

NC 211  
From SR 1500 (Midway Road) to NC 87  
Brunswick County  
Federal-Aid Project STP-0211(21)  
WBS Element 41582.1.1  
**TIP Project R-5021**

**ADMINISTRATIVE ACTION**

**FINDING OF NO SIGNIFICANT IMPACT**

U. S. Department of Transportation  
Federal Highway Administration  
And  
N. C. Department of Transportation  
Division of Highways

Submitted pursuant to 42 U. S. C. 4332(2)(C)



APPROVED:

*4/26/12 Clarence W. Coleman, Jr.*

Date *for* John F. Sullivan III, PE  
Division Administrator, FHWA

*4/13/12 Gregory J. Thorpe, Ph.D.*

Date *for* Gregory J. Thorpe, Ph.D.  
Manager, Project Development and Environmental Analysis Unit, NCDOT



NC 211  
From SR 1500 (Midway Road) to NC 87  
Brunswick County  
Federal-Aid Project STP-0211(21)  
WBS Element 41582.1.1  
**TIP Project R-5021**

**FINDING OF NO SIGNIFICANT IMPACT**



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

*Kim L. Gillespie, P.E.*

Kim L. Gillespie, P.E.

Project Planning Engineer

Project Development and Environmental Analysis Unit

*James A. McInnis, Jr., P.E.*

James A. McInnis, Jr., P.E.

Project Engineer

Project Development and Environmental Analysis Unit





## TABLE OF CONTENTS

PROJECT COMMITMENTS.....	i
I. TYPE OF ACTION .....	1
II. DESCRIPTION OF PROPOSED ACTION .....	1
A. Project Description.....	1
B. Project Purpose and Need .....	1
C. Cost Estimates.....	1
D. Project Schedule.....	2
III. SELECTED ALTERNATIVE.....	2
A. Alternatives Studied in Detail.....	2
B. Recommended Alternative.....	4
IV. SUMMARY OF ENVIRONMENTAL EFFECTS .....	5
V. COORDINATION AND COMMENTS.....	6
A. Circulation of the Environmental Assessment.....	6
B. Comments on the Environmental Assessment.....	6
C. Public Involvement .....	13
D. Additional Project Coordination.....	13
VI. UPDATES TO THE ENVIRONMENTAL ASSESSMENT .....	14
A. Rare and Protected Species – Federally-Protected Species .....	14
B. Avoidance and Minimization.....	14
C. Waters of the United States-Summary of Anticipated Impacts .....	15
D. Anticipated Permit Requirements .....	18
E. Intersections/Interchanges.....	18
F. Bicycle and Pedestrian Facilities/Greenways .....	18
G. Corrections to the Environmental Assessment .....	19
VII. BASIS FOR FINDING OF NO SIGNIFICANT IMPACT .....	19

### TABLES

	Page
Table 1 – Alternative Comparison.....	3
Table 2 – Summary of Environmental Effects.....	5
Table 3 - Update of Table 9 from Environmental Assessment - Estimated Impacts to Streams.....	15
Table 4 – Update of Table 10 from Environmental Assessment - Estimated Impacts to Open Waters.....	16
Table 5 – Update of Table 11 from Environmental Assessment - Estimated Impacts to Wetlands.....	17
Table 6 – Update of Table 15 from Environmental Assessment – Relocation of Homes and Businesses.....	19

### MAPS AND ILLUSTRATIONS

- Figure 1 Project Vicinity Map
- Figure 2 Proposed Improvements

## **APPENDICES**

Appendix A – Comments Received

Appendix B – NCDOT Relocation Assistance Program/Relocation Report Updates

Appendix C – NEPA/404 Merger Process Concurrence Forms

## **PROJECT COMMITMENTS**

NC 211  
From SR 1500 (Midway Road) to NC 87  
Brunswick County  
Federal Aid Project STP-0211(21)  
WBS Element 41582.1.1  
TIP Project R-5021

### **Roadside Environmental Unit/Division Three Construction**

Beaverdam Creek, its tributaries, and Dutchman Creek are listed as High Quality Waters (HQW). Therefore, NCDOT Design Standards in Sensitive Watersheds will be implemented during project construction.

### **Project Development and Environmental Analysis Unit**

An updated foraging habitat analysis for the federally-protected red-cockaded woodpecker will be prepared prior to project construction.

A conservation easement is located approximately 1,250 feet east of Beaverdam Creek on the north side of NC 211. Payment to the North Carolina Ecosystem Enhancement Program (NC EEP) may be necessary, sufficient to perform restoration to non-riparian wetlands in the Cape Fear River Basin in the area of the conservation easement.

### **Project Development and Environmental Analysis Unit/Roadway Design Unit**

Following completion of the environmental assessment, the City of Southport passed a resolution requesting NCDOT include sidewalks and bike lanes in the project. NCDOT will continue coordination with the City regarding the inclusion of sidewalks along the portion of the project in Southport's jurisdiction. The City will be required to participate in the cost of new sidewalks and will be responsible for maintenance and liability for the sidewalks. A municipal agreement will be prepared prior to construction of the project if sidewalks are included in the project.

### **Roadway Design Unit/Structure Design Unit**

Five-foot paved shoulders will be provided from the beginning of the project to approximately 350 feet west of Creek Road and four-foot paved shoulders will be provided from J. Swain Boulevard to NC 87. Forty-eight inch bridge rails will be provided on the proposed bridges over Dutchman's Creek and the Progress Energy Discharge Canal in order to accommodate bicycles. The proposed bridge over Beaverdam Swamp will have a proposed rail height of 42 inches. If feasible, the outside rail on the existing bridge carrying NC 211 over the Progress Energy discharge canal will be retrofitted to the AASHTO standard bicycle-safe bridge railing height of 48 inches.



### **Roadway Design Unit/Division 3 Construction**

Due to the presence of potentially suitable red-cockaded woodpecker foraging habitat on both sides of NC 211, total clearing for the project (including existing cleared area) in a 1,055-foot area between Regency Drive and Patrick Newton Drive will be limited to less than 200 feet wide. Guardrail will be provided within the foraging habitat to limit the clearing as coordinated with USFWS.

### **Division 3 Construction**

An in-water work moratorium will be observed between April 1st and September 30th for Dutchman Creek.

### **Hydraulics Unit/Division 3 Construction**

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine whether the Memorandum of Agreement between NCDOT and FMP is applicable or if approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR) will be required for this project.

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

Finding of No Significant Impact  
Prepared by the  
Project Development and Environmental Analysis Unit  
of the  
North Carolina Department of Transportation

## **I. TYPE OF ACTION**

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

The Federal Highway Administration has determined this project will have no significant impact on the human environment. This FONSI is based on the February 1, 2011 Environmental Assessment (EA) which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues and impacts of the proposed project. The EA provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FHWA takes full responsibility for the accuracy, scope and content of the EA.

## **II. DESCRIPTION OF PROPOSED ACTION**

### **A. Project Description**

The subject project proposes to widen the portion of NC 211 between SR 1500 (Midway Road) to NC 87 in Brunswick County to four lanes with a median. The project length is approximately 6.6 miles. Figure 1 shows the project vicinity.

### **B. Project Purpose and Need**

The purpose of the proposed project is to improve the traffic carrying capacity of NC 211 between SR 1500 (Midway Road) and NC 87.

### **C. Cost Estimates**

The current estimated cost for the proposed project is \$67,837,500, which includes \$20,075,500 for right of way acquisition, \$2,843,500 for utility relocation, \$4,319,000 for wetland and stream mitigation and \$40,600,000 for construction. The cost estimate included in the 2012-2018 State Transportation Improvement Program (STIP) for the project is \$75,256,000. Of this total, \$10,000,000 is estimated for right of way acquisition, \$3,200,000 for utility relocation, \$256,000 for wetland and stream mitigation and \$61,800,000 for construction.

#### **D. Project Schedule**

The proposed project is included in the approved 2012-2018 STIP. In the STIP, right of way acquisition is scheduled for federal fiscal year (FFY) 2015 and construction is scheduled for FFY 2019.

### **III. SELECTED ALTERNATIVE**

#### **A. Alternatives Studied in Detail**

As discussed in the Environmental Assessment, widening existing NC 211 to four lanes with a 30-foot median was selected for detailed study. The project was divided into three sections, and the following alternatives were studied in detail in each section:

Section 1 – Just west of SR 1500 (Midway Road) to just east of SR 1500

- North side widening with an interchange at SR 1500
- North side widening with an at-grade intersection at SR 1500
- South side widening with an interchange at SR 1500
- South side widening with an at-grade intersection at SR 1500

Section 2 – East of SR 1500 to Dutchman Village Entrance

- North side widening
- South side widening

Section 3 – Dutchman Village Entrance to just east of NC 87

- North side widening
- South side widening.

Each alternative listed above was shown to the public at the hearing held on June 28, 2011. Table 1 below presents a comparison of the detailed study alternatives evaluated in the Environmental Assessment.

**TABLE 1  
ALTERNATIVE COMPARISON**

	Section 1				Section 2		Section 3	
	(Recommended) North Interchange*	North At-Grade	South Interchange	South At- Grade	(Recommended) North	South	(Recommended) North	South
<b>Residential Relocates</b>	1	1	2	0	1	1	1	0
<b>Business Relocates</b>	1	1	2	1	2	4	2	7
<b>Jurisdictional Wetlands Affected (Acres)</b>	5.10	0.97	6.08	2.46	37.78	35.11**	1.30	0.95
<b>Open Waters Affected (Acres)</b>	0.32	0.31	0.29	0.29	0.29	1.42	0.10	0.00
<b>Stream Impacts (Linear Feet)</b>	0	0	0	0	578	468	123	98
<b>Construction Cost</b>	\$31,000,000	\$5,900,000	\$31,000,000	\$6,600,000	\$23,700,000	\$21,500,000	\$11,000,000	\$12,200,000
<b>Wetland/Stream Mitigation Cost</b>	\$460,000	\$90,000	\$550,000	\$224,000	\$3,975,000	\$3,625,000	\$254,000	\$191,000
<b>Utility Relocation Cost</b>	\$827,500	\$827,500	\$1,727,750	\$1,727,750	\$996,000	\$1,285,750	\$1,020,000	\$1,161,000
<b>Right of Way Cost</b>	\$16,425,000	\$5,525,000	\$16,950,000	\$4,500,000	\$7,575,000	\$8,175,000	\$6,975,000	\$8,625,000
<b>Total Cost</b>	\$48,712,500	\$12,342,500	\$50,227,750	\$13,051,750	\$36,246,000	\$34,585,750	\$19,249,000	\$22,177,000

\*Recommended alternative involves purchase of right of way for a future interchange but construction of an at-grade intersection. Impacts presented are for the future interchange. Actual construction impacts of this project will be less.

\*\*Does not include six acres of clearing within wetlands for power line easement.

## **B. Recommended Alternative**

North-side widening was selected for all three sections of the project. For Section 1, the north-side widening was selected because it would impact fewer homes and less wetlands than the south-side widening. Although both an interchange and intersection were studied for the existing NC 211 intersection with SR 1500 (Midway Road), NCDOT will purchase right of way for an interchange but construct an at-grade intersection as a part of this project. Traffic capacity analyses indicate a signalized intersection at the SR 1500 intersection will reach capacity (level of service E) in the design year (2035).

For Section 2, north-side widening will affect fewer businesses than south side widening and have less impact on red-cockaded woodpecker foraging habitat. Even though the impacts to wetlands and streams are slightly higher with north side widening than south side widening, north side widening will avoid relocating a power transmission line. Additional clearing which would be required to relocate this power transmission line would result in additional impacts to red-cockaded woodpecker foraging habitat.

For Section 3, north-side widening will affect fewer businesses while impacting more wetlands and streams than south side widening. The total cost for south side widening is almost \$3 million more than that for the north side widening. Figure 2 shows the selected alternative.

The NEPA/404 merger team met to discuss the least environmentally damaging practicable alternative on November 16, 2011. The merger team concurred on north-side widening for all three sections of the project and on construction of an at-grade intersection at the existing NC 211/Midway Road intersection. The signed form is in Appendix C.

Merger team concurrence on construction of an intersection does not preclude the acquisition of right of way for an interchange as part of this project. Impacts of the future interchange have been accounted for in the environmental assessment and in this document. NCDOT's selected alternative for Section 1 is to construct an at-grade intersection at the existing NC 211/Midway Road intersection, but purchase right of way for a future interchange.



#### IV. SUMMARY OF ENVIRONMENTAL EFFECTS

Anticipated effects of the proposed project are shown in Table 2 below.

**TABLE 2  
SUMMARY OF ENVIRONMENTAL EFFECTS**

<b>Project Length (Miles)</b>	6.6
<b>Residential Relocatees</b>	4
<b>Business Relocatees</b>	5
<b>Total Relocations</b>	9
<b>Wetlands Affected (Acres)</b>	40.05
<b>Streams Affected (Feet)</b>	701
<b>Minority/Low-Income Populations Disproportionately Impacted</b>	No
<b>Historic Properties Adversely Affected</b>	None
<b>Community Facilities Impacted</b>	0
<b>Section 4(f) Impacts</b>	No
<b>Properties Impacted by Traffic Noise</b>	29
<b>Prime Farmland Affected (Acres)</b>	0
<b>Forested Areas Affected (Acres)</b>	33.31
<b>Floodplain (Acres)</b>	2.13
<b>Federally-Protected Species</b>	May affect-not likely to adversely affect red-cockaded woodpecker
<b>Right of Way Cost</b>	\$20,075,000
<b>Utilities Cost</b>	\$2,843,500
<b>Wetland/Stream Mitigation Cost</b>	\$4,319,000
<b>Construction Cost</b>	\$40,600,000
<b>Total Cost</b>	\$67,837,500

## **V. COORDINATION AND COMMENTS**

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

Copies of the federal environmental assessment were made available to the public and to the following federal, state, and local agencies:

- \*US Department of the Army – Corps of Engineers (Wilmington District)
- \*US Environmental Protection Agency
- \*US Fish and Wildlife Service – Raleigh  
National Marine Fisheries Service
- \*NC Department of Cultural Resources
- \*NC Department of Administration – State Clearinghouse
- \*NC Department of Environment, Health, and Natural Resources  
Brunswick County  
Cape Fear Rural Planning Organization  
Town of Southport
- \*Town of St. James  
Town of Bald Head Island  
Town of Caswell Beach
- \*Town of Oak Island

Asterisks (\*) indicate agencies from which comments on the environmental assessment were received. Copies of letters received are included in Appendix A of this document.

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

Substantive comments on the environmental assessment (EA) are discussed below:

#### **US Environmental Protection Agency**

**COMMENT:** “Based upon the traffic projections and other information provided, EPA believes that at-grade intersections for the roadways being evaluated in this EA meet the purpose and need for the project and that interchanges result in a magnitude greater impact to jurisdictional resources.”

**NCDOT RESPONSE:** The NEPA/404 merger team concurred on the at-grade intersection alternative for the NC 211/SR 1500 (Midway Road) intersection on Section 1 of the project (see Appendix B). Although an at-grade intersection will be constructed at this location, NCDOT will purchase right of way for a future interchange. At-grade intersections are proposed at all existing intersections along the project.

#### **US Fish and Wildlife Service – Raleigh**

**COMMENT:** “NCDOT has determined that the project will have no effect on all of these species with the exception of the Red-cockaded woodpecker (RCW, *Picoides borealis*) and

eastern cougar (*Puma concolor cougar*). On March 2, 2011, the Service announced that it had concluded that the eastern cougar was extinct; therefore, Section 7 consultation is no longer required for this species.”

**NCDOT RESPONSE:** Comment noted. The status of the eastern cougar has been updated in Section V-A of this document.

**COMMENT:** “With regard to the RCW [red-cockaded woodpecker], the Service has acquired and reviewed the August 26, 2010 Red-cockaded Woodpecker Foraging Habitat Assessment (FHA). The Service concludes that the partition will still meet the SMS [Standard for Managed Stability] requirements post-project (counting potentially suitable habitat), provided that tree clearing does not create a gap of more than 200 feet between the forested areas north and south of NC 211. If additional tree clearing, when added to the existing cleared area along NC 211, creates a gap of more than 200 feet, then all RCW habitat north of NC 211 would be considered non-contiguous ..., thus resulting in a “take” of the RCW. Therefore, it is imperative that the total width of the cleared area along NC 211 within the foraging partition of [active RCW group] BRU 75 be kept < 200 feet. ... If utilities must be relocated as a result of the road project, any additional tree clearing must also be considered.”

**NCDOT RESPONSE:** NCDOT met with the Service on December 6, 2011 to discuss possible design revisions to ensure tree clearing does not create a gap of more than 200 feet between the forested areas north and south of NC 211. NCDOT will use a 3:1 slope between Regency Drive and Patrick Newton Drive within the RCW foraging habitat to keep the cleared area width within 200 feet. NCDOT has also contacted the Brunswick Electric Membership Corporation to inform them no additional clearing should occur within this 1,000-foot section for future transmission line improvements.

**COMMENT:** “...any additional tree clearing by other parties unrelated to this project will affect the baseline conditions of this RCW group. Given that the FHA concludes that only 84.2 acres of potentially suitable habitat will remain post-project, any unrelated tree clearing by other parties prior to construction of the NCDOT project could potentially lower the baseline acreage ... below the necessary 75 acres of habitat to maintain the RCW group. Therefore, an updated FHA will be necessary closer to the time of project let.”

**NCDOT RESPONSE:** As the Service has requested, an updated foraging habitat analysis will be conducted prior to construction of this project.

