the point of no value) as well as potential loss of access due to the control of access right of way. The displacees shown on this report only include those actually located within the proposed right of way of this project.</p>	

 Daryl C. Roberts Right of Way Agent	9-22-08 Date	 Ann Simpson Relocation Coordinator	2-09-09 Date
--	-----------------	---	-----------------

LIST OF BUSINESSES for Alternate 3 of 3:

- a) Liberty Covenant Church *
- b) Unnamed Automotive Service & Auto Sales, 2200 SF, 3 employees, 0 minorities
- c) Unnamed NC Inspection Station/Rock Quarry business, 3000 SF, 15 employees, 0 minorities
- d) G & R Power, 3500 SF, 5 employees, 0 minorities
- e) Martins Chapel United Methodist Church *
- f) Chevron Gas/Service Station, 2000 SF, 5 employees, 0 minorities
- g) McGee Body Shop, 1800 SF, 2 employees, 0 minorities
- h) Black Mountain Metal Works, 2200 SF, 4 employees, 0 minorities
- i) The Glass Station, 3000 SF, 2 employees, 0 minorities
- j) BP Gas Station/Store, 3000 SF, 5 employees, 0 minorities
- k) Northeast Construction, LLC, 2 employees, 0 minorities
- l) Christ Baptist Church *
- m) Murphy's Auto Center, 1200 SF, 2 employees, 0 minorities
- n) Blue Ridge Paint & Body Shop, 2500 SF, 3 employees, 0 minorities
- o) Unnamed Carwash, 1500 SF, 1 employee, 0 minorities

* 3 churches are noted above (which are shown on the front page as non-profit). The other 9 are the businesses.

APPENDIX C

HISTORIC ARCHITECTURE

&

**ARCHAEOLOGY
COORDINATION**



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

February 16, 2007

Mr. Scott McLendon
Regulatory Division - Wilmington
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403
Phone: (910) 251-4511

Dear Mr. McLendon:

RE: R-2519 B, Widen US 19E from SR 1186 to existing multi-lanes west of
Spruce Pine, Mitchell and Yancey Counties, State Project No. 6.909001T

The North Carolina Department of Transportation (NCDOT) is conducting planning studies for R-2519 B in Mitchell and Yancey Counties. The purpose and need of this project is to widen US 19E from a two-lane roadway to a multi-lane facility and improve safety for the traveling public. The project does not utilize federal funds however, we anticipate that the project will require a Department of Army permit.

As the lead Federal agency on the project, we are providing you with this information so that you may review the eligibility and effects determinations made in accordance with Section 106 of the National Historic Preservation Act. These actions were initiated and completed prior to your designation as the lead Federal Agency, nevertheless, consultation with the State Historic Preservation Office (HPO) has occurred throughout the project.

An architectural historian conducted a survey for historic structures in 2003 and two properties were determined eligible for the National Register of Historic Places (NRHP). The HPO concurred that the Micaville Historic District and the E.W. & Dottie Huskins House were eligible for the NRHP. In 2005 NCDOT and

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
HUMAN ENVIRONMENT UNIT
1583 MAIL SERVICE CENTER
RALEIGH NC 27699-1583

TELEPHONE: 919-715-1500
FAX: 919-715-1522

WEBSITE: WWW.NCDOT.ORG

LOCATION:
PARKER LINCOLN BUILDING
2728 CAPITAL BOULEVARD, SUITE 168
RALEIGH, NC 27604

HPO met to discuss effects on the two properties and both parties agreed that the project would have no effect on the Micaville Historic District and no adverse effect on the Huskins House provided that NCDOT creates a grassy slope in the fill section in front of the house that could be easily mowed by the property owner. Documentation of each of these steps are attached to this letter for your review.

Archaeological surveys completed in 2004 resulted in the identification of four sites recommended as eligible for the NRHP under Criterion D. Two of these sites (31YC31 and 31YC183) will be adversely effected by the proposed project and will require data recovery investigations. Documentation including the 2004 archaeological technical report and 2005 draft finding of adverse effect is included for your use in further Section 106 consultations with the HPO relative to the USACE defined permit areas. Please note that it is our recommendation that you enter into a Memorandum of Agreement with the HPO concerning the adverse effects to archaeological sites 31YC31 and 31YC183.

I request that you review the attached documentation and determine whether or not the findings are acceptable to your agency. Once this determination is made, I would appreciate written confirmation of your findings so that they may be included in the project record.

If you have any questions concerning the accompanying information, please contact me at (919) 715-1515.

Sincerely,



Carl B. Goode, Jr., P.E.
Human Environment Unit, NCDOT

Attachments

Cc (w/o attachments):

Peter Sandbeck, State Historic Preservation Office
Greg Thorpe, Ph.D., PDEA, NCDOT
Linwood Stone, PDEA, NCDOT
Mary Pope Furr, Historic Architecture, NCDOT
Matt Wilkerson, Archaeology, NCDOT
Stephen Claggett, State Archaeologist, Office of State Archaeology



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
151 PATTON AVENUE
ROOM 208
ASHEVILLE, NORTH CAROLINA 28801-5006

May 7, 2007



Regulatory Division

Action ID 200430631

North Carolina Department of Transportation
Mr. Carl B. Goode, Jr., P.E.
Human Environmental Unit
1583 Mail Service Center
Raleigh, North Carolina 27699-1583

Dear Mr. Goode:

Reference your February 16, 2007 letter regarding NCDOT's planning studies for R-2519 B in Mitchell and Yancey Counties. The proposed project involves the widening of the two-lane roadway segment of US 19E from SR 1186 to existing multi-lanes west of Spruce Pine, North Carolina.

Since the project does not utilize federal funds, the Corps of Engineers will serve as the lead Federal agency with respect to compliance with Section 106 of the National Historic Preservation Act. A section 404 permit will be required for construction of the project as the undertaking will consist of the discharge of fill material into numerous waters of the United States throughout the corridor. Based on our review of the available information, we have determined that the permit area (Area of Potential Effects) will be defined as the entire construction corridor from the beginning to the end of the R-2519 B project and extend to the limits of the right-of-way along this distance.

