

APPENDIX K
INTENSIVE ARCHAEOLOGICAL SURVEY INFORMATION
AND
AGENCY CORRESPONDENCE

INTENSIVE ARCHAEOLOGICAL SURVEY INFORMATION

- TABLE K-1: Previously Recorded Archaeological Sites Near or Within Intensive Survey APE
- TABLE K-2: Intensive Archaeological Survey Results

AGENCY CORRESPONDENCE

- USEPA Transportation Conformity Letter, dated April 22, 2010
- Metrolina Air Quality Conformity Letter, dated May 3, 2010
- USDOT Transportation Conformity Letter for the 2035 LRTP/FY 2009-2015 TIP Amendments, dated October 5, 2010
- NC Dept of Cultural Resources State Historic Preservation Office Letter, dated May 21, 2010
- NC Dept of Transportation Archaeology Consultation Letter, dated July 30, 2009
- NC Division of Water Quality Jurisdictional Field Verification Letter, dated June 10, 2010

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APPENDIX K – Intensive Archaeological Survey Information

TABLE K-1: Previously Recorded Archaeological Sites

Site Number	USGS Quadrangle Map	Site Type ¹	Recommendations from Previous Studies	Corridor Segment
31GS0166	Gastonia South	Late Archaic	No further work	J2d
31GS0210	Gastonia South	Late Paleoindian and Early Archaic	No further work; further work if threatened; OSA notes as not significant	H3
31GS0212	Gastonia South	Unknown Precontact	No further work; further work if threatened; OSA notes as not significant	H3
31GS0337**	Belmont	Stowesville Cotton Mill ca. 1848	Additional documentation needed. Provided in Intensive Survey	K3A
31MK0548	Charlotte West	Early, Middle, and Late Archaic	No further work	K3C – within APE
31MK0549	Charlotte West	Late 18 th or Early 19 th Century; Unknown precontact	No further work	K3C
31MK0828	Charlotte West	Unknown Precontact	No further work	K3C
31MK0855	Charlotte West	Unknown Precontact	No further work	K3C
31MK0858	Charlotte West	Late 19 th to 20 th Century	No further work	K3C– within APE
31MK0859	Charlotte West	Unknown Precontact	No further work	K3C– within APE
31MK0553	Charlotte West	18th Century	Further work recommended (potentially eligible for NRHP)	K3C/K4A East of I-485

Source: *Archaeological Assessment of Detailed Study Alternatives for the Proposed Gaston East-West Connector* (Coastal Carolina Research, Inc., April 2007).

Notes: These sites are within or immediately adjacent to DSA 9. Sites listed generally from west to east. ¹ Late Paleoindian is 9,000-8,000 BC, Early Archaic is 8,000-6,000 BC, Late Archaic is 3,000-1,000 BC, Precontact is before European contact, approximately pre-1650.

TABLE K-2: Intensive Archaeological Survey Results

Site Number	Site or Isolated Find	Site Type & Description
Identified as Potentially Eligible for NRHP in Survey but Determined Not Eligible by OSA.¹		
31GS0337**	Site	Stowesville Cotton Mill (ca. 1848)
31GS0355/355**	Site	Historic Artifact Scatter and Structural Ruins; Native American Lithic Scatter
31GS0358**	Site	Historic Artifact Scatter
31GS0365/365**	Site	Subsurface Brick Feature and Historic Artifact Scatter; Native American Lithic Scatter

