

**NC 268 (ELKIN HIGHWAY)  
MULTI-LANES EAST OF NC 18 TO SR 1966 (AIRPORT  
ROAD), WIDEN TO MULTI-LANES  
WILKES COUNTY**

**NCDOT S.T.I.P. PROJECT NO. R-2603  
FEDERAL AID PROJECT NO. STP-0268(15)  
WBS NO. 36001.1.2**

**ADMINISTRATIVE ACTION  
FINDING OF NO SIGNIFICANT IMPACT**

**SUBMITTED BY  
US DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
AND  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**SUBMITTED PURSUANT TO 42 USC 4332(2)(C)**

Feb 28, 2012 Gregory J. Thorpe  
Date of Approval *for* Gregory J. Thorpe, Ph.D., Manager  
Project Development and Environmental Analysis Unit  
North Carolina Department of Transportation

2/29/12 John F. Sullivan, III  
Date of Approval *for* John F. Sullivan, III, P.E.  
Division Administrator  
Federal Highway Administration



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**FEBRUARY 2012**

**DOCUMENTATION PREPARED BY:  
MULKEY ENGINEERS & CONSULTANTS**

2-23-12

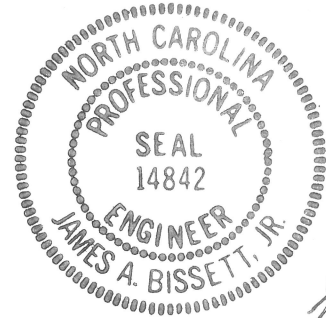
Date

*Liz Kvaschitz*  
Liz Kvaschitz, AICP  
Project Manager

2-23-12

Date

*J. A. Bissett, Jr.*  
J. A. Bissett, Jr., P.E.  
Principal



**DOCUMENT PREPARED FOR:  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

2-28-12

Date

*Marshall Edwards*  
Marshall Edwards  
Project Manager

02/29/2012

Date

*Stacy Oberhausen*  
Stacy Oberhausen, PE  
Project Engineer



# PROJECT COMMITMENTS

## NC 268 (ELKIN HIGHWAY) MULTI-LANES EAST OF NC 18 TO SR 1966 (AIRPORT ROAD), WIDEN TO MULTI-LANES WILKES COUNTY

**S.T.I.P. PROJECT NO. R-2603**  
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**WBS ELEMENT NO. 36001.1.2**

Current status, changes, or additions to the Project Commitments as shown in the environmental document for the project are printed in *italics*.

### **ROADWAY DESIGN UNIT, HYDRAULIC DESIGN AND DIVISION 1 1**

Design Standards in Sensitive Watersheds will be adhered to for sediment and erosion control procedures.

The Roadway Design Unit will coordinate with the North Carolina Wildlife Resources Commission to determine the status of the potential WRC public access project at the NC 268 crossing of Mulberry Creek.

### **HYDRAULIC DESIGN**

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), the delegated state agency for administering FEMA's National Flood Insurance Program, to determine the status of the project with regard to applicability of NCDOT'S Memorandum of Agreement with FMP (dated 6/5/08), or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

### **DIVISION 1 1**

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

The NC Wildlife Resources Commission has requested an in-water work moratorium from May 1 to July 15 for Mulberry Creek and its unnamed tributary to prevent off site sedimentation from impacting smallmouth bass fish eggs and fry downstream. NCDOT will determine if it is feasible to adhere to this moratorium during construction.

#### **ACTION:**

*NCDOT will determine if it is feasible to adhere to this moratorium during the permitting phase of the project.*

### **STRUCTURES**

Bicycle safe bridge railing will be provided on the NC 268 eastbound bridge over Mulberry Creek.

### **ROADWAY DESIGN, PROGRAM DEVELOPMENT**

The construction of sidewalks in the proposed project will be dependent upon a cost-sharing and maintenance agreement between NCDOT and the Town of North Wilkesboro.



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WBS ELEMENT NO. 36001.1.2**

**1.0 TYPE OF ACTION**

This is a Federal Highway Administration (FHWA) Administrative Action, Finding of No Significant Impact (FONSI).

The FHWA has determined this project will not have any significant impact on the human or natural environment. This FONSI is based on the January 28, 2011 Environmental Assessment (EA), which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.

To maintain brevity, supporting project information (i.e., background information on the purpose of and need for the project, discussion of the affected environment, a complete description of the anticipated impacts of each alternative) contained in the EA, dated January 28, 2011 is incorporated by reference.

**2.0 DESCRIPTION OF PROPOSED ACTION**

The North Carolina Department of Transportation (NCDOT) in coordination with the FHWA propose to widen NC 268 (Elkin Highway) in Wilkes County from its existing multi-lane section east of NC 18 to SR 1966 (Airport Road). The project vicinity is shown in Figure 1 in Appendix A. The proposed project includes upgrades to the existing multi-lane section, from NC 18 to the vicinity of Shaver Street. Upgrades would include improvements to the existing roadway, such as resurfacing, replacement of drainage structures, and replacement of curb and gutter. The total length of the proposed project is approximately 3.6 miles.

The purpose of the proposed action is to: Improve traffic flow and level of service, and reduce conflicts between through and local traffic on NC 268 in the project area; and, provide infrastructure upgrades to the existing multi-lane section of NC 268 between NC 18 and Shaver Street.

Improvements to NC 268 are needed to provide adequate capacity for existing and future traffic. The target, or measurable goal, for level of service (LOS) on NC 268 where widening is proposed is LOS D or better in 2035 build conditions.

NCDOT estimates the existing multi-lane section on NC 268 was constructed approximately 40 years ago. A majority of the existing curb and gutter shows substantial distress, with the eastbound roadway

edge being in the worst overall condition. A majority of the catch basins inspected have loose brick and non-standard grates.

The project is included in the NCDOT *2012-2018 State Transportation Improvement Program* as Project Number R-2603. The current schedule includes right of way acquisition in fiscal year (FY) 2013 and construction in FY 2015. The TIP includes funding for right of way acquisition of \$3,400,000 and for construction and utilities relocation of \$19,900,000.

The construction cost estimate for the proposed project was updated in February 2012 and the right of way acquisition cost estimate was updated in November 2011. The utilities relocation and construction cost estimate was updated in January 2012. Current estimated costs for the proposed project are as follows:

Right of Way (ROW) Acquisition	\$ 5,260,000
Construction & Utilities Relocation	<u>\$23,427,360</u>
TOTAL	\$28,687,360

### **3.0 PREFERRED ALTERNATIVE**

The No Build Alternative and the Best-Fit Widening Alternative, along with five typical sections, were studied in detail for Project R-2603. The Best-Fit Widening Alternative is the Preferred Alternative for the proposed project. The Best-Fit Widening Alternative improves traffic flow and level of service, and reduces conflicts between through and local traffic on NC 268 in the project area. The Best-Fit Widening Alternative provides infrastructure upgrades to the existing multi-lane section of NC 268 between NC 18 and Shaver Street. The Best-Fit Widening Alternative is the most practicable alternative because it meets the purpose of and need for the proposed project and minimizes impacts to the human and natural environments. The Best-Fit Widening Alternative is consistent with the various uses and transportation plans that exist for the area.

NEPA/Section 404 Merger Team members concurred that the Best-Fit Widening Alternative is the Least Environmentally Damaging Practicable Alternative at their October 13, 2011 meeting.

### **4.0 SUMMARY OF EFFECTS**

#### **4.1 IMPACTS SUMMARY**

A summary of impacts for the proposed project is shown in Table 1. It is expected that construction of the Best-Fit Widening Alternative will result in impacts to approximately 1,703 linear feet of streams and approximately 0.41 acre of wetlands. No impacts to historic resources, archaeological resources, or threatened and endangered species are anticipated. Implementation of the Best-Fit Widening Alternative is expected to result in the relocation of eight residences, including two minority residences, and seven businesses, including one minority-owned business. Four residences and one business are expected to experience traffic noise impacts as a result of the proposed project. This project is not anticipated to create any adverse effects on the air quality of Wilkes County. Notable features along the project corridor are shown in Figures 2A through 2C in Appendix A.

Table 1. Summary of R-2603 Project Impacts

<b>Evaluation Factors</b>	<b>Best-Fit Widening Alternative</b>
Project Length (miles)	3.6 (2.9 widening)
Interchanges	0
Railroad Crossings	0
Schools	0
Recreational Areas/Parks	0
Churches	0
Cemeteries	0
Utilities	Relocate 1,200 ft. water line, 1,200 ft. sewer line, utility poles
Historic Properties	0
Archaeological Sites	0
Federal Listed Threatened/Endangered Species Present in Corridor	0
State Listed Threatened or Endangered Species	0
100 Year Floodplain and Floodway Crossings	3
Forest Impacts (acres)	12.87
Prime Farmlands <sup>1</sup> (acres)	46.7
Potential Residential Relocations	8
Potential Business Relocations	7
Hazardous Material Sites	3
Delineated Wetland Impacts (no. crossings/acres)	2 / 0.41
Delineated Stream Impacts (no. crossings/linear feet)	9/ 1,703
Riparian Buffer Impacts	0
Water Supply Watersheds/Critical Area	0
Wildlife Refuges and Gamelands	0
On-site Restoration Potential	Yes (S1, S3, S4, S10)
Impacted Noise Receptors	5 (4 residences, 1 business)
Section 4(f) Impacts	0
Federal Lands	0
Low Income Population Impacts	0
Minority Population Impacts	2 Minority Relocations/1 Minority Business <sup>2</sup>
Significant Natural Heritage Program Areas	0
Existing and Proposed Greenway Crossings	0
Right of Way Cost Estimate	\$5,260,000
Construction and Utility Relocations Cost Estimates	\$23,427,360

<sup>1</sup> Impacts to Prime Farmland from NRCS Form CPA-106 calculated based on study area. CPA-106 Impacts to Statewide and Local Important Farmland total 143.3 acres.

