APPENDIX J

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

J.1 – FEDERAL AND STATE AGENCY COMMENTS
J.2 – PUBLIC COMMENTS

APPENDIX J.1

FEDERAL AND STATE AGENCY COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

US ENVIRONMENTAL PROTECTION AGENCY – **SEPTEMBER 8, 2006**

NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES – DIVISION OF WATER QUALITY – **AUGUST 16, 2006**

NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES – DIVISION OF WATER QUALITY, WASHINGTON REGIONAL OFFICE – **AUGUST 4, 2006 AND AUGUST 18, 2006**

NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES – NATURAL HERITAGE PROGRAM – **AUGUST 18, 2006**

NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES – DIVISION OF FOREST RESOURCES – **AUGUST 16, 2006**

NC DEPARTMENT OF CULTURAL RESOURCES – **SEPTEMBER 19, 2006**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

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DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

September 08, 2006

SEP 0 8 2006

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

Subject: Greenville Southwest Bypass
Draft EIS; TIP R-2250
CEQ No.: 20060318; FHW-E40810-NC

Dear Dr. Thorpe:

The U.S. Environmental Protection Agency (EPA) Region 4 has reviewed the subject document and is commenting in accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). The North Carolina Department of Transportation (NCDOT) and the Federal Highway Administration (FHWA) are proposing to construct the Greenville Southwest Bypass from US 264 in Greenville to NC 11 south of the town of Ayden. The proposed project is approximately 13.0 miles with 2.2 miles of improving existing facilities. The proposed bypass would be a 4-lane, divided freeway with a 46-foot median. This project has been in the NEPA/Section 404 Merger process and EPA has been actively involved during project planning.

EPA previously concurred on the Purpose and Need for this project on February 15, 2001, which included improved traffic flow and reducing congestion on Memorial Drive (NC 11) and Stantonsburg Road (US 264 Business), relief of congestion on NC 11 in Greenville and thereby improving safety, and improving regional travel along the US 264/NC 11 corridor. EPA concurred with NCDOT, FHWA and other Merger team agencies on the alternatives to be carried forward for detailed study on February 17, 2005 (i.e., Concurrence Point 2), and on bridging decisions for major wetland and stream crossings (i.e., Concurrence Point 2A) on October 31, 2005.

The Draft Environmental Impact Statement (DEIS) addresses 3 proposed alternatives that have common northern and southern termini. Since no preferred alternative is identified in the DEIS, EPA has assigned a rating of EC-2 "Environmental Concerns" for all of the Alternatives, that is we have some environmental concerns with all the alternatives and request that additional information be provided. We have environmental concerns for Alternatives 1B-Ext. (Orange) and 5-Ext. (Red) due to potentially high stream and riparian buffer impacts. Alternative 4-Ext. (Yellow) has

approximately one-third (1/3) less of the stream impact than the other two alternatives but has an adverse effect on the Renston Rural Historic District that is listed on the National Register of Historic Places. Alternative 4-Ext. also has substantially less potential relocations than the other two alternatives. EPA also has some general environmental concerns regarding indirect and cumulative impacts to water quality and potential impacts to open space and farmland. EPA is also interested in NCDOT and FHWA pursuing more specific avoidance and minimization measures prior to the issuance of the Final Environmental Impact Statement (FEIS). EPA has provided specific comments in an enclosure to this letter. In addition, EPA has also identified one additional topic and NEPA cross-cutting issue that was not fully identified in the DEIS. EPA requests that NCDOT and FHWA consider addressing this issue during the development of future detailed avoidance and minimization measures and at future Merger 01 project meetings.

EPA will be working with other agencies at the next Merger meeting to determine the environmental preferred and LEDPA alternative. EPA recognizes that the NC 11/US 264 corridor is identified as a Strategic Highway Corridor (SHC) and that this new facility is to be built to freeway design standards. We are interested in the specific design plans for future interchanges with existing roadways in order to ensure that the Merger team fully meets the purpose and need for this SHC project.

In summary, EPA has environmental concerns about direct impacts to streams and wetlands and potential indirect and cumulative impacts to water quality from continued development in the project study area. EPA plans to continue its Merger process involvement in this proposed project through the hydraulic and permit review stages, including the detailed avoidance and minimization efforts for stormwater management and the use of Best Management Practices (BMPs). EPA also has general environmental concerns regarding impacts to socio-economic resources including farms, residential relocations and a listed historic district. Should you have any questions about EPA's comments, please contact Mr. Christopher Militscher of my staff at (919) 856-4206 or by e-mail at: militscher.chris@epa.gov.

Sincerely,

Heinz J. Mueller
Chief, NEPA Program Office
Office of Policy and Management

Enclosure

Cc: K. Jolly, USACE Wilmington District
J. Sullivan, FHWA-NC
P. Benjamin, USFWS-Raleigh
J. Hennessy, NCDENR-DWQ

ENCLOSURE
Specific Comments on the Greenville Southwest Bypass
Pitt County
R-2250

Streams and Wetland Impacts

Based upon slope stakes, stream impacts for the three alternatives are approximately 4,037 linear feet, 1,607 linear feet and 4,927 linear feet for Alternative 1B-Ext., 4-Ext. and 5-Ext., respectively. Estimated impacts were calculated within conceptual slope stake limits. Table 4-11 of the DEIS (Page 4-32) also presents the corridor impacts at 17,049.7 linear feet, 8,218.9 linear feet and 18,559.9 linear feet, respectively. EPA and NCDOT hydraulic and design engineers have found that these 'exact' estimates using the conceptual slope stakes in the N.C. coastal plain may be misleading until roadway designs are finalized, including the vertical elevations of the roadway. In order to address the potential need for improved roadway drainage, special cut ditches and/or raising the vertical grade of the proposed roadway for flood storm conditions can increase the footprint of the roadway and increase the areal extent of impacts. The values shown in the Summary of Environmental Impacts Table S-1 of the DEIS (Page S-15) are potentially underestimating the actual impact. EPA believes that it is more appropriate to use corridor widths to estimate impacts at this stage of project planning and present this information in the summary impacts tables. EPA recognizes that it is helpful to have both 'levels' of impact data. However, it needs to be clearly identified that these two levels of impact data represent the likely 'range' of impacts. EPA believes that it is more prudent to present the 'worse-case' comparison between the alternatives at the DEIS stage and present more refined information in the FEIS and ROD after avoidance and minimization measures have been specifically identified.

With respect to direct impacts to streams and wetlands, Alternative 4-Ext. has substantially less impact and is by far the 'least damaging' alternative to aquatic resources. EPA also recognizes that Alternative 4-Ext. has the greatest impact to the Section 4(f) resource: the Renston Rural Historic District. However, the DEIS did not specifically detail the potential impact to this historic resource without a proposed interchange at NC 903.

EPA and other agencies determined in the field that no streams on any of the 3 alternatives warranted bridging as a general minimization measure (i.e., CP 2A). This decision was based primarily on the quality of the stream systems and the potential hydraulic structure size. Thus, all stream crossings for all of the alternatives will be with culverts and/or pipes. However, the final design should include the use of floodplain cross pipes (i.e., Equalizer pipes), where appropriate. This issue should also be addressed in the FEIS.

EPA and other agencies have identified a potential water quality issue regarding an ecologically damaging exotic invasive plant species near the intersection of the

Alternatives 1B-Ext. and 5-Ext. and NC 903 along Horsepen Swamp. Additional comments on this issue are addressed in a separate section of this attachment.

