

North Carolina Department of Transportation
PROJECT ENVIRONMENTAL CONSULTATION FORM
I. D. No. A-11 BB

I. GENERAL INFORMATION

- a. Consultation Phase: Right of Way
- b. Project Description: US 64, from east of the Hiwassee River to NC 175, Clay County
- c. WBS Project No. 32574.1.4
State Project: 8.3064123
Federal Project: APD-16-1(20)
- d. Document Type:
- | | |
|----------------------------------|----------------|
| Draft Negative Declaration | <u>12-5-77</u> |
| | Date |
| Final Negative Declaration (FND) | <u>7-28-81</u> |
| | Date |
| Draft Reevaluation of FND | <u>4-21-95</u> |
| | Date |
| Final Reevaluation of FND | <u>1-4-96</u> |
| | Date |

II. CONCLUSIONS

The above environmental documents have been reevaluated as required by 23 CFR 771. It was determined the current proposed action is essentially the same as the action proposed in the Final Reevaluation of the Final Negative Declaration. Proposed changes, if any, are noted below in Section III. It has been determined that anticipated social, economic, and environmental impacts were accurately described in the above referenced documents unless noted otherwise herein. Therefore, the previous Administration Action remains valid.

III. CHANGES IN PROPOSED ACTION AND ENVIRONMENTAL CONSEQUENCES

Project History and Proposed Improvements

TIP Project A-11 called for improvements to NC 69 from the Georgia state line to US 64 in Hayesville and improvements to US 64 from NC 69 to NC 175. The NCDOT held a public meeting for the project in December 1976 completed a Draft Negative Declaration for in December 1977. A public hearing was held in February 1978, and a Final Negative Declaration was completed in July 1981. Those documents addressed multilane widening alternatives for NC 69 and US 64.

In the 1990-1996 NCDOT Transportation Improvement Program, the scope of the project was changed, and the project was broken into the following segments for right of way acquisition and construction:

- Two-lane improvements to NC 69 from the Georgia state line to US 64 (TIP Project A-11 A)
- Multilane widening of US 64 from NC 69 to just east of the Hiwassee River (TIP Project A-11 BA)
- Two-lane improvements to US 64 from just east of the Hiwassee River to NC 175 (TIP Project A-11 BB)

Because several years passed between completion of the Final Negative Declaration and the purchase of right of way for the project, Reevaluations of the Final Negative Declaration were completed in April 1991 for TIP Project A-11 A and in January 1996 for TIP Project A-11 B (the A-11 B Reevaluation included segments A-11 BA and A-11 BB). Construction of TIP Projects A-11 A and A-11 BA was completed in 1994 and 2003, respectively. A-11 BB, the subject project, is scheduled for right of way acquisition to begin in Fiscal Year 2007 and for construction to begin in Fiscal Year 2009.

TIP Project A-11 BB will widen existing US 64 to provide two 12-foot travel lanes and 10-foot useable shoulders (including 4-foot paved shoulders). Turn lanes will be constructed at selected intersections. Where turn lanes are proposed, an additional 12-foot lane will be constructed. No vertical or horizontal alignment improvements are recommended. The limits of TIP Project A-11 BB are shown in Figure 1.

Downing Creek and John Reese Branch closely parallel US 64 on the north side from approximately 0.1 mile west of Hinton Center Road (SR 1148) to approximately 0.9 mile west of W. J. Cabe Road (SR 1201). To minimize impacts to those streams, a southward shift of the existing alignment and south-side widening are proposed from 0.2 mile west of Hinton Center Road to 0.6 mile west of W. J. Cabe Road, a distance of 2.0 miles. Due to the presence of another stream, Lick Log Creek, on the north side of US 64 near NC 175, south-side widening is also proposed from Nelson Road (SR 1332) to the east project terminal (0.3 mile). Symmetrical widening is proposed along the remainder of the project.

The estimated project cost is \$7,960,000, including \$760,000 for right of way acquisition and \$7,200,000 for construction.

Since the Final Reevaluation of the Final Negative Declaration for A-11 B was completed, the proposed improvements have changed, as follows:

Design Changes

1. In order to avoid relocating the existing channels for Downing Creek and John Reese Branch, a southward shift of the existing alignment and south-side widening of US 64 are proposed from 0.2 mile east of Hinton Center Road (SR 1148) to 0.6 mile west of W. J. Cabe Road (SR 1201), a distance of approximately 2.0 miles. In this area, the existing north edge of pavement will be shifted approximately 16 feet southward. The proposed alignment shift and south-side widening will avoid the construction of approximately 3600 feet of new channel for the two creeks that would be required if symmetrical widening and no alignment shift were performed.

The Final Reevaluation of the Final Negative Declaration also called for the south-side widening of US 64 to minimize stream impacts, but for a shorter segment (0.4 mile) of US 64 east of SR 1325

(Downing Creek Road). Under that scenario, constructing a new channel for John Reese Branch would have been avoided, but approximately 1970 feet of new channel for Downing Creek would have been required.

2. Based upon updated traffic projections, turn lanes on US 64 are proposed at the following locations:
 - Realigned Oak Forest Road (SR 1147)/Downing Creek Road (SR 1325) – Eastbound and westbound right turn lanes and left turn lanes
 - Realigned W. J. Cabe Road (SR 1201)/Ledford Chapel Road (SR 1151) – Eastbound and westbound right turn lanes and left turn lanes
 - Chatuge Lane (SR 1361) – Westbound right turn lane
 - NC 175 – Eastbound right turn lane and westbound left turn lane
3. The turn lanes now recommended on US 64 at its intersection with NC 175 will require extending the eastern project terminal 0.3 mile eastward, from just west of Nelson Road (SR 1332) to just east of NC 175. In order to minimize impacts to Lick Log Creek, which parallels US 64 on the north side for a short distance near NC 175, south-side widening is proposed in this area. This project extension will be coordinated with the environmental permitting agencies during the final design of the project. This will include analyses of streams, wetlands, and protected species. Additional studies to identify potential impacts to archaeological and architectural/historic resources will also be performed, as needed.
4. To improve safety and traffic operations, it is recommended that Oak Forest Road (SR 1147) be realigned to the tie into US 64 opposite Downing Creek Road (SR 1325). This realignment will require the construction of approximately 500 feet of roadway on new location. Additional studies to identify potential impacts that the proposed realignment of SR 1147 will have on streams, wetlands, protected species, archaeological resources, and architectural/historic resources will be performed, as needed, during final design.
5. To improve safety and traffic operations, it is recommended that W. J. Cabe Road (SR 1201) be realigned to the tie into US 64 opposite Ledford Chapel Road (SR 1151). This realignment will require the construction of approximately 500 feet of roadway on new location. Additional studies to identify potential impacts that the proposed realignment of SR 1201 will have on streams, wetlands, protected species, archaeological resources, and architectural/historic resources will be performed, as needed, during final design.

Water Resources

The project will impact the following water bodies or their unnamed tributaries: Downing Creek, John Reese Branch, Byers Branch, Cranford Branch, Patterson Branch, and the Hiwassee River. The best usage classification has not changed for any of the streams in the project study area since the completion of the Final Reevaluation of the Final Negative Declaration. The Hiwassee River is the only water body with the DWQ best usage classification of B. All of the other streams in the project area have a best usage classification of C. Class B waters are those that are protected for aquatic life propagation and survival, fishing, wildlife, primary recreation, and agriculture. Class C waters are protected for aquatic life propagation and survival, fishing, wildlife, secondary recreation, and agriculture.

As noted previously, south-side widening of US 64 is proposed from 0.2 mile east of Hinton Center Road (SR 1148) to 0.6 mile west of W. J. Cabe Road (SR 1201), a distance of approximately 2.0 miles. In this area, the existing north edge of pavement will be shifted approximately 16 feet southward in order to allow shoulder and ditch improvements to be made on the north side of US 64 without impacting the streams. The alignment shift and proposed south-side widening will avoid the construction of approximately 3600 feet of new channel for Downing Creek and John Reese Branch that

would be required if symmetrical widening and no alignment shift were performed in this area. In addition, in order to minimize impacts to Lick Log Creek, which parallels US 64 on the north side for a short distance near NC 175, south-side widening is proposed from Nelson Road (SR 1332) to the east project terminal (0.3 mile).

One wetland site, located on the south side of US 64 at approximately station 90+00, will be affected by the proposed project. The site is located near an existing 5-foot by 4-foot box culvert that carries an unnamed tributary to Downing Creek under US 64. The culvert will be extended on the upstream (south) end to accommodate the proposed south-side widening proposed at that location. The amount of impact to jurisdictional wetlands at this location will be determined during final design.

Four impoundment areas of Lake Chatuge border the subject section of US 64. Tennessee Valley Authority (TVA) approval is necessary for construction in the Hiwassee River and Chatuge Reservoir area. Final plans for structures and associated approach fills at stream crossings will be submitted to the TVA for review under Section 26a of the TVA Act. In addition, a copy of a letter from the State Historic Preservation Office stating the proposal complies with the Historic Preservation Act of 1966 will be sent to the TVA.

Protected Species

Plants and animals with federal classifications of Endangered (E), Threatened (T), Proposed Endangered (PE) and Proposed Threatened (PT) are protected under provisions of Section 7 and Section 9 of the Endangered Species Act of 1973, as amended. As of April 27, 2006 the U.S. Fish and Wildlife Service (USFWS) lists 2 federally protected species in Clay County (see Table 1).

Scientific Name	Common Name	Status	Biological Conclusion	Habitat
<i>Sarracenia oreophila</i>	Green pitcherplant	Endangered	No Effect	Yes
<i>Clemmys muhlenbergii</i>	Bog turtle	Threatened (S/A)	N/A	N/A

Habitat is available in the project area for the green pitcherplant. No species were found during a survey conducted on May 23, 2006 by four NCDOT environmental biologists. The survey consisted of an eight man-hour habitat assessment and plant-by-plant foot survey in suitable habitat for the species within the proposed right-of-way limits. Therefore, the biological conclusion of "No Effect", from the Final Reevaluation of the Final Negative Declaration, remains valid.

The bog turtle is listed as threatened due to similarity of appearance and is not subject to Section 7 consultation, and a biological conclusion is not required.