<sup>2</sup>Two minority residential relocations and one minority-owned business relocation are included in the eight Potential Residential Relocations and seven Potential Business Relocations.

The proposed action will require permits pursuant to Section 401 and 404 of the Clean Water Act of 1977, as amended. A 401 Water Quality Certification from the Water Quality Section of the North Carolina Department of Environment and Natural Resources (NCDENR), Division of Water Quality (NCDWQ), will be needed for fill activity in adjacent wetlands and surface waters. A Section 404 permit issued by the US Army Corps of Engineers (USACE) will be required to discharge and place fill materials into wetlands.

## **4.2 WETLANDS FINDING**

Executive Order 11990, "Protection of Wetlands," established a national policy to avoid, to the extent possible, adverse impacts on wetlands and to avoid direct or indirect support of new construction in wetlands whenever there is a practicable alternative. Based on the above-stated consideration, it is determined the Best-Fit Widening Alternative is the Least Environmentally Damaging Practicable Alternative (LEDPA) and that the proposed action includes all practicable measures to minimize harm to the wetlands that may result from such use.

Field investigations were conducted by qualified biologists in February 2008 and March 2010 to assess the existing natural environment within the project study area. Details of the methodology and investigations supporting the information provided in this section are provided in the Natural Resources Technical Report (NRTR) completed in August 2008 and an NRTR Addendum completed in May 2010. The NRTR and NRTR Addendum are located in the project file and appended by reference.

In accordance with Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 401 of the Clean Water Act (33 U.S.C. 1341), impacts to the jurisdictional areas from the proposed alignment were identified and coordinated with the responsible regulatory agencies, the USACE and NCDWQ. The impacted areas are located within the Yadkin-Pee Dee River Basin, which does not have designated Riparian Buffer Rules.

Wetland delineations were conducted as part of the field investigations on February 11, 2008. A field review meeting with the USACE and NCDWQ was conducted on April 16, 2008 to confirm the jurisdictional boundaries of these wetland systems. A total of six wetlands were determined to be jurisdictional Waters of the US.

The proposed project would impact eight streams, two wetland areas and one man-made pond. Impacts to streams are estimated at 1,703 linear feet (see Table 2). Pond impacts are estimated at 0.003 acre (see Table 3). Impacts to wetlands are estimated at 0.41 acre (see Table 4). Impact estimates were calculated based on the proposed roadway widening slope stake limits plus an additional 25 feet. Impacts are based upon preliminary design and could change during final design.

The USACE may require compensation for the loss of any wetlands greater than 0.1 acre, or if the activity causes more than 150 linear feet of perennial streambed impacts or intermittent streambed impacts if the intermittent stream has important aquatic function(s) as deemed by USACE. In accordance with 15A NCAC 2H .0506(h), DWQ may require compensation for impacts to 150 linear feet or more of jurisdictional streams and/or one acre or more of wetlands.

The NCDOT will investigate potential on-site stream and wetland mitigation opportunities once a final decision has been made. Off-site mitigation needed to satisfy the Federal Clean Water Act requirements for this project may be provided by the North Carolina Department of Environment and Natural Resources (NCDENR) Ecosystem Enhancement Program (EEP) in accordance with the "North Carolina Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument", dated July 28, 2010.

Table 2. Physical Characteristics of R-2603 Study Area Streams

Stream Name, ID (Figure No.)	Bank Height (feet)	Bankfull Width (feet)	Substrate	Water Depth (feet)	DWQ Index No.	Stream Designation (cold, cool or warm water)	Impacts (linear feet)	Stream Type <sup>1</sup>
Long Creek, S1 (2A)	6-7	14-18	Cobble, Gravel	0.5-1.5	12-42-9	Cool water	0	P
UT to Long Creek, S1B (2A)	2-3	2-3	Sand	0.2	12-42-9	Cool water	0	I
UT to Long Creek, S2 (2A)	5-7	8-10	Gravel, Sand	0.4-0.8	12-42-9	Cool water	0	I
UT to Mulberry Creek, S3 (2B, 2C)	2-5	6-8	Cobble, Gravel, Sand	0.5-1	12-42	Cool water	722.8	P
UT to Mulberry Creek, S3A (2B)	2-3	2-3	Sand	0.2	12-42	Cool water	120.23	I
UT to Mulberry Creek, S3B (2B)	2-3	1-2	Sand	0.2	12-42	Cool water	96.34	I
UT to Long Creek, S4 (2A)	3-8	6-8	Cobble, Gravel, Sand	0.4 -0.8	12-42-9	Cool water	99.34	P
Mulberry Creek (2B)	6-13	60	Bedrock, Cobble, Gravel	0.5 -2.0	12-42	Cool water	0	P
UT to Mulberry Creek, S5 (2B)	2-3	2-3	Sand	0.2	12-42	Cool water	0	I
UT to Mulberry Creek, S6 (2C)	.5	1	Sand	0.2	12-42	Cool water	18.43	E
UT to Mulberry Creek, S7 (2C)	4-6	4-5	Cobble, Gravel, Sand	0.2-0.6	12-42	Cool water	0	I
UT to Mulberry Creek, S8 (2C)	3-5	4-5	Gravel, Sand	0.0	12-42	Cool water	0	E
UT to Mulberry Creek, S9 (2C)	1-2	1-2	Sand	0.2	12-42	Cool water	324.69	E
UT to Long Creek, S10 (2B)	7-9	3-5	Gravel, Sand	0.3-0.8	12-42-9	Cool water	116.29	I
UT to Long Creek, S11 (2B)	0.5	2	Gravel, Sand	0.25	12-42-9	Cool water	205.15	I
<b>Total Impacts</b>							<b>1,703.27</b>	

<sup>1</sup>P-Perennial, I-Intermittent, E-Ephemeral

Table 3. Jurisdictional Open Waters

Pond or Lake Name (Figure No.)	Area (ac)	Impacts (ac)
P1 (2C)	0.2	0.003
<b>Total</b>	<b>0.2</b>	<b>0.003</b>

Table 4. Jurisdictional Wetlands

Wetland Name (Figure No.)	Wetland Area (ac)	Wetland Impacts (ac)	DWQ Score	Riverine Status	Soil Series	Cowardin Classification	On-Site Mitigation Potential
WA (2A)	0.01	0	4	Yes	UdC	PEM	No
WB (2B)	0.48	0.28	20	No	CkA	PEM	No
WC (2B)	0.13	0.13	20	No	CkA, SIB, MaC2	PEM/PSS	No
WD (2B)	0.04	0	15	Yes	RnE, PcB2	PFO	No
WE (2C)	0.02	0	0	No	PcC2	PEM	No
WF (2C)	0.11	0	11	No	PaD	PFO	No
<b>Total</b>	<b>0.79</b>	<b>0.41</b>					

#### 4.3 FLOODPLAIN FINDING

In accordance with Executive Order 11988, “Floodplain Management,” the proposed project was evaluated with respect to potential impacts on regulated floodplains/floodways.

Wilkes County is currently participating in the National Flood Insurance Regular Program. The only stream located in a detailed flood study area with a published floodway is Long Creek (Stream S1 on Figure 2A). No roadway widening is anticipated at Long Creek. The existing culvert is expected to be retained and a floodway modification would not be necessary. Two other stream crossings are located in FEMA Zone “A” areas: UT to Long Creek (Stream S2 on Figure 2A) and Mulberry Creek (Figure 2B). There are no properties that have been acquired with FEMA funds in the project study area.

The NCDOT Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), the delegated state agency for administering FEMA’s National Flood Insurance Program, to determine the status of the project with regard to applicability of NCDOT’S Memorandum of Agreement with FMP (dated 6/5/08), or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of

project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

## **5.0 COORDINATION AND COMMENTS**

The Environmental Assessment was completed in January 2011. NCDOT conducted a Combined Public Hearing for R-2603 on May 16, 2011 to review the recommended design and Environmental Assessment with the public, and receive their comments. A summary of the comments received on the EA is presented in Section 5.2. A summary of the comments received during the public hearing process is included in Section 5.3.

### **5.1 CIRCULATION OF THE ENVIRONMENTAL ASSESSMENT**

The EA was approved by the NCDOT and the FHWA on January 28, 2011. The approved EA was circulated to the following federal, state and local agencies for review and comments. An asterisk (\*) indicates a written response was received from the agency. Copies of the correspondence received are included in Appendix B.

- U.S. Army Corps of Engineers
- U.S. Department of Interior
- U.S. Environmental Protection Agency\*
- U.S. Fish and Wildlife Service
- Advisory Council on Historic Preservation
- N.C. Department of Administration – State Clearinghouse\*
- N.C. Department of Environment and Natural Resources, Winston-Salem Regional Office
- N.C. Department of Environment and Natural Resources, Division of Forest Resources
- N.C. Department of Environment and Natural Resources, Division of Water Quality\*
- N.C. Department of Cultural Resources
- N.C. Wildlife Resources Commission
- High Country Rural Planning Organization
- Wilkes County
- Town of North Wilkesboro

### **5.2 COMMENTS ON THE ENVIRONMENTAL ASSESSMENT**

**Comment:** A home owner requested installation of drainage pipes and a retaining wall at property on Reynolds Road.

**Response:** Division 11 discussed the comment with the property owner. Drainage is from a town street, not a state maintained road. The property is located on the east side of NC 18 and is not within an area that will be affected by the proposed project.