### **NC Division of Water Quality**

**COMMENT:** “The table on page 24 indicates that there are numerous ponds which may be impacted by the project. The document does not indicate whether any of these ponds are permitted stormwater ponds. If any of the ponds being impacted are permitted as stormwater BMPs, the NCDOT is strongly encourage[sic] to contact the DWQ’s Stormwater Permitting Section in the Wilmington Regional Office in order to further discuss what actions would be

feasible to allow affected property owners to remain in compliance with conditions of their state stormwater permit.”

**NCDOT RESPONSE:** NCDOT will coordinate with the Division of Water Quality and the property owner during right of way acquisition to determine any needed actions to allow affected property owners to remain in compliance with conditions of their state stormwater permit.

**COMMENT:** “The text on page 21 states “... [no] streams listed on the 2006 Final NC 303(d) list of impaired waters, are located within the project study area or within one mile downstream.” It should be noted that the 303(d) was most recently updated in 2010. While no 303(d) listed streams are located within one mile of the project area, the lower portion of Beaverdam Creek is listed on the 2010 list for shellfish bed closure.”

**NCDOT RESPONSE:** Comment noted.

**COMMENT:** “Review of the project reveals the presence of surface waters classified as SC; Sw; High Quality Waters of the State in the project study area. This is one of the highest classifications for water quality. Pursuant to 15A NCAC 2H.1006 and 15A NCAC 2B.0224, NCDOT will be required to obtain a State Stormwater Permit prior to construction except in North Carolina’s twenty coastal counties.”

**NCDOT RESPONSE:** Comment noted.

### **NC Division of Coastal Management**

**COMMENT:** “It is correctly stated in Section V.4., Coastal Zone Issues, that no CAMA Areas of Environmental Concern (AECs) will be impacted by the proposed project, however, Section V.2.d, Anticipated Permit Requirements, states, “A CAMA permit may also be required”. No CAMA permit is required for this project, however, it should be noted that a CAMA Consistency Determination must be documented and certified by the applicant (NCDOT) in conjunction with obtaining the USACE Individual Permit.”

“...an applicant for a USACE Individual Permit must certify to the federal agency (USACE) and DCM that the proposed activity will be conducted in a manner that is consistent with the State’s coastal management program...Although this consistency certification is not considered a permit, this requirement should be referenced in the Summary, Section 5, Special Permits Required, and also in Section V.2.d., Anticipated Permit Requirements, and in Section V.4., Coastal Zone Issues.”

**NCDOT RESPONSE:** Section VI-D of this document updates project permit requirements.

### **NC Division of Marine Fisheries**

**COMMENT:** “...section 5.A.2.a Streams, Rivers, and Impoundments (page 21) states that no special designations are in effect for any of the project study area water resources. Dutchmans

Creek is a PNA [Primary Nursery Area] from the mouth to the upstream extent (as described in the DMF Rulebook). This section should be revised.”

**NCDOT RESPONSE:** It was noted on the same page and same paragraph of the Environmental Assessment that Dutchmans Creek is a Primary Nursery Area, but this PNA is located approximately 1,000 feet downstream of the project area.

**COMMENT:** “...[On] (page 26), it is acknowledged that Dutchmans Creek is indeed a [PNA] and indicates that an in-water work moratorium on construction activities will be observed because of this designation. Although the dates for the appropriate moratorium are correct, there is an important distinction to make about moratoriums and PNA. DMF has two types of moratoriums, one that applies throughout the coastal and estuarine system in NC (which includes PNA areas) and one, generally more restrictive, moratorium for anadromous fish use areas.... DMF does not have a “PNA moratorium”. This section should be revised to reflect that the moratorium that applies to this creek is an in-water work moratorium.”

**NCDOT RESPONSE:** Section VI-D of this document updates project permit requirements, and includes an updated discussion of the moratorium.

### **NC Natural Heritage Program**

**COMMENT:** “Of considerable concern to our Program is that ...there was apparently no survey for non-Federally listed species. Our comment letter mentions the location of a large population of Venus flytrap (*Dionaea muscipula*) just north of NC 211, and a recommendation to survey for rare plants and animals in the project area. If such a survey was conducted, only the results for Federally listed species is presented in the EA; the Venus flytrap is State Special Concern and a Federal Species of Concern,[sic] Though there are numerous populations of this rare plant farther to the north, in the Boiling Spring Lakes area, some impacts to the flytrap are expected during construction of the project.”.....

**NCDOT RESPONSE:** NCDOT typically does not survey for state-listed species. The State law regarding state-listed species does not apply to NCDOT activities.

**COMMENT:** “The flytrap population is located on the north side of NC 211, about 0.6-mile east of the junction of NC 211 with Midway Road. In addition, the Primary Area of the Nationally significant Boiling Springs Lakes Wetland Complex lies just north of NC 211. Thus, widening of NC 211 to the north will impact a small portion of the natural area, as well as possibly impacting part of the flytrap population.”

**NCDOT RESPONSE:** Comment noted.

### **Town of Oak Island**

**COMMENT:** “The NCDOT did not consult with the Town of Oak Island when drafting this EA. The Town of St. James has also stated that comments were not requested from the town.

The EA also fails to note that a stormwater permit issued from Oak Island will be required before the process of construction can begin in the jurisdiction of Oak Island.”

**NCDOT RESPONSE:** NCDOT staff met with officials from area towns, including the Towns of Oak Island and St. James during project development studies. Representatives of these two towns attended an initial meeting held for local officials in September 2007.

**COMMENT:** “The EA fails to mention the sewer lines in the area of the project.”

**NCDOT RESPONSE:** Section IV-K of the EA discusses utilities, including the sewer lines within the project area. Refer to page 14.

**COMMENT:** “Town staff is concerned that these [traffic] numbers come from models based on data from the economic boom Brunswick County experienced in the mid 2000s. Staff would like to know if the new economic conditions could effect these conclusions listed in this section. The Town of Oak Island would like to know more about how these estimates of traffic along 211 were calculated and if the proposed future widening of Midway Road was included in the model.”

**NCDOT RESPONSE:** Traffic forecasts presented in the EA for the project were prepared in 2008. These projections were based on anticipated future development in the project area. The future year forecasts considered projects included in the 2009-2015 state Transportation Improvement Plan (TIP). Other TIP projects previously completed in the study area were also consulted during the traffic-forecast process. The projects consulted were:

- R-2245, new route from SR 1104 to NC 211 at SR 1500
- R-3324, new route from NC 211/NC 133 (Long Beach Road) intersection to NC 87/SR 1525 intersection
- R-3434, improvements to SR 1500/1401 from NC 211 to US 17 Bypass

The Brunswick County Future Build Out of the NC 211 Corridor Study was considered while developing the 2035 forecast, but not assumed in the NCDOT forecast. Major proposed developments at the SR 1500/NC 211 intersection were not incorporated into the future year forecast. Although there are considerable proposed future developments in the project area, routes other than NC 211 were taken into account.

**COMMENT:** “The Oak Island CAMA Land Use Plan was not reviewed for consistency with the proposed project. Although the EA states that the project is consistent with Brunswick County’s CAMA Land Use Plan, staff feels this may conflict with the proposed interchange. The county LUP states that commercial development will continue to cluster along the 211 corridor. By using the commercially zoned land for the interchange, valuable space that can be used to service the expanded population in this area will be lost. The Town of Oak Island is particularly concerned as to the extent that NCDOT used the 2010 Oak Island CAMA Land Use Plan when evaluating this document. The Division of Coastal Management informed town staff that upon adoption of the town’s plan, copies were sent to NCDOT. The town would like to know if NCDOT used the 2010 CAMA plan when evaluating this proposed project.”

**NCDOT RESPONSE:** NCDOT disagrees that the proposed acquisition of right of way for a future interchange is incompatible with either the Town's or the County's CAMA Land Use Plan. The future interchange would not preclude commercial development along the NC 211 corridor. The Town of Oak Island 2009 CAMA Land Use Plan Update was reviewed during project development studies.

**COMMENT:** "Town staff believes that an at-grade intersection would be the less intrusive alternative for the intersection rather than the proposed interchange."

**NCDOT RESPONSE:** As shown in the EA, an interchange would have greater impacts than an at-grade intersection. However, by the project design year (2035), the proposed at-grade intersection will be operating at capacity (level of service E). Acquisition of right of way for a future interchange as part of this project will allow an interchange to be constructed when the proposed at-grade intersection no longer functions satisfactorily. The interchange design was revised to have a smaller footprint and less impact on the environment and adjacent properties.

**COMMENT:** "Town staff is also concerned that the money used to acquire right-of-way and construction of the interchange is diverting resources from starting the widening of Midway Road and pushing that much needed project further into the future."

**NCDOT RESPONSE:** Only acquisition of right of way for an interchange is proposed under the subject project, construction of the interchange is not proposed as a part of this project. The funding and schedule of the Midway Road widening project will be determined based on its priority relative to other projects in the area.

**COMMENT:** "This project is determined to be consistent with local land use plans but fails to mention Oak Island's. The Town of Oak Island's Future Land Use Map does not include or provide for an interchange such as the one proposed at the intersection of Midway road and Highway 211. The Town of Oak Island Future Land Use Map included the uses from the Brunswick County CAMA Plan around this area."

**NCDOT RESPONSE:** As stated previously, NCDOT disagrees with the Town's assertion that the acquisition of right of way for a future interchange is inconsistent with area land use plans, as the future interchange would not preclude commercial development in the area around the NC 211/Midway Road intersection.

**COMMENT:** "The EA finds that no economic impacts are expected as a result of this project. Town staff feels that the economic impact of potential commercial enterprise on the land taken for the propose interchange will have a negative impact on the Town of Oak Island. One major project is already under construction in the area of the proposed interchange. Oak Island would like to know if the developer of this project was considered when the statement of no direct economic impacts was concluded. Proposed commercial projects in the planning stage that have already been reviewed and approved by the county will be dramatically changed by the proposed interchange acquisition. ... The project approval dates for these projects go back at least two years and should have been included in the EA. Oak Island would like to know if any of the

developers and landowners in the area of the interchange were consulted about plans they have for the area of the interchange.”

**NCDOT RESPONSE:** The Town’s position is noted. Property will still be available for development following construction of the project and acquisition of interchange right of way. Future provision of an interchange will help traffic reach commercial property in the area in a secure and efficient manner. NCDOT has had various discussions with developers in the area around the NC 211/Midway Road intersection since December 2010.

**COMMENT:** “According to attendees at the workshop held in 2008, no mention of an interchange was made. Because of the impacts this interchange will have staff feels that the public should have been informed at the workshop about the possibility of one being constructed.”

**NCDOT RESPONSE:** Mapping presented at the February 2008 citizens informational workshop showed a study area for an interchange at Midway Road.

**COMMENT:** “Section 1, interchange at E.F. Middleton and Midway Road was not included to be studied in detail in the National Environmental Policy Act documents.”

**NCDOT RESPONSE:** The Town is referring to the NEPA/404 Merger Process Concurrence Point 2 (alternatives to be studied in detail) form included in Appendix C of the EA. No alternatives were circled on the form for Section 1 of the project, while alternatives were circled for Sections 2 and 3. The intent of the form was to show that both of the alternatives for Section 1 (interchange and no interchange) were being carried forward for detailed study. The merger team did concur with studying both an interchange and an at-grade intersection in detail.

**COMMENT:** “Staff still has concerns about the traffic data used to determine Concurrence Point 1 Purpose and Need.”

**NCDOT RESPONSE:** Comment noted.

**COMMENT:** “In summary, there are many issues that need to be addressed by the EA. Oak Island staff feels that the town should have been informed of the proposed interchange earlier in the process of review and planning. This interchange will have a tremendous impact on plans that have been developed by the town over many years of work. Oak Island has had plans in effect for the area around Midway Road and Highway 211 long before the Swain’s Cut Bridge was under construction. Staff feels that the prudent planning done over the years will be impacted greatly by the proposed interchange. It appears that during the original workshop held February 26, 2008, this interchange was not presented to the people in attendance. Staff believes that because of the drastic impact this interchange will have on the Town of Oak Island and the landowners in the area, this interchange should be pulled from the 211 widening project. Staff fully supports the 211 widening project and hopes to see construction begin as soon as possible. Town staff cannot however support the proposed interchange or agree with the conclusions presented in the EA at this time. The Town of Oak Island Planning Board on Thursday March



31 issued an official statement of concurrence with this memo and a determination that this interchange is not consistent with the 2010 Oak Island CAMA Land Use Plan.”

**NCDOT Response:** Many of these are reiterations of earlier comments and were previously addressed.

### **C. Public Involvement**

In accordance with 23 U.S.C. 128, the North Carolina Department of Transportation certifies that a public hearing for the subject project had 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 public hearing was held for the project on June 28, 2011. An informal open house was held prior to the formal hearing. Approximately 173 people attended the hearing. Twelve people spoke during the formal hearing and 39 written comments were submitted.

Most attendees were in favor of the NC 211 widening from the verbal and written comments. There was some opposition expressed regarding the proposed purchase of right of way for a future interchange at NC 211/Midway Road and a possible NC 211/NC 87 roundabout, although there were also others who spoke in favor of the interchange and roundabout.

### **D. Additional Project Coordination**

NCDOT met with the mayors and other representatives of the towns surrounding the project on February 22, 2011. All project aspects were discussed, especially the proposed NC 211/ Midway Road interchange, the proposed NC 211/NC 87 roundabout, and the public hearing.

NCDOT met with developers of the properties surrounding the NC 211/Midway Road intersection and representatives from the Town of Oak Island in December 2010 to discuss proposed improvements to the intersection and plans made by each developer. Each non-NCDOT attendee was opposed to the acquisition of right of way for an interchange due to the negative impacts to the properties surrounding the intersection.

The Brunswick County Board of Commissioners passed a resolution in June 2011 in favor of NCDOT acquiring right of way for a future interchange at the NC 211/Midway Road intersection.

The City of Southport passed resolutions in the fall of 2011 concerning sidewalks, bike lanes, and the proposed NC 211/NC 87 roundabout. A resolution was adopted in October 2011 where the City requested NCDOT to include sidewalks and bike lanes in the project through Southport's jurisdiction. As noted in the Project Commitments, NCDOT will continue coordination with the City regarding the inclusion of sidewalks along the portion of the project in Southport's jurisdiction.

The City also passed a resolution opposing the proposed NC 211/NC 87 roundabout in November 2011. Due to local opposition to the roundabout and the fact that it would not operate any better than a signalized intersection during peak periods, NCDOT decided to construct a signalized intersection instead of a roundabout at the NC 87 intersection.

## **VI. UPDATES TO THE ENVIRONMENTAL ASSESSMENT**

### **A. Rare and Protected Species – Federally-Protected Species**

The environmental assessment stated that concurrence from the US Fish and Wildlife Service would be requested on biological conclusions of “may affect, not likely to adversely affect” for the eastern cougar and the red-cockaded woodpecker.

Eastern cougar was listed as an endangered species in the Environmental Assessment. Suitable habitat for eastern cougar was found to exist in the project area. On March 2, 2011, the US Fish and Wildlife Service announced it had concluded that the eastern cougar is extinct; therefore, Section 7 consultation is no longer required for this species.

The red-cockaded woodpecker is listed as a federally-protected endangered species in Brunswick County. In a letter dated February 1, 2012 (see Appendix A), the US Fish and Wildlife Service concurred on a biological conclusion of “may affect, not likely to adversely affect” for red-cockaded woodpecker.

### **B. Avoidance and Minimization**

The following minimization measures are recommended for the project:

- The bridge over Dutchmans Creek will be replaced with a 140-foot long bridge instead of a culvert.
- The maximum slope (3 to 1) will be used through wetland areas and in the red-cockaded woodpecker foraging area.
- Guardrail will be provided within the red-cockaded woodpecker foraging habitat to limit the clearing as coordinated with USFWS, and a u-turn bulb will be relocated to an area west of the foraging area.

These measures were discussed with and agreed to by the NEPA/404 merger team. The concurrence form is included in Appendix C.

**C. Waters of the United States-Summary of Anticipated Impacts**

Wetland and stream impacts presented in the environmental assessment were based on 4:1 side slopes throughout the project. As discussed in Section VI-B, 3:1 side slopes are now proposed through wetland areas. Tables 3 through 5 below present updated wetland, stream and open water impacts of the project based on 3:1 side slopes.