TABLE K-2: Intensive Archaeological Survey Results

Site Number	Site or Isolated Find	Site Type & Description
Not Eligible for NRHP		
31GS0338** 31MK1104**	Site	Historic Artifact Scatter
31GS0339** 31GS0363** 31MK1102** 31MK1107**	Site	Possible Gold Mine Location
31GS0340/340** 31GS0359/359** 31MK1101/1101**	Site	Historic Artifact Scatter; Native American Lithic Scatter
31GS0341**	Site	Historic Artifact Scatter, Stone-lined Well and Chimney Ruin
31GS0342 31GS0343 31GS0346 31GS0352 31GS0353 31GS0354 31GS0356** 31GS0364 31MK1099	Isolated Find	Native American Lithic
31GS0344 31GS0345 31GS0350 31GS0351 31GS0357 31GS0361 31GS0362 31GS0366 31GS0367 31MK1100 31MK1109	Site	Native American Lithic Scatter
31GS0347**	Site	Domestic Foundation Ruin
31GS0348**	Site	Historic Artifact Scatter, Domestic Structure and Chimney Ruins
31GS0349**	Site	Domestic Structure Ruins
31GS0360/360**	Site	Domestic Structure; Historic Artifact Scatter; Native American Lithic Scatter
31GS0368**	Site	Mount Pleasant Baptist Church Cemetery (ca. 1913)
31GMK1098**	Site	Historic Foundation Ruins
31MK1103/1103**	Isolated Find	Historic Ceramic; Native American Lithic
31MK1108**	Isolated Find	Historic Ceramic
31MK1105/1105**	Site	Historic Artifact Isolated Find; Native American Lithic and Ceramic Scatter
31MK1106**	Site	Historic Artifact Scatter and Structural Ruin

Source: Intensive Archaeological Survey and Evaluation of Detailed Study Alternative 9 (Recommended Route) Proposed Gaston East-West Connector (Coastal Carolina Research, February 2010).

Note: ¹ Per NC Dept of Cultural Resources State Historic Preservation Office Letter, dated May 21, 2010.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

April 22, 2010

John F. Sullivan, III, P.E., Division Administrator
North Carolina Division Office
Federal Highway Administration
310 New Bern Avenue, Suite 410
Raleigh, North Carolina 27601

Dear Mr. Sullivan:

Thank you for your letter requesting our review of the transportation conformity determinations for the 8-hour ozone and carbon monoxide conformity determinations for the updated 2035 Long Range Transportation Plan (LRTP) and FY 2009-2015 Transportation Improvement Program (TIP) for the Cabarrus-Rowan Metropolitan Planning Organization (MPO), the Gaston Urban Area MPO, and the Mecklenburg-Union MPO; and the FY 2009-2015 TIPs for the donut areas of Lincoln, Iredell, Gaston, and Union counties in the North Carolina portion of the Charlotte bi-state nonattainment area. As allowed by the Transportation Conformity Rule, the South Carolina portion of this nonattainment area implements transportation conformity independent of the North Carolina portion of this area. We have completed our review, and recommend a finding of conformity for both the 8-hour ozone and carbon monoxide standards for the updated 2035 LRTP and FY 2009 -2015 TIPs.

On August 15, 1997, and subsequently on July 1, 2004, U.S. Environmental Protection Agency (EPA) published revisions related to the "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," or Transportation Conformity Rule (40 Code of Federal Regulations Part 93). These revisions outline the criteria that must be met for the 8-hour ozone standard. EPA has reviewed the conformity determinations related to the 8-hour ozone standard and carbon monoxide (as appropriate) for the 2009-2015 TIPs, and has concluded that all of the criteria, including those outlined in the July 1, 2004, conformity rule revision entitled, "Transportation Conformity Rule Amendments: Conformity Amendments for New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards, Response to March 1999, Court Decision and Additional Rule Changes," (69 FR 40004) have been met.

EPA notes that the District of Columbia (D.C.) Circuit court issued a decision on July 11, 2008, vacating the Clean Air Interstate Rule (CAIR). North Carolina v. EPA, 531 F.3d 896 (D.C. Cir. 2008). On September 24, 2008, EPA and other parties in the case filed motions for rehearing asking the D.C. Circuit to reconsider its decision in the case. On

December 23, 2008, the court granted EPA's motion for rehearing to the extent it agreed to remand CAIR without vacating it. However, the court made no other changes to the July 11 opinion, remanding the case to EPA for further rulemaking consistent with this opinion. Therefore, the CAIR rule remains in place, but EPA must promulgate another rule consistent with the court's July 11 opinion.