EPA acknowledges that NCDOT and FHWA will likely use payment to the Ecosystem Enhancement Program (EEP) as mitigation for the project impacts. However, EPA very much prefers wetland and stream restoration and enhancement above preservation. NCDOT and FHWA should actively pursue all opportunities for on-site (in or adjacent to the right of way) mitigation before offering to pay EEP for compensatory mitigation. Because of past (and current) agricultural activities in the project study area, there may be substantial on-site opportunities for wetlands and stream restoration and enhancement available for the proposed project.

Indirect and Cumulative Impacts

EPA understands that the North Carolina Division of Environmental Quality (DWQ) has identified potential indirect and cumulative impacts (ICI) to water quality. NCDOT and FHWA have addressed a general qualitative analysis in the DEIS (Pages 4-44 and 4-45). The proposed project is expected to have substantial impacts to riparian buffers (i.e., 3.7 to 11.6 acres). EPA concurs with DWQ's recommendation for a quantitative ICI analysis. The discussions regarding ICI in the DEIS are not sufficiently detailed to determine the actual potential impact from the construction of the proposed roadway. For example, the statement in the DEIS: "..... this project will not cause complete shifts in population to the project area, but will enhance a current trend". There is no discussion or detail in the DEIS as to what degree of 'enhanced trend' will be directly or indirectly caused by a new freeway with numerous access points.

EPA has environmental concerns with the location and number of interchanges proposed for a SHC. There is substantial discussion in the DEIS concerning NC 11 being designated as a SHC (i.e., Page 1-2). The NC 11 corridor is ultimately envisioned as a controlled access, median-divided freeway based upon the SHC Vision Plan. Bypass Alternative 5-Ext. includes 5 new interchanges at NC 11, NC 102, NC 903, Forlines Road and Dickinson Avenue (US 13) as described on Pages 2-14 and 2-15 of the DEIS. EPA notes that there is also an interchange at the northern terminus at US 264 (common to all three alternatives). EPA is specifically concerned with the proposed interchanges at Forlines Road and NC 903 as these interchanges are located less than two miles from one another and would appear to 'enhance' development in and around these facilities. Direct impacts to stream and wetlands could also be reduced by eliminating the interchange at NC 903 or by adjusting the intersection at Frog Level Road and the proposed interchange connection at Forlines Road. Based upon design year 2030 levels of service at key intersections, the elimination of one of these interchanges or the use of a Single-Point Urban Interchange (SPUI) would not substantially alter regional traffic flow or 'impair' the purpose and need for the project.

As a general environmental concern, EPA recognizes that the additional infrastructure in the project study area as a result of this new facility will increase the existing development pressure and reduce rural open space and farmlands.

Prime Farmland Soils

The DEIS provides for an analysis of prime farmland soils within the project study area and for the three detailed alternatives under consideration. Based upon this analysis, mitigation for farmland loss is not required for the project (Page 4-18, Section 4.3.3). Table 4-5 denotes the impacts to prime farmland soils from Alternatives 1B-Ext., 4-Ext. and 5-Ext. as 767.8 acres, 753.7 acres, and 811.5 acres, respectively. However, Table 4-15, (Page 4-46), Summary of Environmental Impacts, lists Prime Farmland impacts at these acreages. The distinction between prime farmland soils and prime farmlands requiring mitigation for farmland loss per Natural Resource Conservation Service (NRCS) Land Evaluation and Site Assessment (LESA) criteria should be footnoted in this and future impact summary tables. As a general environmental concern, EPA recognizes that these farmlands are not specifically protected under the Farmland Protection Policy Act (FPPA). However, the loss of prime farmland soils (More than a square mile), represents a substantial loss of active farmland in Pitt County. The DEIS (Sections 3.3.3 or 4.3.3) does not identify the number of active farms to be impacted by the proposed project. While formal mitigation for prime farmland losses is not required under the FPPA, NCDOT and FHWA should consider reasonable avoidance and minimization measures to farmlands, such as keeping future right-of-way (ROW) to property boundaries, avoiding dissecting fields, and providing farm equipment access points.

Section 4(f) Properties

Section 5 of the DEIS provides a Draft Section 4(f) Evaluation for eligible and listed properties on the National Register of Historic Places. The Merger team has previously made additional efforts to add and/or refine preliminary study corridors to reduce or avoid potential impacts to the 1,395-acre Renston Rural Historic District (RRHD). As shown in Table 5-2, Alternative 1B-Ext. and Alternative 4-Ext. would take 45 acres and 120 acres, respectively, of property located in the RRHD. However, the DEIS and 4(f) evaluation does not indicate the actual property takings resulting from the interchange proposed at NC 903. From the maps and figures in the DEIS, it appears that substantial amount of the direct property impact is a result of the proposed NC 903 interchange. Alternative 5-Ext. is considered to have no adverse effect on the RRHD and is considered the only 'avoidance' alternative. EPA is requesting that further details of the direct impacts to the RRHD be identified for Alternatives 1B-Ext. and 4-Ext. if the NC 903 interchange is eliminated.

Exotic Invasive Plant Species

Several years ago EPA identified an exotic invasive plant species (i.e., Japanese knotweed – *Fallopia japonica* or *Polygonum cuspidatum*) during a project field meeting with NCDOT and other Merger team agencies. This 'riparian-loving' weed species is considered to be one of the most ecologically damaging plants in the United States as well as other countries. It appears that the 'bamboo-like' plant along NC 903 was

brought to the Horsepen Swamp/NC 903 culvert location either in fill dirt or new large stone (riprap) following some culvert improvements. This fast spreading species has been found to redistribute itself almost exclusively by rhizomes and the human activities that transport it from one infestation site to new areas. This situation represents a potential NEPA cross-cutting issue for FHWA and NCDOT under Executive Order 13112 on Invasive Species.

Since that early identification, the Japanese knotweed infestation along NC 903 and Horsepen Swamp has significantly spread along the NCDOT right of way as well as both upstream and downstream on Horsepen Swamp. From an on-site visit this summer and 2006 photographs, EPA estimates that the original infestation has tripled in areal extent since its initial discovery. Clearing and grubbing activities along NC 903 (particularly from Alternative 5-Ext.) will most likely disturb the plants and further re-distribute the plant parts (including very small amounts of re-rooting stems and roots) in the project study area. This exotic invasive is a very aggressive mono-cultural plant that eventually will take over the entire riparian areas and is believed to degrade water quality through the eventual elimination of other plant species (including other 'tough' invasives). Streams no longer possess a riparian over-story in time and are subject to increased bank erosion, higher summer temperatures, etc. There is research documentation that terrestrial and aquatic wildlife habitat is also degraded over time.

EPA requests that NCDOT and FHWA work diligently with other Merger agencies on developing a sound management control and eradication plan (e.g., Herbicide applications) for this invasive species infestation as part of the project's overall environmental commitments on avoidance and minimization to environmental impacts. EPA has not identified any other specific Japanese knotweed infestations in the project study area although other infestations have been found in Pitt County just north of Greenville. Fill dirt and riprap sources should also be checked prior to construction in order to insure that Japanese knotweed is not distributed further into the project study area. The FEIS should also identify and discuss this cross-cutting issue and the proposed avoidance and minimization measures developed during the Merger process.