Permit Review Agency Coordination

The project is being coordinated with the U. S. Army Corps of Engineers, the U. S. Fish and Wildlife Service, the U. S. Environmental Protection Agency, the N. C. Division of Water Quality, the N. C. Wildlife Resources Commission, and the Tennessee Valley Authority. Based upon that coordination, the following NCDOT commitments have been identified and will be implemented:

1. A southward alignment shift and south-side widening of US 64 are proposed in the vicinity of Downing Creek and John Reese Branch to minimize impacts to those streams. South-side widening is also proposed in the vicinity of Lick Log Creek to minimize impacts to that stream.
2. During an agency field review meeting held on June 28, 2006, nesting barn swallows were found in the culvert located near station 202+00. While that species is not listed as threatened or endangered by the U.S. Fish and Wildlife Service, it is protected under the Migratory Bird Treaty Act of 1918. In order to avoid impacts to that species, the culvert where the swallows were found will be inspected prior to project construction. If barn swallows are again found, the contractor will be prohibited from performing work on that culvert during the nesting season (April 1 through August 31).
3. NCDOT will evaluate the project for potential onsite mitigation opportunities, including the section of Downing Creek approximately between stations 115+00 and 130+00.
4. The direct discharge of roadway drainage into streams will be minimized to the extent practicable.
5. To the extent practicable, grassed lined ditches will be used to assist in treating roadway drainage.
6. To the extent practicable, energy-dissipating devices will be used at culvert outlets to minimize the potential for erosion.

Public Involvement

A local officials meeting and a public meeting for the project were held on August 31, 2006. The meetings were held in the Clay County Community Services Building in Hayesville. The public meeting was held between the hours of 5:00 p.m. and 8:00 p.m., and the local officials meeting was held just prior to the public meeting. The public meeting was advertised in local newspapers.

Preliminary plans and an aerial mosaic of the project were displayed, and an informational packet was also available for each attendee. Fifteen persons were present for the local officials meeting, including representatives of the Town of Hayesville, Clay County, and NCDOT. Approximately sixty-five persons, including NCDOT representatives, attended the public meeting. Comments and questions received prior to, during, and following the meetings are noted below. NCDOT responses are indicated in parentheses.

1. A right turn lane was requested on eastbound US 64 at its intersection with NC 175. (After further study, the east project terminal has been extended from 0.2 west of NC 175 to 0.1 mile east of NC 175 to include right- and left-turn lanes at this intersection.)
2. Turn lanes were requested on US 64 at Herbert Hills Drive, a private driveway that provides access to the Episcopal Church of the Good Shepherd and several residences. It was also noted that a new residential development is planned on the north side of US 64 in this area. (This request will be further evaluated during final design.)
3. Turn lanes were requested on US 64 at W. J. Cabe Road (SR 1201) and Ledford Chapel Road (SR 1151). (Based upon additional design studies performed since the public meeting, it is now recommended that W. J. Cabe Road be realigned to tie into US 64 opposite Ledford Chapel Road. Eastbound and westbound right turn lanes and left turn lanes are now recommended at this intersection.)
4. It was suggested that traffic studies be conducted in June or July, when traffic volumes are heaviest. (Updated traffic projections have already been obtained, and no additional traffic studies are recommended.)
5. Not all existing homes are shown on the displayed plans and aerial mosaic. (The aerial mosaic was produced based upon Spring 2006 aerial photography.)

6. Once citizen requested that passing lanes be constructed to eliminate the possibility of motorists passing in no-passing zones. (Passing lanes are beyond the current scope of the project and are not recommended. Passing zones will continue to be provided at various locations along the project.)
7. Four-lane widening of US 64 rather than the proposed two-lane improvements was requested. (Multilane widening is beyond the current project scope.)
8. It was requested that, in the event the project scope is expanded to multilane widening, a four-lane section with landscaping be constructed. (If multilane widening is programmed in the TIP at some future date, these proposals will be considered.)
9. Support was expressed for the proposed travel lane and shoulder widening due to crashes that have resulted from cars running of the road. (Comment noted.)
10. Questions were received regarding the right of way acquisition and construction schedules. (Those questions were answered during the public meeting.)
11. Questions were received regarding temporary impacts to businesses and residences during construction. (Those questions were answered during the public meeting.)
12. Questions were received regarding NCDOT right of way acquisition procedures and the relocation assistance program. (Those questions were answered during the public meeting.)
13. One question regarding the status of future I-3 was received. (NCDOT representatives present at the meeting were not familiar with this topic and were unable to answer this question.)
14. Questions regarding impacts to individual properties, including proposed driveway grades, were received. (Those questions were answered before, during, and following the public meeting, through verbal, telephone, and e-mail correspondence. In addition, in order to reduce impacts to adjacent properties, the following measures have been taken:
 - steeper side slopes will be allowed in some areas
 - expressway gutter will be used, where appropriate
 - the amount of right of way needed behind the proposed construction limits will be reduced as much as possible
 - temporary construction easements rather than right of way will be purchased, where feasible

Relocation of Homes and Businesses

It is anticipated four homes will be relocated as a result of the project.

Historic/Architectural Resources

No National Register-listed properties exist within the project's Area of Potential Affects (APE). In addition, all properties over fifty years old within the project's APE have been evaluated, and NCDOT has concluded that none are eligible for the National Register. The State Historic Preservation Office has agreed with these findings (see Exhibit 5).

As noted previously, based upon further design studies conducted since the August 31, 2006 public meeting, the following improvements are now recommended. Additional studies to identify potential impacts to architectural/historic resources that could result from these improvements will be performed during final design, as needed.

- Turn lanes are recommended on US 64 on both approaches to the NC 175 intersection, at the eastern end of the project.
- Oak Forest Road (SR 1147) will be realigned to tie into US 64 opposite Downing Creek Road (SR 1325).
- W. J. Cabe Road (SR 1201) will be realigned to tie into US 64 opposite Ledford Chapel Road (SR 1151).

Archaeological Resources

In order to comply with Section 106 of the National Historic Preservation Act (1966, as amended), FHWA and NCDOT must evaluate the project's impact upon any extant archaeological resources and determine if additional measures will be necessary to mitigate any adverse effects of the project upon any significant archaeological sites.

An archaeological survey was performed for the original US 64 (A-11) widening project alternatives in 1980 and 1981. A reevaluation of the project's impacts on two sites (31CY6 and 31CY85), necessitated by project scope and design changes that had occurred since the Final Negative Declaration was approved, was accomplished in 1991. A second reevaluation of the project's impacts on site 31CY85, necessitated by additional design changes, was accomplished in 1998.

Since the 1998 reevaluation of the project's impacts on Site 31CY85, additional design changes and expansions have been made to the BB section of the project (the subject project), including, but not necessarily limited to:

- the realignment of two secondary road intersections with US 64
- widening along the south side of the project for substantial sections of the project
- additional turn lanes at the NC 175 interchange and at other intersections
- the realignment of several driveways
- hydrologic design improvements

It will be necessary to establish whether the original archaeological surveys were broad enough in scope to have covered the areas impacted by the above (and any other) recent project changes or expansions. To this end, NCDOT will, during the final design phase, evaluate the original archaeological survey coverage (if any is available) of the above mentioned areas and any other areas anticipated to be impacted by recent design changes and/or expansions. If any newly designated impact areas are found to be lacking in archaeological survey coverage, NCDOT will proceed with conducting archaeological survey of these areas, in consultation with the SHPO.

Section 4(f) Resources

Three recreational resources are present in project area, a Lake Chatuge boat launch and two picnic areas adjacent to Lake Chatuge. The lake is owned and managed by the Tennessee Valley Authority. These sites are situated on the south side of US 64 between Ledford Chapel Road (SR 1151) and the westernmost intersection of US 64 with Smart Road (SR 1333). All three sites are open to the public. The parking area for the boat launch is located entirely on NCDOT right of way and is maintained by NCDOT. The boat ramp itself is located on TVA property. Both picnic areas are located entirely on existing NCDOT right of way and are maintained by NCDOT. The proposed construction limits in the vicinity of the boat launch and the two picnic areas will be contained within existing NCDOT right of way limits. No additional right of way or easements will be required in this area. Based upon these considerations, no Section 4(f) resources will be impacted as a result of the proposed project.

Permit Status

Tennessee Valley Authority (TVA) approval is necessary for construction in the Hiwassee River and Chatuge Reservoir area. Final plans for structures and associated approach fills at stream crossings will be submitted to the TVA for review under Section 26a of the TVA Act. In addition, a copy of a letter from the State Historic Preservation Office stating the proposal complies with the Historic Preservation Act of 1966 will be sent to the TVA.

Coordination with the permit review agencies is in progress. The type of permit required from the U. S. Army Corps of Engineers will be determined after further consultation with those agencies.

Air Quality

The project is located in Clay County, which has been determined to comply with the National Ambient Air Quality Standards. The proposed project is located in an attainment area; therefore, 40 CFR Parts 51 and 93 are not applicable. This project is not anticipated to create any adverse effects on the air quality of this attainment area.

The purpose of this project is to improve safety and traffic flow by widening existing travel lanes to 12 feet and widening the existing shoulders to 10 feet (4 feet of which will be paved) and constructing turn lanes at selected intersections. This project will not result in any meaningful changes in traffic volumes, vehicle mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative. As such, FHWA has determined that this project will generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special MSAT concerns. Consequently, this effort is exempt from analysis for MSATs.

Moreover, EPA regulations for vehicle engines and fuels will cause overall MSATs to decline significantly over the next twenty years. Even after accounting for a 64 percent increase in VMT, FHWA predicts MSATs will decline in the range of 57 percent to 87 percent, from 2000 to 2020, based on regulations now in effect, even with a projected 64 percent increase in VMT. This will reduce both the background level of MSATs and the possibility of even minor MSAT emissions from this project.

V. LIST OF PROJECT COMMITMENTS

1. A permit will be required from the U. S. Army Corps of Engineers. The type of permit required will be determined through consultation with the permit review agencies.
2. Tennessee Valley Authority (TVA) approval is necessary for construction in the Hiwassee River and Chatuge Reservoir area. Final plans for structures and associated approach fills at stream crossings will be submitted to the TVA for review under Section 26a of the TVA Act. In addition, a copy of a letter from the State Historic Preservation Office stating the proposal complies with the Historic Preservation Act of 1966 will be sent to the TVA.
3. Due to the close proximity of Downing Creek and John Reese Branch on the north side of US 64 along much of the project, a southward shift of the existing alignment and south-side widening are proposed from 0.2 mile west of Hinton Center Road (SR 1148) to 0.6 mile west of W. J. Cabe Road (SR 1201), a distance of 2.0 miles. South-side widening is also proposed from Nelson Road (SR 1332) to the east project terminal (0.3 mile) due to the close proximity of Lick Log Creek on the north side of US 64.