Significant consultation between NCDOT and the State Historic Preservation Office (SHPO) has occurred throughout development of the project. The findings of architectural surveys conducted in 2003 and archaeological surveys conducted in 2004 have identified two properties determined to be eligible for the National Register of Historic Places (NRHP), as well as four sites recommended as eligible for the NRHP under Criterion D.

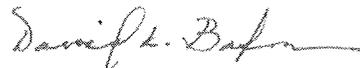
The SHPO has concurred that the project will have no effect on the Micaville Historic District and no adverse effect on the Huskins House provided that NCDOT creates a grassy slope in front of the house that is easily maintainable by the property owner. It has been determined that two of the sites, 31YC31 and 31YC183 will be adversely affected by the proposed project and will require data recovery investigations.

We have determined that the coordination to date with the SHPO is acceptable regarding our Section 106 responsibilities; however, further consultation and the development of a Memorandum of Agreement will be required for the adverse effects to sites 31YC31 and 31YC183. In addition, I am forwarding copies of all relevant information to the Tribal Historic Preservation Office of the Eastern Band of Cherokee Indians (THPO) as an invitation to participate as a consulting party in compliance with 36 C.F.R. 800. The THPO should provide this office with any additional information regarding any areas that may be of religious or cultural significance to the Eastern Band of Cherokee Indians (EBCI) which could potentially be impacted by the project. It is requested that they respond by letter within 45 days.

Our scope of analysis will be limited to such wetlands, streams, and other waters of the United States within the permit area, as well as the uplands immediately adjacent to those waters and wetlands, and the primary, secondary, and cumulative impacts that the activities authorized by a permit would have on those waters and associated uplands.

If additional surveys/studies are warranted as a result of the information received from the THPO, we will coordinate with your office in order to fulfill our obligations in the Section 106 process. If you have any further questions, please contact me at (828) 271-7980, extension 225.

Sincerely,



David Baker
Project Manager
Asheville Regulatory Field Office

Encis:

CF w/encls:

Mr. Tyler Howe
Historic Preservation Specialist
Eastern Band of Cherokee Indians
Tribal Historic Preservation Office
Post Office Box 455
Cherokee, North Carolina 28719

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

APPENDIX D

ENVIRONMENTAL ASSESSMENT COMMENTS

Subject: EPA Review of B-2576 & R-2519B

Date: Mon, 07 Nov 2005 10:47:02 -0500

From: Militscher.Chris@epamail.epa.gov

To: bdkluchar@dot.state.nc.us, thart@dot.state.nc.us, jbridges@dot.state.nc.us

CC: angie.pennock@saw02.usace.army.mil, steven.w.lund@saw02.usace.army.mil,
clarence.coleman@fhwa.dot.gov, gthorpe@dot.state.nc.us, mdickens@dot.state.nc.us

Teresa/Bryan/James: Based upon your re-organization, I'm not positive who are the current project managers for these two project. I completed EPA's review of the Addendum to the Federal EA for B-2576 & the State EA for R-2519B.

B-2576 is a non-Merger project located in Statesville, Iredell Co. EPA reviewed the April 2004 EA and had no environmental issues or concerns at that time. EPA notes that the Addendum primarily addresses local community concerns and the specific relocation of a church. EPAS has no environmental concerns concerning the revised Alternative A.

R-2519B is a Merger project and EPA has been previously involved with this 7.5 mile widening project for US 19E from Micaville to Spruce Pine, Yancey and Mitchell Counties. The EA is generally a very thorough document. EPA appreciates the inclusion of Table 1, Summary of Impacts. These summary tables, when comprehensive, substantially aide in EPA's timely review of the EA. Table 1 includes potential impacts to all key environmental indicators. For the Best-fit Alternative, wetland impacts are estimated at 0.869 acres and stream impacts at 9,365.9 linear feet. EPA anticipates that additional avoidance and minimization measures can additionally reduce potential stream impacts. Based upon EPA's BASELINE analysis for WESTERN WIDENING projects, stream impacts typically range between 500-600 linear feet per mile of widening (i.e., 548.1 linear feet per mile). This project indicates potential stream impacts at 1,248.8 linear feet per mile of widening improvement. As with the R-2519A project, EPA hopes that NCDOT fully explore all on-site stream mitigation opportunities along US 19E. EPA plans to stay actively involved in this Merger project.

Thank you for the opportunity to comment. If you have any questions, please contact me at your convenience. Also, please feel free to forward these comments to the newly-assigned PDEA projects managers.

Christopher A. Militscher, REM, CHMM
USEPA Raleigh Office
919-856-4206



Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499

October 27, 2005



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

Dear Dr. Thorpe:

STATE ENVIRONMENTAL ASSESSMENT (EA) - US 19E IMPROVEMENT
PROJECT FROM SR 1186 IN MICAVILLE TO THE EXISTING MULTILANE WEST
OF SPRUCE PINE, YANCEY AND MITCHELL COUNTIES, NORTH CAROLINA,
STATE PROJECT NUMBER 6.909001T, R-2519B

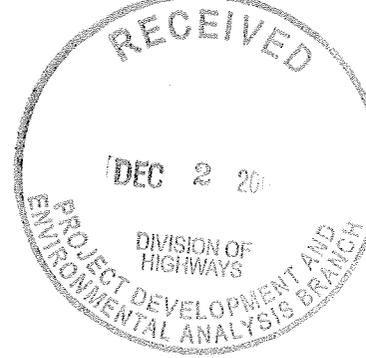
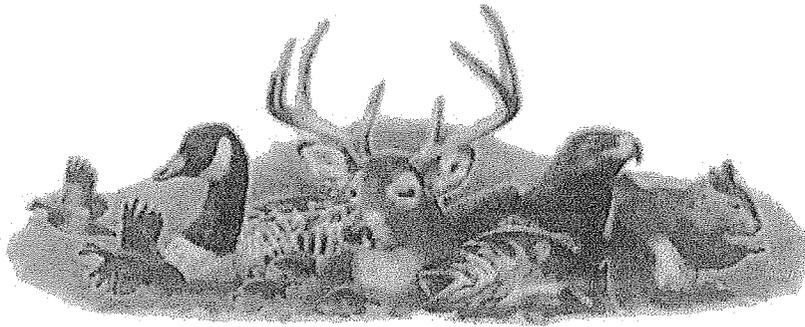
Thank you for the opportunity to review the EA for the proposed four-lane construction of US 19E between Micaville and Spruce Pine. TVA appreciates the opportunity to participate in the interagency concurrence process and to serve as a cooperating agency in the state environmental review process during the development of this project. It appears that the major environmental issues have been addressed in the EA. At this time, we have the following comments and suggestions.