North Carolina
Department of Administration

Michael F. Easley, Governor

Britt Cobb, Secretary

September 26, 2006

Ms. Beth Smyre
N.C. Dept. of Transportation
Project Dev. & Env. Analysis Branch
Transportation Bldg.
1548 Mail Service
Raleigh, NC 27699-1548

Dear Ms. Smyre:

Re: SCH File # 07-E-4220-0032; DEIS; Proposal for the Greenville Southeast By-Pass. TIP R-2250

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

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

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

Sincerely,

Chrys Baggett / STG

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region Q

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

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail Chrys.Baggett@ncmail.net

Location Address:
116 West Jones Street
Raleigh, North Carolina

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NCDENR

North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

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MEMORANDUM

TO: Chrys Baggett
State Clearinghouse

FROM: Melba McGee
Environmental Review Coordinator

RE: 07-0032 DEIS Greenville Southwest Bypass, Pitt County

DATE: August 29, 2006

The department asks that careful consideration be given to the attached comments. The applicant is encouraged to work directly with the department's review agencies prior to finalizing project plans.

Thank you for the opportunity to respond.

Attachments

1601 Mail Service Center, Raleigh, North Carolina 27699-1601
Phone: 919-733-4984 \ FAX: 919-715-3060 \ Internet: www.enr.state.nc.us/ENR/

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Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

AUG 2006
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August 16, 2006

MEMORANDUM

To: Melba McGee, Office of Legislative and Intergovernmental Affairs

Through: John Hennessy

From: Rob Ridings, Division of Water Quality, Transportation Permitting Unit

Subject: Comments on the Draft Environmental Impact Statement related to proposed Greenville Southwest Bypass, Pitt County, Federal Aid Project No. STP-11(1), State Project No. 8.1221401, TIP No. R-2250, DENR Clearinghouse No. 07-0032.

This office has reviewed the referenced document received July 31, 2006. The Division of Water Quality (DWQ) is responsible for the issuance of the Section 401 Water Quality Certification for activities that impact Waters of the U.S., including wetlands. It is our understanding that the project as presented will result in impacts to jurisdictional wetlands, streams, riparian buffers, and other surface waters. The DWQ offers the following comments based on review of the aforementioned document:

Project Specific Comments:

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

2. All streams in the subject study area are class NSW waters of the State. DWQ is very concerned with sediment and erosion impacts that could result from this project. DWQ recommends that highly protective sediment and erosion control BMPs be implemented to reduce the risk of nutrient runoff to these waters. DWQ requests that road design plans provide treatment of the storm water runoff through best management practices as detailed in the most recent version of NC DWQ *Stormwater Best Management Practices*.

3. This project is within the Neuse and Tar-Pamlico River Basins. Riparian buffer impacts should be avoided and minimized to the greatest extent possible pursuant to 15A NCAC 2B.0233 and 15A NCAC 2B.0259. New development activities located in the protected 50-foot wide riparian areas within the basin shall be limited to "uses" identified within and constructed in accordance with these rules. Buffer mitigation may be required for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A buffer mitigation plan, including use of the NC Ecosystem Enhancement Program, must be provided to DWQ prior to approval of the Water Quality Certification.

Transportation Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27604
Phone: 919-733-1786 / FAX 919-733-6893 / Internet: http://h2o.enr.state.nc.us/ncwetlands

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4. Little Contentnea Creek and Swift Creek are on the 303(d) list of impaired waters of the State. DWQ is very concerned with sediment and erosion impacts that could result from this project. DWQ recommends that the most protective sediment and erosion control BMPs be implemented to reduce the risk of nutrient runoff to these waters. DWQ requests that road design plans provide treatment of the storm water runoff through best management practices as detailed in the most recent version of NC DWQ *Stormwater Best Management Practices*.

5. A quantitative assessment of the indirect and cumulative impacts (ICI) anticipated as a result of this project is required, as per the memo to DOT from DWQ dated July 10, 2006. A copy of this memo is attached to these comments.

6. Have potential impacts for any needed service roads and property access points for the various alternatives been identified and included in the impact tables? Also, have similar potential impacts for any needed utility relocations been identified at this time? DWQ recognizes that design for this project may not yet be to the level of detail needed to have this information, but encourages DOT to keep these possible additional impacts in mind throughout the process.

7. In section S-8, Surface Waters, the document seems to indicate that road crossings may be temporary. DWQ needs to make sure that all road crossing impacts are accounted for in each alternative considered.

8. DWQ notes that the summary section of the EIS does not include discussion of riparian buffer impacts in this project, although they are included later on in the document.

General Comments:

1. The environmental documents and permit applications should provide detailed and itemized presentations of the proposed impacts to wetlands and streams with corresponding mapping. If mitigation is necessary as required by 15A NCAC 2H.0506(h), it is preferable to present a conceptual (if not finalized) mitigation plan with the environmental documentation. Appropriate mitigation plans will be required prior to issuance of a 401 Water Quality Certification.

2. Environmental assessment alternatives should consider design criteria that reduce the impacts to streams and wetlands from storm water runoff. These alternatives should include road designs that allow for treatment of the storm water runoff through best management practices as detailed in the most recent version of NC DWQ *Stormwater Best Management Practices*, such as grassed swales, buffer areas, preformed scour holes, retention basins, etc.

3. After the selection of the preferred alternative and prior to an issuance of the 401 Water Quality Certification, the NCDOT is respectfully reminded that they will need to demonstrate the avoidance and minimization of impacts to wetlands (and streams) to the maximum extent practical. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 1 acre to wetlands. In the event that mitigation is required, the mitigation plan should be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as wetland mitigation.

4. In accordance with the Environmental Management Commission's Rules {15A NCAC 2H.0506(h)}, mitigation will be required for impacts of greater than 150 linear feet to any single perennial stream. In the event that mitigation is required, the mitigation plan should be designed to replace appropriate lost functions and values. The NC Ecosystem Enhancement Program may be available for use as stream mitigation.

5. DWQ is very concerned with sediment and erosion impacts that could result from this project. NC DOT should address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.

6. NC DOT is respectfully reminded that all impacts, including but not limited to, bridging, fill, excavation and clearing, to jurisdictional wetlands, streams, and riparian buffers need to be included in the final impact calculations. These impacts, in addition to any construction impacts, temporary or otherwise, also need to be included as part of the 401 Water Quality Certification Application.

7. Where streams must be crossed, the DWQ prefers bridges be used in lieu of culverts. However, we realize that economic considerations often require the use of culverts. Please be advised that culverts should be countersunk to allow unimpeded passage by fish and other aquatic organisms. Moreover, in areas where high quality wetlands or streams are impacted, a bridge may prove preferable. When applicable, DOT should not install the bridge bents in the creek, to the maximum extent practicable.

8. Sediment and erosion control measures should not be placed in wetlands or streams.

9. Borrow/waste areas should avoid wetlands to the maximum extent practical. Impacts to wetlands in borrow/waste areas will need to be presented in the 401 Water Quality Certification and could precipitate compensatory mitigation.

10. The 401 Water Quality Certification application will need to specifically address the proposed methods for stormwater management. More specifically, stormwater should not be permitted to discharge directly into streams or surface waters.

11. Based on the information presented in the document, the magnitude of impacts to wetlands and streams may require an Individual Permit (IP) application to the Corps of Engineers and corresponding 401 Water Quality Certification. Please be advised that a 401 Water Quality Certification requires satisfactory protection of water quality to ensure that water quality standards are met and no wetland or stream uses are lost. Final permit authorization will require the submittal of a formal application by the NCDOT and written concurrence from the NCDWQ. Please be aware that any approval will be contingent on appropriate avoidance and minimization of wetland and stream impacts to the maximum extent practical, the development of an acceptable stormwater management plan, and the inclusion of appropriate mitigation plans where appropriate.

12. Bridge supports (bents) should not be placed in the stream when possible.

13. Whenever possible, the DWQ prefers spanning structures. Spanning structures usually do not require work within the stream or grubbing of the streambanks and do not require stream channel realignment. The horizontal and vertical clearances provided by bridges allow for human and wildlife passage beneath the structure, do not block fish passage and do not block navigation by canoeists and boaters.