4. In order to avoid impacts to the barn swallow, the culvert where swallows were found during the June 28, 2006 agency field review meeting (located near station 202+00) will be inspected prior to project construction. If swallows are again found, the contractor will be prohibited from performing work on the inhabited culvert(s) during the nesting season (April 1 through August 31).
5. NCDOT will evaluate the project for potential onsite mitigation opportunities, including the section of Downing Creek approximately between stations 115+00 and 130+00.
6. The extension of the project at its eastern terminal, from just west of Nelson Road (SR 1332) to just east of NC 175, will be coordinated with the environmental permitting agencies during the final design of the project. This will include analyses of water resources, wetlands, and protected species. Additional studies to identify potential impacts to archaeological and architectural/historic resources will also be performed, as needed.
7. Environmental impacts of the proposed realignment of Oak Forest Road (SR 1147) to tie into US 64 opposite Downing Creek Road (SR 1325) will be further evaluated during final design.
8. Environmental impacts of the proposed realignment of W. J. Cabe Road (SR 1201) to tie into US 64 opposite Ledford Chapel Road (SR 1151) will be further evaluated during final design.
9. The possibility of constructing turn lanes on US 64 at Herbert Hills Drive (a private driveway that provides access to the Episcopal Church of the Good Shepherd and several residences) will be evaluated further during final design.
10. The direct discharge of roadway drainage into streams will be minimized to the extent practicable.
11. To the extent practicable, grassed lined ditches will be used to assist in treating roadway drainage.
12. To the extent practicable, energy-dissipating devices will be used at culvert outlets to minimize the potential for erosion.

Please note the above special project commitments are also listed on the attached green sheet.

VI. COORDINATION

Project Development and Environmental Analysis Branch personnel have discussed current project proposals with others as follows:

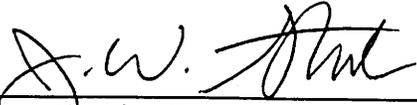
Tom Burns
Roadway Design Unit

11-28-06
Date

Brett Feulner
Natural Environment Unit

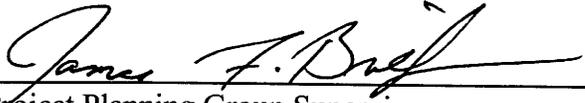
11-27-06
Date

VII. NCDOT CONCURRENCE



Project Planning Engineer
Project Development & Environmental Analysis Branch

11-29-06
Date



Project Planning Group Supervisor
Project Development & Environmental Analysis Branch

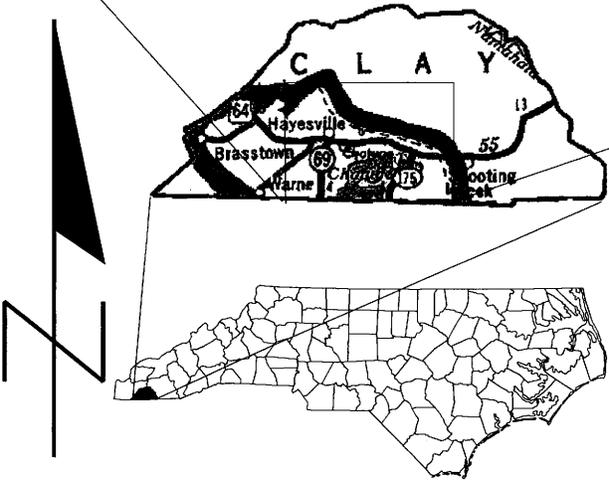
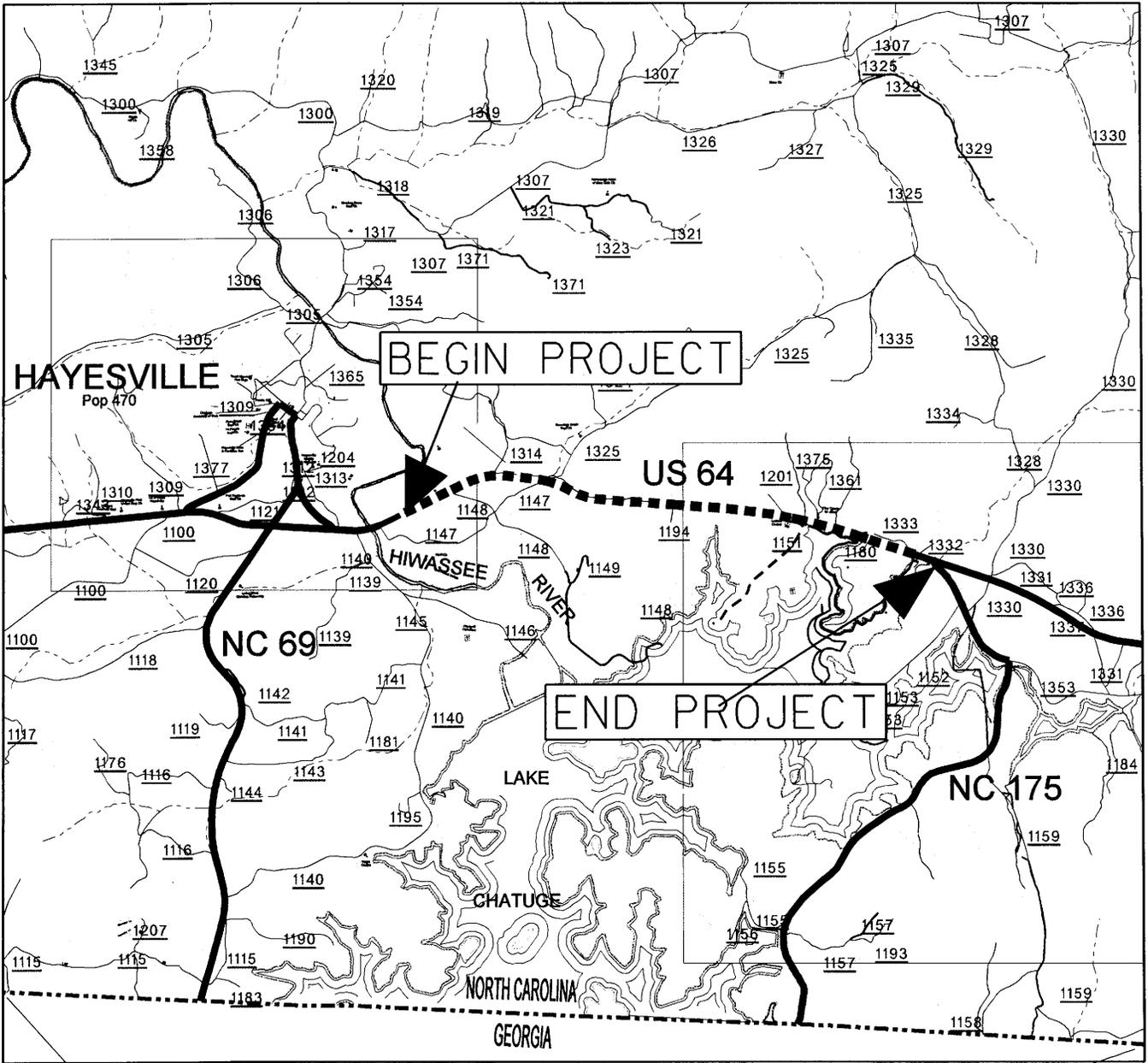
Nov 29, 2006
Date

VIII. FHWA CONCURRENCE



John F. Sullivan, III, PE, Division Administrator
for Federal Highway Administration

Nov 30, 2006
Date



	<p>NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH</p>
<p style="text-align: center;"> US 64 From East of the Hiwassee River to NC 175 Clay County TIP Project A-11 BB </p>	
<p>Figure 1</p>	<p>1106</p>

**CONCURRENCE FORM FOR PROPERTIES NOT ELIGIBLE FOR
THE NATIONAL REGISTER OF HISTORIC PLACES**

Project Description: **Pavement, shoulder widening, paved shoulder construction, and drainage improvements on US 64 from Hiawasse River to NC 175**

On **11 July 2006** representatives of the

- North Carolina Department of Transportation (NCDOT)
- Federal Highway Administration (FHWA)
- North Carolina State Historic Preservation Office (HPO)
- Other

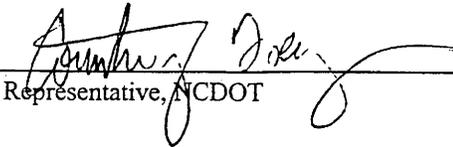
Reviewed the subject project at

- Scoping meeting
- Historic architectural resources photograph review session/consultation
- Other

All parties present agreed

- There are no properties over fifty years old within the project's area of potential effects.
- There are no properties less than fifty years old which are considered to meet Criteria Consideration G within the project's area of potential effects.
- There are properties over fifty years old within the project's Area of Potential Effects (APE), but based on the historical information available and the photographs of each property, the properties identified as ~~are~~ are considered not eligible for the National Register and no further evaluation of them is necessary. **1-13**
- There are no National Register-listed or Study Listed properties within the project's area of potential effects.
- All properties greater than 50 years of age located in the APE have been considered at this consultation, and based upon the above concurrence, all compliance for historic architecture with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.
- There are no historic properties affected by this project. *(Attach any notes or documents as needed)*

Signed:


Representative, NCDOT

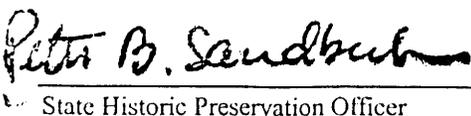
11 July 2006
Date

FHWA, for the Division Administrator, or other Federal Agency

Date


Representative, HPO

7/11/06
Date


State Historic Preservation Officer

7/11/06
Date

SPECIAL PROJECT COMMITMENTS

US 64

From east of the Hiwassee River to NC 175

Clay County

Federal Project No. APD-16-1(20)

WBS Element 32574.1.4

State Project No. 8.3064123

TIP Project A-11 BB

1. A permit will be required from the U. S. Army Corps of Engineers. The type of permit required will be determined through consultation with the permit review agencies.
2. Tennessee Valley Authority (TVA) approval is necessary for construction in the Hiwassee River and Chatuge Reservoir area. Final plans for structures and associated approach fills at stream crossings will be submitted to the TVA for review under Section 26a of the TVA Act. In addition, a copy of a letter from the State Historic Preservation Office stating the proposal complies with the Historic Preservation Act of 1966 will be sent to the TVA.
3. Due to the close proximity of Downing Creek and John Reese Branch on the north side of US 64 along much of the project, a southward shift of the existing alignment and south-side widening are proposed from 0.2 mile west of Hinton Center Road (SR 1148) to 0.6 mile west of W. J. Cabe Road (SR 1201), a distance of 2.0 miles. South-side widening is also proposed from Nelson Road (SR 1332) to the east project terminal (0.3 mile) due to the close proximity of Lick Log Creek on the north side of US 64.
4. In order to avoid impacts to the barn swallow, the culvert where swallows were found during the June 28, 2006 agency field review meeting (located near station 202+00) will be inspected prior to project construction. If swallows are again found, the contractor will be prohibited from performing work on the inhabited culvert(s) during the nesting season (April 1 through August 31).
5. NCDOT will evaluate the project for potential onsite mitigation opportunities, including the section of Downing Creek approximately between stations 115+00 and 130+00.
6. The extension of the project at its eastern terminal, from just west of Nelson Road (SR 1332) to just east of NC 175, will be coordinated with the environmental permitting agencies during the final design of the project. This will include analyses of water resources, wetlands, and protected species. Additional studies to identify potential impacts to archaeological and architectural/historic resources will also be performed, as needed.
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8. Environmental impacts of the proposed realignment of W. J. Cabe Road (SR 1201) to tie into US 64 opposite Ledford Chapel Road (SR 1151) will be further evaluated during final design.