- **Section V.E.3.d., Federally Protected Species.** As indicated in the U.S. Fish and Wildlife Service letter of December 11, 2002, there is a potential cumulative effects issue with other bridge replacement actions on the North Toe River. This could be acknowledged here, along with the note that the ongoing Section 7 consultation is considering potential cumulative effects to the Appalachian elktoe.
- **Section V.C.7.b. Archaeological Resources.** It is indicated that archaeological sites 31YC31 and 31ML80 are impacted sites that are eligible for listing in the National Register of Historic Places (NRHP). Later, it is indicated that sites 31YC31 and 31YC183 are within the project's Area of Potential Effect (APE) and culturally significant. These conclusions appear to be inconsistent and the status of all three sites as to their NRHP-eligibility and whether they would be affected should be clarified.

TVA appreciates the opportunity to serve as a cooperating agency on this project. Upon completion of the Finding of No Significant Impact, please send a copy to this office. We look forward to continued participation in the concurrence process for this project. Should you have any questions, please contact Harold M. Draper at (865) 632-6889 or hmdraper@tva.gov.

Sincerely,

Jon M. Loney, Manager
NEPA Administration
Environmental Policy and Planning



☒ North Carolina Wildlife Resources Commission ☒

Richard B. Hamilton, Executive Director

TO: Gregory J. Thorpe, Environmental Management Director
Project Development and Environmental Analysis Branch, NCDOT

FROM: Marla Chambers, Western NCDOT Permit Coordinator *Marla Chambers*
Habitat Conservation Program, NCWRC

DATE: November 21, 2005

SUBJECT: Review of the Environmental Assessment for improvements to US 19E from SR 1186 in Micaville to the existing multilane section west of Spruce Pine, Yancey and Mitchell Counties. TIP No. R-2519B.

North Carolina Department of Transportation (NCDOT) has submitted for review an Environmental Assessment (EA) document for the subject project. Staff biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the information provided and have participated in field and concurrence meetings for the project. These comments are provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

NCDOT proposes to widen US 19E to a four-lane divided highway with partial control of access for a project length of approximately 7.5 miles. The document indicated approximately 0.87 acres of wetlands at eight locations and about 9,366 linear feet of stream will be impacted. Of the 68 jurisdictional streams located in the project study area, 33 are expected to be impacted by the proposed action. The project crosses the South Toe River, Cranberry Creek and several other tributaries, all designated as trout waters by the North Carolina Division of Water Quality (NCDWQ). The South Toe River is designated B Tr ORW (Outstanding Resource Waters) and nearly all of its tributaries are classified as ORW. The following protected species have been found in the South Toe River in the US 19E project area: Appalachian elktoe (*Alasmidonta raveneliana*), federal and state Endangered (E); wavy-rayed lampmussel (*Lampsilis fasciola*), state Special Concern (SC); blotchside logperch (*Percina burtoni*), state E; olive darter (*Percina squamata*), Federal Species of Concern (FSC) and state SC; and hellbender (*Cryptobranchus alleganiensis*), FSC and state SC.

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

It is important to note that although the South Toe River carries the Trout designation by NCDWQ, the river is expected to be too low in the watershed for trout reproduction in the project vicinity and will require a different moratorium than the rest of the project. As indicated in our scoping letter, dated May 23, 2003 and included in the EA document, NCWRC recommends an in-water work moratorium from April 1 to June 30 in the South Toe River to protect the Appalachian elktoe, blotchside logperch, and olive darter during their breeding seasons, as well as smallmouth bass reproduction. Cranberry Creek and other perennial stream crossings should have an in-water and 25-foot trout buffer work moratorium from October 15 to April 15. Sediment and erosion control measures should adhere to the design standards for sensitive watersheds and be strictly maintained until project completion.

Indirect and cumulative impacts are a concern for this project. While much of the land is unsuitable for development due to steep topography, it is likely that small-scale retail or industrial uses or single family residential uses would locate along and near the project corridor. Also, there are plans to extend sewer and water service along US 19 E in the project area. Local planners indicate there is development momentum along the roadway and they support the potential for economic benefits resulting from the project and subsequent development. NCDOT should provide strong stormwater treatment that will protect water quality, sensitive species, and aquatic habitats at current and future levels of development. We strongly encourage local officials to guide future development in a manner that will protect wildlife habitat, water quality, and aesthetic values that are also important to tourists that visit this area and therefore valuable to the local communities. Wetlands, streams, and wide natural areas surrounding these features should be preserved in perpetuity for many long-term benefits.

Thank you for the opportunity to review and comment on this project. If you have any questions regarding these comments, please contact me at (704) 545-3841.

cc: Marella Buncick, USFWS
Brian Wrenn, NCDWQ
Sarah McRae, NCNHP

APPENDIX E

PUBLIC HEARING TRANSCRIPT

1 OFFICIAL PUBLIC HEARING TRANSCRIPT
2 Combined Public Hearing for US 19E Improvements
3 From SR 1186 in Micaville to the Existing Multilane Section West of Spruce Pine
4 Mayland Community College
5 February 21, 2006
6 TIP #R-2519B
7
8

9 Good evening. I would like to welcome you to the public hearing for the US 19E
10 highway improvements between Micaville loop to the existing multi-lane section west of
11 Spruce Pine. We appreciate the opportunity to come out and speak with everybody
12 tonight. My name is Ed Lewis. I'm a Public Involvement Officer with the North
13 Carolina Department of Transportation. I'll be your Moderator for tonight's public
14 hearing.