**TABLE 3  
UPDATE OF TABLE 9 FROM ENVIRONMENTAL ASSESSMENT  
ESTIMATED IMPACTS TO STREAMS**

<b>Map ID</b>	<b>Classification</b>	<b>Project Section</b>	<b>(Recommended) North Side Widening Impacts (ft)</b>	<b>South Side Widening Impacts (ft)</b>
SA	Perennial	1	0 (both)	0 (both)
SB	Perennial	2	149	28
SC	Perennial	2	0	0
Beaverdam Creek	Perennial	2	230	228
SD	Perennial	2	218	212
Price Creek	Perennial	3	65	50
SE	Perennial	3	54	48
Dutchmans Creek	Perennial	3	Bridged	Bridged
SF	Intermittent	3	0	0

**TABLE 4**  
**UPDATE OF TABLE 10 FROM ENVIRONMENTAL ASSESSMENT**  
**ESTIMATED IMPACTS TO OPEN WATERS**

<b>Pond Map Code</b>	<b>Project Section</b>	<b>(Recommended) North Side Widening Impacts (acres)</b>	<b>South Side Widening Impacts (acres)</b>
Pond 1	1	0.02	1.25
Pond 2	1	0.00	0.00
Pond 3	1	0.00	0.00
Pond 4	1	0.19	0.00
Pond 5	1	0.05	0.00
Pond 6	1	0.01	0.00
Pond 7	1	0.020	0.09
Pond 8	1	0.01	0.07
OWA	1	0.01 (I), 0.01 (AG)	<0.01 (I), <0.01 (AG)
OWB	1	0.29 (I), 0.30 (AG)	0.29 (I), 0.29 (AG)
OWC	1	0.01 (I), 0.01 (AG)	<0.01 (I), <0.01 (AG)
OWD	2	0.00	0.00
OWE	2	0.00	0.00
Ditch	3	0.01	0.00
Pond 9	3	0.00	0.00
Pond 10	3	0.00	0.00
Pond 11	3	0.00	0.00
Pond 12	3	0.09	0.00

**TABLE 5  
UPDATE OF TABLE 11 FROM ENVIRONMENTAL ASSESSMENT  
ESTIMATED IMPACTS TO WETLANDS**

<b>Map ID</b>	<b>Cowardin Classification</b>	<b>Classification</b>	<b>Project Section</b>	<b>DWQ Wetland Rating</b>	<b>Area (acres)</b>	<b>(Recommended) North Side Widening Impacts (Acres)</b>	<b>South Side Widening Impacts (Acres)</b>
WA	PFO1/4C	Riparian	1	N/A	2.33	0 (both)	0 (both)
WB	PFO1/4B / PSS3B	Non-riparian	1	35	14.06	3.68 (I) 0.68 (AG)	4.59 (I) 1.78 (AG)
WC	PFO1/4E	Non-riparian	1	35	2.12	0.16 (I) 0.14 (AG)	0.00 (I) 0.00 (AG)
WD	PSS3B / PFO4B	Non-riparian	1	35	14.17	1.28 (I) 0.33 (AG)	1.49 (I) 0.68 (AG)
WE	PFO1/4F	Non-riparian	2	35	0.06	0.01	0.0039
WF	PFO1/4B / PSS3B	Non-riparian	2	35	1.42	0.55	0.00
WG	PFO1/4B / PSS3B	Non-riparian	2	35	1.51	0.17	0.00
WH	PFO1/4E	Non-riparian	2	35	8.11	1.65	0.38
WI	PFO1/4B	Non-riparian	2	35	2.38	0.30	0.73
WJ	PFO1/4E	Non-riparian	2	35	0.40	0.21	0.29
WK	PFO4A / PSS3A	Non-riparian	2	35	0.05	0.00	0.00
WL	PFO4A / PSS3A	Non-riparian	2	35	8.85	3.75	1.58
WM	PSS3A	Non-riparian	2	35	2.30	0.00	0.20
WN	PFO4C / PSS3C	Non-riparian	2	35	32.06	11.40	4.48
WO	PFO4C / PSS3C	Non-riparian	2	35	30.66	3.50	10.00
WP	PSS1/7F	Non-riparian	2	N/A	0.03	0.04	0.04
WQ	PSS1/7F	Riparian	2	N/A	0.19	0.19	0.12
WR	PSS1/7F	Non-riparian	2	N/A	0.12	0.08	0.10
WS	PSS3F / PFO4F	Non-riparian	2	N/A	0.05	0.05	0.01
WT	PSS3F / PFO4F	Riparian	2	89	1.78	0.47	0.16
WU	PSS3F / PFO4F	Riparian	2	89	1.20	0.12	0.40
WV	PSS7A	Non-riparian	2	N/A	2.54	0.76	0.47
WW	PSS1/7F	Non-riparian	2	N/A	0.03	0.03	0.03
WX	PFO4B	Non-riparian	2	35	17.65	7.32	4.18
WY	PFO4B	Non-riparian	2	35	7.88	2.85	1.59
WZ	PFO4A / PSS7A	Non-riparian	2	35	21.49	4.03	8.72
WAA	PFO4B	Riparian	2	N/A	9.28	3.64	2.03
WAB	PSS1/7C	Riparian	2	N/A	0.77	0.13	0.13
WAC	PFO4A / PSS7A	Non-riparian	2	35	0.10	0.06	0.00
WAD	PFO4A / PSS7A	Non-riparian	2	35	0.40	0.00	0.07
WAE	PFO1/3C	Riparian	3	85	1.97	0.68	0.27
WAF	PFO1/3C	Riparian	3	85	1.52	0.20	0.51
WAG	PFO1/3C	Riparian	2	46	0.23	0.02	0.02
WAH	PFO1C	Riparian	3	85	1.46	0.46	0.16
WAI	PEM/SS1C	Riparian	3	13	0.02	0.02	0.02

#### **D. Anticipated Permit Requirements**

The proposed project will require an Individual Section 404 Permit from the US Army Corps of Engineers. Final permit decisions rest with the US Army Corps of Engineers. A CAMA Consistency Determination must be documented and certified by NCDOT in conjunction with obtaining the Section 404 Permit.

This project will also require a 401 Water Quality Certification from the NC Division of Water Quality prior to issuance of the Individual 404 Permit.

The portion of Dutchman Creek starting approximately 1,000 feet downstream of the project is designated a Primary Nursery Area. Primary Nursery Areas are included as part of the coastal estuarine system in North Carolina by the NC Division of Marine Fisheries. Therefore, an in-water work moratorium will be observed between April 1st and September 30th for Dutchman Creek.

#### **E. Intersections/Interchanges**

Section IV-F of the environmental assessment discussed that the intersection of NC 211 with NC 87 would remain signalized with the project. Following completion of the environmental assessment, the decision was made to study a roundabout as an alternative to a traffic signal at this intersection. At the June 2011 hearing, both a signalized intersection and a roundabout were presented as alternatives for the NC 87 intersection.

Traffic capacity analyses conducted found that both the signalized intersection and the roundabout options at NC 87 would operate at level of service F in the year 2035. However, a roundabout would operate better during off-peak periods than a signal. The City of Southport passed a resolution opposing the roundabout option for the NC 211/NC 87 intersection in November 2011. Due to local opposition to the roundabout and the fact that it would not operate any better than a signalized intersection during peak periods, NCDOT decided to construct a signalized intersection instead of a roundabout at the NC 87 intersection.

#### **F. Bicycle and Pedestrian Facilities/Greenways**

As discussed in Section IV-J of the environmental assessment, five-foot paved shoulders will be provided from the beginning of the project to approximately 350 feet west of Creek Road and four-foot paved shoulders will be provided from J. Swain Boulevard to NC 87. These paved shoulders will accommodate bicycles. In addition, forty-eight inch bridge rails will be provided on the proposed bridges over Dutchman's Creek and the Progress Energy Discharge Canal in order to accommodate bicycles. The proposed bridge over Beaverdam Swamp will have a proposed rail height of 42 inches.

Following completion of the environmental assessment, the City of Southport passed a resolution requesting NCDOT include sidewalks and bike lanes in the project. NCDOT will continue coordination with the City regarding the inclusion of sidewalks along the portion of the project in Southport's jurisdiction. The City will be required to participate in the cost of new sidewalks and will be responsible for maintenance and liability for the sidewalks. A municipal agreement will be prepared prior to construction of the project if sidewalks are included in the project.

**G. Corrections to the Environmental Assessment**

**Relocation of Residences and Businesses**

The relocation report prepared for the environmental assessment double counted some businesses as both residential and business relocatees for the North Interchange and North At-Grade alternatives in Section 1 of the project. This error has been corrected. Appendix B includes an updated relocation report for the project. Table 6 below is an update to Table 15 of the Environmental Assessment. Table 2 of this document also depicts the corrected number of residential relocatees for the North Interchange and North At-Grade alternatives in Section 1.

**TABLE 6  
UPDATE OF TABLE 15 FROM ENVIRONMENTAL ASSESSMENT  
RELOCATION OF HOMES AND BUSINESSES**

	Section 1				Section 2		Section 3	
	North Interchange	North At-Grade	South Interchange	South At-Grade	North	South	North	South
<b>Residential Relocatees</b>	1 (1)	1 (1)	2 (1)	0	1 (0)	1 (0)	1 (0)	0
<b>Business Relocatees</b>	1 (0)	1 (0)	2 (0)	1 (0)	2 (0)	4 (0)	2 (0)	7 (0)

Numbers in parenthesis indicate minority-owned or occupied homes and businesses.

**VII. BASIS FOR FINDING OF NO SIGNIFICANT IMPACT**

Based upon environmental studies and coordination with appropriate federal, state, and local agencies, it is the finding of the Federal Highway Administration and the North Carolina Department of Transportation that the proposed action will have no significant impact upon the quality of the human environment. This action is based on public involvement and comments received on the environmental assessment. Therefore, an environmental impact statement will not be required.

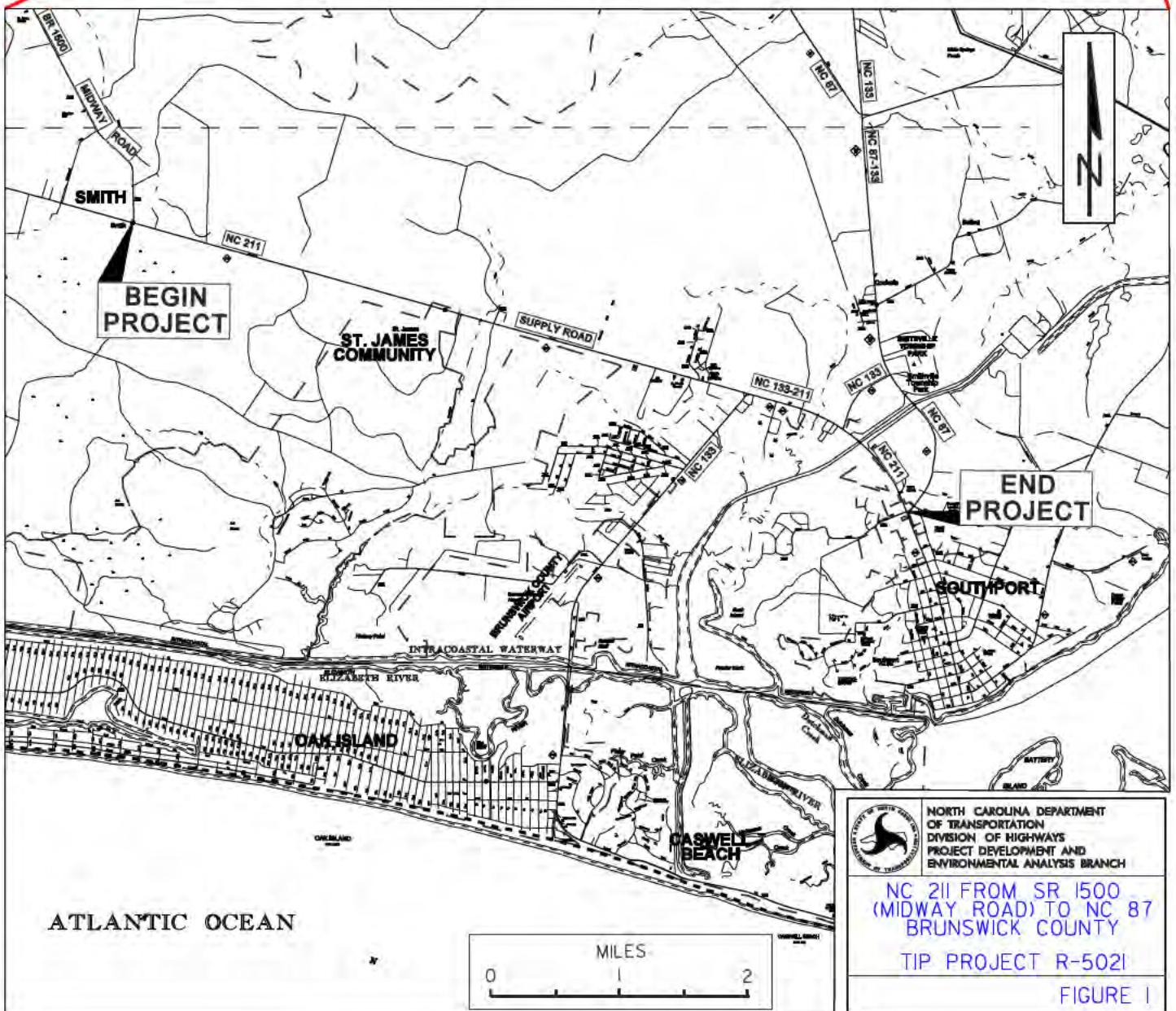
The following persons may be contacted for additional information concerning this proposal and statement:

John F. Sullivan, III  
Division Administrator  
Federal Highway Administration  
310 New Bern Avenue, Suite 410  
Raleigh, North Carolina 27601  
Telephone: (919) 856-4346

Mr. Gregory J. Thorpe, Ph.D., Manager,  
Project Development and Environmental  
Analysis Unit  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548  
Telephone: (919) 707-6000









# INTERCHANGE WITH NORTH SIDE WIDENING



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

PRELIMINARY DESIGN  
SUBJECT TO CHANGE

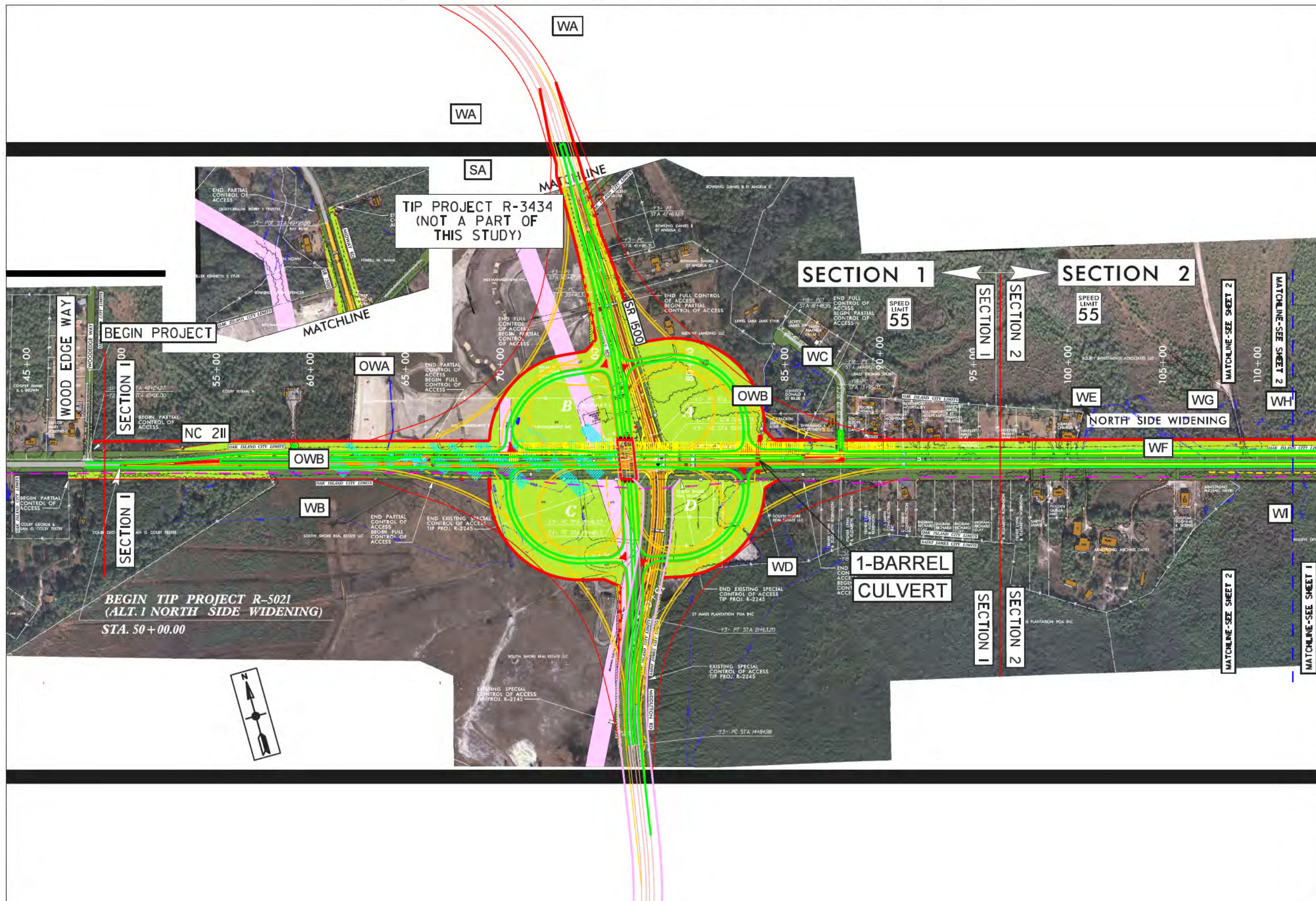
## LEGEND

- EXISTING RIGHT OF WAY
- PROPOSED PAVEMENT
- PROPOSED EASEMENTS (DRAINAGE, UTILITY, AND CONSTRUCTION)
- PROPOSED STRUCTURE
- PROPOSED RIGHT OF WAY
- PROPOSED SLOPESTAKES
- IMPROVEMENTS TO BE MADE BY ADJACENT PROJECT
- EXISTING POWER LINE
- DELINEATED WETLANDS
- DELINEATED STREAMS OR OPEN WATER