9. The possibility of constructing turn lanes on US 64 at Herbert Hills Drive (a private driveway that provides access to the Episcopal Church of the Good Shepherd and several residences) will be evaluated further during final design.
10. The direct discharge of roadway drainage into streams will be minimized to the extent practicable.
11. To the extent practicable, grassed lined ditches will be used to assist in treating roadway drainage.
12. To the extent practicable, energy-dissipating devices will be used at culvert outlets to minimize the potential for erosion.

US 64
From NC 69
to 0.2 mile west of NC 175
Clay County
Federal-Aid Project Number APD-16-1(18)
State Project Number 8.3064121
T. I. P. Number A-11 B

DRAFT REEVALUATION OF FINAL NEGATIVE DECLARATION

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)

4/21/95
Date



H. Franklin Vick, P. E., Manager
Planning and Environmental Branch, NCDOT

4/21/95
Date



Nicholas Graf, P. E.
For Division Administrator, FHWA

US 64
From NC 69
to 0.2 mile west of NC 175
Clay County
Federal-Aid Project Number APD-16-1(18)
State Project Number 8.3064121
T. I. P. Number A-11 B

DRAFT REEVALUATION OF FINAL NEGATIVE DECLARATION

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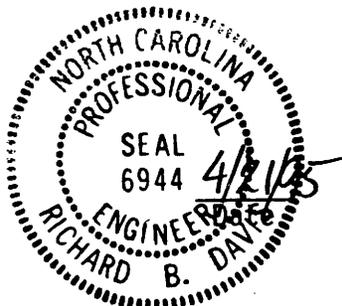


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I. SUMMARY OF SPECIAL PROJECT COMMITMENTS

A. Special Permits Required

1. U. S. Army Corps of Engineers Permits

It is anticipated a United States Army Corps of Engineers Individual Section 404 permit will be needed for proposed channel changes in Downing Creek. All other construction activities in jurisdictional wetlands and waters of the United States can be performed under the same Individual Section 404 permit.

2. Tennessee Valley Authority Coordination

Tennessee Valley Authority (TVA) approval is necessary for construction in the Hiwassee River and Chatuge Reservoir area. Final plans for structures and associated approach fills at stream crossings will be submitted to the Tennessee Valley Authority for review under Section 26a of the TVA Act. In addition, a copy of a letter from the State Historic Preservation Office stating the proposal complies with the Historic Preservation Act of 1966 will be sent to the TVA.

3. Federal Energy Regulatory Commission Coordination

It is anticipated a Federal Energy Regulatory Commission (FERC) permit will be required for construction activities in Chatuge Reservoir. The NCDOT will coordinate with the FERC to obtain this permit before construction.

4. State Agencies' Requirements

In addition to the federal permits required, two state approvals will be necessary. The NCDEHNR-DEM requires a State 401 Water Quality Certification for any construction activity which may result in a discharge and for which a federal permit is required. Concurrence from the North Carolina Wildlife Resources Commission will be necessary before Department of the Army permits can be issued. The NCDOT has studied asymmetric widening as discussed in Section IV. I. of this report as a means to avoid rechannelizing parts of John Reese Branch. The NCDOT has avoided rechannelizing John Reese Branch; however, it is anticipated 1140 feet of Downing Creek will be rechannelized as part of the project.

B. Water Quality

To minimize adverse impacts to water quality, NCDOT Best Management Practices will be strictly adhered to. Non-point sediment sources will be identified and efforts made to control sediment runoff. The Erosion and Sedimentation Control Plan established by the Division of Highways in cooperation with the NCDEHNR will be implemented prior to and during project construction.

C. Archaeological Sites

Additional testing and data recovery operations will be performed at site 31Cy85 east of the Hiwassee River before the project is constructed. It is anticipated a conditional finding of no adverse effect or a finding of no adverse effect will be issued pursuant to 36 CFR 800.9 C. The scope for additional work at the site will be provided to the SHPO for their review.

II. PROPOSED ACTION

A. Project Status

The 1995-2001 NCDOT Transportation Improvement Program (TIP) includes the upgrading of NC 69 and US 64 from the Georgia/North Carolina State Line to NC 175 in Clay County (8.2 miles) under project A-11. The project has been divided into parts A-11 A (NC 69 from the Georgia State Line to US 64) and A-11 B (US 64 from NC 69 to NC 175). This reevaluation covers project A-11 B (4.6 miles). Project A-11 A has already been studied in a separate reevaluation approved by the Federal Highway Administration (FHWA) in April, 1991. Right of way acquisition for project A-11 B is currently scheduled to begin in Fiscal Year 1997 and construction is to begin in Fiscal Year 1998. The project area is shown in Figure 1.

A Final Negative Declaration for project A-11 was approved by the FHWA in 1981. In that document, widening US 64 and NC 69 primarily to 4-lane divided facilities was recommended. A five-lane undivided section was recommended from 0.8 mile south of the NC 69/US 64 intersection on NC 69 to 0.1 mile east of the Hiwassee River on US 64. Prior to the FHWA's approval of the Final Negative Declaration, a public meeting and a combined corridor/design public hearing were held. Generally, strong public support for the project was received.

Just prior to the publication of the 1990-1996 Transportation Improvement Program, project A-11 was downscaled from proposed 4-lane and 5-lane improvements to an upgrade of the 2-lane facility consisting of widening the travel lanes and paving the shoulders. A 5-lane shoulder facility was still proposed for a 0.9 mile section of US 64 from NC 69 to 0.2 mile east of the Hiwassee River near Hayesville.

The 1995-2001 TIP includes an estimated right of way cost of \$1,000,000 and an estimated construction cost of \$6,800,000 for project A-11 B. The construction cost shown in the TIP reflects the cost of expanding US 64 to a three-lane cross section from approximately 0.2 mile west of NC 69 to 0.2 mile east of the Hiwassee River (\$2,300,000) and

upgrading the existing two lanes from 0.2 mile east of the Hiwassee River to 0.2 mile west of NC 175 (\$4,500,000). The revised construction cost estimate for the project is \$8,500,000 including the cost to upgrade US 64 to a 5-lane shoulder section from NC 69 to 0.2 mile east of the Hiwassee River (\$4,000,000) and upgrading the existing two lanes from 0.2 mile east of the Hiwassee River to 0.2 mile west of NC 175 (\$4,500,000). The total cost estimate for the proposed improvements is \$9,585,000, which includes \$1,085,000 for right of way and \$8,500,000 for construction. The total projected project cost exceeds the TIP cost by \$1,785,000.

B. Proposed Revisions to Project

The recommendation presented in the Final Negative Declaration called for upgrading US 64 to a 4-lane divided facility, with a 5-lane section from the NC 69/US 64 intersection to 0.1 mile east of the Hiwassee River. It is presently proposed to provide a 5-lane section from NC 69 to 0.2 mile east of the Hiwassee River (0.9 miles) and to upgrade the remaining existing two lanes from 0.2 mile east of the Hiwassee River to 0.2 mile west of NC 175 (3.7 miles).

The proposed 5-lane section will consist of a 68-foot pavement containing four 12-foot travel lanes, a 12-foot center turn lane, and 4-foot paved shoulders. A total usable shoulder width of ten feet will be provided on each side of the 5-lane section, including the 4-foot paved shoulders.

In the section of the project where 2-lane improvements are proposed, the existing pavement will be widened to 32 feet including two 12-foot travel lanes and 4-foot paved shoulders. A total usable shoulder width of 10 feet, including the 4-foot paved shoulders, will be provided on each side of the improved 2-lane section. Ditches are to be improved, where necessary.

It is anticipated the proposed 2-lane and 5-lane improvements can be contained mostly within the existing variable width right of way. However, at some locations construction easements, temporary and permanent drainage easements, and additional right of way will be required. No control of access is proposed. The proposed typical cross sections for US 64 in the project area are shown in Figure 2.

C. Structures

There is only one existing bridge along the project. That bridge, Bridge Number 6 on the Clay County Inventory list, spans the Hiwassee River. It has a total length of 248 feet and horizontal clearance of 23.7 feet. The sufficiency rating of the bridge, a measure of the structural adequacy of the bridge, is 51.3 out of a possible 100. Due to its poor structural condition, the Final Negative Declaration (FND) recommends replacing the bridge, rather than retaining and extending it.

The FND calls for replacing the bridge with a 72-foot wide structure that is 282 feet long. After evaluating the roadway cross section now proposed and applying updated design standards, it is now recommended the

existing bridge be replaced with an 80-foot wide bridge (290 feet long). The recommended bridge width will accommodate the 5-lane facility proposed in this area and allow 10 feet of clearance between the outside travel lane and the bridge rail.

Three box culverts and one concrete pipe exist along the project. It is recommended all existing culverts and pipes be retained and extended to accommodate the proposed widened cross sections along US 64. Each structure will be further examined during the design stage for hydraulic adequacy and structural integrity. These drainage structures are described in Table 1.

TABLE 1
US 64 Drainage Structures

<u>Feature Intersected</u>	<u>Existing Structure</u>
John Reese Branch	1 @ 5'x 8' RCBC
Byers Branch	1 @ 7'x 4' RCBC
Crawford Branch	1 @ 72" pipe
Licklog Creek	2 @ 10'x 8' RCBC

D. Right of Way

The Final Negative Declaration for project A-11 called for acquiring sufficient right of way for a 4-lane divided highway with a 46-foot median along the majority of the project. The FND indicated no additional right of way would be required to accommodate the then proposed 5-lane section from approximately 0.8 mile south of US 64 on NC 69 to 0.1 mile east of the Hiwassee River on US 64 near Hayesville. The earlier document also indicated approximately twenty residences and two businesses would be relocated if a multilane facility were constructed.

Project A-11 B has been downscaled to 2-lane and 5-lane improvements. It is anticipated the proposed improvements will be contained mostly within the existing right of way. Approximately 12.6 acres of construction and drainage easement will be required. In addition, approximately 4.2 acres of additional right of way will be needed. It is anticipated 5 residences will be displaced as a result of the proposed improvements. No business relocatees are anticipated. No control of access is proposed in the project area.

III. NEED FOR THE PROPOSED PROJECT

A. Project Termini

In 1966, a mutual agreement was reached between North Carolina, Georgia, and the Appalachian Regional Commission calling for each state to construct portions of the Appalachian Development Highway System. Proposed improvements to US 64 are part of an overall plan to improve a

corridor between Atlanta, Georgia and Asheville, North Carolina. The subject project, together with improvements to NC 69 performed under TIP project A-11 A, links with a 100-mile section of the Appalachian Development Highway System that will run from Atlanta, Georgia to the North Carolina State Line. Presently, the State of Georgia does not have a project programmed in its Transportation Improvement Program to improve Georgia Highway 17, which joins the NC 69/US 64 corridor.