15
16 I want to do a few more introductions. First off, we have several folks here tonight from
17 DOT and some other folks as well. The first person I would like to introduce tonight is
18 Representative Phillip Frye. Thank you sir for coming out. From the local Department
19 of Transportation, we have Mr. Ricky Tipton who is the Division Construction Engineer.
20 We have Norman Redford who is with our Right of Way Branch. We have Mr. John
21 Taylor. *(Tape goes out at this point so it will pick up at more introductions.)* Also from
22 our Right of Way Branch we have Mr. Kevin Brandon. A lot of you had an opportunity
23 to talk to some of those folks over here earlier tonight. We also have Mr. Darryl Roberts.
24 Thank you Darryl. And, Mr. Tom Battle. Thank you Tom. From our Roadway Design
25 Branch, we have Brenda Moore. Thank you Brenda. We have Reeka Patel and also
26 Catrina Washington. Then from our Project Development and Environmental Analysis
27 Branch we have Mr. Linwood Stone, Mr. Bryan Kluchar, Karen Reynolds, Steve Brown,
28 Ryan Huff, and then he's out there manning the table. I've got Kimberly Hinton, with
29 me tonight, and Mr. Jamille Robbins. Bryan Kluchar wrote the environmental document
30 that we're going to talk a little bit about tonight and the results of it that you see on the
31 map. That project is switching over to Karen Reynolds. She'll be handling it after
32 tonight from here on out.

33
34 I appreciate Mayland Community College also for allowing us to use the facilities
35 tonight.

36
37 All right, did everybody get a handout when they came in or when they signed in? If you
38 don't have one and you need one, raise your hand and we'll get you one. Kimberly is
39 going to get some for you so just raise your hand and she'll take those up to you. We'll
40 wait just a moment. Okay, go ahead and raise your hand and we'll get those up to you.
41 Raise them high please. Okay, let's go ahead and look at that handout. On the front,
42 there's a number up there and it's called the TIP number. It's R-2519B. If you write in
43 to me or to anybody else about this project, please use that number and we'll know
44 exactly which project that it's about. Let's go ahead and turn to the next page.

45
46 We'll just go through this real quickly and then we'll go through the map. Then we'll
47 also take your recorded comments as well. The Purpose of the Project, the project calls
48 for providing transportation improvements to US 19E. The purpose of the project is to

49 add vehicle capacity, improve roadway design and improve highway connections to the
50 other areas along the exiting US Highway 19E corridor. What we're doing is we're
51 adding capacity. We're adding more room for more cars to be out there on 19E. So there
52 will be an extra lane in each direction separated by a 20-foot median. As you all know the
53 road is pretty curvy right and left and up and down. We want to go ahead and try to
54 improve that as well, so we're going to do that. Also, the reason we're wanting to do it is
55 that, as you all know, 19E is a pretty important highway not only here locally but
56 regionally as well. It connects Asheville to Boone. So it's a very important regional
57 highway, it's a very important local highway.

58

59 **The Purpose of the Public Hearing.** We're here tonight to do what we did 3 years ago
60 and what we've done if you've called us or written us. We want to hear from you.
61 We're out here tonight to let you know where we are in the process. The map shows that.
62 But we also want to give you all an opportunity to tell us what you think or ask us
63 questions about this project. It's a continuing effort on our part to get input from the
64 public so that input can be incorporated into the development and the continuing
65 development of this project. So it's very important. That's the purpose.

66

67 Again, your Participation, that's what we're out here for. We want to hear from you
68 tonight during the formal recording that we're doing now. You're going to hear people
69 say things that you do not agree with. That's perfectly okay. I may say some things that
70 you may not agree with, that's okay. We want to respect what everybody says even
71 though our opinions may be different. We're not going to make any decisions tonight.
72 We're not going to hold a vote tonight to see what we're going to do. Really we're out
73 here to make sure we've covered everything that we need to cover. We've already found
74 out tonight that there's a couple of businesses that are not out here that we need to locate.
75 We just found out right before we started that there's a trucking company that we're
76 going to have to look at and see if we can help that business out. Again, our opinions are
77 going to be different. Again, we want to respect each other's opinions. I'm not going to
78 try to convince you of anything. I'm just here to let you know where we are and what
79 we're going to do and to also get some input from you all.

80

81 Okay, let's turn to the next page. What is Done with the Input? Well for the next 30
82 days we're going to be taking comments from you all. You don't have to leave them
83 with us tonight. You can go home, think about it, think about it over the next week or so,
84 write me a good letter, send it in to me. After that 30-day period, we're going to set up a
85 meeting at DOT and we're going to go through all of those comments. We're going to
86 find out some things that we didn't know. We're going to see if we can probably take
87 care of some of the those issues that have come up. Some of the issues we may not be
88 able to come up with a solution. Even after that meeting, we'll have a meeting with
89 Federal and State agencies to talk about the project and determine what else we can do as
90 far as the road project. We will have minutes transcribed of the meeting tonight. We're
91 recording it. We'll also have minutes of the post hearing meeting that will be available as
92 well.

93

94 **The Need for the Project.** Let's go to the next section there. "Capacity", I used that term
95 a while ago. Really, as I say there, it really talks about the number of cars that passes a
96 given segment of road in an hour. That's a way that we measure how good the road is

97 performing. There's other measures too. As you go on down there we talk about levels
98 of service. We've got different levels of service that we talk about "A" through "F", "A"
99 being good "F" being bad. Right now, we're operating at a level of service "D" near
100 Micaville and a level of service E near Spruce Pine. Now that's right now. In 2025,
101 which is what we design for, if we didn't do anything to the road, we would be at a level
102 of service "E" which is unacceptable. That means you would have pretty much a parking
103 lot out there. If I went ahead and did these improvements based on our calculations and
104 studies, we would end up with a level of service "B" in the year 2025, which is much
105 better.

