

## NC 209 IMPROVEMENTS

From west of SR 1801 (Liner Cove Rd.) to north of SR 1523 (Old Clyde Rd.), Lake Junaluska, Haywood County

WBS Element 34599.1.1  
Federal Project No. STP-209 (2)  
State Project No. 8.1944301

### TIP PROJECT R-4047

#### ADMINISTRATIVE ACTION FINDING OF NO SIGNIFICANT IMPACT

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
AND  
N. C. DEPARTMENT OF TRANSPORTATION

Submitted Pursuant to the National Environmental Policy Act 42 U.S.C. 4332(2) (c)



#### APPROVED:

6/4/09  
Date



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Project Development and Environmental Analysis Branch, NCDOT

6/10/09  
Date



\_\_\_\_\_  
**John F. Sullivan III, P.E., Division Administrator**  
Federal Highway Administration

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June 2009

Documentation prepared in the Project Development and Environmental Analysis Branch by:

06/04/09

Date

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# **PROJECT COMMITMENTS**

## **NC209 IMPROVEMENTS**

From west of SR 1801 (Liner Cove Rd.) to just north of SR 1523 (Old Clyde Rd.)  
Lake Junaluska, Haywood County

WBS Element 34599.1.1  
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## **TIP PROJECT R-4047**

### **PDEA (Natural Environmental Unit)**

In addition to the Individual Nationwide Permit Conditions, Section 404 Nationwide Permit, State Stormwater Permit, Section 401 Water Quality Certification (WQC) Conditions, Regional Conditions, State Consistency Conditions, NCDOT's *Best Management Practices for Protection of Surface Waters* (March 1997), NCDOT's *Best Management Practices for Construction and Maintenance Activities* (August 2003), and General Certification Conditions, the following special commitments were agreed to by NCDOT:

### **GeoEnvironmental Section**

Based on field reconnaissance and a database search, five (5) sites were identified that could pose environmental concerns for the proposed project. Four out of the five sites are within the proposed right of way. One site is an active gas station and the remaining sites are former gas stations. Further investigations will be conducted before right of way acquisition to determine if USTs and contaminated soil remain on these sites.

The Geographical Information Service (GIS) was consulted for the project corridor. The research showed no regulated or unregulated landfills or dumpsites occurred within the project limits. If further design studies indicate right of way from subject properties is to be acquired, preliminary site assessments for soil and groundwater contamination will be performed prior to right of way purchase.

## **Hydraulics Unit**

Stormwater drainage will be controlled and not shunted directly into the existing stream channels.

## **Division 14**

Bridge No. 32 is a railroad trestle that is 197 ft long and 9.0 ft wide, Bridge demolition will occur by removing the steel beams and steel pile piers. The bridge components will be removed without dropping them into UT 3. Consequently, there will be no temporary fill resulting from bridge demolition.

All concrete used for the construction of bridges and culverts will be allowed to cure before making contact with streams or river.

## NC 209 IMPROVEMENTS

From west of SR 1801 (Liner Cove Rd.) to just north of SR 1523 (Old Clyde Rd.)

WBS Element 34599.1.1  
Federal Project No. STP-209 (2)  
State Project No. 8.1944301

### TIP PROJECT R-4047

## I. TYPE OF ACTION

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

The North Carolina Department of Transportation (NCDOT) and the FHWA have determined this project will not have any significant impact on the human and natural environments. This FONSI is based on the March 2008 Environmental Assessment, which has been independently evaluated by the FHWA 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 FHWA takes full responsibility for the accuracy, scope, and content of the Environmental Assessment.

## II. DESCRIPTION OF THE PROPOSED ACTION

### A. General Description

NCDOT proposes to improve NC 209 from west of the SR 1801 (Liner Cove Rd.) to just north of SR 1523 (Old Clyde Road) (Figure 1). The build alternative will consist of widening NC 209 to a four-lane divided facility with a raised median from SR 1801 (Liner Cove Road) to SR 1523 (Old Clyde Road). Improvements to US 23 Business south of Liner Cove Road and NC 209 North of SR 1523 (Old Clyde Road) will be made to facilitate the transition from the four lane divided facility to the two lane facility. (Figure 3)

NC 209 will also be realigned from SR 1526 (Carley Road) to SR 1523 (Old Clyde Road). The project also proposes to reconfigure ramps at the US 19-23-74/US 23 Business/NC 209 interchange. The proposed project will also replace railroad structure R-32, which carries the Norfolk Southern Railway tracks over NC 209. The improvements proposed by the project will reduce congestion, and improve access within the project study area.

The proposed project is included in NCDOT's approved 2009-2015 Transportation Improvement Program (T.I.P.) with right-of-way acquisition is scheduled to begin in Federal Fiscal Year (FFY) 2010 and construction is scheduled to begin in FFY 2014. The preliminary right-of-way and construction costs for the NCDOT-preferred alternative, which involves widening NC 209 to a four-lane raised median facility and modifying the existing NC 209/US 19-23-74/US 23 Business interchange is \$9,762,500 and \$18,500,000 respectively.

## **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 to improve NC 209 from west of SR 1801 (Liner Cove Rd.) to north of SR 1523 (Old Clyde Road). The build alternative will consist of widening NC 209 to a four-lane divided facility with a raised median from the SR 1801 (Liner Cove Road) to SR 1523 (Old Clyde Road). Improvements to NC 209 North of SR 1523 (Old Clyde Road) will be made to facilitate the transition from four lanes divided facility to the two lanes facility.

Currently the US 19-23-74 south on and off ramps, and SR 1375 (Access Road) share a common roadway and experience confusing traffic patterns resulting in traffic congestion and potentially unsafe conditions. The recommended build alternative will provide on and off-ramps for US19-23-74 separate from SR-1375 (Access Road). This will aid in reducing congestion and will improve access to homes and businesses in the area by separating local traffic from ramp traffic.

From north of SR 1801 (Liner Cove Road)/US 23 Business intersection to SR 1375 (Access Road) and US 19-23-74 south ramp there are five intersections within a 1400 ft distance resulting in traffic congestion and difficulties in accessing nearby businesses and homes. The proposed improvements will reduce/combine the existing five intersections to three signalized intersections. This will reduce congestion, traffic conflict points, and improve access to nearby homes and businesses.

The proposed improvements will also realign NC 209 from SR 1526 (Carley Road) to SR 1523 (Old Clyde Road). NCDOT also proposes to reconfigure the interchange of NC 209 at US 19-23-74. The existing ramp to connect US 19-23-74 (southbound) to US 23 Business will be realigned and reconfigured to allow left-turns to access NC 209 (north). SR 1546 (Paragon Parkway) will be realigned to tie directly across into the intersection of NC 209 and the US 19-23-74 (southbound) on and off ramps.

The project will also replace rail structure R-32, which carries the Norfolk Southern Piedmont District's T-line. Construction of a new structure will result in the rail line being realigned to the south of its existing location. The project will also close existing at-grade crossings of the Norfolk Southern rail line at SR 1526 (Carley Road).

## **C. Right of Way**

The current vertical and horizontal alignments of existing roads within the project limits of the proposed project are poor. The new proposed vertical and horizontal alignment will provide smooth curves and improved intersection. In the vicinity of railroad structure R-32, NC 209 will be realigned in order to accommodate the proposed widening.

The existing right of way width varies throughout the project study corridor. Additional right of way will be necessary along NC 209 to accommodate propose widening. Also there will be need of additional right of way along SR 1375 (Access Road) to provide separate on and off ramps for US 19-23-74 south.

It is estimated that thirty-six parcels will be affected by this project. Five residence and ten businesses will be relocated due to the widening of this NC 209 project.

## D. Estimate Project Cost

**Table 1 Cost Estimates**

<b>Approved 2007 – 2013 TIP Estimate</b>			
<b>Construction</b>	<b>Right of Way</b>	<b>Mitigation</b>	<b>Total Cost</b>
\$10,200,000	\$600,000	\$115,000	<b>\$10,915,00</b>
<b>Current Project Cost Estimate (Build Alternative)</b>			
<b>Construction</b>	<b>Right of Way</b>	<b>Mitigation</b>	<b>Total Cost</b>
\$18,500,000	\$9,762,500	\$206,000	<b>\$28,468,500</b>

### III SUMMARY OF BENEFICIAL AND ADVERSE IMPACTS

#### A. Beneficial Impacts

The proposed improvements will reduce congestion and improve access to homes, business, and public facilities in the area. The proposed improvements will complete the improvements to NC 209 started under T.I. P. Project R-2117.

Currently the US 19-23-74 south on and off ramps, and SR-1375 (Access Road) share a common roadway and experience confusing traffic patterns resulting in traffic congestion and potentially unsafe conditions. The recommended build alternative will provide southbound on and off-ramps for US19-23-74 separate from SR-1375 (Access Road).

From SR 1801 (Liner Cove Road)/US 23 Business intersection to SR 1375 (Access Road) and US 19-23-74 South Ramp on NC 209 there are five intersections within a 1400 ft distance resulting in traffic congestion and difficulties in accessing nearby businesses and homes. The proposed improvements will reduce/combine the existing five intersections to only three signalized intersections. This will reduce congestion, traffic conflict points, and improve access to nearby homes and businesses.

Furthermore, the proposed improvements will realign NC 209 from SR 1526 (Carley Road) to SR 1523 (Old Clyde Road). NCDOT also proposes to reconfigure the interchange of NC 209 at US 19-23-74. The existing ramp to connect US 19-23-74 (southbound) to US 23 Business will be realigned and reconfigured to allow left-turns to access NC 209 (north). SR 1546 (Paragon Parkway) will be realigned to tie directly across the intersection of NC 209 and the US 19-23-74 (southbound) on and off ramps. With these proposed improvements two existing intersections on NC 209 will be eliminated which will provide smooth traffic flow along NC 209.

The SR 1801 (Liner Cove Road) and Hospital Drive proposed connecting loop has been removed from the project due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive. The existing Hospital Drive intersection with NC 209 will remain at its current location.

The project will also replace rail structure R-32, which carries the Norfolk Southern Piedmont District's T-line. Construction of a new structure will result in the rail line being realigned to the south its existing location. Also it will help to improve the horizontal alignment of NC 209. The project will also close the existing at-grade crossing of the Norfolk Southern rail line at SR 1526 (Carley Road). This will help eliminate safety concerns for the rail crossing.

## **B. Adverse Impacts**

The proposed improvements to NC 209 will require additional right of way along eastside of NC 209. This will necessitate the acquisition of the majority of the properties abutting the eastside of NC 209 between Paragon Road (SR 1646) and north of Old Clyde Road (SR 1523). Also additional right of way is needed for improving access to US 74-23-19 along Access Road, this will impact businesses along Westside of Access Road (SR1375). There will be total of five (Owners/tenants) residential relocations and ten (owners/Tenants) business relocation during implementation of this project.

The proposed alternative includes a raised concrete median that will result in changes in access for the adjacent properties and intersecting streets within the project corridor. Access to Carley Road (SR1526) and Access Road (SR 1375) will be limited to right-in, right-out only movements. Vehicles attempting to reach businesses or residences on the opposite side of the street from which they are traveling will be forced to make a U-turn movement. In previous design proposal, left turn from NC 209 North bound to Access Road (SR 1375) was not permitted. Due to numerous comments and request form citizen new design will accommodate left turn from NC 209 north bound to Access Road (SR 1375).

The stream impact has been further reduced from 420 linear feet to 150 linear feet as Liner Cove Road (SR 1801) loop has been removed due to numerous comments received in opposition. The existing Hospital Drive intersection with NC 209 will remain at its current location.

Case studies from the document "Economics Impacts of Access Management" state; the majority of businesses report no change in business activity following a median project. Destination type businesses, such as restaurants and stores, appear less sensitive to access changes than businesses that rely on passer-by traffic. Because the likelihood of left-turns into a business declines as opposing traffic volumes increase, medians or other access changes will have less effect on the frequency of left turns into businesses on high volume roadways during peak travel periods.

The following Table 2 provides summary of impacts and total cost of the project.

**Table 2 (Impact Summary of NCDOT- Preferred Alternative)**

RESOURCE	SUMMARY OF IMPACTS	
	As Presented in EA	Updated Design
Archaeological	0	0
Architectural District/Properties	0/0	0/0
Total Stream Impacts	420 feet	150
Jurisdictional Wetland	0 acres	0 acres
Endangered Species Community	0	0
Terrestrial Community Impacts	0 acres	0
Potential Hazardous Material Sites	5	4
Total Noise Receptors/Impacted	23/20	23/20
Prime Farmland	0 acres	0 acres
Section 4(f) Impacts	0	0
Schools	0	0
Churches	0	0
EJ Communities	0	0
Air Quality	No	No
Residential Relocations (Owners / Tenants)	9	5
Business Relocations (Owners / Tenants)	8	10
Critical Water Supplies	0	0
Total Project Cost	\$34,251,000	\$28,468,500

## **IV COORDINATION AND COMMENTS**

### **A. Circulation of the Environmental Assessment**

The Environmental Assessment (EA) was approved by the North Carolina Department of Transportation, Division of Highways on March 10, 2008, and by the Federal Highway Administration on March 26, 2008. 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.

Appalachian Regional Commission  
US Department of the Army Corps of Engineers  
US Environmental Protection Agency\*  
US Fish and Wildlife Service  
US Geological Survey  
Tennessee Valley Authority\*  
NC Department of Environment and Natural Resources\*  
NC Division of Water Quality\*  
NC Wildlife Resources Commission\*  
NC State Clearinghouse\*  
NC Department of Cultural Resources

### **B. Comments Received on the Environmental Assessment**

Written comments on the Environmental Assessment were received from several agencies. The following are excerpts of the substantive comments with responses, where appropriate:

#### **1. Tennessee Valley Authority (TVA)**

**Comment:**

“The EA states that a total of 420 feet of two segments of perennial stream would be impacted. Some of these impacts appear to be associated with extension of the reinforced concrete box culvert under SR 1375, which would likely require a Section 26a permit. Our Holston/Cherokee/Douglas Watershed Team (phone 423-585-2120) can provide more definitive information on Section 26a permit requirements.”

**Response:**

NCDOT will coordinate with TVA for further information for 26a permit requirement.

#### **2. U.S. Environmental Protection Agency Region 4 Raleigh Office**

**Comment:**

(a) “Most of the impacts to human and natural environment are identified in the Summary Table on page v and in section 5 of the Environmental Assessment (EA). This table was very helpful in identifying environmental quality indicators. However, noise receptor impacts were not included.” Section 5.D.2 of the EA refers the reviewer to Appendix C, Table N2 for noise receptors would be impacted (approach or exceed NAC)

from the Do-Nothing Alternative”. However, this specific table in Appendix C does not actual summarize the number of impacted receptors with the recommended alternative. From Table N4, EPA estimates that approximately 20 receptors will experience a noise level increase. Most of the increase are +7 and + 8 dBA above existing levels (i.e., 19 out of 20 receptors). Also, information on receptor (Residence ID # 12), is expected to approach or exceed NAC. For the “No build Alternative”, the table N4 information indicates that 14 receptors will experience noise level in the design year. Moreover, 12 of these increases are +1 dBA, with one at +2 dBA and one at +3 dBA. The N3 summary table should be revised to reflect this difference. This information may need to be appropriately characterized and provided in the Section D noise text and in the environment impact summary table for Finding of No Significant Impact (FONSI).

**Response:**

The noise receptor impacts are included in Table 1 (Impact Summary of NCDOT-Preferred Alternative).

There are projected noise level increases for 21 of 23 receptors identified within the project area. Revisions to R/W since our Noise Analysis in 2004 have resulted in 8 of the original 23 noise receptors shown in Table N4 now within proposed R/W and no longer considered to be impacted receptors. Table N5 in the Traffic Noise Analysis clearly indicates the number of impacted receptors according to 23 CFR Part 772. Although predicted noise impacts range to 7 and 8 decibel increases, none meet the substantial impact criteria or exceed the allowable threshold (66 dBA), except Receptor #12.

Furthermore, noise receptor No. 4, 5, 8, 9, 13, 14, 16, and 20 are in the right of way and presented in the noise receptor map in Figure 4.