U.S. Environmental Protection Agency, Region 4, Raleigh Office, March 18, 2011

**Comment:** EPA has not identified any specific environmental concerns at this time.

**Response:** Comment noted.

### 5.3 PUBLIC HEARING COMMENTS

Following the circulation of the Environmental Assessment, a Combined Public Hearing was held for the subject project. The hearing was held on May 16, 2011 in the cafeteria of North Wilkesboro Elementary School. The informal public hearing was conducted in an open house format. The hearing was scheduled to take place from 4:30 p.m. to 6:30 p.m. Due to citizen interest, the public hearing began at 4:00 p.m. and remained open until 7:00 p.m. Fifty-two (52) citizens registered their attendance at the meeting. Six (6) comment forms were received. Several verbal comments were also communicated at the hearing.

**Comment 1:** A participant noted the public hearing map incorrectly indicates a building located along NC 268 across from WF Gaddy Road is demolished.

**Response:** Surveys in the area will be updated. Figure 2A in the Environmental Assessment (EA) is corrected in the Finding of No Significant Impact (FONSI).

**Comment 2:** A resident noted a problem with drainage on their property since the Mulberry Creek bridge was constructed.

**Response:** Division 11 contacted the resident. The Mulberry Creek bridge project required that an existing wetland be maintained and riser pipes installed. NCDOT is required to minimize wetland impacts during project design.

**Comment 3:** Signals were requested at Beaumont Poplar Street and Flint Hill Road.

**Response:** The proposed project should help reduce congestion along NC 268, making turns easier. A signal is not currently warranted at these intersections, and no traffic signals are proposed at Beaumont Poplar Street or Flint Hill Road. As with all intersections, NCDOT will monitor operations. If a signal is justified in the future, it will then be installed.

**Comment 4:** Several property and business owners suggested using a five-lane typical section in place of the four-lane divided typical section to improve safety and access.

**Response:** Several median openings are included along NC 268, which will allow for turning movements. Potential locations for a U-turn bulb-out to accommodate trucks will be evaluated during final design. Because the potential for crashes is lower with a four-lane divided section than with a five-lane typical section, a four-lane median-divided section is proposed.

**Comment 5:** A resident expressed concern that the proposed project only includes one access point to their property, which currently has two access points. The resident also noted the existing curb is too deep, causing a very rough entrance and exit.

**Response:** The proposed project provides access management. Two driveways will not fit in the design. However, NCDOT will coordinate with the property owner on the driveway width. NCDOT will correct the driveway grade issue at this location as part of the project.

**Comment 6:** A participant requested a Spanish interpreter when a right of way appraiser visits.

**Response:** This request was provided to NCDOT Right of Way at the public hearing.

**Comment 7:** A resident expressed concern about potential problems with tractor trailers navigating the proposed design at Aaron Call Road.

**Response:** NCDOT will investigate this issue further during final design.



#### **5.4 CERTIFICATION OF PUBLIC HEARING HELD**

In accordance with 23 U.S.C. 128, the NCDOT 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 comments from individuals have been considered in the selection of the preferred alternative for the project. The Official Public Hearing Comment Record and the post hearing meeting summary were provided to the FHWA. The public hearing certification was sent to the FHWA on November 1, 2011 (see Appendix B).

#### **5.5 ADDITIONAL COORDINATION**

On October 13, 2011, the NEPA/Section 404 Merger Team reached concurrence on the Least Environmentally Damaging Practicable Alternative (LEDPA) (Concurrence Point 3) and Avoidance and Minimization (Concurrence Point 4a).

The agencies represented on the R-2603 Section 404/NEPA Merger Team are:

- Federal Highway Administration
- US Environmental Protection Agency
- US Army Corps of Engineers
- US Fish and Wildlife Service
- NC Department of Transportation
- NC Wildlife Resources Commission
- NC Division of Water Quality
- NC State Historic Preservation Office

Merger Team members concurred that the Best-Fit Widening Alternative is the Least Environmentally Damaging Practicable Alternative for the project. Copies of the signed concurrence forms are included in Appendix C. Minutes and signature forms from prior NEPA/Section 404 Merger meetings are included in Appendix C of the EA, which is appended by reference.

#### **6.0 REVISIONS TO THE ENVIRONMENTAL ASSESSMENT**

Since the finalization of the EA on January 28, 2011, the following items were revised or corrected. Text revisions are shown in *italics*.

##### **6.1 REVISED PROPERTY INFORMATION**

Figure 2A in Appendix A of the EA indicated that there is a demolished building at 602 Elkin Highway in North Wilkesboro. The property owner noted at the public hearing that the building is not demolished; rather, it is an existing business. Figure 2A in Appendix A of this document is revised to show the correct information for the property and business.

##### **6.2 REVISED RESIDENTIAL AND BUSINESS RELOCATIONS**

The April 2010 Relocation Report included in Appendix E of the EA is replaced with the November 2011 Relocation Report in Appendix D of this document. The April 2010 Relocation Report indicated the proposed project would relocate seven residences, including two minority residences, and four businesses. The November 2011 Relocation Report indicates the proposed project is expected to result in the relocation of eight residences, including two minority residences, and seven businesses, including one minority-owned business.

Page S-2, Executive Summary item no. 6 in the EA is revised to state: "...is expected to result in the relocation of *eight* residences, including two minority residences, and *seven* businesses, *including one minority-owned business.*" in Section 4.1 on page 2 of this document.

Page S-3, Table S-1 and Page 5-28, Table 5-8 in the EA are revised to note 8 potential residential relocations, 7 potential business relocations, and 2 Minority Relocations/*1 Minority Business* minority population impacts in Table 1 on page 3 of this document.

Page S-3, Table S-1 Footnote 2 and Page 5-28, Table 5-8 Footnote 2 in the EA are revised to note "*Two minority residential relocations and one minority-owned business relocation* are included in the *eight* Potential Residential Relocations *and seven Potential Business Relocations.*" in Table 1 on page 3 of this document.

Page 5-15, Section 5.5.2 in the EA is revised to note "The proposed project is expected to result in *eight* residential and *seven* business displacements."

Page 5-16, Section 5.5.4 is revised to state "...two of the *eight* residences anticipated to be relocated as a result of the project are owned or rented by minority individuals. *One* of the *seven* businesses anticipated to be relocated *is a minority-owned business.*"

### **6.3 FARMLAND FORM REFERENCE**

Page S-3, Table S-1 Footnote 1 and Page 5-28, Table 5-8 Footnote 1 in the EA incorrectly stated NRCS Form AD 1006 was used. Footnote 1 is corrected to state "...from NRCS Form *CPA-106* calculated based on study area. *CPA-106* Impacts to ...." in Table 1 on page 3 of this document.

### **6.4 AVOIDANCE AND MINIMIZATION EFFORTS SINCE THE EA**

Avoidance and minimization measures were finalized by the NEPA/Section 404 Merger Team during the meeting for Concurrence Point 4a (Avoidance and Minimization) on October 13, 2011. Appendix C contains the signed Concurrence Point 4a form and meeting minutes.

At the Concurrence Point 4a meeting, the Merger Team concurred on avoidance and minimization efforts incorporated into the proposed project to date. In addition, the Merger Team agreed that if practicable, a 12-foot ditch, rather than an 18-foot ditch, will be included in the shoulder section used outside of the Town of North Wilkesboro limits, providing treatment of runoff while minimizing the overall footprint.

## **7.0 BASIS FOR FINDING OF NO SIGNIFICANT IMPACT**

Based upon a study of the proposed project documented in the EA and upon comments received from federal, state and local agencies and the public, it is the finding of the North Carolina Department of Transportation and the Federal Highway Administration that this project will not have a significant adverse impact upon the human or natural environment.

The recommended alternative for the proposed project is not controversial from an environmental standpoint. No significant impacts to natural, ecological, cultural, social, or scenic resources are expected. The proposed project is consistent with local plans and will not disrupt any communities. In view of the above evaluation, it has been determined that a Finding of No Significant Impact is applicable for this project. Therefore, neither an Environmental Impact Statement nor further environmental analysis is required.

Additional information regarding the proposed project and Finding of No Significant Impact can be obtained by contacting the following:

John F. Sullivan, III, P.E.  
Division Administrator  
Federal Highway Administration  
310 New Bern Avenue, Suite 410  
Raleigh, NC 27601  
(919) 856-4346

Gregory J. Thorpe, Ph.D., Manager  
Project Development and Environmental Analysis Unit  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, NC 27699-1548  
(919) 733-3141

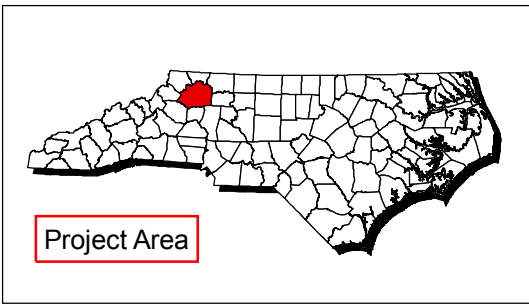


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# **APPENDIX A – FIGURES**

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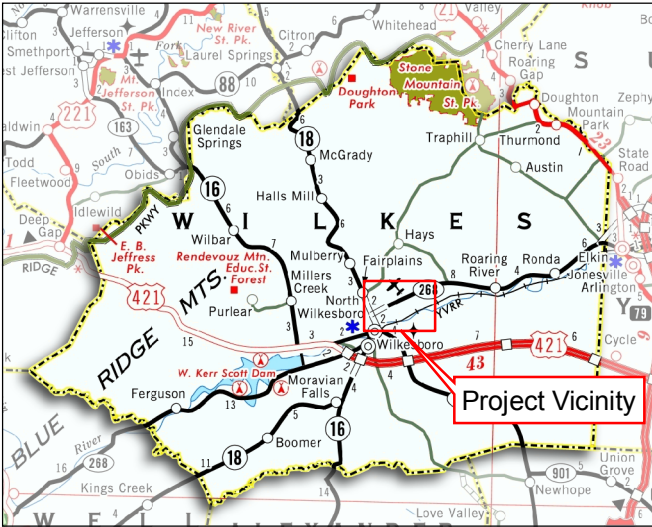


