



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

December 10, 2013

N.C. Division of Coastal Management
1638 Mail Service Center
Raleigh, NC 27699-1638

ATTN: Ms. Cathy Brittingham
NCDOT Coordinator

Subject: **Submittal of DCM Consistency Certification** for the proposed new route from US 64 to NC 32, in Washington County, TIP No. R-3620, WBS 34548.1.1.

Dear Madam:

The purpose of this letter and information package is to request concurrence from the Division of Coastal Management (DCM) for the North Carolina Department of Transportation's (NCDOT) consistency certification for the above-mentioned project. This package consists of the supporting information, half size plan sheets, permit drawings, utility plans, the Ecosystem Enhancement Program (EEP) acceptance letter, and Hydraulic Design Merger Concurrence meeting (4B, 4C) minutes for R-3620.

NCDOT, in consultation with the Federal Highway Administration (FHWA), proposes to construct a new route from US 64 to NC 32, in Washington County, for a total distance of 3.33 miles. The NCDOT is submitting an application for a U.S. Army Corps of Engineers (USACE) Section 404 Individual Permit as well as a N.C. Division of Water Resources (DWR) Individual 401 Water Quality Certification.

NCDOT has reviewed 15 CFR 930.57-62 as well as relevant portions of the State's coastal program under 15A NCAC 07M. Specifically, we have considered the coastal water quality policies, mitigation candidacy, the 1994 CAMA Land Use Plan Update for Washington County. The NCDOT certifies that the proposed activity complies with the enforceable policies of North Carolina's approved management program and will be conducted in a manner consistent with such program.

If you have any questions or need additional information please contact Chris Manley at (919) 707-6135 or cdmanley@ncdot.gov.

Sincerely,

A handwritten signature in blue ink that reads "for R. W. Hancock".

Richard W. Hancock, P.E., Manager
Project Development & Environmental Analysis Unit

cc: Paul Williams, NCDCM

MAILING ADDRESS:
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1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610

**Coastal Zone Consistency Certification Supporting Information for the NCDOT's Request to Construct a New Route from US 64 to NC 32, in Washington County).
NCDOT TIP R-3620.**

History

The Federal Highway Administration (FHWA) and NCDOT completed the Environmental Assessment (EA) in March 2009 in compliance with the National Environmental Policy Act (NEPA) guidelines. The EA explains the purpose and need for the project, provides a description of the alternatives considered, and characterizes the social, economic, and environmental effects. The EA was approved and circulated to federal, state, and local agencies. Then following the EA, a Finding of No Significant Impact (FONSI) Statement was completed April 2010.

Project Description

The NCDOT, in consultation with the FHWA, proposes to construct a connector from the US 64/SR 1139 (Beasley Road) interchange to the intersection of NC 32 and NC 94 in Washington County for a total distance of 3.33 miles. The proposed typical section has two 12-foot lanes with 8-foot shoulders (4-foot paved). The existing location sections of this project will be built adjacent to the current roadway facility due to the differential in elevations, soil conditions and the need to safely maintain two-lane, two-way traffic during construction.

Alternatives

There were originally six (6) build alternatives considered for this project, Alternatives 1 through 6, a combination of new location alternatives and improvements to existing roadways. Alternatives 3 and 4 were dropped from consideration at the Concurrence Point 2 meeting on March 16, 2006. Alternatives 5 and 6 were dropped from consideration at the Concurrence Point 2A meeting on November 13, 2008. The remaining alternatives included Alternative 1 and Alternative 2. Alternative 1, a partially new location, partially existing location alternative was chosen as the Least Environmentally Damaging Practicable Alternative (LEDPA) at the Concurrence Point 3 Merger meeting on October 15, 2009.

Mitigation

The NCDOT has avoided and minimized impacts to jurisdictional resources to the greatest extent possible as described above. The unavoidable impacts to jurisdictional wetlands and streams will be offset by compensatory mitigation provided by off-site mitigation. NCDOT will utilize the NC Ecosystem Enhancement Program (EEP) for compensatory mitigation requirements due to impacts to 7.32 acres of non-riparian wetlands, 1.81 acres of riparian wetlands and 82 feet of jurisdictional stream.

There are no restrictions or objections in the 1994 CAMA Land Use Plan Update for mitigation outside the county as explained by the Washington County Planning and Safety Director.

Correspondence between NCDOT, NCDCM, and Washington County Planning Department confirms this project does not conflict with the county land use plan. A written request has been sent to Washington County from NCDOT asking for written confirmation explaining what was confirmed via phone conversations.

Threatened and Endangered Species

The United States Fish and Wildlife Service (USFWS) list 4 federally protected species for Washington County as of the February 15, 2012 listing (Table 1).