**Comment:**

(b) EPA also acknowledges that NCDOT and FHWA have included a qualitative assessment on Mobile Source Air Toxics (MSATs) in the EA. Page 37 to 45 of the EA contain similar 2006 FHWA interim guidance information on MASTs as what has been included in other NEPA documents for other project. EPA notes that the EA’s MAST analysis on the identification of any specific near-roadway sensitive receptors (e.g., Nursing homes, hospitals, children daycares, schools) is not included. It is important in a site-specific analysis to identify and describe the affected environment. If NCDOT and FHWA have determined that there are no near-roadway sensitive receptors, the NEPA documents should state this situation. From EPA’s review of features in Figure 2 and 3, there does not appear to be any near-roadway sensitive receptors. The Tuscola high School appears to be more than 500 feet from the nearest proposed roadway improvement.

**Response:**

Comment acknowledged. All FHWA guidance regarding MSAT analysis is met in the EA.

The background CO concentration for the project area was estimated to be 1.8 parts per million (ppm). Consultation with the Air Quality Section, Division of Environmental Management (DEM), North Carolina Department of Environment and Natural Resources indicated that an ambient CO concentration of 1.8 PPM is suitable for most suburban and rural areas.

The worst-case air quality scenario was determined to be in the vicinity of the intersection of NC 209 and SR 1801. The predicted 1-hour average CO concentrations

for the evaluation build years of 2005, 2010, and 2025 are 3.50, 3.50, and 3.70 ppm, respectively. Comparison of the predicted CO concentrations with the NAAQS (maximum permitted for 1-hour averaging period = 35 ppm; 8-hour averaging period = 9 ppm) indicates no violation of these standards. Since the results of the worst-case 1-hour CO analysis for the build scenario is less than 9 ppm, it can be concluded that the 8-hour CO level does not exceed the standard Appendix C Table A-1 to A-3). There are no sensitive receptor within 500 feet from the nearest proposed roadway improvement.

**Comment:**

(c) Richland Creek and its tributaries are Class C; 303(d) listed waters (Impaired biological integrity). The proposed project will potentially impact 420 linear feet to unnamed tributaries (UTs) #3 and #5 to Richland Creek. EPA requests that stringent adherence to Best Management Practices (BMPs) be implemented to minimize any downstream impacts from soil erosion and additional roadway runoff. Further, EPA is concerned that the EA states on Page 28: "currently, specific mitigation measures for this project are not warranted." The guidelines developed pursuant to Clean Water Act Section 404(b) (1) (Guidelines) require that impacts to aquatic resources be avoided and minimized to the maximum extent practicable. The Guidelines apply to all impacts subject to Section 404. EPA recommends that measures to avoid and minimize impacts to the UTs be proposed and outlined, such as steeper side slopes, narrow medians, and compensatory mitigation plans.

**Response:**

NCDOT will adhere to Best Management Practices (BMPs) to minimize any down stream impact from soil erosion and additional roadway runoff. Furthermore, stream impact to (UTs) #3 and 5 have been reduced from 420 linear feet to 150 feet to minimize the impact on Richland Creek and it tributaries.

### **3. NCDENR Division of Water Quality**

**Comment:**

This project is being planned as part of the 404/NEPA Merger Process. As a participating team member, the NCDWQ will continue to work with the team.

**Response:**

This project is not a merger project and it expected to remain non-merger project.

**Comment:**

None of the maps for the project show the project boundary and there is no map showing the location of historic structures located within the project study area.

**Response:**

There are no historic properties located in the project area and therefore it was not shown in the map.

**Comment:**

There is no map showing the location of noise receptors used to determine noise barrier applicability. However, a description of locations is provided on Table 3 of Appendix C.

**Response:**

The new map of noise receptors is included as Figure 4

**Comment:**

Richland Creek and associated unnamed tributaries are a class C; 303 (d) waters of the State. Richland Creek is on the 303 (d) list for impaired used for aquatic life due to impaired biological integrity. DWQ recommends that the most protective sediment and erosion control BMPs be implemented to reduce the risk of nutrient runoff to Richland Creek and its tributaries. DWQ requests that road design plans provide treatment of the storm water runoff through best management practices as detailed in the most recent version of NC DWQ Stormwater Best Management Practices.

**Response:**

NCDOT will adhere to Best Management Practices (BMPs) to minimize any down stream impact from soil erosion and additional roadway runoff.

#### **4. North Carolina Wildlife Resources Commission**

**Comment:**

The Commission has no major concerns with direct effects of the project on fish and wildlife resources provided effective erosion controls are used during construction. The project area is in the Richland Creek watershed which drains to the Pigeon River where there are ongoing efforts to restore native fishes that were extirpated, or presumed extirpated, by historic water quality degradation. Therefore, it is important that this project not contribute to water quality declines in the watershed, most notably as result of sedimentation.

**Response:**

NCDOT will adhere to Best Management Practices (BMPs) to minimize any down stream impact form soil erosion and sedimentation.

**Comment:**

Regarding secondary and cumulative impacts of the project, the EA conclude in part, that these should be minor because the project area is small and already well-developed. However, if the project improves access to the region along NC 209 north of the project area, it may induce growth. It appears that this part on NC 209 is or already has been assessed under TIP project R-2117, so secondary and cumulative impacts there already have been or will be evaluated and mitigated as necessary.

**Response:**

New development within the project study area is not expected to occur due to the improvements to NC 209 as the project is only 0.77 miles and include widening of an existing road. The improvements are likely to increase the level of safety along the project corridor and increase the traffic carrying capacity of NC 209. Storm runoff is expected to continue to follow the existing topography and flow into Richland Creek. The project should not result in changes in the land use patterns within the project study area. The area surrounding the project study area is already well developed and the project does not offer new access to undeveloped land. Therefore, the indirect impacts of the project should be minor. The proposed improvements are not anticipated to result in changes to the visual quality of the project area.

## 5. NCDENR (Natural Heritage Program)

### Comments:

The Natural Heritage Program has no record of the rare species, significant natural communities, significant natural heritage areas, or conservation /managed area at the site or within ¼ -mile of the project area.

### Response:

Comments are noted.

## C. Public Hearing and Comments

### 1. Public Hearing

Following circulation of the Environmental Assessment, a combine public hearing was held at the Shackford Hall in Lake Junaluska on August 12, 2008. Approximately 100 people attended the hearing and 6 citizens spoke for the record.

There were numerous comments received in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

There were numerous comments received in opposition to making the intersection at NC 209/Access Road right-in right-out only. Concerning this request, a directional left-over to provide access is proposed. Northbound traffic on NC 209 will be allowed to make a left turn on to Access Road. Eastbound traffic from Access Road will be restricted to right-in right-out access only.

There was a request from the Division personnel to lengthen the acceleration lane on the entrance ramp to US 19-23-74 westbound. This will require additional realignment of Access Road northward resulting in additional impacts to properties on Access Road.

The following comments were made during public hearing meeting:

#### Comment: Speaker 1

He and his wife own a car lot and a feed and tack store. They oppose the right-in right-out access at the relocated intersection of Access Road/NC 209. They noted that the trucks with supplies and the car haulers could not negotiate a u-turn at the next intersection north (Depot Road (SR 1375)/NC 209). They also do not think customers from US 19-23-74 will go to their store if they have to make the u-turn at Depot Road. They requested a full movement intersection at Access Road/NC 209. Otherwise, they like the rest of the proposed design.

They sent in a second letter requesting that we buy their property and remove the Access Road intersection with NC 209. Speaker 1 requested follow up information concerning what decisions are made in regards to the subject project.

**Response:**

A directional left-over to provide access to Access Road is proposed. Northbound traffic on NC 209 will be allowed to make a left turn on to Access Road. Eastbound traffic on Access Road will still be restricted to right-in right-out access only. Other requests and comments noted. The Department will send a copy of the Post Hearing Meeting Minutes to speaker 1.

**Comment: Speaker 2**

Speaker 2 lives in Tuscola Park, he is opposed to the right-in right-out movement at the relocated intersection of SR 1375 (Access Road). He would be required to use the entrance from Depot Road (the other end of Access Road) to turn left from his community. He would like SR 1375 (Access Road) reconnected to the ramp on US 19-23-74. He would also like a ramp added to provide improved access to the hospital. He thinks the right turn on red should be eliminated at SR 1929 (Hospital Drive/NC 209). He would like to avoid the expense of relocating Hospital Drive.

**Response:**

A directional left-over to provide access to Access Road is proposed. Northbound traffic on NC 209 will be allowed to make a left turn on to Access Road. Eastbound traffic on Access Road will still be restricted to right-in right-out access only.

Access Road and the ramps to US 19-23-74 will remain separate as proposed. There were numerous comments and written request in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

**Comment: Speaker 3**

Speaker 3 lives at Liner Cove Road (Transcript and Written Comments Combined) - He thinks the recent improvements to NC 209/Hospital Drive (SR 1929) and Tuscola School Road (SR 1927) are satisfactory. He does not think the design south of NC 209 will handle the traffic at Lowe's, the high school, the new condominiums, and the traffic to the hospital and medical center. He thinks the design is a waste of money. He also does not like the design to the northwest quadrant of the NC 209/ US 19-23-74 interchange since it takes the only two restaurants in the area. Furthermore, he disagrees with the right-in right-out access at the relocated intersection of Access Road/NC 209. He questioned why 3 residences are being taken along SR 1526 (Carly Road). He requested widening of NC 209 north from Paragon Parkway to Old Clyde Road only.

**Response:**

A directional left-over to provide access to Access Road is proposed. Northbound traffic on NC 209 will be allowed to make a left turn on to Access Road. Eastbound traffic on Access Road will still be restricted to right-in right-out access only.

Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

The residences along Carly Road are being taken due to the realignment of the railroad. Additional comments noted.

**Comments: Speaker 4**

Speaker 4 lives at Hollow Tree Court. (Castle Creek Condominiums COA) He is opposed to the design. He does not like the perceived impacts to the condominium community. He does not like the cut that is necessary to relocate SR 1929 (Hospital Drive) and the removal of the trees necessary for the cut. He thinks we are just moving the location of the accidents.

**Response:**

Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

**Comments: Speaker 5**

Speaker 5 had a questioned how access would be provided to his property based upon the proposed design. His current access is off Liner Cove Road.

**Response**

This property's access will remain off Liner Cove Road.

**2. Written Comments**

**Comment:**

There were total of eleven written requests for a turn lane into Foxfire II Estates ¼ mile north of NC 209/SR 1523 (Old Clyde Road).

**Response:**

This request is outside the project limits and scope of work.

**Comment:**

One written request received for a turn lane into Foxfire II Estates ¼ mile north of NC 209/SR 1523 (Old Clyde Road). They would also like to see the speed reduced to 35 mph.

**Response:**

This request is outside the project limits and scope of work.

**Comment:**

Six written requests were about the section of SR 1801 (Liner Cove Road) be widened and paved. The area is just south of the end of the existing pavement and project limits. One person requested a response concerning this matter.

**Response:**

This is outside the project limits and scope of work. The Department will send a copy of the Post Hearing Meeting Minutes to the person who requested the response.

**Comment:**

One written comment received about providing guardrail along the stream under the proposed railroad structure.

**Response:**

The proposed horizontal alignment for NC 209 in this area will shift far enough away from the stream that no guardrail will be warranted to protect motorists from the stream.

**Comment:**

One written suggestion was that a map should have been projected onto a screen at the public hearing.

**Response:**

Comment noted.

**Comment:**

One Lake Junaluska resident requested to improve signing for traffic going to the Lake Junaluska Assembly. Buses take Exit 102 and get hung up at dam. They are then redirected to Exit 103. Mr. Ed Lewis spoke with Mr. Mitchell in regards to this issue.

**Response:**

Comment noted.

**Comment:**

One resident of Castle Creek Condominium wants to provide the Castle Creek Condominium Association, Inc views and wrote. She represents the Board of Directors. They are opposed to the project as proposed. They are opposed to extending Liner Cove Road to Hospital Road because the residents of Castle Cove Condominiums would have to cross two lanes of traffic to turn left. They think the traffic delays will be worse than they are now. Furthermore, they had the following questions: How will the Department address the traffic problems and safety at the US 23 Business/NC 209 – Liner Cove intersection? What will be done to address trucks stopped on Liner Cove Road waiting to enter Lowe's? What is the proposed speed limit on Liner Cove Road?

They think the curve on Liner Cove Road will be a "Dead Man's Curve." Also they are concerned with the deep cut to relocate Liner Cove Road and the noise impact residents will experience due to construction and traffic. They questioned if trees could be planted to reduce noise. She requested follow up information concerning what decisions are made in regards to the subject project.

Additional request by the Castle Creek Condominium Association includes:

- (i) Retain current intersection of Hospital Road/NC 209 and make Hospital Road one way east.
- (ii) Add a ramp onto US 19-23-74 west bound from Jones Cove Road.
- (iii) Add exit ramp from US 19-23-74 to Hospital Road.

**Response:**

Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

Other requests and comments noted. The NCDOT will send a copy of the Post Hearing Meeting Minutes to the requester.

**Comment:**

Written comment received from a resident of Tuscola School Road and indicated they approve of the proposed improvements, but would like to be treated as a hardship case.

**Response:**

Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

Due to the relocation of Hospital Drive being eliminated from the project, the proposed impact to writer's property be reduced. Thus reducing the likelihood they could meet the Departments' requirements for Advanced Acquisition.

**Comment:**

Written comment received from a resident of Mount Valley who indicated that he is opposed to the realignment of ramps, loops, and Liner Cove Road/Hospital Drive. He compares the 4-laning of NC 209 to "the bridge to nowhere." He would like to have the left-entrance from US 19 to US 23-74 improved.

**Response:**

Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

The left-entrance from US 19 to US 23-74 is outside of the project limits and scope of work.

**Comments:**

Written comment received from the owner of Shell Station, Burger King and Morgan Family Holdings indicating his opposition to the project.

**Response:**

Comment noted.

**Comment:**

A resident of Villa Court points out that he is opposed to the realignment of the Liner Cove/Hospital Road intersection, but likes the improvements to the north.

**Response:**

Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

**Comment:**

A written comment received by commercial real estate broker. He is opposed to the right-in right-out movement at the Access Road/NC 209 intersection.

**Response:**

A directional left-over to provide access to Access Road is proposed. Northbound traffic on NC 209 will be allowed to make a left turn on to Access Road. Eastbound traffic on Access Road will still be restricted to right-in right-out access only.

Access Road and the ramps to US 19-23-74 will remain separate as proposed. There were numerous comments and written request in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

**Comment:**

A couple, resident of Heritage Court, suggests the traffic will be reduced when Wal-Mart relocates. They think a traffic light at the westbound entrance to US 19-23-74 from NC 209 would help traffic flow. They oppose to the realignment of the Liner Cove Road/Hospital Drive intersection. They think this is a huge expense for little gain.

**Response:**

A directional left-over to provide access to Access Road is proposed. Northbound traffic on NC 209 will be allowed to make a left turn on to Access Road. Eastbound traffic on Access Road will still be restricted to right-in right-out access only.

Access Road and the ramps to US 19-23-74 will remain separate as proposed. There were numerous comments and written request in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

**Comment:**

The owner of Venture Properties owns the Lowe's Home Improvement center requested a copy of the hearing map.

**Response:**

A half size copy of the hearing map was sent to the requester.

**Comment:**

A resident of Lakeview Drive indicated that he agrees with the realignment of Paragon Parkway and the ramp and loop to and from US 19-23-74, but opposes the realignment of Access Road. He noted that it places a needless burden on the residents of Tuscola Park neighborhood.

He thinks the relocation of Liner Cove/Hospital Road makes access to the hospital and the medical center more difficult and time consuming. He also thinks an off ramp to the hospital would be more advantageous. He would like to eliminate the right turn on red onto NC 209 from Hospital Drive and to synchronize the traffic signals. He thinks adding space between the eastbound off-ramp from US 19-23-74 to NC 209 would be helpful. Furthermore, he thinks we should add a road from Tuscola High School behind Lowe's to US 23 Business to reduce the traffic at the NC 209/Liner Cove Road/Ramps to and from the US 19-23-74 intersection. He agrees with the right turn only lane from NC 209 to eastbound US 19-23-74. He thinks we should improve Depot Road and add sidewalks and crosswalks. He would like for the Department to try to redirect traffic to the Jones Cove exit.

**Response:**

There were numerous comments and written request in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location. Other comments noted.