**Figure 1**

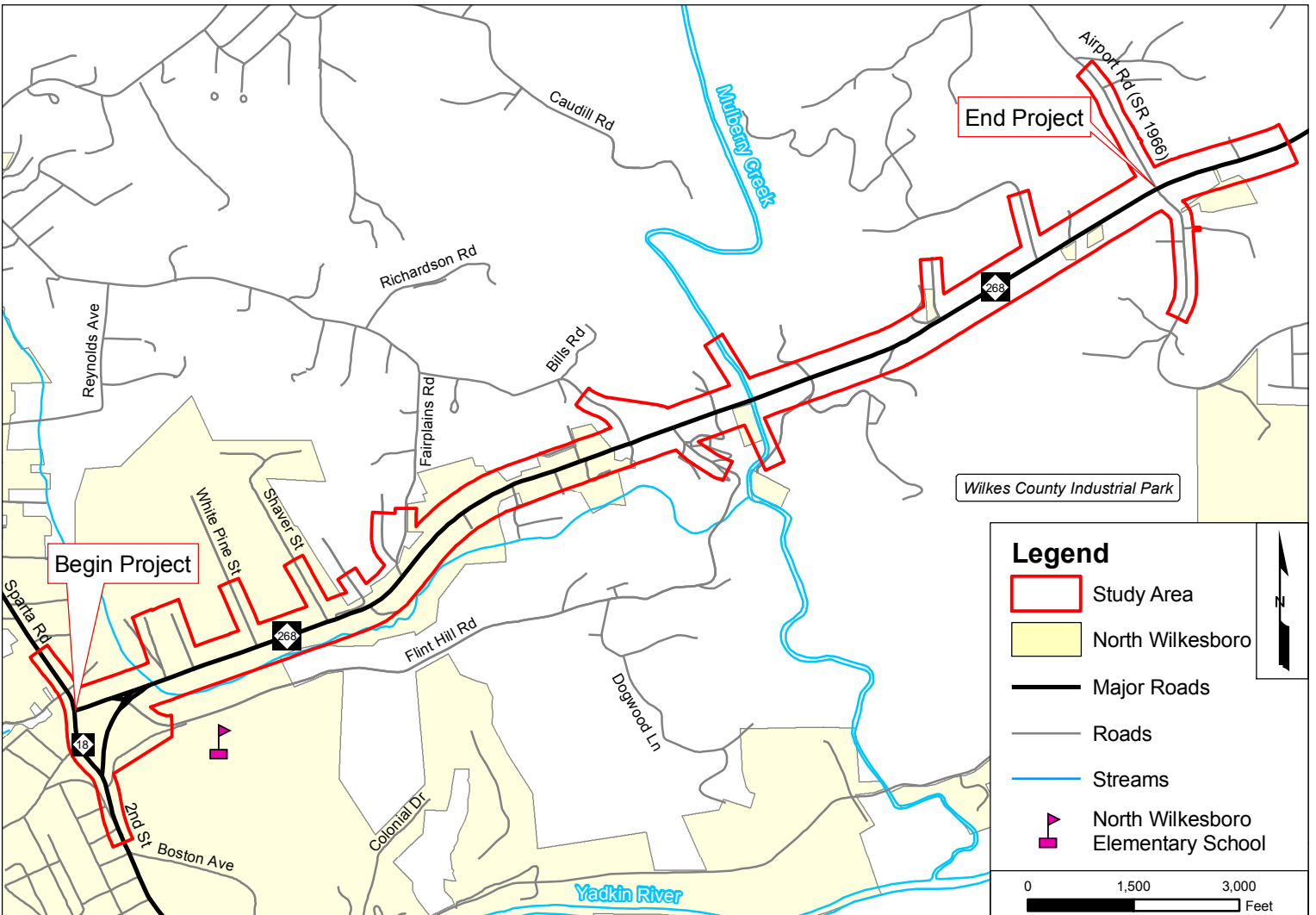
**Project Vicinity**

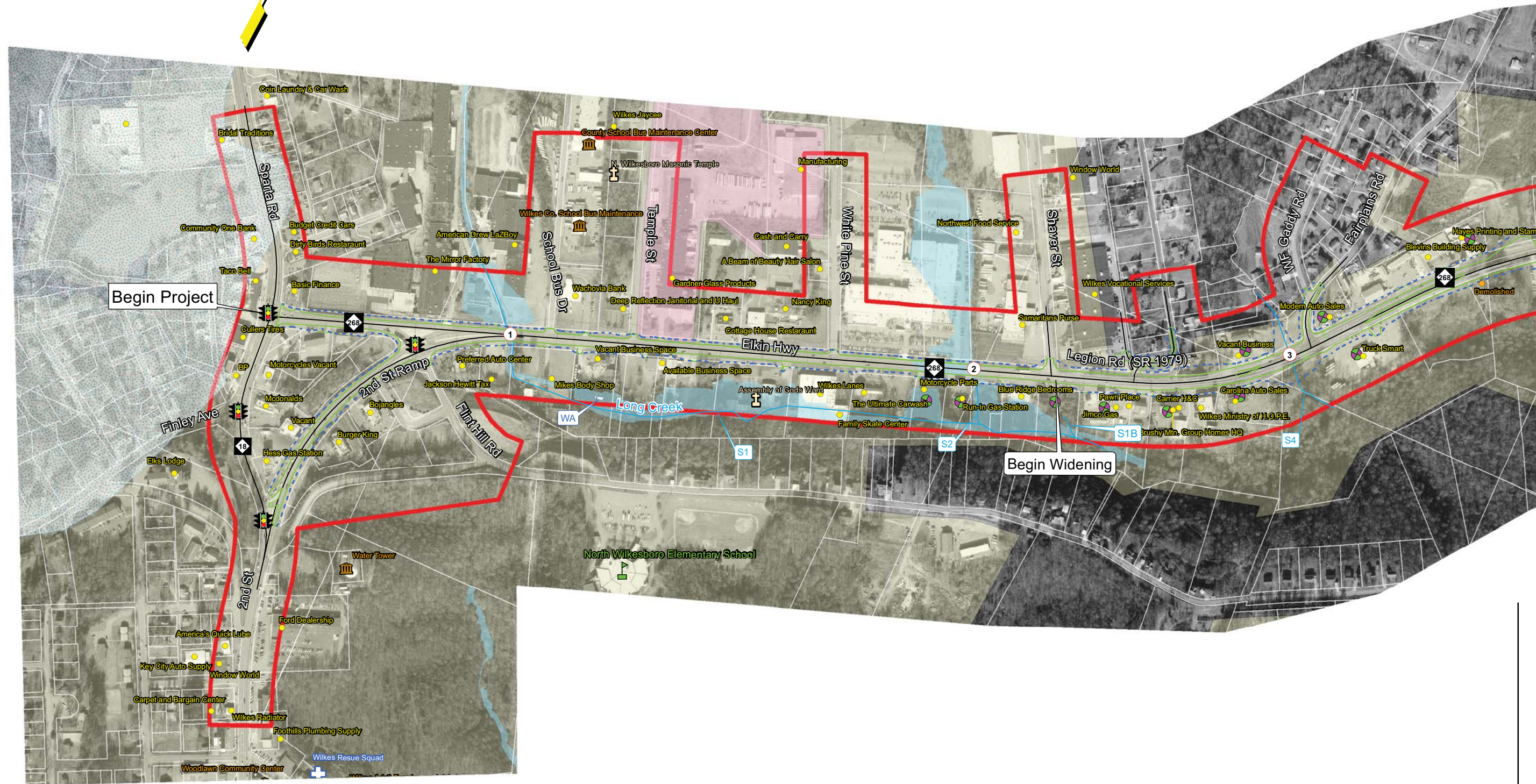
R-2603

NC 268 (Elkin Highway) Widening and Improvements  
from NC 18 to SR 1966 (Airport Road)  
Wilkes County, North Carolina