NC 211  
FROM  
SR 1500 (MIDWAY RD.)  
TO NC 87  
BRUNSWICK COUNTY  
TIP PROJECT R-5021

SHEET 1 OF 6  
FIGURE 2



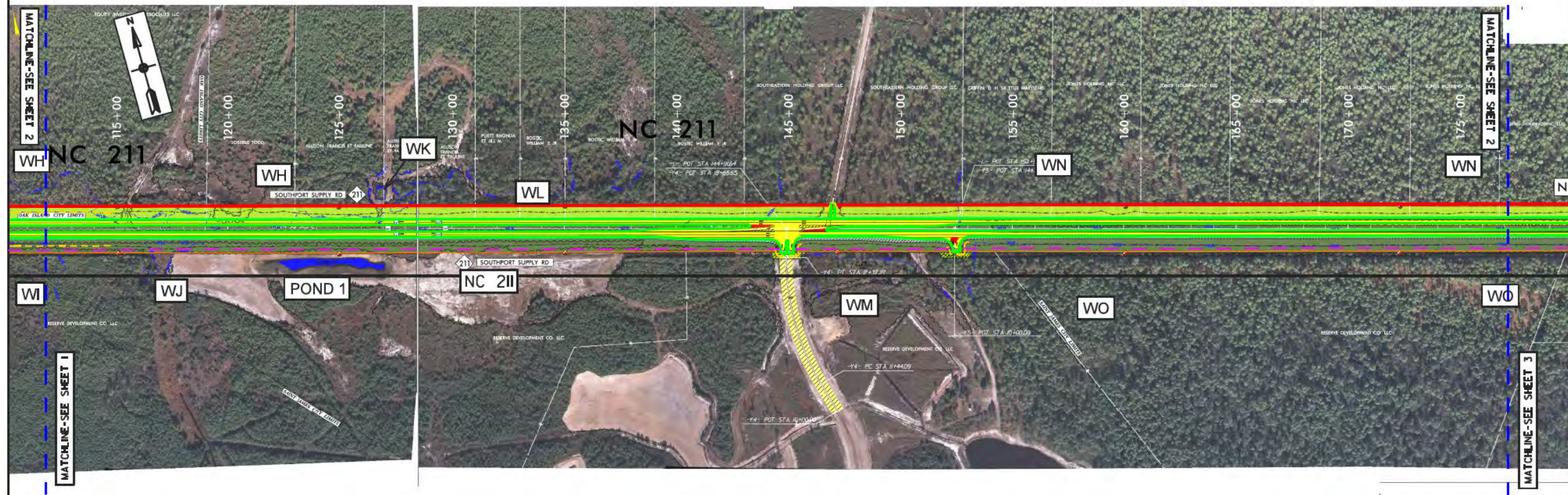


# NORTH SIDE WIDENING



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

PRELIMINARY DESIGN  
SUBJECT TO CHANGE



- LEGEND**
- EXISTING RIGHT OF WAY
  - PROPOSED PAVEMENT
  - PROPOSED EASEMENTS (DRAINAGE, UTILITY, AND CONSTRUCTION)
  - PROPOSED STRUCTURE
  - PROPOSED RIGHT OF WAY
  - PROPOSED SLOPESTAKES
  - IMPROVEMENTS TO BE MADE BY ADJACENT PROJECT
  - EXISTING POWER LINE
  - DELINEATED WETLANDS
  - DELINEATED STREAMS OR OPEN WATER



NC 211  
FROM  
SR 1500 (MIDWAY RD.)  
TO NC 87  
BRUNSWICK COUNTY  
TIP PROJECT R-5021

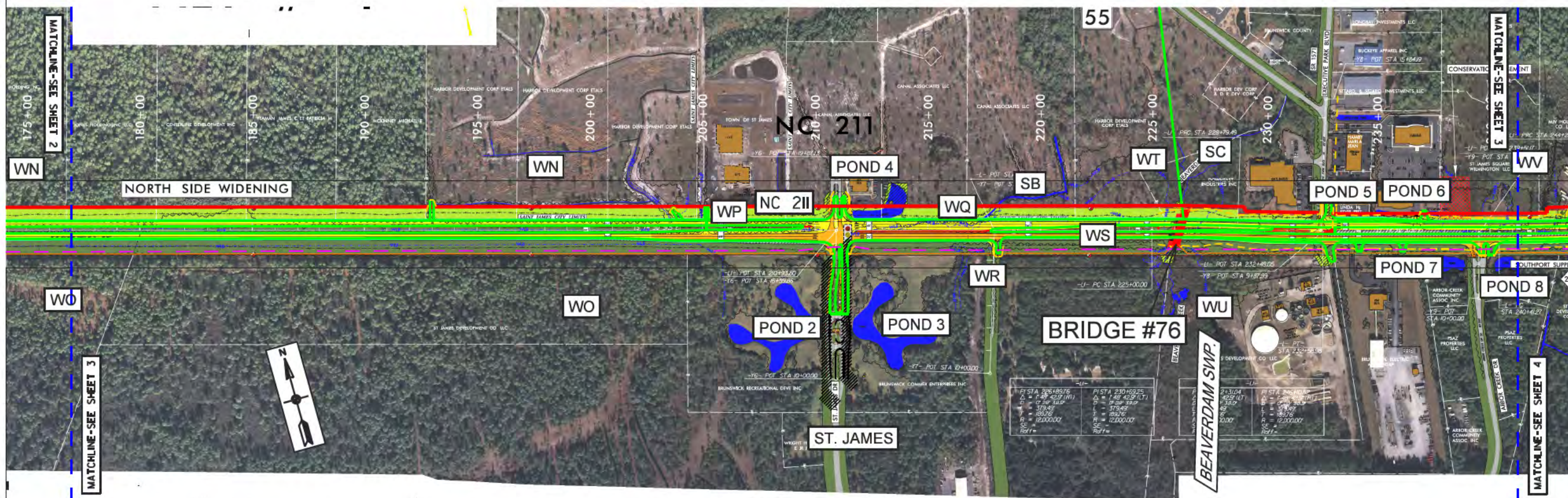


# NORTH SIDE WIDENING



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

PRELIMINARY DESIGN  
SUBJECT TO CHANGE



### LEGEND

- EXISTING RIGHT OF WAY
- PROPOSED PAVEMENT
- ▨ PROPOSED EASEMENTS (DRAINAGE, UTILITY, AND CONSTRUCTION)
- PROPOSED STRUCTURE
- PROPOSED RIGHT OF WAY
- - - PROPOSED SLOPESTAKES
- ▨ IMPROVEMENTS TO BE MADE BY ADJACENT PROJECT
- - - EXISTING POWER LINE
- ▭ DELINEATED WETLANDS
- DELINEATED STREAMS OR OPEN WATER



NC 211  
FROM  
SR 1500 (MIDWAY RD.)  
TO NC 87  
BRUNSWICK COUNTY  
TIP PROJECT R-5021

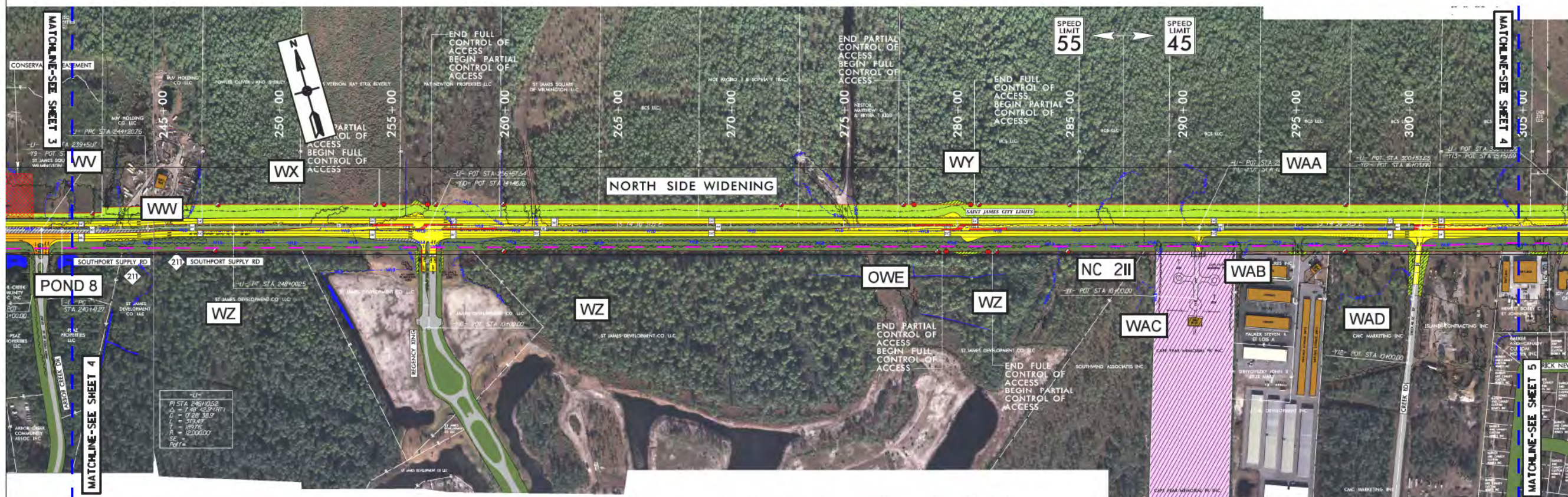


# NORTH SIDE WIDENING



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

PRELIMINARY DESIGN  
SUBJECT TO CHANGE



## LEGEND

- EXISTING RIGHT OF WAY
- PROPOSED PAVEMENT
- PROPOSED EASEMENTS (DRAINAGE, UTILITY, AND CONSTRUCTION)
- PROPOSED STRUCTURE
- PROPOSED RIGHT OF WAY
- PROPOSED SLOPESTAKES
- IMPROVEMENTS TO BE MADE BY ADJACENT PROJECT
- EXISTING POWER LINE
- DELINEATED WETLANDS
- DELINEATED STREAMS OR OPEN WATER



NC 211  
FROM  
SR 1500 (MIDWAY RD.)  
TO NC 87  
BRUNSWICK COUNTY  
TIP PROJECT R-5021



# NORTH SIDE WIDENING



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

PRELIMINARY DESIGN  
SUBJECT TO CHANGE



## LEGEND

- EXISTING RIGHT OF WAY
- PROPOSED PAVEMENT
- PROPOSED EASEMENTS (DRAINAGE, UTILITY, AND CONSTRUCTION)
- PROPOSED STRUCTURE
- PROPOSED RIGHT OF WAY
- PROPOSED SLOPESTAKES
- IMPROVEMENTS TO BE MADE BY ADJACENT PROJECT
- EXISTING POWER LINE
- DELINEATED WETLANDS
- DELINEATED STREAMS OR OPEN WATER



NC 211  
FROM  
SR 1500 (MIDWAY RD.)  
TO NC 87  
BRUNSWICK COUNTY  
TIP PROJECT R-5021

SHEET 5 OF 6  
FIGURE 2

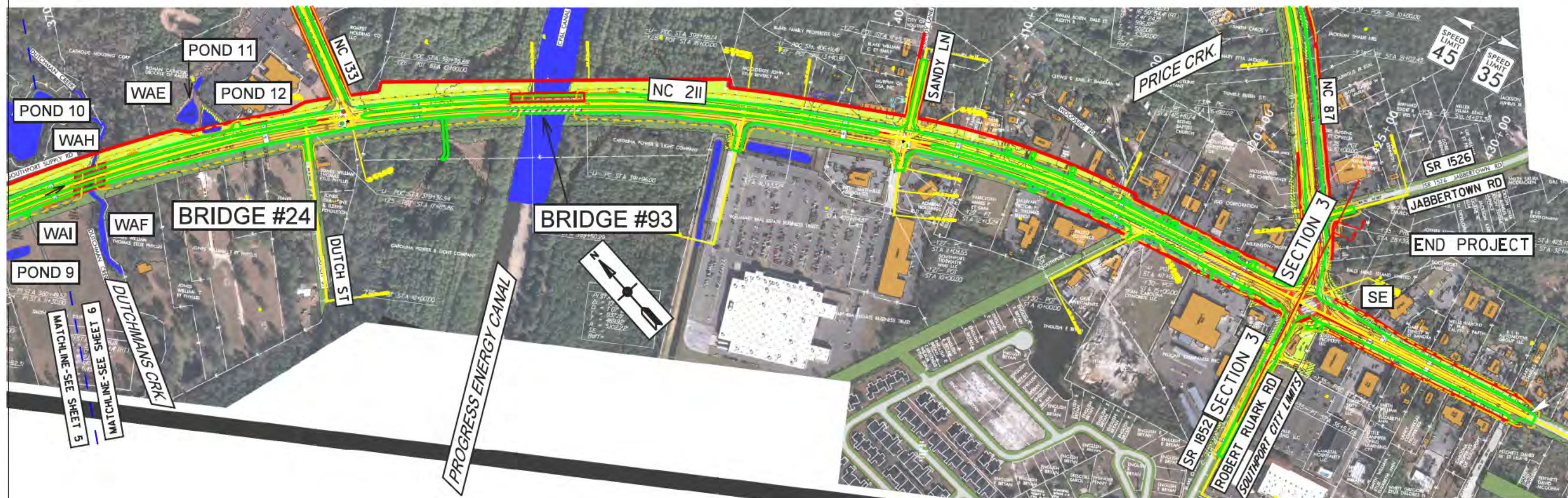


# NORTH SIDE WIDENING



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

PRELIMINARY DESIGN  
SUBJECT TO CHANGE



## LEGEND

- EXISTING RIGHT OF WAY
- PROPOSED PAVEMENT
- / / PROPOSED EASEMENTS (DRAINAGE, UTILITY, AND CONSTRUCTION)
- PROPOSED STRUCTURE
- PROPOSED RIGHT OF WAY
- - - PROPOSED SLOPESTAKES
- / / IMPROVEMENTS TO BE MADE BY ADJACENT PROJECT
- - - EXISTING POWER LINE
- DELINEATED WETLANDS
- - - DELINEATED STREAMS OR OPEN WATER



NC 211  
FROM  
SR 1500 (MIDWAY RD.)  
TO NC 87  
BRUNSWICK COUNTY  
TIP PROJECT R-5021

SHEET 6 OF 6  
FIGURE 2



## **APPENDIX A**

### **COMMENTS RECEIVED**







## United States Department of the Interior

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

March 14, 2011

RECEIVED  
Division of Highways

MAR 17 2011

Preconstruction  
Project Development and  
Environmental Analysis

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

Dear Dr. Thorpe:

This letter is in response to your March 4, 2011 letter which requested comments from the U.S. Fish and Wildlife Service (Service) on the Federal Environmental Assessment (FEA) for the widening of NC 211 from SR 1500 (Midway Road) to NC 87, Brunswick County, North Carolina (TIP No. R-5021). These comments are provided in accordance with provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c) and Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

According to the FEA, the North Carolina Department of Transportation (NCDOT) proposes to widen a 6.6 mile portion of NC 211 from two lanes to four lanes with a median. The project is divided into three sections, with two to four alternatives per section. The Service does not have preferred alternatives at this time and will defer that decision until Concurrence Point 3 when the Least Environmentally Damaging Practicable Alternative is selected.

There are twelve federally threatened or endangered species listed for Brunswick County. NCDOT has determined that the project will have no effect on all of these species with the exception of the red-cockaded woodpecker (RCW, *Picoides borealis*) and eastern cougar (*Puma concolor cougar*). On March 2, 2011, the Service announced that it had concluded that the eastern cougar was extinct; therefore, Section 7 consultation is no longer required for this species. The Service will undergo a process to remove the eastern cougar from the list.

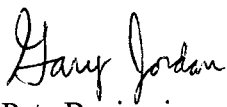
With regard to the RCW, the Service has acquired and reviewed the August 26, 2010 Red-cockaded Woodpecker Foraging Habitat Assessment (FHA). The project will transect and remove habitat from the partition of one active RCW group, BRU 75. Since the project design is not yet final, the FHA utilized hypothetical clearing limits. As such, the Service considers this FHA as a preliminary draft to help guide decision making. The FHA also deviates from protocol by using pine trees  $\geq 8$  inches dbh (instead of  $\geq 10$  inches dbh as called for in the 2003 RCW Recovery Plan) to meet the basal area requirements under the Standard for Managed Stability (SMS) guidelines. Given the atypical site and habitat conditions (in contrast to ideal habitat described in the RCW Recovery Plan), the Service believes this deviation from protocol is acceptable for this project.

The FHA concludes that the partition will still meet the SMS requirements post-project (counting potentially suitable habitat), provided that tree clearing does not create a gap of more than 200 feet between the forested areas north and south of NC 211. If additional tree clearing, when added to the existing cleared area along NC 211, creates a gap of more than 200 feet, then all RCW habitat north of NC 211 would be considered non-contiguous and not count towards meeting the minimal acreage and basal area requirements for the partition under the SMS guidelines, thus resulting in a "take" of the RCW. Therefore, it is imperative that the total width of the cleared area along NC 211 within the foraging partition of BRU 75 be kept < 200 feet. It is unknown if the FHA considered any clearing from required utility relocations. If utilities must be relocated as a result of the road project, any additional tree clearing must also be considered.

Also, any additional tree clearing by other parties unrelated to this project will affect the baseline conditions of this RCW group. Given that the FHA concludes that only 84.2 acres of potentially suitable habitat will remain post-project, any unrelated tree clearing by other parties prior to construction of the NCDOT project could potentially lower the baseline acreage to a point that the habitat removals from the NCDOT project could take the partition to below the necessary 75 acres of habitat to maintain the RCW group. Therefore, an updated FHA will be necessary closer to the time of project let.