106

107 As I talked about before, 19E has several curves out there. We're going to try to smooth
108 those out and straighten those out as much as we can up here in the mountains and
109 everything. Also, I talked about how important US 19E is there to the local folks and to
110 the regional folks as well. It is part of the Strategic Highway Corridor. The Strategic
111 Highway Corridor Program was set up to increase mobility in a region and to provide a
112 longer lasting road that's going to serve the state longer.

113

114 The Project Description. Let's go to the next page. The project is about 7 1/2 miles long.
115 Again, I just talked about that, what we're going to do. We're proposing to widen US
116 19E to a four-lane median divided road from Micaville Loop to the four-lane section
117 there near Spruce Pine. I've got a couple of figures here that I refer to. If you look in the
118 back, Figure 1 is just a line map. It kind of shows the project and it's relationship to
119 Micaville, Newdale and Estatoe.

120

121 The next page is the typical section. Typically, that's what the road is going to look like.
122 You can see that we've got 24 feet of pavement out there. That's two 12-foot lanes in
123 each direction. If you look right in the middle, we've got a 20-foot median. We've got a
124 10-foot shoulder there just beside both lanes and a 4-foot. Four foot of that is actually
125 paved for depth and that's to accommodate bicycles. After that, you can see where we tie
126 back in to the existing ground.

127

128 Okay, let's go back to where we were. As you all know, additional right of way is going
129 to be needed for the project. We're actually getting into a lot of residences and
130 businesses in order to widen the road out enough to get those four lanes in there. The
131 design speed is set up for 60 miles per hour. It won't be signed at 60 miles per hour,
132 more than likely it will be signed at 55 but that decision will be made a little further down
133 the line. I think for the most part it is 55 out there in most sections. With the 60 miles
134 per hour design speed, we could sign it for 55 and most motorists would be able to drive
135 it 55. Again, we'll make that decision a little ways down the road.

136

137 The project is typically scheduled to start the right of way acquisition process in June of
138 2009 and construction in October of 2010. I say tentative because these schedules
139 sometimes change. If they do, we usually try to get the word out to everybody and the
140 news media and let you know that.

141

142 The next part there, the Proposed Project Information. It's just a quick look as far as
143 what's going on there. If you look at the relocatees, it should be 101. I can't do math,
144 I'm sorry. I didn't add up those things correctly. But again, that number may change up

145 or down when we get into the final design stages of the process here. Another correction
146 we just found out Friday, the roadway cost has gone up. It has now gone up to
147 \$53,600,000. So it's gone up a couple of million dollars. The right of way cost will stay
148 the same. That gives you a total new cost of \$65,440,000.

149

150 Now the most important piece of paper in this packet is the last piece of paper. So
151 everybody turn to it please. It's the comment sheet. A lot of you have filled it out
152 tonight. This is just one way you let us know what your questions, concerns and issues
153 are about this project. You can use this form. My contact information is down here.
154 You can choose just a straight email to me or send something on your letterhead as long
155 as you send it to this information here. If it's a roadway question, I'll go ahead and pass
156 it on to the roadway folks. If it's a planning question, I'll get it to the planning folks.
157 Again, once all those comments are in, we'll have a meeting and we'll go over all those
158 comments. Now if you'll look down at the bottom, I've given you a few extra days to get
159 the comments in. I would like to get them in by March 24. So, you've got 30+ days to
160 get those comments in to me. Again, as I said, we go through all of those once we get
161 those in. Again, you can choose to leave them with me tonight. You can mail them in to
162 me. You can fax them to me. I've got all the different ways that you can contact me
163 right down here. We do want to hear from you. Half of what we're here for is to let you
164 know what's going on. You need to tell us what you think and what your concerns are
165 and what your issues are. If we don't hear from you, we won't know that there's an
166 issue. Now is the time. We were out here 3 years ago. We were pretty wide open with
167 what we were going to be able to do. We really didn't know what we had out here and
168 what we were going to do but we're starting to narrow it down as far as what we can do
169 out here. Let's go ahead and get those comments in to me so we can go ahead and
170 address those.

171

172 Okay, with that we'll go ahead and I'll go ahead and go through the map really quickly.
173 Okay, let's talk about the colors on this map first. This is what we call a public hearing
174 map. This map is a representation of the State EA or the State Environmental
175 Assessment that Brian wrote for this project. So the colors, let's talk about the colors.
176 Probably the most important color on this map is the Light Green color. I think that
177 everybody who had an opportunity early tonight realizes that is the proposed right of way
178 that we're going to need to purchase in order to build the project. The Dark Green color
179 is the existing right of way that we already have. We've got all this information on the
180 legend here as well. The Orange color is the existing road that is out there now that we
181 are going to re-pave. That's the part of the road that we're going to use. The Yellow
182 color represents the new part of the road, the other part that we're going to build. The
183 Red color represents structures associated with the highway like bridges or culverts or
184 pipes or tile, retaining walls or anything like that. Of course the Blue color represents
185 water bodies. The Brown represents structures, houses, sheds, and businesses. As we
186 talked about earlier tonight what we've had a lot of is where the Green gets over into the
187 Brown, that's where our right of way gets into a business or a residence. I hope that
188 everybody that has happened to has seen that tonight and has had an opportunity to talk to
189 one of our right of way agents. That means that we will have to purchase that building.
190 We're going to talk about some right of way things in just a minute. Of course again, I
191 said Blue is water. Then the Gray is the existing road that is going to stay there. Then
192 we've got the Gray with the hatch mark, that's existing road that's going to go away.