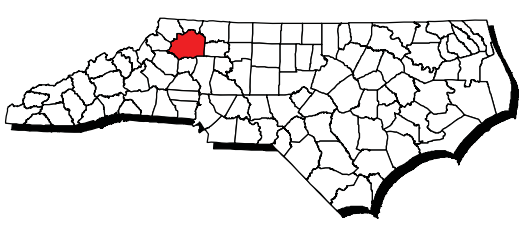


North Carolina  
Department of Transportation

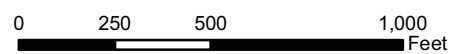




Match to Figure 2B



Prepared For:  
North Carolina Department  
of Transportation

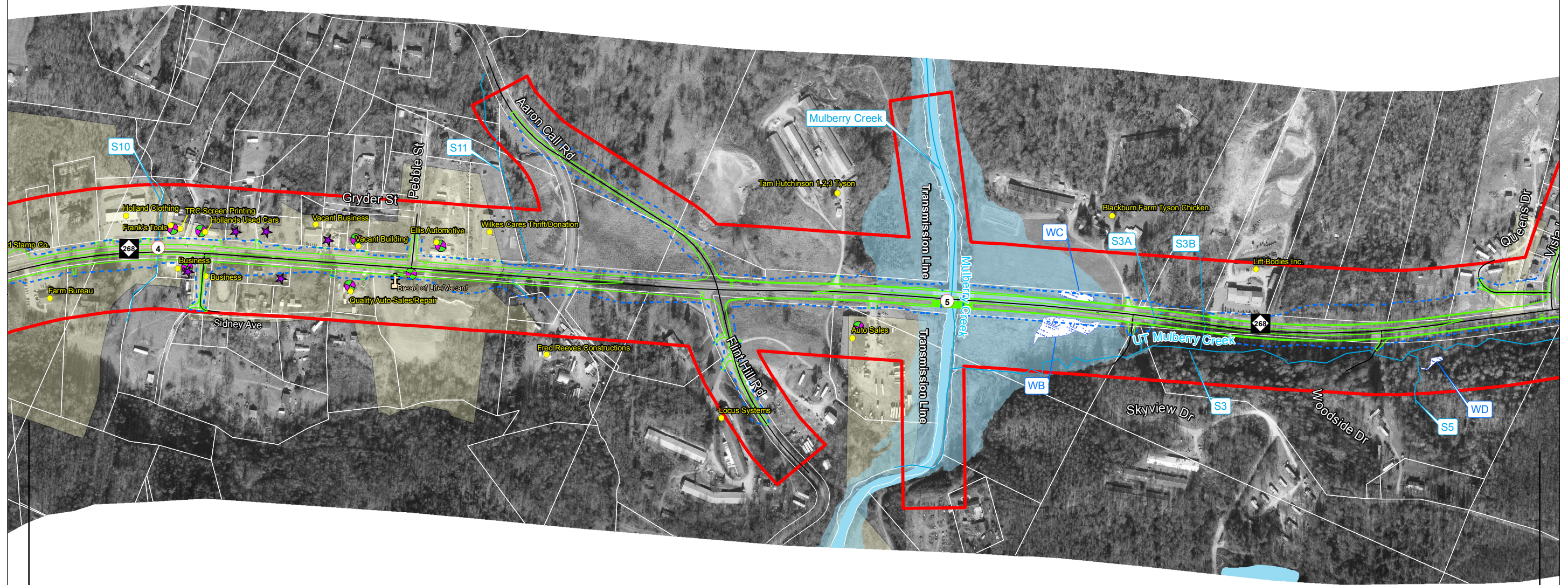
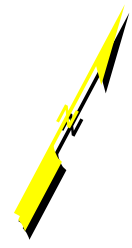


**NC 268 Widening and Improvements**  
**Notable Features**  
 NCDOT TIP Project No. R-2603  
 NC 18 to SR 1966 (Airport Road)  
 Wilkes County, North Carolina  
 Map Date: 11/23/10  
 Orthophotography: NCDOT, 2008

Legend	
	Study Area
	North Wilkesboro
	Parcels
	Waterbody
	Wetlands
	Reddies River WS-II
	Superfund (Archived)
	Edge of Pavement
	Centerline
	Slope Stakes
	Significant Natural Heritage Area
	100 Year Floodplain
	Streams
	Hazmat/Underground Storage Tanks
	Hydraulic Sites
	Natural Heritage Program Sites
	Schools
	Government Facilities
	Emergency Facilities
	Churches
	Businesses
	Impacted Noise Receptors

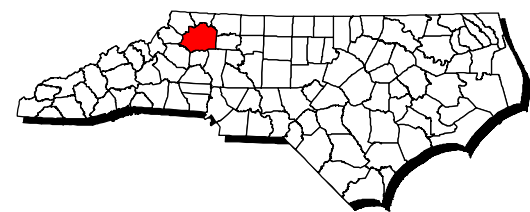
Figure  
2A



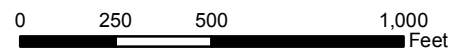


Match to Figure 2A

Match to Figure 2C



Prepared For:  
North Carolina Department  
of Transportation



**NC 268 Widening and Improvements**  
**Notable Features**  
NCDOT TIP Project No. R-2603  
NC 18 to SR 1966 (Airport Road)  
Wilkes County, North Carolina  
Map Date: 11/23/10  
Orthophotography: NCDOT, 2008

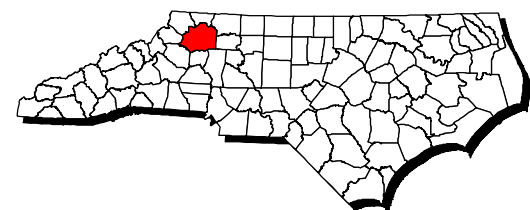
**Legend**

- |                      |                                   |                                |
|----------------------|-----------------------------------|--------------------------------|
| Study Area           | Edge of Pavement                  | Hydraulic Sites                |
| North Wilkesboro     | Centerline                        | Natural Heritage Program Sites |
| Parcels              | Slope Stakes                      | Schools                        |
| Waterbody            | Significant Natural Heritage Area | Government Facilities          |
| Wetlands             | 100 Year Floodplain               | Emergency Facilities           |
| Reddies River WS-II  | Streams                           | Churches                       |
| Superfund (Archived) | Hazmat/Underground Storage Tanks  | Businesses                     |
|                      |                                   | Impacted Noise Receptors       |

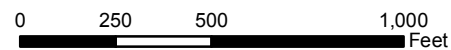
Figure  
2B



Match to Figure 2B



Prepared For:  
North Carolina Department  
of Transportation



**NC 268 Widening and Improvements**  
**Notable Features**  
NCDOT TIP Project No. R-2603  
NC 18 to SR 1966 (Airport Road)  
Wilkes County, North Carolina  
Map Date: 11/23/10  
Orthophotography: NCDOT, 2008

**Legend**

- |                      |                                   |                                |
|----------------------|-----------------------------------|--------------------------------|
| Study Area           | Edge of Pavement                  | Hydraulic Sites                |
| North Wilkesboro     | Centerline                        | Natural Heritage Program Sites |
| Parcels              | Slope Stakes                      | Schools                        |
| Waterbody            | Significant Natural Heritage Area | Government Facilities          |
| Wetlands             | 100 Year Floodplain               | Emergency Facilities           |
| Reddies River WS-II  | Streams                           | Churches                       |
| Superfund (Archived) | Hazmat/Underground Storage Tanks  | Businesses                     |
|                      |                                   | Impacted Noise Receptors       |

Figure  
2C

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# **APPENDIX B – AGENCY CORRESPONDENCE**

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## Liz Kovasckitz

---

**From:** Militscher.Chris@epamail.epa.gov  
**Sent:** Friday, March 18, 2011 2:39 PM  
**To:** Edwards, Marshall  
**Cc:** monte.k.matthews@usace.army.mil; Euliss, Amy  
**Subject:** Federal EA for R-2603, NC 268 Widening, Wilkes Co.

Marshall: EPA has reviewed the above referenced document and has not identified any specific environmental concerns at this time. The proposed project is in the NEPA/Section 404 Merger process. EPA will provide future input into potential avoidance and minimization measures for jurisdictional impacts (0.4 acres of wetlands and 1,703 linear feet of streams) as the process moves forward. Thank you for the opportunity to comment.

Christopher A. Militscher, REM, CHMM  
Merger Team Representative  
USEPA Region 4 Raleigh Office  
919-856-4206



*Marshall*

North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Coleen H. Sullins  
Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

February 25, 2011

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Dr. Greg Thorpe, PhD., Manager  
Project Development and Environmental Analysis Branch  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina, 27699-1548

Subject: Proposed improvements to NC 268 in Wilkes County, Federal Aid Project No. STP-0268(15), State Project No. 36001.1.2, TIP R-2603.

Dear Dr. Thorpe:

This letter is in reference to the application dated February 21, 2011 for the proposed improvements to NC 268 in Wilkes County. The project is being planned in accordance with the 404/NEPA Merger agreement. The purpose of the permit application is to solicit public input on the proposed reasonable and feasible alternatives. At this time, the selection of a preferred alternative has not occurred. Pursuant to 15A NCAC 2H .0507 (a), this application is not considered complete and does not qualify as the formal application for a 401 Water Quality Certification. Therefore, our 60-day time limit has not been activated. We look forward to participating in future team meetings on this project.

If you have any questions, please contact Amy Euliss at (336) 771-4959.

Sincerely,

Brian L. Wrenn  
Transportation Permitting Unit

- cc: Monte Matthews, US Army Corps of Engineers, Raleigh Field Office (electronic copy)
- Chris Militscher, Environmental Protection Agency (electronic copy)
- Marla Chambers, NC Wildlife Resources Commission (electronic copy)
- Marella Buncick, US Fish and Wildlife Service (electronic only)
- Wetland/401 Transportation Permitting Unit
- File Copy

**RECEIVED**  
Division of Highways

MAR 02 2011

Preconstruction  
Project Development and  
Environmental Analysis Branch

Transportation Permitting Unit  
1650 Mail Service Center, Raleigh, North Carolina 27699-1650  
Location: 512 North Salisbury Street., Raleigh, North Carolina 27604  
Phone: 919-733-1786 \ FAX: 919-733-6893  
Internet: <http://h2o.enr.state.nc.us/ncwetlands/>

One  
North Carolina  
*Naturally*

## Liz Kovasckitz

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**From:** State Clearinghouse <State.Clearinghouse@doa.nc.gov>  
**Sent:** Friday, February 25, 2011 1:43 PM  
**To:** Edwards, Marshall  
**Cc:** Carroll, A Michelle  
**Subject:** ACKNOWLEDGMENT EMAIL - SCH #11-E-4220-0201 - TIP No. R-2603, Widening of Elkin Highway

Dear Mr. Marshall Edwards,

This is a notification to you that the N.C. State Environmental Review Clearinghouse has received the *TIP No. R-2603, Widening of Elkin Highway* project. This project has been assigned **State Clearinghouse #11-E-4220-0201** and this number should be used in all inquiries or correspondence with this office.