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

Sincerely,

  
for Pete Benjamin  
Field Supervisor

cc: Chris Militscher, USEPA, Raleigh, NC  
Travis Wilson, NCWRC, Creedmoor, NC  
Brad Shaver, USACE, Wilmington, NC  
John Sullivan, FHWA, Raleigh, NC

## Gillespie, Allyn K

---

**From:** Militscher.Chris@epamail.epa.gov  
**Sent:** Tuesday, March 29, 2011 2:10 PM  
**To:** Gillespie, Allyn K; McInnis, Jay  
**Cc:** brad.e.shaver@usace.army.mil; Wainwright, David; Sollod, Steve;  
ron.lucas@fhwa.dot.gov; gary\_jordan@fws.gov; Wilson, Travis W.  
**Subject:** EPA Review of Federal EA for R-5021

Kim/Jay: EPA has completed its review of the Federal EA for the above referenced project, the widening and other improvements to NC 211 from Midway Road to NC 87. We offer the following comments for this Merger project:

1. For Section 1, EPA prefers either North At-grade or South At-grade alternatives over North or South Interchange alternatives due to a magnitude difference in wetland impacts (i.e., 1.03 and 3.32 vs. 15.02 and 17.17 acres, respectively).
2. for Section 2, EPA prefers the South alternative (less wetland impacts of ~5.5 acres, less stream impacts of ~100 feet, less forest impacts and less noise receptor impacts) than the North alternative.
3. For Section 3, EPA could accept either the North or South alternative. While the wetland and stream impacts are slightly higher for the North alternative (~.5 acres and ~70 feet of streams), there are 5 less business relocations. For the future CP 3 LEDPA meeting, please have the business relocation details available for EPA and other team members to discuss.
4. Based upon the traffic projections and other information provided, EPA believes that at-grade intersections for the roadways being evaluated in this EA meet the purpose and need for the project and that interchanges result in a magnitude greater impact to jurisdictional resources.

Thank you for the opportunity to comment.

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





North Carolina  
Department of Administration

RECEIVED  
Division of Highways

APR 15 2011

Preconstruction  
Project Development and  
Environmental Analysis Branch

Beverly Eaves Perdue, Governor

Moses Carey, Jr., Secretary

April 13, 2011

Mr. Gregory Thorpe  
N.C. Dept. of Transportation  
Program Dev. & Environment Analysis  
1548 Mail Service Center  
Raleigh, NC 27699-1534

Dear Mr. Thorpe:

**Re: SCH File # 11-E-4220-0208; EA; Proposed widening of NC 211 from SR 1500 (Midway Road) to NC 87 in Brunswick County. TIP No. R-5021**

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,

  
Sheila Green  
State Environmental Review Clearinghouse

Attachments

cc: Region O  
Region K

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

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

*Location Address:*  
116 West Jones Street  
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

MEMORANDUM

TO: Sheila Green  
State Clearinghouse

FROM: Melba McGee  
Project Review Coordinator

RE: 11-0208 EA - Proposed Widening of NC 211 from SR 1500 (Midway Road) to NC 87 in Brunswick County

DATE: April 12, 2011



The Department of Environment and Natural Resources has reviewed the proposed project.

The department asks that the Department of Transportation continue to work directly with our commenting agencies during the NEPA Merger Process and take all practicable measures to minimize environmental impacts. This will help avoid delays at the permit phase.

Thank you for the opportunity to comment on this project.

Attachments



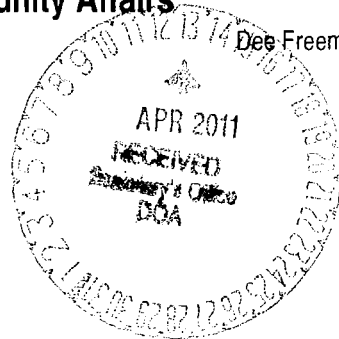
North Carolina Department of Environment and Natural Resources  
**Office of Conservation, Planning, & Community Affairs**

Beverly Eaves Perdue, Governor

**Linda Pearsall, Director**

Dee Freeman, Secretary

April 6, 2011



**MEMORANDUM**

TO: Melba McGee, DENR Environmental Coordinator

FROM: Harry LeGrand, Natural Heritage Program *HL*

SUBJECT: EA – Proposed Widening of NC 211 from SR 1500 (Midway Road) to NC 87;  
Brunswick County

REFERENCE: 11-0208

The EA includes our Program's comments, apparently during a Scoping process, in the EA in Appendix A; these comments were dated August 6, 2007. Since that date, no new data on rare species occurrences have been added to our database, within the project area. On the other hand, the portion of the Boiling Spring Lakes Wetland Complex, south of NC 211, has been heavily impacted by the construction of the connector road to the second bridge to Oak Island. This area was already considered within a Secondary Area, but now will likely have to be removed or have considerably re-drawn boundaries.

Of considerable concern to our Program is that there was apparently no survey for non-Federally listed species. Our comment letter mentions the location of a large population of Venus flytrap (*Dionaea muscipula*) just north of NC 211, and a recommendation to survey for rare plants and animals in the project area. If such a survey was conducted, only the results for Federally listed species is presented in the EA; the Venus flytrap is State Special Concern and a Federal Species of Concern. Though there are numerous populations of this rare plant farther to the north, in the Boiling Spring Lakes area, some impacts to the flytrap are expected during construction of the project.

The flytrap population is located on the north side of NC 211, about 0.6-mile east of the junction of NC 211 with Midway Road (see enclosed map). In addition, the Primary Area of the Nationally significant Boiling Spring Lakes Wetland Complex lies just north of NC 211. Thus, widening of NC 211 to the north will impact a small portion of the natural area, as well as possibly impacting part of the flytrap population.

Our Program is aware of records of the Federally Endangered red-cockaded woodpecker (*Picoides borealis*) in the project area. The EA contains results of a survey for this species. Our Program will support the U.S. Fish and Wildlife Service's recommendations regarding take of habitat and potential mitigation, if any, for impacts to the species.

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

Enclosure

1601 Mail Service Center, Raleigh, North Carolina 27699-1601  
Phone: 919-715-4195 \ FAX: 919-715-3060 Internet: [www.oneNCSNaturally.org](http://www.oneNCSNaturally.org)

An Equal Opportunity \ Affirmative Action Employer – 50% Recycled \ 10% Post Consumer Paper

One  
North Carolina  
*Naturally*  
Natural Resources Planning and Conservation



Boiling Spring Lakes Wetland Complex  
National significance  
(black polygon)  
Primary area - north of NC 211

N C Natural Heritage Program database  
6 April 2011

*Dionaea muscipula*  
[Venus flytrap]  
2002 last observed  
A-ranked population





## North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

### MEMORANDUM

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

FROM: Travis Wilson, Highway Project Coordinator  
Habitat Conservation Program

DATE: April 1, 2011

SUBJECT: North Carolina Department of Transportation (NCDOT) Environmental Assessment (EA) for the proposed widening of NC 211 in Brunswick County, North Carolina. TIP No. R-5021 SCH Project No. 11-0208.

Staff biologists with the N. C. Wildlife Resources Commission have reviewed the subject EA and are familiar with habitat values in the project area. The purpose of this review was to assess project impacts to fish and wildlife resources. Our comments are provided in accordance with certain provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

NCDOT is currently proposing to widening portions of existing NC 211 from SR 1500 to NC 87 in Brunswick County. The project would widen the existing facility from two to four lanes for approximately 6.6 miles. Our prior comments have been incorporated into the EA. Additionally, Dutchman Creek is designated a Primary Nursery Area by the North Carolina Division of Marine Fisheries (NCDMF), therefore we will defer to NCDMF for any in water work moratorium recommendations.

This project is being reviewed through the NEPA/404 Merger 01 process. We will continue to assess the impacts associated with the remaining alternatives in preparation for the selection of the LEDPA and for further avoidance and minimization measures. Thank you for the opportunity to comment. If we can be of any further assistance please call me at (919) 528-9886.

cc: Gary Jordan, USFWS  
David Wainwright, DWQ

R-5021

Page 2

April 1, 2011

Brad Shaver, USACE  
Chris Militscher, EPA  
Steve Sollod, DCM

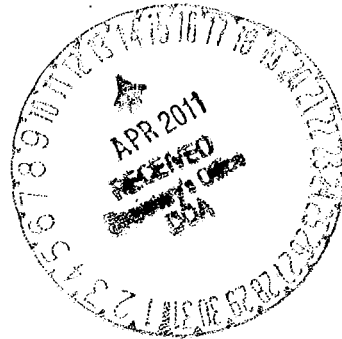
**INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS**

Project Number: 11-0208 Due Date: 4-6-11

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

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input type="checkbox"/>	Permit to construct & operate Transportation Facility as per 15 A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.		
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input checked="" type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any acre mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/>	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)

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



### REGIONAL OFFICES

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

**Asheville Regional Office**  
2090 US Highway 70  
Swannanoa, NC 28778  
(828) 296-4500

**Mooresville Regional Office**  
610 East Center Avenue, Suite 301  
Mooresville, NC 28115  
(704) 663-1699

**Wilmington Regional Office**  
127 Cardinal Drive Extension  
Wilmington, NC 28405  
(910) 796-7215

**Fayetteville Regional Office**  
225 North Green Street, Suite 714  
Fayetteville, NC 28301-5043  
(910) 433-3300

**Raleigh Regional Office**  
3800 Barrett Drive, Suite 101  
Raleigh, NC 27609  
(919) 791-4200

**Winston-Salem Regional Office**  
585 Woughtown Street  
Winston-Salem, NC 27107  
(336) 771-5000

**Washington Regional Office**  
943 Washington Square Mall  
Washington, NC 27889  
(252) 946-6481



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Coleen H. Sullins

Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

DIVISION OF WATER QUALITY  
Wilmington Regional Office

March 21, 2011

MEMORANDUM

To: Melba McGee  
Environmental Coordinator – Office of Legislative & Intergovernmental Affairs

Through: Rick Shiver *RHS*  
Regional Supervisor

From: Chad Coburn *CCC*  
Senior Environmental Specialist

Subject: Proposed Widening of NC211 (TIP R-5021)  
Brunswick County, NC



The DWQ – Surface Water Protection Section has completed its review of the Environmental Assessment for the proposed widening of NC211 from SR1500 (Midway Road) to NC87 in Brunswick County, NC.

After review, our items of concern are as follows:

1. Impacts to wetlands, streams, and any other waters of the State should be minimized and avoided to the greatest extent practicable.
2. Mitigation will be required in accordance with 15A NCAC 2H .0500, for projects involving greater than or equal to one acre of impacts to wetlands or greater than or equal to 150 linear feet of total impacts to perennial and/or intermittent streams.
3. The NPDES General stormwater permit NCG010000 administered by DWQ is automatically issued to the project upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. Full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required.

4. Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored within six months of the date that the Division of Land Resources or locally delegated program has released the project.
5. Existing crossings over wetlands and streams should be used to the greatest extent whenever possible. Bridge structures should be incorporated to the maximum extent practicable.
6. Culvert(s) shall not be installed in such a manner that will cause aggradation or erosion of the stream up or down stream of the culvert(s). Existing stream dimensions (including the cross section dimensions, pattern and longitudinal profile) shall be maintained above and below locations of each culvert.
7. Placement of culverts and other structures in waters, streams, and wetlands must 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 shall 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 will be required to provide evidence that the equilibrium shall be maintained if requested in writing by the Division of Water Quality.

If you have questions regarding these comments, please do not hesitate to contact Rick Shiver or myself.





North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Coleen H. Sullins  
Director

Beverly Eaves Perdue  
Governor

Dee Freeman  
Secretary

March 28, 2011



**MEMORANDUM**

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

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

Subject: Comments on the Environmental Assessment related to proposed widening on NC 211 from existing SR 1500 (Midway Road) to existing NC 87, Brunswick County, Federal Aid Project No. STP-0211(21), TIP R-5021.  
State Clearinghouse Project No. 11-0208

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

**Project Specific Comments:**

1. This project is being planned as part of the 404/NEPA Merger Process. As a participating team member, NCDWQ will continue to work with the team.
2. The table on page 24 indicates that there are numerous ponds which may be impacted by the project. The document does not indicate whether any of these ponds are permitted stormwater ponds. If any of the ponds being impacted are permitted as stormwater BMPs, the NCDOT is strongly encouraged to contact the DWQ's Stormwater Permitting Section in the Wilmington Regional Office in order to further discuss what actions would be feasible to allow affected property owners to remain in compliance with conditions of their state stormwater permit.
3. The text on page 21 states "... [no] streams listed on the 2006 Final NC 303(d) list of impaired waters, are located within the project study area or within one mile downstream." It should be noted that the 303(d) was most recently updated in 2010. While no 303(d) listed streams are located within one mile of the project area, the lower portion of Beaverdam Creek is listed on the 2010 list for shellfish bed closure.
4. Review of the project reveals the presence of surface waters classified as SC;Sw; High Quality Waters of the State in the project study area. This is one of the highest classifications for water quality. Pursuant to 15A NCAC 2H .1006 and 15A NCAC 2B .0224, NCDOT will be required to obtain a State Stormwater Permit prior to construction except in North Carolina's twenty coastal counties.

**General Comments:**

5. 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.
6. 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 stream. In the event that mitigation is required, the mitigation plan shall be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as stream mitigation.
7. 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.
8. NCDOT is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, and rip rap to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.
9. Bridge deck drains shall not discharge directly into the stream. Stormwater shall 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 NCDWQ's *Stormwater Best Management Practices*.
10. The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater shall not be permitted to discharge directly into streams or surface waters.

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

cc: Brad Shaver, US Army Corps of Engineers, Wilmington Field Office  
Clarence Coleman, Federal Highway Administration  
Chris Militscher, Environmental Protection Agency (electronic copy only)  
Travis Wilson, NC Wildlife Resources Commission (electronic copy only)  
Steve Sollod, Division of Coastal Management  
Mason Herndon, NCDWQ Fayetteville Regional Office  
File Copy





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

Beverly Eaves Perdue  
Governor

James H. Gregson  
Director

Dee Freeman  
Secretary

**MEMORANDUM**



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

**CC:** Doug Huggett, DCM Manager, Major Permits & Federal Consistency  
Stephen Rynas, DCM Federal Consistency Coordinator

**FROM:** Steve Sollod, DCM Transportation Project Coordinator *SS*

**DATE:** March 23, 2011

**SUBJECT:** State Clearinghouse Review  
NC Department of Transportation, Environmental Assessment  
Proposed Widening of NC 211 from SR 1500 (Midway Road) to NC 87  
Brunswick County, NC, TIP Number R-5021, Project Review No. 11-0208

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

It is correctly stated in Section V.4., Coastal Zone Issues, that no CAMA Areas of Environmental Concern (AECs) will be impacted by the proposed project, however, Section V.2.d., Anticipated Permit Requirements, states, "A CAMA permit may also be required". No CAMA permit is required for this project, however, it should be noted that a CAMA Consistency Determination must be documented and certified by the applicant (NCDOT) in conjunction with obtaining the USACE Individual Permit.

In accordance with the requirements of Federal Consistency, under the federal Coastal Zone Management Act (CZMA), an applicant for a USACE Individual Permit must certify to the federal agency (USACE) and DCM that the proposed activity will be conducted in a manner that is consistent with the State's coastal management program. This consistency certification includes a review of the State's coastal management program and contains an analysis describing how the proposed project would be consistent, to the maximum extent feasible, with the State's enforceable coastal policies as mandated by the requirements of 15 CFR 930. As part of DCM's evaluation process, the applicant's Consistency Certification is placed on public notice and circulated to a

variety of State agencies for comment. DCM will verify project conformance with the enforceable policies of the NC Coastal Management Program and consider the comments received in its decision to either concur or object to the proposed project.

Although the Consistency Certification is not considered a permit, this requirement should be referenced in the Summary, Section 5. Special Permits Required, and also in Section V.2.d., Anticipated Permit Requirements, and in Section V.4., Coastal Zone Issues.

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



North Carolina Department of Environment and Natural Resources  
Division of Marine Fisheries

Beverly Eaves Perdue  
Governor

Dr. Louis B. Daniel III  
Director

Dee Freeman  
Secretary

MEMORANDUM:

TO: Melba McGee, DENR Environmental Coordinator

THROUGH: Anne Deaton, DMF Habitat Section Chief *AD*

FROM: Jessi Baker, DMF Marine Biologist

SUBJECT: NCDOT EA for NC 211 widening project, Brunswick County, NC

DATE: April 1, 2011



The North Carolina Division of Marine Fisheries (DMF) submits the following comments pursuant to General Statute 113-131. DMF has reviewed the Environmental Assessment (EA) from the NC Department of Transportation regarding the widening of NC 211 in Brunswick County.

In the EA document, section 5.A.2.a Streams, Rivers, and Impoundments (page 21) states that no special designations are in effect for any of the project study area water resources. Dutchmans Creek is a PNA from the mouth to the upstream extent (as described in the DMF Rulebook). This section should be revised. In the future, do not rely on DMF maps for actual PNA boundaries, but Subchapter 03R Descriptive Boundaries in section .0103 Primary Nursery areas in the DMF Rulebook ([http://www.ncfisheries.net/download/MFC\\_Rulebook.pdf](http://www.ncfisheries.net/download/MFC_Rulebook.pdf)).

In section 5.A.2.d. Anticipated Permit Requirements (page 26), it is acknowledged that Dutchmans Creek is indeed a Primary Nursery Area and indicates that an in-water work moratorium on construction activities will be observed because of this designation. Although the dates for the appropriate moratorium are correct, there is an important distinction to make about moratoriums and PNA. DMF has two types of moratoriums, one that applies throughout the coastal and estuarine system in NC (which includes PNA areas) and one, generally more restrictive, moratorium for anadromous fish use areas (Table 1 below). DMF does not have a "PNA moratorium". This section should be revised to reflect that the moratorium that applies to this creek is an in-water work moratorium.



North Carolina Department of Environment and Natural Resources

Division of Marine Fisheries

Beverly Eaves Perdue  
Governor

Dr. Louis B. Daniel III  
Director

Dee Freeman  
Secretary

Table 1. Regional moratoria for in-water work.