Project A-11 B begins at the NC 69/US 64 intersection. North of the intersection, NC 69 terminates and SR 1313 continues north into Hayesville. SR 1313 consists of a 20-foot pavement. Currently, there are no plans to improve SR 1313 north of the proposed project. South of the NC 69/US 64 intersection, improvements to the existing two lanes of NC 69 are anticipated as outlined in the reevaluation for TIP project A-11 A. Improvements to NC 69 consist of widening the existing facility to a 28-foot pavement with 8-foot usable shoulders. The pavement will contain two 12-foot travel lanes and 2-foot paved shoulders. NC 69 continues south approximately 3.5 miles to the Georgia State Line.

West of the project limit, US 64 consists of a 24-foot pavement with 8-foot to 12-foot usable shoulders; however, TIP project R-2703 proposes to widen US 64 to a 5-lane shoulder facility in this area.

The eastern terminal of project A-11 B is located approximately 0.2 mile west of NC 175. East of the eastern project limit, US 64 consists of a 32-foot pavement containing two 12-foot travel lanes and 4-foot paved shoulders. There are no projects in the 1995-2001 Transportation Improvement Program that call for further improvements to US 64 east of NC 175.

B. Existing Roadway

The existing cross section of US 64 varies within the project limits of A-11 B. From NC 69 to the Hiwassee River (0.7 mile), the typical pavement width is 24 feet. From just east of the Hiwassee River to 0.2 mile west of NC 175 (3.9 miles), US 64 consists of a 2-lane, 20-foot wide pavement with grass shoulders that vary from 10 to 30 feet.

C. Right of Way

The existing right of way width varies from approximately 150 to 280 feet throughout the length of the project. Currently, there is no control of access along US 64 within the project limits.

D. Accident Analysis

Table 2 presents a comparison of accident rates along the subject project with the statewide rates for all rural "US" routes. The rates shown for US 64 were obtained from studies conducted between January, 1987 and May, 1991. The average statewide rates were obtained from studies conducted between 1989 and 1991. No changes to the facility that would substantially increase or reduce the accident rates have occurred since 1991. Updated accident rates will be provided in the Final Reevaluation of this project.

TABLE 2

Accident Rates
(per 100 million vehicle miles)

Accident Type	Rates along US 64	Average Statewide Rates (1989-1991) Rural "US" Routes
Total Rate	212.8	176.5
Fatal	0.0	2.7
Non-fatal	99.3	84.3
Nighttime	14.2	47.9
Wet Conditions	39.0	42.2

These rates show the total accident rate for US 64 is higher than the average statewide rate for rural "US" routes. In addition, the rate of non-fatal accidents with injuries involved is higher the statewide average rate for similar routes. The remaining rates (fatal, nighttime, wet conditions) are lower than the corresponding statewide average rates.

Thirty-seven percent of the reported accidents were angle collisions; twenty-three percent involved vehicles running off the existing pavement; twenty-two percent involved left-turning vehicles; fifteen percent were rear-end collisions; and three percent were either head-on or backing collisions.

Of the sixty reported accidents, twenty-eight occurred in the immediate vicinity of the NC 69/US 64 intersection. No other concentrations of accidents are apparent on the accident report for the project. The proposed cross section improvements along with the recent signalization of the NC 69/US 64 intersection should alleviate the overall accident rate along US 64 within the project limits.

E. Traffic Volumes

Traffic volumes along US 64 for the year 1992 range from 6500 vehicles per day west of the NC 69/US 64 intersection to 4900 vehicles per day at the east project limit. Projections for the design year (year 2012) along US 64 range from 12,800 vehicles per day west of the NC 69/US 64 intersection to 8,900 vehicles per day at the east project limit. Projected traffic volumes, design hour data, truck data, and turning movements are shown in Figures 3 and 4. Updated traffic projections will be provided in the Final Reevaluation for the project.

F. Capacity Analysis

Capacity analyses were performed to compare the levels-of-service at which US 64 would operate considering both an unimproved facility and the recommended two-lane and five-lane improvements. Analyses were completed using both 1992 and 2012 traffic volumes. The results of these analyses are shown below in Table 3.

TABLE 3
Levels-of-Service

LOCATION	1992 LOS		2012 LOS	
	Existing	Improved	Existing	Improved
Intersection of NC 69 and US 64	B	B	B	B
From NC 69 to SR 1140	C	A	E	A
From SR 1140 to SR 1147	D	A	E	A
From SR 1147 to SR 1148	D	C	E	E
From SR 1148 to SR 1325	C	C	E	E
From SR 1325 to SR 1333	C	C	E	D
From SR 1333 to SR 1332	C	C	D	D

Table 3 shows the recommended 5-lane section from the west project limit to 0.2 mile east of the Hiwassee River will provide better operating conditions in the design year than an unimproved facility. The level-of-service improves from "E" for the existing facility in the year 2012 to "A" for the proposed 5-lane section. A capacity analysis at the NC 69/US 64 intersection was also performed. The results of that analysis indicated level-of-service "B" can be maintained through the year 2012 for the intersection.

From the end of the proposed 5-lane section east of the Hiwassee River to the east project limit, most of US 64 will be operating at level-of-service "C" with 1992 traffic and "E" in the design year with no improvements to the existing facility. With recommended two-lane improvements to US 64, design year level-of-service can be maintained at "D" except in a 1.1 mile segment between SR 1147 and SR 1325 where it falls to "E" in the year 2010. If the actual design year traffic volumes approach the predicted volumes, consideration should be given to constructing a multilane section east of the Hiwassee River to increase traffic handling capability. Multilane improvements to US 64 east of the Hiwassee River are beyond the current project scope.

Level-of-service "A" represents free flowing traffic. Individual users are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to maneuver within the traffic stream is extremely high. The general level of comfort and convenience provided to the motorist is excellent.

Level-of-service "B" represents traffic that is in the range of stable flow. The presence of others in the traffic stream begins to be noticeable. Selection of desired speed remains unaffected, but there is a slight decline in the freedom to maneuver within the traffic stream.

Level-of-service "C" represents traffic that is in the range of stable flow. The operation of individual users becomes significantly affected by interactions with others in the traffic stream. Selection of speed and maneuvering requires vigilance on the part of the user.

Level-of-service "D" represents high density, stable flow. Passing demand is very high, while passing opportunities are extremely limited. The driver generally experiences a poor level of comfort and convenience. Small increases in traffic flow will cause operational problems at this level. Platoon sizes increase, and turning vehicles disrupt continuity of the traffic stream.

Level-of-service "E" represents operating conditions at or near the capacity level. All speeds are reduced to a low, but relatively uniform value. Freedom to maneuver within the traffic stream is extremely difficult, and is generally accomplished by forcing another vehicle to adjust its speed. Comfort and convenience levels are very poor, leading to driver frustration. Operations at this level are usually unstable because increases in flow or minor perturbations within the traffic stream will cause breakdowns.

G. Intersections

The intersection of NC 69 and US 64 is a signalized, four-leg intersection. At the intersection, eastbound US 64 consists of two lanes; one exclusive left-turn lane and one thru/right turn lane. Westbound US 64 has the same configuration as the eastbound approach. On the northbound approach to the intersection, NC 69 consists of one exclusive left-turn lane and one thru/right turn lane. The southbound approach to the intersection has the same configuration as the northbound approach. The pavement width on all approaches to the NC 69/US 64 intersection flairs to 36 feet. The remaining intersections along the project are at-grade and stop sign controlled.

IV. ENVIRONMENTAL IMPACTS

A. Relocates

It is anticipated 5 residences will be displaced as part of the project. An updated relocation report is included in the Appendix (see page RA-3). Of the 5 anticipated displacees, 2 are owner occupants and 3 are tenant occupants. Estimated income levels of the relocatees vary from

below \$15,000 to \$35,000 per year. The estimated values of the residences to be relocated vary from a low of \$20,000 to a high of \$40,000. Monthly rent paid by the anticipated tenant relocatees is between \$150 and \$250. The following table (Table 4) represents a sampling of available housing in the area:

TABLE 4
Demographic Profile

<u>For Sale</u>	<u>Units Available</u>
\$0 - \$20,000	1
\$20,000 - \$40,000	5
\$40,000 - \$70,000	11
\$70,000 - \$100,000	3
\$100,000 and above	2
 <u>For Rent</u>	
Under \$150 per month	1
\$150 - \$250 per month	6
\$250 - \$400 per month	2
\$400 - \$600 per month	2
\$600 and above per month	1

It is anticipated adequate replacement housing in the project area will be available to accommodate the above residents. For information on relocation assistance, see pages RA-4 and RA-5 in the Appendix.

B. Hydraulics

The only bridge on US 64 in the project area is Bridge Number 6 that spans the Hiwassee River. The Hiwassee River bridge is 248 feet long and has a clear roadway width of 23.7 feet. It is recommended to replace the existing bridge with a new structure that is 80 feet wide and 290 feet long. Existing culverts and pipes are to be retained and extended to accommodate proposed improvements to US 64.

C. Floodplain/Floodway Impacts

The Final Negative Declaration stated no major effects on the water courses in the project area or the floodplain areas are anticipated. Since the recommended cross section for the proposed project has been reduced, the potential effect on the floodplain areas is expected to be less than under the original 4-lane divided facility recommended in the Final Negative Declaration.

Clay County is a participant in the National Flood Hazard Insurance Emergency Program. See Figure 5 for approximate limits of the 100-year floodplain for the stream crossings along the project. The proposed project will not raise the 100-year floodplain more than one foot.

The surrounding terrain has natural draws and streams located such that the proposed project can be drained without difficulty. Ground water and existing drainage patterns along the project length will not be adversely affected by project construction. Siltation of adjacent areas and streams due to project construction will be kept to a minimum by implementing NCDOT Best Management Practices (BMP's). The Erosion and Sedimentation Control Plan established by the Division of Highways in cooperation with the North Carolina Department of Environment, Health, and Natural Resources will be followed during construction.

D. Special Permits Required

It is anticipated an Individual Section 404 permit will be applicable for proposed construction in Downing Creek. The proposed channel change to this creek does not qualify for Department of the Army General Permits (Nationwide) because the flow rate is considered "below headwaters." It is anticipated proposed construction in the vicinity of the remaining streams and in Chatuge Lake can be performed under the same Individual Section 404 permit. Tennessee Valley Authority and Federal Energy Regulatory Commission approvals will also be required for construction in the Hiwassee River and Chatuge Reservoir areas.