Copies of the environmental document are being sent to various governmental organizations for review and comment. In addition, notification of the availability of the document will appear on the *North Carolina Environmental Bulletin* at <http://www.doa.nc.gov/clearing/ebulletin.aspx>.

The review of this project should be completed on **March 25, 2011**. After the review has concluded, the comments and signoff letter will be emailed to the email address used for this message. If you have an alternate email, please email it to me at [State.Clearinghouse@doa.nc.gov](mailto:State.Clearinghouse@doa.nc.gov).

Should you have any questions, please email [State.Clearinghouse@doa.nc.gov](mailto:State.Clearinghouse@doa.nc.gov).

-----  
Sheila Green  
Assistant to the Chief Operating Officer  
N.C. Department of Administration  
State Environmental Review Clearinghouse  
1301 Mail Service Center  
Raleigh, NC 27699-1301  
919-807-2425 - Office  
919-733-9571 - Fax



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

November 1, 2011

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

Dear Mr. Sullivan,

SUBJECT: NC 268 (Elkin Highway) Multi-lanes East of NC 18 to SR 1966  
(Airport Rd). Widen to Multi-lanes. Wilkes County, Federal Aid Project # STP-  
0268 (1 5), WBS # 36001.1.1.2, TIP # R-2603

CERTIFICATION OF PUBLIC HEARING AND ENVIRONMENTAL REVIEW

This is to certify that a combined public hearing was held for the subject project on June 28, 2011. A copy of the post hearing minutes is for your records.

This is also to certify that the North Carolina Department of Transportation, Division of Highways, has considered the impact of the project on the environment, its economic and social effects, and the consistency of the project with the goals and objectives of the region.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory J. Thorpe".

Gregory J. Thorpe, PhD, Director  
Project Development and Environmental Analysis Branch

Attachments

jme



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**APPENDIX C – NEPA/SECTION  
404 MERGER FORMS AND  
MEETING MINUTES**

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## MEETING NOTES

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**TO:** Meeting Participants  
**FROM:** Liz Kovasckitz, Mulkey Engineers and Consultants  
**DATE:** October 25, 2011  
**SUBJECT:** Merger Concurrence Point 3 and 4a Meeting, NC 268 Improvements, Wilkes County, NCDOT TIP Project R-2603

A NEPA/Section 404 Merger Team meeting was held for the subject project on October 13, 2011 in the Structures Conference Room at NCDOT Century Center. The purpose of the meeting was to reach concurrence on the Least Environmentally Damaging Practicable Alternative (LEDPA) (Concurrence Point 3) and Avoidance and Minimization (Concurrence Point 4a). Meeting attendees are listed below. A summary of the meeting follows.

### MEETING PARTICIPANTS

Mack Bailey	NCDOT – Structure Design
Johnny Banks	Mulkey
Mitch Batuzich	FHWA
Trent Beaver	NCDOT – Division 11 (by phone)
Donnie Brew	FHWA
Monroe Brown	NCDOT – Utilities
Marella Buncick	USFWS
Marla Chambers	NCWRC
Erin Cheely	NCDOT – PDEA/NEU
Pam Cook	NCDOT – Transportation Planning
Carla Dagnino	NCDOT – PDEA/NEU
Marshall Edwards	NCDOT – PDEA
Amy Euliss	NCDWQ
Lawrence Gettier	NCDOT – WZTC
Renee Gledhill-Early	NCDOT – SHPO
Phil Harris	NCDOT – PDEA/NEU
Teresa Hart	NCDOT – PDEA
Kimberly Hinton	NCDOT – PDEA/PI
Tony Houser	NCDOT – Roadway Design
Craig Hughes	High Country RPO
Bruce Klappenbach	NCDOT – Structure Design
Liz Kovasckitz	Mulkey
Byron Kyle	NCDOT – Roadway Design
Monte Matthews	USACE
Chris Militscher	USEPA
Han Nguyen	NCDOT – Structure Design
Gene Nocerino	NCDOT – PDEA/NEU
Stacy Oberhausen	NCDOT – PDEA
Daniel Sellers	NCDOT – Transportation Planning
Heath Slaughter	NCDOT – Division 11 (by phone)
Jerry Snead	NCDOT – Hydraulics
Mark Staley	NCDOT – Roadside Environmental
Wilson Stroud	NCDOT – PDEA
Greg Thorpe	NCDOT – PDEA

Monte Matthews opened the concurrence meeting for R-2603, noting the agenda included Concurrence Point 3 (Least Environmentally Damaging Practicable Alternative [LEDPA]) and Concurrence Point 4a (Avoidance and Minimization). Mr. Matthews welcomed meeting attendees and asked them to introduce themselves for the record. Extra copies of the project informational packets that were provided to Merger Team members in advance of the meeting were made available. The public hearing map and maps showing the proposed project with notable project features were displayed. Mr. Matthews turned the meeting over to Marshall Edwards. Mr. Edwards gave a brief introduction of the project and then asked Liz Kovasckitz to proceed with the presentation.

Ms. Kovasckitz began the presentation with an overview of the meeting agenda and packet. Ms. Kovasckitz then provided general project information and a study area description. NCDOT State Transportation Improvement Program Project R-2603 is the widening and improvement of NC 268 from NC 18 to SR 1966 (Airport Road) in Wilkes County. A portion of the project is located in the Town of North Wilkesboro. The NC 268 project study corridor begins at the signalized intersection of NC 268 and NC 18 and ends 2,000 feet east of the intersection of NC 268 and Airport Road. The study area is a 600-foot wide corridor along NC 268 and extends 1,000 feet down the intersecting streets. At the eastern end of the proposed project, the study area extends 2,000 feet in each direction along Airport Road and 2,000 feet east on NC 268 from its intersection with Airport Road.

The Merger Team concurred on the Purpose and Need and Study Area Defined (Concurrence Point 1) and Design Options for Detailed Study (Concurrence Point 2) at their November 18, 2008 meeting. Ms. Kovasckitz briefly reviewed the purpose of and need for the proposed project and referred meeting attendees to minutes from the November 18<sup>th</sup> meeting included in Appendix B of the packet for additional information.

Ms. Kovasckitz stated that an Environmental Assessment for the project was signed on January 28, 2011 and a Combined Public Hearing was held on May 16, 2011. The current schedule shows right of way acquisition beginning in 2013 and construction in 2015.

Ms. Kovasckitz then reviewed notable features in the project study area, as shown on the public hearing map and Figures 2A through 2C of the meeting packet. From west to east along the project, existing NC 268 consists of three different cross sections: four-lane, five-lane, and two-lane. The topography along portions of the NC 268 corridor is steep, particularly in the eastern portion of the study area. Twenty-one underground storage tanks (USTs) have been identified throughout the project area; low UST impacts are anticipated. Utilities are also located throughout the project area, including aerial and underground fiber optic cables, aerial power lines, and sewer. Ms. Kovasckitz pointed out other notable features on the figures including stream crossings, wetlands, noise receptors, neighborhoods, and the Reddies River water supply watershed. Ms. Kovasckitz noted the project design realigns Aaron Call Road to form an intersection with Flint Hill Road. Flint Hill Road is shifted slightly to the east to avoid impacts to inhabited properties and maintain traffic during construction.

Ms. Kovasckitz described water resources within the project area, which include Long Creek, Mulberry Creek and their tributaries. Long Creek is on the 303(d) list due to "impaired biological integrity." An unnamed tributary (UT) to Mulberry Creek runs close and parallel to NC 268 near the eastern end of the project. Detailed stream, wetland and pond information was provided in Tables 4-1 through 4-3 of the packet.

The NC Wildlife Resources Commission (WRC) has indicated that Mulberry Creek supports smallmouth bass, a popular game fish, in the project vicinity and possibly largemouth bass and spotted bass as well. The WRC has requested an in-water work moratorium for Mulberry Creek and its unnamed tributary for smallmouth bass from May 1 to July 15 to prevent off site sedimentation impacting fish eggs and fry downstream. A decision regarding the feasibility of providing the May 1 to July 15 in-water work moratorium will be made during the permitting phase of the project. Ms. Kovasckitz noted NCDOT is coordinating with WRC on their request to provide access to a planned facility near the bridge over Mulberry Creek.

Ms. Kovasckitz reviewed the Best-Fit Widening Alternative, which was approved for detailed study along with the No Build Alternative at the November 18, 2008 Merger meeting. There are five proposed typical sections associated with the Best-Fit Widening Alternative:

- Typical Section 1: Upgrades to existing multi-lane section (NC 18 to Shaver Street)
- Typical Section 2: Five-lane curb and gutter (Shaver Street to Fairplains Road)
- Typical Section 3: Four-lane divided with curb and gutter (Fairplains Road to Aaron Call Road)
- Typical Section 4: Four-lane divided with shoulder (Aaron Call Road to Airport Road)
- Typical Section 4A: Bridge over Mulberry Creek

The Merger Team concurred on Bridging and Alignment Review (Concurrence Point 2a) at their July 22, 2010 meeting. The preliminary hydraulics analysis for R-2603 determined there are five major stream crossings in the project area. Details related to these crossings were shown in Table 5-1 of the packet. Ms. Kovasckitz briefly reviewed the major drainage structure recommendations for the project and referred meeting attendees to minutes from the July 22<sup>nd</sup> meeting included in Appendix B of the packet for additional information.