**Comment:**

A resident of the area suggested that she does not see how the proposed design will lessen traffic at the intersection with Lowe's. She thinks the design cuts off access to the hospital. She thinks traffic will lessen when Wal-Mart relocates. She suggests a bridge from US 19-23-74 to Tuscola Road and Asheville Highway (US 23 Business).

**Response:**

There were numerous comments and written request in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location. Other comments noted.

**Comment:**

A resident of Castle Creek Drive, Waynesville expects a major problem at the intersection of Lowe's Drive and Liner Cove Road without a traffic signal. He also thinks the left turn from the relocated intersection of Tuscola School Road to Liner Cove Road will be dangerous.

**Response:**

There were numerous comments and written request in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location. Other comments noted.

**Comment:**

A resident of Denali Lane of Waynesville opposes to the relocation of Hospital Drive. She is concerned with the two left turns onto the proposed Hospital Drive that do not have proposed traffic signals. One is from Liner Cove Road onto the proposed Hospital Drive and the second is Tuscola School Road onto the proposed Hospital Drive. She does not think the hearing was adequately advertised. She has contacted both Representative Phil Haire's office and Senator Queen's office with her complaint and concerns.

**Response:**

Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location. The Department will send a copy of the Post Hearing Meeting Minutes to the requester. Other comments noted.

**Comment:**

The Owner of Smoky Mountain Foot and Ankle Clinic requests that full movement access be provided to the relocated intersection of NC 209/Access Road. He noted that his office has approximately 80 cars a day, the daycare about 60 cars a day, and the rental storage unit business has large trucks requiring ingress and egress.

**Response:**

A directional left-over to provide access to Access Road is proposed. Northbound traffic on NC 209 will be allowed to make a left turn on to Access Road. Eastbound traffic on Access Road will still be restricted to right-in right-out access only.

**Comment:**

A resident of Castle Creek Village, Waynesville suggests adding more lanes in critical areas, keeping the existing traffic pattern, reducing the speed limit, allowing only protected left turns into Liner Cove Road from NC 209, restricting right turns on red from Liner Cove to NC 209, and adding a traffic signal at Access Road with a protected left turn to clear backed up traffic. She is opposed to the Liner Cove Road/Hospital Road relocation. Ms. McCracken noted that Traffic will reduce when Wal-Mart relocates.

**Response:**

Access Road and the ramps to US 19-23-74 south will remain separate as proposed. There were numerous comments and written request in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location. Other comments noted.

**Comment:**

A resident requests that pedestrian and biking friendly improvements be made along the project.

**Response:**

No designated bike routes are in the vicinity of this project. Furthermore, the Department has not received any request from the County to add sidewalk. Ten-foot berms will be provided behind the curb and gutter along NC 209, which will not preclude the placement of sidewalk at some future date.

**Comment:**

A resident of 15 Pacific Drive opposes the project and points out that Wal-Mart is moving, which will decrease traffic congestion in the area. She also noted that it is only congested for 45 minutes on school days then the congestion is gone.

**Response:**

Comments noted.

**Comment:**

The residents of P. O. Box 203, Lake Junaluska are opposed to the project.

**Response:**

Comment noted.

**Comment:**

The resident of Leroy George Drive, Clyde is concerned about access to the hospital by emergency vehicles and patients. He is concerned that the proposed Hospital Drive will have more traffic and cause a delay in getting to the hospital. There is also a concern that more cars will take the next exit at Jones Cove Road when going to the hospital and cause more traffic delays there. What he suggests is a new exit ramp from US 19-23-74 eastbound to Hospital Road that ends in front of the hospital.

**Response:**

Access Road and the ramps to US 19-23-74 will remain separate as proposed. There were numerous comments and written request in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location. Other comments noted.

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. REVISION AND UPDATES TO THE ENVIRONMENTAL ASSESSMENT**

The following revisions and/or updates to the Environmental Assessment have been made:

There are projected noise level increases for 21 of 23 receptors identified within the project area. Revisions to R/W since our Noise Analysis in 2004 have resulted in 6 of the original 23 noise receptors shown in Table N4 now within proposed R/W and no longer considered to be impacted receptors. Table N5 in the Traffic Noise Analysis clearly indicates the number of impacted receptors according to 23 CFR Part 772. Although predicted noise impacts range to 7 and 8 decibel increases, none meet the substantial impact criteria or exceed the allowable threshold (66 dBA), except Receptor #12.

### **Changes in Preferred Alternative**

SR 1801 (Liner Cove Road) and SR 1929 (Hospital Drive) Loop is eliminated. There were numerous comments received in opposition to the realignment of Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location. (see figure 3)

A directional left-over to provide access to Access Road is provided from NC 209 north to address many citizens concern who demanded the left turn from NC 209 North to Access Road. Northbound traffic on NC 209 will be allowed to make a left turn on to Access Road. Eastbound traffic on Access Road will still be restricted to right-in right-out access only.

## **Public Involvement Efforts**

NCDOT held a Citizen's Informational Workshop (CIW) for the project on November 18, 2003. Twelve citizens were in attendance. Handouts provided at the workshop included a comment sheet, so written comments could be received. The primary concern of citizens was the potential relocations due to the reconfiguration of the US 19-23-74/NC 209 interchange. In particular, concern was the possible relocations along SR 1375 (Access Road) when the new on ramp will be constructed. Other concerns included bicycle and pedestrian safety along the existing and improved NC 209.

A public hearing for the R-4047 project was held on August 12, 2008 at Shackford Hall, Lake Junaluska. Approximately 100 people attended the hearing and 6 citizens spoke for the record.

A summary of verbal and written comments made during the hearing is presented in Appendix C.

## **Public Comments**

There were numerous comments received in opposition to the realignment of Liner Cove Road (SR4801) and Hospital Drive. Due to public comments, construction costs, and the proposed impacts associated with the relocation of Hospital Drive its proposed realignment has been removed from the project. The existing Hospital Drive intersection with NC 209 will remain at its current location.

There were also many comments received in opposition to making the intersection at NC 209/Access Road right-in right-out only. Concerning this request, a directional left-over is provided to access from NC 209 north bound to SR 1375 (Access Road). Eastbound traffic from Access Road will be restricted to right-in right-out access only.

In addition, many written comments were about Foxfire sub-division, the resident wanted to extend the project towards north NC 209 to include turn lanes into Foxfire II Estates. Also there were written request for extending Liner Cove Road (SR 1801) beyond Lowe's Home Improvement Store. Both of these requests are outside the project limits and scope of work.

There was a request from the Division personnel to lengthen the acceleration lane on the entrance ramp to US 19-23-74 westbound. This will require additional realignment of Access Road northward resulting in additional impacts to properties which front Access Road.

In accordance with 23 U.S.C. 128, 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 comments from individuals have been considered in the selection of the recommended alternative for the project. A transcript of the public hearing was prepared and forwarded to the Federal Highway Administration along with the certification.

## **Available Mitigation Programs**

The NCDOT Relocation Assistance Program is in place as a mitigation measure to compensate and assist business owners and residents displaced by the proposed widening. This program has three basic components: Relocation Moving Payments, Relocation Replacement Housing Payments, and Relocation Assistance.

## **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 and the Federal Highway Administration 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 has been determined that a Finding of No Significant Impact is applicable for this project. Neither an Environmental Impact Statement nor further environmental analysis is required.

# Figures

# Appendix A

## Agency Comments on Environmental Assessment

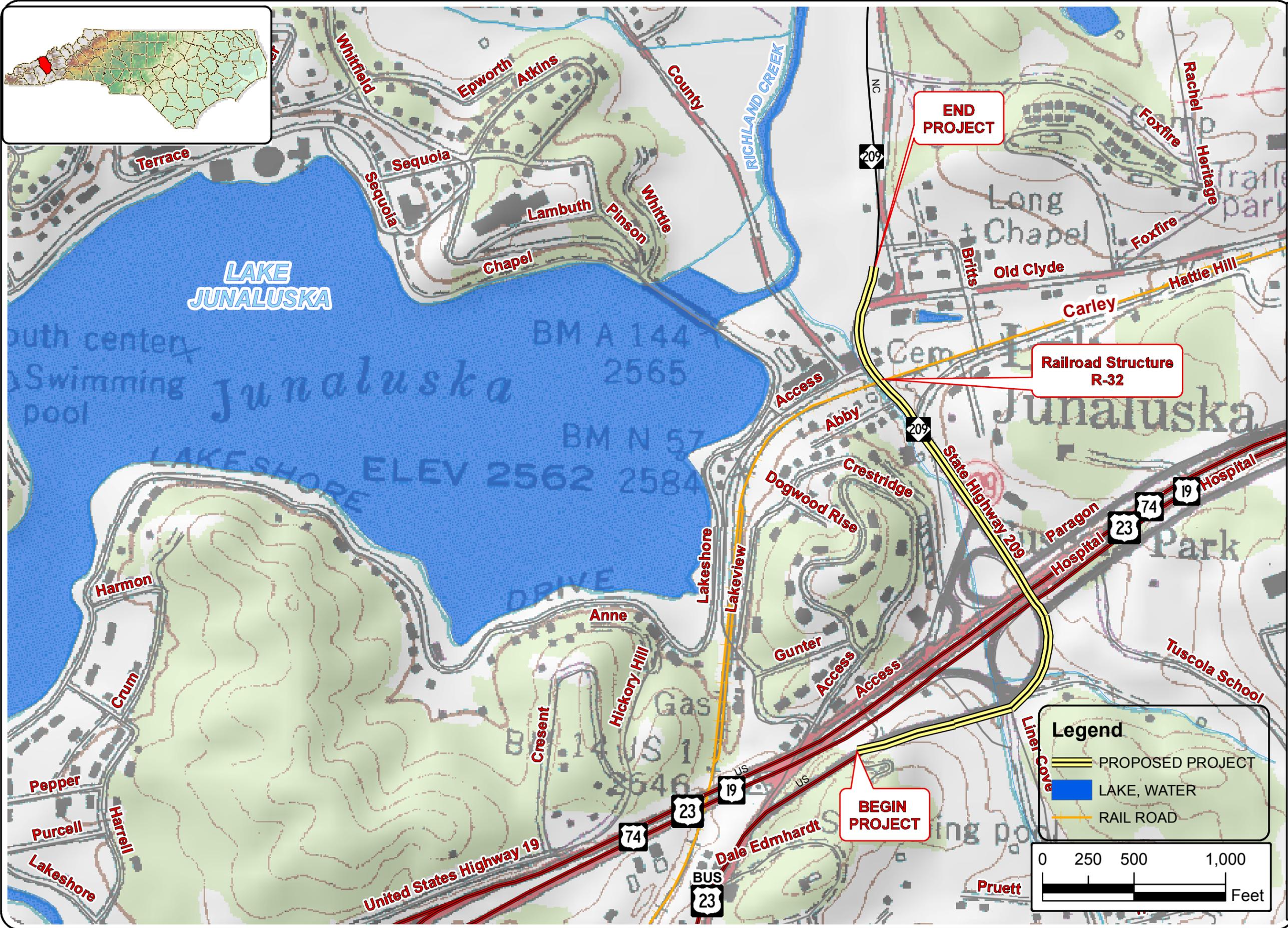
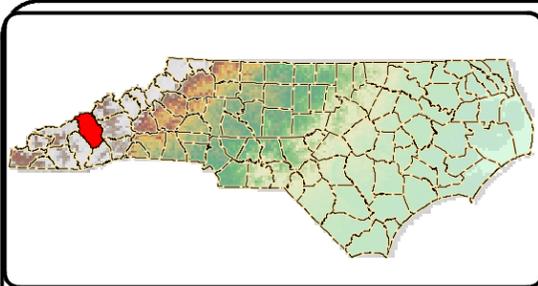
Appendix B  
Relocation Report

## Appendix C - 1

### Public Hearing Handout

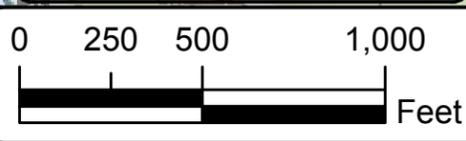
## Appendix C - 2

# Public Hearing Certification



**Legend**

- PROPOSED PROJECT
- LAKE, WATER
- RAIL ROAD



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

VICINITY MAP  
PROPOSED WIDENING OF NC 209  
& REPLACEMENT OF RAILROAD  
STRUCTURE R-32  
HAYWOOD COUNTY  
TIP PROJECT R-4047



County:  
HAYWOOD

Div: 14      TIP# R-4047

WBS:  
34599.1.1

Date:  
NOV 2007

**Figure**  
**1**



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

EXISTING CONDITIONS  
PROPOSED WIDENING OF NC 209  
& REPLACEMENT OF RAILROAD  
STRUCTURE R-32  
HAYWOOD COUNTY  
TIP PROJECT R-4047