In addition to the federal permits required, it is anticipated two state approvals will be necessary. A State 401 Water Quality Certification issued through the NC Department of Environment, Health, and Natural Resources will be required for any construction activity which may result in a discharge and for which a federal permit is required. Also, concurrence from the North Carolina Wildlife Resources Commission will be necessary before Department of the Army Permits can be issued.

E. Traffic Noise

The Final Negative Declaration stated no substantial difference in terms of expected noise levels exists between the "no-build" alternative and the alternative to build a multilane facility. Regarding noise impacts, the reduced facility now proposed is comparable to the "no-build" facility in the Final Negative Declaration. While there have been some changes in procedures concerning noise analysis since the Final Negative Declaration was approved, the noise increase for each impacted receptor is expected to be slight (approximately 3 dBA). Since development is dispersed and each property will have direct access to the highway, no noise abatement in the form of solid walls appears to be feasible, and none is recommended.

F. Air Quality

The project is located in Clay County, which has been determined to be in compliance with the National Ambient Air Quality Standards. 40 CFR Part 51 is not applicable, because the proposed project is located in an attainment area. This project is not anticipated to create any adverse

effects on the air quality of this attainment area. This evaluation completes the assessment requirements for air quality of the 1990 Clean Air Act Amendments and the NEPA process, and no additional reports are necessary.

G. Water Quality

The project is located in the Hiwassee River basin and crosses the Hiwassee River, Chatuge Lake, Byers Branch, John Reese Branch, Downing Creek, and several small unnamed tributaries to these resources. Two point source dischargers registered through the National Pollutant Discharge Elimination System (NPDES) drain into the Hiwassee River at Hayesville. The North Carolina Department of Environment, Health, and Natural Resources - Division of Environmental Management best usage classifications of these waters are listed in Table 5.

TABLE 5

Summary of Best Usage Classifications

<u>Water Resource</u>	<u>Classification</u>
Chatuge Lake	B
Hiwassee River	WS-IV
Byers Branch	C
John Reese Branch	C
Downing Creek	C

Best usage recommendations for Class B waters include primary recreation, secondary recreation, aquatic propagation and survival, fishing, wildlife, and agriculture. Best usage recommendations for Class C waters include aquatic life propagation and survival, fishing, wildlife, secondary recreation and agriculture. WS-IV waters are defined as water supplies which are generally in moderately to highly developed watersheds and are suitable for all Class C uses. Local programs to control non-point source and stormwater discharge of pollution are required.

No High Quality Waters, Outstanding Resource Waters, or waters classified WS-I and WS-II are located in the study area or within 1 mile downstream. None of the water resources impacted by the project are identified as Designated Public Mountain Trout Waters by the NC Wildlife Resources Commission.

Short term impacts to water quality could include sedimentation and siltation from construction, changes in light incidence and water clarity, alteration of water levels and flows, changes in water temperature, and increased concentrations of toxic compounds.

To minimize adverse impacts to water quality, NCDOT Best Management Practices will be strictly adhered to. Non-point sediment sources will be identified and efforts made to control sediment runoff. Finally, the Erosion and Sedimentation Control Plan established by the Division of Highways in cooperation with the NC Department of Environment, Health, and Natural Resources will be implemented prior to and during project construction.

H. Wetlands

Jurisdictional wetlands as defined by 33 CFR 328.3 are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated conditions. Any action that proposes to place fill into these areas falls under the jurisdiction of the United States Army Corps of Engineers under the provisions of the Clean Water Act (33 USC 1344).

It is anticipated the proposed improvements to US 64 will impact a total of approximately 0.62 acre of wetlands. The 0.62 acre estimated total includes approximately 0.42 acre of fill in surface waters and 0.2 acres of fill in jurisdictional wetland.

A breakdown of anticipated impacts to surface waters and wetlands by location is presented in Table 6 below.

TABLE 6

LOCATION	IMPACTED WATERS AND WETLANDS (acres)
Depression just west of US 64 Business	0.05
Unnamed tributary of Downing Creek east of SR 1148	0.03
Downing Creek	0.31
Depression 0.2 mile east of SR 1325	0.07
Depression 0.3 mile west of SR 1151	0.01
Depression at SR 1151	0.02
Chatuge Reservoir	0.12

I. Wetland Findings

Executive Order 11990 established a national policy to avoid, to the extent possible, adverse impacts on wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

Since an Individual Section 404 Permit for proposed wetland impacts is anticipated, the North Carolina Wildlife Resources Commission must concur that there is no feasible alternative to construction in wetland areas before a Department of the Army permit can be issued for the project. The Wildlife Resources Commission requested the NCDOT study asymmetric two-lane widening near John Reese Branch. Asymmetric widening on the south side of US 64 from 0.2 mile east of SR 1325 to 0.5 mile east of SR 1325 (0.3 mile) was studied and it was determined rechannelizing John Reese Branch will not be required as a part of the proposed project.

Construction in wetland areas has already been reduced substantially from the recommendation in the Final Negative Declaration by reducing 3.7 miles of US 64 from four lanes to two lanes. The proposed improvements to the existing facility impact wetlands that have been disturbed by prior development. In addition, NCDOT Best Management Practices will be implemented and provisions of the Erosion and Sedimentation control plan established by the Division of Highways in cooperation with the NC Department of Environment, Health, and Natural Resources will be adhered to. The NCDOT is taking all practicable steps to avoid wetlands, where possible, and minimize impacts to unavoidable wetlands which may result from such use.

J. Stream Modifications

The multilane improvements proposed in the Final Negative Declaration would require rechannelizing approximately 3600 linear feet of Downing Creek and John Reese Branch. It is anticipated improvements now recommended along US 64 will require 1140 linear feet of stream rechannelization along Downing Creek and no rechannelization in John Reese Branch. The NCDOT has coordinated with appropriate resource agencies in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 USC et. seq.) with regard to stream rechannelization. The U. S. Fish and Wildlife Service and the Wildlife Resources Commission have verbally concurred that stream rechannelization has been minimized to the extent practicable.

K. Federally Protected Species

Two federally protected species are listed by the United States Fish and Wildlife Service for Clay County as of March 28, 1995. They are the green pitcher plant (Sarracenia oreophila) and the Virginia spiraea (Spiraea virginiana). The green pitcher plant and the Virginia spiraea have been assigned statuses of "federally endangered" and "federally threatened," respectively. Suitable habitat for both plants occurs in the

project area. Habitat areas were surveyed in March, 1992 on a plant by plant basis. No plants of either species were observed and no impacts to these plants by the proposed project are anticipated.

Twelve species are listed by the United States Fish and Wildlife Service as "candidate" species in Clay County including the Southern water shrew (Sorex palustris punctulatus), the Cerulean warbler (Dendroica cerulea), the Bog turtle (Clemmys muhlenbergii), the Hellbender salamander (Cryptobranchus alleganiensis), the Parrish crayfish (Cambarus parrishi), the Manhart's sedge (Carex manhartii), the Wolf's milk spurge (Euphorbia purpurea), the Butternut (Juglans cinerea), the New Jersey rush (Juncus caesariensis), and two types of liverwort (Plagiochila caduciloba), (Plagiochila sullivantii var. sullivantii). These species are not afforded federal protection at this time, but their status may be upgraded in the future.

The Water shrew, Bog turtle, Hellbender, and Manhart's sedge have been identified as "threatened", "endangered", or "special concern" by the North Carolina Natural Heritage Program. These species are afforded state protection under the State Endangered and Threatened Wildlife Species of Special Concern Act (1987) and the North Carolina Plant Protection and Conservation Act (1979). The laws are designed to recognize these species, but do not impose penalties against the landowner if the species are affected by an action of the landowner. Though all or some of these species may be present in the study area, no surveys were conducted.

L. Cultural Resources

1. Historic/Architectural Resources

The Final Negative Declaration identified five sites of architectural or historic significance in the general area of the project: (1) the Clay County Courthouse located on Main Street in Hayesville, (2) the site of Fort Hembric located 0.75 mile northwest of Hayesville on US 64, (3) a dwelling of architectural significance located on the north side of SR 1147 0.4 mile south of US 64, (4) Spikebuck Town located in the Hayesville vicinity at the mouth of Town Creek and the Hiwassee River, (5) the Dr. George W. Truett Birthplace located 2 miles west of Hayesville on SR 1343. A 1977 review of these sites by the State Historic Preservation Officer with respect to multilane widening of NC 69 and US 64 resulted in a determination that all of the sites are outside of the area of potential environmental impact.

More detailed design studies have been completed since the Final Negative Declaration was completed in 1981 that reflect the project's reduction to mostly 2-lane improvements along the existing alignment, with a 5-lane shoulder section from 0.2 mile west of NC 69 to 0.2 mile east of the Hiwassee River. This action is subject to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, implemented by the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106, codified at 36 CFR Part 800. Section 106 requires that if a federally funded,

licensed, or permitted project has an effect on a property listed on the National Register of Historic Places, the Advisory Council on Historic Preservation be given an opportunity to comment.

The area of potential effect (APE) of the subject project has been reviewed in the field by an architectural historian on the staff of NCDOT. No significant property was identified. In a letter dated April 5, 1990, the State Historic Preservation Office concurred there are no properties of architectural or historic significance either listed in or eligible for listing in the National Register within the APE of the subject project (See Appendix page RA-1).

Since there are no historic structures either listed in or eligible for listing in the National Register of Historic Places within the APE, no further compliance with Section 106 is required for architectural resources.

2. Archaeological Resources

The Final Negative Declaration indicates an archaeological survey of the project area was conducted in 1981 at the request of the State Historic Preservation Officer. The study found no archaeological sites eligible for or listed on the National Register of Historic Places would be affected by the then proposed multilane facility. The SHPO concurred no further work for compliance with Section 106 of the National Historic Preservation Act was needed.

Since that time, two-lane and five-lane improvements to US 64 were recommended in lieu of the multilane improvements specified in the Final Negative Declaration. In accordance with Federal Highway Administration procedures, the NCDOT has reevaluated the project with respect to archaeological resources to comply with contemporary environmental and historic preservation regulations.

Two archaeological sites had been identified in the vicinity of the US 64 bridge over the Hiwassee River. One of the sites (site 31Cy6) is located on the west side of the Hiwassee River north of US 64. The other site (site 31Cy85) is located east of the Hiwassee River on the north side of US 64.

The proposed improvements call for replacing the existing 24-foot wide bridge with an 80-foot wide structure on the north side of the existing bridge centerline. On the west side of the Hiwassee River, site 31Cy6 is located far enough north of the proposed highway improvements that it will not be impacted by the proposed changes. However, the eastern bridge approach will encroach upon prehistoric site 31Cy85. Additional evaluative tests were conducted at the site in October–November, 1991, and these tests indicated that the site had significant deposits.