Fifty-two citizens registered their attendance at the project's combined public hearing held on May 16, 2011. Most of the comments received related to concerns about property impacts or access. Ms. Kovasckitz noted a summary of the hearing was included in Appendix C of the packet.

Ms. Kovasckitz then reviewed several slides pertaining to the selection of the LEDPA and measures taken to during the project development process to avoid and minimize impacts. She stated NCDOT's Recommended Alternative was the Best-Fit Widening Alternative and reviewed details associated with the alternative's typical sections and alignment. Ms. Kovasckitz noted the Town of North Wilkesboro has asked to participate in the NCDOT cost share program for pedestrian facilities. She indicated where sidewalks and bicycle accommodations were included along the project during her review of typical sections.

Ms. Kovasckitz then reviewed impacts associated with the Best-fit Widening Alternative, referring meeting participants to Table 6-1 in their packets. She indicated impacts were calculated based on the slope stake limits plus 25 feet. Potential impacts include: seven residential relocations, including two minority relocations; four business relocations; 0.41 acre of wetland impacts; 1,703 linear feet of stream impacts; and, approximately 13 acres of forest impacts. There are four residences and one business that may be impacted by noise. Impacts from petroleum contaminated soils may be encountered at three sites presently or formerly containing possible petroleum USTs. Ms. Kovasckitz noted that the State Historic Preservation Office has concurred that the project would not impact historic architecture or archaeological resources. No protected species would be impacted by the proposed project.

### **Concurrence Point 3 Discussion - LEDPA**

Monte Matthews asked if the slope stake limits shown on the figures in the packet included the 25 additional feet used for calculating impacts. Ms. Kovasckitz responded that the figures showed the slope stake limits and did not include the additional 25 feet.

Marla Chambers asked for additional information regarding the Superfund (Archived) Site shown on Figure 2A. Ms. Kovasckitz noted the former Gardner Glass Products location was no longer an active Superfund Site and had been removed from EPA's list as such. Chris Militscher asked if when referring to the site as Superfund it was indicating its one-time inclusion in EPA's CERCLIS database. Ms. Kovasckitz replied yes.

Merger Team members then concurred that the Best-Fit Widening Alternative is the Least Environmentally Damaging Practicable Alternative for the project and the Concurrence Point 3 form was circulated for

signatures (attached).

Ms. Kovasckitz continued with the presentation.

The Best-Fit Widening Alternative minimizes impacts to resources. However, it is not feasible for the proposed project to completely avoid impacts to Waters of the US and still meet the purpose and need of the project. Ms. Kovasckitz reviewed the information as included in the packet and slide presentation, which cited several ways impacts had or would be avoided and/or minimized:

- The proposed alignment varies between symmetrical widening and widening north or south of the existing roadway as needed to minimize impacts to land use and important environmental features.
- The Best-Fit Alternative starts out as a generally symmetrical widening but transitions quickly to widen to the south to avoid impacts to businesses.
- Widening shifts and stays to the north near the bridge over Mulberry Creek to avoid impacts to the unnamed tributary to Mulberry Creek on the south side of NC 268.
- Widening associated with the roadway improvements will be performed within the existing right of way to the maximum extent possible to minimize the amount of impacts to areas which are currently undisturbed.
- The use of varied typical sections in conjunction with a best-fit alignment results in a context sensitive roadway that matches the characteristics of the existing landscape and is responsive to local desires while minimizing and avoiding impacts.
- A 12-foot ditch, rather than an 18-foot ditch, is included in the shoulder section used outside of the Town of North Wilkesboro limits, providing treatment of runoff while minimizing the overall footprint.
- Flint Hill Road will be shifted slightly to the east to avoid impacts to inhabited properties and maintain traffic during construction.
- Hydraulic structures proposed at Site 3 and Site 4 will be buried one foot to allow fish passage.
- Proposed infrastructure upgrades for the existing multi-lane section of NC 268 will meet current drainage structure standards.
- Jurisdictional impacts have been avoided and minimized to the maximum extent practicable based on current information and preliminary design using a best-fit approach. Approximately 1,703 linear feet of stream impacts are anticipated as a result of the propose project. Anticipated wetlands impacts are approximately 0.4 acre. Anticipated pond impacts are approximately 0.003 acre. Proposed impacts were calculated based on the proposed roadway slope stake limits plus an additional 25 feet.
- Appropriate measures will be taken to avoid spillage of construction materials and control runoff. Such measures include an erosion and sedimentation control plan, provisions for disposal and handling of waste materials and storage, stormwater management measures, and appropriate road maintenance measures. The construction activities associated with the project will strictly follow NCDOT's *Best Management Practices for Construction and Maintenance Activities* (BMP-CMA) and *Protection of Surface Waters* (BMP-PSW).
- Sedimentation control guidelines will be strictly enforced during the construction stages of the project. Design Standards in Sensitive Watersheds will be adhered to for sediment and erosion control measures.

Ms. Kovasckitz noted that additional minimization may be achieved during final design with more precise mapping, including the project hydraulic design (Concurrence Point 4B and 4C), and utility relocation design.

### **Concurrence Point 4a Discussion - Avoidance and Minimization**

A meeting participant asked if stream impacts included sections of the stream that were already piped. Ms. Kovasckitz responded previously impacted areas were not included in the project impact totals.

A meeting participant noted that information on hydraulic structure Sites 3 and 4 indicated they would be buried one foot for fish passage and was interested in how that would work. A meeting participant responded that typically the box culvert or pipe is buried one foot to allow sediment to accumulate at the bottom and act as the bottom of the stream through the structure. Trent Beaver indicated there might be a need to include baffles at Site 3 to maintain the width of the stream through the culvert.

Chris Militscher stated that EPA concurs that the following two items are 404 minimization measures:

- Widening shifts and stays to the north near the bridge over Mulberry Creek to avoid impacts to the unnamed tributary to Mulberry Creek on the south side of NC 268.
- A 12-foot ditch, rather than an 18-foot ditch, is included in the shoulder section used outside of the Town of North Wilkesboro limits, providing treatment of runoff while minimizing the overall footprint.

Mr. Militscher noted the other items listed were not 404 minimization measures. They may be 401 avoidance and minimization, or just other avoidance and minimization. Mr. Militscher stated he would like the Concurrence Point 4a signature form to indicate the items that are included under 404(b). Monte Matthews agreed with Mr. Militscher's statement. Based on these comments and additional comments and discussion on wording, the Concurrence Point 4a signature form was revised as shown in italics below:

#### ***404(B) AVOIDANCE AND MINIMIZATION***

- Widening shifts and stays to the north near the bridge over Mulberry Creek to *minimize* impacts to the unnamed tributary to Mulberry Creek on the south side of NC 268.
- *If practicable*, a 12-foot ditch, rather than an 18-foot ditch, is included in the shoulder section used outside of the Town of North Wilkesboro limits, providing treatment of runoff while minimizing the overall footprint.

Merger Team members agreed the remaining avoidance and minimization items included on the form should be included under a separate section titled "Other Avoidance and Minimization" (see attached Concurrence Point 4a signature form). Mr. Militscher noted he had provided a type of standardized form in the past listing the five primary means of avoidance and minimization under 404(b)(1) guidelines. Examples include reduced median or shoulder width, bridging, and other typical things that are done to avoid direct impacts to waters of the US. There is also a category of avoidance and minimization that includes 401, BMPs, avoiding historic structures, etc. Stacy Oberhausen requested a copy of the form and Mr. Militscher noted he would send it to her. Marshall Edwards noted if anyone else wanted a copy of the information to let him know.

Merger Team members then concurred on Avoidance and Minimization for the project and the Concurrence Point 4a form was circulated for signatures (attached).

Marshall Edwards asked if there were any additional questions or comments. Mark Staley noted there was a High Quality Waters area at the beginning of the project. He asked if that was the reason for the inclusion of the commitment to use Design Standards in Sensitive Watersheds for sediment and erosion control as an Avoidance and Minimization measure and as a commitment in the Environmental Assessment. Ms. Kovasckitz responded the water supply watershed at the western end of the project is not affected by the project. The commitment is included because of the 303(d) stream, Long Creek.

Carla Dagnino stated that Long Creek was not on the 303(d) list because of sediment or turbidity. It was on

the list due to impaired biological integrity. Amy Euliss stated that DWQ typically requests the use of Design Standards in Sensitive Watersheds for streams with impaired biological integrity. She noted that was currently being challenged and she was waiting to see the outcome of the challenge. For now, DWQ is still requesting the use of Design Standards in Sensitive Watersheds for impaired biological integrity. Chris Militscher added that EPA is also requesting the commitment because when a stream is impaired any additional pollution can make it worse. If you already have degraded water quality as a result of a particular pollutant adding another will further degrade the stream. Ms. Dagnino stated she understood. However, the approach in similar situations has been to adhere to the commitment where impairment was caused by sediment. It would be a big change to use the commitment for 303(d) streams impaired for any reason. Mr. Militscher noted the anti-degradation standard has been in effect for almost 40 years, since 1972. Ms. Dagnino stated there was agreement at NCDOT to adhere to the Standards in Sensitive Watersheds when sediment was the cause for impairment. Marla Chambers noted it seemed it was in just the last few years that had started. Mr. Staley noted it had been used for sediment for a long time, but when EPA changed the way the 303(d) streams were listed, it was also included for turbidity.