14. Bridge deck drains should not discharge directly into the stream. Stormwater should be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of NC DWQ *Stormwater Best Management Practices.*

15. If concrete is used during construction, a dry work area should be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete should not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.

16. If temporary access roads or detours are constructed, the site shall be graded to its preconstruction contours and elevations. Disturbed areas should be seeded or mulched to stabilize the soil and appropriate native woody species should be planted. When using temporary structures the area should be cleared but not grubbed. Clearing the area with chain saws, mowers, bush-hogs, or other mechanized equipment and leaving the stumps and root mat intact allows the area to re-vegetate naturally and minimizes soil disturbance.

17. Placement of culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The permittee would be required to provide evidence that the equilibrium is being maintained if requested in writing by DWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NC DWQ for guidance on how to proceed and to determine whether or not a different permit condition will be required.

18. If multiple pipes or barrels are required, they should be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.

19. If foundation test borings are necessary; it should be noted in the document. Geotechnical work is approved under General 401 Certification Number 3494/Nationwide Permit No. 6 for Survey Activities.

20. Sediment and erosion control measures sufficient to protect water resources must be implemented and maintained in accordance with the most recent version of North Carolina Sediment and Erosion Control Planning and Design Manual and the most recent version of NCS000250. .

21. All work in or adjacent to stream waters should be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures should be used to prevent excavation in flowing water.

22. While the use of National Wetland Inventory (NWI) maps, NC Coastal Region Evaluation of Wetland Significance (NC-CREWS) maps and soil survey maps are useful tools, their inherent inaccuracies require that qualified personnel perform onsite wetland delineations prior to permit approval.

23. Heavy equipment should be operated from the bank rather than in stream channels in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into streams. This equipment should be inspected daily and maintained to prevent contamination of surface waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials.

24. Riprap should not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.

25. Riparian vegetation (native trees and shrubs) should be preserved to the maximum extent possible. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.

The NCDWQ appreciates the opportunity to provide comments on this project. Should you have any questions or require any additional information, please contact Rob Ridings at (919) 733-9817.

Attachment

cc: William Wescott, US Army Corps of Engineers, Washington Field Office
Ron Lucas, Federal Highway Administration
C. E. (Neil) Lassiter , Jr., PE, PE, Division 2 Engineer
Jay B. Johnson, Division 2 Environmental Officer
Chris Militscher, Environmental Protection Agency
Travis Wilson, NC Wildlife Resources Commission
Gary Jordan, US Fish and Wildlife Service
Ecosystem Enhancement Program
Garcy Ward, DWQ Washington Regional Office
File Copy

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E., Director
Division of Water Quality
Coleen H. Sullins, Deputy Director
Division of Water Quality

July 10, 2006

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Subject: Proposed Greenville Southwest Bypass in Pitt County, Federal Aid Project No. STP-11(1), State Project No. 8.1221401, TIP R-2250.

Documentation of Indirect and Cumulative Impacts

After review of the project file, DWQ has determined that the Greenville Southwest Bypass will require a quantitative assessment of the indirect and cumulative impacts (ICI). This is due to many of the streams and tributaries in the study area that are on the 303(d) list of impaired waters. Results of the ICI study may require project-specific conditions to the 401 Water Quality Certification.

The DOT is reminded that issuance of a 401 Water Quality Certification requires that appropriate measures be instituted to ensure that water quality standards are met and designated uses are not degraded or lost. If you have any questions or require additional information, please contact John Hennessy at (919) 733-5694.

Sincerely,

John E. Hennessy

Alan W. Klimek, P.E.
Director

cc: Colin Mellor, NCDOT PDEA
William Wescott, USACE Washington Field Office
Ron Lucas, FHWA
Chris Militscher, USEPA
Gary Jordan, USFWS
Travis Wilson, NCWRC
Garcy Ward, DWQ Washington Regional Office
File Copy

N. C. Division of Water Quality, 401 Wetlands Certification Unit,
1650 Mail Service Center, Raleigh, NC 27699-1650 (Mailing Address)
2321 Crabtree Blvd., Raleigh, NC 27604-2260 (Location)
(919) 733-1786 (phone), 919-733-6893 (fax), (http://h2o.enr.state.nc.us/ncwetlands)
Customer Service #: 1-877-623-6748

MEMORANDUM

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

FROM: David May – Regional Aquifer Protection Supervisor – Washington DLM

SUBJECT: Greenville Southwest Bypass Study
Pitt County
Project No. 07-0032

DATE: August 4, 2006

The above referenced project was reviewed and the following comments are offered:

1. Any environmental contamination (soil or groundwater) discovered during right-of-way investigations shall be reported to the Washington Regional Office.

2. Water supply wells located on any right-of-way property obtained shall be properly abandoned.

3. Any Confined Animal Feeding Operation affected by the project shall have its Animal Waste Utilization Plan modified to reflect site changes.

Please contact me at 252-948-3939 should you have any questions regarding this matter.

AUG 2006
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State of North Carolina
NCDENR Department of Environment and Natural Resources

Reviewing Office: WaRO

Project Number: 07-0032 Due Date: 8/18/06

INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

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

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory Time Limit)
☐	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
☐	NPDES-permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection preapplication conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90 - 120 days (N/A)
☐	Water Use Permit	Preapplication technical conference usually necessary	30 days (N/A)
☐	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
☐	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Preapplication conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
☐	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100, 2Q.0300, 2H.0600)	N/A	60 days
☑	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
☑	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 2D.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-733-0820.		
☐	Complex Source Permit required under 15 A NCAC 2D.0800		
☑	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) at least 30 days before beginning activity. A fee of $50 for the first acre or any part of an acre.		20 days (30 days)
☐	The Sedimentation Pollution Control Act of 1973 must be addressed with respect to the referenced Local Ordinance.		30 days
☑	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		
☐	Mining Permit	On-site inspection usual. Surety bond filed with DENR. Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
☐	North Carolina Burning permit	On-site inspection by N.C. Division of Forest Resources if permit exceeds 4 days	1 day (N/A)
☐	Special Ground Clearance Burning Permit-22 counties in coastal N.C. with organic soils.	On-site inspection by N.C. Division of Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
☐	Oil Refining Facilities	N/A	90 - 120 days (N/A)

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory Time Limit
☐	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to DENR approved plans. May also require permit under mosquito control program, and a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of $200.00 must accompany the application. An additional processing fee based on a percentage or the total project cost will be required upon completion.	30 days (60 days)
☐	Permit to drill exploratory oil or gas well	File surety bond of $5,000 with DENR running to State of N.C. conditional that any well opened by drill operator shall, upon abandonment, be plugged according to DENR rules and regulations.	10 days (N/A)
☐	Geophysical Exploration Permit	Application filed with DENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days (N/A)
☐	State Lakes Construction Permit	Application fees based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15 - 20 days (N/A)
☑	401 Water Quality Certification	SURFACE WATER IMPACTS MAY OCCUR CONSTRUCTION ONLY N/A	55 days (130 days)
☐	CAMA Permit for MAJOR development	$250.00 fee must accompany application	60 days (130 days)
☐	CAMA Permit for MINOR development	$50.00 fee must accompany application	22 days (25 days)
☐	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, N.C. 27611		
☐	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.		
☐	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
☐	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
*	Other comments (attach additional pages as necessary, being certain to cite comment authority) 15A NCAC 02B .0241 & .0259 – BUFFER MANAGEMENT STRATEGY PLEASE CONSIDER IN PLANNING PROCESS		