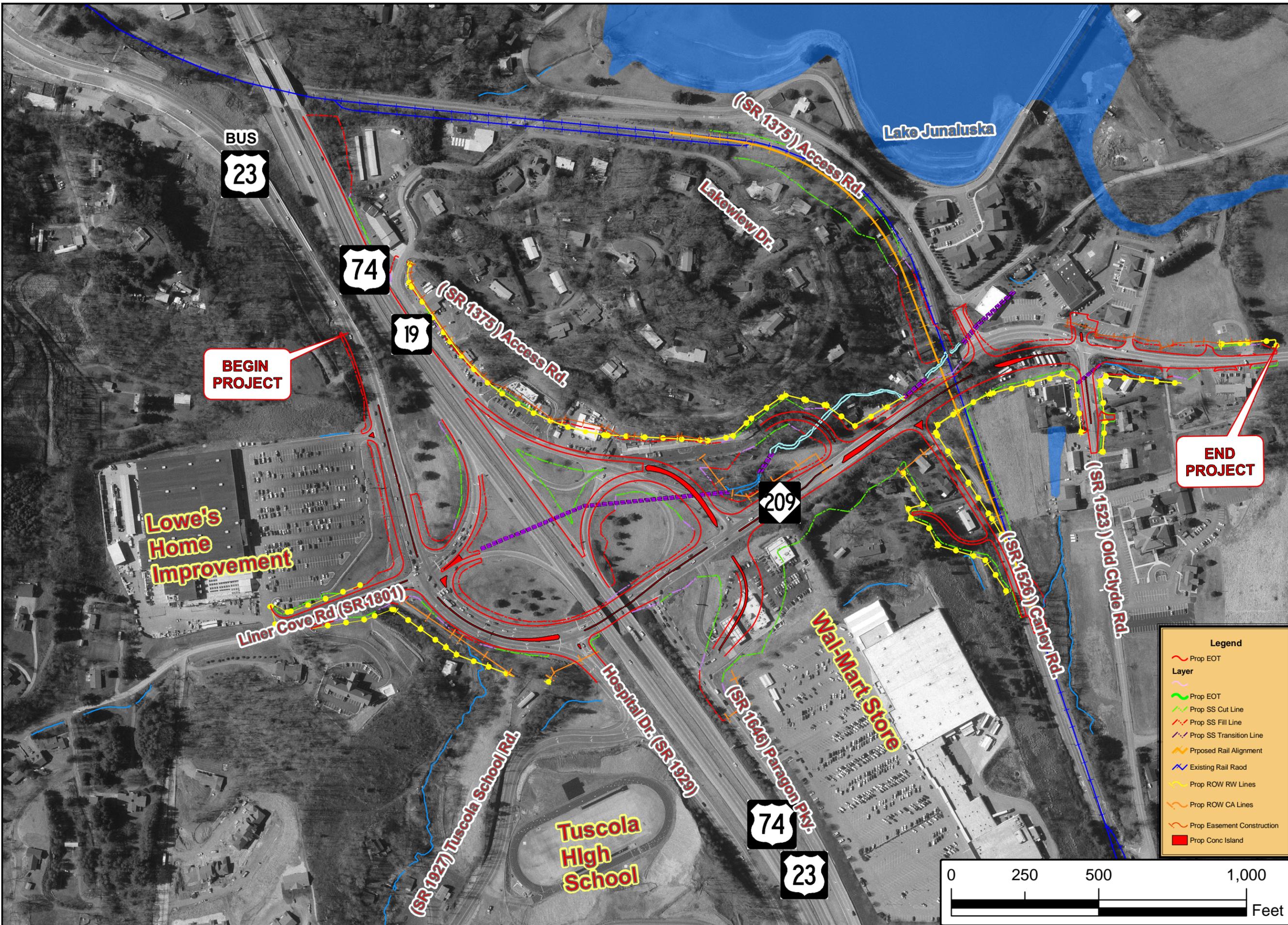
County:  
HAYWOOD

Div: 14 TIP# R-4047

WBS:  
34599.1.1

Date:  
NOV 2007

Figure  
**2**



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

**PROPOSED WIDENING OF NC 209  
& REPLACEMENT OF RAILROAD  
STRUCTURE R-32**  
HAYWOOD COUNTY  
TIP PROJECT R-4047

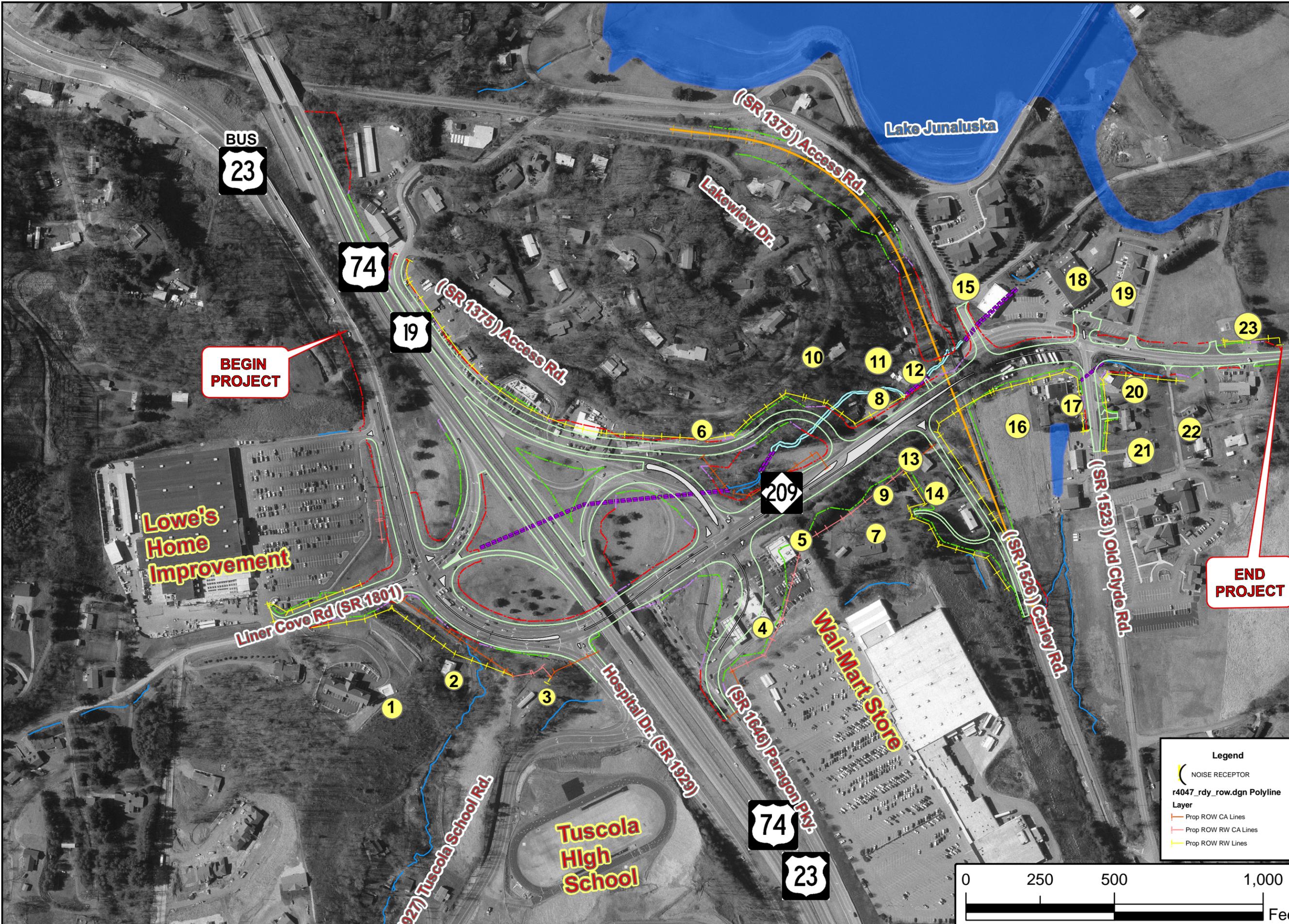
County:  
HAYWOOD

Div: 14      TIP# R-4047

WBS:  
34599.1.1

Date:  
JAN 2009

**Figure  
3**

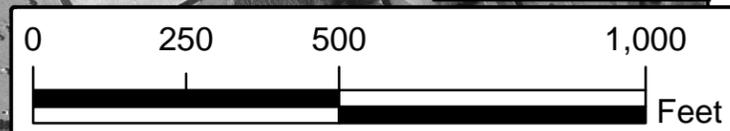


**BEGIN PROJECT**

**END PROJECT**

**Legend**

- ( ) NOISE RECEPTOR
- r4047\_rdy\_row.dgn Polyline Layer
- Prop ROW CA Lines
- Prop ROW RW CA Lines
- Prop ROW RW Lines



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

TRAFFIC NOISE RECEPTOR FOR  
PROPOSED WIDENING OF NC 209  
& REPLACEMENT OF RAILROAD  
STRUCTURE R-32  
HAYWOOD COUNTY  
TIP PROJECT R-4047

County:  
HAYWOOD

Div: 14      TIP# R-4047

WBS:  
34599.1.1

Date:  
JAN 2009

**Figure**  
**4**





Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401

May 2, 2008

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

Dear Dr. Thorpe:

SUBJECT: FEDERAL CATEGORICAL EXCLUSION FOR NC 209 IMPROVEMENTS,  
FROM SR 1801 TO SR 1523, LAKE JUNALUSKA, HAYWOOD COUNTY, FEDERAL  
AID PROJECT NO. STP-209(2), WBS ELEMENT 34599.1.1, TIP NO. R-4047

This is in response to your letter of April, 2, 2008, to Jon Loney requesting comments on the Environmental Assessment (EA) of this project. We have reviewed the EA and do not have any specific comments on it. In our previous 2001 correspondence on this project, we noted that it appeared a TVA Section 26a permit would not be required. The EA states that a total of 420 feet of two segments of perennial streams would be impacted. Some of these impacts appear to be associated with the extension of the reinforced concrete box culvert under SR 1375, which would likely require a Section 26a permit. Our Holston/Cherokee/Douglas Watershed Team (phone 423-585-2120) can provide more definitive information on Section 26a permit requirements.

Mr. Loney has retired from TVA, so please send future correspondence related to this EA to me. I would appreciate receiving a copy of the Finding of No Significant Impact. Should you have any questions, please me at (865) 632-3582 or [cpnicholson@tva.gov](mailto:cpnicholson@tva.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read 'Charles P. Nicholson'.

Charles P. Nicholson  
Program Manager, NEPA Resources  
Environmental Services and Programs

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 4 RALEIGH OFFICE  
TERRY SANFORD FEDERAL COURTHOUSE  
310 NEW BERN AVENUE  
RALEIGH, NORTH CAROLINA 27601

Date: May 6, 2008

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

SUBJECT: EPA Review Comments on the Environmental Assessment for R-4047,  
NC 209 Improvements, Haywood County, North Carolina

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency Region 4 (EPA) has reviewed the subject document and is commenting in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA) propose to provide improvements to NC 209 from west of SR 1801 to north of SR 1523, in Haywood County for an approximate distance of 0.8 miles.

EPA has file correspondence from NCDOT dated April 3, 2000, concerning the proposed project and it is further described as a 'Stage II' of the improvements to upgrade NC 209. The original project was State-funded under TIP # R-2117 and involves widening NC 209 to a three or four lane section. Current improvements proposed by NCDOT include widening NC 209 to a four-lane, divided facility with a raised median and other improvements on US 23 Business and NC 209 to facilitate the transition to the two-lane section. NC 209 will also be realigned from SR 1526 to SR 1523 and include replacement of a railroad structure and other minor improvements in the project study area.

Due to the scope of the proposed project and the anticipated minimal impacts to streams and wetlands, this project was not placed in the NEPA Section 404 Merger 01 process. Most of the impacts to the human and natural environment are identified in the Summary Table on page v and in Section 5 of the Environmental Assessment (EA). This table was very helpful in identifying important environmental quality indicators. However, noise receptor impacts were not included. Section 5.D.2. of the EA refers the reviewer to Appendix C, Table N2 for noise abatement criteria (NAC). Section 5.D.4 identifies that 12 noise receptors would be impacted (approach or exceed NAC) from the "Do-Nothing Alternative". However, this specific table in Appendix C does not actually

summarize the number of impacted receptors with the recommended alternative. From Table N4, EPA estimates that approximately 20 receptors will experience a noise level increase. Most of the increases are +7 and +8 dBA above existing levels (i.e., 19 out of the 20 receptors). Also, information on receptor ID #5 is missing and the table skips this number without an explanation. One (1) impacted receptor (Residence ID #12), is expected to approach or exceed NAC. For the "No build Alternative", the Table N4 information indicates that 14 receptors will experience noise level increases in the design year. Moreover, 12 of these increases are +1 dBA, with one at +2 dBA and one at +3dBA. The N3 summary table should be revised to reflect this difference. This information may need to be appropriately characterized and provided in the Section D noise text and in the environment impacts summary table for the Finding of No Significant Impact (FONSI).

#### Other Project Impacts

Relocations: 9 Residences/8 Businesses

Wetlands: 0 acres

Streams: 420 linear feet

Sections 4(f)/106 Properties: 0/0

Archaeological Sites: 0

Churches/Schools: 0/0

EJ Communities: None

Terrestrial Forests: 0 acres

Prime Farmlands: 0 acres

Hazardous Material Sites: 5

Endangered species: 0

Critical Water Supplies: 0 acres

Air Quality: No

EPA also acknowledges that NCDOT and FHWA have included a qualitative assessment on Mobile Source Air Toxics (MSATs) in the EA. Pages 37 to 45 of the EA contain similar 2006 FHWA interim guidance information on MSATs as what has been included in other NEPA documents for other projects. EPA notes that the EA's MSAT analysis on the identification of any specific near-roadway sensitive receptors (e.g., Nursing homes, hospitals, children daycares, schools) is not included. It is important in a site-specific analysis to identify and describe the affected environment. If NCDOT and FHWA have determined that there are no near-roadway sensitive receptors, the NEPA document should state this situation. From EPA's review of features in Figures 2 and 3, there does not appear to be any near-roadway sensitive receptors. The Tuscola High School appears to be more than 500 feet from the nearest proposed roadway improvement.

Richland Creek and its tributaries are Class C, 303(d) listed waters (Impaired biological integrity). The proposed project will potentially impact 420 linear feet to unnamed tributaries (UTs) #3 and #5 to Richland Creek. EPA requests that stringent adherence to Best Management Practices (BMPs) be implemented to minimize any

downstream impacts from soil erosion and additional roadway runoff. Further, EPA is concerned that the EA states on Page 28: "currently, specific mitigation measures for this project are not warranted." The guidelines developed pursuant to Clean Water Act Section 404(b)(1) (Guidelines) require that impacts to aquatic resources be avoided and minimized to the maximum extent practicable. The Guidelines apply to all impacts subject to Section 404. EPA recommends that measures to avoid and minimize impacts to the UTs be proposed and outlined, such as steeper side slopes, narrow medians, and compensatory mitigation plans.

#### Summary

EPA does not have any environmental objections to the proposed project. EPA recommends that the specific avoidance and minimization measures are identified in the FONSI and discussed and included in the meeting minutes during the future hydraulic and permit review meetings. Please include Ms. Kathy Matthews of EPA's Wetlands Section on future meeting notices. EPA also requests a copy of the FONSI when it becomes available. Thank you for the opportunity to comment.

Sincerely,

Christopher A. Militscher, REM, CHMM  
Merger Team Representative  
NEPA Program Office

For: Heinz J. Mueller, Chief  
EPA Region 4 NEPA Program Office

cc: Steve Lund, USACE  
Clarence Coleman, FHWA  
Brian Wrenn, NCDWQ



April 21, 2008

**MEMORANDUM**

To: Melba McGee, DENR Environmental Coordinator

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

Subject: Comments on the Environmental Assessment related to proposed widening and improvements of NC 209 from west of existing SR 1801 (Liner Cove Road) to just north of existing SR 1523 (Old Clyde Road) Lake Junaluska, Haywood County, Federal Aid Project No. STP-209(2), State Project No. 8.1944301, TIP R-4047. SCH No. 08-0300.

This office has reviewed the referenced document dated March 2008. The Division of Water Quality (DWQ) is responsible for the issuance of the Section 401 Water Quality Certification for activities that impact Waters of the U.S., including wetlands. It is our understanding that the project as presented will result in impacts to jurisdictional wetlands, streams, and other surface waters. The DWQ offers the following comments based on review of the aforementioned document:

**Project Specific Comments:**

- ✓ 1. This project is being planned as part of the 404/NEPA Merger Process. As a participating team member, the NCDWQ will continue to work with the team.
2. The scoping letter for the project (dated April 3, 2000) indicates the project was initially scheduled to begin construction in 2004. It is assumed the project would be completed in 2006. While the project was not completed in 2006, much of the data and discussion appears to be written as if it had been. Generally speaking, the document should be updated to reflect more recent data. For example:
  - For each intersection along the project, the "Traffic Carrying Capacity" section contains reference to the current LOS, 2006 LOS, and 2030 LOS. Several discussions, such as the one for SR 1929 (Hospital Drive) and SR 1927 (Tuscola Road), states that "...the northbound approach currently operates at LOS F" and "...the northbound approach to operate at LOS D in 2006."
  - Table 1b and Table 1c make reference to 2006 build and no build alternatives.
  - The traffic forecasts included in Appendix E include forecasts for 2006.
- ✓ 3. None of the maps for the project show the project study boundary.
- ✓ 4. There is no map showing the location of historic structures located within the project study area.
- ✓ 5. There is no map showing the location of noise receptors used to determine noise barrier applicability. However, a description of locations is provided on Table 3 of Appendix C.

6. Richland Creek and associated unnamed tributaries are class C; 303(d) waters of the State. Richland Creek is on the 303(d) list for impaired use for aquatic life due to impaired biological integrity. DWQ is very concerned with sediment and erosion impacts that could result from this project. DWQ recommends that the most protective sediment and erosion control BMPs be implemented to reduce the risk of nutrient runoff to Richland Creek and its tributaries. DWQ requests that road design plans provide treatment of the storm water runoff through best management practices as detailed in the most recent version of NC DWQ *Stormwater Best Management Practices*.

**General Comments:**

7. The environmental document should provide a detailed and itemized presentation of the proposed impacts to wetlands and streams with corresponding mapping. If mitigation is necessary as required by 15A NCAC 2H.0506(h), it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. Appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.
8. Environmental assessment alternatives should consider design criteria that reduce the impacts to streams and wetlands from storm water runoff. These alternatives should include road designs that allow for treatment of the storm water runoff through best management practices as detailed in the most recent version of NC DWQ *Stormwater Best Management Practices*, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.
9. After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 1 acre to wetlands. In the event that mitigation is required, the mitigation plan should be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.
10. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 150 linear feet to any single perennial stream. In the event that mitigation is required, the mitigation plan should be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as stream mitigation.
11. Future documentation, including the 401 Water Quality Certification Application, should continue to include an itemized listing of the proposed wetland and stream impacts with corresponding mapping.
12. DWQ is very concerned with sediment and erosion impacts that could result from this project. NC DOT should address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.