	Area	Standard fish moratorium period *	Anadromous fish moratorium period
<b>Southern</b>	Camp Lejeune and south	1 April – 30 September	1 February – 30 September
<b>Central</b>	Camp Lejeune to Neuse River to Ocracoke Inlet	1 April – 30 September	1 February – 30 September
<b>Pamlico</b>	Neuse River to Long Shoal River, including the Neuse basin above New Bern and all of the Tar-Pamlico basin	1 April – 30 September	1 February – 30 September
<b>Northern</b>	North of Long Shoal River and including the Roanoke River basin	1 April – 30 September	15 February – 31 October
<b>Outer Banks</b>	North from Ocracoke Inlet; south of Ocracoke in high energy, sandy estuaries	15 February – 30 June	N/A
<b>WRC</b>		15 Feb – 30 Sep (IPNAs)	15 February – 30 June

Thank you for the opportunity to review and comment on this proposed project. Please feel free to contact Jessi Baker at (252) 808-8064 if you have any further questions or concerns.



MAK-10-2011 11:58

CAP  
NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

910 396 2684

P.001/001

COUNTY: BRUNSWICK

F02: HIGHWAYS AND ROADS

STATE NUMBER: 11-R-4220-0208

DATE RECEIVED: 03/09/2011

AGENCY RESPONSE: 04/06/2011

REVIEW CLOSED: 04/11/2011

CLEARINGHOUSE COORD REGION 0  
CAPE FEAR COG  
1480 HARBOUR DRIVE  
WILMINGTON NC

REVIEW DISTRIBUTION

CAPE FEAR COG  
CC&PS - DIV OF EMERGENCY MANAGEMENT  
DENR - COASTAL MGT  
DENR LEGISLATIVE AFFAIRS  
DEPT OF AGRICULTURE  
DEPT OF CULTURAL RESOURCES  
DEPT OF TRANSPORTATION

PROJECT INFORMATION

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

DRSC: Proposed widening of NC 211 from SR 1500 (Midway Road) to NC 87 in Brunswick County. TIF No. R-5021

CROSS-REFERENCE NUMBER: 08-E-4220-0025

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:

*Chad*

DATE:

*4-5-11*

*Town of Oak Island  
4 pages total*

*Please contact the CFCOG if you would like to review. Thanks,  
Jacob 910-345-4553*

*Chad,  
PJT. Please get the info so that we can make a response.*

*Thanks,  
[Signature]*

APR 2011  
[Stamp]



April 4, 2011

Memo to NC Department of Administration Intergovernmental Review

From: Chad Hicks, Assistant Town Manager

Re: Discussion of Environmental Assessment for 211 Widening Project

Town staff has several concerns about how one aspect of this project, the proposed interchange at Midway Road and E.F. Middleton Boulevard will affect Oak Island. This proposed project will take about 25 acres of prime commercial land from the town. Below are a list of concerns with the EA and the accompanying page numbers where the concern can be found in the plan.

Page V. Coordination and Special Permits Required. The NCDOT did not consult with the Town of Oak Island when drafting this EA. The Town of St. James has also stated that comments were not requested from the town. The EA also fails to note that a stormwater permit issued from Oak Island will be required before the process of construction can begin in the jurisdiction of Oak Island.

Page 4. Utilities. The EA fails to mention the sewer lines in the area of the project.

Page 5. Levels of Service Without Project. Town staff is concerned that these numbers come from models based on data from the economic boom Brunswick County experienced in the mid 2000s. Staff would like to know if the new economic conditions could effect these conclusions listed in this section. The Town of Oak Island would like to know more about how these estimates of traffic along 211 were calculated and if the proposed future widening of Midway Road was included in the model.

Page 7. Transportation and Land Use Plans. The Oak Island CAMA Land Use Plan was not reviewed for consistency with the proposed project. Although the EA states that the project is consistent with Brunswick County's CAMA Land Use Plan, staff feels this may conflict with the proposed interchange. The county LUP states that commercial development will continue to cluster along the 211 corridor. By using the commercially zoned land for the interchange, valuable space that can be used to service the expanded population in this area will be lost. The Town of Oak Island is particularly concerned as to the extent that NCDOT used the 2010 Oak Island CAMA Land Use Plan when evaluating this document. The Division of Coastal Management informed town staff that upon adoption of the town's plan, copies were sent to NCDOT. The town would like to know if NCDOT used the 2010 CAMA plan when evaluating this proposed project.

Page 8. Benefits of Proposed Project. Town staff is concerned that these traffic numbers come from models based on data from the economic boom Brunswick County experienced in the mid 2000s. Staff would like to know if the new economic conditions

could effect these conclusions listed in this section. As with concerns on page 5, Oak Island would like to know how these estimates were made.

Page 10. Detailed Study Alternatives. Town staff believes that an at-grade intersection would be the less intrusive alternative for the intersection rather than the proposed interchange. Please see Table 4 Section 1 on page 11 for the reasons behind this conclusion. Town staff is also concerned that the money used to acquire right-of-way and construction of the interchange is diverting resources from starting the widening of Midway Road and pushing that much needed project further into the future.

Page 12. Intersection/Interchange. This plan again fails to show if the numbers used in the traffic analysis are still useful after the economic downturn. The Town of Oak Island would rather have the money used for this massive interchange spent on the widening of Midway Road.

Page 34 and 35. Land Use. This project is determined to be consistent with local land use plans but fails to mention Oak Island's. The Town of Oak Island's Future Land Use Map does not include or provide for an interchange such as the one proposed at the intersection of Midway road and Highway 211. The Town of Oak Island Future Land Use Map included the uses from the Brunswick County CAMA Plan around this area.

Page 35. Economic Effects and Indirect and Cumulative Effects. The EA finds that no economic impacts are expected as a result of this project. Town staff feels that the economic impact of potential commercial enterprise on the land taken for the proposed interchange will have a negative impact on the Town of Oak Island. One major project is already under construction in the area of the proposed interchange. Oak Island would like to know if the developer of this project was considered when the statement of no direct economic impacts was concluded. Proposed commercial projects in the planning stage that have already been reviewed and approved by the county will be dramatically changed by the proposed interchange acquisition. The project approval dates for these projects go back at least two years and should have been included in the EA. Oak Island would like to know if any of the developers and landowners in the area of the interchange were consulted about plans they have for the area of the interchange.

Page 42 and 43. Citizens Informational Workshop. According to attendees at the workshop held in 2008, no mention of an interchange was made. Because of the impacts this interchange will have staff feels that the public should have been informed at the workshop about the possibility of one being constructed.

Appendix A. NCDENR Coastal Management Letter. The letter submitted does not include a review of consistency with CAMA Land Use Plans in the area of the project.

Appendix C. NEPA/404 Merger Agreement. Section 1, interchange at E.F. Middleton and Midway Road was not included to be studied in detail in the National Environmental Policy Act documents. Staff still has concerns about the traffic data used to determine Concurrence Point 1 Purpose and Need.

In summary, there are many issues that need to be addressed by the EA. Oak Island staff feels that the town should have been informed of the proposed interchange earlier in the process of review and planning. This interchange will have a tremendous impact on plans that have been developed by the town over many years of work. Oak Island has had plans in effect for the area around Midway Road and Highway 211 long before the Swain's Cut Bridge was under construction. Staff feels that the prudent planning done over the years will be impacted greatly by the proposed interchange. It appears that during the original workshop held February 26, 2008, this interchange was not presented to the people in attendance. Staff believes that because of the drastic impact this interchange will have on the Town of Oak Island and the landowners in the area, this interchange should be pulled from the 211 widening project. Staff fully supports the 211 widening project and hopes to see construction begin as soon as possible. Town staff cannot however support the proposed interchange or agree with the conclusions presented in this EA at this time. The Town of Oak Island Planning Board on Thursday March 31 issued an official statement of concurrence with this memo and a determination that this interchange is not consistent with the 2010 Oak Island CAMA Land Use Plan.



NORTH CAROLINA STATE CLEARINGHOUSE  
DEPARTMENT OF ADMINISTRATION  
INTERGOVERNMENTAL REVIEW

COUNTY: BRUNSWICK

F02: HIGHWAYS AND ROADS

STATE NUMBER: 11-E-4220-0208  
DATE RECEIVED: 03/09/2011  
AGENCY RESPONSE: 04/06/2011  
REVIEW CLOSED: 04/11/2011



CH 07-1545

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

REVIEW DISTRIBUTION

CAPE FEAR COG  
CC&PS - DIV OF EMERGENCY MANAGEMENT  
DENR - COASTAL MGT  
DENR LEGISLATIVE AFFAIRS  
DEPT OF AGRICULTURE  
DEPT OF CULTURAL RESOURCES  
DEPT OF TRANSPORTATION

PROJECT INFORMATION

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

DESC: Proposed widening of NC 211 from SR 1500 (Midway Road) to NC 87 in Brunswick County. TIP No. R-5021

CROSS-REFERENCE NUMBER: 08-E-4220-0025

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.



PREVIOUSLY CLEARED  
CRS

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

SIGNED BY: Renee Gledhill-Earley

DATE: 3/17/11



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
69 DARLINGTON AVENUE  
WILMINGTON, NORTH CAROLINA 28403-1343

RECEIVED  
JUN 20 2011  
WILMINGTON DISTRICT  
CORPS OF ENGINEERS

June 15, 2011

Regulatory Division

Action ID No. SAW-2007 3647; TIP No. R-5021

Dr. Gregory J. Thorpe, Ph.D.  
North Carolina Department of Transportation  
Project Development and Environmental Analysis Branch  
1551 Mail Service Center  
Raleigh, North Carolina 27699-1551

Dear Dr. Thorpe:

Please reference your request for the Department of the Army (DA) authorization permit to discharge dredged or fill material into Section 404 jurisdictional Waters of the United States, including wetlands, adjacent to River Swamp, Beaverdam Creek, Jump and Run Creek, Dutchman Creek, Price Creek and tributaries to these waterways, for the purpose of the proposed widening of NC 211. The proposed project would initiate at SR 1500 (Midway Rd) and extend to NC 87 (in Southport), Brunswick County, North Carolina. Please also reference our Public Notice, issued April 27, 2011, regarding the merits of your proposal and the alternatives evaluated in the Federal Highway Administration Environmental Assessment (EA).

We have received written and electronic comments and concerns from the public in response to the Public Notice. We have included copies of these letters for your consideration and information. Please be aware that we will consider the public's concerns during our permit-decision process pursuant to the National Environmental Policy Act (NEPA).

Our administrative process provides you the opportunity to propose a resolution and/or rebut any and all objections before a final decision is made. In this regard, I would appreciate a written response of your intentions on or before July 14, 2011.

I am responsible for processing your application and available to assist you in coordinating with the review agencies. If you have any questions you may call me at (910) 251-4611.

Sincerely,

Brad Shaver  
Project Manager  
Wilmington Regulatory Field Office

Enclosures

Copies furnished (with enclosure):

Ms. Kim Gillespie ✓  
North Carolina Department of Transportation  
Project Development and Environmental Analysis  
Natural Environment Unit  
1551 Mail Service Center  
Raleigh, North Carolina 27699-1551

Copies Furnished (without enclosure):

Mr. David Wainwright  
North Carolina Department of  
Environment and Natural Resources  
Division of Water Quality  
1650 Mail Service Center  
Raleigh, North Carolina 27699-1650



# TOWN OF ST. JAMES

May 23, 2011

**RECEIVED**

**MAY 25 2011**

REG. WILM. FLD. OFC.

Corps of Engineers  
Wilmington District  
Mr. Brad Shaver  
Wilmington Regulatory Field Office  
69 Darlington Ave.  
Wilmington, NC 28403-1343

Mr. Shaver,

This is to inform your office that the Town of St. James, NC supports the North Carolina Department of Transportation's (NCDOT) application to widen Route 211 between SR 1500 and NC 87.


NCDOT states its purpose as:

"The purpose of the proposed project is to improve the traffic carrying capacity of NC 211 between SR 1500 (Midway Road) and NC 87. The proposed project is intended to address the following needs:

- Currently (2007), portions of NC 211 within the project limits are operating at capacity (level of service E). By the year 2035, all of NC 211 within the project limits will operate at level of service F (LOS F). LOS F is characterized by stop and go waves, poor travel times, low comfort and convenience, and increased accident exposure.
- The total accident rate is higher than the statewide average and critical rate."

The Town of St. James supports both these reasons but would add an additional one. This section of NC 211 is subject to flooding during any major rain event, in particular both Beaverdam Creek and Dutchman Creek have historically overflowed their banks. This presents major safety concerns to St. James and surrounding towns that depend on NC 211 for evacuation and emergency services. We ask the Corps to consider all three reasons in granting NCDOT its permits.

I thank you for your consideration,

  
Robert Morrow  
Mayor

4140 A Southport-Supply Road, St. James N.C. 28461  
Phone 253-4730 Fax 253-4732 E-mail [tosj@atmc.net](mailto:tosj@atmc.net)



RECEIVED  
MAY 27 2011  
REG. WILM. FLD. OFC.

May 26, 2011

Mr. Brad Shaver  
Wilmington Regulatory Field Office  
69 Darlington Avenue  
Wilmington, NC 28403-1343

Dear Shaver,

The Town of Oak Island Council would like to have the following comments entered into the official record for the Public Comment hearing on Corp Action ID # 2007-3647 (widening construction of NC 211 from SR 1500 to NC 87).

The Town of Oak Island is objecting to the construction of a raised interchange at SR 1500 as presented in this Public Notice. There are several reasons why this interchange is not suitable for this location. The Town has submitted a list of comments to NCDOT about this project and how it will effect both the natural environment and the economic vitality of the area where it is to be constructed. Copies of the comments made to NCDOT on the Environmental Assessment for this project are attached to this letter.

The Town requests that the Corp of Engineers pay close attention to Table 1 on page 5 of the Public Notice issued by the Corp. The raised interchange will displace almost 15 more acres of jurisdictional wetlands than the alternative at-grade intersection. The Town of Oak Island suggests that the at-grade interchange option be chosen as it will be the least damaging alternative to the wetlands.

Thank you for entering these comments into the Public Record on behalf of the Town of Oak Island.

Sincerely,

Chad Hicks, AICP

Town of Oak Island



RECEIVED

MAY 27 2011

REG. WILM. FLD. OFC.

May 26, 2011

Mr. Brad Shaver  
Wilmington Regulatory Field Office  
69 Darlington Avenue  
Wilmington, NC 28403-1343

Dear Shaver,

The Town of Oak Island Council would like to have the following comments entered into the official record for the Public Comment hearing on Corp Action ID # 2007-3647 (widening construction of NC 211 from SR 1500 to NC 87).

The Town of Oak Island is objecting to the construction of a raised interchange at SR 1500 as presented in this Public Notice. There are several reasons why this interchange is not suitable for this location. The Town has submitted a list of comments to NCDOT about this project and how it will effect both the natural environment and the economic vitality of the area where it is to be constructed. Copies of the comments made to NCDOT on the Environmental Assessment for this project are attached to this letter.

The Town requests that the Corp of Engineers pay close attention to Table 1 on page 5 of the Public Notice issued by the Corp. The raised interchange will displace almost 15 more acres of jurisdictional wetlands than the alternative at-grade intersection. The Town of Oak Island suggests that the at-grade interchange option be chosen as it will be the least damaging alternative to the wetlands.

Thank you for entering these comments into the Public Record on behalf of the Town of Oak Island.

Sincerely,

Chad Hicks, AICP

Town of Oak Island

In summary, there are many issues that need to be addressed by the EA. Oak Island staff feels that the town should have been informed of the proposed interchange earlier in the process of review and planning. This interchange will have a tremendous impact on plans that have been developed by the town over many years of work. Oak Island has had plans in effect for the area around Midway Road and Highway 211 long before the Swain's Cut Bridge was under construction. Staff feels that the prudent planning done over the years will be impacted greatly by the proposed interchange. It appears that during the original workshop held February 26, 2008, this interchange was not presented to the people in attendance. Staff believes that because of the drastic impact this interchange will have on the Town of Oak Island and the landowners in the area, this interchange should be pulled from the 211 widening project. Staff fully supports the 211 widening project and hopes to see construction begin as soon as possible. Town staff cannot however support the proposed interchange or agree with the conclusions presented in this EA at this time. The Town of Oak Island Planning Board on Thursday March 31 issued an official statement of concurrence with this memo and a determination that this interchange is not consistent with the 2010 Oak Island CAMA Land Use Plan.



April 4, 2011

Memo to NC Department of Administration Intergovernmental Review

From: Chad Hicks, Assistant Town Manager

Re: Discussion of Environmental Assessment for 211 Widening Project

Town staff has several concerns about how one aspect of this project, the proposed interchange at Midway Road and E.F. Middleton Boulevard will affect Oak Island. This proposed project will take about 25 acres of prime commercial land from the town. Below are a list of concerns with the EA and the accompanying page numbers where the concern can be found in the plan.

Page V. Coordination and Special Permits Required. The NCDOT did not consult with the Town of Oak Island when drafting this EA. The Town of St. James has also stated that comments were not requested from the town. The EA also fails to note that a stormwater permit issued from Oak Island will be required before the process of construction can begin in the jurisdiction of Oak Island.

Page 4. Utilities. The EA fails to mention the sewer lines in the area of the project.

Page 5. Levels of Service Without Project. Town staff is concerned that these numbers come from models based on data from the economic boom Brunswick County experienced in the mid 2000s. Staff would like to know if the new economic conditions could effect these conclusions listed in this section. The Town of Oak Island would like to know more about how these estimates of traffic along 211 were calculated and if the proposed future widening of Midway Road was included in the model.

Page 7. Transportation and Land Use Plans. The Oak Island CAMA Land Use Plan was not reviewed for consistency with the proposed project. Although the EA states that the project is consistent with Brunswick County's CAMA Land Use Plan, staff feels this may conflict with the proposed interchange. The county LUP states that commercial development will continue to cluster along the 211 corridor. By using the commercially zoned land for the interchange, valuable space that can be used to service the expanded population in this area will be lost. The Town of Oak Island is particularly concerned as to the extent that NCDOT used the 2010 Oak Island CAMA Land Use Plan when evaluating this document. The Division of Coastal Management informed town staff that upon adoption of the town's plan, copies were sent to NCDOT. The town would like to know if NCDOT used the 2010 CAMA plan when evaluating this proposed project.