193

194 So starting down here on this end of the project on the Burnsville side is Micaville Loop
195 Road. This is where we start the two lanes and we're widening to the south side. North
196 is straight up, south is down on the map. We're coming through. Here where Micaville
197 Loop comes back in, we've got what is called a full movement intersection here where
198 folks will be able to come from this direction and turn left and hit the Micaville Loop or
199 they can come in and turn right in here. They can actually come from Micaville Loop
200 and turn left and go back this way. This situation, the folks coming down from White
201 Town Road, they're not going to be able to turn left. We're going to ask them to go
202 down here and turn right and do a U-turn down here. We're going to have to look and
203 see about getting a U-turn location down here. But, we've got similar situations to this
204 all the way through the whole map, through Micaville, through Newdale, and through
205 Estatoe as well. You're probably asking why are these big green areas not in other
206 places? Well this is areas where we either have what we call field sections or cut sections
207 so they're may be a hole there that we have to fill in. There may be a cliff there that we
208 may have to float back. That's why we need the extra property in there.

209

210 This is Rice Road. That is also what we would call a full movement intersection. You
211 can turn left in and left out. Here at Stream Road, we're cul-de-sacing the access to 19E
212 here but you'll still have access just like you've always had over here. This again would
213 be what we call a full movement intersection. Everybody can make any move that they
214 want to. Here's the bridge of the South Toe River. We're going to replace it and put two
215 bridges in for each direction of traffic. Again, we're widening to the south side there.

216

217 Let us go to the next map. This is getting into the Newdale community. Here we've got
218 a situation where the folks coming from Dennon Road would be able to turn right or left.
219 The folks coming up out of Blackjack Road would only be able to turn right. The way
220 that works is if you're not going to be able to turn left out of your business or home,
221 we're going to ask you to turn right and go down to a safe U-turn location which would
222 be one of these intersections that we've got set up for that to turn back in that other
223 direction. Even with the extra lanes out there, it's going to be pretty difficult to try to
224 make a left turn in some of those places. Again, it's those places where we don't have
225 these full movement intersections. Sycamore Circle, we're also cutting it off here. The
226 access would remain the same in this location.

227

228 Newdale Church Way will have their access here and down here as well. You can see
229 this area right here, this big patch of Yellow. That's extra pavement that's going to allow
230 larger vehicles to make a turn around, a U-turn there. So we don't have them set up at
231 every U-turn location but we've got them set up at certain locations along the project so
232 they can make that turn as safely as possible. Of course the next road is Aubuckle Road.
233 Aubuckle Road is also a full movement intersection so you can turn left into and out of
234 and right into and right out of. Here at Hamlock, at Hamlock is what we refer to as a
235 right in, right out. What that means is that you would only be able to turn right in and
236 you would only be able to turn right out. There would be no left turns into or out of that
237 type of intersection. What you would do is you would come down to Crabtree Creek
238 Road, do your U-turn there if you get to back towards Burnsville. Crabtree Creek Road
239 has a full movement intersection as well. Again you can see that we're well widening for
240 the most part to the north.

241
242 Okay, here at Hoot Owl Road, Hoot Owl Road would be a full movement intersection as
243 well. Here at Burrelson Road, we're cutting off access here at the cul-de-sac but they will
244 still have access like they normally do. Brushy Creek Road and Penland Road will have
245 full-legged, full movement intersection. You can turn left, right go straight across a full
246 movement type of intersection type of move. Old US 19, again we'll cul-de-sac it in this
247 location but the access down here, will still remain. Here is another one of those
248 locations where we've got what we call the bulb out location where the big tractor trailers
249 can come in and make those turns, those U-turns there. As we continue on through
250 Estatoe, you can see where we're trying to straighten some of these sharp turn out. We
251 continue on up to Ted Miller Road and we get to that intersection. That's a full
252 movement intersection. That ties in to the existing four-lane section. We've got a couple
253 of notes up here on the map. One is what is called a proposed partial control of access. If
254 you've got an access to US 19E now, you'll continue to have access if you're not a
255 relocated person. If you have access to US 19E by some other road, we may limit your
256 access or eliminate our access to 19E. That's what that means. You've got a larger
257 property with a large amount of frontage, we may look maybe at another access point as
258 well. Again, this is what is in your handout.

259
260 There is the typical section that is basically what it's going to look like. Some of you
261 may notice some numbers that have circles around them. Those correspond to those lists
262 over here. What it is, is it's the property owner names were so small based on the scale
263 of this map that we couldn't get the name in there so that's what these represent over
264 here. Again, we've got a note that these are preliminary plans. They're still subject to
265 change but they're not going to change that much. There is some fine turning that we
266 need to do.

267
268 There's one other thing I'd like to go over. There's one page I missed and it was the
269 second most important page, the Right of Way Procedures. We've advertised the project
270 for the last 30 days in the paper. I had the opportunity to talk to a lot of your fellow
271 citizens about the project and about the rumors that have been going around and
272 everything. Really these right of way procedures are a required process that we go
273 through. If we're going to acquire your property, there is several things that we have to
274 do and we've got them listed there, one through four. Number one, treat all owners and
275 tenants equally. Number two, fully explain the owners rights. Number three, pay just
276 compensation in exchange for property rights. And, furnish relocation advisory
277 assistance. We also pay the current market value. We've had our right of way folks here
278 tonight. Those are the folks who are eventually going to be coming out and talking with
279 you. Once we get the final design done as we talked about in 2009, our location and
280 surveys folks are going to come out and if we're going to buy any right of way from you,
281 they're going to stake that line out on your property. Then our right of way agents will
282 set up a time to come out and meet with you at a time at your convenience to talk about
283 what that line means and go through this whole right of way acquisition process. It's the
284 same also if they have to purchase your entire property, if they have to get your house or
285 your business, it's the same process. We've got to be clear and open and honest as we're
286 going to be. We're going to let you know what your rights are. We're going to explain
287 the whole process to you. So by the end of it, you'll be pretty close to an expert in this
288 whole right of way process.

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We've had some brochures that were available tonight. If you didn't get a chance to pick those up, and you are going to have some right of way that is going to be purchased by the department, make sure you get one of those "Frequently Asked" brochures. We've also got the "Relocation Assistance Program" brochures that is also available if you are a business or a resident relocatee.