AUG 2006 RECEIVED Engineering Office DBA

REGIONAL OFFICES

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

☐ **Asheville Regional Office**
59 Woodfin Place
Asheville, N.C. 28801
(828) 251-6208

☐ **Mooresville Regional Office**
919 North Main Street
Mooresville, N.C. 28115
(704) 663-1699

☐ **Wilmington Regional Office**
127 Cardinal Drive Extension
Wilmington, N.C. 28405
(910) 395-3900

☐ **Fayetteville Regional Office**
225 Green Street, Suite 714
Fayetteville, N.C. 28301
(910) 486-1541

☐ **Raleigh Regional Office**
3800 Barrett Drive, P.O. Box 27687
Raleigh, N.C. 27611
(919) 571-4700

☐ **Winston-Salem Regional Office**
585 Waughtown Street
Winston-Salem, N.C. 27107
(336) 771-4600

☐ **Washington Regional Office**
943 Washington Square Mall
Washington, N.C. 27889
(252) 946-6481

NCDENR

North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

August 18, 2006

AUG 2006
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MEMORANDUM

TO: Melba McGee

FROM: Harry LeGrand, Natural Heritage Program

SUBJECT: DEIS – Greenville Southwest Bypass Study – Improvements to NC 11 and US 264 Business; Pitt County

REFERENCE: Project No. 07-0032

The Natural Heritage Program has no record of rare species, significant natural communities, or significant natural heritage areas at the site nor within a mile of the project area. Although our maps do not show records of such natural heritage elements in the project area, it does not necessarily mean that they are not present. It may simply mean that the area has not been surveyed. The use of Natural Heritage Program data should not be substituted for actual field surveys, particularly if the project area contains suitable habitat for rare species, significant natural communities, or priority natural areas.

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

1601 Mail Service Center, Raleigh, North Carolina 27699-1601
Phone: 919-733-4984 • FAX: 919-715-3060 • Internet: www.enr.state.nc.us

One NorthCarolina Naturally

North Carolina
Department of Environment and
Natural Resources

Michael F. Easley, Governor
William G. Ross Jr., Secretary

North Carolina
Division of Forest Resources

Stanford M. Adams, Director

2411 Old US 70 West
Clayton, NC 27520

August 16, 2006

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MEMORANDUM

TO: Melba McGee, Office of Legislative Affairs

FROM: Bill Pickens, NC Division Forest Resources

SUBJECT: DOT DEIS for NC 11 and US 264 Business Construction, Pitt County

PROJECT #: 07-0032 and TIP # R- 2250

The North Carolina Division of Forest Resources has reviewed the referenced DEIS and submit the following comments concerning impacts to forest resources.

1. The proposed project has direct impacts to forest resources by the permanent loss of 848 to 892 acres of forested lands due to ROW construction.

2. After consideration of direct impacts to forest resources the NCDFR supports the selection of alternative 5 EXT since it impacts the fewest forested acres. It also impacts the fewest acres of pine plantation. These plantations are a valuable asset to the State. The establishment of pine plantations typically include the use of state funding and Division time and effort.

3. The Division opposes the selection of Alternative 4-EXT due to its large impact on pine plantations.

4. We encourage NCDOT to minimize and avoid impacts to forested areas that are under active management such as pine plantations during final of alignment of the ROW corridor.

NCDFR appreciates the opportunity to comment on the proposed project and looks forward to future correspondence in regard to this and future projects. I can be contacted at 919-553-6178 x 233 or by email at bill.pickens@ncmail.net.

cc: Barry New

AUG 2006
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North Carolina Wildlife Resources Commission

Richard B. Hamilton, Executive Director

MEMORANDUM

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

FROM: Travis Wilson, Highway Project Coordinator
Habitat Conservation Program

DATE: August 18, 2006

SUBJECT: North Carolina Department of Transportation (NCDOT) Draft Environmental Impact Statement (DEIS) for the proposed Greenville Southwest Bypass in Greenville, Pitt County, North Carolina. TIP No. R-2250, SCH Project No. 07-0032

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

NCDOT proposes to construct the Greenville Southwest Bypass from US 264 west of Greenville to NC 11 south of Ayden. Three alternatives are presented in the DEIS with a project length ranging from 12.9 to 13.2 miles with all alternatives consisting of 2.2 miles of existing location improvements. However, environmental impacts between the three alternatives vary significantly. Alternative 4 consist of the least environmental impacts with 1606.7 linear feet of stream impact, 0.1 acres of wetland impacts, and no impacts to floodplains. The remaining 2 alternatives consist of stream impacts of 4037.3 to 4926.6 linear feet, 0.5 to 1.5 acres of wetlands, and alternative 5-EXT impacts 18.3 acres of floodplain. Alternative 5-EXT is an avoidance alternative designed to avoid any impacts to 4(f) resources; however this alternative exhibits the greatest impacts to environmental resources.

Furthermore, during an onsite field meeting several occurrences of Japanese knotweed (*Fallopia japonica*) were recognized in the vicinity of the project. Japanese knotweed is an

exotic invasive species found primary in riparian settings. Reproduction of this species is largely due to the regeneration of rhizomes and stem cuttings. Like most invasive species Japanese knotweed will out-compete native vegetation therefore creating a monoculture with almost no habitat value. There is a potential to enhance the spread of Japanese knotweed by disturbing current populations during the construction of this facility. The current recommended method of treatment is herbicides. At this time NCWRC recommends NCDOT commit to treating existing populations of Japanese knotweed found within the project corridor prior to any soil disturbance activities in-order-to minimize the potential to spread this undesirable species.

We have reviewed the data provided in the DEIS. This project is going through the 404/NEPA merger process. The DEIS reflects NCWRC comments from prior meetings and coordination. Additional natural resource minimization efforts will be assessed during concurrence point 4a once the Merger Team has selected a LEDPA. At this time we concur with the DEIS for this project. We will continue to assess the impacts associated with the remaining alternatives in preparation for the selection of the LEDPA. Thank you for the opportunity to comment. If we can be of any further assistance please call me at (919) 528-9886.

cc: Gary Jordan, U.S. Fish and Wildlife Service, Raleigh
Brian Wrenn, DWQ, Raleigh
William Wescott, U.S. Army Corps of Engineers, Washington
Chris Militscher, EPA

North Carolina Department of Cultural Resources

State Historic Preservation Office

Peter B. Sandbeck, Administrator

Michael F. Easley, Governor
Lisbeth C. Evans, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

SEP 2006
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Secretary's Office
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September 19, 2006

MEMORANDUM

TO: Gregory Thorpe, Ph.D., Director
Project Development and Environmental Analysis Branch
NCDOT Division of Highways

FROM: Peter Sandbeck PBS/for Peter Sandbeck

SUBJECT: Greenville Southwest Bypass Study, Improvements to NC 11 and US 264 Business, R-2250, Pitt County, GS 93-0035

We have received the Administrative Action DEIS and Draft Section 4(f) Evaluation for the above project.

We have no comment upon the DEIS at this time but would like to remind you that if the project continues to be state-funded, historic properties listed in the National Register will trigger review under North Carolina Regulation GS 121.

We would appreciate a second copy of the Greenville Southwest Bypass Study Draft Environmental Impact Statement (DEIS) for our records in the Survey and Planning Office.