Page 8. Benefits of Proposed Project. Town staff is concerned that these traffic numbers come from models based on data from the economic boom Brunswick County experienced in the mid 2000s. Staff would like to know if the new economic conditions



could effect these conclusions listed in this section. As with concerns on page 5, Oak Island would like to know how these estimates were made.

Page 10. Detailed Study Alternatives. Town staff believes that an at-grade intersection would be the less intrusive alternative for the intersection rather than the proposed interchange. Please see Table 4 Section 1 on page 11 for the reasons behind this conclusion. Town staff is also concerned that the money used to acquire right-of-way and construction of the interchange is diverting resources from starting the widening of Midway Road and pushing that much needed project further into the future.

Page 12. Intersection/Interchange. This plan again fails to show if the numbers used in the traffic analysis are still useful after the economic downturn. The Town of Oak Island would rather have the money used for this massive interchange spent on the widening of Midway Road.

Page 34 and 35. Land Use. This project is determined to be consistent with local land use plans but fails to mention Oak Island's. The Town of Oak Island's Future Land Use Map does not include or provide for an interchange such as the one proposed at the intersection of Midway road and Highway 211. The Town of Oak Island Future Land Use Map included the uses from the Brunswick County CAMA Plan around this area.

Page 35. Economic Effects and Indirect and Cumulative Effects. The EA finds that no economic impacts are expected as a result of this project. Town staff feels that the economic impact of potential commercial enterprise on the land taken for the proposed interchange will have a negative impact on the Town of Oak Island. One major project is already under construction in the area of the proposed interchange. Oak Island would like to know if the developer of this project was considered when the statement of no direct economic impacts was concluded. Proposed commercial projects in the planning stage that have already been reviewed and approved by the county will be dramatically changed by the proposed interchange acquisition. The project approval dates for these projects go back at least two years and should have been included in the EA. Oak Island would like to know if any of the developers and landowners in the area of the interchange were consulted about plans they have for the area of the interchange.

Page 42 and 43. Citizens Informational Workshop. According to attendees at the workshop held in 2008, no mention of an interchange was made. Because of the impacts this interchange will have staff feels that the public should have been informed at the workshop about the possibility of one being constructed.

Appendix A. NCDENR Coastal Management Letter. The letter submitted does not include a review of consistency with CAMA Land Use Plans in the area of the project.

Appendix C. NEPA/404 Merger Agreement. Section 1, interchange at E.F. Middleton and Midway Road was not included to be studied in detail in the National Environmental Policy Act documents. Staff still has concerns about the traffic data used to determine Concurrence Point 1 Purpose and Need.



## Shaver, Brad E SAW

---

**From:** Nick Garrett [nick@nickgarrettdevinc.com]  
**Sent:** Thursday, June 09, 2011 11:42 AM  
**To:** Shaver, Brad E SAW  
**Cc:** Roger Henderson; Chad Hicks  
**Subject:** Objection to Proposed Interchange at Midway Road and Highway 211

Brad,

Good morning and Roger and I appreciate you allowing our objection to be included in the comment period as mentioned. We would appreciate any meetings we can attend or input we can ever include in this process. We want to be a part of the objection process of any interchange at the corner of Midway road and Highway 211. I feel other paths for any interchange or outer loop roads is the more preferred path. This would avoid the major only centralized commercial corner in this Mid Region of Brunswick County and more importantly the newly annexed Oak Island Commercial Corridor. The Town of Oak Island has been working on infrastructure and budgeting this newly annexed area for some time. This would totally wipe out months/ years of planning by the Town Of Oak Island. Our site works perfectly within the land use Plan Of Oak Island in our current development of. Thanks again Brad for being helpful in my submittal process.

Sincerely,  
Nick Garrett

Brad E. Shaver  
Project Manager  
US Army Corp Of Engineers  
69 Darlington Ave.  
Wilmington, N.C. 28402

Brad,

I am Nick Garrett the current developer for MDI Management Inc. a parent company for Lowes Foods the current deed holder. Mr. Roger Henderson V.P. with Alex Lee and parent company of Lowes Foods and I have spent better than six years working diligently to develop this site as is in progress. To date we have completed the initial site clearing with grading, site retention ponds, storm water piping in place as well. We were given recently a NCDOT Driveway Permit to complete all of our off-site roadwork as if a interchange was never thought of nor was a factor with any of our current work being completed at this time by Barnhill Contracting. This contract with Barnhill approved by NCDOT is in excess of 1.2 million dollars alone. In addition we purchased a existing sub-station from BEMC for 1.4 Million dollars plus had to relocate a new sub-station for them to the rear of our 42 acre site. This in addition to the original land tracts bought has expenses and time involvement well over ten million dollars to date. We are anticipating starting our Lowes Grocery Store next on site and have several outparcels as well that will be affected by a interchange at the Midway Road and Highway 211 intersection. Prior to the Midway Road extension to Oak Island being built this interchange was studied and removed by NCDOT as a possible interchange at that time. Never in our mind would we have believed we would have this deleted interchange idea being considered again. We feel this latest study is not fair and is a huge burden of time and money as we are in the final stages of completion of one of the areas largest and soon to be the finest shopping center in Brunswick County. Please consider this as a strong objection to any change of the current Midway Road Highway 211 Intersection as it is currently.

Sincerely,  
Nick Garrett  
Developer - TWO ELEVEN MIDWAY SHOPPING CENTER





## United States Department of the Interior

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

February 1, 2012

RECEIVED  
Division of Highways

FEB 03 2012

Preconstruction  
Project Development and  
Environmental Analysis Branch

Gregory J. Thorpe, Ph.D.  
North Carolina Department of Transportation  
Project Development and Environmental Analysis  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598

Dear Dr. Thorpe:

This letter is in response to your letter of January 20, 2012 which provided the U.S. Fish and Wildlife Service (Service) with the biological conclusion of the North Carolina Department of Transportation (NCDOT) that the proposed widening of NC 211 from SR 1500 (Midway Road) to NC 87 in Brunswick County (TIP No. R-5021) may affect, but is not likely to adversely affect the federally endangered red-cockaded woodpecker (RCW, *Picoides borealis*). In addition, NCDOT has concluded that the project will have no effect on all other federally listed species. These comments are provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

The Service has reviewed the submitted August 26, 2010 Red-cockaded Woodpecker Foraging Habitat Assessment (FHA). The project will bisect and remove habitat from the partition of one active RCW group, BRU 75. Since the project design was not yet final, the FHA utilized hypothetical clearing limits. The FHA also deviated from protocol by using pine trees  $\geq 8$  inches dbh (instead of  $\geq 10$  inches dbh as called for in the 2003 RCW Recovery Plan) to meet the basal area requirements under the Standard for Managed Stability (SMS) guidelines. Given the atypical site and habitat conditions (in contrast to ideal habitat described in the RCW Recovery Plan), the Service believes this deviation from protocol is acceptable for this project.

The FHA concludes that the partition will still meet the SMS requirements post-project (counting potentially suitable habitat), provided that tree clearing does not create a gap of more than 200 feet between the forested areas north and south of NC 211. If additional tree clearing, when added to the existing cleared area along NC 211, created a gap of more than 200 feet, then all RCW habitat north of NC 211 would be considered non-contiguous and not count towards meeting the minimal acreage and basal area requirements for the partition under the SMS guidelines, thus resulting in a "take" of the RCW. The Least Environmentally Damaging Practicable Alternative (LEDPA) was selected on November 16, 2011, and preliminary design has concluded that clearing limits will not exceed 200 feet in width for most of the area concerned. Therefore, we concur with your conclusion that the project may affect, but is not likely to adversely affect the federally endangered red-cockaded woodpecker. However, we note

that any additional tree clearing by other parties unrelated to this project will affect the baseline conditions of this RCW group. Given that the FHA concludes that only approximately 84 acres of potentially suitable habitat will remain post-project, any unrelated tree clearing by other parties prior to construction of the NCDOT project could potentially lower the baseline acreage to a point that the habitat removals from the NCDOT project could take the partition to below the necessary 75 acres of habitat to maintain the RCW group. Therefore, a reassessment of habitat should be conducted closer to the time of project let.

The Service also concurs with the conclusion that the project will have no effect on all other federally listed species. We believe that the requirements of Section 7(a)(2) of the ESA have been satisfied for now. We remind you that obligations under Section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered in this review; (2) this action is subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by this identified action.

The Service appreciates the opportunity to review this project. If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520 (Ext. 32).

Sincerely,

  
for Pete Benjamin  
Field Supervisor

Electronic copy: Brad Shaver, USACE, Wilmington, NC  
Travis Wilson, NCWRC, Creedmoor, NC  
Chris Militscher, USEPA, Raleigh, NC  
John Sullivan, FHWA, Raleigh, NC

## **APPENDIX B**

### **NCDOT RELOCATION ASSISTANCE PROGRAM/ RELOCATION REPORT UPDATES**



## **DIVISION OF HIGHWAYS RELOCATION PROGRAMS**

It is the policy of NCDOT to ensure comparable replacement housing will be available prior to construction of state and federally-assisted projects. Furthermore, the North Carolina Board of Transportation has the following three programs to minimize the inconvenience of relocation:

- Relocation Assistance
- Relocation Moving Payments
- Relocation Replacement Housing Payments or Rent Supplement

As part of the Relocation Assistance Program, experienced NCDOT staff will be available to assist displacees with information such as availability and prices of homes, apartments, or businesses for sale or rent and financing or other housing programs. The Relocation Moving Payments Program provides for payment of actual moving expenses encountered in relocation. Where displacement will force an owner or tenant to purchase or rent property of higher cost or to lose a favorable financing arrangement (in case of ownership), the Relocation Replacement Housing Payments or Rent Supplement Program will compensate up to \$22,500 to owners who are eligible and qualify and up to \$5,250 to tenants who are eligible and qualify.

The relocation program for the proposed action will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), and/or the North Carolina Relocation Assistance Act (GS-133-5 through 133-18). The program is designed to provide assistance to displaced persons in relocating to a replacement site in which to live or do business. At least one relocation officer is assigned to each highway project for this purpose.

The relocation officer will determine the needs of displaced families, individuals, businesses, non-profit organizations and farm operations for relocation assistance advisory services without regard to race, color, religion, sex, or national origin. The NCDOT will schedule its work to allow ample time, prior to displacement, for negotiations and possession of replacement housing which meets decent, safe and sanitary standards. The displacees are given at least a 90-day written notice after NCDOT purchases the property. Relocation of displaced persons will be offered in areas not generally less desirable in regard to public utilities and commercial facilities. Rent and sale prices of replacement property will be within the financial means of the families and individuals displaced and will be reasonably accessible to their places of employment. The relocation officer will also assist owners of displaced businesses, non-profit organizations and farm operations in searching for and moving to replacement property.

All tenant and owner residential occupants who may be displaced will receive an explanation regarding all available options, such as (1) purchase of replacement housing, (2) rental of replacement housing, either private or public, or (3) moving existing owner-occupant housing to another site (if possible). The relocation officer will also supply information

concerning other state and federal programs offering assistance to displaced persons and will provide other advisory services as needed in order to minimize hardships to displaced persons in adjusting to a new location.

The Moving Expense Payments Program is designed to compensate the displacee for the costs of moving personal property from homes, businesses, non-profit organizations and farm operations acquired for a highway project. Under the Replacement Program for Owners, NCDOT will participate in reasonable incidental purchase payments for replacement dwellings such as attorney's fees, surveys, appraisals, and other closing costs and, if applicable, make a payment for any increased interest expenses for replacement dwellings. Reimbursement to owner-occupants for replacement housing payments, increased interest payments and incidental purchase expenses may not exceed \$22,500 (combined total), except under the Last Resort Housing provision.

A displaced tenant may be eligible to receive a payment, not to exceed \$5,250, to rent a replacement dwelling or to make a down payment, including incidental expenses, on the purchase of a replacement dwelling. The down payment is based upon what the state determines is required when the rent supplement exceeds \$5,250.

It is a policy of the State that no person will be displaced by NCDOT's state or federally-assisted construction projects unless and until comparable replacement housing has been offered or provided for each displacee within a reasonable period of time prior to displacement. No relocation payment received will be considered as income for the purposes of the Internal Revenue Code of 1954 or for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal law.

Last Resort Housing is a program used when comparable replacement housing is not available, or when it is unavailable within the displacee's financial means, and the replacement payment exceeds the federal/state legal limitation. The purpose of the program is to allow broad latitude in methods of implementation by the state so that decent, safe and sanitary replacement housing can be provided. It is not believed this program will be necessary on the project, since there appear to be adequate opportunities for relocation within the area.



# EIS RELOCATION REPORT

North Carolina Department of Transportation  
RELOCATION ASSISTANCE PROGRAM

E.I.S.     CORRIDOR     DESIGN

WBS:	41582.1.1	COUNTY	Brunswick	Alternate North Side of Square Loop Interchange
I.D. NO.:	R-5021	F.A. PROJECT	STP-0211(21)	
DESCRIPTION OF PROJECT:	Section 1: North Side Widening with Corrected Interchange Design "Box or Square Loop" Interchange with 4 Two-Way Loops or Quadrant Ramps			

ESTIMATED DISPLACEDS					INCOME LEVEL								
Type of Displacees	Owners	Tenants	Total	Minorities	0-15M	15-25M	25-35M	35-50M	50 UP				
Residential	1	0	1	1	0	0	0	1	0				
Businesses	1	0	1	0	VALUE OF DWELLING				DSS DWELLING AVAILABLE				
Farms	0	0	0	0	Owners		Tenants		For Sale		For Rent		
Non-Profit	0	0	0	0	0-20M	0	\$ 0-150	0	0-20M	0	\$ 0-150	0	
					20-40M	0	150-250	0	20-40M	4	150-250	0	
					40-70M	0	250-400	0	40-70M	41	250-400	0	
					70-100M	1	400-600	0	70-100M	68	400-600	7	
					100 UP	0	600 UP	0	100 UP	200+	600 UP	25	
					<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>313</b>	<b>32</b>			

ANSWER ALL QUESTIONS		
Yes	No	Explain all "YES" answers.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Will special relocation services be necessary?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Will schools or churches be affected by displacement?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Will business services still be available after project?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Will any business be displaced? If so, indicate size, type, estimated number of employees, minorities, etc. (See # 2)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Will relocation cause a housing shortage?
<input type="checkbox"/>	<input type="checkbox"/>	6. Source for available housing (list).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Will additional housing programs be needed?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Should Last Resort Housing be considered?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. Are there large, disabled, elderly, etc. families?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. Will public housing be needed for project?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. Is public housing available?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Is it felt there will be adequate DSS housing available during relocation period?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	13. Will there be a problem of housing within financial means?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Are suitable business sites available (list).
		15. Number months estimated to complete RELOCATION? <b>18</b>

**REMARKS (Respond by Number)**

3. There are similar businesses not affected by the project.  
 4. Midway Trading Post – Gas Station 5 employees

6. & 14. MLS Services, websites, local REALTORS, etc.  
 8. As mandated by law

11. Brunswick County  
 12. Or build if necessary

Note- BEMC Substation & ATMC building will need to relocate.

NOTE: This EIS Relocation Report reflects the corrected design change from the original diamond interchange to the square loop or box interchange to reduce environmental impacts.

Samantha L. Smella Senior Right of Way Agent	4/9/12 Date		Relocation Coordinator	4/9/12 Date
-------------------------------------------------	----------------	--	------------------------	----------------

# EIS RELOCATION REPORT

North Carolina Department of Transportation  
RELOCATION ASSISTANCE PROGRAM

E.I.S.       CORRIDOR       DESIGN

WBS:	41582.1.1	COUNTY	Brunswick	Alternate North Side At-Grade
I.D. NO.:	R-5021	F.A. PROJECT	STP-0211(21)	
DESCRIPTION OF PROJECT:		Section 1: North Side Widening with At-Grade Intersection Design for NC 211 & SR1500 (Midway Rd)		

ESTIMATED DISPLACED					INCOME LEVEL								
Type of Displacees	Owners	Tenants	Total	Minorities	0-15M	15-25M	25-35M	35-50M	50 UP				
Residential	1	0	1	1	0	0	0	1	0				
Businesses	1	0	1	0	VALUE OF DWELLING				DSS DWELLING AVAILABLE				
Farms	0	0	0	0	Owners		Tenants		For Sale		For Rent		
Non-Profit	0	0	0	0	0-20M	0	\$ 0-150	0	0-20M	0	\$ 0-150	0	
ANSWER ALL QUESTIONS					20-40M	0	150-250	0	20-40M	4	150-250	0	
Yes	No	Explain all "YES" answers.											
	X	1. Will special relocation services be necessary?											
	X	2. Will schools or churches be affected by displacement?											
X		3. Will business services still be available after project?											
X		4. Will any business be displaced? If so, indicate size, type, estimated number of employees, minorities, etc. (See # 2)											
	X	5. Will relocation cause a housing shortage?											
		6. Source for available housing (list).											
	X	7. Will additional housing programs be needed?											
X		8. Should Last Resort Housing be considered?											
	X	9. Are there large, disabled, elderly, etc. families?											
	X	10. Will public housing be needed for project?											
X		11. Is public housing available?											
X		12. Is it felt there will be adequate DSS housing available during relocation period?											
	X	13. Will there be a problem of housing within financial means?											
X		14. Are suitable business sites available (list).											
		15. Number months estimated to complete RELOCATION? <b>18</b>											

REMARKS (Respond by number)							
3. There are similar businesses not affected by the project.							
4. Midway Trading Post – Gas Station 5 employees							
6. & 14. MLS Servies, websites, local REALTORS, etc.							
8. As mandated by law							
11. Brunswick County							
12. Or build if necessary							
Note- BEMC Substation & ATMC building will need to relocate.							
NOTE: This EIS Relocation Report reflects the corrected design changes in length for Section 1. It now begins east of the original point and starts at Woods Edge Drive to reduce residential and environmental impacts.							