Thank you again for the opportunity to review the conformity determinations for the updated 2035 LRTP and FY 2009-2015 TIPs for the Cabarrus-Rowan MPO, the Gaston Urban Area MPO, and the Mecklenburg-Union MPO; and the FY 2009-2015 TIP for the donut areas of Lincoln, Iredell, Gaston, and Union counties in the North Carolina portion of the Charlotte Bi-State Nonattainment area. If you have any questions regarding this letter, please contact Dianna Smith of the EPA Region 4 staff at (404) 562-9207.

Sincerely,

A handwritten signature in black ink that reads "R. Scott Davis". The signature is written in a cursive, flowing style.

R. Scott Davis
Chief
Air Quality Modeling
and Transportation Section

cc: Eddie Dancausse, FHWA NC
Loretta Barren, FHWA NC
Heather Hildebrandt, NC DAQ
Keith Melton, FTA Region 4



U.S. Department
of Transportation
**Federal Highway
Administration**

North Carolina Division

May 3, 2010

310 New Bern Avenue, Ste 410
Raleigh, North Carolina 27601
Phone: 919-856-4346
FAX: 919-747-7030
<http://www.fhwa.dot.gov/ncdiv>

In Reply Refer To:
HDA-NC

Mr. Eugene A. Conti, Jr.
Secretary, North Carolina Department of Transportation
1501 MSC
Raleigh, North Carolina

Dear Secretary Conti:

We reviewed the Metrolina Area Transportation Conformity Determination Report for the:

- Mecklenburg Union Metropolitan Planning Organization (MUMPO), the Gaston MPO and the Cabarrus Rowan MPO 2035 Long Range Transportation Plans (LRTPs)
- MUMPO, Gaston MPO and the Cabarrus Rowan MPO FY 2009-2015 Transportation Improvement Programs (TIPs)
- Projects from the FY 2009-2015 State TIP for the county donut areas of Gaston, Iredell (partial), Lincoln and Union

The MUMPO, Gaston MPO and the Cabarrus Rowan MPO made conformity determinations on the 2035 LRTPs/FY 2009-2015 TIPs and the North Carolina Department of Transportation made conformity determinations on projects from the FY 2009-2015 State TIPs on the following dates:

- MUMPO on March 24, 2010
- Gaston MPO on March 23, 2010
- Cabarrus Rowan MPO March 24, 2010
- The NCDOT (for the county donut areas of Gaston, Iredell, Lincoln and Union) on March 22, 2010

The MUMPO, the Gaston MPO and the Cabarrus Rowan MPO FY 2009-2015 TIPs are direct subsets of the 2035 LRTPs.

The Federal Highway Administration and the Federal Transit Administration have reviewed these documents. We have also coordinated our review with the Environmental Protection Agency (EPA) Region 4 and have enclosed their comments to this letter.

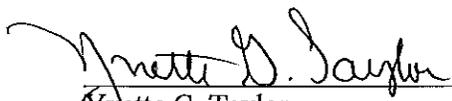
Based on our review and the comments provided to us by the EPA, we find that the following conform to the purpose of the State Implementation Plan (or interim emissions tests, in areas



where no State Implementation Plan is approved or found adequate by EPA) in accordance with 40 CFR Part 93:

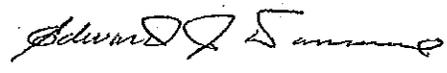
- The MUMPO, the Gaston MPO and the Cabarrus Rowan MPO 2035 LRTPs
- The MUMPO, Gaston MPO and the Cabarrus Rowan MPO FY 2009-2015 TIPs
 - *Including MUMPO TIP amendments for projects R-2248E and R2123CE*
- Projects from the FY 2009-2015 State TIP for the county donut areas of Gaston, Iredell (partial), Lincoln and Union

Sincerely,



Yvette G. Taylor
Regional Administrator
Federal Transit Administration

Sincerely,



For John F. Sullivan III, P.E.
North Carolina Division Administrator
Federal Highway Administration

Enclosure



U.S. Department
of Transportation
**Federal Highway
Administration**

North Carolina Division

October 5, 2010

310 New Bern Avenue, Ste 410
Raleigh, North Carolina 27601
Phone: 919-856-4346
FAX: 919-747-7030
<http://www.fhwa.dot.gov/ncdiv>