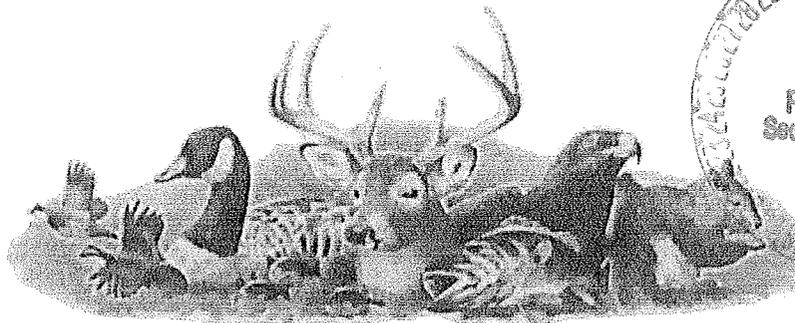
13. NC DOT is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.
14. Where streams must be crossed, the DWQ prefers bridges be used in lieu of culverts. However, we realize that economic considerations often require the use of culverts. Please be advised that culverts should be countersunk to allow unimpeded passage by fish and other aquatic organisms. Moreover, in areas where high quality wetlands or streams are impacted, a bridge may prove preferable. When applicable, DOT should not install the bridge bents in the creek, to the maximum extent practicable.
15. Sediment and erosion control measures should not be placed in wetlands or streams.
16. Borrow/waste areas should avoid wetlands to the maximum extent practical. Impacts to wetlands in borrow/waste areas will need to be presented in the 401 Water Quality Certification and could precipitate compensatory mitigation.
17. The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater should not be permitted to discharge directly into streams or surface waters.
18. Based on the information presented in the document, the magnitude of impacts to wetlands and streams may require an Individual Permit application to the Corps of Engineers and corresponding 401 Water Quality Certification. Please be advised that a 401 Water Quality Certification requires satisfactory protection of water quality to ensure that water quality standards are met and no wetland or stream uses are lost. Final permit authorization will require the submittal of a formal application by the NCDOT and written concurrence from the NCDWQ. Please be aware that any approval will be contingent on appropriate avoidance and minimization of wetland and stream impacts to the maximum extent practical, the development of an acceptable stormwater management plan, and the inclusion of appropriate mitigation plans where appropriate.
19. Whenever possible, the DWQ prefers spanning structures. Spanning structures usually do not require work within the stream or grubbing of the streambanks and do not require stream channel realignment. The horizontal and vertical clearances provided by bridges allow for human and wildlife passage beneath the structure, do not block fish passage and do not block navigation by canoeists and boaters.
20. Bridge deck drains should not discharge directly into the stream. Stormwater should be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of NC DWQ *Stormwater Best Management Practices*.
21. If concrete is used during construction, a dry work area should be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete should not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.

22. If temporary access roads or detours are constructed, the site should be graded to its preconstruction contours and elevations. Disturbed areas should be seeded or mulched to stabilize the soil and appropriate native woody species should be planted. When using temporary structures the area should be cleared but not grubbed. Clearing the area with chain saws, mowers, bush-hogs, or other mechanized equipment and leaving the stumps and root mat intact allows the area to re-vegetate naturally and minimizes soil disturbance.
23. Placement of culverts and other structures in waters, streams, and wetlands should be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures should not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by DWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NC DWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
24. If multiple pipes or barrels are required, they should be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.
25. If foundation test borings are necessary; it should be noted in the document. Geotechnical work is approved under General 401 Certification Number 3494/Nationwide Permit No. 6 for Survey Activities.
26. Sediment and erosion control measures sufficient to protect water resources must be implemented and maintained in accordance with the most recent version of North Carolina Sediment and Erosion Control Planning and Design Manual and the most recent version of NCS000250. .
27. All work in or adjacent to stream waters should be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures should be used to prevent excavation in flowing water.
28. While the use of National Wetland Inventory (NWI) maps, NC Coastal Region Evaluation of Wetland Significance (NC-CREWS) maps and soil survey maps are useful tools, their inherent inaccuracies require that qualified personnel perform onsite wetland delineations prior to permit approval.
29. Heavy equipment should be operated from the bank rather than in stream channels in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into streams. This equipment should be inspected daily and maintained to prevent contamination of surface waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials.

30. Riprap should not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.
31. Riparian vegetation (native trees and shrubs) should be preserved to the maximum extent possible. Riparian vegetation must be re-established within the construction limits of the project by the end of the growing season following completion of construction.

The NCDWQ appreciates the opportunity to provide comments on your project. Should you have any questions or require any additional information, please contact David Wainwright at (919) 715-3415.

cc: David Baker, US Army Corps of Engineers, Asheville Field Office  
Clarence Coleman, Federal Highway Administration  
Chris Militscher, Environmental Protection Agency  
Marla Chambers, NC Wildlife Resources Commission  
Mike Parker, DWQ Asheville Regional Office  
File Copy



## ☒ North Carolina Wildlife Resources Commission ☒

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### MEMORANDUM

**TO:** Melba McGee, Environmental Coordinator  
Office of Legislative and Intergovernmental Affairs  
North Carolina Department of Environment and Natural Resources

**FROM:** Dave McHenry, Habitat Conservation Biologist *D. Mc*

**DATE:** April 23, 2008

**SUBJECT:** Comments on NC 209 Improvements from SR 1801 to near SR 1523, NCDOT, TIP Project R-4047, Haywood County.

**OLIA No. 08-0300**

Biologists with the North Carolina Wildlife Resources Commission (Commission) reviewed the Environmental Assessment (EA) for North Carolina Department of Transportation's proposed improvements to a portion of NC 209 in Haywood County. We are familiar with the project area and its habitat values. Our comments are provided under provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the North Carolina Environmental Policy Act (G.S. 113A-1 et seq., as amended; 1 NCAC-25).

The Commission has no major concerns with direct effects of the project on fish and wildlife resources provided effective erosion controls are used during construction. The project area is in the Richland Creek watershed which drains to the Pigeon River where there are ongoing efforts to restore native fishes that were extirpated, or presumed extirpated, by historic water quality degradation. Therefore, it is important that this project not contribute to water quality declines in the watershed, most notably as a result of sedimentation.

Regarding secondary and cumulative impacts of the project, the EA concludes, in part, that these should be minor because the project area is small and already well-developed. However, if the project improves access to the region along NC 209 north of the project area, it may induce growth. It appears that this part of NC 209 is or already has been assessed under TIP project R-2117, so secondary and cumulative impacts there already have been or will be evaluated and mitigated as necessary.

The Commission appreciates the opportunity to provide comments regarding effects of the project on fish and wildlife resources. If you need to discuss these comments please call me at (828) 452-0422 extension 24.

cc:

Marla Chambers - North Carolina Wildlife Resources Commission



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

April 16, 2008

MEMORANDUM

TO: Melba McGee, DENR Environmental Coordinator

FROM: <sup>HL</sup> Harry LeGrand, Natural Heritage Program

SUBJECT: Proposed Improvements to NC 209 from US 19-23 to Just North of SR 1523;  
Waynesville, Haywood County

REFERENCE: Project No. 08-0300

The Natural Heritage Program has no record of rare species, significant natural communities, significant natural heritage areas, or conservation/managed areas at the site nor within 1/4-mile of the project area.

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





RECEIVED  
Division of Highways

JUN 03 2008

Project Development and  
Governmental Analysis Branch

# North Carolina Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

May 30, 2008

Mr. Gregory Thorpe  
N.C. Dept. of Transportation  
Project Dev. & Env. Analysis Branch  
1548 Mail Service Center  
Raleigh, NC 27699-1548

**Re: SCH File # 08-E-4220-0300; EA; Proposed Improvements to NC 209 from US 19-23 to just North of SR 1523; Haywood County; TIP #R-4047**

Dear Mr. Thorpe:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are **additional** comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

Valerie W. McMillan, Director  
State Environmental Policy Act

Attachments

cc: Region A

Mailing Address:  
1548 Mail Service Center  
Raleigh, NC 27699-1301

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

Location Address:  
116 West Jones Street  
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

MEMORANDUM



TO: Chrys Baggett  
State Clearinghouse

FROM: Melba McGee *ll*  
Environmental Review Coordinator

RE: 08-0300 NC 209 Improvements from SR 1801 to near SR 1523 in  
Haywood County

DATE: May 1, 2008

The Department of Environment and Natural Resources has reviewed the proposed information. The applicant is encouraged to consider the attached recommendations by our review agencies. Addressing these comments during the review process and/or during the NEPA Merger Process will avoid delays during the permit phase.

Thank you for the opportunity to review.

Attachments

To: Jim McRight



DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL HEALTH

Project Number <b>08-0300</b>
County <b>Haywood</b>

Inter-Agency Project Review Response

Project Name US DOT & NC DOT Type of Project Proposed improvements to NC 209 from US 19-23 to just North of SR 1523; Haywood County

- The applicant should be advised that plans and specifications for all water system improvements must be approved by the Division of Environmental Health prior to the award of a contract or the initiation of construction (as required by 15A NCAC 18C .0300et. seq.). For information, contact the Public Water Supply Section, (919) 733-2321.
- This project will be classified as a non-community public water supply and must comply with state and federal drinking water monitoring requirements. For more information the applicant should contact the Public Water Supply Section, (919) 733-2321.
- If this project is constructed as proposed, we will recommend closure of \_\_\_\_\_ feet of adjacent waters to the harvest of shellfish. For information regarding the shellfish sanitation program, the applicant should contact the Shellfish Sanitation Section at (252) 726-6827.
- The soil disposal area(s) proposed for this project may produce a mosquito breeding problem. For information concerning appropriate mosquito control measures, the applicant should contact the Public Health Pest Management Section at (919) 733-6407.
- The applicant should be advised that prior to the removal or demolition of dilapidated structures, a extensive rodent control program may be necessary in order to prevent the migration of the rodents to adjacent areas. For information concerning rodent control, contact the local health department or the Public Health Pest Management Section at (919) 733-6407.
- The applicant should be advised to contact the local health department regarding their requirements for septic tank installations (as required under 15A NCAC 18A 1900 et sep.). For information concerning septic tank and other on-site waste disposal methods, contact the On-Site Wastewater Section at (919) 733-2895.
- The applicant should be advised to contact the local health department regarding the sanitary facilities required for this project.
- If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Environmental Health, Public Water Supply Section, Technical Services Branch, 1634 Mail Service Center, Raleigh, North Carolina 27699-1634, (919) 733-2321.
- For Regional and Central Office comments, see the reverse side of this form

Jim McRight PWSS 4/21/08  
 Reviewer Section/Branch Date

*Adams 4/28/08*

NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

STATE NUMBER: 08-E-4220-0300  
DATE RECEIVED: 04/08/2008  
AGENCY RESPONSE: 04/30/2008  
REVIEW CLOSED: 05/05/2008

F02

MS RENEE GLEDHILL-EARLEY  
CLEARINGHOUSE COORD  
DEPT OF CUL RESOURCES  
ARCHIVES-HISTORY BLDG - MSC 4617  
RALEIGH NC

ER 00-9158

REVIEW DISTRIBUTION  
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DENR LEGISLATIVE AFFAIRS  
DEPT OF AGRICULTURE  
DEPT OF CUL RESOURCES  
DEPT OF TRANSPORTATION  
SWNC PLANN & ECON DEV COMM

A- (RE) BJS  
4/14/08

S. OK CASE  
4/15/08

PROJECT INFORMATION

APPLICANT: N.C. Dept. of Transportation  
TYPE: National Environmental Policy Act  
LRD: Environmental Assessment

Done 4/24/08

DESC: Proposed Improvements to NC 209 from US 19-23 to just North of SR 1523; Haywood County; TIP #R-4047

CROSS-REFERENCE NUMBER: 01-E-4220-0397 00-E-4220-0514

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

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

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

NO COMMENT

COMMENTS ATTACHED

SIGNED BY:

Renee Gledhill-Earley

DATE:

4-15-08



APR 15 2008



North Carolina  
Department of Administration

RECEIVED  
Division of Highways

MAY 08 2008

Records Section  
Project Development and  
Environmental Analysis Branch

Michael F. Easley, Governor

Britt Cobb, Secretary

May 6, 2008

Mr. Gregory Thorpe  
N.C. Dept. of Transportation  
Project Dev. & Env. Analysis Branch  
1548 Mail Service Center  
Raleigh, NC 27699-1548

Re: SCH File # 08-E-4220-0300; EA; Proposed Improvements to NC 209 from US 19-23 to just North of SR 1523; Haywood County; TIP #R-4047

Dear Mr. Thorpe:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

W. Kevin McLaughlin, Jr., General Counsel  
Interim Environmental Policy Act Coordinator

Attachments

cc: Region A

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

Telephone: (919)807-2425  
Fax: (919)733-9571  
State Courier #51-01-00

Location Address:  
116 West Jones Street  
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Director of Environment

William G. Ross III, Secretary

MEMORANDUM

TO: Valerie McMillan  
State Clearinghouse

FROM: Melba McGee   
Environmental Projects Officer

SUBJECT: #08-0300 Improvements to NC 209 from US 19-23 to just north of SR 1523, Haywood County

DATE: May 29, 2008

The attached comments were received by this office after the response due date. These comments should be forwarded to the applicant and made a part of our previous comment package.

Thank you for the opportunity to respond.

Attachment

One  
North Carolina  
*Naturally*



# REQUEST FOR R/W COST ESTIMATE

DATE RECEIVED 2/23/09

DISTRIBUTED 2/23/09

REVISION: NO

ID.NO./  
BREAK

DESCRIPTION

SCHEDULE

R-4047	NC 209 IMPROVEMENTS FROM US 19-23-74 (GREAT SMOKEY MOUNTAINS EXPWY) TO SR 1523 (OLD CLYDE ROAD) LAKE JUNALSKA	R/W CONST	FY <u>N/A</u> FY <u>N/A</u>	UNFUND <input type="checkbox"/>	POST YRS <input type="checkbox"/>
		R/W CONST	FY _____ FY _____	UNFUND <input type="checkbox"/>	POST YRS <input type="checkbox"/>
		R/W CONST	FY _____ FY _____	UNFUND <input type="checkbox"/>	POST YRS <input type="checkbox"/>

ACCESS FULL C/A  PARTIAL C/A  NO CONTROL

WBS ELEMENT NUMBER 34599.1.1 COUNTY: HAYWOOD

ENGINEER ZAHID M. BALOCH / PDEA

SPECIAL INSTRUCTIONS:  
N/A

TYPE OF PLANS FURNISHED FOR ESTIMATE PRELIMINARY

DATE DUE 03/20/09

PRIOR ESTIMATES OF LAND AND DAMAGES (WITH DATES):  
6,100,000 10-26-07

IF INCREASES OR DECREASES ARE SIGNIFICANT, PLEASE EXPLAIN:  
N/A

BASED ON PAST PROJECT HISTORICAL DATA, THE LAND AND DAMAGE FIGURES HAVE BEEN ADJUSTED BY A FACTOR OF 50% TO INCLUDE CONDEMNATION AND ADMINISTRATIVE INCREASES THAT OCCUR DURING SETTLEMENT OF ALL PARCELS. THESE FIGURES PROJECT THE MOST ACCURATE ACQUISITION ESTIMATES FOR 2 YEARS FROM THE DATE OF THIS ESTIMATE.

ESTIMATED BY BRAD LOPP COMPLETED DATE 03-16-09

### ALTERNATES

ESTIMATED NO. OF PARCELS:	36			
RESIDENTIAL RELOCATIONS:	5 / 75,000			
BUSINESS RELOCATIONS:	10 / 200,000			
LAND AND DAMAGE:	9,247,500			
ACQUISITION	240,000			
<b>TOTAL ESTIMATED R/W COST:</b>	<b>9,762,500</b>			

THERE ARE NO FIGURES FOR UTILITY INVOLVEMENT ON THIS ESTIMATE.





# NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

## **NC 209 Improvements From west of SR 1801 (Liner Cove Road) to just north of SR 1523 (Old Clyde Road)**

WBS Number 34599.1.1  
TIP PROJECT R-4047

Haywood County

Combined Public Hearing

Shackford Hall  
90 Shackford Hall Road,  
Lake Junaluska

Informal Open House 4:00 p.m. – 6:30 p.m.  
Formal Presentation 7:00 p.m.

**August 12, 2008**

## PURPOSE OF PROJECT

The purpose of the project is to reduce congestion and improve access to homes, businesses, and public facilities in the area. The proposed improvements will complete the improvements to NC 209 started under TIP project R-2117, which acquired some right of way for the widening of the road.

## PURPOSE OF PUBLIC HEARING

Today's hearing is an important step in the North Carolina Department of Transportation's (NCDOT) procedure for making you, the public, a part of the project development process. The purpose of the hearing is to obtain public input on the location and design of the proposed project.