We acknowledge the DOT's intention to conduct an archaeological survey once a preferred alternate has been selected from the three proposed. Once this selection is made, please contact us to determine a survey protocol.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act 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, contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763 ext. 246. In all future communication concerning this project, please cite the above referenced tracking number.

cc: Mary Pope Furr
SCH

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

STATE NUMBER: 07-E-4220-0032 F02
DATE RECEIVED: 07/25/2006
AGENCY RESPONSE: 09/15/2006
REVIEW CLOSED: 09/20/2006

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

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DEPT OF AGRICULTURE
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION
MID EAST COMMISSION

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GS#93-0035
A - ~~[illegible]~~ 8/17/06 see attached
S -

8/21/06

PROJECT INFORMATION
APPLICANT: N.C. Dept. of Transportation
TYPE: National Environmental Policy Act
ERD: Draft Environmental Impact Statement
DESC: Proposal for the Greenville Southeast By-Pass. TIP R-2250

CROSS-REFERENCE NUMBER: 04-E-4220-0271

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

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

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☐ NO COMMENT

☒ COMMENTS ATTACHED

RECEIVED AUG 16 2006

SIGNED BY: Renee Gledhill-Earley

DATE: 9-17-06

JUL 31 2006

APPENDIX J.2

PUBLIC COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

Douglas M. Padgett
2120 Florida Ave.
Washington, DC
20008

Mr. Ed Lewis
Human Environment Unit
Project Development and Environmental Analysis Branch
N.C. Department of Transportation
1583 Mail Service Center
Raleigh, North Carolina 27699-1583

Re: Greenville Southwest Bypass

Dear Mr. Lewis,

I am writing to you in opposition to the recommendation of Corridor 4 for the Greenville Southwest Bypass. There are several reasons to reconsider any support for Corridor 4 over alternatives. Here, I want to focus on several inaccuracies in the Draft Environmental Impact Statement (DEIS).

First, the issue of suburban development following the construction of any of these corridors is nowhere sufficiently evaluated in the DEIS. While the drafters of the DEIS and the MPO in Pitt County may consider the future of much of Renston to be suburban in nature, the current residents of the area would disagree. The impact of new development on historic structures and on the lives of those who are not relocated due to the bypass itself will be significant.

Second, Corridor 4 would cause the loss of more prime farmland than Corridor 5, not less. The numbers used in the tables in Section 5 concerning the loss of prime farmland from each alternative do not match the numbers found in Appendix D of the DEIS. Appendix D, based on the more authoritative study from the U.S.D.A., finds that Corridor 4 uses 1,201 acres as compared with Corridor 5's 1,128 acres. Furthermore, Corridor 4 would take more than one hundred more acres of Statewide and Local Important Farmland than Corridor 5.

Third, and bizarrely, the DEIS defines community and community impacts almost exclusively in terms of subdivisions. Given the well-known and devastating effects of rural bypasses on rural communities, any decision on this road must account for its impact on community such as Renston itself, one that was not planned or developed by a real estate concern, but has evolved and grown over more than a century. Why is the effect of the planned road on Renston elided?

Fourth, the home count along the path of Corridor 5 is inaccurate in that many of the homes are not homes in any meaningful sense of the word—they are empty.

Fifth, the Dennis T. McLawhorn Farm is almost completely absent from the DEIS. This important and sizable farm and its primary structure, the Dennis McLawhorn House, are not fully evaluated in the DEIS and are missing from key figures and analytical sections throughout the DEIS. This farm has been deemed potentially eligible for the National Register of Historic Places since 2003.

Sincerely,

Douglas M. Padgett

Shumate, Christina

From: zennie bryant [zdbryant@yahoo.com]
Sent: Monday, October 09, 2006 10:31 PM
To: elewis@dot.state.nc.us
Subject: Additional Information on Dennis McLawhorn Farms and Homestead

In reviewing the DEIS, there seems to be a lack of information on the Dennis and Madge McLawhorn homeplace and farms. As the eldest granddaughter of this couple, I believe I can supply you with some of the background of this property.

My grandfather, Dennis, was born in 1894, 3 miles outside Winterville, on a narrow road that would become 903 South- the third child of Charles and Maggie McLawhorn. He attended school in Renston and graduated from Winterville High School. After serving in WWI, he came home to begin farming on his family's farm. He met my grandmother, Madge, while she was a teacher at the local school in Winterville. My grandmother was a Georgia native who had come here after her graduation from Wesleyan, in Macon. The daughter of a physician, my grandmother grew up in the small town of Edison where her family was also involved in farming. They were married in 1924 and began their life on 903 South. That year and for the next ten years, my grandfather would inherit hundreds of acres of property from his parents' holdings, on 903 South along with his other siblings.

The Dennis and Madge McLawhorn homestead was built in 1948- 24 years after the marriage of my grandparents. My grandfather, like his father before him, did not believe that farmland should be used for large homesteads so he and my grandmother, and later their four daughters, lived in a small, unpainted shack with few lights and no running water. During this time, my grandfather was actively engaged in farming while my grandmother ran the household. Family, church, education, and farming were the priorities for the family. My grandfather took this profession very seriously and acquired farmland from Pactolus to Calico to Ayden and Renston. During this time, he was cutting timber from these farms and laying it aside for a family home. Over those 25 years, my grandfather built many outbuildings to support and house farming operations prior to planning a home for his family.

In 1948, as my mother, Mamie, was graduating from Duke, my grandfather finally began construction on this homeplace. My grandmother's brother, an architect in Atlanta, had drawn the plans for this magnificent homestead. Local and farmhands were hired for the construction and my great uncle Charles came up on the train every few weeks to supervise the construction. All of the lumber in this house was cut and planed in Pitt County-pine and walnut paneling and oak flooring. The house was completed in 1949 and provided the site of wedding reception for my parents, Kenneth and Mamie Dews. Many more wedding celebrations, along with family gatherings for the 18 grandchildren and 45 great-grandchildren, have taken place over the years. This house, along with the 3 adjacent farms, as well as property on the Dennis McLawhorn Road, were inherited by Kenneth and Mamie Dews at the death of Madge in 1993.

Over the years, this house has been well-preserved. The first time it was painted, it captured the attention of the Dutch Boy Paint Company and was used in their magazine advertisements in the late 1950s. Each time it required painting, considerable effort and thousands of dollars were required in order to maintain the historical integrity. This past summer, my mother stood over workman as they painted and roofed the house, making sure that the finest paint and shingles were used.

The last week in July, as my mother finished this project, she died and my sister, Madge Thompson, inherited this home. It was important to our parents that Madge inherit this house so that her family would have a home when her husband, Steve, retires from the Army. This address had been their home

of record since 1986 when Steve joined the Army as a dentist.

Over the years as my siblings and I discussed the inheritance of these farms and the homestead with our parents, Kenneth and Mamie Dews, it was clear to us that we were simply caretakers of these resources. We have recently begun reforestation projects on these farms and were beginning to explore other farming ventures. Visions of creating parks and wildlife preserves were beginning to be shaped.

My family has been committed to this conservation effort for the last century, passing large tracts of land from one generation to another. Thousands of times have I heard "God does not create any more earth and it is your responsibility to take care of it." As a great-grandchild of Charles and Maggie McLawhorn, you understood that land given to you was reserved for farming or growing timber. Developing this land was never an option. Only one other house has been built on this farm by a descendant of this family since the 1940s. Many offers, some very persistent and increasingly attractive, have been received by developers in the last five years.

Two farms owned by the Dennis McLawhorn descendants in the Renston Historical District, as well as a timber tract near Ayden, will be irreparably damaged by the proposed-4 EXT corridor of the Greenville Southwest bypass. In the DEIS, it is not evident that the devastation to this area is fully appreciated. Over two-hundred sixty acres of contiguous farmland in the Renston area, owned by the Dennis McLawhorn heirs, will be harmed by this proposed corridor. It will be impossible to preserve the historical significance of this acreage and the family homestead if this corridor is allowed to proceed. We ask that you consider helping to preserve these very precious resources so that our conservation efforts have not been in vain.