In Reply Refer To:
HDA-NC

Mr. Eugene A. Conti, Jr.
Secretary, North Carolina Department of Transportation
1501 Mail Service Center
Raleigh, North Carolina 27699-1501

Dear Secretary Conti:

We reviewed the Gaston MPO Transportation Conformity Determination Report for the:

- The Gaston MPO 2035 LRTP Amendment
- The Gaston MPO FY 2009-2015 TIP Amendment
- Projects from the FY 2009-2015 State TIP for the donut area of Gaston County

The Gaston MPO made conformity determinations on the 2035 LRTP Amendment/FY 2009-2015 TIP Amendment and the North Carolina Department of Transportation made conformity determinations on projects from the FY 2009-2015 State TIP for the donut area of Gaston County on the following dates:

- Gaston MPO on August 24, 2010
- The NCDOT (for the county donut areas of Gaston) on August 26, 2010

The Gaston MPO FY 2009-2015 TIP is a direct subset of the 2035 LRTP.

The Federal Highway Administration and the Federal Transit Administration reviewed these documents. We have also coordinated our review with the Environmental Protection Agency (EPA) Region 4 and have enclosed their comments to this letter.



Based on our review and the comments provided to us by the EPA, we find that the following conform to the purpose of the State Implementation Plan (or interim emissions tests, in areas where no State Implementation Plan is approved or found adequate by EPA) in accordance with 40 CFR Part 93:

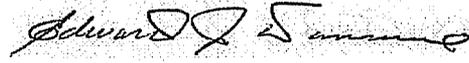
- The Gaston MPO 2035 LRTP Amendment
- The Gaston MPO FY 2009-2015 TIP Amendment
- Projects from the FY 2009-2015 State TIP for the county donut area of Gaston County

Sincerely,



Yvette G. Taylor
Regional Administrator
Federal Transit Administration

Sincerely,



For John F. Sullivan III, P.E.
North Carolina Division Administrator
Federal Highway Administration

Enclosure



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

September 22, 2010

John F. Sullivan, III, P.E., Division Administrator
 North Carolina Division Office
 Federal Highway Administration
 310 New Bern Avenue, Suite 410
 Raleigh, North Carolina 27601

Dear Mr. Sullivan:

Thank you for your letter requesting our review of the transportation conformity determinations for the 8-hour ozone for the amended 2035 Long Range Transportation Plan (LRTP) and amended FY 2009-2015 Transportation Improvement Programs (TIPs) for the Gaston Urban Area MPO and the donut portion of Gaston County located in the North Carolina portion of the Charlotte bi-state nonattainment area. As allowed by the Transportation Conformity Rule, the South Carolina portion of this nonattainment area implements transportation conformity independent of the North Carolina portion of this area. We have completed our review and recommend a finding of conformity for the amended 2035 LRTP and amended FY 2009 -2015 TIPs for 8-hour ozone standard.

On August 15, 1997, and subsequently on July 1, 2004, U.S. Environmental Protection Agency (EPA) published revisions related to the "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," or Transportation Conformity Rule (40 Code of Federal Regulations Part 93). These revisions outline the criteria that must be met for the 8-hour ozone standard. EPA has reviewed the conformity determinations related to the 8-hour ozone standard and carbon monoxide (as appropriate) for the 2009-2015 TIPs, and has concluded that all of the criteria, including those outlined in the July 1, 2004, conformity rule revision entitled, "Transportation Conformity Rule Amendments: Conformity Amendments for New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards, Response to March 1999, Court Decision and Additional Rule Changes," (69 FR 40004) have been met.

EPA has considered this conformity determination in light of the current status of the Clean Air Interstate Rule (CAIR). EPA notes that the District of Columbia (D.C.) Circuit issued a decision on July 11, 2008, vacating CAIR. North Carolina v. EPA, 531 F.3d 896 (D.C. Cir. 2008). On September 24, 2008, EPA and other parties in the case filed motions for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted EPA's motion for rehearing to the extent it agreed to remand CAIR without vacating it.