Table 1. Federally Protected Species in Washington County

Scientific Name	Common Name	Federal Status	Habitat	Biological Conclusion
<i>Alligator mississippiensis</i>	American alligator	T(S/A)	Yes	N/A
<i>Acipenser oxyrinchus oxyrinchus</i>	Atlantic sturgeon	E	No	No Effect
<i>Canis rufus</i>	Red wolf	EXP	Yes	MANLAA
<i>Trichechus manatus</i>	West Indian manatee	E	No	No Effect

Key: E = Endangered, T(S/A) = Threatened (Similarity of Appearance), EXP = Experimental population, MANLAA = May Affect, Not Likely to Adversely Affect

A concurrence request providing a Biological Conclusion for red wolf was submitted to the USFWS in February 10, 2010. The USFWS responded with concurrence on February 25, 2010. A copy of the USFWS concurrence letter is included with this permit application.

A review of the North Carolina Natural Heritage Program (NCNHP) database, updated October 2013, indicated no occurrences of protected species within one mile of the project study area.

In the July 9, 2007 Federal Register (72:37346-37372), the bald eagle was declared recovered, and removed (de-listed) from the Federal List of Threatened and Endangered wildlife. This delisting took effect August 8, 2007. After delisting, the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668d) became the primary law protecting bald eagles. Surveys were conducted during July 2007, no nests were found within 660 feet of the project limits.

Cultural Resources

Archaeology and Historic Architecture

The selected alternative allowed NCDOT to avoid the four historic properties on this project. The NC Division of Cultural Resources stated in letters on May 6, 2002 and September 22, 2006 that no archaeological investigation needed to be conducted.

Other Permits

In addition to the DCM Consistency Determination, permits to be obtained for this project include an Individual Section 404 permit and an Individual Section 401 Water Quality Certification.

Division of Coastal Management (DCM) General Policy Guidelines for the Coastal Area

The general policy guidelines in 15A NCAC 07M have been reviewed for applicability to this project. Explicitly, the .0700 rules (mitigation), and the .0800 rules (water quality) were reviewed. This project will not affect shoreline erosion or shoreline access. However, this project will require compensatory mitigation and impact water quality. This project has been designed to avoid and minimize jurisdictional areas to the largest extent possible. Best Management Practices will be in place during construction; compensatory mitigation will be provided through EEP.

1994 CAMA Land Use Plan Update

The 1994 CAMA Land Use Plan Update for Washington County was reviewed for policies and statements that would pertain to this project. The purpose and need for this project, as identified in the EA, is to improve connectivity in the study area.

As stated in the 1994 CAMA Land Use Plan Update, “Washington County strongly supports the ongoing implementation of responsible economic and community development projects throughout the area.” Also the county encourages and supports employment generating land uses and considers it to be an important goal of the 1994 CAMA Land Use Plan Update. Washington County aims to provide active leadership in ensuring that NCDOT roads and streets in the county are adequately maintained and upgraded in a fashion consistent with the 1994 Plan’s land use objectives.

After reviewing the various policy statements, NCDOT concludes that this project is consistent with the 1994 CAMA Land Use Plan Update for Washington County.

**RESOLUTION CLARIFYING A POLICY STATEMENT IN
WASHINGTON COUNTY'S CAMA LAND USE PLAN REGARDING
COUNTY TO COUNTY MITIGATION**

WHEREAS, the North Carolina Coastal Management Act (CAMA), established in 1974 is the foundation for North Carolina Coastal Management Program; and

WHEREAS, the Act requires local governments and the State of North Carolina to prepare and adopt local land use plans; and

WHEREAS, Washington County is one of the 20 coastal counties required to prepare a land use plan; and

WHEREAS, Washington County has set policies in the plan that can be used to provide a consistent land use planning program; and

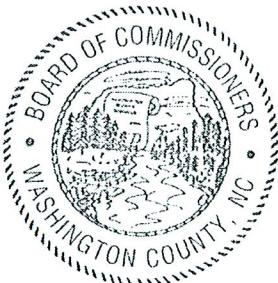
WHEREAS, one of the policies addressed in the CAMA Land Use Plan Update adopted by the Washington County Board of Commissioners on July 5, 1994 and adopted by the NC Coastal Resources Commission on July 29, 1994 states that "Washington County does not support and objects to the mitigation of property from county to county due to the already declining tax base. Mitigation allows properties to be exchanged to provide for required wetlands as required by the state"; and

WHEREAS, Washington County realizes that wetlands exist within the county.

THEREFORE BE IT RESOLVED that the Washington County Board of Commissioners hereby clarify the intent of the policy to object to mitigation in the county for out of county projects and not for in county projects mitigated outside of the county.

BE IT FURTHER RESOLVED that Washington County supports any project that will enhance the overall well being of the citizens within Washington County.

ADOPTED this the 2nd day of December, 2013.



Tracey A. Johnson

Tracey A. Johnson, Chair
Washington County Board of Commissioners

Julie J. Bennett

Julie J. Bennett, CMC, NCCCC
Clerk to the Board