Again, there is no mystery about it. There's no black box. There's no smoking mirrors. It's all out in the open. You've asked questions and I've told folks who have called me up in the last couple of weeks, get you a pad and piece of paper and start writing questions down now because you've got questions now and you've got three years to be thinking about what you need to do. The folks that you really need to be talking to are the folks from our Right of Way Branch. Okay?

Okay. Now comes the part of the program where you get an opportunity to ask us questions or make comments. Again, we are recording these. We'll try to answer them tonight. Some of them we may not be able to answer here tonight. Just bear with us. What we're going to do is make sure we get the best answer possible. It may mean that we need to go back to Raleigh and figure out exactly the best way to answer your questions. We had a speakers' roster out here. Anybody who wanted to sign up to speak could do so. I'm going to go through that list. I don't have any time limits on any of the speakers here tonight. Again, if you feel uncomfortable speaking in front of a large audience, again, that comment sheet carries the same weight as what you would say here tonight. We look at both of them and they both carry the same weight.

So with that, again, I'm going to call people up. I would like you to state your name clearly, your address and then make your comments. Again, let's keep in mind that everybody has their opinion and their own concern. Let's respect each other's opinion and everything. With that, I'll go ahead and call the first name. Then, that person can come up and ask his question and make his comments. Jerry Garland. Jerry Garland. Okay. Some folks may have accidentally signed this. That's okay that if they have accidentally signed this rather than a regular sign-in roster, don't worry about it. Sherrill Byrd. Okay. Dale Shook. Okay. James Hayle. Maybe James Hagle. Larry Fortner. Again these are signatures, I'm having difficulty reading some of them and I apologize. Representative Phillip Frye.

Representative Phillip Frye: Thank you Mr. Lewis and the Department of Transportation representatives. I appreciate y'all being here tonight to have this public hearing. Some of us have waited a long time to just get to this point tonight. I am Phillip Frye. I represent the 84th District in the North Carolina House. That's Mitchell, Avery, Yancey and part of Caldwell County.

So this road, you know how important it is to me and how important it is to the District. I was just getting ready to tell you that Senator Keith Presnell would have been here but he is in Raleigh today for a meeting. But Senator Presnell has just showed up. He can speak for himself now.

336 I just want to let you all know that I've been working hard to try to get this
337 project moved along. I'll continue to do everything I can. If you're not from around here
338 in Mitchell, Avery, Yancey, it's hard to understand the importance of this one
339 highway. Yancey County doesn't have any four lane. Mitchell County has got just a
340 little teenie bit if you can call it a four-lane highway. Of course Avery is in the same
341 situation. Governor Martin put this on the plan when he was Governor back in 1995
342 or 1996, I'm not sure of which. He called it part of his intra state corridor system. That's
343 when he was planning corridors for most people in the rural areas. It would put at least
344 10 miles of a four-lane highway for everybody who lived in North Carolina. We've been
345 10 years getting to tonight. Nobody but us can even start to imagine the impact that this
346 is going to have on Mitchell, Avery, Yancey Counties. This is going to help
347 tremendously when it opens up Yancey and Mitchell to I-26. When we are talking to
348 companies coming in here, wanting to create industry and wanting to create jobs, they
349 say, let's see your road situation. It ain't been too good and you know it. It's been a
350 disappointment for us to try to sell our area for good jobs. But now we can tell them
351 look, you come on now and we guaranteed you it ain't going to be long, just a few years
352 you're going to have access to I-26 just a few miles away. Even more importantly when
353 these other projects R-2519B, R-2566 and all the others going up through, if you can
354 imagine a corridor going from Mars Hill through Boone, through Watauga County and
355 into Virginia. This will be, I think, one of the last corridors that can possibly be built to
356 accommodate Western North Carolina. If you could imagine up in Virginia all that
357 traffic, all the tourists, plus all the tractor trailers, all of the economy, now having to
358 travel down 81 and down through Tennessee in order to get on down to 26 and down into
359 Georgia. We're going to see a tremendous amount of those vehicles coming right down
360 the highway right here helping our economy in ways that we can never ever realize
361 except the ones of us that are here that have been waiting and praying for this road for so
362 long.

363
364 So having said that, I just want to let you all know that I'll do everything
365 in my power to keep this on track to hopefully speed it up if at all possible. We certainly
366 don't want any delays if we can. We have been very patient and we have waited a long
367 time. We do have some jobs coming in now and a lot of it is on the promise of this road.
368 This will continue to help us tremendously in doing what we need to do for you. You
369 have my assurance that I will do everything I can. As I've told a lot of you tonight, when
370 you do see those little glitches and those little problems that are creeping up, I want to be
371 involved. Give me a call and I speak for Keith too I'm sure. Give Keith a call. We will
372 pass the word along to these gentlemen and try to get those glitches worked out so that it
373 can be the best situation for us possible. I'm just very proud to represent you all and glad
374 this road is finally coming. Thank you very much.

375
376 Moderator: Thank you Mr. Frye. Senator Presnell did you want to say
377 anything tonight? Okay. Okay. Now the next person on the list is Peter Franklin. Come
378 on up here. State your name and address.

379
380 Peter Franklin: I'm Peter Franklin. I live in Estatoe at the Red Bird Road across
381 from (Inaudible) Road.

382

383 I signed the list because I want to make a comment and I had some
384 questions. First off, one of my questions is we have 30 days to write you and address our
385 concerns. But, the project is going to be taking place over the next 10 years. With
386 changes in that and all are we going to be able to make comments all throughout in order
387 to request changes if we don't agree with something? Is that correct?

388
389 Moderator: That's a good question. The 30 day comment period is for us to
390 have good ample opportunity to answer questions as good as we can. As the project goes
391 forward there's another environmental document that we will have to write but as we
392 continue to go through the design process these things are going to come up. Again,
393 we'll just meet them as they come up.

394
395 Peter Franklin: One of the other concerns that I had in looking at the maps is for
396 our road in particular is the turn out and certain roads that aren't getting a turn out they're
397 going to have to drive a good ways down to make a U-turn just to get to Spruce Pine or to
398 Burnsville whichever county is closer to you that you normally go to. That's something
399 that I want to make sure that all of us have an opportunity to fight for our openings to get
400 out on this road.