<p style="margin: 0;">Samantha L. Smella</p>	<p style="margin: 0;">4/9/12</p>		<p style="margin: 0; text-align: right;">4/9/12</p>
<p style="margin: 0;">Senior Right of Way Agent</p>	<p style="margin: 0;">Date</p>	<p style="margin: 0; text-align: center;">Relocation Coordinator</p>	<p style="margin: 0;">Date</p>

## **APPENDIX C**

### **NEPA/404 MERGER PROCESS CONCURRENCE FORMS**



# NEPA/404 MERGER TEAM MEETING AGREEMENT

## Concurrence Point No. 1: Purpose and Need

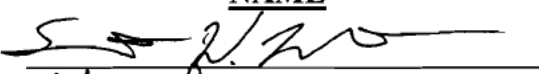
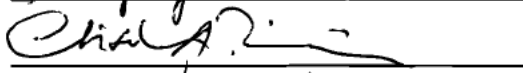

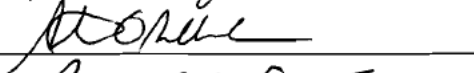
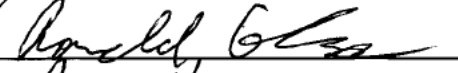
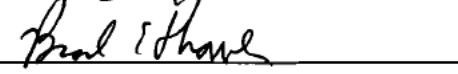
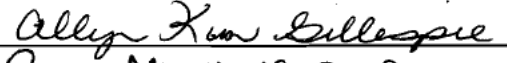
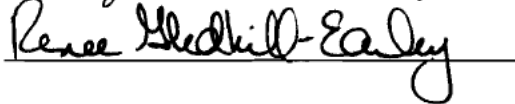
### PROJECT NO./TIP NO./ NAME/DESCRIPTION:

Federal Aid Project Number: STP-0211(21)  
State Project Number: WBS Element 41582.1.1  
TIP Project Number: ~~R-4903~~ R-5021  
TIP Description: NC 211 improvements from SR 1500 (Midway Road) to NC 87, Brunswick County

The Project Team concurred on this date of May 21, 2009 with the purpose of and need for the proposed project as stated below and the project study area as described below and shown in the attached exhibit.

### Purpose and Need of Proposed Project

The purpose of the proposed project is to improve the traffic-carrying capacity of NC 211 between SR 1500 (Midway Road) and NC 87.

<u>NAME</u>	<u>AGENCY</u>
	NCWRC
Harry Jordan	USFWS
	USEPA
	NC DWP
	NC DCM
	FHWA
	USACE
	NC DOT
	SHPO/PCR

# NEPA/404 MERGER TEAM MEETING AGREEMENT

## Concurrence Point No. 2: Alternatives to be Carried Forward for Detailed Study

### PROJECT NO./TIP NO./ NAME/DESCRIPTION:

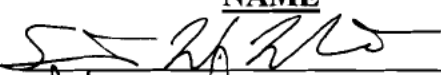
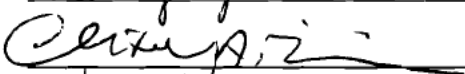
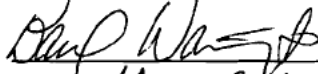
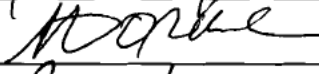
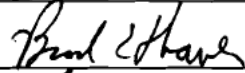
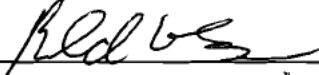
Federal Aid Project Number: STP-0211(21)  
State Project Number: WBS Element 41582.1.1  
TIP Project Number: ~~R-4903~~ R-5021  
TIP Description: NC 211 improvements from SR 1500 (Midway Road) to NC 87, Brunswick County

### Alternatives to be studied in detail in the NEPA Document:

The Section 404/NEPA Merger Project Team has concluded that the following Build Alternatives are to be studied in detail in the NEPA document:

- \_\_\_\_\_ Section 1 (NC 211/SR 1500 (Midway Road) intersection)  
Interchange (w/options)      No interchange
- \_\_\_\_\_ Section 2 (from NC 211/Midway Rd intersection to Dutchman Village Entrance)  
North      South      Symmetrical
- \_\_\_\_\_ Section 3 (from Dutchman Village Entrance to east of NC 87)  
North      South      Symmetrical

The Project Team concurred on this date of May 21, 2009 with the alternatives to be studied in detail in the NEPA Document as stated above.

<u>NAME</u>	<u>AGENCY</u>
	NCWRC
Gary Jordan	USFWS
	USEPA
	NC DWQ
	NC DCM
	USACE
	FHWA
Allyson Kim Gillespie	NC DOT
Renee Hedrick-Earley	SHPO/PCR
_____	_____
_____	_____

R-5021

Section 404/NEPA Interagency Agreement  
Concurrence Point No. 2A-Bridging Decisions

Project Title: NC 211 from SR 1500 (Midway Road) to NC 87, Brunswick County, TIP Project R-5021, Federal Aid Project STP-0211(21), WBS Element 41582.1.1

Project Description: The purpose of the project is to improve the traffic carrying capacity of NC 211 within the project limits.

Bridging Decisions: NCDOT will provide the following structures over the listed streams on the project. All other stream crossings will be by culvert or pipe smaller than 72 inches.

PROPOSED BRIDGE/CULVERT LOCATIONS AND LENGTHS

Site	Stream	Existing Structure	Proposed Structure
5	UT to River Swamp	1 @ 6'x5' RCBC	Extend 1 @ 6'x5' RCBC
1	Beaverdam Swamp (FEMA Limited)	Bridge # 76 19'-8" long	Replace bridge with 2 @ 10'x11' RCBC
2	UT to Jump and Run Creek	2 @ 6'x4' RCBC	Extend culvert w/ 2 @ 6'x6' & Supplement (Perched)
3	Dutchman's Creek (FEMA Detailed)	Bridge # 24 30-foot long	Replace with 140-foot long dual bridges
4	Progress Energy Discharge Canal	Bridge #93 326-foot long	Retain Existing bridge; Add Parallel Bridge (326')

The Section 404/NEPA Merger Team met on this date of December 1, 2009. The team concurred with the proposed bridge and culvert locations as listed above.

CONCURRING AGENCIES

NAME	AGENCY	DATE
<i>Gary Jordan</i>	USEWS	3/8/2010
<i>Kenee DeWitt-Easley</i>	DCR, JS/HPO	3-11-10
<i>Paul Spang</i>	NCDWR	3/11/10
<i>[Signature]</i>	NC DMF	3-22-10
<i>[Signature]</i>	FHWA	3-25-10
<i>[Signature]</i>	USEPA - Raleigh	3-26-10
<i>[Signature]</i>	NCDCM	3/29/10
<i>[Signature]</i>	USACE	3/30/10
<i>[Signature]</i>	NC DOT	3/30/10
<i>[Signature]</i>	NCWRC	4-14-10
<i>[Signature]</i>	NOAA Fisheries	5/19/10



*Kim Gillespie*

**Section 404/NEPA Interagency Agreement**

**Concurrence Point No. 3: Least Environmentally Damaging Practicable Alternative**

Federal Aid Project Number: STP-0211(21)  
 State Project Number: WBS Element 41582.1.1  
 TIP Project Number: R-5021  
 TIP Description: NC 211 improvements from SR 1500 (Midway Road) to NC 87, Brunswick County

Least Environmentally Damaging Practicable Alternative: The alternative marked with a check has been selected by the merger team as the least damaging practicable alternative (LEDPA) for the proposed NC 211 widening project.

NC 211 Sections Preliminary Build Alternatives			
_____ Section 1	<u>North at-grade</u>	South at-grade	North w/interchange South w/interchange
_____		Section 2	<u>North</u> South
_____		Section 3	<u>North</u> South

The project team has unconditionally concurred on the LEDPA for the proposed NC 211 widening project, as shown on the attached figure and as described above.

**Concurring Agencies**

<u>NAME</u>	<u>AGENCY</u>	<u>DATE</u>
<i>Harry Jordan</i>	USFWS	2/8/2012
<i>Robert Lewis</i>	FHWA	2/9/2012
<i>Phil Whigp</i>	NC DOT	2/15/12
<i>[Signature]</i>	NCWRC	2-16-2012
<i>Renee Medkiff-Ealey</i>	DER/SAPO	2-21-12
<i>Dejia [Signature]</i>	USEPA	2-23-12
<i>Kon Seckler</i>	NOAA Fisheries	4/19/12
<i>Kim Gillespie</i>	NC DOT	4/26/12
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



# Additional Concurrence Point 3 Concurring Agency Signatures

## US Environmental Protection Agency

### Section 404/NEPA Interagency Agreement

#### Concurrence Point No. 3: Least Environmentally Damaging Practicable Alternative

Federal Aid Project Number: STP-0211(21)  
 State Project Number: WBS Element 41582.1.1  
 TIP Project Number: R-5021  
 TIP Description: NC 211 improvements from SR 1500 (Midway Road) to NC 87, Brunswick County

Least Environmentally Damaging Practicable Alternative: The alternative marked with a check has been selected by the merger team as the least damaging practicable alternative (LEDPA) for the proposed NC 211 widening project.

NC 211 Sections Preliminary Build Alternatives  
 Section 1  North at-grade  South at-grade  North w/interchange  South w/interchange  
 Section 2  North  South  
 Section 3  North  South

The project team has unconditionally concurred on the LEDPA for the proposed NC 211 widening project, as shown on the attached figure and as described above.

#### Concurring Agencies

NAME	AGENCY	DATE
<i>Hayy Jordan</i>	USFWS	2/8/2012
<i>Ron Jones</i>	FMWA	2/9/2012
<i>Dr. Philip J...</i>	NCDWR	2/15/12
<i>S. J. De...</i>	NCWRC	2-16-2012
<i>Renee Medhill-Early</i>	DER/SAPO	2-21-12
<i>J. A. ...</i>	USEPA	2-23-12
<i>Kim Gillespie</i>	NC DOT	4/26/12

### Section 404/NEPA Interagency Agreement

#### Concurrence Point No. 3: Least Environmentally Damaging Practicable Alternative

Federal Aid Project Number: STP-0211(21)  
 State Project Number: WBS Element 41582.1.1  
 TIP Project Number: R-5021  
 TIP Description: NC 211 improvements from SR 1500 (Midway Road) to NC 87, Brunswick County

Least Environmentally Damaging Practicable Alternative: The alternative marked with a check has been selected by the merger team as the least damaging practicable alternative (LEDPA) for the proposed NC 211 widening project.

NC 211 Sections Preliminary Build Alternatives  
 Section 1  North at-grade  South at-grade  North w/interchange  South w/interchange  
 Section 2  North  South  
 Section 3  North  South

The project team has unconditionally concurred on the LEDPA for the proposed NC 211 widening project, as shown on the attached figure and as described above.

#### Concurring Agencies

NAME	AGENCY	DATE
<i>Hayy Jordan</i>	USFWS	2/8/2012
<i>Ron Jones</i>	FMWA	2/9/2012
<i>Dr. Philip J...</i>	NCDWR	2/15/12
<i>S. J. De...</i>	NCWRC	2-16-2012
<i>Renee Medhill-Early</i>	DER/SAPO	2-21-12
<i>J. A. ...</i>	NC DCM	2/29/12
<i>Kim Gillespie</i>	NC DOT	4/26/12

## NC Division of Coastal Management

### Section 404/NEPA Interagency Agreement

#### Concurrence Point No. 3: Least Environmentally Damaging Pract

Federal Aid Project Number: STP-0211(21)  
 State Project Number: WBS Element 41582.1.1  
 TIP Project Number: R-5021  
 TIP Description: NC 211 improvements from SR 1500 (Midwa NC 87, Brunswick County

Least Environmentally Damaging Practicable Alternative: The alternative marked selected by the merger team as the least damaging practicable alternative (LEDPA) NC 211 widening project.

NC 211 Sections Preliminary Build Alternatives  
 Section 1  North at-grade  South at-grade  North w/interchange  South w/interchange  
 Section 2  North  South  
 Section 3  North  South

The project team has unconditionally concurred on the LEDPA for the proposed project, as shown on the attached figure and as described above.

#### Concurring Agencies

NAME	AGENCY	DATE
<i>Hayy Jordan</i>	USFWS	2/8/2012
<i>Ron Jones</i>	FMWA	2/9/2012
<i>Dr. Philip J...</i>	NCDWR	2/15/12
<i>S. J. De...</i>	NCWRC	2-16-2012
<i>Renee Medhill-Early</i>	DER/SAPO	2-21-12
<i>Jean Baker</i>	NC DMF	2/23/12
<i>Kim Gillespie</i>	NC DOT	4/26/12

## NC Division of Marine Fisheries

**Section 404/NEPA Merger Project Team Meeting Agreement  
Concurrence Point 4A– Avoidance and Minimization Measures**

Federal Aid Project Number: STP-0211(21)  
State Project Number: WBS Element 41582.1.1  
TIP Project Number: R-5021  
TIP Description: NC 211 improvements from SR 1500 (Midway Road) to NC 87,  
Brunswick County

**Section 404 Avoidance and Minimization Measures**

The preliminary design for the project will affect 31 of the wetland sites and 5 of the streams for north widening alternative.

In an effort to avoid and minimize impacts to jurisdictional wetlands and streams associated with the LEDPA, NCDOT has proposed to implement each of the following measures:

- A 140-foot long bridge, instead of a culvert, is recommended at Dutchmans Creek (this was agreed to at CP2A).
- The maximum slope (3 to 1) will be used in wetland areas and adjacent to streams throughout the project area.

**Other Minimization Measures**

To keep the total clearing in the red-cockaded woodpecker foraging habitat area under 200 feet, guardrail is proposed from approximately 1,930 feet east of Regency Crossing to approximately 1,400 feet west of Creek Road. A u-turn bulb originally located within the foraging habitat area on the north side of NC 211 was also moved west of the habitat area in order to keep additional clearing reduced.

**Additional Avoidance and Minimization Measures**

---

---

---

---

---

---

---

---



*Kim Gillespie*

**Section 404/NEPA Merger Project Team Meeting Agreement  
Concurrence Point 4A- Avoidance and Minimization Measures**

Federal Aid Project Number: STP-0211(21)  
State Project Number: WBS Element 41582.1.1  
TIP Project Number: R-5021  
TIP Description: NC 211 improvements from SR 1500 (Midway Road) to NC 87,  
Brunswick County

**Section 404 Avoidance and Minimization Measures**

The preliminary design for the project will affect 31 of the wetland sites and 5 of the streams for north widening alternative.

In an effort to avoid and minimize impacts to jurisdictional wetlands and streams associated with the LEDPA, NCDOT has proposed to implement each of the following measures:

- A 140-foot long bridge, instead of a culvert, is recommended at Dutchmans Creek (this was agreed to at CP2A).
- The maximum slope (3 to 1) will be used in wetland areas and adjacent to streams throughout the project area.

**Other Minimization Measures**

To keep the total clearing in the red-cockaded woodpecker foraging habitat area under 200 feet, guardrail is proposed from approximately 1,930 feet east of Regency Crossing to approximately 1,400 feet west of Creek Road. A u-turn bulb originally located within the foraging habitat area on the north side of NC 211 was also moved west of the habitat area in order to keep additional clearing reduced.

**Additional Avoidance and Minimization Measures**

---



---



---



---



---



---



---





The Section 404/NEPA Merger Project Team concurred with the Avoidance/Minimization measures listed above for TIP Project R-5021.

Additional Concurrence Point 4A  
Concurring Agency Signatures

NAME	AGENCY	DATE
<i>Harry Jordan</i>	USEWS	2/8/2012
<i>[Signature]</i>	FHWA	2/9/2012
<i>[Signature]</i>	NC DWS	2/15/12
<i>[Signature]</i>	NCWMC	2-16-2012
<i>[Signature]</i>	DCR/SAFE	2-21-12
<i>[Signature]</i>	USEPA	2-23-12
<i>[Signature]</i>	NC DCT	4/26/12

US Environmental Protection Agency

The Section 404/NEPA Merger Project Team concurred with the Avoidance/Minimization measures listed above for TIP Project R-5021.

NAME	AGENCY	DATE
<i>Harry Jordan</i>	USEWS	2/8/2012
<i>[Signature]</i>	FHWA	2/9/2012
<i>[Signature]</i>	NC DWS	2/15/12
<i>[Signature]</i>	NCWMC	2-16-2012
<i>[Signature]</i>	DCR/SAFE	2-21-12
<i>[Signature]</i>	NC DCM	2/29/12
<i>[Signature]</i>	NC DCT	4/26/12

NC Division of Coastal  
Management

The Section 404/NEPA Merger Project Team concurred with the Avoidance/Minimization measures listed above for TIP Project R-5021.

NAME	AGENCY	DATE
<i>Harry Jordan</i>	USEWS	2/8/2012
<i>[Signature]</i>	FHWA	2/9/2012
<i>[Signature]</i>	NC DWS	2/15/12
<i>[Signature]</i>	NCWMC	2-16-2012
<i>[Signature]</i>	DCR/SAFE	2-21-12
<i>Jenni Baker</i>	NC DMF	2/23/12
<i>[Signature]</i>	NC DCT	4/26/12

NC Division of  
Marine Fisheries