FHWA-NC DIVISION			
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However, the court made no other changes to the July 11, 2008 opinion, remanding the case to EPA for further rulemaking consistent with this opinion. Therefore, the CAIR rule remains in place, but EPA must promulgate another rule consistent with the court's July 11, 2008 opinion.

On August 2, 2010 (75 FR 45210), EPA proposed the Air Pollution Transport Rule (Transport Rule) as replacement for the remanded CAIR rule. EPA anticipates finalizing the Transport Rule in June 2011.

Thank you again for the opportunity to review the conformity determinations for the amended 2035 LRTP and amended FY 2009-2015 TIPs for the Gaston Urban Area MPO and the donut portion of Gaston County located in the North Carolina portion of the Charlotte Bi-State Nonattainment area. If you have any questions regarding this letter, please contact Dianna Smith of the EPA Region 4 staff at (404) 562-9207.

Sincerely,



R. Scott Davis
Chief
Air Quality Modeling
and Transportation Section

cc: Eddie Dancausse, FHWA NC
Loretta Barren, FHWA NC
Heather Hildebrandt, NC DAQ
Keith Melton, FTA Region 4



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

June 10, 2010

Michael C. Gloden, Senior Scientist
PBS & J
1616 East Millbrook Road, Suite 310
Raleigh, NC 27609

SUBJECT: On-Site Determination for Applicability to the Mitigation Rules [15A NCAC 2H .0506(h)], Gaston East-West Connector, TIP No. U-3321, Gaston and Mecklenburg Counties

Dear Mr. Gloden:

Polly Lespinasse of the Division of Water Quality (DWQ) met with you, and Liz Hair, of the U.S. Army Corps of Engineers, on March 9, April 12 and April 13, 2010, in order to provide verification of potential jurisdictional features previously identified by your consulting firm for the above referenced project. These features were evaluated for applicability to the mitigation rules set forth in [15A NCAC 2H .0506(h)]. The maps containing the project corridor and associated jurisdictional resource data forms were provided in the jurisdictional verification package received electronically by this office on May 7 and June 4, 2010. The jurisdictional features, as identified during the field visit, are approximated on these maps.

Based on the site reviews of the jurisdictional determinations made by your consulting firm, DWQ will consider all sites identified in the jurisdictional verification package (provided May 7 and June 4, 2010) as accurate.

This letter only addresses the applicability to the mitigation rules and does not approve any activity within buffers, Waters of the United States, or Waters of the State. Any impacts to wetlands, streams and buffers must comply with 404/401 regulations, water supply regulations (15A NCAC 2B .0216), applicable buffer rules, and any other required federal, state and local regulations. Please be aware that even if no direct impacts are proposed to any protected buffers, sheet flow of all new stormwater runoff as per 15A NCAC 2B .0250 is required.

Landowners or affected parties that dispute a determination made by the DWQ or Delegated Local Authority that a surface water exists and that it is subject to the mitigation rules may request a determination by the Director. A request for a determination by the Director shall be referred to the Director in writing c/o Brian Wrenn, DWQ 401 Transportation Permitting Unit, 1650 Mail Service Center, Raleigh, NC 27699-1650.

Individuals that dispute a determination by the DWQ or Delegated Local Authority that "exempts" a surface water from the mitigation rules may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. Applicants are hereby notified that the 60-day statutory appeal time does not start until the affected parties (including downstream and adjacent landowners) are notified of this decision.

Mooresville Regional Office
Location: 610 East Center Ave., Suite 301 Mooresville, NC 28115
Phone: (704) 663-1699 \ Fax: (704) 663-6040 \ Customer Service: 1-877-623-6748
Internet: <http://portal.ncdenr.org/web/wq>

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Mr. Michael Gloden
Page Two

DWQ recommends that the applicant conduct this notification in order to be certain that third party appeals are made in a timely manner.

To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This determination is final and binding unless you ask for a hearing within 60 days.

If you have any additional questions or require additional information please contact Polly Lespinasse at (704) 663-1699.

Sincerely,



Marcia Allocco
Acting Surface Water Protection Regional Supervisor

cc: Liz Hair, USACE Asheville Field Office
Sonia Carrillo, DWQ Transportation Permitting Unit
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