The SHPO has concurred that site 31Cy85 is potentially eligible for the National Register of Historic Places (see pg. RA-2 of Appendix). It contains cultural deposits dating from the Connestee Phase (A.D. 200–600). These deposits occur in the upper levels of deep alluvial soils, and although the materials have been disturbed

by cultivation, some archaeological features appeared to have survived relatively intact. However, the land has since changed hands and in 1994 the property was developed as a campground. It is unknown whether the land alteration associated with construction of the campground has destroyed site 31Cy85.

Additional archaeological testing and data recovery operations will be conducted prior to construction of the project. The SHPO has agreed impacts to site 31Cy85 can be mitigated through data recovery. They have requested to review the scope of work for testing and data recovery at this site and mitigation measures will be coordinated with the SHPO. It is anticipated a conditional finding of no adverse effect or a finding of no adverse effect will be issued pursuant to 36 CFR 800.9C after the archaeological data recovery investigation is completed.

Since there are no visible remains or features that would be appropriate for public display and interpretation, neither of the prehistoric sites studied warrants preservation in place as a public exhibit. Therefore, Section 4(f) of the Department of Transportation Act will not apply to this project.

M. Section 4(f) Properties

The recommended improvements will not involve any parks, public recreation areas, or wildlife/waterfowl refuges. In addition, no structures or sites of historic architectural significance and no archaeological sites to be preserved in place are located within the limits of this project. Therefore, there will be no impacts upon Section 4(f) properties.

N. Farmland

The Farmland Protection Policy Act requires all federal agencies or their representatives to consider the impact of construction and land acquisition projects on prime and important farmland soils, as designated by the U. S. Soil Conservation Service (SCS). In compliance with the Act, the SCS was asked to identify all prime and important farmland soils which occur in the vicinity of the proposed improvements. The SCS responded that no soils mapping is currently available for the project area and they are unable to determine whether prime or important farmland soils will be impacted. Therefore, no further consideration of potential impacts to farmlands is required.

O. Hazardous Wastes

An Underground Storage Tank and Hazardous Waste Highway Corridor Assessment was conducted in 1989 to identify environmental hazards such as underground storage tanks (UST's), hazardous waste sites, dumps, landfills, or similar sites. The field survey was based on proposed right of way limits for a 5-lane and 4-lane median divided facility.

In addition to the field survey, a records search of environmental agencies was also conducted. The files of the Solid Waste Management Section were investigated to determine if any unregulated dumps and landfills were present within the corridor. The Environmental Protection Agency's Superfund list was reviewed to determine if any known hazardous waste sites were within the corridor. The files of the NCDEHNR - Division of Environmental Management Groundwater Section were reviewed to determine if UST's identified within the corridor were registered with that agency as required by 40 CFR 280.22.

As a result of the above investigation, no sites containing potential environmental hazards were identified within the proposed corridor for multilane improvements. Since the recommended improvements to US 64 lie within the corridor studied in 1989, it is concluded there are no hazardous waste sites or underground storage tanks within the proposed right of way for the project.

V. CONCLUSIONS

It is anticipated the proposed improvements to US 64 will not result in significant adverse impacts on the environment. The improvements now proposed for US 64 have been downscaled since the Final Negative Declaration for TIP project A-11 was approved in 1981; therefore, anticipated environmental impacts have been reduced. Minimal additional right of way is to be acquired, and 5 relocatees are anticipated. Approximately 0.62 acre of waters of the United States will be impacted, including 0.42 acre of surface water fill and 0.2 acre of fill in jurisdictional wetland. No impacts to historic architectural resources are anticipated. One archaeological site that is potentially eligible for the National Register of Historic Places will be impacted by the proposed improvements; however, the SHPO has concurred impacts can be mitigated by data recovery or some other measures to be coordinated with NCDOT staff. Minimal impacts on prime and important farmland soils are anticipated and no known hazardous waste sites exist within the proposed right of way. Furthermore, the proposed improvements will enhance safety and increase traffic capacity along the facility. It is concluded project A-11 B will have no significant adverse impact on the environment.

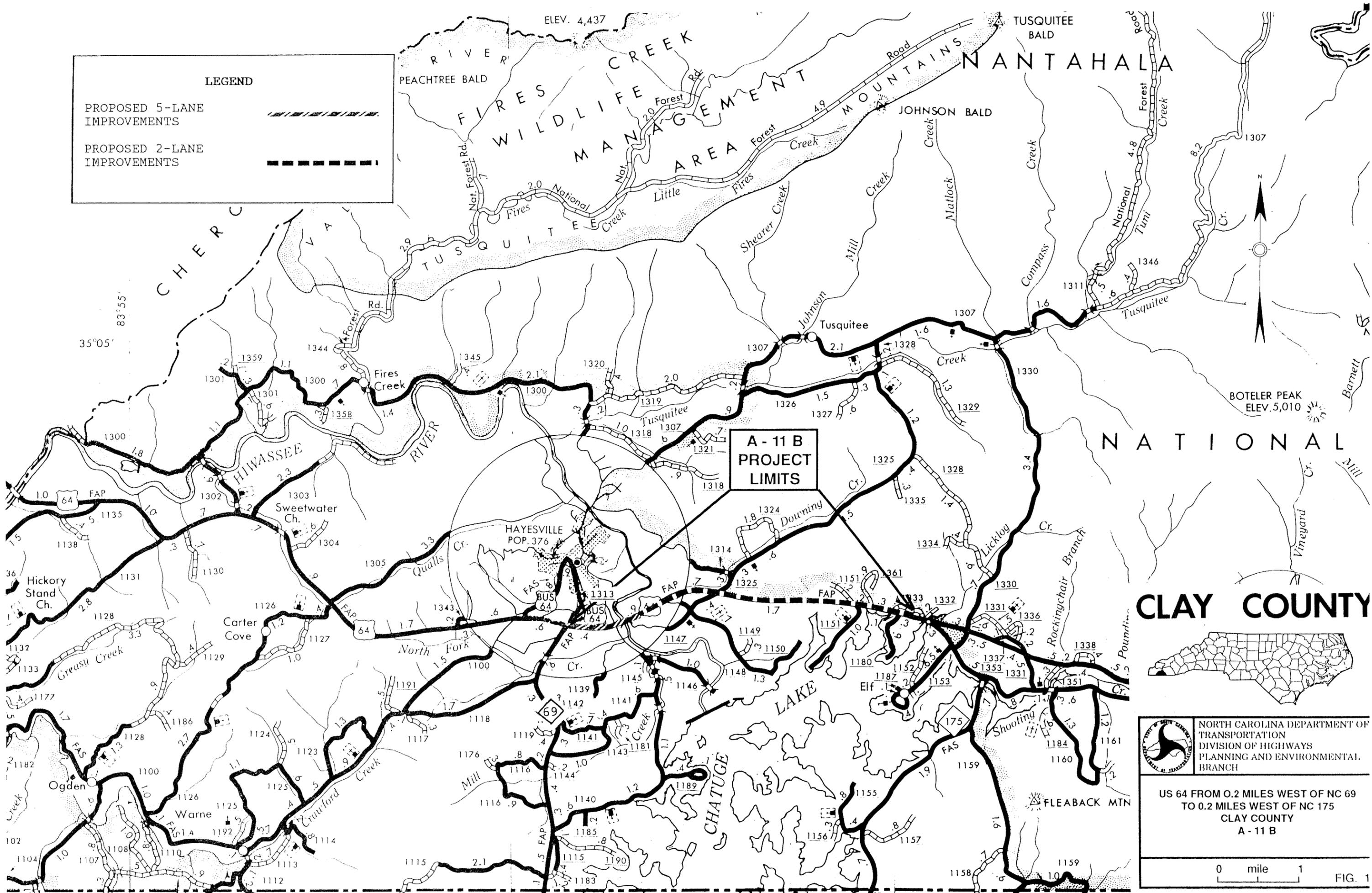
BFY/plr

MAPS AND ILLUSTRATIONS

LEGEND

PROPOSED 5-LANE IMPROVEMENTS 

PROPOSED 2-LANE IMPROVEMENTS 



CLAY COUNTY



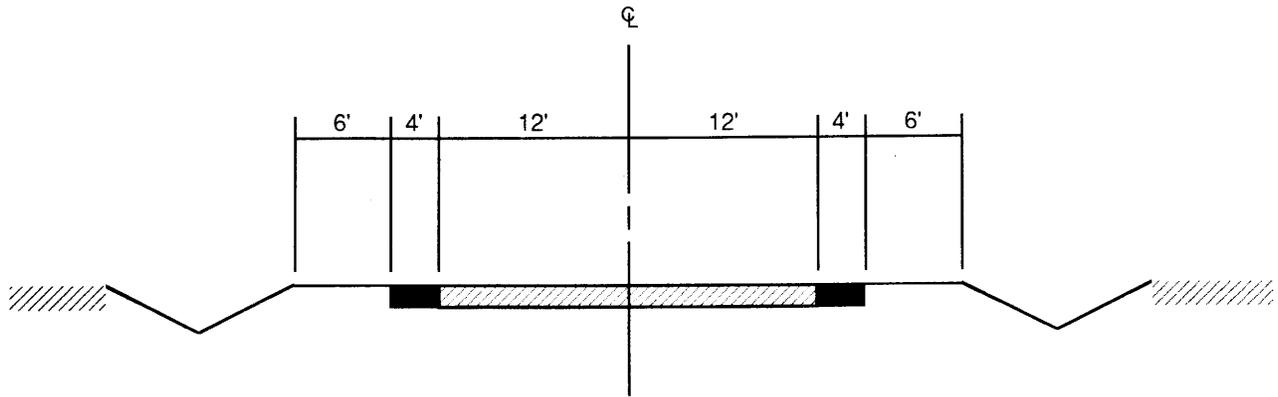
 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
PLANNING AND ENVIRONMENTAL BRANCH