Planning and environmental studies on this highway project are provided in the environmental report – Environmental Assessment (EA). Copies of this report and today's hearing map displaying the location and design have been available for public review at the Town of Waynesville Town Hall located at 16 South Main Street, Waynesville and at the NCDOT Maintenance Office located at 619 Paragon Parkway, Clyde.

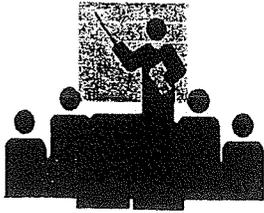
## YOUR PARTICIPATION

Now that the opportunity is here, you are encouraged to participate by making your comments and/or questions a part of the public record. This may be done by having them recorded at the Formal Public Hearing or by writing them on the attached comment sheet. Several representatives of the North Carolina Department of Transportation are present. They will talk with you, explain the design to you and answer your questions. You may write your comments or questions on the attached comment sheet and leave it with one of the representatives or mail them by September 12, 2008 to the following address:

Mr. Jamille A. Robbins  
NCDOT - Human Environment Unit  
1583 Mail Service Center  
Raleigh, NC 27699-1583  
Email: [jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)

Everyone present is urged to participate in the proceedings. It is important, however, that **THE OPINIONS OF ALL INDIVIDUALS BE RESPECTED REGARDLESS OF HOW DIVERGENT THEY MAY BE FROM YOUR OWN**. Accordingly, debates, as such, are out of place at public hearings. Also, the public hearing is not to be used as a **POPULAR REFERENDUM** to determine the location and/or design by a majority vote of those present.

## WHAT IS DONE WITH THE INPUT?



A post-hearing meeting will be conducted after the comment period has ended. NCDOT staff representing Planning, Design, Traffic, Division, Right of Way, Public Involvement & Community Studies and others who play a role in the development of a project will attend this meeting. The project will also be reviewed with federal agencies such as the US Army Corps of Engineers (USACE) as well as state agencies such as the NC Department of Environment and Natural Resources. When appropriate, local government officials will attend.

All spoken and written issues are discussed at this meeting. Most issues are resolved at the post-hearing meeting. The NCDOT considers safety, costs, traffic service, social impacts and public comments in making decisions. Complex issues may require additional study and may be reviewed by higher management, Board of Transportation Members and/or the Secretary of Transportation.

Minutes of the post-hearing meeting are prepared and a summary is available to the public. You may request this document on the attached comment sheet.

## STATE-FEDERAL RELATIONSHIP

This proposed project is a Federal-Aid Highway Project and thus will be constructed under the State-Federal Aid Highway Program. Financing of this project will be 80% Federal Funds and 20% State Funds. The Board of Transportation is responsible for the selection and scheduling of projects on the Federal Aid System, their location, design and maintenance cost after construction. FHWA is responsible for the review and approval of the previously mentioned activities to ensure that each Federal Aid Project is designed, constructed and maintained to Federal Aid Standards.

## NEED FOR THE PROJECT

The proposed project will address the following needs:

- Increasing development along the NC 209 corridor is causing congestion and a tremendous strain on the existing two-lane facility. Currently, this section of NC 209 serves, at the northern project limit, 9,400 vehicles per day (vpd) and at the southern project limit the traffic volume is around 20,500 vpd. By the design year 2030, the number of vehicles per day is expected to increase to up to 13,700 vpd and 29,200 vpd respectively. The existing design of the road will not be able to carry this number of vehicles. Level of service (LOS) is a qualitative measure describing operational conditions within a traffic stream and how motorists and/or passengers perceive these conditions. A LOS definition generally describes these conditions in terms of speed, travel time, freedom to maneuver, traffic interruptions, comfort, and convenience. The Transportation Research Board (TRB) has defined levels of service (LOS) in categories from A to F. LOS A represents ideal, free flow conditions, while LOS F represents forced or breakdown flow with stop and go conditions. A two-lane road

analysis indicates that NC 209 is presently operating at LOS E, and expected to operate at a LOS F in 2030, along the heaviest traveled section. Based on traffic projections and without the proposed project, NC 209 would operate very poorly with considerable traffic delays in the future.

- Above average crash rates. During a three year period between December 1, 2004 and March 31, 2007, a total of 52 crashes were reported along the project corridor. Approximately, 85% of all crashes within the project study corridor occurred between US-19-23-74 and the intersection of SR 1375 (Depot Road). Left turns accounted for 60% of all crashes. This was followed by rear end (21%) and sideswipe crashes (6%). The total crash rate within the project study corridor is 1052.08 accidents per 100 million vehicle miles traveled (mvmt). This rate is significantly (5.5 times) higher than the statewide crash rate for rural NC routes, which were 191.04 accidents per 100 mvmt from 2003 to 2005.

The improvements to NC 209 in conjunction with the improvements made to NC 209 under TIP # R-2117 will provide an improved connection between US 19-23-74 at Lake Junaluska, Waynesville, and I-40 towards Knoxville, Tennessee.

### **PROJECT DESCRIPTION**

The NCDOT, Division of Highways, proposes to improve NC 209 from west of SR 1801 (Liner Cove Rd.) to north of SR 1523 (Old Clyde Road). The project will consist of widening NC 209 to a four-lane divided roadway with a raised median from the SR 1801 (Liner Cove Road) to SR 1523 (Old Clyde Road). Improvements to US 23 Business south of Liner Cove Road and NC 209 North of SR 1523 (Old Clyde Road) will be made to facilitate the transition from the four-lane divided roadway to the two-lane roadway.

Currently the US 19-23-74 South on and off ramps, and SR 1375 (Access Road) share a common roadway and experience confusing traffic patterns resulting in traffic congestion and potentially unsafe conditions. The recommended build alternative will provide on and off-ramps for US19-23-74 separate from SR-1375 (Access Road). This will aid in reducing congestion and will improve access to homes and businesses in the area by separating local traffic from ramp traffic.

Also from north of SR 1801 (Liner Cove Road)/US 23 Business intersection to SR 1375 (Access Road) and US 19-23-74 South Ramp there are five intersections within a 1400 ft distance resulting in traffic congestion and difficulties in accessing nearby businesses and homes. The proposed improvements will reduce/combine the existing five intersections to only two signalized intersections. This will reduce congestion, traffic conflict points, and improve access to nearby homes and businesses.

The proposed improvements will also realign NC 209 from SR 1526 (Carley Road) to SR 1523 (Old Clyde Road). NCDOT also proposes to reconfigure the interchange of NC 209 at US 19-23-74. The existing ramp to connect US 19-23-74 (southbound) to US 23 Business will be realigned and reconfigured to allow left-turns to access NC 209 (north). SR 1929 (Hospital Drive) currently intersects NC 209 adjacent to the US 19-23-74 interchange. The project proposes to remove this connection to NC 209 and realign SR 1929 along new location and tie it

into SR 1801 (Liner Cove Road). SR 1546 (Paragon Parkway) will be realigned to tie directly into the intersection of NC 209 and the US 19-23-74 (southbound) on and off ramps.

The project will also replace rail structure R-32, which carries the Norfolk Southern Piedmont District's T-line. Construction of a new structure will result in the rail line being realigned to the south its existing location. The project will also close the existing at-grade crossing of the Norfolk Southern rail line at SR 1526 (Carley Road).

### PROPOSED PROJECT INFORMATION

**Length:** ~ 0.78 miles

**Typical Section:** See Figures

**Right of Way:** Varies

**Access Control:** **Interchange**

*Full Control of Access*

No Private Driveway connections will be allowed.

**Outside of Interchange Area**

*No Control of Access; However, Access Management measures will be used*

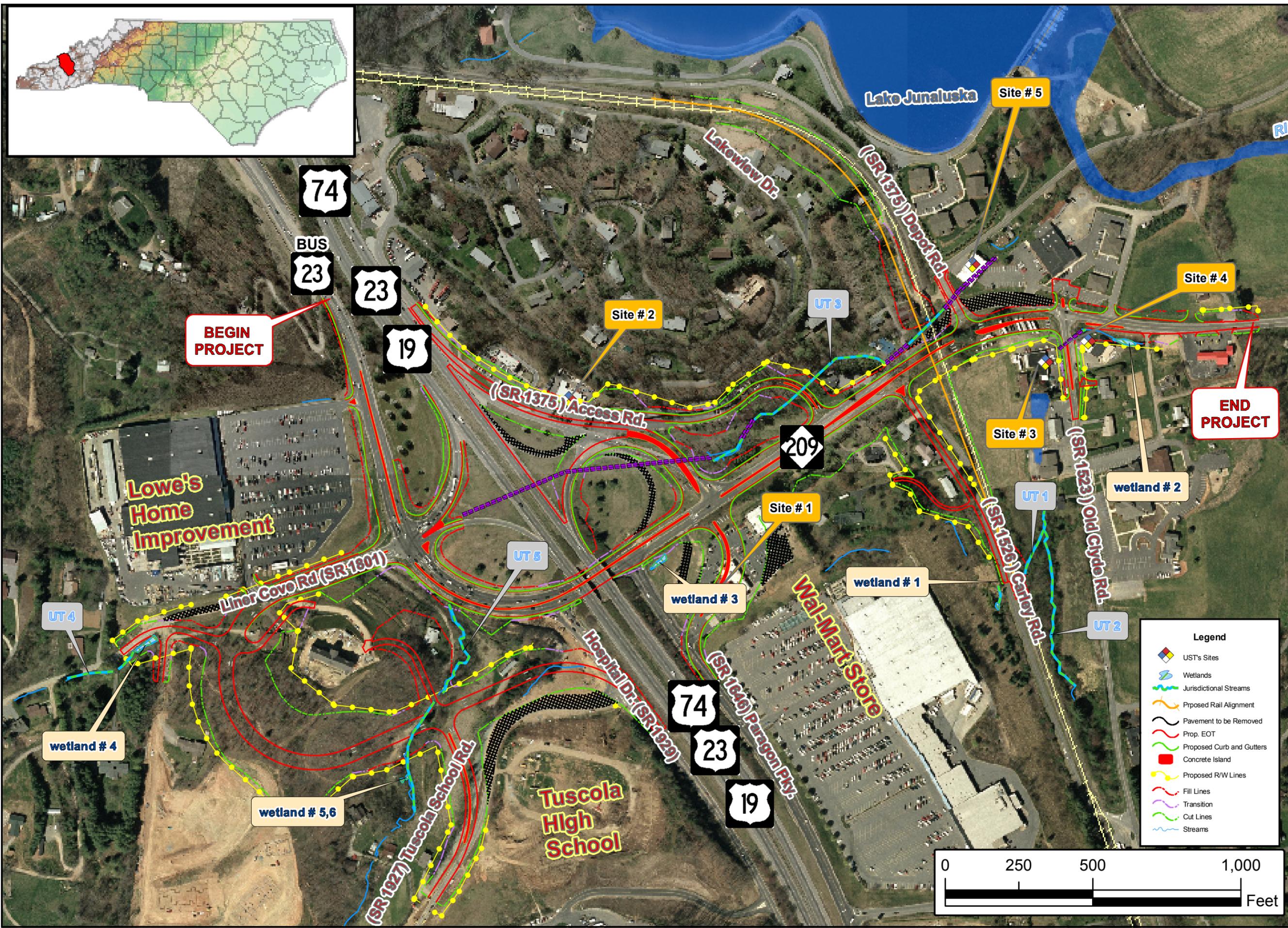
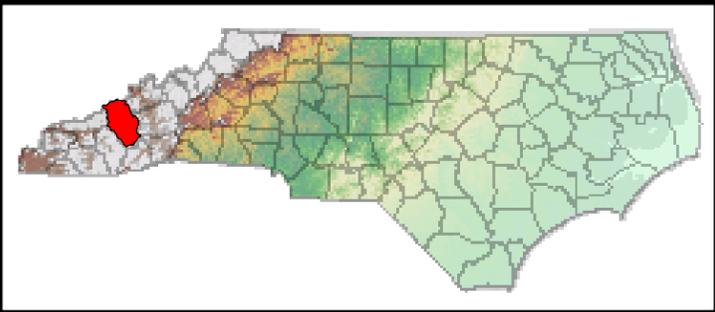
**Relocates:** Residences: 9      Businesses: 8

<b>Estimated Cost:</b>	Construction Cost:	\$ 24,400,000
	Mitigation Cost:	\$ 206,000
	Right of Way Cost:	<u>\$ 9,645,000</u>
	Total:	\$ 34,251,000

**Current**

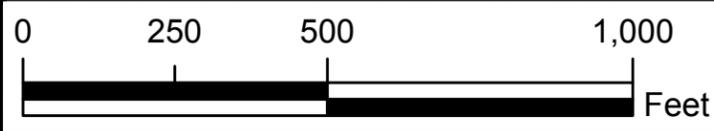
**Schedule:** **The tentative schedule is shown below. A number of factors can affect a project schedule, so schedules are subject to change.**

**Right of Way Acquisition** – Federal Fiscal Year (FFY) 2009  
**Construction** – FFY 2014



**Legend**

- UST's Sites
- Wetlands
- Jurisdictional Streams
- Proposed Rail Alignment
- Pavement to be Removed
- Prop. EOT
- Proposed Curb and Gutters
- Concrete Island
- Proposed R/W Lines
- Fill Lines
- Transition
- Cut Lines
- Streams



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

**PROPOSED IMPROVEMENTS  
PROPOSED WIDENING OF NC 209  
& REPLACEMENT OF RAILROAD  
STRUCTURE R-32**  
HAYWOOD COUNTY  
TIP PROJECT R-4047



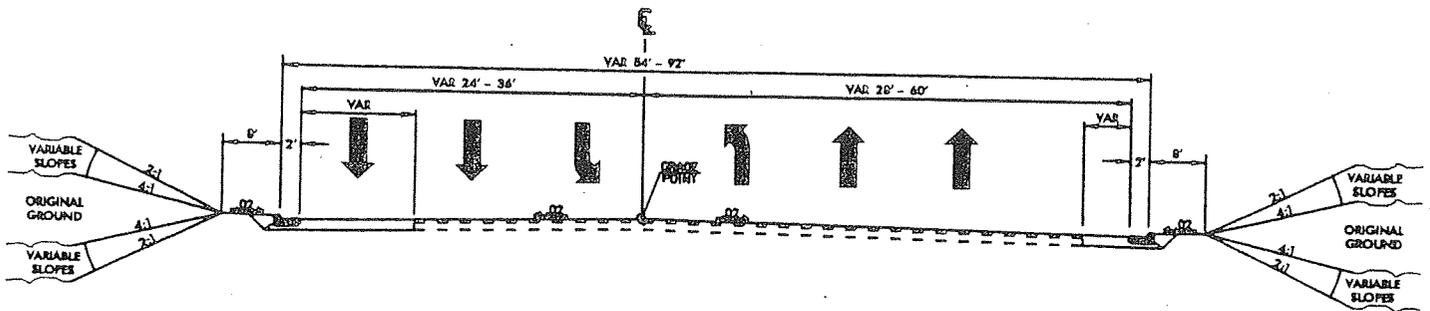
County:  
HAYWOOD

Div: 14      TIP# R-4047

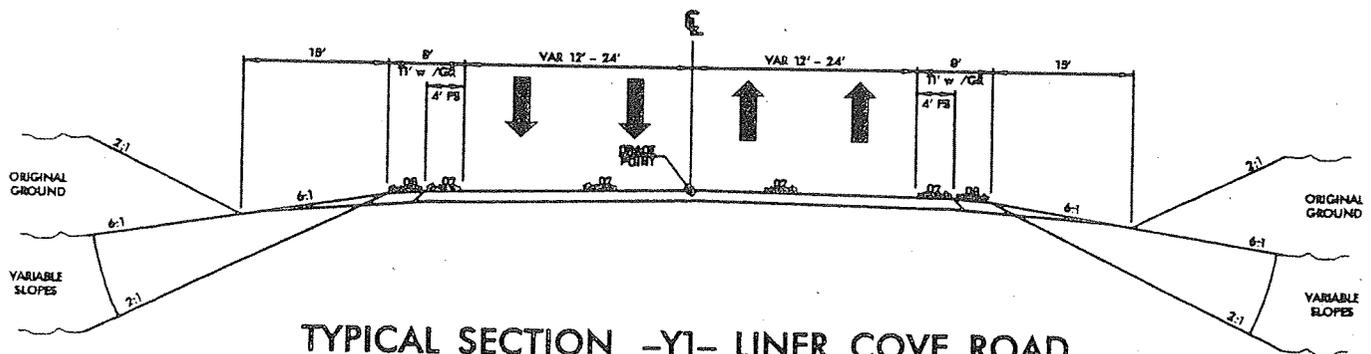
WBS:  
34599.1.1

Date:  
NOV 2007

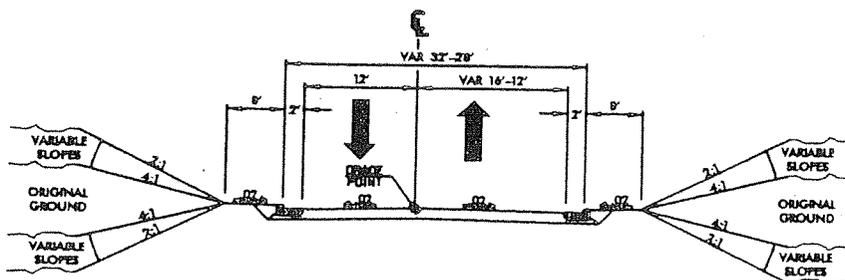
**Figure  
3**



TYPICAL SECTION - US 23 BUS / NC 209 (CRABTREE ROAD)