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MCLAWHORN
& ASSOCIATES

RECEIVED
OCT 12 2006
DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

October 9, 2006

Dr. Gregory J. Thorpe
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

RE: Greenville Southwest Bypass Study, Federal Aid No. STP-11(1);
NCDOT Project No.: 8.1221401; T.I.P. No.: R-2250
Comments on Draft EIS/Draft Section 4(f) Evaluation

Dear Dr. Thorpe:

I appreciate the opportunity to comment on the Draft Environmental Impact Statement (DEIS) prepared for the above-referenced project. The DEIS suggests that there is a need to solve traffic on the Stantonsburg Road (US 264 Business)/Memorial Drive (NC 11) corridor in Pitt County, North Carolina, southwest of the City of Greenville, I first question the need for the project in light of the way it has been conceived - with limited purpose of relieving congestion in Highway 11 - and secondly, the alternatives chosen to alleviate this so-called need. This project will only increase sprawl-type development in one of the last remaining agricultural areas in Pitt County, a county with a significant and historically important farming heritage.

When Corridor No. 5 was first identified, only 47 residential relocations were indicated. Now, 90 residential relocations are indicated. Of course, a "relocation" does not necessarily represent a "home," but includes as well empty houses built for speculation and even partially completed structures.

The efficacy of Corridor No. 4 in relieving traffic from Highway 11 is questionable because the population centers which contribute to traffic are essentially too far from this corridor. The people of Winterville and Greenville are not going to travel west on Highway 903 South to get to the location of the corridor. Instead, they are going to travel directly to their destination from points in Winterville and

ATTORNEYS AT LAW

501 GREENVILLE BOULEVARD SE--GREENVILLE, NORTH CAROLINA 27858
POST OFFICE BOX 8188--GREENVILLE, NORTH CAROLINA 27835-8188
TELEPHONE (252) 321-0473--FAX (252) 321-0482

Greenville. Those familiar with the locale agree that citizens living in or east of Winterville, for example, are not going to travel several miles west just to get on the bypass at the point of Corridor No. 4.

Two of the three alternatives chosen adversely impact a very significant rural historic district, the National Register-listed Renston Rural Historic District. The North Carolina State Historic Preservation Officer, Jeffrey Crow, wrote to the North Carolina Department of Transportation on September 17, 2003, that the district "was eligible for Listing in the Register, and the properties within the district [are] correctly identified as 'contributing' or 'non'-contributing." Subsequently, on October 9, 2003, the North Carolina National Register Advisory Committee voted unanimously to recommend listing the Renston Rural Historic District in the National Register, and finally on December 4, 2003, the District was listed by the Keeper of the National Register in the National Register. This district, with its 1,650 acres of land, farms, and buildings, is an unparalleled historic and agricultural resource in eastern North Carolina, and documents a soon-to-be forgotten and obliterated part of the state's past, the era of tobacco cultivation and the changes it made upon the land. Both Alternative 1B and Alternative 4 take land from the National Register district, and in addition, Alternative 4 totally destroys the district by cutting it in half, and by paving over and eradicating a key resource of the district, the Dennis McLawhorn Farm, which is in itself a property determined individually eligible for the National Register, a fact which the DEIS virtually ignores. In addition, the Dail Homeplace built in 1848, a contributing property in the district would be demolished if Alternative 4 is selected. The North Carolina Department of Transportation is legally mandated to make every effort to avoid adversely impacting National Register resources; by even considering Alternatives 1B and 4, the NCDOT is not fulfilling their mandate.

If either Alternative 1B or 4 is selected as the preferred alternative, then this highway project will not qualify for federal funding because it fails to comply with the National Environmental Policy Act (NEPA) and Section 4(f) of the Department of Transportation since a prudent and feasible alternative (Alternative 5) has been identified. If

the DOT proceeds in its course of action to build this project solely with state funds, in order to avoid selecting Alternative 5, then it is placing the burden of funding this 200 million-dollar road (with its questionable need) entirely on the residents of North Carolina; by selection Alternative 5, the cost of this road would be forty-million dollars to North Carolina, a savings of 160-million dollars.

As I have pointed out to you in my earlier correspondence, the residential relocations which have increased since the identification of Alternative 5, the "avoidance" alternative, are the result of construction activities voluntarily commenced with knowledge (by the builders) and each of the builders were fully aware of the location of Alternative 5. In view of the fact that environmental decision-making always involves principles of equity, it seems logical that principles of equity should be applied here as well.

In addition, the discussion of the DEIS regarding the amount of prime farmland taken by each alternative is incorrect, the Alternative 5 actually preserves more prime farmland and local and state important farmland that Alternative 4. In Appendix D of the DEIS, there is a document prepared by the Natural Resources Conservation Services, U.S. Department of Agriculture for the Farmland Conversion Impact Rating for Corridor Type Projects that notes that Alternative B used 1,382 acres, Alternative 4 used 1,201 acres, and Alternative 5 used 1,128 acres of "Prime and Unique Farmland," and that Alternative 4 would take 262 acres of "Statewide and Local Important Farmland," which Alternative 5 would take 159 acres for Alternative 5, and Alternative 1B, 139 acres.

Regarding the question of Community Impacts, it is worth noting that the impact of Alternative 4 on the Renston Community, a community that is more than 130 years old, has not been considered; thus nullifying the sections in the DEIS regarding the impact of the proposed alternatives on existing communities.

The impact of increased pressure for development upon the historic resources and existing farmland has not been adequately discussed or considered. All three of these

Alternatives would greatly increase development pressure upon the region.

I respectfully request that you consider these comments as well as the discussion in my letter dated October 9, 2006, as a response to the Draft Environmental Impact Statement.

Thank you.

Yours very truly,

McLAWHORN & ASSOCIATES

Charles L. McLawhorn, Jr.

CLM/le

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DIVISION OF HIGHWAYS
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS BRANCH

September 25, 2006

Gregory J. Thorpe, PhD, Director
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Re: Greenville Southwest Bypass Study, Federal Aid No.: STP-11(1);
NCDOT Project No.: 8.1221401; T.I.P. No.: R-2250

Dear Mr. Thorpe,

Below please find comments regarding the Draft Environmental Impact Statement (DEIS) prepared for the above-referenced project, concentrating on the sections regarding historic resources, community impacts, farmland, and the Section 4(f) evaluation.

First, I will outline a few general comments, and then make specific notations page by page.

The DEIS ignores the Dennis McLawhorn Farm except for two brief paragraphs in Section 5, the 4(f) evaluation, and it does not appear on any graphic as an individually eligible property, although the Charles McLawhorn Houses, also an individually eligible property located within the Renston Rural Historic District, is mentioned throughout and is shown in the graphics. The Dennis McLawhorn Farm was approved for the North Carolina Study List in October 2003, and as such, is considered potentially eligible for the National Register of Historic Places and needs to be considered under Section 106 review and for the 4(f) evaluation.

The DEIS was prepared using the Draft National Register Nomination for the Renston Rural Historic District, although the final National Register Nomination was available as of October 2003. Using the unapproved draft nomination means that all of the Historic Resource Numbers in the document are not correct, and also the contributing/non-contributing count is also incorrect.

Also, the landscape is considered a contributing resource in the Renston Rural Historic District, and therefore any take from the district is from a contributing resource; this is not acknowledged or considered in the DEIS or 4(f) evaluation: specific examples are noted below.