US 64 FROM 0.2 MILES WEST OF NC 69
TO 0.2 MILES WEST OF NC 175
CLAY COUNTY
A - 11 B

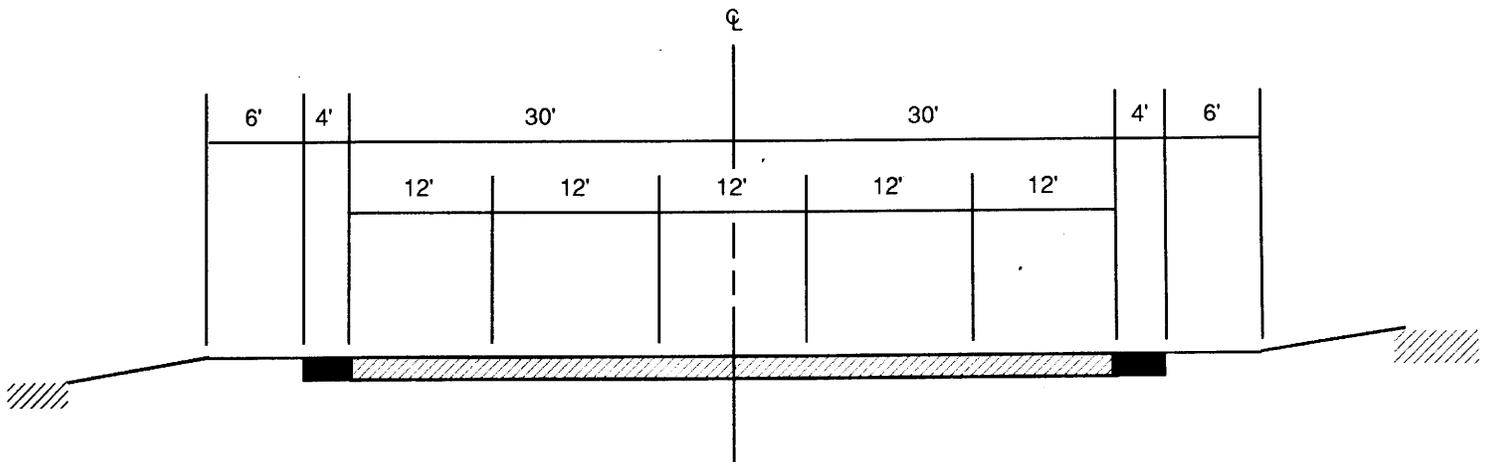
0 mile 1 **FIG. 1**

US 64 PROPOSED TYPICAL CROSS SECTION

TWO - LANE SECTION



FIVE - LANE SECTION



PROJECT A - 11 B
FIGURE 2

PROJECT A - 11 B
US 64 FROM 0.2 MILE WEST OF NC 69 TO
0.2 MILE WEST OF NC 175
EST. 2012 ADT

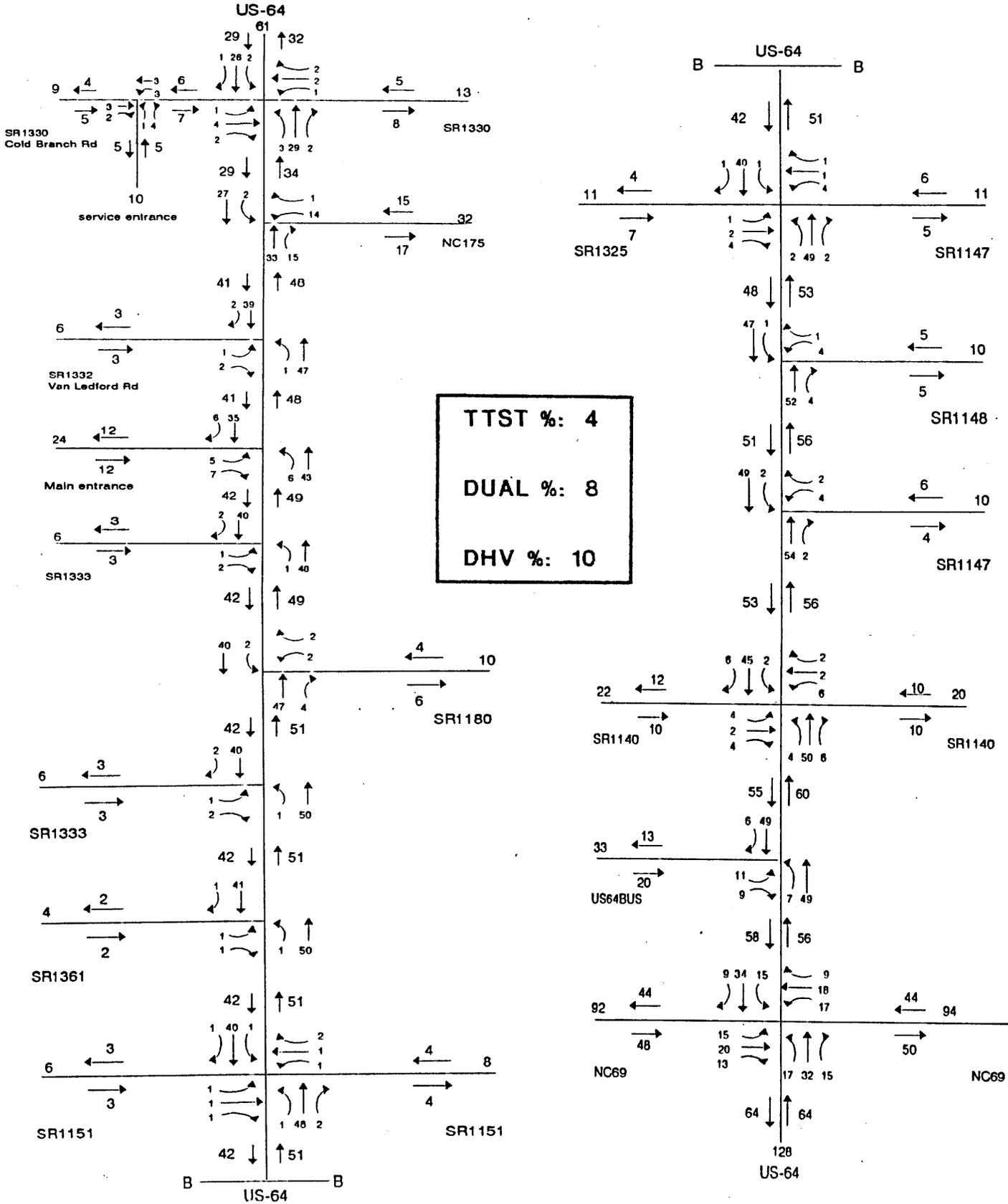


FIG. 4

APPENDIX



North Carolina Department of Cultural Resources

James C. Martin, Governor
Patric Dorsey, Secretary

Division of Archives and History
William S. Price, Jr., Director

April 5, 1990

Nicholas L. Graf
Division Administrator
Federal Highway Administration
U.S. Department of Transportation
P. O. Box 26806
Raleigh, N.C. 27611

Re: Section 106 Consultation
Project reevaluation, US 64-NC 69 from Georgia
State Line to NC 175, Clay County, All, APD-16-1(13)
ER 90-8065

Dear Mr. Graf:

Thank you for your letter of March 28, 1990, concerning the above project.

On March 8, 1990, we met with Barbara Church of the North Carolina Department of Transportation and determined that no properties of architectural or historic significance would be affected by the project. Therefore, we have no comment on the project as it is currently proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966 and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106, codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Ms. Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

A handwritten signature in cursive script that reads "David Brook".

David Brook
Deputy State Historic Preservation Officer

DB:slw

cc: ✓ L. J. Ward
Barbara Church



Handwritten signature

North Carolina Department of Cultural Resources

James G. Martin, Governor
Patric Dorsey, Secretary

Division of Archives and History
William S. Price, Jr., Director

March 11, 1992

Nicholas L. Graf
Division Administrator
Federal Highway Administration
Department of Transportation
310 New Bern Avenue
Raleigh, N.C. 27601-1442



Re: Section 106 Consultation, Archaeological
Survey, Reevaluation of EIS, US 64, Clay
County, A-11B, ER 92-7801

Dear Mr. Graf:

Thank you for your letter of January 29, 1992, concerning the above project.

During the survey two previously recorded sites were investigated by Thomas Padgett. Site 31CY6 was judged to be not eligible for listing on the National Register. Site 31CY85 was determined to be potentially eligible for listing on the National Register under Criterion D. We concur with this evaluation. We also concur that the adverse effect on this site may be mitigated by data recovery. We look forward to reviewing the scope of work for the additional work at this site.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966 and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106, codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

David Brook
Deputy State Historic Preservation Officer

DB:slw

cc: L. J. Ward
 T. Padgett

RELOCATION REPORT

North Carolina Department of Transportation
RELOCATION ASSISTANCE

E.I.S. CORRIDOR DESIGN

PROJECT: 8.3064121 COUNTY: Clay Alternate 1 of 1 Alternate
I.D. NO.: A-11B F.A. PROJECT: APD-161(18)

DESCRIPTION OF PROJECT: US 64 From 0.2 Mile West of NC 69 to 0.2 Mile West of NC 175

ESTIMATED DISPLACED					INCOME LEVEL							
Type of Displacee	Owners	Tenants	Total	Minorities	0-15M	15-25M	25-35M	35-50M	50 UP			
Individuals	0	0	0	0	0	0	0	0	0			
Families	2	3	5	0	3	1	1	0	0			
Businesses	0	0	0	0	VALUE OF DWELLING				DSS DWELLINGS 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	1	\$ 0-150	1
ANSWER ALL QUESTIONS					20-40M	2	150-250	3	20-40M	5	150-250	6
					40-70M	0	250-400	0	40-70M	11	250-400	2
					70-100	0	400-600	0	70-100	3	400-600	2
					100 UP	0	600 UP	0	100 UP	2	600 UP	1
					TOTAL	2		3		22		12
ANSWER THESE ALSO FOR DESIGN					REMARKS (Respond by Number)							
YES	NO	EXPLAIN ALL "YES" ANSWERS			3. Will not be disrupted due to project. 6. a. Carolina Country Realty Hayesville, N. C. 389-8335 b. Mountain Streams Real Estate Hayesville, N. C. 389-8855 c. Local newspaper. 8. As necessary in accordance with State law.							
	X	1. Will special relocation services be necessary										
	X	2. Will schools or churches be affected by displacement										
X		3. Will business services still be available after project										
	X	4. Will any business be displaced. If so, indicate size type, estimated number of employees, minorities, etc.										
	X	5. Will relocation cause a housing shortage										
X		6. Source for available housing (list)										
	X	7. Will additional housing programs be needed										
X		8. Should Last Resort Housing be considered										
	X	9. Are there large, disabled, elderly, etc. families										
		10. Will public housing be needed for project										
		11. Is public housing available										
		12. Is it felt there will be adequate DDS housing available during relocation period										
		13. Will there be a problem of housing within financial means										
		14. Are suitable business sites available (list source)										
		15. Number months estimated to complete RELOCATION _____										

K. P. Blunt Relocation Agent 4/14/93 Date D. R. [Signature] Approved 4-19-93 Date
 Form 15.4 Revised 5/90 Original & 1 Copy: State Relocation Agent
 2 Copy: Area Relocation File

DIVISION OF HIGHWAYS RELOCATION PROGRAMS

It is the policy of the NCDOT to ensure that 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, and
- * Relocation Replacement Housing Payments or Rent Supplement.

With 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, in general, 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 cases 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 or 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 \$5250.

It is a policy of the state that no person will be displaced by the 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 latitudes in methods of implementation by the state so that decent, safe, and sanitary replacement housing can be provided. It is not felt that this program will be necessary on the project, since there appear to be adequate opportunities for relocation within the area.