TYPICAL SECTION -Y1- LINER COVE ROAD



TYPICAL SECTION -Y4- ACCESS ROAD

**COMMENT SHEET**

NC 209 Transportation Improvements  
from west of SR 1801 (Liner Cove Road) to just north of SR 1523 (Old Clyde Road)

Formal Combined Public Hearing – August 12, 2008

TIP Project No. R-4047

Haywood County

WBS No. 34599

NAME:

ADDRESS:

COMMENTS AND/OR QUESTIONS:

**Comments may be mailed by September 12, 2008:**

Mr. Jamille A. Robbins  
Public Involvement Officer  
NCDOT - Human Environment Unit  
1583 Mail Service Center  
Raleigh, NC 27699-1583  
Phone: (919) 715-1534 FAX: (919) 715-1501  
Email: [jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)

Appendix C - 2

Public Hearing Certification



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

January 14, 2009

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

Dear Mr. Sullivan,

**SUBJECT:** Proposed improvements of NC 209 from west of SR 1801 (Liner Cove Rd.) to north of SR 1523 (Old Clyde Rd.), Lake Junaluska, Haywood County, TIP R-4047, Federal Project No. STP-209 (2), State Project No. 8.1944301, WBS Element 34599.1.1

**CERTIFICATION OF PUBLIC HEARING AND ENVIRONMENTAL REVIEW**

This is to certify that a combined public hearing was held for the subject project on August 12, 2008. A copy of the public hearing transcript is attached 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", written over a horizontal line.

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

**MAILING ADDRESS:**  
NC DEPARTMENT OF TRANSPORTATION  
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS  
1548 MAIL SERVICE CENTER  
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141  
FAX: 919-733-9794

WEBSITE: [WWW.DOH.DOT.STATE.NC.US](http://WWW.DOH.DOT.STATE.NC.US)

**LOCATION:**  
TRANSPORTATION BUILDING  
1 SOUTH WILMINGTON STREET  
RALEIGH NC

1 OFFICIAL PUBLIC HEARING TRANSCRIPT

2 Combined Public Hearing

3 NC 209 Improvements

4 from west of SR 1801 (Liner Cove Road) to just north of SR 1523 (Old Clyde Road)

5 Shackford Hall

6 August 14, 2008

7 TIP# R-4047

8  
9  
10 Good Evening Ladies and Gentlemen. My name is Jamille Robbins. I'm a Public  
11 Involvement Officer with the Department of Transportation. I'll be your moderator for  
12 tonight's public hearing on the transportation improvements to North Carolina Route 209  
13 from just west of Liner Cove Road to just north of Old Clyde Road. This is Transportation  
14 Improvement Program project number R-4047. I ask that you use this number when sending  
15 in any correspondence to myself or any other DOT staff. Does everyone have a handout? If  
16 not, raise your hand and we'll make sure you get one.

17  
18 While they are getting those handouts to you, I like to take the time to introduce other DOT  
19 staff present here tonight, all of which have or will have a role to play in the development of  
20 this project. I'd like to introduce Mr. Conrad Burrell, the North Carolina Board of  
21 Transportation Member. From our local Division, we have Mr. Joel Setzer, Division  
22 Engineer. From the Division Right-of-Way office, we have Mr. Teddy Greene and Mr.  
23 Reuben Moore and Mr. Norman Medford. From our Locations and Surveys Unit we have  
24 Mr. John Taylor and Mr. Brett Hinson. From Raleigh, from our Roadway Design Unit, the  
25 guys responsible for the design you see here, we have Mr. Mike Little and Mr. Paul  
26 Rochester. From our Planning Project & Development Analysis Branch, the branch that is  
27 responsible for the environmental document, the Environmental Assessment, we have Mr.  
28 John Conforti, Mr. Zahid Baloch and Mr. Michael Wray. From my office, the Public  
29 Involvement group, we have Mr. Ed Lewis and Ms. Eileen Fuchs.

30  
31 Does everyone have a handout? Just to let you know how tonight will run, I'm going to  
32 review the handout with you then I'll review the map. Once we've done that, I'll open it up  
33 to anyone that's signed up to speak at that point.

34  
35 Let's start with the Purpose of this Project. The purpose of the project is to reduce  
36 congestion and improve access to homes and businesses and public facilities in the area.  
37 Tonight's public hearing is an important step in the Department's continual efforts to  
38 make you, the public, a part of the project development process. Tonight we are out here  
39 specifically to get your input on the location and the design of the project.

40  
41 Planning and environmental studies were done and catalogued in the Environmental  
42 Assessment. We also refer to that as the EA. Copies of this report along with tonight's  
43 public hearing map have been available at the following locations.

44  
45 This is a public hearing. We have come out here to hear what you have to say so your  
46 participation is greatly encouraged in this process. Some of you may ask, how do I  
47 participate? You can have your comments recorded here tonight as part of the official  
48 public transcript or by writing them on the attached comment sheet. I'll talk more about that

49 in a minute. Written comments carry the same weight as verbal comments. The comment  
50 period is open until September 12, 2008. If you want to take time tonight and digest all of  
51 the information given out, take time to formulate your ideas, you have a month to get those  
52 in to us. You can mail them into my office. The information is listed below. This is a  
53 public hearing. I'm not here to debate anybody. I'm here to hear what you have to say. I  
54 ask also that you not argue amongst yourselves, as opinions will differ. This is not a popular  
55 referendum where there'll be voting done. There will be no decisions made tonight.  
56

57 Now you say, well, what are going to do with the input once you've got it? In 6 weeks, after  
58 the comment period is ended, we will have an internal DOT meeting, which we refer to as a  
59 post hearing meeting. At this meeting various branches of DOT has staff there all of which  
60 play a role in the development of this project. We'll sit down and discuss each and every  
61 comment that has been received in the comment period. Most issues are resolved at this  
62 meeting. DOT not only has to take into account public input and public comment, we also  
63 have to consider traffic service, safety, social impacts and costs in making these decisions.  
64 If there are issues that are complex, those issues may have to be escalated up to the Board of  
65 Transportation or to the Secretary of Transportation. The minutes from this meeting will be  
66 prepared and available to the public. So if you desire a copy of the post-hearing meeting  
67 minutes, you can give me a call or on the comment sheet, write a note that you would like to  
68 receive a copy. We'll mail them out once those minutes have been prepared.  
69

70 This is a Federal-Aid Highway Project. That means the funding will be 80% Federal, 20%  
71 State.  
72

73 The Need for the Project. Increasing development along the NC 209 is causing congestion  
74 and a tremendous strain on the existing two-lane facility that is out there now. Currently,  
75 this section of 209 is serving anywhere from 9,400 vehicles per day to 20,500 vehicles per  
76 day.  
77

78 By the design year, we didn't design this project for right now, but more so for the design  
79 year of 2030. We're looking long range. By the year 2030 the number of vehicles per day  
80 is expected to increase in range from 13,700 vehicles per day to 29,200 vehicles per day.  
81 The existing design of this road will not be able to carry the number of vehicles. Level of  
82 service is a measure we use to describe the capacity of the roadway. These definitions  
83 basically describe these conditions in terms of speed, travel time, freedom to maneuver,  
84 traffic interruptions, comfort, and convenience. The Transportation Research Board has  
85 defined levels of service in categories "A" to "F". "A" means free flow conditions, "F"  
86 represents forced or breakdown flow with stop and go conditions. A two-lane road analysis  
87 was done on NC 209. It is presently operating at level of service "E", and expected to  
88 operate at a level of service "F" in 2030. Based on the future traffic projections and without  
89 the proposed project, NC 209 would operate very poorly with considerable traffic delays in  
90 the future. It would also contribute to inefficient operation of motor vehicles. With gas  
91 prices the way they are, I don't think anyone wants to be in a congested area.  
92

93 Another need for this project is the above average crash rates. Crash rates for this section of  
94 NC 209 were almost 6 times higher than comparable two-lane roadways in North Carolina.  
95 These improvements to NC 209 in conjunction with the improvements made to NC 209  
96 under Transportation Improvement Program project number R-2117 will provide an

97 improved connection between US 19-23-74 at Lake Junaluska, Waynesville, and I-40  
98 towards Knoxville, Tennessee.

99

100 Next is the Project Description. I'll cover that when I review the map. If you would turn to  
101 the next page, I'll talk about the project information. The length of the project is just over  
102 three quarters of a mile. The typical section. The typical section is what the roadway would  
103 look like if I had a magical knife to cut a section of the road out and turn it up on its side.  
104 Turn to the next page and this is what the typical section would look like. The typical  
105 section for NC 209 would be a four-lane divided roadway. Liner Cove Road will be  
106 widened to a four-lane roadway. The access road will remain a two-lane roadway. The  
107 right-of-way on this project will vary. The control of access, in the area of the interchange,  
108 you will have full control of access. That means no private driveways will be allowed to  
109 connect with that area of the roadway within that vicinity. Outside of the interchange area,  
110 there will be no control of access; however, we are implementing access management  
111 measures such as the construction of the median and consolidation of driveways and  
112 intersections. This project will relocate 9 residences and 8 businesses.

113

114 Estimated cost of this project, the total cost is \$34,251,000. The current schedule for this  
115 project – Right-of-Way Acquisition is scheduled to begin in Federal Fiscal Year 2009, with  
116 construction scheduled for 2014. Keep in mind that is a tentative schedule. Various factors  
117 can affect a project schedule so schedules are subject to change.

118

119 If you turn on the back, the next section is the typical section. On the back of that, we'll talk  
120 about Right-of-Way Procedures. Once decisions are made regarding the final design, the  
121 proposed right-of-way limits will be staked on the ground by our Locations and Surveys  
122 Unit. If you are an affected property owner, a Right-of-Way Agent will contact you and  
123 arrange a meeting. The agent will explain to you the plans and how the project will affect  
124 you and your rights as a property owner. If permanent right-of-way is required, an appraisal  
125 will be done on your property. Once the appraisal is reviewed for completeness and  
126 accuracy, the Right-of-Way Agent will make a written offer to you. The current market of  
127 that property at its highest and best use is what we offer as monetary compensation. During  
128 this process the Department must treat all owners and tenants equally; we must fully explain  
129 the owner's rights; we must pay just compensation in exchange for property rights; and we  
130 must furnish relocation advisory assistance.

131

132 That is a perfect segue into the next paragraph. If you are a relocatee, if you are being  
133 displaced as part of the project, there is additional assistance available in the form of advice  
134 and compensation. I would recommend to anyone if you have very detailed right-of-way  
135 questions, talk to Teddy Greene or anyone from his staff. They are very good at what they  
136 do and very knowledgeable. There are also pamphlets that were available at the sign in  
137 table. A pamphlet on *Frequently Asked Questions for Right-of-Way Acquisition* and a  
138 *Relocation Assistance* brochure, which explains the process.

139

140 The next is a map of the area and project, more of a conceptual. Behind that is the most  
141 important sheet in this handout. This is why we've come out; to hear what you have to say.  
142 This is the last sheet because you can just rip it off and mail it in. You can leave comments  
143 with us tonight if you've already written them out and turn them in at the comment box.  
144 Your comments don't have to specifically be on this sheet of paper. You can email me.

145 You can send your comments on your own letterhead. Just get the comment in to us. We  
146 really want to hear from the public.

147

148 Let's review the map. By now I know most people have had a chance to look at the map. I  
149 still want to go over it with you. First let's get orientated with the map. Ed, do we have any  
150 batteries? I'm sorry, if you could just bear with us for a second. We don't have any extra  
151 batteries so I'll point everything out to you the old fashioned way. First to get orientated to  
152 the map, this is North, this is the north arrow. This is South, East, West. This is US 19/ 23/  
153 74. Here is Old Clyde Road, Carley Road, Liner Cove Road, US 23 Business. This is 209  
154 and Access Road.

155

156 Let's familiarize ourselves with the colors on the map. Anywhere you see Dark Green, that  
157 represents existing right-of-way. Any of the Light Green is proposed right-of-way, the  
158 right-of-way that will need to be acquired to construct the project. Anywhere you see the  
159 Light Green with the Hatching, that represents easements. In most cases easements are  
160 temporary. It is usually an area of land we need to construct the project. Once construction  
161 is complete in most cases the land reverts back to the property owner. Anywhere you see  
162 Gray, that represents existing pavement. Orange would represent existing pavement to be  
163 resurfaced as a part of the project. Any Yellow would represent new pavement. Where you  
164 see Gray with the Hatching would represent existing pavement to be removed as a part of  
165 the project. Any Red would represent concrete structures of some sort; bridges, islands,  
166 curb and gutter. Any concrete structure. Where you see the Red and White Candy Cane  
167 Striping, that would represent existing concrete structures that will remain in place. The  
168 Black and Red Candy Cane Striping represents existing concrete structures that will be  
169 removed as part of the project. This Lavender color would represent railroad right-of-way.  
170 Brown would be buildings or homes. Any Blue would represent bodies of water. That's it.  
171

172 Let's start with the Project. The main purpose of the project is to improve NC 209 from just  
173 west of Liner Cove Road to north of Old Clyde Road. You are widening from a two-lane  
174 facility/roadway to a four-lane divided. The median will be constructed throughout the  
175 entire project study area with median breaks at Liner Cove Road, at the newly formed four-  
176 way intersection with Paragon Parkway and the southbound on and off ramps and at the  
177 northern most entrance of Access Road and Old Clyde Road.