Mr. Militscher indicated EPA has to approve the State's bi-annual report on water quality classifications and the 303(d) list. EPA is finding the list is not getting any shorter; rather, it is getting longer every year. Mr. Militscher stated the causes of stream impairment have been dissected in the past but when it comes down to it, it doesn't matter if you trade one for the other. If it is sediment, it is adding to the problem and EPA likes to see the most sensitive design to prevent further pollution. Carla Dagnino noted some of the protocols may need to be revisited so there weren't surprises at the end stages of project development. Ms. Euliss noted she believed the use of Design Standards in Sensitive Watersheds had been her comment all along and it is standard for DWQ to make that comment in the response to project scoping letters. It should not be a surprise that it is included. Ms. Dagnino responded that it is not a surprise on this project. However, looking at the overall process and all 303(d) streams, it would be a big change for NCDOT as there are other projects that are not included in the Merger process with 303(d) streams.

Marshall Edwards asked for any additional comments. Hearing none, the meeting was adjourned.

**CORRECTIONS & OMISSIONS:** This summary is the writer's interpretation of the events, discussions, and transactions that took place during the meeting. If there are any additions and/or corrections, please inform Marshall Edwards at [medwards@ncdot.gov](mailto:medwards@ncdot.gov) or the writer in writing within seven (7) days.

Attachments: Signed Concurrence Point 3 form  
Signed Concurrence Point 4a form



SECTION 404/NEPA INTERAGENCY AGREEMENT

CONCURRENCE POINT NO. 3

LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE  
(LEDPA)

PROJECT TITLE AND PROJECT NUMBERS:

NC 268 (Elkin Highway) Widening and Improvements from NC 18 to SR 1966 (Airport Road),  
Wilkes County

Federal Aid Project No. STP-0268(15), WBS No. 36001.1.2, TIP Project No. R-2603

PURPOSE AND NEED OF THE PROPOSED ACTION:

- Improve traffic flow and level of service, and reduce conflicts between through and local traffic on NC 268 in the project area; and,
- Provide infrastructure upgrades to the existing multi-lane section of NC 268 between NC 18 and Shaver Street

LEAST ENVIRONMENTALLY DAMAGING PRACTICABLE ALTERNATIVE (LEDPA):

Best-Fit Widening Alternative

The project team has concurred on the LEDPA for the proposed project as listed above.

<u>NAME</u>	<u>AGENCY</u>	<u>DATE</u>
<i>Michael J. Jost</i>	FHWA	10-13-11
<i>Dea D. [unclear]</i>	USEPA	10-13-11
<i>Mark Matthews</i>	USACE	10-13-11
<i>Madeline [unclear]</i>	USFWS	10/13/11
<i>Marshall [unclear]</i>	NCDOT	10/13/11
<i>Marla Chambers</i>	NCWRC	10/13/2011
<i>Amy [unclear]</i>	NCDWQ	10/13/2011
<i>Rever Madkill-Earley</i>	NCSHPO	10-13-11

## SECTION 404/NEPA INTERAGENCY AGREEMENT

### CONCURRENCE POINT NO. 4A AVOIDANCE AND MINIMIZATION

#### PROJECT TITLE AND PROJECT NUMBERS:

NC 268 (Elkin Highway) Widening and Improvements from NC 18 to SR 1966 (Airport Road), Wilkes County

Federal Aid Project No. STP-0268(15), WBS No. 36001.1.2, TIP Project No. R-2603

#### PURPOSE AND NEED OF THE PROPOSED ACTION:

- Improve traffic flow and level of service, and reduce conflicts between through and local traffic on NC 268 in the project area; and,
- Provide infrastructure upgrades to the existing multi-lane section of NC 268 between NC 18 and Shaver Street

#### LEDPA/RECOMMENDED ALTERNATIVE:

Best-Fit Widening Alternative

#### AVOIDANCE AND MINIMIZATION:

The recommended Best-Fit Widening Alternative minimizes impacts to resources. However, it is not feasible for the proposed project to completely avoid impacts to the Waters of the US and still meet the purpose and need of the project. The following avoidance and minimization efforts have been incorporated into the proposed project:

#### 404(B) AVOIDANCE AND MINIMIZATION

- Widening shifts and stays to the north near the bridge over Mulberry Creek to minimize impacts to the unnamed tributary to Mulberry Creek on the south side of NC 268.
- If practicable, a 12-foot ditch, rather than an 18-foot ditch, is included in the shoulder section used outside of the Town of North Wilkesboro limits, providing treatment of runoff while minimizing the overall footprint.

#### OTHER AVOIDANCE AND MINIMIZATION

- The proposed alignment varies between symmetrical widening and widening north or south of the existing roadway as needed to minimize impacts to land use and important environmental features.
- The Best-Fit Alternative starts out as a generally symmetrical widening but transitions quickly to widen to the south to avoid impacts to businesses.
- Widening associated with the roadway improvements will be performed within the existing right of way to the maximum extent possible to minimize the amount of impacts to areas which are currently undisturbed.
- The use of varied typical sections in conjunction with a best-fit alignment results in a context sensitive roadway that matches the characteristics of the existing landscape and is responsive to local desires while minimizing and avoiding impacts.

- Flint Hill Road will be shifted slightly to the east to avoid impacts to inhabited properties and maintain traffic during construction.
- Hydraulic structures proposed at Site 3 and Site 4 will be buried one foot to allow fish passage.
- Proposed infrastructure upgrades for the existing multi-lane section of NC 268 will meet current drainage structure standards.
- Jurisdictional impacts have been avoided and minimized to the maximum extent practicable based on current information and preliminary design using a best-fit approach. Approximately 1,703 linear feet of stream impacts are anticipated as a result of the propose project. Anticipated wetlands impacts are approximately 0.4 acre. Anticipated pond impacts are approximately 0.003 acre. Proposed impacts were calculated based on the proposed roadway slope stake limits plus an additional 25 feet.
- Appropriate measures will be taken to avoid spillage of construction materials and control runoff. Such measures include an erosion and sedimentation control plan, provisions for disposal and handling of waste materials and storage, stormwater management measures, and appropriate road maintenance measures. The construction activities associated with the project will strictly follow NCDOT's *Best Management Practices for Construction and Maintenance Activities* (BMP-CMA) and *Protection of Surface Waters* (BMP-PSW).
- Sedimentation control guidelines will be strictly enforced during the construction stages of the project. Design Standards in Sensitive Watersheds will be adhered to for sediment and erosion control measures.

Additional minimization may be achieved during final design with more precise mapping, including the project hydraulic design (Concurrence Point 4B and 4C), and utility relocation design.

The project team has concurred on the Avoidance and Minimization for the proposed project as listed above.

<u>NAME</u>	<u>AGENCY</u>	<u>DATE</u>
<i>Michael J. Jorgensen</i>	FHWA	10-13-11
<i>Quintin</i>	USEPA	10-13-11
<i>Mark M.H.</i>	USACE	10-13-11
<i>Walter R. Buncie</i>	USFWS	10/13/11
<i>Monstrell Edwards</i>	NCDOT	10/13/11
<i>Marla Chambers</i>	NCWRC	10/13/2011
<i>Jerry Culler</i>	NCDWQ	10/13/2011
<i>Renee Hedrick-Earley</i>	NCSHPO	10/18/2011



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# **APPENDIX D – RELOCATION REPORT**

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# EIS RELOCATION REPORT

**North Carolina Department of Transportation  
RELOCATION ASSISTANCE PROGRAM**

E.I.S.       CORRIDOR       DESIGN

WBS ELEMENT:	36001.1.2	COUNTY	Wilkes	Alternate	1	of	1	Alternate
T.I.P. NO.:	R-2603							
DESCRIPTION OF PROJECT:	NC-268 (Elkin Highway) widening and improvements from NC-18 to SR-1966 (Airport Road)							

ESTIMATED DISPLACED					INCOME LEVEL					
Type of Displacees	Owners	Tenants	Total	Minorities	0-15M	15-25M	25-35M	35-50M	50 UP	
Residential	5	3	8	2	0		3	3	2	
Businesses	3	4	7	1	VALUE OF DWELLING					
Farms	0	0	0	0	DSS DWELLING AVAILABLE					
Non-Profit	0	0	0	0	Owners		Tenants		For Sale	
					0-20M	0	\$ 0-150	0	0-20M	0
					20-40M	0	150-250	0	20-40M	0
					40-70M	1	250-400	2	40-70M	0
					70-100M	3	400-600	1	70-100M	10+
					100 UP	1	600 UP	0	100 UP	10+
					<b>TOTAL</b>	<b>5</b>	<b>3</b>	<b>20+</b>	<b>8+</b>	<b>8+</b>

ANSWER ALL QUESTIONS		
Yes	No	Explain all "YES" answers.
	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?
		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? <b>18 months</b>

REMARKS (Respond by number)	
<b>3. Will not be disrupted due to project.</b>	
4. a. She & I Hair Salon, 1,050 sf, 1 employee, 0 minority b. Modern Auto Sales, 1,200 sf, 2 employees, 1 minority c. Sabrina's (Used Clothing Store), 1200 sf, 2 employees, 0 minority d. Insurance office, 1,050 sf, 3 employees, 0 minority e. Repair Shop (portion of bldg.), 1,000 sf, 1 employee, 0 minority f. Photo Memories, 1,260 sf, 1 employee, 0 minority g. US Hair Force, 1,200 sf, 1 employee, 0 minority	
6. MLS Services, local realtors, newspapers, etc.	
8. As necessary in accordance with State Law	
11. Housing Authority, City of North Wilkesboro.	
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.	
14. Suitable business sites will be available during relocation period. Source same as for available housing (No. 6).	

Right of Way Agent	11/17/11 Date	Relocation Coordinator	11/22/11 Date
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