401
402 I guess my last comment is that, you know, growing up here all my life
403 seeing new roads as they're built we get a bypass in Spruce Pine when I'm a little boy
404 which is a four lane road that opens up to a crooked two lane road. They dropped the
405 speed limit to 45 on it. The two lane road is a 55. We've got a nice four lane going to
406 Marion and they dropped it to 45 and then finally after some complaining got it back to
407 50 at least. We don't need a highway patrol speed trap from here to Mars Hill. We've
408 got enough of that. We would like to see 50 miles and hour that way we can keep it all
409 the way through. Thank you.

410
411 Moderator: Thank you Peter for those comments. Any other questions that
412 come up like those after tonight go ahead and send that in and we'll look at it with the 60
413 miles per hour design speed. That's the design in which a vehicle can travel the safest.
414 Normally if we have a design speed set at 60 miles per hour it is rare if ever that we
415 actually sign a road for 60 miles and hour. Again, we'll make a decision as to what the
416 road will be signed at, at a later time. Again, any comments that come up, you've got our
417 contact information here. Even after the 30 days you can go ahead and give us a call and
418 we'll have an opportunity to have a look at it.

419
420 Conrad Weatherman. No comment? Okay sir. Shawn Hartley. Okay.

421
422 Okay, that is it as far as everybody that signed up to speak. I'll now open
423 up the podium to anybody else that has a comment or questions. If you do have a
424 comment or questions and you would like to speak it tonight if you would please raise
425 your hand. Okay sir, come on down.

426
427 David Hughes: My name is David Hughes. I'm the Fire Chief at the
428 Spruce Pine Fire Department. I know it doesn't say Spruce Pine up there but we do have
429 a station in the Estatoe Community.

430

431 My question to the representatives here, in the past highway projects that
432 you've done, what 7 ½ miles section of highways have you done that took two fire
433 stations?

434

435 Moderator: I wouldn't be able to answer that tonight. I don't think there are
436 that many though.

437

438 David Hughes: I don't think so either. You as homeowners in those
439 affected areas need to understand that if for any reason your fire station is deemed
440 inoperable your insurance class rating goes to a 10. You as a homeowner will be subject
441 to those insurance premium changes. My question to the State is what provisions have
442 they made to relocate the fire departments that they will be taking?

443

444 Moderator: We have dealt with fire departments on other projects. Access to
445 the road has been a big question. Because he is right, there's a lot of things the way a fire
446 department is located that does affect your insurance. Right now if a fire department is a
447 relocation, again we will work real hard with the fire department to try to determine a
448 new location that is going to be to the best benefit of the community. Right now I won't
449 be able to say anything to night as far as where those relocations might be but on other
450 projects similar to this where we had claims and concerns from other fire departments
451 we've actually gone out and met with them and scheduled meetings and made sure that
452 we've heard exactly what they are telling us. We're able to tell them what we can and
453 can't do. But again, the situation right now allows us about 3 years to figure that out.
454 Again, we won't be purchasing any right of way for 3 years. So we've got 3 years to
455 figure out if indeed these need to be relocated and where we can relocate those. We'll be
456 depending on the chiefs at both locations to let us know what we need to be looking for
457 and looking after and everything.

458

459 David Hughes: I only speak for the Estatoe Fire Department and those that
460 are here from that community. I applaud you for your support when we built that fire
461 department and for Liberty Hill Baptist Church that donated land for exception so that we
462 have a lease at this time. You should committed to that project. I only inherited that fire
463 station when they were looking for somebody to manage it. That's all we do at Spruce
464 Pine is we manage and operate it and provide community service. Fire protection is our
465 primary order of business. If it is relocated, bear in mind, from the point of origin that it
466 is now, after 5 miles, we move a half a mile closer to Spruce Pine, you may loose fire
467 protection. Or if we move a half a mile toward Burnsville you people who live on the
468 *(Inaudible)* may loose fire protection, which will definitely affect your homeowners
469 insurance. If you look at the geographical location of that fire station up on that hill there
470 aren't a whole lot of places we can go that aren't already taken or will be taken by the
471 road. I hope that if the road can be moved a little bit down the hill and leave the fire
472 station where it is at that would be wonderful. I don't know if that is feasible but I would
473 hope that they would at least consider that.

474

475 Then my last question is, you are adding a 12 foot roadway in each
476 direction to carry vehicle traffic. Correct? What traffic travels on the 20 foot section of
477 green grass?

478

479 Moderator: The 20 foot section of green grass is a median which separates the
480 traffic in both directions. We talked about capacity earlier. With that type of median in
481 there and the 10 foot wide shoulders and 24 foot of pavement the room that we have out
482 there that increases that capacity, that increases that level of service for what we talked
483 about and again, what we're doing all across the state on the types of roads. So, there
484 will be no vehicles that will be allowed in that 20 foot grass area. Now in certain cases
485 and I'm just guessing where we have a fire department that may need access across that
486 median for one reason or the other. Again, that is something that we would want to talk
487 about with the local fire departments.

488

489 David Hughes: That is another concern. If that 20 foot track of grass is not
490 needed that would move the road 20 foot that way and that might allow the fire station to
491 stay where it is at. If it's needed, why not go ahead and take it out and we wouldn't
492 endure that cost of digging up that grass and mowing it for all those years that we have to
493 maintain it. Thank you very much.

494

495 Moderator: Thank you for those comments sir. Anyone else tonight who
496 would like to make a comment or ask a question? Okay, now don't forget that the
497 comment sheet that is on the back carries the same weight just as if you came up and
498 spoke tonight. We're going to be here a little bit while we're breaking some things down.
499 Be sure to grab us if you've got a question and let us know. I appreciate everybody
500 coming out tonight. I look forward to hearing from everybody. Thank you and have a
501 good night.

502

503

504

Hearing Adjourned.

505

506

Ed Lewis, Moderator
Public Involvement Unit

507

508