178

179 When I was talking about the access management measures, part of that is constructing  
180 medians to separate opposing streams of traffic. We also are eliminating several  
181 intersections that currently exist; one of those being Hospital Road. Hospital Road ties into  
182 NC 209 in this location currently. That will be removed. That signal will be removed and  
183 Hospital Road will be realigned to the south and tie into Liner Cove Road. Also in this area,  
184 Tuscola School Road will be realigned. (Inaudible) will be removed. It will tie into the new  
185 alignment of Hospital Road at this point. During construction a temporary roadway will be  
186 built to allow access to the Motel 6 in this area. This connection will be removed once the  
187 permanent connection is made at this point. The existing Liner Cove Road will be realigned  
188 to the south. The existing pavement will be removed here and it will tie into this four-way  
189 intersection on the new alignment. The northern side of the interchange, Paragon Parkway,  
190 its connection will be removed and it will be realigned to the north to tie into the new four-  
191 way intersection with the southbound on and off ramp. Those access management measures  
192 are being put in because the proximity of these intersections contribute to the poor

193 operational efficiency of NC 209. On the northwest side, currently Access Road shares a  
194 common roadway with the southbound on and off ramps. That design does not meet our  
195 current standards. It is very confusing to drivers. What we've done is reconfigured the  
196 ramps. Now access to US 19/ 23/ 74 will be the ramps only. Access Road will be realigned  
197 to the northwest and tie in just north of our control of access. As it currently stands, this  
198 access will be right-in, right-out only. With this reconfiguration of ramps, if you're getting  
199 off the southbound exit ramp, you will be allowed to make left turns to access NC 209  
200 North. This is Carley Road. Carley Road will be realigned to tie into NC 209 at this point.  
201 The major reason for this realignment is the new alignment of the railroad in this area.  
202 We're taking out the existing railroad structure over NC 209 and constructing a new one.  
203 The rail tracks will remain on the existing alignment until this is completed. Access Road,  
204 the northern most intersection will be a full movement intersection. Left turns will be  
205 allowed here. It is important to note from Carley Road to Old Clyde Road, NC 209 will be  
206 on new alignment. This is mainly to fix the sight distance, make it a safer roadway. We  
207 reach Old Clyde Road. This will be a new four-way intersection with the entrance to  
208 Haywood Park. It is not shown here but it will be a signalized intersection. To the north we  
209 transition back to the two-lane roadway. That covers the map.  
210

211 Now we get to the comment session. I'll open it up to those who signed up to speak. Right  
212 now that is Mr. Chris Simson. As you come up, please state your name and address. Once  
213 Mr. Simson has spoken, I'll open it up to anyone who would like to speak at that point.  
214

215 Chris Simson: My name is Chris Simson. I own the property at 250 Access Road.  
216 My personal property is here. My businesses are here. I have an automobile dealership and  
217 a tack and feed store. My wife and I also own property on this side.  
218

219 First I'd like to commend the design. It is very efficient. I am very well  
220 pleased with it. I wouldn't be standing here if there wasn't a "but". We have conservatively  
221 85% of our customers come off of 23/ 74 – Waynesville, Maggie Valley, Clyde, Canton,  
222 Asheville, whatever. Very few come from Crabtree. Our tourist business is 50% of our  
223 retail store. It's not 50% of our cars. Our car owning is done mostly local or off the  
224 internet. With this configuration there is no left turn from 209 to Access Road. That is  
225 devastating to us because customers can not get to us. Nor will they be adventurous to get to  
226 us.  
227

228 If you're here from out of town, you might not be familiar with how Access  
229 Road works; you pass this point, you get down here, you turn left here and you are in the  
230 Junaluska area and all the foot traffic, etc. If you're lost it's not a good thing. We also have  
231 two to three times a week 50' tractor trailers delivering to us feed, supplies. They would  
232 need access here and out of here. We could turn them around here. If we have car hauls  
233 come into our dealership and bring cars to us, they cannot come in this way because of the  
234 grade crossing. Plus there are low overhanging limbs here. This road is not improved nor  
235 was it intended for commercial traffic. One of the worst things we can try to do is to put  
236 tractor trailers in this section of Lake Junaluska's access to the walking trail. There are a lot  
237 of kids here, a lot of pets here. A lot of nice things here and a lot of cars parked in the road.  
238 That would be a terrible situation. It is inherently dangerous.  
239

240 The spontaneous business generated in this corridor is phenomenal. When I  
241 invested in this property, people looked at me kind of cross-eyed when I bought Mr. Booker  
242 out. I made him a deal he couldn't refuse. I was counting on the 60,000 people a day to go  
243 by here. A spontaneous customer is a customer that says, doggone I need to visit Cindy and  
244 buy her something. I meant to see her yesterday. Or doggone that is a nice looking truck  
245 Chris has got. I'm going back in there and get that. In our retail stores spontaneous  
246 customers make up a great percentage of our business. We have asked our regular  
247 customers and people who would listen to us and understood what we meant, if the access  
248 road were moved down and you couldn't turn left in here, how would that affect you?  
249 You'd be surprised at the answers. If this is open to us and we can have access and left turn  
250 here onto Access Road, we are totally not affected. We are absolutely pleased with the  
251 entire plan. Without a left turn here the impact is devastating. Our business, I don't think  
252 would survive. Asking people to come through here is not acceptable. It would not work.  
253 If they tried to figure out how to U-turn here, that is not acceptable. It won't work. Nothing  
254 works without a left turn access into Access Road.  
255

256 I asked the design people and I asked Mr. Robbins to please consider that in  
257 the future for our well being. Most of you guys and ladies have invested in property for  
258 retirement. That's exactly what Cindy and I have done. We invested in this property as  
259 future commercial property, for future values. Without that left turn here our property  
260 values would depreciate overnight. Nobody wants to buy this place if they can't get to it.  
261 No restaurant would want to be there. Nobody would want to buy our existing businesses.  
262

263 Other than that I believe this is a wonderful plan. I think it does everything  
264 we need it to do. I don't think it adversely affects any customers, business owners or  
265 property owners. I would propose, and I have in writing, that if we can't get a left turn here,  
266 we don't build it. We take me out, Ms. Reeves out and Dr. Banks out, just don't build this  
267 road. I believe that the money saved in not constructing this access road would be more  
268 than enough to take us out. That is how deeply I believe that without a left turn access we  
269 wouldn't survive. Thank you very much.  
270

271 Moderator: Thank you, Mr. Simson. Anyone? Come up. Sir, we're recording  
272 this and I need to get you on tape. Come on up here and state your name and address.  
273

274 Paul Starnes: Paul Starnes, I live at Tuscola Park, this area right here. That's my  
275 house right there.  
276

277 I have some of the same problems that you have. This is going to do a lot to  
278 isolate our community, make it more difficult to get home. When I come home on this loop  
279 now, I can make a left and go home. If this is closed off, all of us in here would have to go  
280 past this intersection, go down here and I was told, make a left here?  
281

282 Unidentified DOT Employee: Not in the present plan.  
283

284 Paul Starnes: That means I've got to go around and come back in. So will  
285 everybody else in that community. That does add gasoline and time for us. We're going to  
286 be backing traffic up to this traffic light here.  
287

288 A second problem; is that this is great but I don't see why Access Road can't  
289 feed right on into that like it is doing now. Now to get out onto the highway, we've got to  
290 come out here, make a right turn, go back here to the traffic light, make another right turn  
291 and swing back almost meeting ourselves on this. Exiting off here and coming like this, this  
292 is a good intersection. I feel like this hasn't hurt anything to have that left turn on Access  
293 Road. If an ambulance is coming down through here, they're going to have to swing all the  
294 way back up here to Hospital Drive. If I had a heart attack, every second counts. This  
295 ambulance is going to have to make a good long sweep to get back here to the hospital. If  
296 you're going to do this it makes sense to put an exit ramp to the hospital. That's the major  
297 concerns that I see.

298  
299 Moderator: Thank you sir. Just to address the issue that you'd like to see the  
300 access road and the ramps stay like they are. You have access from the ramp from Access  
301 Road. It is not a convenience issue. It is more of a safety issue.

302  
303 Ray Rouser: Good Evening, I am Ray Rouser. My business address is 452 Wall  
304 Street in Waynesville. My residence address is 280 Liner Cove Road. I live just off the  
305 map here.

306  
307 You have surveyors coming up into my driveway. I know what you're  
308 trying to do. There's about 23 to 29 rear end accidents right here at this red light. There's  
309 about 4 where the exiting route turns off to the left there. There's about 3 or 4 down here  
310 where the trussle is at the road there. You've got a six-lane road coming in to a two-lane  
311 road with a 40 mph sign right here and none down through here. I'm sitting right here at  
312 this red light, many times have seen a youngster come flying in a jeep here at 65 mph.  
313 Between this red light, he's seen it change, he'll swing on over through here. He's going to  
314 have to stop at one of these two red lights. They're not synchronized. I think all this is a  
315 boondoggle. The state mission is to improve access to homes, businesses and public  
316 facilities. You are hindering access to homes, public facilities such as schools, hospitals and  
317 businesses by closing off these 2 intersections right here where the overpass is on 209. This  
318 4 acres for sale here and has been for sale for over 2 years. They are asking 600,000 for it. I  
319 know this is a nice family and I'm sure it's been a loyal democrat. I think the state does not  
320 need to run 6 lanes of traffic up this residential area and close off a four-lane existing access  
321 to Tuscola High School.

322  
323 Since this started being proposed Tuscola has had the highway department  
324 put in an additional road into Tuscola High School. There is 4 lanes here going up the hill  
325 that you want to do away with and put it into 2 lanes. There is 3 lanes here. That is 7 lanes  
326 of traffic. To help protect our students at Tuscola High School from a mad man with a  
327 automatic rifle or bomb, that's why this second road was put in. That's why this was  
328 widened. That was what the school system has to improve (inaudible). But you're going  
329 backwards when you turn around and put it into a two-lane road here. This will eventually  
330 have to have a light. You're dumping all the hospital access, all Tuscola High School, all  
331 these new apartments/condos into Lowe's parking lot right there. Instead of having a  
332 straight run at this red light at Liner Cove, you can turn up here going to the condos, then  
333 bring them back down into Lowe's parking lot then back over here. This whole section is a  
334 boondoggle. Look how wide your access is in order to cut a road through that mountain.  
335 That's a real high hill there. You're going to have to fill in a tremendously deep ravine here

336 That's a lot of money wasted. If anyone (inaudible), major population center is in Haywood  
337 County, has like the other gentleman mentioned a heart attack where minutes count, you are  
338 blocking access to a major public facility – Haywood County Hospital. That can cost lives  
339 sending them this roundabout way. Your biggest problem, safety wise with this road is right  
340 here on the Access Road going up to Sky City. You've had 23, 29 rear end accidents.  
341 That's from people not paying attention to where they're driving. They're used to this being  
342 a straight shot. Anybody's lived on this road more than 20 years, that's been a good  
343 raceway to get to that end of the county. You don't need to block off Hospital Drive.  
344

345 You're taking the only two restaurants, a family style restaurant and fast food  
346 restaurant at the gas station in this vicinity, you go down 209, there's no (inaudible). You  
347 have to go all the way to Clyde, all the way to Waynesville or the other end of Lake  
348 Junaluska, people come to Shoney's from all over the county. They like their All You Can  
349 Eat Breakfast. Right? What you need to do, I'm not an engineer, but, I am a professional  
350 photographer you need to put right in here a sign above traffic that shows this left hand lane  
351 as you come out under this second bridge as a Left Turn. Then people back here start  
352 thinking, this is a left turn. I need to stay in this middle lane of 6 lanes so that I can proceed  
353 through here. You've got them proceeding through here and coming back in the middle  
354 lane. I'm sure you will be able to straighten that out.  
355

356 I agree with the gentleman that the no access, left turn lane for these people is  
357 a boondoggle too. If I were an engineering professor at State, I would give an "F" to this  
358 project. It is a boondoggle. You don't need to spend all this money, send all this 6 lanes of  
359 traffic up here into a residential area, across a hill with a wide cut all the way up here. You  
360 will have to fill in a tremendous amount of dirt here. You'll eventually have a red light here.  
361 You've got to. Lowe's has more business traffic than does Wal-Mart. They start at 7:00 in  
362 the morning filling their cars up with building materials. They are still there at 8:00 at night.  
363 Ninety five percent of them get in and out right there at Liner Cove. The State has built this  
364 road up to make it easy to get into Lowe's. It used to be a solid, smooth road that you could  
365 drive in any weather. You put ice and snow on this hill through all these traffic  
366 intersections, you're going to have major problems. You're endangering citizens' lives,  
367 going to the hospital and the lives of our high school students by taking away the proper  
368 access road right here. Thank you, sir.  
369

370 Moderator: Thank you sir for your comments. Just to address the issue of Liner  
371 Cove Road's new alignment will be 4 lanes. We're not just dumping it out. From this point  
372 on it will be a two-lane roadway.  
373

374 Ray Rouser: It's a six-lane now. Anybody coming down that hill wanting to go up  
375 the hill towards the hospital they've got 4 lanes coming down, 2 on the other exit. They're  
376 going to be trapped on that hill if there is ever a madman with a bomb or a (inaudible).  
377

378 Moderator: Thank you for your comment, sir.  
379

380 Leon Sellers: My name is Leon Sellers. I live at 23 Hollow Tree Court. The  
381 previous gentleman referenced our condominiums, Castle Creek Condominiums. I am the  
382 treasurer of the COA.  
383

384 I won't characterize it as a boondoggle but I do disapprove of the plan. I will  
385 make my thoughts in writing and send them to the people in DOT. This section right here is  
386 going to impact us in Castle Creek. It is off the map. Not only are you talking about taking  
387 out a lot of dirt, you're going to cut down several hundred trees. It will probably be one of  
388 the biggest deforestation projects on this side of the county in a long time. You've got trees  
389 on both sides of the ridge. What you're left with is a four-lane highway, which will come  
390 almost to our property lines. You have retired people. I'm one of the younger people in the  
391 project. I just don't see any good in this. You're going to end up in the future running  
392 around. You're going to put signals in. You're going to have left turns. You're going to  
393 have the same number of accidents. Five years after this is finished you'll still have the  
394 same number of accidents. Many accidents occur because people are unfamiliar with the  
395 area; tourists. It happens every year. That's all.

396  
397 Moderator: Thank you sir. Anyone else? Written comments carry the same  
398 weight as verbal comments. We have two more? You raised your hand first.

399  
400 Unidentified Male: (Inaudible) 277 Castle Creek Drive. (Inaudible)

401  
402 My question is can you tell us what the cut would be going through here?  
403 There is a very large slope here. We're very high. My (inaudible) the Super 8. With this  
404 cut in here, how much of that ground is going to be taken out? How much of that slope, that  
405 barrier for the (inaudible)?

406  
407 Moderator: Sir, I can't give you a specific number. Our designers, Mike Little  
408 may have that information. You can speak to him about that. Thank you, sir.

409  
410 Richard Graves: My name is Richard Graves.

411  
412 My father has been through a land deal before right in here. I have some land  
413 that he left me. I was wondering, how will I access that land? Is there any way to get to that  
414 when the project is complete?

415  
416 Moderator: From the current design plans, it doesn't look like you have access. If  
417 that is the case, we would purchase your property in its entirety. If you don't have access,  
418 we are required to buy it out. Anyone else? Sir, when you speak, will you come up because  
419 I need to get you on tape.

420  
421 Ray Rouser: I'm Ray Rouser again.

422  
423 This map is different from that map over there. That map shows you taking  
424 across from Lawns Chapel Methodist Church, the Post Office, the Fire Department and  
425 these two businesses. Why is there a difference in this map and the maps that are hanging  
426 over there? What is the plan for the Post Office and the two businesses beside it? On this  
427 map, it shows the right-of-way coming behind it. The green area came all the up to here.

428  
429 Moderator: The maps are identical sir. There wouldn't be any difference. We  
430 will have a right-of-way claim with them

431

432 Ray Rouser: Why are you taking these 3 houses when you saying you're going to  
433 increase access to homes? You're actually taking these 3 homes for this little two-lane road  
434 that you are realigning. Why does the State need to come all the way into these people's  
435 property? This is fairly level land here. If you are having a two-lane road, why are you  
436 having to take this step?  
437

438 Moderator: One of the reasons is because of the new alignment of the railroad.  
439 Second, the topography dictates how much right of way will have to be acquired.  
440

441 Ray Rouser: You say you're giving us increased access to homes and yet you're  
442 taking homes. You're taking 9 businesses and 6 homes.  
443

444 Moderator: Unfortunately sir, someone is always going to be impacted by one of  
445 our projects. That's just the reality of it. If we could build roadways without effecting  
446 anyone we would and we would save a lot of money.  
447

448 Paul Starnes: It's Paul Starnes again.  
449

450 It seems a lot of money would be saved by keeping this and not permitting a  
451 right turn on red. That is one thing that bottles up traffic here, people turning right on red  
452 when you've got people trying to turn left. This intersection, if you're going to move it  
453 down here its going to improve things. It seems if there was no right on red here that would  
454 eliminate a lot of the problems you have with this section that goes out to the hospital.  
455 Avoid the expense of the loop down here. The highschoolers, people going to Tuscola back  
456 up the interstate here. I wonder if it might be cheaper to add a lane further back than to do  
457 all this. Widen the bridge and create an additional lane through here. It would save a lot of  
458 money if you did not take this motel and this business in order to create...to have a separate  
459 access road down to here.  
460

461 Moderator: Thank you, sir for your comments. Anyone else? With that we'll  
462 adjourn the meeting. I would like to thank everyone for coming out. We will be around for  
463 a few minutes afterwards if you have any questions or just want to talk to us. Thanks again  
464 for coming out. Have a good night.  
465

466  
467 Hearing Adjourned.  
468

469  
470 Jamille Robbins, Moderator  
471 Human Environment Unit  
472 August 12, 2008  
473

474  
475 Typed by Cyndy D. Hummel  
476

477  
478