The Section 4(f) evaluation is incomplete, since it does not fully evaluate the two properties individually eligible for the National Register of Historic Places, the Charles

McLawhorn Houses, as well as the Dennis McLawhorn House. As stated in FHWA's own document, "Environmental Review Toolkit/Project Development/Section 4(f)," page 13, "Within a National Register (NR) listed or eligible historic district, Section 4(f) applies to the use of those properties that are considered contributing to the eligibility of the historic district, as well as any individually eligible property within the district." There are other errors in the Section 4(f) evaluation which will be discussed later in this memo.

In the discussion and tables concerning the number of acres of Prime Farmland used by each alternative, different numbers are used than those determined by the Natural Resources Conservation Services, U.S. Department of Agriculture for the Farmland Conversion Impact Rating for Corridor Type Projects on November 7, 2005, a document found as Appendix D in the DEIS. The NRCS, the authority in such matters, noted that Alternative 1B used 1,382 acres, Alternative 4 used 1,201 acres, and Alternative 5 used 1,128 acres of "Prime and Unique Farmland." Alternative 4 takes more Prime Farmland than Alternative 5; not less as noted on the tables in the DEIS. Also, please note that Alternative 4 would take the most (262 acres vs. 159 acres for Alt. 5 vs. 139 acres for Alt. 1b) of "Statewide and Local Important Farmland".

Also, throughout the DEIS, whenever there is any discussion concerning "community" or "community" impacts, DOT implicitly (and sometimes explicitly) defines community as a subdivision. Why is there no discussion of Renston as a rural crossroads community? It is a community, that even had its own post office—why isn't the effect of the proposed bypass discussed regarding the Renston community? A subdivision does not necessarily create a community.

DOT needs to consider much more completely the issue of development as a secondary impact to the historic resources in the study area; as noted in Section 4, page 9 by building Alternative 4, development would first "concentrate around the interchange locations and then spread east toward existing development. . . There is likely to be more development further to the west at a more rapid pace as a result of this alternate." This has not been discussed in regard to its impact on the historic resources.

Below are comments by page number:

1: Section 106 commitments have been entered into regarding the effects on historic resources; see Appendix A.2, Concurrence Form for Assessment of Effects, 4/15/2003.

S-4: Community is solely defined by residential subdivision; no discussion or acknowledgment of the Renston community [which would most likely have a different boundary than the National Register Historic District] which would be directly impacted by Alternative 4, and have secondary impacts from the other two alternatives.

S-5: Under **Historic Architectural Resources** there is no mention of the Dennis McLawhorn Farm which was added to the North Carolina Study List and therefore deemed potentially eligible for the National Register of Historic Places at the National Register Advisory Committee meeting in October 2003.

S-6: Under **Section 4(f)/6(f) Resources** it is stated that Bypass Alternate 1B-EXT would not take from a contributing resource in the Renston Rural Historic District; the land is a contributing resource, therefore any take from the district is from a contributing resource and therefore constitutes a land use from a Section 4(f) resource. Also, the count of contributing /non-contributing resources needs to be prepared from the Final National Register nomination, not the draft Nomination. Also, Alternate 4 takes almost all of the land and all of the buildings from the Dennis McLawhorn Farm.

Under **Visual Impacts** there is no mention of the Dennis McLawhorn Farm.

S-15, Table S.9: The numbers regarding Prime Farmland are not in agreement with the findings in the NRCS document found in Appendix D, and are therefore not correct.

Figure S-1: Does not include the Dennis McLawhorn Farm

2-10: Under 2.4.3.3., incorrect description of the Renston Rural Historic District because of the Draft Nomination was used.

2-14: Under 2.4.4.1, no mention of take from Renston Rural Historic District although a discussion of the Charles McLawhorn Houses is included; under 2.4.4.2, no mention of take from Renston Rural Historic District or the Dennis McLawhorn Farm.

3-9: Community is again incorrectly defined solely by residential subdivisions; no definition is provided about how/why an area was determined to be a community.

3-15: Notes that the NRCS developed a listing of Prime and Statewide Important Farmland in North Carolina, but those numbers are not used in the DEIS.

3-22, 23: No inclusion of Dennis McLawhorn Farm; again used Draft National Register Nomination for the Renston Rural Historic District.

Figure 3-3: Renston as a community should be indicated on the "Neighborhoods in Study Area" graphic.

Figure 3-8: If the westernmost square (supposed to be individually eligible feature) is supposed to be the Dennis McLawhorn Farm, it is in the wrong location. Dennis McLawhorn Farm is not noted in the Key.

4-1: Needs assessment of impacts of the three alternatives on the Renston community.

4-21: Needs Visual Impact assessment on the Dennis McLawhorn property.

4-22: Alternate1B EXT (which slices off a section of the district) would have a High Visual Impact on the Renston Historic District, not a moderate one.

4-24: Again no mention that the Dennis McLawhorn Farm is potentially eligible for the National Register.

4-46: Prime Farmland Numbers contradict those found in the NRCS document appended to the DEIS. Also, why isn't the take of State and Local Important Farmland noted as a "Summary of Environmental Impacts"?

Section 5, Draft Section 4(f) Evaluation: Numerous errors due to not including (except on p 5-5 and 5-7) the Dennis McLawhorn Farm. Numerous errors in resource count and numbers are found throughout the document due to using Draft Nomination; this is especially egregious in Table 5-1 and 5-2. The assessing of the resources as having either historic or architectural significance is arbitrary and incorrect (see Table 5.1). The Section 5.1.2, **Relationship to Similarly Used Lands** is biased and incorrect. The architectural and landscape features of the Renston Rural Historic District are not evident throughout Pitt County and eastern North Carolina—if they were, the Renston Rural Historic District would not have been placed on the National Register of Historic Places. The three National Register Historic Districts used as similar are not similar to the Renston district—the Woodville Historic District represents the "life of the gentry" (a quote from the DEIS), Renston represents the life of the tenant farmer, the family farmer, and the success of tobacco farming. The Black Creek Rural Historic District is "antebellum' (a quote from the DEIS); the period of significance for the Renston Historic District is the late nineteenth century and the first half of the twentieth century. The Conoho Creek Historic District also has a period of significance that extends back to ca. 1800—that is not comparable to the tobacco-farming era that is represented in Renston. Also, this section repeatedly states that Alternate 1B does not take from a contributing resource to the Renston Rural Historic District—it does take from a contributing resource—the landscape.

Under 5.2.2, **Potential for Incompatible Development**, although Pitt County anticipates that much of the area within the Historic District will develop into suburban residential use in the future, the residents do not. Also, this section does not take into account the

increased pressure for development that Alternate 4 would create which is noted in the DEIS on page 4-9 where the preparers themselves note that there would be more development at a more rapid pace as a result of this alternative.

Sincerely,

Nancy Van Dolsen

cc: Dr. Jeffrey Crow, NC SHPO
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DEIS

Hampton, Sharon

From: zennie bryant [zdbryant@yahoo.com]
Sent: Tuesday, September 26, 2006 10:01 PM
To: elewis@dot.state.nc.us
Subject: Farmland Conversion Impact Rating Form

Farmland Conversion Impact Rating Form

Please note that the Total Corridor Assessment Points assigned to Corridor 4 is equal to 79, not 77 as noted in report. Question the ratings given to corridor 4 on Item 1, 2.3,5,6. Unsure how Corridor 5, which is heavily developed, could be rated as high as the other two corridors, for most of these categories. Thank you for your attention to this correction..

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